



Agenda item 23: Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

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LETTER OF TRANSMITTAL

New York, 25 October 1963

Sir,

I have the honour to transmit to you the report to the General Assembly of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in accordance with General Assembly resolution 1810 (XVII) of 17 December 1962. This report covers the work of the Special Committee during 1963.

Accept, Sir, etc.

(Signed) Sori COULIBALY
Chairman

His Excellency U Thant
Secretary-General
United Nations
New York

CHAPTER I

ESTABLISHMENT, ORGANIZATION AND ACTIVITIES OF THE SPECIAL COMMITTEE

A. ESTABLISHMENT OF THE SPECIAL COMMITTEE

1. At its sixteenth session the General Assembly considered an item entitled "The situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples", which referred to the Declaration contained in resolution 1514 (XV), of 14 December 1960.¹ On 27 November 1961 the General Assembly adopted resolution 1654 (XVI) by which it decided to establish a Special Committee of seventeen members to be nominated by the President of the General Assembly. The Special Committee was directed to examine the application of the Declaration, to make suggestions and recommendations on the progress and extent of the implementation of the Declaration and to report to the General Assembly at its seventeenth session.

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

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

3. The Special Committee established under General Assembly resolution 1654 (XVI) held 117 meetings during the period 20 February to 19 September 1962. The work accomplished by the Special Committee in 1962 is described in detail in its report to the General Assembly at its seventeenth session (A/5238).

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

"The General Assembly,

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

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

"Having considered the report of the Special Committee,

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

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

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

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

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

¹For background information and text of the resolution, see A/5238, chap. I, paras. 1-8.

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

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

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

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

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

"8. *Invites* the enlarged Special Committee:

"(a) To continue to seek the most suitable ways and means for the speedy and total application of the Declaration to all territories which have not yet attained independence;

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

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

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

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

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

5. On 20 December 1962, at the 1202nd plenary meeting, the President informed the General Assembly that the additional members of the Special Committee would be announced at a later date. Subsequently, the President of the General Assembly informed the Secretary-General (A/5397) that the following additional Members had accepted his invitation, to serve on the Special Committee: Bulgaria, Chile, Denmark, Iran, Iraq, Ivory Coast and Sierra Leone. (See resolution 1810 (XVII), *note.*)

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

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

7. The first meeting of the Special Committee in 1963 (its 118th meeting, on 20 February) was opened

by the Secretary-General. In his opening address, the Secretary-General recalled that at its fifteenth session the General Assembly had adopted the historic Declaration on the granting of independence to colonial countries and peoples, which was regarded as a landmark in the efforts of the United Nations towards the realization of the high principles and objectives of the Charter. At its sixteenth session the General Assembly had established the Special Committee, and at the Committee's opening meeting, on 20 February 1962, he had emphasized the importance of the task entrusted to it and had expressed the belief that its members would conduct their discussions in a spirit of co-operation, particularly in view of the fact that there was unanimity with regard to the final objective, namely the well-being of the inhabitants of the territories to which the Declaration applied. The report of the Special Committee to the General Assembly at its seventeenth session (A/5238) was a testimony to the constructive spirit in which its members had approached their task, and to their untiring efforts.

8. During the past year a number of other bodies had also been dealing with matters concerning dependent territories. In the introduction to his annual report (A/5201/Add.1) he had suggested that all work in that field might usefully be combined and brought under the Special Committee, and he was glad to note that the work performed by the other bodies had now to a great extent been entrusted to the enlarged Special Committee. That decision should avoid duplication of effort on the part of delegations and of the Secretariat.

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

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

C. ELECTION OF OFFICERS

Chairman

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

Vice-Chairmen

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

Rapporteur

13. At the same meeting Mr. Najmuddine Rifai (Syria) was elected Rapporteur by acclamation.

14. At the 205th meeting, on 6 September 1963, the Chairman informed the Special Committee that Mr. Rifai had been assigned by his Government to a post in his country and would therefore not be able to

continue as Rapporteur. The members of the Committee expressed regret at Mr. Rifai's departure and paid tributes to him for his valuable services, both as the representative of Syria on the Committee and as the Committee's Rapporteur since its beginning in 1962.

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

D. SESSIONS AND MEETINGS

16. The Special Committee held 101 meetings during 1963, as follows: First session, 118th-169th meetings, 19 February to 10 May; Second session, 170th-202nd meetings, 10 June to 26 July; Third session, 203rd-218th meetings, 5 September to 21 October.

17. The Sub-Committee on Petitions held 17 meetings (see paras. 21 to 23 below). In addition, the Special Committee established a Working Group (see paras. 25 and 26 below), and Sub-Committees on Southern Rhodesia, Aden and British Guiana (see appendices to chapters III, V and X below).

E. METHODS OF WORK AND PROCEDURES

18. Following extensive discussions at the beginning of the Special Committee's work in 1962, it agreed on its methods of work and procedures. These are described in the Committee's report to the General Assembly at its seventeenth session (A/5238, chap. I, para. 112). In the same report, the Special Committee stated that, on the basis of its experience during the year, it was satisfied that the methods and procedures it had followed were most appropriate and effective in the discharge of its functions (*ibid.*, para. 148).

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

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

F. SUB-COMMITTEE ON PETITIONS

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

Election of officers

22. The Sub-Committee elected the following officers by acclamation: Mr. Mahmoud Mestiri (Tunisia), Chairman and Mr. Leonardo Díaz González (Venezuela), Vice-Chairman.

Meetings of the Sub-Committee

23. During the period covered by this report, the Sub-Committee on Petitions held 17 meetings (its 26th to 42nd meetings) and submitted 17 reports² to the

² A/AC.109/L.39 to L.43, A/AC.109/L.45, A/AC.109/L.48 to L.51, A/AC.109/L.57, A/AC.109/L.59, A/AC.109/L.64, A/AC.109/L.66, A/AC.109/L.79, A/AC.109/L.87 and A/AC.109/L.93.

Special Committee. These reports dealt with the Sub-Committee's consideration of 306 written communications, which included 26 requests for hearings.

G. PROGRAMME OF WORK

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

Establishment of the Working Group

25. At the same meeting, the Special Committee decided to establish a Working Group, composed of the officers of the Committee and other representatives to be nominated by the Chairman, to consider and to make recommendations on the list of territories to be considered by the Committee and the order of priority for their consideration. At the 126th meeting, the Chairman informed the Special Committee that he had nominated Bulgaria, Iraq, Italy and Sierra Leone to be members of the Working Group in addition to the officers of the Committee (see paras. 11 to 13 above).

Recommendations of the Working Group

26. During the period covered by this report, the Working Group held nine meetings and submitted six reports³ in addition to an oral report given by the Chairman at the 179th meeting.

List of territories to which the Declaration applies

27. The first report of the Working Group (A/AC.109/L.44) to the Special Committee contains the following statements concerning the list of territories to which the Declaration contained in resolution 1514 (XV) applies:

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

"(a) Trust Territories;

"(b) The Territory of South West Africa;

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

³ A/AC.109/L.44, A/AC.109/L.60, A/AC.109/L.69, A/AC.109/L.76, A/AC.109/L.84 and A/AC.109/L.86.

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

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

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

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

28. At its 141st meeting, on 3 April 1963, the Special Committee approved the preliminary list of territories prepared by the Working Group. The preliminary list of territories approved by the Committee is attached to the present report as annex I.

29. With regard to the list of “all other territories which have not yet attained independence”, the Working Group in its sixth report (A/AC.109/L.86), submitted

to the Special Committee on 16 September 1963, stated as follows:

“6. The Working Group also considered its previous decision⁴ to consider at a future date the list of ‘all other territories which have not yet attained independence’, to be added to the preliminary list of territories to which the Declaration applies. The Working Group decided to inform the Special Committee that because of lack of time it had been unable to consider this list. It also decided to suggest to the Special Committee that it should consider this question at its meetings next year.”

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

Priorities for the consideration of territories

31. The order in which the Special Committee considered various individual territories, following the consideration of territories under Portuguese administration, Southern Rhodesia and South West Africa, to which the Committee itself had decided to give first priority, was determined on the basis of the recommendations contained in the reports of the Working Group referred to in paragraph 26 above.

H. CONSIDERATION OF INDIVIDUAL TERRITORIES

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

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

33. Details of the Special Committee’s consideration of the territories listed above, and its conclusions and recommendations thereon, are given in the following chapters.

34. In a letter, dated 10 September 1963, addressed to the Chairman of the Special Committee (A/AC.109/54) the representative of the United Kingdom stated that, in the past twelve months, constitutional and

political progress in the Non-Self-Governing Territories under British administration had continued. Enclosed with the letter was a calendar of constitutional advance summarizing the main developments in the past twelve months. At the request of the representative of the United Kingdom, the Special Committee, at its 218th

⁴ See A/AC.109/L.44, para. 7.

meeting on 21 October 1963, decided to reproduce this letter and its enclosure as an annex to the present report (annex II).

I. RELATIONS WITH OTHER UNITED NATIONS BODIES

The Security Council

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

(a) *Territories under Portuguese administration*

36. The Special Committee by paragraph 4 of its resolution on the Territories under Portuguese administration, adopted at its 142nd meeting, on 4 April 1963 (see chap. II, para. 251, below), decided "To draw the immediate attention of the Security Council to the present situation with the view to its taking appropriate measures, including sanctions, in terms of paragraph 8 of General Assembly resolution 1807 (XVII) of 14 December 1962 and paragraph 9 of General Assembly resolution 1819 (XVII) of 18 December 1962, to secure compliance by Portugal with the relevant resolutions of the General Assembly and of the Security Council". Paragraph 5 of the resolution requested the Secretary-General "to bring this resolution to the immediate attention of the Security Council and to transmit to the Council the records of the debate on this question in the Special Committee".

37. By letter dated 5 April 1963, the Secretary-General brought this resolution and the records of the debate on the question to the attention of the Security Council (S/5276). By letter dated 19 July 1963, the Chairman transmitted to the Security Council the Committee's report on the Territories under Portuguese administration (S/5356).

(b) *South West Africa*

38. By paragraph 5 of the resolution on South West Africa adopted by the Special Committee at its 169th meeting, on 10 May 1963 (see chap. IV, para. 213, below), it decided "to draw the attention of the Security Council to the critical situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security". In paragraph 6 of that resolution, the Special Committee recommended "to the General Assembly and to the Security Council to invite all Member States to lend their support to the application of the measures advocated in this and the previous resolutions".

39. By letter dated 14 May 1963 the Secretary-General transmitted the text of this resolution to the Security Council (S/5322). By letter dated 26 July 1963, the Chairman transmitted to the Security Council the Special Committee's report on South West Africa (S/5375).

(c) *Southern Rhodesia*

40. By paragraph 5 of the resolution on Southern Rhodesia adopted by the Special Committee at its 177th meeting, on 20 June 1963 (see chap. III, para. 282, below), the Committee drew "the attention of the Security Council to the deterioration of the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia".

41. On 21 June 1963 the text of the resolution was transmitted to the Security Council (S/5337). By letter dated 26 June 1963, the Chairman transmitted the Special Committee's report on Southern Rhodesia to the Security Council (S/5378).

The Trusteeship Council

42. In accordance with paragraph 8 of General Assembly resolution 1654 (XVI) which requested the Trusteeship Council to assist the Special Committee in its work, the President of the Trusteeship Council, by letter dated 26 June 1963 (A/AC.109/46) addressed to the Chairman of the Special Committee, informed the Committee, that the Council at its thirtieth session had examined conditions in the Trust Territories of the Pacific Islands under United States administration, and of Nauru and New Guinea under Australian administration. The letter stated that the conclusions and recommendations of the Trusteeship Council, as well as the observations of the Members of the Council, representing their individual opinion only, were contained in its report to the Security Council (S/5340) (on the Trust Territory of the Pacific Islands) and in its report to the General Assembly (A/5504) (on Nauru and New Guinea).

Committee on Information from Non-Self-Governing Territories

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

J. FUTURE WORK

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

45. The historic Declaration on the granting of independence to colonial countries and peoples contained in resolution 1514 (XV) was adopted by the General Assembly almost three years ago, on 14 December 1960. As was pointed out by the Special Committee in its first report to the General Assembly, the Declaration was a declaration of faith, an inspiration to the people who were still under colonial rule and an expression of the universal desire to expedite the process of the liberation of colonial peoples. While taking note of the progress made since then in the field of decolonization, the Committee is aware that decoloniza-

tion in parts of Africa and elsewhere is not proceeding at a satisfactory pace. It is especially concerned at the dangerous situations existing in the Territories under Portuguese administration, in South West Africa and in Southern Rhodesia. It should be noted that the refusal of the Administering Members concerned to implement the relevant resolutions of the General Assembly, the Security Council and of the Special Committee has helped to aggravate this situation. The Committee notes that this was a matter of particular concern to the Heads of African States and Governments during their recent historic conference at Addis Ababa and that it had led them to adopt important decisions. The Committee hopes that its report will be of some assistance to the General Assembly in its consideration of this question which is one of serious concern to all Member States.

46. The task assigned to the Special Committee by the General Assembly was to continue to seek the most suitable ways and means for the speedy and total application of the Declaration to "Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence". Accordingly, the Committee, on the recommendation of its Working Group, approved a preliminary list of territories comprising Trust and Non-Self-Governing Territories, including the Territory of South West Africa (see paras. 27 and 28 above, and annex I).

47. However, because of lack of time, the Committee was unable to consider "all other territories which have not yet attained independence" to be added to the preliminary list and thus to complete the list of territories coming within the scope of its work. The Committee decided to do this at its meetings in 1964, subject to any further directives which the General Assembly might wish to provide at its eighteenth session (see paras. 29 and 30 above).

48. As stated in paragraph 32 above, the Special Committee, in the course of its work in 1963, examined the implementation of the Declaration in respect of twenty-six territories. However, for lack of time, the Special Committee was not able to complete its consideration of five of them, namely, Gibraltar, Fernando Póo, Ifni, Río Muni and Spanish Sahara (see chap. XIII, paras. 110-113, and chap. XII, para 97). It is proposed to complete consideration of these territories as a matter of priority in 1964.

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

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

(a) The Committee has considered all the territories in the continent of Africa included in the preliminary

list it had approved. As already pointed out in the Committee's report to the General Assembly at its seventeenth session, it is in Africa that the largest number of people are still living under colonial régimes, it is in Africa that the largest colonial territories still exist and it is in Africa that some of the most difficult colonial problems are encountered;

(b) Although the Committee was able to consider only twenty-six of the sixty-four territories included in the preliminary list, these territories together have an area of 2,377,229 square miles (6,167,315 square kilometres) and a population of almost 37 million, while the remaining territories together have an area of 225,747 square miles (584,586 square kilometres) and a population of almost 8 million.

51. With regard to the territories which still remain to be considered by the Special Committee, it is the Committee's intention to consider them as a matter of priority in 1964. In order to facilitate such consideration, the Secretariat has been asked to prepare the necessary documentation giving background information on the territories included in the preliminary list which have not yet been considered by the Special Committee and make them available to its members as soon as possible.

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

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

(i) A Sub-Committee on Southern Rhodesia, composed of six members to visit London and to have discussions with the United Kingdom Government concerning Southern Rhodesia. This Sub-Committee visited London from 20 to 26 April 1963 and had discussions with the Ministers of the United Kingdom Government concerning the situation in Southern Rhodesia in the context of the resolutions on Southern Rhodesia adopted by the General Assembly.⁵

(ii) A Sub-Committee on Aden, composed of five members, to visit Aden and, if necessary, other neighbouring countries to ascertain the views of the population concerning the situation in that territory and to hold talks with the administering Power. This was the first occasion on which the Special Committee had authorized a group of its members to visit one of the territories with which it was concerned. However, the Sub-Committee was unable to visit the Territory because of the refusal of the United Kingdom to cooperate with it in such a visit. The Sub-Committee therefore visited neighbouring countries during the period 25 May to 7 June 1963 and heard over fifty petitioners concerning Aden.⁶

⁵ For the report of the Sub-Committee on Southern Rhodesia, see chap. III, appendix.

⁶ For the report of the Sub-Committee on Aden, see chap. V, appendix.

(iii) A Sub-Committee on British Guiana, composed of five members to seek together with the interested parties the most suitable ways and means of enabling the Territory to accede to independence without delay. The Sub-Committee was authorized by the Special Committee to proceed to any place it considered appropriate for the successful performance of its work. The Sub-Committee considered that the most effective way of carrying out its task was to visit British Guiana and to hold talks with the leaders of the Territory there. However, the United Kingdom Government refused to agree to a visit to British Guiana by the Sub-Committee, although the leaders of the two major political parties had expressed themselves in favour of such a visit. Consequently, it was necessary for the Sub-Committee to invite the leaders to come to New York.⁷

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

55. The Special Committee wishes to point out that by refusing access to a visiting group of the Committee to a territory coming within the scope of its work, the administering Power concerned is denying it one of the most effective means of carrying out the task assigned to it by the General Assembly, namely the examination of the implementation of the Declaration

on the granting of independence to colonial countries and peoples.

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

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

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

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

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

K. APPROVAL OF THE REPORT

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

<i>Chapter</i>	<i>Title</i>	<i>Document No. (draft)</i>	<i>Meeting</i>	<i>Date</i>
I.	Establishment, organization and activities of the Special Committee	A/AC.109/L.92 and Add.1	217th and 218th	18 and 21 October 1963
II.	Territories under Portuguese administration	A/AC.109/L.67	196th	18 July 1963
III.	Southern Rhodesia	A/AC.109/L.72	201st	25 July 1963
IV.	South West Africa	A/AC.109/L.71	200th	25 July 1963

⁷ For the report of the Sub-Committee on British Guiana, see chap. X, appendix.

<i>Chapter</i>	<i>Title</i>	<i>Document No. (draft)</i>	<i>Meeting</i>	<i>Date</i>
V.	Aden	A/AC.109/L.82	213th	18 September 1963
VI.	Malta	A/AC.109/L.77	205th	6 September 1963
VII.	Fiji	A/AC.109/L.78	205th	6 September 1963
VIII.	Northern Rhodesia, Nyasaland, Kenya and Zanzibar	A/AC.109/L.80	205th	6 September 1963
IX.	Basutoland, Bechuanaland and Swaziland	A/AC.109/L.81	213th	18 September 1963
X.	British Guiana	A/AC.109/L.83	217th	18 October 1963
XI.	Gambia	A/AC.109/L.89	217th	18 October 1963
XII.	Fernando Póo, Ifni, Río Muni and Spanish Sahara	A/AC.109/L.90	217th	18 October 1963
XIII.	Gibraltar	A/AC.109/L.91	217th	18 October 1963
XIV.	Other matters considered by the Special Committee	A/AC.109/L.94	217th	18 October 1963

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

CHAPTER II

TERRITORIES UNDER PORTUGUESE ADMINISTRATION

A. INFORMATION ON THE TERRITORIES

Government⁹

THE TERRITORIES IN GENERAL

General

1. The territories under Portuguese administration comprise the Cape Verde Archipelago; Guinea, called Portuguese Guinea; São Tomé and Príncipe and their dependencies; Angola, including the enclave of Cabinda; Mozambique; Macau and dependencies; and Timor and dependencies. These territories cover an area of approximately 802,220 square miles (2,077,953 square kilometres) and have over 12 million inhabitants. The area of Portugal itself is 35,500 square miles (91,900 square kilometres), and in 1960 it had a population of 9,134,000.

Constitutional status⁸

2. Until 1951 these territories were listed as colonies in the Portuguese Constitution. The basic principles of government and administration of the territories were laid down in the Colonial Act of 1930 and were further developed in the Organic Charter of the Portuguese Colonial Empire of 1933 and in the Overseas Administrative Reform of 1933.

3. When the Constitution was revised in 1951, the Colonial Act was abolished and its main provisions were incorporated in the Constitution under a chapter entitled "Overseas Portugal". Henceforth, the overseas "territories" were to be known as "provinces". The Organic Charter of 1933 was replaced by the Overseas Organic Law of 27 June 1953, although its main provisions were unchanged. With some modifications the Overseas Administrative Reform of 1933 remains in force.

4. The General Assembly, by resolution 1542 (XV) of 15 December 1960 considered that these territories were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter.

⁸ For more detailed information, see A/4978 and Corr.2, paras. 160-171.

(a) Central Government

5. The organs of the central Government which are directly concerned with the territories are the National Assembly, the Council of Ministers, the Minister for Overseas Portugal and, on occasion, other individual Ministers.

6. The National Assembly consists of 130 members, 16 of whom represent the territories. The number of representatives from each territory is as follows: Cape Verde—2; Guinea—1; São Tomé and Príncipe—1; Angola—7; Mozambique—3; Macau—1; and Timor—1.

7. The National Assembly has the right to legislate for the territories on matters such as defence, currency, the creation of banks and the judicial system. The Assembly may also legislate on the general system of government of the territories. In addition, the Assembly is concerned with the year-by-year consideration of the accounts of these territories.

8. The central Government has legislative powers for the territories when, under the terms of the Constitution, it must by decree take action affecting the whole national territory; it may also legislate by executive measures on questions of common concern both to metropolitan Portugal and to one or more of the territories.

9. The powers of the Minister for Overseas Portugal are defined as extending over "all matters which affect the higher or general interests of the nation's overseas policy, or those common to more than one province". Among other things, he is responsible for drawing up the "politico-administrative" statute of each individual territory, though he must consult the Overseas Council and the Legislative Council, where one exists, or, if not, the Government Council of the Province.

⁹ For a more comprehensive description of the governmental, administrative and judicial structure, see A/5160, paras. 44-119; see also A/AC.108/L.6.

(b) *Territorial government*

10. The territories are normally governed by special legislation passed by the competent bodies in Portugal and the territories themselves.

11. According to the Constitution, all matters of exclusive concern to an "overseas province" and outside the scope of the powers exercised by the National Assembly, the Government or the Minister for Overseas Portugal shall be dealt with by the legislative bodies of the "overseas provinces".

12. Under the Overseas Organic Law, the "overseas provinces" are classified into two groups: (a) those with a Governor-General, i.e., Angola and Mozambique; and (b) those with a Governor, namely, Cape Verde, Portuguese Guinea, São Tomé and Príncipe, Macau and Timor.

13. In territories belonging to the first group, the organs of government are the Governor-General, the Legislative Council and the Government Council. The Legislative Council in these territories is composed of elected and nominated members, as set out in the Statute of the territory. In addition to its legislative powers, the Legislative Council discusses and expresses an opinion on matters presented to it by the Governor-General or the Minister for Overseas Portugal. It may be dissolved by the Minister in the national interest. The Government Council, which is a standing consultative body, comprises the secretaries and the Secretary-General, the Military Commander, the Attorney-General, the Director of Economic Services and two members nominated by the Governor-General.

14. The organs of government in the second group of territories are the Governor and the Government Council. When the Government Council is not in session, there is a permanent standing committee. The Government Council is consulted by the Governor in the exercise of his legislative powers. It also makes regulations for the implementation of existing legislation.

15. The Governor, or the Governor-General, is the supreme authority in the territories. He represents the Portuguese Government and possesses legislative and executive powers. He is appointed by the Council of Ministers, on the recommendation of the Minister for Overseas Portugal, and has a four-year term of office. The powers of the Governor and the Governor-General, which include both executive and legislative powers, are defined in the Statute of each territory.

Status of the inhabitants

16. Until 1961 the Native Statute of 1954, which applied in Angola, Mozambique and Portuguese Guinea, provided the legal basis for a distinction between non-assimilated persons and Portuguese citizens, and set out rules governing all phases of life of non-assimilated Africans. According to the definition contained in the Statute, *indigenas*, or non-assimilated Africans, were persons who "do not as yet possess the level of education or the personal and social habits which are a condition for the unrestricted application of the public and private law pertaining to Portuguese citizens". In keeping with Portugal's policy of assimilation, there were provisions whereby *indigenas* could acquire citizenship. Apparently, however, only a relatively small number of *indigenas* were able to become citizens under these provisions.¹⁰ Citizenship status was granted to the in-

¹⁰ For details of the number of *indigenas* acquiring the status of *civilizado*, see A/5160, para. 98.

habitants of São Tomé and Timor after the Second World War, and has always been enjoyed by the inhabitants of Cape Verde.

17. Commenting on the rights attaching to the status of citizenship, the Special Committee on Territories under Portuguese Administration stated in its report (A/5160, paras. 95 and 96) that the use of the terms *civilizado* and *não-civilizado* in official statistics relating to the territories before 1960, indicated that the full enjoyment of the rights and guarantees provided for citizens by the Constitution did not appear to be based on political status alone, but also on the attainment of a certain cultural level. The Committee pointed to the case of São Tomé where, in spite of the fact that the inhabitants had citizenship status, about 30 per cent were classified as *não-civilizado*.

18. The exercise of full political rights is restricted to citizens and is covered by special electoral laws, most of which restrict the franchise to citizens with certain literacy and financial qualifications. Furthermore, the requirement of Portuguese citizenship since birth, as a qualification for membership of the central and territorial organs of government, constitutes an additional restriction.

The decrees of 1961

19. On 28 August 1961 the Minister for Overseas Portugal announced a series of new measures which would be put into practice in the overseas territories.

20. On 6 September 1961 a series of decrees were promulgated which provided for the repeal of the Native Statute of 1954, the regulation of the occupation and granting of land concessions, the establishment of Provincial Settlement Boards, the establishment of local administrative bodies to be known as *regedorias*, and for the regulation of courts and other judicial matters.¹¹

21. In introducing these measures, the Minister for Overseas Portugal stated that his Government believed "it necessary to increase the settlement of our Africa by European Portuguese who will make their home there".¹² Measures were therefore being taken "to tackle realistically and firmly this problem to which we attach a high priority". He reiterated his Government's decision to continue its policy of multiracial integration and announced that in keeping with this policy his Government had decided to repeal the Native Statute. This decision had been made so it would "be clearly understood that the Portuguese people are subject to a political law which is the same for everyone, without distinction of race, religion or culture". He added that "in keeping with the rule that power must always be exercised by those who are most fit to do so, the law will define for all the conditions in which they may intervene actively in political life".

22. The Special Committee on Territories under Portuguese Administration reviewed these new measures and, taking into account the information provided by the petitioners, concluded that:

"In the Committee's view, the reforms which Portugal claims to have introduced not only do not meet the basic aspirations of the peoples of the Territories but have not even brought about, as yet,

¹¹ For a detailed account and analysis of the new measures, see A/5160, paras. 254-401; see also A/AC.108/L.5 and Add.1.

¹² For the full text of the speech in which the measures were announced, see A/AC.108/L.5/Add.1, annex.

any significant changes in political, economic, social and educational conditions.” (A/5160, para. 407).

MOZAMBIQUE

General

23. Information on Mozambique was included in two reports to the General Assembly at its seventeenth session, namely the report of the Special Committee of Seventeen (A/5238, chap. VIII), and the report of the Special Committee on Territories under Portuguese Administration (A/5160, part two, paras. 52-119).¹³

Political parties

24. Available information on political parties and movements concerning Mozambique is set out below:

(a) União Democrática Nacional de Moçambique (UDENAMO) (National Democratic Union of Mozambique). Its President, Mr. Hlomulo Chitofu Gwambe, was a petitioner before the Special Committee on Territories under Portuguese Administration in 1962.

(b) União Nacionalista Africana de Moçambique (Mozambique African National Union) (MANU). Its President, Mr. Mathew M. Mmole, was a petitioner before the Special Committee on Territories under Portuguese Administration in 1962.

(c) União Nacional Africana de Moçambique Independente (UNAMI) (African National Union of Independent Mozambique). Its President, Mr. J. Baltazar, was a petitioner before the Special Committee of Seventeen in 1962.

(d) Frente da Libertação de Moçambique Independente (FRELIMO) (Mozambique Liberation Front). Its President, Mr. Eduardo Mondlane, who appeared before the Fourth Committee of the General Assembly at its seventeenth session (1394th, 1396th and 1397th meetings), stated that the Front had been formed in June 1962. The Front is a merger of the former MANU and UDENAMO parties and has stated that it will seek to gain independence for Mozambique by peaceful means but will use force if necessary.

ANGOLA

General

25. Information on Angola was included in the report of the Special Committee of Seventeen to the General Assembly at its seventeenth session (A/5238, chap. XI), in the reports of the Sub-Committee on the Situation in Angola to the General Assembly at its sixteenth and seventeenth sessions (A/4978 and Corr.2, and A/5286) and in the report of the Special Committee on Territories under Portuguese Administration (A/5160).

Political parties

26. Available information on Angolan political parties and movements is set out below:

(a) Front national pour la libération de l'Angola (FNLA) (National Front for the Liberation of Angola). The party's headquarters is in Leopoldville. Its

¹³ More detailed information on Mozambique, up to the end of 1960, is contained in document A/AC.108/L.8.

President, Mr. Holden Roberto, appeared as a petitioner before the Special Committee on Territories under Portuguese Administration and before the Fourth Committee of the General Assembly at its seventeenth session (1398th meeting). The Front was formed in March 1962 by a merger of the Union des populations de l'Angola (UPA) and the Parti démocratique de l'Angola (PDA). In April 1962 a Gouvernement de la République angolaise en exil (GRAE) (Angolan Government in Exile) was set up in the Congo (Leopoldville) with Mr. Holden Roberto as Prime Minister and Mr. Emmanuel Kounzika as Deputy Prime Minister. Representatives of FNLA informed the Sub-Committee on Angola in 1962 of the determination of the Front to carry on the struggle in Angola until independence was achieved.

(b) Movimento Popular para a Libertação de Angola (MPLA) (Peoples Movement for the Liberation of Angola). Its President at that time, Mr. Mario Andrade, appeared as a petitioner before the Special Committee on Territories under Portuguese Administration in 1962. The declared objective of MPLA is the immediate and total independence of Angola and the establishment of a democratic government in line with the world movement for political liberation and economic independence. In connexion with the formation of the Angolan Government in Exile (GRAE) representatives of MPLA stated before the Sub-Committee on Angola in 1962 that its formation was “precipitate and exclusive”. They added that their organization would continue to work for a “united front of the national liberation forces”.

(c) Mouvement de défense des intérêts de l'Angola (MDIA) (Movement for the Defence of the Interests of Angola). Its President-General Mr. J. P. Bala, appeared as a petitioner before the Fourth Committee of the General Assembly at its seventeenth session (1400th meeting).

(d) Mouvement pour la libération de l'enclave de Cabinda (MLEC) (Movement for the Liberation of the Enclave of Cabinda). Its President, Mr. Luis Ranque Franque, appeared as a petitioner before the Fourth Committee of the General Assembly at its seventeenth session (1391st and 1392nd meetings). In his statement before the Fourth Committee Mr. Ranque Franque said that “MLEC could not advocate the future attachment of Cabinda to one of the neighbouring countries until the wishes of its people had been determined”.

(e) Mouvement national angolais (MNA) (Angolan National Movement), formerly Front national angolais (FNA) (Angolan National Front). Its President General, Mr. Charles Salvador, appeared as a petitioner before the Special Committee on Territories under Portuguese Administration in 1962. The movement favours the achievement of immediate independence.

(f) Union nationale des travailleurs angolais (UNTA) (National Union of Angolan Workers). Its Secretary-General, Mr. Pascal Luvualu, appeared as a petitioner before the Special Committee on Territories under Portuguese Administration in 1962.

(g) Ngwizani á Kongo (NGWIZAKO) was established in 1960. It favours independence for Angola; one of its objectives is the restoration of the Kingdom of the Kongo.

(h) Other organizations include the Comité d'action pour l'union nationale de Cabinda (CAUNC) (Action

Committee for the National Union of Cabinda), the Frente de Unidade de Angola (FUA) (Angolan Unity Front) and the NTO-BAKO Party.

THE CAPE VERDE ARCHIPELAGO¹⁴

General

27. The islands of Cape Verde lie off the west coast of Africa, the nearest point being about 360 miles from Dakar. There are ten islands falling into two groups: the Barlovento or windward islands and the Sotavento or leeward islands.

28. The Barlovento Islands comprise: Santo Antão, São Vicente, Santa Luzia, São Nicolau, Sal and Boa Vista. The Sotavento Islands are Maio, São Tiago, Fogo (Fire Island) and Brava (Wild Island). The total area of these islands is 1,557 square miles (4,032 square kilometres), about twice the area of the Azores Islands. The largest is São Tiago, with an area of some 382 square miles (990 square kilometres), where the capital of the Territory, Praia, is located.

29. The present inhabitants are the descendants of settlers from Portugal, Genoa and Spain and of Africans, mainly from Portuguese Guinea, who were brought from the continent to work the land. At the 1950 census the total population was 147,236, comprising 101,726 *mestiços*, 42,476 Africans and 3,034 Europeans. According to the provisional figures of the 1960 census, the population was 201,548.

Government

30. Under the Portuguese Constitution, Cape Verde is an overseas province of Portugal and is administered by a Governor appointed by the Council of Ministers in Lisbon. Although the Overseas Organic Law of 1953 provides that each such territory shall be administered in accordance with its Statute, it does not appear that such an instrument has ever been enacted for Cape Verde.

31. In contrast to the situation in the other territories under Portuguese administration, since the end of the nineteenth century the inhabitants of Cape Verde have been considered Portuguese citizens with a status legally and practically the same as that of persons living in Portugal. All inhabitants, *mestiço* or African, were classified as *civilizado* in 1950 (as well as in the previous census). Portuguese civil, penal and commercial law applies to all the inhabitants of the territory. Local administration is similar to that of Portugal and the metropolitan systems of taxation and education apply to the Territory with minor modifications.

Political parties

32. There is no information on any political movements in the Territory. From time to time in the past, there have been proposals in Portugal that Cape Verde should be related to the metropolitan country in the same way as are Madeira and the Azores. The official Portuguese view is that this movement towards integration is supported by Cape Verdians.

33. There are at present several parties outside the Territory whose goal is the liberation and independence of Cape Verde and Portuguese Guinea. These include the Partido Africano da Independência da

Guiné e Cabo Verde (PAIGC) (African Independence Party of Guinea and Cape Verde) and the Mouvement de libération des Iles du Cap-Vert (MLICV) (Liberation Movement for the Cape Verde Islands), which was formerly part of the Mouvement de libération de la Guinée dite portugaise et des Iles du Cap-Vert (MLGCV-FLGCV) (Movement for the Liberation of "Portuguese" Guinea and the Cape Verde Islands).

PORTUGUESE GUINEA¹⁵

General

34. Portuguese Guinea is situated on the West Coast of Africa, between the Republics of Senegal and Guinea and stretches 198 miles into the interior at its widest point. Besides the mainland, it comprises the Bijagos Archipelago and a string of islands. The total area is 13,947 square miles (36,125 square kilometres) of which approximately one-tenth is periodically submerged by tidal waters, and to a great extent covered with mangrove.

35. According to the 1960 preliminary census figures the population was 544,184, compared with 510,777 at the last census, in 1950, when the distribution of population by major ethnic groups was as follows:

Non-assimilated Africans	502,457
Europeans	2,263
<i>Mestiços</i>	4,568
Indians	11
Assimilated Africans	1,478

In 1950 the population classified as *civilizado* was 8,320 or 1.8 per cent of the total population.

36. Bissau, with about 20,000 inhabitants, is the seat of the Government, the principal port and main commercial centre.

Government

37. Under the Portuguese Constitution, Portuguese Guinea is an overseas province of Portugal. The basic law of the Territory is the Statute of Guinea promulgated in 1955.

38. The organs of government are the Governor and the Government Council. There is no Legislative Council. The Governor is the supreme authority; he represents the Portuguese Government and possesses legislative and executive powers. He is appointed by the Council of Ministers in Lisbon.

39. The principal function of the Government Council is to express an opinion on draft legislation and on other matters presented to it by the Governor. It consists of ten members: three *ex officio* members, three members elected by direct suffrage of electors registered in the electoral register, one member elected by tax-payers, being persons of Portuguese nationality, paying more than 1,000 escudos per annum in direct taxes,¹⁶ one member nominated by the Governor, who must select from a list submitted by private organizations, one member nominated by the Governor to represent the indigenous population, and one member nominated by the Governor from among directors of administrative services. The term of office of all members is four years.

¹⁴ For more detailed information on Cape Verde, see A/AC.108/L.10.

¹⁵ For more detailed information, see A/AC.108/L.9.

¹⁶ One United States dollar equals 28.5 escudos.

40. Members must be persons who have been Portuguese citizens since birth, who can read and write Portuguese, who have resided more than one year in Portuguese Guinea and who are not officials in active service.

Political parties

41. The main political movements relating to Portuguese Guinea are:

Partido Africano da Independência da Guiné e Cabo Verde (PAIGC) (African Independence Party of Guinea and Cape Verde)

Movimento de Libertação da Guiné (MLG) (Movement for the Liberation of Guinea)

Mouvement de libération de la Guinée dite portugaise (Bissau) (MLG-Bissau) (Movement for the Liberation of "Portuguese" Guinea)

União das Populações da Guiné (UPG-exMLGC) (Union of the Peoples of Guinea). In addition, the following groups have been formed:

Rassemblement démocratique africain de la Guinée Portugaise (RDAG) (African Democratic Assembly of Portuguese Guinea)

Union Populaire de libération de la Guinée Portugaise (UPLG) (People's Union for the Liberation of Portuguese Guinea)

Front national de libération de la Guinée dite Portugaise (FNLG) (National Liberation Front of "Portuguese" Guinea).

SÃO TOMÉ AND PRÍNCIPE, AND DEPENDENCIES¹⁷

General

42. São Tomé and Príncipe are situated in the Gulf of Biafra, west of the Republic of Gabon. The total area of the Territories is 372 square miles (964 square kilometres).

43. The indigenous element of the population is of mixed origin and appears to be largely derived from the original settlers from Portugal and Africans from Gabon and other parts of the Guinea coast. Most of the inhabitants live in the town of São Tomé and in a few villages in the eastern half of the island. According to the provisional figures of the 1960 census the total population was 63,676, with 59,102 in São Tomé and 4,574 in Príncipe.

Government

44. Under the Portuguese Constitution São Tomé and Príncipe form an overseas province of Portugal. The basic law of the Territory is the Statute of São Tomé and Príncipe, promulgated in 1955.

45. The organs of Government are the Governor and the Government Council. The Governor is the supreme authority. He represents the Portuguese Government and possesses legislative and executive powers. He is appointed by the Council of Ministers in Lisbon.

46. The Government Council votes on draft legislation, and gives an opinion on other matters presented to it by the Governor. It consists of eleven members, four *ex officio* members, three members elected by direct suffrage of electors registered in the general census, one member elected by taxpayers, being persons of Portuguese nationality and paying

more than 1,000 escudos in direct taxes, two members nominated by the Governor, who must select them from a list submitted by private organizations, and the President of the *Câmara Municipal* (municipal council or assembly) of São Tomé, representing the administrative bodies. The term of office of elected and nominated members is four years.

47. Elected members must be persons who have been Portuguese citizens since birth, who can read and write Portuguese, who have resided in São Tomé or Príncipe for more than one year and who are not officials in active service.

48. Portuguese civil law applies in São Tomé and Príncipe, and since before the end of the last century most of the inhabitants have been Portuguese citizens. At the 1950 census, however, only about two-thirds of the population (43,391) were listed as *civilizado*.

Political parties

49. The only known political organization is the Comité de Liberação de São Tomé e Príncipe (CLSTP) (Committee for the Liberation of São Tomé and Príncipe) which was formed outside the Territory. Its President, Mr. Miguel Trovoada, appeared as a petitioner before the Special Committee on Territories under Portuguese Administration in 1962.

TIMOR AND DEPENDENCIES¹⁸

General

50. The island of Timor is located at the tip of the chain of islands forming the Republic of Indonesia. The western part of the island is part of the Republic of Indonesia. The eastern part administered by Portugal includes an area of about 7,332 square miles (18,990 square kilometres) and comprises also the enclave of Ocussi and Ambeno, an island off the north coast of Atauro, and the small uninhabited island of Jaco off the extreme eastern tip. Dili is the main urban centre of the Territory.

51. According to the 1950 census the population of Timor was 442,378. There were 568 persons of European origin, 2,022 *mestiços*, and 3,128 Chinese. Indigenous inhabitants numbered 436,448, most of whom (434,907) were listed as *não-civilizado*.

Government

52. According to the Constitution of Portugal, Timor is an overseas province of Portugal. The basic law of the Territory is the Statute of Timor promulgated in 1955.

53. The organs of government are the Governor and the Government Council. The Governor is the supreme authority. He represents the Portuguese Government and possesses legislative and executive powers. He is appointed by the Council of Ministers in Lisbon.

54. The Government Council votes on draft legislation, and gives an opinion on other matters presented to it by the Governor. It consists of eleven members: three *ex officio* members, three members elected by direct suffrage of electoral colleges registered in the general census, one member elected by taxpayers, being persons of Portuguese nationality and paying more than 1,000 escudos in direct taxes, two members nominated by the Governor from a list submitted by private organizations, one member annually appointed by the

¹⁷ For more detailed information, see A/AC.108/L.11.

¹⁸ For more detailed information, see A/AC.108/L.13.

Governor from among directors of administrative services, and one member nominated by the Governor from among the presidents of administrative bodies. The term of office of elected and nominated members, except for the member representing administrative services, is four years.

55. Members must be persons who have been Portuguese citizens since birth, who can read and write Portuguese, who have resided in Timor for more than one year and who are not officials in active service.

56. At the 1950 census, only 7,471, or 1.8 per cent of the total population, was classified as *civilizado* and less than one-tenth of these were Europeans. The largest single alien group among the civilized population, were the Chinese (55 per cent) followed by mulattos (35 per cent). Included among the *civilizado* were 1,541 indigenous persons from Timor.

57. After the Second World War, the inhabitants of Timor were all granted citizenship. In spite of this, most of the indigenous population were not officially considered as *civilizado*.

Political parties

58. No information concerning political movements in the Territory is available.

MACAU AND DEPENDENCIES¹⁹

General

59. Macau is located on the south coast of China, on the west side of the Canton River, and is almost directly opposite Hong Kong, which is 35 miles away. The main part of the Territory is the peninsula, which is about 3 miles long and 1 mile wide. In addition, the Territory also comprises two small islands, Taipa and Colowan (Coloane). The total area is about 6 square miles (15.5 square kilometres). The precise boundaries of the Territory have never been officially delimited.

60. The greatest part of the population is Chinese. At the 1950 census, the population was 187,772 of which 4,066 were Portuguese. The 1960 provisional figures give the permanently resident population as 169,299. On the basis of this estimate, the population density then was 11,000 per square kilometre (approximately 4,250 per square miles). Other estimates suggest, however, that the Chinese population in Macau varies between 400,000 and 800,000. In 1961 it was unofficially estimated that the population was around 450,000.

Government

61. The Portuguese established their settlement in Macau in 1557.²⁰ Under the Statute of Macau promulgated in 1955, Macau comprises "the city Santo Nome de Deus de Macau and its dependencies".

62. Portugal administers Macau through a Governor appointed in Lisbon. He represents both civil and military authority in the Territory, and has the usual legislative and executive powers. There is also a Government Council which consists of ten members: three *ex officio* members, three members elected by direct suffrage of electoral colleges registered in the general census, one member elected by taxpayers paying a

minimum annual direct tax of 1,000 patacas,²¹ one person nominated by the Governor from a list of three persons suggested by private associations and institutions in the Territory, one person nominated by the Governor to represent the Chinese community, and the president of the Macau Municipal Council (*Leal Senado*). The conditions of eligibility are the same as for the Government Council in Portuguese Guinea, São Tomé and Timor (see paras. 40, 47 and 55 above), except that the person nominated to represent the Chinese need not have had Portuguese citizenship since birth, and need not be able to read and write Portuguese.

Political parties

63. No information concerning political movements in the territory is available.

RECENT DEVELOPMENTS

Proposals for the revision of the Overseas Organic Law

64. As indicated above in paragraphs 19-21, in August and September 1961 Portugal announced the introduction of the first of a number of "reforms" which it was stated would have a far-reaching effect. Within the basic concept of national unity, and in keeping with the constitutional principles of administrative autonomy and economic integration of the "overseas provinces", revision of the legislation affecting them, has continued.

65. At the 1155th plenary meeting of the General Assembly, on 18 October 1962, the Permanent Representative of Portugal to the United Nations stated that a special session of the Overseas Council had been called and was then meeting to consider a revision of the Overseas Organic Law of 1953. Under the Constitution the Overseas Council may comprise members nominated by the Minister for Overseas Portugal, co-opted members (who must not exceed half the number of nominated members) and all colonial governors, together with certain acting or retired officials who may be appointed as experts. For this special session the Overseas Council included also the elected members of the Legislative Councils of Angola and Mozambique, the governors and the deputies of the Territories to the National Assembly, representatives of economic interests in Angola and Mozambique and former government officials.

66. On the basis of recommendations and observations unanimously adopted by the Overseas Council, the Portuguese Government drafted a bill to revise the Overseas Organic Law. The text of the bill was submitted to the National Assembly, which on 10 February 1963 appointed a special Committee consisting of thirty-two deputies, including eleven from overseas constituencies to study the proposed revision.

67. The Government's proposed bill introduces changes in thirty-two of the ninety-two divisions in the 1953 text of the Overseas Organic Law, revokes three divisions and adds two new ones.

68. The main points of the new bill are set out below.

²¹ One pataca equals 5.5 escudos.

²² This title follows the title of the Chapter in the 1953 text of the Overseas Organic Law, relevant Act No. 2066, of 27 June 1953. It has been reported that the Overseas Council had recommended also that the representation of the "overseas provinces" in the National Assembly should be increased. The implementation of that recommendation would not involve any amendment to the text of the Organic Law.

¹⁹ For more detailed information, see A/AC.108/L.12.

²⁰ *Idem*, paras. 2-6.

(a) *Central administration*²²

69. At the national level the "overseas provinces" (in addition to representation at the National Assembly) are to have "adequate representation" in the Corporative Chamber²³, the Overseas Council²⁴ and other national consultation organs.²⁵

(b) *Territorial administration*

70. At present only Angola and Mozambique have Legislative Councils. Under the new bill Legislative Councils will be established in all other territories.

71. All members of the councils are to be elected. Details concerning the franchise under the proposed revision are not available. There will no longer be any nominated members. At present the Legislative Council, in Angola as well as in Mozambique, includes members elected by direct suffrage, members elected by special interest groups and nominated members. Under article 18 of the Statute of Angola, for instance, in addition to members elected by direct suffrage provision is made for the election of the following:

(a) One member by persons paying over 10,000 escudos in direct tax;

(b) One member elected by corporative organizations representative of national economic interests;

(c) One member elected by corporative bodies representing labour;

(d) Two members selected by organizations representative of moral and cultural interests, one of whom must be a Catholic missionary; and

(e) Two members selected by the administrative services (see A/5160, para. 109-119 and 261-269).

At present the Legislative Councils of Angola and Mozambique each have eight nominated members. At least three must be chosen from directors of departments, senior officials or their equivalent, and two must be chosen to represent the interests of the indigenous inhabitants.

72. At present, in Angola and Mozambique, the Governor-General and the Legislative Council have power to legislate on matters of interest exclusively to the Territories and if the Governor-General disagrees with a decision of the Legislative Council, he has to submit the matter to the Minister for Overseas Portugal. Under the proposed bill, full legislative powers (*a plenitude do Poder Legislativo*) will belong to the Legislative Council. However, the Governor-General still has to promulgate the laws, and in cases where he disagrees with the Legislative Council, the decision of the latter will prevail if on second reading the bill is adopted by a two-thirds majority of the members of the Council. This procedure will not apply

²² The Corporative Chamber is a general advisory body composed of representatives "of local autonomous bodies and social interests" (article 102 of the Constitution), which is consulted by the Government on proposals, draft bills and treaties that are to be submitted to the National Assembly for approval; hence government measures dealing with overseas territories that, in accordance with the Constitution, must take the form of legislation, are transmitted to the Corporative Chamber for its advice.

²⁴ The Overseas Council is a permanent body established to advise the Minister for Overseas Portugal in matters concerning overseas administration and policy.

²⁵ The other consultative organs are the Council of Overseas Ministers and the Economic Conference of the Overseas Territories (see A/4978 and Corr.2, footnotes 33 and 34).

if the Governor-General refuses to enact a law on grounds that it is unconstitutional.

73. In Angola and Mozambique the Government Councils will be replaced by Economic and Social Councils whose members will be persons with special knowledge of administrative, moral, cultural and social questions and activities. These Councils must be heard on all laws presented to the Legislative Councils, and on all laws published by the Governor-General in exercise of their legislative functions. The Economic and Social Councils will also function in a consultative capacity to the Governors-General in the exercise of their executive powers. The Government Councils in all other territories will cease to exist.

74. The legislative organs of each territory will have the power to adopt legislation regulating the composition, recruitment, duties and salaries of the Territorial Civil Service.²⁶ This power is now held by the Minister for Overseas Portugal.

75. In addition to the existing local government bodies up to the level of the *circunscriçãõ*,²⁷ district councils will be established. The members of the district councils will be elected.

(c) *Territorial public service*

76. Heretofore certain services, as for instance, education, finance, justice, public health and agriculture have been part of the national services in Lisbon, and some of the personnel in the administrative services have belonged to the common Overseas Service, while others belonged to the Territorial Civil Service. Under the new provisions, in Angola and Mozambique provincial secretariats are to be established comprising all administrative services, and each secretariat will be headed by a Provincial Secretary.

77. Under the new provisions the highest rank of the Territorial Civil Service will be that of *Intendente*. Persons holding this rank can be appointed to coordinate the work of administrators, who are the officials in charge of *circunscrições*; an *Intendente* may also be appointed as a district Governor. District Governors are however at present appointed by the Governor-General and are his direct representatives.

(d) *Financial administration*

78. Although the Constitution lays down the principle of financial autonomy of the territories in keeping with their economic development, under the Organic Law of 1953, a complicated procedure was established for the submission and approval of the annual budget of the territories. Under the new bill, the procedures are to be simplified. The territories will draw up and approve their own budgets with a prior hearing (*audição prévia*) by the Overseas Minister. Furthermore, the authority to transfer credits or to open credits which has hitherto been one of the executive functions of the Minister for Overseas Portugal will under the new bill be exercised by the Governors (or the Governors-General).

(e) *Economic planning*

79. The Government Bill also makes provision for the establishment of a technical Commission for plan-

²⁶ For general information on the recruitment of the Civil Service, see A/4978, and Corr.2, paras. 214-216.

²⁷ This is the title of chapter IV of the Overseas Organic Law, 1953 (see A/5160, paras. 254-257).

ning and economic integration in each territory. Furthermore, the territories will henceforth participate in the formulation of development plans and general programmes to ensure continuous and harmonious development of the national economy compatible with the over-all equilibrium of balance of payment of the escudo zone and the stability and value of the currency.

80. In order to implement the changes described above some of the laws which will have to be revised are:

(a) The Law regulating the organization of the Overseas Ministry;

(b) The Overseas Administrative Reform of 1933;

(c) The Overseas Organic Law, 1953, and the regulations of the Overseas Council;

(d) The Statute of the Overseas Public Service; and

(e) The political and administrative Statute of each of the territories.

81. It is evident from available information, that the proposals for the revision of the Overseas Organic Law, do not envisage a change in the constitutional status of the territories under Portuguese administration. These proposals, if implemented, however, would go some way to meet the demands of the European elements in Angola and Mozambique for local administrative autonomy within the context of national unity and economic integration of the *espaço português*.

Economic integration of the overseas territories with Portugal

82. The Special Committee on Territories under Portuguese Administration pointed out in its report that economic integration of the overseas territories has long been one of the main cornerstones of Portuguese policy. In 1961 legislation was enacted setting up the basis for a common market which was to come into effect in ten years.²⁸

83. As of 15 August 1962 tariffs were reduced on all locally manufactured goods from the overseas territories. At the same time all goods manufactured in Portugal are now allowed free entry into the overseas territories. Certain restrictions which still remain are to be of a temporary nature, and are intended to ensure the adaptation and reorganization of such agricultural or industrial products as have a predominant place in the economic structure of certain regions and which are not at the moment in a position to withstand competition by identical goods produced in other territories.

84. Hitherto tariff and exchange restrictions have hampered both trade and monetary transactions between Portugal and the overseas territories. For instance, despite the fact that the escudo is supposed to be the legal tender in all Portuguese territories it seems that the escudo currencies of the overseas territories are not convertible, or only at a discount causing hardships especially to settlers wishing to remit money in Portugal. Dissatisfaction with the economic system has been especially strong in Angola which is a dollar earner.

85. In November 1962 a further series of laws were enacted in order to: (a) remove remaining obstacles

to trade between the different component territories; (b) establish a unified national monetary zone with a view to regulating exchange and creating a system of balance of payments which will facilitate the liquidation of transactions in goods and services between the component territories; and (c) assure the necessary unification of markets and programmes of economic development within the whole group of territories (Decrees Nos. 44698 to 44703, inclusive).

86. These laws were to come into effect on 1 March 1963. According to an official Portuguese statement, the "national economic integration unity" meant that the overseas territories would have the same place, as far as possible, in the economy as any region in Portugal.

Other developments

87. As reported by the Special Committee on Territories under Portuguese Administration, on 1 October 1962 the Rural Labour Code (Decree No. 44309) came into effect. This code applies to Cape Verde, Portuguese Guinea, São Tomé and Príncipe, Angola, Mozambique and Timor (A/5160, paras. 346-366). Also in October 1962, South Africa and Portugal reached an agreement to revise the 1928 Convention relating to Mozambique.²⁹

88. In December 1962 Prime Minister Antonio de Oliveira Salazar announced changes in the Cabinet. The five Cabinet Ministers replaced were: General Mario Silva (Army), Professor Adriano Moreira (Overseas Portugal), Mr. Manuel Lopes de Almeida (National Education), Mr. José do Nascimento Ferreira Dias (Economy), and Mr. Henrique de Miranda Vasconcelos de Carvalho (Health and Assistance). The new Minister for Overseas Portugal is Naval Commander António Augusto Peixoto Correia.

89. Expenditures on Angola and national defence continue to dominate Portugal's budget. Premier Salazar is reported to have said that the war in Angola is only over "in so far as the way it began is concerned" and that "The war which drowns over the ashes could begin again in Angola and elsewhere...".

90. The war in Angola is now being fought as a guerrilla war which continues, causing Portugal still to maintain 40,000 troops there. These troops are further supplemented by an active civilian militia, called the Volunteer Corps. There is little news on the extent of the actual fighting in the northern part of Angola, but from time to time army casualties in Angola are reported in the Lisbon newspapers and the training of Angolan troops in Thysville received much notice in the Portuguese papers.

91. In Portuguese Guinea there have recently been a number of encounters between members of PAIGC (Partido Africano da Independência da Guiné e Cabo Verde) and Portuguese troops. The exact extent of these encounters is not clear at the present time. A press release issued by the headquarters of PAIGC in Casablanca claims that in January 1963 there were clashes between PAIGC and Portuguese troops in Fulacunda and Ambada, and that nationalists now control the whole country. It has also been reported that on 30 January "terrorist" activities destroyed a commercial establishment.

²⁸ See A/AC.108/L.5, paras. 57-63.

²⁹ For details regarding the Convention, see A/AC.108/L.8, paras. 94-96.

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

92. At its meetings in 1962 the Special Committee considered the question of the Territories of Mozambique and Angola (including the enclave of Cabinda).

93. At the conclusion of its consideration of Mozambique the Special Committee adopted a draft resolution on that Territory for the consideration of the General Assembly (A/5238, chap. VIII, para. 109). By the preamble to that draft resolution the General Assembly would state that it was convinced that the continued refusal of Portugal—despite General Assembly resolution 1542 (XV) which declared, *inter alia*, Mozambique a Non-Self-Governing Territory—to implement the provisions of the Declaration on the granting of independence to colonial countries and peoples and resolutions 1654 (XVI) and 1699 (XVI), was a challenge to the United Nations and world opinion and was a serious threat to peace and security in Africa. By the operative part of the draft resolution the General Assembly would solemnly reaffirm the inalienable right of the people of Mozambique to self-determination and independence and support their demand for immediate independence. It would also deeply deprecate the repressive measures against the people of Mozambique and the denial to them of human rights and fundamental freedoms and call on the Portuguese authorities to desist forthwith from armed action and repressive measures against the people of Mozambique. It would also urge the Government of Portugal: “(a) to release all political prisoners immediately; (b) to lift immediately the ban on political parties; and (c) to undertake without further delay extensive political, economic and social measures that would ensure the creation of freely elected and representative political institutions and transfer of power to the people of Mozambique.” It would request Member States “to use their influence to secure the compliance of Portugal with the present resolution” and “to deny Portugal any support or assistance which may be used by it for the suppression of the people of Mozambique and, in particular, to terminate the supply of arms to Portugal”. It would also remind the Government of Portugal “that her continued non-implementation of the resolutions of the General Assembly was inconsistent with her membership in the United Nations”. Finally it would request the Security Council, “in the event of Portugal’s refusal to implement this and the previous resolutions of the General Assembly, to take appropriate measures, including sanctions if necessary, to secure Portugal’s compliance with this resolution”.

94. The Special Committee also adopted a draft resolution on Angola for the consideration of the General Assembly, which with certain modifications was adopted by the General Assembly at its seventeenth session (resolution 1819 (XVII)). (See para. 98 below.)

95. When the General Assembly at its seventeenth session considered the question of the territories under Portuguese administration, it had before it the report of the Special Committee (A/5238), the report of the Special Committee on Territories under Portuguese Administration (A/5160) and the report of the Subcommittee on Angola (A/4978 and Corr.2).

96. By resolution 1807 (XVII), of 14 December 1962, the General Assembly, having examined the

reports of the Special Committee on Territories under Portuguese Administration and of the Special Committee of Seventeen, and having noted with deep concern “that the policy and acts of the Portuguese Government with regard to the Territories under its administration have created a situation which constitutes a serious threat to international peace and security”, condemned “the attitude of Portugal as inconsistent with the Charter of the United Nations”. The General Assembly also reaffirmed “the inalienable right of the peoples of the Territories under Portuguese administration to self-determination and independence” and upheld “without any reservations the claims of those peoples for their immediate accession to independence”. It also urged the Portuguese Government “to give effect to the recommendations contained in the report of the Special Committee on Territories under Portuguese Administration” by taking the following measures: “(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence; (b) The immediate cessation of all acts of repression and the withdrawal of all military and other forces at present employed for that purpose; (c) The promulgation of an unconditional political amnesty and establishment of conditions that will allow the free functioning of political parties; (d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with resolution 1514 (XV); (e) The granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples.” The General Assembly also requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples “to give high priority to an examination of the situation in the Territories under Portuguese administration, bearing in mind the present resolution and the other relevant resolutions of the General Assembly”. It also called upon Member States “to use all their influence to induce the Portuguese Government to carry out the obligations incumbent upon it under Chapter XI of the Charter of the United Nations and the resolutions of the General Assembly relating to the Territories under its administration”. It earnestly requested all States “to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the peoples of the Territories under its administration, and, for this purpose, to take all measures to prevent the sale and supply of arms and military equipment to the Portuguese Government”. Finally it requested the Security Council, “in case the Portuguese Government should refuse to comply with the present resolution and previous General Assembly resolutions on this question, to take all appropriate measures to secure the compliance of Portugal with its obligations as a Member State”.

97. In view of the General Assembly’s adoption of this resolution (1807 (XVII)), it was agreed that a separate resolution on Mozambique was not necessary, and therefore the draft resolution submitted by the Special Committee was not acted upon (see para. 93 above, and A/PV.1194, para. 22).

98. On 18 December 1962 the draft resolution on Angola submitted by the Special Committee was adopted, with certain modifications, by the General Assembly as resolution 1819 (XVII) under the separate agenda item relating to the report of the Sub-Committee on Angola. By this resolution the General Assembly, convinced that "the colonial war being carried on by the Government of Portugal in Angola, the violation by that Government of the Security Council resolution of 9 June 1961 (S/4835), its refusal to implement the provisions of the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960", and its refusal to implement other resolutions of the General Assembly relating to Angola, "constitute a source of international conflict and tension as well as a serious threat to world peace and security", solemnly reaffirmed "the inalienable right of the people of Angola to self-determination and independence", and supported their demand for immediate independence. It condemned "the colonial war carried on by Portugal against the people of Angola" and demanded that the Government of Portugal should put an end to it immediately. It also called upon the Portuguese authorities "to desist forthwith from armed action and repressive measures against the people of Angola". The General Assembly urged the Government of Portugal, "without any further delay: (a) To release all political prisoners; (b) To lift the ban on political parties; (c) To undertake extensive political, economic and social measures that would ensure the creation of freely elected and representative political institutions and transfer of power to the people of Angola in accordance with the Declaration". It requested Member States "to use their influence to secure the compliance of Portugal with the present resolution" and "to deny Portugal any support or assistance which may be used by it for the suppression of the people of Angola, and in particular to terminate the supply of arms to Portugal". It reminded the Government of Portugal that "its continued non-implementation of the resolutions of the General Assembly and of the Security Council is inconsistent with its membership in the United Nations". Finally it requested the Security

Council "to take appropriate measures, including sanctions, to secure Portugal's compliance with the present resolution and with the previous resolutions of the General Assembly and of the Security Council".

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

99. The Special Committee considered the question of the territories under Portuguese administration at its 124th to 130th and 139th to 142nd meetings, held between 6 March and 4 April 1963.

Invitation to Portugal to participate in the work of the Special Committee

100. At its 124th meeting the Special Committee decided to invite a representative of Portugal to attend the meetings at which the situation in the territories under Portuguese administration was considered, in order to give the Committee an opportunity to hear any statements he might wish to make and receive any other information its members might seek. The invitation was extended by a letter dated 6 March 1963 from the Chairman of the Special Committee to the Permanent Representative of Portugal to the United Nations (see A/AC.109/SR.127).

101. In reply, by letter dated 8 March 1963, the Permanent Representative of Portugal informed the Chairman that since Portugal was not a member of the Committee it was not clearly understood how its delegation could participate in the work of the Committee in a capacity which would necessarily be different and inferior to that of Committee members. The letter stated that the position of the Portuguese Government concerning the Committee and its mandate had already been defined on more than one occasion and that no new circumstances had occurred to justify a change in that position. For these reasons, the Portuguese Government declined the invitation (*ibid.*)

Written petitions and hearings

102. The Special Committee circulated the following written petitions concerning Territories under Portuguese administration.

<i>Territories in general</i>	<i>Petitioner</i>	<i>Document No.</i>
Mr. Agostinho Neto, President, Mouvement populaire de libération de l'Angola (MPLA)		A/AC.109/PET.122
<i>Angola</i>		
Mr. Socrates Mendonca de Oliveira Daskalos, President, Frente de Unidade Angolana (FUA)		A/AC.109/PET.53
Mr. João Francisco Quintão, Vice-President, Mouvement pour la libération de l'enclave de Cabinda (MLEC)		A/AC.109/PET.54
The Parti démocratique de l'Angola (PDA)		A/AC.109/PET.55
The Fédération du front de libération nationale, Mostaganem		A/AC.109/PET.56
The Fédération du front de libération nationale, Oran		A/AC.109/PET.57
The Association des ressortissants de Kongo (NGWIZAKO) (six petitions)		A/AC.109/PET.58 and Add.1
Mr. Carlos Gonçalves, Front national pour la libération de l'Angola (FNLA)		A/AC.109/PET.75
Mr. Edouard Makoumbi, Secretary-General, Alliance de jeunes Angolais pour la liberté (AJEUNAL)		A/AC.109/PET.125
Dr. F. Ian Gilchrist		A/AC.109/PET.126
The leaders of NTO-BAKO, Angola (two petitions)		A/AC.109/PET.147 and Add.1

<i>Petitioner</i>	<i>Document No.</i>
Dr. H. C. Hastings	A/AC.109/PET.148
Mr. F. Maiembe and Mr. E. Tshipi, President and Secretary-General of the Movimento Nacional Angolano	A/AC.109/PET.149
Ngwizani a Kongo, Songololo Branch	A/AC.109/PET.164
Ngwizani a Kongo, Songa-Lumueno-Kimpese Branch	A/AC.109/PET.165
Mr. Luis Ranque Franque and Mr. Simon Luemba, President and Secretary-General of the Front pour la libération de l'enclave de Cabinda (FLEC) (two petitions)	A/AC.109/PET.166
Mr. Jorge Valentim, President-General of the Union nationale des étudiants angolais (UNEA)	A/AC.109/PET.167
<i>Mozambique</i>	
Mr. J. B. C. Chagong'a, President União Nacional Africana de Moçambique Independente (UNAMI)	A/AC.109/PET.59
Mr. Leo Milas, Frente da Libertação de Mozambique (FRELIMO)	A/AC.109/PET.60
Mozambican Officers—Deserters from the Portuguese Colonial Army	A/AC.109/PET.61
<i>The Cape Verde Archipelago</i>	
Miss Helena Silveira and others	A/AC.109/PET.123
<i>Portuguese Guinea</i>	
Mr. Benjamin Pinto-Bull, Union des ressortissants de la Guinée portuguaise	A/AC.109/PET.124

103. At its 128th meeting, on 12 March 1963, the Special Committee heard Mr. Carlos Gonçalves, representative of the National Front for the Liberation of Angola (FNLA).

104. Mr. Gonçalves thanked the Committee for its efforts to implement the Declaration on the granting of independence to colonial countries and peoples. He wished to remind members of the tragic situation of Angola. Day after day Angolans were perishing at the hands of the Portuguese colonialists. Of the hundreds of villages which had surrounded São Salvador, only four were left; the rest had been burnt down by soldiers and Portuguese *milicianos*, who at the same time had killed all those who had sought to escape. In the middle of every night there were raids on the villages; soldiers checked the number of members of each family; any additional members were killed. In the Ruiz district, according to *The Times* of London of 24 April 1962, ten villages were to be replaced by the Portuguese assassins now engaged in war. Refugees continued to pour into the Congo. Out of 3,000 Angolans from one village, only fifty had survived the Portuguese air force attack on their way to the Congo. The Portuguese had recently been harbouring mercenaries from Katanga who had landed in Angola with fourteen aircraft, all for possible use against the Angolan people. While the colonial repression was being intensified, Portugal persisted in its refusal to implement the recommendations adopted by the General Assembly. Portugal refused to end its colonial rule through the ways and means suggested by the United Nations, but appropriate ways and means must be found.

105. It was clear that Portugal could not maintain its colonialist régime and continue its war of extermination without the support of the countries of the North Atlantic Treaty Organization (NATO). Over 50,000 persons had been killed in Angola as a result of the constant bombings carried out by the Portuguese air force. Some of the Portuguese air force experts and military men had been trained in the United States, and a great many of the Portuguese aircraft were of United States and West German origin. Financial

grants had been made to Portugal, in the name of economic development plans, by France, the United States and West Germany. In the meantime, Portugal was making irresponsible grants for the exploitation of Angola's mineral wealth; that wealth was the cause of Portugal's determination to retain Angola at any price, regardless of the Angolan people's right to self-determination and independence. The financial assistance which Portugal received was used only for purposes of war. The military budget at the disposal of the new Governor-General had been increased despite the decline of the Portuguese economy early in 1962. Every form of support given to Portugal, in a situation which endangered world peace, should cease.

106. The FNLA, which united all national fighting forces and was responsible for the struggle for Angola's liberation, embodied the true aspirations of the Angolan masses and was determined to fight courageously to end Portuguese colonialism. The recent decisions taken by the Pan African Freedom Movement for East, Central and Southern Africa (PAFMECSA), to which FNLA belonged, were encouraging and offered an outstanding demonstration of African solidarity. The Congolese had made available to FNLA the military bases necessary for the training of its soldiers, while the Algerians had, from the very start of the struggle, provided military and technical assistance. He hoped that other Africans would follow that example, as an expression of their sympathy with the Angolans in their struggle for freedom.

107. On behalf of the Angolan people and of FNLA, he expressed his thanks for all the efforts already made by the African group and the Asian group to aid the peoples dominated by Portuguese colonialism. He also thanked those nations which would make the resolutions of the United Nations viable. He appealed to the member countries of NATO—Belgium, the United Kingdom, West Germany, France and the United States—to deny any form of help to Portugal. He asked the United States, in particular, to enforce the measures adopted by the Foreign Affairs Committee of the House of Representatives and reported in *The New York Times* on 9 June 1962, calling for the cessation of all further

assistance to Portugal because of its violation of the agreements not to use military equipment against Angola. He also appealed to the Portuguese Government to allow the Angolan problem to be solved peacefully, in accordance with the aspirations of the Angolan people to self-determination and independence.

108. The time had come for the United Nations, through the appropriate means, to face the tragic Angolan situation, Mr. Gonçalves concluded. The United Nations must accomplish its goal of being the defender of the fundamental right of peoples to decide their own future. He wished to make three concrete suggestions in that regard: first, the United Nations should enforce the last part of resolution 1819 (XVII), particularly paragraphs 6, 7 and 8; secondly, it should assist, through the specialized agencies, the 200,000 refugees now in the Congo; thirdly, it should require all mercenaries to be delivered to the United Nations immediately, together with their equipment.

General statements by members

109. The representative of Ethiopia said that in his delegation's view the Special Committee on Territories under Portuguese Administration had carried out its task admirably, despite lack of co-operation from the Portuguese Government. Notwithstanding the obligations which it had undertaken in signing the United Nations Charter, the Government of Portugal had consistently refused to comply with the provisions of the Charter and had shown utter contempt for the numerous General Assembly resolutions urging it to discharge those obligations.

110. All the members of the Committee were well aware that during some five centuries of Portuguese rule the indigenous inhabitants of that country's colonies had experienced nothing but indignities, racial discrimination, forced labour, ignorance, poverty and denial of civil and political rights. If any doubts remained about conditions in those territories, the report of the Special Committee on Territories under Portuguese Administration (A/5160) would dispel them. At a time when the vast majority of the peoples of former colonies were enjoying the fruits of freedom and independence from alien rule, and when the United Nations had decided to accelerate the tempo of emancipation of all the subjugated peoples, the attempt by Portugal to reverse the course of history in Africa was nothing less than a clear defiance of the United Nations. The findings of the Special Committee on Territories under Portuguese Administration constituted one of the most serious indictments that could be brought against Portugal. The Committee had concluded that "the most urgent step forward now for Portugal is to recognize the right of the peoples of the territories to independence" (A/5160, para. 442). If the events of 1961 in Angola had not sufficiently convinced Portugal that it could not indefinitely continue to maintain its power and authority over the peoples under its administration by the might of the sword, the situation now prevailing in Portuguese Guinea was yet another proof that a reign of terror brought its own destruction.

111. The Committee's recommendations fell somewhat short of indicating ways and means by which the General Assembly might give practical effect to the letter and spirit of resolution 1514 (XV). That being so, he recommended, first, that the Special Committee should establish contact with the Portuguese Government and inform it that it should, within a definite

period of time, put resolution 1514 (XV) into effect and, secondly, if the Portuguese Government refused to make a definite commitment to do so, the Special Committee should recommend that the Security Council should face its responsibilities and take whatever steps were necessary to compel Portugal to abide by that resolution. He would explain those two points further at a later stage of the debate.

112. The representative of the Soviet Union said that the Special Committee should consider the question of the situation in the territories under Portuguese administration in the light of resolution 1807 (XVII), which the General Assembly had adopted by an overwhelming majority after that situation had been studied in detail in various United Nations bodies. That resolution echoed the demands of the indigenous populations in the Portuguese territories that Portugal should immediately grant full independence to all its colonies.

113. Since the adoption of the resolution, the situation in all the territories under Portuguese administration had actually deteriorated and Portugal was proceeding even more relentlessly with its policy of war and mass repression of the inhabitants. Although the situation was explosive in all the territories, it was most alarming in so-called Portuguese Guinea, where in the summer of 1962 the Portuguese forces had carried out a cruel campaign of repression against the inhabitants. Between 15 June and 31 July 1962 the Portuguese authorities had arrested over 2,000 patriots from among the indigenous population; hundreds had been tortured and many had been killed. Mr. Amilcar Cabral, the General Secretary of the Partido Africano da Independência da Guiné e Cabo Verde, had told the Fourth Committee of the General Assembly in December 1962 (1420th meeting) that if the Portuguese Government did not change its policy and if the United Nations did not take immediate action, the indigenous inhabitants would have no choice but to continue the struggle to end colonial domination. In the hope, however, that the influence of the United Nations would prevail and that the Portuguese Government would heed the voice of reason Mr. Cabral had proposed that the problem should be solved by negotiation. The Portuguese Government had answered by new measures of repression. Its regular army, equipped with modern weapons, was fighting against an unarmed population, which had been driven by desperation to revolt. The scope of the military action of the Portuguese Government against the population of Portuguese Guinea was demonstrated by the reports published in Conakry that in January the Portuguese military forces had lost 130 men. On 26 February 1963, *The Christian Science Monitor* had reported that the Portuguese authorities had reopened the concentration camp at Tarrafal in the Cape Verde Islands. That camp having proved inadequate, a further camp had been opened on the island of Galinhas.

114. The question of Portuguese Guinea would have to be settled in the general context of the question of the other Portuguese colonies, where Portugal was pursuing the same policy. The Committee should realize that Portugal had no desire to change its policy and was doing everything possible to defend the régime established in its territories. In an interview given in December 1962 Mr. Salazar, the Prime Minister of Portugal, had said that Portugal would never agree to grant independence to its colonies and that it would not hesitate to use all its forces to sup-

press any uprising in Northern Angola or any other Portuguese territory.

115. In paragraph 7 of resolution 1807 (XVII), the General Assembly earnestly requested all States "to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the peoples of the Territories under Portuguese administration and, for this purpose, to take all measures to prevent the sale and supply of arms and military equipment to the Portuguese Government". That paragraph of the resolution was not being implemented. Portugal's NATO allies were supplying it with arms and troops. It had been reported that the Salazar Government had decided to remove its entire army from metropolitan Portugal because Spain had agreed to supply it with 20,000 troops for the maintenance of order in Portugal itself. In addition, Spaniards were serving in the Portuguese forces of repression and had been among the casualties in Portuguese Guinea in February 1963, as had been pointed out in the communiqué of the Comité de soutien à l'Angola et aux peuples des colonies portugaises, published in *Le Monde* on 1 March. On 29 December 1962 *The Philadelphia Inquirer* had reported that Portugal was trying to exploit the negotiations on the extension of the lease of the Azores for United States air and naval bases as a means of influencing United States foreign policy. Differences of opinion between the United States and Portugal had been smoothed over and the United States had refused to support General Assembly resolution aimed at Portugal. It had been reported in *The Christian Science Monitor* of 5 December 1962 that the Government of Lisbon was confident that in due course Washington would provide solid support for Portugal's position in Africa and that the official view was that in the end the United States would be grateful to Portugal for maintaining order in that part of Africa. Thus there was a direct link between the presence of United States military bases in Portuguese territories and Portugal's colonial war. That example showed once again that the existence of foreign military bases on their territory was a source of suffering for the peoples of all countries, and particularly for those of the newly independent countries.

116. Since the General Assembly resolutions concerning the territories under Portuguese administration were not being implemented, the only solution to the problem lay in intervention by the Security Council. Recourse to the Security Council would be in accordance with the demands of the indigenous inhabitants of the Portuguese colonies. African organizations and political parties had declared themselves in favour of the use of economic sanctions against Portugal, the exclusion of Portugal from membership of the United Nations and the severance of diplomatic relations with that country. Indeed, many States in Africa and Asia had already declared an economic and diplomatic boycott of Portugal. Ghana had closed its airfields to Portuguese aircraft and denied vessels in the Portuguese fleet access to its ports; Indonesia had recalled its Ambassador from Lisbon; and Senegal and Uganda had broken off all relations with Portugal.

117. In resolutions 1807 (XVII) and 1819 (XVII)—the Soviet Union representative concluded—the General Assembly had requested the Security Council to take appropriate measures to ensure the compliance of Portugal with its obligations as a Member State;

since all possible means of persuasion and moral pressure had been exhausted, the adoption of such measures should be postponed no longer. The United Nations should act in accordance with the Charter and the resolutions of the General Assembly; the sooner that was done, the better it would be for the people in the Portuguese colonies and, ultimately, for the people of Portugal.

118. The representative of Uruguay pointed out that there was a new factor, which the Special Committee should take into account in considering the situation in the territories under Portuguese administration. On 18 December 1962, at the 1196th plenary meeting of the General Assembly, the United States delegation had submitted a draft resolution proposing the appointment of two United Nations representatives, one for the purpose of gathering information on conditions in Angola and the other for the purpose of gathering information on conditions in Mozambique, in both cases including information on political, economic and social conditions, by visiting these two territories and such other places as they might deem necessary (A/L.420). At the same meeting the representative of Portugal had expressed his Government's agreement to that proposal and its readiness to co-operate with the representatives in question, who would be able to move freely throughout the territories under Portuguese administration and talk freely to anyone who might help them to accomplish their mission. Although the Portuguese delegation had expressed certain reservations regarding the proposal, in particular with respect to Portugal's interpretation of the United Nations Charter, and although the draft resolution had been withdrawn at the request of the Afro-Asian group (see A/PV.1201, paras. 16 and 22), the delegation of Uruguay thought that the proposal and its acceptance by the Government of Portugal had been of great importance.

119. He wondered whether it would not be possible for the Committee to obtain the acceptance of the Portuguese Government for a similar plan which, while rectifying certain points in the United States draft resolution, would be designed to achieve the same end, namely, a United Nations presence in the territories under Portuguese administration. It had always been the policy of the United Nations, in its efforts to achieve the liberation of colonial peoples, to establish a presence in the territory in question. A United Nations presence was a stimulus to those who were struggling for independence and a form of acceptance by those who were refusing to grant independence; it was a tangible expression of the efforts being made in the United Nations, in one resolution after another. It was true that up to the present the Portuguese Government had shown a complete lack of respect for the Committee and a total disregard of United Nations resolutions. It should be borne in mind, however, that the destiny and the right to freedom and justice of a large and suffering population were at stake and the Special Committee should not allow any extraneous considerations to deflect it from its duty. The advantages of a United Nations presence outweighed any possible disadvantages. If the Government of Portugal refused to allow the United Nations to establish a presence in its territories, that refusal would be added to its other misdemeanours but at least it could then be said that all possible methods of reason and persuasion had been tried before more extreme measures were resorted to.

120. The representative of Tanganyika recalled that Portugal had continually disregarded United Nations resolutions calling for the liberation of the Africans whom it had kept enslaved for centuries, and had stubbornly repeated its assertion that it had no colonies but only overseas provinces. Portugal did not accept the fundamental principles of self-determination and independence on which the Committee based its work. It was clear from the thorough and detailed information available to the United Nations that Portuguese colonial policy amounted to the perpetuation of the ruthless subjugation of people to foreign rule. It entailed the unrestrained use of force to suppress any manifestations of the normal desire for freedom. In Angola there had been a spontaneous uprising and a war of liberation had started. It was disturbing to learn that many of the mercenaries recently expelled by the United Nations from Katanga had been granted asylum in Angola by the Portuguese. It had recently been reported that another war of liberation had begun in so-called Portuguese Guinea. The Portuguese police had always waged a campaign of terror in Mozambique; many people with nationalistic leanings disappeared overnight and those who managed to escape described ruthless shootings and torture in prisons and labour camps. Many Africans from Mozambique had fled to Tanganyika and many people of Indian origin had passed through Tanganyika on their way from Mozambique to India.

121. After centuries of humiliation, the people living under Portuguese domination had taken up arms, as was always the case when peaceful methods failed. The American war of independence in the eighteenth century and the recent Algerian struggle were other examples of that process and proved that the opponents of colonialism always triumphed in the end. The present session of the Committee was probably Portugal's last chance to yield to reason and grant independence peacefully. The Special Committee should recommend specific measures to be adopted as a matter of urgency, to prevent Africa and the world from being plunged into a catastrophe. Portugal and its allies, especially those who supplied it with arms and enabled it to send troops to Africa by ensuring its defence under the NATO agreement, should realize that Africans were following the situation closely.

122. At the meeting of the Pan African Freedom Movement for East, Central and South Africa (PAFMECSA), held at Leopoldville in December 1962, strong concern had been voiced about the deteriorating situation in the Portuguese colonies and the following specific decisions and recommendations had been made, which the Special Committee should take into consideration: the Portuguese should withdraw their troops from Portuguese territories in Africa, release all political prisoners immediately and allow political parties to operate freely; PAFMECSA should request NATO countries not to supply arms to Portugal; States belonging to PAFMECSA should apply economic sanctions against Portugal and appeal to the United Nations to do the same; they should expel Portuguese nationals from their countries and request other African States to do the same, and all African countries should sever diplomatic relations with Portugal; PAFMECSA should immediately arrange to give financial and material aid to the freedom fighters in the Portuguese territories and to the refugees outside; PAFMECSA should arrange scholarships for

students from those territories in PAFMECSA countries and others; Angola, Mozambique and so-called Portuguese Guinea should be granted independence in 1963, in accordance with General Assembly resolution 1514 (XV), and if that was not done the African States should intervene.

123. Tanganyika fully endorsed those recommendations and had broken off diplomatic relations with Portugal in 1961. The Tanganyikan delegation would support the suggestion that the situation in the territories under Portuguese administration should be referred to the Security Council, in accordance with paragraph 8 of General Assembly resolution 1807 (XVII).

124. The representative of Cambodia said that he would not dwell on the deplorable situation in the territories under Portuguese administration but would try to express some constructive ideas which he hoped would assist the Committee to solve the difficult problems which faced it.

125. Despite the suggestions and recommendations submitted to the General Assembly by the Special Committee of Seventeen, and the conclusions of the Special Committee on Territories under Portuguese Administration and of the Sub-Committee on the Situation in Angola, there had been no change in the attitude of the Portuguese Government, which continued to maintain that the territories were overseas provinces of Portugal. There had been talk of reforms but it had not been clearly stated whether they would lead to the implementation of the principles of the United Nations Charter and be in accordance with the general view concerning the rights of the peoples concerned.

126. During the seventeenth session of the General Assembly the question had been debated at length in the Fourth Committee, which had heard statements by some sixty representatives and twelve petitioners. The question had therefore been amply discussed and there was no need to go over it again.

127. It was clear that in the opinion of those Member States that had voted in favour of General Assembly resolution 1514 (XV) some action must be taken. That was the purpose of General Assembly resolution 1807 (XVII), which had been adopted by a large majority on 14 December 1962. That resolution set forth the most appropriate ways and means of achieving the implementation of the Declaration on the granting of independence to colonial countries and peoples. In addition to the statement of principle set forth in paragraph 3, the resolution called for a number of steps to be taken by Portugal and by the States whose assistance had enabled it to continue its policy of repression in its territories. Moreover, paragraph 7 requested all States to refrain from offering the Portuguese Government any assistance and to take measures to prevent the sale and supply of arms and military equipment to the Portuguese Government. That might be a drastic step, but it would have the advantage of putting an end to a situation which constituted a threat to peace.

128. If the positive steps mentioned in General Assembly resolution 1807 (XVII) were taken, they could lead to the implementation of the Declaration. Two months had elapsed since the adoption of the resolution, however, and so far there had been no sign that it was being put into effect. The question therefore was what to do next.

129. In his delegation's view it was not essential for the Committee to adopt a fresh resolution. It might, however agree on the following provisional conclusions:

(a) That the Special Committee was convinced that the implementation of General Assembly resolution 1807 (XVII) would be a positive step towards the implementation of the Declaration in the territories concerned;

(b) That it was the duty of the Special Committee to ensure that the steps advocated in that resolution were taken into consideration by the countries concerned;

(c) That the Special Committee hoped that Portugal should show a better understanding of the situation and requested that country to comply with its obligations under Chapter XI of the Charter and the resolutions of the General Assembly concerning the territories under its administration;

(d) That if in a relatively short time the Portuguese Government had not agreed to implement resolution 1807 (XVII) and the previous resolutions of the General Assembly, the Special Committee was determined to lay the matter before the General Assembly and to inform the Security Council, so that appropriate steps might be taken to induce Portugal to fulfil its obligations as a Member State.

130. Those were mere suggestions. The attitude which he proposed the Committee should adopt might appear passive, but it was realistic and showed determination. Once the Committee had pronounced judgement, it would be for the Member States as a whole to take the necessary steps if Portugal once again failed to comply with a resolution of the General Assembly.

131. There had been talk of a United Nations presence in the territories. His delegation would have no objection to such a proposal, but it must be realized that before that proposal could be carried out Portugal must recognize that the territories in question were not overseas provinces and that their peoples were entitled to self-determination and independence. At the 1196th plenary meeting of the General Assembly, however, the Portuguese representative had stated that his country would agree to the appointment of two United Nations representatives to visit Angola and Mozambique, subject to the reservation that his Government did not consider Article 73 of the Charter to apply to the Portuguese overseas provinces.

132. The attitude to be adopted by the Committee would relate to all the territories at present administered by Portugal. Thus his proposals applied equally to Angola, Mozambique and Portuguese Guinea.

133. The question had two aspects—the political aspect and, so to speak, the military aspect, the representative of Cambodia continued. If Portugal would agree to grant the people the right to self-determination and independence, the disturbances would automatically come to an end.

134. The United Nations had decided by an overwhelming majority that the peoples were entitled freely to choose their own destiny; that right should not be refused them. Portugal must understand that fundamental truth, but he still hoped that its goodwill and understanding would be forthcoming.

135. The representative of Mali said that his delegation had frequently defined its position with regard to Portugal's colonialist policy in its African territories and had deplored Portugal's refusal to comply with the provisions of Chapter XI of the United Nations Charter

and the Declaration on the granting of independence to colonial countries and peoples.

136. The report of the Special Committee on Territories under Portuguese Administration (A/5160) provided abundant information about the wretched living conditions of the people under Portuguese domination in Africa. Portugal had remained deaf to all the appeals of the United Nations and was continuing its policy of forcible assimilation. In the meantime tension was growing in all the territories under Portuguese domination. In response to the conclusions of the Special Committee, Portugal had intensified the repressive character of its colonial policy and had launched a war on the Algerian model in Angola, and again recently in so-called Portuguese Guinea. At the same time the Salazar Government was appealing for the investment of foreign capital in Angola, some of the profits realized being used for the purchase of war material. It should be noted that almost all the shares in the trust which had a monopoly for the mining of and trade in diamonds from Angola belonged to the Union minière du Haut-Katanga, the Morgan Bank, the Oppenheimer and Guggenheim groups and above all to the Anglo American Corporation of South Africa. Oil production was in the hands of Petrofina, a Belgian company, and the Chase National Bank. The political counterpart of those international monopolies was the "Unholy Alliance" of Salazar, Welensky and Verwoerd. Moreover, the Salazar Government was pleading with its NATO allies to come to its help.

137. Despite all those reactionary manoeuvres, the nationalist movement was daily gaining strength. All the independent African countries were urging the Portuguese Government to put an end to the war in Angola forthwith and to grant political independence to all the Portuguese colonies, in accordance with General Assembly resolution 1514 (XV). The reply of the Portuguese Government to the appeal of the African States and the United Nations had been to start a new war in so-called Portuguese Guinea. Since 15 June 1962 over 3,000 people had been imprisoned and hundreds had been sent to concentration camps. Recently over 130 Portuguese soldiers had been killed during a skirmish with the nationalists of so-called Portuguese Guinea. In addition, fourteen soldiers or mercenaries had been killed in February in the course of incidents provoked by the criminal methods employed by the Portuguese colonialists. At the same time the indigenous people of the Territory were suffering from a chronic famine.

138. All those facts constituted a serious threat to international peace and security and called for an immediate and radical solution, which in his delegation's view could only be the granting of independence to the peoples of Angola, Mozambique, so-called Portuguese Guinea and the other territories under Portuguese domination. The Portuguese Government should realize that fact and agree to co-operate loyally with the United Nations. As proof of its willingness to co-operate the Portuguese Government should consent to the visit of a delegation of the Committee of Twenty-Four, first to Lisbon to discuss matters with the Portuguese authorities and subsequently to Angola, Mozambique, so-called Portuguese Guinea and other territories under Portuguese domination. The visit should take place in the context of the search for ways and means of ensuring the early application of General Assembly resolution 1514 (XV) to the Portuguese

territories. His delegation considered that the Committee should take its final decision regarding the Portuguese territories after considering all the efforts that had been made to get in touch with the Portuguese Government with a view to the implementation of resolution 1514 (XV) and the other relevant resolutions adopted by the General Assembly and other United Nations bodies.

139. For the time being his delegation would confine itself to that preliminary suggestion, reserving the right to submit other proposals in due course.

140. Portugal must understand that the time had gone by when the domination of one people over others could be tolerated and that co-operation between independent States was the order of the day.

141. The representative of Iran said that, in view of the serious and dangerous situation created by the stubborn and incomprehensible attitude of the administering Powers, his delegation considered the Portuguese colonies, South West Africa and Southern Rhodesia to be in a class by themselves among the colonized territories covered by the Declaration set out in General Assembly resolution 1514 (XV).

142. A wealth of documentation concerning Angola and the other Portuguese colonies in Africa had been assembled over the past few years by the Fourth Committee, the Security Council and various special committees and sub-committees. In addition the activities of nationalist movements in the territories under Portuguese administration received daily coverage in the international Press. Those various sources of information revealed that, after five centuries of colonization, the territories under Portuguese administration were among the most under-privileged in the world, their African inhabitants were the victims of a thinly disguised form of slavery, in flagrant violation of the principles of the Charter and of the Universal Declaration of Human Rights, and the nationalist movements in those countries were being consistently kept down by force.

143. Resolutions 1807 (XVII) and 1819 (XVII), in which the General Assembly had recommended a series of practical and urgent measures designed to apply the Declaration set out in resolution 1514 (XV) to the Portuguese colonies, without delay, and in which the Assembly had once again urged the Government of Portugal to reconsider its attitude and to co-operate with the United Nations, had gone unheeded. Portugal persisted in asserting that there could be no change in its relationship with its territories, and completely disregarded the legitimate aspirations of the indigenous peoples. In the circumstances it would appear that the only possible course of action open to the United Nations was to refer the matter to the Security Council. Nevertheless, his delegation, like those of Uruguay and Mali, considered that before such drastic action was taken the Committee might try once again to persuade the Portuguese Government to come to terms with present-day realities, and with the anxieties of the international community, and agree to co-operate with the Committee in its efforts to complete the task entrusted to it by the General Assembly.

144. The Committee might perhaps send the Lisbon Government a letter to that effect, drawing its attention to the gravity of the situation and to the dire consequences that would soon be apparent if it persisted in its present attitude, and asking it to co-operate in

implementing the Declaration. If Portugal failed to respond favourably to that request within a given period, the Committee might then refer the case to the Security Council. His delegation sincerely hoped that such an approach would be favourably received by Portugal and that the peoples of the Portuguese colonies would be able to attain independence in peace and harmony.

145. The representative of Tunisia recalled that his delegation had had occasion a few months previously to state its position on the various questions relating to the Portuguese territories. There had been few political developments since that time. However, the fact that the so-called Portuguese Guinea had now reached the stage of armed struggle, three years after Angola, was of the first importance to the Committee's discussions and to any action which the United Nations might take.

146. At the same time the war was continuing in Angola, the Angola patriots were increasingly successful in adapting their tactics to local conditions and the struggle was now being waged on a united front. In view of the vast conspiracy of silence which seemed to surround the Angolan war, his delegation felt called upon to stress the importance of giving the Angolan question all the attention it deserved as a situation so menacing to peace and security in that part of Africa. Furthermore, although the Angolan patriots were short of weapons, the same could not, unfortunately, be said of the forces of repression, which enjoyed the support of the greatest military grouping of all time.

147. His delegation did not think the Committee could change such a grave situation merely by adopting another resolution, and it had therefore been very interested in the constructive proposals made, in particular, by the delegations of Uruguay, Cambodia and Mali. It was convinced that the time had come to make contact with the Portuguese authorities in some way. It might be useful to take up, in the context of resolution 1514 (XV) and of the Committee's work, the idea referred to by the Uruguayan representative and put forward by the United States delegation at the last session of the General Assembly (see para. 118 above). His delegation also agreed with the Cambodian representative that it would be wise for the Portuguese Government to begin by recognizing the right of the peoples of its territories to self-determination.

148. In any event, he thought it important to show adaptability in seeking to establish some contact with the Portuguese authorities to tell the Portuguese Government again to cease all repression of the African peoples, and to call once more upon Portugal's allies to put an end to their military assistance to that country.

149. With regard to the Committee's recommendations to the General Assembly, his delegation considered that it would be desirable first to study whatever statements were made by the petitioners, to take into account any developments occurring before the eighteenth session of the General Assembly, and to await the Portuguese Government's reaction to such proposals as the Committee might decide to make.

150. It was to be hoped that the Portuguese Government would not hold aloof from sober and constructive contact designed to put an end to all armed action against the peoples and to permit the complete fulfilment of their aspirations to self-determination and independence.

151. The representative of Poland recalled that in recent years questions relating to the Portuguese colonies had frequently been before the United Nations, which had been endeavouring to induce the Portuguese Government to comply with its obligations under the Charter and to co-operate in the application of United Nations resolutions. Many countries, particularly those of Africa and Asia, had appealed to the allies and friends of Portugal to prevail upon it to abide by the principles of the Charter and the provisions of the Declaration on the granting of independence to colonial countries and peoples.

152. Portugal, however, had persisted in its defiant attitude and continued to deprive the indigenous inhabitants of its territories of their human rights and to deny their legitimate aspirations for freedom and independence. While a great part of Africa had cast off the colonial yoke and emerged as a positive force for peace and co-operation among nations, the indigenous inhabitants of the Portuguese colonies were still being oppressed, exploited and enslaved.

153. Despite Portugal's negative attitude, the United Nations had succeeded in collecting information on conditions in the territories under Portuguese administration and in focusing world public opinion on the grave situation prevailing there. The Special Committee on Territories under Portuguese Administration, in particular, had prepared a detailed and circumstantial report showing that the situation in the Portuguese colonies could be attributed to the fact that Portugal still considered them integral parts of its national territory and completely disregarded the aspirations of the indigenous peoples. The evidence gathered by the United Nations proved that the two main factors responsible for the atmosphere of tension prevailing in the Portuguese colonies were, first, the deep dissatisfaction of the indigenous inhabitants with political, economic, social and educational conditions, and, second, Portugal's determination to suppress by force any political activity among the people.

154. Faced with the strong reaction of world opinion, Portugal had attempted to deceive the United Nations by proclaiming some reforms which failed to meet the basic aspirations of the people. One such reform, according to the Portuguese Government, had taken the form of legislative proposals, on the Overseas Council's advice, to decentralize the internal administration of the overseas territories and give them fuller representation in Parliament. Those proposals, if implemented, would go some way to meet the demands of the European elements in Angola and Mozambique but would make no change in the constitutional status of the territories under Portuguese administration, which Lisbon still regarded as integral parts of the European metropolitan Power.

155. The purpose of the reforms was to give the non-African elements greater freedom of action so that they could take over political power when Portugal was ultimately forced to accede to the indigenous inhabitants' demands for self-determination and independence. The efforts for decentralization and the influx of settlers were designed to turn the Portuguese colonies into countries of the Southern Rhodesian or South African type. Mr. Holden Roberto had said that the south of Angola was almost entirely in the hands of the settlers and that the Portuguese were in the process of creating a terrorist racial organization, comparable to the former Secret Army Organization (OAS) in Algeria, with the

apparent aim of partitioning the country so that its southern part, which had the most settlers and was the most fertile, would remain in non-African hands. It was no wonder, therefore, that the Portuguese authorities had granted refuge to many mercenaries recently expelled from Katanga.

156. Portugal has undertaken no significant political reforms, had not consulted the indigenous population, and had established no political institutions whose members, as required by the Declaration on the granting of independence to colonial countries and peoples were freely elected with a view to the transfer of power to the people. Portugal's policy had created a very grave situation, which constituted a serious threat to international peace and security, and in which Portugal's allies, by continuing to supply it with weapons that were used for the suppression of nationalist movements, bore a particular responsibility. In that connexion, the Special Committee on Territories under Portuguese Administration had assembled irrefutable facts showing the direct complicity of the Powers of the North Atlantic Treaty Organization (NATO), in the colonial war waged by Portugal in Angola.

157. Several months had elapsed since the adoption of General Assembly resolution 1807 (XVII), which represented a further effort to make Portugal listen to reason. That country, however, had merely intensified its repressive measures in Portuguese Guinea and elsewhere, and the Press had reported the recent disturbances and bloodshed in Portuguese Guinea. Thus the situation in the Portuguese territories had deteriorated.

158. His delegation sympathized with the impatience of the representatives of African countries for rapid action to end Portuguese colonialism in 1963. The question was what the Special Committee could do to assist the indigenous populations of the Portuguese colonies who had placed their trust and hope in the United Nations. In his delegation's view, the most appropriate measure would be to bring the problem of the Portuguese colonies before the Security Council in accordance with resolutions 1807 (XVII) and 1819 (XVII) of the General Assembly. All the resources of moral pressure and persuasion had been exhausted, and the time had come to implement the Assembly's decisions. The problem was no longer one of information but one of action, and his delegation would support a draft resolution to that end. However, if the Committee preferred to make one last effort to enlist Portugal's co-operation in giving effect to the Declaration on the granting of independence, his delegation would not oppose the idea of sending a visiting mission of the Committee to Lisbon and to the African territories under Portuguese administration, provided that it did not delay recourse to the Security Council indefinitely, for time was a vital factor. The decision to bring the matter before the Council might be postponed until a specific date—say 25 March 1963—pending a reply from Portugal on the question of sending a visiting mission.

159. The representative of Sierra Leone said that in his delegation's opinion the situation in the territories under Portuguese administration had continued to deteriorate and was now most alarming. After Angola, it was now the turn of Portuguese Guinea, and there were disturbing reports from Mozambique. Everything pointed to the fact that Portugal had committed itself to a policy of suppression, intimidation, mass murder and denial of the legitimate rights of the in-

digenous inhabitants, in defiance of the Charter and General Assembly resolutions. The General Assembly, in its resolution 1807 (XVII), had requested the Special Committee to give priority to an examination of the situation in the territories under Portuguese administration.

160. The Special Committee on Territories under Portuguese Administration had already submitted a report (A/5160) drawing attention to the serious plight of the inhabitants of those territories and to the atmosphere of insecurity pervading their lives. It was clear that those peoples were determined to fight for their liberation, and that that was the proper attitude for them to take.

161. Contacts between the United Nations and Portugal had been proposed with a view to establishing, if possible, better conditions for the peoples concerned. There was little reason to count on Portuguese co-operation, but his delegation would support any proposal that gave Portugal a chance to withdraw from its position with some dignity. That country, which in the past had done much for civilization, should make a gesture of goodwill. It should offer specific proposals as to how it could best co-operate with the United Nations. At the General Assembly's seventeenth session, the United States had proposed that a rapporteur should be sent to the Portuguese territories. At the time many delegations had viewed that proposal with disfavour because it had followed a resolution covering all the important points. Many delegations, including that of Sierra Leone, had felt that the spirit of co-operation invited by the United States proposal could well have been exhibited by the Portuguese even under the terms of resolution 1807 (XVII). However, in December 1962 Mr. Salazar had categorically stated that he would never agree to the idea of independence for Portuguese colonies and that Portugal would without hesitation throw all its forces into the task of repression.

162. There had been justifiable speculation as to what role Portugal's allies had been playing behind the scenes. It had been a sorry role, especially since many of those allies had publicly protested against Portuguese policy. His delegation appealed to them in the spirit of resolution 1807 (XVII), which earnestly requested all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression, and to take all measures to prevent the sale and supply of arms to the Portuguese Government.

163. The effectiveness of the United Nations as a moral force was at stake in the matter of the Portuguese territories. His delegation therefore suggested that the Special Committee should establish a sub-committee, or authorize the existing Working Group, to open direct discussions with the Portuguese Government. One or the other of those bodies could make a thorough study of any suggestions which Portugal might make for co-operation in the implementation of the General Assembly resolutions. If that method failed, his delegation considered that the matter should be taken up by the Security Council, in accordance with General Assembly resolution 1807 (XVII). No one could deny that peace was threatened by Portuguese colonialism in Africa. However, his delegation would be willing to consider any other suggestions likely to bring an end to Portuguese domination in the territories in question.

164. The representative of Iraq said that the General Assembly had been dealing with the problem under consideration for more than six years, but had made no progress. As the Secretary-General had said in a recent speech before the Economic Club of New York, the drive towards independence was an irreversible process. It was the duty of the United Nations to speed up that process, and nowhere was that task more urgent than in the Portuguese territories. The facts, which had already been set forth on many occasions, were unchallengeable. The territories in question were the most backward on the whole African continent, and the reforms introduced recently were entirely inadequate. In any case, the problem could no longer be solved by reforms, however far-reaching they might be. It was not necessary to refute the spurious legal contentions put forward by Portugal. It was sufficient to say that Portuguese policy sought, or pretended to seek, a goal that was both unattainable and basically unacceptable, namely, to absorb an African population into a Western culture. But Portugal was trying to hold an untenable position through oppression and violence.

165. In such circumstances, the task of the Committee was to initiate measures and propose them to the Portuguese Government, as well as to the General Assembly and the Security Council, if necessary, to secure the implementation of the Declaration on the granting of independence to colonial countries and peoples. The General Assembly had already proposed immediate measures, which had so far been completely ignored by Portugal, and the Committee would therefore be fully justified in seeking drastic or even coercive action by the appropriate organs of the United Nations. The reply from the Portuguese Government which the Secretary had read at the beginning of the meeting provided yet another example of the Portuguese attitude of defiance. However, the problem involved the fate of millions of people, and the Committee should not allow itself to be discouraged. It might therefore be advisable to make one more effort, perhaps the last, to establish contact with the Government of Portugal.

166. As far as the form of actual timing of such contact was concerned, that could be decided by agreement between representatives of the Committee and representatives of the Portuguese Government. It was hard to say whether such contact should take place in New York, Lisbon or Africa. Considerable flexibility of approach might be necessary in the matter; moreover, the delegation of Iraq felt that contact might also usefully be established with Portugal's allies at the earliest possible moment, with a view to enlisting their support for whatever initiative the Committee might decide upon. Their co-operation was particularly important for the implementation of the resolutions of the General Assembly calling for the denial to Portugal of any assistance which might be used by it in its colonial war.

167. If direct contact with the Portuguese Government failed to achieve the desired results, then the delegation of Iraq agreed with the representative of Ethiopia that the attention of the Security Council should be drawn to the matter and that a resolution should be adopted by the Committee in which certain measures—including, if necessary, diplomatic and economic sanctions—might be proposed.

168. The representative of Italy said that the Special Committee could not afford to submit to the next session of the General Assembly a report indicating that no progress had been made in the territories administered

by Portugal and that no change was in sight in the future. The members of the Committee should not rest until all practical methods had been exhausted. Their first task must be to make a preliminary choice: in other words, to decide what means to use in order to achieve the goal. The category of means represented by verbal instruments, such as declarations, statements of principle, appeals and, to a certain extent, resolutions, should be dismissed from consideration, for as far as the Portuguese territories were concerned the time for resolutions was over: their effect had proved to be extremely limited. The delegation of Italy felt, likewise, that measures such as the breaking-off of diplomatic relations with Portugal, the expulsion of Portuguese citizens or firms from the territory of Member States, and embargoes on Portuguese trade also fell, to a large extent, within the category of verbal measures. No pressure, no threats, no friendly advice could induce an obstinate country to change its policy. Nor did the delegation of Italy think that the Committee should contemplate a solution to the problem of the Portuguese territories by means of a revolution of their indigenous populations; that would represent a flagrant denial of all human solidarity, and would be tantamount to admitting the complete failure of the United Nations in a field in which it had hitherto made great contributions to the peaceful development of political relationships among the peoples of the world. All efforts should therefore be directed to finding a new way of solving the problem.

169. In the course of the seventeenth session of the General Assembly, something which was highly encouraging had occurred, namely, the move to establish a United Nations presence in Angola and Mozambique, which had received substantial support, and the delegation of Italy, like the representative of Uruguay, considered to be a brave attempt in the right direction. The Italian delegation was deeply convinced that the Portuguese authorities would before long realize that their present colonial policy was not in their best interests, that their attitude of non-co-operation with the United Nations could not be maintained, and that when the time came to redefine the relationship between two peoples, a system of freely adopted co-operation was preferable to a régime based on domination on one side and servitude on the other.

170. It was probable that on the conclusion of the general debate the members of the Committee would not yet have agreed on the action to be taken with respect to the Portuguese territories. It would then be best not to decide on hasty action which might later prove inadequate, but to take several days or weeks to think over the various ideas which had emerged during the debate.

171. The representative of Madagascar said that he had no intention of going yet again over the sad history of the Portuguese colonial policy, which consisted of clinging desperately to outmoded and indefensible formulas. The abrogation in 1951 of the Colonial Act of 1930 had not brought about any of the changes to be desired in the territories administered by Portugal. The attempt at assimilation was a clumsy manoeuvre aimed at stifling the claims of the peoples of those territories for independence and at enabling Portugal to interpret Chapter XI of the United Nations Charter as it wished and to refuse to co-operate with the United Nations. The Declaration contained in resolution 1514 (XV) had been ignored, as had resolution

1807 (XVII). At a time when the situation in Portuguese Guinea was getting worse, Portugal was proclaiming that harmony reigned in the Portuguese territories and the press release of 4 March 1963 which had been sent to all the permanent missions to the United Nations by the Permanent Mission of Portugal to the United Nations drew attention to that re-established harmony. If that was really the situation, then why was Portugal allowing only two journalists to visit Mozambique, and why did not it extend permission to visit Mozambique to a delegation from the Special Committee?

172. Such a delegation would mark the presence of the United Nations in the territories administered by Portugal and the co-operation of Portugal with the Organization. He hoped that Portugal would make a decisive move by accepting a delegation nominated by the Committee. The delegation of Madagascar thought that only Portugal's agreement to co-operate would really make it possible to find the concrete measures which the General Assembly had asked the Committee to formulate. The aspirations and claims of the peoples of the territories administered by Portugal were legitimate; it was unthinkable that the peoples of Angola, Mozambique, Portuguese Guinea and the other Portuguese territories should remain in bondage at a time when other African nations were achieving their independence. Portugal must therefore, as General Assembly resolution 1807 (XVII) required, undertake negotiations, on the basis of recognition of the right to self-determination, with the qualified representatives of the political parties inside or outside the territories with the aim of transferring power to representative, freely-elected political institutions, in accordance with resolution 1514 (XV). He concluded his statement with a quotation from a book entitled *White Man's Future in Black Africa*, by Thomas Patrick Melady,³⁰ who had referred to the disasters which could befall the Portuguese if the movement of the Portuguese territories towards independence did not take place in an atmosphere of understanding.

173. The representative of Yugoslavia recalled that during the past few years the United Nations had accorded special attention to the question of Portuguese colonies and had been obliged to take a number of steps because of the negative attitude of Portugal and its refusal to co-operate. In 1961 three separate bodies had examined the situation in the Portuguese territories and had submitted reports to the General Assembly, which had adopted resolutions submitted by various delegations, including the Yugoslav delegation. There was thus no need to discuss in detail the position of the peoples of those territories.

174. Since the most recent debate on the subject in the General Assembly, there had been no change in the attitude or the policy of Portugal, whose basic characteristics were: first, that Portugal clung to the legal fiction that its colonies were overseas provinces; secondly, that it did not accept any obligation under Chapter XI of the Charter and refused to co-operate with the United Nations in that field; thirdly, that it had not complied with any of the resolutions of the General Assembly or the Security Council; lastly, that it was determined to use all means—and primarily force and oppression—to suppress any movement of the African population for independence. In a word, Portugal

³⁰ T. P. Melady, *White Man's Future in Black Africa* (New York, Macfadden, 1962).

was the only colonial Power which had not liberated any of its colonies and which persistently refused even to consider doing so.

175. That being so, it would be natural for the Special Committee to refer the matter to the Security Council, as requested by General Assembly resolution 1807 (XVII). The Yugoslav delegation could not see any improvement in the attitude and policy of Portugal and doubted Portugal's readiness and ability to adapt its policy to reality. It was ready, however, to support the suggestions made by the delegations of Ethiopia and Mali and to attempt once more to establish contact with the Portuguese Government. The only aim of such contacts and the exchange of views to which they might lead would be the implementation of the Declaration on the granting of independence to colonial countries and peoples, since the Committee's terms of reference were not to gather information but to propose concrete measures that would accelerate the liberation of the colonial peoples.

176. In conclusion he observed that the abandonment by Portugal of the legal fiction of the "overseas provinces" and a manifestation of readiness to cooperate with the United Nations for the purpose of implementing the Declaration were preconditions for the success of any contacts between the Committee and the Government of Portugal.

177. The representative of Venezuela said that he would not dwell upon the facts relating to the question before the Committee, since they had been discussed at length by the Committee and other bodies. Venezuela's position was that the Declaration on the granting of independence should be applied to all colonial territories which still had that status, and hence to the African territories under Portuguese administration. His delegation could not accept the theory that the Portuguese colonies were an integral part of the metropolitan country; moreover, the General Assembly had settled that question in its resolution 1541 (XV).

178. The Committee must carry out the task expressly entrusted to it in General Assembly resolution 1810 (XVII), namely, to continue to seek the most suitable ways and means for the speedy and total application of the Declaration to all territories which had not yet attained independence and to propose specific measures for the complete application of the Declaration. The situation in the territories under Portuguese administration had not changed since the General Assembly had examined the Committee's last report. Despite the links between Portugal and Venezuela, Venezuela's attitude had not changed: the colonial system must disappear wherever it still existed and whatever the Power by which it was imposed.

179. In order to carry out its task the Committee must resort to every means at its disposal. It could use diplomatic channels or, as the representative of Mali had said, could try to find means of reaching a friendly agreement. The delegation of Venezuela hoped that other delegations would endorse the suggestions made by the representatives of Uruguay to the effect that the next step should be a friendly approach to Portugal with a view to sending a mission to Lisbon for the purpose of entering into conversations and subsequently visiting the territories concerned. The delegation of Venezuela hoped that the co-operation of the Portuguese Government would be forthcoming.

180. The representative of Bulgaria emphasized that the Committee had given priority to the territories

under Portuguese administration because developments in those territories had become a matter of international concern. The Portuguese Government continued to disregard the aspirations for immediate independence expressed by the peoples of the territories and indeed was simply intensifying its oppressive measures. As was stated in paragraph 405 of the report of the Special Committee on Territories under Portuguese Administration (A/5160), an atmosphere of tension and insecurity pervaded the daily lives of the indigenous inhabitants, the two main reasons for which were a deep and general feeling of dissatisfaction and Portugal's determination to suppress by force all arms or manifestations of political awareness displayed by the people. The Special Committee on Territories under Portuguese Administration had also noted (*ibid.*, para. 406) that the basic dissatisfaction of the people arose from the essentially colonial relationship the territories had with Portugal, that by imposing Portuguese culture and citizenship on the people Portugal was denying them opportunities for the fulfilment of their own aspirations, and that without a change of attitude on the part of Portugal there could be no peaceful or permanent solution.

181. Portugal, however, stubbornly maintained its claim that its colonies were Portuguese provinces. That was the kernel of the problem and the danger lay in Portugal's insistence that there could be no change in its relationship with its colonies. The Portuguese Government replied to the growing struggle of the people by large-scale military action and violent repressive measures. Fresh troops were constantly being sent to the colonies, and thousands of settlers had been organized into civilian militia corps which were taking part in the fight against guerrilla units of the African population. Military supplies from the NATO countries were continually flowing into the territories under Portuguese administration. Nevertheless the national liberation movement was stronger than ever. Portugal's attitude had created a situation which represented a threat to international peace and security and it was the Committee's duty to act accordingly.

182. General Assembly resolution 1807 (XVII) noted with deep concern that the policy and acts of the Portuguese Government with regard to the territories under its administration had created a situation which constituted a serious threat to international peace and security and it urged the Portuguese Government to give effect to the recommendations in the report of the Special Committee on Territories under Portuguese Administration. Portugal had not, however, taken any of the five steps set forth in that resolution. Indeed, the situation in almost all the Portuguese colonies, far from improving, was becoming more and more explosive. The Bulgarian delegation considered that in the circumstances the Committee had no choice but to comply with paragraph 8 of the resolution and to request the Security Council to examine the question and to take appropriate measures to secure the compliance of Portugal with the decisions of the General Assembly. At the same time the Committee might request the Portuguese Government to allow a visiting mission to enter the Portuguese territories in Africa, and it should be asked to reply as soon as possible.

183. The Bulgarian delegation considered that the appeals for patience made by certain delegations were unjustified, in view of the fact that for some six years the efforts made by the United Nations to induce the

Portuguese Government to change its policy towards its colonies had produced no results. The Committee should be guided not by the wishes of the Portuguese Government but by the decisions of the General Assembly and by concern for the fate of the millions of people suffering under Portuguese colonial oppression.

184. Lastly, he expressed his delegation's concern that operative paragraph 7 of resolution 1807 (XVII) was not being implemented. Portugal was being supplied with arms in great quantities by its allies. The Committee should make recommendations on the subject with a view to securing the effective implementation of that paragraph.

185. The representative of the United States of America said that mankind stood at one of the crossroads of history and that a change was beginning to appear in the world, after centuries of suffering. The Committee could not simply be a passive witness to that great historical wave, but should endeavour in some measure to channel the peoples' aspirations to freedom by enabling them to exercise self-determination. The Committee's task was to help bring the colonial era to a peaceful end and to replace the paternalism of the past with political relationships based on consent. The United Nations had done much towards accelerating the pace of decolonization during the past decade, and he was happy to be working in the Committee with the representatives of countries which had emerged from colonialism to independence under United Nations auspices.

186. The Committee could make a most constructive contribution to the course of history by actively seeking, in a spirit of co-operation and pragmatism, to utilize the tools of diplomacy in the search for practical solutions to specific problems. In order to achieve that end, the Committee should, above all, avoid entanglement in the cold war, for the problems of the colonial peoples were already sufficiently complicated without their difficulties being compounded by extraneous ideological considerations. The United States delegation intended to avoid polemics uttered purely for political advantage and would co-operate with the Committee in working for constructive and timely progress by the means envisaged and permitted by the United Nations Charter. Towards that objective the United States would co-operate with the Committee and other United Nations bodies. But it could not countenance or support interventionist or expansionist aspirations or predatory attacks by one State against the territory of another in the name of self-determination.

187. With respect to the subject immediately before the Committee, he did not propose to dwell on the conditions prevailing in the various territories under Portuguese administration but would merely restate the principles which underlay his delegation's position towards those territories.

188. First, the General Assembly had found that the territories in question were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter and that it was therefore incumbent on the administering Power to submit information on those territories; the United States delegation had therefore called upon Portugal to co-operate with the United Nations in the consideration of those reports. Secondly, the United States delegation, convinced that the principle of self-determination was applicable to all the territories of concern to the Committee, had continuously supported the measures envisaged since the Security

Council had first considered the question of Angola and had called upon Portugal to recognize that principle and to accelerate the pace of the political, economic and social advancement of the inhabitants of the Portuguese territories. Thirdly, the United States delegation was of the opinion that the United Nations and the Committee should pursue their efforts along the creative paths of peace, difficult though they often seemed, for it was convinced that the Committee would not draw nearer to the desired results by abandoning the means of diplomacy in favour of methods of coercion. Lastly, the United States delegation, from the beginning, had been convinced that the United Nations, which was dedicated to peace and justice, could play a useful and constructive role for the benefit of the people in the Portuguese territories; it had accordingly endeavoured to use the United Nations machinery in a constructive sense in order to achieve progress towards peaceful and just solutions.

189. Because of its long friendship with Portugal, the United States Government had been unstinting in its efforts to help to achieve the basic objective underlying the United Nations resolutions on the Portuguese territories, that of self-determination. When United Nations machinery had been established to deal with some aspects of that principle, the United States had suggested ways in which the Government of Portugal could offer its co-operation. Thus, after protracted consultations with Portugal, the United States had proposed that United Nations representatives should be sent to Angola and Mozambique to report back to the United Nations on conditions in those territories. Portugal had been prepared to co-operate with those representatives. That proposal, if adopted, would have enabled United Nations representatives to pay their first official visit to the Portuguese territories and that could have been a significant step towards a peaceful settlement. The United States had finally decided not to press its proposal to a vote, since several delegations had made it known that they were not prepared to accept the draft resolution without amendments which would have prevented its application. Nevertheless, the progress which that proposal had represented should not be simply abandoned. Undoubtedly other means could be devised, but the Committee should try to take decisions which could be carried out rather than choose solutions which, while perhaps more ideal, were impracticable.

190. The United States delegation was convinced that renewed efforts along the lines of a United Nations representative or any other practical proposal, would offer a better chance of progress than extreme measures. In his view, it was only by tenacious and realistic perseverance towards peaceful settlement that the Committee would contribute to the well-being and the political freedom of the people in the territories under Portuguese administration.

191. The representative of the Ivory Coast observed that, already in other bodies, his delegation had denounced the Portuguese Government's absurd colonial policy and shown that its legal basis was fallacious. The policy of assimilation was doomed to failure; in fact, it had led to no positive results in the countries where the experiment had been tried. Portugal had taken no steps to emancipate the peoples of the territories under its sway and had thus eliminated even the most remote possibility of success. The timid reforms of 1961 had brought about no change in the

situation of those peoples. The time had come when Portugal must realize that the era of domination of one people by another was over and that henceforth relationships between peoples would be based on friendship and free and equal co-operation. Portugal must reconsider its position and lead its territories peacefully to independence, as had been emphasized by the President of the Republic of the Ivory Coast on 15 January 1962 in speaking before that country's National Assembly.

192. The problem of the total liberation of Africa would be one of the chief concerns of African Heads of State at their next meeting. If Portugal was relying on the division of Africa into groups to perpetuate its domination, it was making a great mistake, since African solidarity could not fail to come into play. Portugal must profit by the lessons of recent history, which had shown the futility of colonial wars and the inevitability of the victory of nationalism, and take the necessary steps to establish conditions which would enable its territories to achieve complete independence. Portugal should enter into negotiations with the representatives of its territories with a view to the achievement of self-government and independence and the transfer of the powers it held to freely-elected institutions.

193. In the absence of voluntary action by Portugal, various steps should be taken. The first would be for the countries friendly to Portugal to refuse to supply it with arms, since Portugal was using them in one way or another to perpetuate its domination. The second, which had been proposed by the representative of Uruguay, was to establish conditions which would enable conversations to be held between the United Nations and Portugal on the subject of the future of the territories, and between Portugal and the representatives of the territories under its administration. The Committee should therefore repeat the proposal (A/L.420) made by the United States during the seventeenth session of the General Assembly that two delegations should be sent, one to Angola and one to Mozambique, but he thought that such a mission should be extended to all the Portuguese territories. The mission would study political, economic and social conditions in the territories and the aspirations of their peoples. The members of the mission should be appointed by the Chairman of the Committee, in consultation with the President of the General Assembly and all delegations, including that of Portugal. The Portuguese Government should undertake to comply with any decision reached by the General Assembly, following its examination of the mission's report. Portugal should refrain from any military action during the mission's visit to the territories and until the General Assembly had examined the mission's report. In that way, it could demonstrate its desire to co-operate with the General Assembly.

194. In conclusion he said that, in his delegation's view, recourse to the Security Council was, to say the least, premature at the present stage and the Committee should carefully study the proposal of the delegation of Uruguay and exhaust all the possibilities it offered before considering taking any other step.

195. The representative of the United Kingdom said that, since the sixteenth session, the General Assembly and some of its subsidiary organs had devoted more time to the question of Portugal's overseas territories than to any other colonial matters. The Com-

mittee had now taken on that task at the point reached by the resolutions of the seventeenth session of the General Assembly; the essence of the Committee's work should be not to drive Portugal into isolation by adopting drastic recommendations, but to enable the peoples of the territories concerned to progress towards the objectives laid down in the Charter. Some of the statements made during the Committee's debates seemed to suggest that there was nothing that the Committee could usefully do and that the situation in the territories administered by Portugal was hopeless. It was true that the reports of the Sub-Committee on the Situation in Angola had given a sombre picture of the situation in that territory, for which the chosen policies of the Portuguese Government were in large measure responsible, but the United Kingdom delegation did not consider the situation to be hopeless and thought that it might yet be possible to persuade Portugal to alter its policy. In his delegation's opinion, the United Nations should recognize that, although Article 73 of the Charter applied to those territories, the responsibility for the timing of their progress towards self-government was Portugal's, and Portugal's alone. The United Kingdom, whose policy towards its dependent territories had been very different from that followed by Portugal, felt that it was its duty to speak on the subject in the interests of bringing about a reasonable solution. It hoped that the Portuguese Government would see the wisdom of accepting a policy by which the peoples of its territories could choose eventual self-government or independence, since that was the only policy that could offer the prospect of a settlement which would be in the interests of Portugal itself as well as of the territories concerned. Other countries had a duty to facilitate a smooth transition towards that solution.

196. He believed that he could detect certain promising signs in Portugal's attitude. Portugal did not transmit information on its territories; on the other hand, as a Member of the United Nations, it had a steady record of co-operation with the specialized agencies. In particular, Portugal and the Portuguese territories played an active part in the affairs of the World Health Organization, the Food and Agriculture Organization and the International Labour Organisation, as the reports of those organizations, which could not be ignored, gave proof. Nor should it be forgotten that, during the seventeenth session of the General Assembly, the Portuguese Government had been ready to accept the idea of a visit by one or two international rapporteurs to Angola and Mozambique. That readiness had been a substantial step towards fuller co-operation between Portugal and the United Nations. It was regrettable that the idea in its original form had appeared unacceptable to a number of delegations, which had wished to modify it in such a way as to make it quite different and unacceptable to the Portuguese Government.

197. The United Kingdom delegation was opposed to the adoption of arbitrary recommendations which sought only to condemn. It would, on the contrary, support ideas which were constructive and practical and which stood some chance of being accepted by all concerned. It hoped that renewed efforts would be made to establish contact along the lines of the initiative suggested at the seventeenth session of the Assembly.

198. The representative of Syria said that his delegation had already made known its views on the tragic situation arising from Portugal's refusal to honour its

obligations under the Charter. His delegation believed that freedom was the inalienable right of all peoples and that no pretext could justify their being deprived of that right. The Portuguese thesis that Angola, Mozambique, Portuguese Guinea and the other, smaller Portuguese territories were overseas provinces of Portugal was so unconvincing that even the allies of that country had rejected it. The General Assembly, in its resolution 1542 (XV), had decided that those territories were Non-Self-Governing Territories and that Portugal, as a Member of the United Nations, was in duty bound to fulfil the obligations laid upon it by Chapter XI of the Charter. The Declaration on the granting of independence to colonial countries and peoples had had no influence on the Portuguese attitude. As was well known, Portugal had persisted in its policy of repression in Angola and was continuing to deny the most elementary rights to the peoples of its other colonies.

199. Faced with such a tragic situation, the Committee would be justified in acting on the basis of resolution 1810 (XVII), which asked the Committee to apprise the Security Council of any developments in the territories concerned which might threaten international peace.

200. He considered, however, that before having recourse to the Security Council, the Committee should examine the suggestion made by the representatives of Ethiopia and Mali, and endorsed by several delegations, that it should try once again to obtain Portugal's co-operation in realizing the objectives enshrined in the Declaration. The Committee should not limit itself to adopting resolutions and making recommendations to the General Assembly; diplomatic efforts and negotiations would help to elucidate the complex issues and would facilitate the Committee's task. Believing that the process of liberation was irresistible and irreversible, his delegation earnestly wished to see Portugal embark on a peaceful and constructive course, the only course worthy of a Member State of the United Nations. The Syrian delegation urged Portugal's friends and allies to spare no effort to persuade that country that it was futile to oppose the march of history; it had no doubt that the peoples of the Portuguese colonies would sooner or later achieve the fulfilment of their legitimate aspirations.

201. The representative of Australia said that the Australian position on the Portuguese overseas territories was well known. Australia was profoundly disturbed by the professed objectives and by the practices of Portugal in the administration of those territories, and considered that they fell far short of fulfilment of the obligations laid down in the United Nations Charter. His Government believed—and had so informed the Portuguese Government directly—that the provisions of Chapter XI of the Charter ought to be observed and that the peoples of the Portuguese territories ought to be given the opportunity to exercise the right of self-determination.

202. He had been impressed by the sober and realistic statements that had been made by many of his colleagues, and he had noted a good deal of agreement among members of the Committee on the desirability of opening up a line of communication between the United Nations and the Portuguese Government in order to persuade the latter to make some movement towards the views embodied in resolutions of the General Assembly and of the Special Committee.

203. In his delegation's view, there were reasons to hope for some such movement on Portugal's part, reasons which had already been stated by several delegations, including those of Uruguay and the United Kingdom. As to the method to be adopted, the Australian delegation considered that the objective being clearly defined, the Committee should not tie its hands too firmly at the present stage. He realized that, in situations where feelings were justifiably strong, there was a desire for discussions to lead to immediate action; in the present case, however, results might be more certain if the Committee hastened slowly. It would perhaps therefore be wise, after the conclusion of the general debate, to take stock and see whether some suggestion capable of achieving a practical result would emerge. In following such a course the Committee would be acting in accordance with the provisions of Article 73 of the Charter, which provided that the interests of the inhabitants of Non-Self-Governing Territories were paramount.

204. The representative of Chile said that his delegation had already expressed, in the Security Council and in other bodies, its profound regret that Portugal was refusing to co-operate and was ignoring United Nations resolutions, thus rendering an already critical situation still more delicate. Chile had always cherished the hope that Portugal would follow the realistic example of those administering Powers which today were co-operating with their former colonies in a friendly spirit. He could not share Portugal's views on the status of its territories, which, as the General Assembly had declared, came within the scope of Chapter XI of the Charter. He therefore considered that the Committee should continue to seek means of bringing about the speedy and complete implementation of the Declaration on the granting of independence.

205. In a situation which was becoming increasingly distressing, his delegation had been particularly happy to note the constructive aspects of the statements made by the representatives of Uruguay, Cambodia and Mali. The Chilean delegation did not consider that the Special Committee should necessarily adopt any new resolutions at the present stage. By carrying out the measures envisaged in resolution 1807 (XVII), the Committee would be simultaneously giving effect to the provisions of resolution 1514 (XV). The Chilean delegation also supported the suggestions made at a previous meeting of the Committee by the Uruguayan representative. Like that representative and the representative of Mali, his delegation considered that direct conversations with Lisbon should be encouraged and would support any proposals to that effect, since it felt that all means of persuasion should be exhausted before more extreme measures were envisaged. It was notable that nearly all members of the Committee were agreed that an attempt should first be made to obtain Portugal's co-operation. He hoped that the Portuguese Government would not reject the opportunity thus offered to it.

206. The representative of India said that his delegation had already frequently placed on record its views on the deplorable conditions in which the people lived in the territories administered by Portugal, where they were subjected to a ruthless régime. Portugal's colonial policies were universally condemned, and the Indian delegation was confident that the United Nations would pursue its endeavours to the end. The Organization had rejected the fallacious and absurd argument of the Portuguese that their colonies were

“overseas provinces”, as the Portuguese called them. No one was deceived by that argument, nor by the so-called reforms introduced by the Portuguese Government. Those window-dressing reforms only served to prove that reforms had been needed and that the declarations made by Portugal before 1961 were false. It was in the statements of the petitioners that the true state of affairs was revealed.

207. The Committee's task was to see that resolution 1514 (XV) was implemented without delay. To that end, the Assembly had adopted several resolutions, including resolutions 1807 (XVII) and 1819 (XVII). Various committees, as well as the Security Council, had studied the situation in detail. Portugal, however, had ignored the many resolutions which had been passed. His delegation had already stated that, if Portugal shut the door to change, change would come through force and bloodshed. Everything should be done to avoid that situation. The peoples of the territories under Portuguese administration would find little consolation in the knowledge that yet another resolution had been adopted condemning Portugal's policies. Those peoples were hoping for positive action.

208. His delegation, keeping in mind the serious developments which were taking place in Angola, Mozambique, Portuguese Guinea and other Portuguese colonies, had listened with interest to the suggestions made by the representatives of Cambodia, Ethiopia, Mali, Sierra Leone, Tunisia, Tanganyika and Uruguay concerning the desirability of attempting to establish contacts with Portugal. The form to be taken by such contacts was, in his view, a matter of detail which could be worked out.

209. With regard to the proposal made by the United States at the seventeenth session of the General Assembly (A/L.420), he recalled that his delegation, while aware of the limitations of the proposal, had recognized that it would be a small step in the right direction and would not in any way prejudice any earlier or subsequent decisions of the United Nations with regard to the Portuguese colonies. His delegation had noted with interest the Tunisian representative's statement at a previous meeting that it might be useful to take up the proposal within the context of resolution 1514 (XV) and of the Committee's own work. No one had any illusions regarding the attitude of the Portuguese Government, which had only recently refused an invitation to be present during the Committee's debates. The Committee must not, however, lay itself open to the accusation of having neglected to exhaust every possibility of a solution before taking the matter to the Security Council. It would therefore be desirable to attempt to establish contact with the Portuguese Government, an endeavour in which Portugal's friends could play a helpful role. If, however, the response of Portugal was negative, his delegation agreed with the Ethiopian representative that the attention of the Security Council should be drawn to the matter urgently; that would be in keeping with the letter and spirit of resolutions 1807 (XVII) and 1810 (XVII).

D. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963

210. At the 130th meeting of the Special Committee, on 15 March 1963, the Chairman stated that, following the conclusion of the general debate, conversations had taken place between delegations concerning certain intermediate steps to be taken with regard to the question of the situation in the Territories under

Portuguese administration and that, as a result, a consensus of views had been reached. The Chairman outlined the consensus as follows:

“Delegations have expressed their views on the territories under Portuguese administration with respect to the implementation of resolution 1514 (XV), and from the general debate the following seems to be the general view. The majority of the members of the Special Committee have felt, despite the refusal of the Portuguese Government to co-operate with respect to the implementation of the Declaration on the granting of independence to colonial countries and peoples that new efforts should be made to obtain the co-operation of the Portuguese Government. It was therefore proposed that measures should be taken for a visiting group of the Committee to contact the Portuguese Government with a view to undertaking consultations within the framework of the terms of reference of the Committee.

“Some delegations that favoured the immediate resort to the Security Council have agreed with this proposal as an intermediate step. Without prejudging any later decision that may be taken on the matter, the Special Committee has, at the present stage of its work, entrusted the Chairman with the duty of proposing to the Portuguese Government, in the most appropriate way, the establishment of contact with a visiting group of the Committee which might in due course go to Lisbon. The nomination of delegations to form this visiting group has been left to the discretion of the Chairman. However, in order to enable the Special Committee to carry out its task fully and properly, the visiting group will have to report at the latest on 30 March 1963.”

211. On 18 March, the Chairman met with the Permanent Representative of Portugal to the United Nations and conveyed to him the views of the Special Committee as expressed in the consensus and requested the co-operation of the Portuguese Government. This meeting was followed by a letter dated 20 March 1963 from the Chairman to the Permanent Representative of Portugal containing relevant extracts from the consensus (A/AC.109/36 and Corr.1).

212. The Portuguese Government replied by a letter dated 31 March 1963 from the Permanent Representative of Portugal (*ibid.*). The letter reiterated the position of the Government, stating, *inter alia*, that it would be impossible for the Government to admit the legitimacy of the Special Committee's activities or to recognize its competence in matters which, in the opinion of the Portuguese Government, fell within its internal jurisdiction. The letter stated that the Portuguese Government was determined to maintain its position and had restated it so that there could be no possibility of misunderstanding. The Portuguese Government was prepared to take up two allegations which had been made in the Special Committee, namely, Portugal's refusal to transmit information and the threat to international peace and security that Portugal was said to constitute. Portugal's refusal to transmit information, the letter continued, must be understood as applying only in connexion with the manner in which some delegations were seeking to apply Article 73 of the Charter, since outside that context the Portuguese Government had never refused to supply the fullest and most complete information concerning its overseas territories. The letter recalled that the Portuguese Government had accepted the proposal made by the United

States at the seventeenth session of the General Assembly that two special rapporteurs should investigate conditions in two Portuguese territories in Africa (A/L.420). With regard to the allegation that Portugal constituted a threat to international peace and security, which it considered to be without foundation and made for purely demagogic and propaganda purposes, the Portuguese Government emphasized that it must be concluded that such a threat, at a time when there was no apparent threat to world peace, could only exist in relation to territories or countries adjoining the Portuguese overseas provinces, which would have a more legitimate interest than other countries in verifying the source of the allegation. It accordingly suggested that meetings should be held between the Portuguese Government and the Governments of countries or territories which are contiguous to the Portuguese overseas provinces. Such meetings should be for the purpose of considering matters of common interest, providing an opportunity for the clarification of certain points which did not appear to be sufficiently well understood and securing mutual guarantees of good neighbourly relations. The Portuguese Government was prepared to negotiate non-aggression agreements with the Governments of countries and territories contiguous to the Portuguese overseas provinces that so desired, and thus put an end to an allegation which it considered without the slightest foundation. The letter further stated that Portugal did not rule out provisions calling for co-operation in all fields of mutual interest.

213. At the 141st meeting, on 3 April 1963, following the receipt of the reply of the Portuguese Government, a draft resolution (A/AC.109/L.46) was submitted jointly by Cambodia, Ethiopia, India, Iran, Iraq, the Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia and Yugoslavia. According to the joint draft resolution, which was subsequently revised (A/AC.109/L.46/Rev.1), the Special Committee would, *inter alia*, decide to draw the immediate attention of the Security Council to the situation with a view to its taking appropriate measures, including sanctions, to secure compliance by Portugal with the relevant resolutions of the General Assembly and the Security Council.

214. The representative of Ethiopia in introducing the thirteen-Power draft resolution recalled that at the beginning of its discussion of the territories under Portuguese administration, the Special Committee had invited the Portuguese Government to participate in its work, without the right to vote. The Portuguese Government's reply had been negative. The Committee had then tried to establish contact with the Portuguese Government and had suspended its discussions on the question for over fifteen days in order to allow that Government time to decide whether it would agree to receive a sub-committee of the Special Committee. Portugal's reply had again been negative and had contained a number of irrelevant matters. For example, the Portuguese Government complained that the General Assembly had not agreed to the United States proposal that one or two rapporteurs should be sent to the Portuguese territories, and it pointed out that those rapporteurs would have been able to collect information. It had been because many delegations, including his own, had considered that there was no need to collect information, since the situation in the Portuguese territories was well known, that they had persuaded the United States delegation to withdraw its

proposal, the representative of Ethiopia went on to say. Moreover, Portugal had wanted to dictate the choice of those rapporteurs in such a way as to exclude any representative of the Asian or African countries. What was needed was to send a sub-committee composed of representatives of the various groups to ensure that the resolutions on the Portuguese territories and resolution 1514 (XV) on colonialism were implemented.

215. Instead of stating frankly that it did not accept the Committee's proposal, the Portuguese Government had said that it was ready to hold talks with the Governments of the territories or States adjoining the Portuguese territories, since the threat it was alleged to constitute to international peace and security could only exist specifically in relation to those territories and countries. Its reply was therefore as discourteous as it was irrelevant.

216. Faced by that refusal to co-operate, he and the other sponsors of the draft resolution thought that there could no longer be any question of being patient and trying to be accommodating, as some delegations had recommended. If it wanted to discharge its obligations, the Committee had no choice but to send the matter to the authority which had more power and influence than the Committee, namely, the Security Council.

217. The representative of Tanganyika said that his delegation had read the reply from the Portuguese Government with disappointment and indignation. Once again that Government had shown its contempt for the General Assembly and for public opinion. As for the Portuguese Government's offer to conclude agreements with neighbouring African States, that was no more than a hypocritical manoeuvre. The free African States would sign agreements with the African territories at present under Portuguese domination when those territories had attained freedom and independence. Portugal was intensifying its campaign of tyranny and extermination in those territories. It had recently violated the air space of Tanganyika.

218. Having given Portugal its last chance, the Committee had no choice but to take the serious question of the Portuguese territories before the highest organs of the United Nations. He hoped that the draft resolution, of which his delegation was one of the sponsors, would be supported by all members of the Committee.

219. The representative of Mali said that his delegation had hoped that the establishment of contact with Portugal would have marked the beginning of fruitful co-operation on the basis of resolution 1514 (XV). Portugal's reply to the letter dated 20 March 1963 from the Chairman had destroyed any hope of such co-operation. Moreover, that reply was a grave insult to the Committee and the United Nations. Mr. Salazar's fascist régime went so far as to question the legitimacy of the Special Committee and its competence in the field of decolonization.

220. After Portugal's rejection of innumerable General Assembly resolutions, and its most recent refusal to co-operate, the only course left was to take the matter to the Security Council, in view of the intensified repression being exercised in the Portuguese colonies. That was the reason why his delegation and twelve others had drawn up the draft resolution.

221. The representative of Sierra Leone said that his delegation, which was a sponsor of the draft resolution, fully supported the Ethiopian representative's

remarks. The Committee had indeed explored all possibilities concerning the question of the Portuguese territories. Although the Portuguese Government had consistently disregarded the many resolutions which had been adopted, the Committee had decided to give Portugal another chance to remedy a situation which all members of the Committee considered alarming. The Portuguese Government had not only rejected all ideas of compromise but had adopted a defiant attitude towards the Committee.

222. That was why his delegation supported the provision of the draft resolution that the question of the situation in the Portuguese territories should be referred to the Security Council. He drew particular attention to paragraph 4, which requested the Security Council to take appropriate measures, "including sanctions". Indeed, some countries, including Sierra Leone, had already taken sanctions against Portugal.

223. The members of the Committee could not be accused of being impatient. They could not adopt a passive attitude after Portugal's reply; they must make their position clear and they could do so in the roll-call vote on the draft resolution. He hoped that all members of the Committee would vote in favour of the draft resolution.

224. The representative of Bulgaria said that his delegation wholeheartedly supported the draft resolution and considered that its provisions were fully justified by the disturbing developments in the territories under Portuguese administration and by the continued refusal of the Portuguese Government to implement the Declaration on the granting of independence to colonial countries and peoples and the General Assembly resolutions regarding the Portuguese territories. The Bulgarian delegation considered that only decisive measures on the part of the United Nations could change the attitude of the Portuguese Government.

225. The representative of Yugoslavia recalled that his delegation had agreed to fresh efforts being made to secure the co-operation of the Portuguese Government. Since Portugal had once again refused to co-operate with the United Nations and was again defying it, the Yugoslav delegation was of the opinion that the matter should be brought before the Security Council, as was proposed in the draft resolution, of which the Yugoslav delegation was a sponsor.

226. The representative of Poland said that he would vote in favour of the draft resolution. The intransigence of Portugal and its defiance of the United Nations Charter had been affirmed once more in the reply which the Portuguese Government had just made to the communication from the Chairman of the Committee. The Polish delegation shared the indignation felt by the African delegations at the manner in which the Portuguese Government had replied to the message of goodwill from the Committee. Although it had had no illusions, the Polish delegation had agreed to the suggestion that a mission should be sent to Lisbon to seek the co-operation of Portugal in the peaceful implementation of the Declaration on colonialism. Since every means of persuasion had been exhausted, the time had come for the United Nations to use the means which it had at its disposal for the implementation of its decisions.

227. In view of the intolerable situation in Angola, Portuguese Guinea, Mozambique and other Portuguese colonies, the United Nations was in duty bound to take steps urgently to meet the mounting threat to

peace and security presented by that situation. The Polish delegation agreed with the sponsors of the draft resolution that the most appropriate way of giving effect to the General Assembly's recommendations was to bring the matter before the Security Council without delay. Portugal's refusal to meet its obligations was a challenge not only to the African States but to the entire international community and to the United Nations.

228. The representative of Syria said that his delegation was profoundly disappointed that Portugal had replied in such a disdainful manner to the Committee's sincere desire for co-operation. In so doing Portugal had revealed its true intentions and had shown that it was blind to the realities of life and history. It was the duty of the Committee to work with determination to discharge the task which had been assigned to it by the General Assembly, and he was certain that the United Nations would prove worthy of the confidence placed in it by the peoples who were at present struggling for their liberation.

229. The representative of Cambodia said that his delegation had on several occasions appealed to the good sense of Portugal to grant the right of self-determination to the peoples under its administration. Portugal had not shown good sense in its reply, and it now behoved the Committee to bring the matter, which was a threat to world security, before the Security Council. Cambodia supported the African peoples which were demanding liberty and independence.

230. The representative of the Soviet Union said that although his delegation had been very sceptical about the likelihood of a favourable reply, it had agreed that another attempt should be made to induce the Portuguese Government to listen to the voice of reason.

231. The draft resolution provided for serious measures to be taken by the United Nations under the Charter. The USSR delegation was sure that the members of the Committee realized that the measures recommended were fully justified. The text had the support of the USSR delegation and would have its full backing in the Security Council. The outcome, however, would depend also on the delegations of other countries, in particular the United States and the United Kingdom. He hoped that all the members of the Committee would support the draft resolution and would realize that every possible step should be taken to achieve a solution of the problem, which was of such vital importance for Africa and for the peace of the whole world.

232. The representative of Uruguay said that his delegation regretted the Portuguese Government's refusal, in its reply to the Chairman's letter, to enter into contact with the Committee and to recognize its competence or the validity of the United Nations resolutions on the subject. The way of negotiation was thus closed to the Committee.

233. With regard to the draft resolution he said that in so far as it was in accordance with the Committee's terms of reference and the terms of previous resolutions, his delegation would vote in favour of it. He had, however, two reservations to make. First, his delegation did not think that the wording "Noting with indignation" at the beginning of the sixth preambular paragraph was in keeping with United Nations usage or was necessary in a text which was already sufficiently severe in tone; he would therefore like those words to be changed. Secondly, his delegation was of

the opinion that the Security Council was not only the sole body competent to decide whether there really was a threat to peace but the only body competent to decide upon the steps to be taken in case of need. That principle was at the very root of the balance between the powers of the Security Council and those of the General Assembly. Article 11, paragraph 3, of the United Nations Charter stated that "The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security", while Article 99 gave the Secretary-General the same right. By resolution 1810 (XVII), paragraph 8 (*d*), the General Assembly had invited the Special Committee to apprise the Security Council of any developments in the colonial territories which might threaten international peace and security. In each case, however, all that was possible was to report concrete facts to the Security Council, not to make recommendations on the way in which the problems might be solved. While, therefore, the delegation of Uruguay would vote in favour of the draft resolution as a whole, it would vote against the words "including sanctions".

234. The representative of Venezuela stated that he would vote in favour of the draft resolution; his delegation approved its substance but would like the sponsors to make a few changes in its text, which would improve it. The first change concerned the fifth preambular paragraph: a Member State could not be obliged to "appear before" the Committee, and it would be better to use some phrase such as "attend its meetings". Furthermore, he would like the words "Noting with indignation" in the sixth preambular paragraph to be replaced with some such wording as "Noting with regret", since United Nations bodies should not allow themselves to be carried away by passion but should act calmly in all circumstances. Finally, he considered that the words "including sanctions" in paragraph 4 should be deleted, since it was the Security Council's responsibility to decide what steps should be taken. The deletion of those words would not affect the substance of the draft resolution, for the words already appeared in the resolutions referred to in paragraph 4. In any event, the Venezuelan delegation's vote in favour of the draft resolution, if its present wording was retained, would be cast on the understanding that nothing in its text restricted in the slightest degree the freedom of action of the Security Council, which was the body competent to decide, in the light of the pertinent facts and circumstances, when international peace was endangered and what measures should be taken if that was the case.

235. The representative of Denmark said that the Government and people of Denmark were strongly opposed to the policy followed by the Government of Portugal. He did not consider, however, that there was any reason why an effective resolution should not be worded in very sober terms. It was for that reason that he appealed to the sponsors to modify the words "Condemns very strongly the attitude of Portugal" at the beginning of paragraph 3 of the draft resolution, since a condemnation was in itself a serious thing.

236. The representative of Chile agreed with the observations made by the representatives of Uruguay and Venezuela and the requests which they had made to the sponsors of the draft resolution. With regard to the words "including sanctions", the delegation of Chile considered that the Security Council had exclusive competence in that matter. Even if the words in

question were retained, however, she would vote in favour of the draft resolution as a whole.

237. The representative of the United Kingdom said that his delegation had grave reservations on the advisability of the recommendation that the question of Portugal's overseas territories should be brought before the Security Council. He did not question that the General Assembly or a Committee set up by the Assembly had the right to say that the time had come for a particular question to be debated by the Security Council. The draft resolution, however, seemed to him to go much further than that. Not only did it affirm that a threat to peace existed, but it implied that the situation in all the territories with which the Committee was concerned presented that threat and, by mentioning sanctions, it suggested in advance what the Security Council should do about it.

238. The United Kingdom delegation had never concealed its disapproval of certain aspects of the Portuguese Government's policy in regard to its overseas territories. Nevertheless, recommendations of the kind made in the draft resolution, particularly the mention of sanctions, seemed to go beyond what was required by the facts as known to his delegation, and it would therefore be unable to vote in favour of the draft resolution.

239. The opinion had been expressed in the Committee that the letter from the Permanent Representative of Portugal to the United Nations (A/AC.109/36 and Corr.1) was entirely negative, but it seemed to the United Kingdom delegation that the suggestion made in paragraphs 9 and 10 of the letter was worthy of further exploration and that the Committee should not ignore it, thus breaking off the dialogue, without some further elucidation of what the Government of Portugal had in mind.

240. The representative of the United States of America recalled that he had already set forth the policy of the United States with regard to the Portuguese territories. The United States considered that the principle of self-determination was applicable to those territories. It had continuously supported the measures contemplated since the Security Council had dealt with Angola, and it felt that Portugal should recognize the principle of self-determination and apply it in its territories.

241. His delegation had been deeply disappointed by the Portuguese Government's reply to the letter from the Committee's Chairman. The Committee had been moderate in its approach and had sincerely been seeking a basis for communication with the Portuguese authorities which would encourage a peaceful solution of the problem. The United States Government for its part had urged the Portuguese Government to cooperate with the Committee. Portugal's reply (*ibid.*) had made no reference to the possibility of the exercise of the right of self-determination in the Portuguese territories, nor had it indicated any willingness, even reserving Portugal's own position, to accept the principle of consultation with the Committee.

242. While his delegation could understand the reaction—as expressed in the draft resolution before the Committee—of certain other delegations to Portugal's reply, it feared that the reaction might be premature in some respects, for paragraph 9 of that reply might by implication offer a possibility of discussions on the matter with the Secretary-General. It might have been advisable to try to ascertain what the

Portuguese Government had had in mind with respect to that paragraph.

243. His delegation would be unable to support the second preambular paragraph of the draft resolution, which suggested that the situation, in all the Portuguese territories, constituted a threat to international peace and security, a contention not borne out by the facts. It would be more accurate to say that the situation, in some of the Portuguese territories, was such that its continuation would be likely to endanger the maintenance of international peace and security. His delegation would abstain on the next to last preambular paragraph, which was inaccurate. The reference in that paragraph should be, not to earlier resolutions, but to the Chairman's letter (*ibid.*), which simply invited the Government of Portugal, in deliberately vague terms, "to make contact with a visiting group of the Committee".

244. His delegation would vote in favour of operative paragraphs 1 and 2. It would abstain on paragraph 3, since the word "condemns" was one which in its opinion should be used only in the last resort. It would have been able to vote in favour of that paragraph if a word such as "deplores" had been used. It would vote against paragraph 4, as the sponsors had not seen fit to delete the reference to sanctions. His delegation had been opposed to the application of sanctions in earlier cases of a similar nature. It considered that the United Nations should be used as an instrument of diplomacy and for the mobilization of world opinion in support of just causes rather than as an instrument of coercion.

245. As it was in sympathy with the attitude reflected in the draft resolution, his delegation would not vote against the text as a whole. However, the serious objections which it had enumerated would prevent it from casting a favourable vote, and it would therefore be obliged to abstain.

246. The sponsors of the thirteen-Power draft resolution (A/AC.109/L.46/Rev.1) accepted the suggestion of the representative of Venezuela to modify the fifth preambular paragraph, which read: "Deploring the refusal of the Government of Portugal to accept the invitation . . . to appear before it", by substituting the words "to attend its meetings" for the words "to appear before it". They also accepted the suggestion of the representatives of Uruguay and Venezuela (see paras. 232 and 234 above) to replace the words "Noting with indignation" by the words "Noting with regret" in the sixth preambular paragraph, referring to the "rejection by the Portuguese Government to receive a Subcommittee to discuss the implementation of all resolutions relative to Portuguese territories". They felt unable to accept the modification, sought by the representative of Denmark (see para. 235 above), to the words "Condemns very strongly" in operative paragraph 3 of the draft resolution with reference to the attitude of Portugal. They were also unable to accept the deletion of the words "including sanctions" in paragraph 4 drawing the attention of the Security Council to the situation.

247. The representative of Australia, in explaining his vote, said that it seemed to his delegation that the draft resolution had had two aims. The first had been to express the Committee's feelings in the light of the Portuguese Government's refusal to engage in a dialogue with it. In that sense the draft resolution had on the whole been acceptable to his delegation, with the exception of paragraph 3, where a question of word-

ing had obliged it to abstain. His delegation was grateful to the sponsors of the draft resolution for having altered the wording on certain other points, which had very nearly made it possible for the Committee to express its feelings unanimously.

248. In the second place, the draft resolution advocated certain measures, namely, recourse to the Security Council and the application of sanctions. His delegation had been unable to support such recommendations, partly for constitutional reasons and partly because it felt that all the possibilities of opening up communication with the Portuguese Government in an effort to solve the problem had not yet been exhausted. In its opinion, there were other means of attaining that end than those recommended in the draft resolution.

249. He wished to stress that his delegation's abstention in the voting on the text as a whole should not be taken as an indication of any lack of sympathy with the concern felt by the sponsors. It was concerned at the present situation in the Portuguese territories and hoped that something positive would still emerge from the Committee's discussions.

250. The joint draft resolution, as modified orally, was voted upon at the 142nd meeting of the Special Committee, on 4 April 1963. The voting was as follows:

The first preambular paragraph was approved by 23 votes to none, with 1 abstention.

The second preambular paragraph was approved by 19 votes to none, with 5 abstentions.

The third preambular paragraph was approved unanimously.

The fourth preambular paragraph was approved by 22 votes to none, with 2 abstentions.

The fifth preambular paragraph was approved by 23 votes to none, with 1 abstention.

The sixth preambular paragraph was approved by 23 votes to none, with 1 abstention.

The seventh preambular paragraph was approved by 19 votes to none, with 5 abstentions.

Paragraph 1 was approved by 23 votes to none, with 1 abstention.

Paragraph 2 was approved by 23 votes to none, with 1 abstention.

Paragraph 3 was approved by 19 votes to none, with 5 abstentions.

The words "including sanctions" in paragraph 4 were approved by a roll-call vote of 16 to 8, as follows:

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

Against: Australia, Chile, Denmark, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: None.

Paragraph 4 as a whole was approved by 16 votes to 5, with 3 abstentions.

Paragraph 5 was approved by 19 votes to none, with 5 abstentions.

The draft resolution as a whole, as modified, was approved by a roll-call vote of 19 to none, with 5 abstentions, as follows:

In favour: Bulgaria, Cambodia, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali,

Poland, Sierra Leone, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, Denmark, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

251. The resolution thus approved by the Special Committee with respect to the territories under Portuguese administration read (A/AC.109/38) as follows:

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

"Recalling General Assembly resolutions 1542 (XV) of 15 December 1960, 1699 (XVI) of 19 December 1961, 1742 (XVI) of 30 January 1962, 1807 (XVII) of 14 December 1962, 1810 (XVII) of 17 December 1962 and 1819 (XVII) of 18 December 1962,

"Having regard to the fact that the General Assembly in resolution 1807 (XVII) noted with concern that the policy and acts of the Portuguese Government with regard to the territories under its administration have created a situation which constitutes a serious threat to international peace and security and that in resolution 1819 (XVII) it expressed the conviction that the colonial war being carried on by the Government of Portugal in Angola, the violation by that Government of the Security Council resolution of 9 June 1961 (S/4835), its refusal to implement the provisions of the Declaration on the granting of independence to colonial countries and peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, and its continuous refusal to implement resolutions 1542 (XV) of 15 December 1960, 1603 (XV) of 20 April 1961, 1654 (XVI) of 27 November 1961 and 1742 (XVI) of 30 January 1962, constitute a source of international conflict and tension as well as a serious threat to world peace and security,

"Having considered the situation in the territories under Portuguese administration in the context of the relevant resolutions of the General Assembly and the Security Council,

"Recalling that the General Assembly asked the Special Committee in paragraph 8, sub-paragraph (d), of its resolution 1810 (XVII) 'to apprise the Security Council of any development in these territories which may threaten international peace and security',

"Deploring the refusal of the Government of Portugal to accept the invitation of the Special Committee on the Situation with regard to the Imple-

mentation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to attend its meetings,

"Noting with regret the rejection by the Government of Portugal to receive a Sub-Committee of the Special Committee to discuss the implementation of all resolutions relative to Portuguese territories, in particular resolution 1514 (XV),

"Recalling particularly that in paragraph 8 of resolution 1807 (XVII) the General Assembly requested the Security Council 'in case the Portuguese Government should refuse to comply with the present resolution and previous General Assembly resolutions on this question, to take all appropriate measures to secure the compliance of Portugal with its obligations as a Member State', and that in paragraph 9 of resolution 1819 (XVII) it requested the Security Council 'to take appropriate measures, including sanctions, to secure Portugal's compliance with the present resolution and with the previous resolutions of the General Assembly and of the Security Council',

"1. Notes with deep regret and great concern the continued refusal of the Government of Portugal to co-operate with the United Nations in the implementation of the Declaration and other relevant resolutions relating to the territories under its administration;

"2. Notes further that the Government of Portugal has not only taken no steps to comply with the resolutions of the General Assembly and of the Security Council, but, on the contrary, has continued its repressive measures against the indigenous population by the use of military and other forces;

"3. Condemns very strongly the attitude of Portugal as contrary to its obligations under the Charter of the United Nations;

"4. Decides therefore to draw the immediate attention of the Security Council to the present situation with the view to its taking appropriate measures, including sanctions, in terms of paragraph 8 of General Assembly resolution 1807 (XVII) of 14 December 1962 and paragraph 9 of resolution 1819 (XVII) of 18 December 1962, to secure the compliance of Portugal with the relevant resolutions of the General Assembly and of the Security Council;

"5. Requests the Secretary-General to bring this resolution to the immediate attention of the Security Council and to transmit to the Council the records of the debate on this question in the Special Committee."

252. By letter dated 5 April 1963 (S/5276), the Secretary-General brought this resolution and the records of the debate on the question to the attention of the Security Council (see chap. I, para. 37, above).

CHAPTER III

SOUTHERN RHODESIA

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

1. The Special Committee considered the question of Southern Rhodesia in March, April, May and June 1962 (see A/5238, chap. II, para. 18). It considered

this question in the context of General Assembly resolution 1514 (XV) of 14 December 1960, embodying the Declaration, on the granting of independence to colonial countries and peoples, resolution 1654 (XVI) of 27 November 1961, establishing the Special Committee, and resolution 1745 (XVI) of 23 February 1962, by

which the General Assembly requested the Special Committee to consider whether the Territory of Southern Rhodesia had attained a full measure of self-government.

2. At the conclusion of its general debate, the Special Committee, in March 1962, decided to establish a Sub-Committee composed of India, Mali, Syria, Tanganyika, Tunisia and Venezuela to go to London for discussions with the United Kingdom Government. The Sub-Committee visited London from 7 to 14 April 1962 and submitted its report on 30 April 1962 (A/5124, annex I).

3. Following its consideration of the Sub-Committee's report, the Special Committee took decisions whereby it affirmed that the Territory of Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations, endorsed the conclusions of the Sub-Committee and recommended, in accordance with the Sub-Committee's report that, in the absence of favourable developments, the situation in Southern Rhodesia should be considered by the General Assembly at its resumed sixteenth session or at a special session, as a matter of urgency. The Special Committee also recommended a draft resolution for the consideration of the General Assembly (*ibid.*, annex III).

4. The General Assembly considered the question of Southern Rhodesia at its resumed sixteenth session. It had before it the report of the Special Committee on its consideration of Southern Rhodesia (A/5124). On 28 June 1962 it adopted resolution 1747 (XVI), by which the General Assembly approved the conclusions of the Special Committee and affirmed that the Territory of Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations. It requested the Administering Authority:

"(a) To undertake urgently the convening of a constitutional conference, in which there shall be full participation of representatives of all political parties, for the purpose of formulating a constitution for Southern Rhodesia in place of the Constitution of 6 December 1961, which would ensure the rights of the majority of the people, on the basis of 'one man, one vote', in conformity with the principles of the Charter of the United Nations and the Declaration on the granting of independence to colonial countries and peoples, embodied in General Assembly resolution 1514 (XV);

"(b) To take immediate steps to restore all rights of the non-European population and remove all restraints and restrictions in law and in practice on the exercise of the freedom of political activity including all laws, ordinances and regulations which directly or indirectly sanction any policy or practice based on racial discrimination;

"(c) To grant amnesty to, and ensure the immediate release of, all political prisoners."

In paragraph 3 it requested the Special Committee to continue its constructive efforts towards the earliest implementation of resolution 1514 (XV) with regard to Southern Rhodesia in order to ensure its emergence as an independent African State.

5. At its 107th meeting, on 12 September 1962, the Special Committee took note of this resolution and in particular of its paragraph 3.

6. At its seventeenth session, the General Assembly adopted two resolutions on the question of Southern Rhodesia. By resolution 1755 (XVII) of 12 October 1962, the General Assembly urged the Government of the United Kingdom of Great Britain and Northern Ireland, to take, as a matter of urgency, measures which would be most effective to secure: (a) The immediate and unconditional release of Mr. Joshua Nkomo and all other nationalist leaders, restricted, detained or imprisoned; (b) The immediate lifting of the ban on the Zimbabwe African Peoples Union.

7. On 31 October 1962, the General Assembly adopted resolution 1760 (XVII), the operative paragraphs of which read as follows:

"1. *Reaffirms* its resolution 1747 (XVI);

"2. *Considers* that the attempt to impose the Constitution of 6 December 1961 which has been rejected and is being vehemently opposed by most of the political parties and the vast majority of the people of Southern Rhodesia, and to hold elections under it will aggravate the existing explosive situation in that Territory;

"3. *Requests* the Government of the United Kingdom of Great Britain and Northern Ireland to take the necessary measures to secure:

"(a) The immediate implementation of General Assembly resolutions 1747 (XVI) and 1755 (XVII);

"(b) The immediate suspension of the enforcement of the Constitution of 6 December 1961 and cancellation of the general elections scheduled to take place shortly under that Constitution;

"(c) The immediate convening of a constitutional conference, in accordance with resolution 1747 (XVI), to formulate a new constitution for Southern Rhodesia;

"(d) The immediate extension to the whole population, without discrimination, of the full and unconditional exercise of their basic political rights, in particular the right to vote, and the establishment of equality among all inhabitants of the Territory;

"4. *Requests* the Acting Secretary-General to lend his good offices to promote conciliation among the various sections of the population of Southern Rhodesia by initiating prompt discussions with the United Kingdom Government and other parties concerned, with a view to achieving the objectives set out in this and all the other resolutions of the General Assembly on the question of Southern Rhodesia, and to report to the Assembly at its present session as well as to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"5. *Decides* to keep the item entitled 'Question of Southern Rhodesia' on the agenda of its seventeenth session."

8. In accordance with paragraph 4 of this resolution, the Secretary-General submitted a report to the General Assembly (A/5396) and the Special Committee (A/AC.109/33). The General Assembly took note of this report at its 1200th plenary meeting, on 20 December 1962.

9. In his report the Secretary-General said that on 19 December 1962 he had received a letter from the Permanent Representative of the United Kingdom in

which it was stated, *inter alia*, that recent elections in Southern Rhodesia had resulted in the return to power of the Rhodesian Front Party, led by Mr. Winston Field, who had assumed the office of Prime Minister. It was further stated that it had not yet been possible for the United Kingdom Government to discuss matters of common concern with the new ministers. It was also pointed out that the change in government in Southern Rhodesia did not affect the constitutional relationship existing between the United Kingdom Government and that of Southern Rhodesia.

B. INFORMATION ON THE TERRITORY

General

10. Information on the Territory was included in the Special Committee's first report on Southern Rhodesia (A/5124), which was considered by the General Assembly at its resumed sixteenth session and in its report to the General Assembly at its seventeenth session (A/5238, chap. II). Supplementary information on recent developments concerning the Territory is set out below.

11. According to the preliminary results of a census held in April and May 1962, the African population was 3,610,000. At a census of non-Africans in September 1961 the provisional figure for the non-African population was 239,320 of whom 7,260 were Asians, 221,500 were Europeans and 10,560 were of mixed race.

Status of the Territory

12. The General Assembly in its resolution 1747 (XVI), adopted on 28 June 1962, affirmed that the Territory of Southern Rhodesia is a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations.

13. The United Kingdom maintains that Southern Rhodesia is self-governing in respect of its internal affairs.

Constitution

14. The Territory was granted a new Constitution under the Southern Rhodesia (Constitution) Order in Council, 1961, dated 6 December 1961. The main features of the new Constitution, in particular, the details of the electoral system and the franchise are described in the report of the Special Committee to the General Assembly at its seventeenth session (*ibid.*, paras. 6-11).

15. The whole of the new Constitution of 1961 came into force on 1 November 1962.

1962 elections

16. The first elections for the Legislative Assembly under the new Constitution were held on 14 December 1962 (*ibid.*, paras. 10-11). The Legislative Assembly consists of sixty-five seats, fifty of which are "upper roll" or constituency seats and fifteen are "lower roll" or district seats.

17. Registered voters on the "A" roll numbered approximately 90,000 (mainly Europeans), while the number registered on the "B" roll was approximately 10,000 (almost exclusively Africans).

18. The African nationalist parties, the Zimbabwe African Peoples Union (ZAPU), the Zimbabwe National Party (ZNP) and the Pan-African Socialist Union (PASU) boycotted both the registration and the subsequent elections.

19. The elections were contested by three parties: (*ibid.*, paras. 14-17) the Rhodesian Front, led by Mr. Winston Field, the United Federal Party, led by Sir Edgar Whitehead, and the Central African Party, led by Mr. C. A. Palmer. A number of independent candidates also stood for election.

20. The results of the elections were as follows:

Rhodesian Front	35 seats
United Federal Party	29 seats
Independent	1 seat

21. The distribution of votes in the "upper roll" seats or constituencies was as follows:

Rhodesian Front	38,282
United Federal Party	30,943
Central African Party	104
Independents	833

22. The distribution of votes in the "lower roll" seats or districts was as follows:

Rhodesian Front	634
United Federal Party	2,116
Central African Party	387
Independents	50

23. On 17 December 1962 a Government was formed, under the leadership of Mr. Winston Field as Prime Minister.

Visit by Mr. R. A. Butler

24. In January 1963 Mr. R. A. Butler, United Kingdom Minister responsible for Central African Affairs, visited Central Africa for talks with political leaders on the future of the Federation of Rhodesia and Nyasaland. Mr. Butler had discussions with Southern Rhodesian leaders, including Mr. Nkomo.

The banning of the Zimbabwe African Peoples Union (ZAPU)

25. On 20 September 1962 the then Prime Minister, Sir Edgar Whitehead, announced the banning of ZAPU under the provisions of the Unlawful Organizations Act, 1959. This action had been taken, he said, because the party "had intensified its violent approach" and had "done its best to destroy political liberty". Shortly afterwards, Mr. Nkomo and other party leaders were placed under restriction under the Law and Order (Maintenance) Act, 1961.

26. On 14 January 1963 the Minister of Justice in the newly formed Government announced that all Africans under restriction were being released. These included six leaders restricted when the African National Congress (ANC) was banned in 1959, and twenty-eight placed under restriction when ZAPU was banned. In the same statement the Minister announced that amendments to the security legislation would soon be placed before Parliament. It was also announced that the existing ban on ZAPU would continue.

27. On 9 February 1963 Mr. Nkomo and two other ZAPU leaders were charged under the Law and Order (Maintenance) Act, 1961, of taking part in an illegal procession and of obstructing or assaulting the police.

28. It has been reported that on 20 February 1963 the Government announced that it would allow Mr. Nkomo and other former leaders to form a new party under amendments to the Unlawful Organizations Act, 1959. It was stated, however, that action would be

taken if their activities were regarded as unconstitutional; in which case, they would be liable to a fine of up to £1,000, or up to five years' imprisonment, or both. Mr. Nkomo has stated that he would not form a new party and that ZAPU was in the heart of the people and could not be banned.

*Proposed amendment to the Law and Order
(Maintenance) Act, 1961*

29. In February 1963 the Southern Rhodesian Government introduced an amending Bill to the Law and Order (Maintenance) Act, 1961, which, among other things, sought to impose a mandatory death sentence for certain offences, to increase the penalties for other offences, and to make permanent the existing temporary ban on the holding of public meetings on Sundays and public holidays. It was stated that the object of the amendment was to remedy omissions in the existing security laws which experience had brought to light. The increased penalties had been proposed "in order to reinforce respect for life and property of the individual".

30. On 19 February 1963 during the discussion of the Bill in the Legislative Assembly, the Minister of Justice of Southern Rhodesia announced that because of "public disquiet" the Government would make certain changes in the Bill. Pregnant women and youths under the age of sixteen would not be liable to the mandatory death penalty and in cases where the offenders were between the ages of sixteen and nineteen, the death sentence would be discretionary.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

31. The Special Committee considered the question of Southern Rhodesia at its 130th to 140th, 143rd, 144th, 146th, 168th and 171st to 177th meetings, held between 6 March and 20 June 1963.

Written petitions and hearings

32. The Special Committee circulated the following written petitions concerning Southern Rhodesia:

<i>Petitioner</i>	<i>Document No.</i>
Mr. John Eber, General Secretary, Movement for Colonial Freedom	A/AC.109/PET.62
Mr. Joshua Nkomo, National President, Zimbabwe African Peoples Union (ZAPU)	A/AC.109/PET.96
Mr. Eddison Jonas Zvobgo (ZAPU)	A/AC.109/PET.97
The Chairman of the Christian Action Group (two petitions)	A/AC.109/PET.101 and Add.1
Mr. M. K. Mpho, President, Bechuanaland Peoples Party	A/AC.109/PET.143
Mr. Salim Ahmed, International and Publicity Secretary, Zanzibar Nationalist Party	A/AC.109/PET.102
Mr. Nelson T. Chawanji	A/AC.109/PET.157

33. At the 135th and 136th meetings a petitioner, Mr. Joshua Nkomo, National President of ZAPU, made statements describing events which had taken place after October 1962, and replied to questions by various members of the Special Committee.

34. Mr. Nkomo stated that the situation in Southern Rhodesia had not remained static; it had, in fact, changed for the worse. In October the United Kingdom,

the administering Power, had known that the 1961 Constitution would have disastrous effects. Nevertheless, that Constitution had been brought into force.

35. The Zimbabwe African Peoples Union, which represented the interests of the African majority of the population, had been banned. He and 500 of his colleagues had been arrested, and their freedom of movement restricted. In addition, 3,000 young men had been sentenced to terms of imprisonment ranging up to twenty years, and the arrests continued. He himself was currently free on bail. The banning of ZAPU and the arrests had had no other purpose than to enable Sir Edgar Whitehead and other reactionary elements to organize elections free of opposition.

36. The results of the elections had shown that, contrary to the claims made by Sir Edgar Whitehead before the United Nations, he did not represent the majority of the white settlers, and that the white population of Southern Rhodesia, like Sir Edgar Whitehead himself, was racist. Of the 12,000 "B" roll voters, of whom 8,000 were Africans, only 2,000 had gone to the polls. Mr. Nkomo had sent out instructions from his restricted area asking the African electors not to vote, and they had listened to him.

37. After those so-called elections, Mr. Winston Field, a die-hard racist, had taken over the reins of government from Sir Edgar Whitehead. His policy was similar to that of Mr. Verwoerd in South Africa. He had introduced legislation aimed at completely crushing African opposition.

38. Mr. Nkomo went on to say that he had met Mr. Butler a month previously, in February 1963, at Salisbury. He had explained the situation to him and asked him to institute constitutional changes without delay. Mr. Butler had promised to study the problem with his colleagues. A few weeks later he had invited Mr. Field and his Government, Mr. Kaunda of Northern Rhodesia and his Government, and Sir Roy Welensky, the Federal Prime Minister, to London. Mr. Nkomo had also gone to London, although not invited and lacking a passport, as it had been taken away. He had had a further talk with Mr. Butler on 20 March, and Mr. Butler had finally admitted that the United Kingdom had the power to legislate without consulting the Southern Rhodesian Government, although it had undertaken, under a forty-year-old convention, not to do so in practice without prior consultation with the Southern Rhodesian Government. Mr. Nkomo had pointed out that it was high time to break with that convention and had added that the United Kingdom could take advantage of the dissolution of the Federation to introduce a new constitution for Southern Rhodesia without prior consultation. He had asked Mr. Butler to let him know before 26 March whether the United Kingdom would keep to the convention or would take action, since he himself would soon be going back to Southern Rhodesia and, under the new Preservation of Constitutional Government Act, 1963, one clause of which he read out to the Committee, he was liable to be sentenced to imprisonment for twenty years for having addressed the Committee.

39. In addition to that Act, several other new laws concerning unlawful organizations and certain offences had been passed within the last ten days with the result that the situation in the Territory had become impossible. One new law provided that any person found guilty of exploding a petrol bomb or similar weapon would automatically be sentenced to death. It

had been justified by Mr. Winston Field on the pretext that such attacks were a menace in Southern Rhodesia. In fact, its purpose was to permit the arrest of thousands of the indigenous inhabitants whom the Government considered politically dangerous. Weapons and explosives were placed in the houses of certain people singled out by the police for their political ideas and it was then easy to prove that they were a threat to security. The aim of that and other new laws—which had been approved by the Opposition and by Sir Edgar Whitehead himself—was to eliminate all the politically active Africans in Southern Rhodesia.

40. The Africans of Southern Rhodesia did not recognize the Government of Mr. Field, which had come to power under a Constitution which they had rejected without reservation.

41. With regard to the current preliminary talks in London prior to the Federal Conference which was to dissolve the Federation, Mr. Nkomo said that Mr. Kaunda and he were agreed in considering that the Conference should confine itself to the dissolution of the Federation and leave aside the matter of possible links between Northern and Southern Rhodesia, which was to be settled by free and independent Governments in Northern and Southern Rhodesia.

42. He strongly emphasized the urgency of the situation. What the Africans of Southern Rhodesia wanted was the right to determine their own future. He recalled the efforts at conciliation made by the representatives of the African people and added that the sons of Zimbabwe could not be expected to bear much longer the yoke imposed by a handful of settlers. If the United Kingdom did not change its attitude in the next two or three weeks, it would have to bear responsibility for the inevitable consequences.

43. He had not intended to come before the Committee, which, like the General Assembly, had already done all it could to improve the situation. However, as a last effort, he asked whether the Committee could not send to London, during the talks on the future of Central Africa, a group of two or three of its members instructed to impress upon the United Kingdom Government the necessity of acting immediately and the fact that, if violence broke out in Southern Rhodesia, it would have to answer for it. The patience of the Africans had run out. The time had come for the United Kingdom to give proof of its alleged desire for peaceful changes in Southern Rhodesia by taking action.

44. He handed over to the Committee some copies of the new laws he had mentioned.³¹ He stated that those laws, which were a result of the so-called liberal Constitution of 1961, gravely affected the situation in Southern Rhodesia. He pointed out that they all started with the statement: "Be it enacted by the Queen, Her Most Excellent Majesty", and that the United Kingdom could not therefore deny responsibility for those oppressive laws.

General statements by members

45. The representative of Ethiopia said that he had always regarded the United Kingdom as the administering Power and that he would continue to do so until the objectives of resolution 1514 (XV) had been attained. He was convinced that the United Kingdom would change its attitude, as other countries had done,

³¹ The text was subsequently circulated as document A/AC.109/35.

and would use all the means in its power, including force, as France had had to do in Algeria, to carry out its obligations in Southern Rhodesia.

46. The fact that the Special Committee had again given priority to the question of Southern Rhodesia was indicative of the explosive situation now prevailing in the Territory.

47. Many times in the past the great majority of Member States, including Ethiopia, had denounced the 1923 Constitution as unjust and as having no binding force on the African population of 3 million, compared with a settler population of only 220,000. The Members of the United Nations had equally denounced the 1961 Constitution because it denied the rights of 3 million Africans and, by a complicated system of rolls and franchises, entrenched the political and economic power of the settler minority. It was true that the 1961 Constitution eliminated some of the reserved powers vested in the United Kingdom Government under the 1923 Constitution and transferred essential constitutional powers to the minority settler government.

48. On 28 June 1962 the General Assembly, by resolution 1747 (XVI), had affirmed that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations and had requested the United Kingdom Government to undertake urgently the convening of a constitutional conference in which there should be full participation of all political parties, for the purpose of formulating a constitution in place of the 1961 Constitution which would ensure the rights of the majority of the people on the basis of "one man, one vote". At its seventeenth session the General Assembly had adopted two resolutions concerning Southern Rhodesia. Resolution 1755 (XVII) urged the United Kingdom to secure the immediate and unconditional release of Mr. Joshua Nkomo, the President of the Zimbabwe African Peoples Union, and all other nationalist leaders who were restricted, detained or imprisoned, and called for the immediate lifting of the ban on ZAPU. Resolution 1760 (XVII) affirmed that any attempt to impose the 1961 Constitution would aggravate the already explosive situation in the Territory. The resolution requested the United Kingdom Government to take the necessary measures to secure: (a) the immediate implementation of resolutions 1747 (XVI) and 1755 (XVII); (b) the immediate suspension of the enforcement of the Constitution of 6 December 1961 and cancellation of the general elections scheduled to take place shortly under that Constitution; (c) the immediate convening of a constitutional conference to formulate a new constitution for Southern Rhodesia; (d) the immediate extension to the whole population of the full and unconditional exercise of their basic political rights. The resolution also requested the Secretary-General to lend his good offices to promote conciliation among the various sections of the population of Southern Rhodesia and to report to the Assembly at its current session as well as to the Special Committee.

49. All those recommendations of the General Assembly had been completely disregarded and the Secretary-General's report (A/AC.109/33) showed that his efforts had been in vain, the representative of Ethiopia went on to say.

50. In December 1962, since the Committee had last considered the question of Southern Rhodesia, elections had been held in the Territory, despite the opposition of 3 million Africans and despite the resolutions of the

General Assembly. The leading African nationalist party, ZAPU, which had announced that it would boycott the elections, had been banned in September 1962, but the only effect of the ban had been to strengthen the boycott, and the two remaining African parties, ZNP and PASU, had joined with ZAPU in its boycott.

51. Thus it had been the members of the white settler minority who had voted and won the elections. The so-called Rhodesian Front, led by Mr. Winston Field, had obtained thirty-five of the sixty-five seats in the Legislative Assembly, Sir Edgar Whitehead's United Federal Party had obtained twenty-nine, and the one remaining seat had gone to an independent member. Mr. Winston Field and his party were therefore in control of the machinery of power. The Rhodesian Front was a merger of smaller parties which were all resolved to reinforce the system of compulsory racial discrimination in the best tradition of Mr. Verwoerd. While the administering Power asserted that the Constitution of 1961 was an improvement over that of 1923 and that the African majority could hold the balance of power in the Legislative Assembly, the recent elections had further widened the gap between the African population and the white settler minority. In both the Special Committee and the General Assembly it had been pointed out that the franchise qualifications would deprive the Africans of any voice in the Government of their own country. Those fears had proved to be well-founded.

52. The Rhodesian Front, which had come to power as a result of the December 1962 elections, had declared itself against "compulsory racial integration" and had promised to uphold the principles of the Land Apportionment Act. Its leaders had stated that, once in power, they would restrict the franchise still further in order to keep government in the hands of the European minority. Thus the ideology of the party was exactly the same as that of South Africa. Mr. Field, the Prime Minister, had recently declared that Southern Rhodesia's primary task was the development of its primary industries, which was the cheapest form of development and employed the most people in the cheapest way. That policy, which was applied in South Africa, Angola, Mozambique and elsewhere, meant the elimination of educational opportunities for the Africans in order to ensure the supply of cheap labour for the mining industries.

53. The minority settler Government of Southern Rhodesia was adopting all its repressive measures on the pretext that Southern Rhodesia was self-governing and that the administering power had no right to interfere and was not accountable to the United Nations. Yet Southern Rhodesia was a Non-Self-Governing Territory within the meaning of the Charter, and the United Nations was bound to ensure that the country proceeded to complete independence under the conditions laid down in paragraph 5 of General Assembly resolution 1514 (XV). In the United Kingdom itself, many people were anxious to see their Government take an immediate step to check the deterioration of the situation in Southern Rhodesia. The Africa Bureau in the United Kingdom had stated that the United Kingdom Government should bring pressure to bear on Southern Rhodesia to liberalize its Constitution and transform the country into a democratic State. In his delegation's view, however, it was not for the minority settler Government to liberalize the Constitution, the representative of Ethiopia continued; it was rather for the administering Power, namely the United Kingdom,

to exercise its control over the administration of Southern Rhodesia and to implement resolution 1514 (XV).

54. The United Kingdom Government should not hesitate to use all measures to uphold the rights of the 3 million Africans, following the example of the French Government, which had used force against Frenchmen in order to bring peace to Algeria. Probably, however, recourse to extreme measures would not be necessary. Many constructive suggestions had been advanced by the Opposition in the House of Commons. Mr. Denis Healey, speaking for the Labour Opposition on 30 July 1962, had expressed the view that the survival of the Commonwealth in Africa and Asia might depend on the United Kingdom Government's making rapid progress in meeting the reasonable demands of the African population of Southern Rhodesia. He had added that the whole history of British colonial policy showed that a reduction in social discrimination was no substitute for political advance; moreover, the United Kingdom Government had powerful economic weapons of persuasion at its disposal. That Government should make it clear that further financial aid to Southern Rhodesia would depend upon political advance for the Africans. Mr. Butler had given a reply in the House of Commons, defending the minority settler Government. His prediction that the Africans might win more seats than the fifteen "B" roll seats had been proved wrong.

55. The example of South Africa had thus been repeated: the United Kingdom, when giving up its power, had handed it over to the European settlers, and there was now a racist government in Southern Rhodesia thanks to the enforcement of the discriminatory Constitution of 1961. The Ethiopian delegation wondered what the United Kingdom Government's attitude had been since those elections. He hoped that a change in attitude would become apparent, for events in Southern Rhodesia were developing in a manner incompatible with the rights and interests of 3 million Africans and the continuance in office of a reactionary settler Government would create a very dangerous situation in Southern Rhodesia. The Pan African Freedom Movement for East, Central and Southern Africa (PAFMECSA) was concerned by the fact that oppression by the settlers had been intensified during recent years.

56. The nationalist movement in Southern Rhodesia, ZAPU, had repeatedly proposed through its leader, Mr. Joshua Nkomo, that another constitutional conference should be convened by the United Kingdom Government for the purpose of drafting a constitution which would be acceptable to the African majority of the population. The Southern Rhodesian settlers and certain United Kingdom officials had been very critical of Mr. Nkomo and had charged him with failing to cooperate and refusing to accept terms which, according to them, would serve as a starting point. Surely Mr. Nkomo could not be expected to abandon the interests of his people in order to conform to the wishes of those who were trying to strengthen the power of the present white settler government.

57. His delegation could not agree that it was possible to disregard the imminent danger represented by the situation in Southern Rhodesia. It was in favour of the immediate implementation of the United Nations resolutions which called for equality in representation and the peaceful but steady progress of the Territory to independence, in accordance with the will of the majority of the people. The Committee should once

more urge the United Kingdom Government to use its power in Southern Rhodesia to ensure that universal adult suffrage, without any discrimination, was introduced. It should ask for the abrogation of the 1961 Constitution and for the early convening of a constitutional conference, in which all political leaders from Southern Rhodesia would participate, for the purpose of drawing up a constitution acceptable to the majority of the people, namely, the Africans. The United Kingdom should ensure the full and unconditional exercise by the African population of their basic political rights. In short, the United Kingdom should give effect to the resolutions concerning Southern Rhodesia.

58. He recalled that, under resolution 1810 (XVII) of 17 December 1962, the Committee was instructed to apprise the Security Council of any developments in the Non-Self-Governing Territories which might threaten international peace and security. It was his delegation's view that the Security Council should be informed of the unilateral steps taken by the minority Government in Southern Rhodesia, which had increased tension among the various racial groups, thus creating a grave situation in Central Africa; it also believed that the General Assembly should give top priority to the question of Southern Rhodesia.

59. The representative of Cambodia said that his delegation approached the problem before the Committee in the light of the great principles concerning human rights and fundamental freedoms and the right of peoples to self-determination. In its discussions the Committee should take into account earlier decisions of the General Assembly and recent developments in Southern Rhodesia.

60. The Conference held in London in December 1961 had resulted in the formulation of a new Constitution, which, however, had not been accepted by the majority of the African population, who made up more than nine-tenths of the total population of Southern Rhodesia. The opposition of the Africans was based on the fact that the Constitution did not enable Africans to take part in the government of their country. In his view, either the draft constitution should have been the subject of a referendum, or a new constitutional conference should have been held. In the absence of such measures, the matter had come before the United Nations General Assembly, which, in resolution 1747 (XVI), had urged the administering Power to enable the non-European population to exercise their rights, and in resolution 1760 (XVII) had asked that the enforcement of the 1961 Constitution should be suspended. The very day after the adoption of the latter resolution the Constitution had been put into force, and general elections under it had been held the following month. As a result of those elections, a new party, still more intransigent than its predecessor, had come to power. From the outset, the new Prime Minister had made clear his determination to maintain minority government, to reject racial integration and to keep discriminatory laws in force.

61. The Committee had had an opportunity to inform itself very fully on the situation in Southern Rhodesia, having heard the views of numerous African and European petitioners who had made statements before the Special Committee and in the Fourth Committee of the General Assembly. It had also heard an interesting statement by Sir Edgar Whitehead, the then Prime Minister of Southern Rhodesia, who had said that he wanted all vestiges of discrimination against

Africans to be eliminated and a situation to develop in which all races would participate in decisions and in planning. Those had been worthy intentions, and the Cambodian delegation certainly favoured the idea of a non-racial society; what was important, however, was that government should not remain in the hands of the minority.

62. In his delegation's view, the Committee's decisions should be based on the following considerations. First, Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the United Nations Charter. Secondly, the indigenous inhabitants of Southern Rhodesia were being denied equality of political rights and liberties and were not properly represented in the legislative body; nor were they represented at all in the Government. Thirdly, the Committee had been asked to propose measures to ensure the implementation of the Declaration on the granting of independence to colonial countries and peoples. The basic assumption of that Declaration was that all peoples had the right to self-determination; that right must be granted to the people of Southern Rhodesia. Lastly, an appeal should be addressed to the administering Power; in view of the potential dangers of the situation for world peace, if that appeal were ignored the attention of the supreme organs of the United Nations should be drawn to the question.

63. In connexion with that last point, he had noted the reservations expressed by the United Kingdom representative regarding the assertion that his country was the administering Power in respect of Southern Rhodesia. If the United Kingdom representative was right, he would like to know where responsible authority lay in that Non-Self-Governing Territory. He would also like to know how the United Kingdom representative thought that the Committee could enable the Southern Rhodesian people as a whole to make known their wishes. The Cambodian delegation, for its part, considered that the United Kingdom should be asked to take urgent steps to persuade the present Government of Southern Rhodesia to grant the indigenous people the full exercise of rights and freedoms, and to hold a round-table conference, within the context of the implementation of resolution 1514 (XV). In a letter addressed to the Secretary-General (A/AC.109/33) the United Kingdom Government had indicated its intention to hold talks with the new Southern Rhodesian Government; he hoped that the visit to Southern Rhodesia of the United Kingdom Minister responsible for Central African Affairs, who had interviewed leading persons, including Mr. Nkomo, would throw further light on the question.

64. The representative of Poland said that his delegation had always held that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations and that the United Kingdom, as the administering Power, had an obligation to implement there the provisions of the Declaration on the granting of independence to colonial countries and peoples and all the relevant resolutions of the General Assembly, namely resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII). In resolution 1747 (XVI), the Assembly, regarding the United Kingdom as having all the responsibilities of an Administering Authority, had called upon that country to convene a fully representative constitutional conference for the purpose of replacing the 1961 Constitution by a constitution which would ensure the rights

of the majority of the people on the basis of "one man, one vote". Resolution 1760 (XVII) had further asked the United Kingdom Government to see that the enforcement of the 1961 Constitution was suspended and the scheduled general elections cancelled. In spite of those resolutions, the 1961 Constitution had been brought into effect and the elections had been held in December 1962, even earlier than had originally been planned. In addition, the major African nationalist party, ZAPU, led by Mr. Joshua Nkomo, was still banned and new discriminatory measures against the Africans had been adopted or were being contemplated.

65. The opposition of the Africans to the 1961 Constitution and the subsequent boycott by the Africans of the elections held under the complex and discriminatory dual-roll system, with its property and educational qualifications, arose from the fact that the Constitution served to entrench political and economic power in the hands of the 220,000 white settlers. Contrary to all the assertions of the administering Power, the Constitution provided no protection for the 3.5 million Africans but expressly guaranteed the privileges of the European minority in Southern Rhodesia. It was not the first time that the interests of the indigenous people had been flouted: the granting of "self-governing" status to the Territory in 1923 and the creation of the Federation of Rhodesia and Nyasaland in 1953 had both taken place without the indigenous population having been consulted, and had been designed to consolidate the position of the Europeans. Under the new Constitution, the United Kingdom had relinquished its power to veto legislation which was contrary to African interests and had thus taken a further step towards allowing the development in Southern Rhodesia of a situation similar to that existing in South Africa. A Government had now been formed by the right-wing Rhodesian Front, which opposed the repeal of the Land Apportionment Act and other discriminatory legislation and contemplated further narrowing the franchise in order to keep the Government permanently in the hands of the Europeans. According to newspaper reports, a mandatory death penalty for arson and related offences had been introduced, as well as other measures to increase the already repressive and savage laws designed to destroy any African political activity. In particular, Parliament had been asked to approve legislation making African nationalists who took complaints to the United Nations liable to prison terms of ten years. The Committee should denounce all such measures as contrary to resolution 1514 (XV) and to the Universal Declaration of Human Rights.

66. The United Kingdom had not dissociated itself from the actions of the white settlers in Southern Rhodesia and must be held responsible for what was going on in that colony. Without its support, the European minority would not be able to resist for long the legitimate demands of the Africans for self-government and independence. The United Kingdom representative had admitted that Southern Rhodesia was neither sovereign nor independent. The United Kingdom claimed, however, that it was not competent to intervene in Southern Rhodesia because of the alleged force of precedent established by the mere fact that the power to veto acts contrary to African interests had never been used. That was a legal quibble and, as the Irish representative had pointed out at the 1364th meeting of the Fourth Committee (A/C.4/SR.1364, para. 9), British constitutional practice allowed precedent to be

set aside on many occasions, whenever circumstances so dictated.

67. The obstacles to a solution were clearly not of a technical or legal character, the representative of Poland continued. Legalistic arguments had been similarly advanced by Portugal in respect of its so-called overseas provinces. The principal goal of colonial policies had always been economic exploitation. The testimony of petitioners who had appeared before the Committee of Seventeen and the Fourth Committee had revealed that United Kingdom policy in Southern Rhodesia was guided to a great extent by the interests of powerful industrial and financial organizations consisting of some 200 mining corporations with interlocking directorates and grouped together in trusts and combines, such as the Anglo American Corporation, Tanganyika Concessions Ltd., the Rhodesia Selection Trust, the Union minière du Haut-Katanga, the De Beers Consolidated Mines Ltd., the British South Africa Company and others. The immense profits which those companies were able to make by exploiting the rich mineral resources and cheap migratory labour had encouraged the formation of the notorious "unholy alliance", the purpose of which was to draw a Mason-Dixon line across Africa and to maintain white domination south of that line, in order both to protect the privileges of Europeans there and to exercise constant pressure on the other African countries. In that endeavour the alliance was armed and had the backing of the ruling authorities of South Africa, the Federation of Rhodesia and Nyasaland, Mozambique and Angola.

68. With the assistance of the administering Power and other NATO members, the military strength of Southern Rhodesia was being built up and arms were even being distributed to the European population. All those measures, together with the discriminatory legislation against and the repressions of the nationalist movement, had created a grave and explosive situation which constituted a threat to peace and security in Africa. The rapidly deteriorating situation was the result of the administering Power's disregard of and its failure to implement the relevant General Assembly resolutions, as well as its failure to recognize the fundamental political rights of the African population of Southern Rhodesia. The African boycott of registration and voting in the recent elections, even though ZAPU had been banned and many of its leaders restricted, had obviously been very effective and had demonstrated once more the Africans' total opposition to the 1961 Constitution. The strength of the banned organization had been proved by the success of the election boycott and by the failure of any new organization to gain the allegiance of the masses since the banning of ZAPU.

69. In the light of the developments which he had described, his delegation considered that the Special Committee should urge the United Kingdom to implement resolution 1514 (XV) in accordance with the specific recommendations in the relevant General Assembly resolutions. The only just solution to the question of Southern Rhodesia lay in the granting of independence to the country through a democratic transfer of power in accordance with the wishes expressed by the majority of the people. The 1961 Constitution should be abrogated without delay and a new constitution formulated on the basis of the principle of direct and universal adult suffrage. All States should be requested to deny the white-dominated Government of Southern

Rhodesia any support or assistance which might be used in the repression of the indigenous inhabitants. In addition, in view of the dangers involved in the situation, the Polish delegation endorsed the Ethiopian suggestion that the Security Council should be informed of developments in the Territory and that the question of Southern Rhodesia should be urgently considered by the General Assembly at its forthcoming special session.

70. The representative of Mali recalled that his delegation had already had occasion both in the present Committee and in the General Assembly and the Fourth Committee, to express its views on the drama involving the fate of 3.5 million Africans living under the tyranny of 230,000 white settlers in that part of Africa arbitrarily named Rhodesia.

71. In spite of the General Assembly's debates on the question of Southern Rhodesia in June and October 1962, the United Kingdom had continued to regard that Territory as a self-governing State and had done nothing to implement the relevant resolutions. It was therefore responsible for all the injustices and stupid actions committed by the white settler government against the African population. Under the reserved powers which the United Kingdom Government retained, it should have annulled the racist Constitution of Southern Rhodesia, as the General Assembly had recommended in June 1962 (resolution 1747 (XVI)), and convened another constitutional conference in which all the local political parties would take part. Indeed, that view was shared by a large section of British opinion. In a recent Press conference, Mr. Harold Wilson, the leader of the Labour Party in the United Kingdom, had stressed that British opinion was not indifferent to the tragedy the Africans of Southern Rhodesia were enduring.

72. Instead of standing by and letting the elections of December 1962 put the Rhodesian Front, the most reactionary and racist party in the Territory, in power, the United Kingdom Government should have given Southern Rhodesia democratic institutions which would enable it to attain independence. The programme of the present Government of Southern Rhodesia, headed by Mr. Winston Field, was an insult to all Africans. The Rhodesian Front was resolutely pursuing a policy of apartheid identical with that of South Africa. Mr. Winston Field was savagely persecuting the African nationalist parties. After the banning of ZAPU on 20 September 1962, a number of grave decisions had been taken, such as the decision to impose the death penalty for all acts constituting a threat to the arbitrary and anti-democratic régime in power, and other intermediate measures such as the banning of public meetings on Sundays and holidays, the suspension of the right to leave the country, unjust trials, and so forth. The methods used in Southern Rhodesia were thus no different from those used in South Africa and they fully justified the anxiety provoked by the turn of events.

73. The delegation of Mali was convinced that the United Kingdom had betrayed its mission by transferring certain powers to a minority of settlers who wanted to maintain white supremacy by police terrorism and the most brutal repression. The United Kingdom, which often talked about the 650 million subjects of former colonies it had led to independence, had not shown the same liberalism in the case of Southern Rhodesia. It should not leave the 3.5 million Africans of Southern Rhodesia to the tender mercies of 230,000 settlers, who were organized, armed and aided from

outside in order to promote the creation of a second South Africa, but should draw its inspiration from the way in which France had finally solved the Algerian problem by negotiation.

74. One of the most disturbing aspects of the political situation in Southern Rhodesia was the evil role played by foreign monopolies in keeping the present colonial régime in power. The Reverend Michael Scott had lashed their colonialist and neo-colonialist activities in his last statement to the Fourth Committee of the General Assembly. The 200 or so industrial companies which had set themselves up in Southern Rhodesia, Katanga, South Africa and Angola constituted a kind of Central African lobby and gave financial support to the non-independent Governments of that part of Africa in order to encourage them to refuse to be decolonized. Such trusts, examples of which were the Union minière du Haut-Katanga, the Anglo American Corporation, the Tanganyika Concessions Ltd., the Rhodesia Selection Trust, the De Beers Consolidated Mines Ltd. and the British South Africa Company, were aggravating the explosive situation in the area by the aid which they were giving to racist and anti-democratic Governments. The manner in which they were defending their own selfish interests constituted an ever-present menace to peace and progress on the African continent.

75. The delegation of Mali wished that the Governments whose action might influence the trusts and the white settlers of Southern Rhodesia would realize that there were now thirty-four independent African States which would not remain inactive much longer in the face of the sad fate of the African populations that were still subjected to foreign domination and racial discrimination. The colonial Powers and their allies should understand that they could not continue their arbitrary policies without running the risk of damaging their relations with the Governments of States which were linked with the peoples still under foreign domination by so many ties.

76. The delegation of Mali wished to state once more that Southern Rhodesia was not an autonomous State. Consequently, the United Kingdom, as administering Power, could not shelter behind the alleged duality of itself and the settler Government which it had helped to return to power. General Assembly resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII) were still valid and it was the duty of the United Kingdom to implement them, beginning by annulling the present Constitution of Southern Rhodesia. Under its reserved powers, the United Kingdom should convene another constitutional conference with the participation of all the local parties, having first released and granted amnesty to all the African nationalists detained for political reasons, and should hold new elections on the basis of universal adult suffrage, in order to transfer power to the democratically elected representatives of the people.

77. In the opinion of the delegation of Mali, the Special Committee should recommend that the Secretary-General of the United Nations should get in touch with the administering Power once again in order to try to ensure the immediate implementation of the United Nations resolutions concerning Southern Rhodesia. The Secretary-General could then inform the Committee of the results of his action. If the situation in Southern Rhodesia continued to be just as explosive, the possibility of turning to the Security Council should not be overlooked.

78. The delegation of Mali was convinced that Mr. Winston Field's government would not be able to resist the irreversible current which would lead Southern Rhodesia to independence and it hoped that the United Kingdom would be able to impose on the settlers of Southern Rhodesia a just solution in keeping with the provisions of the United Nations Charter, as the French Government had done in Algeria.

79. The representative of the Soviet Union said that the situation in Southern Rhodesia was becoming more and more complex and critical. After the so-called election held in December 1962, the settlers were in power and had openly decided to establish a racist State similar to South Africa. Nowhere else, perhaps, was there such a clear manifestation of the intention of the colonialists to oppose the inevitable process of the liberation of the colonized peoples.

80. The indigenous people of Southern Rhodesia were clamouring for the exercise of their inalienable rights; they wanted to govern their own country and were demanding independence and freedom. The legitimate nature of their demands was recognized by all peace-loving States and by all peoples and they had received the express support of the United Nations. Indeed, it was stated in the Declaration on the granting of independence to colonial countries and peoples that immediate steps were to be taken to transfer all powers to the peoples that had not yet attained independence, without any conditions or reservations, in accordance with their freely expressed will and desire. Moreover, the General Assembly had adopted a number of resolutions on Southern Rhodesia in which it had confirmed the right of the people of Southern Rhodesia to self-determination and the forming of an independent African State.

81. The people of Southern Rhodesia had almost unanimously declared themselves to be against the so-called Constitution of 1961, which had been imposed by the white settlers with the support of the United Kingdom. The General Assembly had almost unanimously supported that stand. Nevertheless, elections had been held on the basis of that so-called Constitution. The people of Southern Rhodesia had repudiated the elections by refusing to take part in them, not wishing to be forcibly kept in bondage by the settlers. The leaders of the movement of national liberation had embarked on a difficult course: having repeatedly warned the settlers and having appealed to the United Nations, they had declared that the United Kingdom's refusal to take the demands of the indigenous inhabitants into account left them no alternative but to take up the struggle. At the beginning of January 1963, Mr. Nkomo had stated that, in order to avoid a catastrophe, the United Kingdom should immediately introduce legislation providing for the establishment of a government representing the majority of the population. The United Kingdom had refused to enact any such legislation.

82. The African leaders' position was in direct contrast with that of the white settlers. With the support of the United Kingdom, the latter had held so-called elections, in which only 10,000 persons out of an indigenous population of nearly 4 million had taken part. The Winston Field government, which had succeeded the Whitehead government, was on a par with the Verwoerd government of the Republic of South Africa. Mr. Field had stated that he did not intend to repeal the existing land legislation, under which 53 per cent of the best land was set aside for the settlers—the

average area of land available to each settler was 111 hectares whereas in the case of the Africans it was only 6.8 hectares of land, which could hardly be called arable—and that notwithstanding the fact that 80 per cent of the Africans, as against only 10 per cent of the settlers, were farmers.

83. Similarly, the system of education was organized in such a way as to deprive the Africans of any instruction. The children of the white settlers received free schooling, whereas the Africans, who were living in their own country and were poor, had to pay for their children's schooling. Only the corrupt minds of the colonialists could have conceived such a system. Yet even that was considered by the racialists to be too favourable, and since many of them had stated that it was unnecessary to educate the Africans it could be expected that new steps would be taken to restrict even further the access of Africans to education.

84. The Winston Field government preferred to spend hundreds of thousands of pounds on building police stations. The laws that it had submitted to Parliament were designed to intensify the struggle against the national liberation movement. All political activity by Africans was prohibited and all the indigenous political parties had been disbanded. A bill had recently been introduced in Parliament under which anyone who sent a petition to the United Nations would be liable to ten years' imprisonment, while those who spread "inaccurate" information about the situation in Southern Rhodesia would be liable to twenty years' imprisonment. Such legislation was tantamount to a declaration of war against the indigenous population. Eight Ministers in the Winston Field government were former military men, and the spirit of racist militarism at present permeated all spheres of public life in Southern Rhodesia. Of course all the settlers were not responsible for that policy but there was no disregarding the fact that it was the policy of their representatives.

85. It might be asked what attitude the United Kingdom was adopting towards such a situation. It was going back on its obligations as the administering Power and was turning a deaf ear to the United Nations, which, after declaring that Southern Rhodesia was a Non-Self-Governing Territory, had asked the United Kingdom to acknowledge its responsibilities with regard to the situation in Southern Rhodesia and to take all the necessary steps to ensure that the Declaration on the granting of independence would be implemented. The United Kingdom representative had stated before the Committee that his country could not share its responsibilities with respect to the territories under its authority with anyone and that it did not recognize the competence of the United Nations in that respect. It was obvious that the United Nations could not accept such a statement, but there was reason to wonder why, in the case of Southern Rhodesia, the United Kingdom was refusing to shoulder its responsibilities.

86. The fact was that Southern Rhodesia occupied a central position in the United Kingdom's colonial policy: it was one of the last strongholds of British colonialism in Central and Southern Africa. Southern Rhodesia provided protection to the Republic of South Africa to the north, and the United Kingdom considered that, as long as it held its ground in Southern Rhodesia, the racist régime of the Republic of South Africa would remain in power. British imperialism controlled the entire economy of Southern Rhodesia, where the interests of the British industrial monopolies of the white settler government coincided. In reality, the

United Kingdom was not a third party but on the contrary it provided the inspiration for the Southern Rhodesian racialists. The plan of the British colonialists was to establish in that country a racist State which would keep itself in power by terrorism. That plan was not new; the original intention had been to establish a much larger racist State, comprising the two Rhodesias and Nyasaland. Nobody should be deluded by the statement of the Southern Rhodesian racialists that they wished to be free of any control by the Government in London. It was the United Kingdom itself which was supplying them with weapons, and which, while pretending to abdicate its responsibilities, was defending the Rhodesian settlers at the cost of the interests of the indigenous population.

87. The United Kingdom representative had objected to the hearing of petitioners. Unfortunately, the British colonialists could still behave as they liked in their territories. In the United Nations the United Kingdom representative could state without any qualms that his country was trying to protect the people in its care from abuse, yet a law was to be enacted in Southern Rhodesia inflicting a sentence of ten years' imprisonment on anyone who dared to approach the United Nations.

88. There was no doubt that the legitimate aspirations of the people of Southern Rhodesia would triumph ultimately, but it must be recognized that there were certain factors which complicated their struggle for independence. There was no disregarding the fact, for instance, that racialism, although condemned at the United Nations and elsewhere, continued to exist and to find apologists. For example, in a book published in Washington in 1961 entitled *Race and Reason: a Yankee View*,³² the author, Carleton Putnam, claimed that all races did not possess the same biological aptitude for progress and for the adoption of the "Western" way of life, and that the events which had taken place in some areas, ranging from Latin America to Africa, were often the result of demands by people incapable of self-government. It was not surprising that such views were supported by certain United States senators (R. B. Russell, R. C. Byrd, J. S. Thurmond) and that Senator Ellender had spoken in Southern Rhodesia of the inability of Africans to govern themselves.

89. The Soviet Union had always opposed apartheid. The Permanent Representative of the Soviet Union to the United Nations had that very day sent the Secretary-General a letter (A/AC.115/L.9) concerning resolution 1761 (XVII), adopted by the General Assembly on 6 November 1962 on the item entitled "Policies of apartheid of the Government of the Republic of South Africa". The letter stated that the Government of the Soviet Union was categorically opposed to all forms of racial subjugation and declared itself in favour of the equality of all races and all nationalities. At the seventeenth session of the General Assembly, the delegation of the Soviet Union had supported the resolution condemning the apartheid policies of the Republic of South Africa and, in the opinion of the Soviet Union Government, the application of the sanctions against the South African Republic envisaged under that resolution could provide an effective course of action, provided the decisions were applied by all States Members of the United Nations, including the Western Powers,

which still maintained close political and economic relations with the Republic of South Africa.

90. Another important aspect of the problem of Southern Rhodesia was the question of monopolies. In the Portuguese Territories the situation of the population was becoming worse and worse, while the monopolies continued to grow and to acquire more and more wealth. In Katanga, more than two years after independence, the economic situation of the people was steadily deteriorating, while the profits of the Union minière increased each year. It was exactly the same in Southern Rhodesia, where the situation was becoming more and more explosive, while British and American companies—the British South Africa Company, the Anglo American Corporation, the Rhodesia Selection Trust, Tanganyika Concessions Ltd. and others—continued to make enormous profits by exploiting the country's resources more and more intensively. It was not without reason that petitioners from Southern Rhodesia had stated that unless the part played by the monopolies was revealed, it would be difficult to ascertain the real reasons for the critical situation prevailing in Southern Rhodesia. The delegation of the Soviet Union shared that view and considered that it was high time a study was made of the monopolies in the colonial territories of Central and Southern Rhodesia.

91. The whole world concurred in the belief that events in Southern Rhodesia constituted a great danger to international peace. The PAFMECSA Conference had described the situation in Southern Rhodesia as a challenge to the liberation movements in Central and Southern Africa and had promised the people of Rhodesia the support of all the African peoples and Governments. It had stated that the Government of Southern Rhodesia was riding roughshod over the rights of the African people to freedom of movement, speech and association. It had categorically condemned the imperialism and colonialism practised in Southern Rhodesia and had appealed to all the African countries to give the people of Southern Rhodesia not only their moral support but also material assistance.

92. The attitude of the Soviet Union delegation, which was to call for vigorous action when the colonial Powers acted in such a way as to threaten international peace and security, was prompted not only by its desire to see the elimination of colonialism but also by the fundamental principles of socialism, which was opposed to the exploitation of man by man. The Soviet Union delegation was convinced that, by taking vigorous steps to support the colonial peoples who were fighting for independence, the United Nations would make their struggle easier, reduce the number of casualties and prevent a repetition of the Algerian tragedy.

93. Since the situation in Southern Rhodesia was becoming increasingly dangerous, the Special Committee should draw the attention of the General Assembly to that fact when it was to meet in May 1963. Such an obligation was, moreover, implicit in resolution 1760 (XVII), in which the Assembly had decided to keep the item entitled "Question of Southern Rhodesia" on the agenda of the seventeenth session. The Committee should also, in pursuance of resolution 1810 (XVII), apprise the Security Council of the critical and threatening situation in Rhodesia. Thus, after the Assembly had examined the question in May, the Council would be able to take whatever steps were necessary.

³² Washington, Public Affairs Press, 1961.

94. It might also be advisable for the Committee to send a visiting mission to Southern Rhodesia with instructions to investigate the situation on the spot and to submit specific recommendations to the Committee. The mission should go to Southern Rhodesia in the very near future, so that the General Assembly, through the Special Committee, might have those recommendations before it in May.

95. The representative of the Ivory Coast observed that it was only necessary to compare the map of 1940 with that of 1963 to appreciate the vigour of African nationalism. The various transformations which had taken place in the Nationalist Party in Southern Rhodesia showed that the people of that country had awakened to their rights and their aspirations. Hence there could be no doubt that that country was ready for independence. His delegation was concerned, however, to avoid useless bloodshed and the creation of division between the various communities and to promote the achievement of independence by peaceful means.

96. The African and Asian countries had shown that decolonization could take place peacefully. In the so-called English-speaking countries the process began with constitutional conferences between all the political parties. Constitutions were framed only after all the parties had agreed on the articles through successive compromises. Elections were then held on the basis of universal suffrage and were followed by the transfer of powers. In the so-called French-speaking countries the first stage was a referendum or an election on the basis of the universal suffrage and of "one man, one vote"; then came the transfer of powers, the convening of a constituent assembly and the framing of a constitution. That was the general rule, although there had been certain exceptions, such as Indo-China and Algeria.

97. In all those procedures there was one constant factor, that of negotiations which by means of reciprocal compromise led to democratic elections on the basis of universal suffrage in order to ascertain the opinion of the majority and to guarantee the rights of minorities.

98. In Southern Rhodesia, too, there was a constant factor: a minority of reactionary white settlers, backed by economic trusts and resolved to keep their privileges, a minority which would stop at nothing to obtain its ends. An utterly anti-democratic Constitution had been imposed on the country, contrary to the wishes of the people and of the most representative parties. Some 200,000 people were represented by 50 members of the Legislative Assembly, while only 15 seats were reserved for the representation of some 3 million Africans. What was worse, the Constitution had transferred to a Constitutional Council a function which under the former Constitution had been performed by the Crown, namely, the exercise of a guarantee protecting the Africans against any discriminatory laws—though it was true that that guarantee had not been worth much, since all the laws promulgated in the country were tinged with racial discrimination. Nevertheless that function had been transferred to the Constitutional Council, which was merely an advisory body. The Southern Rhodesian Parliament could override it by a two-thirds majority vote or by a simple majority vote after a period of six months. The purpose of that constitutional device was clear in view of the fact that over two-thirds of the members were European. The only effect of the revision of the Constitution had been to give the Europeans the right of veto.

99. Furthermore, Africans had been expropriated by the Europeans. Europeans owned nearly 21 million hectares of land, whereas the 3 million African farmers owned only 17 million hectares.

100. His delegation hoped that it would be possible to avoid what the leader of the Labour Party in the United Kingdom had recently described as an inevitable tragedy in Africa. Everything that had happened recently seemed to presage a settlement by violence. The so-called liberal party of Sir Edgar Whitehead had fallen from office and the new Government was in favour of a policy of *apartheid* and racial segregation.

101. In that explosive area of Africa two fictions were maintained: the Portuguese fiction that the territories under its administration were provinces of the metropolitan country and the United Kingdom fiction that the territories under its administration were self-governing, which was an excuse for doing nothing. The result in both cases was the perpetuation of colonialism and the supremacy of a white minority. It must be realized that Europeans could remain in Africa not as masters but only on a footing of absolute equality.

102. He appealed to the humanitarianism and liberalism of the United Kingdom. The settlers were opposed to the abolition of slavery and to freedom of labour in Africa. They had shown in Algeria what a settler republic would be. In South Africa they were practising the shameful policy of *apartheid*. The United Kingdom had a great moral responsibility, which could not be evaded by constitutional arguments.

103. At the time of the adoption of the Declaration on the granting of independence to colonial countries and peoples, the United Kingdom, under the former Constitution, had still held the right to revoke all laws of a discriminatory nature. That fact alone would have been sufficient justification for the United Kingdom to annul the Constitution, which was itself of a discriminatory nature. It would also have enabled the United Kingdom to maintain its right of supervision in Southern Rhodesia.

104. The question now was what recommendations should be made to the United Kingdom in order to avert the threatened disaster. The General Assembly had been well advised in adopting the various resolutions concerning Southern Rhodesia. The United Kingdom should intervene and endeavour to settle the difficulties which had arisen in the Territory. It should convene the leaders of all the political parties and try to reach a compromise settlement. The outcome should be the revision or amendment of the Constitution so as to guarantee the exercise by all citizens of their inalienable rights. That would necessitate drastic alteration in the Constitution, or even its abrogation. The colonial history of the United Kingdom showed that there were precedents for doing so.

105. The representative of the United Kingdom observed that since General Assembly resolution 1747 (XVI) had been discussed in the Fourth Committee, the question of Southern Rhodesia had been debated in the General Assembly, the Fourth Committee and the Special Committee on a number of occasions. On each occasion his delegation had made it clear that it considered discussion of the Territory to be outside the competence of the United Nations. Since a further debate on the subject had begun, he would emphasize once more that his Government was unable to accept that the United Nations had authority, derived from

the Charter or elsewhere, to intervene in the affairs of Southern Rhodesia. That was a fundamental objection of principle which his Government maintained with regard to the item.

106. He was aware that some members considered the general question of competence to have been settled. In support of their view they had adduced resolutions whereby the General Assembly asserted its own competence to decide whether a particular territory had or had not attained a full measure of self-government. As his delegation had previously pointed out, however, an assertion of competence could not create something which did not exist in the Charter. When the resolutions in question had been adopted, and again subsequently, his delegation had made it clear that it could not regard them as conferring on the General Assembly an authority which it did not possess under the Charter. In its view a resolution making an assertion of the kind was *ultra vires*.

107. With regard to the constitutional relationship between the United Kingdom and Southern Rhodesia, there again his delegation had explained on several occasions that Southern Rhodesia enjoyed, and had enjoyed for forty years, a special status. It had described how that status gave the Government of Southern Rhodesia full responsibility for the Territory's internal affairs and had outlined the constitutional limitations on the actions the United Kingdom Government could take. The historical process whereby that status had been achieved in 1923 and the steps whereby it had developed since then had been outlined in previous statements by his delegation; a very full account of them had been given by Mr. J. B. Godber, the United Kingdom Minister of State for Foreign Affairs, in the Fourth Committee on 25 October 1962 (A/C.4/SR.1360). He would, however, recall a few salient points.

108. In 1922 the then electors in Southern Rhodesia had, by means of a referendum, chosen responsible government in preference to incorporation in South Africa. Under the Constitution of 1 October 1923 executive authority in Southern Rhodesia had been transferred from officials of the British South Africa Company to elected Ministers responsible to the Southern Rhodesia Legislative Assembly. The United Kingdom Government had retained no power whatever of legislation in Southern Rhodesia's internal affairs, and United Kingdom Ministers had played no part in those affairs since then. The United Kingdom Government had, however, retained a power of veto over certain restricted categories of Southern Rhodesian legislation within one year of enactment, but that power had in fact never been exercised.

109. In past debates some members of the Committee had questioned the fact that the United Kingdom Government had no power to intervene in Southern Rhodesia's internal affairs; that, in fact, had always been the main point at issue. The United Kingdom Government's position was that for the past forty years it had been constitutionally unable to do so. A grasp of that point was fundamental to understanding the growth of the Commonwealth. That association of States had been developed on a foundation of the progressive withdrawal of authority and supervision by the United Kingdom. The withdrawal had been sometimes gradual and sometimes rapid but, during the process, certain accepted practices or conventions had evolved which had acquired the same binding force as written laws. Perhaps the most important was

the convention that the United Kingdom Parliament could not legislate for the self-governing colonies, without their consent. That convention had applied to Southern Rhodesia since 1923. It had its own Parliament, its own Government and its own civil servants, who were not appointed by the United Kingdom or responsible to the United Kingdom. It maintained its own law and order. Its Governor did not represent the United Kingdom but was appointed on the advice of the Prime Minister of Southern Rhodesia; his position was akin to that of a constitutional Head of State acting on the Prime Minister's advice. Since 1951 the United Kingdom had been represented in Southern Rhodesia by a High Commissioner, whose function was diplomatic and not executive. Even in external affairs Southern Rhodesia had long enjoyed a status which was quite different from that of the Non-Self-Governing Territories under United Kingdom administration. For example, prior to the establishment of the Federation in 1953, the Government of Southern Rhodesia had been a full member of the International Telecommunication Union and the Interim Commission for the International Trade Organization and had also been made a Contracting Party to the General Agreement on Tariffs and Trade.

110. That special and separate development was the reason why the United Kingdom Government had never been able to give the United Nations an account of social, educational and economic conditions in the Territory. In 1946 the United Kingdom had submitted a list of territories about which it proposed to transmit information. Southern Rhodesia had not been on that list and the Assembly had not queried its omission. Since the United Kingdom had nothing to do with the internal administration of the Territory, it could not accept the title of "Administering Authority".

111. Despite its reservations, his Government had co-operated fully with the Committee. By means of statements and documents it had made available the most detailed evidence of its determination to achieve rapid progress in the Non-Self-Governing Territories under its administration. Southern Rhodesia, for reasons which had been carefully explained, was in a different category.

112. While maintaining its reservations on competence, his Government recognized the concern felt by many members about the situation in the Territories. He would, however, remind them of the responsibility they bore. Southern Rhodesia could not be considered in isolation. It was part of a wider complex of problems concerning the future of the Central African Federation, which was receiving his Government's close attention and was the subject of a series of meetings which were just about to begin in London and which would be attended by the leaders of the Northern and Southern Rhodesian Governments and of the Federal Government. He would urge members of the Committee not to consider courses of action which might hinder peaceful progress in the part of Africa under consideration.

113. The representative of Madagascar said that his delegation was much disturbed to note that the Southern Rhodesian drama had reached a critical point. The artificial situation which the administering Power had preserved in the Territory for some forty years, with the help of amendments, counter-amendments and constitutions, was on the point of exploding. It would only be necessary for one of the three parties in the drama—the white minority, the African majority or

the administering Power—to set events in motion for the denouement to come about. What must be avoided was a denouement consisting in the Territory's accession to independence in chaos. Action must be taken to ensure that the advent of independence, which was only a question of time, was favoured by a serene atmosphere in which there would be neither victor nor vanquished, but merely free and equal citizens, both black and white.

114. The measures required for a peaceful transfer of powers had been set out in broad terms in General Assembly resolutions 1755 (XVII) and 1760 (XVII). They were “the full and unconditional exercise of . . . basic political rights, in particular the right to vote” and, with that end in view, “the immediate convening of a constitutional conference . . . to formulate a new constitution for Southern Rhodesia”. The Malagasy delegation had urged that the 1961 Constitution should be immediately abrogated. The United Kingdom Government could have vetoed the enforcement of that absurdly unrealistic Constitution, but it had not done so.

115. He went on to say that the United Kingdom could, however, still make one last effort to prevent the irreparable from happening. The common sense which it had always shown, and the interests of the white minority itself, required that the United Kingdom should accept the hand still proffered to it by the Africans and embark upon negotiations. He hoped that the talks which had begun in London on the previous day, with a view to seeking a peaceful solution to the Rhodesian problem, would be brought to a successful conclusion.

116. It was now indisputable and undisputed that Southern Rhodesia was a Non-Self-Governing Territory. The United Kingdom could not escape its responsibilities. The United Kingdom Prime Minister had gone some way towards recognizing that situation in the House of Commons on 6 March 1962, when he had said that Parliament had not the power to abandon the right to legislate for territories which were not yet fully independent.

117. Southern Rhodesia was not yet an independent territory. Admittedly, through the mouth of the victorious Rhodesian Front, it opposed the continuation of any association with the new African Governments of Northern Rhodesia and Nyasaland, but that was not a reason for London to grant independence to Mr. Winston Field's government, since such action would only perpetuate the present situation.

118. The United Kingdom alone could remedy the existing state of affairs in Southern Rhodesia, and only with its co-operation could the United Nations take the positive steps required for the implementation of the Declaration on the granting of independence to colonial countries and peoples.

119. As an indication of the seriousness of the present situation in Southern Rhodesia, he quoted an article which had appeared in *Le Monde* of 13 March 1963, according to which Mr. Terence Ranger, a lecturer at Salisbury University and one of the few European members of the African ZAPU Party, who had just been expelled from the Federation, had declared that the United Kingdom must intervene in Southern Rhodesia if it wished to prevent a bloody clash between the Africans and the Europeans.

120. In connexion with the talks now taking place between the United Kingdom Government and the

Southern Rhodesian leaders, *The Financial Times*, on 22 March 1963, had stated that the United Kingdom could not escape its responsibilities and allow the Territory to drift into South Africa's orbit. The newspaper had added that the Southern Rhodesian settlers would be wise to re-examine their policies soon, if they wished to avoid having to deal with a Labour Government in the United Kingdom which would be much less sympathetic towards them.

121. The Malagasy delegation, while aware of the difficulties of the United Kingdom's task in negotiating with the Rhodesian Front, considered that there was still reason to have confidence in that country.

122. The representative of the United States recalled that, when the question of Southern Rhodesia had been considered five months previously by the Fourth Committee, his Government had expressed its concern, not only at the seriousness of the situation but also about its possible impact throughout the African continent. At that time, the General Assembly had requested the Secretary-General to lend his good offices to promote conciliation, and the Secretary-General had initiated a correspondence with the United Kingdom.

123. Events since then had served only to increase the existing tension, and further efforts must therefore be made to stimulate—in the words used in the autumn of 1962 by the United Kingdom representative—the establishment of a political climate favourable to liberal and orderly constitutional development. Today, that goal was even further away. It appeared that the Government of Southern Rhodesia was in the hands of a party which seemed to want to maintain, to the greatest possible extent, the political and social *status quo*. If that was the case, and if that Government's attitude was intransigent, the fear that violence might follow could not be avoided. The internal problems of Southern Rhodesia were extremely complicated, but the United States delegation believed that the tides of social and political change could not be halted.

124. His delegation had previously criticized the slowness of progress in the expansion of the suffrage provided for under the 1961 Constitution. That Constitution represented a certain number of concessions which might have been appreciated and accepted as a first step. However, it was feared that the first step might also be the last: the creation of the double voting roll, the conditions limiting the exercise of the franchise and the small number of seats for Africans had given the impression of opposition to progress. It was understandable that a system which apparently strengthened the powers of a privileged minority by erecting barriers to the exercise of the right to vote should arouse vehement opposition, and that a great percentage of Africans should have refused to participate in the recent elections, although in some respects that was regrettable. The fact was that since the previous autumn the situation had deteriorated.

125. His Government urged the adoption of a rule of reason rather than a rule of prejudice and fear. It believed that the dominant political elements in Southern Rhodesia should examine their long-term interests before violence erupted. Furthermore, it considered that the people of Southern Rhodesia should be given the opportunity of self-determination and that the Government of that country should derive its powers from all the inhabitants. It would hope that the Constitution would be amended to provide for a realistic liberalization of the provisions of the franchise.

Similarly, it hoped that measures would be taken to eliminate racial discrimination, and finally that self-determination would bring about the establishment of peaceful and mutually profitable relations between Southern Rhodesia and neighbouring countries, based on an association freely agreed to by the majority of the peoples.

126. Those objectives could be attained, but only through the determined efforts of men of goodwill. His delegation respected the force of the argument advanced by the United Kingdom representative, but considered that the United Kingdom had an active and important role to play at the present juncture. For example, some people feared that the United Kingdom might grant independence to Southern Rhodesia in the present situation or that the Government of Southern Rhodesia might declare its own independence. In that regard, he recalled that the United Kingdom representative in the Fourth Committee had, in the previous autumn, spoken of the concern felt by his Government for the welfare of all the people of Southern Rhodesia. He had said that nothing had happened which could justify further change in the constitutional relationship between the United Kingdom and Southern Rhodesia, and he had given the assurance that any future change could not come about through unilateral action. The United Kingdom had always maintained that Southern Rhodesia was neither sovereign nor independent, and the United States, for its part, did not think that independence should be granted to Southern Rhodesia under present circumstances. The United Kingdom representative in the Fourth Committee had also stated that his Government wished to give help, consistent with its constitutional relationship with the Government of Southern Rhodesia, in establishing a political climate favourable to liberal and orderly constitutional development. Because of its responsibilities in regard to Southern Rhodesia, the United Kingdom was the natural agent to play such a role; his delegation urged it to exert its efforts in that direction, and particularly to apply its special influence, regardless of what its legal authority might be, for the rapid broadening of the franchise and the rapid elimination of all racial discrimination.

127. The United Kingdom had a record of many years of co-operation with the United Nations and the Secretary-General. In its resolution 1760 (XVII) the General Assembly had requested the Secretary-General to lend his good offices, and his delegation had been pleased to hear recently that the Secretary-General continued to be in touch with the United Kingdom Government (see A/AC.109/33). It believed that the Committee should encourage that sort of contact.

128. Finally, his delegation hoped that no attempt would be made, in the Committee, to use the peoples concerned as pawns in the cold war, as had already been attempted with respect to the Portuguese territories and even to Southern Rhodesia. His delegation, for its part, would confine itself to the essential task which lay before the Committee of recognizing the right of every people to set its own course with dignity, justice, self-respect and freedom.

129. The representative of Chile felt that the problem before the Committee called, more than any other, for honest co-operation on the part of all concerned. A **veritable crusade had been undertaken** to alter the fate of thousands of indigenous inhabitants living in oppression and poverty. That struggle was a credit to those who carried it on, and his delegation was proud

to support the African countries, for it was on their side. It understood their anxiety when in some parts of their continent a minority denied to the majority of the inhabitants the right to determine their own future and subjected them to indescribable oppression which threatened to produce a conflict with incalculable repercussions. Even the United Kingdom delegation could not deny that such was currently the situation in Southern Rhodesia.

130. His delegation believed that the pertinent resolutions regarding Southern Rhodesia, namely, resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII), were still applicable—in other words, that Southern Rhodesia was a Non-Self-Governing Territory. Consequently, the Committee should apply to it as rapidly as possible the provisions of resolution 1514 (XV). The United Kingdom was a realistic country which had succeeded in adapting itself to historical developments in the territories under its administration, yet in the case of Southern Rhodesia it declared that it had no power to administer. The Chilean delegation could not subscribe to that assertion; on the contrary, it believed that in Southern Rhodesia, where the United Kingdom's influence was undisputed, that country had undeniable responsibilities. It therefore requested the United Kingdom to use its immense influence, for, having done so much to spread and defend the principles of democracy, it could not remain inactive in face of the situation. His delegation therefore asked it to spare no effort to bring together representatives of all existing trends in Southern Rhodesia, so as to work out a solution under which the legitimate rights of the majority would be recognized and those of the minority safeguarded. His delegation was not unaware of the difficulty of the task, since many interests were at stake, but it believed that it could rely upon the United Kingdom's leaders.

131. The representative of Venezuela observed that the only thing which was apparent since the adoption of resolution 1760 (XVII) was that the administering Power had taken no more notice of that resolution than of the preceding ones. Not only had the United Kingdom failed to suspend the 1961 Constitution; it had permitted the organization, under that Constitution, to hold elections which ZAPU did not recognize as valid.

132. General Assembly resolution 1747 (XVI), in favour of which his delegation had voted, clearly established that Southern Rhodesia was a Non-Self-Governing Territory. Moreover, while a certain group in the Territory did enjoy some internal autonomy, that group consisted of settlers of European origin who represented but one-eighth of the total population. The 1961 Constitution recognized the privileges of a minority against the wishes of 3.6 million Africans.

133. In his delegation's view, the United Kingdom was not only bound to lead the Territory to self-government and independence; it was also morally bound to prevent inequalities incompatible with the principles of the United Nations. The rights of minorities must, of course, be respected, but only within a framework of legal and political equality. The continuance of domination by the white settlers in Southern Rhodesia could only intensify the discord and, consequently, endanger peace and security in the region.

134. The only practical way of setting up a democratic and independent government in Southern Rhodesia was through the adoption of a constitution establishing the absolute political and legal equality of all

the inhabitants. Any other solution would be artificial, and accordingly his delegation believed that resolutions 1747 (XVI) and 1760 (XVII) were entirely and immediately applicable to Southern Rhodesia.

135. During the debate on the situation in the territories administered by Portugal (see chap. II above), the United Kingdom representative had affirmed his delegation's view that the situation was not desperate and that it was possible to persuade Portugal to alter its political course. He had expressed the hope that Portugal would agree so to act as to enable the peoples of its territories to opt for self-government or independence, and had added his delegation's opinion that no other policy could ensure stability in those territories. That statement, *mutatis mutandis*, could be applied to Southern Rhodesia. Venezuela did not think that the situation there was desperate. It relied upon the realism and good sense of the United Kingdom to find a solution acceptable to all concerned.

136. The representative of Uruguay recalled that the United Nations had considered the future of Southern Rhodesia five times in one year. That was manifest proof of the interest which the Organization and world opinion took in the problem. The General Assembly often concerned itself with situations for which the Organization was not entirely responsible and which it had, to some extent, inherited. In the case of Southern Rhodesia, however, the responsibility did lie with the United Nations, and upon its wisdom depended the favourable or unfavourable outcome of events.

137. Thanks to the progress of science and technology, the masses could now reasonably hope to receive their share of the material and cultural benefits which previously only a small minority had enjoyed. It was therefore not possible to continue to ignore that gigantic revolution and to count on time for a settlement of everything.

138. In addition, the case of Southern Rhodesia was different from many others in that a propitious occasion for a bold solution had presented itself in 1962. For reasons difficult to explain, that occasion had not been seized and a great hope had been dashed.

139. His delegation believed that the United Kingdom continued to have specific responsibilities with regard to Southern Rhodesia. While constitutionally and legally the situation was far from clear, in the light of the principles of the United Nations Charter, it was undeniable that the people of Southern Rhodesia were not yet fully self-governing, that Southern Rhodesia should continue to be regarded as a Non-Self-Governing Territory and that the Members of the United Nations still bore responsibilities toward that people. According to the general principles adopted at the San Francisco Conference, it was the United Nations organs themselves which should interpret the provisions of the Charter relating to their duties. The competence of the Assembly had been established in resolution 742 (VIII), for example, in nearly all the recommendations concerning Non-Self-Governing Territories; it would be unjust to say that on those different occasions the Assembly had acted in an arbitrary manner.

140. Even if it were conceded that a transfer of powers had taken place in Southern Rhodesia and that the Territory's status was tantamount to independence, the situation in the Territory would be no more in keeping with the requirements of the Charter, according to the General Assembly's own interpretation in

resolutions 742 (VIII) and 1541 (XV). A transfer of powers could have no validity if those powers had been transferred not to the people itself but to a fraction thereof, and the obligations under Article 73, which his delegation regarded as the Magna Carta of the colonial peoples, would not lapse as the result of such a transfer.

141. Moreover, Article 103 of the Charter provided that "in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail". Consequently, the obligations deriving from Chapter XI should prevail over any treaty, pact, convention, or even domestic laws—which, from the standpoint of international law, were mere facts—previous or subsequent to 1945 whose provisions might be incompatible or in conflict with the Charter of the United Nations. Because of Article 73, the evolution of the colonies towards self-government was a matter of international jurisdiction. As a result of that process of internationalization, a process similar to that which had occurred in the case of human rights, for example, it was no longer possible to accept the idea that the prohibition of intervention in the domestic affairs of another political entity, a prohibition which might have arisen from certain unwritten laws or conventions, also barred intervention in matters which no longer fell within the scope of domestic jurisdiction; nor was it possible to accept the idea that the delegation of powers to legislate in internal matters—police, education, finance, economy, for instance—could also apply to legislation concerning external matters, in other words, matters which had already been regulated by and brought within the scope of international law, and which, by virtue of the principle *nemo dat quod non habet*, could no longer, since 1945, be subject to any kind of compromise, negotiation or delegation.

142. His delegation was convinced that the United Kingdom was still responsible in regard to Southern Rhodesia, and addressed to it a last appeal that it should act in accordance with the General Assembly's resolutions. All was not yet lost, and the United Kingdom representative had alluded to certain seemingly favourable circumstances. However, it was necessary to act quickly, in the interests of Member States, including the United Kingdom, and of the people of the Territory.

143. The representative of Bulgaria said that, since the General Assembly had last discussed the question, the situation in Southern Rhodesia had deteriorated still further and had reached an extremely explosive stage. The facts of the situation were well known to all members. Ever since the British colonizers had imposed their rule on Southern Rhodesia, the position of the white minority had been maintained by armed force and suppression and by laws which consolidated power in the hands of that minority. The United Kingdom's argument that Southern Rhodesia was a self-governing Territory had been decisively rejected by the General Assembly. What made the situation in Southern Rhodesia different from that in other Non-Self-Governing Territories was the policy of intensified racial discrimination which was being pursued by the settler minority with the assistance of the United Kingdom Government. To protect the interests of the settlers and of United Kingdom monopolies in the Territory, that Government had chosen to support the creation there

of a racist State similar to the Republic of South Africa.

144. Aware of the dangers of the situation and fearing the indefinite postponement of the implementation in Southern Rhodesia of the Declaration on the granting of independence to colonial countries and peoples, the General Assembly had adopted resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII), in which it had called for the restoration of all rights to the non-European population and the replacement of the Constitution of 1961 by a new constitution based on the principle "one man, one vote". Those resolutions had gone unheeded: ZAPU had been banned and its leaders placed under restriction, and elections had been held under the 1961 Constitution, bringing to power a new white minority government with a philosophy and programme similar to those of the South African Government. Those developments had created a highly inflammable situation and his delegation shared the view that, if the course of events was not reversed, there might soon be a serious threat to peace in the region. The statements which had been made before the Committee by Mr. Nkomo supported that conclusion.

145. The solution to the problem lay in the speedy and full implementation of the decisions adopted by the General Assembly, and it was the Committee's duty to endeavour to secure the implementation of those decisions. The Bulgarian delegation supported the suggestion made by several delegations that a visiting mission should be sent to Southern Rhodesia without delay to study the new situation there and to work out recommendations to be submitted to the General Assembly at its forthcoming special session.

146. History could not be reversed by the racist policies or the cruelly repressive measures of Mr. Winston Field's government; the struggle of the Southern Rhodesian people for freedom and independence could not fail to end in victory.

147. The representative of Iraq said that few problems had been discussed as thoroughly by the United Nations as that of Southern Rhodesia. The General Assembly, having rejected the contention that the United Kingdom Government had no authority over Southern Rhodesia, had called upon that Government to abrogate the 1961 Constitution and to initiate discussions with a view to a new constitution which would pave the way for the emergence of Southern Rhodesia as an independent African State. The United Kingdom Government had ignored the Assembly's wishes; the Constitution had been allowed to come into force and elections had been held on 14 December 1962. The Secretary-General, acting on a request by the General Assembly, had lost no time in contacting the United Kingdom Government and offering to lend his good offices in order to promote conciliation and initiate discussions with a view to achieving the objectives of General Assembly resolution 1514 (XV) in Southern Rhodesia. After seven weeks, the United Kingdom Government had given an inconclusive reply (see A/AC.109/83).

148. By installing a racist government in the Territory the December elections had brought an already dangerous situation to the point of explosion. The 1961 Constitution, in the hands of the settler minority, was being used as an instrument for perpetuating the régime of racial discrimination and exploitation under which the African population had been living ever

since the United Kingdom had surrendered the government of Southern Rhodesia to the white settlers after a so-called plebiscite in which only those settlers had been allowed to vote. That early error on the part of the United Kingdom had been surpassed by its recent error of allowing the 1961 Constitution to come into force. The December elections had been rendered meaningless by the African boycott: as Mr. Nkomo had informed the Committee, only a handful of Africans out of a total of 3 million had voted. United Kingdom policy had clearly been based on the mistaken assumption that Sir Edgar Whitehead would be victorious, and the United Kingdom Government now faced a dilemma for which it alone was responsible. It must now either take a firm stand and use its moral, legal and material influence to reverse the trend in Southern Rhodesia, or abdicate its responsibilities and permit the erection of another citadel of reaction in the heart of Africa.

149. The United Kingdom Government should begin by implementing resolution 1760 (XVII): it should suspend the 1961 Constitution and prevail upon the Southern Rhodesian Government to release all political prisoners and rescind the ban on the nationalist parties. It should then negotiate with the representatives of the African majority and convene a constitutional conference that would pave the way for the independence of Southern Rhodesia under a representative government. The Secretary-General could still lend his assistance: the United Kingdom's reply to the Secretary-General had left the door open for further contacts, which were continuing.

150. The official statements of the United Kingdom, including those made by its country's representatives in the Special Committee and other United Nations bodies, were negative and singularly devoid of constructive suggestions. The United Kingdom could not absolve itself of responsibility for having surrendered the fate of the African population of Southern Rhodesia to a racist settler minority in 1923. If such surrender had been possible at that time, the world of today could not tolerate the maintenance of a racist régime. The 1961 Constitution, which had been imposed upon the people of Southern Rhodesia, was a strangely anachronistic document. It utterly failed to meet the demands of the Africans and required them to resign themselves to an indefinite future of servitude. The General Assembly had voted overwhelmingly in favour of resolution 1760 (XVII), which had called for a suspension of the Constitution, and the United Kingdom could have made use of the moral force of that vote in its dealings with the white settlers. Instead of following the same bold and imaginative policies which it had adopted elsewhere in Africa, however, that country had chosen the path of inaction.

151. The new racist Government had already adopted many measures increasing its repressive powers and had introduced amendments to the Law and Order (Maintenance) Act of 1961 which would make the death penalty mandatory for numerous offences. The Preservation of Constitutional Government Act, 1963 would make it possible for a prison term of twenty years to be imposed on the mere suspicion of a wish for change. An African would be liable to such a term if he petitioned the United Nations or if, for example, he was reported to have suggested to the Northern Rhodesian Government the imposition of an economic boycott on Southern Rhodesia. The provisions would

apply not only to citizens of Southern Rhodesia but to all residents and, in some cases, former residents. The new legislation also gave extra-territorial effect to the Law and Order (Maintenance) Act. Finally, hearsay evidence would be admitted as valid in any case under the new law, subject only to the approval of the Chief Justice.

152. The United Kingdom Minister of State responsible for Central African Affairs, during his recent visit to the Territory, had apparently failed to deflect Mr. Field's government from its course. According to Mr. Nkomo, Mr. Butler had admitted to him that the United Kingdom had the power to legislate for Southern Rhodesia but had not done so because of long-standing constitutional conventions. At the previous meeting, the Uruguayan representative had ably analysed the legal aspects of the problem and had shown that the obligations of the United Kingdom under the Charter must take precedence over other commitments.

153. His delegation had already expounded its reasons for holding that Southern Rhodesia was a Non-Self-Governing Territory in the meaning of Chapter XI of the United Nations Charter. That question, however, was irrelevant in the light of resolution 1514 (XV), which applied to all dependent territories: the United Kingdom had never claimed that Southern Rhodesia was an independent territory and it was therefore automatically the concern of the Committee. It was the duty of the Committee to ensure that Southern Rhodesia acceded to independence without delay in the best possible circumstances and with the rights of its people fully protected and respected.

154. It was clear that British constitutional conventions could not take precedence over voluntarily accepted international obligations. Moreover, British constitutional conventions derived their authority from the implicit consent of those to whom they applied, and they had always been subject to change and evolution. That was the essence of British democracy and constitutional theory. The constitutional convention in question was one which violated the basic principle of the consent of the governed. The United Nations was not asking the United Kingdom to set aside a cherished constitutional principle but rather to restore one. The convention of not legislating for self-governing colonies without the consent of their Governments was justifiable provided that those Governments derived their authority from the people. It was clearly inapplicable in the case of a minority government which maintained itself by terror and oppression. The argument was not only legally untenable but also politically unwise, since the African population, if denied constitutional channels, would be forced to pursue its ends by other methods.

155. His delegation was in agreement with the various suggestions which had been made, namely, that the Secretary-General should be asked to use his good offices, that a visiting mission should be sent to the Territory, that the question should be placed on the agenda of the Assembly's forthcoming special session and that it might be referred to the Security Council. He felt that top priority should be given to Mr. Nkomo's suggestion that a mission should be sent to London immediately to reaffirm the importance which the United Nations attached to the problem and to impress upon those concerned the need for positive measures before it was too late.

156. The representative of Tanganyika said that his delegation concurred with the view of the majority

of Member States that the United Nations was competent to deal with the question of Southern Rhodesia and to insist on the implementation of General Assembly resolution 1514 (XV) in the Territory. His delegation held that the United Kingdom, against all denials, was the Administering Authority in Southern Rhodesia, whose affairs had always been handled by the Colonial Office, whose Governor represented the Queen and whose laws were enacted in the name of the Queen. If necessary, he could cite many principles and precedents in British constitutional law and practice in proof of the fact that the United Kingdom was wholly responsible for changes in the constitutional and fundamental laws of Southern Rhodesia.

157. The United Kingdom representative himself had said that his Government's responsibility for its territories was indivisible, that it could be neither shifted nor shared. He agreed that the United Kingdom could neither shift nor share the guilt of colonialism or the responsibility to grant the 3.5 million Africans in Southern Rhodesia their rights and freedoms. The United Kingdom still had a chance to redeem itself by revoking the odious 1961 Constitution, which had been imposed in defiance of General Assembly resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII) and in spite of the overwhelming opposition of the African population led by ZAPU, under Mr. Nkomo.

158. It was the United Kingdom that had devised that Constitution and sponsored the leadership of Sir Edgar Whitehead, who had been described as a reasonable and liberal leader. Yet not only had Sir Edgar Whitehead lost the election to the reactionary followers of Mr. Winston Field, but he and his party had subsequently voted in favour of the severe punitive measures introduced by the Field government, including the bill inflicting a heavy prison sentence on any African daring to petition the United Nations.

159. Although the problem of Southern Rhodesia was relatively new to the United Nations, the history of that colony was a long and a sad one of domination and exploitation of the indigenous inhabitants by white settlers and business men. In his statements before the Fourth Committee, Sir Edgar Whitehead had tried to convince the members that the settlers were becoming more sensible and that the régime was being steadily liberalized. Any pretence of liberalism had been dropped, however, with the advent of the new Government led by Mr. Winston Field, which pursued the same aims as the Verwoerd government in South Africa. The Field government had no intention of amending the unjust Land Apportionment Act of 1930, reserving land for the European settlers, which was a major cause of tension between Africans and Europeans in Southern Rhodesia. Moreover, it had introduced amendments giving extra-territorial effect to the Law and Order (Maintenance) Act of 1961 under which death sentences were made mandatory for certain offences. The British newspaper *The Observer* had described the new provisions, which were intended to frighten Africans into mute acceptance of anything which was imposed on them, as unbelievable and unprecedented. It was clear, however, from Mr. Nkomo's statements and from a warning recently issued by the Reverend Ndabaningi Sithole, the well-known ZAPU leader now in Dar es Salaam, that such measures would have an opposite effect to that intended and that Southern Rhodesia was moving rapidly towards a violent upheaval. If the United Kingdom, as the responsible

administering Power, failed to act and to meet the aspirations of the African population of Southern Rhodesia, the delegation of Tanganyika would join others in urging that the Security Council should examine the matter, which constituted a serious threat to peace in Africa and throughout the world.

160. The United Kingdom had frequently asserted its intention to dissolve its colonial empire. In practice, however, freedom and independence had not been showered on the colonized people like so many gifts; on the contrary, their advent had been delayed by all kinds of obstacles and excuses advanced by the colonial authorities, especially when the interests of settlers and business monopolies were involved. It was a common practice for political parties to be banned and their leaders imprisoned. Their struggle would nevertheless be pursued to the bitter end, for they could count on the assistance of sympathetic peoples and nations, as had been evidenced, for example, in the case of Algeria. Tanganyika and other African countries were already engaged in practical measures to hasten the eradication of colonialism, of which Southern Rhodesia was one of the worst examples. Thus ZAPU, FRELIMO and other nationalist organizations could continue to operate in Dar es Salaam. The Pan African Freedom Movement for East, Central and Southern Africa (PAFMECSA) took an extremely serious view of the situation and the Africans would certainly make sure that the example of South Africa was not repeated in Southern Rhodesia.

161. Both Mr. Nkomo and Mr. Kawawa, the Vice-President of the Republic of Tanganyika, had said that the United Kingdom Government should be prepared to use force if necessary to oblige the white settlers in Southern Rhodesia to obey the dictates of democracy and surrender power to the Africans. The situation in the Territory was characterized both by anomalies and by a dichotomy. Examples of the former were the rule of a foreign minority over an indigenous majority, the political instability, the banning of African parties, the disregard of human rights, and the racist policies, all of which required to be remedied. The dichotomy was to be found in United Kingdom policy and specifically in the contrast between the United Kingdom's claim to be a champion of democracy and its practice as exemplified in the case of Southern Rhodesia.

162. In his delegation's view, the United Kingdom as administering Power should seriously consider the following proposals for immediate steps to rectify the situation in Southern Rhodesia:

(1) The 1961 Constitution should be revoked and replaced by a democratic constitution meeting the aspirations of the people. New constitutions should be devised for Nyasaland, Northern Rhodesia and Southern Rhodesia, the latter giving majority rule to the Africans in Southern Rhodesia.

(2) The new constitution should provide for government based on universal adult suffrage, guarantee the rights of majorities and minorities, and outlaw discriminatory legislation.

(3) The Special Committee should appoint an *ad hoc* committee, possibly of three Powers, to undertake immediate discussions with the United Kingdom Government in London regarding a new constitution for Southern Rhodesia. His delegation fully agreed with that suggestion, which had been made first by the Soviet Union and then by Mr. Nkomo.

(4) The United Kingdom should convene a new constitutional conference in London for that purpose, with the free participation of Mr. Nkomo and his colleagues. The United Kingdom Government should make it clear that it would not attempt to advance the constitutional status of Southern Rhodesia under the reactionary Winston Field government.

(5) The United Kingdom delegation should make it clear to the Committee that the current talks in London concerned the liquidation of the Central African Federation and not the Southern Rhodesian Constitution as such.

(6) If the United Kingdom still failed to fulfil its international responsibilities, the Special Committee should refer the question of Southern Rhodesia to the special session of the General Assembly to be convened in May 1963. Tension was mounting in the Territory and the Committee should be free to refer the matter to the Security Council at the first sign of any violent eruption.

(7) The Committee should again consider the Soviet Union proposal that a visiting mission should be sent to London and Salisbury to find out what was being done regarding the future of the indigenous population of Southern Rhodesia.

163. The constitutional position of Southern Rhodesia was the same as that of British Guiana; both were colonies with the same degree of constitutional competence and almost identical constitutions. Yet the United Kingdom delegation persisted in asserting that the United Kingdom was the administering Power of British Guiana but not of Southern Rhodesia. It had rescinded the Constitution of British Guiana in 1953, that of Malta in 1960 and that of Grenada in 1962. The United Kingdom Government clearly had the legal power to change the Southern Rhodesian Constitution; it was imperative that it should do so and thereby remedy a dangerously explosive situation.

164. Whatever happened, the Africans of Southern Rhodesia and the whole of the African continent would ultimately find a solution to the Southern Rhodesian question, which was essentially an African problem. Africans throughout the continent had undergone the same sufferings and shared the same determination to liquidate colonialism and racialism, to preserve human equality and dignity, to eradicate cultural, economic and political imperialism and to foster racial co-operation and mutual understanding. The Africans of Southern Rhodesia could count on the unstinted support of their brethren in the Republic of Tanganyika.

165. The representative of Yugoslavia stated that in his delegation's opinion Southern Rhodesia was not a self-governing Territory and the administering Power was therefore obliged to comply with the obligations of Chapter XI of the United Nations Charter and of General Assembly resolution 1514 (XV). It should abrogate the Constitution of 6 December 1961 and all discriminatory legal provisions in regard to the African population and introduce a new electoral law based on universal suffrage.

166. In his statement Mr. Nkomo had described the tragedy which was taking place in Southern Rhodesia, where the policy and laws of the new Government were leading the country in the opposite direction from that defined in the Charter and the Declaration on the granting of independence to colonial countries and peoples. A new law had intensified the already discrimina-

tory character of Rhodesian legislation, and the situation of the African population, which formed 94 per cent of the population, had further deteriorated. The fears that had been expressed in 1962 concerning Southern Rhodesia had therefore been justified.

167. Nevertheless the Yugoslav delegation hoped that recent events in Southern Rhodesia would help the United Kingdom to realize that a further denial of responsibility for the future of Southern Rhodesia would be not only indefensible but dangerous. The Special Committee would doubtless consider that the present situation in Southern Rhodesia, and especially the measures recently adopted, required the immediate intervention of the United Kingdom Government in order to avert the most serious consequences. After studying the proposals made by several delegations and hearing the pressing appeal launched by Mr. Nkomo, the Yugoslav delegation proposed that the Committee should send a sub-committee of five members—three officers of the Committee and two additional members appointed by the Chairman—to London immediately to establish contact with the United Kingdom Government and to inform it of the Committee's opinion that steps should be taken without delay to implement the resolutions of the General Assembly.

168. The representative of Australia said that his delegation shared the concern that had been expressed at recent developments in Southern Rhodesia. The Committee was not in possession of all the facts and it was difficult to make precise judgements about the situation. But it was evident that fear was rife and there had been a loss of mutual confidence. It was difficult to find a positive suggestion that would lead to a solution of the problem. The Australian delegation was of the opinion that the Committee should bear in mind, as stated by the United Kingdom representative, that talks were going on in London concerning the question. It was difficult to see how a practical and peaceful solution could be reached which would satisfy both sides. However, the Committee had the duty to see whether the way was open to a peaceful solution.

169. The Australian delegation had noted during the hearing of Mr. Nkomo that the petitioner regarded as important the desirability and possibility of reconciliation of the different elements in the country. It was undoubtedly in that way that the ultimate solution would be found.

170. The Australian delegation was one of those which believed that there should be equality of status for all the inhabitants of Southern Rhodesia. Other considerations which should be borne in mind were the fixed position that had apparently been taken by the authorities in Southern Rhodesia and the firm position of the United Kingdom on the constitutional and legal aspects of the problem. It therefore appeared that the most useful action the Committee could take would be to make contact with the United Kingdom Government so as to enable the process of reconciliation to begin and the United Nations to be associated with it. The Australian delegation considered that it would be right to turn first to the United Kingdom Government and ask it to use its undoubted influence and force of persuasion to prepare the way for a process of reconciliation of all the elements in Southern Rhodesia, which would include a role for the United Nations. The Australian delegation would therefore support the proposal that a sub-committee should be set up. At the same time it considered that the terms of reference

of the sub-committee should not be too precise and that the time given it to carry out its task should not be so short as to risk placing the United Kingdom authorities in an impossible situation. He hoped that the Committee would by some means be able to open up a line of communication with the United Kingdom authorities.

171. The representative of Sierra Leone observed that the situation in Southern Rhodesia had continued to deteriorate; General Assembly resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII) had all remained a dead letter and the United Kingdom Government had steadfastly declined to discharge its responsibilities in Southern Rhodesia. In the eyes of the delegation of Sierra Leone, Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the United Nations Charter. The General Assembly had come to the conclusion that the United Kingdom Government could use its constitutional powers and its influence to secure the implementation of the relevant resolutions. It had requested the United Kingdom to undertake urgently the convening of a constitutional conference with the full participation of representatives of all political parties and to suspend the enforcement of the 1961 Constitution, which had been rejected by the majority of the people of Southern Rhodesia. That Constitution had been forced upon the indigenous millions of Southern Rhodesia against their will, and the responsibility for doing so rested squarely on the United Kingdom, since it had unilaterally relinquished its reserved powers under the previous Constitution to veto acts contrary to African interests.

172. The Press in the United Kingdom had described Mr. Field's programme as "polite apartheid". Mr. Field had made it quite clear that he intended to resort to every known device to oppress the African people in Southern Rhodesia and to prevent them from making their views known. In flagrant contempt for the purposes of the United Nations, he had proposed legislation inflicting severe punishment on any African national who dared to complain to the United Nations. His clear intention was to deprive the African nationalists of every constitutional method of achieving their just political objectives.

173. In the opinion of the delegation of Sierra Leone, the United Nations should condemn in the strongest terms what was happening in Southern Rhodesia, and condemn the United Kingdom Government for failure to accept responsibility for those occurrences. The United Kingdom delegation, when congratulating itself on the way in which the United Kingdom had brought 650 million people peacefully to independence, forgot to mention certain other facts. British behaviour in areas where there were white minorities and vested economic interests was very different from that in areas where there were no white settler minorities. In Algeria, the French had finally had to submit to the inevitable and concede the right of independence to the gallant Algerian people. His delegation sincerely hoped that the Algerian drama would not be repeated in Southern Rhodesia.

174. Mr. Nkomo had described to the Committee the heroic struggle of the people of Southern Rhodesia against a police State which was determined to crush any opposition or criticism. The delegation of Sierra Leone supported Mr. Nkomo's suggestion that a sub-committee should be sent to London; in keeping with the best traditions of the United Nations, no stone

should be left unturned in an effort to reduce the tension by peaceful means. He hoped that the United Kingdom would once again show the spirit of co-operation which it had manifested in the past. If all efforts failed to achieve a peaceful solution the question of Southern Rhodesia could be referred to the Security Council and, if necessary, debated once again by the General Assembly.

175. The representative of Iran expressed his admiration for Mr. Nkomo, who was displaying great courage in the struggle of the people of Southern Rhodesia for liberation and independence. His statement had brought home to the members of the Committee the extreme seriousness of the present situation in Southern Rhodesia and had opened their eyes to the probable consequences of any delay in the peaceful settlement of the problem.

176. At a time when colonialism was generally on the way out, it was seeking to entrench itself in a part of black Africa, in a system which was the very quintessence of colonialism. No sooner had Mr. Field assumed office than he had stated in unequivocal terms that his Government intended to uphold racial segregation, the Land Apportionment Act and all the legislation instituting discrimination against the great majority of the African population of Southern Rhodesia.

177. In its resolutions, the General Assembly had requested the administering Power, in other words the United Kingdom, to convene a constitutional conference, in which all the political parties would participate, for the purpose of formulating a constitution to replace that of 6 December 1961. Subsequent developments had shown that the concern of the General Assembly had been fully justified; the 1961 Constitution had been put into force and the elections held under the provisions of that Constitution had brought to power the Rhodesian Front, whose watchword was "the supremacy of the white minority".

178. The United Kingdom could not remain indifferent in the face of the alarming situation prevailing in Southern Rhodesia, the representative of Iraq went on to say. The question of whether Southern Rhodesia was or was not a self-governing territory had been categorically settled by the General Assembly. His delegation had already stated that a constitution which disregarded the will of 95 per cent of the people could not be considered to be endorsed by that people. The task of the United Nations was to ensure that the colonial peoples attained independence by peaceful means. If the United Kingdom's reasoning were accepted, the inescapable conclusion would be that since all legal and constitutional channels were closed to the African population of Southern Rhodesia, the only means open to it was recourse to force. Only recently, the Winston Field government had decided that any Rhodesian who appealed to the United Nations would be liable to a sentence of ten to twenty years' imprisonment. The present situation in Southern Rhodesia threatened to create a new hotbed of racial hatred, with the most serious consequences for the African population, for the European minority and for mankind in general. Every possible effort should be made to avert such a catastrophe.

179. His delegation was not in a position to make any specific suggestions at the present stage of the debate. Since the basic facts of the problem were the same as they had been in October 1962, it still considered that the solution lay in the application of the

relevant resolutions of the General Assembly. Those resolutions had urged the United Kingdom to convene a constitutional conference for the purpose of drawing up a new constitution, to take immediate steps to restore the rights of the African population, to remove all restraints and restrictions in law and in practice of the exercise of the freedom of political activity, and to ensure the immediate release of all political prisoners. Mr. Nkomo's suggestion that the Committee should dispatch a sub-committee to London without delay was a useful one and had the support of the delegation of Iran.

180. In conclusion, he quoted a passage from the British weekly *The New Statesman*, according to which the United Kingdom Government had the authority to abrogate the new Constitution of Southern Rhodesia. It was to be hoped that the United Kingdom would be able to find a peaceful solution to the problem before it was too late. There was no doubt that it could still play a decisive part in the matter and his delegation consequently appealed to it to discharge its international and moral responsibilities with respect to the Rhodesian people.

181. The representative of Syria said that in the view of his delegation the steps which had become even more imperative than ever with respect to Southern Rhodesia had been clearly indicated in the resolutions of the General Assembly. The question whether Southern Rhodesia was or was not self-governing had also been settled by resolution 1747 (XVI).

182. In April 1962, the Committee had sent a Sub-Committee to London for the purpose of contacting the United Kingdom Government. On that occasion, the United Kingdom Government had told the members of the Sub-Committee that the safeguards provided for in the new Constitution for Southern Rhodesia, such as the Declaration of Rights and the establishment of a Constitutional Council, were adequate substitutes for the reserved powers which the United Kingdom Government enjoyed. The Sub-Committee had disagreed with that view (A/5124, para. 41), and the evolution of the political situation had justified those misgivings. All the facts in Southern Rhodesia pointed to an ever-worsening situation, which had become explosive. In his statement two days previously, Mr. Joshua Nkomo had informed the Committee of the insane measures that the racist government of Mr. Winston Field had enacted or proposed to enact.

183. Consequently it was a matter of deep regret that, despite the General Assembly's resolutions, the United Kingdom had gone ahead with the implementation of the new Constitution. It was as a result of elections held according to the provisions of that Constitution that Mr. Winston Field had come to power. In the light of the policy of his party, the Rhodesian Front, and of the new measures that had already been initiated, it was clear that under the new Constitution the Government could enact whatever discriminatory measure it wished, in spite of the so-called safeguards that were supposed to be written into it. Thus the United Kingdom Government no longer had any grounds for hope that the new Constitution would pave the way for positive developments in Southern Rhodesia. It therefore had no alternative but to take immediate steps to suspend the Constitution and to draw up another one in keeping with the wishes of the majority of the population. Any procrastination might have the most serious consequences.

184. He hoped that the United Kingdom Government would not allow the situation in Southern Rhodesia to get out of hand. There was no doubt that it would bear a heavy responsibility if that were to happen. The United Kingdom Government was fully conscious of the wind of change in the African continent and it was expected to discharge its responsibilities instead of hiding behind legal conundrums. The issue at stake was the right of 3 million Africans to be the masters of their own destiny. No convention could absolve the United Kingdom of its responsibility towards the majority of the population of Southern Rhodesia. The United Kingdom Government still had the right to legislate for Southern Rhodesia without prior consultation of the Government of that country. Mr. Butler had admitted as much recently to Mr. Nkomo in the course of their meeting in London (see para. 38 above). For those reasons, as well as for others which in the view of the Syrian delegation were even more weighty because they stemmed from the inalienable right of the people of Southern Rhodesia to freedom and independence, his delegation urged the United Kingdom to act before it was too late.

185. His delegation fully endorsed the proposal of the representative of Yugoslavia that a mission should be sent to London immediately to request the United Kingdom Government's immediate intervention for the purpose of abrogating the new Constitution, convening a constitutional conference at which all political parties would be represented, and granting an amnesty to all political prisoners. The way to recognize the equal status of all the inhabitants of Southern Rhodesia was to hold fresh elections based on universal adult suffrage.

186. The representative of Italy said that no one could deny the complexity of the Southern Rhodesian question. As in previous years, the Special Committee was faced with a preliminary problem: that of knowing who was responsible for Southern Rhodesia. Most speakers had concluded that the United Kingdom still had the power to intervene there.

187. The Italian delegation realized that it was difficult to see how a country which was responsible for the foreign relations and defence of a territory and was able to take the initiative in giving it a new Constitution, could have no power in regard to its internal affairs. It would, however, be unrealistic to maintain the diametrically opposite view, that the United Kingdom Government bore the entire responsibility for the decisions taken by the Southern Rhodesian authorities.

188. For its part, the Italian delegation was convinced that the United Kingdom Government could still exert a great deal of influence upon the future destiny of Southern Rhodesia. The main instrument for solving the problems of Southern Rhodesia by the peaceful means contemplated in the United Nations Charter was still the United Kingdom Government itself. It was difficult to believe that the United Kingdom would refuse to play its role of guidance and leadership in a territory to which it was still bound by so many ties. The Italian delegation did not think, however, that it would be wise to suggest the ways in which the United Kingdom Government should intervene in Southern Rhodesia. That was a problem which only the United Kingdom Government could decide, given its long experience in Southern Rhodesia. The Italian delegation did not think that the main concern of the United Kingdom Government was actually connected with the question of whether it had the consti-

tutional and legal power to intervene. There were other problems of greater weight, such as the risk that the present Government of Southern Rhodesia might declare the Territory to be independent. It would be very difficult to do anything once the last link between the United Kingdom and Southern Rhodesia had been severed. Only the Rhodesians themselves could then take any action, and that would certainly mean violence and bloodshed.

189. In short, the Italian delegation shared the view that an appeal ought once more to be addressed to the United Kingdom Government, and felt that, rather than pass a resolution, it would be better to contact the United Kingdom Government directly. Such action would create greater opportunities for discussion and would enable the range of possible solutions to be extended.

190. The representative of India reminded the Committee that the status of Southern Rhodesia was no longer in dispute. That question had been settled by General Assembly resolution 1747 (XVI), so that resolution 1514 (XV) was undoubtedly applicable to Southern Rhodesia. His delegation had been very disappointed by the recent statement of the United Kingdom representative. Apart from its legal and constitutional responsibilities, the United Kingdom Government had a very great moral responsibility in connexion with Southern Rhodesia. At a previous meeting, the United States representative had said that the United Kingdom was the natural agent for action in Southern Rhodesia and that the United States delegation urged it to bring all its influence to bear, regardless of what its legal authority might be. The United Kingdom Government was demurring on the grounds that there was a convention between it and Southern Rhodesia which prohibited it from interfering in the Territory's affairs, but wisdom demanded that a convention which stood in the way of the Territory's progress and democratic advancement should be brushed aside. There was a great deal of talk about the rights of the white minority, but it was high time that the rights of the African majority were considered.

191. The Committee had heard Mr. Nkomo describe the repressive legislation which continued to darken the life of the Territory's indigenous inhabitants, and had heard him say that he could be sentenced to twenty years in prison simply for appearing before the Committee. That sort of legislation, if legislation it could be called, merited condemnation from the standpoint of human rights alone. Unless those repressive measures were withdrawn and normal political activities permitted, there could be no hope of any peaceful settlement of the problem. That was the first step towards normalizing the situation in Southern Rhodesia, and the United Kingdom Government was in the best position to persuade the Southern Rhodesian Government to see reason.

192. The Indian delegation considered that the United Kingdom should immediately call a fresh constitutional conference. It seemed obvious that only a Constitution which was acceptable to the vast majority of the population could provide for a peaceful transition. In 1962 the United Kingdom Government, disregarding the majority view in the United Nations, had permitted the promulgation of a Constitution which was unacceptable to the majority of the population. Elections held under the terms of that Constitution had yielded the results which were known to all, and events in the

Territory had taken a turn for the worse. The Indian delegation was not unaware of the extremely complicated nature of the problem facing the United Kingdom Government; but it was not the first time that that Government had faced such problems, and it had unparalleled experience in such matters. The Indian delegation therefore continued to hope that the United Kingdom Government would face the situation with imagination and boldness, for failure to do so would lead to the most disastrous consequences.

193. The Indian delegation hoped that the United Kingdom Government would find it possible to receive a small sub-committee of the Special Committee in London. It wished to re-emphasize that the United Kingdom Government should immediately call a fresh constitutional conference with a view to drawing up a constitution providing for fresh elections on the basis of universal adult suffrage. Under no circumstances should independence be granted to Southern Rhodesia under present conditions. The granting of independence should follow, and not precede, recognition of the political rights of all inhabitants of the Territory. Unless the right psychological climate prevailed, nothing of enduring value could be accomplished; and nothing should be done against the wishes of the majority of the indigenous people in Southern Rhodesia, if peace was to prevail there. Time was running short, and it was for the United Kingdom to ensure that the "point of no return" would not be reached.

194. The representative of Tunisia said that, after Mr. Nkomo's statements to the Committee and his indictment of the racialist Constitution which it was being sought to impose on the people of Southern Rhodesia, the arguments adduced by the United Kingdom delegation seemed like a hopeless defence of an irrevocably doomed system. No legal or constitutional arguments were valid in the presence of a human tragedy of such proportions. The United Kingdom thesis had not stood up to previous debates in the Committee, and had been rejected by the General Assembly in its resolutions. The problem of Southern Rhodesia was primarily a human and political problem, and it would be taking the wrong course to accept the legal arguments of the United Kingdom delegation.

195. Many colonial countries had acceded to independence without first being endowed with a constitution, and the Declaration on the granting of independence to colonial countries and peoples made no mention of the need for such a constitution. It was clear from paragraphs 3 and 5 of the Declaration that even the absence of a constitution and inadequacy of political preparedness were not sufficient grounds for failing to take immediate steps to transfer all powers to the people of Zimbabwe.

196. Mr. Nkomo had reported to the Committee a conversation with Mr. Butler in which the latter had admitted to him that the United Kingdom Government could still legislate for Southern Rhodesia and change the 1961 Constitution. The sole difficulty alleged was a convention concluded forty years previously. But in 1923 the administering Power had committed a serious mistake by holding a referendum, in which only the Whites had taken part, to decide the future of the Territory. It had thus made the Africans subject to government by a minority. Later, the United Kingdom Government had made a second mistake by deciding to set up the Federation of Rhodesia and Nyasaland, which had been resisted by all Africans as an instrument

of white supremacy. Finally, in 1961, the administering Power had modified the 1923 Constitution, but the instrument which had taken its place was still based on the political principles of the racialist settlers; it had been imposed on the Africans despite their unanimous opposition. The administering Power had therefore consistently backed the standpoint of the white minority, without paying any attention to the opposition of the Africans, or, more recently, of the United Nations. It could hardly claim, today, that its responsibility was at an end.

197. Certain facts, however, gave grounds for hoping that matters were going to change. The Africans had grasped the situation and the fact that the irreversible course of history could not be delayed by the dream of a minority of settlers. The colonial peoples were determined to free themselves, and they could count on the solidarity of the newly independent peoples as well as on the support of enlightened world opinion. It was those facts, perhaps, which had decided the United Kingdom to proceed to the dissolution of the Central African Federation, a step on which it should be congratulated and which would perhaps enable it to reconsider its whole policy in Southern Rhodesia.

198. His delegation thought that the time had come for the administering Power to make a choice: it must either continue to ignore the resolutions of the United Nations, deny 3 million Africans their right to self-determination and independence and drive them to despair, or it must set aside a mere convention which had already exacted an enormous price in human sacrifice. By choosing the second solution, the United Kingdom would confirm its reputation as a great country which had succeeded in ridding itself of the Empire mentality, would bring about the triumph of reason, justice and dignity, and show that it was able to recognize that new phenomenon, the "wind of change", of which Prime Minister Macmillan had spoken. If the United Kingdom refused to take that path, only distrust, despair and hatred could be expected from the Africans of Southern Rhodesia, and there would be grounds for fearing violence and war. His delegation remained convinced that the United Kingdom would not hesitate much longer to make the necessary choice.

199. Such a gesture should have been made in 1962, at the most opportune moment, during the Committee's first debates on Southern Rhodesia. It was to be regretted that the United Kingdom had failed to take that chance of adapting its policy to the requirements of African emancipation; little would then have been needed to put the situation to rights and restore the confidence of the Africans of Southern Rhodesia. Recognition of the legitimate rights of those Africans would, moreover, be the best way for the United Kingdom to ensure the future of the Whites and their children in Southern Rhodesia.

200. The information provided by Mr. Nkomo had made it possible to measure the extent of the tragedy which was being enacted in Southern Rhodesia and which threatened to drive the Africans to violence and war. Mr. Nkomo had stressed that, if the administering Power did nothing within the next few weeks to give a new direction to its policy by abrogating the Constitution and starting negotiations with the representatives of the African nationalist parties, it would be too late to avoid direct action by the Africans.

201. His delegation therefore once again adjured the United Kingdom to act without delay and not to

confuse the interests of a privileged class of racist settlers with the rightly understood interests of the Territory's population as a whole. On behalf of his Government, he wished to proclaim his country's solidarity with Southern Rhodesia and to recall that Tunisia had committed itself to assist the Africans of that country in their struggle for dignity and independence.

202. In his delegation's opinion, the Special Committee should take the following points into consideration: (1) The situation in Southern Rhodesia had consistently deteriorated since the coming into force of a constitution rejected by the Africans and allowing new laws for exceptional measures to be promulgated; (2) The United Kingdom therefore could and should abrogate the present Constitution; (3) It was in duty bound to see that the Declaration on the granting of independence to colonial countries and peoples was applied in Southern Rhodesia; (4) The United Kingdom had the moral authority and powers of persuasion necessary to bring the settlers to co-operate with the indigenous population in finding a satisfactory solution for the problem; (5) The Special Committee should express its regret that the United Kingdom had not seen fit to comply with the General Assembly's resolutions on Southern Rhodesia; (6) The Committee should explore every new possibility of contact with the United Kingdom for those same ends; (7) The dispatch of a good offices sub-committee to London would make it possible to discuss, with the United Kingdom Government, immediate steps for the implementation of the resolutions on Southern Rhodesia and of resolution 1514 (XV); (8) The Special Committee would examine the report of the good offices committee on its return to New York; (9) In the light of the results achieved in London, the Special Committee could, as necessary, (a) ask for an item entitled "Southern Rhodesia" to be included in the agenda of the General Assembly, (b) draw the attention of the Security Council to the situation in Southern Rhodesia; (10) Finally, the Committee should remind the Secretary-General of the urgent need for action in the sense of resolution 1760 (XVII).

203. His delegation would support any action, recommended by the Committee, which took these points into account. It reserved the right to submit to the Committee, with other delegations, a draft resolution to that effect.

204. The representative of Denmark said that the Danish people and Government had followed developments in Southern Rhodesia with much attention and growing concern. The people and Government of Denmark were in favour of complete independence for all nations, with equal rights for all inhabitants, regardless of race, religion or political conviction.

205. In applying that general principle to the question of Southern Rhodesia, it must not be forgotten that in several respects the situation in that country was atypical. First, the constitutional status of Southern Rhodesia was a special one, as demonstrated by the fact that until 1962 the United Nations had not considered that Southern Rhodesia came within the scope of Article 73 e of the Charter. Even today, the opinion that it did come under that Article was not unanimous and, in particular, was not shared by the United Kingdom.

206. Secondly, no less than three Governments were involved, namely, those of Southern Rhodesia, the Central African Federation and the United Kingdom,

each having certain powers and responsibilities, all of which added to the complexity of the problem.

207. Thirdly—an important consideration—the United Kingdom was not asked, as in other cases of decolonization, to withdraw as quickly as possible from the Territory and leave the inhabitants to shape their own destiny. Because of the multiracial make-up of Southern Rhodesia, the administering Power was being asked to protect the interests of the indigenous population and, in fact, to interfere actively in the internal affairs of a society which was already self-governing. That created substantial difficulties because, as the representative of the United Kingdom had explained, there were constitutional limits on the United Kingdom's powers of interference in the Territory's internal affairs. In his delegation's view, the Committee should give very careful attention to that unusual aspect of the matter. In the final analysis, it was because the Committee had confidence in the United Kingdom that it was asking it to intervene in the internal affairs of Southern Rhodesia. In his delegation's view, the attitude to be adopted by the Committee on the question should be guided by that same confidence. His delegation thought that the Committee should do everything in its power to promote efforts by the United Kingdom Government to safeguard the rights of the indigenous population. However, it did not consider that force should be used to bring about an immediate solution. Both the United Kingdom Government and the enlightened elements in the country which wanted to lead Southern Rhodesia towards the establishment of a harmonious multiracial society was facing serious difficulties in the Territory. His delegation feared that external pressure, at a time when the situation was particularly mobile—as demonstrated by Mr. Butler's recent visit to Southern Rhodesia and by the current negotiations in London—might prompt the various elements facing each other to harden their positions, with the result that a final compromise might be more difficult to reach.

208. His delegation, therefore, could not support the suggestion that the question of Southern Rhodesia should be placed on the agenda of the General Assembly's forthcoming special session. It did not believe, in fact, that the situation was sufficiently clear for a decision to that effect to be taken at the present time. On the other hand, it did believe that the possibilities of the conciliatory role which the Secretary-General might play under paragraph 4 of resolution 1760 (XVII) should be explored.

209. The United Kingdom Government had so far, in its colonial policy, taken account of the inevitable political and social changes which were materializing in the world. In recommending that the question of Southern Rhodesia should be approached with care, the Danish delegation was relying upon its own confidence that those who held the ultimate international responsibility in the matter and who, whatever legal arguments were put forward, had in fact a very great influence on events, would do everything in their power to create an independent and harmonious multiracial society in Southern Rhodesia, with equal rights for all.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963

210. At the conclusion of the general debate on the subject, at the 138th meeting on 28 March 1963, the Chairman gave the consensus of the Special Committee

on the question of Southern Rhodesia, by which it decided to set up a sub-committee which would go to London and undertake conversations with the Government of the United Kingdom concerning Southern Rhodesia.

211. After further discussions which are fully reflected in the Sub-Committee's report (see appendix, paras. 4-10, below), at the 143rd meeting the representative of Ethiopia submitted a draft resolution (A/AC.109/L.47), of which Tanganyika subsequently became a co-sponsor (A/AC.109/L.47/Add.1). By this draft resolution the Special Committee, while regretting that the United Kingdom Government could not receive the Sub-Committee before 15 April 1963, in accordance with the spirit of the consensus of the Special Committee, would accept the date of 22 April as proposed by the Government of the administering Power, and request the Sub-Committee to submit a report as a matter of great urgency. At the 144th meeting, this draft resolution was adopted by the Special Committee (A/AC.109/39) by a roll-call vote of 19 to none, with 4 abstentions. The voting was as follows:

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

Against: None.

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

Present and not voting: United Kingdom of Great Britain and Northern Ireland.

212. The Sub-Committee on Southern Rhodesia consisted of the following members: Mr. Sori Coulibaly (Mali), *Chairman*, Mr. Carlos María Velázquez (Uruguay), *Vice-Chairman*, Mr. Najmuddine Rifai (Syria), *Rapporteur*, Mr. Gershon B. O. Collier (Sierra Leone), Chief Erasto A. M. Mang'anya (Tanganyika) and Mr. Taieb Slim (Tunisia). The Sub-Committee visited London from 20 to 26 April 1963. It adopted its report unanimously on 8 May 1963. The text of this report is contained in the appendix to the present chapter.

213. At the 168th meeting of the Special Committee, the Rapporteur introduced the report of the Sub-Committee on Southern Rhodesia, which was considered at the 171st to 177th meetings.

214. The representative of the Soviet Union observed that it was clear from the Sub-Committee's report that its conversations with Ministers of the United Kingdom Government had not produced any change in the position of that Government: the United Kingdom was continuing to defend the interests of the white settlers in Southern Rhodesia against those of the majority of the population and to disregard General Assembly resolutions. As a result, the situation in the Territory had become increasingly acute and explosive.

215. As the Sub-Committee's report indicated, the United Kingdom was continuing to refute the basic contentions of the United Nations as expressed in General Assembly resolution 1747 (XVI) and, in particular, its decision that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter. The United Kingdom Government continued to hold that it had no power to intervene in the internal affairs of Southern Rhodesia

either constitutionally or physically. With regard to the Assembly's request for the immediate convening of a constitutional conference, the Sub-Committee stated that the United Kingdom had no plans for calling such a conference for the purpose of formulating a new constitution which would ensure the rights of the majority of the people on the basis of "one man, one vote". The Sub-Committee therefore rightly concluded that the United Kingdom was placing the interests of the indigenous people of the Territory at the mercy of a minority Government and expressed regret that the United Kingdom continued to take the position that it could not intervene in the interests of the African people. In the Sub-Committee's view, the United Kingdom had the means to protect those interests if it so wished. Finally, the Sub-Committee had justifiably concluded that the United Kingdom Government was not concerned with the fate of those people but was determined to defend the rights of the minority which had usurped power in Southern Rhodesia.

216. In the circumstances, the United Nations should show greater determination to defend the interests of the indigenous inhabitants of Southern Rhodesia, particularly as the racist Government now in power had established rigid legislation barring the national political movements from expressing the will of that majority, and was clearly working towards independence for the Territory with a white minority in power, thus perpetuating an anachronistic situation in Africa and fanning hatred throughout the continent. That conclusion was borne out by the exchange of correspondence between the United Kingdom First Secretary of State, Mr. R. A. Butler, and Mr. Winston Field, Prime Minister of Southern Rhodesia, annexed to the Sub-Committee's report; the United Kingdom and Southern Rhodesian Governments were obviously engaged in a kind of bargaining with a view to reaching an accommodation between them in which the indigenous population of Southern Rhodesia would serve as pawns. Moreover, the efforts of the Secretary-General to persuade the United Kingdom to alter its approach had been in vain. Yet the urgency for immediate, drastic and firm action to rescue the indigenous inhabitants of the Territory from a situation of continued enslavement had been stressed, a short time earlier, at the Summit Conference of Independent African States, held in Addis Ababa in May 1963. That conference had called for the full and immediate implementation of General Assembly resolutions 1514 (XV) and 1654 (XVI); in a resolution of its own, it had urged the United Kingdom not to hand over power in Southern Rhodesia to a foreign minority which would impose racist legislation on the majority of the population. It had further warned that if such power were usurped by the white minority, the members of the Conference would provide moral and material assistance to the indigenous inhabitants in their struggle for the restoration of their full rights.

217. The Sub-Committee had gone to London at the request of the nationalist leaders of Southern Rhodesia in order to impress upon the United Kingdom Government the gravity of the situation in the Territory and to persuade it to take immediate steps to prevent a further deterioration by implementing the relevant General Assembly resolutions. It had conducted the conversations in London with a dignity and moderation for which it was to be commended. The United Kingdom Government had, however, turned a deaf ear to its appeal. In the circumstances, it was

the duty of the Committee to assist the indigenous population in its struggle for liberation by endorsing the recommendations in the Sub-Committee's report, namely by recommending to the General Assembly that it should consider the question of Southern Rhodesia at a special session as a matter of urgency and should draw the attention of the Security Council to the deteriorating situation in the Territory, which constituted a threat to peace and security in Africa. With regard to the Sub-Committee's third recommendation, the Secretary-General had taken the necessary steps, as could be seen from his report of 6 June (A/AC.109/33/Add.1) and those steps had been without result.

218. The representative of the United Kingdom said that his Government had been gratified by the cordial spirit in which the talks with the Sub-Committee had been held, and regarded the full and frank exchange of views which had taken place as useful both to the Committee and to the United Kingdom. He would not revert to the question of United Nations competence with regard to discussion of Southern Rhodesia or to the constitutional relationship between the Territory and the United Kingdom because he had nothing to add to the statement of position already made to the Committee and did not believe that the situation was likely to change in the immediate future. His delegation was pleased to note, however, that the Sub-Committee did recognize the United Kingdom Government's concern regarding the situation in Southern Rhodesia, which it did not regard as explosive, and its intention to seek a compromise solution to prevent a possible deterioration. Indeed, his Government was convinced that the only way to proceed in this matter was through persuasion and a patient search for an agreement acceptable to all parties.

219. Reviewing developments since the Sub-Committee's visit to London, he recalled the visit of the United Nations Secretary-General on 10 May 1963, when the United Kingdom position had been outlined to him. Reference to this had been made in Sir Patrick Dean's letter of 21 May to the Secretary-General (*ibid*). The question of independence for Southern Rhodesia, raised by the Prime Minister of the Territory, was inextricably linked from both a practical and constitutional point of view with the dissolution of the Federation of Rhodesia and Nyasaland. In addition, the Prime Minister had stated that his Government would not attend a conference to discuss the future relationship between Southern and Northern Rhodesia unless it received an acceptable undertaking from the United Kingdom Government that Southern Rhodesia would receive its independence concurrently with the date on which either Northern Rhodesia or Nyasaland was allowed to secede from the Federation, whichever was first. On 21 May Mr. R. A. Butler, the First Secretary of State, had told the House of Commons that he was in communication with the Governments of Southern and Northern Rhodesia with respect to arrangements for such a conference, to be held at Victoria Falls or Livingstone during the second half of June, and that he was in touch with the Southern Rhodesia Government respecting its independence. On 27 May the Prime Minister of Southern Rhodesia had been invited to come to London to discuss the matter, and on 4 June Mr. Field had returned to Southern Rhodesia to report on that discussion to his Cabinet. No decisions had been taken and no commitments had been entered into with the Southern Rhodesian Government.

220. The United Kingdom Government had been exerting every effort to find a compromise. It hoped to be able to arrange a conference of all the Governments concerned to discuss the orderly dissolution of the Federation of Rhodesia and Nyasaland and the future relationships between the Territories concerned.

221. At the 173rd meeting Cambodia, Ethiopia, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia and Yugoslavia submitted a draft resolution (A/AC.109/L.61) the operative paragraphs of which read as follows:

"1. *Approves* the report of the Sub-Committee on Southern Rhodesia, particularly its conclusions and recommendations, and expresses its appreciation of the work accomplished;

"2. *Deplores* the fact that the United Kingdom Government has ignored the resolutions on Southern Rhodesia of the General Assembly, thus helping to create an explosive situation in the Non-Self-Governing Territory of Southern Rhodesia;

"3. *Expresses its conviction* that it is essential for the evolution of the Territory towards independence that the United Kingdom Government should immediately abrogate the 1961 Constitution;

"4. *Solemnly appeals* to the United Kingdom Government not to transfer the powers and attributes of sovereignty to the minority Government of Southern Rhodesia;

"5. *Recommends* the General Assembly to set a very early date for the elevation of the Territory of Southern Rhodesia to the status of an independent African State;

"6. *Draws the attention* of the Security Council to the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia and which, if it continues, may constitute a serious threat to the international peace and security."

222. At the same meeting the Soviet Union submitted an amendment (A/AC.109/L.62) to the draft resolution which would substitute the following text for paragraph 5:

"*Recommends* that the General Assembly should consider the Question of Southern Rhodesia at a special session of the General Assembly;"

The original paragraphs 5 and 6 would then be re-numbered 6 and 7.

223. The representative of Sierra Leone, in introducing the draft resolution recalled that the report of the Sub-Committee on Southern Rhodesia in its talks with the United Kingdom Government in London in April 1963 included certain recommendations from which it was quite clear that the position of the United Kingdom Government was still very different from that held by the United Nations. Moreover, the statement by the United Kingdom representative in the Committee had clearly indicated that the United Kingdom Government persisted in considering that it could not intervene in the situation in Southern Rhodesia, and, what was very important, that the situation there was not explosive. The United Nations held the opposite view, which, in the opinion of the sponsors should be recorded in the form of a resolution.

224. The text before the Committee was quite mild and conciliatory. The sponsors were aware of the realities of the situation in Southern Rhodesia and, in their concern for the interests of the majority of the people, they did not want to help to create a situation which

might aggravate the plight of that majority. They felt that in the particular situation in Southern Rhodesia, the least the Committee could do was to alert the Security Council, the highest competent United Nations organ, to what was happening in the Territory, since the United Nations could not shirk its responsibility in the matter.

225. In the third preambular paragraph of the draft resolution, a reference was made to the decisions taken by the African Heads of State at the Addis Ababa Conference in May 1963. Their clearly expressed opinion was important and, indeed, vital for an assessment of the chances of peace in the area in the months and years ahead. The sponsors had also borne in mind the United Kingdom Government's responsibilities in Southern Rhodesia and its refusal to recognize the gravity of the situation there, and also Mr. Winston Field's recent request for Southern Rhodesia's independence, since they were fully aware of what might happen if his demands were met.

226. The operative part of the draft resolution included a solemn appeal to the United Kingdom Government to transfer the powers and attributes of sovereignty to the majority of the people and not to a minority régime. The sponsors had included that appeal in view of the United Kingdom's past record in granting self-government to territories under its administration.

227. The representative of Poland said that, as could be seen from the comprehensive and balanced report of the Sub-Committee on Southern Rhodesia, the hope that the Sub-Committee's visit to London might bring about a change in the United Kingdom Government's position had not been fulfilled. That Government continued to maintain that it could not intervene in the affairs of Southern Rhodesia, while simultaneously refusing to allow the United Nations to intervene in the matter.

228. As could be seen from paragraph 46 of the report, the Sub-Committee had concluded that the United Kingdom was placing the interests of the indigenous inhabitants of the Territory at the mercy of the white settler minority Government. Such a position was clearly contrary to the principles of the Charter, the Declaration of Human Rights, the Declaration on the granting of independence to colonial countries and peoples, and to all the principles of justice and democracy.

229. The Polish delegation also deeply deplored the fact that the United Kingdom Government did not intend to call a constitutional conference with the full participation of all the political parties for the purpose of formulating a new constitution which would ensure the rights of the majority on the basis of the principle of "one man, one vote", in accordance with General Assembly resolutions 1747 (XVI) and 1760 (XVII).

230. Furthermore, following Mr. Field's request that Southern Rhodesia should be granted almost instant independence under white rule, the United Kingdom Government contemplated holding a conference in accordance with what was described as "normal precedent" in order to discuss "financial, defence, constitutional and other matters which always had to be settled before self-governing dependencies were granted independence". Such action on the part of the United Kingdom Government would amount to a repetition in Southern Rhodesia of the South Africa Act, 1909. As long as proper measures were not taken, there was a

danger of the establishment of a new racist State in the heart of Africa. Such fears were justified by, for instance, the lack of provision for African participation in the proposed pre-independence conference and by the United Kingdom Government's refusal to give a clear assurance that the powers and attributes of sovereignty would not be transferred to the minority Government in Southern Rhodesia.

231. If independence were granted under the present or a similar constitution which provided for white supremacy, the Africans in Southern Rhodesia might resort to violence, and a full-scale war such as had occurred in Algeria would inevitably ensue. In that connexion it should be remembered that the Heads of African States and Governments had solemnly declared at Addis Ababa that if power were to be usurped by a racial minority Government in Southern Rhodesia, the States members of the Conference would lend effective moral and practical support to any legitimate measures which the African nationalist leaders might devise for the purpose of restoring such power to the African majority.

232. According to paragraph 37 of the Sub-Committee's report, the United Kingdom Government believes that a solution would have to be found by agreement on a compromise which would not be a complete victory for one or the other. In the circumstances prevailing in Southern Rhodesia, where the vast majority of the people were deprived of fundamental human rights because of an unjustifiable belief in the superiority of the white race, and where a minority Government had been imposed in direct violation of the inalienable right to self-determination of the Africans, a compromise implied injustice and discrimination towards the African majority and could be regarded as an attempt to legalize an unjust and unlawful situation. The Africans were not seeking any privileges. They were struggling for equal rights and for the freedom and independence of their own country. He thought that the United Kingdom representative would agree that there could be no compromise on the question of equal rights.

233. The Polish delegation regretted that the United Kingdom representative had been unable to report any developments which indicated that his Government intended to implement the relevant General Assembly resolutions. Nor had he given any indication of the lifting of the ban on ZAPU or any assurances that no decision would be taken on the status of Southern Rhodesia without consultations with, and the consent of, the genuine representatives of the indigenous inhabitants.

234. The explosive situation in Southern Rhodesia was steadily deteriorating. That was why his delegation supported the conclusions and recommendations in the Sub-Committee's report which were identical with the conclusions reached at an earlier stage by the Committee itself.

235. His delegation was in general agreement with the aims and provisions of the draft resolution but felt that its wording might be brought closer to the earlier findings and recommendations of the General Assembly and the Committee. In particular, because the situation in Southern Rhodesia had deteriorated further since the adoption of General Assembly resolution 1760 (XVII), the Committee must avoid any departure from the wording of the previous resolutions which, by implication, might create the impression that the situa-

tion in the Territory had improved. Thus the seventh preambular paragraph stated that the situation "constitutes a potential threat to international peace and security" and operative paragraph 6 that the situation "if it continues, may constitute a serious threat to international peace and security", whereas General Assembly resolution 1755 (XVII) clearly stated that the situation "endangers peace and security in Africa and in the world at large". He hoped that the sponsors would agree to redraft those two paragraphs in order to bring them into line with the earlier text.

236. Secondly, if the Committee approved the conclusions and recommendations in the Sub-Committee's report and agreed that the situation in Southern Rhodesia was one of urgency and importance, and since the General Assembly had decided to keep the question of Southern Rhodesia on the agenda of its seventeenth session and had requested the Committee in paragraph 8, sub-paragraph (c), of resolution 1810 (XVII) to submit suggestions and recommendations not later than the eighteenth session of the Assembly, the Committee was bound to be consistent and, in accordance with paragraph 52 of the Sub-Committee's report, must recommend to the General Assembly that it should consider the question of Southern Rhodesia at a special session. His delegation did not overlook the qualifying phrase "in the absence of any favourable developments" in paragraph 52 of the Sub-Committee's report. It was of the opinion, however, that neither the talks in London nor the statement by the United Kingdom representative in the Committee inspired any confidence or justified a departure from the Sub-Committee's unanimous conclusions. His delegation would therefore vote in favour of the Soviet Union amendment (A/AC.109/L.62).

237. Thirdly, in paragraph 3 the term "evolution", as he understood it, meant a process which required time. It therefore seemed to be inconsistent with the provisions of operative paragraph 5 of resolution 1514 (XV), which was recalled in the second preambular paragraph of the draft resolution.

238. Fourthly, in view of the fact that other paragraphs of the draft resolution contained references to the gravity of the situation in Southern Rhodesia, he suggested that the sixth preambular paragraph should be reworded to read:

"Regretting that the United Kingdom Government continues to deny to the mass of the African population their basic political rights, in particular the right to vote."

The corresponding paragraph in the operative part, namely paragraph 3, might be reworded to read as follows:

"Expresses its conviction that it is imperative for the Territory's accession to independence that the United Kingdom Government should immediately abrogate the 1961 Constitution and establish equality among all inhabitants of Southern Rhodesia without discrimination."

239. The representative of Tanganyika said that the Sub-Committee on Southern Rhodesia, of which his delegation had been a member, had done its utmost to carry out its mandate and to convey to the administering Power the deep concern of the United Nations about the explosive and dangerous situation in Southern Rhodesia, which was still a Non-Self-Governing United Kingdom colony. The Sub-Committee's report reflected its profound disappointment at the administering

Power's failure to implement General Assembly resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII), but, at the same time, it expressed a flicker of hope that the United Kingdom might meet African demands and implement the United Nations decisions before it was too late.

240. His delegation was convinced that the time for action had come. The minority settler Government headed by Mr. Field continued to subject the Africans to its tyrannical domination and the settler Prime Minister had intensified his audacious demands for mock independence. Meanwhile, African alarm over the deteriorating situation in Southern Rhodesia had mounted and definite preparations were being made. The question of Southern Rhodesia had been the subject of an extraordinary debate in the Parliament of the Republic of Tanganyika. It had also been discussed at the Summit Conference of Independent African States at Addis Ababa. The Conference had invited the colonial Powers, and particularly the United Kingdom with regard to Southern Rhodesia, not to transfer the powers and attributes of sovereignty to foreign minority governments imposed on African peoples by the use of force and under cover of racial legislation, and had expressed the view that the transfer of power to settler minorities would amount to a violation of the provisions of General Assembly resolution 1514 (XV). The Addis Ababa Conference had reaffirmed its support for the African nationalists in Southern Rhodesia and had solemnly declared that, if power in the Territory were to be usurped by a white minority Government, the States members of the Conference would lend their effective moral and practical support to any legitimate measures which the African nationalist leaders might devise for the purpose of recovering such power and restoring it to the African majority. The Conference had undertaken to concert the efforts of its members and to take such measures as the situation demanded against any State according recognition to a foreign minority Government.

241. There had been nothing new in the statement made by the United Kingdom representative in the Committee, and his delegation was disappointed at the attempts made by the administering Power to represent Mr. Field and his associates as an institution worthy of being called a Government. Mr. Field was a symbol of the forty years in which the European settler minority had been given a free hand by the United Kingdom to dominate, oppress and exploit the Africans, so that the situation in the Territory had not been very different from that prevailing in the fascist Republic of South Africa, or in the Portuguese colonies of Angola and Mozambique. The African States and the African nationalists in Southern Rhodesia, as represented by Mr. Nkomo and others, did not recognize the Field Administration. The years of ruthless denial of political and other basic human rights to the millions of Africans in Southern Rhodesia must and would be brought to an immediate end by practical action on the part of all who were committed to the struggle for human freedom and equality everywhere. In that connexion it was worth while noting that the Addis Ababa Conference had invited all national liberation movements to co-ordinate their efforts by establishing common action fronts wherever necessary so as to strengthen the effectiveness of their struggle and the rational use of the concerted assistance given them, and it had established a nine-Power committee, with headquarters at Dar es Salaam, responsible for harmonizing the

assistance from African States and for managing the Special Fund to be set up for that purpose. Like the other African States, Tanganyika was committed to those plans. The solidarity of the free African States could no longer be mistaken or ignored even by the colonial Powers. More action and victory were bound to follow. The problem of colonialism and racial discrimination must be solved fully without any further delay.

242. The United Nations should endorse the spirit and the decisions of the Addis Ababa Conference. The Committee should continue to keep a vigilant watch over developments in Southern Rhodesia and should help to rally the world to the just struggle of the African peoples against racial discrimination and settler domination and for democratic rights and independence on the basis of the principle of "one man, one vote".

243. The Committee should continue to remind the administering Power of its obligation to implement the United Nations resolutions on the question of Southern Rhodesia and of the grave consequences of continued denial of legitimate rights to the Africans. There could be no doubt that the African peoples of Southern Rhodesia would soon regain independence and join the ranks of their brothers in a free and independent Africa.

244. Time was running out and the United Kingdom should implement the United Nations resolutions before it was too late to solve the question of Southern Rhodesia by peaceful means. The Committee should be prepared to carry out the Sub-Committee's conclusions and recommendations in accordance with developments, and should keep the question of Southern Rhodesia on its agenda.

245. The representative of the Soviet Union explained that in both substance and form his amendment simply repeated the recommendation set forth in the report of the Sub-Committee, with which his delegation was in full agreement. In submitting its recommendation, the Sub-Committee had had in mind the danger that the situation might deteriorate, and the draft resolution would draw the attention of the Security Council to that danger. The question was, however, whether the Special Committee should not bring it to the attention of the Assembly before the danger materialized. His delegation shared the Sub-Committee's view that at some point the question should be considered by the General Assembly, and it was on that basis that it had introduced its amendment. The United Nations should not wait for bloodshed to occur in Southern Rhodesia but should make a new effort, before the situation deteriorated, to apply the necessary pressure to the United Kingdom as well as all the other elements on which a peaceful solution depended. Although the Assembly at its seventeenth session had decided to keep the question of Southern Rhodesia on its agenda, the provisional agenda for the eighteenth session did not include it. He did not mean to imply that the situation must be discussed immediately; the question of the time when it was to be taken up should, of course, be decided in the normal way by the States most closely concerned, which in the opinion of his delegation were the African States. The Special Committee's resolution on Southern Rhodesia should, however, repeat the relevant recommendation of the Sub-Committee, just as had been done in the case of the Sub-Committee's recommendation drawing the attention of the Security Council to the matter.

246. The sponsors of the draft resolution who had been joined by Iran, then introduced a revised text (A/AC.109/L.61/Rev.1). India subsequently joined them as a co-sponsor (A/AC.109/L.61/Rev.1/Add.1). The operative paragraphs of the thirteen-Power revised draft resolution read as follows:

"1. *Approves* the report of the Sub-Committee on Southern Rhodesia, particularly its conclusions and recommendations, and expresses its appreciation of the work accomplished;

"2. *Deplores* the fact that the United Kingdom Government has ignored the resolutions on Southern Rhodesia of the General Assembly, thus creating an explosive situation in the Non-Self-Governing Territory of Southern Rhodesia;

"3. *Calls upon* the United Kingdom Government:

"(a) To abrogate the 1961 Constitution;

"(b) To hold without delay a constitutional conference in which representatives of all political parties of the Territory will take part with a view to making constitutional arrangements for independence on the basis of universal suffrage including the fixing of the earliest date for independence;

"(c) To declare unequivocally that it would not transfer the powers and attributes of sovereignty to any Government constituted under the 1961 Constitution;

"4. *Recommends* that, if developments necessitate and circumstances warrant it, a special session of the General Assembly should be convened to consider the situation of the Territory, and in any event a separate item entitled 'The Question of Southern Rhodesia' be inscribed on the agenda of the eighteenth regular session of the General Assembly as a matter of high priority and urgency;

"5. *Draws the attention* of the Security Council to the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia and which constitutes a serious threat to international peace and security."

247. The Soviet Union then withdrew its amendment, since the revised draft resolution took it into account.

248. The representative of Denmark said that his delegation would abstain in the vote on the revised draft resolution as a whole. Its main reason for doing so was that it did not feel that the text presented a fully balanced and realistic picture of the present situation in Southern Rhodesia as his delegation saw it. For example, paragraph 2, which deplored "the fact that the United Kingdom Government has ignored the resolutions . . . of the General Assembly" was inconsistent with the impression gained by the Sub-Committee that the situation in Southern Rhodesia was a matter of concern to the United Kingdom Government and that, while the latter felt that the situation was not explosive, it nevertheless intended to seek a compromise solution to prevent a possible deterioration. (See appendix, para. 42 below.) The United Kingdom representative had said that that was an accurate reflection of his Government's thinking. It was also known that the United Kingdom Government was in communication with the Governments of the Rhodesias concerning arrangements for a conference.

249. His delegation was aware that there was little prospect of an immediate solution and it regretted that fact. It wondered, however, whether the Committee had

paid too little attention to those circles which might be the real obstacle to a satisfactory solution. His delegation was concerned about the present situation in Southern Rhodesia and would like to contribute to the attainment by the Territory of complete and speedy independence with equal rights for all, regardless of race, religion or political convictions. His delegation would therefore be able to vote in favour of paragraph 3, sub-paragraph (b), of the draft, although having no desire to interfere in any way in the forthcoming negotiations. It could also give its support to paragraph 3, sub-paragraph (c), and to paragraph 4.

250. His delegation would not object to the attention of the Security Council being drawn to the situation in Southern Rhodesia, although it did not regard that situation as "a serious threat to international peace and security" at the moment. In that connexion he would again refer to the forthcoming negotiations between the United Kingdom and the Central African Federation.

251. The representative of Bulgaria said that his delegation would vote in favour of the revised draft resolution. The acceptance by the sponsors of the amendments suggested by the Soviet Union and Polish representatives had considerably improved the text, which now accurately reflected the conclusions and recommendations in the report of the Sub-Committee on Southern Rhodesia concerning the explosive situation in that Territory.

252. The representative of Australia said that the Committee's best course would be to adopt no resolution at all, for the time being, to allow time for the negotiations which were taking place between the United Kingdom and Southern Rhodesian Governments, and to let other influences at work within the Commonwealth and elsewhere have their effect. The United Kingdom Government was aware of the seriousness of the problem and was doing its utmost to find an agreed solution. The Prime Minister of the Australian Government had recently written to the Prime Minister of Southern Rhodesia on the situation in that Territory. The situation was thus not one of rigid immobility but one of forward movement.

253. If, however, a resolution were thought to be absolutely necessary, it should, in his delegation's view, have reflected the strong current of agreement among the members of the Committee on the basic elements of the problem. The adoption of a resolution which, while expressing the strong feelings held by certain delegations, would divide the Committee, and would have less effect on the authorities in the United Kingdom and in Southern Rhodesia and on the leaders of ZAPU.

254. The revised draft resolution contained elements with which his delegation entirely agreed. On the other hand, much of its language and some of its ideas went far beyond what Australia could support. In particular, the accusation that the United Kingdom Government had created "an explosive situation" in Southern Rhodesia and had refused to recognize that fact was not supported by the constitutional and practical realities of the situation and by the attitude and actions of the United Kingdom Government. Moreover, under the terms of the Charter of the United Nations, the power to judge what constituted "a serious threat to international peace and security" belonged to the Security Council, rather than to the General Assembly or its subordinate committees. Lastly, he felt that the Committee's unity of judgement and purpose was most

evident with respect to the issues raised in paragraph 3; however, its terms and the timing of the action which the United Kingdom was called upon to take seemed excessive and perhaps unwise.

255. He expressed his delegation's appreciation of the Sub-Committee's balanced, clear and thoughtful account of its discussions in London, and he regretted that the readiness of the sponsors of the draft resolution to seek the views of other interested delegations had produced no agreed course of action or form of words.

256. The representative of Italy said that the Sub-Committee's conversations with the United Kingdom authorities had helped to clarify some aspects of the problem of Southern Rhodesia and to show the complexities of the situation; his delegation therefore considered the Sub-Committee's report a valuable document, although it could not agree with some of its conclusions.

257. In his delegation's view the revised draft resolution made no new contribution to a solution and might prejudice the current negotiations and the impending constitutional conference. He felt that the attempt to condense in a few paragraphs all the data concerning an extremely complicated situation had produced a draft resolution which in some respects did not represent the best means of solving the problem and some of whose provisions might not correspond to the best interests of Southern Rhodesia. For those reasons, his delegation could not vote in favour of the draft resolution. It wished, however, to join the other delegations in appealing to all parties concerned to take advantage of the opportunity provided by the coming constitutional conference and to endeavour to reach a solution of the problem through a common effort of goodwill and mutual compromise.

258. The representative of Sierra Leone replying to the representatives of Denmark and Australia, said that paragraph 42 of the Sub-Committee's report stated that the United Kingdom Government considered the situation in Southern Rhodesia to be a matter of concern but not explosive; the Sub-Committee itself took the view, supported by a number of United Nations resolutions, that the situation was in fact explosive. The current and impending talks which had been mentioned seemed to relate to the break-up of the Federation, and there was no reason to believe that they would result in the kind of constitutional conference which the United Nations had called for. Thus, the results of those talks were unlikely to be of help in the present situation. The United Nations had previously concluded that, so long as the Constitution of 1961 had not been abrogated, the situation in Southern Rhodesia would remain explosive and likely to lead to a breach of international peace. The United Kingdom Government had not complied with any of the United Nations requests in the matter. Moreover, the statements and conclusions of the Heads of African States and Governments meeting at Addis Ababa were very relevant to the United Nations consideration of the matter. Therefore, having noted the statements of the parties concerned and having listened carefully to the remarks made in the Committee, he remained convinced that the draft resolution was reasonable, and he appealed to the members of the Committee to support it.

259. The representative of the United States said that the wording of operative paragraph 5 and the related preambular paragraph of the revised draft resolution was such that, if the draft resolution were

adopted as it stood, the question of Southern Rhodesia would be placed immediately before the Security Council for its consideration. Since the Council, when it met in July 1963, would have to consider the situation with regard to *apartheid* and the situation with regard to the Portuguese territories, he felt that any addition to its tasks should be avoided. He therefore proposed that paragraph 5 of the revised draft resolution should be replaced by paragraph 6 of the original draft and that the corresponding preambular paragraph should be amended appropriately. If the conference at Victoria Falls should, in fact, prove fruitless, there would be ample time to revert to the wording of the revised draft resolution.

260. The representative of the Soviet Union said that the paragraphs of the revised draft resolution, to which the United States representative had suggested amendments, had been revised by the sponsors in order to bring them into line with the General Assembly resolutions concerning Southern Rhodesia. The text as revised did not contain anything that was at variance with those resolutions. It merely repeated the General Assembly's findings, which had been reinforced by the discussion in the Committee and by the report of the Sub-Committee on Southern Rhodesia.

261. He agreed with the representative of Sierra Leone that there had been no improvement in the situation in the Territory since the General Assembly had last discussed Southern Rhodesia. The United States representative had urged the Committee not to compound the difficulties facing the United Kingdom Government and Mr. Field in their current talks. In point of fact, however, it was those talks themselves that were compounding the difficulties in Southern Rhodesia. Unfortunately, the aim of the parties to the talks was one that could only lead to a further deterioration of the situation in Southern Rhodesia. Moreover, the main conclusion of the Sub-Committee on Southern Rhodesia, whose report had been endorsed by all the members of the Committee, was that there had been no developments in the Territory to indicate an improvement in the situation.

262. The argument advanced by the United States representative that the wording of the revised draft resolution implied that the Security Council was called upon to take up the matter immediately was, in his view, an over-simplification. In its resolution concerning the territories under Portuguese administration (chap. II, para. 251, above), the Committee had requested the Security Council to take up the matter. The revised draft resolution, on the other hand, drew the attention of the Security Council to the threatening situation in Southern Rhodesia. That that situation was threatening was not in doubt. It was common knowledge that under the Charter of the United Nations the Security Council could and should consider questions where a military situation had arisen. Everybody hoped that, through the efforts of the United Nations, of the African States and of all the countries which sympathized with the cause of the people of Southern Rhodesia, that stage would not be reached. It was, on the other hand, common knowledge that Southern Rhodesia was on the verge of bloodshed.

263. In his view the procedure proposed in the revised draft resolution was very clear. The question of Southern Rhodesia should be considered by the General Assembly either at a special session or, in any

event, as matter of urgency at the regular eighteenth session. The Security Council would take up the matter in the circumstances laid down in the Charter.

264. His delegation appreciated the United States delegation's desire to support the draft resolution. Such support, however, must be based on the recognition of the situation as it was. Support was necessary now, when the situation in Southern Rhodesia was threatening. It would be too late when blood had been shed.

265. The Committee was not empowered to change General Assembly decisions, and it had no evidence on the basis of which it could express the view that the situation in Southern Rhodesia had improved. His delegation thought that the wording of operative paragraph 5 and of the corresponding eighth preambular paragraph of the revised draft resolution accurately reflected the situation prevailing in Southern Rhodesia and reflected the wording of the relevant General Assembly resolution. It would therefore support the text as it stood.

266. The representative of Uruguay supported the United States suggestion, since the original text of the draft resolution (A/AC.109/L.61) had been more appropriate to the situation and had shown the spirit of responsibility with which African States always approached events in their continent.

267. The argument advanced in favour of revising the text, namely, that the original wording had not been entirely in keeping with the terms of General Assembly resolution 1755 (XVII), was not entirely convincing since that resolution related to a specific situation, namely, the proclamation of a stage of emergency in the Territory. The wording used in the revised draft resolution was not to be found either in General Assembly resolution 1747 (XVI) or in resolution 1760 (XVII)—a text which had referred to a more general situation than resolution 1755 (XVII) and had been adopted later in the session.

268. He felt that the Committee should refrain from referring to a "threat to international peace and security" since that language had a specific meaning under the United Nations Charter and, at least in theory, should give rise to immediate action by the Security Council, including coercive measures and, if necessary, the use of armed force. The term "explosive situation", on the other hand, meant that a situation was fraught with danger and might lead to a breach of the peace in the absence of favourable developments. As could be seen from the report of the Sub-Committee on Southern Rhodesia, the Sub-Committee had not given up all hope that such developments might occur (see appendix, para. 52). If the situation did improve, it would not be necessary to call for radical action by the peace-keeping machinery of the United Nations. In the circumstances, and so as not to make an unnecessary appeal to the Charter, he felt that the final step might be delayed.

269. The representative of Chile said that his interpretation of General Assembly resolution 1755 (XVII) differed from that just offered by the Uruguayan representative. The factors which had led to the specific events to which that resolution referred were still present, and the situation in Southern Rhodesia remained critical and explosive and contained within itself a threat to peace and security in Africa and in the world. The General Assembly having decided in resolution 1755 (XVII) that the situation "endangers peace and security in Africa and in the world at large", the Com-

mittee would be taking a retrograde step if it were to state that that situation was merely a potential threat to international peace and security.

270. At the same time, from the juridical point of view, it was a function of the Security Council to determine the existence of a threat to international peace and security. The General Assembly could also do so, but, in order to avoid any confusion with regard to the competence of the various United Nations organs, it would be best for the Committee clearly to point to the existence of an explosive situation in Southern Rhodesia and leave it to the Security Council to decide what should be done in the circumstances.

271. His delegation believed in solutions based on conciliation. Such solutions had the greatest moral weight and would offer the greatest support to the people of Southern Rhodesia. His delegation thus felt that it would be extremely important that the United States delegation should be able to vote in favour of the draft resolution before the Committee.

272. In all the circumstances the best course would be to delete the phrase "and which constitutes a serious threat to the international peace and security" in paragraph 5 of the revised draft resolution. The corresponding phrase could be retained in the eighth preambular paragraph where it merely repeated the language of the second preambular paragraph of General Assembly resolution 1755 (XVII).

273. The representative of Bulgaria said that he fully agreed with the Chilean representative's arguments, though not with his conclusion. The wording of the revised draft resolution should be retained, since it fully corresponded to the situation prevailing in Southern Rhodesia.

274. With reference to the statement by the United States representative that the Committee should not do anything to compound the difficulties of the parties engaged in the talks on Southern Rhodesia, he felt that the Committee would be helping those interested in the solution of the problem by drawing attention to the extreme gravity of the present situation.

275. The Sub-Committee on Southern Rhodesia had recommended drawing the attention of the Security Council to the deteriorating situation in Southern Rhodesia. The Sub-Committee had thus taken note of the finding in General Assembly resolution 1755 (XVII) which said that the situation "constitutes a denial of political rights and endangers peace and security in Africa and in the world at large". The Committee should not retreat from the Sub-Committee's findings and conclusions. The revised draft resolution indicated the seriousness of the crisis in the Territory. That crisis should be brought to the attention of the appropriate organs so that immediate steps would be taken.

276. The sponsors agreed to amend the last paragraph of the revised text to read as follows: "*Draws the attention* of the Security Council to the deterioration of the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia".

277. The revised joint draft resolution, as further revised orally, was approved at the 177th meeting, on 20 June 1963, by a roll-call vote of 19 to none, with 4 abstentions, as follows:

In favour: Bulgaria, Cambodia, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tanganyika, Tunisia, Union of

Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: None.

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

Present and not voting: United Kingdom of Great Britain and Northern Ireland.

278. The representative of the United Kingdom said that his delegation had not participated in the vote for reasons which had been explained in the past. He regretted that the Committee had decided to adopt a resolution which ignored the steps that his Government had taken and was taking in pursuit of a solution to the complicated problem of Southern Rhodesia. In his view the resolution did not fully reflect the spirit of the report of the Sub-Committee on Southern Rhodesia on its discussions with the United Kingdom Government.

279. On 18 June 1963, Mr. R. A. Butler, the Minister responsible for Central African Affairs, had informed the House of Commons that since his statement in the House on 21 May, discussions had taken place in London with the Southern Rhodesian Government and there had been a further exchange of letters. The position had not yet been reached which would enable the United Kingdom Government to arrive at a decision on the question of Southern Rhodesia's independence. Contact was being maintained with the Government of Southern Rhodesia. The Federal Government and the Governments of Southern and Northern Rhodesia had agreed to attend a conference on the orderly dissolution of the Federation and the consequential problems involved, which would begin at Victoria Falls on 28 June.

280. It could thus be seen that the process of consultation and negotiation was continuing. In the view of his delegation, the adoption by the Committee of a resolution of the kind approved would only serve to complicate the issues. In particular, his delegation found it difficult to understand why the Committee should have once again alleged that the situation in Southern Rhodesia was explosive. That allegation was untrue and could not possibly assist in the constructive solution of the problem.

281. The representative of Ethiopia said that in the understanding of his delegation, the Committee, by adopting the resolution on Southern Rhodesia, had reaffirmed the General Assembly's finding in resolution 1755 (XVII) that there was a threat to international peace in Southern Rhodesia. His delegation felt that world peace was indivisible and that a threat to peace in Southern Rhodesia was a threat to the peace of the world. His understanding of paragraph 5 of the approved resolution was that the Committee had found that the situation in Southern Rhodesia had deteriorated further since it had last been considered by the Committee and by the General Assembly.

282. The resolution thus approved by the Special Committee, on the question of Southern Rhodesia (A/AC.109/45), read as follows:

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

"Having considered the question of Southern Rhodesia,

"Recalling the task entrusted to it by the General Assembly in resolutions 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962, and, in

particular, paragraph 5 of resolution 1514 (XV) of 14 December 1960, concerning the immediate steps to be taken with a view to the transfer of all powers to the peoples of the territories which have not attained independence,

“*Recalling* General Assembly resolutions 1747 (XVI) of 28 June 1962 and 1760 (XVII) of 31 October 1962, and in particular, paragraph 3 of resolution 1760 (XVII),

“*Bearing in mind* the decisions taken by the Summit Conference of Independent African States held in May 1963 at Addis Ababa concerning decolonization, particularly those relating to Southern Rhodesia,

“*Reminding* the United Kingdom Government of the responsibilities which it bears as administering Power of the Non-Self-Governing Territory of Southern Rhodesia,

“*Regretting* that the United Kingdom Government continues to deny to the mass of the African population their basic political rights,

“*Regretting* also that the United Kingdom Government refuses to recognize the explosive nature of the situation prevailing in that Territory,

“*Mindful* of the aggravation of the situation in Southern Rhodesia, which situation constitutes a threat to international peace and security,

“*Being aware* that the settler minority government of Southern Rhodesia has requested the United Kingdom Government to grant independence to the Territory under the 1961 Constitution, the abrogation of which has been requested by the General Assembly of the United Nations,

“*Having considered* the report of the Sub-Committee on Southern Rhodesia,

“*Having heard* the representative of the administering Power,

“1. *Approves* the report of the Sub-Committee on Southern Rhodesia, particularly its conclusions and recommendations, and expresses its appreciation of the work accomplished,

“2. *Deplores* the fact that the United Kingdom Government has ignored the resolutions on Southern Rhodesia of the General Assembly, thus creating an explosive situation in the Non-Self-Governing Territory of Southern Rhodesia;

“3. *Calls upon* the United Kingdom Government:

“(a) To abrogate the 1961 Constitution;

“(b) To hold without delay a constitutional conference in which representatives of all political parties of the Territory will take part with a view to making constitutional arrangements for independence on the basis of universal suffrage including the fixing of the earliest date for independence;

“(c) To declare unequivocally that it would not transfer the powers and attributes of sovereignty to any Government constituted under the 1961 Constitution;

“4. *Recommends* that, if developments necessitate and circumstances warrant, a special session of the General Assembly should be convened to consider the situation in the Territory, and in any event a separate item entitled ‘The question of Southern Rhodesia’ be inscribed on the agenda of the eighteenth regular session of the General Assembly as a matter of high priority and urgency;

“5. *Draws the attention* of the Security Council to the deterioration of the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia.”

283. On 21 June 1963 the text of the resolution adopted by the Special Committee was transmitted to the United Kingdom Government, the President of the fourth special session of the General Assembly and the President of the Security Council (see chap. I, para. 41, above).

APPENDIX

Report of the Sub-Committee on Southern Rhodesia*

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Introduction

1. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of Southern Rhodesia at its 130th to 140th, 143rd, 144th and 146th meetings, held during the period 15 March to 10 April 1963. The discussions on this question were held in the context of General Assembly resolutions 1747 (XVI) of 28 June 1962, 1755 (XVII) of 12 October 1962 and 1760 (XVII) of 31 October 1962. It also had before it a report (A/AC.109/33) dated 19 December 1962, submitted by the Secretary-General in terms of paragraph 4 of resolution 1760 (XVII).

2. In considering this question, the Special Committee was aware, among other things, of the following developments in Southern Rhodesia since the adoption by the General Assembly of resolution 1760 (XVII) on 31 October 1962:

(a) The Southern Rhodesian Constitution of 6 December 1961 came fully into force on 1 November 1962;

(b) The first elections for the Legislative Assembly under the new Constitution were held on 14 December 1962;

(c) In the December elections, the Rhodesian Front Party, led by Mr. Winston Field, won a majority of thirty-five seats in the Legislative Assembly as against twenty-nine seats won by the United Federal Party, led by the then Prime Minister Sir Edgar E. Whitehead and the remaining one seat by an independent candidate;

(d) The two African nationalist parties, the Zimbabwe African Peoples Union (ZAPU) and the Pan-African Socialist Union (PASU) boycotted both the registration and the elections;

(e) On 17 December 1962, a new Government was formed under the leadership of Mr. Winston Field as Prime Minister;

* Previously issued as document A/AC.109/L.53.

(f) The new Government initiated a number of repressive legislative measures, such as "The Law and Order (Maintenance) Amendment Act, 1963", "The Unlawful Organization Amendment Act, 1963", and "The Preservation of Constitutional Government Act, 1963".

3. At the Special Committee's 135th and 136th meetings, on 25 and 26 March 1963, Mr. Joshua Nkomo, National President of ZAPU, appeared as a petitioner and provided it with information on the latest developments in Southern Rhodesia. In his statement he requested the Special Committee to send a sub-committee to London to convey to the United Kingdom Government the seriousness of the situation in Southern Rhodesia and to impress upon them the necessity for taking immediate action (see chap. II, para. 43, above).

4. At the conclusion of the general debate in the Special Committee, on 28 March, the Chairman stated the consensus of the Special Committee on the question of Southern Rhodesia as follows:

"The Special Committee is deeply concerned over the explosive situation that exists in Southern Rhodesia and considers in the light of the petition made by Mr. Joshua Nkomo that if immediate measures are not taken, the evolution of the present situation in Southern Rhodesia may in the very near future constitute a real threat to peace and security in the world.

"The Special Committee is also disturbed over the fact that the resolutions adopted by the General Assembly, and referring to Southern Rhodesia, have not been implemented.

"The Special Committee therefore, in its endeavours to find a peaceful settlement to the painful situation obtaining in Southern Rhodesia, decides at the present stage of its debate to set up a sub-committee which will travel to London. The terms of reference of the Sub-Committee will be to draw the attention of the Government of the United Kingdom to the explosive situation obtaining in Southern Rhodesia and to undertake conversations with the Government of the United Kingdom in order to obtain the implementation of the resolutions adopted by the General Assembly on the question of Southern Rhodesia.

"The Sub-Committee will therefore have to leave for London immediately in order to ensure that a solution should be found to the question of Southern Rhodesia in time to allow a report to be made to the Special Committee as soon as possible, at the latest by 15 April 1963. The Sub-Committee will be composed of delegations determined by the Chairman.

"It will of course be understood that this is only an interim measure and that on the basis of the report to be rendered by the Sub-Committee, and in the light of what results the Sub-Committee may achieve in London, the Special Committee may weigh any other solution or proposal that it may deem appropriate in the matter of Southern Rhodesia."

5. At the 140th meeting, on 2 April, the representative of the United Kingdom informed the Special Committee that his Government was willing to receive the representatives of the Special Committee and to undertake conversations with them on the question of Southern Rhodesia. With regard to the Sub-Committee's visit to London, he stated that the Ministers concerned had been engaged for some time on discussions concerning the future of the Central African Federation and that they would be heavily engaged with those and other matters until Easter. His Government considered, therefore, that it should be possible to receive the Sub-Committee during the following week, beginning 22 April.

6. The Special Committee considered that the proposed date was not in keeping with the requirements of the situation in Southern Rhodesia and therefore requested the United Kingdom Government to reconsider it and to receive the Sub-Committee on an earlier date.

7. At the 143rd meeting, on 5 April, the representative of the United Kingdom informed the Special Committee that his Government had given the fullest consideration to its request. However, owing to the heavy commitments of the Minister

primarily concerned, it had not been possible to arrange matters so as to permit the Sub-Committee to be received at a suitable level earlier than the date of 22 April originally suggested.

8. At the same meeting, the representative of Ethiopia submitted a draft resolution (A/AC.109/L.47) of which Tanganyika subsequently became a co-sponsor (A/AC.109/L.47/Add.1). At the 144th meeting, on 8 April, the joint draft resolution was approved by the Special Committee by a roll-call vote of 19 to none, with 4 abstentions. The text of the resolution, as approved by the Committee (A/AC.109/39), read as follows:

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

"Having considered the question of Southern Rhodesia,

"Recalling all the resolutions of the General Assembly relative to Southern Rhodesia,

"Having heard the statement of the representative of the administering Power,

"Having heard the statement of the petitioner, Mr. Joshua Nkomo, President of the Zimbabwe African Peoples Union (ZAPU),

"Recalling the consensus of the Special Committee dated 28 March 1963,

"Considering the implications of the imminent dissolution of the Federation of Central Africa,

"Considering the request formulated by the minority government of Mr. Winston Field for immediate independence and the grave implications of that request,

"1. Regrets that the Government of the United Kingdom of Great Britain and Northern Ireland could not receive the Sub-Committee before 15 April 1963, in accordance with the spirit of the consensus of the Special Committee;

"2. Accepts the date of 22 April 1963 proposed by the Government of the administering Power for opening conversations with the Sub-Committee on the situation in Southern Rhodesia;

"3. Appeals solemnly to the Government of the United Kingdom to apply all the resolutions of the General Assembly relative to Southern Rhodesia and to take all measures to prevent a deterioration of the already explosive situation in Southern Rhodesia;

"4. Requests the Sub-Committee to submit as a matter of great urgency a report to the Special Committee;

"5. Decides to examine the question of Southern Rhodesia in the light of the forthcoming report of the Sub-Committee;

"6. Requests the Secretary-General to transmit the text of this resolution immediately to the Government of the United Kingdom."

9. At the 146th meeting, the Chairman informed the Special Committee that he had nominated the representatives of the following members of the Committee as members of the Sub-Committee on Southern Rhodesia: Mali (Chairman), Uruguay (Vice-Chairman), Syria (Rapporteur), Sierra Leone, Tanganyika and Tunisia.

10. The Sub-Committee was composed of the following representatives: Mr. Sori Coulibaly (Mali), *Chairman*; Mr. Carlos María Velázquez (Uruguay), *Vice-Chairman*; Mr. Najmudine Rifai (Syria), *Rapporteur*; Mr. Gershon B. O. Collier (Sierra Leone); Chief Erasto A. M. Mang'anya (Tanganyika) and Mr. Taieb Slim (Tunisia).

11. The Sub-Committee visited London from 20 to 26 April 1963. It was accompanied by a secretariat composed of Mr. M. E. Chacko, Secretary of the Special Committee, Mr. J. L. Lewis, Political Affairs Officer, and Mr. C. Mertvagos, Interpreter.

12. During its stay in London, the Sub-Committee held three meetings with representatives of the United Kingdom Government. At the first and third meetings, held at the Treasury on 22 and 24 April, the following officials of the United Kingdom were present:

The Right Honourable R. A. Butler, M.P., First Secretary of State and Minister responsible for Central African

Affairs; Mr. M. R. Metcalf, Mr. S. F. St. C. Duncan and Mr. C. C. W. Adams, of the Central African Office; Mr. A. D. Wilson and Mr. C. E. King, of the Foreign Office; and Mr. J. Lamb (Observer), of the High Commission for Rhodesia and Nyasaland.

At the second meeting, held at the Foreign Office on 23 April, the following officials of the United Kingdom were present:

The Right Honourable The Earl of Home, Secretary of State for Foreign Affairs; The Right Honourable Duncan Sandys, M.P., Secretary of State for Commonwealth Relations and for the Colonies; Mr. Peter Smithers, M.P., Under-Secretary of State for Foreign Affairs; Sir John Martin, of the Colonial Office; and Mr. A. D. Wilson, Mr. C. E. King and Mr. S. Falle, of the Foreign Office.

13. The Sub-Committee wishes to express its gratitude to the Ministers of Her Majesty's Government and the other officials of the United Kingdom for the courteous reception accorded to it.

14. The Sub-Committee wishes to express its gratitude to Mr. M. E. Chacko, Secretary of the Special Committee, and also to Mr. J. L. Lewis and Mr. C. Mertvagos, for the very conscientious and efficient manner in which they discharged their duties. During its stay in London, the Sub-Committee was greatly assisted by Mr. Jan G. Lindström, Director of the United Nations Information Centre, and by his colleagues, to whom the Sub-Committee wishes to express its deep appreciation.

15. This report was unanimously adopted by the Sub-Committee on 8 May 1963.

Discussions with the Government of the United Kingdom

16. At the beginning of the discussions, the Sub-Committee explained to the Ministers the purpose of its visit to London.

17. The Sub-Committee recalled that the question of Southern Rhodesia had been discussed during 1962 with the Ministers of the United Kingdom Government by a United Nations Sub-Committee and that, following that Sub-Committee's report, the General Assembly had considered the question at its resumed sixteenth session, in June 1962. On 28 June, it had adopted resolution 1747 (XVI). The question had again been considered by the Assembly at its seventeenth session, when it adopted resolution 1755 (XVII), of 12 October 1962, and resolution 1760 (XVII), of 31 October 1962, the contents of which were familiar to everyone.

18. The Sub-Committee stated that it was a matter for deep regret that the resolutions of the General Assembly had not been implemented by the United Kingdom. General elections under the new Constitution had been held in December 1962, as a result of which the Rhodesian Front Party, led by Winston Field, had gained control of the Government of Southern Rhodesia. Subsequently, various repressive legislative measures had been initiated by the new Government which were detrimental to the interests of the majority of the population of the Territory.

19. The Sub-Committee informed the Ministers that at its present session, the Special Committee had discussed the situation in Southern Rhodesia in the light of recent developments and had heard Mr. Joshua Nkomo, the nationalist leader from Southern Rhodesia. The Special Committee was almost unanimous in recognizing the seriousness of the present situation there and of the need for taking positive steps with a view to arresting the rapidly deteriorating situation.

20. The Sub-Committee then outlined the steps taken by the Special Committee which had led to its establishment and drew attention to the consensus made by the Chairman (see para. 4 above) at the conclusion of the debate. The consensus reflected the fact that the Special Committee was extremely concerned with the situation in Southern Rhodesia and with the necessity of urgently finding a solution which would take into account the wishes of the great majority of the population; for that reason it had decided to send the Sub-Committee to London for conversations with the United Kingdom Government.

21. The Sub-Committee recalled that the Sub-Committee on Southern Rhodesia established by the Special Committee, in 1962, which had also visited London, had stressed the need for not proceeding with the 1961 Constitution for Southern Rhodesia and for the drawing up of a new constitution providing for adequate representation for all sections of the population in the Territory's Legislature, on the basis of universal adult franchise. On that occasion, it had been pointed out by the United Kingdom Government that the 1961 Constitution would lead to an African majority in the Legislature in eight to twelve years, and further that the constitutional safeguards entrenched in the new Constitution were adequate and practically more effective and valid for the African people than the reserved powers (see A/5124, annex I, paras. 41 and 42).

22. However, events following the coming into force of the Constitution on 1 November 1962, such as the results of the elections, the attitude of the new Southern Rhodesian Government towards African representation and the introduction of a number of repressive legislative measures, had disproved the assumptions made by the United Kingdom Government last year. The Sub-Committee expressed the hope that, in the light of the recent events and of the concern felt by the United Nations, the United Kingdom would be willing to revise its previous thinking concerning Southern Rhodesia, and to take appropriate measures with a view to providing for a Government representing the entire population of Southern Rhodesia on the basis of universal adult franchise.

23. The Sub-Committee stated that it was aware of the United Kingdom's position that it was unable to intervene in the internal affairs of Southern Rhodesia. However, this position had not been accepted by the United Nations which by General Assembly resolutions 1747 (XVI) and 1760 (XVII) had affirmed clearly that Southern Rhodesia was a Non-Self-Governing Territory. The United Kingdom was fully responsible as the administering Power for that Territory. It bore a definite responsibility regarding the destinies of the people of Southern Rhodesia. The resolutions of the General Assembly had requested the United Kingdom, among other things, to convene a constitutional conference with the full participation of representatives of all political parties for the purpose of formulating a constitution in place of that of 1961 which would ensure the rights of the majority of the people on the basis of "one man, one vote". But this had not been done.

24. The Sub-Committee pointed out that even if the United Nations did accept the United Kingdom thesis that, because of a convention, it had no power to intervene, the question still arose whether the United Kingdom Government, in order to uphold a convention, and contrary to all principles of justice and democracy, should ignore the legitimate rights of 3.5 million Africans.

25. In response to the invitation by the Sub-Committee to hear the views of the United Kingdom Government concerning any future action it was proposing to take for the solution of the problem of Southern Rhodesia in the light of the statements made and the questions put by the members of the Sub-Committee, the Ministers proceeded to explain the position of the United Kingdom Government.

26. With regard to the constitutional position of the United Kingdom Government in relation to Southern Rhodesia, the Ministers reiterated the statements previously made on this matter by them and their representatives. They regretted that the United Nations had rejected their views on the constitutional position, under which Southern Rhodesia had enjoyed control of its own internal affairs for forty years. That was not, according to them, simply a legalistic or a theoretical point of view, but represented the realities of the situation. They pointed out that the United Kingdom Government retained only a residual responsibility for Southern Rhodesia's external relations, but that did not mean that the United Kingdom was responsible for the internal affairs of Southern Rhodesia.

27. The United Kingdom Government stated that it had no power to intervene in the internal affairs of Southern Rhodesia either constitutionally or physically and it could not enforce its will even if it wished to do so. Its only power

was that of persuasion, discussion and representation with and to the Southern Rhodesian Government, and the United Nations therefore must rely on the United Kingdom Government using its influence rather than actively intervening.

28. As regards the Constitution of 1961, the Ministers stated that, had the nationalists stood in the elections, they would now be holding at least 15 seats, and probably 16 or 17, and they would have been holding a position of balance between the other parties in the Legislature. Therefore the Ministers felt that it was most unfortunate that Africans had not stood for election and taken advantage of the facilities available to them under the Constitution, however much they might regret the extent of those facilities.

29. The Ministers pointed out that it would require only 8 per cent of the adult African population to qualify for the "A" roll to outnumber the European voters and command the elections. It was impossible to give a date on which that would happen, for it depended entirely on the prosperity and stability of the country which would automatically increase the number of Africans eligible to vote. Thus they considered that there were opportunities for Africans under the present Constitution to take advantage of the franchise and to occupy a considerable number of seats. Furthermore, they stated that the Constitution carried within it powers of amendment and it required only a two-thirds majority in the Legislative Assembly to alter the franchise.

30. In regard to the safeguarding of African rights under the new Constitution, the Sub-Committee's attention was directed to the Declaration of Rights contained in the Constitution and to the Constitutional Council. It was pointed out that the latter watched over the Declaration of Rights, that it had a non-European majority including at least one active African nationalist and that it was setting about its duties in a conscientious way in examining legislation and orders. In addition the Declaration was enforceable in the courts and there was provision for appeal to the Privy Council.

31. With reference to the demand for the convening of a constitutional conference to formulate a new constitution, the United Kingdom Government pointed out that the previous conference was convened at the express wish of the Southern Rhodesian Government. According to the United Kingdom Government, even if it contemplated convening another constitutional conference, it could not force the Southern Rhodesian Government to attend it nor could it introduce a new constitution without the latter Government's agreement and co-operation. Moreover, the United Kingdom Government had no means of imposing a new constitution on Southern Rhodesia. They considered that reference to the example of other colonial dependencies, where constitutions were suspended, ignored the complete difference between those dependencies and Southern Rhodesia. In other territories, the United Kingdom Government was in a position to enforce its decisions, but there was no constitutional means by which it could do so in Southern Rhodesia. The Southern Rhodesian Constitution carried within it powers of amendment but the United Kingdom Government stated that it had no indication yet whether the Southern Rhodesian Government proposed to make any amendments to it.

32. With reference to the recent demand for independence by the Southern Rhodesian Government, the Ministers drew the attention of the Sub-Committee to the correspondence between the two Governments, which had been published as a White Paper (see annex C below), and two statements made in Parliament by Mr. R. A. Butler, Minister responsible for Central African Affairs, on 1 and 11 April 1963 (see annexes A and B below). It was stated that the White Paper was the basic document on this subject. The United Kingdom's letter to Prime Minister Winston Field which appeared in that document contained the following statement:

"In any case Her Majesty's Government, in accordance with normal precedent, would expect to convene a Conference to discuss financial, defence, constitutional and other matters, which always have to be settled before self-governing dependencies are granted independence."

33. In answer to a question by the Sub-Committee as to whether the conference referred to in the White Paper was

the normal precedent to independence, or whether it was a special constitutional conference, the Ministers explained that it would be the normal discussion which preceded independence. There were, of course, matters of every sort—financial, defence, and constitutional which arose on the occasion of a country becoming independent and severing its links with the United Kingdom. In the case of Southern Rhodesia, however, they said that its links with the United Kingdom had been rather different from the ordinary colonial dependency. It had had a self-governing Constitution for forty years, which included many independent characteristics relating, among other things, to defence. Also, before it had become a party to the Federation, it had not been in receipt of normal financial grants from the United Kingdom; the only financial assistance which had ever been afforded to Southern Rhodesia had not been on the normal colonial pattern, but had taken the form of loan monies. The United Kingdom Government stressed that there was a very special relationship between Southern Rhodesia and the United Kingdom, which had become entrenched by forty years of self-government, and that made the position rather different from that of almost any other overseas dependency.

34. In answer to another question by the Sub-Committee as to whether the United Kingdom intended calling a constitutional conference other than the normal independence conference to discuss a new constitution acceptable to the majority of the people, the Ministers pointed out that they had not contemplated a conference other than that mentioned in the White Paper. It was also pointed out that, in accordance with the statement made in Parliament on 11 April 1963, if there were a conference prior to independence, the United Kingdom Government would feel free to raise any matter which it thought fit.

35. In reply to a further question by the Sub-Committee as to whether it was contemplated that the proposed conference would be between the Government of the United Kingdom and the present government of Mr. Winston Field, and whether representatives of the African nationalist parties would be invited, the Ministers stated that the conference would be between the Governments. They could not go further than that at present, since all those matters were the subject of negotiation with the Southern Rhodesian Government.

36. In answer to a question by the Sub-Committee, it was stated that, while the objectives of the United Kingdom and the United Nations were similar in that none wished to see a difficult or explosive situation arise in Southern Rhodesia, a difference persisted in the belief by the United Nations that the United Kingdom as administering Power had the power of intervention. In respect to a question as to how the United Kingdom Government thought the United Nations should proceed toward its goal, the Ministers answered that the United Nations must rely on the United Kingdom Government using its influence rather than actively intervening.

37. The Ministers stated that they could not agree that the situation in Southern Rhodesia was at the time explosive. They felt a compromise was the only solution to the problem of Southern Rhodesia and that force would not accomplish this. They pointed out that the Southern Rhodesian Government had the power and was quite capable of maintaining law and order if it wished to do so, and it would do so with much greater energy if it felt threatened. There was thus no possibility of the present Government being overthrown by force. Therefore they believed that a solution would have to be found by agreement on a compromise which would not be a complete victory for one or the other, but a solution which would produce an advance in the constitution with an African majority quicker than the Southern Rhodesian Government was planning, although less quickly than the African nationalists were arguing for. They felt that there was hope for a solution if agreement on that basis could be reached, and believed that there was a chance of doing so.

38. The Sub-Committee asked whether the United Kingdom Government would be in a position to make a declaration to the effect that steps would be taken for the calling of a constitutional conference of all the parties concerned in Southern Rhodesia without delay for the purpose of drawing

up a new constitution; and that the United Kingdom would not agree to independence for Southern Rhodesia until a new constitution acceptable to all the people of Southern Rhodesia was drawn up and put into effect. It was stated in reply concerning the calling of a constitutional conference that the United Kingdom Government could not intervene in the internal affairs of Southern Rhodesia. In regard to the granting of independence to Southern Rhodesia the Sub-Committee was informed that the two Governments were now engaged in discussions and that it would not be possible to say what the final view of the United Kingdom Government would be on that point.

39. Finally, the Ministers stated that the Sub-Committee might wish to maintain contact with them through the Permanent Mission of the United Kingdom to the United Nations. They expressed the hope that the Sub-Committee would respect the sincerity of their views as much as it would understand the limitations on the United Kingdom's power. They added that the fact that the United Kingdom Government was closely in touch with the Southern Rhodesian Government at the moment might give the Sub-Committee confidence that the United Kingdom Government was treating the matter as one of the utmost seriousness.

Conclusions

40. The United Kingdom Government informed the Sub-Committee that it continued to maintain that it had no power to intervene in the internal affairs of Southern Rhodesia since the Territory had enjoyed control of its internal affairs since 1923. It was not necessary for the Sub-Committee to go into a discussion of that point since it was considered in detail by the Sub-Committee on Southern Rhodesia established by the Special Committee, which visited London in 1962, by the Special Committee of Seventeen, and by the General Assembly at its resumed sixteenth session in June 1962 and at its seventeenth session. So far as the United Nations is concerned, the question was determined by the General Assembly, when by resolution 1747 (XVI), it affirmed that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the United Nations Charter. That decision was reaffirmed by the General Assembly in resolution 1760 (XVII).

41. From the discussions it had with the Ministers, the Sub-Committee noted that the United Kingdom had no plans for calling a constitutional conference with the full participation of representatives of all political parties for the purpose of formulating a new constitution for Southern Rhodesia which would ensure the rights of the majority of the people on the basis of "one man, one vote", as called for in General Assembly resolutions 1747 (XVI) and 1760 (XVII).

42. The Sub-Committee gained the impression, however, that the situation in Southern Rhodesia was a matter of concern to the United Kingdom Government and that while it felt that the situation was not explosive, nevertheless it intended to seek a compromise solution to prevent a possible deterioration in that situation. The Sub-Committee understood that any such compromise solution would be aimed at widening the franchise, but not in a way desired by the Africans, nor according to the terms of the General Assembly resolutions. The United Kingdom hoped to achieve that objective by means of persuasion which, it maintained, is the only power it had in regard to the Government of Southern Rhodesia.

43. The Sub-Committee believes that while no objection could be raised against the use of persuasion to reach a satisfactory solution so long as such a solution recognizes the legitimate inalienable rights of all the inhabitants of the Territory in conformity with all the principles enshrined in the Declaration on the granting of independence to colonial countries and peoples, it doubts that mere persuasion would secure that objective.

44. It is important to note in this connexion that the practical steps that the United Kingdom Government is contemplating in order to seek the compromise solution are within the context of the demand for independence by the new Southern Rhodesian Government. The Government of Southern

Rhodesia has submitted a formal application for full independence to be granted to Southern Rhodesia. The United Kingdom Government in reply has stated that in accordance with normal precedent it "would expect to convene a Conference to discuss financial, defence, constitutional and other matters, which always have to be settled before self-governing dependencies are granted Independence". The Ministers made it clear to the Sub-Committee, however, that this would not be a constitutional conference but a pre-independence conference which would also discuss constitutional matters among other questions. The United Kingdom Government could not go any further than stating that at the conference it would be free to raise any matter which it thought fit. Moreover, the Sub-Committee was told that the conference would be held between the Governments. Thus, at present, the Sub-Committee has no knowledge of any proposal to provide for the participation at the proposed conference of representatives of the 3.5 million African people of Southern Rhodesia.

45. Considering the context in which the conference is proposed to be held, namely, the demand for independence by the Southern Rhodesian Government, the declared policies and programmes of that Government, the position of the United Kingdom Government that no change in the Southern Rhodesian constitution can be made without the agreement of the Southern Rhodesian Government and the fact that the participation of the party principally concerned, namely the African people, is not provided for at the conference, the Sub-Committee does not believe that the conference would succeed in producing a solution which would secure the objectives of the General Assembly resolutions.

46. The Sub-Committee considers that the United Kingdom Government is placing undue emphasis on a convention, thereby placing the interests of the indigenous people of the Territory at the mercy of a minority Government. In the view of the Sub-Committee, this position is contrary to the principles of the United Nations Charter, the Declaration of Human Rights, the Declaration on the granting of independence to colonial countries and peoples and the principles on which the United Kingdom Government itself is based.

47. As was pointed out by the Sub-Committee of 1962, Southern Rhodesia was granted the so-called self-government without any consultation of the indigenous people of Southern Rhodesia. This in itself was not justifiable. Now, to argue that the United Kingdom cannot do anything to establish the legitimate rights of the people of Southern Rhodesia amounts to perpetuating a wrong that was done forty years ago.

48. The Sub-Committee would like to point out that there are examples in the colonial history of the United Kingdom where it has intervened with force to implement its decisions. Very often this had been done in the name of protecting the interests of minority groups. In the case of Southern Rhodesia, the situation is the reverse. It calls for the protection of the interests of a majority against those of a minority—the majority being the indigenous inhabitants. It is a matter for regret that the United Kingdom takes the position that it cannot intervene in the interests of the African people. The Sub-Committee believes that, if the United Kingdom wants to intervene in favour of the African people, it has the means to do so.

49. It has been said that the Government of Southern Rhodesia will declare its independence if the United Kingdom does not agree to grant independence to that Government. The Sub-Committee does not think that such threats should deter the United Kingdom from taking the proper course of action in order to find a just solution to the problem. Any move of this kind by the Southern Rhodesian Government would involve a violation of the Constitution. If this contingency should arise, the United Kingdom as the administering Power should be able to handle it, and the Sub-Committee believes that the United Kingdom can do so if it has the will to do it.

50. The Sub-Committee is of the opinion that the present situation in Southern Rhodesia demands that the United Kingdom, consistent with its obligations to protect the interests of the majority of the Territory's inhabitants, should take a more

direct and positive position concerning future action. It believes that the most appropriate course, and one which would produce a just solution, is to call a conference of representatives of all parties concerned to draw up a new constitution based on universal adult franchise. In calling such a conference, it should be made clear to the present minority Government of Southern Rhodesia that there is no question of granting it independence until a representative Government is established there.

51. The Sub-Committee noted that the Ministers could not provide certain clarifications sought by it because the United Kingdom Government was still engaged in discussions with the Southern Rhodesian Government. However, they asked the Sub-Committee to keep in contact with them through the Permanent Mission of the United Kingdom to the United Nations.

52. As the Special Committee has already recognized, the situation in Southern Rhodesia is one of urgency and importance. The Sub-Committee believes that there would be serious repercussions if the present stalemate were allowed to continue. Therefore, in the absence of any favourable developments in the immediate future, the Sub-Committee recommends that the Special Committee should consider ways and means of dealing with the question on an urgent basis. It believes that such means might include the following:

- (1) Consideration of the question of Southern Rhodesia at a special session of the General Assembly;
- (2) Drawing the attention of the Security Council to the deteriorating situation in Southern Rhodesia;
- (3) Requesting the Secretary-General of the United Nations to draw the attention of the United Kingdom to the seriousness of the situation and to continue to lend his good offices in accordance with the mandate given to him by the General Assembly in paragraph 4 of resolution 1760 (XVII).

ANNEXES

Annex A

Statement made by Mr. R. A. Butler, First Secretary of State of the Government of the United Kingdom, in the House of Commons on 1 April 1963^a

This is my first opportunity of informing the House about the talks on Central Africa which, as the House will be aware, were concluded last Friday afternoon. The object of these talks was to find a basis on which a conference might later be held.

At the outset, I should make it clear that Her Majesty's Government took no decision on these complex matters until all the Governments concerned had had an opportunity to put forward their views. In the light of the views expressed it was necessary for Her Majesty's Government to consider what was the best course to pursue in the interests of all concerned. Her Majesty's Government have accepted that none of the territories can be kept in the Federation against its will, and they have, therefore, accepted the principle that any territory which so wishes must be allowed to secede.

Her Majesty's Government are convinced that this decision was essential before further progress could be made towards their declared objective of policy in Central Africa, that is to say, the evolution of an effective relationship between the territories which is acceptable to each of them.

Because that is their objective, Her Majesty's Government have also clearly stated that they consider it necessary that, before any further changes are made, there should be renewed discussion in Africa, not only on the transitional arrangements required, but also on the broad lines of a new relationship.

I have this morning received a letter from the Prime Minister of Southern Rhodesia asking for certain assurances about

the future granting of independence to Southern Rhodesia. This will require close consideration by Her Majesty's Government and I cannot at present take the matter further. I will, however, keep the House informed of any developments that may occur.

Annex B

Statement made by Mr. R. A. Butler, First Secretary of State of the Government of the United Kingdom, in the House of Commons on 11 April 1963^b

As regards Northern Rhodesia I have nothing to add to what I said on 1st April about my discussions with Elected Ministers on the subject of further constitutional advance. The territory has not yet reached the stage of internal self-government.

As regards Southern Rhodesia, I have now concluded my talks with Mr. Dupont, the Minister of Justice, and I have sent a reply to the letter which Mr. Winston Field sent me making a formal request for independence to be granted to Southern Rhodesia on the first date on which either of the other territories is allowed to secede or obtain its independence. The Government is publishing this correspondence in a White Paper which will be available in the Vote Office at 11 o'clock this morning.

The reply indicates that we accept in principle that all the territories will proceed through the normal processes to independence. It goes on to point out that it would not in any event be possible to make Southern Rhodesia an independent country in the full sense of the word while she remains in the Federation which is not itself independent. Her Majesty's Government emphasise their view that there should be early discussions not only about the broad lines of a future relationship between the territories but also the transitional arrangements that will be required. Her Majesty's Government consider that it is only when such discussions have taken place that Southern Rhodesia, having regard to its membership of the Federation, may expect to be in the constitutional position to move to full independence.

Her Majesty's Government would also expect to convene a conference to discuss financial, defence, constitutional and other matters, which always have to be settled before self-governing dependencies are granted independence.

Annex C

Correspondence between the Government of the United Kingdom and the Government of Southern Rhodesia^c

I.

TEXT OF A LETTER DATED 29 MARCH 1963 FROM THE PRIME MINISTER OF SOUTHERN RHODESIA, THE HON. W. J. FIELD, C.M.G., M.B.E., M.P., TO THE FIRST SECRETARY OF STATE OF THE GOVERNMENT OF THE UNITED KINGDOM, THE RIGHT HON. R. A. BUTLER, C.H., M.P.

At our interview this morning when you informed me of the British Government's decisions taken as a result of the talks held this week in London, I raised the question of the full independence of Southern Rhodesia in the light of the situation as you described it. You invited the Southern Rhodesia Government to attend later in the year in Rhodesia a Conference with the Governments concerned to determine the broad lines of a new association between Southern Rhodesia and Northern Rhodesia. I emphasized that the nature of the British Government's decision amounted to a recognition of Northern Rhodesia's right to secede from the Federation and, therefore, this raised the vital issue for Southern Rhodesia of its own independence. I have now carefully considered the Southern Rhodesian attitude towards the Conference and I wish to state that the Southern Rhodesia Government will not

^b *Ibid.*, cols. 1450 and 1451.

^c *Correspondence between Her Majesty's Government and the Government of Southern Rhodesia* (London, H.M. Stationery Office, 1963), Cmnd. 2000.

^a See *Parliamentary Debates (Hansard), House of Commons, Official Report, Fifth Series*, vol. 675 (London, H.M. Stationery Office), cols. 32 and 33.

attend a Conference unless we receive in writing from you an acceptable undertaking that Southern Rhodesia will receive its independence concurrently with the date on which either Northern Rhodesia or Nyasaland is allowed to secede, whichever is the first.

You were kind enough to state that you thought this attitude was not unreasonable but that it would not be possible for you to give an immediate decision on Southern Rhodesia's independence; and that you were ready to receive from my Government a formal application for this independence on the terms I have outlined.

I, therefore, submit in this letter a formal application, now that both Nyasaland and Northern Rhodesia have been given the right to secede from the Federation that Southern Rhodesia should be given its full independence on the first date when either one or the other territory is allowed to secede or obtains its independence.

I do not think it is necessary to enlarge on the strength of the Southern Rhodesia claim at this juncture, but I feel that I must mention two points that are of particular importance. The first is that Southern Rhodesia has successfully managed its own internal affairs for forty years and that it cannot be granted less than Nyasaland which will not have much more than one year before probably attaining its complete independence. The second point is that so long as the last remaining links remain and the impression persists that the United Kingdom has the right to interfere in our internal affairs there is the danger of a series of serious incidents of disorder being encouraged from outside in order to compel such intervention by the British Government. It was confirmed by you at our interview that the British Government had of course no such intention but so long as these links remain the impression will continue that the British Government has the powers irrespective of their intention to use them.

Mr. Dupont will be remaining in London for some days for the purpose of receiving the decision of Her Majesty's Government.

(Signed) W. J. FIELD
*Prime Minister of
Southern Rhodesia*

II.

TEXT OF A LETTER DATED 9 APRIL 1963 FROM THE FIRST SECRETARY OF STATE OF THE GOVERNMENT OF THE UNITED KINGDOM, THE RIGHT HON. R. A. BUTLER, C.H., M.P., TO THE PRIME MINISTER OF SOUTHERN RHODESIA, THE HON. W. J. FIELD, C.M.G., M.B.E., M.P.

Thank you for your letter of the 29th March submitting a formal application on behalf of your Government for the grant of full independence to Southern Rhodesia.

Her Majesty's Government have carefully considered your Government's application and the arguments which you have adduced in support of it. Following upon their decision that none of the territories can be kept in the Federation against its will, Her Majesty's Government accept in principle that Southern Rhodesia, like the other territories, will proceed through the normal processes to independence. I would like to state as briefly as possible what we consider should be done before independence can be granted to Southern Rhodesia.

At the present time Southern Rhodesia is a member of the Federation. Our legal advice is that it would not in any event be possible to make Southern Rhodesia an independent country in the full sense of the word while remaining a member of the non-independent Federation. So long as she remains a member of the Federation, so long will the United Kingdom Parliament have power to legislate with regard to the Federation and so indirectly with regard to Southern Rhodesia.

As you know Her Majesty's Government have accepted the principle that any one of the territories which so wishes must be allowed to secede from the Federation. Her Majesty's Government have also made clear their view that before any further changes are made there should be discussions not only about the broad lines of a future relationship between the territories but also the transitional arrangements that will be required. In the view of Her Majesty's Government it is only when these discussions have taken place that the future course of events can be clarified and that Southern Rhodesia, having regard to her membership of the Federation, may expect to be in the constitutional position to move to independence. In any case Her Majesty's Government, in accordance with normal precedent, would expect to convene a Conference to discuss financial, defence, constitutional and other matters, which always have to be settled before self governing dependencies are granted independence.

You stated in your letter that the grant of independence should be concurrent with the secession of either Northern Rhodesia or Nyasaland whichever is the first. Later in your letter you asked that independence should be granted on the first date on which either territory is allowed to secede or obtain its independence. The secession of one member of the Federation would not in itself end your membership of the Federation. Although not specifically mentioned in your letter there has also been discussion between us about a limited form of independence from the United Kingdom while the Federation remains in existence. I would remind you of the terms of the White Paper, Cmnd. 1399, published in June, 1961, and in particular of the following paragraph:

"The Constitution of 1923 conferred responsible Government on Southern Rhodesia. Since then it has become an established convention for Parliament at Westminster, not to legislate for Southern Rhodesia on matters within the competence of the Legislative Assembly of Southern Rhodesia, except with the agreement of the Southern Rhodesia Government."

We reaffirm this position and we do not see how it can be improved from your point of view pending the granting of full independence. We shall however be glad to discuss this matter with you further if you so wish.

Her Majesty's Government recognize the desire of the Southern Rhodesia Government that full independence should be reached as soon as practicable. They therefore invite from your Government the closest cooperation in carrying out the processes referred to in this letter.

(Signed) R. A. BUTLER
*First Secretary of State
of the Government of the
United Kingdom*

CHAPTER IV

SOUTH WEST AFRICA

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

1. Following its consideration of the situation in the Territory of South Africa at its meetings in 1962, the Special Committee adopted conclusions and recommendations regarding the Territory.

2. In these conclusions and recommendations the Special Committee stated that the subjection of the indigenous people of South West Africa to racial discrimination embodied in the system of laws and regulations based on *apartheid*, the suppression of the civil liberties of the indigenous people, the domination of the indigenous people by the white minority, the lack

of any representation or voice for the African people of South West Africa in the Government and administration of South West Africa, were totally illegal and immoral and in violation of the Mandate of the League of Nations undertaken by South Africa, and the Charter of the United Nations. Noting the failure of the efforts of the United Nations to bring to the people of South West Africa justice, dignity, freedom and civil liberties, it firmly believed that the result of the continued intransigence of South Africa would inevitably be the building up of a dangerous situation fraught with the gravest consequences. The Special Committee generally endorsed the conclusions and recommendations contained in the report of the Special Committee for South West Africa (A/5212) and believed that the time had come for the United Nations to take urgent, positive action, including the possibility of sanctions against South Africa, to prevent the annexation of South West Africa by South Africa and to ensure the emergence of South West Africa into independence at the earliest date in accordance with the freely expressed wishes of the people.

3. The General Assembly, at its seventeenth session considered the question of South West Africa and had before it the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/5238) as well as the report of the Special Committee for South West Africa. At the conclusion of its consideration of the question the General Assembly on 14 December 1962 adopted resolution 1805 (XVII), the operative paragraphs of which read as follows:

"1. *Reaffirms* its solemn proclamation of the inalienable right of the people of South West Africa to independence and national sovereignty;

"2. *Condemns* the continued refusal of the Government of South Africa to co-operate with the United Nations in the implementation of General Assembly resolution 1702 (XVI) as well as other resolutions concerning South West Africa;

"3. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to discharge, *mutatis mutandis*, the tasks assigned to the Special Committee for South West Africa by resolution 1702 (XVI), taking into consideration the special responsibilities of the United Nations with regard to the Territory of South West Africa, and to submit to the General Assembly, at its seventeenth or its eighteenth session, a report on the implementation of the present resolution;

"4. *Further requests* all Member States to extend to the Special Committee such assistance as it may require in the discharge of these tasks;

"5. *Requests* the Secretary-General to appoint a United Nations Technical Assistance Resident Representative for South West Africa to achieve the objectives outlined in General Assembly resolution 1566 (XV) of 18 December 1960 and paragraph 2 (g) of resolution 1702 (XVI), in consultation with the Special Committee;

"6. *Requests* the Secretary-General to take all necessary steps to establish an effective United Nations presence in South West Africa;

"7. *Urges* the Government of South Africa to refrain from:

(a) Employing direct or indirect action involving the forcible removal of indigenous inhabitants from their homes or their confinement in any particular location;

(b) Using the Territory of South West Africa as a base for the accumulation, for internal or external purposes, of arms or armed forces;

"8. *Urges* all Member States to take into consideration the anxieties expressed by a large number of Member States concerning the supply of arms to South Africa, and to refrain from any action likely to hinder the implementation of the present and previous General Assembly resolutions on South West Africa;

"9. *Decides* to maintain the question of South West Africa on its agenda as an item requiring urgent and constant attention."

4. The General Assembly also adopted two other resolutions relating to South West Africa. By resolution 1806 (XVII) of 14 December 1962 the General Assembly decided to dissolve the Special Committee for South West Africa and expressed its gratitude to that Committee for its efforts and for its contribution to the achievement of the objectives of the United Nations. By resolution 1804 (XVII) of 14 December 1962 the General Assembly drew attention of petitioners concerned to the report of the Special Committee for South West Africa (A/5212) and to the report of the Chairman and Vice-Chairman of that Committee on their visit to South Africa and South West Africa (*ibid.*, part II), as well as to the other resolutions adopted at its seventeenth session on the question of South West Africa.

B. INFORMATION ON THE TERRITORY

Introduction

5. Information on the Territory is contained in the reports submitted to the General Assembly at its seventeenth session by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/5238, chap. IX) and the Special Committee for South West Africa (A/5212) as well as in the reports of the former Committee on South West Africa to the General Assembly.³³ Supplementary information on recent developments concerning the Territory is set out below.

Judgement of the International Court of Justice

6. On 30 November 1961 the Government of South Africa filed Preliminary Objections contesting the jurisdiction of the International Court of Justice to hear the case brought against South Africa by the Governments of Ethiopia and Liberia on 4 November 1960 relating to "the continued existence of the Mandate for South West Africa and the duties and performance of South Africa, as Mandatory, thereunder".

7. Following hearings held in October 1962, the International Court delivered its Judgement on the Pre-

³³ *Official Records of the General Assembly, Ninth Session, Supplement No. 14 (A/2666 and Add.1); Tenth Session, Supplement No. 12 (A/2913 and Add.1 and 2); Eleventh Session, Supplement No. 12 (A/3151); Twelfth Session, Supplement No. 12 (A/3626); Thirteenth Session, Supplement No. 12 (A/3906 and Add.1); Fourteenth Session, Supplement No. 12 (A/4191); Fifteenth Session, Supplement No. 12 (A/4464); Sixteenth Session, Supplements Nos. 12 (A/4957) and 12 A (A/4926).*

liminary Objections on 21 December 1962. In its Judgement, the Court dismissed each of the four Preliminary Objections raised by South Africa and found, by 8 votes to 7, that it had jurisdiction to adjudicate upon the merits of the dispute.³⁴

8. The Judgement confirmed that the Mandate for South West Africa remains in force. The International Court has fixed 30 September 1963 as the time limit for the filing of counter-memorials by South Africa on the merits of the dispute.

9. On 21 January 1963, the Prime Minister of South Africa informed the House of Assembly of that country that the Government would reply to the allegations made by Ethiopia and Liberia. He added that the Government's decision to participate in the substantive proceedings "should, however, not be construed as implying a change in the attitude which it has consistently held in regard to the South West Africa issue, namely that the International Court has no jurisdiction."

*General Law Amendment Acts Nos. 76 of 1962
and 37 of 1963*

10. During the period under review the General Law Amendment Act, 1962 (No. 76 of 1962) and the General Law Amendment Act, 1963 (No. 37 of 1963), were brought into force in South West Africa to the extent that they amended the Suppression of Communism Act, 1950, the Public Safety Act, 1953, the Criminal Procedure Act, 1955, and certain other South African statutes in force in the Territory. Those provisions of the new legislation relating to sabotage were not extended to the Territory.

11. By amendments to the Suppression of Communism Act, 1950, Act No. 76 of 1962 authorizes the Minister of Justice of South Africa to prohibit the assembly of any gathering "or any particular gathering or any gathering of a particular nature, class or kind, at any place or area during any period" if he deems it necessary to combat the achievement of any of the objects of communism, as defined in the Suppression of Communism Act. It further authorizes the Minister of Justice, if he is satisfied that any person "advocates, advises, defends or encourages the achievement of any of the objects of communism or any act or omission which is calculated to further the achievement of any such object" or "is likely to" do so, or "engages in activities which are furthering or may further the achievement of any such object", to prohibit that person "from being within or absenting himself from any place or area . . . or, while the prohibition is in force, communicating with any person or receiving any visitor" other than his advocate or attorney. By a definition inserted by Act No. 37 of 1963, a "'place' means any place, whether or not it is a public place, and includes any premises, building, dwelling, flat, room, office, shop, structure, vessel, aircraft or vehicle, and any part of a place".

12. The 1962 legislation introduces, among other provisions, restrictions on the registration of newspapers, *inter alia*, by requiring the payment of a deposit of up to R20,000 (£10,000)³⁵ as a condition for registration, a deposit which may be forfeited if the Minister

prohibits the publication of the newspaper under existing provisions of the Suppression of Communism Act.

13. Act No. 37 of 1963, by additional amendment to the Suppression of Communism Act, makes it a treasonable offence for a person who is or was resident in the Republic of South Africa—which by definition in the original Act includes South West Africa unless the context indicates otherwise—to have done anything of the following at any place outside the Republic: (a) "advocated, advised, defended or encouraged the achievement by violent or forcible means of any object directed at bringing about any political, industrial, social or economic change within the Republic by the intervention of or in accordance with the directions or under the guidance of or in co-operation with the assistance of any foreign government or any foreign or international body or institution", or (b) "undergone any training outside the Republic or obtained any information from a source outside the Republic which could be of use in furthering the achievement of any of the objects of communism or of any body or organization which has been declared to be an unlawful organization under the Unlawful Organizations Act 1960 (No. 34 of 1960), and who fails to prove beyond a reasonable doubt that he did not undergo any such training or obtain any such information for the purpose of using it or causing it to be used in furthering the achievement of any such object". The provisions are made retroactive to 1950. For the above-mentioned treasonable offences, the 1963 Act lays down, except where the death penalty is imposed, a compulsory penalty of imprisonment for at least five years.

14. Under a provision which lapses on 30 June 1964 unless extended for periods of twelve months or less by resolution of both Houses of Parliament, a person imprisoned under the Suppression of Communism Act or other laws specified may continue to be detained after serving his sentence, if the Minister of Justice is satisfied that he is "likely to advocate, advice, defend or encourage the achievement of any of the objects of communism".

15. Another provision of Act No. 37 of 1963 authorizes any commissioned officer of the police to arrest without warrant or cause to be arrested, "any person whom he suspects upon reasonable grounds of having committed or intending or having intended to commit any offence under the Suppression of Communism Act" or who in his opinion is in possession of "any information relating to the commission of any such offence or the intention to commit any such offence, and detain such person or cause him to be detained in custody for interrogation in connexion with the commission of or intention to commit such offence, at any place he may think fit, until such person has in the opinion of the Commissioner of the South African Police replied satisfactorily to all questions at the said interrogation, but no such person shall be so detained for more than ninety days on any particular occasion when he is so arrested". The detainee is to be visited not less than once a week in private by the local district magistrate, additional or assistant magistrate. Otherwise no person may have access to the detainee except with the consent of the Minister of Justice. No court has jurisdiction to order the release of the detainee according to the 1963 Act, but the Minister may at any time direct his release. The provisions of the 1963 Act relating to such arrest and detention are to remain in operation until 30 June 1964 unless extended for periods of twelve months

³⁴ *South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgement of 21 December 1962: I.C.J. Reports 1962, p. 347.*

³⁵ One rand equals 10 s., or \$U.S.1.40.

or less, or suspended, by proclamation of the State President.

16. Among other provisions, Act No. 37 of 1963 also authorizes officers in charge of post or telegraph offices to detain "any postal article or telegram which is reasonably suspected of containing anything which will afford evidence of the commission of any offence or is reasonably suspected of being sent in order to further the commission of any offence or to prevent the detection of any offence". The postal article or telegram may be brought by the Postmaster-General to the notice of any attorney-general, or, at the request of the latter, handed over to any public prosecutor.

Prohibition of meetings

17. In October 1962 the South African Minister of Justice, acting under the Suppression of Communism Act, as amended, prohibited the holding of meetings and demonstrations in connexion with the detention, arrest or trial of a person until 30 April 1963 in South Africa or South West Africa. According to a South African Government publication, the Minister took this action following acts of sabotage in South Africa.

18. Officials in South West Africa subsequently refused permits to the South West Africa Peoples Organization (SWAPO) to hold a public meeting in November 1962 in the African township at Walvis Bay, and to the South West Africa National Union (SWANU) to hold a meeting in the old African location at Windhoek early in December, according to the local Press. The permit requested by SWAPO was said to have been refused in terms of the proclamation prohibiting gatherings in South Africa and South West Africa.

19. A national conference was called by SWANU to meet at the end of December 1962 with the object of deciding on the action to be taken to liberate South West Africa in the shortest possible time. According to SWANU spokesmen, the conference, to which representatives from eighteen principal cities and all Native reserves as well as other political and non-political organizations and the Press were invited, was to mark the opening of a new era in the struggle for freedom and independence. Official permission for the meeting was not obtained however, and the conference was cancelled.

Changes in administration

20. Certain changes were made in 1962 affecting the administration of the Coloured population³⁶ of the Territory living outside the Rehoboth Community. Unlike the African population, which is administered by the South African Government, the Coloured population falls under the administrative and legislative control of the Territorial Administration.

21. In 1962 a Coloured Council, a statutory body composed of eleven Coloured persons, was established. Its functions are to advise the Administrator of the Territory on "matters affecting the economic, social, educational and cultural interests of the Coloured population" other than the burghers, or citizens, of Rehoboth and to act as liaison between the Administrator and

the Coloured population outside Rehoboth. The members of the first Coloured Council were appointed for a three-year term, although a system of election may be introduced later. In addition, the first of a few projected Coloured townships for the separate residence of Coloured persons in larger urban areas were established in Walvis Bay and Windhoek.

22. There has been no change in the structure of Native administration. However, under the Native Laws Amendment Act, 1962, officials of the South African Department of Bantu Administration and Development are to retain the former title of Native Commissioners rather than Bantu Commissioners while stationed in South West Africa. As indicated in reports of the former Committee on South West Africa and petitions from indigenous inhabitants, the African population of the Territory includes several groups who are not Bantu.

Formulation of five-year development plans for non-Europeans

23. In September 1962 the South African Government appointed a five-member commission of inquiry under the Chairmanship of Mr. F. H. Odendaal to investigate the progress of the inhabitants of South West Africa, more particularly its non-white inhabitants, and make recommendations on a comprehensive five-year plan for the accelerated development of "the various non-white groups of South West Africa, inside as well as outside their own territories in South West Africa". The commission was asked to give particular attention to ascertaining, taking fully into consideration "the background, traditions and habits of the native inhabitants", how further provision should be made "for the social and economic advancement, effective health services, suitable education and training, sufficient opportunities for employment, proper agricultural, industrial and mining development in respect of their territories, and for the best form of participation by the natives in the administration and management of their own interests".

24. The commission, which was instructed to submit its report within a year and also to report from time to time on any tasks which it desired to recommend for immediate implementation, had made five trips to the Territory as of February 1963.

25. It has been reported that two separate commissions of inquiry are to investigate and report on five-year development plans, respectively, for the Coloured population of the Rehoboth Gebiet and for the Coloured population elsewhere in South West Africa.

Strike by contract labour at Tsumeb

26. The largest scale single incidence of arrests and convictions of African contract labourers in the Territory in recent years took place in December 1962 following strike action by Ovambo contract workers at a new copper smelting plant at Tsumeb. A total of 105 Ovambo workers were convicted of refusing to carry out instructions; 61 were sentenced to a fine of R10 or 30 days' imprisonment under the Master and Servants Proclamation and 44 charged with the same offence under other labour legislation, were sentenced to 50 days' imprisonment without option of fine. Their labour contracts were cancelled and all were to be repatriated to Ovamboland after serving their terms. The service contracts of 24 others who did not appear in court were also cancelled, and they were returned to Ovamboland. It was also reported that a

³⁶ According to the preliminary results of the 1960 census, the total Coloured population of the Territory numbered 23,930, of whom 8,968 lived in Rehoboth; of the remaining 14,962, a total of 6,073 were concentrated in the urban areas of Windhoek, Wavis Bav and Keetmanshoop, and the rest were distributed throughout the rest of South West Africa.

group of new recruits who had refused to start work would probably be sent back to Ovamboland.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

27. The Special Committee considered the question of South West Africa at its 142nd, 145th to 149th, and 167th to 169th meetings, held between 4 April and 10 May 1963.

Implementation of paragraphs 5 and 6 of General Assembly resolution 1805 (XVII)

28. When it began its consideration of the question of South West Africa, the Special Committee had before it an exchange of letters (A/AC.109/37) between the Secretary-General and the Permanent Representative of South Africa to the United Nations relating to the implementation of paragraphs 5 and 6 of General Assembly resolution 1805 (XVII).

29. By letter of 28 March 1963 the Secretary-General, referring to previous conversations held on his behalf with a representative of the South African Government on the subject, pointed out that paragraphs 5 and 6 of the resolution requested the Secretary-General to appoint a United Nations Technical Assistance Resident Representative for South West Africa, in consultation with the Special Committee, and to take all necessary steps to establish an effective United Nations presence in the Territory. He indicated that it would be helpful to have the views of the South African Government on the subject of the appointment of a United Nations Technical Assistant Resident Representative before the Special Committee commenced its consideration of the question.

30. In reply, by letter of 2 April 1963, the Permanent Representative of South Africa, on instructions from the Minister for Foreign Affairs of South Africa, recalled that it had been clearly indicated in the previous conversations that the South African Government would not be able to agree to the appointment of a "United Nations Resident Representative for Technical Assistance in South West Africa". The letter added, *inter alia*, that until the Odendaal Commission's findings and recommendations had been received and studied, the Government could not consider whether any outside expert advice would still be necessary. The Secretary-General was also reminded of the case that was before the International Court of Justice.

Invitation to South Africa to participate in the work of the Special Committee

31. At its 145th meeting, on 9 April 1963, the Special Committee decided to invite a representative of South Africa to attend the Committee's meetings at which the question of South West Africa was considered, in order to hear any statements he might wish to make and receive any other information members of the Special Committee might seek. The invitation was extended by letter of 9 April 1963 (A/AC.109/40) from the Chairman of the Special Committee to the Permanent Representative of South Africa to the United Nations.

32. In reply, by letter dated 16 April 1963 (*ibid.*), the Permanent Representative of South Africa stated that his Government was unable to accept the invitation because, apart from South Africa's attitude on the constitutional position, it considered that it was incumbent not only on the parties to the proceedings

before the International Court of Justice but also upon the United Nations to comply with the *sub judice* principle.

Written petitions and hearings

33. The Special Committee circulated the following written petitions concerning South West Africa:

Petitioner	Document No.
Chief Hosea Kutako, Chief Samuel Witbooi and SWAPO (sixteen petitions)	A/AC.109/PET.63 and Corr.1 and ADD.1-4
Mr. Kahandumba Kangunde, Mr. Korunjenge Nguvana and Mr. Kanjonoka Virore	A/AC.109/PET.64
Mr. Abicid E. Marenga	A/AC.109/PET.65
Miss Rosalynde Ainslie, Secretary, Anti-Apartheid Movement	A/AC.109/PET.66
Chief Richard Gert Forster	A/AC.109/PET.67
Mr. G. B. Partenbach, Secretary, SWANU, and Mr. Nathaniel Maxuiriri, Vice-President, SWAPO	A/AC.109/PET.68
Mr. John Garvey Muundjua (two petitions)	A/AC.109/PET.69 and Add.1
Mr. Sam Nujoma, President, SWAPO (two petitions)	A/AC.109/PET.70
Mr. E. P. Nanyemba, SWAPO representative in Bechuanaland	A/AC.109/PET.71
Mr. Kamue Tjozongoro (four petitions)	A/AC.109/PET.72 and Add.1 and 2
Mr. H. C. Beukes (three petitions)	A/AC.109/PET.73 and Add.1 and 2
Mr. Jacobus Beukes (forty-four petitions and enclosures)	A/AC.109/PET.74 and Add.1-5
Mr. Jacob Kuhangua, National Secretary, SWAPO	A/AC.109/PET.98
Mr. J. Beukes, Mr. H. Olivier and Mr. F. C. Junius (two petitions)	A/AC.109/PET.103
Mr. Pedro Mueshihange, Chief representative in Tanganyika for SWAPO	A/AC.109/PET.104
Mr. I. G. Nathaniel, Acting President, SWAPO	A/AC.109/PET.105
Mr. Jariretundu Kozonguizi, President, SWANU	A/AC.109/PET.110
The Reverend Markus Kooper, on behalf of South West Africa United National Independence Organization (SWAUNIO) (two petitions)	A/AC.109/PET.111 and Add.1
South West Africa National Union (SWANU)	A/AC.109/PET.127
Mr. Jacob Kuhangua, SWAPO	A/AC.109/PET.146
Mr. G. D. F. Dausab	A/AC.109/PET.159
Mr. Edward Ndjoze, Mr. Aaron Tjajjindi and Mr. Kamue Tjozongoro	A/AC.109/PET.160
Chief Hosea Kutako (two petitions)	A/AC.109/PET.161
Chief Hosea Kutako and Chief Samuel Witbooi (two petitions)	A/AC.109/PET.162
Rehoboth Baster Council	A/AC.109/PET.163

34. The Special Committee heard the following petitioners concerning South West Africa:

(a) Mr. Jacob Kuhangua, National Secretary, SWAPO (142nd meeting);

(b) Mr. Jariretundu Kozonguizi, President, SWANU, (145th meeting);

(c) The Reverend Markus Kooper, on behalf of SWAUNIO (145th meeting).

35. Mr. Kuhangua (SWAPO) said that since the question of South West Africa had been before the United Nations for seventeen years, there was no need to analyse general conditions in the Territory. However, a number of recent incidents indicated a still further deterioration in the situation, and a social, political and economic disintegration of catastrophic proportions was in sight. Certain delegations contested the seriousness of the situation and considered that it did not constitute a threat to international peace and security, he stated, but there were many parallels between the rise of the Nationalist Party in South Africa and of the German National Socialist movement in the nineteen-thirties. The laws passed by the two régimes often had similar names, and their aims were certainly similar. Both in South Africa and in South West Africa, civil rights were denied to opponents of the State; political groups opposed to the State were banned, and their leaders persecuted or exiled; trade union organizations were prohibited; the Press was censored; mere opposition was described as sabotage, and so on. Just as Nazi Germany had unleashed its military forces against peaceful Europe in 1939, South Africa was preparing to play a similar role in Africa. Its policies were a serious threat to international peace and security.

36. The recent worsening of the situation in South West Africa was demonstrated first of all by labour conditions. African trade unions were not recognized because of the impossibility of supervising every trade union meeting. In other words, what could not be controlled by the police could not be allowed to exist. The action taken in December 1962 against workers at the Tsumeb copper smelting plant, which was controlled by the American Metal Climax and Newmont mining companies of New York, showed how the labour system worked. The workers had complained about the heat and fumes in the plant. Already in 1961, SWAPO representatives had visited the company's New York offices to discuss the working conditions. The workers' protest strike had met with swift reprisal and such was the hypocrisy of South African labour legislation that the Master and Servants Proclamation was invoked against them without there having been any recognition that a dispute between management and labour was involved. Shortly afterwards, there were surprise police searches of trains carrying Ovambo labour recruits and of kraals in Ovamboland, and twelve people were arrested.

37. Another alarming aspect of the situation in South West Africa was the inordinate rise in the level of armaments. Prominent South Africans had intimated that South Africa would take over South West Africa by force if it lost the case before the International Court of Justice. That was perhaps why all Whites in the Territory were being armed to kill Africans. He stated that a magistrate's report showed that in the Windhoek District, in January 1963, there were 4,173 rifles with a calibre greater than .22; 2,473 rifles of .22 calibre; 3,412 pistols and revolvers; 1,173 shotguns; and 597 combination guns; and that in 1962, more than a million rounds of ammunition had been imported into the District. Since the beginning of 1963, even secondary school pupils were being trained with arms so as to be able to kill the men, women and children of South West Africa because they were black.

38. Anti-revolutionary repression continued to harass the people of South West Africa. In this connexion he referred to two members of SWAPO, Mr. M. Hijupulua and Mr. G. Nangonja, who had been deported to Angola, and asked the Special Committee to institute inquiries as it was feared the Portuguese might have killed them. He also referred to the arrest in Bulawayo in January 1963 of eight South West Africans, seven of whom had been on their way to Dar es Salaam to take up scholarships granted under General Assembly resolution 1705 (XVI): Mr. Joseph Maxton, a SWAPO representative in Bechuanaland, and Mr. M. Elliah, Mr. J. Israel, Mr. N. Nujoma, Mr. A. Sheepo, Mr. P. Shiimbi, Mr. L. Shikomba and Mr. E. Tjiriange. He felt some action should be taken by Member States with respect to such arrests. His organization, SWAPO, had organized an underground route to Tanganyika, but South Africa was blocking the route to freedom with the co-operation of the United Kingdom. However, all the laws in the world could not stop the march of his people to freedom.

39. Mr. Kozonguizi (SWANU) said that he would endeavour to crystallize the problem not only as it manifested itself in South West Africa but also in the whole of southern Africa, where the bloodiest racial confrontation in the history of human relations might well occur.

40. The question of South West Africa could be considered on several fronts: in the United Nations where it had been under discussion for sixteen years, in the International Court of Justice, in Africa and, lastly, in South West Africa itself. New factors were affecting the situation, namely, the moral support of the whole world, the active assistance of the peoples of Africa and Asia, and the experience of German aggression.

41. With reference to United Nations action, he asked whether, given South Africa's resistance to the Organization's efforts, the time had not come to invoke the Articles of the Charter, under which sanctions could be applied against South Africa, in order to check its defiance of world opinion and to secure the implementation of United Nations resolutions on South West Africa.

42. In view of the Prime Minister's statement in Parliament in December 1962, to the effect that South Africa's decision to defend its position before the International Court of Justice during the next stage of the proceedings did not mean that it recognized the Court's jurisdiction, Mr. Kozonguizi questioned the usefulness of delaying punitive action under the Charter until South Africa added contempt of the International Court to its defiance of the United Nations.

43. The African people felt strongly about the freedom of Africa and their determination would lead sooner or later to the liberation of their continent. He hoped that the United Nations would intervene before the desired peaceful struggle for African liberation changed to bloodshed.

44. In South West Africa itself, it was possible that the people, driven to despair and imbued by a fierce desire to free themselves, might resort to any means. The crude measures which South Africa's Minister of Justice had pushed through Parliament were designed to ensure the permanent subjugation of the African inhabitants, but the Government misread history, for in South Africa its policies had already led to spontaneous outbursts of violence and underground movements.

45. He was appealing to the United Nations to arrest the trend throughout southern Africa before it turned to a major racial clash. By acting forcefully in South West Africa, the United Nations could inaugurate new standards of human conduct so that respect for the sacred rights of peoples would replace feudal, mercantile and military interests.

46. Mr. Kozonguizi stated that he had deliberately refrained from describing conditions in South West Africa, since in his opinion that was no longer relevant; the time had come for decisive action in view of South Africa's defiance of United Nations resolutions and of its continued efforts to consolidate its position in South West Africa.

47. The Reverend Markus Kooper (SWAUNIO) observed that experience had proved beyond the shadow of a doubt that the United Nations could not solve the problem of South West Africa by debates or resolutions. The people of South West Africa were in complete agreement with the conclusion of Mr. Carpio and Mr. de Alva, the Chairman and Vice-Chairman of the Special Committee for South West Africa, who had visited the Territory in 1962, namely, that nothing short of the use of force would ever induce the South African Government to alter its attitude and policy (see A/5212, part II).

48. The situation in the Territory had already been deplorable at the time of the dissolution of the League of Nations, and if the United Nations had taken action then, the situation would have been solved long ago. Instead, the South African racist Government had been allowed to take a whole series of new measures: it had removed people from their land and homes against their will, intensified its policy of *apartheid*, armed the civilian population, including women, and intensified the militarization of the country. The United Nations, as the legal successor to the League of Nations, had been competent to take action had it been really interested in solving the problem.

49. It was in 1946 that Chief Witbooi and Chief Kutako, two patriots in the Territory, had sent their first petition to the United Nations, asking it to take over the administration of the Territory. For reasons of its own, however, the United Nations had never been able to come to the assistance of the indigenous inhabitants. It had not seriously considered the obvious fact that the South African Government, in its determination to preserve colonialism for the future generations of European settlers, had not only been disregarding United Nations resolutions but had also been violating the terms of the League of Nations Mandate and of the United Nations Charter, in creating the dangerous situation existing in the Territory.

50. While the United Nations had debated the question, the South African racist régime had strengthened its military organization, established the organization *Broederbond* and intensified its *apartheid* policy in South West Africa. According to *The Star* of Johannesburg, an American by the name of Ellender, who had visited South West Africa after the seventeenth session of the General Assembly, had described the situation in the Territory as frightening. He had asked white people what they would do if the United Nations took over the administration of South West Africa from South Africa, and all had replied that they would fight. It was because of this determination that the situation was, in truth, frightening. Moreover, it was steadily deteriorating. That was why, on behalf of SWAUNIO and the people of South West Africa,

he appealed to the Committee to ensure the application of the General Assembly's resolutions, particularly resolutions 1702 (XVI) and 1805 (XVII). He requested the immediate establishment of an effective United Nations presence in the Territory, for the protection of the indigenous inhabitants and for the termination of South African administration there.

General statements by members

51. The representative of Ethiopia recalled that the question of South West Africa had been on the agenda of the General Assembly since 1946. The Mandated Territory should have enjoyed the benefits of the International Trusteeship System and should long ago have achieved independence. South Africa, the Mandatory Power, had not only refused to place the Territory under trusteeship or to prepare it for independence but had violated the provisions of the Mandate, under which it was required to promote to the utmost the material and moral well-being and the social progress of the inhabitants, and had acted contrary to the United Nations Charter and the Universal Declaration of Human Rights by subjecting the people of South West Africa to the system of *apartheid* and depriving them of their fundamental rights. The indigenous people were excluded from any participation in the administration of their own country, denied the right to choose their type of employment or conditions of employment and deprived freedom of movement, of the right to individual ownership of land and of the right to education.

52. In its reply of 2 April 1963 (A/AC.109/37) to the communication from the Secretary-General, who had been requested by General Assembly resolution 1805 (XVII) to appoint a United Nations Technical Assistance Resident Representative for South West Africa, the South African Government had refused to agree to such an appointment. The Ethiopian delegation hoped that the Secretary-General would continue to press for the enforcement of paragraphs 5 and 6 of resolution 1805 (XVII).

53. The South African authorities had adopted an extraordinary attitude regarding the United Nations and its Members. The Minister for Foreign Affairs, speaking in Parliament in January, had said that the African-Asian bloc was today in full control of the United Nations. The South African authorities were disturbed by the process of decolonization and the emergence to independence of dependent territories in accordance with the Charter and the Declaration on the granting of independence to colonial countries and peoples. South Africa should accept the inevitable change that had come about and recognize the legitimate rights of the people of South West Africa.

54. The South African white minority leaders, concerned at the results of their misguided policy and their refusal to comply with the decisions of the United Nations, were now forced to adopt a policy of military preparedness. The Minister for Defence, speaking in the House of Assembly, had boasted of the recent acquisition of a weapon of exceptional value which, he said, had been supplied by a country which had previously declared that it would never sell a single weapon to South Africa. According to *The Windhoek Advertiser* of 12 February 1963, the Prime Minister had assured the minority white settlers in South West Africa that the Republic of South Africa would stand by them. The South African authorities had deliberately adopted a negative attitude towards the

United Nations which prevented them from agreeing to reasonable negotiations with a view to carrying out their international obligations towards the Mandated Territory.

55. Another important matter to which his delegation wished to draw the Committee's attention was the special legislation applied in Bechuanaland and other territories under United Kingdom administration, which provided that if a warrant were issued for the arrest of an individual from South West Africa for some offence, even under the *apartheid* law or the pass system, the authorities were required to search for the person and hand him over to the South West African authorities. At the sixteenth session of the General Assembly an appeal had been made to the United Kingdom authorities to repeal that Act. Unfortunately the appeal had been ignored. In connexion with the case referred to by Mr. Kuhangua a few days earlier (see para. 38 above) he again appealed to the United Kingdom authorities to desist from arresting South West Africans who fled from the Territory in search of freedom.

56. Mr. Kuhangua had also informed the Committee that two South West Africans, members of SWAPO, had been deported to Angola and he had expressed the fear that they might have been killed. The Ethiopian delegation supported the petitioner's request for an investigation and recommended that the Committee should take immediate action to save the lives of the two men.

57. He also drew the Committee's attention to the fact that, according to another petition (A/AC.109/PET.103), the South West African authorities refused to allow a Coloured South African physician to practice in the Rehoboth Gebiet where there was a shortage of doctors.

58. There could be no doubt that the Republic of South Africa was continuing activities in South West Africa which were contrary to the Mandate, the United Nations Charter, the Declaration of Human Rights and a number of General Assembly resolutions. The Committee should make an effort to find the best ways and means of implementing the provisions of resolution 1805 (XVII), which requested it to discharge, *mutatis mutandis*, the task assigned to the Special Committee for South West Africa by resolution 1702 (XVI). He suggested that the Committee should call upon all States Members of the United Nations, in particular the industrial Powers, that had trade and political ties with South Africa to implement resolution 1761 (XVII), which requested Member States to break off diplomatic relations with the Government of South Africa or to refrain from establishing such relations, to close their ports to all vessels flying the South African flag, to enact legislation prohibiting their ships from entering South African ports, to boycott all South African goods and refrain from exporting goods, including all arms and ammunition, to South Africa and to refuse landing and passage facilities to all aircraft belonging to the Government of South Africa and companies registered under the laws of South Africa. Such measures would compel the Republic of South Africa to comply with the resolutions of the General Assembly. The Ethiopian delegation appealed once again to the Western Powers to exert their influence on South Africa so that that country would honour world public opinion and help to bring about a solution to the problem of South West Africa.

59. The representative of Cambodia recalled that the question of South West Africa was the oldest colonial

question the General Assembly had discussed, for as early as December 1946 the Assembly had recommended that the Mandated Territory of South West Africa should be placed under the International Trusteeship System (resolution 65 (I)). More than sixteen years later, South Africa was still administering the Territory as though it owned it, disregarding the legitimate aspirations of the indigenous population and the terms of the Mandate. The situation was all the more intolerable in that the international community had adopted the Declaration on the granting of independence to colonial countries and peoples. The Special Committee, whose mandate was to study the implementation of that Declaration, should not disappoint the population of the Territory.

60. The Mandatory Power could not claim any right of possession, since the Territory was under an international Mandate. The situation was further aggravated by the fact that the Mandatory Power was pursuing a policy of *apartheid* in the Territory, a policy which was contrary to human rights and to the principles of the Charter and had been condemned by the whole world. The accusations levelled against the Mandatory Power were significant: the subjection of the indigenous inhabitants to racial discrimination embodied in the system of laws and regulations based on apartheid; the abolition of the civic rights of the indigenous population; the domination of that population by a white minority; the lack of any representation or voice for the Africans, who accounted for more than four-fifths of the total population, in the Government and administration of South West Africa; and the virtual annexation of the Territory by South Africa.

61. For years the international community had been trying to induce South Africa to implement the provisions of the Mandate, but despite many resolutions and the advisory opinions of the International Court of Justice the action of the United Nations had encountered the persistent refusal of the South African Government to co-operate. Moreover, some Member States had themselves felt some hesitation up to the time of the adoption of the Declaration on the granting of independence to colonial countries and peoples. Under that Declaration the international community was entitled to demand that "immediate steps" should be taken in the Territory to transfer all powers to its people.

62. He was surprised that, in the Fourth Committee of the General Assembly in November 1962, the South African Minister for Foreign Affairs had tried to refute only three counts of the indictment of his country's policy in South West Africa: the creation of a situation liable to threaten international peace and security, the crime of genocide and the militarization of the Territory for internal and external purposes. At no time had the representative of South Africa spoken of the political evolution of the Territory or of the rights of its population, and he had chosen to ignore the fact that, during the discussions with the Chairman and Vice-Chairman of the Special Committee for South West Africa, the South African delegation, headed by Prime Minister Verwoerd, had told the visitors that the South African Government was not planning any substantial change in its policy of *apartheid* and that the Mandate had ceased to exist with the demise of the League of Nations.

63. The Cambodian delegation thought that, at the present stage of the consideration of the question, it

would be advisable to circumscribe the problem and no longer invoke legal considerations before the Committee. The Committee was concerned with the implementation of the principles of the Declaration on the granting of independence to colonial countries and peoples, and in resolution 1805 (XVII) there had been no mention of the case brought before the International Court of Justice by the Governments of Ethiopia and Liberia.

64. In 1962 the Special Committee had adopted conclusions and recommendations in which it had stated that the virtual annexation of South West Africa and the application of the system of administration based on *apartheid* were illegal and immoral, had declared its conviction that the intransigence of South Africa would result in the creation of a dangerous situation and had affirmed that the time had come for the United Nations to take positive action, including the possibility of sanctions (see A/5238, chap. IX, paras. 122-124).

65. That stand should now be followed by specific measures. In his view, the Committee should base its action on resolution 1805 (XVII), which recommended a number of constructive measures, including the appointment of a United Nations Technical Assistance Resident Representative for South West Africa. That suggestion was meeting with the refusal of South Africa, which cited the work of its commission for a five-year plan of development (see para. 23 above)—which undoubtedly provided for separate development under the principle of *apartheid*. The resolution, however, also made some specific requests of the South African Government. In particular, the Committee should consider whether the South African Government had refrained from employing direct or indirect action involving the forcible removal of indigenous inhabitants from their homes or their confinement in any particular location and from using the Territory of South West Africa as a base for the accumulation, for internal or external purposes, of arms or armed forces. The Cambodian delegation urged that an effective United Nations presence should be established in South West Africa for purposes of inspection or, failing that, that the Committee should send a group to ascertain what was the present situation in the Territory. Such measures obviously required the co-operation of the Mandatory Power. If that Power refused to co-operate, the Committee would have to draw the attention of the Security Council to the situation in South West Africa, as it was entitled to do under the terms of paragraph 7 of resolution 1702 (XVI) and paragraph 8 of resolution 1810 (XVII) of the General Assembly. In any case, the Committee must maintain the question of South West Africa on its agenda as an item requiring urgent and constant attention.

66. His delegation would support any decision designed to grant the people of South West Africa their legitimate right to self-determination and independence.

67. The representative of Mali said that the question of South West Africa had been on the General Assembly's agenda for nearly seventeen years. There could be no doubt that the United Nations had special responsibilities in regard to that Territory, and the Committee's chief concern should be the implementation of resolution 1514 (XV).

68. The absurd claim of the Government of South Africa, which challenged United Nations competence

in the matter, was not a valid legal argument for delaying the application of measures which would enable the people of the Territory to attain independence. In resolutions 1702 (XVI) and 1805 (XVII) the Assembly had clearly stated that South West Africa was a Mandated Territory and that South Africa had persistently failed in its international obligations in administering the Territory on behalf of the international community.

69. The report of the Special Committee for South West Africa had been an overwhelming indictment of South Africa's methods of administration. The testimony of the petitioners and the Press showed that the Mandate entrusted to South Africa had been violated. Despite the mystery with which the South African Government tried to surround the people of South West Africa and despite the clamour of the South African Press, the voice of an enslaved people could be heard raised in constant appeal to the conscience of mankind.

70. It was well known that it was fascism, worse even than colonialism, that had swept down upon that part of Africa. Mr. Kuhangua, a spokesman for SWAPO, the largest liberation movement in the Territory, had confirmed it when he had said that there were many analogies between the rise of the South African Nationalist Party and that of the German National Socialist Movement in the nineteen-thirties. He had pointed out that the laws enacted by the two régimes often had similar titles and that their aims were certainly identical. He had added that just as Nazi Germany had launched its military might upon a peaceful Europe, South Africa was preparing similar action in Africa; it was for that reason that the South African Government's policy constituted a threat to international peace and security.

71. In 1962 the Special Committee for South West Africa had stated in its report to the General Assembly (A/5212) that the situation in the Territory was deteriorating. Despite the precautions taken to conceal the truth of the situation from them, the Chairman and Vice-Chairman of that Committee had returned from their visit to South West Africa deeply disturbed and their report had been a further condemnation of the Verwoerd Government's racist policy.

72. Within the Territory there was general unemployment for all save a very few, who were subjected to savage exploitation. The rest of the population were condemned to slow death, from abject poverty. Workers could be dismissed at a moment's notice. Equal pay for equal work was regarded as an absurdity. The relations between employers and workers were those of masters and servants and it went without saying that African trade unions were not recognized. Similarly, on the political side, the brutal practice of *apartheid*, the absence of any legislation safeguarding elementary civic rights, police measures and confinement in Native reserves were all obstacles to the people's advancement.

73. Thus the South African administration of South West Africa was a failure in every respect. To allow it to continue would be to commit a crime against the people of the Territory. Not only was nothing being done for them in the economic and social fields, but every effort was made to prevent them from becoming politically aware, and the South African Government had even been cynical enough to refuse to allow the appointment of a United Nations Technical Assistance Resident Representative for South West Africa. There

could therefore be no hope that the South African Government's policy would develop favourably.

74. Since it was inconceivable that the international community should abandon the people of the Territory to the South African Government, the delegation of Mali considered that the Committee should recommend the adoption by the General Assembly and the Security Council, each in their own sphere, of the following measures: (1) the cancellation of South Africa's Mandate to administer South West Africa; (2) the evacuation of all South African military forces now in South West African territory; (3) the release of all political prisoners; and (4) the immediate establishment of an effective United Nations presence in South West Africa that would have the responsibility to maintain order and operate essential services, to organize free elections with a view to the complete transfer of power to the democratically elected representatives of the people, and to advise and assist the government resulting from those general elections.

75. The delegation of Mali was convinced that the United Nations could and should intervene in order to enact and apply such interim measures. It based that conviction on the United Nations action in West Irian, in the Congo and in Rwanda and Burundi. The methods used in those territories could be adapted to South West Africa and there could be no doubt that such intervention would have the active support of all justice-loving governments. That it would respond fully to the wishes of the people of the Territory was clear from the report of the Chairman and Vice-Chairman of the Special Committee for South West Africa, which had stated that it was "the overwhelming desire of the African population that the United Nations assume direct administration of the Territory and thus take all preparatory steps for the granting of freedom to the indigenous population as soon as possible" (A/5212, para. 19 (42) (d)).

76. In the view of his delegation, the suggestions he had just made constituted the very least that should be done, in view of the desperate situation in the Territory.

77. The representative of the Soviet Union said that no one who followed events in Africa could fail to be aware of an extremely important fact: namely, that the achievement of independence by the African countries had halted somewhere on the northern frontiers of Angola, the Central African Federation and Mozambique. In East and Central Africa, the neo-colonialists maintained a pseudo-liberal facade; in the southern part of the African continent, their policy appeared in its true light, that of odious and unbridled racism.

78. In the seventeen years during which the United Nations had been examining the question of the long-suffering Territory of South West Africa, many resolutions had been adopted. General Assembly resolution 1805 (XVII) stated that the continuance of the critical situation in South West Africa constituted a serious threat to international peace and security. Since the adoption of that resolution, the situation had deteriorated still further, as was shown by the petitions before the Committee, including the communications of 8 January, 23 January and 5 February 1963 from Chiefs Witbooi and Kutako (A/AC.109/PET.63 and Corr.1).

79. The racist Government of South Africa completely disregarded the resolutions of the United Nations. It was stubbornly pursuing its policy of repressing the national liberation movement by force of arms. The situation now prevailing in South West

Africa recalled the nightmares of the Middle Ages. Despite the adoption of resolution 1702 (XVI), nothing had changed in the Territory: as in the past, brute force was used against the indigenous people; political persecution continued; the free enjoyment of political rights was still withheld from the people of South West Africa; the policy of *apartheid* had penetrated every aspect of life in that martyred country. A collaborator of Mr. Verwoerd had cynically declared that the ignorance of the Africans was the best safeguard of white supremacy. Similarly, despite resolution 1805 (XVII) the practice of population transfers had not been abandoned; the petitions which the Committee had received testified to that. Lastly, all attempts to negotiate with the Republic of South Africa had failed because that country had categorically refused to comply with the provisions of the Charter and of the Mandate.

80. Thus the South African Republic had forfeited all political, legal and moral right to exercise any control or authority in South West Africa. The time for persuasion, appeals and moral pressure had gone by. It was now essential to take decisive action of the kind already referred to at the seventeenth session of the General Assembly. The United Nations should no longer be content to adopt resolutions which remained a dead letter; it must shake off its inertia, which was not only harmful to its prestige but threatened the very existence of the people of South West Africa, as the petitioners from South West Africa who had spoken in the Fourth Committee of the Assembly at the seventeenth session had pointed out.

81. It was common knowledge that the failure of the United Nations in the matter was due to the support given to Verwoerd's policy by United States, British, West German and other Western monopolies, which, under the leadership of Mr. H. F. Oppenheimer, spread their tentacles as far as Katanga, the Rhodesias, Angola and South West Africa. In defiance of the appeal in General Assembly resolution 1805 (XVII), whereby all Member States were urged to refrain from any action likely to hinder the implementation of the resolution, the Western Powers were supplying the Republic of South Africa—whose military expenditure had doubled from 1961 to 1962—with weapons, military equipment and aircraft that would help it to build up a powerful military force designed to preserve the colonialist régime both in South West Africa and in the Republic of South Africa. The South African Government knew that it could count on the support of the United States. Indeed, several South West African leaders and members of SWAPO had stated in a petition that, "Judging from its policy towards the question of South West Africa in the Trusteeship Council and also from the attitude of the United States delegate to the Committee on colonialism it is clear that the United States Government is doing everything in its power to delay any United Nations action on South West Africa by hiding behind a policy of moderation to protect its capital invested in South West Africa" (A/AC.109/PET.63 and Corr.1).

82. In view of the situation, it was high time to apply General Assembly resolution 1810 (XVII), inviting the Committee to seek the most suitable ways and means for the speedy and total application of the Declaration on the granting of independence to colonial countries and peoples to all territories which had not yet attained independence. He thought that, to begin

with, the United Nations could apply economic and political sanctions against South Africa. A petitioner, the Reverend Michael Scott, had suggested in 1962 that sanctions were the only means of compelling South Africa to adopt a more realistic policy and he had said that economic sanctions might take the form of a boycott of South African goods, a refusal to trade with the Republic of South Africa or an economic blockade. The Committee itself, in its report for 1962, had considered the possibility of sanctions against South Africa. He also felt that the time had come for the Committee to draw the attention of the Security Council to the situation in South West Africa and to the need for decisive action to deal with it. He was convinced that it was imperative to create an atmosphere of condemnation and ostracism around the present leaders of South Africa as the only means of inducing them to change their attitude.

83. That view was shared by a number of movements and organizations. The Afro-Asian Peoples' Solidarity Conference, held in Tanganyika in February 1963, had called upon the people of all countries to assist the population of South West Africa in its struggle for freedom and had invited the countries of Africa and Asia to declare an economic and diplomatic blockade against the Government of the Republic of South Africa. Then Pan African Freedom Movement for East, Central and Southern Africa, an organization which enjoyed great prestige in Africa, had adopted a resolution supporting the resolutions of the General Assembly on the question of sanctions and asking that they should be applied. That organization had also urged all African States and organizations to regard as hostile all States which continued to supply arms to the Republic of South Africa and which maintained diplomatic and commercial relations with that country. The Soviet Union delegation approved of that attitude and was glad to know that at its fifth session the Economic Commission for Africa had decided to expel the Republic of South Africa.

84. The Soviet Government's position on the subject had been clearly stated in a note dated 19 March 1963 addressed to the Secretary-General, in response to a request made to his delegation to state its Government's position on General Assembly resolution 1761 (XVII) on the policies of *apartheid* of the Government of the Republic of South Africa. The note stated that the Soviet Union Government supported the resolutions condemning *apartheid* and calling for sanctions against South Africa but that, in its view, sanctions would only be effective if they were applied by all Member States, and particularly by the western Powers which maintained political, economic and other ties with the Republic of South Africa. The Government of the Soviet Union had pointed out that, for its part, it had no dealings of any kind with that country.

85. The United Nations had a dual responsibility with respect to South West Africa. Not only was it a colonial country with which the Special Committee was concerned in the light of the Declaration on the granting of independence to colonial countries and peoples, but it was a Mandated Territory. The United Nations, having taken over from the League of Nations, was responsible, as an international body, for the manner in which the Mandate was carried out. No one could deny that the Mandate was being retained by force and against the will of the indigenous population, in violation of the fundamental purposes and principles of the

United Nations Charter. In recognition of South West Africa's right to independence, the international organization was therefore justified in withdrawing the Mandate from the Republic of South Africa and requesting all Members to give the indigenous inhabitants individual or collective assistance in their struggle for independence and freedom. The Special Committee should not only categorically uphold the rights of the indigenous people of South West Africa but should urge the General Assembly or the Security Council to appeal to Member States to support those people. There was every justification for such an appeal since the Government of South Africa was being given assistance, individually or collectively, by the Western countries, and it was also necessary from the legal point of view, since the Republic of South Africa had failed to carry out its obligations under the Mandate entrusted to it.

86. The people of South West Africa, with the support of all the African States, had been engaged in a long struggle for independence, and the United Nations should join in the fight. One way of doing so would be to adopt vigorous measures. Provisions had been made for such measures in General Assembly resolution 1761 (XVII) on the subject of *apartheid*. The question of *apartheid* and that of South West Africa were closely connected since one and the same policy of the South African Government was involved in both cases; it was being applied in the one case against the indigenous population of the Republic of South Africa and, in the other, against that of South West Africa. The fact that such a policy had been made possible by violation of the provisions of the Mandate made no difference whatsoever.

87. The sooner vigorous action was taken on the lines he had suggested—namely, revocation of the Mandate, an appeal to all Member States to assist South West Africa, and the measures provided in the resolution on *apartheid*—the sooner the United Nations would achieve the aims set forth in the Declaration on the granting of independence to colonial countries and peoples.

88. The representative of Italy said that the problem of South West Africa had three main aspects. The first was the non-compliance of the Government of South Africa with the provisions of the Mandate by which the League of Nations had placed the Territory under the administration of that Government. As the preliminary judgement recently delivered by the International Court of Justice had recalled, the essential principles of the Mandates System consisted in the recognition of certain rights of the peoples of underdeveloped territories, the establishment of a régime of tutelage for such peoples, to be exercised by an advanced nation "on behalf of the League of Nations", and the recognition of "a sacred trust of civilization" laid upon the League and its Members.³⁷ Secondly, the South African Government had refused to recognize and to apply to the Territory of South West Africa the Declaration on the granting of independence to colonial countries and peoples. Thirdly, it had extended to the Territory the policies and practices of *apartheid* enforced by the South African Government in its own territory.

³⁷ *South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgement of 21 December 1962: I.C.J. Reports 1962, p. 329.*

89. His delegation thought that it was particularly regrettable that the obligations set forth in the Mandate for South West Africa had been disregarded by one of the contracting parties, for the principle *pacta sunt servanda* was one of the bases on which the international community rested and its violation impaired the whole structure of relationships between States. It also regretted that the South African Government had not realized that the Declaration on the granting of independence to colonial countries and peoples represented a decisive step towards the establishment of a new international society based on freedom, justice and co-operation among peoples. Finally, the racial discrimination imposed by law was the main cause of the unsatisfactory situation prevailing in South West Africa. The organization of a multiracial society was undoubtedly a difficult task; the South African Government had made efforts to improve the economic and social situation of the people of South West Africa, but the step it had taken fell far short of the objectives set out in General Assembly resolution 1514 (XV). The system of *apartheid* was inconsistent with the Mandate of the League of Nations, with the United Nations Charter and with the Universal Declaration of Human Rights. His delegation was particularly concerned that the leaders in South Africa had not heeded the repeated appeals of world opinion on that subject.

90. It had been stated that the United Nations had devoted too much time to the problem of South West Africa, without finding a means of solving it. Yet, the unanimous support given to the resolution on South West Africa adopted by the General Assembly at its seventeenth session, as also the measures enacted by individual States in implementing its provisions, showed that the weight of world opinion was not to be underestimated. Those facts could not fail to have a far from negligible influence on the South African rulers who denied the legal value of United Nations deliberations.

91. It could not be denied that the results of the proceedings instituted by the Governments of Ethiopia and Liberia before the International Court of Justice (see paras. 6 to 9 above), as an article in a leading South African newspaper had recently recognized, might prove to be an important factor in creating a movement of public opinion strong enough to cause the South African Government to change its attitude. The International Court of Justice would probably reaffirm the obligations of the South African Government with respect to the Territory of South West Africa and its judgement would be a decisive legal instrument in bringing about juridical and political changes in the status of the Territory.

92. His delegation understood that many members of the Committee might find it difficult to await the outcome of the long procedure before the Court; it would therefore consider with the utmost attention any other method that might be suggested, provided it was effective and consonant with the principles of the United Nations Charter.

93. In his encyclical *Pacem in Terris* of 10 April 1963, Pope John XXIII had stated that relations between political communities were to be regulated by justice and that that implied, over and above the recognition of their rights, the fulfilment of their respective duties. Political communities, he had said, had a right to existence, to self-development and to the means necessary for that purpose; they had a right to play the leading part in the process of their own develop-

ment. There could be no better way of defining the principles and ideals that should govern the relationships among States and peoples.

94. The representative of the Ivory Coast recalled that in resolution 377 (V), entitled "Uniting for peace", the General Assembly had stated that peace depended "especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries". Unfortunately, the obligation to respect fundamental freedoms and to promote economic well-being was being disregarded and systematically flouted by a Government which continued to apply the doctrine of racial superiority. The privations, repression and horrors to which the people of South West Africa were subjected were well known to members of the Committee. Year after year, for the last seventeen years, the United Nations had tried to persuade the Mandatory Power to discharge its obligations. Year after year the efforts of the United Nations had encountered the defiance of the South African Government and its determination to pursue a policy condemned by international opinion. The majority of the Africans were restricted to one fourth of the Territory, while the rest lived on European farms or in reserves. In its contacts with the United Nations in 1959, the South African Government had admitted that its real intention was to induce the United Nations to agree to the partition of the Territory of South West Africa and thus to allow it to incorporate part of that Territory with its own.

95. The Committee might lay itself open to a charge of complicity if it showed an accommodating attitude towards South Africa. It must make every effort to find a practical solution of the problem, on the understanding that the South African Government's refusal to observe the resolutions of the United Nations was evidence of its intention to annex part of South West Africa. It was essential that the annexation of all or part of the Territory of South West Africa should be prevented, for that would constitute aggression against a people incapable of defending itself. A resolution along those lines would not prejudice any of the rights involved and would be a conservatory measure which would make it possible to continue the efforts to negotiate with the Government of South Africa with a view to the achievement of independence by the Territory of South West Africa.

96. There was another important question which deserved the Committee's attention: the question whether the change in South Africa's legal status, as a result of its having severed its links with the Crown and become a Republic, directly or indirectly affected the status of South West Africa. If South Africa was still to be regarded as the Mandatory Power, his delegation thought that that State was incapable of fulfilling its mission, in particular because it had adopted the doctrine of *apartheid*. Consideration should therefore be given to the revocation of the Mandate and the replacement of the Mandatory Power by the United Nations in order that the Territory might be led to independence. In the meantime, the Committee should declare that the United Nations would regard the annexation of all or part of the Territory of South West Africa as an act of aggression.

97. The representative of Poland recalled that the question of South West Africa had been before the United Nations for almost seventeen years, a fact which

testified not only to the great interest the international community attached to it but to the obstinacy of South Africa. There was no need for any further proof of the numerous violations of the Mandate, the Covenant of the League of Nations and the Charter of the United Nations of which that country was guilty. Not only had South Africa failed to comply with its obligations to promote the well-being of the inhabitants of the Territory but, by implementing its abominable policy of *apartheid*, it was impeding their development.

98. South Africa denied the Africans of the Territory the right to vote and to join trade unions. Political meetings were banned and the African leaders were tortured or deported. Only recently, according to Mr. Jacob Kuhangua, two more members of SWAPO had been deported to Angola (see para. 38 above). The evidence of the petitioners, as also the numerous written petitions received in the relatively short period of time since the adoption of General Assembly resolution 1805 (XVII), showed that the situation was rapidly deteriorating. The policy of *apartheid* was being applied with more vigour than ever before, and the Committee had been informed that the Mandatory Power was encouraging the European population of the Territory to arm and was establishing military fortifications in the Territory for the purpose of bringing about the systematic extermination of the indigenous population.

99. Poland, which had experienced all the outrages of the so-called *Herrenvolk*, firmly believed that the South African Government's policy was but a continuation of the policy of extermination of the Africans which had begun at the time of the German occupation. The policy of the Nationalist Party of South Africa recalled the German repression of the Hereros, during which so many African lives had been lost. It was a distressing thought that the same Powers which in the nineteen-thirties had claimed to dissociate themselves from the policy of Nazi Germany, and whose short-sighted attitude had encouraged the Nazi régime to commit one aggression after the other, were today condemning *apartheid* in their statements and at the same time aiding and abetting the Pretoria régime by the supply of arms, which was creating a situation endangering peace in Africa.

100. Whatever calculations could be made regarding the possibility of utilizing South Africa in the defence of the so-called free world, it was clear that the position of those who lived on the oppression of the poorest was based on power and above all on military force. It went without saying that the militarization of South Africa and South West Africa was aimed at the suppression of possible revolts.

101. He went on to speak of the question of the "Unholy Alliance" and the industrial combines which influenced the policies of the authorities of that part of Africa stretching from Katanga to the Rand. During the debates on the situation in the Portuguese Territories and Southern Rhodesia, several delegations, including his own, had substantiated the charge that South African and Western industrial combines were so powerful that they could impose their will on the Governments of the countries in which they operated. Furthermore, those monopolies influenced the policies of the Western Governments in regard to the problems of southern and central Africa. The policy of *apartheid* was of direct advantage to those foreign groups, particularly those from the United Kingdom, the United

States and West Germany, which were dependent on cheap African labour. That policy was even openly advocated in some influential circles in West Germany. Referring to the issue of 16 January 1963 of the weekly *Vorwärts*, the representative of Poland said that General von der Heydte, the Director of the Military Law Institute of the German Federal Republic, had stated that Negroes were incapable of self-discipline, that the greatest mistake of colonial policy had been the failure to annihilate them fifty years before, that it was nonsense to believe in the integration of races, as was proved by the example of North America, and that the policy of *apartheid* carried out with the utmost strictness was the only solution, for the instinct of the coloured peoples for procreation was too strong.

102. It was particularly shocking that South Africa's policy was supported by some States Members of the United Nations, including three permanent members of the Security Council. That support encouraged South Africa in its attitude of defiance to the United Nations.

103. The main concern of the Committee should be the implementation of General Assembly resolution 1805 (XVII), which recalled the terms of the Declaration on the granting of independence. The Committee should bear in mind that practically all progress in the protection of dependent peoples had been achieved through political action. The essential aim of the United Nations was not merely the implementation of the terms of the Mandate but the immediate attainment of independence by the Territory, in accordance with the Declaration.

104. Up to the present, all efforts had been directed towards persuading the South African Government to comply with the provisions of the Mandate, the Charter and the General Assembly resolutions. Contrary to the principle of *pacta sunt servanda*, South Africa had virtually annexed the Mandated Territory; it had violated the international status of the Territory and it refused to recognize the validity of the advisory opinions of the International Court of Justice or any ruling that the Court might give in the case of South West Africa.

105. The time had therefore come for the United Nations to take effective steps to assure the transfer of power to the indigenous inhabitants of South West Africa. In the Polish delegation's view the first step towards that end should be to revoke the Mandate, as suggested by the Special Committee for South West Africa, and to place the Territory under the administration of some African States as a guarantee that independence would be achieved in the most favourable conditions and within the shortest possible time. Such recommendations would be entirely in accordance with resolution 1702 (XVI) and the Declaration on the granting of independence. The Declaration, having been adopted unanimously, represented the will of the United Nations as a whole. It was thus binding upon South Africa as a Member State and had legal consequences for all Non-Self-Governing Territories. The general principle laid down in resolution 1514 (XV) admitted of no exceptions, and the Mandate should accordingly be terminated.

106. The Special Committee should also request the Security Council to impose economic sanctions and other measures upon South Africa. The Organization and all Member States should be prepared, collectively and individually, to assist the indigenous people of South West Africa, who looked to the United Nations for their salvation. Indeed, it was a matter of defending

the Organization itself against a challenge to its purposes and principles.

107. The representative of Iraq observed that the failure of the United Nations to solve the problem of South West Africa, which was one of the most tragic ever examined by the Organization, was wholly due to the stubbornness of the racist Government of South Africa. That country had been given the sacred trust of administering the Territory so as to guide it to independence. However, it had failed to enact any measure or to undertake any programme to prepare for that outcome. Indeed its policy had had the opposite aim in view. The declared policy of the Verwoerd Government was to prevent any measure from being taken that might impair the economic system which kept that Government in power. By the General Law Amendment Act of 1962, the assembly of any group anywhere could be prohibited if the Minister of Justice saw fit. Provisions of that kind did away with the last vestiges of freedom, and the Government of South Africa would go down in history as one of the most totalitarian and oppressive régimes of modern times.

108. Conditions in South West Africa had been exhaustively discussed in the United Nations and there was consequently no need to describe them. Furthermore, the Committee had been entrusted with the task of applying the provisions of General Assembly resolutions 1514 (XV), 1702 (XVI) and 1805 (XVII) to the Territory. The petitioners heard by the Committee during the previous week had rightly stated that the submission or collection of information was no longer pertinent as matters stood today. Something must be done, and quickly, before the situation in South West Africa and South Africa exploded into one of the most violent wars imaginable. Rumbles already be heard, and the day would surely come when the people of the Territory, unable to bear tyranny any longer, would revolt.

109. The Minister for Foreign Affairs of South Africa and certain delegations had told the Asian and African countries, with varying degrees of frankness, that they were unreasonable in their demands and recommendations. It was precisely because those countries were aware of their responsibilities to the United Nations and to mankind as a whole that they had repeatedly called for the adoption of measures to ensure that freedom was granted to the people of South West Africa before the situation deteriorated to such an extent as to endanger world peace and security. Care must be taken to avert a repetition in South West Africa of events that had occurred in another part of Africa.

110. If all support were denied to the racist régimes based on an alliance between the white settlers in South Africa, Southern Rhodesia and Angola—an alliance designed to keep that part of Africa under white rule, mainly through powerful economic monopolies buttressed from abroad—that would be sufficient to induce those régimes to reconsider their policy. It was futile to condemn *apartheid* and the policy of racial supremacy while continuing to give those régimes economic and military aid. Such a course could only damage the prestige and effectiveness of the United Nations, prevent the implementation of its resolutions and play into the hands of the South African Government which had boasted of the failure of the economic boycott recommended by the General Assembly the previous year.

111. In view of the South African Government's obstinate refusal to take part in negotiations and its recent rejection of the appointment of a United Nations Technical Assistance Resident Representative for South West Africa, it was clear that nothing further could be attempted on those lines.

112. The independent African countries had taken giant strides forward and the wind of freedom was sweeping over the whole continent. Therefore, the white racists could not hope to maintain their rule indefinitely, and the United Nations could not remain an indifferent witness of the increasingly harsh oppression to which the South African Government was subjecting the people of South West Africa.

113. In the circumstances the delegation of Iraq believed that the Security Council should examine the question as a threat to world peace, and take appropriate action under the Charter of the United Nations. It also believed that the General Assembly should revoke the Mandate conferred on South Africa, and that the United Nations itself should administer the Territory pending the transfer of power, after elections based on universal suffrage, to a Legislative Assembly in accordance with the provisions of General Assembly resolution 1702 (XVI). In the meantime the United Nations should undertake an extensive programme of technical assistance to South West Africa, in which all the appropriate organs of the United Nations would take part and to which the specialized agencies would be invited to contribute. In her delegation's view, that was the only course to adopt, now that all other methods had failed.

114. The representative of Denmark recalled that his delegation had frequently expressed before other United Nations bodies the fullest sympathy with the wishes and aspirations of the people of South West Africa, whose tragic plight and fervent desire for freedom and independence had been made very clear in the many reports on the question and in the statements of petitioners.

115. The Danish delegation recognized that, as the International Court of Justice had declared, South West Africa was an international territory, and that the Government of South Africa was not living up to its obligations to that Territory as the Mandatory Power. The Danish delegation considered that, as had been pointed out in the report of the Special Committee for South West Africa, the policy followed by the South African Government in its administration of the Mandated Territory was in contradiction with the principles and purposes of the Mandate, the Charter of the United Nations, the Universal Declaration of Human Rights and the enlightened conscience of mankind (see A/5212, para. 19 (42)). His delegation felt, in particular, that the South African Government had not fulfilled its obligation, under article 2 of the Mandate, to promote to the utmost the material and moral well-being and the social progress of the inhabitants of the Territory. The South African Government had failed in its duty particularly by pursuing its policy of *apartheid*, which the Danish delegation, like others, condemned as abominable, grotesque and indefensible.

116. There was no difficulty in defining the objectives to be sought in the matter of South West Africa; the foremost objective was to ensure that the inhabitants of the Territory were able to exercise their right to self-determination and achieve their independence. That was the very purpose of General Assembly

resolutions 1514 (XV) and 1564 (XV). It was more difficult, however, to outline ways and means of attaining that objective. Whatever action the Committee decided to take, it must not forget that proceedings were pending before the International Court of Justice. Although the Danish delegation in no way subscribed to the *sub judice* argument advanced by the South African Government, it considered that the Committee should avoid taking any decision which might prejudice the matter pending before the Court.

117. As to the revocation by the United Nations of the Mandate conferred on the Government of South Africa, the Danish delegation felt that the question had not been sufficiently studied and that such a step might be dangerous unless it was combined with a guarantee that the United Nations would take over the administration of the Territory immediately upon revocation, and prepare the people for independence. That point had been made by the Committee on South West Africa in its report to the General Assembly at its sixteenth session (see A/4926, para. 162).

118. In his delegation's opinion, efforts should be made to establish a United Nations presence in South West Africa. An attempt to do so had been made in 1962, when the Chairman and Vice-Chairman of the Special Committee for South West Africa had gone to the Territory. The Danish delegation had hoped that that would not be an isolated event but would mark the beginning of a new approach to the question; in its view, the Committee might do well to explore all the possibilities for action on those lines.

119. The question of South West Africa should also be considered in connexion with paragraph 3 of resolution 1805 (XVII), in which the General Assembly requested the Special Committee "to discharge, *mutatis mutandis*, the tasks assigned to the Special Committee for South West Africa by resolution 1702 (XVI), taking into consideration the special responsibilities of the United Nations with regard to the Territory of South West Africa". He wished to draw attention not only to the general terms of reference of the Special Committee for South West Africa, as outlined in resolution 1702 (XVI), but also to the fact that, by virtue of that resolution, that Committee had taken over the terms of reference of the former Committee on South West Africa as given in resolution 749A (VIII). In that resolution the Committee on South West Africa had been requested to examine information and documentation concerning South West Africa, as had been done by the Permanent Mandates Commission of the League of Nations, and to report to the General Assembly on conditions in the Territory.

120. The representative of Venezuela said that the question of South West Africa was only one aspect of an even more complex problem which faced the United Nations because of a Member State's policy of racial discrimination and the intransigence it was displaying. Ever since the foundation of the United Nations, South Africa had opposed any intervention by those who had a prime responsibility for the destinies of South West Africa. It had thus flouted the authority of the international community, which had given it a Mandate to administer the Territory under the Covenant of the League of Nations, and later under the Charter of the United Nations. There had, after all, been no interruption between the provisions of Article 22 of the Covenant and those of Chapters XI and XII of the Charter.

121. In conformity with Article 77 of the Charter, a Trusteeship Agreement ought to have been negotiated between the Mandatory Power and the United Nations, but South Africa had refused to comply. Nevertheless, the international juridical status of the Territory, which had been the subject of numerous debates both in the United Nations and before the International Court of Justice, was not open to question. The Court, in its advisory opinion of 11 July 1950,⁸⁸ had confirmed the existence of the Mandate and of obligations binding upon the Mandatory Power, and that opinion had recently been reinforced by the preliminary conclusions of the Court, dated 21 December 1962, on the action brought before it by Ethiopia and Liberia (see paras. 6 to 9, above). The Mandate stipulated, *inter alia*, in article 2, that the Mandatory Power should promote the material and moral well-being and the social progress of the inhabitants of the Territory. It was not surprising that South Africa, in its disregard for the provisions of the Charter, had refused to submit periodic reports on the Territory under its administration.

122. The Committee on South West Africa had noted, in its report to the General Assembly at its sixteenth session, that South Africa had consistently applied two basic policies: first, the ruthless application of the policy of *apartheid* in all aspects of life of the Native inhabitants, and, secondly, the obvious attempt to annex the Mandated Territory instead of developing it towards self-government or independence in accordance with the wishes of the peoples thereof (see A/4957, para. 270).

123. He recalled in that connexion that encyclical *Pacem in Terris* which Pope John XXIII had recently addressed to men of good will throughout the world and in which he condemned colonialism and political domination based on racism and affirmed that all political communities were equal, because they were made up of human beings equal one to the other.

124. The intransigence of the South African Government, together with the absence of practical decisions by the United Nations, was apt to lead to a desperate situation offering no way out save through violence. The Committee on South West Africa had already pointed out that the situation had grown from bad to worse and that only intervention by the United Nations along the lines recommended by that Committee could prevent armed racial conflict in Africa (A/4957, para. 273). The Special Committee for South West Africa, in its report to the General Assembly at its seventeenth session, had concluded that it was imperative that the United Nations should take firm and resolute action on the question (A/5212, para. 81).

125. The South African Government stubbornly refused to acknowledge that the United Nations had any right to make its presence felt in South West Africa, and it had refused only recently to agree to the appointment of a United Nations Technical Assistance Resident Representative in the Territory. Consequently, the Venezuelan delegation believed that the Committee should not confine itself to proposing yet another resolution, but that it had a moral obligation to request the General Assembly to use the powers vested in it by the Charter, particularly in Articles 10, 16 and 85, to terminate the Mandate. Recalling that under the terms of resolution 1805 (XVII), the Committee must

⁸⁸ See *International Status of South West Africa, Advisory Opinion: I.C.J. Reports, 1950*, pp. 143 and 144.

report on the question to the Assembly at its eighteenth session, he suggested that it should recommend the Assembly to consider terminating the Mandate and placing the Territory of South West Africa under the Trusteeship System, with the United Nations directly assuming the responsibility for the Territory and its people.

126. He hoped that the United Nations would rise to its tasks, so that men, in accordance with the wishes expressed by the Pope in his encyclical, might one day find in the United Nations an effective safeguard of the rights which they derived from their dignity as human beings.

127. The representative of Bulgaria observed that the question of South West Africa had been discussed in the United Nations since 1946 and that numerous resolutions had been adopted on the subject by the General Assembly, only to be completely disregarded by the South African Government. That Government had introduced into the Territory entrusted to its care a system of administration based on *apartheid* which was totally incompatible with the provisions of the Mandate, with the Charter of the United Nations and with the Universal Declaration of Human Rights. That policy had created in South West Africa a dangerous situation that was a serious threat to peace and security on the African continent and throughout the world.

128. In a number of resolutions, including resolutions 1702 (XVI) and 1805 (XVII), the General Assembly had reaffirmed the inalienable right of the people of South West Africa to independence and national sovereignty. The South African Government, which obstinately maintained that the Mandate for South West Africa had ended with the disappearance of the League of Nations, had refused to comply with the provisions of resolution 1702 (XVI), which requested it to evacuate the military forces of the Republic of South Africa from the Territory, to release all political prisoners, to repeal all laws or regulations confining the indigenous inhabitants in reserves and to make preparations for general elections to a Legislative Assembly, based on universal adult suffrage. The South African Government had even refused to agree to the appointment of a United Nations Technical Assistance Resident Representative for South West Africa as provided in resolution 1805 (XVII). In those circumstances, it was not surprising that the situation in the Territory had deteriorated even further.

129. In the view of the Bulgarian delegation, the Committee should look into the reasons for the South African Government's obstinate refusal to comply with the recommendations of the United Nations concerning South West Africa. In common with many other delegations, the Bulgarian delegation was convinced that one of the main reasons for the failure of the United Nations in that respect was the financial, military and moral encouragement which the South African Government was receiving from the Western Powers. Those Powers had invested a considerable amount of capital—about £1,000 million in the case of the United Kingdom—and their interests dictated a policy of moderation and the prevention of energetic action by the United Nations. The Bulgarian delegation considered that the Special Committee should draw the attention of the General Assembly to the harmful role that was being played by Western monopolies in the question of South West Africa.

130. With the rapid disintegration of the colonial system in Africa, it was obvious that no power in the world could long preserve the colonial system existing in South West Africa. The South African Government alone refused to bow to the evidence and was building up its military strength, which had more than doubled over the past two years. Its armed forces were equipped with the most up-to-date weapons, supplied by the United Kingdom, France and other Western Powers, in defiance of the appeal made by the United Nations in resolution 1805 (XVII) of the General Assembly. The Committee, whose task it was to seek ways and means of enabling the Territory of South West Africa to attain independence as speedily as possible, must realize that the time for persuasion and moral pressure had passed, and that decisive action was now called for.

131. In view of those considerations, the Bulgarian delegation considered that the Special Committee should recommend to the General Assembly the revocation of the Mandate by which South Africa had been entrusted with the administration of South West Africa. It should also request the Security Council to consider the question and to apply economic and other sanctions against South Africa. The Committee should also recommend to the General Assembly that it should request all Members States to assist the indigenous population of South West Africa in its struggle for independence. The Bulgarian delegation would support any recommendation that might prove a means of effectively assisting the people of South West Africa.

132. The representative of Chile said that the gravity of the situation in South West Africa was illustrated by the fact that, during the previous year, the Special Committee for South West Africa, the Committee of Seventeen and the General Assembly had all discussed the question and that, in resolution 1805 (XVII), the Assembly had expressed deep concern over the critical situation in South West Africa, the continuance of which constituted a serious threat to international peace and security. It was particularly shocking that South Africa should continue to defy United Nations resolutions, since the Territory of South West Africa had been entrusted to it under an international Mandate, as had been confirmed by the International Court of Justice. The situation prevailing in the Territory was a tragic one; the inhabitants were being deprived of the most elementary freedoms and were completely subjugated by a white minority. There had, in fact, been a virtual annexation of South West Africa by South Africa.

133. Quite apart from the Mandate, and having regard to the obligations of the Committee, South West Africa was a Territory that had not yet attained independence. The Committee should therefore seek the most appropriate ways and means of ensuring that it did so as quickly as possible.

134. In 1962 the Special Committee had already stated that it considered the time had come for the United Nations "to take urgent, positive action, including the possibility of sanctions against South Africa" (A/5238, chap. IX, para. 124). The Chilean delegation felt that the Committee should insist that the Assembly's resolutions on the Territory should be applied, and particularly resolutions 1702 (XVI) and 1805 (XVII), which requested the Secretary-General to appoint a United Nations Technical Assistance Resident Representative for South West Africa and to take all necessary steps to establish an effective United

Nations presence in the Territory. The appointment of a Resident Representative had been resisted by the Mandatory Power, which, as a consequence, was not only failing in its most elementary obligations, but was preventing the Organization from carrying out its own obligations. If the application of those resolutions proved to be impossible because the Mandatory Power continued to refuse to co-operate in any way, the Chilean delegation considered that the time had come to report the matter to the Security Council, for if the situation continued, it would constitute a threat to international peace and security.

135. In conclusion, he recalled that the Special Committee had stated in its report for 1962 to the Assembly that the virtual annexation of South West Africa, and the extension of the system of administration based on *apartheid* were "totally illegal and immoral and in violation of the Mandate of the League of Nations undertaken by South Africa, and of the Charter of the United Nations" (*ibid.*, para. 122).

136. The representative of Madagascar said that although the United Nations had been dealing with the question of South West Africa for seventeen years, the problem had not only persisted but had actually become so acute as to create an explosive situation. It was disquieting to see countries like Portugal and South Africa, which were Members of the United Nations, attempting to assimilate other peoples just when the winds of independence were making themselves so strongly felt in Africa.

137. The idea of a Mandate had been a generous idea, which, according to the intention of the League of Nations, had been unambiguous and had constituted a sacred trust. However, to General Smuts the Mandate had merely suggested the possibility of annexation and of introducing the abominable policy of *apartheid* into the Territory, which had been placed in category C—the classification reserved for territories that were considered to have barely emerged from the Stone Age. In spite of the advisory opinion of the International Court of Justice of 11 July 1950³⁹ to the effect that South Africa was still bound by the obligations flowing from the Mandate, South Africa had refused to submit to international supervision by the United Nations as the successor to the League of Nations.

138. In the view of the Malagasy delegation, the Mandatory Power, which was an agent of the international community, had not fulfilled its obligations towards the latter. Accordingly, the Committee, which was responsible for taking the measures necessary to prepare the people of South West Africa for independence, should recommend that the Mandate given to South Africa should be withdrawn and entrusted to the United Nations Trusteeship Council, which would do all in its power to lead the country to independence in an atmosphere of calm, as provided in General Assembly resolutions 1514 (XV) and 1702 (XVI).

139. The Malagasy delegation understood and respected the scruples of those delegations which had pointed to the legal difficulties entailed in revoking the Mandate and which felt that the Organization should bide its time, since proceedings were pending before the International Court of Justice. Without wishing to enter into legal details or to discuss whether the Mandate in question was a bilateral treaty or whether it belonged to the category of treaty-contracts or treaty-

laws, he considered that the matter was simply a question of common sense. The whole concept of a Mandate implied the idea of trust, and its non-fulfilment meant that the Mandatory Power should surrender the Mandate that had been entrusted to it.

140. The question of South West Africa was one of exceptional urgency. The United Nations had done everything possible to facilitate co-operation on the part of South Africa, and quite recently, after the adoption of General Assembly resolution 1805 (XVII), the Secretary-General had asked South Africa to approve the appointment of a United Nations Technical Assistance Resident Representative for South West Africa. In every case, those attempts had met with a refusal by South Africa. Hence there was nothing further to be hoped for from that Government. In view of the adoption of resolutions 1702 (XVI), 1805 (XVII) and 1514 (XV), the United Nations should thus be entitled, after the termination of the Mandate, to request that immediate steps should be taken to transfer all powers to the people of the Territory of South West Africa, in accordance with their wishes and freely expressed aspirations, so that they might enjoy independence.

141. The representative of Tunisia said that, as one of the petitioners had remarked, the time for reviewing the general situation in South West Africa had passed. The latest communication from the South African Government to the Secretary-General made it quite clear that that Government had no intention of making the slightest effort towards conciliation and co-operation, even in the matter of technical assistance. Its refusal in the latter connexion was particularly significant. All attempts to maintain contact with the *de facto* authority in South West Africa, even in ways which in no way affected the legal position it had taken up, had met with failure.

142. That left another avenue open: that of legal action. There again, unfortunately, the South African Government did not appear willing to accept the Judgement of the International Court of Justice if that Judgement went against its case. It was certainly a matter for satisfaction that the Court had rejected the Preliminary Objections raised by South Africa, but the Tunisian delegation felt that no time should be lost in taking any steps calculated to improve conditions for the inhabitants of South West Africa, for it was obvious that South Africa attached no importance to the final Judgement of the Court.

143. The problem was thus reduced to practical considerations. It remained to consider what means the United Nations had at its disposal—not sufficient, at all events, to impose a solution on the South African Government. The means provided by the Charter could be brought to bear only with the co-operation of all the great Powers, which could not be taken entirely for granted. Thus, as one of the petitioners had pointed out, the economic boycott called for in resolution 1761 (XVII) had proved ineffective.

144. His delegation would therefore favour the submission by the Committee to the Security Council, the General Assembly or both, of a request for economic and diplomatic sanctions against South Africa on the grounds of its policy towards South West Africa. His delegation considered that a specialized technical organ should be established at the same time, to report on the application of those sanctions. The names of any countries aiding and abetting South Africa's policy would thus be made known, and effec-

³⁹ *Ibid.*, p. 143.

tive moral pressure could be brought to bear on them, especially if they continued to supply South Africa with arms.

145. In that connexion, the attitude of the western great Powers would be decisive. That applied particularly to the United Kingdom: in the first place, the Mandate for South West Africa had originally been entrusted to His Britannic Majesty, and in the second place, there were territories in the immediate vicinity which were under United Kingdom jurisdiction and whose authorities had been implicated with those of South Africa in the inhuman measures taken against the South West African population. His delegation therefore appealed to the western great Powers to realize the gravity of the situation. No one could talk about freedom and at the same time tolerate, or sometimes even encourage, the state of affairs that prevailed in South West Africa and in central and southern Africa as a whole.

146. In addition to an economic and diplomatic boycott, even more positive measures should be considered. The Summit Conference of Independent African States at Addis Ababa would devote much of its attention to working out such measures. In the United Nations there was for the time being only one step to take: recourse to the Security Council, which could call for more direct action. That should be tried, even without an assurance of co-operation from the great Powers most directly concerned. The Committee could begin considering there and then the referral to the Council, either of the question of South West Africa alone, or of the wider question of colonial and racist domination over central and southern Africa and of the threat to international peace and security.

147. If the result was another failure, the population of South West Africa would be left with no choice but to take up arms. Recent history showed that some Powers did not appreciate the gravity of a colonial problem until a certain casualty figure was reached. Next time, however, the race war which threatened to break out in the southern part of Africa might shatter beyond repair the chances of fruitful future co-operation.

148. The situation gave no grounds for optimism. The chief culprit was South Africa, but other Governments also bore a share of the responsibility because of their passive attitude. His delegation was prepared to support any recommendation that might move the question of South West Africa out of its present rut.

149. The representative of Syria said that the laudable efforts made by the United Nations to solve the problem of South West Africa had made no change in the Territory's situation. That situation would not change one iota if the approach remained unchanged.

150. It had been clear from the outset that the main obstacle was South Africa's desire to annex the Mandated Territory. In practice South West Africa was ruled like a province of South Africa, and its people shared the lot of the Africans within the Republic.

151. Irrefutable arguments had been adduced to show that South Africa was administering the Territory in flagrant violation of the League of Nations Mandate. In addition, the Mandatory Power was not living up to its obligations as a Member of the United Nations. The most recent evidence of that was the report submitted by the Chairman and Vice-Chairman of the Special Committee for South West Africa in

1962, which stated that the administration of the Mandated Territory continued to be pervaded by the rigorous application of *apartheid* in all aspects of life of the African population, that the policies and objectives of the South African Government continued to be in utter contradiction with the Principles and Purposes of the Mandate, the Charter of the United Nations and the Universal Declaration of Human Rights, and that the South African Government had revealed no plans to institute reforms in its administration (see A/5212, para. 19 (42)).

152. In his delegation's view, the problem was not whether the Government of South Africa could be induced to adopt a more constructive policy, but whether it was entitled to continue administering the Territory. That it had no intention of honouring its obligations to lead South West Africa to independence was beyond any doubt, for otherwise it would not have resorted to innumerable legal manoeuvres in order to remain outside the purview of the International Control on which the Mandates System was based. It was now arguing that the case was *sub judice*, but there was no indication that it was ready to declare itself bound by the Judgement of the International Court, or to comply with that Judgement.

153. The United Nations had reached a point where it could no longer place any trust in the South African Government. Many suggestions on how to solve the problem had been offered by members of the Committee and by the Special Committee for South West Africa. His delegation found all those suggestions constructive in principle but considered it advisable that a sub-committee should be established immediately to examine them carefully and to report to the Special Committee in the near future on the most effective measures.

154. The representative of the United States said that few problems had received more attention in the United Nations than that of South West Africa. Even now the Organization was awaiting from the International Court of Justice a Judgement which, everyone hoped, would help to promote a satisfactory solution.

155. The United States Government's view was that South Africa had not been acting in accordance with its international obligations. The Mandate for South West Africa had been intended to help advance the social, economic and material status of the Territory, looking to the day when it might be accorded self-government. That was a sacred trust, and in that connexion South Africa still possessed obligations to the international community which was now represented by the United Nations. If the Mandate had lapsed, as South Africa contended, then so had the authority of the Mandatory Power; the position that South Africa could maintain its rights while escaping its obligations was untenable.

156. His delegation had consistently voted in favour of resolutions calling upon South Africa to fulfil its obligations and had condemned the shameful policy of *apartheid*, a system of bondage that South Africa not only practised within its own borders but had also exported to South West Africa, while vainly attempting to screen the Territory from the rest of the world.

157. The United States delegation had stated in the Fourth Committee of the General Assembly in November 1962 that only redoubled efforts to achieve a peaceful solution in accordance with the purposes and principles of the Charter offered hope for a satisfactory

outcome and that the establishment of a United Nations presence in the Territory would be a constructive step in that direction. It regretted the South African Government's reply to the Secretary-General's communication regarding the appointment of a United Nations Technical Assistance Resident Representative for South West Africa (see A/AC.109/37). However, South Africa had not rejected the idea outright, and renewed efforts should be made to induce it to accept a United Nations presence, at least on a transitory basis.

158. The peoples of all the former Mandated Territories had been accorded the right of self-determination, and South West Africa should be no exception. It was to be hoped that the Odendaal Commission, which was referred to in the South African reply to the Secretary-General, would recommend an impressive programme of economic, social and educational improvement which the Government would carry out. There was also work to be done by the United Nations economic and social agencies, and the Organization must continue to press for the co-operation of South Africa in allowing such agencies to help the people of the Mandated Territory. Individual countries could also help, and the United States was proud to have made a number of scholarships available for students from South West Africa. His delegation hoped that, with the co-operation of the Government of South Africa, such an educational programme could be expanded to significant proportions.

159. There must be a solution to the problem of South West Africa, and his delegation would do everything it could to expedite one.

160. The representative of Tanganyika said that his delegation had found much encouragement in the statements made by all the delegations which had spoken so far, and particularly the delegations of Ethiopia, Mali, the Soviet Union, Poland and Iraq. Since South Africa had persistently failed to discharge its international obligations, it had forfeited any political, legal or moral right to exercise any authority whatsoever over South West Africa.

161. The delegations of Mali and the Soviet Union had stressed that the United Nations must act. His delegation endorsed that view, for the prestige of the United Nations and the very existence of the indigenous peoples were at stake. In its opinion the Committee needed no further evidence of the atrocities perpetrated on the indigenous people of South West Africa at the hands of Verwoerd and his régime. The Committee should now consider what practical measures to recommend to the General Assembly.

162. South Africa's intransigence and persistent refusal to comply with its international obligations could not be accepted. The aim of South Africa's policy was the mass extermination of the African people of the Mandated Territory. It was distributing arms to the white population there and had publicly manifested its intention to annex the Territory. The time had therefore come for the United Nations to reconsider the entire question of membership in the Organization for a country like South Africa.

163. That country could refuse with impunity to discharge its responsibilities only because it was aided and abetted by some great Powers, especially the United Kingdom and the United States, which continued by devious means to supply South Africa with armaments for the purpose of brutally repressing the people of

South West Africa in general. Moreover, those countries were increasing their trade with South Africa.

164. His delegation called upon those Powers to desist from supporting the Verwoerd régime and to declare publicly that, in the battle which had been joined, they were on the side of justice, human dignity, the African population, international peace and the United Nations.

165. In his opening address to the Afro-Asian Peoples' Solidarity Conference at Moshi, Mr. Julius Nyerere, the President of the Republic of Tanganyika, had said that the Africans could not be expected to sit back quietly while their brothers in South Africa and South West Africa continued to suffer. No one could be neutral on that issue, and there was no doubt that an effective trade and diplomatic boycott would greatly assist in overthrowing the present tyranny. Yet, the President had added, there were many countries which claimed to support the cause of freedom and equality but which in practice were sabotaging all the efforts of the African peoples in that direction.

166. Tanganyika's delegation, like its President, called upon the States Members of the United Nations, and especially the major Powers, to intensify their trade and diplomatic boycott against the Nazi régime in South Africa and urged them to refrain from supplying arms to that country. The Pan African Freedom Movement for East, Central and Southern Africa had adopted at its last plenary conference a resolution calling for the implementation of the General Assembly resolution dealing with sanctions against South Africa and the supply of arms to that country. The conference had urged African States and organizations to regard countries which continued to supply arms to South Africa and maintain normal trade and State relations with that country as unfriendly and hostile. In addition it had appealed to all friendly Governments and peoples to accord the oppressed peoples of South Africa and South West Africa all available assistance in the struggle for liberation. His delegation reiterated that appeal.

167. His delegation recommended the Committee to consider the following measures: (1) States Members of the United Nations should be urged to apply and intensify economic and diplomatic sanctions against South Africa. In that connexion the right approach was to be specific. In the case of the United States, for example, the boycott would be effective only if companies like American Metal Climax and Philipp Brothers, or the Boston Wool Trade Association, refrained from using South African raw materials. A similar attitude could be adopted by the United Kingdom; (2) The question of South West Africa should be placed on the agenda of the fourth special session of the General Assembly in May 1963; (3) Member States should be invited to render the indigenous people of South West Africa all available assistance; (4) Member States should be required to inform the Secretary-General of the steps they had taken to comply with paragraph 8 of resolution 1805 (XVII), with special reference to the supply of arms to South Africa; (5) Despite the refusal of South Africa to accept the appointment of a United Nations Technical Assistance Resident Representative for South West Africa, the Secretary-General should explore other means, as appropriate, including referral to the Security Council, in order to secure a United Nations presence in the Mandated Territory; and (6) If the South African

Government persisted in its intransigence, the entire question of South Africa's participation in the work of the Organization should be brought before the General Assembly and the Security Council for immediate review.

168. His delegation was convinced that the Committee would not rest until the shameful situation prevailing in South West Africa was brought to an end and the settler Government was replaced by a Government representative of the peoples of the Territory.

169. The representative of the United Kingdom recalled that his delegation had made it clear on many previous occasions that the United Kingdom Government deplored the system of *apartheid*. The mere existence of that system in South West Africa was a sufficiently grave charge against the South African Government; to exaggerate that charge by allegations of threats to peace and of genocide was to weaken it.

170. The Committee's objective must be a limited one because the central feature of the whole situation was the case now before the International Court of Justice. As the Danish representative had said, it would be unwise to promote any definite action until the Court had delivered its verdict (para. 116 above). To do so would be to prejudice the final Judgement and, in effect, to deny the principles for which the Court stood. In the United Kingdom delegation's view, however, the South African Government should regard itself as bound by whatever ruling the Court might hand down in the case.

171. Since the United Kingdom acknowledged the international character of the administration of South West Africa, it favoured the idea of continuing contact between the United Nations and the South African Government on the question of the Territory. His delegation had thought that there was considerable hope in the willingness of the Government of South Africa to receive representatives of the Special Committee for South West Africa during 1962 and had thought that that might denote a willingness to accept further visits from United Nations representatives. Contact of that kind would be of benefit during the period of preparation for final exercise of self-determination by the Territory's people. That preparation could take place either under a degree of United Nations supervision or under an improved and reformed administration of the Mandate.

172. His delegation had therefore been disappointed to see that the South African Government was not yet in a position to take a decision regarding the appointment of a United Nations Technical Assistance Resident Representative for the Territory. The South African Government might have been able to accept the idea of contact of some kind without prejudice to the findings of its own Commission currently in the Territory or to the Judgement of the International Court of Justice. Nevertheless his delegation did not interpret the South African reply to mean that the door to co-operation with the United Nations had been finally closed. He did not think the Committee should tie the Secretary-General's hands or inhibit him from taking a further initiative in that direction. It was still permissible to hope that, when the South African Government had considered the Odendaal Commission's report, it would revise its attitude to the Secretary-General's offer. For those reasons his delegation felt that it would be unwise to come to any final conclusion before the South African Government had considered that report.

173. Some delegations had alleged during the debate that there were interlocking business interests in southern Africa which formed a sort of super-State and which were able to help maintain, or even to direct, present South African policy towards South West Africa. Those who advanced that argument were unable to produce facts to support it; the essential charge against the South African Government in the context of South West Africa could only be weakened by stories which were irrelevant to the basic problems of the Territory.

174. The representative of Yugoslavia recalled that his delegation had stated, during the debate on the question in 1962, that the time for persuasion and appeals to the Government of South Africa had passed. Since then, reports, resolutions and petitions had been added to the many documents testifying to the efforts made by the Organization during the previous sixteen years. The number of crimes committed by the Government of South Africa against the people of South West Africa had constantly increased. That people was being slowly exterminated in the name of the civilizing mission entrusted to the Government of South Africa. Many petitioners had shown that the inhabitants were living in the most deplorable conditions known to history, and that the Government of South Africa had turned the Territory into a huge gaol.

175. The Yugoslav delegation took the side of those demanding decisive action. During the debate, several delegations had submitted specific proposals which offered a basis for a resolution by which the Special Committee and the United Nations could make substantial progress towards a solution of the problem. His delegation would give its full support to any effort in that direction. The time for sterile discussion was passed and the Committee's task was to secure the implementation in the Territory of the Declaration on the granting of independence to colonial countries and peoples, which should inspire the Committee to take the necessary decisions.

176. The representative of Australia said that his delegation shared the concern and the feelings that had been expressed in the Committee by other delegations, especially the general feeling of abhorrence at the policy of *apartheid*. It too believed that the Government of South Africa should have accepted the obligations inherent in the Mandate which had been conferred upon it and that the object of its administration should be self-determination for the people of South West Africa. There should be an end to racial discrimination, and serious efforts should be made to improve the living conditions of the inhabitants of South West Africa.

177. One of the important features of General Assembly resolution 1805 (XVII) was that it requested the Secretary-General to open and to keep open a line of contact with the Government of South Africa. His delegation had been disappointed with the response of that Government to the first communication from the Secretary-General. However, it felt that one of the results of the debate should be to encourage the Secretary-General to take other steps to bring the Government of South Africa to agree to some form of United Nations presence in South West Africa.

178. The representative of Iran recalled that his delegation had on several occasions categorically condemned the attitude and policies of the Government of South Africa which had entirely ignored the resolutions of the General Assembly, and had systematically flouted

the elementary and basic principles of the United Nations Charter and of the Universal Declaration of Human Rights. In the absence of any new element a re-examination of the situation in the Territory of South West Africa would not be justified, but his delegation would study carefully any proposals that were made and would support any initiative that might end the sufferings of the people of that Territory.

179. The representative of India recalled that the report of the Special Committee for South West Africa had stressed the need for further action to bring the South African Government to permit the United Nations to perform its supervisory functions over the Mandated Territory (see A/5212, paras. 80 and 81). By turning down the appointment of a United Nations Technical Assistance Resident Representative for the Territory, the Government of South Africa had once again demonstrated its disregard for its international obligations. South Africa was the only State that had failed to accept the obligations incumbent on it under the Trusteeship System established by the United Nations Charter; by its policy of *apartheid*, it had condemned the inhabitants of South West Africa to a life of misery, and a country that spurned the Universal Declaration of Human Rights and the Charter and resolutions of the United Nations could not be called a civilized nation. It was the responsibility of every Member of the United Nations to take steps which would make it impossible for that Government to continue to deny the people of South West Africa their inalienable rights.

180. India had not only disapproved of the attitude of the Government of South Africa and condemned it in the severest terms; it had also taken practical steps in proof of its total disapproval. At considerable sacrifice it had discontinued trade with South Africa sixteen years previously and had had no diplomatic relations with that country since 1954. If similar action was taken by other States, especially those having substantial trade with South Africa, that country would have no option but to heed the resolutions of the United Nations. An economic boycott by a handful of countries was not sufficient; maximum pressure was required in order to isolate South Africa.

181. It had been claimed that the Government of South Africa was improving the lot of the indigenous inhabitants of South West Africa, but the petitioners who had appeared before the Committee had painted an entirely different picture of the situation. Practical steps should be taken to implement resolution 1514 (XV) and to permit South West Africa to emerge as a free and independent nation. His delegation hoped that the South African Government would finally heed the Committee's warning; it still had a chance of ensuring good-neighbourly relations with a free South West Africa and its other African neighbours by making the radical changes in its policies that the situation demanded.

182. Several delegations had advocated revoking the Mandate. However, his own delegation did not feel that revocation would be the best method of achieving the desired objectives. The International Court of Justice was clearly dealing only with certain legal aspects of the problem, and the United Nations should study ways and means of transferring power to the indigenous people of the Territory. To that end, the Committee might consider sending a sub-committee to visit South Africa and then report back to the Committee. The co-operation of the Mandatory Power

would obviously be required, but he hoped that South Africa's friends could persuade it to receive the sub-committee. If the Mandatory Power refused to do so, the Committee could then appeal to the Security Council under paragraph 7 of General Assembly resolution 1702 (XVI) and paragraph 8 of resolution 1810 (XVII). A debate in the Security Council might then have a salutary effect on the Government of South Africa, particularly if pressure was brought to bear on countries that continued to trade with South Africa thus indirectly making it possible for that country to defy the United Nations and world public opinion.

183. The representative of Uruguay said that his delegation had nothing to add to what it had already stated on numerous occasions regarding the question of South West Africa. As several delegations had pointed out, the Committee's task was to find a final solution to the problem. His delegation supported the proposal to appoint a sub-committee to examine the various suggestions that had been made.

184. The representative of Sierra Leone recalled that at the seventeenth session of the General Assembly, the Minister for External Affairs of Sierra Leone had condemned the attitude of the Government of South Africa. His delegation was among those that advocated a speedy settlement of the question.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963

185. At the 167th meeting of the Special Committee, on 9 May 1963, Cambodia, Iraq, Ivory Coast, Madagascar, Mali, Syria, Tanganyika, Tunisia and Yugoslavia introduced a joint draft resolution (A/AC.109/L.54), the operative part of which read as follows:

"1. *Solemnly reaffirms* the inalienable right of the people of South West Africa to national independence and sovereignty;

"2. *Condemns* once again the continued refusal of the Government of South Africa to co-operate with the United Nations in the implementation of the principles of the Charter and in carrying out the resolutions of the General Assembly;

"3. *Requests* the General Assembly to declare that any attempt to annex the Territory of South West Africa by South Africa will be considered an act of aggression;

"4. *Recommends* that the General Assembly should take all necessary steps to establish an effective United Nations presence in South West Africa with a view to achieving the objectives of resolution 1702 (XVI), in particular those mentioned in operative paragraph 2, sub-paragraphs (b) to (h);

"5. *Decides* to draw the attention of the Security Council to the situation in South West Africa, the continuance of which is liable to constitute a threat to international peace and security;

"6. *Further recommends* to the General Assembly and to the Security Council to invite all Member States to lend their support for the application of the measures advocated in this resolution;

"7. *Requests* the Secretary-General to continue his efforts with a view to achieving the objectives assigned to him in resolution 1805 (XVII), in particular that mentioned in operative paragraph 6."

186. At the 168th meeting, the representative of the Soviet Union pointed out that there was a difference

of substance between the text of operative paragraph 5 of the draft resolution and the seventh preambular paragraph of General Assembly resolution 1805 (XVII), which expressed "deep concern that the continuance of the critical situation in South West Africa constitutes a serious threat to international peace and security". As far as he was aware, nothing had occurred since the date of the adoption of General Assembly resolution 1805 (XVII) which would justify the change and in his delegation's opinion paragraph 5 of the draft resolution should echo the wording of the General Assembly resolution. He considered that paragraph 6 of the draft resolution should refer also to General Assembly resolutions 1702 (XVI) and 1805 (XVII).

187. At the 169th meeting, the representative of Mali, on behalf of the sponsors, introduced a revised draft resolution (A/AC.109/L.54/Rev.1). He explained that the sponsors, taking into account the amendments suggested by the representative of the Soviet Union had revised paragraph 5 to provide that the Committee decided to draw the attention of the Security Council "to the critical situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security", and had revised paragraph 6 to add a reference to previous resolutions.

188. At the same meeting the revised draft resolution was further revised orally. In particular, the eighth preambular paragraph, which stated "*Considering* the annexationist intentions of the Government of South Africa in respect of the Territory of South West Africa", was replaced by the following:

"*Considering* that any attempt to annex any part of the whole of the Territory of South West Africa by the Government of South Africa would be contrary to the advisory opinion of the International Court of Justice on 11 July 1950 and would be a violation of its international obligations."

189. The representative of Venezuela expressed the view that the purpose of the ninth preambular paragraph, which would have the Special Committee consider that "any support the Government of South Africa receives from any Power or financial group encourages it to persist in its attitude", was not sufficiently clear. The word "any" appeared to indicate that all support of any kind whatever should be condemned. His delegation would accept that paragraph if it was made clear that what was meant was any support for the policy of *apartheid*. Otherwise, it would seem to involve sanctions embracing every kind of relationship, and on that matter the Security Council alone was in a position to decide whether or not sanctions should be imposed and what kind of support should be regarded as an encouragement to South Africa to persist in its attitude. Venezuela was firmly opposed to the policy of *apartheid* and it was anxious that the resolutions adopted by the Committee should be sufficiently clear and explicit to avoid any misinterpretation of their content and true significance.

190. With regard to paragraph 3 of the revised draft resolution, the representative of Venezuela stated that it was common knowledge that the concept of "aggression" was one of the most controversial issues in international law. For years the League of Nations, and later the United Nations, had tried to find a precise definition of aggression but no agreement had ever been reached on the subject. His delegation did not

think that the Committee could state, in a paragraph of a resolution, that not even any act but any attempt would be considered an act of aggression, especially since the power to make such a judgement was vested in the Security Council alone, under Article 39 of the Charter. His delegation considered that the inclusion of such a paragraph in the draft resolution would set a dangerous precedent, the consequences of which would be incalculable.

191. The representative of the United States stated that his delegation was in general agreement with the first eight preambular paragraphs of the revised draft resolution. Regarding the ninth preambular paragraph, his delegation endorsed the remarks of the representative of Venezuela. It supported the wording of that paragraph if it merely expressed opposition to the policy of *apartheid* of the South African Government, since the United States itself had expressed its opposition to a policy which placed so many people in bondage. It was not sure, however, what was meant by the words "any support" in that paragraph.

192. In operative paragraph 1, his delegation would have preferred the word "self-determination" to be added to the words "independence and sovereignty". There was a possibility that, when the time came, the people of South West Africa might want integration with a neighbouring State and they should be given the opportunity of making that choice.

193. In paragraph 2, his delegation would prefer the word "*Deplores*" rather than "*Condemns*". It understood the frustration felt by those who had tried to obtain the co-operation of South Africa. Yet the fact remained that the United Nations was still seeking that *rapprochement* and as long as a possibility, however remote, existed, "*Condemns*" was not an appropriate word.

194. With regard to paragraph 3, his delegation endorsed the very cogent arguments advanced by the representative of Venezuela. The phrase "act of aggression" was a phrase of art which had many implications and it was for the Security Council to determine what constituted an act of aggression. Article 39 of the Charter of the United Nations stated that: "The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security". The League of Nations had had great difficulty in attempting to define aggression, and in the United Nations the best minds and the best lawyers had been engaged in a similar attempt. Perhaps an expression such as "an unacceptable violation of international law", or some more striking phrase, would have been appropriate in the draft resolution, but the wording actually used should be avoided. In the entire history of the United Nations the phrase "act of aggression" had been used only once in the operative part of a draft resolution, namely at the time of the invasion of Korea by the Chinese Communists. The Committee would therefore be taking a great responsibility upon itself in using that phrase in the case in point.

195. With respect to paragraph 4, his delegation assumed that it was the intent of the sponsors that the "necessary steps" referred to in that paragraph would be in accordance with the Charter and would not include the use of armed force.

196. The representative of Sierra Leone considered that the fact that jurists had various interpretations of certain phrases such as "act of aggression" was not a sufficient reason for refraining from using such phrases. Caution should of course be exercised, but no one could deny that bearing in mind the expressed intentions of South Africa towards South West Africa, the utmost patience and care had been exercised so far. Paragraph 3 of the draft resolution merely said that if South Africa annexed South West Africa, that would be considered an act of aggression. It was hard to see how that could be a less serious matter for the international conscience than the invasion of Korea. Such a development would be likely to lead to a breach of international peace and would certainly constitute a matter of extreme gravity on the international scene.

197. He stated that the sponsors had considered the matter most carefully before agreeing on the use of the phrase "act of aggression". His delegation was not as hopeful as was the United States delegation that communication with the South African Government was still possible. It considered, in fact, that the behaviour of that Government had been such as to leave many delegations with a feeling of helplessness in the face of a hopeless situation.

198. With regard to the ninth preambular paragraph, some delegations had sought to draw a distinction, stating that they opposed any extension of the practice of *apartheid* to South West Africa. The General Assembly had, however, adopted resolutions imposing restrictions on dealings with South Africa in matters other than the extension of *apartheid* and had even referred to sanctions in connexion with other matters and support of any kind given to South Africa. His delegation considered that any support of whatever kind would constitute an encouragement to the South African Government.

199. Finally, with regard to the right of self-determination, he considered that it could be exercised by the population of the Territory as part of the normal exercise of its sovereignty. He considered that the draft resolution, as revised, should receive the support of all delegations.

200. The representative of the Ivory Coast associated himself with that appeal. With regard to the ninth preambular paragraph, there could be no doubt about the fact that no member of the Committee was giving the South African Government any moral support whatsoever. Nevertheless the refusal of some countries to endorse certain resolutions regarding South Africa could have been interpreted by that country as tantamount to moral support. The sponsors of the draft resolution were therefore justified in urging that no support of that kind should be given and that the Committee should form a common front in order to isolate South Africa and induce it to view the situation in a different light. With regard to the economic support given South Africa, he would not dwell on the question of the competence of the General Assembly, since the latter had already taken a decision which in itself was tantamount to an economic sanction and in so doing had settled the question of its own competence.

201. With regard to the right of the people of South West Africa to self-determination, it was by no means the intention of the sponsors to prevent that right from being exercised. What the South African Government was seeking was not association with the Africans or their integration into a greater South

Africa, but rather an opportunity to take over the land on which the Africans were living and whence it was trying to expel them. It was hard to imagine, therefore, that the indigenous inhabitants of South West Africa would want to fling themselves into the inferno in which some of their brother Africans were already living. When South West Africa became an independent State, it would be free to exercise its right to associate with any country.

202. Nor did he think that the phrase "act of aggression" should cause anyone concern. The sponsors were merely asking the General Assembly to consider whether it was its own prerogative to determine that an act of aggression had been committed, or whether the question should be referred to the Security Council. Article 39 of the United Nations Charter had been invoked, but a comparison of Articles 10 and 12 led to the conclusion that the question of competence in that respect had not been finally settled. The General Assembly was competent to consider questions relating to the maintenance of peace and security, save in the case of specific matters which were being dealt with by the Security Council, as was stated in Article 12.

203. In his view, it was necessary to look beyond the immediate problem and override the minor objections that had been raised, in order to consider only the human and tragic aspect of the situation. Once a country had decided to annex another country by force, it was impossible not to define such an act as aggression, regardless of what definition of that word the experts might give. There was no doubt that South West Africa and South Africa were two distinct countries. The sponsors of the draft resolution were convinced that in the present case annexation by force would be an act of aggression. Moreover, the delegations had time in which to ponder the matter and the General Assembly would have the final word. There was consequently nothing to prevent the adoption of the draft resolution.

204. The representative of the Soviet Union said that the United States representative's reference to Korea would not stand examination. That was evident from the facts, namely there were no troops from the People's Republic of China left in Korea, whereas United States troops were officially stationed in that country. However that might be, the recent history of the United Nations provided a more appropriate precedent than that cited by the United States representative. Paragraph 6 of General Assembly resolution 1817 (XVII) on the question of Basutoland, Bechuanaland and Swaziland was worded in the following terms: "*Declares solemnly* that any attempt to annex Basutoland, Bechuanaland or Swaziland, or to encroach upon their territorial integrity in any way, will be regarded by the United Nations as an act of aggression violating the Charter of the United Nations". That example corresponded more closely with the activities of the Committee and justified the wording used by the sponsors of the draft resolution on South West Africa.

205. The representative of Tanganyika said that for the people of Africa the question of South Africa and South West Africa was an extremely serious one and that in the eyes of the African delegations no language could be strong enough to condemn South Africa's attitude of defiance. When human rights were brutally flouted in other parts of the world, some countries made very strong statements and took appropriate action. When it came to the case of South Africa,

however, their attitude was not the same, and his delegation felt that those countries did not fully appreciate the African approach to the problem. He strongly urged the members of the Committee to bear the views of the Africans in mind, to vote in favour of the draft resolution, and to convey the views of the Africans to the Governments and peoples of their respective countries, so that the régime in South Africa might be finally forced to see reason.

206. The revised draft resolution (A/AC.109/L.54/Rev.1) as further revised orally, was voted upon at the 169th meeting, on 10 May 1963, as follows:

The first eight preambular paragraphs were approved by 23 votes to none, with 1 abstention.

The ninth preambular paragraph was approved by a roll-call vote of 17 to none, with 7 abstentions. The voting was as follows:

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

Against: None.

Abstaining: Australia, Denmark, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

The tenth preambular paragraph and operative paragraphs 1 and 2 were approved by 23 votes to none, with 1 abstention.

Paragraph 3 was approved by a roll-call vote of 17 to 5, with 2 abstentions. The voting was as follows:

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

Against: Australia, Denmark, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Chile, Venezuela.

Paragraph 4 was approved unanimously.

Paragraphs 5 and 6 were approved by 19 votes to none, with 4 abstentions.

Paragraph 7 was approved unanimously.

The draft resolution as a whole was approved by 23 votes to none, with 1 abstention.

207. The representative of the United States said that his delegation's vote in favour of the draft resolution as a whole should not be taken to indicate approval of paragraph 3, against which his delegation had voted. His delegation's vote against that paragraph did not mean that it necessarily disagreed with the representative of Sierra Leone and others who had contended that annexation of the Territory of South West Africa might constitute an act of aggression; his delegation had merely felt that the term "act of aggression" was very vague and would not necessarily apply to annexation of the Territory, if that should take place.

208. The representative of the United Kingdom said that, while the resolution went some distance towards summarizing the various views expressed on the subject in the Committee, his delegation had reservations both as to the need to adopt any recommendations on the question at the time and as to the text itself.

209. His delegation felt that the fourth preambular paragraph (see para. 213 below) did not fully reflect

the existing situation, since the South African Government had made only a provisional reply to the proposal concerning a United Nations Technical Assistance Representative and might make a more positive response after it had considered the report of the Odenaal Commission. His delegation would therefore have preferred the insertion of the words "so far" between the words "in particular" and the word "refused". Since his delegation considered the eighth preambular paragraph to be of a legal character, it had felt unable to vote either for or against it without expert advice, which had not been available at the time. His delegation shared the doubts expressed by other delegations with regard to the ninth preambular paragraph. If that paragraph was intended to imply a threat of sanctions, his delegation had already stated its objections in that regard on a number of occasions. The tenth preambular paragraph and operative paragraph 1 did not contain anything that had not previously been adopted by the General Assembly. His delegation had voted for resolution 1805 (XVII), which contained the substance of paragraph 1 of the present resolution; at the time, however, his delegation had made a reservation about the wording of paragraph 1 of that resolution which was applicable in the present case as well. Paragraph 3 was, in the view of his delegation, open to grave objection on the grounds already indicated by the representatives of Venezuela and the United States. With regard to paragraphs 5 and 6, his delegation felt that, since nothing constituting a threat to peace and security had occurred since the adoption of resolution 1805 (XVII) in December 1962, the Committee was not justified in referring the matter to the Security Council.

210. He regretted that, for the reasons indicated his delegation had been unable to support the draft resolution; it had, however, abstained from the vote on it since in its view it contained constructive elements, particularly paragraphs 4 and 7.

211. The representative of Denmark said that his delegation had voted for the draft resolution in order to express its full agreement with the sponsors' views and approach as well as its strong disagreement with the policy pursued by the South African Government with regard to South West Africa. His delegation had, however, been unable to support certain provisions of the resolution. It shared the view of the representative of Venezuela with regard to the ninth preambular paragraph, which it felt was worded in too sweeping a manner. His delegation had voted against operative paragraph 3 because, as other delegations had observed, it prejudged the question of defining what constituted an act of aggression. That was an extremely complex question which had not yet been settled and for whose study the General Assembly had set up a special subsidiary body. His delegation also felt that the paragraph was worded rather ambiguously, in that it referred not to annexation but to an attempt at annexation, without indicating what would constitute such an attempt. Finally, his delegation had abstained from the vote on paragraphs 5 and 6 in conformity with the attitude it had taken towards the resolution recently adopted by the Committee with regard to the Portuguese territories. It felt now, as it had on that occasion, that it was not for the Committee to take action with regard to the Security Council; moreover, it was not fully convinced that the requirements for recourse to the Council had been met in the present instance.

212. The representative of Australia said that his delegation had voted against paragraph 3 because it raised very serious juridical and constitutional problems which went far beyond the immediate scope of the resolution. It had abstained on certain other paragraphs, in particular preambular paragraph 9 and operative paragraphs 5 and 6. The reason, particularly in the case of paragraph 5, was that, in his view, recourse to the Security Council was not entirely justified in the circumstances and might be considered an infringement of the authority of the International Court of Justice, which was dealing with the question of the administration of the Mandate for South West Africa. Nevertheless, his delegation had voted in favour of the draft resolution as a whole, in sympathy with the spirit which had inspired that resolution and because of its position, which it had already stated on numerous occasions, concerning South Africa's policy.

213. The resolution, adopted by the Special Committee at its 169th meeting on 10 May 1963 (A/AC.109/43), read as follows:

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

"Having considered the question of South West Africa,

"Bearing in mind the principles of the Declaration on the granting of independence to colonial countries and peoples set forth in General Assembly resolution 1514 (XV) of 14 December 1960,

"Recalling all the resolutions of the General Assembly relating to South West Africa, in particular resolutions 1702 (XVI) of 19 December 1961 and 1805 (XVII) of 14 December 1962.

"Regretting that the Government of South Africa has taken no steps to implement the resolutions of the General Assembly on South West Africa and has, in particular, refused to allow a United Nations technical assistance resident representative to be stationed in the Territory,

"Deploring the refusal of South Africa to co-operate with the Special Committee despite the latter's invitation to South Africa to attend its discussions on the question of South West Africa,

"Noting with deep concern the continued deterioration of the situation in South West Africa as a result of the intensification of the policy of apartheid, which has been the subject of general disapproval,

"Considering with regret that the Government of South Africa has consciously and deliberately failed to discharge its international obligations in the administration of South West Africa,

"Considering that any attempt by the Government of South Africa to annex any part or the whole of the Territory of South West Africa would be contrary to the advisory opinion of the International Court of Justice of 11 July 1950 and would be a violation of its international obligations,

"Considering that any support the Government of South Africa receives from any Power or financial group encourages it to persist in its attitude,

"Taking into consideration the special responsibilities of the United Nations with regard to that Territory,

"1. Solemnly reaffirms the inalienable right of the people of South West Africa to national independence and sovereignty;

"2. Condemns once again the continued refusal of the Government of South Africa to co-operate with the United Nations in the implementation of the principles of the Charter of the United Nations and in carrying out the resolutions of the General Assembly;

"3. Recommends that the General Assembly consider any attempt to annex the Territory of South West Africa by South Africa as an act of aggression;

"4. Recommends that the General Assembly should take all necessary steps to establish an effective United Nations presence in South West Africa with a view to achieving the objectives of resolution 1702 (XVI), in particular those mentioned in paragraph 2, sub-paragraphs (b) to (h);

"5. Decides to draw the attention of the Security Council to the critical situation in South West Africa, the continuation of which constitutes a serious threat to international peace and security;

"6. Further recommends to the General Assembly and to the Security Council to invite all Member States to lend their support to the application of the measures advocated in this resolution and in the previous resolutions;

"7. Requests the Secretary-General to continue his efforts with a view to achieving the objectives assigned to him in resolution 1805 (XVII), in particular that mentioned in paragraph 6 thereof."

214. By letter dated 14 May 1963 (S/5322), the Secretary-General transmitted the text of this resolution to the Security Council (see chap. I, para. 39, above).

Examination of petitions

215. The petitions concerning South West Africa which were received and circulated by the Special Committee are listed in paragraph 33 above. These petitions deal with the general situation and events occurring in South West Africa, with the resolutions of the General Assembly on South West Africa and in particular the question of the establishment of an effective United Nations presence in the Territory as contained in paragraph 6 of General Assembly resolution 1805 (XVII) of 14 December 1962, with the attitude of the South African Government to these resolutions, with the problems faced by South West Africans, including students, travelling through the Federation of Rhodesia and Nyasaland, and with the consideration of the question of South West Africa by organs of the United Nations.

216. By paragraph 3 of General Assembly resolution 1805 (XVII), the Special Committee was requested "to discharge, *mutatis mutandis*, the tasks assigned to the Special Committee for South West Africa by resolution 1702 (XVI), taking into consideration the special responsibilities of the United Nations with regard to the Territory of South West Africa". One of the tasks accordingly assigned to the Special Committee is that of examining petitions relating to South West Africa.

217. Bearing in mind the special responsibilities of the United Nations with regard to the Territory of South West Africa and the contents of the petitions concerning the Territory, the Special Committee, on the recommendation of its Sub-Committee on Petitions,

decided, at its 217th meeting, on 17 October 1963, to recommend to the General Assembly the adoption of a draft resolution (see A/AC.109/L.93, annex) on petitions concerning South West Africa which read as follows:

"Draft resolution submitted to the General Assembly

"The General Assembly,

"Noting that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples has received and examined ninety-four petitions concerning South West Africa, in accordance with paragraph 3 of General Assembly resolution 1805 (XVII) of 14 December 1962,

*"Noting further that these petitions dealt, *inter alia*, with the general situation and the events occurring within the Territory of South West Africa, the establishment of a United Nations presence in*

the Territory in accordance with paragraph 6 of resolution 1805 (XVII), the attitude of the Government of the Republic of South Africa towards the resolution of the General Assembly, the problems faced by South West Africans, including students, travelling through the Federation of Rhodesia and Nyasaland, and the consideration of the question of South West Africa in the United Nations,

"Draws the attention of the petitioners concerned to the report on South West Africa submitted to the General Assembly by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to the report of the Secretary-General on special educational and training programmes for South West Africa (A/5526), and to the resolutions on the question of South West Africa adopted by the Assembly at its eighteenth session."

CHAPTER V

ADEN

A. INFORMATION ON THE TERRITORY

INTRODUCTION

1. The Territory of Aden formerly comprised Aden Colony and Aden Protectorate. Eleven of the States included in the Protectorate were members of a federation known as the Federation of South Arabia.

2. On 18 January 1963 Aden Colony acceded to the Federation of South Arabia. At the same time the component parts of the Territory were renamed Aden and the Protectorate of South Arabia, and a new constitution came into force in Aden.

3. Information on the Territory is set out below under three main headings, namely: Aden (formerly Aden Colony), The Protectorate of South Arabia (formerly Aden Protectorate) and The Federation of South Arabia.

I. ADEN (FORMERLY ADEN COLONY)

General

4. Aden lies on the southern coast of the Arabian Peninsula, about 100 miles east of the Straits of Bab al Mandeb and has an area of 75 square miles (194 square kilometres). Until 1959 the island of Perim⁴⁰ in the Straits, about 100 miles west of Aden, and the five Kuria Muria Islands⁴¹ off the coast of Oman were included in Aden Colony. Since that time they have been administered directly by the Governor of Aden. The island of Kamaran,⁴² an island in the Red Sea off the Yemeni coast, has also been administered by the Governor of Aden, although it has never formed part of either Aden Colony or Aden Protectorate.

⁴⁰ Perim Island, which was occupied briefly by the British in 1799 and reoccupied in 1857, is about 5 square miles in area and has a population of about 300.

⁴¹ The Kuria Muria Islands, which were ceded to the United Kingdom in 1854, have an area of 28 square miles and a population of about 100.

⁴² Kamaran Island has been occupied by the British since 1915; it has an area of 22 square miles.

5. The estimated population of Aden is 220,000. At the census of 1955 the population was 138,441, of whom 75.2 per cent were Arabs, 11.4 Indians and Pakistanis, 7.7 Somalis, 3.2 Europeans, and 2.5 others.

Government

(a) *Status*

6. Aden Colony was part of British India from 1839 until 1937, when it was constituted as a separate colony. On 18 January 1963, Aden was included in the Federation of South Arabia and became the twelfth State of the Federation.

(b) *Previous Constitutions*

7. The first Legislative Council was established in Aden Colony in 1947. At the end of 1955, elections were held for the first time and four of the nine non-official seats were filled by elected members. The Legislative Council was reorganized in 1959 to include twelve elected members, six nominated members and five *ex officio* members. The Governor, who had formerly presided over the Legislative Council, was replaced by a Speaker. At the same time, the Executive Council was reconstituted to consist of five elected or nominated members of the Legislative Council and five *ex officio* members; the former were to be "in charge" of various government departments, namely the medical, labour, local government, public works, education and postal departments. In February 1961 the "Members in Charge" became "Ministers".

8. At the 1959 elections, which were the most recent elections held in Aden, the twelve elected members of the Legislative Council were elected from five constituencies, two of which returned three members each, while the remainder returned two members each. The franchise qualifications required that voters should be adult males and British subjects born in Aden, or British subjects or protected persons who had resided in Aden for not less than two of the three years preceding registration. Voters were also required to have owned immovable property within Aden to a value of 1,500 shillings or to have been in occupation of premises in Aden of an annual value of 250

shillings for twelve months out of the preceding two years, or to have had an average monthly income of 150 shillings during the previous twelve months.⁴³

9. Registered voters at these elections totalled 21,500 of whom less than 6,000 or 26 per cent actually voted. The Aden Trade Union Congress (ATUC) protested against the restricted franchise and boycotted the elections.

(c) *1962 Constitution*

10. In August 1962, following discussions between the United Kingdom Government and the Ministers of Aden Colony and of the Federation, agreement was reached on proposals for the entry of Aden into the Federation and for a new Constitution for Aden. These proposals were subsequently approved by the United Kingdom Parliament and by the Legislatures of Aden and the Federation.⁴⁴

11. The new Constitution which provides for changes in the composition and powers of the Executive and Legislative Councils came into operation, in part, on 9 October 1962, and in full on 18 January 1963. The main provisions of the new Constitution are set out below.⁴⁵

(i) *High Commissioner*

12. Under the new Constitution the Governor's title is changed to High Commissioner for Aden and the Protectorate of South Arabia. Provision is also made for the appointment of two Deputy High Commissioners. The High Commissioner is the head of the Administration and his assent is required for all legislation. He has certain reserved powers and has exclusive control of the public service and the police.

(ii) *Council of Ministers*

13. The Executive Council is replaced by a Council of Ministers which consists of not less than seven Ministers who are members of the Legislative Council, one of whom is styled Chief Minister, and the Attorney General who is an *ex officio* member. The High Commissioner appoints as Chief Minister the member of the Legislative Council who appears to him most likely to command the support of the majority of the members of the Legislative Council. The other Ministers are appointed by the High Commissioner on the advice of the Chief Minister.

14. The Chief Minister's appointment may be revoked by the High Commissioner when he loses the support of the majority of the members of the Legislative Council or when he resigns. If the Chief Minister is removed or resigns the other Ministers must also vacate their offices.

15. The High Commissioner consults with the Council of Ministers in the formulation of policy and in the exercise of his powers, except those which relate to external affairs, defence, internal security or the police. In these cases he may consult with the Council although he is not obliged to do so. The High Commissioner may act in opposition to the Council's advice only in special circumstances and in accordance with specified procedures.

⁴³ The local currency is the East African shilling, of which twenty equal one pound sterling, or \$U.S.2.80.

⁴⁴ For details of the discussion in the Aden Legislative Council of the proposals for the accession of Aden to the Federation, see paras. 47 and 48 below.

⁴⁵ For complete text see *The Aden (Constitution) Order in Council 1962* (London, H.M. Stationery Office).

(iii) *Legislative Council*

16. The new Constitution provides for a Legislative Council composed of a Speaker, sixteen elected members, six nominated members and the Attorney General. The High Commissioner "makes laws for the peace, order and good government of Aden with the advice and consent of the Legislative Council".

17. The Legislative Council is empowered to deal with any matter introduced by means of a bill or a motion by its members. However, except on the recommendation of the High Commissioner, the Council may not proceed on any bill or motion which relates to financial matters, the public service, external affairs, defence, internal security, the police, or the Attorney General's powers of prosecution for criminal offences. The High Commissioner is empowered to introduce bills or motions and, under his reserved powers, may, in certain circumstances and in accordance with prescribed procedures, declare that any bill or motion which the Council has failed to pass shall have effect as if it had been passed.

(iv) *Electoral system*

18. The new Constitution sets out the qualifications for election as a member of the Legislative Council but does not set out the electoral system or the franchise qualifications. These matters are to be provided for by legislation to be passed by the Legislative Council.

19. The qualifications for election to the Council are the same as those required to be a voter under the previous constitution (see para. 8 above).

(v) *Protection of fundamental rights and freedoms*

20. The new Constitution contains provisions for the protection of fundamental rights and freedoms of the individual.

(vi) *Public service and police*

21. Control of the public service and the police is vested exclusively in the High Commissioner. The new Constitution provides for the establishment of a Public Service Commission and a Police Service Commission to which the High Commissioner may refer certain matters for advice.

(d) *Operation of the Constitution*

22. Provision was made in the Constitution for the life of the existing Legislative Council and the tenure of its members to be extended by one year to January 1964.

23. The Constitution also provided that the four additional members of the Legislative Council required to bring its number of elected members to sixteen should be elected by the members of the Council sitting as an electoral college. On 17 December 1962 the Legislative Council elected four new members from fifty-one candidates. In the voting on the candidates, eight of the eleven elected members⁴⁶ voted, while of the four Adeni nominated members, two voted and two abstained. The four *ex officio* members, who would retire when the new Constitution came fully into operation, abstained.

24. On 18 January 1963, the date of Aden's accession to the Federation, the new Constitution came

⁴⁶ One of the twelve elective seats had become vacant because of the death of a member.

fully into force. Mr. Hassan Ali Bayoomi,⁴⁷ leader of the United National Party took office as Chief Minister and formed a Government made up of the Attorney General and seven other Ministers appointed on his advice.

25. At the first session of the new Legislative Council, in March 1963, it was announced that an approximate election date could be fixed only after the Council had approved the new franchise qualifications which were to be formulated by a proposed commission of inquiry.

26. Recent developments in Aden connected with Aden's accession to the Federation are set out in paragraphs 46 to 52 below.

(e) *Judiciary*

27. The Judiciary consists of the Chief Justice, two puisne judges, the Chief Magistrate, four divisional magistrates, and a registrar. The Chief Justice presides over the Supreme Court, which has unlimited civil and criminal jurisdiction. The appeals from the Supreme Court are heard by the Court of Appeal for East Africa, which visits Aden annually for this purpose. There are also subordinate civil and criminal courts presided over by the Chief Magistrate, assisted by divisional magistrates.

(f) *Local government*

28. There are three local government bodies: Aden Municipality, Sheikh Othman Township Authority and Little Aden Township Authority. The Aden Municipality is an autonomous body which collects its own revenue, mainly from rates and taxes, and has a Council of fourteen elected and six nominated members. The Sheikh Othman Township Authority comprises four nominated and six elected members, while the Little Aden Township Authority comprises six nominated members. The two township authorities are autonomous but collect taxes and fees on behalf of the central government.

Political parties

29. The South Arabians League (SAL) was constituted in 1950 under the leadership of Mr. Mohamed Ali Algifri as President. Mr. Algifri and Mr. S. A. Alhabshi, the League's Secretary-General are in exile in Cairo. The League's aims are unity, freedom from colonial rule, and socialism for South Arabia. The League demands that Aden and the Aden Protectorate should be unified and that all treaties with the United Kingdom be terminated. The League opposes the present Federation of South Arabia, which it describes as a loose and fictitious federation which was established to divert the people from their aspirations for an immediate transfer of sovereignty rights to the people.

30. The United National Party was formed in November 1960 and, until his death in June 1963, was led by Mr. Hassan Ali Bayoomi. The party supported the entry of Aden into the Federation. Allied to this party is the Peoples Political Party.

31. The Peoples Congress was registered in July 1961. Its Secretary-General, Mr. Mohamed Ali Luqman, appeared before the Special Committee in

⁴⁷ Following the death of Mr. Bayoomi, a new Chief Minister, Mr. Zain A. Baharoon (an Independent) was appointed on 1 July 1963. Of the seven Ministers appointed on his advice, five are Independents and two are members of the United National Party.

September 1962 to oppose the integration of Aden into the Federation (see A/5238, chap. XII, paras. 54-61). The party has stated that the Federation is designed "to keep the Aden foothold and preserve the Aden base for British strategic and economic purposes", and demands that Aden should be given self-government status and a national government before entering into negotiations about federation.

32. The Peoples Socialist Party (PSP) was founded in July 1962. The party is allied to the Aden Trade Union Congress (ATUC), its President, Mr. Abdullah Al-Asnag, being Secretary-General of ATUC. That organization boycotted the elections of 1959, and under its President, Mr. Ali Qadhi, it is opposed to the present Government and to the Federation of South Arabia. The party demands the evacuation of British forces, the dissolution of the Legislative Council and the Supreme Council of the Federation, the holding of free and general elections throughout "South Yemen" (Aden and Amirates) on the basis of universal adult franchise, and self-determination in accordance with the Charter of the United Nations.

II. THE PROTECTORATE OF SOUTH ARABIA (FORMERLY ADEN PROTECTORATE)

General

33. The Protectorate of South Arabia lies along the southern shore of the Arabian Peninsula, and includes territories that are bounded on the east by the Sultanate of Muscat and Oman, on the west and north by the Republic of Yemen and the Kingdom of Saudi Arabia, and on the south by Aden and the Gulf of Aden. It also includes Socotra, an island in the Indian Ocean about 150 miles east-north-east of Cape Guardafui. The area of the Protectorate, including the island of Socotra, is about 112,000 square miles (290,080 square kilometres).

34. No census has ever been taken. The estimated population is 1,000,000 comprising 550,000 in the Western Protectorate, and 450,000 in the Eastern Protectorate. The vast majority are Arabs.

Government

(a) *Status*

35. The status of the Territory is that of a protectorate. Included in the protectorate are some twenty-three states, eighteen in the Western Protectorate and five in the Eastern Protectorate. Thirteen of these States are members of the Federation of South Arabia (see para. 40 below).

(b) *Constitution*

36. The United Kingdom does not administer the Protectorate directly. Its relationship with each of the component States is governed by advisory treaties and treaties of protection, which have been concluded at various times since 1839 between the rulers of the States and the United Kingdom.

37. The High Commissioner has no direct administrative powers in relation to the Protectorate. He is responsible for relations between the States and the United Kingdom and for advisory services in the States. These services are carried out by a British advisory staff advising local rulers on the administration of their areas.

38. The form of government within the States varies from one to another. In the Western Protectorate the

States nominate their own heads but their appointment is subject to subsequent recognition by the United Kingdom through the High Commissioner. Eight of these States have State Councils and one, Lahej, has a Legislative Council. In the Eastern Protectorate, the principal States are Qu'aiti and Kathiri which are administered by their Sultans as constitutional rulers and have State Councils.

(c) *Judiciary*

39. The law courts of the States are of two kinds: *sharia* courts, which administer koranic Law, and *urfi* (or common law) courts, which handle all cases outside the jurisdiction of the *sharia* courts.

III. THE FEDERATION OF SOUTH ARABIA

Composition

40. On 11 February 1959, a federation of six States in the Western Protectorate, called the Federation of Arab Emirates of the South, was inaugurated, and a Treaty of Friendship and Protection was signed between the United Kingdom and the new Federation. Other States later joined the Federation which was renamed the Federation of South Arabia in 1962. The federated States are: the Amirate of Beihan, the Sultanate of Audhali, the Sultanate of Fadhli, the Amirate of Dhala (including the Quteibi), the Sheikhdum of Upper 'Aulaqi, the Sultanate of Lower 'Aulaqi, the Sultanate of Lower Yafa'i, the Sultanate of Lahej, the State of Dathina, the Sheikhdum of Aqrabi and the Sultanate of Wahidi. Aden joined the Federation on 18 January 1963. Two more States, the Sheikhdum of Sha'ib and the Sultanate of Haushabi joined on 31 March 1963.

The Treaty of Friendship and Protection, 1959

41. In the preamble to the Treaty it is stated that the rulers of the States have entered into a federation for their mutual defence and for their development in all social, political and economic matters for the betterment of the country and its people. The preamble notes the desire of the Federation to develop ultimately into an economically and politically independent State and the undertaking by the United Kingdom to assist the Federation to become ultimately an independent State.

42. The Treaty provides that the United Kingdom shall have full responsibility for the Federation's external relations and shall furnish the Federation with financial and technical assistance. The treaty also provides that the Federation shall accept and implement in all respects any advice given by the United Kingdom in any matter connected with the good government of the Federation. Provision is made for the accession of new members and for the existing treaties with the rulers of the individual States to remain in force except where they are inconsistent with the Federation Treaty. A special provision covers arrangements for mutual co-operation with respect to defence and internal security, by which the Federation shall maintain a Federal Army and a National Guard, and permit the United Kingdom to maintain and operate its forces in the Federation.

Executive and legislative institutions

43. Under the 1959 Constitution the general executive authority of the Government of the Federation is vested in a Supreme Council, which is exclusively

responsible for the initiation of all legislation. The Supreme Council consists of six ministers, elected by and from the members of the Federal Council.

44. The Federal Council consists of six representatives of each Member State of the Federation, each member being selected "by whatever constitutional means are appropriate".

45. The Constitution provides for three methods of legislation. The Supreme Council may introduce into the Federal Council a draft of any measure which it considers should be enacted as an ordinance. If the Federal Council either passes the draft unamended or amended in a form acceptable to the Supreme Council, it becomes an ordinance and has the force of law throughout the Federation. The Supreme Council may also legislate by provisional order or by decree if it considers that a state of public emergency exists in the Federation.

Accession of Aden to the Federation of South Arabia

46. Proposals for the accession of Aden to the Federation,⁴⁸ and for a new constitution for Aden, which were agreed upon in August 1962, were approved in September 1962 by the United Kingdom Parliament and by the Legislatures of Aden and of the Federation.

47. These proposals were debated in the Aden Legislative Council between 24 and 26 September 1962. Opposition members introduced an amendment to the proposals which, while endorsing the principle of unity between Aden and the Federation, strongly rejected the proposals and called for an immediate general election for a new legislature which would be wholly elective and for the formation of a new government with increased powers whose first task would be to negotiate and effect unity between Aden and the Federation. The amendment also called for substantial financial assistance to both Aden and the Federation.

48. This amendment was defeated by sixteen votes to seven. Five elected and two nominated members voted for it, while seven elected and four nominated members voted against it along with the five *ex officio* members. Following the defeat of the amendment the seven members who had voted for it walked out of the chamber in protest. After another member had withdrawn in protest against both the Opposition and the Government, the proposals for the accession of Aden to the Federation were agreed to without a vote.

49. Following the approval of these proposals by the Legislative Council disturbances occurred in Aden and a ban was imposed on demonstrations.

50. On 14 November 1962 the Colony's Minister for Education and Information, Mr. M. S. Husaini, resigned as a protest against "rushing the merger plan".

51. The proposals are opposed also by ATUC. On 19 November 1962 its President, Mr. Ali Qadhi, called for a 24-hour general strike in protest against the proposals and against deportations of Yemeni workers. For this action, Mr. Qadhi was sentenced in January 1963 to six months' imprisonment under the Industrial Relations Ordinance 1960. His appeal against this decision was rejected by the Supreme Court in March 1963.

52. On 3 December 1962 the Federal Council approved the necessary amendments to the Federal Constitution. The Treaty for the Accession of Aden to the

⁴⁸ See *Accession of Aden to the Federation of South Arabia* (London, H.M. Stationery Office, 1962), Cmnd. 1814.

Federation of South Arabia was signed on 16 January 1963, and became effective two days later.

New Federal Constitution

53. By the terms of the new Treaty signed between the United Kingdom and the Federation, provision is made for the withdrawal of Aden from the Federation. The United Kingdom may exclude or withdraw at any time from the Federation any area or areas within Aden, if it considers this desirable for the purposes of its world-wide defence responsibilities. It is also provided that if, in the year following the end of the sixth year after Aden's joining the Federation, the Legislative Council of Aden should pass a resolution by a two-thirds majority asking for secession on the ground that the Federation has acted in a manner which unfairly prejudices the interests of Aden, then the United Kingdom shall convene a conference to resolve the difficulties. If agreement cannot be reached the United Kingdom may call upon the Federation to take action to remedy the position. If the Federation fails to take this action, the United Kingdom may withdraw Aden from the Federation.

54. The effect of the principal amendments to the Federal Constitution⁴⁹ may be summarized as follows:

(a) Representation of the States on the Supreme Council is now in the ratio of one for every six members of the Federal Council. Up to three other members may be appointed by the Supreme Council.

(b) Representation on the Federal Council remains at six for each member State, with the exception that Aden will be represented by twenty-four members.

(c) The right to introduce bills into the Federal Council which was formerly restricted to the Supreme Council has now been extended to members of the Federal Council, with the exception that the introduction of bills on matters outside the authority of the Federation is prohibited, and bills to amend the Constitution and impose taxes or changes on revenue may not be introduced without the consent of the Supreme Council.

(d) Provision is made for a Public Service Commission to advise the Supreme Council on public service matters.

(e) A distinction is made between matters under the exclusive authority of the Federation and those under the concurrent authority of the Federation and the States.

(f) A Federal High Court is established with a minimum of three judges and with original jurisdiction in matters concerning the interpretation of the Federal Constitution, disputes between the States and between a State and the Federation, and on cases in which jurisdiction is conferred on it by Federal law. The High Court will also act as an Appeal Court from superior courts in the States in cases involving the interpretation of the Constitution. The Supreme Council may refer questions as to the interpretation of the Constitution to the High Court for their advice.

(g) New provisions for amending the Constitution are introduced.

(h) Provision is made for a review of the Constitution. Three years after Aden's accession the Supreme Council shall convene, at the request of any State, a conference of delegates from all States to review

the Constitution and, if necessary, to recommend amendments.

55. Aden's twenty-four members of the Federal Council have been nominated by the High Commissioner. On 28 January 1963 the Supreme Council selected four of them, including the Chief Minister, to be members of the Supreme Council. It was stated that these appointments were temporary until the Federal Council at its next meeting elects four of the twenty-four members from Aden to be Federal Ministers for a five-year term.

B. HEARING OF A PETITIONER BY THE SPECIAL COMMITTEE IN 1962

56. Although the Special Committee did not consider the question of Aden at its meetings in 1962, it circulated 13 petitions concerning the Territory (see para. 58 below) and heard one petitioner, Mr. Ali Luqman, Secretary-General of the Peoples Congress. Statements were also made by the representatives of Yemen and the United Kingdom (see A/5238, chap. XII, paras. 54-63).

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

57. The Special Committee considered the question of the situation in Aden at its 149th to 164th and 169th meetings, held between 17 April and 10 May 1963, at its 170th meeting, on 10 June, and at its 187th to 189th, 191st, 193rd, 194th, 196th and 197th meetings, held between 3 and 19 July 1963.

Written petitions and hearings

58. The Special Committee circulated a number of written petitions concerning Aden, as follows:

(a) *In 1962*

Thirteen petitions. [*For a list of these, see A/5328, chap. XII, para. 53.*]

(b) *In 1963*

<i>Petitioner</i>	<i>Document No.</i>
United National Party	A/AC.109/PET.47
Mr. S. A. Alhabshi, Secretary-General, South Arabians League (SAL) (two petitions)	A/AC.109/PET.48
Sheikh Ali Ahmed and Haj Ali Saidi on behalf of 6,000 Aden Patriots	A/AC.109/PET.78
Sheikh Abdulla Omer Makh and others on behalf of 5,000 British Petroleum, Air Ministry and Port Trade Unionists	A/AC.109/PET.79
Syd Muhd Bin Muhd Buneidi and Sheikh Ahmed Muhd Am Sodani on behalf of 1,200 merchants and citizens in Aden ..	A/AC.109/PET.80
Peoples Socialist Party (PSP) (four petitions)	A/AC.109/PET.81 and Add.1
Mr. Abdulla Isa Fadhli for the Fadhli Trade Unionists	A/AC.109/PET.82
Mr. Louis Saillant, General-Secretary of World Federation of Trade Unionists (WFTU), Prague	A/AC.109/PET.83
PSP and ATUC (four petitions)	A/AC.109/PET.112 and Add.1 and 2
Mr. Abdo Hussein Adhal	A/AC.109/PET.113
Mr. A. R. Girgrah, Secretary-General, United National Party	A/AC.109/PET.114

⁴⁹ *The Federation of South Arabia (Accession of Aden) Order 1963* (London, H.M. Stationery Office).

<i>Petitioner</i>	<i>Document No.</i>
Sheikh Muhamed Farid, Minister for External Affairs, Federation of South Arabia	A/AC.109/PET.116
Independence Party, ATUC, Arab Woman Association, Al-Ittihad Al-Muhammadi, Istiqlal Party, Sports Union, Free Yezni Union, Arab Youth Organisation, Arab Students Association, Refugees from the Protectorates in America, Mr. Hassan N. Madry and others (seven petitions)	A/AC.109/PET.117 and Add.1
Mr. Ali Abdelkerim, Sultan of Lahej in exile, South Arabian Refugees in Saudi Arabia, Mr. Mohamed S. Bawzser, Secretary of Committee for the Liquidation of Colonialism in South Arabia, 41 representatives of groups and regions, 250 representatives of all provinces of South Arabia, and 10 other petitioners (six petitions)	
Mr. Salem Awadh Hudrami and others, refugees in Jidda	A/AC.109/PET.119
Mr. Albert Carthy, Secretary, Socialist International (two petitions)	A/AC.109/PET.129 and Add.1
Mr. Irving Brown, Director, International Confederation of Free Trade Unions (ICFTU)	A/AC.109/PET.141
Mr. Yahya Ibrahim Abdullah Kamarani and Mr. Arafat Mohamed Kamarani on behalf of Kamaran Island inhabitants (two petitions)	A/AC.109/PET.142 and Add.1
Mr. Abdullah Al-Asnag, Secretary-General of ATUC and President of PSP	A/AC.109/PET.150
Mr. Omer Salem Ba'pad	A/AC.109/PET.151
Mr. Ali Faris Al-Nahdi, Central Organisation for the Liberation of the Arab South, Djakarta	A/AC.109/PET.152

59. The Special Committee heard the following petitioners concerning Aden:

(a) Mr. S. A. Alhabshi, Secretary-General, SAL (149th, 150 and 155th meetings);

(b) Mr. Saeed Hesson Sohbi, representing PSP (150th, 152nd and 153rd meetings);

(c) Sheikh Muhamed Farid, Minister of External Affairs, Federation of South Arabia (154th meeting).

60. Mr. Alhabshi (SAL) said that the South Arabian case was clear and simple if the underlying complications were disregarded. The case was that of a dependent people living under United Kingdom rule and sovereignty. The South Arabians were not represented in any international forum or organization; they were not members of the free society of the world. It was for the United Nations to transform South Arabia into an independent country.

61. Though South Arabia was a political unit as far as the outside world was concerned, internally it was divided into some twenty-three or more States headed by a variety of sultans, sheikhs and amirs. Although the sheikhs were Heads of State as far as their peoples were concerned, they had no freedom of action and were bound to comply with the instructions and advice of the United Kingdom authorities in Aden. Under the advisory treaties none of them could maintain relations or conduct correspondence or negotiations with anybody, internally or externally, without the

previous consent of the United Kingdom authorities in Aden; none of them could negotiate even with another sheikh without that consent. Through the treaties the country had been divided up into more and more political units and more and more cut off from the outside world.

62. Once the United Kingdom had imposed itself as the *de facto* guardian, it was under an obligation to carry out the duties of a good guardian to care for the ward and promote its interests. That, however, had not been the case; the United Kingdom had never fed the people of the country, taken care of their health or promoted their economic, social, political or educational welfare in any way. Until 1956 there had not been a single secondary school in the whole of South Arabia except in the Crown Colony of Aden. There had not been a single indigenous doctor or lawyer in the whole Territory, and there were now about 104 hospital beds for the 1.5 million inhabitants of South Arabia; such was the achievement of the self-constituted guardian of the Territory, Mr. Alhabshi continued.

63. The South Arabians had for many years been under the mistaken impression that by the protective and advisory treaties they were bound to comply with whatever instructions and advice they were given by British officers in the Territory. Anyone who pointed out that the treaties were null and void according to international law was deposed and sent to gaol or banished. The people had made many attempts to express their aspirations and their desire for freedom and had on many occasions peacefully made representations and presented petitions, but they had always been met with repression. Many Arab leaders in South Arabia had been sent into exile or driven to the high mountains. Thousands of refugees were living in Yemen, Saudi Arabia and Indonesia.

64. Aden itself was governed directly by British officers, who were bound to observe to a certain extent the rules of justice. In the sultanates and the sheikhdoms, however, the British did not rule, themselves, but had set up a sheikh in each and vested him with despotic powers, under the control of the United Kingdom authorities in Aden. A sheikh who found a document of a nationalist movement in a man's possession could sentence that man without trial to twenty years of imprisonment and a fine of 20,000 shillings. That was why the people of South Arabia had failed clearly to demonstrate what they wanted. If fear were removed from them it would become clear that all South Arabians wanted freedom and unity and the right to join other Arab countries in their peaceful pursuits and in contributing to human welfare and civilization.

65. There had been many peaceful, legitimate and justified demonstrations in Aden, but they had all been met with repression and violence. Many people had been killed. In the tribal territories some of the tribes which sympathized with the national freedom movement had been punished by bombing and machine-gunning by the Royal Air Force; villages had been bombed, cattle killed and crops set on fire. A Minister in the House of Commons had admitted that there had been about 12,000 aerial sorties in those territories. These facts were unknown to civilized nations because correspondents were not allowed to report them.

66. As early as 1956 SAL had manifested the aspirations and demands of the South Arabians. There were three such demands: first the abolition of United Kingdom rule in South Arabia, Aden and Aden Protecto-

rate, and of any form of domination from outside the Territory; secondly, the maintenance of the unity of the Territory, secured and guaranteed by the United Nations and all Powers; thirdly, the transfer of all powers of government and rights of sovereignty to the people. If those three objectives were to be achieved, the present conditions of fear and terror must be removed. The United Nations should establish its presence in the Territory to supervise measures for removing the existing terror.

67. An attempt had been made to separate Aden from the rest of South Arabia and to make it a separate entity like Hong Kong, Singapore or Gibraltar, the petitioner went on to say. As early as 1956, therefore, SAL had insisted that Aden should be deemed to be part and parcel of South Arabia. To prevent the achievement of that objective the United Kingdom authorities had created the Federation, in which Aden had been merged. The South Arabians were not opposed to the concept of federation, but the Federation created by the United Kingdom Government was not a true federation; it was a confederation. Moreover, it comprised only some fourteen of the twenty-three or more States in South Arabia. At the present time there were four separate units in the alleged State of South Arabia. There were certain small but important islands which the United Kingdom planned to keep for itself, separate from the Federation and from South Arabia. The South Arabians were against that division; they wanted unity, not federation or confederation. The United Kingdom representative would probably claim that the Federation was a Government and that the United Kingdom could not interfere in its affairs. It must be emphasized that the Federation was absolutely devoid of any sovereign rights or power. It was unable to conduct any relations or maintain any communications with anyone inside or outside the Territory without the previous consent of the United Kingdom Government. Moreover, each State in the Federation remained subject to the protective and advisory treaties. Since the Federal Government was deprived of any power, Aden and the Protectorate remained dependent and non-self-governing. The South Arabians were denied their right to freedom and their right to maintain relations with their brother Arabs and with the rest of the world. It was for the United Nations to restore their rights to them. The Declaration on the granting of independence to colonial countries and peoples should be strictly applied to the Territory.

68. The Special Committee had been given the specific function by the General Assembly of ensuring the implementation of the Declaration. It would not be wise for the Committee to go into the many complicated details of the question of Aden, for the issue was not Aden's accession to or secession from the Federation: that was for the people of the country to decide. The Committee's function was to secure for the South Arabians the right of self-determination, so that they could decide on the political régime for their country and on their relations with other countries.

69. The South Arabians had three specific demands: they wanted to be free; they wanted to be united, not federated or confederated; and they wanted to keep the powers of government, in democratic institutions, with a constituent assembly. He appealed to the Committee to assist in bringing about the establishment of a constituent assembly, freely elected by the people under United Nations supervision.

70. Mr. Sohbi (PSP) said that his party regarded Aden and the Eastern and Western Protectorates as forming, together with the area now known as Yemen, a single Territory, which it referred to as the province of "Natural Yemen"; that view was supported in a book published in 1877 by Mr. F. M. Hunter, an English writer. His party considered the province of "Natural Yemen" to be a constituent part of the Arab homeland and its people a constituent part of the Arab nation. It felt that the liberation of the Territory from colonialism and its orientation along democratic and socialist lines would be a step towards the unification of the Arab nation, which would in turn contribute to the creation of a world based on the principles of humanism.

71. In 1839, after unsuccessfully trying to purchase the port of Aden, the British had seized it by force; indeed, he had once heard Sir Tom Hickinbotham, a former Governor of Aden, acknowledge that fact quite openly. The British had then proceeded to bring the surrounding areas under their control by concluding treaties with the local sultans, sheikhs and amirs. Those treaties had been obtained by deceit and treachery and had generally provided for the payment of large stipends to the sultan, sheikh or amir in return for the grant of protectorate rights and other privileges. Moreover, there was no time limit for their duration. It was hard to imagine any more fraudulent contract than the treaties concluded between shrewd political officers and ignorant sheikhs who were unaware of their contents. Yet those treaties were held to be binding not only on those who had signed them but on their successors. The truth was that the British had occupied the Territory by force, they had remained there by force and they continued to stay there by force. The treaties they had concluded were the only legal excuse they could produce for remaining in the Territory. If a tribe disobeyed a Government order, the British Resident or Governor would call a conference of his political staff and order the peaceful tribe to be bombed. The British claimed that the purpose of the treaties was to protect the tribes from outside aggression, but in 1915 the Turks had reached the very gates of Aden and had occupied Lahej until 1918, when their troops had had to withdraw from Arabia under the terms of the armistice.

72. The frontier with Yemen had been defined in the Anglo-Turkish convention of March 1914, but after the First World War the Imam of Yemen had quite logically refused to be bound by that convention. The British had pressed him to recognize the boundaries defined by the convention; they had encouraged the tribesmen to rebel against him and as a last resort had begun bombing Yemeni towns and villages. In 1934 the Imam had been obliged to yield and had concluded the Treaty of San'a,⁵⁰ which provided that pending the conclusion of the negotiations the existing situation would be maintained and that no violation of the frontier would be allowed. The Imam had concluded the Treaty for two reasons: first, because fighting had broken out over the disputed territory of Najran, and secondly in order to stop the British raids and bombing operations in the southern part of the country. Even after the conclusion of the Treaty the United Kingdom had continued its aggressive policy, the purpose of which was to spread fear among peaceful peoples so as

⁵⁰ Treaty of Friendship and Co-operation, signed at San'a on 11 February 1934.

to suppress any anti-imperialistic movement. British policy in the occupied part of southern Yemen was to sow the seeds of dissension and encourage separatist movements. The power of each sultan, prince or sheikh was consolidated, and he was given a free hand in the administration of his area. British troops were stationed in camps and ready to go to the help of a sultan when the tribes revolted against him.

73. Although the Protectorate had been occupied by British troops for almost a century, there were no indications of modern civilization. During the past ten years some primary schools had been built, but there were no secondary schools. There was not a single clinic in any of the sheikhdoms or amirates, with one exception, namely the Fadhli Sultanate, where the Cotton Board was interested in developing the country. There were no proper roads outside Aden. In most parts of the Protectorate goods were still exchanged by barter. There was nothing which could properly be called a legal department or a code of laws. The sultans wielded despotic power despite the presence of the British political authorities who were supposed to guide them in civilizing and educating their people. In Aden itself the Arab inhabitants had been given no share in the government of their country; they were simply one community among many. People of every creed and colour had been encouraged to come to Aden so that when the time came for liberation conflicting interests would make the process more difficult. That policy had first been revealed during the elections to the Legislative Council. While immigrants from Commonwealth countries had been given the franchise, indigenous inhabitants, who came mostly from the north, had not been allowed to vote.

74. After the Second World War Arab political consciousness had begun to be felt in the Colony, the petitioner continued. Early in the nineteen-fifties political parties had begun to spring up: the Aden Association stood for internal self-government within the Commonwealth; SAL wanted a union including both Colony and Protectorate to form an independent entity; the National United Front had been the predecessor of PSP and its stated policy had been union with the Protectorate and Yemen and the setting up of a Yemen Arab Independent Republic; ATUC had come into being as an answer to the bad conditions of the workers and was now, with PSP, the most powerful organization in the Territory. From its inception ATUC had tried, first to defend and protect the interests of the workers, secondly to lead the people in their struggle for liberty. It had been successful in both respects. After failing to reach agreement with the employers ATUC had resorted to strikes and had also launched a campaign against United Kingdom policy in Aden and the Protectorate. The people had responded favourably to its call to boycott the elections to the Legislative Council in 1959 as a result of which 76 per cent of those entitled to vote had boycotted the elections. The main reason for the opposition of ATUC to the Council was, however, that while citizens of Commonwealth countries were given the right to vote, the majority of the Arabs from the North were denied that right.

75. In November 1962 ATUC had called a general strike as a protest against unlimited immigration of Commonwealth citizens to Aden and the Protectorate, the deportation of its members, the unlawful merging of Aden with the South Arabian Sultanate Federation against the wishes of the people, the frequent trials of

trade unionists by British courts and the imprisonment of nationalists.

76. In an endeavour to curb the power of ATUC the Administration had imprisoned four of its leaders on a charge of publishing seditious materials, its President and others had been imprisoned for participating in the strike, an ordinance prohibiting house-to-house collections had been passed and a state of emergency had been declared.

77. The Federation of Arab Amirates of the South⁵¹ had been established in 1959 by a treaty between the United Kingdom Government and the local rulers. The United Kingdom retained control over the Federation's foreign relations. The Federation undertook to accept and execute any advice from the United Kingdom with regard to any matter affecting its government, provided the Federation was given the opportunity to express its views thereon, and to permit the United Kingdom to have military bases in the lands of the Federation and to allow the United Kingdom forces absolute freedom of movement on land and in the air. Aden had now acceded to the Federation.

78. Founded in July 1962, PSP was co-operating with ATUC in leading the people in their struggle. The party's first action had been to declare a general strike on 23 July 1962 in protest against the secret talks about the merger of the Colony of Aden with the Federation. The party had been and was strongly opposed to the merger because the latter had been imposed by force without the people's consent. It wanted Aden and the Eastern and Western Protectorates to be united with Yemen, of which it considered them to be a part.

79. On 24 September 1962, when the Legislative Council, under the protection of United Kingdom troops, had agreed to the accession of Aden to the Federation, it had called for a peaceful march, in which 25,000 people had taken part despite the use of tear gas and baton charges by the police. Many demonstrators had been sentenced to imprisonment and many had been flogged.

80. His party's aims and demands were described in a memorandum, dated 24 September 1962 and addressed to the Governor of Aden (see A/AC.109/PET.81). It was still seeking self-determination, in accordance with the United Nations Charter, but the situation in Yemen had changed since the memorandum had been written. Before the revolution in that country the situation in Aden and the Protectorate had been better than under the rule of the Imam, and his party had been looking forward to liberating the North. Now, however, changes were taking place throughout Arabia and the people were seeking Arab unity. His party held that Aden was part of Yemen and of Arabia as a whole.

81. The memorandum could not be published in Aden itself because it might be regarded as seditious and might provide grounds for prosecution. Shortly before he had left Aden his party's headquarters had been raided by police, who had seized some 200 to 300 copies of the memorandum. Aden was now a real police State. The name of every nationalist was on the black list, and nationalists were openly followed. The two newspapers which had been supporting his party had been banned and now the party could not even publish a circular without a licence, since such a circular

⁵¹ The Federation was renamed the Federation of South Arabia in 1962 (see para. 40 above).

could be deemed to be a newspaper. In September 1962 the Commissioner of Police had ordered his department not to issue any permits for meetings, processions or gatherings. Other examples of the infringement of basic human rights in Aden were the High Commissioner's reserved power to legislate on any matter if he considered it expedient, the proposed Ordinance to regulate societies and the treatment of political prisoners.

82. The Industrial Relations Ordinance of 1960 under which strikes were forbidden had been widely condemned by world labour organizations. The section in question referred to "a trade dispute or otherwise", the words "or otherwise" having been included at the request of the Attorney General, in order to cover political strikes. Those words had been the subject of appeals both in Aden and in Nairobi.

83. The petitioner's party, PSP, was demanding the evacuation of the United Kingdom military bases, the abrogation of the London Treaty, the abolition of the Industrial Relations Ordinance of 1960 and the restoration of human rights in occupied Southern Yemen, namely, Aden and the Western and Eastern Protectorates. It also demanded the lifting of the restriction imposed on the Press and on public meetings and speaking; the replacement of the unlawful legislative and executive bodies in Aden and the Protectorate by truly representative bodies; and the holding of free general elections throughout Southern Yemen under United Nations supervision, so that the people of the area could elect their genuine representatives and unite with the Arab Yemen Republic.

84. Sheikh Muhamed Farid stated that he was speaking on behalf of the Federation of South Arabia which was still little known to the world at large, and that he intended to correct some misleading statements which had been made before the Committee. He held the portfolio of Minister for External Affairs in the Government of the Federation. He explained that when the Federation had been formed it had been decided that, although final responsibility for external affairs must continue to be exercised by the United Kingdom Government, that would not be done without the fullest consultation with the Federal Government. Moreover, since the Federation was bound eventually to become independent, the existence of the post of Minister for Foreign Affairs would provide the necessary prior experience.

85. Before the occupation of Aden by the United Kingdom 124 years earlier, the country had been split up into numerous tribal areas in each of which the chiefs had exercised a loose authority and had owed allegiance to no superior governmental authority. It was true that in 1635 the rulers of Yemen had extended their authority and influence eastward into some regions of South Arabia, but their penetration had been limited in scope, and, for example, the Sheikdom of Upper 'Aulaqi had never come under Yemen's authority. In any event, the Yemeni intrusion had come to an end in 1728. After that time there had been no evidence that any Yemeni ruler had exercised the slightest authority over the region, and when the United Kingdom had occupied Aden in 1839, Yemen had neither protested nor come to the assistance of the Sultan of Lahej. Yet Yemen had at that time been fully independent, and it would certainly not have permitted the United Kingdom to occupy Aden if it had regarded that territory as its own.

86. After 1872 the chiefs had sought the United Kingdom's protection against Turkish and Zaidi encroachment from Yemen, and they had concluded treaties with the United Kingdom authorities at Aden. The chiefs had been empowered to speak on behalf of their people. It had, of course, been a commonplace in the nineteenth century for a colonial Power to enter into treaties of that kind and then to gain complete control over a region which in fact became a colony. The Aden Protectorate had not, however, suffered that fate. The tribes and the chiefs had maintained their independence, which had been threatened by the Turks rather than by the United Kingdom. Similarly, when after the collapse of the Ottoman Empire at the end of the First World War, Yemen had laid claim to the Aden Protectorate and had invaded part of the country, its only achievement had been to rouse opposition to Yemen and not to the United Kingdom. The resentment against the United Kingdom at that time had been due solely to its failure to act sufficiently quickly to expel the Yemeni invaders.

87. The country, however, had remained poor and cut off from the forces of progress. Consciousness of that fact had developed during and after the Second World War, and finally the United Kingdom's aid and advice had been sought to set up better administrative systems and to promote economic and social development. Though progress had not always been as fast as could have been desired, the ten years following the war had seen substantial changes and the birth of small States with their own administration and judicial systems. That had happened at a time when all over the world the peoples of the colonies had been attaining independence. Although the people of the Aden Protectorate had never been directly subjected to colonial rule, the contacts made possible by modern means of communication had aroused in them a desire to be fully independent and to live on a footing of equality with their brothers in the other Arab countries.

88. If what had been stated before the Committee had been true, the people would at that time have overwhelmingly sought union with Yemen. The Yemeni Government had certainly done its best at the time to encourage such a movement. However, it had succeeded only in enlisting the services of a comparatively small number of mercenaries who had been employed to cause disturbances. Those elements had seriously interfered with the progress of the country, but they had failed to arouse among the people any desire for union with Yemen. On the contrary, the great mass of the people had showed opposition to Yemeni influence, the reason being that they were not Yemeni and wanted independence on their own terms.

89. The main obstacle to independence had clearly been disunity, but, there again, the people had wanted unity on their own terms. That was why they had rejected an earlier attempt by the United Kingdom Government to unite the various States in a federation. The proposals put forward in 1954 had envisaged a colonial-type government with a United Kingdom Governor at its head. The rejection of the 1954 proposal had delayed progress. Nevertheless, the desire for union had persisted and had later been intensified by the Yemeni Government's activities. On 11 February 1959 six States had taken the initiative in joining together to establish the Federation of Arab Emirates of the South. Since then eight other States, including Aden itself, had joined the Federation. The negotia-

tions, in which he himself had participated, had taken months of effort, and it was false to state that they had been carried out without consultations. The agreements that had finally been reached had subsequently been ratified by the State Councils on which the representatives of the tribes sat. Thus, no one could say that the Federation had been imposed by force; it was on the contrary the outcome of an initiative taken by the States.

90. The Federal Government's authority extended to external affairs, defence, internal security, education, health, communications, and posts and telegraphs. The Federal Government shared responsibility with the State Governments for agriculture, fisheries, commerce and industry, and other matters. Thus, there could be no question of its being an autocratic and feudal government lacking a representative character and without popular support. Even the great Powers were not agreed as to what constituted "democracy", and very different systems of government all claimed to be democratic. It was obvious that a system of government should be related to the particular conditions of the country concerned. In the Federation of South Arabia an attempt had been made to achieve a compromise between the conventional forms of democracy and local customs. The two Councils of the Federation were organized on a democratic basis, since the Federal Council was composed of the representatives of States, and the Supreme Council was elected by them. Again, with the exception of Aden, nine-tenths of the people of the Federation were organized in tribal, clan and family units and were still firmly attached to traditional practices. Those families and clans had always chosen their leaders, not by voting, but after discussions in which the entire membership could participate. The leaders so elected then met to elect the tribal chiefs. That was still current practice although it had been modified in some respects. The heads of the States were elected in the traditional manner of the tribal chiefs, and the members of the councils which shared with them in the government of the States were similarly chosen from among the clan leaders. In some cases, as in Dathina which was a republic, representatives were elected to district councils, and they in turn elected representatives to the State council. In other cases, as in the Sheikdom of Upper 'Aulaqi, representatives were elected direct to the State councils. In yet other cases, the members of the Federal Council were elected directly by the tribes. Those practices were truly democratic, although that did not rule out consideration of more formal electoral procedures, as was actually being done in the States of Lahej and Fadhli.

91. The relationship between the United Kingdom Government and the Federation was governed by the Treaty signed on 11 February 1959. Under that Treaty, the Federation had ceded to the United Kingdom its control over foreign affairs, while reserving the right to be consulted. The United Kingdom, for its part, had agreed to assist the Federation by providing for its defence, giving it technical advice and financial aid and, generally, helping it to become fully independent. Thus the Federation was by no means a typical colonial territory. In particular, the High Commissioner had no reserve powers in respect of the Federation or the Federal Government. In addition, although the High Commissioner had "power of advice" on certain matters, he had never used it, and, to judge from what had happened so far in the different States, it was

most unlikely that he would use it in the future. The Federation, in fact, exercised full control over every aspect of government, except for foreign affairs, and even in that case it was extensively consulted when its interests were involved. Recently, for example, when relations had been broken off between the Somali Republic and the United Kingdom, he, in his capacity as Minister for Foreign Affairs, had impressed on the United Kingdom Government the desire of the Federation to retain its link with Somalia, and the Somali Consulate in Aden had remained open.

92. Aden occupied a special place in the Federation. Although Aden was now a member of the Federation, the United Kingdom Government retained its sovereignty there for the time being. The Federation had accepted that arrangement because of the special responsibilities of the United Kingdom in Aden. It was not possible to obtain all that one wanted in an agreement. The United Kingdom had been in Aden since 1839, and, consequently, there had been no alternative but to request its aid and advice. The United Kingdom had granted that request and, in all sincerity, had made a large contribution to the very substantial progress made in the economic and social spheres since the creation of the Federation.

93. During the coming year, the Federation proposed to spend more than a million pounds on education and almost as much on public health. Social services were already highly developed in Aden, and important progress had also been made in the rural areas.

94. Recapitulating the progress made, he recalled that four years previously the region had been split into a number of small States, none of which could possibly have aspired to independence. Aden had been under the full control of a colonial Government. Today, however, fourteen States were united in a Federation which—apart from the case of Aden—was fully independent in every respect except for foreign affairs. Having regard to the history of the country and to various unavoidable difficulties, the progress made was most encouraging. The Federation was an almost entirely independent State and could be expected to achieve full independence without undue delay.

95. In conclusion, he said that his country was not part of Yemen. It was, however, inhabited by Arabs and, once it had become independent, it would seek a place of respect in the Arab world. In order to attain that goal, it was counting on the assistance and sympathy of all peoples of goodwill.

96. Mr. Alhabshi (SAL) in a further statement said that he considered that the Territory of Aden was a dependent territory within the meaning of the Declaration on the granting of independence and that it was incumbent upon the Committee to ensure that the provisions of the Declaration were applied to it.

97. He drew attention to the assertions by Sheikh Farid that the Federation of South Arabia was a sovereign State, adding that no government worthy of the name could permit interference by an international organization. Yet he had made these statements before the Committee, whose competence was limited to dependent Territories.

98. He also drew the Committee's attention to the Hadhramaut, which consisted of three States in the Eastern Protectorate representing more than half the Territory and which would not become part of the Federation. The Committee should consider that prov-

ince as an integral part of the territory of South Arabia or of the Aden Protectorate. This province, which was rich in manpower and agricultural and mineral resources, must at all costs be prevented from becoming, sooner or later, another Katanga.

99. Mr. Sohbi (PSP) in a further statement said that Sheikh Farid represented nobody but himself. His party had never recognized the so-called Federation and its organs, the Supreme Council and the Federal Council, or the so-called Aden Legislative Council, because they were not created by popular will and their only purpose was to serve United Kingdom interests.

100. It was entirely untrue that PSP and ATUC consisted solely of persons born in the North. He used the word "North" advisedly, because the territory as a whole was Yemen. Sheikh Farid was well aware that the petitioner had been born in Aden and that his father had been born in Aden, as had the five members of the Presidential Council of PSP. The Party had been established by the leaders of ATUC, who had suffered fines and imprisonment because of their sacred struggle against the British and the reactionaries. He stated that ATUC and the entire intelligentsia of the country were all united in PSP. The base of the Party was labour, but it represented all classes of society and its members were mainly from the various provinces of the Protectorate. Actually, 70 per cent of the members of the oil refinery union—one of the most powerful in the country—were Aethalis.

101. Sheikh Farid had said that from 15,000 to 20,000 persons were working at the Aden base. Actually, the number did not exceed 6,000, without allowing for the vacancies caused by deportations. The Sheikh claimed that the workers were well paid, but he had failed to point out that the consumer price index was the highest in the Middle East.

102. Sheikh Farid had forgotten to mention how many leaders and members of the Forces Trade Union at the Aden base had been thrown into prison or deported because of their fight for better living conditions. He had also failed to mention how many United Kingdom officers had testified against them. Nor had he described how, in 1962, the five members of the First Emergency Committee of the Forces Trade Union had been dragged into court and how an attempt had been made to force them to sign a bond that they would give up their trade union activity. When they had decided to call a general strike, they had been thrown into prison.

103. Sheikh Farid had refrained from saying that the last settlement between the Forces Trade Union and the United Kingdom forces had not been a final one. The British were exempted from customs duties and taxes and from the payment of rent, despite the fact that they occupied the best land. Apart from the meagre subsidies provided by the United Kingdom, the country derived no benefit from the presence of the armed forces—quite the contrary.

104. Just as the people of Aden glimpsed the possibility of being reunited with their mother country, the British had resorted to another trick. The so-called Federation was even worse than the colonialists, because behind the camouflage of Arab leadership, it represented only the interests of the United Kingdom. He hoped that one day the supporters of the Federation would take their places beside the nationalists, who were waiting to welcome them. Although he had con-

sistently championed the cause of unity with his Northern brothers, Mr. Sohbi was not opposed to self-determination for the Territory, because he knew that his party enjoyed the support of the people and was confident that unity would come with independence.

General statements by members of the Committee

105. The representative of Iraq said that Aden and the surrounding areas, known from 1959 as the Federation of Arab Emirates of the South, had always had the closest relations with Yemen. Ever since the ninth century the various sheikhs and amirs of the Southern Arabian coast had acknowledged the sovereignty of the rulers of Yemen. During the nineteenth century, however, the United Kingdom had become interested in securing control of the Arab lands on the route to its imperial possessions in Asia. As early as 1802 a so-called Treaty of Amity and Commerce had been concluded with the local amir of Aden. The amir had had no right to conclude treaties with foreign Powers, but in the course of the nineteenth century the United Kingdom Government had concluded many such illegal and unequal treaties with the petty sheikhs and princelings of the Southern Arabian coast and the Gulf area.

106. The Treaty of Amity and Commerce had soon been found inadequate to meet the United Kingdom's desire for greater control over the area. In 1837 there had been an incident in the port of Aden involving a British Indian vessel. The United Kingdom Government had rejected all offers of compensation and had demanded that Aden should be sold to it for use as a coaling depot for British ships. That demand had unexpectedly been accepted and the United Kingdom had had to find another pretext for occupying Aden. On 19 January 1839 British forces had bombarded and occupied Aden because the Sultan of Lahej had insisted on maintaining his nominal sovereignty over the town. Since then Aden had been a Crown Colony administered first through the Government of India, and since 1937 by the Colonial Office in London.

107. British control over the hinterland had been extended through so-called protective treaties concluded during the latter part of the nineteenth century, when the opening of the Suez Canal had made South Arabia and the Gulf very important for British imperial communications to India and the Far East. Numerous such treaties had been concluded with the various sultans, amirs and sheikhs of the area, who had no legal sovereignty over the lands and peoples in whose name they had accepted such far-reaching obligations. Moreover, the treaties had been completely unequal, having been concluded between weak and helpless local tribal leaders and what had been at that time the greatest empire in the world. From 1936 onwards the agreements had been amended by so-called advisory treaties which, while maintaining the basic provisions of the Protectorate, made the acceptance of advice from the Governor of Aden compulsory.

108. Yemen had never recognized the legality of the treaties and had never relinquished its claim to sovereignty over Aden and the Protectorate, the representative of Iraq went on to say. Fighting had broken out between Yemeni and British troops and had continued intermittently until 1928, when negotiations had begun which had ended in the Treaty of Friendship and Co-operation signed in 1934. The Government of Yemen had not given up its claim, but had agreed that pending negotiations nothing should be done to

upset the *status quo*. That had subsequently been confirmed in an exchange of letters on 20 January 1951 between the United Kingdom and Yemeni Governments in which it had been agreed to establish a joint frontier demarcation commission and both sides had undertaken not to alter the *status quo* in the disputed areas before the conclusion of the commission's work. In spite of those undertakings, the United Kingdom Government had continued its endeavours to change the situation with a view to preventing the restoration of the territories to Yemen. Since the conclusion of the Treaty of 1934 the question of sovereignty had been held in abeyance pending agreement; it was therefore clear that anything that prejudged the question of sovereignty or prejudiced the right of one of the claimants must be considered a violation of the spirit, if not the letter, of the Treaty. Yet that was exactly what the United Kingdom Government had sought to do during the past ten years.

109. It must be remembered that the strategic and political concepts of British imperial policy had undergone a drastic change after the Second World War. The loss of the Indian Empire and other colonial territories in South East Asia had coincided with the discovery and production of oil in the Gulf area. The usefulness of Aden as a coaling station and a naval base had become a thing of the past. A new importance had been found for it, however, with the rapid expansion of Middle Eastern oil production. In 1954 a large oil refinery had been built at Aden, and the area was to be built up as a major military base for use in case of emergency. It would be remembered that that had been a period when the United Kingdom had returned in the Middle East to the policy of using force to gain political objectives.

110. After the Iraqi revolution of 14 July 1958 a new attempt had been made to consolidate British control in Southern Arabia. In February 1959 the Federation of Arab Emirates of the South had been established and had concluded a treaty with the United Kingdom Government under which the United Kingdom maintained complete and exclusive control of foreign affairs. The protective treaties and advisory agreements remained in force and British forces had absolute freedom of movement and installation at all times.

111. The control and influence of the United Kingdom Government over the territories was not derived from written engagements alone but was based on the relationship of subservience between the feudal sheikhs and the United Kingdom. The final element of the plan to consolidate British control over South Arabia had been to include Aden in the Federation, as had become apparent after the publication of the latest White Paper on Defence, which showed that the United Kingdom intended to keep land forces permanently stationed in Aden and the Gulf. In addition to the desire to maintain a permanent military base, the Federation had been imposed on the people of Aden in order to perpetuate the separation of the town and its hinterland from Yemen. The haste with which the Federation had been rushed through Parliament and put into effect might be explained by a desire to neutralize the effect on South Arabia of the changes that had taken place in Yemen, where a progressive Government had taken over. The revolution in Yemen and the emergence of a progressive Government had removed any doubts which the liberal elements in Aden might have had about reunion with Yemen. As he had stated before

the General Assembly at its seventeenth session, on 20 November 1962, the consent of the people of Aden to the Federation had never been obtained (1170th plenary meeting, para. 77). The federal plan had been adopted by the so-called Legislative Council, which had been elected under a most undemocratic franchise. Over 76 per cent of the population had boycotted the elections in 1959, and the elected members had obtained the votes of not more than 2 per cent of the population. Eight of the twelve elected members had abstained, and only four had voted for the Federal plan. Thus the destinies of the people of Aden for at least six years had been decided by a minority vote of a council chosen on the basis of a highly restrictive and selective franchise.

112. Article 2 of the so-called treaty between the sheikhs of the Federation of South Arabia and the United Kingdom Government for the inclusion of Aden in the Federation stated categorically: "Nothing in this treaty shall affect British sovereignty over Aden".⁵² It was hardly necessary to point out the inconsistency of that article with the Declaration on the granting of independence to colonial countries and peoples. The United Kingdom Government could exclude or withdraw from the Federation any area or areas within Aden at any time; furthermore, Aden had no right to withdraw from the Federation except with the approval of the United Kingdom Government and not before the expiration of six years. Even if such withdrawal were effected, Aden would still remain a British colony. Thus the Federation was primarily aimed at maintaining the colonial status of Aden and at preserving the authority of the United Kingdom Government in the area. That was done in a variety of ways. For example the Governor, or High Commissioner as he was now called, could overrule any decision taken by the Federation on matters concerning defence, external affairs and internal security. Hence, even in the unlikely event of the tribal sheikhs asking for real independence or demanding the withdrawal of the military installations from Aden, the United Kingdom Government could veto their demands. Aden was a military base and would remain one, whether the inhabitants or the people of the other Arab countries which were directly threatened by the base liked it or not. It was to remain for ever a colony in order to maintain British domination over the various oil interests in the Middle East.

113. The people of Yemen, Aden and its hinterland had opposed the Federation precisely because it served British colonial interests. Moreover, it strengthened the feudal and backward régime of the sheikhs at a time when, with the liberation of Yemen, the oldest citadel of feudalism and reaction in the Arab world had fallen. The policy of the United Kingdom represented an effort to stem the tide of progress and freedom. Because of that the people of the Territory were resolutely opposed to its colonial plans and had made their demands clear. They were: first, the dissolution of the present legislative bodies; secondly, new elections, based upon universal suffrage, under United Nations supervision; thirdly, free exercise of the right to self-determination under adequate international guarantees. New elections must, however, be preceded by reforms in the electoral laws, introducing the principle of universal adult suffrage and the right to vote for all Yemeni people residing in the Territory. In the past

⁵² Treaty for the Accession of Aden to the Federation of South Arabia.

Yemenis from the north had been disqualified from voting on the ground that they were not British subjects, although they had more in common with the people of the Territory than British subjects from other parts of the world who had been given the right to vote after only two years' residence.

114. It might be useful for the Special Committee to send a visiting mission to Aden and the hinterland, to contact the representatives of the people, examine conditions and report with recommendations on the best and most expeditious means of implementing the Declaration on the granting of independence to colonial countries and peoples and restoring the unity of the people of South Arabia with their brethren in Yemen.

115. During the century and a quarter that Aden had been under British rule very little had been done to raise the economic, social and educational standards of the people. United Nations documents showed how primitive and backward conditions were in Aden and the surrounding areas. Public health had been sadly neglected, with the result that the Colony and the Protectorate had one of the highest rates of child mortality in the world. Secondary education was practically non-existent in the hinterland, while not more than 2 per cent of the population attended school at any level. Economic and social conditions in the Territory would be examined by the Committee on Information from Non-Self-Governing Territories; he had mentioned the appalling conditions in Aden and the Protectorate only to emphasize the need for quick and effective action.

116. Political repression of the nationalist political parties had continued with increasing violence during the past decade. Many political leaders had been exiled or imprisoned. In September 1962, when the federal plan had been under consideration by the Legislative Council, Mr. Al-Asnag, the Secretary-General of ATUC, had been flogged and sentenced to one year's imprisonment, and Arab lawyers in Cairo who had been retained to defend him had been refused permission to do so. Mr. Al-Asnag and others had been sentenced for distributing a pamphlet describing the events of 24 September 1962, when the people had demonstrated against the federal plan, and for fomenting a strike. All strikes in Aden were illegal, irrespective of their cause or type.

117. It was often argued in explanation of the United Kingdom's reluctance to meet the nationalist demands in South Arabia that it had certain obligations towards the rulers. In fact, however, the obligations of the United Kingdom to the so-called Middle Eastern rulers had no moral or legal validity. Instead of supporting those feudal and reactionary potentates the United Kingdom Government would do well to recognize the great emerging force of progressive nationalism in the Middle East, a force that shared with the British people their cherished ideals of freedom and the dignity of man. Furthermore, it was clear that whatever interests any country had in foreign lands could be secured only through the good will and friendly co-operation of the peoples concerned. The United Kingdom Government had a great and unique opportunity to improve its reputation in the Arab world and to protect its interests in a more rational and lasting way. It must be aware of the changes taking place in the Arab world, the result of which would be to unify the Arab people and to chart for them a road of progress, freedom and dignity. The United

Kingdom had a great opportunity to react to those historic developments with realism and statesmanship. The delegation of Iraq hoped that it would agree to the suggestion that a visiting mission should be sent to the Territory as a prelude to guaranteeing the exercise by the people of their right to self-determination in conditions of freedom and democracy.

118. The representative of Syria stated that his delegation wished to bring home to the Committee the gravity of the situation created by British constitutional plans for the area and the continued denial of the right of self-determination. The United Kingdom Government's recent move was designed to give the impression that it was at long last endeavouring to meet its obligations under the Charter and under General Assembly resolution 1514 (XV) but nothing could be further from the truth.

119. An eminent British scholar had rightly said that Crown Colony government was essentially a perpetuation of subordinate status rather than an introduction to self-government. The recent changes had done nothing to alter the subordinate status of South Arabia or to meet the legitimate aspirations of its people. The representative of Iraq had already explained how the area had first come under British domination. The British had been actuated by imperial interests and had not the slightest concern for the well-being of the people involved. Aden and the hinterland, or Protectorate, had been occupied against the will of the people and divided into small emirates, sheikhdoms and sultanates to suit British interests. The treaties to which the imperial Power so often referred, had been concluded under duress and were consequently illegal. It was obvious that no people would of their own volition ask for foreign rule. Even assuming, for argument's sake, that some had done so, they had been either deceived or backward individuals and hence not entitled to mortgage the future of the whole people forever.

120. During the long period of British domination, nothing had been done to improve the lot of the people or prepare them for self-government. The appalling social, educational and economic situation described by Mr. Alhabshi at a previous meeting was sufficient proof of the imperialist Power's utter neglect of the welfare of the people, while the information provided by the United Nations Secretariat and the petitioner's statement showed how the people had been kept in a state of complete dependence on the so-called advice or the direct rule of the British authorities.

121. In July 1961 a member of the British Parliament had written that Aden and the Aden Protectorate had originally been brought into the British orbit because they served British imperial requirements and that more enlightened modern principles of freedom, self-determination and international justice demanded that, with the same motive and wisdom that the United Kingdom had had in liberating India and other imperial possessions, it should seek to implement those principles in Aden colony and the Protectorate. Unfortunately nothing of the sort had been done. On the contrary, the United Kingdom Government had sought to reinforce its sway, for that was the purpose of the Federation of South Arabia, to which Aden had to accede against the will of its people. It was well-nigh impossible to argue that the Federation was designed to promote the constitutional evolution of South Arabia towards unity and independence. As the petitioners and the representative of Iraq had pointed out, the

real purpose of the Federation was to guarantee British strategic and economic interests.

122. It could legitimately be asked whether that action was morally right and whether it could be considered legal, opposed as it was by the overwhelming majority of the population. The following facts about the so-called Federation of South Arabia would be hard to deny.

123. First, it was an imposed Federation, having no regard for the will of the people. Aden had been forced to join it, and its people had not been consulted. The matter had been settled between the United Kingdom Government and the Legislative Council of Aden, whose elected members had received no more than 2 per cent of the popular vote, and the people of the rest of the Federation had never been consulted. In accordance with the usual British practice, the consent of the sheikhs, amirs and sultans—and that was not always freely given—had been sufficient to bind the people.

124. Secondly, the Federation did not alter the subordinate status of the area. It was openly stated in article 2 of the Treaty that nothing in the Treaty should affect British sovereignty over Aden. The Treaty provided that the Federation must accept and implement in all respects any advice given by the United Kingdom in any matter connected with the good government of the Federation.

125. Thirdly, the Federation, while open to other States which might wish to join it, also provided for secession, moves in either direction being subject, of course, to United Kingdom agreement. Thus divisions were maintained, parochial interests encouraged, and the clear desire of the people of South Arabia to be united and independent totally frustrated.

126. That situation was contrary not only to the United Nations Charter but to the Declaration on the granting of independence to colonial countries and peoples. Not only was the will of the people of South Arabia being thwarted, but their freedom was being subjected to all sorts of limitations.

127. The Syrian delegation found it difficult to comprehend that policy, since the United Kingdom had been among the first colonial Powers to speak of the "wind of change" and to attempt to bend in its direction. The United Kingdom was not serving even its own interests by endeavouring to perpetuate its domination over South Arabia contrary to the wishes of the people, who were longing to regain their freedom and to reunite with their mother country, Yemen.

128. The tide of unity and liberation was sweeping over the whole Arab world and neither parochial nor imperial interests could stem it in South Arabia. In the name of the Declaration on the granting of independence to colonial countries and peoples and in the name of progressive humanity, the Syrian delegation urged that the constitutional sham imposed on South Arabia should be completely demolished. The people of South Arabia were asking for self-determination and the right to live as free people in their own homeland.

129. The Syrian delegation therefore urged the Committee to call on the United Kingdom Government to issue a general amnesty for all political prisoners, to allow all exiles to return and to rescind such laws as suppressed freedom of political activity and all other freedoms in Aden and the Aden Protectorate.

130. Secondly, the Committee should call immediately for general elections, on the basis of universal adult franchise, in all parts of South Arabia under British rule. The existing Legislative and Supreme Councils did not represent the people and should be dissolved.

131. Thirdly, the Committee should urge the United Kingdom Government to accede to the will of the people and to proceed immediately to the application of the Declaration embodied in resolution 1514 (XV).

132. The Committee would be well advised to send a mission to the area to recommend suitable means of ensuring the prompt realization of the legitimate aspirations of the people, in conformity with the historic Declaration.

133. The representative of Cambodia said that in its approach to the question on Aden his delegation was not going to expatiate on the distant or recent past of the Territory, or on the considerations of an economic, social and military nature, since the Special Committee was aware of the present situation thanks to the document prepared by the United Nations Secretariat⁵³ and to the information on certain aspects of the problem supplied by the petitioners and the representative of the administering Power.

134. It was clear to his delegation that resolution 1514 (XV) was wholly applicable to the Territory of Aden; in other words, to the Colony of Aden, the islands administratively attached to it and the Protectorate composed of a large number of small States. A petitioner had expressed the hope that the United Nations would adopt a resolution on the application of the Declaration on the granting of independence to colonial countries and peoples, contained in that resolution, to the people and territory of Aden. Actually, Aden was a Non-Self-Governing Territory in respect of which the administering Power had agreed to furnish information under Article 73 of the United Nations Charter, and there was no doubt that the Territory of Aden even in its present form came within the purview of the Committee, since it had not yet attained independence. Immediate steps should therefore be taken to transfer all powers to the inhabitants of Aden, without any reservations in accordance with their freely expressed will and desire, in order to enable them to enjoy complete independence and freedom.

135. The first concrete measure would be to create conditions that would enable the population to make its aspirations known freely. The enjoyment of fundamental human rights and freedoms, the exercise of political rights, the introduction of universal adult suffrage, were far from assured in the Territory, and its present status could not be considered valid in spite of the attempts that were made to give that status the appearance of legality. It was obvious that the future of a country could not be based on the approval of a Legislative Council which, taking into account the opposition of eight of the twelve elected members, did not, after all, represent even 1 per cent of the population.

136. Moreover, the present status of the Territory did not appear to conform to the principles mentioned in the Declaration on the granting of independence to colonial countries and peoples; certainly the use of the term "protectorate", which had now been given to the whole of the Territory, was not likely to encourage

⁵³ Conference room paper, distributed to participants only.

the belief that colonialism had been abandoned. Cambodia, which had also been a protectorate, had learned what that meant by hard experience. The clauses of the new treaty with respect to Aden left no doubt concerning the part played by foreign domination.

137. In the view of his delegation, the principle of self-determination in accordance with the United Nations Charter should be applied. To that end, it was necessary: first, to suspend implementation of the treaty, on which the people had not been consulted; secondly, to rescind measures restricting the exercise of fundamental rights and freedoms; thirdly, to introduce the free exercise of political rights; fourthly, to disband the present Legislative Councils and hold general elections throughout the Territory of Aden. In working out those various measures, a United Nations visiting mission could make a useful contribution. As to the evacuation of military bases and possible unification with another country of the region, the people of the Territory of Aden could decide on those questions in full sovereignty once they were independent.

138. The representative of the Soviet Union reminded the Committee that the question of the United Kingdom colonies in South Arabia had been considered by the Special Committee in 1962. Since that time, as was indicated by the numerous petitions received from parties and organizations representing the indigenous population, tension in the area had been increased, because of the new measures taken by the United Kingdom colonialists to maintain their domination.

139. The crumbling of the United Kingdom's colonial empire in the Middle East was already a historical fact. It was a great victory for the Arab peoples. Nevertheless, the United Kingdom persisted in trying to maintain itself in South Arabia. During the past few years the United Kingdom's colonial policy had exhibited a marked tendency towards the creation of so-called federations. The Committee had already dealt with the Central African Federation, and everyone knew what lay behind that. The old policy of "divide and rule" had failed in South Arabia. The United Kingdom had therefore tried to exploit the desire for unity of the peoples of the Arabian Peninsula, who saw in unification a possibility of putting an end for all time to their dependent status. It had decided to create the Federation of South Arabia in order to mask its domination. That so-called Federation was a new form of the earlier colonial domination, as was indicated by the very methods by which it had been established.

140. On 18 January 1963 Aden had been made a part of the Federation of South Arabia because the United Kingdom politicians considered that to be the only way they could keep the Territory, and hence all of South Arabia, under the direct domination of the United Kingdom. Since the adoption of the Declaration on the granting of independence to colonial countries and peoples, it had become too risky to try to maintain the colonial régime in its previous form. The revolution in Yemen had complicated London's political machinations in South Arabia, and the United Kingdom, abandoning earlier plans, had concluded the so-called agreement making Aden a part of the Federation. London had, in fact, been dissatisfied with the number of countries in the Federation and its limited viability; it had therefore been important to include Aden, which was entirely subordinated to the wishes of the United Kingdom and was considered the political and economic cornerstone of the Federation. The United Kingdom's

plans went beyond that: the Federation was to be given internal autonomy, and it would then be proclaimed an independent member of the Commonwealth. Thus, while it would have an appearance of independence, the Federation would remain bound by the treaties which subjugated it for reasons of mutual aid and the maintenance of military bases. Moreover, the implementation of those plans, according to the United Kingdom, would lead to the legal recognition of the Federation by the other States.

141. Within the Federation, all power was held by the United Kingdom High Commissioner, who appointed and removed the chief ministers, while United Kingdom advisers to the sultans and amirs made sure that orders were carried out without protest. As had been stated by the Cairo newspaper *Al Akhbar*, the Federation was a bogus union which had been imposed by force and in no way expressed the will of the people. It amounted, in fact, to a continuation of the earlier order.

142. The situation in the United Kingdom colonies of South Arabia was marked by poverty, illiteracy and the lack of any public health measures, even though the United Kingdom had been in the region for 120 years. The Territories were in fact used as bases for maintaining the domination of the so-called free world, which was founded on the exploitation by the NATO Powers of the natural and human resources of Africa, Asia and Latin America. That world was free only in the same sense as the Roman Empire, in which Roman citizens had been free and many nations had been enslaved.

143. The Federation of South Arabia constituted a new example of political trickery, following after the Central African Federation, the West Indies Federation and the Federation of Malaysia. It must be remembered that there was oil in south-east Arabia and in the sheikhdoms of the Persian Gulf. Known reserves had amounted in 1957 to more than 9,200 million tons, or 40 per cent of the total reserves of the Near East. In 1958 half the oil of the eastern Arab world had come from that region, and, according to geologists, immense undeveloped resources still existed.

144. The strategic situation of the area must also be considered. According to a White Paper on defence published in 1962 by the United Kingdom Government,⁵⁴ the peace and stability of the oil States of Arabia and the Persian Gulf were of vital importance to the Western world. It was for that reason that the United Kingdom had reinforced its military establishment in the Middle East. In May 1962 the headquarters of the United Kingdom's naval forces in the Middle East had been transferred from Bahrein to Aden, which had thus become the headquarters of all three United Kingdom services in the Middle East. The *Daily Express* had stated that Aden was the last bastion of the United Kingdom in the Near and Middle East.

145. Aden was one of the United Kingdom's most important foreign bases, and about 10,000 men were stationed there the representative of the Soviet Union went on to say. When the United Kingdom had had to liquidate its Suez Canal military base in 1952, Aden had become an outpost in the battle against the national liberation movement in the eastern Arab world.

⁵⁴ *Statement on Defence. The Next Five Years* (London, H.M. Stationery Office), Cmnd. 1639.

That was the base from which United Kingdom aircraft had flown to bomb Egypt at the time of the Suez venture and from which they were currently flying to bomb the battling towns of Oman. Moreover, according to the above-mentioned White Paper, the United Kingdom was taking steps to expand its base in Aden to accommodate its troops currently stationed in Kenya. In other words, the United Kingdom was transforming Aden into a real military stronghold. According to its own Press, the United Kingdom was spending between £9 and £11 million annually on installations at Aden.

146. It was, however, becoming increasingly difficult to justify the maintenance of such bases. For that reason Western strategists had decided to conceal their bases under water, using submarines equipped with Polaris missiles. Those plans were directed not only against the socialist countries but, in general, against any country which refused to bow to orders from abroad. The existing network of nuclear submarine bases was eventually to cover the entire globe. The *Daily Express* of 28 January 1963 had stated that in addition to the nuclear submarine base at Rota, in Spain, which Franco had placed at NATO's disposal, and the bases at Naples and in Crete, a similar base was to be established in the Indian Ocean, that is, at Aden. Since, for the purposes of aggression against the Soviet Union, NATO had common frontiers with that country, it followed that the Polaris missiles at Aden would be directed not against the Soviet Union but against the neighbouring countries of the area.

147. In order to facilitate the execution of its plans, the United Kingdom had taken care to isolate South Arabia from the rest of the world, and, in particular, from the Arab world. Its only exception to that rule had been to allow United States monopolies to penetrate into South Arabia. The United Kingdom's policy consisted essentially of maintaining a climate of hostility between South Arabia and the other Arab nations. Until 1962 Yemen had been under the semi-colonial control of the United Kingdom, which had had every opportunity to strengthen the traditional ties between Yemen and South Arabia. In fact, it had taken every possible step to sow disunity. The true interest of the people of South Arabia was to unite all their efforts against United Kingdom colonial policy, and it was regrettable that there were still some people in South Arabia who had not understood that by associating themselves with the United Kingdom they were merely preparing new suffering for their nation. The military base at Aden and the Federation of South Arabia were in fact merely instruments which could be used for aggression against nations struggling for their political and economic independence.

148. According to the Press, the profits of the Shell Oil Company, which carried on its activities chiefly in the Arabian Peninsula and the Persian Gulf, had amounted to £500 million in one year. Instead of weighing the economic advantages which might accrue to the people from the existence of the Aden base, it would be better to consider whether it might not be preferable to return to the people of the area the oil which belonged to them, so that they might exploit it themselves.

149. The question of true independence for the people of South Arabia could not be settled until the problem of the military base of Aden was solved. Furthermore, the total liquidation of the colonial régime was closely linked to the cause of maintaining interna-

tional peace and co-operation. The Special Committee should therefore firmly reject all the subterfuges of the colonialists. It should support the demands in the petitioners' statements and in the written petitions from the inhabitants of South Arabia. A study of the situation in the United Kingdom colonies of South Arabia led to the conclusion that the so-called Federation of South Arabia ran counter to the interests of the population of those territories, that in the plans of the United Kingdom colonialists those territories were a stronghold for combating the national liberation movements and attacking the independent States in the region, and that the United Kingdom, with the assistance of the United States, intended to go on plundering the resources of the region.

150. It was therefore the main task of the Special Committee to work out practical ways of applying the Declaration on the granting of independence to the United Kingdom colonies in South Arabia. The Soviet Union delegation supported the demands of the people of South Arabia for the immediate abolition of the colonial régime, the withdrawal of all United Kingdom troops, the liquidation of military bases, an amnesty for all political prisoners and the granting of all political liberties to the indigenous people. It also supported the demands of the inhabitants for free elections with universal suffrage. The question of the future status of any particular territory was a matter which should be decided by the inhabitants when they could express themselves freely. At the present stage the Soviet Union delegation considered that it was possible to accept the proposal that a visiting mission should be sent to the area with the task of finding means of implementing the Declaration on the granting of independence. As Lenin had predicted as far back as 1922, the great majority of peoples had now freed themselves from the chains of colonialism and imperialism. There was no doubt that the people of South Arabia, too, would soon enjoy freedom and independence.

151. The representative of Sierra Leone said that the fact that the question of Aden and South Arabia was being discussed by the Committee for the first time should not lead it to minimize the gravity of the situation in that Territory. The Committee should seek every possible means of implementing resolution 1514 (XV) on the granting of independence to colonial countries and peoples. The people of Aden and South Arabia, like all non-self-governing peoples, had a right to self-determination and it was the duty of the Committee to help them to achieve their aspirations.

152. The United Kingdom, which wanted a foothold in the East, had been in Aden for nearly 130 years. As an administering Power it had accepted the "sacred trust", in accordance with Article 73 of the United Nations Charter, "to promote to the utmost... the well-being of the inhabitants" of the Territory, and, to that end (a) "to ensure... their political, economic, social, and educational advancement, their just treatment, and their protection against abuses"; and (b) "to develop self-government... and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory" and the stage of advancement of its people.

153. The Committee had heard petitioners representing various political groups. Furthermore, the representative of a minority group, the Acting President of the United National Party of Aden, had given an account (A/AC.109/PET.114) of the educational pro-

gress achieved in Aden, and the methods used to induce the United Kingdom Government to satisfy the aspirations of the indigenous peoples. He had argued that excellent results had been achieved and that Aden was on the road to self-government, the ultimate goal being to create a new independent and sovereign State which would include Aden and all the States of South Arabia.

154. The picture which the Committee had been given of the situation in the Protectorate, however, was far from satisfactory. Two petitioners, Mr. Alhabshi, of SAL, and Mr. Sohbi, of PSP, had described the efforts of the United Kingdom Government to stem the tide of progress; they had shown how, under the guise of offering protection and advice, the United Kingdom Government had sown disunity and discord in the Territory; they had informed the Committee of the lack of educational, social and medical facilities, of the acts of repression against political leaders and of the way in which the legitimate aspirations of the people were being met with terrorism, repression and deportation.

155. Such acts were contrary to General Assembly resolution 1188 (XII), which recommended that Member States having responsibility for the administration of Non-Self-Governing Territories should promote the realization and facilitate the exercise of the right of self-determination by the peoples of such Territories.

156. Although their methods might differ, it was obvious that all the political groups in Aden and the Protectorate were working for unity and independence. His delegation thought it was desirable that those groups should endeavour to reach a compromise among themselves so that they would be better able to present a united front in order to achieve independence at the earliest possible date. Sierra Leone, a former United Kingdom colony, was well aware of the divisions there might be in a subject people. Those difficulties, although great, were not insurmountable, and the Sierra Leone delegation was certain that the people of Aden and of the Protectorate would attain independence in the near future.

157. The representative of the Ivory Coast noted that until 1962 there had been a Federation of eleven States, called the Federation of South Arabia, and a colony officially called Aden Colony. Those two groups were under a colonial régime and had the right to attain independence by virtue of General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples, adopted in December 1960. On 18 January 1963 Aden had been attached to the Federation of South Arabia, of which it had become the twelfth territory. With or without Aden, the Federation of South Arabia remained a Non-Self-Governing Territory, within the competence of the Committee.

158. Having heard one of the petitioners, a Minister of that Federation, say that it desired independence, the Committee should ask for the implementation of resolution 1514 (XV) in the Federation. It should request the administering Power to take all the steps provided for in that resolution and to transfer sovereignty over the Federation to representative authorities democratically elected by the people. That was the position of the Ivory Coast delegation in regard to the general problem presented by the Federation.

159. On 18 January 1963 Aden had been integrated with the Federation, at the request of certain Aden Ministers but following a vote by the Legislative

Council which had obviously taken place in confusion. Furthermore, the wishes of the people had apparently not been consulted in that act of integration. In the view of his delegation the happiness of a people could not be achieved against its wishes and it consequently considered that that act could not be recognized.

160. The Ivory Coast delegation held that a Government was not entitled to alienate any of the national territory and it denied the right of anybody, no matter how representative it was, to ask for the annexation of a territory, unless that was in conformity with the expressed wishes of the people concerned. For that reason his delegation did not think that it could be said that the problem would be solved by the annexation of the Territory to another State.

161. In the opinion of the Ivory Coast delegation the only way of finally solving the problem of Aden was to secure the implementation of General Assembly resolution 1514 (XV). If that solution were not adopted, the problem would arise once more in different forms, and the Committee might no longer have the right to examine it; thus part of the population of a country would be robbed of the ability to make their voice heard. The solution his delegation would recommend was that a plebiscite should be held, under United Nations auspices, in that part of the Territory in order to determine whether the population of Aden wished to obtain independence separately from the Federation, integrated with the Federation, or attached to Yemen.

162. The representative of the United Kingdom said that his Government's policy towards Aden and the Protectorate of South Arabia was the same as for other territories under United Kingdom administration or protection, namely, to bring them to self-government and independence as fast as possible and thus to create a strong and prosperous new nation, at peace with itself and its neighbours. In many territories that goal had already been achieved; in others obstacles still remained. The principal difficulty in South Arabia had been the existence of numerous sheikhdoms, each proud of its own independence and, in the past, more concerned with its own local affairs than with the wider interests of South Arabia as a whole. The United Kingdom had not, of course, created that situation; the various rulers had made themselves independent of Yemen for a century or more before the British had arrived, and it had been largely in order to preserve their freedom from Yemeni incursions and Turkish rule that they had willingly entered into relationships with the United Kingdom Government. Contrary to the assertions of the representative of Iraq, the treaties were instruments of a kind fully recognized by international law and imposed a legal as well as a moral obligation on the signatories.

163. For many years the United Kingdom Government had encouraged the various rulers to join together to form a single State large enough to stand on its own feet and to achieve independence. As time went on the rulers had become increasingly conscious that their territories were too small to establish themselves as fully independent States, and the desire to unite in some way had been growing stronger each year. Finally, early in 1959, six of the States had on their own initiative formed a Federation for mutual defence and to foster political, economic and social development for the benefit of their country and its people. In the same year the Federation had concluded with the United Kingdom Government a treaty similar to vari-

ous treaties already in force between the United Kingdom Government and the individual States. Again, that treaty had been freely contracted and could at any time be reviewed or amended by mutual consent of the contracting parties. In the course of the ensuing four years five additional States had joined the Federation, which thus at the beginning of 1963 had comprised eleven members.

164. During the same period a series of meetings had been held between Ministers of the Federation and Ministers of Aden, at the conclusion of which, in August 1962, the Ministers had submitted a joint memorandum to the United Kingdom Government pointing out that the inhabitants of Aden and of the Federation were predominantly of Arab race and Moslem religion, shared a common language and regarded themselves as one people, and that all the Ministers were convinced that the ending of the division between them would be in the true interest of all who lived in the area. The memorandum had also pointed out that by increasing their economic strength and political stability the union between Aden and the Federation would accelerate the achievement of full independence. The Ministers had therefore requested the United Kingdom Government to give favourable consideration to the entry of Aden into the Federation. The Ministers had attached to the memorandum proposals for the amendment of the Constitution of the Federation to provide for the accession of Aden, proposals for constitutional advancement in Aden itself, provisions designed to protect fundamental rights and the freedom of the individual, and the text of a draft treaty to be concluded between the United Kingdom Government and the Government of the Federation. The proposals had been debated in autumn 1962 in the United Kingdom Parliament and by the legislatures of the Federation and of Aden itself, and approved by them. The Treaty had been signed on 16 January 1963, and two days later Aden had become the twelfth member of the Federation. In March two further States had joined the Federation, which now comprised the majority of the States of South Arabia.

165. A number of States, including three of considerable size and importance, still remained outside the Federation; the United Kingdom hoped that they too would choose to join, but that was a matter for them to decide.

166. Under the Constitution of the new Federation general executive authority was vested in the Supreme Council, which consisted of Ministers elected by a Federal Council from among its members. The Federal Ministers themselves might appoint or co-opt up to three additional members to the Supreme Council if they so desired. The Federal Council consisted of representatives from each of the States in the Federation. Each State determined the manner in which its representatives on the Federal Council were selected; in some cases they were elected by the State Councils, which were composed of representatives elected by the local people; in other cases they were elected directly in accordance with custom and tradition. The normal number of members was six, though Aden, in view of its special political, economic and social position in the Federation, had twenty-four members out of the total of eighty-five.

167. The legislative and executive authority of the Federation extended over a wide range of subjects. Under the Treaty of 1959 the conduct of external relations was entrusted to the United Kingdom Gov-

ernment, in consultation with the Federal Government. The Federation and the States had concurrent legislative and executive authority in a number of matters. The Constitution of the Federation also provided for the accession of other States and for the amendment of the Constitution itself.

168. The representatives of Iraq and Syria had ascribed great importance to the fact that the United Kingdom retained sovereignty over Aden itself. That was a legal point; from the practical point of view it was no obstacle to Aden's full participation as a member of the Federation. One reason why the United Kingdom Government had welcomed the establishment of the enlarged Federation was that it believed that close association within the Federation and with Aden would stimulate the development of the admittedly backward economies of some of the member States. The Federation would have little hope of making itself independent of the services provided by the colony of Aden. When the new nation achieved independence, which was clearly stated in the 1959 Treaty to be the eventual goal, it would thus have a greater chance of being a viable entity.

169. The representatives of Iraq and Syria, as also one of the petitioners, had claimed that South Arabia was part of Yemen. The fact was that Yemen had succeeded in occupying a part of South Arabia during the seventeenth century but by the beginning of the eighteenth century it had lost such control as it had established. By 1839, when the British settlement had been established, the various rulers had been independent for nearly a century. The Yemeni Government had persistently claimed that the States of South Arabia were an integral part of its territory, but those States rejected the claim. Only one of the petitioners, who represented that political party in Aden which drew its main support from Yemeni immigrant workers, had supported that claim. Much could be said on the subject, but since the Committee's concern was with the achievement of independence by colonial countries and peoples and not with the arbitration of territorial claims, he hoped that no more would be heard in the Committee of the Yemeni claim, which was both unfounded and irrelevant.

170. It had been alleged that the United Kingdom had done nothing for the Protectorate and even that its presence there was motivated by economic interests, whereas in fact the United Kingdom had spent nearly £15 million in the Protectorate alone over the past five years in aid of various kinds.

171. It had also been alleged that there were no laws in the Protectorate, the representative of the United Kingdom continued. In fact, there were three systems of law in force, namely, statutory laws enacted by the Federal Legislature or the legislatures of the individual States, Koranic law administered in accordance with Moslem custom by *sharia* courts, and customary law administered by *urfi* courts, which, like English common law, was uncodified. It had also been alleged that there were no newspapers in the Protectorate, whereas there were at least six.

172. With regard to the assertion that the present Government of Aden was unrepresentative, the facts were that the franchise was at present confined to those born or permanently resident in Aden, and thus excluded the Yemeni immigrant workers who came to seek work in the town. As it relied on the support of the Yemeni immigrants, PSP had naturally been disap-

pointed that persons who were not permanent residents of Aden were excluded from the franchise and had therefore decided to boycott the elections in 1959, but the refusal by a number of electors to exercise their voting rights did not alter the fact that the Government of Aden was constitutionally elected and could both make decisions on the future of Aden and carry them out. In any event, the franchise was to be reviewed before the next general election, which must be held within three months of the dissolution of the Legislative Council in January 1964.

173. There had also been allegations of restrictions on free political activity in Aden itself. In fact, SAL was free to operate in Aden; members of the party had complete freedom of movement, and an application on behalf of the League for a newspaper licence had recently been granted. Public meetings in Aden, as in many other countries, required prior permission from the police, and since January 1962 such permits had been issued three times to SAL and refused once. No one was detained without trial. The President and Secretary-General of ATUC had been tried and sentenced to short terms of imprisonment for offences against the law; both had now been released. No immigration control was exercised in respect of Yemenis, tens of thousands of whom freely chose to work in Aden, attracted by the good labour conditions and high wage rates. That fact alone showed that Mr. Sohbi's statement that there was a reign of terror in Aden was ridiculous. Their freedom to organize trade unions had also been evident from Mr. Sohbi's account of the membership and activities of the unions. Some Yemenis had on occasion broken the laws of Aden and had been deported back to their country of origin, a perfectly normal procedure between neighbouring States.

174. It was absolutely untrue that the United Kingdom military base at Aden was intended for aggression. Its purpose was to enable the United Kingdom to carry out its treaty obligations in the Protectorate and in the Middle East generally. Incidentally the presence of the base made a major contribution to Aden's prosperity, since British forces and their families spent something over £11 million a year there. The existence of the base did not constitute a hindrance to the constitutional development of the Federation and its progress towards eventual independence. He categorically rejected the various allegations that had been scattered throughout the Soviet Union representative's speech.

175. The issue before the Committee was not whether the small States of South Arabia should join together and form a strong and united nation. All the petitioners agreed that unity was desirable and indeed essential. There was no tradition in South Arabia of a strong central Government to which the United Kingdom could merely transfer power; indeed, until four years previously there had been no central Government at all. The creation of the Federation had simply been an expression of confidence by the rulers of six of the States that they could work together for the common interests of their people. No Federal organization or capital had existed at that time. Since then great progress had been made; the Federal and Supreme Councils were in operation, the Federal Ministers were in office and a new capital, Al Ittihad, had been founded and was growing rapidly. It had been a great and historic moment in the history of South Arabia when Aden had joined the Federation on 18 January 1963. Some attempts had been made in the Committee to

make political capital out of the way in which Aden's accession had been brought about. The fact was that the legal Government of Aden had clearly demanded the United Kingdom Government's agreement to its entry into the Federation. Had the United Kingdom rejected that demand, it would have unjustifiably maintained a major obstacle to independence by excluding the largest and most developed State, and the only port of the country, from the Federation.

176. With regard to the Federal Government itself, the Federation had just undergone a major transformation with the accession of Aden, the representative of the United Kingdom went on to say. Only three months had passed since that momentous event, and it would take some time for the administrative, political, economic and social consequences to appear.

177. Allegations had been too freely made in the Committee that the Federal Government and the Governments of the other individual States were unrepresentative. Those allegations were untrue. Sheikh Muhamed Farid had described to the Committee how many of the State Councils were elected and how those Councils chose their Federal representatives. There was nothing undemocratic in that system. The fact that two of the political parties in Aden had chosen to boycott the elections did not mean that the representatives of the other two parties that had been elected were unrepresentative. Nevertheless, the United Kingdom Government did not claim that the present electoral methods were final; all parties agreed that the franchise must be reviewed, and that would be done before the next election. In the remaining States of the Federation, the rulers and their State Councils intended to bring their electoral methods into line with the practice in other countries as soon as local conditions make it practicable to do so. That, however, was a matter for the States themselves and not for the Federal Government or the United Kingdom Government to decide.

178. Some representatives had suggested that a visiting mission should be sent to Aden. There should be no need to reiterate his Government's objection on grounds of principle to the sending of visiting missions to Non-Self-Governing Territories under its administration. It had always been willing to co-operate with the Committee and to provide it with information, but under the Charter of the United Nations the responsibility for the administration of Non-Self-Governing Territories rested with the Administering Member concerned and not with the United Nations or with any of its subsidiary organs. The presence of a visiting mission in a United Kingdom Territory would clearly offend against that principle and constitute an interference in the Territory's internal affairs, and he was authorized by his Government to state that such a proposal would be unacceptable to it.

179. Such a procedure would seem particularly inappropriate where Aden was concerned, since, as he had said, his Government's policy was to bring the Territory to independence as early as possible. Intervention in the shape of a United Nations visiting mission would impede, not assist, that process.

180. The representative of Yugoslavia observed that the United Nations was confronted with a serious situation as a result of the United Kingdom's recent moves and its continued refusal to implement the Declaration on the granting of independence to colonial countries and peoples and to grant self-determination to the people of Aden. The history of the Territory

was characterized by the classic features of British conquest, designed to secure the United Kingdom's imperial routes and interests. During the past week the Committee had heard of a whole series of measures which had strengthened the domination of the conquerors. One of the steps taken to facilitate their rule had been the creation of a number of amirates, sheikhdoms and sultanates. The petitioners had revealed the true character and value of the treaties concluded between the United Kingdom and the various parts of Aden. The United Kingdom delegation represented the treaties as fair and valid, but in the eyes of the Yugoslav delegation they had been concluded between conqueror and conquered and were therefore illegal and devoid of value. It was in the light of that fact that his delegation judged all that had happened later and in particular the recent constitutional changes. The petitioners had ably analysed the treaties and there was no need to go into the subject again.

181. The petitioners had described conditions in that part of the world. Among other things they had stated there were no clinics, no proper roads and no social life in any of the sheikhdoms or amirates. He would not dwell on that aspect, since the Committee's basic task was to find means by which the Declaration on the granting of independence to colonial countries and peoples could be implemented. Nevertheless, it was necessary to stress once again that throughout the long history of British domination the welfare of the people of the Territory had been almost completely neglected, in spite of the administering Power's obligations under the Charter of the United Nations.

182. The real character of the constitutions given to the various parts of Aden had been made clear by the statements of the petitioners, the documents prepared by the Secretariat and the memoranda submitted to the Committee. Members were familiar with similar constitutions in other United Kingdom colonies, promulgated by the same Power to serve the same aims. Once again there were the reserved powers, the electoral qualifications, the *ex officio* and nominated members, and so on. There were the provisions assuring the administering Power of full control and giving it the means to take every step to protect its interests. The Yugoslav delegation's views regarding such constitutions were well known and had been expressed on various occasions in connexion with other United Kingdom territories. It demanded that constitutions should be the result of negotiations with the representatives of the people and based on the principles of the Charter. The people should be enabled to elect their representatives on the basis of universal adult suffrage.

183. Since the Second World War, and particularly during the past few years, the administering Power had made new efforts to maintain and reinforce its position, including the creation of the Federation of South Arabia, to which Aden had been obliged to accede. Ostensibly the aim of the Federation was to secure the constitutional fulfilment of the evolution of South Arabia towards unity and independence, but in reality it had been brought about without consultation and against the will of the population and formulated in such a way as not to alter in any degree the subordinate status of the whole area.

184. In his delegation's view the Declaration on the granting of independence to colonial countries and peoples must be implemented as soon as possible in South Arabia; the administering Power should im-

mediately proclaim a general amnesty for all political prisoners, rescind all laws contrary to basic human rights, hold free and impartial elections on the basis of universal adult suffrage and lift all restrictions on the Press and on public meetings and speeches. Future relations between the various parts of the country should be decided by the people themselves in conditions of freedom and independence.

185. His delegation supported the proposal that a visiting mission should be sent to the area to ascertain the wishes and views of the population.

186. The representative of Italy observed that the information given to the Committee by the United Nations Secretariat, the petitioners and the United Kingdom delegation had enabled the members of the Committee to form an adequate idea of the situation prevailing in the Federation of South Arabia. He would submit that some of the points raised by the petitioners and taken up by members of the Committee in their questions might have the effect of complicating rather than simplifying the issue with which the Committee was faced, namely, the application to the Territory of the Declaration on the granting of independence to colonial countries and peoples. For example, some delegations had placed great emphasis on the existence in Aden of a United Kingdom military base. Apart from the beneficial aspect of the base on Aden's economic situation, the Italian delegation considered that the presence of a military base within the boundaries of a territory was not necessarily an obstacle to the attainment of independence by that territory.

187. Another point which had been debated at great length was whether the Territory under consideration was a part, on historical grounds or otherwise, of Yemen and whether there was a genuine desire among the population of South Arabia that their country should be merged with that State. The Italian Government had always viewed with sympathy the aspirations to unity of the Arab peoples, but it did not think that the Special Committee could, without exceeding its mandate, express any opinion about the political future of the Federation of South Arabia. All the Committee could or should do was to declare that the people of the Territory should be enabled as soon as practicable to exercise the right of self-determination in the widest sense of the word and in consonance with the situation in the area.

188. In his delegation's view the creation of the Federation of South Arabia, in so far as it had been brought about with the consent of the people concerned, was a significant step towards the political unity of the region and the formation of a local representative government. That represented a considerable degree of progress in comparison with the situation a few years earlier, when there had been only a Crown Colony administered directly from Whitehall and a number of unorganized and unco-ordinated States. The Federation was but a first step; the Italian delegation was confident that the United Kingdom would transfer to the Federal Government, gradually but without undue delay, all the functions and powers of a full-fledged Government. He assumed in particular that the United Kingdom Government, in accordance with the method it had applied in other territories, would create the conditions necessary to permit the peoples of South Arabia to exercise the right of self-determination.

189. The representative of Madagascar observed that despite the confusion to which the contradictory state-

ments of the petitioners had given rise, they had been unanimous in recognizing that independence was the main concern of the people of Aden.

190. He found it particularly easy to appreciate their problems since Madagascar had known similar problems a few years earlier. Some among the Malagasy people had called for immediate and unconditional independence, while others, whose views had prevailed, had favoured gradual progress towards independence. That choice had been justified by developments. It was, however, difficult to suggest the same choice to the people of Aden, where the political and psychological context was different.

191. Madagascar would like to contribute to the improvement of the political atmosphere in Aden's relations with the United Kingdom. There, as elsewhere, it behoved the administering Power to decide to grant independence to the Territory in all urgency.

192. The Malagasy delegation welcomed the statement by the United Kingdom representative that his Government's objective was independence for Aden. It would, however, like that independence to be granted as soon as possible, in accordance with the Declaration contained in General Assembly resolution 1514 (XV).

193. The United Kingdom should bring together the conflicting groups emerging in the Territory—the champions of the Federation of South Arabia, who set their hopes on the United Kingdom's good intentions towards them, and the sceptics who wished to cast off colonial rule immediately. It was incumbent upon the United Kingdom not to disappoint the hopes of the Aden Government and, indeed, to anticipate its desires by allowing elections based on universal suffrage to be held under United Nations supervision and a visiting mission to be sent to the Territory to study the speediest means of implementing the Declaration.

194. By so doing the United Kingdom would demonstrate its sincerity and would dispel the uneasiness which accounted for the attitude of the opposition parties. It would thus put an end to internal divisions and would be able to grant independence almost immediately to a united people, without fear of leaving behind a country rent by the anarchy of tribal interests.

195. The representative of Mali said that General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples was applicable to Aden and the Protectorate States which, with it, formed the Federation of South Arabia.

196. In the fifth century A.D., in the pre-Islamic era, the Territory had been part of the flourishing State of Himyar ruled by sheikhs and amirs who had maintained order and security among the South Arabians and between them and their brothers to the North. The geographical situation and natural resources of the Territory had aroused the white man's cupidity. The British had disembarked on the coast of Aden in 1802 and had succeeded in persuading the Arab chiefs to accept treaties which had made them and their brothers slaves. Gradually those who had come to dispense knowledge had begun to behave like conquerors, and an incident in the port of Aden on 18 January 1839 had marked the beginning of colonial rule. The country had been divided into small provinces headed by chiefs who had been the docile tools of a policy of oppression. The sultans and amirs had ignored each other and had come directly under the authority of the British Governor.

197. Aden and the Protectorate covered an area of approximately 272,000 square kilometres, and probably nowhere else in the world was there a country so small and so divided. From outside, the country appeared to be one political unit, but internally it was divided into a multitude of States: it consisted of some thirty sultanates and amirates, with as many heads of State, flags and customs stations. The sultans and amirs had been ignorant feudal lords used in the service of a policy which in reality had not granted them any juridical sovereignty. The agreements they had concluded had not even left them the right to maintain contacts with the outside world.

198. It had long been thought that the colonial Power had been performing a civilizing mission in the country, whereas in fact the people had been kept in utter poverty and ignorance and the sole concern of the régime had been to profit from the natural resources and strategic position of the Territory. The statements of the petitioners and the documents prepared by the Secretariat bore witness to the failure of that alleged civilizing mission which in 125 years had done nothing for the education and health of the people: the school attendance rate was 2 per cent; there were virtually no secondary schools to produce the middle ranks of the civil service; there were fewer than 200 hospital beds available for a population of some 2 million. The economic situation was equally unsatisfactory.

199. After the Second World War nationalist political parties had been organized. They had had to fight against a most savage repression. Prominent leaders had been exiled or imprisoned. Such persons as undertook to organize trade unions had been subjected to arbitrary arrest and imprisonment. The Secretary-General of SAL, Mr. Alhabshi, who had addressed the Committee as a petitioner, had been compelled to live abroad ever since the League had been established in 1956.

200. In 1947 the United Kingdom Government had been forced to set up the first Legislative Council of Aden Colony. Elections had been held for the first time in 1955 to fill four of the nine seats reserved for non-official members. The Council had been reorganized in 1959, always on an anti-democratic basis. It had then consisted of twelve elected members, six appointed members and five *ex officio* members, one seat being reserved for the Governor, who was Chairman of the Legislative Council. The Executive Council, a faithful image of the Legislative Council, had consisted of five *ex officio* members and five members appointed by the Legislative Council who, strangely enough, had borne the title of "Minister". The electoral system, based on property qualifications, had been designed to deprive the people of one of its legitimate rights. In 1959, twelve members had been elected to the Legislative Council by only 6,000 of the 21,500 registered voters. Such a Council had clearly no representative value.

201. On 11 February 1959 the United Kingdom Government had set up a federation of eleven States, which had then been called the Federation of the Arab Amirates of the South, and had concluded a Treaty of Friendship and Protection with the new Federation, thereby trying to create the impression that it had played no part in the latter's establishment. On 18 January 1963 Aden had been attached to the Federation, against the will of the majority of the people, who had been demanding the election of a national government.

In the opinion of the delegation of Mali, the Federation of South Arabia was no answer to the people's desire for unity but was merely a new arrangement for the perpetuation of British rule in that part of Arabia. Aden and the Federation remained colonies. The Federation, while it served United Kingdom colonial interests, consolidated the feudal and reactionary régimes of the sheikhs.

202. Its strategic position made Aden an important base for the United Kingdom, which was using it to control that region of the Arab world and to defend its oil interests. In order to retain that choice position in the heart of a small country and to be able to play an important role in NATO, the United Kingdom Government squandered over £9 million a year on maintaining the base. The new Treaty between the United Kingdom and the Federation demonstrated clearly that it was the base at Aden to which the United Kingdom attached the greatest importance. United States oil companies had infiltrated throughout South Arabia. As Mr. Sohbi, the leader of PSP, had said, the Federation of South Arabia was in point of fact a mere manifestation of neo-colonialism.

203. The United Kingdom did not realize that by establishing the Federation it had given those whom it wished to keep in subjection for a long time to come an effective tool which they would turn against it sooner or later. It would not take the South Arabians long to draw the necessary conclusions from the contradictions and imperfections of the Federation. A parallel could be drawn with the *loi cadre* which had been designed to bind the African territories under French domination to neo-colonialism, but the Africans had known how to make of it the instrument of their liberation.

204. Many unfortunate errors could be avoided if the United Kingdom was sincerely desirous of shouldering its responsibilities. The people of South Arabia, who longed for freedom, were pinning their hopes on the British people, who had always shown justice towards those struggling for liberation from the colonial yoke. His delegation appealed to the United Kingdom Government to ensure that British realism and wisdom prevailed over selfishness and violence.

205. The delegation of Mali, like a number of other delegations, thought that a sub-committee should be sent to Aden to study the means of enabling the South Arabians to have their legitimate aspirations fulfilled at the earliest possible moment, in accordance with the Declaration on the granting of independence to colonial countries and peoples. The Malian delegation suggested that the following steps should be taken for the implementation of resolution 1514 (XV): first, a general amnesty for all political prisoners and permission for all exiles to return home; secondly, the abrogation of all anti-democratic legislation enacted by the colonial Power; thirdly, the unity of the Territory of Arabia, achieved with United Nations assistance; fourthly, the suppression of the sultanates and amirates, bulwarks of colonialism; fifthly, the holding of elections under United Nations supervision as soon as possible, on the basis of universal adult suffrage, with a view to the transfer of power to democratically elected representatives of the people; sixthly, the withdrawal of all foreign troops and, principally, the evacuation of the Aden base, which presented a permanent threat to the country and its neighbours.

206. The representative of Poland observed that so far the Committee had dealt almost entirely with

territories in Africa, but although it had now turned its attention to another area the basic problem remained the same. Although the tactics had changed, the strategy was still designed to perpetuate the colonial relationship. The area which the Committee was now considering was of particular importance since tension was an almost permanent feature of life there. The maintenance of the colonial presence and the determination to prevent the liberation of the people were the main sources of tension and instability in the whole of the Middle East. Since the Second World War many nations had successfully claimed the right of self-determination, and that process could not be stopped at the frontier of the United Kingdom's colonial possessions in the south of the Arabian peninsula.

207. Mr. Alhabshi, the representative of SAL, and Mr. Sohbi, the representative of PSP and ATUC, had given the Committee a picture of the appalling conditions prevailing in South Arabia after over 120 years of British protection. Not only had the administering Power done little to promote the economic, social and political welfare of the people, but no steps had yet been taken to implement the Declaration on the granting of independence to colonial countries and peoples. Moreover, the United Kingdom had evolved a new political and military plan, known as the Federation of South Arabia, with a view to tightening its grip on the territories in the Arabian peninsula. The plan was being carried out against the wishes of the peoples concerned and all effective opposition was met by a deliberate policy of repression and intimidation.

208. The long expected statement made by the United Kingdom representative at the previous meeting had not contributed to the solution of the problem; on the contrary, that representative had made an attempt, in a way, to deny the Committee's terms of reference and tried to divert its attention from the main issue to irrelevant problems.

209. A number of representatives had referred to the strategic importance and great natural wealth of the Middle East region and their impact on colonial policy. It had been freely admitted both in public statements and in written documents that the overriding political consideration behind the concept of federation was the maintenance of military bases in order to consolidate the United Kingdom's control over Aden and its other possessions in the south of the Arabian peninsula and to protect foreign oil interests in the Middle East in general. The reasons for that policy had been made clear in the White Paper on defence issued by the United Kingdom Government in February 1962 (see para. 144 above), which showed how the interests of powerful oil cartels, military bases and colonialism were inter-linked in South Arabia. It was solely for those reasons, and to arrest the rapid progress of the movement for national liberation in Asia and Africa, that from 1959 onwards attempts had been made to renew the old treaties of protection and advisory treaties under the guise of the Federation of South Arabia and, finally, to include Aden in it. If the administering Power really wished to promote unity among the peoples of the Arabian peninsula, it was difficult to see why it had provided for the possibility of detaching Aden or any part of the Colony from the Federation at any time when the United Kingdom Government considered such a secession desirable for the purpose of its world-wide responsibilities. That provision alone was a direct violation of the obligation of the administering Power under the Charter to

regard the interests of the indigenous inhabitants as paramount.

210. All the members of the Committee realized that the United Kingdom had world-wide responsibilities under Chapters XI and XII of the Charter, for the United Kingdom was still the biggest colonial Power and controlled numerous territories and dependent peoples in all parts of the world, but in order to discharge those responsibilities there was no need to maintain a military base; nor was there any need to have recourse to military force to implement the provisions of the Declaration on the granting of independence to colonial countries and peoples and to transfer all powers to the peoples of the territories. Two reasons had been given by the United Kingdom representative for the presence of the United Kingdom base in Aden: first, that it enabled the United Kingdom to carry out its treaty obligations in the Protectorate and in the Middle East generally; secondly, that the base made a major contribution to the prosperity of Aden. As far as the second reason was concerned, he maintained that the base exposed the population of Aden and the surrounding area to the risk of their lives in exchange for a doubtful advantage. It contradicted the unanimous conclusion of the Secretary-General's consultative group on the economic and social consequences of disarmament that the diversion to peaceful purposes of the resources now in military use could be accomplished to the benefit of all countries. That was particularly true in the case of under-developed countries such as Aden and the Protectorate.

211. With regard to the alleged treaties of protection imposed by the United Kingdom on various sheikhs, amirs and sultans in South Arabia in the years following British military occupation of Aden in 1839, it was obvious that protectorates were today an anachronism, the representative of Poland went on to say. In fact protectorates had always been a form of colonial control and the division between the so-called protectorates and other types of dependent territories was rather artificial, especially in the light of the Declaration on the granting of independence to colonial countries and peoples, which had finally done away with the division of peoples into civilized and non-civilized, those who were ripe for independence and those who were not, and with what was called the sacred trust. The Protectorates were based upon treaties which from the outset had been unequal and in fact had been imposed under duress, without one of the parties most concerned being able to have its rights reflected and without realizing all their implications. Hence they were not valid instruments and could not be invoked as bases of any right or claim.

212. The Colony of Aden had been joined to the Federation by an agreement with the Aden Legislative Council, a body whose few elected members had obtained not more than 2 per cent of the votes of the population in the boycotted elections of 1959. The imposed Federation had brought about no change in the subordinate and dependent status of Aden and the Protectorate. It did not affect the United Kingdom's sovereignty over Aden or the High Commissioner's reserved powers to rescind any decision on matters concerning internal security, defence or external affairs. Furthermore, the treaty concluded by the United Kingdom Government with the Federation for the inclusion of Aden safeguarded the United Kingdom's right to maintain military bases in the Federation and the right of free movement of United Kingdom forces and au-

thorized United Kingdom aircraft to fly over the territory of the Federation and to carry out such other operations as the United Kingdom might deem necessary. Moreover, the Hadhramaut and the islands were excluded from the Federation, the first for the possible exploitation of oil resources and the second for the establishment of new military bases in the event of the United Kingdom having to leave Aden and the Protectorate. All those arrangements were, of course, inconsistent with the letter and spirit of General Assembly resolution 1514 (XV) and were resolutely opposed by the people of the area, who rightly saw in the so-called Federation of South Arabia an endeavour to separate the area from the movement towards unity and to create an appearance of independence while in fact retaining and even increasing the United Kingdom's control over the Territory.

213. The evidence given to the Special Committee by the representatives of PSP, ATUC and SAL, as also the many petitions received from other organizations, clearly demonstrated that the people of Aden and the Protectorate were determined to liberate themselves from colonial rule. The Polish delegation fully supported the demand of the Arab people for the immediate termination of colonial domination and the transfer of sovereignty to the people themselves, in order that they might freely determine their future in accordance with the provisions of the Declaration on the granting of independence to colonial countries and peoples. The Committee should urge the United Kingdom Government to grant an amnesty to all political prisoners and exiles, to abrogate all laws suppressing the activities of political parties and trade unions and to ensure the granting of democratic rights and freedoms to the peoples of all its colonial possessions in the south of the Arabian peninsula. It should also call for the withdrawal of foreign troops and the dismantling of all military bases in Aden and the Protectorate. Those steps would create favourable conditions for a general election to be held in the near future on the basis of universal adult suffrage. His delegation supported the proposal that a visiting mission should be sent to the area to ascertain the views of the people regarding the most appropriate ways and means for the speedy implementation of the Declaration on the granting of independence to colonial countries and peoples.

214. The representative of India quoted passages from the debate in the House of Commons in the United Kingdom, including a speech made by Mr. Dennis Healy, a member of the Labour Party, on 13 November 1962, to show that the steps that had been taken to enlarge the Federation of South Arabia by the inclusion of Aden were not only opposed by the majority of the people of Aden but had also earned the censure of the Labour Party. The Federation had been brought about in a manner which was inconsistent with democratic practice. Two of the three petitioners who had appeared before the Committee disapproved of the Federation. It was the Committee's task to see that resolution 1514 (XV) was implemented without delay.

215. Had elections been held before the accession of Aden to the Federation, the present difficulties and future upheavals could probably have been avoided. Obviously a Federation which was not approved by the majority of the indigenous people of the territories concerned could not ensure political stability nor democratic freedom and sooner or later must collapse. If

the Federation of South Arabia was to have any permanent value, the United Kingdom should take immediate steps to announce drastic and far-reaching legislative and electoral reforms which would lead to elections being held shortly in the area on the basis of universal adult suffrage.

216. The Indian delegation welcomed the United Kingdom representative's assurance that his Government's objective in Aden and the Protectorate was full independence as soon as possible. It hoped that that did not imply that the objective would be approached at a leisurely pace. It was disappointing that the United Kingdom representative had not mentioned specifically that the present electoral system in the Territory would be changed and universal adult suffrage granted to the people of the area. The Indian delegation had also hoped that a date would be announced for the holding of general elections in the Territory. No one could suppose that the present Constitution and electoral laws would produce a lasting settlement, since they were unacceptable to the vast majority of the people of Aden.

217. The Indian delegation had been disturbed to learn from the petitioners of the backward and primitive conditions in the area. It was the responsibility of the administering Power to ensure that Aden had more than four doctors, four engineers, six advocates and one accountant, the figures given by Mr. Sohbi in answer to a question put to him the previous day. There was also great need for increased educational facilities.

218. He quoted from the statements made by Mr. A. Q. Mackawee, in the Aden Legislature, to show that the members of the present legislature were not at all satisfied with the "shadow of power" available to them, without the substance, in view of the reserved powers vested in the British authorities.

219. The political atmosphere in the Territory was tense. Normal political life was restricted by the fact that a considerable number of political leaders had been exiled. The United Kingdom Government should promulgate a general amnesty for all political exiles, laws which infringed individual freedom of thought and expression should be rescinded immediately, political prisoners should be set free, the people should be guaranteed the free exercise of their political rights and the United Kingdom should without delay announce the date of general elections on the basis of universal adult suffrage.

220. Any attempt to resist the forces of freedom and democracy must inevitably lead to serious consequences. The United Kingdom Government must take steps without delay to transfer power to the people of Aden in accordance with their freely expressed wishes.

221. The representative of Bulgaria recalled that the United Kingdom had occupied Aden over 120 years previously, following a colonial war. By imposing so-called protective and advisory treaties, it had turned the entire Territory of South Arabia into a British colony. Nevertheless, the population of the country, where a great civilization had once flourished, had never accepted British domination, the cruelty of which had been characterized by the author of a petition who had declared that the Administration was manned by fanatical expatriates who would sacrifice the whole of humanity in order to fulfil their dreams. Notwithstanding measures of oppression which in certain cases had degenerated into wholesale massacre, numerous

uprisings had taken place. At present the struggle was gaining new impetus and had taken the form of armed resistance.

222. The problem was clearly a colonial one. No one, not even the administering Power, disputed the fact that Aden and the Protectorate were Non-Self-Governing Territories. Hence the Declaration on the granting of independence to colonial countries and peoples was fully applicable to them. The main task of the Committee was therefore clear: it was, in accordance with paragraph 8 of resolution 1810 (XVII), to seek the most suitable ways and means for the speedy and total application of the Declaration, and to propose specific measures toward that end.

223. The principal obstacle was the attitude of the United Kingdom, which was doing its utmost to perpetuate its domination indefinitely. That was why it had established the so-called Federation of South Arabia, in a manoeuvre designed to preserve British rule and to safeguard British economic and strategic interests. The annexation of Aden to the Federation in January 1963 had had the same purpose: it had been carried out against the will of the people, as was evidenced by the resistance and resentment displayed by the people of South Arabia. The United Kingdom authorities had met that resistance with the most cruel repression. The Secretary-General of SAL had stated in a petition (A/AC.109/PET.48) that the United Kingdom—as its responsible spokesman had admitted in the House of Commons in 1962—had used bombs, rockets and machine-guns against the tribesmen. Thus during a public meeting in the Sultanate of Fadhli the British forces had killed 25 persons and wounded 130. Other instances could be quoted: on 22 December 1950, 22 people had been killed and 57 wounded during a peaceful demonstration at Mukalla; in July 1952 12 workers had been killed and 232 wounded during a strike in Aden; on 11 May 1956 many people had been wounded during a demonstration in Aden; 29 people had been killed and 330 wounded, some 700 had been gaoled and some 2,000 deported to Yemen following incidents that had taken place on 30 October 1958.

224. With regard to other aspects of the situation in South Arabia, the same petition stated that in the field of public health the Administration left everything to nature, that famine and pestilence had taken a heavy toll amongst the people, that many inhabitants had been driven by poverty to leave the country and take refuge in Saudi Arabia, Indonesia or East Africa, that unemployment was rife and finally that 99 per cent of the population had never attended State schools. Except in Aden, where there were European communities, there was no hospital or maternity clinic, and water and electricity supplies were restricted to Aden and some other towns. Nothing had been done to improve the life of the people or to prepare them for self-government and independence. The argument that the British had to stay in South Arabia to see to such preparation was the least convincing of all, and the idea that the Arab people, who had contributed so much to civilization, needed British rule in order to learn to run their affairs was unacceptable.

225. The representative of Bulgaria went on to say that the United Kingdom was determined to remain in South Arabia for the purpose of selfishly safeguarding its economic, political and strategic interests. Aden in particular had always played an extremely important part in the United Kingdom's

imperial policy. That area had taken on a new significance with the expansion of oil production in the Middle East, and in order to achieve its economic and political objective the United Kingdom was maintaining in Aden a large military base equipped with the most modern weapons. That base had been used in the past for aggression against the peoples of Africa and Asia; it had been used against the national liberation movement in South Arabia and as a base for aggression against Yemen, Suez, Oman and Saudi Arabia. There was no doubt that it would be used whenever the interests of the United Kingdom and of its oil monopolies so required. The existence of the base represented a constant threat to peace and security in the Middle East and was inconsistent with the legitimate aspirations of the peoples of the area.

226. The Committee should consequently recommend specific measures to secure the speedy and total implementation of the Declaration on the granting of independence. The peoples of South Arabia were calling for the immediate abolition of colonial rule, the withdrawal of all British forces and the removal of the British bases, the release of political prisoners, the return of exiled political leaders, and the exercise of human rights, political freedoms and the right of self-determination. His delegation supported those demands. It was also in favour of sending a visiting mission to South Arabia for the purpose of finding ways and means of hastening the independence of the people. Their struggle was justified and the Bulgarian delegation was convinced that it would be crowned with success before long.

227. The representative of Chile said that the Federation of South Arabia was undoubtedly a Non-Self-Governing Territory and that the Committee should therefore seek the best ways and means of securing the speedy and total application to that Territory of the provisions of the Declaration on the granting of independence.

228. With regard to Aden, the Chilean delegation considered that it was for Aden's population to decide whether it wished to be independent, to be part of the Federation of South Arabia or to be joined to Yemen. The administering Power should be asked to co-operate in allowing general elections to be held on the basis of universal suffrage and in an atmosphere of calmness and respect for human rights. The speedy and total application of the Declaration on the granting of independence was the only possible solution of the problem, the basic causes of which should be remembered.

229. The Chilean delegation regretted that the idea of sending an investigation mission to the Territory had not been accepted by the United Kingdom. The information that might have been supplied by a sub-committee for that purpose would have been extremely useful, and its recommendations would have provided a firm basis for negotiation. The dispatch of such missions to Territories under study was one of the most effective procedures open to the United Nations. There was still time for the administering Power to reconsider the possibility of co-operating with the Special Committee, and the Chilean delegation hoped that with the assistance of the administering Power, the Committee would be able to overcome the obstacles currently confronting it.

230. The representative of Tunisia said that his delegation attached particular importance to the decolonization of Aden and South Arabia—one of the very few areas of the Arab world still subject to colonial rule.

As Tunisia has learnt from its own experience, protective treaties were but a polite form of conquest and he was glad to note that the United Kingdom Government had acknowledged that fact, since it recognized that the final objective of its presence in South Arabia was to guide that country towards full independence. Nevertheless, it was essential to know when and how Aden and its hinterland would obtain independence. As one of the petitioners had said, paragraphs 5 and 6 of General Assembly resolution 1514 (XV) left no doubt with regard to the need, first to transfer all powers immediately to the peoples of the territories concerned, and secondly to safeguard the territorial integrity of the areas involved. In the case with which the Committee was dealing, the United Kingdom was not taking any steps to grant immediate independence, or even to guarantee the integrity of the whole of the Territory under its administration.

231. Although his delegation fully understood the particular circumstances obtaining in South Arabia, it did not believe that there were any good grounds for delaying the country's independence. While it might be true that the creation of the Federation represented a step towards emancipation, the fact nevertheless remained that the federal formula that had been devised had at least three defects.

232. To begin with, it did not embrace the whole territory, and Mr. Alhabshi, one of the petitioners, had demonstrated very forcefully the danger of the "Kantanganization" of the Hadhramaut, which, like some of the other States, had not been included in the Federation. Thus the Federation was not the answer to the problem of territorial unity. Moreover, many of the States of which it was formed were mere travesties.

233. Furthermore, it was only to a very relative degree that the establishment of the Federation represented a first step in the evolution towards internal self-government. The representative of the United Kingdom had himself told the Committee that the 1959 Treaty resembled the various treaties already in force between the United Kingdom and the States concerned; in both its contents and its scope. That seemed to be a good indication of the limited nature of the self-government enjoyed by the Federation, which was still covered by the Protectorate treaties. That being so, it was easy to understand how Aden could be an integral part of the Federation while at the same time remaining under British sovereignty. The whole Federation came more or less directly under that sovereignty, although in internal matters the sheikhs and amirs enjoyed some freedom of action, as hitherto.

234. Lastly, there was nothing particularly democratic about the Federation. The federal organs were not representative bodies. In every federation the Legislature consisted of two Chambers, one representing the States and the other the people. Yet in the Federation of South Arabia the Chamber representing the people was missing, and the representation of the States was arranged according to peculiar methods inherent in the tribal system. In Aden itself, where society was not organized on a tribal basis, the Legislative Council represented only 26 per cent of the electorate. In stating that only two parties had boycotted the elections, the United Kingdom delegation had tacitly admitted that those two parties alone represented 74 per cent of the registered voters, not counting the people who had not been able to register owing to the conditions that were imposed with a view to limiting the right to vote. For

example, inhabitants of Yemeni origin were automatically excluded—an iniquitous rule considering that they were citizens who had lived in Aden for many years.

235. That systematic mistrust of anything to do with Yemen was not calculated to reassure the people about the intentions of the United Kingdom, which was generally accused of doing its utmost to prevent the possible union of the Territory with Yemen. The Tunisian delegation was not proposing that the powers at present exercised by the United Kingdom should be transferred to Yemen; what it wanted was that the prospect of a union between the two neighbouring brother countries should always be safeguarded. The actual powers should be transferred to representatives freely elected by universal suffrage and it would lie with them to determine when and how the Territory might be united with Yemen.

236. Another serious accusation that had been made against the United Kingdom and had not been refuted was that there was a reign of terror in the Territory. Was it or was it not true that at least two sultans had been deposed, that from time to time there had been bombing raids on the people, and that that fact had been admitted in the House of Commons? Those questions had remained unanswered, and it was of the greatest interest to the Committee to know whether that situation still prevailed. It was those bombing raids and other military operations that gave the military base at Aden its aggressive character.

237. The Tunisian delegation would certainly support the proposal to send a visiting mission. If the United Kingdom would make a real effort to understand, it should be able to agree to the sending of such a mission, which was in no way intended to share its responsibilities; the United Kingdom Government could be given every possible assurance in that respect. The Tunisian delegation therefore hoped that, without having to renounce its reservations of principle, the United Kingdom Government would be able to receive a visiting mission.

238. The representative of Venezuela said that his delegation had followed the discussion on the question of Aden with particular attention because everything that concerned the Arab countries was of special importance to Venezuela. There were many bonds linking Venezuela to the Arab people; it had signed agreements with a number of Arab countries with the object of establishing a common oil policy. The Venezuelan delegation was deeply concerned about the future of Aden and the other Arab States in the Territory, which had a population of about 1.5 million.

239. The Committee actually had very few facts about the situation in the Territory; the information available to it was incomplete and the statements the petitioners had made had been rather vague in some respects and had left some gaps and contained some contradictions on important points. Similarly the information provided by the administering Power left some doubts in the mind of an impartial observer which could only be dispelled by contact with the real situation.

240. It might be useful to draw attention to some points upon which the petitioners and the administering Power seemed to agree: they acknowledged that the first difficulty arose from the lack of political, economic and administrative unity. Yet unity was essential if a State was to be viable in the modern world. One of the petitioners had said that in his opinion the Federation was an important step in the direction of unity. Unity,

however, must be achieved in freedom, as Mr. Alhabshi had pointed out. The United Kingdom representative, for his part, had stated categorically that the objective of the United Kingdom Government in Aden and the Protectorate was to bring them to independence as soon as possible. There had, however, been much criticism of the Federation on the ground that it had not been set up as a result of a democratic consultation of the people. Mr. Alhabshi had said that it lay with the people of the country to bring about their own unity, either within the Federation or outside it. It could therefore be said that there was general agreement on the need for unity.

241. The only question upon which the administering Power and the petitioners did not agree was that of the procedure to be followed for the attainment of independence. One of the petitioners had asked for free and impartial general elections to be held under United Nations supervision. It was clear that the Committee could not intervene in internal questions, which could be settled only by the people concerned once they had achieved independence.

242. The petitioners were at one in recognizing the authority of the Committee in its mission to bring colonialism to an end and to seek ways and means for the speedy and total application to Aden and the whole of South Arabia of the Declaration on the granting of independence to colonial countries and peoples.

243. The Venezuelan delegation felt that the Committee should bear the above facts in mind, as also the obligations which devolved upon it in accordance with its terms of reference, as outlined in General Assembly resolutions 1514 (XV), 1654 (XVI) and 1810 (XVII). Paragraph 8, sub-paragraph (a), of resolution 1810 (XVII) invited the Committee to "continue to seek the most suitable ways and means for the speedy and total application of the Declaration to all Territories which have not yet attained independence". It was the duty of the Committee to protect the interests of the people, in accordance with the United Nations Charter. It should endeavour to ascertain what was the opinion of the majority of the population on the present situation and it should then be careful to ensure that the will of the people was freely expressed, and that it was respected.

244. Venezuela was and would continue to be an ardent defender of the right of self-determination. The Venezuelan delegation felt, however, that at the present stage the Committee was not in a position to make recommendations to the General Assembly, since it needed further information. The following might be the most effective procedure for enabling the Declaration on the granting of independence to be put into effect in the Territory. First, the Committee should hold direct conversations with the administering Power which would enable it to form a clear opinion of the situation in Aden and South Arabia. Secondly, it might be useful, following those conversations, for the Committee to send a visiting mission to Aden and South Arabia to obtain further information at first hand. It was true, as the United Kingdom representative had said, that it was the responsibility of the administering Power to lead the Territory towards independence, but it was equally true that it was the right and duty of the United Nations to see that the principles of the Charter were observed. The United Kingdom representative had repeatedly declared that his Government was firmly resolved to co-operate with the Special Committee; the

Venezuelan delegation therefore hoped that the United Kingdom Government would resolutely co-operate with the Special Committee with a view to finding jointly acceptable ways and means of applying the Declaration to Aden and South Arabia.

245. The representative of Tanganyika observed that the Committee was examining the question of Aden and the Federation of South Arabia for the first time. As conditions in the Territory were not well known, the working paper prepared by the United Nations Secretariat and the evidence of the petitioners had been particularly useful.

246. The Tanganyikan delegation's attitude towards the question was the same as that it had already taken on other colonial issues. There could be no compromise with the objectionable system of colonialism, which was contrary to human dignity and progress. According to Secretariat documents Aden had been under colonial domination for over 100 years and that for much of that period it had formed part of British India, by reason of its important position on the route to India. Yet the Territory's constitutional and economic development had been miserably slow. Only in 1947 had the first Legislative Council been formed in Aden, and the first elections had not been held until 1955. The franchise was still very restricted. The Tanganyikan delegation deplored the absence of a really representative Council and strongly endorsed the appeal for free elections, based on universal suffrage, which had been made by Mr. Alhabshi (SAL) and Mr. Sohbi (PSP).

247. The nationalist petitioners had shown how the colonial Power had encouraged division and antagonism, investing a multitude of sheikhdoms and petty chiefdoms with the rank of States. It was hardly necessary to say that that colonial practice of setting feudal and reactionary forces against progressive nationalist movements could delay self-determination and independence only for a while, since it was the nationalists who would have the power during and after the attainment of independence. The people of Aden and the Protectorate would have to engage in a bitter struggle for their freedom, as had happened in other parts of the world. But there was no doubt that the colonized peoples of Africa and Asia were determined to free themselves from colonial domination, as the President of Tanganyika, Mwalimu Julius Nyerere, had stressed at the opening of the third Afro-Asian Peoples' Solidarity Conference held at Moshi early in 1963.

248. The nationalist petitioners had drawn the Committee's attention to the repressive measures applied in the Territory—deportations, arrests, prison sentences, and so forth. They had also asserted that the Federation created by the colonial Power did not reflect the will of the people; and federations not based on the popular will were bound to fall, as was then being witnessed in the case of the Federation of Rhodesia and Nyasaland, which had been imposed on the African population. It was therefore incumbent upon the administering Power to heed the legitimate demands of the nationalist petitioners and to arrange for elections based on universal suffrage. It should make the country's various rulers understand that in the twentieth century the march of the peoples towards freedom and unity would not stop. Since not much was known about actual conditions in Aden and South Arabia, the Tanganyikan delegation considered that certain steps should be taken. First, there was a genuine case for the dispatch of a visiting mission. Secondly, a constitutional committee, accept-

able to all parties, should be set up to draft a constitution providing for universal adult suffrage. Thirdly, elections should be held and a responsible government established. Fourthly, all political prisoners should be set free and leaders then in exile should be authorized to return to the country. Fifthly, the United Kingdom should make a statement as to when it proposed to grant independence to the Territory in accordance with General Assembly resolution 1514 (XV). As its President had declared, Tanganyika would give its full support to all the Asian countries which had not yet won their independence.

249. The representative of Iran said that the provisions of resolution 1514 (XV) fully applied to the Territory of Aden and that the administering Power itself had recognized that fact, since it was regularly transmitting information on the Territories in question under Article 73 of the Charter of the United Nations.

250. In the opinion of the Iranian delegation, the Committee's main objective should be, in the matter of Aden, to apply the provisions of resolution 1514 (XV) and to seek the most effective means and methods of doing so. The present position, and the history of British colonization in that part of the world, had already been described during the debate; the Iranian delegation would therefore merely mention the measures which might, in its view, facilitate the Committee's task in its efforts to apply the resolution.

251. The Committee should invite the administering Power to organize in Aden, as rapidly as possible, free elections based on universal suffrage, so as to enable the population to express its will freely. Obviously it would be necessary, before such elections were held, to remove all the obstacles which, because of current legislation, prevented the people from exercising its political rights. All political prisoners should be freed, the political leaders in exile should be enabled to return to their country, and universal suffrage—the *sine qua non* for the exercise of the right of peoples to decide their own future—should be instituted. It could not be doubted that present conditions in the Territory were far from being in line with the objectives of resolution 1514 (XV); the population of Aden and the Protectorate—in other words, of the Federation of South Arabia—had not been enabled to state its views with regard to the 1959 Constitution, which had given birth to the present Federation.

252. The Iranian delegation endorsed the proposal, made by several delegations, to send a sub-committee to Aden to study the situation on the spot and make contact with the people and the leaders of the political parties. That step would enable the Committee to determine the means calculated to lead the Territory's population to self-determination and independence as rapidly as possible.

253. The representative of Ethiopia said that the debate on Aden and the Protectorate of South Arabia had shown that, whatever their status or the form of association chosen, those territories had remained dependent and had all the characteristics of Non-Self-Governing Territories. They came under Chapter XI of the United Nations Charter and the Declaration on the granting of independence to colonial countries and peoples, and the essential matter was therefore that of transferring all powers to the peoples of those Territories, in accordance with resolution 1514 (XV).

254. With regard to Aden's accession to the Federation of South Arabia, the United Kingdom representa-

tive had claimed that the Legislative Council of Aden had freely opted for such accession; he had also represented that such association would result in greater economic prosperity, thanks to the creation of a common market and to the influence which Aden's economy would inevitably have on the less developed economy of the rest of the Territory. He himself, like many other members of the Committee, would like to know to what extent the members of the Aden Legislative Council who had voted for Aden's accession to the Federation had, at the time of voting, represented the will of the people. In his own view, no one could claim that the choice arrived at by the Legislative Council had represented the choice of the population, expressed in accordance with the provisions of resolution 1514 (XV). As for the consideration of economic prosperity advanced by the United Kingdom representative, it could not in itself suffice to be of more weight than the process of self-determination. Any form of political association in South Arabia must be freely decided upon by the population, and the latter, before it could participate in any political association, must be in a position to decide its own future.

255. It was that principle upon which the Ethiopian Government's attitude in the matter was based, just as it had been based on the same principle in the matter of the Central African Federation. The Ethiopian delegation considered that the Committee's prime task must be to transfer the powers of government to the population of the Territory, and it would therefore support any resolution whereby ways and means of implementing resolution 1514 (XV) could be found.

256. The representative of the United States said that his delegation had listened with great interest to the debate and particularly appreciated the statements made by the petitioners, representing both points of view, who had its sympathy.

257. Until recently contact between the modern world and South Arabia, except for the great port of Aden, had been almost non-existent; the political institutions of South Arabia had adhered to traditional patterns, and economic and social development had been scarcely perceptible. The United States delegation was glad that the winds of change were now blowing in the whole area, and considered that that was a natural and desirable trend.

258. The United States had watched with interest the establishment and growth of the Federation of South Arabia. While a few years earlier there had been no truly modern institutions of self-rule, ministries under the direction of local leaders and civil servants had now been set up, a legislature had been formed and the process of accumulating experience in self-government had now begun in earnest.

259. The United Kingdom representative had said that the present political, economic and administrative patterns had to be advanced. The United States delegation was sure that the United Kingdom was sincere when it said that it was determined to bring South Arabia to self-government and independence as rapidly as possible.

260. The United States delegation would not comment at length on the present form of the Federation of South Arabia or on its ties with the surrounding areas. It would merely point out that the petitioners who had made statements in the Committee had agreed that a closer unity than that which had previously

existed between the small States of South Arabia was not only desirable but absolutely necessary in the interests of the people. South Arabia was extremely underdeveloped; no rich natural resources had yet been discovered there, and the land supported the growing population only with difficulty. Greater unity with the rest of the Arab world might become desirable, but that question must be decided by the peoples concerned without outside interference.

261. With regard to the possibility of sending a visiting mission to South Arabia as suggested by various delegations, something the United Kingdom delegation considered particularly inopportune, the United States delegation was inclined at the present stage to accept the arguments put forward by the administering Power, so that co-operation between the Committee and the United Kingdom Government could continue. The United States delegation was glad to see that the people of South Arabia had begun their march to self-government and independence, which, it was sure, they would be granted at the earliest possible date. Much remained to be done to bring the benefits of modern development to the area. The people of South Arabia, who would have to play the major role in that development, could count on the sympathy and co-operation of the people of the United States.

262. The representative of Denmark stated that his Government unreservedly supported the attainment of independence as rapidly as possible by all nations. That position also applied to the question of Aden. In the view of the Danish delegation the establishment of the South Arabian Federation was an important step towards complete independence. It was the Committee's task to facilitate that process. The Danish delegation was glad that the United Kingdom representative had given the Committee the assurance that the aim of his Government in Aden and in the Protectorate was the attainment of full independence as soon as possible.

263. One of the questions which had been raised in the debate was whether Aden was part of Yemeni territory. He doubted whether the Committee was the proper forum for the consideration of problems of that nature. In his view the discussion had also gone beyond the Committee's terms of reference in touching on the question of the military base in Aden. It would be for the independent State to decide whether it was in its best interests to have such bases on its territory.

264. With regard to the question of sending a visiting mission to Aden, the Committee should give careful consideration, taking all relevant circumstances into account, to the necessity of sending such missions and should avoid taking an almost automatic decision to send a visiting mission whenever it discussed a new territory. In the present instance the declared readiness of the United Kingdom delegation to co-operate with the Committee should not be overlooked. The United Kingdom Government would probably be readier to meet the Committee's wishes if the Committee showed understanding for the United Kingdom point of view. As a step in the right direction the Committee should encourage the United Kingdom Government to revise the electoral system in Aden.

265. The Danish delegation felt that, in light of the rapid developments which were taking place in the Middle East, the United Nations should be careful not to take any action that might interfere with that natural evolution, which should be met with understanding on the part of the responsible great Powers.

266. The representative of the United Kingdom said, in reply, that in his delegation's view there were certain tasks with which the Committee had been entrusted by the General Assembly, and others which were outside its competence. It was not a committee of academic historians studying the history of each of the Non-Self-Governing Territories in order to determine the precise circumstances in which it had first come under colonial rule, or the rights and wrongs of colonial rule in previous centuries. If members of the Committee would like a full account of the history of Aden from earliest times his delegation would naturally be prepared to provide one, but it would take some time to prepare and would not, he thought, materially assist the Committee in its proper task. He did not, therefore, propose to deal at length with the exaggerations and misrepresentations of the first two petitioners about the past history of the British administration—exaggerations and misrepresentations which some delegations had quite unjustifiably thought fit to endorse.

267. Nor was the Committee a court of law. The administering Power was not a criminal being put on trial, with witnesses for the prosecution and the defence, although certain delegations behaved as though that were the case. It sometimes seemed that petitioners need only fling the wildest accusations at the administering Power for them to be unhesitatingly believed by a number of delegations. The majority of the allegations that had been made were completely irrelevant to the Committee's task and he would not deal with them. He would, however, refute such allegations as were relevant.

268. The role of the Committee was to examine the reasons why Non-Self-Governing Territories had still not achieved full independence. That was a practical task in which his delegation was prepared to co-operate. The United Kingdom was faced with a practical problem, that of assisting the Non-Self-Governing Territories to achieve independence as soon as possible. It could not rewrite history or change the facts of geography; it had to deal with the situation as it existed, and it looked to the Committee for a certain degree of understanding of the difficulties involved and a realistic appraisal of the policies that were being carried out.

269. The United Kingdom delegation could not accept the suggestion made by a number of delegations that there was a lack of information about Aden, or, in particular, the suggestion that information had been deliberately withheld by the United Kingdom Government. Aden had been treated in precisely the same way as the other thirty-nine territories for which the United Kingdom was responsible. Each year information was transmitted on economic, social and educational conditions in South Arabia. In addition, since 1962 his delegation had provided the Secretary-General with political and constitutional information. There had also, of course, been the statement made by the United Kingdom representative earlier in the debate (paras. 162-179 above). In any event, the alleged lack of information had not deterred some members of the Committee from making very definite statements and reaching very definite conclusions about the situation in the Territory.

270. A number of delegations appeared to think that the mere existence of twenty States in South Arabia proved that the United Kingdom had adopted a policy of "divide and rule". As had been pointed out in his

first statement, South Arabia had already been divided for a century or more when the British had arrived in 1839. The United Kingdom Government had had no desire to annex and administer large areas of South Arabia, and the sheikhs and sultans would certainly have fought bitterly to prevent it from doing so; they had wanted to preserve their own independence from the Turks and the Yemenis, and they had freely sought British protection in return for guarantees of non-interference in their internal administration.

271. Some delegations which criticized the United Kingdom for perpetuating divisions also criticized it for taking steps to bring those divisions to an end. Other delegations accused it of not bringing the divisions to an end rapidly enough and blamed it for not compelling all the States to enter the Federation. It was, however, precisely because the United Kingdom did not wish to enforce the Federation that it had been happy to see the initiative come from those States themselves. Similarly, while it had welcomed the decision of eight more States to join the Federation and would welcome a decision by any or all of the remaining States to join, it would leave the decision to them.

272. The Committee appeared to be in danger of being led to a position where the very word "federation" was suspect and any attempt to unite small territories in a larger unit was denounced as neo-colonialism or worse. The United Kingdom was proud of the federations it had helped to create in different parts of the world; the successful federations far outnumbered those which had not endured, and the Committee should not allow itself to be led into criticisms of the Federation of South Arabia because of imagined comparisons with federations elsewhere. The facts of history and geography showed that only by uniting the various States could South Arabia achieve independence and that Aden itself must inevitably be a part of the Federation. The alternative, an independent State of 75 square miles with 100,000 citizens, was not seriously advocated by anyone. Moreover, all the political parties supported the principle of unity. The present franchise in Aden and the electoral methods in the Federation should and would be reviewed, but the Committee should welcome the establishment of the Federation as a step toward the creation of a single, united and fully independent State of South Arabia.

273. Despite the clear evidence to the contrary given by Sheikh Muhamed Farid (paras. 84-95 above), some members continued to speak about "appalling mediaeval conditions" in the Protectorate, the representative of the United Kingdom went on to say. To refute that charge once and for all he would give the Committee two quotations. In a broadcast on 20 September 1962, the Federal Minister of Agriculture and Economic Development had stated that, although the country was poor, there was no great wealth or abject poverty and that during the past fifteen years Aden had grown from a coastal town to one of the great seaports of the world, while at the same time the country had blossomed. The Minister had referred to an irrigation system, to the development of gardens producing fruits and vegetables for the Aden market, to a hospital with fifty beds and five health units serving the outlying areas, to two intermediate schools, eleven boys' primary schools, and five girls schools, to a power line, graded roads, electricity and piped water supplies to the principal towns, to a cotton ginnery at Al-Kod and to machinery workshops at Ja'ar. He had also spoken of

future plans for the development of electricity supplies and improved schools and hospitals.

274. The Minister had also described the political training the people were being given through thrift and savings societies, local councils and the management of large projects. The rulers, he had said, were the trustees of their people, but the people themselves were undertaking more and more responsibility. In the great majority of the States of the Federation Legislative Councils had been established representing all interests.

275. In a speech broadcast on 23 September 1962 the Federal Minister of Health had said that there had been criticisms of the agreement between Aden and the Federation on the grounds that their political systems were so different that no useful partnership was possible. He had therefore endeavoured to explain to the people of Aden the true facts about the Federation, the most important of which was that the majority of the inhabitants remained attached to their traditional tribal way of life. It was against that tribal background that the sultanates had come into being; there had been continual inter-tribal fighting, and the people had felt the need for leaders who could arbitrate between them and settle their disputes, provide them with protection and manage their affairs in general. The sultans had been mostly the elected leaders of the largest and most powerful tribes, to whom the neighbouring tribes had looked for leadership, and that was still the case today. Sultans, the Minister had pointed out, were not hereditary monarchs, as claimed by the critics of the Federation, but were elected. Nor were they dictatorial rulers who could disregard the people's wishes; indeed, few sultans had ever been in a position to act without consulting the tribal leaders. The Minister had added that the old traditional systems had undergone considerable change; State councils, district councils and town councils had emerged, the members of which had hitherto been mostly elected tribal leaders, though with changing conditions thought was now being given to introducing electoral systems similar to that in Aden.

276. The Minister had pointed out that it was also untrue that the Federation was ruled by a handful of dictatorial sultans. The main institution was the Federal Council, in which each State was represented. The executive authority of the Federal Government rested in the hands of the Ministers, who together constituted the Supreme Council; they were elected by the Federal Council for a five-year period, at the end of which fresh elections must be held. Of the nine present Ministers only four were sultans and they, like the other Ministers, had been democratically elected by the Federal Council, the representative of the United Kingdom continued.

277. Lastly the Minister had observed that, if democracy meant conformity with the parliamentary systems in countries like the United Kingdom and the United States, only a handful of countries could claim to be democratic and that not a single Arab country could put forward such a claim. He had concluded that political systems must be related to local conditions and that a system which was suited to a heavily populated industrial country would not necessarily suit South Arabia. Though the systems in Aden and the other States of the Federation differed, they were fundamentally based on popular consent, and the Aden representatives in the Federal Council would be no less representative of the people's will than those of the other States.

278. Mention had been made by the representative of Tunisia of the allegation by one of the petitioners that there was a reign of terror in the Territory and he had asked whether it was true that at least two sultans had been deposed because they had not obeyed their British mentors (para. 236 above). Those allegations were not true. In 1958 the then Sultan of Lahej had been deposed by the Lahej Electoral College because he had carried out treasonable negotiations with Yemeni authorities, culminating in the desertion of a number of Lahej troops to Yemen at his instigation, and the present Sultan had been elected in his place. In the second case the son of the Sultan of Lower Yafa'i—not the Sultan himself—had used his position as Governor of the Abyan area to enrich himself by seizing the land of private persons. In July 1957, after a violent disagreement with the other members of the State Council, he had taken refuge in the hills with a number of his personal followers, taking with him some £10,000 from the State Treasury. He had since left the country. In February 1959 his father had died, and his brother had been elected Sultan.

279. Reference had also been made by the representative of Tunisia to air action in support of the security forces. One of the petitioners had alleged that 12,000 sorties had been flown against the population of South Arabia, but he had not mentioned the fact that that figure referred to every type of air activity, including transport of personnel, movement of freight, leaflet dropping and reconnaissance. Only a small proportion had been ground attack sorties and they had been directed primarily against armed incursions from Yemen and related to a period in 1958 when the Government of Yemen had been particularly active in encouraging frontier violations. It was quite untrue that hundreds of casualties had been caused among the population of South Arabia by air action or that such action was a normal feature of law and order maintenance in the Territory.

280. In a petition (A/AC.109/PET.48) from Mr. Alhabshi, Secretary-General of SAL, a number of statements had been made concerning alleged incidents at various places in the Territory, which were either grossly exaggerated or completely untrue. To take, for example, the incident described in paragraph 3 on page 10 of that document: there had in fact been an incident at Mukalla on 27 December 1952, when the Sultan of Mukalla had agreed to see a deputation of the Nationalist Party that had wished to protest against the appointment of a Sudanese national as State Secretary of Mukalla. The deputation had been followed into the Sultan's palace by a mob which had stormed through the ground floor and reached the floor above. After attempts to persuade them to leave had failed, the Arab commanding officer of the Mukalla army had ordered his troops to open fire. Sixteen persons had been killed and twenty-four wounded. British officers had not been concerned in the incident. The allegations in paragraph 4 were completely untrue. With regard to paragraph 5, there had been a small disturbance after Lord Lloyd had left the airport, as a result of which eleven persons had been arrested and prosecuted. No troops had been used and no one had been wounded. Paragraph 6 might refer to an incident in 1956, when a large crowd of rioters had attempted to force their way into a police station after three persons had been arrested. It had certainly not been a peaceful demonstration, as stated by the petitioner. After re-

peated warnings had been given and four policemen had been injured, the police had opened fire. No United Kingdom forces had been involved. The statement in paragraph 9 was also untrue. Action had had to be taken in 1959 against a group of tribesmen who, at the instigation of the Yemeni authorities, had been engaging in acts of violence and brigandage. Two persons had been killed in the action. With regard to paragraph 12 of the petition, the facts were that a riot had taken place in 1958 and after a number of police had been injured they had been compelled to open fire, killing 5 persons—not 29—and wounding 17—not 350; following the riot 32 persons—not 700—had been imprisoned and 250 Yemenis—not 2,000—had been returned to their own country.

281. The representative of the United Kingdom went on to say that he hoped that he had demonstrated that Mr. Alhabshi's allegations were not to be taken at their face value. He drew attention to the fact that the allegations covered a period of over nine years and that the last incident had occurred over three years previously. He could hardly believe that the Committee would take charges of that nature as an indication that a critical and explosive situation endangering peace and security existed in South Arabia.

282. He trusted that his references to statements made by various delegations would not be interpreted as criticisms of their sincerity or good faith. His delegation had noted with gratitude the expressions of confidence and trust in his Government's sincerity and good faith which had been made by a number of delegations.

283. As he had said before, the United Kingdom had the practical task of bringing its territories to independence as soon as possible and, in consultation with the inhabitants of the territories, it was taking steps to do so. Any impartial observer comparing the state of affairs in South Arabia five years earlier with the present situation would surely concede that a dramatic advance towards independence had taken place. Progress was in the right direction, but time was still needed. No one could seriously maintain, as had been suggested, that a federation established on one day could seek independence on the following day. Nor could anyone seriously maintain that a federation could become independent within a matter of weeks of the accession of a new member of the size and importance of Aden. Some members had criticized the fact that a date for independence had not been fixed. As the Committee was aware, the United Kingdom Government was not in favour of arbitrary dates; the naming of a date for independence was not an end in itself but the final culmination in a series of successive steps towards that goal. To do so before the time for the final decisive step had been reached might not accelerate the progress towards independence but rather slow it down.

284. As his delegation had already made clear, the aim of the United Kingdom Government was independence as soon as possible, and the best and quickest way to achieve that goal was through the union of the different States of South Arabia in a federation. The Federation of South Arabia had made rapid progress in the past four years, and the accession of Aden had further accelerated that progress. It was for the States which were not yet in the Federation to decide whether to join. Similarly, the exact form of the Federation was for its members to decide. What was important

was that the Territory should advance to independence as rapidly as possible in accordance with the wishes of its inhabitants, and that was the policy of the United Kingdom Government.

285. The United Kingdom had a threefold task, namely, to encourage political and constitutional development, to press on with economic and social development and to assist the Federal Government to protect its territory from incursions from Yemen and to maintain law and order. Its responsibilities were clear and it was determined to carry them out.

286. The representative of the Soviet Union in reply, said that if the United Kingdom representative's idyllic account of conditions in Aden was to be believed, it would seem astonishing that any country should have wished to free itself from British colonial rule. The fact was, however, that the United Kingdom's former colonies had been willing to shed blood in order to gain freedom and independence, and there was no doubt that the people of South Arabia, too, would one day be free and independent. The only question was whether the United Kingdom was really helping to further that end.

287. He agreed with the statement of the United Kingdom representative that the function of the Committee was to examine the reasons why Non-Self-Governing Territories had not yet achieved independence, but he could not support that representative's attempt to restrict the Committee's activities and competence, which had been defined by the General Assembly.

288. The United Kingdom representative had complained that accusations had been levelled at his Government's policy. He had made no attempt, however, to reply to those accusations, since they could not be refuted.

289. The United Kingdom was determined to cling to Aden because it commanded the most direct route to the oil-producing States of the Persian Gulf and the approaches to the Suez Canal and because it was thought possible that there were oil deposits in Aden or the surrounding area. British companies had long held concessions granting them exclusive rights to exploit any oil resources that might be found in Aden and the Protectorate, and the Federation which the United Kingdom planned to establish in South Arabia was to grant the same concessions. He wondered whether the Committee was expected to defer any thought of independence for the peoples of South Arabia until the expiration of the long-term oil concessions which had been imposed on them by treaty.

290. The United Kingdom representative had asserted that many members of the Committee were opposed to the unification of the people of South Arabia. On the contrary, what they really opposed was the United Kingdom's attempt to exploit the natural, historic trend towards unification in order to maintain its domination of the area under the guise of the Federation. The Federation or any other State set up in South Arabia must be controlled by the people and not by the colonialists.

291. The representative of Iraq, in reply, referred to the statement by the United Kingdom representative that it was impossible to rewrite history or change the facts of geography. Yet that was exactly what the United Kingdom had done 125 years earlier, when it had occupied Aden and made it a colony; it had changed the facts of geography in that the Territory had until

then been closely linked with Yemen, and it had rewritten the history of the entire area by imposing its colonial domination there. It was therefore possible for the United Kingdom to rewrite the history it had written 125 years earlier; indeed, it was its duty under the United Nations Charter and the Declaration on the granting of independence to colonial countries and peoples to do so.

292. The United Kingdom representative had said that the various sheikhs had wanted to preserve their independence from the Turks and the Yemeni and had freely sought United Kingdom protection accompanied by guarantees of non-interference in their internal affairs. He had not explained how it was that those sheikhs had chosen such a distant country as the United Kingdom for that purpose. It had already been shown that the treaties of protection were unequal treaties which gave the United Kingdom Government great rights and privileges in the Territory. In fact, the sheikhs had pledged themselves and their successors in perpetuity never to enter into relations with any other Power except with the approval of the United Kingdom Government. That was scarcely a guarantee of non-interference in their internal affairs.

293. The United Kingdom representative had said that the initiative for the Federation in 1959 had come from the sheikhs themselves, but he had failed to mention that a proposal for a similar Federation had been made in 1954 and rejected by a majority of the sheikhs. It had been only under pressure, and on the initiative of the Governor of Aden, that agreement had been reached on the establishment of the Federation in 1959.

294. He agreed with the United Kingdom representative on the value of federations, but for that representative to claim that the establishment of federations had always been the policy of the United Kingdom in its colonies was, he submitted, a misrepresentation of the facts. He would only remind the United Kingdom representative of the number of small States created by the United Kingdom in order to consolidate its power that scarcely testified to the United Kingdom's love of federations, the representative of Iraq continued.

295. The United Kingdom's representative had said that the objective of his Government's policy was independence for the Territory. The United Kingdom policy of gradual evolution towards independence, however, ran counter to the letter and spirit of the Declaration on the granting of independence, which said that immediate steps should be taken to transfer all powers to the people of the territories so that they might enjoy complete independence. The United Kingdom representative had spoken of introducing political, economic and social reforms in order to prepare the Territory for independence. That, too, was contrary to the Declaration, paragraph 3 of which stated that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence. Moreover, if the Territory was not ready for independence, that could only be the fault of the United Kingdom Government.

296. The Iraqi Government held that independence should not be granted until it was certain that the people who would rule the Territory were the true representatives of the people, since giving independence to a territory upon which the rulers had been imposed was not giving independence at all. The present ruler in South Arabia did not represent the people. If there

was any doubt about that, the best way to resolve the doubt would be to give the people an opportunity to decide what rulers they wanted.

297. The representative of Cambodia, in reply, said that although his delegation had refrained from voicing criticisms or accusations, it could not, as one of the firm supporters of the Declaration, forgo its right to speak in defence of certain principles which it cherished. The United Kingdom representative had touched upon everything except one point: the thirst of all peoples for freedom and independence. He had, in fact, unconsciously made himself the defender of the old colonialist theory that independence could be given only to so-called civilized peoples which had an adequate political, social and economic system. That outworn theory was not in conformity with the great principles of the United Nations Charter regarding human dignity and the equal rights of men and nations. He would point out that the peoples which had achieved independence in recent years had made progress in all fields. In his own country there had been greater progress in the fields of education and health and in the infrastructure in the ten years of independence than in the fifty years of foreign domination.

298. His delegation appreciated the good intentions of the administering Power but good intentions were not enough: what was needed was a resolute determination to face the crucial problem of the desire of the people for freedom and independence. Much as it wished to show a spirit of understanding and co-operation, Cambodia would be failing in its duty if it did not draw attention to that fact.

299. The representative of Syria in reply emphasized that United Kingdom protection had not been sought in South Arabia; it had been forced on the southern part of Yemen. It was common knowledge that the Federal Ministers only echoed the statements of their British mentors. Repression with armed might was still going on in the Territory, and the military base at Aden continued to threaten liberty and to crush all liberation movements in the area. Observers reviewing the United Kingdom record over the last 130 years were shocked at the appalling conditions prevailing in the Territory and the lack of political freedom and population representation.

300. The representative of the United Kingdom in a further statement in reply referred to certain points that had been made by the representative of the Soviet Union. Among other things, that representative had complained that no reply had been given to accusations made during the debate about British monopolistic interests in Aden and the Protectorate and about the military base in Aden.

301. He recalled that the second of those accusations had been answered by his delegation in an earlier statement (paras. 162-179 above), in which it had stated that the base had not been established for aggression, but that its purpose was to enable the United Kingdom to carry out its treaty obligations in the Protectorate itself and in the Middle East generally, that the presence of the base had contributed to the prosperity of Aden, since the British forces and their families spent some £11 million a year there and, lastly, that the presence of the base did not constitute a hindrance to the constitutional development of the Federation and its progress towards independence.

302. With regard to the so-called monopolies, he pointed out that the representative of the Soviet Union

had spoken at length about the alleged activities of oil companies in various countries, without ever referring to Aden or the Protectorate, for the simple reason that there was not a single oil well in those Territories.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE
IN 1963

Establishment of the Sub-Committee on Aden

303. At the 160th meeting, on 30 April 1963, Cambodia, India, Iraq, Ivory Coast, Madagascar, Mali, Syria, Tanganyika and Yugoslavia submitted a draft resolution (A/AC.109/L.52) which read as follows:

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

"Having considered the question of Aden and the Aden Protectorates,

"Having heard the statements of the petitioners from these territories,

"Noting that the administering Power has not fully implemented the Declaration on the granting of independence to colonial countries and peoples in respect of these territories and has not taken steps for the transfer of all powers to the peoples of Aden and the Aden Protectorates as provided for in paragraph 5 of the Declaration,

"Noting that the constitutional provisions now in force are not consistent with the Declaration,

"Deeply concerned at the critical and explosive situation prevailing in Aden and the Aden Protectorates as a result of the denial of political rights, and the detention of nationalist leaders—a situation the continuation of which would endanger peace and security in Southern Arabia,

"1. Recognizes the right of the people of these territories to self-determination and freedom from colonial rule in accordance with the provisions of General Assembly resolution 1514 (XV);

"2. Recommends that the people of these territories should be given an early opportunity to decide their future under free and genuinely democratic conditions;

"3. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland to release all political prisoners, permit the return of all political leaders at present living in exile, remove all restraints on political activities and ensure political freedoms and human rights throughout all these territories;

"4. Decides to send to these territories a visiting mission to be nominated by the Chairman;

"5. Authorizes the visiting mission to visit, if necessary, neighbouring countries;

"6. Requests the visiting mission to ascertain the views of the population, especially those of the representatives and leaders of the various political parties, and hold talks with the Administering Authority;

"7. Expresses the hope that the Administering Authority will fully co-operate with the visiting mission;

"8. Requests the visiting mission to submit, not later than 10 June 1963, a report with recommendations for the speedy implementation, in respect of these territories, of the Declaration on the granting

of independence to colonial countries and peoples in accordance with the freely expressed wishes of the inhabitants."

304. The representative of Iraq, introducing the nine-Power draft resolution, said that at a time when people everywhere were throwing off colonial rule and joining the march towards freedom, South Arabia was still living in the most appalling mediaeval conditions. His delegation would have had no hesitation in proposing that the Special Committee should recommend that the General Assembly should condemn the system prevailing in the Territory and call for the immediate termination of colonial rule. Since, however, the problem was being discussed for the first time, many members had felt that it would be premature to submit a final recommendation to the General Assembly, and the sponsors had therefore prepared the draft resolution now before the Committee. It was really an interim measure, or rather a procedural resolution, and he hoped that after receiving the report of the visiting mission—which, despite the objections of the United Kingdom representative, the United Nations was fully entitled to send to the Territory—the Special Committee would be in a better position to submit recommendations to the General Assembly with a view to the speedy application to the Territory of the Declaration on the granting of independence to colonial countries and peoples.

305. At the 161st meeting another draft resolution was submitted by Australia, Denmark, Italy and the United States (A/AC.109/L.55) which read as follows:

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

"Having considered the question of Aden and the Aden Protectorates,

"Having heard the statements of the petitioners from these territories,

"Noting that the administering Power has not yet fully implemented the Declaration on the granting of independence to colonial countries and peoples in respect of these territories,

"1. Recognizes the right of the people of these territories to self-determination and independence in accordance with the provisions of General Assembly resolution 1514 (XV);

"2. Recommends that the people of these territories should be given an early opportunity to decide their future in accordance with their freely expressed will and desire."

306. Speaking of the four-Power draft resolution, the representative of Australia pointed out that the fact that the Committee had before it two draft resolutions indicated that, although the members of the Committee were in agreement as to the objectives, they differed as to the kind of action to take. His delegation considered that the topic of Aden was a complex question on which the Committee, although it had heard three petitioners who had put forward their points of view sincerely, had not had time to form an opinion. His delegation regretted that the Committee had not attempted to reach a consensus.

307. His delegation had joined in sponsoring the four-Power draft resolution because it considered that the nine-Power draft resolution by no means represented the conclusions formed by the majority of the members of the Committee. In particular, there were a

number of elements in it that his delegation was unable to support.

308. In the first place, the Australian delegation had been decisively impressed by the statements of policy which had been made on more than one occasion by the representative of the United Kingdom and from which it was clear that it was the policy of the United Kingdom Government to bring self-government and independence to the territories under its administration as quickly as possible, in consultation with the inhabitants. In the opinion of the Australian delegation that policy was entirely in accordance with the United Nations Charter and with the terms and spirit of resolution 1514 (XV).

309. In the Special Committee's discussion of the statements of the United Kingdom and the petitioners, there had been some disagreement about whether the means adopted by the administering Power and the rate of progress achieved were satisfactory. In the opinion of the Australian delegation, the United Kingdom Government had exercised its overriding responsibility to further the interests of the inhabitants of its territories and had acted wisely in deciding to form a federation of several small units, which offered the territories in question, as a group, a political and economic future which they would not have individually. The present arrangements provided the possibility of orderly progress towards independence in accordance with the wishes of the people, ascertained through consultations. Some delegations had claimed that the methods used to consult the population had been faulty, but the administering Power had assured the Committee that there would be changes and that a new electoral system would be put into operation in Aden. The Australian delegation was sure that the methods of consultation would become increasingly better as the months went by and that once independence had been obtained a number of questions which had been resting heavily on the minds of the petitioners and of some delegations would be answered. Once the group of territories under consideration had become independent, it could determine its own future.

310. However that might be, the Australian delegation did not consider the situation in Aden to be such that the terms used in the last preambular paragraph of the nine-Power draft resolution could be applied to it. If that draft resolution were compared with the four-Power draft resolution, it would be seen that the very brief preamble to the latter draft resolution was a fairer and more just representation of the true situation in the Territory and of the views which had been expressed in the Committee.

311. The point on which the sponsors of the two draft resolutions disagreed most strongly was clearly the question of the visiting mission. That was an extremely important question. His delegation felt that no source of information should be excluded from the Committee's consideration but that each case should be considered on its merits. In the present case, there were two important factors to consider. The first was that the Committee had not exhausted the sources of information which were available to it at United Nations Headquarters. The Committee should have gone into the matter more deeply and put more questions to the United Kingdom delegation. At all events, there were many ways in which the Committee could fill the gaps in its information without resorting to such an extreme step as sending a visiting mission. The second

factor which was involved was the attitude of the administering Power. If the administering Power had good reasons of principle for suggesting that a visiting mission should not be sent, the Committee should take its views into consideration. For those various reasons, the Australian delegation did not think that it would be wise to send a visiting mission to the Territory.

312. With regard to the four-Power draft resolution, he was sure that it would be an encouragement to the people of the Territory and would cause the United Kingdom Government to persevere with increased interest and sense of responsibility in working for the objectives on which the Committee was agreed.

313. The representative of the United Kingdom said that with regard to the final preambular paragraph and operative paragraph 3 of the nine-Power draft resolution, no case had been made to justify the allegations that a critical and explosive situation existed in the Territory, that political rights were denied, that political prisoners were detained, and so on. There were no political prisoners in Aden, no press censorship; no persons were detained without trial, no Aden-born politician had been exiled or deported. Political parties did operate, hold meetings and publish newspapers. They sent representatives to the United Nations and to conferences in Africa, Asia and elsewhere. If people coming from foreign countries abused the hospitality of Aden, they were returned to their own countries; there was nothing unusual in that. The paragraphs in question were based on completely groundless assertions by the petitioners and did not deserve inclusion in a resolution of the Special Committee.

314. Before the draft resolution had been submitted the Permanent Representative of the United Kingdom to the United Nations had made it abundantly clear that his Government was quite unable to accept the proposal that a visiting mission should be sent to the Territory. The Federation was a new creation and in its present form had existed for only three months. Much hard work, good will and co-operation would be needed by every one concerned within the Territory and his delegation did not believe that a visiting mission could assist in any way in the essentially practical tasks which must be faced. His delegation regarded the draft resolution as inappropriate and unacceptable.

315. The representative of Poland said that, while the nine-Power draft resolution generally reflected the views expressed during the debate, in that it placed emphasis on the sending of a visiting mission and on the mission's terms of reference, the statement in the third preambular paragraph that the administering Power had not fully implemented the Declaration on the granting of independence to colonial countries and peoples implied that the Declaration had been implemented in some manner. Inasmuch as none of the speakers in the general debate, including the administering Power, had contended that the Declaration had been implemented in any way whatsoever, he wondered if the sponsors would explain what they had in mind or if they would agree to delete the word "fully".

316. The representative of the Soviet Union said that his delegation supported the proposal in the nine-Power draft resolution that a visiting mission should be sent to Aden and the Protectorate for the purpose of gathering information and formulating recommendations, but it questioned the statement in the third preambular paragraph that the administering Power had

not fully implemented the Declaration on the granting of independence to colonial countries and peoples, since there was no evidence as yet that the administering Power had done anything at all to implement the Declaration.

317. The representative of Iraq said that the United Kingdom representative had not explained why his delegation thought that the dispatch of a visiting mission to the Territory would aggravate the situation and would not help to solve the problems there. That seemed highly unlikely considering that the visiting mission would only be required to ascertain the views of the people. The sponsors of the draft resolution were aware that the United Kingdom had always objected to the sending of visiting missions to Non-Self-Governing Territories, but the General Assembly had always insisted on its right and the right of its subsidiary organs to send such missions. If the United Kingdom Government really felt that the Territory was progressing towards independence and that the people were satisfied with the present situation, it could only strengthen its case by allowing a United Nations mission to visit the area. He therefore hoped that the United Kingdom Government would accord the visiting mission the same consideration it had given other visiting missions, would hold talks with it in London and would allow it to enter the Territory, so that it might report on the situation in an objective manner. It was on that basis that the sponsors must insist upon retaining the paragraphs relating to the visiting mission.

318. The representative of Venezuela considered that the Committee should proceed by stages in exhausting the means open to it of securing the implementation of the Declaration. He therefore suggested the following amendments to the nine-Power draft resolution (A/AC.109/L.52) which might help to eliminate certain difficulties of principle which would prevent several delegations, including his own, from voting in favour of the draft:

(1) The third preambular paragraph should read: "*Noting* that the administering Power has not fully implemented the Declaration on the granting of independence to colonial countries and peoples in respect of these territories,". The Committee was not in a position to say whether the "steps" taken were or were not in conformity with the Declaration.

(2) The fifth preambular paragraph should read: "*Deeply concerned* at the situation prevailing in Aden and the Aden Protectorate,". The petitioners themselves had not furnished the Committee with convincing proof that there was any absolute denial of political rights or systematic detention of nationalist leaders.

(3) Operative paragraph 3 should read: "*Calls upon* the Government of the United Kingdom to ensure political freedoms and human rights throughout all these territories;".

(4) Paragraph 4 should read: "*Decides* to send to the United Kingdom a sub-committee, to be nominated by the Chairman of the Special Committee, for the purpose of holding talks with the Government of the United Kingdom regarding the best means of securing the speedy and total implementation in Aden and Aden Protectorate of the Declaration on the granting of independence to colonial countries and peoples, in accordance with the freely expressed wishes of the inhabitants of these territories, and authorizes the sub-committee, in the light of the results of these talks and, if such a

course should seem useful, thereafter to visit Aden and Aden Protectorate;".

(5) In paragraph 5, the words "the visiting mission" should be replaced by "the sub-committee".

(6) Paragraph 6 should read: "*Requests* the sub-committee to ascertain the views of the population, especially those of the representatives and leaders of the various political parties;".

(7) Paragraph 7 should be replaced by the following: "*Expresses the hope* that the administering Power will facilitate the decisions of the Special Committee,".

(8) In paragraph 8, the words "the visiting mission" should be replaced by "the sub-committee".

319. The representative of Uruguay commenting on the nine-Power draft resolution said that the information which the Committee had at its disposal on the situation in Aden and the Protectorate was not sufficiently detailed to give it an accurate idea of the situation and there therefore seemed to be grounds for sending a visiting mission. Nevertheless, while it did not challenge the Committee's competence to take such a decision, the delegation of Uruguay had doubts about the effectiveness of that step. The administering Power had stated that it was opposed to the sending of a mission to Aden, even if the mission had the most modest objectives, and it had raised objections of two kinds. The delegation of Uruguay was unable to recognize the validity of the objections of principle, since the possibility of sending a mission to territories was provided for in the terms of reference of the Committee, which was authorized by General Assembly resolution 1654 (XVI) to use "all means which it will have at its disposal within the framework of the procedures and modalities which it shall adopt for the proper discharge of its functions" and in resolution 1810 (XVII) the General Assembly had taken note with approval of the methods and procedures which the Special Committee had adopted for the discharge of its functions. Nor could the delegation of Uruguay accept the practical objections of the United Kingdom. A certain amount of information was essential to enable the Committee to take decisions in full knowledge of the facts. It must be admitted, however, that it would be very difficult to follow the proposed procedure without the administering Power's agreement. The co-operation of the administering Power was essential if a visiting mission was to be sent. It was true that the draft resolution provided also for the possibility of a visit to neighbouring territories, and there were precedents for such a course. It should be remembered, however, that when missions had been sent to countries adjoining the countries under consideration, that had been done only as a *pis aller*.

320. The delegation of Uruguay would have preferred the Committee to ask the administering Power to take immediate steps to transfer power to the people of the Territory and to submit to the Committee at its second session a report on the steps it had taken. The Committee would then resume its consideration of the situation in Aden in the light of the information provided in the meantime by the administering Power.

321. The delegation of Uruguay was sure that the United Kingdom's aim was to grant independence as quickly as possible. The Committee must, however, know what immediate steps were envisaged, since the words "immediate steps" appeared in resolution 1514 (XV).

322. The representative of the Ivory Coast stated that the two draft resolutions were not contradictory, although there appeared to be some conflict over the question of political prisoners. The difficulty was not insurmountable as it was simply a matter of point of view. He did not question the assurance the Committee had been given that there were no political prisoners. In his own country, however, the present leaders of the Government had all been prisoners under ordinary law. In order to make the proper distinction it would be necessary to consider all the reasons. He therefore hoped that the United Kingdom representative would not deny the sponsors of the nine-Power draft resolution the right to convince themselves of the truth by seeking the most adequate sources of information. Moreover, it was the first time that the question of Aden had been studied, and some delegations, like his own which as yet had no firm opinion on the subject, would like to know more about the situation before coming to a decision.

323. It had been said that the Committee could obtain all the information it wanted from the administering Power. It must be acknowledged, however, that such a procedure had not hitherto been the practice of the United Nations for the gathering of information. It had in fact been provided that, over and above the statements of the administering Powers, petitioners could be heard and committees of inquiry could be sent to the territories to see for themselves whether the statements by the petitioners were true.

324. Some delegations, including his own, would like to know, for example, whether Aden meant to remain in the Federation and whether or not the desire to join the Federation had been freely expressed. The Ivory Coast certainly had no intention of opposing the formation of large groups of States, for that was precisely its own objective. Although the small countries of Africa were not ashamed of being little States, they were trying to repair the damage done by the Berlin Conference of 1885 and to form into groups again, and they were confident that that could be done by the freely expressed wish of each country. It was accordingly a question of some importance for the delegation of the Ivory Coast. As far as Aden was concerned, those who admitted that they were not yet fully informed were entitled to obtain the information they lacked.

325. The representative of Italy said that his delegation had been disappointed to find that none of the points of view that it had put forward in its statement (see paras. 186-188 above) had been taken into account in the nine-Power draft resolution, which had been conceived on the basis of an entirely different appraisal of the situation. As the Soviet Union representative had pointed out, the draft resolution was also somewhat contradictory in that, while providing for the dispatch of a visiting mission justified by the lack of sufficient information on the Territory, it included other paragraphs which depicted conditions there in such detailed terms as to suggest that the Committee was completely informed on the subject. The Italian delegation could not agree with the wording of those paragraphs, in particular that of the final preambular paragraph, whose description of the situation did not tally with that given by the petitioners. It was indeed incorrect to describe it as a situation which could endanger peace and security.

326. As for the denial of political rights, the new Constitution contained provisions for the protection of

fundamental rights and freedoms of the individual, which were enforceable through the courts.

327. Furthermore, paragraph 3 of the nine-Power draft resolution was so worded as to convey the impression that the entire Territory lived under a reign of terror, a state of affairs which was not substantiated either by the statements of the petitioners or by the conference room paper prepared by the Secretariat.

328. After listening to petitioners representing the major political parties of Aden and the Protectorate and hearing the statement of a member of the Federal Government and the statements of the United Kingdom delegation, and after examining some forty petitions from individuals and political organizations in the Territory, the Italian delegation could not see what useful purpose the proposed visiting mission or sub-committee could serve in the Territory. Since, to its regret, it was unable to agree with the ideas outlined in the nine-Power draft resolution, it had deemed it proper, in consultation with other delegations, to indicate, in a second draft resolution (A/AC.109/L.55) a common ground on which all could agree. What was necessary was that the population should be given an early opportunity of exercising its right of self-determination.

329. The representative of the Soviet Union said that he did not agree with the Italian representative about the nine-Power draft resolution. Most of the members of the Committee had referred to the inadequacy of the information on the Territory. Moreover, the doubts to which the statements of the United Kingdom delegation had given rise had not yet been dispelled. The United Kingdom representative had passed over the fact that oil companies already had concessions in Aden and the Protectorate, even if they were not yet extracting oil. Nor had he said anything about the fact that the base at Aden had been used for the attack on Egypt and for operations against Yemen and the people of Oman. The Soviet Union considered that it was necessary for a visiting mission to be sent to Aden and the Protectorate. The main purpose of the nine-Power draft resolution was to enable a sub-committee to obtain detailed information on the situation in Aden and the Protectorate, through talks with the administering Power in Aden. The sub-committee's visit to the Territory would enable the Committee to draw conclusions and to formulate recommendations based on a thorough knowledge of the facts.

330. The representative of Tunisia observed that there was little difference of substance in the two draft resolutions except that one did not include the proposal that a sub-committee should visit the Territory. His delegation was of the opinion that the visit of a sub-committee would be useful, but unfortunately the administering Power was not prepared to agree to such a visit. His delegation had doubts about the usefulness of the sub-committee's work in those circumstances, but would not oppose the setting up of a sub-committee to hold talks with the administering Power and to visit the neighbouring countries. On the whole his delegation did not consider the nine-Power draft resolution to be strong enough. It would have liked the word "fully" in the third preambular paragraph to be deleted and it thought that the draft resolution should call for immediate steps to be taken for the transfer of all power to the people. He found paragraph 1 of the four-Power draft resolution preferable to that of the nine-Power draft resolution. Nevertheless, since the latter, by mentioning the Decla-

ration on the granting of independence to colonial countries and peoples, implied that the transfer of power should take place immediately, and because the sponsors were countries friendly to Tunisia, his delegation would vote in its favour.

331. Replying on behalf of the sponsors of the nine-Power draft resolution, the representative of Iraq said that the sponsors had accepted the following amendments. They agreed to delete the last part of the third preambular paragraph, beginning with the words "and has not taken steps" and ending with the word "Declaration", as well as the words "critical and explosive" in the fifth preambular paragraph.

332. With reference to the reservations that had been expressed about the word "fully" in the third preambular paragraph, he said that that paragraph had been drafted after consultation between all the sponsors, some of whom had felt that it was perhaps fairer to qualify it by the word "fully". His delegation agreed that it was perhaps superfluous, but the important thing was that the Declaration had not been implemented and the word "fully" did not change the basic meaning of the paragraph.

333. With regard to paragraph 3, the sponsors felt that that paragraph should remain as it was. They felt that there were in fact people in prison who were there, if not for strictly political offences, at least for offences brought about by political action; many nationalists had been sentenced under criminal law, but they were obviously not ordinary criminals. Moreover, there were people from Aden at present living in exile, a fact that the United Kingdom representative had not denied.

334. Lastly, the sponsors agreed to replace the words "visiting mission" by "sub-committee", which was the accepted name for such missions.

335. He explained that the text of the draft resolution did not preclude the possibility of a visit to London; indeed, in a sense that idea was implicit in the wording. The sponsors had, however, seen no need to specify that there should first be a visit to London and had felt that the sub-committee should be allowed a certain latitude in the discharge of its functions. It would therefore rest with the sub-committee to decide, after consultation with the United Kingdom delegation, whether to go to London, what would be the best time to do so, and when to go to the Territory and the surrounding countries. He therefore felt that the point raised by the Venezuelan representative was fully covered by the wording of the draft resolution.

336. At its 163rd meeting, on 3 May 1963, the Special Committee voted on the nine-Power draft resolution, as amended (A/AC.109/L.52/Rev.1). Paragraph 4 was adopted by 16 votes to 5, with 2 abstentions. The draft resolution as a whole was adopted by 18 votes to 5, with no abstentions.

337. The nine-Power draft resolution, as adopted (A/AC.109/42), read as follows:

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

"Having considered the question of Aden and the Aden Protectorates,

"Having heard the statements of the petitioners from these territories,

"Noting that the administering Power has not fully implemented the Declaration on the granting of independence to colonial countries and peoples in respect of these territories,

"Noting that the constitutional provisions now in force are not consistent with the Declaration,

"Deeply concerned at the situation prevailing in Aden and the Aden Protectorates as a result of the denial of political rights, and the detention of nationalist leaders—a situation the continuation of which would endanger peace and security in Southern Arabia,

"1. Recognizes the right of the people of these territories to self-determination and freedom from colonial rule in accordance with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960;

"2. Recommends that the people of these territories should be given an early opportunity to decide their future under free and genuinely democratic conditions;

"3. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland to release all political prisoners, permit the return of all political leaders at present living in exile, remove all restraints on political activities and ensure political freedoms and human rights throughout all these territories;

"4. Decides to send to these territories a sub-committee to be nominated by the Chairman;

"5. Authorizes that Sub-Committee to visit, if necessary, neighbouring countries;

"6. Requests the Sub-Committee to ascertain the views of the population, especially those of the representatives and leaders of the various political parties, and hold talks with the administering Power;

"7. Expresses the hope that the administering Power will fully co-operate with the Sub-Committee;

"8. Requests the Sub-Committee to submit, not later than 10 June 1963, a report with recommendations for the speedy implementation, in respect of these territories, of the Declaration on the granting of independence to colonial countries and peoples in accordance with the freely expressed wishes of the inhabitants."

338. The representative of Venezuela explaining his vote said that his delegation was by no means opposed to the sending of a visiting mission, but felt that the Committee should proceed by stages and exhaust the means at its disposal in logical order. The first stage would normally be to enter into conversations with the administering Power. It should also be borne in mind that the administering Power had certain responsibilities under the Charter and that it was therefore important to hear its point of view and to try to find a solution in agreement with it. That was why the Venezuelan delegation had abstained from voting on paragraph 4. The same considerations explained why it had voted in favour of the text as a whole, together with the amendments.

339. At the same meeting the representative of the Soviet Union submitted certain oral amendments to the four-Power draft resolution (A/AC.109/L.55) which were rejected by the sponsors. It was also suggested that as the Special Committee had already adopted a resolution on Aden it was not necessary to vote upon the four-Power draft.

340. At its 164th meeting the Special Committee decided to vote on the four-Power draft resolution by a vote of 8 to 7, with 7 abstentions.

341. The representative of the Union of Soviet Socialist Republics then submitted the following amendments (A/AC.109/L.56) to the four-Power draft resolution:

(1) In the third preambular paragraph, delete the word "fully".

(2) Insert the following new preambular paragraph:

"*Considering* that the existence of the military base in Aden represents a threat to the national interests of the people of South Arabia and is a cause of concern to neighbouring States,"

(3) Insert the following new operative paragraph:

"*Considers* that conditions for a free expression of the popular will do not exist at present and that in order to create such conditions the administering Power should take the following steps:

"(a) Release all political prisoners and create conditions for complete freedom of action by the political parties of the people of the Territory, which will decide the most appropriate forms for the expression of the popular will to take;

"(b) Withdraw its troops and provide guarantees that the expression of the popular will will take place on a basis of universal suffrage and in an atmosphere free from intimidation, pressure and interference by the administering Power."

342. At the same meeting the Special Committee voted on the Soviet Union amendments as follows:

The first amendment was rejected by 8 votes to 8, with 7 abstentions.

The second amendment was rejected by a roll-call vote of 8 to 8, with 5 abstentions. The voting was as follows:

In favour: Bulgaria, Iraq, Mali, Poland, Syria, Tunisia, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Chile, Denmark, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Ethiopia, India, Iran, Sierra Leone, Tanganyika.

Present and not voting: Cambodia, Ivory Coast, Madagascar.

The first part of the third amendment, beginning with the words: "*Considering* that" and ending with the words "will to take," was adopted by 14 votes to 8, with 1 abstention.

Sub-paragraph (b) of the third amendment was rejected by 8 votes to 8, with 4 abstentions.

343. After an exchange of views, the sponsors of the four-Power draft resolution agreed to an appeal by the representative of Uruguay not to press their draft to a vote. This was agreed to by the Special Committee without objection.

344. The representative of Iran said that since his delegation had not had time to consider the Soviet Union amendments it had abstained in the vote.

345. The representative of Cambodia said that his delegation had been unable to take part in the vote because it could not do so without first consulting its Government, which had been impossible in view of the fact that a number of delegations had appeared to be anxious to vote as soon as possible.

346. The representative of India explained that his delegation had abstained from voting on certain parts of the Soviet Union amendments because in its opinion they raised questions which should be left to the decision of an independent Government of Aden. His delegation had abstained from voting on the first amendment, calling for the deletion of the word "fully" from the third preambular paragraph, because that word appeared in the nine-Power draft resolution of which his delegation had been one of the sponsors.

347. The representative of Venezuela said that his delegation had voted against the Soviet Union amendments. The first of those amendments ran counter to the resolution adopted at the previous meeting (A/AC.109/42). With regard to the second amendment, the Venezuelan delegation had considered that the Committee should not interfere in matters coming directly within the competence of other organs of the United Nations, but should remain strictly within its terms of reference. With regard to the third amendment, the Venezuelan delegation had felt that by adopting the nine-Power draft resolution at the previous meeting the Committee had already given its decision regarding the recommendations to be made and the action to be undertaken in the matter. It could not, therefore, take a different decision in another draft resolution.

348. The representative of Ethiopia said that his delegation had abstained from voting on the Soviet Union amendment relating to military bases, because it considered that question to be a digression from the main issue, which was the transfer, without any conditions or reservations, of all powers to the peoples of territories that had not yet attained independence, as stipulated in resolution 1514 (XV). Once that fundamental question had been settled on the basis of self-determination, it would be for the people of the independent State to decide upon its policy and upon its future relations with other States.

Action arising from the Report of the Sub-Committee on Aden

349. The Sub-Committee on Aden was composed of Mr. Voeunsai Sonn (Cambodia) as Chairman, Mr. Adnan M. Pachachi (Iraq), Mr. Rémi Andriamaharo (Madagascar), Mr. Leonardo Díaz González (Venezuela) and Mr. Mišo Pavičević (Yugoslavia). It visited the United Arab Republic, Yemen, Saudi Arabia and Iraq from 25 May to 7 June and adopted its report on 1 July 1963 (see appendix below).

350. The Report of the Sub-Committee on Aden was introduced by the Chairman of the Sub-Committee at the Special Committee's 187th meeting, on 3 July 1963, and was considered at its 188th, 189th, 191st, 193rd, 194th, 196th and 197th meetings.

351. The representative of Cambodia, Chairman of the Sub-Committee on Aden, in introducing the report, drew attention to the Sub-Committee's terms of reference. In this connexion he stated that in view of the United Kingdom Government's continued refusal to permit the Sub-Committee to enter Aden and the Aden Protectorates despite the expressed wishes of many members of the Special Committee and the Chairman's letter requesting that Government to reconsider its position, the Sub-Committee had had to content itself with visits to neighbouring countries; those visits, however, had enabled the Sub-Committee to collect a good deal of information concerning the Territories and to ascertain the views of its population.

352. The Sub-Committee had actually begun its work on 15 May 1963. On 24 May it had left New York for Cairo in the United Arab Republic, San'a and Ta'izz in Yemen, Jidda in Saudi Arabia and Baghdad in Iraq. After a journey in which it had kept to a very busy schedule and after many meetings in those cities, the Sub-Committee had returned to the United Nations Headquarters on 10 June and had immediately begun the drafting of its report. That task had been completed only two days previously—and he wished to apologize for the delay—owing to the volume of work and the need to examine many documents, most of them in Arabic, and to draft conclusions and recommendations.

353. The report consisted of five chapters. With regard to the first, which was the introduction, and the second, which dealt with the action taken by the Sub-Committee to carry out its mandate, he would only mention the difficulties caused by the administering Power's failure to co-operate with the Sub-Committee and the keen interest aroused by the arrival in the region of a United Nations mission which had been given the task of finding the most appropriate means for ending colonialism. Chapter III, dealing with the hearings granted petitioners, was divided into three parts. The first part described the circumstances under which the hearings had been held and gave a brief note on the personal background of each of the fifty-six petitioners heard. The second part summarized the situation in Aden and the Aden Protectorates as described by the petitioners. The opinions expressed were those of the petitioners and the Sub-Committee had only recorded as faithfully as possible the statements it had heard and the written communications it had received. In the third part of chapter III, the Sub-Committee had brought together the demands of the petitioners under various headings so that the members of the Special Committee might have a fairly clear view of the various problems in the Territories connected with the implementation of General Assembly resolution 1514 (XV). Chapter IV contained the conclusions of the Sub-Committee on the way in which its mission had been accomplished, the main aspects of the question and the measures deemed necessary. Chapter V contained the recommendations of the Sub-Committee for the speedy implementation of the Declaration on the granting of independence with respect to the Territories in question. The Sub-Committee was of the opinion that the measures recommended were in conformity with the aspirations of a large part of the population and constituted the application of principles accepted not only by those who had voted for the resolution of 3 May 1963 (A/AC.109/42) but also by those who had sponsored the four-Power draft resolution (A/AC.109/L.55), in that the Special Committee: (1) recognized the right of the population of the Territories to self-determination and independence; and (2) recommended that the population should be given an opportunity to decide on its future at an early date.

354. The representative of Mali said that he had taken note with the greatest interest of the important report submitted by the Sub-Committee on Aden, and he extended his warmest congratulations to the members of the Sub-Committee as well as to the Secretariat staff for the brilliant results they had achieved in so short a time in spite of the unjustified refusal of the administering Power to co-operate with the Sub-Committee. He noted, moreover, that the United Kingdom's refusal to co-operate, and the police measures it had

taken to hinder the Sub-Committee's mission, had not prevented the petitioners from coming in great numbers and making the voice of their people heard.

355. The petitioners were completely unanimous in regarding the refusal of the United Kingdom Government to authorize the Sub-Committee to enter Aden as flagrant evidence of its contempt for the rights of the people and its fear of letting the exact situation in the Territory be revealed. In addition, the special confidential instructions issued by the Federal Government and British administration upon the announcement of the Sub-Committee's visit, as indicated in paragraph 55 of the report, gave an idea of the atmosphere of terror decreed by the petitioners. The petitioners were likewise all aware of the administering Power's efforts to divide the country and called the United Kingdom's policy separatist. They all condemned the Federation of South Arabia, which they regarded as a major step backward in the constitutional development of the country. They felt that the United Kingdom, in creating that false federation, had wanted to divert the people from realizing their goal of true unity and independence; but the people had seen through that sham and had recognized it as a manoeuvre of the United Kingdom to perpetuate colonialism in the Territory. The petitioners had also denounced the Aden base, which they considered a constant threat to the entire Arab world.

356. His delegation was glad to note that the Committee, and through it the entire United Nations, constituted a great source of hope for those peoples. It was convinced that the Committee should persevere in its efforts on behalf of the peoples of South Arabia who were demanding unconditional independence.

357. The representative of Chile congratulated the members of the Sub-Committee on Aden upon their efforts and upon the conciliatory spirit which had guided their work. He also commended them for their careful and matter-of-fact report, which would be invaluable to the administering Power and the Aden Administration in taking steps to change a situation which could not continue without impairing the prestige of the administering Power and endangering international peace and security in the area.

358. The Chilean delegation deeply regretted that the United Kingdom, whose good will and co-operative spirit it did not doubt, had denied the Sub-Committee permission to enter Aden and the Protectorates and had refused to hold talks with it. His delegation also deplored the fact that a circular had been sent to all airlines and shipping companies asking them to prevent the designated persons from travelling to Aden, without specifying that they were members of the Sub-Committee. In other words, the members of a United Nations mission had been treated by the immigration authorities not only as private individuals, but as suspicious persons.

359. The Chilean delegation could not understand the reasons for the United Kingdom's attitude. It was a policy which ran counter to the objectives being pursued by the United Kingdom, and it was all the more difficult to understand as the United Kingdom, by its participation in the Committee's work, showed that it was not opposed to the Committee's purposes and was prepared to co-operate with it. The Chilean delegation did not share the view that a visiting mission would constitute interference in the internal affairs of the Territory. The Non-Self-Governing Territories were

no longer closed and impenetrable colonies; their internal affairs had become part of the international public domain and were primarily of concern to the United Nations under the powers granted it by the Charter and in accordance with the resolutions by which the United Nations had assumed the task of ensuring the welfare of the inhabitants of those Territories.

360. His delegation also failed to understand how the mission of peace and conciliation entrusted to the visiting mission could be construed as interference in the internal affairs of a country. Surely the United Kingdom representative, who had been taking part in the Committee's work for many months, could not doubt the good faith of the members of the Sub-Committee on Aden. Far from expressing any opinions in the Territory itself, the members of the Sub-Committee would have reserved their comments for the full Committee, which would have had ample opportunity to endorse or not endorse the Sub-Committee's activities. He wished to stress that point because he was thinking not only of the Sub-Committee on Aden, but also of any other sub-committees which might be established by the Special Committee.

361. The Special Committee and its Chairman should try to convince the United Kingdom that any mistrust of the Committee was groundless. The members of the Committee were men of good will; each of them, as a diplomat, had to act with extreme caution; and the Committee, far from being moved by a spirit of opposition to the United Kingdom, wished to help it emerge from the impasse in which it appeared to find itself.

362. In his delegation's view, the sending of a visiting mission was the best way of enabling the United Nations to know the situation in a given territory and to understand the wishes and problems of the inhabitants. To oppose the use of that method was like concealing a sick person behind locked doors in order to prevent the doctor from seeing him and diagnosing his illness.

363. The Chilean delegation had already dealt with the question of Aden in an earlier statement (paras. 227-229 above). In regard to the report, it would limit itself to urging the abolition of repressive laws and procedures in Aden, respect for human rights, implementation of the principles of self-determination and self-government, and the transfer of powers to a duly representative Government. The Chilean delegation hoped that with the co-operation of the administering Power and thanks to the efforts of the people of Aden themselves and the assistance of the United Nations the various stages of that indivisible process would be completed as rapidly as possible.

364. The representative of the United Kingdom presenting his Government's views on the report of the Sub-Committee on Aden explained his Government's general policy with regard to the sending of visiting missions to Non-Self-Governing Territories under United Kingdom administration. He recalled that on 27 November 1961, when the General Assembly had adopted resolution 1654 (XVI) setting up the Special Committee, the United Kingdom representative had stated that his delegation was prepared to participate in the Committee's work only on the clear understanding that the Committee would not attempt to interfere in the administration of territories for which the United Kingdom was responsible. His delegation had subse-

quently reaffirmed that position (see A/5084) when the President of the General Assembly had invited it to become a member of the Committee. During the early stages of the Committee's work, his delegation had taken the position that visiting missions should not be dispatched without the consent of the administering Power (A/5238, chap. I, paras. 25-26) and the Committee, in its discussion of the sending of visiting missions, had recognized the need for securing the co-operation of the administering Powers concerned (*ibid.*, para. 12(d)). He recalled that, under the Charter of the United Nations, responsibility for the administration of Non-Self-Governing Territories rested with the administering Power and not with the United Nations or any of its subsidiary organs.

365. With regard to the specific question of the Committee's decisions to send a visiting mission to Aden, he was unable to agree with the Chilean representative's statement that the Sub-Committee on Aden would have gone to the Territory as impartial observers and would have made no judgements about the Territory. While his delegation had the greatest respect for the members of the Sub-Committee as individuals, their hands had been tied by the terms of the resolution setting up the Sub-Committee (A/AC.109/42), which had requested them to submit recommendations for the speedy implementation of the Declaration on the granting of independence to colonial countries and peoples and had stated that the constitutional provisions now in force in Aden and South Arabia were not consistent with the Declaration. It should be noted that all the members of the Sub-Committee had voted in favour of the resolution and that one of them had opened the debate on Aden with a strong denunciation of the United Kingdom's policy in the Territory and a plea for the latter's annexation by Yemen.

366. With reference to the letter from the Controller of Immigration (appendix, annex I, below) informing local shipping and airline offices that members of the Sub-Committee would not be permitted to land in Aden, his Government regretted the suggestion in paragraph 46 of the report that the British authorities had questioned the good faith of those members. It was not a question of good faith, nor had the action of the Aden Government been in any way improper, as the report suggested. His delegation had already stated on 26 April 1963 (paras. 162-179), and repeated on 2 May (paras. 266-285), that his Government could not agree to the Sub-Committee's visiting Aden and South Arabia. Nevertheless, the Committee had adopted a resolution instructing a sub-committee to visit those Territories. In reply to a letter from the Vice-Chairman of the Committee, his delegation had said that the United Kingdom Government was unable to reconsider its position. The Sub-Committee had none the less departed without announcing that it had decided not to visit Aden. In the circumstances, it had been perfectly legitimate to send the letter in question to the local airlines and shipping agents. The members of the Committee had been referred to by name because they were travelling on individual tickets and not as a group. He hoped that his statement would reassure them that the administrative action taken was merely a direct consequence of the United Kingdom's stated position and had not been intended as a reflection on them.

367. Turning to the remarks in paragraphs 53 to 56 of the report, concerning alleged attempts by the authorities to prevent petitioners from appearing before

the Sub-Committee, the representative of the United Kingdom went on to say that, with regard to section 2 of paragraph 55, it was normal for the police force to be alerted in view of the stated intention of the parties represented by the petitioners to organize demonstrations while the Sub-Committee was in Yemen, with the attendant risk of disturbances. The allegations made in sections 3 to 8 of that paragraph were all untrue, and he had already disposed of the matter referred to in section 1. His delegation greatly regretted that the Sub-Committee had taken those allegations at their face value and had used the unfortunate and unacceptable language in paragraph 56.

368. His delegation considered that the report was both inaccurate and tendentious. It had searched in vain for evidence that the memorandum of the United National Party and the statement made by Sheikh Muhammed Farid on 24 April (paras. 84-95 above) or the substantial statements of the United Kingdom on 26 April and 2 May had been taken into account. Nearly all of the many petitioners who had testified before the Sub-Committee were supporters of PSP and SAL, two parties whose representatives had already been heard by the Committee. His delegation regretted that the Sub-Committee had thought fit to reproduce again the reckless allegations and unfounded criticisms which had already been made and answered in the Committee.

369. With respect to paragraphs 60 to 64 of the Sub-Committee's report, he wished to state again that the military base was maintained, not for any aggressive purpose, but to enable the United Kingdom to carry out its treaty obligations in the Protectorate and in the Middle East generally. Far from representing a threat, it was a stabilizing factor in that unsettled area—a factor guaranteeing, rather than impeding, the Federation's advance towards independence. Moreover, the total of some £11 million which the staff of the base spent annually in Aden made a major contribution to the prosperity of the Territory.

370. With regard to the allegation in paragraph 63 that the United Kingdom had deliberately fragmented the country, the fact was that when the British had arrived in 1839 South Arabia had already been divided for over a century. The British had had no desire to annex the Territory; the independent sheikhs and sultans had freely sought British protection in return for guarantees of non-interference in their internal administration. The treaties concerned had not been unilateral or secured by force or bribes, but were of a kind recognized in international law, which imposed both legal and moral obligations on the parties. Far from perpetuating the division of South Arabia, United Kingdom policy had been to encourage the small States to federate.

371. In connexion with the reference, in paragraph 66 of the Sub-Committee's report, to the powers of the Governor of Aden, he had already pointed out that while it was possible to quote from constitutional instruments to demonstrate that the Executive and Legislative Councils were powerless and that the Governor had unlimited powers, to understand the correct position it was necessary to distinguish between constitutional theory and practice. The petitioners had failed to point to a single instance in which the High Commissioner had acted as was alleged in that paragraph.

372. The allegation in paragraph 67 that subordinate legislation could essentially change the law of the country was nonsense. It was the Legislative Council

itself which conferred the power to enact such legislation, which could not change the law of the land, could be challenged in the courts if *ultra vires*, and did not in any way violate democratic practices.

373. With reference to the petitioners' complaint, referred to in paragraph 68, that the present Legislative Council was unrepresentative, the fact was that the franchise in Aden was at present confined to persons born or permanently resident in Aden. He stated that PSP was disappointed because the many Yemeni immigrant workers, who were not permanent residents, and on whose support it relied, were excluded from the franchise. It had succeeded in persuading some of its supporters who were eligible as electors to boycott the last elections, but their failure to use their voting rights did not alter the fact that the Aden Government had been constitutionally elected and was entitled to make and to implement decisions in the interests of the people. The number of eligible electors was not 5,000, as given in paragraph 68, but 21,700.

374. The position on the question of general elections in Aden, referred to in paragraphs 69 and 70, was that all parties had agreed that the present franchise should be reviewed before the next general election. Under the Constitution the election had to be held within three months of the dissolution of the Legislative Council, which would come to an end by January 1964. The new Chief Minister of Aden, Mr. Zain A. Baharoon, was undoubtedly giving that question urgent consideration.

375. With reference to paragraph 71, election by an electoral college was a recognized democratic process, and the election of four additional members of the Legislative Council by the Council sitting as such a college was only a transitional measure pending the next general election, to enable local inhabitants to replace official members, pursuant to the Constitution.

376. The description of the Federation of South Arabia in paragraph 76 as false and fictitious and created in order to maintain British colonial domination was entirely false, the representative of the United Kingdom continued. The facts were that for some years a number of rulers had been increasingly interested in uniting in order the better to promote the development of their small territories. At the beginning of 1959 six of those States had formed a Federation on their own initiative for their mutual defence and to foster political, economic and social development. At the beginning of 1963, five other States had joined that Federation. Following a series of talks held during that period, the Ministers of the Federation and of Aden had agreed that union between the two would increase their economic strength and political stability and speed up the achievement of full independence. That proposal had been approved by the United Kingdom Parliament and the legislatures of the Federation and of Aden in the autumn of 1962, and Aden had joined the Federation in January 1963, followed by two more States. The emergence of that Federation, which now comprised the majority of States in Southern Arabia, had been a voluntary act on the part of the States themselves, as would be any decision by any other States to join the Federation.

377. He would not repeat what he had already said in his previous statement about the allegedly unrepresentative nature of the Federal Government (see paras. 276-277 above), referred to in paragraph 80 of the report, but would merely urge the members of the

Committee not to take such allegations by political opponents of the Federation at their face value.

378. The demonstrations referred to in paragraphs 84 to 87 had been a carefully planned attempt to intimidate the members of the Legislative Council by violence and riot and unscrupulous methods had been employed. The police, however, had reacted with patience and restraint. It was entirely untrue that a British adviser had threatened a member of the Council during the debate, as alleged in paragraph 86; in any case, no advisers had access to members of the Council during debates in the Chamber.

379. With respect to the alleged restrictions on political activities and infringements of human rights referred to in paragraphs 88 to 106, that section of the report was admittedly based almost entirely on a memorandum by the Peoples Socialist Party, a fact which was sufficient to indicate the tendentious nature of many of the statements made.

380. So far as the Press was concerned, paragraph 90 was totally misleading, the representative of the United Kingdom declared. *Al-Baath* was not a newspaper but a printing press and was still in operation. *Al-Nahda* had not been closed down but had merely changed its name; its owner and former editor was now the Federal Minister of Education. *Al-Fajr* and *Al-Fikr* had been closed down for attacking the friendly Government of a neighbouring State. *Al-Zaman* had ceased publication because of the owner's bankruptcy. *Al-Ayam* had been closed down for a while but had now been granted a licence. The suggestion in paragraph 91 that all papers opposing the Government had been banned was equally untrue. Eight of the ten daily and weekly newspapers now being published were independent and often criticized the Administration. There had therefore been no suppression of the freedom of the Press in Aden.

381. The last sentence of paragraph 92 showed that ATUC had been fomenting strikes for political, not industrial purposes. It was untrue that the Industrial Relations Ordinance had done away with the right to strike and had placed the worker at the mercy of the employer. The Registrar of Trade Unions had virtually no power to cancel a trade union's registration unless its purposes had become unlawful and he was bound to register a union when it had complied with the simple provisions of the Trade Unions and Trade Disputes Ordinance.

382. The Societies bill referred to in paragraphs 95 to 99 had not been enacted and would not be placed before the Legislative Council until it had been studied in the light of the relevant ILO conventions.

383. Paragraphs 100 and 101 gave a misleading picture of the provisions regarding the granting of bail, which were liberal and similar to those in the United Kingdom. The granting of bail was obligatory in many cases; in other cases the courts had always to show good reason for refusing it.

384. With respect to the Aden Government's power to deport undesirable aliens referred to in paragraphs 102 and 103, he had already stated on two occasions that no immigration control was exercised in respect of the Yemenis; some of them, however, had from time to time had to be deported to their country of origin because they had broken the law of Aden. That was a perfectly normal procedure between neighbouring States.

385. The statement in paragraph 104 that all public meetings and demonstrations were banned in Aden was quite untrue, as were the allegations in paragraphs 108 to 113 concerning political prisoners in Aden. There were no political prisoners in Aden; all those in prison had been sentenced for breaches of the law, nothing in which related to purely political offences. Nor were prisoners ever tortured.

386. Most of the allegations in paragraphs 114 to 131 were too vague or too wild to be capable of refutation, and others had already been dealt with. It was untrue that hundreds of casualties had been caused by air action and that it was a normal means of enforcing law and order in the Territory. Nor had the Royal Air Force ever used napalm bombs there.

387. The deposition of Ali Abdelkerim, referred to in paragraphs 74 and 123 of the Sub-Committee's report, had been brought about not by the British but by the Lahej Electoral College, which in 1958, after a series of treasonable negotiations between the Sultan and the Yemeni authorities, had elected the present Sultan in his place. Mohamed Aidaroos, referred to in paragraph 120 as the deposed Sultan of Lower Yafa'i, was the son of the Sultan and had abused his position by seizing privately owned lands and otherwise interfering with the local economy. Following disagreements with other members of the State Council, he had taken refuge in the hills in 1957 and had since left the country. In 1959 his father had died, and his brother had been elected Sultan. The person referred to in paragraph 125 as the deposed Sultan of Upper Yafa'i had never been elected.

388. The statement in paragraph 127 that the revenues of the port of Aden had been used by the United Kingdom Government was untrue; in fact all such revenues were ploughed back into port development. Nor was it true that there had been no road construction or agricultural development in the Protectorate. With regard to education and health, the figures quoted in paragraphs 128 to 131 were misleading; all the relevant statistics had been transmitted by his Government to the Secretary-General under Article 73 e of the Charter of the United Nations.

389. With regard to the question of the union of Aden and the Protectorate of South Arabia with Yemen, the Yemeni rulers who had once occupied part of South Arabia had lost control there by the beginning of the eighteenth century, and the rulers of all the various States that had been independent since then had always rejected Yemeni claims to sovereignty in their territory. The only petitioners who had supported that claim were those representing the political party in Aden which was supported mainly by Yemeni immigrant workers. In any event, the purpose of the Committee was to help colonial territories achieve independence and not to arbitrate irrelevant and unfounded territorial claims.

390. With respect to the recommendations in paragraph 176 of the Sub-Committee's report, he felt it his duty to restate clearly his Government's policy in the territories. The aim of the United Kingdom Government was independence as soon as possible, and the best and quickest way to achieve that goal was through the union of the States of South Arabia in a Federation. The Federation of South Arabia had made rapid progress, especially since the accession of Aden. His Government had no intention of forcing the remaining States to join the Federation or of imposing the exact form the Federation should take; those were matters

for the States themselves to decide. It was important that the territories should advance to independence as rapidly as possible in accordance with the wishes of the inhabitants. The United Kingdom Government therefore had the threefold task of encouraging political and constitutional development, of promoting economic and social development and of assisting the Federal Government to repel incursions from Yemen and maintain law and order. It was determined to act accordingly.

391. The accession of Aden to the Federation had been a momentous event, the necessary consequences of which had yet to be worked out. The Sub-Committee's recommendations ran directly counter to his Government's policy of progressive constitutional advance. His Government rejected the charge that the Federal Government was unrepresentative. On the other hand, it did not claim that the present electoral methods were definitive; all parties agreed that the franchise in Aden should be reviewed, and that would be done before the next election. In the other States of the Federation the rulers and State Councils intended to bring their electoral methods into line with the practice in other countries as soon as social conditions made that practicable. That matter, however, like the accession of other states to the Federation, was one for the States themselves to decide. The Sub-Committee's recommendation that a new constitution should be introduced, that all States should be forced to join the Federation and that particular electoral methods should be imposed upon them was quite unacceptable to his Government and he hoped that on reflection they would not be endorsed by the majority of the Committee. At the beginning of the Committee's work this year, he had drawn the Committee's attention to the inadvisability of attempting to force through resolutions which were unacceptable to those to whom they were addressed.

392. Finally, the allegation in paragraph 177 of the Sub-Committee's report that the situation in the Territories of Aden and South Arabia was a potential threat to international peace and security was an instance of the inappropriate and indiscriminate use of that phrase, which was thus emptied of its true meaning. If members of the Committee would look at a map of the Middle East they would realize that the real threats to the peaceful progress of that troubled part of the world did not come from the Federation of Aden and Southern Arabia.

393. The representative of Chile recalled that the United Kingdom representative had referred to the statement in which he had expressed his delegation's surprise—which was surely shared by most members of the Committee and indeed of the United Nations—at the United Kingdom's refusal to allow a United Nations committee engaged in a peaceful mission to visit territories under United Kingdom administration. He had not been convinced by the arguments put forward by the United Kingdom representative, which referred to individual circumstances, whereas the question at issue related to matters of principle. The Chilean delegation would certainly not agree to the dispatch of a United Nations body to intervene in the internal affairs of other countries. The purpose of a visiting mission, however, was not to interfere but to go about its duties, in agreement with the administering Power, objectively and impartially. His delegation hoped that it would prove possible to dispel the suspicion with which recourse to international means of peaceful settlement of issue of international significance was still regarded. The Special Committee was neither an inquisi-

tion nor a tribunal, but a body entrusted with a peaceful mandate. If the United Kingdom could convince the Committee that there were better methods than the dispatch of visiting missions, then they would of course be taken into account. The Committee's objective, however, which was to bring about the speedy independence of colonial peoples, brooked no argument, since its implementation would benefit the entire international community.

394. The representative of Iraq said that the United Kingdom representative's statement had demonstrated the United Kingdom Government's reluctance to treat South Arabia in the same manner as other territories under its administration. The Arab people would draw their own conclusions from that fact.

395. The United Kingdom representative had defended his Government's refusal to permit the Sub-Committee to visit Aden on the ground that such a visit would have constituted interference in the administration of the Territory, that the Sub-Committee's hands had been tied by the Special Committee's resolution of 3 May 1963 (A/AC.109/42; see para. 337 above) and that the members of the Sub-Committee would not have been impartial observers in view of certain speeches they had made and certain votes they had cast. With regard to the first of those points, the Sub-Committee on Aden could not be regarded as comparable to the visiting missions which had been sent out in the past by the Trusteeship Council, since it would be the purpose of any sub-committee set up by the Special Committee to promote the speedy implementation of the Declaration on the granting of independence to colonial countries and peoples. The Sub-Committee had been instructed by the Special Committee to ascertain the views of the population with regard to their future, and the Sub-Committee would, of course, do that by accepting written petitions and granting hearings to petitioners. That was a normal function of the Special Committee, and he failed to see how it could have constituted interference in the administration of the Territory. The Sub-Committee had not sought any share in the responsibility of administration, as the United Kingdom representative had suggested at the previous meeting. While it was true, as the United Kingdom representative had said, that the Committee had recognized the need to secure the co-operation of the administering Power when a visiting mission was sent to a Non-Self-Governing Territory, an administering Power's refusal to co-operate could not be regarded as giving it a right of veto over the Committee's work.

396. The representative of Iraq went on to recall that the United Kingdom's position with regard to visiting missions had originally been stated in 1946 during the first General Assembly discussions on the applicability of Chapter XI of the Charter. However, the world of 1963 was very different from that of 1946, and the Charter had been successfully adapted to a changed situation in which the United Nations, in response to the overwhelming demand of world opinion, was now committed to the speedy and unconditional elimination of colonialism throughout the world. The General Assembly and its subsidiary organs had thus assumed special responsibilities which they intended to discharge, regardless of the views of some administering Powers.

397. The second objection that the representative of the United Kingdom had stated in regard to the Sub-Committee was that its hands had been tied by the

Special Committee's resolution of 3 May 1963 (A/AC.109/42). All the same, the statement in the third preambular paragraph of that resolution to the effect that the administering Power had not fully implemented the Declaration on the granting of independence to colonial countries and peoples in respect of Aden and the Aden Protectorates was obviously true, since they were still Non-Self-Governing Territories. The statement in the fourth preambular paragraph that "the constitutional provisions now in force are not consistent with the Declaration" was borne out by, for example, article II of the Treaty between the United Kingdom and the Federation of South Arabia admitting Aden to the Federation (see para. 52 above), which stated that nothing in the Treaty was to affect British sovereignty over Aden. With regard to operative paragraph 1 of the resolution, which recognized "the right of the people of these territories to self-determination and freedom from colonial rule", the United Kingdom representative had stated that his Government was also committed to that objective. Paragraph 2, which recommended that "the people of these territories should be given an early opportunity to decide their future under free and genuinely democratic conditions", could surely not be regarded as tying the Sub-Committee's hands. Finally, paragraph 3, calling upon the Government of the United Kingdom "to release all political prisoners", and paragraph 8, requesting the Sub-Committee to submit "recommendations for the speedy implementation, in respect of these territories, of the Declaration" could not in any sense prejudice the Sub-Committee's impartiality.

398. The third argument put forward by the United Kingdom representative, namely, that the members of the Sub-Committee could not have been impartial because of certain speeches they had made and certain votes they had cast, was one which, if accepted, would mean the end of the United Nations. The representative of the United Kingdom had said that one of the members of the Sub-Committee had used terms of passionate denunciation and had advocated a certain solution to the problem and in so doing had referred to him personally, the representative of Iraq continued. It was quite true that he had done so, but on that occasion he had been speaking on behalf of his delegation. It was, however, a long-established United Nations practice that representatives could act either in the capacity of members of their delegations or as members of official missions dispatched in the name of the United Nations itself. Never before had he heard the contention that a representative of a Member State who had expressed his Government's views was automatically disqualified from serving as a member of a United Nations mission. One of the principles of the Charter was that impartial international observers could be sent to any part of the world to investigate any situation lying within the competence of the United Nations. The members of the Sub-Committee had been charged with the accomplishment of a specific task, not as representatives of their Governments but as international observers.

399. According to the argument of the United Kingdom representative the Controller of Immigration in Aden had been justified in sending his letter to airlines and shipping offices on the grounds that before its departure for the region the Committee had not stated that it would not visit Aden, the representative of Iraq continued. In that connexion he referred the United Kingdom representative to a United Nations press

release issued before the Sub-Committee's departure, on 22 May 1963, in which it had been indicated, *inter alia*, that in view of the fact that the United Kingdom had stated that it had been unable to reconsider its position concerning a visit by the Sub-Committee to Aden, the Sub-Committee would, in accordance with the resolution of the Special Committee, visit neighbouring countries. In the circumstances, the action taken by the immigration authorities at Aden had been totally unwarranted and indefensible.

400. He went on to recall that the United Kingdom representative had spoken at some length on paragraphs 60 to 131 of the Sub-Committee's report. Those paragraphs reflected the views of the petitioners who had appeared before the Sub-Committee. It did not follow that the Sub-Committee had agreed with everything they had said. The Sub-Committee's own impressions were reflected in the conclusions and recommendations. Moreover, if the Sub-Committee had been allowed to visit Aden, its report might have contained different views emanating from other sections of the population.

401. With reference to the Sub-Committee's recommendations he thought that the request that the views of the people should be ascertained in conditions of genuine political freedom and under suitable guarantees was not unreasonable. Indeed, he failed to understand why the United Kingdom did not apply in Aden the policies it was applying in its African territories. All that he was asking was that what had been done in many other United Kingdom territories should be done also in Aden.

402. The representative of Cambodia recalled that the United Kingdom representative had indicated that one of the reasons why his Government had not allowed the Sub-Committee to enter the Territory had been that it was composed of members whom the United Kingdom Government did not regard as impartial because of their statements and of the manner in which they had voted on a resolution in the Special Committee. The members of the Sub-Committee were indeed committed: they were unreservedly committed to the implementation of the Declaration on the granting of independence to colonial countries and peoples.

403. With reference to paragraph 46 of the Sub-Committee's report, to the drafting of which the United Kingdom representative had raised objections, he thought that the matter had been reported objectively. The paragraph referred to "the British authorities" and not to "the British Government". The fact of the matter was that the Sub-Committee had been prevented from visiting Aden, and its members, moreover, had been to a certain extent ostracized.

404. As for the United Kingdom representative's contention that the Sub-Committee's intentions had not been known at Aden, he drew attention to paragraph 43 of the report, in which it was stated that on 22 May 1963 the United Nations Secretariat had issued a press release announcing the Sub-Committee's itinerary.

405. With reference to the contents of the report, he had already told the Committee that the Sub-Committee had merely endeavoured to reflect as faithfully as possible the statements made by the petitioners and the written communications received. The Sub-Committee could not be blamed for the fact that persons who favoured United Kingdom policies in Aden had not appeared before it, or for the fact that it had been unable to visit the Territory.

406. He objected to the statement by the United Kingdom representative at the previous meeting that the report of the Sub-Committee on Aden was both inaccurate and tendentious. He referred the Committee to paragraph 49 of the report, from which it could be seen that at the beginning of every meeting—and all of them had been held in public and attended by the Press—the Chairman of the Sub-Committee had fully informed those present of the Sub-Committee's terms of reference. The Sub-Committee's conclusions were based on the statements by the petitioners and the large number of written communications and documents received. As could be seen from the footnote to paragraph 50 of the report, those documents, which included petitions, letters, cables, photographs and even official British documents such as warnings to the people, had been placed in the files of the United Nations Secretariat. Together with the records of the hearings, they were available to members of the Special Committee. Again, it was inaccurate to assert that the Sub-Committee's views were based on the statements of the representatives of two parties only. As could be seen from paragraph 159 of the report, the Sub-Committee had in fact been able to hear a great many people belonging to many different sections of the population. Biographical details concerning the petitioners heard were given in paragraph 58. In the circumstances the report could not be called inaccurate or tendentious. The Sub-Committee had faithfully reported what it had seen and heard.

407. With reference to the Sub-Committee's recommendations, he had indicated, in submitting the report (para. 353 above), that they reflected the aspirations of a large portion of the people; he had not said "of the entire people". Moreover, those recommendations embodied a principle to which the majority of the Committee adhered. If the validity of resolutions which had not been adopted unanimously was questioned or if it was argued that resolutions could not be implemented if their provisions did not correspond with the administering Power's policies, the Committee would be unlikely to achieve anything in the field of decolonization.

408. The representative of Venezuela, referring to the statement by the United Kingdom representative, said he had no doubt that the representative of the United Kingdom would have considered the report on Aden objective and impartial if it had concluded that the situation in Aden and the Aden Protectorates was idyllic, that harmony reigned between the administering Power and the people, that law and order were maintained without any violence, that there were no exiles or political prisoners, that independence would soon be attained under a freely elected and representative government and that the methods employed in Aden could serve as an example for other colonial territories. The Venezuelan delegation also would have preferred to see such conclusions, but unfortunately the facts had obliged the Sub-Committee on Aden to reach others.

409. The Sub-Committee had at no time considered entering Aden or the Aden Protectorates without the administering Power's consent. His own delegation had proposed amendments to the draft resolution designed to achieve an understanding with the administering Power; it had pressed for talks with that Power at the risk of being considered partial to it. It was therefore surprising that the United Kingdom representative should have asserted that due regard had not been paid

to the position of the administering Power. Only when the intransigent attitude of the United Kingdom had become certain and all possibilities of obtaining its co-operation had been exhausted had the Sub-Committee decided to carry out its mandate by visiting countries adjacent to Aden and the Aden Protectorates.

410. While no one would deny the administering Power's right to refuse entry to a territory it administered, the action taken to warn transport companies against members of the Sub-Committee had been clearly vexatious. The United Kingdom Government should have shown consideration to the members of the Sub-Committee as diplomatic representatives of countries with which the United Kingdom maintained normal relations. Further, as a signatory of the United Nations Charter and of the Convention on the Privileges and Immunities of the United Nations, the United Kingdom was bound to respect a sub-committee representing the United Nations. Moreover, in preventing even transit through the Territory, the United Kingdom had violated provisions of international civil aviation agreements.

411. What was set forth in the Sub-Committee's report was not the opinion, much less the invention, of the members of the Sub-Committee, as the United Kingdom representative had implied. The report presented what the petitioners had said and what the Sub-Committee had been able to corroborate by means of documents and photographs. When there had been doubt concerning a fact or statement, it had been disregarded. Proof of that could be found in the records and files of the Sub-Committee, all of which were available for examination. His delegation was the first to regret that the Sub-Committee had not been able to hear representatives of the administering Power, of the Federation of South Arabia or supporters of the Federation, who could, if they had wished, have come before the Sub-Committee in Yemen. Having been prevented from visiting the territories concerned, the Sub-Committee had had no choice but to be guided by the testimony of the petitioners.

412. One of the salient facts noted in the report was the brutal repression of resistance by means of the bombing of defenceless populations. To everyone's surprise, the United Kingdom representative had not denied such bombings but had belittled their scope; and most surprising of all had been his impassive announcement that no napalm bombs had been used, which implied the use of bombs appropriate to the action.

413. The United Kingdom representative had termed the report inaccurate and tendentious and had accused its authors of bad faith, but he had offered no valid or convincing proof of his allegations. In reality, the Sub-Committee on Aden had performed work of which it could be proud. It had collected a body of facts and had presented them in its report. Those facts would stand as implacable, irrefutable accusations against the administering Power.

414. The representative of Yugoslavia stated that he had not expected the representative of the United Kingdom to be pleased with the report of the Sub-Committee on Aden, but neither had he expected him to make defamatory allegations about members of the Sub-Committee and unfounded assertions about the Sub-Committee's report. The charge that the report was "both inaccurate and tendentious" was one which his delegation rejected vigorously and indignantly. The

United Kingdom representative had said of the members of the Sub-Committee that "their hands had been tied" by the resolution requesting them to submit recommendations for the speedy implementation of the Declaration on the granting of independence to colonial countries and peoples. The implication that it was wrong to make such recommendations and that the Declaration was in the nature of a subversive document was completely unacceptable.

415. Much had been said about the letter of the British authorities to the airlines and shipping companies. He believed it to be an unprecedented document in the annals of the United Nations and had expected expressions of regret, if not apologies, from the United Kingdom delegation. Instead, the United Kingdom representative had actually tried to justify the action. He had merely succeeded in making it plain that it had not been an error on the part of some local official but a premeditated act and part of the British Government's policy towards the Sub-Committee.

416. As to the United Kingdom representative's opinion that the Sub-Committee would not have gone to Aden as impartial observers, he observed that his own delegation was not neutral on the colonial question but, along with the majority of the Committee and the United Nations generally, it was working towards the rapid implementation of the Declaration on the granting of independence. The United Kingdom delegation was, however, hardly in a position to pass judgement on the question of impartiality when it came to Aden. He would not attempt to convince the administering Power that its policy towards territories in that part of the world was unfortunate; he wished, however, to draw the attention of members to the fact that the United Kingdom representative had contested the objectivity not only of the members of the Sub-Committee but of all the members of the Committee who had voted for the resolution on Aden.

417. The claim of the United Kingdom representative that the Aden military base was a stabilizing influence rather than a threat and that it guaranteed rather than impeded advancement towards independence was contradicted by other sources. *The Observer*, for instance, had found the main purpose of the base to be to safeguard oil interests in the Persian Gulf. Mr. J. J. Berreby, an authority on questions of the Arabian Peninsula, had described the important role played by the Royal Air Force in Aden and had noted that in 1957 it had engaged in two interventions, once in the Protectorate of Aden in January and February, and once in the Sultanate of Oman in July and August.⁵⁵

418. The United Kingdom representative had attempted to refute the statements of the petitioners concerning the legislation restricting political activity and human rights, and also concerning repression in Aden and in the Protectorates. The petitioners' statements were borne out by two recent petitions from Aden. In his letter of 13 June 1963 (A/AC.109/PET.112/Add.1), Mr. M. S. Ali, Acting President of the Peoples Socialist Party (PSP), had complained of new legislation which was intended to curb the activities of his party and the organizations supporting it. He had also complained of arrests, deportations and sentences of imprisonment which had been inflicted on members of his party. Again, Mr. A. Al-Asnag, Secretary-General of the Aden Trade Union Congress (ATUC) and President of PSP, had complained in his letter of

1 July 1963 (A/AC.109/PET.150) that the police in Aden had arrested peaceful Arab demonstrators, and had deported five Arab merchants and businessmen. He also complained that the British authorities in Aden had arrested the poet Idris Ahmed Hanbalah of Aden, Secretary-General of the Skilled Workers Union. Those facts were evidence of new persecutions of the Arab nationalists by the colonial authorities in Aden.

419. The United Kingdom representative had also raised the question of responsibility. The Yugoslav delegation had always held that the colonial Powers were responsible for applying the Declaration on the granting of independence to colonial countries and peoples. At the third meeting of the Special Committee in February 1962, the Yugoslav representative had stressed the special responsibility of the colonial Powers (A/5238, chap. I, para. 60), which had increased as a result of the adoption by the General Assembly of resolutions 1514 (XV) and 1654 (XVI), for besides being administering Powers, they were also members of the United Nations and were bound to comply with the provisions of the resolutions of the General Assembly. At the same time, the Yugoslav delegation had never recognized the absolute responsibility of the administering Powers. On the contrary, it had always emphasized the increased responsibility of the United Nations in the sphere of decolonization. By adopting the Declaration on the granting of independence to colonial countries and peoples, paragraph 1 of which declared that the subjection of peoples to alien subjugation, domination and exploitation constituted a denial of fundamental human rights, was contrary to the Charter of the United Nations and an impediment to the promotion of world peace and co-operation, and particularly by setting up the Special Committee, the United Nations had assumed new and precise obligations to colonial countries and peoples. As the members of the Sub-Committee had confirmed, the peoples still struggling for their independence had become aware of those obligations and they had confidence in the United Nations.

420. Lastly, he strongly endorsed the views expressed by the representative of Chile (para. 193 above) regarding the co-operation of the administering Power. He himself had stated in 1962, at the beginning of the Committee's work, that in view of the achievements that had just been enumerated by the United Kingdom representative the Committee had been entitled to expect more constructive co-operation from that delegation than from certain other colonial Powers (A/5238, chap. I, para. 62). It was regrettable that that expectation had not been borne out by results, at least so far as Aden was concerned. It was also regrettable that the administering Power had seen fit to ignore paragraph 7 of General Assembly resolution 1654 (XVI), which invited the authorities concerned to afford the Special Committee their fullest co-operation in carrying out its task. Indeed, the Sub-Committee on Aden had had no co-operation from the administering Power.

421. The representative of Madagascar recalled that, as a member of the Sub-Committee, he had helped to draft the report, the conclusions and recommendations of which he endorsed. That did not mean, however, that the report was any more to the taste of his delegation than to that of the United Kingdom representative. The report was in fact most unsatisfactory, for it had been impossible for the Sub-Committee to hear any petitioners inside Aden and the Aden Protectorates.

⁵⁵ J. J. Berreby, *La péninsule arabique* (Paris, Payot, 1958).

The responsibility for that and for the resulting gap in the report lay with the United Kingdom, which had refused the Sub-Committee permission to enter Aden.

422. It was difficult not to conclude from the United Kingdom's refusal to admit the Sub-Committee to Aden that the administering Power had unworthy reasons for opposing a United Nations visiting mission; at all events, its attitude made the Committee's work more difficult and tended to vindicate those who were inclined to condemn the administering Power without trying to help it in its task of decolonization.

423. The Malagasy delegation wished to draw attention to the varied nature of the statements made by those petitioners who had been heard in the countries adjoining Aden and the Protectorates. Although the petitioners were unanimous in demanding the immediate transfer of authority, not all were opposed to the Federation. What they did oppose was a Federation whose Ministers were not elected in a lawful and democratic manner. Some petitioners had even proposed that the present Administration should be retained during a transitional period preceding independence, since, they had contended, that would simplify everyone's work and avoid confusion. They felt that self-determination should be carried out under United Nations supervision.

424. While many petitioners favoured Aden's integration with Yemen, others vigorously repudiated any allegiance to the Government of Yemen and simply wanted independence, with no provision for annexation. In view of those contrasting positions, the Malagasy delegation, as a member of the Sub-Committee, did not feel that it was mistaken in expressing confidence in the sincerity of all those petitioners who asked that the administering Power should give the people of Aden and the Protectorates an opportunity freely to express their wishes regarding their country's future. New elections, accompanied by the broadest possible safeguards, should therefore be held.

425. The United Kingdom representative had said that the Sub-Committee's hands had been tied. Did he mean that the Sub-Committee had started with preconceived ideas and that its members could not have gone to Aden as impartial observers? If so, the facts proved that he was wrong. He himself, as the representative of Madagascar on the Sub-Committee, had frequently calmed excited petitioners and had cited his own country's orderly achievement of independence as an example to others. The members of the Sub-Committee had been impatient with certain petitioners who had indulged in violent diatribes against the United Kingdom, and, in fact, had disappointed some of the petitioners by refusing to hear them or not questioning them on their statements. In addition, the representative of Iraq, whose statements in the Committee had shown him to be a passionate defender of the Arab cause, had conducted himself at all times with the greatest tact and calmness. There were no grounds for suspecting the Sub-Committee of having had preconceived ideas.

426. The Malagasy people, who had attained independence in peaceful and, it might almost be said, amicable circumstances, felt that discussions based on sincerity and trust between the administering Power and the people of Aden and the Protectorates could still produce a solution. Since confidence bred confidence, the administering Power should agree to talk to everyone, including the political leaders who were held prisoners or had been exiled for political reasons.

As a first step, it should restore confidence by halting all repressive measures against the people of the Territory. That would create the proper atmosphere for the forthcoming popular consultations with a view to independence.

427. At the 194th meeting, on 16 July 1963, Cambodia, India, Iraq, Mali, Syria and Yugoslavia submitted a draft resolution (A/AC.109/L.70). Tanganyika subsequently became a co-sponsor (A/AC.109/L.70/Add.1).

428. Introducing the joint draft resolution,⁵⁶ the representative of Iraq drew attention in particular to the first part of paragraph 5 to the effect that the maintenance of the military base at Aden was opposed by all the petitioners and said that this was a statement of fact. Opposition to the base had been expressed by every petitioner who had stated his views on the subject. Even Sheikh Muhamed Farid, who was known to be close to the United Kingdom Government, had not approved of the maintenance of the base and had informed the Committee that his party had given its agreement to it because that was the only price that was acceptable in order to have Aden in the Federation. The statement in paragraph 5 that the maintenance of the base was prejudicial to the security of the region was fully justified because it was clear from the size of the base that it had not been established for the defence of Aden. On the United Kingdom Government's own admission, it would be used for possible operations in the Persian Gulf and other parts of the Middle East, and, consequently, for the defence of United Kingdom interests in the region, irrespective of what the people of the region thought.

429. The recommendation in paragraph 6 could not be opposed even by the United Kingdom representative, who had stated that all parties agreed that the present franchise at Aden should be reviewed. With reference to the other parts of the Federation of South Arabia, he wondered whether the reservation in the United Kingdom representative's statement to the effect that electoral methods there would be brought more into line with the practice in other countries as soon as local conditions made that practicable did not represent a subterfuge designed to frustrate the people's desire to express its views and to delay the possibility of a popular consultation in complete freedom. In his view, the time had come for a consultation based on universal adult suffrage.

430. With reference to paragraph 7, he said that the information in the possession of the Sub-Committee indicated that laws restricting public freedoms did exist at Aden, that there were political prisoners and detainees, that people had been exiled and had not been allowed to return and that military expeditions were being undertaken. With reference to the last-named point, the United Kingdom representative himself had admitted at the previous meeting that bombings had in fact occurred.

431. The sponsors of the draft resolution attached particular importance to paragraph 8, which should be read in conjunction with paragraph 11. Unless there was one legislative organ and one government for the whole of the Territory, there would be no unified authority with which the United Kingdom could negotiate the transfer of power and the granting of inde-

⁵⁶ The text of the draft resolution was identical with the text of the adopted resolution, except for paragraph 8, which was amended orally (see para. 464 below). The text of the resolution, as adopted, appears in paragraph 478.

pendence. The alternative, namely negotiations between the administering Power and the various States in the Territory would lead to a chaotic situation.

432. As to paragraph 9, it could be seen from the report of the Sub-Committee that the petitioners had been unanimous in seeking United Nations participation, without which they did not think that the elections would be free and genuine. The draft resolution was not asking that the election should be held under United Nations supervision. He felt that the administering Power should have no objection to a United Nations presence in a Non-Self-Governing Territory for the purpose of implementing one of the most important declarations ever adopted by the General Assembly, especially as the idea of a United Nations presence had been accepted even by many independent countries in recent years.

433. The representative of Bulgaria expressed complete disagreement with the statement made by the United Kingdom representative concerning the report of the Sub-Committee. The amazing allegations he had made were just one more attempt to justify and even glorify the colonial system and his country's record as a colonizer, shameful as that was. Such an attitude was an abuse of the Special Committee and showed utter disregard for the General Assembly resolutions on the elimination of colonialism. He fully endorsed the report of the Sub-Committee.

434. The representative of Poland said that the Sub-Committee on Aden was to be congratulated on its work; he supported the conclusions and recommendations contained in the report. The many petitioners heard by the Sub-Committee confirmed the existence of a very grave situation in Aden and the Aden Protectorates. It had arisen as a result of the administering Power's decision to form the so-called South Arabian Federation, which was contrary to the interests of the people and had been rejected by an overwhelming majority of them. In addition, it was contrary to the Declaration on the granting of independence to colonial countries and peoples. The tense situation that decision had produced was likely to endanger the peace of the region and could be improved only by the faithful implementation of the Declaration.

435. He associated himself with those representatives who had refuted the United Kingdom representative's unjustified allegations regarding the Sub-Committee and expressed disappointment at the unco-operative attitude of the administering Power. The Polish delegation wished to dissociate itself entirely from the interpretation given by the United Kingdom representative regarding the sending of visiting missions or sub-committees to the territories with which the Special Committee was concerned; although the Committee would always seek the co-operation of the administering Power concerned, a refusal to co-operate could not in any circumstances constitute an insuperable obstacle to such visits. The Special Committee had been authorized by the General Assembly to send missions or sub-committees whenever it deemed them necessary, and it should continue to do so.

436. The representative of Tunisia associated himself with the disappointment expressed by other representatives regarding the statement made by the United Kingdom representative on the Sub-Committee's report. Tunisia would have preferred the report to be more complete; if it was not so, that was the fault of the administering Power, which had not been co-operative. In the past, Tunisia had had occasion to welcome the

spirit of co-operation and the understanding shown by the United Kingdom—in Africa, for instance—and had hoped that it would show the same spirit in the Middle East. Tunisia had not abandoned hope that, at some future date, the United Kingdom would change its attitude.

437. He supported the draft resolution on Aden with one slight reservation: he felt that the word "independence" should be inserted in paragraph 4 which reaffirmed the right of the people to self-determination. Although independence was mentioned elsewhere in the draft resolution, reference to it should also be made in paragraph 4, which, by its substance and its position, was one of the key paragraphs of the draft resolution.

438. The representative of Uruguay congratulated the members of the Sub-Committee on Aden on their complete and businesslike report. His delegation had every confidence in their impartiality and competence and considered the criticisms made of them to be unfounded and unnecessary. Moreover, he supported the conclusions and recommendations in the report and consequently the draft resolution (A/AC.109/L.70 and Add.1), which was based on those conclusions and recommendations. Nevertheless, he had some doubts about the advisability of including certain provisions in the form in which they were drafted. He agreed in principle that military bases in Non-Self-Governing Territories could be used by the colonial Powers to buttress their domination, contrary to the legitimate desires of their peoples. It seemed to him, however, that, as his delegation had stated more than once, the question of the base should be settled by the people directly concerned, after they had achieved sovereignty. For example, the news had recently been published that the new Government of Zanzibar, formed after the free elections recently held there, had asked for the removal of the military bases from its territory. That appeared to him to be a satisfactory procedure. The question of the base at Aden should be settled by the representatives of the people of Aden, and the United Nations sole concern in the matter should be to ensure that the base was not used to hinder the free expression of the people's will. The delegation of Uruguay would not press the point, since the paragraph in question simply stated what the Committee considered to be desirable and did not make any direct recommendation. It would suggest, however, that the phrase "which is opposed by all petitioners" in paragraph 5 of the draft resolution should be deleted, since paragraph 167 of the Sub-Committee's report stated that "almost all" the petitioners had protested against the existence of the base. Moreover, that phrase somewhat weakened the draft resolution in that it gave the impression that the Committee was basing its opinion on the views of the petitioners only, and not on those of the people of Aden.

439. He also had some doubts about the drafting of paragraph 8, from which it might be inferred that the Committee was recommending the continuation of a unitary Government. It was for the United Nations to ensure that a form of government was in accord with the wishes of the people, but it could not decide that a unitary government would be better for Aden than a less centralized form of government, regardless of the wishes of the people of Aden. He therefore suggested that the words "for the whole of the Territory" should be followed by the words "in accordance with the freely expressed wishes of the people".

440. Finally, with regard to paragraph 9, his delegation felt that a United Nations presence was necessary not only during the period of elections referred to in paragraph 8 but also during the consultations mentioned in paragraph 6.

441. The representative of India recalled that the United Kingdom representative had rejected the charge that the Federal Government was unrepresentative. That unilateral rejection was not substantiated by facts, as his delegation had amply demonstrated at an earlier meeting (paras. 214-220 above). Moreover, the United Kingdom representative had himself acknowledged that all parties had agreed that the present franchise in Aden should be reviewed (para. 374 above). His delegation wished to know how long the United Kingdom Government proposed to take in reviewing the franchise and granting universal adult suffrage to the people of Aden, and when it intended to grant independence to the Territory. The Committee and the people of Aden could not be expected to wait indefinitely for the administering Power's promises to be fulfilled. He earnestly hoped that the United Kingdom would live up to its high traditions and that in Aden too it would display the kind of courage and imagination that had been shown in other former colonies.

442. The representative of Syria noted that in the first stage of the debate on Aden his delegation had not wished to urge the Committee to take a stand before a thorough investigation had revealed all the facts of the situation. The Committee had, in fact, deemed it both useful and necessary to send missions to the territories falling within the scope of its mandate and to hear petitioners and receive petitions from those territories. However, over the past eighteen months it had become increasingly evident that the negative position of the United Kingdom Government on the sending of any mission was inflexible, contrary to the impression which had been given by the United Kingdom and some other delegations when they had propounded the idea of a consensus. If the United Kingdom Government and others which had registered reservations on the sending of missions and the hearing of petitioners were to refuse their co-operation, in spite of the approval of those procedures by the General Assembly, the Committee's entire undertaking might well be jeopardized.

443. The United Kingdom representative had advanced arguments to justify his Government's position on the sending of missions. Those arguments had already been answered by a number of members of the Committee, and indeed they were indefensible both from the standpoint of fact and of law. He personally had served on a mission to Trust Territories in the Pacific area, and he could not recall a single instance when its activities had been considered to be interference in the administration of those Territories or an attempt to assume any of the administrative responsibilities of the Administering Authorities. Visiting missions had been recognized by the framers of the Charter of the United Nations as an indispensable auxiliary to the effective fulfilment of the aims of the Trusteeship System, and experience had shown that they had made a vital contribution towards the realization of those aims. In the light of that record, it seemed inconceivable that Member States should refuse to admit missions to Non-Self-Governing Territories on the ground that they represented attempts by the United Nations to meddle in the administration of those Territories. The United Kingdom's position in that respect

had created a most disquieting situation for the Committee, and his delegation wished to associate itself with the expressions of disappointment and regret voiced by others for the lack of co-operation which the administering Power had shown towards the Sub-Committee on Aden.

444. The Sub-Committee's report was very helpful in assessing the situation in Aden and the Aden Protectorates. It reflected the objectivity, fairness and diligence with which the members of the Sub-Committee had discharged their difficult task. In brief, the report corroborated what the Committee had already learned from the petitioners who had previously appeared before it, and what his delegation had known in advance to be the tragic reality of the situation in Aden, a situation which continued to deteriorate steadily. His delegation endorsed the conclusions and recommendations contained in the report and had accordingly co-sponsored the draft resolution.

445. The representative of Italy observed that one of the most interesting features of the discussion of Aden in the Committee had been that all the basic data of the problem had been laid before members at a very early stage. Furthermore, there seemed to be a large area of agreement on the substance of the problem. In that regard he had been very happy to note that the policy of the United Kingdom Government was to bring the Territory to independence as early as possible. From various expressions of agreement in regard to the four-Power draft resolution of which his delegation had been one of the sponsors (A/AC.109/L.55), he had gathered that all the members of the Committee agreed on two points: first, on the need to recognize the right of the people of Aden and the Aden Protectorates to self-determination and independence in accordance with the provisions of the Declaration on the granting of independence to colonial countries and peoples—and he would add that his delegation's ideas and aims seemed to go even further than was envisaged in some of the clauses of the draft resolution now being considered (A/AC.109/L.70 and Add.1), and secondly, the need to give the people of those territories an early opportunity to decide their future in accordance with their freely expressed will.

446. There was also a third point upon which all agreed, and that was the desire for the unification of the Territory of South Arabia. However, the three petitioners who had appeared before the Committee had approached the problem of independence quite differently. There were two possible methods by which the Declaration could be applied to Aden and the Federation of South Arabia. The first was the one being applied by the administering Power with the support of a considerable section of the population concerned, and it consisted of applying a procedure for the unification of the Territory and the creation of a government to which the British authorities would gradually transfer all functions and powers. That was a procedure which had been adopted in all the former British colonies which were now independent States. While the procedure might be comparatively slow—and his delegation would not object to discussing with the administering Power the reasons for the alleged delay and to requesting it to use its best endeavours in order to grant independence in the shortest possible time—he could not agree with those who maintained that that method was without merit or was meant to conceal a desire to perpetuate the colonial régime.

447. The second method was that advocated by the sponsors of the draft resolution now being considered and was based on the premise that the evolution in the Territory in recent years had been devoid of value. The proposed method would in essence destroy all existing institutions and political structures in favour of others to be worked out in the future. It would tear down what existed and what was supported by one section of the population and replace it with something which was still only in the minds and aspirations of another section of the population. There was no proof that the new structure would be adequate and that it would enjoy the support of the population as a whole.

448. In those circumstances it would be difficult for his delegation to support unreservedly the idea underlying the draft resolution. He recognized that the situation in Aden was not entirely satisfactory, but that was, after all, in the nature of things. The core of the problem was the choice of the method to be adopted to facilitate the achievement of independence. There might be different views on that question, but it should be recalled that the Committee's practice had been to avoid taking sides and to invite the different parties and political movements to try to reach agreement among themselves on their future. In his view, that would be the most appropriate course of action for the Committee to take in the present instance.

449. Apart from that main objection to the draft resolution, there were a number of other points with which he was not in full agreement, either because of the wording that had been chosen or because there was not sufficient evidence to substantiate them. As examples he would mention paragraph 7, which raised a number of complex problems, and paragraph 5, which concerned the military base and on which his delegation had already expressed its view (para. 186 above). His delegation could not support paragraph 5 and would vote against it if it was put to a separate vote.

450. The representative of the Soviet Union said that the report of the Sub-Committee on Aden testified to the gravity of the situation in the Territory. It also clearly demonstrated the very conscientious way in which the Sub-Committee had performed its task and had tried to avoid unsubstantiated judgements. The conclusions which the Committee had reached were based on facts, and on facts alone.

451. He recalled the statement by the United Kingdom representative that it was necessary to distinguish between constitutional theory and practice (para. 371 above), and stated that while it was indeed necessary to differentiate between constitutional theory and practice, it was a matter of differentiating between what was bad and what was very bad. The fact that constitutional theory in Aden was bad and incorrect had been shown by all the members of the Committee who had voted in favour of the interim resolution on Aden. The constitutional practice in Aden was, however, even worse, as could be seen from the Sub-Committee's report.

452. The United Kingdom representative had said that it was a perfectly normal procedure between neighbouring States that persons from foreign countries who abused the hospitality of the receiving country were returned home. The facts of the matter were, however, to be seen in paragraphs 116, 119 and 120 of the Sub-Committee's report. Some 7,000 people from "the South" had taken refuge in Yemen because of British attacks on their homes, others had fled to Saudi Arabia, thousands of United Kingdom troops were

engaged in operations against the indigenous inhabitants, and the Royal Air Force had carried out thousands of sorties dropping heavy, light and napalm bombs and destroying coffee and cereal plantations. Those facts indicated how "peaceful" the United Kingdom base at Aden was and how it "protected" the interests of the inhabitants. The truth was that United Kingdom troops and police were driving the indigenous inhabitants themselves out of South Arabia into Yemen and Saudi Arabia. Moreover it could legitimately be asked how Yemen and Saudi Arabia could be regarded as States neighbouring upon the United Kingdom. The real problem in Aden was that of unconcealed colonial oppression which included the killing of persons who dared to speak up for their rights. It was a problem of colonial domination versus the legitimate interests and aspirations of the indigenous inhabitants.

453. If the descriptions given by the petitioners did not correspond to the true state of affairs in Aden, why had the United Kingdom not invited the five responsible representatives of the United Nations to see the situation as it was? The fact of the matter was that the statement by the United Kingdom representative concerning the Sub-Committee's report was far removed from the truth.

454. The statement of the United Kingdom representative had to be viewed in the light of the conclusions and recommendations of the Sub-Committee, which were reflected in the draft resolution before the Committee. The draft resolution noted the "deteriorating situation in the Territory, the continuation of which is likely to lead to serious unrest and threaten international peace and security", the statements of representatives and the reports received from the Territory proved the truth of that assertion. It was natural that the Committee and the United Nations should be deeply concerned with the United Kingdom's position, for it was that position which determined the situation existing in the Territory. The course of the struggle now taking place depended heavily on whether the United Kingdom would yield to the legitimate demands of the people of South Arabia or would persist in its policy of maintaining its rule in the area.

455. The United Kingdom representative's statement could only heighten the Committee's concern over the developments described in the Sub-Committee's report, the representative of the Soviet Union continued. It showed that the United Kingdom did not intend, at least not immediately, to alter its policy. Unfortunately, that might mean a further aggravation of the situation and the transformation of the present conflict into a real threat to world peace and security.

456. His delegation, with the rest of the Committee, would whole-heartedly welcome the solution envisaged in the draft resolution under discussion. But the facts presented in the report, and particularly the position of the United Kingdom Government, made it necessary to recognize the possibility that the question might attract the attention of the General Assembly and even the Security Council, if no change for the better took place in the very near future. Nobody doubted that the people of South Arabia would eventually obtain their freedom and independence. The only question was at what price the victory would be won, and that depended entirely on the United Kingdom, since the people of South Arabia had already had their say.

457. His delegation endorsed the draft resolution. It considered paragraph 5 inadequate, however. No matter how events developed in the Territory, the maintenance

of the military base could not be justified. Its dismantling was not only desirable but essential in order that the people might have a real opportunity of freely determining their future. They could hardly do so under the threat of bombing raids, and such raids had been carried out from the base. It had also been used for aggression against other Arab peoples, and there was no reason to suppose that it would not be so used again. It was not a stabilizing factor, as the United Kingdom representative had asserted, and to achieve stability through guns and bombs was unheard of. The base had more than once been used, however, to protect the British and American oil monopolies operating in the area. Accordingly, the Committee should call for the speediest removal of the military base in Aden.

458. The Soviet delegation had always taken the position that colonial peoples should attain their independence by peaceful means and not at the price of human sacrifice and bloodshed. It was from that point of view that his delegation regarded the measures recommended in the draft resolution, which should receive the unanimous support of all members of the Committee interested in a peaceful solution of the problem.

459. The representative of Tanganyika expressed his appreciation of the work done by the members of the Sub-Committee on Aden and commended their report. Their task had been rendered more difficult by the administering Power, which had accorded them the sort of humiliating treatment that had always been given to nationalist leaders and the supporters of independence movements. In contrast, the generous co-operation extended to the Sub-Committee by the United Arab Republic, Yemen, Saudi Arabia and Iraq was yet another demonstration of the seriousness with which those and other countries viewed the historic Declaration on the granting of independence to colonial countries and peoples.

460. It was essential for the Committee to recall again and again the precise provisions of that Declaration. Paragraph 5 made it clear that no pretext whatsoever should be used to delay or hinder the Declaration's immediate application. With its adoption and the attainment of independence by so many new countries, nothing could stop the majority of mankind from taking an active part in the elimination of colonialism from the world. For that reason his delegation considered the allegations of interference in colonial territories as being a purely theoretical matter.

461. The information which the Committee had been able to gather concerning the régime in Aden and the Protectorates provided an illustration of the many deplorable aspects of the colonial occupation of a country by foreign people, and the report of the Sub-Committee put the colonial problems in the Territory in their proper perspective by recording and endorsing the unanimous demand of the petitioners for the immediate introduction of elections based on universal adult suffrage.

462. The representative of Australia pointed out that although his delegation agreed in many respects with the Sub-Committee's conclusions and the draft resolution, it would be compelled to vote against the draft resolution. It would vote against it because, to the extent that the draft did not express appreciation of the generally recognized fact that the United Kingdom authorities in Aden had acted in accordance with the letter and spirit of the Charter, it failed to present a balanced, fair and accurate picture of the situation

in the Territory. Moreover, Australia did not believe that the situation was deteriorating or "likely to lead to serious unrest and threaten international peace and security", as stated in the fourth preambular paragraph, or that maintenance of the military base in Aden was "prejudicial to the security of the region", as stated in paragraph 5. Indeed, maintenance of the base was a most important factor in the security of the region. Finally, the Australian delegation considered that a number of statements in paragraph 7 were unfair to the administering Power and not in keeping with the facts.

463. The representative of Iraq, replying on behalf of the sponsors, noted that a specific reference to independence in paragraph 4 would be redundant since "freedom from colonial rule in accordance with the Declaration on the granting of independence to colonial countries and peoples" was tantamount to independence. The clause "which is opposed by all the petitioners" had been inserted in paragraph 5 because it was regarded by the sponsors as the most objective way of indicating popular opposition in the Territory to the maintenance of the military base at Aden. Since the Sub-Committee had been prevented from visiting the Territory and had been unable to ascertain the feelings of the population on the spot, it could do no more than report what was the consensus of the petitioners.

464. With regard to paragraph 8, he pointed out that the sponsors of the draft resolution had not intended to advocate any particular form of government; their objective was to enable the people of the Territory to choose a representative government which would have the authority to negotiate the transfer of power on their behalf. He accepted the Uruguayan suggestion to insert the phrase "in accordance with the wishes of the population" after the words "the whole of the Territory" in the first part of the paragraph.

465. The presence of the United Nations in the Territory before the elections, as suggested in paragraph 9, was essential in order to guarantee that freedom of political activity would prevail while arrangements and preparations for the elections were being made.

466. Replying to the observations of the representative of Italy, he noted first that the Declaration on the granting of independence to colonial countries and peoples, which constituted the Committee's terms of reference, clearly stated that "inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence". Moreover, if it was true, as the representative of Italy had argued, that Aden, which had come under United Kingdom rule before Kenya became a British colony, was far less prepared for self-government and independence than Kenya, the responsibility rested with the administering Power. The United Kingdom Government should not be the judge of when the Territory was ready for independence. Finally, the purpose of the draft resolution was not to destroy the existing political structures of Aden, but rather to prevent the fragmentation of administration by ensuring that the whole Territory, including those parts which were not included in the Federation, had one government based on popular elections with which arrangements could be made for the transfer of power and the proclamation of independence.

467. He categorically rejected the statement of the representative of Australia that the military base at Aden was a factor promoting the security of the region.

The base was not intended to defend the region against aggression from outside, but rather, as the United Kingdom Government itself had admitted, to protect British interests in the Middle East, particularly in the Persian Gulf. The protection of those interests against the wishes of the peoples concerned was clearly prejudicial to the security of the region. For those reasons, the sponsors of the draft resolution had inserted a reference in paragraph 5 to the desirability of eliminating the base.

468. The representative of Chile supported the Tunisian suggestion that paragraph 4 of the draft resolution should contain a specific reference to independence. The phrase "freedom from colonial rule" was open to various interpretations and might be construed by an administering Power to mean merely internal self-government; it should be replaced by the word "independence". Chile also supported the idea embodied in paragraph 5, but had the same misgivings concerning the wording of the paragraph as had been expressed earlier by the representative of Uruguay. Moreover, the question of the maintenance or elimination of the military base at Aden should be decided by the people of the Territory; the Committee should not prejudge that decision. Lastly, he noted that, although reference to the military base in Aden had been made in the conclusions of the Sub-Committee's report, it had not reappeared in the Sub-Committee's recommendations.

469. The representative of India said that while his delegation did not object to the amendment to paragraph 4 suggested by the representatives of Tunisia and Chile, it would like to respect the wishes of its co-sponsors and retain the paragraph in its present form. He added that the interpretation of paragraph 4 was quite clear to his delegation and pointed out that the paragraph mentioned the Declaration on the granting of independence to colonial countries and peoples.

470. The representative of Cambodia explained that the statement in the Sub-Committee's report did not represent only the opinion of the Sub-Committee; it was also the view of the petitioners. As to the military base at Aden, the Sub-Committee had not made a recommendation that it should be eliminated, and consequently, the draft resolution did not "request" the removal of the base or "call upon" the administering Power to withdraw it; it simply "considered" that its maintenance was prejudicial to the security of the region. Moreover, an oblique reference to the base had been made in paragraph 177 of the Sub-Committee's recommendations, for one of the reasons why the Sub-Committee felt that the situation was dangerous and might jeopardize peace and security was that the base might be used against the people to frustrate their desire for independence.

471. At its 197th meeting, on 19 July 1963, the Special Committee approved the draft resolution (A/AC.109/L.70 and Add.1), as orally amended, by 19 votes to 3, with 2 abstentions.

472. The representative of the United Kingdom said that his delegation had voted against the draft resolution because it incorporated the conclusions and recommendations of the Sub-Committee on Aden, which were unacceptable to the United Kingdom Government.

473. In particular, the United Kingdom considered that the language of the fourth preambular paragraph was inappropriate since no convincing evidence had been adduced to show that the situation in the Territory was in fact deteriorating and still less that it was

likely to threaten international peace and security. The refusal of the United Kingdom Government to allow the Sub-Committee to enter Aden was consistent with its declared policy opposing the sending of United Nations bodies to Non-Self-Governing Territories under its administration; it did not represent a departure from its declared objective of co-operating with the Committee in other respects. Accordingly, paragraph 2 was not a fair statement of the facts. Furthermore, his delegation rejected the view in paragraph 5 that the military base at Aden constituted a threat to the security of the region; indeed, it was a stabilizing factor in the area and a guarantee of the Federation's advance towards independence. With regard to paragraph 7, he once again denied the allegations of petitioners that the laws of Aden restricted fundamental freedoms. There were no political prisoners or detainees and no person had been sentenced to gaol for purely political offences. No citizens had been exiled or forbidden to reside in the Territory, although aliens who had abused the hospitality of Aden had been returned to their countries of origin.

474. The process of maintaining law and order in the Territory could not be described as "repressive action" and action by aircraft was not a normal feature of that process. However, such action against dissident tribesmen operating from remote places was sometimes a necessity, however regrettable. On the other hand, the frequency and extent of air action in the Territory had been greatly exaggerated: the figure of 12,000 aircraft flights in South Arabia given in paragraph 116 of the Sub-Committee's report referred to all types of flights, including the transport of personnel, the movement of freight, leaflet-dropping and reconnaissance. Only a small proportion were ground-attack sorties and they had occurred some years previously when the Government of Yemen was actively encouraging frontier violations. In any case, there had been no use of bombs in Aden at least in the past twelve months.

475. The method and pace of constitutional advance advocated in other paragraphs of the draft resolution bore little relation to the particular circumstances of the Territory and to the present wishes of the Governments and peoples of the Federation. The United Kingdom Government's objective was independence at the earliest possible date, and it could most rapidly be achieved through the union of the different States of South Arabia in a federation. Substantial progress had been made towards that objective in the past four years and it was hoped that those States not yet in the Federation would soon decide to join. The exact form of the Federation was for the members themselves to decide.

476. The Government of the Federation or of any particular State in the Federation could not be said to be unrepresentative merely because it had not been constituted as a result of general elections held on the basis of universal adult suffrage. Nevertheless, the Government of Aden was considering a review of the franchise prior to elections and the rulers in the other States of the Federation were aware of the desirability of bringing their electoral methods into line with democratic processes. The States themselves should decide the question; the United Kingdom Government rejected the implication in the draft resolution that the present legislative organs should be destroyed and a new Constitution introduced which would coerce all States into the Federation and impose particular electoral methods on the different States. The United Kingdom intended

to fulfil its Charter obligation to lead the Federation to self-government and independence in accordance with the wishes of the inhabitants, and it would continue to work towards that goal in co-operation with the Government of the Federation.

477. The representative of Denmark said that he had abstained from the vote on the draft resolution, although his delegation supported those paragraphs which advocated respect for the right of self-determination of the people of Aden. It had been unable, however, to support other paragraphs which it regarded as misleading or outside the Committee's competence. In particular, it could not accept paragraph 5 because the question of the maintenance of the base at Aden should be decided by the people of the Territory and its existence did not impede the attainment of the objectives of the Committee. Paragraph 7 (c) went too far: it was a generally recognized right of a State to expel foreigners who abused the laws of hospitality and few States represented in the Committee would be prepared to waive that right. The sub-paragraph was an inaccurate reflection of the view expressed by many petitioners that foreigners intending to make Aden their home should be granted the right to vote. Lastly, the Danish delegation had not been able to accept the wording of the fourth preambular paragraph.

478. The draft resolution on Aden as approved by the Special Committee (A/AC.109/48 and Corr.1) at its 197th meeting on 19 July 1963, read as follows:

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

"Having considered the report of the Sub-Committee on Aden,

"Bearing in mind the unanimous desire, expressed to the Sub-Committee by the petitioners, for the early end of colonial domination,

"Considering the strong desire of the population for the unity of the territory,

"Deeply concerned at the deteriorating situation in the Territory, the continuation of which is likely to lead to serious unrest and threaten international peace and security,

"Convinced of the necessity of consulting the people of the Territory at the earliest possible time,

"1. Expresses its thanks to the Sub-Committee for the work it has accomplished;

2. Expresses deep regret at the refusal of the Government of the United Kingdom to co-operate with the Sub-Committee, particularly its refusal to allow the Sub-Committee to go to the Territory, in pursuance of the tasks entrusted to it by the Special Committee;

"3. Approves the conclusions and recommendations contained in the report of the Sub-Committee;

"4. Reaffirms the right of the people of the Territory to self-determination and freedom from colonial rule in accordance with the Declaration on the granting of independence to colonial countries and peoples;

"5. Considers that the maintenance of the military base in Aden, which is opposed by all the petitioners, is prejudicial to the security of the region and its early removal is therefore desirable;

"6. Recommends that the people of Aden and Aden Protectorate should be allowed to exercise their

right of self-determination with regard to their future, the exercise of that right of self-determination to take the form of a consultation of the whole population, to be held as soon as possible on the basis of universal adult suffrage;

"7. Calls on the administering Power:

"(a) To repeal all the laws which restrict public freedoms;

"(b) To release all political prisoners and detainees and those who have been sentenced following actions of political significance;

"(c) To allow the return of people who have been exiled or forbidden to reside in the Territory because of political activities;

"(d) To cease forthwith all repressive action against the people of the Territory, in particular military expeditions and the bombing of villages;

"8. Further calls on the administering Power to make the necessary constitutional changes with a view to establishing a representative organ and setting up a government for the whole of the Territory in accordance with the wishes of the population, such legislative organ and government to be constituted following general elections to be held on the basis of universal adult suffrage and with full respect for fundamental human rights and freedoms;

"9. Recommends to the General Assembly that the necessary arrangements should be made in consultation with the administering Power, for effective United Nations presence before and during the elections referred to in the preceding paragraph;

"10. Recommends that these elections should be held before the attainment of independence, which will be granted in accordance with the freely expressed wishes of the inhabitants;

"11. Recommends that conversations should be opened without delay between the government resulting from the elections mentioned above and the administering Power for the purpose of fixing the date for the granting of independence and the arrangements for the transfer of power;

"12. Requests the Secretary-General to transmit the present resolution to the administering Power;

"13. Requests the administering Power to inform the Secretary-General and the General Assembly at its eighteenth session of any action taken to implement the resolution."

APPENDIX

Report of the Sub-Committee on Aden*

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I. Introduction

1. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of Aden at its 149th to 164th and 169th meetings, held on 17 April to 3 May and on 10 May 1963.

2. During its consideration of the question of Aden the Special Committee heard three petitioners: Mr. S. A. Alhabshi, Secretary-General of the South Arabians League (SAL); Mr. S. H. Sohbi, representing the Peoples Socialist Party (PSP) and the Aden Trade Union Congress (ATUC); and Sheikh Muhamed Farid, representing the Federation of South Arabia. The Special Committee had also heard, during its meetings in 1962, a statement by Mr. Mohamed Ali Luqman, Secretary-General of the Peoples Congress (see A/5238, chap. XII, paras. 54-61).

3. In the course of the general debate it was suggested that it might be useful for the Special Committee to send a visiting mission to Aden and the Aden Protectorates to contact the representatives of the people, examine conditions and report with recommendations on the best and most expeditious means of implementing the Declaration. This suggestion was supported by the majority of representatives.

4. Referring to this suggestion, the representative of the United Kingdom restated the objections of his Government, on grounds of principle, to the sending of visiting missions to the Non-Self-Governing Territories under their administration. He stated that under the Charter the responsibility for the administration of the Non-Self-Governing Territories rests with the Administering Member concerned and not with the United Nations. His Government had no intention of shifting, evading or sharing this responsibility, as they believed that divided responsibility could only lead to delay and confusion. He

added that the presence of a visiting mission in United Kingdom Territories would clearly constitute an interference in the internal affairs of that Territory and that he had the authority of his Government to state that such a proposal would be unacceptable to them.

5. In reply to the statement by the representative of the United Kingdom it was pointed out that with the adoption of the Declaration on the granting of independence to colonial countries and peoples contained in resolution 1514 (XV) of 14 December 1960, and of resolutions 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962, the General Assembly had assumed a special responsibility for ensuring the rapid attainment of independence by dependent territories and to this end had authorized the Special Committee to send missions to these territories so that it could acquaint itself with conditions prevailing in them. A mission to Aden would make it possible for the Special Committee to make an objective study of the facts and produce a correct and more detailed judgement of the situation there. It was also stated that the United Kingdom had not shown how the dispatch of a mission would further worsen the situation in the Territory.

6. At its 163rd meeting, on 3 May 1963, the Special Committee approved a resolution (A/AC.109/42) by which, *inter alia*, it decided to send a sub-committee to Aden.

[For the text of this resolution see chap. V, para. 337, above.]

7. At the 169th meeting, on 10 May 1963, the Chairman of the Special Committee announced that he had nominated the representatives of the following countries as members of the Sub-Committee on Aden: Cambodia (*Chairman*), Iraq, Madagascar, Venezuela and Yugoslavia.

8. The Sub-Committee was constituted as follows: Mr. Voensai Sonn (Cambodia), *Chairman*, Mr. Adnan M. Pachachi (Iraq), Mr. Rémi Andriamaharo (Madagascar), Mr. Leonardo Díaz González (Venezuela) and Mr. Mišo Pavičević (Yugoslavia).

9. The Sub-Committee was assisted by a secretariat consisting of Mr. J. A. Miles, Secretary of the Sub-Committee, Mr. H. Rifai, Political Affairs Officer, Mr. C. Mertvagos, Interpreter, and Miss C. E. Charpentier, Secretary.

10. The decision of the Special Committee to send a Sub-Committee to Aden marked the first occasion on which it had authorized a group of its members to visit one of the Territories with which it was concerned. The Sub-Committee was deeply conscious of the importance of the tasks assigned to it and looked forward to acquainting itself at first hand with the situation prevailing in Aden and the Protectorates and with the views of the population concerning their future. The Sub-Committee believed that as a result of this experience it would be able to make a significant contribution to the work of the Special Committee in bringing about the speedy implementation in Aden and the Protectorates of the Declaration on the granting of independence to colonial countries and peoples.

11. Because of the importance the Sub-Committee attached to an actual visit to the Territory itself, the Sub-Committee felt that its first task should be to try to persuade the United Kingdom Government to reconsider the position it had taken in the Special Committee concerning the visit of the Sub-Committee to the Territory, as called for in paragraph 4 of the resolution establishing the Sub-Committee.

12. The details of the efforts made by the Sub-Committee to this end are set out in a subsequent section of the present report (paras. 27-32 below). Here the Sub-Committee wishes to stress its deep regret that the United Kingdom Government was unable to reconsider its position.

13. The Sub-Committee also regrets that its efforts to hold talks with the administering Power, as called for in paragraph 6 of the resolution, were not successful.

14. When it became clear that it would not be possible to visit Aden and the Protectorates, the Sub-Committee considered the possibility of visiting neighbouring countries as had been provided for in paragraph 5 of the resolution. As a result, the Sub-Committee made arrangements to visit the United Arab

* Previously issued as documents A/AC.109/L.63 and Add.1 and Corr.1.

Republic, Yemen, Saudi Arabia and Iraq, in order to interview persons from Aden and the Protectorates.

15. The Sub-Committee regrets that the time available to it for its visit to these countries was so short. No arrangements could be made until 20 May 1963, as it was not until then that the Sub-Committee knew finally that it would not be able to visit Aden. Furthermore, by the terms of the resolution, the Sub-Committee had been requested to present its report not later than 10 June. This left the Sub-Committee less than a week in which to arrange its itinerary and two weeks in which to carry out its work in the area.

16. The Sub-Committee arrived in Cairo on 25 May, and on 26 and 27 May held meetings during which it interviewed ten petitioners.

17. The Sub-Committee arrived in San'a on 28 May where, on the following day, it interviewed fourteen petitioners and called on Mr. Moustafa Yakob, Minister for Foreign Affairs of Yemen. On 30 May, in Ta'izz, the Sub-Committee interviewed ten petitioners.

18. On 2 June, in Jidda, the Sub-Committee interviewed seventeen petitioners. On the following day it called on Prince Faisal Bin Abdul Aziz, Prime Minister and Minister for Foreign Affairs of Saudi Arabia.

19. In Baghdad, on 5 June, the Sub-Committee interviewed five petitioners and called on Mr. Talib Hussein Shabib, Minister for Foreign Affairs of Iraq.

20. In the short time available to it the Sub-Committee was able to interview fifty-six petitioners in five different cities. In addition it received a large number of documents which included supplementary statements and evidence submitted by petitioners, statements by petitioners who were unable to be heard personally and letters and telegrams. The Sub-Committee's meetings in all centres were well-attended by large numbers of people, most of whom were from Aden and the Aden Protectorates. In a number of places the Sub-Committee had to arrange for one person to speak on behalf of many others who had also wished to speak. Furthermore, in Yemen the Sub-Committee wished to visit other centres such as Al Bayda and Qa'tabah, and in Saudi Arabia it would have liked to visit Riyadh, for it was informed that in all of these places there were petitioners who were anxious to meet it. Unfortunately, because of lack of time this was not possible.

21. These facts alone give a clear indication of the interest and enthusiasm which was aroused by the visit of the Sub-Committee. But what is more difficult to convey are the feelings of gratitude, trust and hope in the United Nations and in the Special Committee which the Sub-Committee could not fail to notice among the people it met.

22. As a result of its visit the Sub-Committee was able to gain a clearer and more detailed picture of the situation in Aden and the Protectorates. Because it was able to speak with and question leaders and representatives of important political parties and of many other organizations, as well as individuals, the Sub-Committee was provided with ample evidence as to the aspirations of the people. It is regrettable that the Sub-Committee was not able to exchange views with representatives of the other parties and organizations existing in Aden and the Protectorates. This however was no fault of the Sub-Committee. Nevertheless, in coming to its conclusions and in making its recommendations, the Sub-Committee also took into consideration the memorandum sent to the Special Committee by the United National Party (A/AC.109/PET.114) and the text of the statement made by Sheikh Muhamed Farid before the Special Committee on 24 April 1963 (see chap. V, paras. 84-95 above), together with his answers to questions put to him.

23. The Sub-Committee wishes to express its gratitude and appreciation to the Governments of the United Arab Republic, Yemen, Saudi Arabia and Iraq for the generous hospitality, assistance and facilities accorded to it in the course of its work in Cairo, San'a, Ta'izz, Jidda and Baghdad.

24. The Sub-Committee also wishes to express its appreciation for the valuable assistance it received from the Directors and staff of the United Nations Information Centres in Cairo, Beirut and Baghdad, the United Nations Resident Representa-

tives for Technical Assistance in Cairo and Riyadh, and the officer-in-charge of the International Civil Aviation Organization in Jidda.

25. Finally, the Sub-Committee wishes to place on record its appreciation of the valuable assistance it received from the members of the United Nations Secretariat who accompanied it on its mission. All performed their duties in a most conscientious and competent manner, and deserve the compliments and thanks of the Sub-Committee.

26. The present report was adopted by the Sub-Committee on 1 July 1963.

II. Action taken by the Sub-Committee to carry out its mandate

PROPOSED VISIT TO ADEN

27. By paragraph 4 of its resolution on Aden (A/AC.109/42), the Special Committee had decided to send a Sub-Committee to the Territories of Aden and Aden Protectorates and in paragraph 7 of the same resolution it had expressed the hope that the administering Power would fully co-operate with the Sub-Committee.

28. Following the announcement by the Chairman of the Special Committee at its 169th meeting, on 10 May 1963, regarding the Sub-Committee's membership, the Vice-Chairman of the Special Committee, by a letter dated 14 May 1963 (see annex I, section A, below), informed the Permanent Representative of the United Kingdom of the composition of the Sub-Committee and requested the United Kingdom Government to reconsider its position concerning the Sub-Committee's visit to Aden.

29. At its first meeting at United Nations Headquarters, the Sub-Committee decided to endeavour by every means to persuade the United Kingdom Government to co-operate with the Sub-Committee and allow it to visit the Territory. The Sub-Committee was anxious to establish contact with the people of the Territory and inform itself at first hand of the situation prevailing there and the views of all sections of the population. To this end the Chairman of the Sub-Committee had a meeting with the representative of the United Kingdom to the Special Committee on 15 May 1963, to whom he conveyed the Sub-Committee's firm intention to carry out its mandate as set out in paragraphs 4, 5 and 6 of the Special Committee's resolution on Aden. He drew attention, in particular, to the Committee's decision that the Sub-Committee should visit Aden and the Aden Protectorates. The Chairman also recalled that the Special Committee had expressed the hope that the administering Power would fully co-operate with the Sub-Committee. The Chairman was informed that these views would be conveyed to the United Kingdom Government, along with the letter of 14 May 1963 from the Vice-Chairman of the Special Committee.

30. By a letter dated 20 May 1963 (see annex I, section B, below), the Permanent Representative of the United Kingdom informed the Vice-Chairman of the Special Committee that the request contained in his letter of 14 May 1963 had been conveyed to the United Kingdom Government but that, for the reasons already explained in the Special Committee, his Government was unable to reconsider its position concerning a visit by the Sub-Committee to Aden.

31. The Sub-Committee has carefully considered the arguments put forward by the delegation of the United Kingdom in the Special Committee in support of its position, but it is unable to agree with them. In its view, the United Nations has responsibilities with regard to Non-Self-Governing Territories deriving from the provisions of the Charter concerning these Territories and from the Declaration on the granting of independence to colonial countries and peoples adopted by the General Assembly. The Sub-Committee also is unable to accept the argument that "divided responsibility can only lead to delay and confusion". The leading role that the United Nations has played in assisting territories to attain their independence proves the usefulness of its efforts. It is up to the administering Power to give the United Nations its full co-operation.

Finally, the Sub-Committee notes with regret that the United Kingdom considers the presence of a visiting mission in the Territory of Aden as an interference in the internal affairs of the Territory. This entirely distorts the spirit behind the proposed visit which was aimed at ascertaining the views of the population so as to implement the Declaration on the granting of independence.

32. The Sub-Committee cannot stress too strongly its deep regret and disappointment at the position taken by the United Kingdom Government. This decision not only prevented the Sub-Committee from performing one of the specific tasks given it by the Special Committee, but also, by refusing the Sub-Committee access to the very territory with which it was concerned, denied it one of the most effective means of carrying out the main tasks assigned to it.

PROPOSED TALKS WITH THE ADMINISTERING POWER

33. By paragraph 6 of its resolution on Aden the Special Committee requested the Sub-Committee to hold talks with the administering Power.

34. During his meeting with the United Kingdom representative to the Special Committee, on 15 May 1963, the Chairman of the Sub-Committee also referred to the question of talks with the administering Power as provided for by the resolution. The Sub-Committee believed that such talks would be useful as they would provide an opportunity for a frank exchange of views and would enable the Sub-Committee to receive clarifications concerning United Kingdom policy in the Territory. In the Chairman's view, these talks could take place in London or in New York.

35. At a second meeting, on 20 May 1963, the United Kingdom representative to the Special Committee informed the Chairman that he had received no special instruction from his Government on the question of these talks and that probably they would not be necessary since his delegation had clearly expressed the United Kingdom's point of view in the Special Committee.

36. The Sub-Committee regrets that there was no opportunity for what it believes could have been fruitful and useful discussions.

VISIT TO NEIGHBOURING COUNTRIES

37. By paragraph 5 of its resolution on Aden the Special Committee authorized the Sub-Committee to visit, if necessary, neighbouring countries.

38. While awaiting the outcome of the efforts that were being made to arrange for the Sub-Committee to visit Aden and the Protectorates and to hold talks with the administering Power, the Sub-Committee considered the possibility of visiting neighbouring countries in accordance with that paragraph of the resolution. The Sub-Committee took the view that, in the event that the United Kingdom did not change its position on the proposed visit to the Territory, it would be necessary for it to visit neighbouring countries in order to carry out the main tasks assigned to it.

39. The Sub-Committee therefore decided in principle to visit these countries for the purpose of interviewing refugees and petitioners known to be residing there.

40. The Chairman of the Sub-Committee then addressed letters to the Permanent Representatives of Saudi Arabia, the United Arab Republic and Yemen to the United Nations, informing them of its desire to visit their countries for the purpose of obtaining information which might be of assistance to it in the performance of its tasks. The Permanent Representative of Iraq to the United Nations conveyed an invitation from his Government to visit also his country for the same purpose. The Sub-Committee subsequently received replies from the Permanent Representatives of the first-mentioned three countries stating that their Governments welcomed the proposed visits.

41. When the Sub-Committee knew that it would not be able to visit Aden, on 20 May 1963 it set about arranging its itinerary. It decided that it should visit Cairo, San'a, Jidda and Baghdad in that order. It also decided to plan its itinerary in

such a way as to enable it to visit other centres in Yemen should this prove to be possible.

42. The Sub-Committee found it extremely difficult to plan a detailed itinerary. In the first place it could devote only a short time, two weeks at the most, to its visit and, secondly, it had only a few days in which to make the necessary arrangements. A particular difficulty was that of fitting the Sub-Committee's plans to the schedules of the airline companies. Finally it was able to agree on the following itinerary: Cairo, arrival 25 May 1963; San'a, arrival 28 May; Jidda, arrival 1 June; Baghdad, arrival 4 June.

43. As soon as the Sub-Committee had completed its plans for carrying out its tasks it arranged for them to be announced in a press release which was issued on 20 May 1963 by the Office of Public Information of the United Nations Secretariat. This press release was sent to the United Nations Information Centres in Cairo and Baghdad, the two centres concerned with the areas in which the Sub-Committee would be working. Despite the limited time available to publicize the Sub-Committee's itinerary, the action taken by the Information Centres in informing the representatives of the Press in the area ensured that the Sub-Committee's terms of reference and the scheduled dates of its meetings were well known before its arrival. The Sub-Committee wishes to commend the Office of Public Information for the way in which it carried out this task.

44. The Sub-Committee encountered some difficulties in travelling long distances in so short a time. Nevertheless, it was able to adhere to its original schedule of meetings in the various centres. It was also able, thanks to the assistance of the Yemen Government, to add Ta'izz to the centres at which it held meetings.

45. In this connexion, the Sub-Committee wishes to draw attention to an action taken by the United Kingdom Government concerning the Sub-Committee's visit. While in San'a, one of the petitioners handed to the Sub-Committee a photostat copy of a letter, dated 23 May 1963 and marked "Confidential", from the Controller of Immigration in Aden, addressed to "All Airlines and Shipping" (see annex II below). This letter gave the names of the five members of the Sub-Committee and read as follows:

"This is to inform you that should any of the five persons named above arrive in Aden State by any of your Agency Aircraft or Ships, they will not be permitted to land.

"It is therefore suggested that you should advise owners of airlines and shipping under your Agency not to accept any booking from these persons for journey to Aden or any journey that would necessitate their stay in Aden in transit.

"Please acknowledge receipt of this circular."

46. The Sub-Committee wishes to register its strong objection to this action directed against the members of an officially constituted body of the United Nations. Not having received authority to go to the Territories of Aden and the Aden Protectorates, the Sub-Committee had decided to abide by that decision of the United Kingdom Government although it was contrary to the Special Committee's resolution of 3 May 1963. But the British authorities have impugned the good faith of the members of the Sub-Committee.

III. Meetings with representatives and leaders of political parties, representatives of various organizations, refugees and other petitioners from Aden and the Aden Protectorates

MEETINGS WITH PETITIONERS

47. It quickly became apparent to the Sub-Committee that its visit to countries neighbouring Aden and the Protectorates had been awaited with keen interest by a great number of people and organizations inside and outside the Territory. At Cairo, San'a and Baghdad the Sub-Committee was greeted by sizable demonstrations, and its meetings in all centres were well attended by deputations of people from different parts of the Territory.

48. The Sub-Committee decided that its meetings should be open to the Press and, as far as space allowed, to the public.

All petitioners were therefore heard in public with the exception of four who, at their own request, were heard by the Sub-Committee in private.

49. At the beginning of each meeting, the Chairman fully informed those present of the mandate given to the Sub-Committee by the Special Committee. In the context of the resolution of 3 May 1963 (A/AC.109/42) which recognized "the right of the people of these territories to self-determination and freedom from colonial rule in accordance with the provisions of General Assembly resolution 1514 (XV) of 14 December 1960" and which recommended that "the people of these territories should be given an early opportunity to decide their future under free and genuinely democratic conditions", the Sub-Committee had been requested to ascertain the views of the population, especially those of the representatives and leaders of the various political parties. The Sub-Committee had been sent to these territories, but it had also been authorized to visit, if necessary, neighbouring countries. In the report it would submit to the Special Committee, it would take into account the views expressed by the petitioners and would make recommendations for the speedy implementation, in respect of these territories, of the Declaration on the granting of independence to colonial countries and peoples.

50. The Sub-Committee heard fifty-six petitioners: ten in Cairo, fourteen in San'a, ten in Ta'izz, seventeen in Jidda and five in Baghdad. It also received eighty-five written petitions, telegrams and supplementary statements and a large number of publications, photographs and other documentary evidence. (These documents, most of which are in Arabic, have been placed in the files of the United Nations Secretariat and are available to members on request.) One petition had been signed by approximately 9,000 persons inside the Territory.

51. The Sub-Committee's inability to visit the Territory itself was deplored by most petitioners who addressed it or forwarded messages to it. On the whole they considered the refusal of the United Kingdom to allow the Sub-Committee into the Territory as yet another proof of its disregard of the rights of the people and of its reluctance to let the world know the truth about conditions prevailing there. The Sub-Committee was informed by people who had recently come from Aden of the interest the visit to neighbouring countries had aroused in the Territory and of the demonstrations that had taken place there. These and subsequent demonstrations had also been widely reported in the Press.

52. A number of petitioners asked the Sub-Committee to visit other centres where they stated there were persons from Aden and Aden Protectorates who wished to interview it. The centres mentioned were Al Bayda and Qa'tabah in Yemen, Riyadh, the capital of Saudi Arabia, Kuwait and Indonesia. The Sub-Committee explained, however, that the short time available to it made it impossible to visit any additional centres.

53. The Sub-Committee wishes to draw attention to efforts made by the United Kingdom Government and the local authorities in Aden and the Protectorates to prevent people from leaving Aden in order to meet the Sub-Committee. In Ta'izz, the Sub-Committee received from a petitioner the Arabic version of a letter from "the Commander to the Deputy Commander of Operations", dated 24 May 1963 and circulated to all officers in the border control posts. The letter ordered the setting up of two new temporary posts as of that date at Nubat Dukaim and Um-Rajah, to reinforce control of the roads leading to Yemen. The order stated that only Yemeni citizens and citizens of the Federation residing in the North would be allowed to proceed after registering their names, addresses and places of work. Other Federation citizens should be stopped and ordered back. All cars not belonging to the Federation Government and proceeding south were to be stopped and all passengers were to be interrogated and their identity established. Citizens of the Federation and Yemeni citizens actually proceeding to Aden to work were to be permitted to continue. However, persons of other nationalities were to be asked to produce their travel documents (passports); full particulars of the person or persons concerned were to be reported immediately by wireless to Headquarters in Aden. Such person or

persons were to be detained until orders were received from Headquarters.

54. The Sports Union in Aden informed the Sub-Committee by cable and letter that its President, Mr. Idris Ahmed Hambala had been arrested at Mukairis airport in the Federation as he was trying to board a plane for Yemen to meet the Sub-Committee. The order for his arrest, he was told, came from the British Supreme Command in Aden. The Sub-Committee was also informed by the President of the Aden Municipal Council that some of his colleagues had been prevented from coming to meet the Sub-Committee. He also stated that during a broadcast of proceedings in the Federal Council the so-called Minister for External Affairs, Mr. Mohamed Farid, had said that the Government would take all necessary measures and would impose punishment on anyone who tried to contact the Sub-Committee.

55. Furthermore, in a letter dated 28 May 1963 from the Deputy Secretary-General of the Aden Trade Union Congress (ATUC), which the Sub-Committee received at Ta'izz, it was stated that the people of the region had expressed a "sincere and hearty welcome" to the Sub-Committee and had taken great pains to prepare for "a real show of their self-determination and resentment of the present structure". However, the authorities, namely the Federal Government and the British administration, had taken measures which were summarized in the following words:

"1. Issued special confidential instructions to airlines and shipping agents not to transport any members of your Sub-Committee. Your names have been circulated and all airlines and shipping agents have been warned to ensure that you neither stop nor transit our region.

"2. The State and Federal Police have been alerted and mobilized for twenty-four hours a day duty. In this respect, it is worth while to annotate that Police control is a responsibility of the 'Democratic' British administration.

"3. Very strict instructions have been given to all categories of forces, whether forming part of the military/nuclear base or Federal armies, to suppress any form of demonstration or expression even if that meant shooting the people.

"4. All the available vehicles and craft of the military base have been kept readily prepared on short notice call to deport workers originating from North or the neighbouring States across the borders into the desert.

"5. A close scrutiny and, as far as practicable, restriction of movement to and from Yemen of all the citizens, with detailed investigation of each person or vehicle and its contents to ensure that infiltration of the people to meet members of your Sub-Committee does not occur at any cost and consequently those nationalist elements who happen to see you to be refused re-entry into their region.

"6. Extensive distribution of secret pamphlets and leaflets terrifying workers and citizens with the possibility of imprisonment and deportations if they hasten to express themselves.

"7. Very close pursuit like shadows of prominent members of the Peoples Socialist Party and the Trade Union Congress at all times.

"8. Plain-dressed police spreading rumour of various terrorist acts that will be given effect by government if the public express their real feelings against the present authorities even if such expression was in the most peaceful manner."

56. The Sub-Committee deplors these measures by the United Kingdom Government and the local authorities in Aden and the Protectorates. It considers them totally unjustifiable and an unwarranted attempt to prevent the Sub-Committee from carrying out its tasks.

57. The Sub-Committee wishes to express its gratitude to the many petitioners who gave it their views and provided it with information on the territories either in person or in writing. Many petitioners travelled long distances and endured hardships in order to meet the Sub-Committee, while others took considerable personal risks and exposed themselves to possible imprisonment or other forms of punishment.

58. The petitioners who were interviewed by the Sub-Committee are listed below, with a brief personal note on each, based on the information provided by him or her to the Sub-Committee.

(a) *Petitioners heard in Cairo*

(1) Mr. Nasser Oragi, member of PSP. He was born in Aden, his father coming from Al Bayda in Yemen and his mother from one of the Aden Protectorates. He, along with twenty others, had been sentenced to one month's imprisonment for taking part in a demonstration in Aden. In February 1963, on the expiration of his sentence, he had been released from prison, and in April he had come to Cairo to assist the party's office in that city.

(2) Mr. Mohamed Ali Algifri, President of SAL, formerly President of the Legislative Council and President of the Supreme Court in the Sultanate of Lahej. He had been expelled from Lahej in 1956, and since 1958 his arrest had been ordered by the British authorities. He is now living in exile in Cairo.

(3) Mr. Kassim Sallam, member of the Yemeni Student Organization which includes students from both Yemen and the Territory of Aden.

(4) Mr. Amzeeb Saleh, President of the South Arabian Students Organization in Cairo, a position he had occupied for the last two years and a half; he had left Aden for Cairo four years ago. He stated that of about 300 students from Aden and the Protectorates in Cairo, 150 belonged to his organization.

(5) Mr. Ali Fakhri, President of the South Arabians Youth Movement in Aden and the Protectorates. He had been a teacher in Aden until December 1958 when, along with eight or ten other teachers, he had been dismissed from the public service to prevent him from exercising the right to strike in protest against the deteriorating working conditions. This treatment had compelled him to leave Aden as a refugee. He had been in Cairo for four years and had been President of his organization for two years. His organization had 300 members, some of whom were in Cairo, while others were in Aden and the Protectorates.

(6) Mr. Ali Abdelkerim, deposed Sultan of Lahej. Following the occupation of Lahej by British troops on 18 April 1958, he had immediately gone to London to protest against this action to the British Government. After waiting unsuccessfully for two months for an interview with the Secretary of State for the Colonies, he had left England and had then received a cable from the Secretary of State through the British Consul General in Milan telling him that the British Government had, by an Order in Council dated 11 July 1958, withdrawn their recognition of him as Sultan of Lahej and that he had been forbidden to return to his country.

(7) Mr. Mohamed Ali Luqman, member of the Peoples Congress in Aden. He addressed the Sub-Committee in his personal capacity. Mr. Luqman had been heard by the Special Committee in 1962.

(8) Mr. Mohamed ben Abubaker ben Farid, elected Deputy Sheikh of Upper 'Aulaqi. He had left his country for exile five years ago, returned to Aden in 1959, but had to flee again in 1960. He spoke on behalf of 50,000 people from his tribe.

(9) Mr. Mohamed Abdulhadi 'Ugil, President of the National Salvation Movement, Aden. He had been a *cadî* (religious judge) in Aden until seven months ago, when he had left after learning that he would be tried with other nationalists for having organized a march in protest against the entry of Aden into the Federation. He had been under the surveillance of British authorities and had been arrested for seven hours. He had left Aden on the pretext of going to London for medical care but had remained in Cairo.

(10) Mr. Abdullah Barahmah, President of the Wahidi Youth Club.

(b) *Petitioners heard in San'a*

(1) Mr. Hussein Mahfouz, from the state of Dathina, spoke on behalf of several regions, 19 representatives of which were also present. The following regions were represented: Upper and Lower Yafa'i, Sha'ar, Radfan, Qu'aiti, Upper and Lower

Haushabi, Upper and Lower 'Audhali, Dathina, Upper and Lower 'Aulaqi, the Hadhramaut, Bani Hilal and Fadli. The names of the other representatives were as follows: Mr. Nasser Alawi Saqqaf, Sultan Abdullah ben Omar Harharah, Sheikh Mansur M. 'Awas, Sheikh Ahmed 'Aulaqi, Sheikh Hassan Saleh Mihrabi, Sheikh Hassan Hassan M. Azraqi, Sheikh Khedir A. Jifri, Mr. Ali M. Haushabi, Lieutenant Majd Ali Sahati, Lieutenant Najib Hamdi, Lieutenant Thabet Subeih, Sheikh Ali A. Fadli, Sheikh Seif Muqbil Quteibi, Sheikh Abdulhamid Quteibi, Sheikh Rajeh Quteibi, Sheikh Abdullah S. 'Aulaqi, Sergeant Hussein A. Moflihi, Sergeant Mohamed H. 'Audhali and Corporal Saleh Kassem 'Audhali. Mr. Mahfouz had left Dathina in 1956 following attempts by the British authorities to force him to co-operate with them. He had been a refugee in the mountains and in Yemen since that date. The people he represented were also refugees in Yemen. Three had left their homes and were living with their families either in villages in Yemen or in caves in the mountains. The petitioner also submitted a written petition signed by 154 refugees in Yemen.

(2) Mr. Nasser Alawi Saqqaf, member of the same group. He had to leave the country in 1956 after a battle with the British forces.

(3) Mr. Abdullah Al-Asnag, President of PSP and Secretary-General of ATUC. Mr. Al-Asnag was accompanied by Mr. Ali Qadhi, also representing ATUC. Both were born in Aden, and Mr. Al-Asnag had been in prison twice for the cause. During the previous week Mr. Al-Asnag had addressed a general meeting of ATUC and had told the workers to speak their minds to the Sub-Committee. He had also advised them that if they were prevented from meeting the Sub-Committee they should resort to strikes and demonstrations, if necessary. The following day there were indications that he would be prosecuted for those statements, so he and Mr. Qadhi had obtained airline tickets under false names in order to avoid being arrested and prevented from meeting the Sub-Committee.

(4) Mr. Abdoh Hussein Adhal, ex-member of the Aden Legislative Council. He was born in Aden and was now an agent for a British concern in Aden, Boots Pure Drug Co. Ltd. (Nottingham). He stated that he had told no one of his trip to meet the Sub-Committee, as he had been afraid of being arrested.

(5) Mr. Taha Ahmed Muqbil, member of the movement of Arab Nationalists, "an underground movement in Aden and a nationalist movement throughout the Arab world".

(6) Mr. Mohamed Hassan Khalifa, member of the Peoples Congress Party in Aden. He had been imprisoned for one year in 1940 for having asked for more education. He operated a British Petroleum Co. service station in Aden.

(7) Captain Abdullah Ali Mourshed, member of the Progressive Socialist Youth. He was born in Aden. He had made technical studies in Aden and was now an officer in the Yemen Revolutionary Army. He had been imprisoned by the British and had come to Yemen after his release three months ago. His movement was composed of teachers, technicians and educated people and aimed at achieving socialism and unity of the Arab world.

(8) Sheikh Mohammed Saleh Al-Musli, of Upper Yafa'i. He had fought with other tribesmen to prevent the British from occupying his region. He lost two fingers in an ambush organized by agents of the British. He had left Upper Yafa'i three months previously.

(9) Sheikh Abdullah Musa'ed Al-Mus'abi of Beihan.

(10) Sheikh Muqbel Ba'azeb of Lower 'Aulaqi, who described himself as chief of resistance fighters against the British. He had taken refuge at Al Bayda in Yemen. His family were still in the mountains within the Territory.

(11) Mr. Mubarak 'Obeid had come from Al-Rolfa in the Hadhramaut six months earlier. Twenty years previously his people, the tribe of Al-Jabir, had been attacked by British airplanes, and his father had emigrated to Indonesia. The petitioner returned in 1961 to the Hadhramaut, where the British had watched him day and night. His father had been forbidden from returning to the Hadhramaut.

(12) Mr. Salem Awad, of Lower 'Aulaqi. He had left the country four years ago.

(13) Mr. Ali Mohamed Kasmi, a sergeant in the Yemeni Republican Guard. He spoke on behalf of the soldiers who had left the Army of the Federation.

(14) Mr. Abdullah ben Omar Kahtan Harhara, deposed Sultan of Upper Yafa'i. His father had signed a treaty with the British. When Great Britain tried to control the Sultanate, the petitioner rejected the treaty and took refuge in Yemen. The British managed to install his cousin as the new Sultan by giving him money to distribute among the tribes. The new Sultan was now in Aden, while the people were in revolt against him. Only his sons and the British soldiers were in the Sultanate.

(c) *Petitioners heard in Ta'izz*

(1) Mr. Mohamed Aidaroos, deposed Sultan of Lower Yafa'i. He spoke on behalf of 300,000 citizens of the South, and on behalf of the following representatives and leaders of the people who were also present: Sheikh Ali Abubaker ben Farid, Deputy Sheikh of Upper 'Aulaqi; Sheikh Fadh Mohamed Saleh Shaghiri, of the Sha'ar tribes and of the Dhala Amirate; Princes Abdulhamed and Ahmad, sons of the Sultan of Haushabi; Sheikh Ahmed Alawi As-So'bi, of Beihan Amirate; Sheikh Ahmed Salem Al-Himyari, of the Wahidi; and Sheikh Abdulla Mohamed Al-Abdi of Dathina. After the death of his father, he had been elected Sultan by the tribes in January 1960. The British Government, however, appointed his ten-year old brother as Sultan, after twenty days of his exercising the powers of the Sultanate.

(2) Mr. Ali Alway Moulhi, President of the Aden Municipal Council and member of the Legislative Council. He was accompanied by the following members of the Municipal Council: Mr. Saleh Mohammed Fadhl (elected member for Crater); Mr. Ahmed Yusuf Said (elected member for Ma'alla); Mr. Mohammed Abbas Ahmed (elected member for Crater); Mr. Hussein Mohammed 'Air (elected member for Ma'alla). Mr. Moulhi had been elected to the present Legislative Council after the Government's declaration that the Council would fulfil the desires and wishes of the people as a whole, but had been disappointed to find out that the Government had lied. He considered himself lucky to have been able to escape the control of the British Government and other members of the Legislative Council on leaving Aden to meet the Subcommittee.

(3) Miss Radia Ihsan, Secretary of the Arab Woman Association. She had been imprisoned along with another colleague of hers, who was also present, for ten weeks and had had to pay a fine of 100 shillings for leading a demonstration in January 1963. The British had tried to suppress the Association and its movement of emancipation. There were about 500 members in the Association, including young persons, married women and civil servants.

(4) Mr. Idriss Hariri, member of the Arab Youth Organization of Aden, born in Aden. He had left the country in 1956 but had returned in January 1963. He had spent most of the interval in Saudi Arabia. At the present time he was a professor of Arabic at St. Anthony's Boys School in Aden. The petitioner stated that his Organization had over 4,000 members and enjoyed the support of the masses in the Territory, as evidenced by the several thousand signatures collected among all sections of the population in "occupied Yemen". Many of those petitions had been seized by the police.

(5) Mr. Osman Seif Said, representing the "Forces and Associated Organizations Local Employees Union", and born in Aden, had been jailed three times since 1962 by the British for taking part in demonstrations. He spoke on behalf of 7,000 workers in the military base in Aden. He was no longer working at the base. He had arrived from Aden an hour or two earlier, disguised as a Northern Yemenite.

(6) Major Mohamed Ahmed Daghem, on behalf of the Subayhi tribes. In 1940 he had entered the colonial forces, fought with the British in the Second World War, and received several medals. In 1944 he was transferred to the border of the Protectorate. There he had discovered the real inten-

tions of the British. They had organized a committee which was supposed to give the people freedom. They had said they would grant the country its freedom if they could keep the responsibility for defence. The people had accepted these conditions so that they would be able to continue to live. They were to be responsible themselves for security, but if there were incidents the British could intervene. In 1956 the Sultan of Lahej had left the country. The petitioner had then been Commander of the armed forces of the Sultanate. When the British had tried to occupy the Sultanate, he had opposed them. The new Sultan had tried to bribe him and make him work with him, but he had refused. The petitioner was now a Major in the Yemeni armed forces.

(7) Mr. Ahmed Omar Mohamed, on behalf of the Government and Local Government Employees Union in Aden.

(8) Mr. Mohamed Ahmed Thabet, on behalf of the Congress of Graduates of Universities and Higher Institutions in Aden.

(9) Mr. Ju'eil Saleh, on behalf of the Youth Organization of Dathina.

(10) Mr. Salem Saleh, on behalf of the General and Port Workers Union, Aden.

(d) *Petitioners heard in Jidda*

(1) Mr. Abdullah Algifri, Director of the SAL office in Jiddah. He had been Director of Public Education in Lahej until arrested by the British on 18 April 1958. After having been detained in Socotra, he had been set free on condition he would not return to Aden or Lahej or any of the Protectorates.

(2) Mr. Ahmed Salem Benzaguer, on behalf of the Students of South Arabia. He was 18 years old and had been in Saudi Arabia with his brother for twelve years and was in the second year of his secondary education.

(3) Mr. Ahmed Mohamed Al-Shakka', from Wahidi. He had been in Saudi Arabia for 18 Years and was a public servant.

(4) Mr. Hussein Salem Khalifi, from the Khalifa Sheikhdom. He had left the Sheikhdom with others several years earlier after their farms had been destroyed by British bombing.

(5) Mr. Abdulrab Naqib, born in Upper Yafa'i, 18 years old. His father had been fighting the British forces. Two months and a half previously he had gone to see the Governor in Aden in order to discuss terms for ending the fighting, but the terms offered by the Governor, such as joining the Federation, had been impossible to accept, and he had gone back to the Protectorate. A few days later his father and two brothers had been killed by hired agents. The petitioner spoke on behalf of the sons of the insurrectionists who had taken up arms against the British. He said there were about 300 of them in Saudi Arabia, mostly students, fifteen of which had been sent to Saudi Arabia by SAL. Some of them still received financial help from their parents, in Yemen or in the Territory itself, but others were in dire need of help.

(6) Mr. Saleh ben Lahwal, representing the SAL office at Jidda. He was originally from the Hadhramaut and was at the present time a civil servant in Saudi Arabia.

(7) Mr. Hassan Al-Beiti, on behalf of the South Arabians born in Indonesia. He was one of many who had returned to South Arabia but, being unable to find work, had come to Saudi Arabia.

(8) Mr. Mohamed Ahmed Thabet, on behalf of scholarship holders from SAL.

(9) Mr. Mohsen Awad Habtour, on behalf of the SAL office at Mecca.

(10) Mr. Mohamed Abubaker Ajrami, representing about 150 resistance fighters from areas in the Hadhramaut (Wahidi, the 'Aulaquis, Yafa'i, the 'Audhalis, Beihan, Dhala, Al-Khatib, Fadhli, Subayhi, Dathina, among others who were for the moment in Saudi Arabia. He had left the Hadhramaut about 13 months previously and was planning to go back.

(11) Mr. Hassen ben Obiedallah Saqqaf, from the Hadhramaut.

- (12) Mr. Omar Badahdah, from the Hadhramaut.
 (13) Mr. Saleh Sourour, from Lahej.
 (14) Mr. Ahmed Salem, from the 'Aulaqis.
 (15) Mr. Sulaiman Saleh, from Dathina.
 (16) Mr. Ahmed Smit, representing the Youth Movement of which there were branches in Cairo, Aden and all the Protectorates.
 (17) Mr. Abdurrahman Daoud Al-Gailani, from Mukalla in the Hadhramaut. He had held several posts in the Protectorate, the last of which had been First Assistant to the State Secretary in Qu'aiti.

(e) *Petitioners heard in Baghdad*

- (1) Mr. Abdussalam Khalil, student.
 (2) Mr. Abdullah Salem Bawazir, student.
 (3) Mr. Wahib Abdurrahim, student.

These three petitioners represented 43 students from Aden and the Protectorates as well as Yemen in Iraq. They wanted to return home for the summer holidays and expressed fear of reprisals by the British authorities.

(4) Mr. Mahfouz Afif, from Kathiri. The last time he had been home was two years and a half previously.

(5) Mr. Hassan Ahmed Salah, from Lower Yafa'i. He stated that he was forbidden to return home.

These two petitioners spoke on behalf of more than 5,000 people from the Territory who resided in Kuwait. Among them were many persons whose names had been put on a black list and who could not return home.

SUMMARY OF THE SITUATION IN ADEN AND THE ADEN PROTECTORATES AS PRESENTED BY THE PETITIONERS

59. In the present section of its report the Sub-Committee has attempted to summarize the statements made by petitioners concerning the situation in Aden and the Aden Protectorates on the basis of the large volume of oral and written statements submitted. The Sub-Committee wishes to point out that, in general, where it has used the statements of a particular person or a particular party, it does not wish to give the impression that the views expressed were held by those individuals or parties alone. These statements have been used because they seemed best to illustrate the general views of the petitioners.

(a) *United Kingdom policy*

60. The petitioners pointed out that the British had originally occupied Aden in pursuit of their own interests and that at the present time the policy of the United Kingdom in the Territory was still directed by motives of self-interest. They drew particular attention to the military base being maintained in Aden to which they objected on the grounds that it was an instrument of colonial domination. In the petition submitted in San'a and signed by 154 persons, the base was described in this way:

"British colonialism has during the last few years established an enormous military base in Aden with branches over the rest of the area. In 1960 it transferred to its military command for all the Middle East after the peoples' struggle had forced it to evacuate its bases in Egypt, Iraq, and other parts of Africa and Asia. It has concentrated all its interests on this base and on its expansion in our occupied land. This base is considered the cornerstone of Western colonialist plans in the area, and all actions of the British aim at attempting to preserve it at a time when all peoples, the United Nations and its Special Committee on colonialism have asked for the liquidation of colonialism throughout the world. Aden has become a British military barracks with British air, land and sea forces flowing into it every day."

61. The petitioners held that the base constituted a threat not only to Aden and the Aden Protectorates but to the whole Arab world. In the past it had been used against their Arab brothers in Egypt and in Oman and so long as it remained would serve as a base for colonial aggression in the area.

Furthermore, they stated, it was now being transformed into a nuclear and thermo-nuclear base which menaced the peace of the world and which would draw them into conflicts in which they had no interest.

62. They also pointed out that the United Kingdom policy was aimed at maintaining its colonial rule over the area. This policy was being carried out by force and by terror through the British troops at the base and in the Protectorates. Another means was through establishing "governments" of hand-picked supporters of their policies to whom, in any case, only limited powers had been delegated. This was equally true of the "governments" set up in Aden itself, in the Protectorates and in the recently created "Federation of South Arabia".

63. The petitioners further drew attention to the fragmentation of their country as another means employed by the British to continue their colonial rule. For more than 100 years the British had enforced the division of their country into twenty-five separate political units. On this point Mr. Ali Fakhri said: "The Territory has an area of about 112,000 square miles and a population of about 1.5 million, but the United Kingdom has deepened the division and given rise to new States, thus making the number more than twenty-four sultanates, amirates or sheikhdoms with different authorities, boundaries, customs, taxes and duties, and imposed on each of this big crowd of sultans, princes and sheikhs a treaty of protection and persuaded them to believe that those treaties are legal and right. Sirs, the present world has never seen or heard of such a small territory with so little population, with such a big crowd of 'Heads of States' as that in the Aden Protectorate." This was in keeping with the British policy of maintaining their colonial rule by creating and sustaining division among the people. Development in all fields had thus been prevented and obstacles had been placed in the way of the growth of the nationalist movement for liberation from colonial oppression.

64. The petitioners also pointed to the repressive legislation enacted by the British-controlled governments which not only denied the people their basic human rights but created an atmosphere of terror and oppression. Further obstacles were thus placed in the way of the nationalist movement and every means was used to suppress it. In the Protectorates this situation had led to armed insurrections.

(b) *The governments in Aden and the Aden Protectorates*

65. The petitioners were unanimous in rejecting the various governments in Aden and the Aden Protectorates, namely, the Government of the State of Aden, the Governments in the various protected States and the Government of the Federation of South Arabia. Petitioners stated that they were controlled by the British, either directly or through people who allowed themselves to be used as tools of the British. They were therefore false or sham governments, unrepresentative of the people and all legislation passed by them was unlawful.

66. The views presented by the petitioners on the constitutional status of Aden itself are best illustrated by reference to a memorandum submitted by PSP. In this memorandum it was pointed out that although, under the new Constitution, Aden was now called the State of Aden, its status had not been changed. It still remained a colony, despite its misleading name. The memorandum also drew attention to the wide powers exercised by the United Kingdom and the Governor, now called the High Commissioner. The Governor was appointed by the United Kingdom Government, and every Ordinance to have effect had to be consented to by him; if he refused to give his consent to an Ordinance, it did not come into effect. He had the power to stop or "block" any bill, while it was being discussed in the Legislative Council. The Governor also had the power to make legislation itself, without reference to the Legislative Council, for the "peace, order and good government of the Colony". The memorandum pointed out that the flexibility of that phrase enabled the Governor to legislate on any subject he wished. In addition, the United Kingdom Government might disallow any Ordinance passed by the Legislature in Aden, such Ordinance having no effect from the date it was disallowed. The United Kingdom Government also reserved the same power

as the Governor to legislate for the "peace, order and good government of the Colony".

67. The memorandum also drew attention to regulations or subsidiary legislation which could be enacted by the Governor, the Governor-in-Council, a Minister or an official such as the Commissioner of Police. This subsidiary legislation could have very wide effects and could essentially change the law of the country. The powers of making subsidiary legislation were in many cases discretionary and were not subject to review by courts of law or by any representative institution. Furthermore, subsidiary legislation was never laid before the Legislative Council.

68. The petitioners condemned the present Legislative Council. It was characterized as a completely unrepresentative body which had been elected in 1958 under a narrowly restricted franchise. It was pointed out that at that time the population of the Colony had been about 200,000 but that the property qualifications, and in particular the provision that those not born in Aden had to be British subjects in order to vote, had resulted in the right to vote being given to only 5,000 male persons. Many thousands of potential Arab voters had thus been excluded, while on the other hand foreigners who happened to be British subjects, including temporary expatriates and British officers, were given the right to vote. For that reason a boycott had been organized, as a result of which, according to official figures published by the Government, 73 per cent of the 5,000 who had the right to vote had boycotted the elections.

69. The petitioners pointed out that although the term of the current Legislative Council had been due to expire at the end of 1962, no elections had been held and the life of the Council had been extended by one year. They felt that elections should have been held at that time, as important changes affecting the status of the country were being introduced by the United Kingdom Government. First, there was the proposal for the accession of Aden to the Federation of South Arabia, to which, as the Government knew, there had been great public opposition. There were also the proposals for so-called "constitutional development" which included the introduction of a semi-Cabinet system of Government. There was, therefore, in the words of the PSP memorandum, "a strong case for holding a general election to test the opinion of the people on these gravely important issues before they are introduced".

70. It was also pointed out in the memorandum that in 1958 the twelve elected members had stood for election as individuals and not as representatives of political parties with plans and programmes. A number of political parties had been formed since then and it was "proper and in accordance with established constitutional practice" that before the introduction of a semi-Cabinet system of government there should have been an opportunity for the newly formed parties to contest a general election. The party that won a majority of seats would then form the Government and could "truly and democratically claim to represent the people in any negotiations for merger in any Federation" or in any negotiations affecting the status and future of the whole country.

71. The petitioners drew attention to the method that had been used to elect the four new members of the Legislative Council in 1962. Instead of being elected by the people they had been elected by the Legislative Council itself sitting as an electoral college. That procedure had been opposed as undemocratic and unconstitutional. Mr. Adhal, in a written submission to the Sub-Committee, stated that by that method the Government had been able to ensure the election of its own candidates. All the members elected in that manner were now Ministers. One, the present Minister of Education, had been defeated previously in the last elections to the Legislative Council, held in 1959. Another, the present Minister of State, had been defeated a few weeks previously in the municipal elections.

72. The PSP memorandum concluded its discussion of the question of elections as follows:

"Since 1958 the Government has been very scared to face the country in a general election. Every possible means and device was invented to avoid facing the country in a general

election at a time when there is every reason (constitutional and legal) for the Government to hold a general election."

73. The petitioners also drew attention to the amount of corruption associated with the Government in Aden. They stated that two Ministers, the Minister of Works and the Minister of State, had been found guilty of corruption as a result of public inquiry into municipal affairs instituted by the Governor in 1962. In that connexion they handed to the Sub-Committee a copy of the Report of the Municipality Inquiry Commission, dated 16 July 1962, and indicated references to Councillor Mustapha Abdilla Abdo and to the then President of the Municipal Council, Mr. Hasson Ismail Khodabux-Khan. In the former case the Commission criticized Mr. Abdo for participating in Council debates on a matter in which he had a pecuniary interest. The allegations against Mr. Khodabux-Khan related to bribery in connexion with Municipal Council elections. In one case the Commission found that Mr. Khodabux-Khan had offered the bribes and in the other case, in the absence of any denials, it concluded that the allegations were true. In the memorandum submitted by PSP it was pointed out that the Government had taken no action against any person indicated by the Commission. The memorandum continued:

"More fantastic is that the Government appointed many of those either specifically found to be guilty by the Commission or indirectly found to be so as Ministers of State. Thus persons found by a judge of the Supreme Court of the country, acting together with two other members, to be guilty of corruption, were appointed as Ministers responsible for the running of the public affairs of the country and presumed to be men of honesty and integrity."

The Government was therefore "clearly encouraging corruption" and "openly condoning it". Furthermore the Press and individuals had been unable to say anything about this state of affairs because of the fear of prosecution for sedition under the High Commissioner's discretionary powers.

74. The petitioners further attack the system of government in the Protectorates. They said that the Protectorates were ruled by British advisers through feudal amirs, sheikhs and sultans. Those advisers had been forced on the rulers after advisory treaties had been imposed on them. Any rulers or officials who opposed British policy or who refused to follow directions given by the advisers were removed and replaced by persons who were more pliable. On that point Mr. Mohamed Aidaroos, deposed Sultan of Lower Yafa'i, said: "Great Britain has installed its own agents and protected itself behind them. All the sultans and princes set up by the British have been installed after the exile, arrest or persecution of the legitimate sultans." Illustrating that type of action by the British Government the deposed Sultan of Lahej stated that the British had withdrawn their recognition of him as Sultan following his protest against the occupation of Lahej by British troops. He had been informed that he was forbidden to return to the Territory, and that an order for his arrest would be issued. At the same time Mr. Mohamed Ali Algifri, formerly Chairman of the Legislative Council and President of the Supreme Court in Lahej, and his brother, Mr. Abdullah Algifri, formerly Director of Education in Lahej had been removed from office. The latter had been arrested, sent to the island of Socotra for six months, where he had been set free on condition that he did not return to Aden and Aden Protectorates. Petitioners also referred to other examples of similar actions taken against rulers who refused to obey the British, including the above-mentioned Sultan Mohamed Aidaroos of Lower Yafa'i, Sheikh Ali Abubakr bin Farid, Deputy Sheikh of Upper 'Aulaqi, the Sheikh of Sha'ib and the Amir of Dhala.

75. The petitioners stated that the British were interested only in maintaining their colonial rule. They forced the rulers to support them and deliberately held back political, economic, social and educational development. The result was that the people were subjected to a completely archaic and arbitrary system of government in which they had no say whatsoever. Representative institutions did not exist, justice was dispensed in an arbitrary manner and social and economic conditions were a disgrace. Backwardness was being maintained in order to

prolong British colonial domination. Further details given by petitioners of British rule in the Protectorates are contained in paragraphs 114-131 below.

(c) *The Federation of South Arabia*

76. The petitioners devoted particular attention to the Federation of South Arabia, which had been created in 1959 under the name of Federation of Arab Emirates of the South, and to which Aden had acceded in January 1963. They condemned it as a "false" and "fictitious" federation created by the British in order to further their own colonial interests and maintain their colonial domination in the area. One petitioner, the aforementioned Mr. Adhal, described it as a "disguise to enable the British to preserve their authority there, to maintain their military base and thus control neighbouring countries". Another petitioner, Mr. Mohamed Aidaroos, deposed Sultan of Lower Yafa'i, said that "Great Britain has followed the policy of divide and rule, a policy of arrests and murders, threats and tyranny for more than 100 years, and now that it sees the people cannot endure any more, they are instituting a Federation in the hope that they will thus prevent the people from demanding their rights".

77. In support of that declaration, petitioners stated that the Federation had been created by the British and that the people had not been consulted. On that point Mr. Aidaroos said: "The population of the South have never refused and will never refuse a true federation for themselves which would be in their own interests and in the interest of their present and future, because they believe in the unity of all the Arab people, but they refuse this Federation because it is done by the British".

78. According to the petitioners the Federation was completely controlled by the British. The Constitution of the Federation stated clearly that nothing in it affected the terms of the treaties which had been imposed on the rulers of the individual States and by which they had been subjected to British control. The rulers were still under the orders of the British advisers. Also, by the provisions of the Constitution of the Federation, all the important powers had been reserved for the High Commissioner or the United Kingdom Government.

79. The petitioners drew attention to the provisions in the Constitution of the Federation allowing the United Kingdom complete freedom of action for its troops, which in fact were being used to suppress the movement for liberation and unity.

80. The petitioners stated that the Federation was a completely unrepresentative body in which the people played no part. The persons from the Protectorates who were members of the Federal Council had been appointed by the feudal rulers who did not represent the people. In the case of Aden, petitioners drew attention to the fact that its twenty-four members of the Federal Council had been appointed by the High Commissioner without reference to the people. Regarding this matter the PSP memorandum stated: "This is considered by us as a major step backward in the constitutional development of the country. We are by virtue of the Federation back into the old system of nomination of members of the Legislature. The right of electing representatives to the Legislature is again lost".

81. The principal objection to the Federation among petitioners concerned the threat it represented to their ultimate desire for real unity based on the will of the people. They felt that by establishing this "false federation" the British were attempting to divert the people from realizing their goal of true unity and independence. They stated that their own people saw through this sham and recognized it as a manoeuvre by the British to "tie the Territory to colonialism", as was being shown by their active opposition to it. They were afraid, however, that the outside world, not knowing the truth about the Federation, would accept it as a genuine step towards unity and independence.

82. It was also pointed out that the Federation was an incomplete union, since it did not include all States and division continued to exist.

83. The petitioners dealt at some length with active opposition to the Federation in the Territory. They stated that opposition and resistance in the Protectorates "had been met

by a policy of force and mass aggression". Details of opposition in the Protectorates are contained in paragraphs 114 to 125 below.

84. The events surrounding the accession of Aden to the Federation were also related by the petitioners. They referred to this action as "annexation" and pointed out that it had never been approved by the people of Aden, who were opposed to the Federation. The persons who had carried on the negotiations with the British did not represent the people of Aden but were tools of the British.

85. It was stated that in September 1962, when the proposals had been debated in the Aden Legislative Council, opposition had been expressed in the Council by some of its members and outside by mass demonstrations by the people. The demonstrations, in which some 15,000 people had taken part, had been broken up in brutal fashion by the police who had attacked the people with bullets and tear gas. People had been killed and wounded and many arrests had been made. As related by one petitioner, Mr. Nasser Oragi, Radio Aden had broadcast that nobody had been killed but after PSP, his party, had published a list of those killed, the British had published an article saying that there were very few dead and that those killed had been shot, not by the British, but by Arabs. The British had wanted to decline responsibility but they had forgotten that it was they who had given the orders and supplied the arms.

86. Mr. Adhal stated that during the debate on the issue there had been a "climate of terror in the whole country". Mr. Ali Alway Moulhi, as a member of the Legislative Council, said that during the debate in that Council on 24 September 1962, a British adviser (Mr. Hobson) had come into the Chamber and had advised him to accept the Federation in order to protect himself which meant that "if he did not accept he would be killed".

87. Mr. Adhal also pointed out that when the Legislative Council had "voted on the future of Aden and approved its annexation to the Federation" it had included seven Englishmen, five of whom were civil servants, the other two representing British commercial and oil interests.

(d) *Legislation restricting political activities and human rights*

88. The petitioners had much to say concerning legislation in the Territory which restricted political activities and human rights. While the following paragraphs are based to a large extent on the detailed examination of this legislation contained in the memorandum submitted by PSP, many of the petitioners stressed the effect of these laws on the political life of the Territory. Specifically, attention was drawn to legislation affecting the Press, the labour movement, societies and organizations, personal rights (including imprisonment without trial and summary deportation), public gatherings, and the law of sedition. The excerpts from the legislation are quoted from the PSP memorandum.

(i) *Legislation affecting the Press*

89. The discretionary powers given to the Governor under section 5 (1) of the Press and Registration of Books Ordinance were described as placing the Press "at the mercy of the High Commissioner" who could "at any time and without showing any reason stop any newspaper from publication". The relevant section read as follows:

"5 (1) It shall not be lawful for any person to print, publish or edit or assist in the printing or editing of any newspaper within the Colony, unless the printing and publication of such newspaper shall be authorized by a licence in writing for that purpose granted by the Governor and signed by the Chief Secretary, which licence the Governor may, at his discretion, grant, refuse or revoke."

90. It was pointed out that there was no right of appeal to the courts against the use by the High Commissioner of his discretionary powers which was said to have been used extensively. Among the newspapers that had been closed down was the daily *Al-Ayam* and the following ten weeklies: *Al-Baath*, *Al-Ommal*, *Al-Amal*, *Al-Nahda*, *Al-Fajr*, *Al-Zaman*, *Akhbar Al-Janoob*, *Al-Makeeka*, *Al-Fikr* and *Al-Fadool*.

91. By this means every paper which stood in opposition to the Government had been banned. Among these papers were those representing the point of view of ATUC and PSP. The few papers which still continued to publish were very ineffective in discharging their function of expressing public opinion on the vital issues which faced the country.

(ii) *Legislation affecting the labour movement*

92. It was stated that the Industrial Relations (Conciliation and Arbitration) Ordinance had "taken away the right to strike and had placed the worker at the mercy of the employer". Because of section 24 (1) of this Ordinance, which stated that: "No person shall take part in a strike and no employer shall impose or maintain a lockout, whether in connexion with a trade dispute or otherwise", the Ordinance had been widely construed as to render it illegal to strike, whether there was a trade dispute or not. As a result hundreds of persons had been imprisoned, fined and deported. In particular, it was this Ordinance that had been used to suppress the general cessation of work in the whole country in protest against the Government's policy of merging Aden with the "very much unwanted Federation".

93. Attention was also drawn to the power given to the Registrar of Trade Unions under the Trade Unions and Trade Disputes Ordinance to cancel a trade union. This power of cancellation by an administrative organ was "contrary to the Geneva Labour Conventions to which the British Government was a party".

94. Mr. Al-Asnag drew attention to a new Labour Ordinance that had been announced over the radio which would allow the Government to interfere in the recruitment of personnel. By this Ordinance preference would be given to persons born in Aden, Commonwealth citizens, and certain others. This would discriminate against Yemeni workers who made up to 60 per cent of the working population.

(iii) *Legislation affecting societies and organizations*

95. It was stated that a Societies Ordinance would come into force very shortly, which would affect "political parties, ATUC, all clubs and almost every representative institution of every kind and description".

96. It was pointed out that by section (6), sub-section (5), of this Ordinance the Registrar could refuse to register a local society where he was satisfied that it was a branch of, affiliated to or connected with any organization or group of a political nature established outside the Colony. Commenting on this, the PSP memorandum said that it was "intended to deal a most dangerous blow to the connexions that ATUC and other democratic institutions in Aden have with similar democratic institutions outside Aden like the International Labour Organisation, or other similar bodies which the Registrar can hold to be of political nature".

97. Attention was also drawn to section (6), sub-section (6), which stated that the Registrar "shall refuse to register a local society where it appears to him that such society has among its objects or is likely to pursue or be used for any unlawful purpose or any purpose prejudicial to or incompatible with peace, welfare, or good order in the Colony, or that the interests of peace, welfare or good order in the Colony would otherwise be likely to suffer prejudice by reason of the registration of such society". This provision was described as being "couched in such wide terms that the Registrar can in fact at any time refuse to register a society if the Government feels that it is politically expedient to do so".

98. By section (8) of the Ordinance the Registrar was given discretionary power to cancel the registration of any local society if he was satisfied that it was expedient to do so, on the grounds that: (a) the society concerned had without his consent become affiliated to any organization or group of a political nature, established outside the Colony, or (b) the interests of peace, welfare or good order in the Colony would in his opinion be likely to suffer prejudice by reason of the continued registration of the society. In its comment on these provisions the memorandum said that "the power given to the Registrar, who is an administrative authority, to cancel a repre-

sentative institution like the Aden Trades Union Congress or the Peoples Socialist Party is contrary to all the Geneva conventions and recommendations to which the British Government is a party".

99. Under sections (21) and (22) of the Ordinance, contrary to English principles of criminal law, a person is presumed to be guilty until he proves his innocence. Sections (24), (25) and (26) of the Ordinance were also cited; these "gave the police very wide powers to search premises on mere suspicion and to arrest persons and interrogate them".

(iv) *Legislation affecting personal rights*

Imprisonment without trial

100. Attention was drawn to section 334 of the Aden Criminal Procedure Ordinance which provided that "when any person accused of any nonbailable offence and detained without warrant by an officer in charge of a police station, appears or is brought before a court he may be released on bail by him or it, but he shall not be so released if there appears reasonable grounds for believing that he has been guilty of an offence punishable with death or that it is expedient in the public interest that he be not released on bail".

101. It was pointed out that the phrase "or that it is expedient in the public interest that he be not released on bail" was designed to enable the Aden Government to imprison without trial its political opponents and had in fact been used and was still being used for that purpose. Among those who had been arrested and remanded to prison before any trial were the following leaders of the political and labour movements:

Mr. Abdulla Ali Murshed, a trade union leader, Mr. Idris Hambala, a trade union leader and member of PSP, Mr. Abdulla Al-Asnag, Secretary-General of ATUC and President of PSP, and Mr. Abdulla Ali Obaid Wahti, distributor of ATUC's newspaper. All had applied for bail at their trials but the Crown had objected that it was not expedient in the public interest to allow them to be released on bail, and it had been refused to them all.

Summary deportation

102. The Sub-Committee's attention was further drawn to the wide discretionary power given to the Governor under section 4 of the Vagrants and Undesirables Ordinance. Under this section the Governor may make an order for the departure of any person not being a British subject born in Aden who is, *inter alia*, "a person who for political or any other reason is not in his opinion a suitable person to reside in the Colony".

103. It was stated that this power had been widely exercised to deport political leaders, labour movement leaders and workers. Even a one-day strike rendered a labourer liable to deportation without any trial, and in fact mass deportations of hundreds of workers had been effected. This legislation puts "workers, ordinary citizens, political and labour movement leaders under a constant threat and menace. A person whose political views are not very much liked by the authorities finds himself deported by the authorities if it just happens that he was born over the border". Attention was also drawn to the hardship and human suffering caused by these mass deportations not only to the individuals concerned but also to their wives and families who were often left penniless.

(v) *Legislation affecting public gatherings*

104. The PSP memorandum stated further that all public meetings, gatherings and demonstrations were banned in Aden. The authorities in Aden had even gone to the extent of prohibiting the exhibition of symbols, placards or pictures on buildings. The banning of public meetings had rendered it impossible for political parties and other democratic representative institutions to inform the public of their programmes, plans and aims. With a crippled Press and the banning of public meetings there was now virtually no means for expressing one's views publicly. The organization of democratic institutions like political parties and other representative institutions could not function under this state of affairs which existed in Aden.

105. An example of the way in which the power given to the police to forbid public meetings was given by Mr. Al-Asnag. His party had wanted to hold a meeting in connexion with the visit of the Sub-Committee and had received the following reply from the Commissioner of Police:

"I should be glad if you would refer to your application dated 19th May, 1963, in which you ask for permission to hold a series of public meetings in connection with the visit to Aden which you expect to take place by the Sub-Committee of the Committee for the Liquidation of Colonialism.

"As you are no doubt aware, permission for this Sub-Committee to visit Aden was not granted by the United Kingdom Government. In the circumstances, the question of holding public meetings in this regard does not arise and I regret therefore that permission to hold these public meetings cannot be granted."

(vi) *The law of sedition*

106. It was pointed out that under the English law of sedition the Crown had to prove that violence was advocated by the accused, but that under the Aden Penal Code opposition to the Government, even if it did not advocate violence, could still be considered seditious. This rendered a person in Aden liable to imprisonment for sedition even though he advocated opposition to the Government by peaceful means. Prosecution for sedition had become an easy means of removing political opponents and placing them in gaol. It had in fact become a means of tyranny and suppression that was being freely and frequently used, particularly in times of crisis. It was pointed out that Mr. Abdulla Al-Asnag, the Secretary-General of ATUC and President of PSP, had been gaol for twelve months following a prosecution for sedition.

107. Representatives of PSP also registered strong objections to a new law on sedition (No. 6 of 1963), which had been enacted recently by the Supreme Council of the Federation of South Arabia. They explained that this law provided that "anyone who claims that the Federation is a part of any other State or advocates such a view is liable to a punishment of five years imprisonment or a fine of 10,000 shillings or both". Since their party believed that the "South" formed part of Yemen, the enactment of this law was apparently an attempt to make their party illegal.

(e) *Political prisoners*

108. Petitioners stated that contrary to the statements of the United Kingdom there were political prisoners in Aden. The repressive legislation and the way it was being used to suppress political opposition made this inevitable. The United Kingdom had always declared that there were no political prisoners because they considered them as ordinary criminals.

109. Referring to the fact that some political prisoners, including the leaders, had been released, the petitioners pointed out that this did not indicate an act of generosity or a change of policy by the British. These prisoners had been released simply because their sentences had expired.

110. When political prisoners had been released, the British authorities had seen to it that they were dismissed from their jobs. Many had been forced to flee the country.

111. A number of petitioners said that they had been imprisoned because of their political activities. They also gave the names of other persons who had been political prisoners among whom were those referred to in paragraph 101 above. Miss Radia Ihsan, a petitioner at Ta'izz, and Miss Safinaz Khalifa, who accompanied the delegate of PSP when he spoke before the Sub-Committee in Cairo, had also been political prisoners. Both had been imprisoned as a result of the demonstrations of 24 September 1962 against the annexation of Aden to the Federation.

112. It was stated that there were no special prisons for political prisoners and that conditions in the prisons were bad. The men were detained with criminals while women, such as Miss Ihsan and Miss Khalifa, were imprisoned with prostitutes and mentally sick women. Prisoners were also tortured and whipped.

113. The petitioners said that conditions in the prisons in the Protectorates were even worse. One practice there was to chain the hands and feet of prisoners together. When the British wished to torture prisoners they were often handed over to a sultan of a protectorate who, by such methods as tying them to a horse's tail and dragging them, would force them to confess. The British disavowed responsibility for these acts, but they should be considered British acts because it was the British Government that supported the sultans.

(f) *Repression in the Protectorates*

(i) *Peace and security*

114. Events relating to peace and security in the area were emphasized by nearly all the petitioners. They described, sometimes at great length, what they called the reign of terror and the repression existing in the Protectorates. The world, it was stated, knew nothing or very little about the attacks constantly carried out by the British forces, particularly the Royal Air Force, against the people of the Protectorates; little was known about the people killed or wounded, the villages destroyed, the crops burnt, the cattle lost, the hundreds imprisoned and the refugees scattered in the hills or in neighbouring countries. Nor did the world know about the stout resistance which the people had been displaying against British domination and in defence of their freedom. No news agencies had been in these areas to report on these military actions, the destruction left behind and the damage done to the local inhabitants. Each area had carried out its resistance alone, without being able to get any help from the outside. The Sub-Committee received a great number of photographs taken in various localities in the Protectorates showing homes destroyed by bombs, burnt plantations, refugees living in caves and armed fighters.

115. The following paragraphs contain descriptions given by petitioners which seem best to illustrate the events referred to in those areas.

116. Mr. Mohamed Abubaker ben Farid, who was in exile in Cairo, said that it was only in 1951 and 1952 that British forces had occupied his region, Upper 'Aulaqi. Until 1959 the people had struggled politically against the British and refused to co-operate with them. Then suddenly in May 1959, without any warning, British aircraft and tanks carried out their first attack against their villages and homes. From the hills, the tribesmen organized their resistance, but in May 1960 the British sent 4,000 soldiers into the area, and hundreds of people were forced to take refuge in Yemen and Saudi Arabia. About 12,000 sorties had been effected by the Royal Air Force against the 'Aulaqis and surrounding areas. The petitioner presented to the Sub-Committee a partial list of forty destroyed homes and the names of nine women who had been killed in the bombings and nine men who had been imprisoned, all of whom he had known personally.

117. In a written statement, Mr. Abdulhadi Al-Himyari, a sheikh from Wahidi, said that British bombing from the air had destroyed homes and burnt crops in Himyah, Al-Khair, Raidat-Ibn-Rashid and Ayath and that the following localities had been shelled with mortars: Mithaf, Hauvrá, Khabara, Ghayl-Basardah, Mayfa'ah, Qalifah, Ghayl-Saidi, Jabal Nu'man, Badiyan, Jaradan and 'Amaqin, all in Wahidi.

118. Mr. Hussein Mahfouz told the Sub-Committee in San'a that since 1954 British air attacks had hit Baal Harith and Al-Mus'abayn in Beihan, Rubaizi, Al Mahajir and Ma'an in Upper 'Aulaqi, Khalifah in Beni-Helal, Bakazim in Lower 'Aulaqi, other localities in Lower and Upper 'Aulaqi, Maraqishah and Najfain in Fadhli, Daman and Sha'wi in the 'Audhalis, Mayaser and Al-Hasanah in Dathina, Subayhi and 'Abadal in Lahej, the Haushabi region, Radfan, Sha'ar, Azraqi, Humaydi and Alawi in Dhala, Himyar in Wahidi, and various tribes of coastal and inland Hadhramaut. Many people had been killed and thousands had lost their homes and gone to the hills or to Yemen.

119. Mr. Mohamed Saleh Al-Musli described the resistance of the people of Upper Yafa'i against British infiltration for more than twenty-five years. Since 1959 the British had been

trying to push Upper Yafa'i into the Federation and had attacked several villages (Thi-Sarah, Mahjabah, Ad Darb) and burnt coffee plantations from the air. The unity of the people had prevented them until now from carrying out their plans. At present the pro-British Sultan was in Aden while his son and followers were in the seat of the Sultanate and receiving British supplies, arms and ammunition from the air. Many warnings had been dropped over the area by British planes. One such warning presented to the Sub-Committee by the petitioner was dated 31 October 1961 and read as follows:

"Warning

"Despite our repeated warnings, Al-Musli and the other trouble-makers are still continuing their hostile activities and breaches of the peace. It has been decided to take action from the air against Al-Musli's house and the cultivated land adjoining it.

"We accordingly warn you to remove your women and children immediately to a distance of about one mile from Al-Musli's house. If you fail to do so, you will be responsible for the consequences."

120. Mr. Mohamed Aidaroos, the deposed Sultan of Lower Yafa'i, said that approximately 7,000 people from "the South" had taken refuge in Yemen because of British attacks on their homes. In Lower Yafa'i, the situation was now very tense with daily provocations and threats from the British. For the past five years the British had committed a long series of aggressions in the Sultanate. The Royal Air Force sorties with heavy and light bombs, rockets and heavy machine-guns had been as follows:

<i>Date</i>	<i>Locality</i>	<i>Kind of action or result</i>
<i>1958</i>		
28 March	Wadi Hatat	One man, one woman and two children killed; three persons wounded; twenty-two camels killed; destruction of property.
16 June		Destruction of Sultan's residence.
17-20 June	Filsan	Bombing raids.
18-20 June	Sharyan	Bombing raids.
24 July	Dar Daqqah (near Al-Qar'ah, the principal town of Upper Yafa'i) and Ma'azabeh	Bombing raids without warning.
<i>1959</i>		
6 January	Filsan	Bombing raids.
17 June	Thi-Sarah, Maslah, Mahjabah and Ad Darb (all in Upper Yafa'i)	Bombing raids.
<i>1960</i>		
30 October-1 November	Al-Qar'ah Sorak	Mosque and several houses destroyed. Bombing raids.
<i>1961</i>		
1-3 June	Al-Qar'ah and Sorak	Bombing raids.
2 June	Filsan, Kharbeh, Sha'ab - el - Bareh, Al Khulwah, Yabas, Zahah, Thashareq, Barek, Zalman, Naoom, Hilam, Abr, Matrah, Hajib and other localities	Bombing raids. Throughout the attacks, in which light bombs were used, 25,000 inhabitants took refuge in the hills.

<i>Date</i>	<i>Locality</i>	<i>Kind of action or result</i>
8-28 June	Kharbeh, Ad Darb, Hadqiyah and Thi-Sarah (all in Upper Yafa'i)	Bombing raids.
16 July	Al-Far	Completely destroyed.
25 July	Al-Kayilah	Bombing with rockets.
2 August	Ben-Ma'bad	Bombing with rockets.
27 August-2 September	Sathan, Kammeh, Dhanabah and Jahili	Bombing with heavy bombs and rockets.
31 October-1 November	Maslah	Bombing raids.
<i>1962</i>		
10 February-9 April	Several localities in Lower Yafa'i	Attacks during 57 days by the Royal Air Force with heavy, light and napalm bombs. Nearly 90,000 people, or 70 per cent of the population of Lower Yafa'i, became homeless and were dispersed, hiding in caves and in the mountains.

121. The petitioner also referred to similar events in the Amirates of Dhala and Beihan, the Sheikdoms of Sha'ar and Quteibi, the State of Dathina, the Sultanates of Fadhli, Lahej, Upper and Lower 'Aulaqi, and in the regions of Wahidi and 'Audhali.

122. The petitioner submitted to the Sub-Committee twenty-seven copies of warnings issued over a period ranging from 16 June 1958 till 3 July 1962. Some of the warnings emanated from the British Adviser and Agent for the Western Protectorate; others from the Federal Minister for Internal Security, Mr. Saleh ben Hussain, or from his deputy Sharif Hussain, or simply from the Ministry of Internal Security in the Federation. They were warnings addressed to the inhabitants of various towns and villages or of Yafa'i as a whole. The localities concerned were: Dar-el-Laqqad, Filsan, Sharyan, Dar-el-Daqqah, Al-Qar'ah, Sorak, Al-Bareh, Al-Khulwah, Yabas, Zahah, Barek, Kharbeh, Ad Darb, Umdarb, Hadaqiyah, Mahjabah. Most of these documents referred to the activities of Mohamed Aidaroos and warned the people of reprisals for supporting him in terms such as the following:

(a) "Warning to the inhabitants of Dar-al-Laqqad:

"Since Mohamed Aidaroos is using Dar-al-Laqqad for his criminal activities, the village will now be demolished and you must leave immediately. If you attempt to remove anything from the village, you will be attacked at once." (Warning dated 16 June 1958);

(b) "To the inhabitants of Filsan:

"We warned you not to give assistance to Mohamed Aidaroos, but you have not heeded this warning and Mohamed Aidaroos and his criminals have since continued their unlawful acts against the Sultanate. Your village and lands will therefore be punished and will be attacked now and in the next few days. You must leave at once without taking anything from your homes and you must not return to your village or lands until Mohamed Aidaroos ceases his criminal acts and you are pardoned by the authorities. If you disobey this order, you will be responsible for the consequences." (Warning dated 17 June 1958);

(c) "To the inhabitants of Thi-Sarah:

"We warned you that any person having contact with a foreign Government and engaging in subversive acts, including disloyalty to the ruler of your country, would be punished.

"You all know that Mohamed Saleh Al-Musli has been agitating and conspiring with foreigners against your Gov-

ernment. For this reason he must be punished and his house must be demolished today. You must leave your homes immediately and stay away until his house has been demolished. If you do not heed this warning, you will be responsible for the consequences." (Warning dated 6 June 1961).

Other warnings told the inhabitants that the Government would confiscate the property of anyone who helped the rebels, that it would protect the people of the coastal area, that the security forces had no intention of invading the interior of Yafa'i, that the Government was now convinced that Mohamed Aidaroos had left Al-Qar'ah, and that it would allow the people to return to their homes; that Mohsen Hammud, the deputy of Aidaroos, should be driven out and that the people should declare their allegiance to Mahmud Aidaroos, and that the rumours about the possibility of letting Mohamed Aidaroos return to Al-Qar'ah were false.

(ii) *Oppression of rulers opposed to colonialism*

123. The petitioners stated that the policy of the United Kingdom was to stir up rivalries and enmities among the various rulers and to remove and persecute any ruler who did not co-operate with it. The deposed Sultan of Lahej described to the Sub-Committee the circumstances of his removal and exile after opposing British military occupation of the Sultanate and direct interference in its affairs (see paragraph 74). The deposed Sultan of Lower Yafa'i, Mr. Mohamed Aidaroos, stated "The policy of the British colonialists with regard to the rulers is firmly based on threats, subterfuge, treachery and deception". In February 1960 the British Governor had ignored his election by the people as Sultan of Lower Yafa'i and had appointed his ten-year old brother in his place. He had been forbidden from seeing his brother or even sending him a letter. His property in the coastal area, which had been occupied by the British, had been confiscated. The Government had spread rumours that he was in great conflict with his younger brothers and other opponents. It had used all sorts of means to create differences between the tribes and accused him of being the instigator of all the trouble in the area. The British had tried to occupy the rest of the Sultanate by force, but despite the frequent bombings, had been unable to do so. In June 1961, he had left Al-Qar'ah, the capital of the Sultanate, after announcing to the people that he would go to London to complain to the British Government against the actions of the Aden Government. At Al-Bayda in Yemen he had learned that the Government had issued a warning stating that should he return to the region, the worst destruction would befall Lower Yafa'i. He then had decided to stay at Al-Bayda in order to spare the people new sufferings, and had appointed his cousin to act on his behalf. However, his departure had not prevented the British from continuing their bombing missions over Yafa'i for fifty-seven consecutive days.

124. The tribes of the Sultanate had refused to yield to British warnings or to be provoked by the British attacks. Thousands of leaflets had been dropped calling on the people to obey his young brother Mahmud and to recognize the Federal Government, but the people had persisted in refusing to do so. They considered the Federation as a subterfuge by which the United Kingdom wanted to continue its domination of the region. The people were all in favour of unity and were looking for a true federation in their own interest, and not a federation of colonial agents and stooges.

125. The deposed Sultan of Upper Yafa'i, Mr. Abdullah ben Omar Kahtan Harhara, stated that the United Kingdom had signed a treaty with his father, but had broken it a few years later and sought to control the Sultanate. Upon his father's death, the British had installed his cousin, Mr. Mohamed Saleh Harhara, as Sultan by supplying him with money to distribute among the various tribes. The petitioner's property had been taken by his cousin. Later, the people had risen against the new Sultan and forced him to go and live in Aden.

(g) *Economic, social and educational conditions*

126. Many petitioners referred to the conditions of poverty and economic backwardness which, they stated, many years of British colonialism had left in the area. The United Kingdom,

it was stated, had no interest whatsoever in the development of the region or the welfare of its inhabitants. On the contrary, it had stood in the way of economic and social progress, preferring to maintain ignorance and poverty and an archaic feudal system. Many thousands had been forced to emigrate because of the lack of means of livelihood in their country. Many of these emigrants had tried to invest money in the Territory but had been prevented from doing so by the British authorities.

127. Some petitioners referred to the Port of Aden and stated that its revenues had been used by the British Government for its own benefit and not for the Territory's development. The British Government had not built a single paved or asphalt road outside Aden and had always insisted that the country was poor. Agricultural methods were still very primitive, although some cotton growing had been introduced lately. In this connexion, the exiled Sultan of Lahej, Mr. Ali Abdelkerim, told the Sub-Committee that prior to his departure from the Territory the people had tried to introduce a few schemes for growing cotton, for developing the land and for building new schools. With the assistance of the United Nations, the people had started to build two dams which would have multiplied the irrigated area. But the work had stopped since then, and the schemes had been discontinued. Mr. Ali Fakhri pointed out that the *per caput* income was less than £10.10s. In towns as in villages, electricity or drainage had hardly been seen, and something like half of the Colony and Protectorates had no protected water supply.

128. In the field of education, the petitioners were also unanimous in decrying the lack of schools, particularly in the Protectorates. Several of them asserted that not a single school existed in their region. A few people were able to send their children away to study, but the great majority remained illiterate. Petitioners from Hadhramaut stated that less than 10 per cent of the children in the towns would go to the few elementary schools, while in the villages there were no schools at all. There was only one intermediate school to which forty pupils were admitted yearly. In the Western Protectorate there was one intermediate school which admitted three students from each sultanate. From both the Western and Eastern Protectorates, twenty students were admitted every year to the secondary school in Aden, out of a population of one million and a half.

129. The petitioners stated that scholarships in Aden were usually granted to children of immigrants, partly because they received better education in their own primary schools. The educational standard in most schools was low. Mr. Ali Fakhri stated that, until 1956, the British authorities, through the whole century of their rule, had failed to bring to the Territory a single Arab engineer, doctor, lawyer, pharmacist or qualified nurse.

130. Some petitioners referred to the closing by British authorities of the Cultural Club in the Hadhramaut in 1958. The authorities had stated that the Club had "damaging principles" and had persecuted its members. Reference was also made to the closing of the Girls' School in Aden for one year.

131. The petitioners also described the "extreme lack of health facilities in the Territory". There was only one hospital in Aden. In the Protectorates there were only two dispensaries, two pharmacists and four doctors. Patients had to travel sometimes for three days to be treated. There were only 104 hospital beds for a population of one million and a half and an area of about 112,000 square miles.

DEMANDS SUBMITTED BY THE PETITIONERS

Immediate ending of colonial rule

132. The desire for an immediate end to colonial rule and appeals for urgent measures to bring about full independence were unanimously expressed by all those who addressed the Sub-Committee, submitted written memoranda, sent telegrams or demonstrated before it at airports and meeting places. Political parties and organizations such as PSP, SAL, the Peoples Congress, the Arab Nationalist Movement, the National Salvation Movement and the Progressive Socialist Youth, associations such as the Arab Woman Association and

the Congress of Graduates of Universities and Higher Institutions, labour organizations such as ATUC, youth clubs, representatives of various tribes, sheikhdoms and sultanates, people engaged in active resistance, refugees, exiled Sultans and public figures from Aden, expressed time and again the anxious desire of the people in Aden and the Protectorates for freedom and independence. Referring to the Declaration on the granting of independence to colonial countries and peoples, the petitioners asked for the speedy implementation by the United Kingdom of all the provisions of the Declaration.

133. Several petitioners stressed the fact that all the people were united in asking for independence. Thus the President of SAL, Mr. Mohamed Ali Algifri, stated that although there were some divergencies of views between the various parties, they were all one in their stand against British colonialism and the efforts of the United Kingdom to prolong its domination of the area.

134. Several petitioners also warned against what they termed British future plans in the area, aiming at consolidating the present so-called Federation and its rulers who had not been elected democratically and did not represent the people. It was pointed out that the United Kingdom had imposed on the Federation treaty conditions which would enable it to continue to dominate the whole area.

135. Mr. Ali Abdelkerim, the deposed Sultan of Lahej, stated that the United Kingdom wished to grant some sort of false independence to the Territory. Mr. Abdullah Al-Asnag, President of PSP, asserted that the United Kingdom was taking immediate measures to change the present constitutional arrangements and declare the independence of the area under its present government. Such a government could not belong to the world community. Any action by the United Kingdom aiming at suppressing the wishes of the people would be in violation of the United Nations Charter and should be repudiated by the United Nations. The United Nations should intervene to restore full democratic institutions in the Territory. Other petitioners stated that the United Kingdom, by granting a fictitious independence, would be seeking to maintain its domination and prevent the reunification of "the South" with "Northern Yemen". This would not be acceptable to the people.

136. The call for intervention by the United Nations in the situation was reiterated by a great number of petitioners who, on the whole, appealed to the United Nations to take urgent measures to end British domination in the whole of South Arabia.

Dissolution of the Federation

137. As stated above (paras. 76-87), nearly all the petitioners pointed out that the Federation established by the United Kingdom was only a disguise to enable it to maintain its domination over the area. The petitioners therefore demanded the dissolution of the Federation. The Treaty of Friendship and Protection between the United Kingdom and the Federation of 1959 had only confirmed all the previous treaties concluded without the consent of the people. Those who had accepted it had done so under the orders of their British "advisers" who had "negotiated" it with the British Governor in Aden. Similarly, the treaty providing for the accession of Aden to the Federation had been imposed by the United Kingdom and had openly stated that nothing in its provisions should affect British sovereignty over Aden.

138. The petitioners pointed out that the Federation had actually brought no changes, except for a concentration of power in the hands of the British High Commissioner. It was a development for the worse, not the better. The United Kingdom still exercised absolute control over both the internal and external affairs of the Federation. It still occupied the Territory and had the right to use it for military purposes. It still controlled its natural and mineral wealth. And it provided a stratum to perpetuate the separation of the South from "Northern Yemen". The petitioners therefore demanded that the treaties signed between the United Kingdom and the so-called Federation be considered null and void. They stated that the unlawful Federal and Supreme Councils should be dissolved,

along with the Aden Legislative and Executive Councils. These bodies should be replaced by truly representative bodies elected democratically by the people.

Supervised election or plebiscite

139. The petitioners indicated the means by which they wished these objectives to be achieved. Most petitioners expressed the desire that before independence the people should be given the opportunity to express their wishes on the future of their country either by elections or by a plebiscite conducted under the supervision of the United Nations.

140. As a prerequisite they demanded the dissolution of the present unrepresentative legislative bodies and the repeal of all repressive legislation which suppressed basic human rights and made it impossible to engage in normal political activities. They drew attention in particular to the laws affecting the Press and publications, the labour movement, societies and organizations, personal rights (including those providing for imprisonment without trial and for summary deportation), public gatherings and the laws of sedition (see paras. 88-107 above). They also asked for the release of all political prisoners and for the return of those exiled or forbidden to re-enter the country.

141. All petitioners laid emphasis on the need for strict international control by the United Nations of any election or plebiscite that was held. They felt that this was necessary as a guarantee that the elections would be conducted fairly and in an atmosphere free from terror, repression and intimidation.

142. Some petitioners, including supporters of PSP and SAL, laid emphasis on the need for a transitional period before any election or plebiscite took place. They believed that this was necessary to enable the exiled leaders to return to their country and for the political parties to prepare the people for the elections. They stressed that during this transitional period the administration should be conducted by some neutral authority, and not by the British or the present authorities in Aden and the Protectorates. Some petitioners suggested that the United Nations itself should take over the administration during this period, others suggested a United Nations presence, a neutral commission designated by the United Nations, or administration by neutral Powers or by the Arab League.

143. Most petitioners believed that general elections should be held simultaneously throughout the whole of the Territory. One petitioner, representing the Peoples Congress, felt that elections should be held first in Aden, where they were due to be held by the end of this year, to be followed a year later by general elections throughout the Protectorates.

144. Other petitioners suggested that a plebiscite should be held to determine the wishes of the people as to their future. By this means the people could express their views on such questions as the future form of government, unification with Yemen and whether any union with Yemen should be on a federal or a unitary basis. Those who made these suggestions were equally insistent that the plebiscite should be under international control and that it should be preceded by a transitional period during which freedom of political activity would be guaranteed.

145. All petitioners demanded that the elections or the plebiscite should be held on the basis of universal adult suffrage. They objected to the present electoral laws which extended the franchise to foreigners who were British subjects while preventing many Arabs from voting. Many petitioners believed that the right to vote should be granted to all foreigners who became citizens or who had the intention of making Aden their home, and PSP believed that all Yemenis in the Territory should be given the vote. Speaking on the question of the franchise, the President of SAL said that his organization wished to see the right to vote extended so as to include the greatest number of Arabs possible. His party was in agreement with PSP on this point but differed as to the actual percentage.

Evacuation of the British Military Base in Aden and other military installations in the Protectorates

146. Evacuation of the British military bases was demanded by nearly all of those who addressed the Sub-Committee or who submitted written petitions in Cairo, San'a, Ta'izz, Jidda or Baghdad. British military occupation of the Territory was considered as the main instrument with which the United Kingdom Government had imposed its domination and the concrete symbol of colonial rule in the area. It was pointed out that the base had been and was still being used to repress the people's wishes and demand for freedom. The armed attacks on towns and villages in the Protectorates, the forceful occupation of sultanates and sheikhdoms, the conditions of "terror," "aggression" and "repression", were all carried out and created by the British forces operating from the base and other military installations.

147. The base, according to the petitioners, had been used not only against the people of the Territory, but also against other countries in the Middle East, particularly during the Suez crisis in 1956. It constituted a constant threat to peace and security in the region. In its original memorandum addressed to the Governor of Aden on 24 September 1962 (A/AC.109/PET.81) and restated to the Sub-Committee in Cairo and San'a, PSP had stated: "The colonial administration has turned Aden into an atomic base against the wishes of its peace-loving people, thus making it a target of attack in both hot and cold wars. As Arabs, we want nothing to do with either. The Administration has drawn upon the indiscriminate and unwarranted use of British forces of occupation in suppressing the people. . . . The presence of these troops has not only deprived our people of the best large areas of our homeland, thereby causing the ever-present acute shortage in housing, but is also directly responsible for the steep rise in the cost of living over the past fifteen years . . .". The PSP demanded the evacuation of the military base.

148. Mr. Taha Muqbil, representing the Arab Nationalist Movement, stated that the British Military Command in Aden was spending about £12 million yearly and was now building military installations which would cost £20 million during the coming three years. The base might become a nuclear base as the British had announced the arrival recently of a great number of Thunderbird rockets. Reports in the British Press had mentioned Aden as one of the main bases for the storage of nuclear weapons.

149. According to some petitioners, the places where British forces were stationed were, among others, Khormaksar, Majran, Ar Rayyan, Qotton, Mafa'a, the Kuria Muria and Kamaran Islands.

Unification of the area

150. All of the petitioners stated that the people of the area desired the unity of the Territory and opposed its fragmentation into many small States. Some felt that reunification with Yemen would be an inevitable consequence of independence.

151. Some petitioners proposed the unification of Aden and the Aden Protectorates under one truly democratic and centrally controlled government, elected freely under international supervision. In this connexion, Mr. Abdullah Algifri considered that the country, owing to its small population, should become a unitary State. This view had been voiced by Mr. S. A. Alhabshi before the Special Committee (see chap. V, paras. 60-69 above).

152. The petitioners who demanded unification with Yemen stated that, geographically and historically, Aden and the Protectorates (including the islands of Kuria Muria, Perim, Socotra and Kamaran) were an integral part of "Natural Yemen". "Northern" and "Southern" Yemen had always been bound by strong political, economic and national ties as well as common interests and aspirations. "Occupied Southern Yemen" had been separated from the rest of Yemen by colonialism, and it was colonialism which was trying to prevent their reunification. Representatives of PSP and ATUC pointed out that the Sedition Act recently passed by the British authorities had made it illegal to advocate reunification with Yemen,

contrary to the aims pursued by these organizations. They declared that all in Aden were in favour of union with Yemen first and the unity of the Arab world as a second step.

153. The Federation of South Arabia, the petitioners also said, had been devised by the United Kingdom in order to prolong the division of Yemen and to create a separatist entity among the people. It aimed at combating the Arab liberation movement and the trend towards Arab unity. The people were determined to oppose those attempts and to struggle for the preservation of national unity.

154. The petitioners stated that their demands in this field were also based on the right of self-determination which the United Nations had recognized and encouraged in regard to all peoples.

Other demands

155. Various other demands were formulated by the petitioners in oral as well as written statements. They are summarized as follows:

(a) The United Nations should ask the United Kingdom to cease taking repressive action against the population of areas which were not yet under its direct control or were not yet part of the Federation;

(b) Immigration into Aden should be stopped, except for technicians and experts;

(c) In regard to employment, priority should be given to indigenous persons. Summary dismissals and expulsion of people born in "the North" should also be stopped;

(d) Oil concessions granted by the British to foreign companies should be considered null and void; and

(e) International aid should be provided to refugees, and scholarships to students, from the Territory.

IV. Conclusions of the Sub-Committee

156. The Sub-Committee considers that it has done everything in its power to carry out the mandate given to it by the Special Committee. It was not, however, permitted to visit Aden and the Aden Protectorates and was unable to hold talks with the administering Power.

157. The Sub-Committee therefore feels that it did not receive full co-operation from the United Kingdom, although the Special Committee had expressed the hope that such co-operation would be extended in accordance with the recommendation made by the General Assembly in resolution 1810 (XVII).

158. In visiting neighbouring countries, the Sub-Committee was merely carrying out one of the provisions of the Special Committee's resolution of 3 May 1963 (A/AC.109/42). Since it was unable to visit the territories concerned, it went where individuals from Aden and the Aden Protectorates could appear before it to present their views on conditions in their country and on its future.

159. The Sub-Committee was in fact able to hear a great many people belonging to many different sections of the population: representatives and leaders of political parties, trade union delegates, elected representatives, former sultans or tribal chiefs, civilians and soldiers, civil servants, business men, farmers, students, and men and women belonging to various organizations.

160. The Sub-Committee's visit to countries neighbouring Aden and the Aden Protectorates made it possible for these people to present their views and demands with regard to their country's future. This is a positive aspect of the work of the Special Committee in its efforts to seek the most suitable ways and means for the speedy implementation of the Declaration on the granting of independence to colonial countries and peoples.

161. One of the most heartening results of these hearings was the many testimonials they provided of the earnest faith and hope placed in the United Nations as an instrument for the peaceful liberation of the peoples under colonial rule.

162. The Sub-Committee found a general desire to put an end to colonial domination. The few differences of opinion encountered did not concern the objective sought but rather the means and the conditions for the achievement of that objective.

163. A great deal of concern was expressed about the United Kingdom's plan to grant independence while preserving the existing institutions and governments. Large sections of the population affirmed that, in those circumstances, independence would mean perpetuating a reactionary system of government and maintaining foreign influence in a new guise.

164. The entire population is also eager for national unity, but the present Federation—which, it should be noted, does not include all the States in the area—represents merely an artificial unity imposed upon them and governed by provisions which ensure United Kingdom control.

165. The various treaties signed with the United Kingdom, including the Treaty of Friendship and Protection concluded in February 1959 by the Federation, are regarded by all petitioners as null and void.

166. The Sub-Committee also found a very strong movement in favour of the union of the Territories with Yemen. This movement continues to have a powerful impact on political activity in the country.

167. In addition, almost all the petitioners protested against the maintenance of the military base in Aden. The base was prejudicial to the security of the region and it seems desirable that it should be eliminated.

168. Repressive laws and police methods are a major source of discontent, particularly in Aden itself, where the trade union movement is subjected to constant abuse by the local authorities.

169. Economic, social and educational conditions in the Protectorates have caused grave concern and are often laid at the door of the colonial régime.

170. A number of petitioners mentioned the rising of the inhabitants who were unwilling to submit to the foreign yoke. They spoke of their continuing struggle and of the repressive measures taken by the United Kingdom authorities. Since they are determined to continue the struggle, there will be further unrest in the Territory. If this situation continues, the political, economic and social development of the Territory cannot but suffer.

171. All these findings have led the Sub-Committee to the conclusion that action by the United Nations is urgently necessary. Such action must be designed not only to bring about the speedy implementation of the Declaration but also to put an end to the upheavals which threaten the peace and security of the area.

172. The Sub-Committee considers that the population should be consulted on a very much broader basis than in the past. Such a consultation of the people, undertaken in accordance with the right of self-determination, should be carried out on the basis of universal suffrage and in full enjoyment of fundamental human rights and freedoms.

173. It should be accompanied by all the necessary safeguards to enable the people to express their will and their wishes in all freedom. The United Nations could provide these safeguards.

174. In order to ensure that independence is granted in accordance with the freely expressed wishes of the inhabitants, the consultation should be held before independence. This procedure would result in the transfer of powers to a truly representative Government.

V. Recommendations of the Sub-Committee

175. In paragraph 8 of the resolution of 3 May 1963 on Aden (A/AC.109/42), the Special Committee requested the Sub-Committee to submit "a report with recommendations" for the speedy implementation, in respect of Aden and the Aden Protectorates, of the Declaration on the granting of independence to colonial countries and peoples.

176. On the basis of its findings and conclusions, the Sub-Committee makes the following recommendations:

"(1) The people of Aden and the Aden Protectorates must be allowed to exercise their right of self-determination with regard to their future. The exercise of the right of self-determination must take the form of a consultation of the whole population, to be held as soon as possible,

"(a) On the basis of universal adult suffrage, and

"(b) With respect for fundamental human rights and freedoms.

"(2) The administering Power should therefore be asked:

"(a) To repeal all the laws which restrict public freedoms;

"(b) To release all political prisoners and detainees and those who have been sentenced following actions of political significance;

"(c) To allow the return of people who have been exiled or forbidden to reside in the Territory because of political activities; and

"(d) To cease forthwith all repressive action against the people of the Territory, in particular military expeditions and the bombing of villages.

"(3) The administering Power should also be asked to dissolve the present legislative organs and to make the necessary constitutional changes for holding general elections with a view to establishing a representative organ and the setting up of a Government for the whole of the Territory.

"(4) A United Nations presence is required, both before and during the elections referred to above. It should be decided upon by the General Assembly, upon the proposal of the Special Committee.

"(5) The elections must be held before the attainment of independence, which will be granted in accordance with the freely expressed wishes of the inhabitants.

"(6) Conversations should be opened without delay between the Government resulting from the elections mentioned above and the administering Power for the purpose of fixing the date for the granting of independence and the arrangements for the transfer of power."

177. In making these recommendations, the Sub-Committee has in mind the rapid implementation in this Territory of the Declaration on the granting of independence to colonial countries and peoples. It feels however, that it is also its duty to draw the attention of the Special Committee to the need to put an end to a dangerous situation, the continuance of which is likely to threaten international peace and security.

178. Lastly, the Sub-Committee wishes to point out that these recommendations are in keeping with the provisions of paragraphs 1 and 2 of the resolution of 3 May 1963 on Aden, the principles of which are accepted by nearly all the members of the Special Committee.

ANNEXES

Annex I

Correspondence between the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations and the First Vice-Chairman of the Special Committee

A. LETTER DATED 14 MAY 1963 FROM THE FIRST VICE-CHAIRMAN OF THE SPECIAL COMMITTEE ADDRESSED TO THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM

I have the honour to enclose a copy of the resolution on Aden adopted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 163rd meeting, on 3 May 1963 (A/AC.109/42).

In accordance with paragraph 4 of the resolution, the Chairman of the Special Committee has nominated the following to be members of the Sub-Committee on Aden:

Chairman of the Sub-Committee: H.E. Mr. Voeunsai Sonn (Cambodia).

Members: Iraq, Madagascar, Venezuela and Yugoslavia.

On behalf of the Special Committee, I should like to take this opportunity to request your Government to reconsider its position concerning the visit by the Sub-Committee to Aden, with a view to co-operating with it in order to ensure the greatest possible success to its endeavours.

(Signed) Carlos Maria VELAZQUEZ
First Vice-Chairman
of the Special Committee

B. LETTER DATED 20 MAY 1963 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM ADDRESSED TO THE FIRST VICE-CHAIRMAN OF THE SPECIAL COMMITTEE

I have the honour to acknowledge the receipt of Your Excellency's letter No. TR.412/2 of the 14th of May enclosing a copy of the Resolution on Aden adopted by the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 163rd meeting, on the 3rd May, 1963 and informing me that the Chairman of the Committee has nominated His Excellency Mr. Voeunsai Sonn (Cambodia) as Chairman and representatives of Iraq, Madagascar, Venezuela and Yugoslavia as members of the Sub-Committee on Aden.

With reference to the last paragraph of Your Excellency's letter, I regret to have to inform you that my Government, to whom the contents of your letter were duly conveyed, have instructed me to inform Your Excellency that, for the reasons already explained to the Special Committee by my Delegation, it is unable to reconsider its position concerning a visit by the Sub-Committee to Aden.

(Signed) Patrick DEAN
Permanent Representative of the
United Kingdom of Great Britain
and Northern Ireland to
the United Nations

Annex II

Copy of a photostat of a letter dated 23 May 1963 from the Controller of Immigration in Aden addressed to "All airlines and shipping"

Immigration and Passports
Department
Telephone No. 3811
Ref. No. I.C.9C.
P.O. Box 1178
Maalla, ADEN

23rd May, 1963

Confidential
All airlines and shipping

Circular

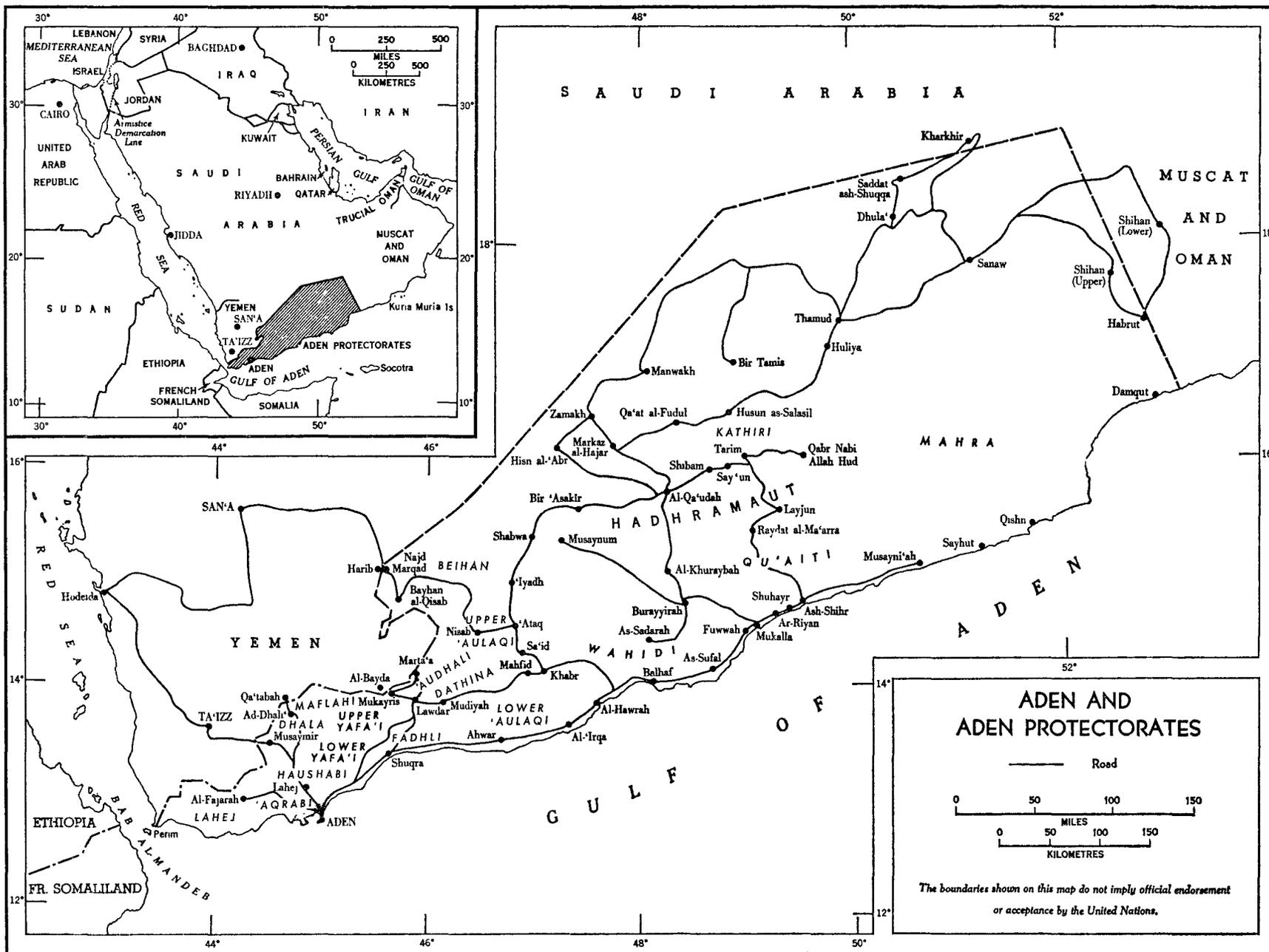
1. His Exc. Mr. VOEUNSAI SONN—Cambodia.
2. His Exc. Dr. Adnan M. PACHACHI—Iraq.
3. Dr. Leonardo DIAZ GONZALEZ—Venezuela.
4. His Exc. Member Miso PAVICEVIC—Yugoslavia.
5. His Exc. Member Louis Rakotomalala or Member Remi Andriamaharo—Madagascar.

This is to inform you that should any of the five persons named above arrive in Aden State by any of your Agency Aircraft or Ships, they will not be permitted to land.

It is therefore suggested that you should advise owners of airlines and shipping under your Agency not to accept any booking from these persons for journey to Aden or any journey that would necessitate their stay in Aden in transit.

Please acknowledge receipt of this circular.

(Signature illegible)
Controller of Immigration.



MAP NO. 1476 REV.1 UNITED NATIONS JUNE 1964

CHAPTER VI

MALTA

A. INFORMATION ON THE TERRITORY

General

1. The Maltese Islands, comprising Malta, Gozo, to the north-west of Malta, the small island of Comino, and the uninhabited islets Filfla and Cominotto, are situated in the Mediterranean Sea, to the south of Sicily.

2. The total area of the Maltese Islands is 122 square miles (316 square kilometres), of which Malta covers 94.9 square miles (245.7 square kilometres), Gozo 25.9 square miles (67.1 square kilometres) and Comino 1.1 square miles (2.8 square kilometres).

3. In December 1962 the population of the Territory was estimated at approximately 328,500. With an average population of nearly 2,700 to the square mile, Malta is one of the most densely populated territories in the world.

*Government**(a) Status*

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

(b) Previous constitutions

5. In 1947 Malta was granted full internal self-government with a popularly elected Legislative Assembly of forty members.

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

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

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

point of disagreement was concerned with the amount of financial assistance that should be provided by the United Kingdom Government.

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

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

(c) Present Constitution

11. The present Constitution is based on the proposals of a Constitutional Commission, appointed in 1960, under the chairmanship of Sir Hilary Blood. By its terms of reference, this Commission was requested to formulate detailed constitutional proposals after due consultation with the representatives of the Maltese people and local interests, bearing in mind the United Kingdom Government's intention that the Maltese people should be given the widest measure of self-government consistent with the United Kingdom Government's responsibility for defence and foreign affairs and its undertakings in respect of the public service, police and human rights generally. The Commission reported in March 1961, and the United Kingdom Government accepted its recommendations. The Malta (Constitution) Order in Council, 1961, was then promulgated. The new Constitution came into force in part on 1 November 1961, the remainder coming into force on 3 March 1962, when the Government elected under it took office. The main provisions of the new Constitution are set out below.

(i) United Kingdom Commissioner

12. Responsibility for defence and external affairs is vested in the United Kingdom Government and is exercised through a United Kingdom Commissioner in Malta. The Constitution provides that in order to discharge these responsibilities the United Kingdom shall have full right to occupy, control and use bases and installations in Malta. The Government of Malta is expected to comply with any request of the United Kingdom Government concerning its responsibility for defence and external affairs. If the Government of Malta does not comply with such a request within the time specified, the United Kingdom Commissioner may issue an order giving effect to the request of the United Kingdom Government, which shall have the force of law. The United Kingdom Commissioner may also advise the Governor to reserve for the consideration of the United Kingdom Government any bill introduced

into the Legislative Assembly which he considers would affect the United Kingdom Government's responsibility in these fields. Provision is made for the Government of Malta to have the authority for conducting trade relations and for such other matters relating to external affairs as may be delegated to it.

(ii) *Governor*

13. The Governor is the Queen's representative and the Head of State. He is appointed by the United Kingdom and has such powers as are conferred upon him including that of assenting to bills of the Legislature. On most matters he is obliged to consult with the Cabinet and to act on its advice. Under the Constitution the Governor was given exclusive functions in relation to the Public Service (including the Police Force) and the Judiciary. By subsequent amendments certain of the Governor's powers in relation to the Public Service, including ultimate control of the police, were transferred to the Prime Minister.

(iii) *Cabinet*

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

(iv) *Consultative Council*

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

(v) *Legislative Assembly*

16. The Legislative Assembly consists of fifty members and has the power to make laws for the peace, order and good government of Malta. The Legislative Assembly may deal with any bill or motion introduced by its members. However, except on the recommendation of the Governor, signified by a Minister, the Assembly may not proceed on any bill or motion which imposes taxes or increases any charges on the revenues. Bills passed by the Legislature are presented to the Governor who, in accordance with the provisions covering the exercise of his power, may assent to a bill, refuse his assent or reserve the bill for the consideration of the United Kingdom Government. Bills which must be so reserved include those which affect internal security, amend the constitution, affect legislation concerning the police, broadcasting, and the dockyard, and they provide for the raising of loans. The power of the United Kingdom Government to disallow acts is limited to acts which it considers adversely affect the interests of holders of Malta Government Stock.

(vi) *Electoral system*

17. The Constitution provides for elections to be held on the basis of universal adult suffrage under a system

of proportional representation. The fifty members of the Legislative Assembly are elected from ten electoral divisions, including one for the island of Gozo, each returning five members.

(vii) *Public Service Commission and Judicial Service Commission*

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

(viii) *Protection of fundamental rights and freedoms*

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

(d) *1962 elections*

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

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

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

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

(e) *Recent constitutional developments*

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

23. Further discussions between the Prime Minister of Malta and the United Kingdom Government were held in July and August 1962 on financial and economic matters. These were held against the background of pending reductions in the establishments of the United Kingdom Services in Malta and the need for greater efforts to develop and diversify the Maltese economy. The United Kingdom Government was unable to agree to any increase in the financial aid already being provided (£29.25 million in grants and loans for the five years 1959-1964) but accepted the need for some redeployment of the balances available for ex-

penditure during the remaining two years of the five-year development plan. It was also agreed that Malta should be free to seek economic and financial aid in foreign countries, and should have the authority to negotiate directly with the European Economic Community with a view to membership of that organization. At the conclusion of the talks the Prime Minister of Malta formally requested Malta's independence within the Commonwealth and requested that a meeting should be arranged as soon as practicable. Informal talks between the Prime Minister of Malta and the United Kingdom Secretary of State for the Colonies were held in December 1962 and agreement was reached on the steps necessary to enable an independence conference to be held in 1963.

(f) *Judiciary*

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

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

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

(g) *Local government*

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

Political parties

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

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

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

seeks full independence for Malta. The party has been led by Mr. Dom Mintoff since its reconstitution in 1949.

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

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

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

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

34. The Special Committee considered the question of the situation in Malta at its 165th to 167th and 169th meetings, held between 6 and 10 May 1963.

Written petitions

35. The Special Committee circulated the following petitions concerning Malta:

<i>Petitioner</i>	<i>Document No.</i>
<i>(a) Petition circulated in 1962</i>	
Mr. Albert Carthy, Secretary, Socialist International	A/AC.109/PET.13
<i>(b) Petitions circulated in 1963</i>	
Mr. Albert Carthy, Secretary, Socialist International	A/AC.109/PET.94 and Add.1 and 2*
Mr. Anton Buttigieg, Deputy Leader, Malta Labour Party ..	A/AC.109/PET.107
Mr. J. Zefara, General Secretary, Mr. D. M. Cremona, Chair- man, and Mr. Dom Mintoff, Leader, Malta Labour Party ..	A/AC.109/PET.130 and Add.1 and 2*
Leaders of the Christian Work- ers Party, the Democratic Na- tionalist Party and the Progres- sive Constitutional Party (two petitions)	A/AC.109/PET.175*

* Circulated after the Special Committee had concluded its consideration of the question of Malta.

General statements by members

36. The representative of the United Kingdom said that under the present Constitution, which had come into force in March 1962, Malta was no longer known as a colony but as the State of Malta and was fully self-governing in its internal affairs. The Constitution provided for representative government through a Legislative Assembly of fifty members elected by universal adult suffrage. The Government was in the hands of

an elected Maltese Cabinet, consisting of a Prime Minister and seven other Ministers. The Governor was required to act in accordance with the advice of the Cabinet, except in certain specified circumstances.

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

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

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

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

41. It would therefore be evident, he stated, that the United Kingdom Government was placing no obstacles in the way of considering the request of the Maltese Government for independence. It would not do, however, to minimize the problems of establishing an independent Malta, in view of the special circumstances of its history and its past relationship with the United Kingdom. It would be necessary, among other things, to consider very carefully the ability of an independent Malta to ensure the economic well-being of the Maltese people and the arrangements that

would have to be made to that end. In that connexion he informed the Committee that a United Nations technical assistance expert, Mr. W. E. Stolper, had been in Malta recently to advise the Maltese Government on economic planning and had just completed his investigation. He trusted that in its discussion the Committee would recognize two salient facts, namely, the willingness of the United Kingdom Government to consider the independence of Malta, and the need to surmount the real difficulties that faced Malta.

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

43. In his opinion, in view of the fact that the Committee was taking up the question of Malta for the first time, it should start by reviewing the various sources of information available to it on the Territory. All it had before it was a document (A/5401/Add.11) giving political and constitutional information provided by the administering Power, and a conference room paper prepared by the United Nations Secretariat. After hearing the particulars the United Kingdom representative had just given, the Committee would no doubt now like to hear representatives of the present Maltese Government and representatives of the opposition parties, the latter speaking as petitioners.

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

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

46. Unfortunately there had also been some negative factors in the developments that had taken place. Reservations in the matter of the status of the Territory had led to disturbances in 1958 and, in particular, the regularity of the 1962 elections had been strongly challenged by the opposition parties; some disturbing facts had been reported in a communication sent by a petitioner. Moreover, although there had been some improvements in, for example, the control of the police and appointments to the Public Service, some powers were apparently still held by the United Kingdom Government, in view of the "British Government's responsibility for defence and foreign affairs". (See A/5401/Add.11.)

47. In the light of those considerations, and subject to the explanations that the parties concerned might

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

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

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

50. The United Kingdom had fortified the island and turned it into a military base. The history of Malta's people had been a difficult one, and the island deserved to win its freedom, after a long struggle against 150 years of British rule. It had often suffered harsh oppression, and such reforms as had been secured had proved comparatively ineffective. Malta's former Constitution had been abolished in 1936, and the administering Power had promised the islanders their independence.

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

and had until recently also been Chief of Police. The island's foreign policy was, of course, in the hands of the British.

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

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

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

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

56. It was not by chance that these conditions prevailed in Malta. The closer colonial territories came to independence, the more their deficit increased and the more dependent they became on the administering Power. After independence, the deficit usually increased further, so that the newly independent States found themselves obliged to seek assistance from the Power which had formerly ruled them. That was the method currently being employed by the colonial Powers. Malta found itself in a situation of that kind, which was made still worse by the fact that its economy was subordinated almost entirely to military needs. It was only natural that the population should no longer be willing to bow beneath the colonial yoke.

57. Although the people of Malta had been struggling for independence since the nineteenth century, the United Kingdom had consistently refused to accede to their demands. The reasons for that were easy to grasp. As was pointed out in March 1962 in the London periodical *Tribune*, Malta was a stronghold

of NATO, whose flag fluttered over the island's capital; that was why the people were being denied the right to self-determination.

58. When the United Kingdom by popular pressure finally would be forced to give up Malta, it would try to maintain control by other means. It was said, of course, that there must be no interference in questions that were purely within the province of countries destined to become independent! That was a logical point of view, since sovereignty resided in the people of those countries and was not subject to any limitation. That fact was recognized in the Declaration on the granting of independence to colonial countries and peoples, wherein it was stated that all peoples had an inalienable right to the exercise of their sovereignty. However, attempts were being made by the colonial Powers to impose agreements that restricted their sovereignty on the colonial peoples before they attained independence; it was being done on the pretext of establishing "new relations"—which in fact were intended only to prolong the period of colonial domination—between the former administering Power and the new State. Malta was no exception to the rule. It was a colony, and the United Kingdom, taking advantage of that fact, was imposing upon it an agreement concerning the military base which limited its sovereignty. That same article in *The Statist* of 7 December 1962, pointing out that the base in Malta was of vital importance to NATO, had urged that Malta's attainment of political independence should be accompanied by agreements under which the United Kingdom would retain responsibility for the base.

59. To be sure, the people of Malta would be entitled to repudiate at a later date any agreements thus concluded. However, the United Kingdom could be expected to resist by force, using for that purpose the very base which it still held on the island. Surely, then, it would be better to prevent that situation from arising. It was not the Special Committee, but rather the United Kingdom, which was limiting the sovereignty of the Maltese people. It was therefore the Committee's duty to protest against the United Kingdom's manoeuvres.

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

61. The question of United Nations assistance in Malta's development had been raised, and it was indeed the duty of the United Nations to offer its help. It must be borne in mind, however, that any such assistance would be minute in comparison with the benefits that the colonialists had extracted—and might continue to extract—from the island. The solution to Malta's economic problems was to transfer to the

people that which belonged to them. The United Kingdom had been occupying Malta illegally for 150 years by right of conquest, and it could therefore be justly asked to pay compensation, so that at least part of what had been taken might be returned. Furthermore, technical assistance could be effective only if capital goods provided to Malta were used for the benefit of the population rather than of United Kingdom nationals. There, too, the solution lay in full implementation of the Declaration on the granting of independence, without conditions, reservations, or prior agreements.

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

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

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

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

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

67. A cursory reading of the new Constitution sufficed to show why it had been rejected by the Maltese political parties, especially if one considered the provi-

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

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

69. In the view of the Yugoslav delegation, there were no grounds for further delaying the independence of a territory which already bore the name State of Malta. His delegation supported the suggestions of the representative of Cambodia but thought that fresh elections should be held before independence. The Committee should also take into account the request for an investigation on the spot made by the leader of the Labour Party (A/AC.109/PET.130). In addition, as stated in another petition (A/AC.109/PET.107), the third Afro-Asian Peoples Solidarity Conference had on 11 February 1963 adopted a resolution requesting the Committee to carry out such an investigation and to ensure that fresh elections were held under United Nations supervision. The Yugoslav delegation thought that the Declaration on the granting of independence should be fully implemented in Malta as soon as possible and at the latest before the end of the year, and that the people of Malta should be given independence at that time. It also thought that independence should be preceded by fresh elections in which the free expression of the will of the people would be guaranteed.

70. The representative of Iraq felt that there was still a lack of complete and verified information in regard to Malta. Reviewing the information contained in the documents submitted by the Secretariat and by the United Kingdom and in the statement made by the representative of the administering Power, he noted first that, according to the Conference Room Paper prepared by the United Nations Secretariat, the Maltese

Labour Party had won twenty-three seats in the 1955 elections, and the Nationalist Party seventeen, a situation which had subsequently been reversed. He further noted that the negotiations begun in 1958 had broken down because of a disagreement over the total of United Kingdom financial assistance. The resignation of the Maltese Labour Government, subsequent to that disagreement, had been followed by disturbances. The Constitution in force had been replaced in 1959 by an interim constitution placing the administration in the hands of the Governor, who was required to consult an Executive Council the majority of whose members had been appointed by him. The new Constitution which had entered into force in part on 1 November 1961 had vested responsibility for defence, external affairs, the public service and the police force in the United Kingdom. It had provided that the United Kingdom would have the right to occupy and use bases and installations in Malta, the United Kingdom Commissioner being given power, in that regard, to counter any resistance by the Government of Malta with an order having the force of law. Under that Constitution, the powers of the Legislative Assembly were limited by the need to secure the consent of the Governor on a number of questions. When the new Constitution had entered fully into force in 1962, the new Prime Minister had initiated negotiations with a view to obtaining certain amendments, but he had succeeded only in gaining control over the police and the right to appoint officials. The United Kingdom Government had rejected a request by the Prime Minister for an increase in financial assistance. Such were the facts as they appeared from the conference room paper, in which it was also said that the two major Maltese parties were both asking for independence, one within the Commonwealth, and the other outside it.

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

72. In the world press, and in particular the Press of the United Kingdom, information could be found on certain facts which appeared neither in the Secretariat documents nor in the statement of the United Kingdom representative. It could be seen, for example, that the number of unemployed in Malta had doubled since 1961 and that that number would again double or even triple during the next four years. The Maltese were hearing it said that the naval base at Malta had no further strategic value for the British and that

there was no other means of assuring the island's economic stability. Malta's development possibilities had thus been neglected over the years because of the existence of the base and the temporary income which the population had derived from it. The people, however, would not have agreed to the establishment of the base if their opinion had been asked. It was not inconceivable that in fact Malta might still be considered strategically important and that a plan had been drawn up for granting it independence while safeguarding certain interests. That was by no means unlikely in the light of all the bargaining which had up to now accompanied the conversations between the administering Power and the representatives of Malta.

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

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

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

76. That Constitution, which was reputed to grant to the Maltese people the fullest possible degree of self-government, in fact preserved power in the hands of the United Kingdom authorities. It denied to the people the right to decide on their external relations, on their internal and external security and on the nature of their national economy and their administrative institutions. On such questions, the Maltese Government exercised powers held in common with the United Kingdom Government but only to the degree that its decisions did not run counter to the wishes of the latter. The Maltese Government had to comply with the

requests of the United Kingdom Government in matters of defence and external affairs, for if it did not, the United Kingdom Commissioner could issue a decree giving the requests of his Government the force of law. The United Kingdom Commissioner also had the right to advise the Governor, who was the chief United Kingdom authority in the State of Malta, in order to ensure that any bill which, in his opinion, might affect the interests of the United Kingdom in those matters would be submitted to the United Kingdom Government for consideration. Moreover, the Constitution guaranteed to the United Kingdom the right to occupy and to use the bases and institutions of Malta, which served at the same time as a base of operations for the NATO Command in the Mediterranean region.

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

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

79. The United Kingdom representative had asserted in his statement that his Government was placing no obstacles in the way of considering Malta's request for independence, but he had added that it would not do to minimize the problems of establishing an independent Malta, in view of the special circumstances of Malta's history and its past relationship with the United Kingdom and that it would be necessary, among other things, to consider very carefully the ability of an independent Malta to ensure the economic well-being of the Maltese people. Such arguments were invoked by the administering Power with respect to all colonies struggling for independence. Yet the administering Power alone was to blame for the economic problems to which it referred. In the statement which he had broadcast on the eve of his departure for London for discussions on economic and financial matters, the Prime Minister of Malta had said, among other things, that since the beginning of the nineteenth century the economy of Malta had been organized to serve the needs and requirements of defence. That was the reason why the country had been unable to build an industrial economy or to develop its opportunities, particularly those which the tourist industry might have offered.

80. That situation was in violation of the obligation assumed by the United Kingdom under Article 73 of the United Nations Charter to promote to the utmost the well-being of the inhabitants of the Non-Self-Governing Territories. For over 150 years the

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

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

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

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

84. In the opinion of the Bulgarian delegation the United Kingdom, by trying to distort the truth and to conceal the inhuman character of colonialism, was defying the United Nations, which had long since denounced the colonialist régime. The struggle of the Maltese people for independence had been brutally crushed by the British colonizers, and in recent years the administering Power had been trying to maintain

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

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

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

87. In his delegation's view the statement of the United Kingdom representative had confirmed that a constitutional conference, with the participation of all the Maltese political parties, was to be convened before the end of 1963 in order to reach agreement on the modalities for the transfer to the local Government of all the powers which were still vested in the United Kingdom. The Italian delegation hoped that the constitutional conference would be held as soon as possible and that a date would be fixed for the granting of independence to the island. It also hoped that the constitutional conference would help to settle the differences between the major parties and would provide the Maltese and United Kingdom Governments with an opportunity to agree on a basis for the continuance of economic assistance to the island, so that the change

in Malta's status would not affect the welfare of the inhabitants.

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

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

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

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

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

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

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

95. The representative of Syria said that he did not intend to speak of the evolution of Malta or of the economic difficulties which the Territory faced on the threshold of independence, since those were already well known facts. The United Kingdom Government had stated that it did not want to place any obstacles in the way of the attainment of independence by the territory of Malta. One constructive element to be noted was that the United Kingdom Government was holding consultations with the Maltese Government for the purpose of reaching agreement on the principle of a conference, to which delegates of all the political parties would be invited, with a view to setting a date for the transfer of power to the population. The Syrian delegation hoped that the question of the elections would be handled with care and that a serious effort would be made to examine any remaining grievances on the subject. Syria, which was a sponsor of a draft resolution introduced by the representative of Cambodia (see para. 113 below), was ready to consider favourably any ideas which might assist in securing the desired objective.

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

97. The representative of the United Kingdom, exercising his right of reply, stated that for reasons which he was at a loss to understand the representative of the Soviet Union had thought fit to go back to the beginning of history and to conjure up a procession of ancient peoples. The Soviet representative had also contended that the United Kingdom Government had reduced its dependent territories to penury before granting them independence. He would not go into the details of the economic situation of each of the sixteen former United Kingdom territories at the dates at which they had attained independence; he would simply recall that, while some of those territories had been more economically developed than others because of more abundant national resources, all had made economic progress in various degrees. In some cases, in West Africa and in Malaya for example, the progress had been spectacular. Thus, West Africa at the end of the nineteenth century had exported practically

no cocoa from Ghana or cocoa, groundnuts or cotton from Nigeria; exports of palm oil and palm kernel from Nigeria had represented only one-tenth of the volume of such exports at the date of that country's independence. For both Nigeria and Ghana the value of both imports and exports at the beginning of the century had been about £1 million a year; when those countries had attained independence the figure had reached £188 million for Ghana and £381 million for Nigeria.

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

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

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

101. Turning to the subject of Malta, he recalled that the total area of the Maltese islands was 122 square miles and the area of Malta itself was 95 square miles; the population was 328,000, representing an average density of 2,700 persons per square mile. Malta had no natural resources and no oil wells and its chief advantages lay in its climate and its port. The island had come under the rule of the United Kingdom at the beginning of the nineteenth century, when the representatives of the Maltese people had requested the United Kingdom's protection. The establishment of his Government's presence and the gradual development of its base had not been imposed upon the Maltese population but were welcomed by them. The loyalty the Maltese people had shown towards the United Kingdom during the Second World War was well known, and thousands of Maltese had gone to the United Kingdom to live.

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

103. The representative of the United Kingdom went on to say that the Soviet representative had displayed an equal lack of understanding of the true situation in connexion with the question of the base. Far from desiring the elimination of the base, the Maltese Government was afraid that the military installations were being dismantled too rapidly. His Government was doing its utmost to reduce the effects on the Maltese economy. For that purpose the naval dockyards had been converted into civilian shipyards which, it was hoped, would provide employment. During the five-year period between 1959 and 1964 his Government was to place \$81 million at Malta's disposal to assist in its development. In the meantime twenty-four new industries had been established in Malta, thirteen new factories had been built by the Government and grants had been made for the building of nine hotels. During the past few weeks the Government had made a grant of \$1.7 million for the establishment of a large textile mill and a grant of \$1 million for the building of a new hotel. Those were positive measures designed to assist the Maltese economy, and they spoke louder than the Soviet representative's destructive criticism.

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

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

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

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

108. Whatever the United Kingdom representative might say concerning the economic situation of many colonial countries before the achievement of independence, it was a fact that independence was a great stimulant to a country's economy. As for the export figures quoted by the United Kingdom representative

with respect to Ghana, Nigeria and Malaya, it seemed hardly necessary to recall that those countries had derived practically no benefit from their exports. The United Kingdom's fabulous profits were sufficient proof that its presence in those overseas territories had not been for the sole purpose of ensuring the development of their economies. It would probably have been more correct to say that those colonies had received only a thousandth part of the profits.

109. In discussing the history of Malta in detail, his delegation had simply wished to point out that it was time for Malta to know better days at last. Whatever the United Kingdom representative might claim, history had already condemned the colonial system, and the fact that the United Kingdom did not recognize the Declaration on the granting of independence to colonial countries and peoples had had some very unfortunate effects with regard to the achievement of independence by certain peoples.

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

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

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

C. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963

113. At the 169th meeting, on 10 May 1963, the representative of Cambodia introduced a draft resolution (A/AC.109/L.58) jointly sponsored by Cambodia, Ethiopia, Iraq, Ivory Coast, Madagascar, Mali, Syria, and Tanganyika.

114. The representative of Cambodia, introducing the draft resolution, said that the sponsors had noted that constitutional progress had been achieved in the Territory, and that the United Kingdom had stated its intention to consider favourably Malta's request for independence. According to the communications submitted by the petitioners, the conditions under which the general elections of February 1962 had taken place had given rise to controversy, which had even been reflected in British public opinion, and it would be well to have some explanation on the subject. Paragraph 1 of the draft resolution referred to the principle of the Declaration on the granting of independence to colonial countries and peoples appearing in resolution 1514 (XV), whose application the Special Committee had been instructed to examine. Paragraph 2 concerned the conference to be held very

shortly on the question of independence. In that connexion, it should be noted that agreement had been reached on the necessary preparatory steps. The representative of the administering Power had said that the conference would be convened in London as soon as the preparatory work had been completed and that delegates of all the parties represented in the Maltese Parliament would be invited to attend. The phrase "all other related questions" referred to the fact that the delegates of various parties had discussed the possibility of fresh elections, before or after the granting of independence, and would perhaps wish to speak of the conditions under which the elections of February 1962 had been held. Paragraph 3 recommended that the administering Power should set the earliest possible date for the attainment of independence. The Cambodian delegation and a number of other delegations thought that the date should not be later than 31 December 1963.

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

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

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

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

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

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

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

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

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

"2. *Invites* the administering Power to hold, as soon as possible, a conference with the participation of delegates of all the parties represented in the Maltese Parliament, to consider the question of independence and all other related matters, including the question of holding general elections for the Legislative Assembly without delay and in the presence of international observers."

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

Nations for aid in its economic development, as many other countries had done previously. His delegation therefore appealed to the Italian delegation to withdraw those amendments.

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

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

121. The representative of India thanked the Italian representative for not pressing his amendments, concerning which the Indian delegation had the same reservations as the Iraqi representative. With regard to the Italian representative's proposed amendment to paragraph 2, his delegation, while supporting it in general, would have preferred the use of the expression "mutually acceptable observers" rather than "international observers", since he believed that the former

term covered all possibilities, including that of international observers.

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

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

124. The resolution on Malta (A/AC.109/44), as approved by the Special Committee at its 169th meeting, on 10 May 1963, read as follows:

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

"Having considered the question of Malta,

"Having heard the statement of the representative of the administering Power,

"Having noted the communications submitted by petitioners,

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

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

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

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

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

"2. Invites the administering Power to hold as soon as possible a conference with the participation of delegates of all the parties represented in the Maltese Parliament, to consider the question of independence and all other related matters including the question of holding general elections for the Legislative Assembly without delay and in the presence of international observers;

"3. Recommends the General Assembly to invite the administering Power to set the earliest possible date for the attainment of independence by the State of Malta, in conformity with the wishes of the inhabitants of the Territory;

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

125. On 14 May 1963 the text of the resolution on Malta was transmitted to the United Kingdom Government.

CHAPTER VII

FIJI

A. INFORMATION ON THE TERRITORY

General

1. The islands comprising the Colony of Fiji are situated in the south-west Pacific Ocean, approximately

1,200 miles south of the equator and 1,148 miles north of Auckland, New Zealand. They include more than 300 islands of varying sizes, approximately 100 of which are inhabited. Many others are occupied temporarily for planting and fishing. The larger islands

are all mountainous and of volcanic origin. Of these the principal are Viti Levu and Vanua Levu which together comprise 87 per cent of the Colony's total land area of 7,055 square miles (18,272 square kilometres). The Islands of Rotuma, a dependency of Fiji, have an area of 18 square miles and lie several hundred miles north-west of Fiji.

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

Fijians	172,455
Indians	205,068
Europeans	10,417
Part European	8,958
Chinese	5,039
Others	11,935
	413,872

Government

(a) *Status*

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

(b) *Constitution*

4. The present Constitution of Fiji is set out in the Fiji (Constitution) Order in Council of 27 February 1963.⁵⁷ This revoked the Fijian Constitution which was set out in the Fiji Letters Patent 1937 and modified by subsequent Letters Patent up to 1962. The main provisions of the Constitution are set out below.

(i) *Governor*

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

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

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

(ii) *Executive Council*

8. The Executive Council is presided over by the Governor, and consists of three *ex officio* members (the Colonial Secretary, the Attorney General and the Financial Secretary) and six other members appointed by the Governor. The appointed members include one Fijian, one European and one Indian, drawn from

among the non-official members of the Legislative Council. When a vacancy occurs amongst these three members of the Executive Council, the European, Fijian or Indian non-official members of the Legislative Council, as the case may be, customarily select one of their number for the vacancy.

(iii) *Legislative Council*

9. The new Constitution provides for a Legislative Council consisting of a Speaker (appointed by the Governor) and not more than nineteen official members and eighteen unofficial members. The official members comprise three *ex officio* members (the Colonial Secretary, the Attorney General and the Financial Secretary) and not more than sixteen public officers appointed by the Governor. The unofficial members consist of six Fijians, six Indians and six Europeans. Four of each are directly elected to represent their respective communities; two Indian and two European members are appointed by the Governor, and two Fijian members are elected by the Great Council of Chiefs.

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

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

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

(c) *Electoral system*

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

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

(d) *Judiciary*

15. The Supreme Court in Fiji exercises similar jurisdiction, powers and authority to the High Court of Justice in England. There is a Chief Justice and one puisne judge. Criminal trials are either by a judge or by a judge sitting with assessors. The Supreme

⁵⁷ *Pacific Islands, The Fiji (Constitution) Order in Council 1963* (London, H.M. Stationery Office, 1963).

Court is the court of appeal in criminal and civil matters from decisions of magistrates and provincial courts; appeal from the Supreme Court itself lies to the Privy Council in London as of right in regard to any final judgement where the matter in dispute or claim involved exceeds £500, and at the discretion of the court if the question involved is one which, by reason of its general or public importance, ought to be submitted to the Privy Council for decision.

16. There are also provincial and district courts which exercise limited civil and criminal jurisdiction in cases where the parties are Fijians.

(e) *Local government*

17. The city of Suva, the capital, is administered by a City Council; there are six European and six Indian elected councillors, and two councillors appointed to represent minority interests. The second largest urban centre, Lautoka, has a Town Council with a majority of elected councillors, while the smaller towns have township boards. These councils and boards exercise normal local government functions.

18. There is also a special local government system with jurisdiction over all Fijians in the Territory, known as the Fijian Administration. For this purpose, the Territory is divided into fourteen provinces (*yasana*) each of which comprises a number of districts (*tikina*). The chief executive officer of each province is called a *Roko Tui* and the head of each district is called a *Bu'li*. Each province has its own council and controls its own budget. The principal source of revenue is a personal assessment payable by all male Fijian adults, at a rate assessed by each provincial council. The parallel system for the Indians is less developed, but there are Indian advisory councils in all the areas where there is a considerable Indian population.

Political parties

19. The only known political party⁵⁸ is the Fijian Western Democratic Party (see A/AC.109/PET.140). It was formed recently and its President is Mr. Malelili N. Raibe.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

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

Written petition

21. The Special Committee circulated a petition from Mr. Malelili N. Raibe and Mr. Apisai V. Tora, President and Secretary-Treasurer of the Fijian Western Democratic Party (A/AC.109/PET.140).⁵⁹

General statements by members

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

23. The Territory consisted of two main islands and a number of smaller islands, with a total land area of

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

24. Under the present Constitution, the Governor, who was head of the Territory's Administration, was advised in the exercise of his powers by an Executive Council consisting of five senior civil servants and four elected members of the Legislative Council, including representatives of the Fijian and Indian communities. The Governor was required to follow the advice of the Executive Council, except in certain specified circumstances. The Legislative Council had consisted until the present year of a Speaker, sixteen official members, and fifteen non-official members, including five Fijians, five Indians, and five Europeans. Of the Indian and European members, three of each were elected by their community, the other two being nominated by the Governor to represent special interests. The Fijians were elected by the Council of Chiefs, which despite its name was representative of both the chiefs and the Fijian people, and of their main interests; it included, for example, teachers, assistant medical officers and representatives of trade unions, only about half its members being chiefs. In April 1963, as a result of discussions held over the preceding two years with leaders of all the communities, a new Constitution had come into force in the Territory. In the Legislative Council, the official majority remained for the time being, but there was provision for its removal in due course. The non-official representation had been increased from five of each of the three groups to six, making a total of eighteen. Of the Indians and Europeans, two were still nominated, but four were elected, instead of three. Of the six Fijians, two were chosen by the Council of Chiefs and four were elected directly by the Fijians; that was the major change. Thus the Fijian people were directly electing their own representatives. Simultaneously, the franchise for Indians and Europeans had been greatly widened. The property qualification had been abolished, and women had been given the vote. The only qualification that had been retained—at the express wish of the non-official members of the Legislative Council—was that voters must be able to sign their name and to read and write a simple sentence in one of a number of specified languages. The Fijian franchise was similar. His delegation wished to emphasize the importance and extent of the widening of the franchise. Not only did it bring in the Fijians, for the first time, as direct electors, but the abolition of the property qualification admitted a large number of voters of all races; and the enfranchisement of women was a dramatic step forward which, only a few years ago, would have been entirely unacceptable to local

⁵⁸ Although not political parties in name, there are important political groupings, such as the Fijian Politicians, who won all four Fijian seats in the recent elections, and the Federation Committee, which won three of the four Indian seats.

⁵⁹ A second petition (A/AC.109/PET.140/Add.1), was circulated after the Special Committee had concluded its consideration of Fiji.

opinion. That extension of the franchise had been widely welcomed by the population, which had not been slow to take advantage of it. At the recent elections, some 75 per cent of those eligible had registered as voters, and some 75 per cent of the registered voters had voted.

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

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

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

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

29. Under Article 73 of the United Nations Charter, the primary task of the administering Power must be

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

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

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

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

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

34. The people of Fiji had not yet been accorded self-determination and the administering Power had not even indicated when they might exercise their right to self-determination and independence. That was a disquieting omission in the statement made by the United Kingdom representative. Another striking feature of the situation in Fiji was the separation of the two communities and the apparent lack of positive steps to bring them together. That situation was familiar to him in some respects, for in Tanganyika as in many other African countries before independence, the various racial communities had been very much separated from each other; schools, hospitals and even the legislature had been organized along racial lines. Under such conditions, the indigenous inhabitants were under a constant disadvantage in relation to the immigrant communities. Of course, such anomalies were removed when a democratically elected Government came into power; the people of different communities then had an opportunity to co-operate and to live together in harmony and understanding.

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

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

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

38. His delegation wished to say, however, as had the Tanganyikan representative, that as far as independence was concerned the Committee should not make any distinction between large and small territories. The Committee should regard the fate of the inhabitants of Fiji as just as important as that of the inhabitants of Angola. In the statements by the United Kingdom and Australian representatives, one factor was missing which was of fundamental importance for the Committee's work: they had made no mention of any efforts on the part of the administering Power to surmount the obstacles—natural, historical or other obstacles—which might prevent the inhabitants of Fiji from acceding to sovereignty and independence; nor had they mentioned the progress made in Fiji towards transforming a handful of islands scattered in the Pacific Ocean into an integrated nation capable of surmounting its natural difficulties through the co-operation of its inhabitants and their willingness to share a common destiny.

39. If it was true that there were ethnic, historical and other differences, if it was true that there was no contact between the two major communities, it was

also true that there was only one factor which might help to bring those communities together, and that was the enjoyment of independence and sovereignty.

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

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

42. The United Kingdom representative had stated that the most urgent need was to improve the living conditions of the people; it was difficult, however, to see how the economic development advocated by the administering Power could take place in a colony which still displayed all the characteristics of classical colonialism; such development should be accompanied by political and social advancement, and steps should be taken to ensure that it would benefit not only a minority but all the inhabitants of the Territory. Economic development should bring in its train social benefits for all, full employment, education, health services, rural community development, the training of experts, and so on.

43. The representative of Australia had optimistically stated that the present Legislative Council afforded opportunities for co-operation among the various elements of the population of Fiji, but the establishment and composition of that Council could hardly be said to offer sufficient guarantees that all the inhabitants of the Territory would be democratically represented in it. Since the Committee had so little information about Fiji, it might perhaps hear the two members of the Fiji Legislative Council whose presence in the United States had been referred to in the petition (A/AC.109/PET.140) from representatives of the Fijian Western Democratic Party.

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

45. He went on to speak of a book entitled *Political Advancement in the South Pacific*⁶⁰ by an Australian professor, Mr. F. J. West, who considered that the tendency of the colonial régime to preserve the ancestral

⁶⁰ Melbourne, Oxford University Press, 1961, p. 40.

standards of the Fijian society and to defend the isolationism of the colony was the main obstacle to Fiji's political progress. The natural difficulties could only be overcome by a policy of integration. It was true that in the case of Fiji certain fundamental imbalances were more serious than in other colonial territories. In that group of some 300 islands, the largest one, on which three quarters of the population lived, had an area of 4,000 square miles, whilst the rest of the population was scattered throughout the other islands; that dispersal would make contact with contemporary civilization more difficult. The Indians were concentrated in the urban areas, particularly those in which the sugar industry, which accounted for 50 per cent of Fiji's exports, was carried on with the help of European capital; the indigenous inhabitants were employed in copra and banana production in plantations belonging to Europeans. The structure of the indigenous society was based upon the rank and magic power of the Chief; what Fijian society needed was a policy of integration in the social and economic no less than in the institutional field.

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

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

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

and Indians—which both accounted for over 90 per cent of the population of the Territory.

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

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

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

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

53. The representative of Iran said that, after reading the working paper prepared by the Secretariat and listening attentively to the statement by the United Kingdom representative, his delegation was pleased to

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

54. He hoped that the representative of the administering Power would inform the Committee, in a subsequent statement, of the plans and projects of his Government to enable the people of Fiji to take their destiny into their own hands. At that time the Iranian delegation would speak again in order to state its views concerning the action that should be taken on the Fijian question.

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

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

57. His delegation had been disappointed to learn that representation in the Executive Council and in the Legislative Council was on an ethnic basis. The events now taking place in British Guiana, where the opponents of independence were doing their utmost to pit

the different ethnic groups against one another, clearly demonstrated how negative such an approach was.

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

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

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

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

62. The Executive Council was composed of three *ex officio* members and six members appointed by the Governor. The Legislative Council consisted of thirty-seven members; three were *ex officio* members and sixteen were appointed by the Governor, while of the remaining eighteen—six Fijians, six Indians and six Europeans—some were elected and some appointed by the Governor. Thus of the thirty-seven members of the Legislative Council only twelve were elected. Two members of the Council were elected by the Council Chiefs and twenty-three were appointed by the Governor; it was quite obvious that such a system was undemocratic. Such was the Constitution of Fiji which reserved unlimited powers to the Governor, while the people still had no rights and no means of participating in the government of the country.

63. Nor could the electoral system provided for in the new Constitution be considered democratic. The electorate of a country generally consisted of about

50 per cent of the population, but in Fiji less than 25 per cent of the inhabitants had the right to vote. Moreover, the indigenous people were particularly ill-used, since the 173,000 Fijians had six representatives in the Legislative Council and the 205,000 Indians had six representatives, while the twenty-five other members of the Council were appointed by the Governor and represented the interests of the 10,000 Europeans. Those figures gave some idea of the democratic nature of the régime in Fiji.

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

65. At one of its recent sessions, the Trusteeship Council had adopted a recommendation put forward by the Soviet Union delegation regarding the need to develop contacts between the people of the Trust Territory of the Pacific Islands and other peoples in the Pacific area. There was no doubt that the problems encountered in Fiji had much in common with those of the Territory of the Pacific Islands and that they could be rapidly solved if there were increased contacts between the Fijian and Indian inhabitants and the peoples of other territories in the area, as also those of other countries. He was convinced that the participation of the inhabitants of Fiji in international conferences would promote their progress and help to develop good-neighbourly relations among the peoples of the Pacific area.

66. Turning to the economic situation in Fiji, he said that the Territory's economy was entirely out of balance. Agriculture was very backward and was carried on mainly in large plantations belonging to British companies. The system of land tenure had contributed to the general exhaustion of the soil. The Commission that was studying that problem had placed the entire responsibility on the landowners, who allowed the farmers to be subjected to all kinds of arbitrary acts and exacted excessively high rents. The British monopolies, whose policy was contrary to the interests of the indigenous population, were restricting the production of sugar-cane in order to keep world prices high, which led to increasing unemployment and was a cause of discontent and anxiety among the agricultural workers. It was such bodies as the Colonial Sugar Refinery, the Pineapple Packing Company, the Copra Board, the Banana Board and the Associated Mining Company

that really determined economic policy in the Territory. Those monopolies did not even pay the taxes to which British companies were subjected in the United Kingdom; they merely exploited the Territory and exported its products, including gold, without giving it anything in return.

67. The standard of living of the people of Fiji was very low. The wretched living conditions, the oppression to which they were subjected by the British colonialists and the awakening of a national awareness had already led the people to defend their rights in street rioting. Those were facts; unfortunately, the geographical situation of the Islands and the steps taken by the British colonial Administration to cut them off from the rest of the world made it impossible to obtain fuller information on the real situation there. The Fiji Western Democratic Party had, however, submitted a petition to the Committee (A/AC.109/PET.140) in which it declared that the elections held in April 1963—the first ever to have been held in the Territory—had been a complete farce and fraud. Moreover, the statement that the people of Fiji wished to remain under British rule could hardly be taken seriously. It was well known that the so-called decision to keep the Territory within the British colonial empire had been taken by the votes of six so-called representatives of the Fijian people and the votes of the British themselves. Such a decision certainly did not represent the expression of the will of the people of Fiji, who, like all other peoples, aspired to freedom, self-determination and prosperity. The Fijian Western Democratic Party was asking that, for the transition period until the Territory became independent, the administering Power should grant the people of Fiji all the freedoms enjoyed by the other inhabitants of the colony; that priority should be given to the training of representatives of the Fijian people to occupy positions of responsibility in the administration; and that the labour legislation should be amended and the necessary conditions established for the economic development of the Territory.

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

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

70. The representative of Cambodia noted from the United Kingdom representative's statement on the Territory of Fiji that there were separate communities living in harmony in the Territory, that under the new Constitution the number of elected representatives on

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

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

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

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

74. The representative of Syria said that the information which the Committee had been given so far on Fiji was not detailed enough to enable him to form an accurate picture of the situation in the Territory. A new Constitution had been introduced on 27 February 1963, but it granted the people of Fiji and their representatives very few legislative and executive Powers. For example, the Governor was supposed to consult the Executive Council in the exercise of his powers but he did not need to do so unless instructed to that effect by the United Kingdom Government. He could also dispense with such consultation when he considered that it was in the public interest to do so, when he thought that the matter to be decided was too unimportant or when the matter was urgent. Lastly, under the Constitution the Governor could act against the advice of the Council, provided that he reported to a Secretary of State. In any case, the Governor controlled the Council since he appointed six of its nine members. At the executive level, the new Constitution in fact prevented the Fijians from exercising the powers of government instead of allowing them to exercise those powers on a larger scale than before, in accordance with the provisions of the Declaration

on the granting of independence to colonial countries and peoples.

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

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

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

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

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

80. The Ethiopian delegation deplored the fact that the administering Power had done nothing to promote harmony between the various races which made up the population of Fiji. As the representative of Tanganyika had pointed out, the situation in the Territory differed little from that which had characterized many former

colonies; in fact, the division of peoples according to race and the exaggerated emphasis on the gaps between different ethnic groups had been and still were classical devices of colonial rule. The Ethiopian delegation agreed with that of Chile that the remedy for such a situation was the attainment of independence and sovereignty.

81. At the present stage he would have liked to see the effective implementation of integration programmes and the presence of a sense of unity in Fiji. He hoped that the United Kingdom representative would make a positive statement on his Government's plans concerning the Territory, thus assisting the Committee to formulate, in accordance with its terms of reference, precise recommendations regarding immediate programmes covering political, economic, social and educational development.

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

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

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

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

86. The representative of Uruguay said that in view of the paucity of information at its disposal with regard to the political situation in Fiji, his delegation would confine itself to expressing a few very general ideas, in the light of the statement made by the administering Power and, of course, of the principles enunciated in General Assembly resolution 1514 (XV), which constituted the law of the Committee.

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

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

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

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

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

92. Certain points emerged from the very limited information at the Committee's disposal. First, there were two main ethnic groups in Fiji, the Fijians and the inhabitants of Indian descent, in addition to a small number of Europeans; yet the Constitution did not provide for any adequate representation of the

people of Fiji in administrative organs. Secondly, under the present Constitution, the Governor held all the power. Finally, women had been given the right to vote but a literacy test was still required, which prevented a large number of people from voting.

93. According to the statement of the administering Power and the working paper prepared by the United Nations Secretariat, there was practically no self-government in the true sense of the word and no steps had been taken towards its introduction, although the Constitution had become effective in April 1963, three years after the adoption of the Declaration on the granting of independence to colonial countries and peoples. When the administering Power pointed to ethnic, economic, social or political difficulties as a reason for delaying independence, the obvious reply was that Fiji would advance much more rapidly under conditions of full sovereignty and independence. Neither the size of the Territory nor its economic or political backwardness should be used as a pretext for delaying the granting of self-government and independence, and his delegation was of the opinion that the provisions of resolution 1514 (XV) should be applied to Fiji as soon as possible. He hoped that the administering Power would facilitate the Committee's deliberations by supplying additional information regarding the concrete measures that it intended to take with respect to the Territory of Fiji.

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

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

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

“When, in pursuance of operative paragraph 3 of resolution 1654 (XVI), the President of the General Assembly decided to include Venezuela among the Committee's seventeen members, we accepted that distinguished mission and co-operated in the

new body; in so doing we based ourselves on our position of anti-colonialism devoid of prejudices which might lead to over-hasty action which, while to a certain extent understandable, is not always beneficial to the cause of the peoples still subject to the colonial system.” (1180th plenary meeting, paras. 54 and 55.)

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

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

97. The representative of Bulgaria said that the Fiji Islands had been under British domination for almost ninety years and their situation remained unchanged despite the fact that nearly three years had elapsed since the adoption of the Declaration on the granting of independence to colonial countries and peoples. That was a source of serious concern to the Committee. The administering Power had not taken any real steps to lead the Territory towards independence in the immediate future. The new Constitution of February 1963 contained no provision to prepare Fiji for the attainment of self-government; the British Governor retained all power, the Legislative and Executive Councils were set up in an undemocratic fashion and did not possess any real power. According to the petition submitted to the Committee by the President and the Secretary of the Fijian Western Democratic Party (A/AC.109/PET.140), the United Kingdom was doing everything in its power to prolong its domination over the Territory. The United Kingdom representative's statement in the Committee only confirmed that judgement.

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

99. His delegation supported the suggestions that had been made to the effect that the administering Power should be called upon to fix, without further delay, an early date for the granting of independence to the people of Fiji and that the Committee should recommend the adoption of a new constitution guaranteeing the establishment of a democratically elected parliament and government to which all powers should be transferred immediately.

100. The representative of India shared the disappointment expressed by a large number of members of the Committee with regard to the political and con-

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

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

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

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

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

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

106. He drew the Committee's special attention to the words "according to the particular circumstances of each Territory and its peoples". The Committee would not reach any useful conclusions if it failed to recognize this fundamental principle of the Charter or if it did not distinguish between large territories and small territories. He pointed out that it was not his Government's intention to impose a particular form of development in Fiji merely because it had been followed successfully in other territories much larger, far removed geographically, and with a very different racial composition. He rejected the contention of the **Malian representative** that there was no difference be-

tween Fiji on the one hand and Southern Rhodesia and Angola on the other. In addition, far from wishing to "divide and rule", as the Malian representative had implied, the United Kingdom Government sought to bring the races together to form the Fiji nation, in spite of the difficulties resulting from the fact that the indigenous Fijians were outnumbered by the immigrant races, mainly of Indian origin. His Government made every effort to adopt a non-racial approach to all issues and resented and rejected allegations to the contrary. In the political field, the main races were represented and worked together in harmony in the Executive and Legislative Councils, as also on local government bodies such as the Suva City Council and town and township boards. In the public service well over 90 per cent were local appointees; expatriate officers were appointed only if there was no suitable local officer, and then only on contract for a limited period until a local officer was ready for the appointment. In all these fields the aim was to encourage all races to work together for the common good, and the degree of unanimity was heartening.

107. He would like to recall certain facts about the racial composition of the population of Fiji. The Fijians, numbering 178,000, were the indigenous inhabitants of the Territory. They regarded Fiji as their country, given by them to Britain under the Deed of Cession in 1874 to be held in trust for them. They owned nearly 85 per cent of the land. They were now outnumbered by the immigrant communities, particularly the Indians, and were therefore concerned at the implications of constitutional advance without safeguards for their essential interests. The Indians now numbered 213,000. As they had no home but Fiji, they expected to be treated equally with the Fijians. However, they recognized the right of the Fijians to own their land and had expressed their willingness to meet the other main conditions proposed by the Fijians for safeguarding their interests.

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

109. His Government would certainly not stand in the way of ultimate independence for Fiji if that was what the people wanted, but this was not the issue at present. The representatives of the Fijian people had recently stated, however, that they considered Fiji to be attached to the British Crown by the Deed of Cession of 1874 and that, far from wishing to sever this link, they would like a new constitutional instrument embodying that understanding of the relationship and making provision for the safeguarding of Fijian interests. Subject to that reservation, they would be prepared to consider further measures towards internal self-government. The Indian community, for their part, had made it plain that they would like to see constitutional advance towards internal self-government, but stressed their willingness to meet the main conditions expressed to them by the Fijians. His Government was

now considering how those proposals could be implemented, but he emphasized that the pace and method of further constitutional advance could ultimately be solved only by the peoples of the Territory themselves. His Government, for its part, would devote every effort to assisting the people of Fiji, of all races, to construct a political environment in which they could live together in peace and harmony.

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

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

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

113. Turning to the question of the Territory's economy, he noted that while sugar was the largest export item, it had accounted for only £8.25 million in 1962 out of total exports valued at £15.5 million. Far from being backward, as the Soviet representative had alleged, the sugar industry was operated on the most efficient lines; that fact had been noted by a commission of inquiry which had recently examined the industry. Another commission had noted that the millers provided loans free of interest for crop expenses, including fertilizers, and at a low rate of interest for farm equipment. The millers were, as the commission itself had observed, the only ones in the world who provided such a generous range of loans. It should also be noted that sugar cane was grown on some 125,000

acres by 12,500 peasant farmers and there were no large plantations. The sugar company itself farmed only about 2,500 acres and did so for experimental and research purposes. Charges ascribed by the Soviet representative to the most recent Commission on the sugar industry to the effect that the system of land tenure was rapacious were quite untrue. The Commission had made no such charges, and had indeed formed precisely the contrary view. The local company which milled the sugar cane produced in Fiji was a monopoly only in the sense that it was the only milling company in the Territory. There was no legal restriction on the establishment of other companies, which was prevented only by the unavailability of local capital. Moreover, the commission of inquiry had been in favour of having a single large miller, since it had not felt that a larger number of millers could operate economically. In rebuttal of yet another inaccurate statement by the Soviet representative, he said that there were no restrictions on sugar production, which was expected to increase from 218,000 tons in 1962 to 275,000 in 1963. The Soviet charge of monopolies in other industries was equally unfounded: coconuts were grown by persons of all races, and the banana industry was in the hands of the indigenous inhabitants. With regard to the companies referred to by the Soviet representative, there was no such company in Fiji as the Colonial Sugar Refinery; the only local milling company was the South Pacific Sugar Mills Company, which had Indian and Fijian directors. The Pineapple Packing Company and the Copra Board had ceased to exist some years before, and the Banana Board had Fijian and Indian members.

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

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

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

117. With regard to the petition from the Western Democratic Party (A/AC.109/PET.140), the latter was less than one year old and had only about 150 active members. Since Mr. A. V. Tora, the Secretary

of the Party, had received only 1,496 votes in the recent elections out of a total poll of 12,322, it was not surprising that he should refer to the elections in derogatory terms. Contrary to Mr. Tora's assertions, the Fijians enjoyed the same freedoms as the Territory's other inhabitants and were being trained for higher administrative posts. No Fijian who was qualified and could benefit from a scholarship had been refused one, and some scholarships were reserved for Fijian candidates. With regard to labour legislation, a thorough review had recently been carried out by the Labour Advisory Board, which was composed of representatives of both employers and employees under the chairmanship of the Commissioner of Labour, who was an Indian. It was hoped that revised legislation would be enacted at an early date. There was therefore as little substance in the petition as there was in the Soviet representative's statement.

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

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

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

121. With regard to the composition of the Executive Council, he would like to know what entitled the white settlers to greater representation than the other segments of the population. As now constituted, the Council served the interests of the white settlers rather than those of the local population. If power was held by the Executive Council, the people should be represented in it.

122. As far as the suffrage was concerned, he noted that of an electorate of 180,000—comprising 44 per cent of the population and not approximately 50 per cent, as his delegation had supposed—only one third had

taken part in the elections. In that connexion, he wished that the United Kingdom representative had refrained from comments concerning elections in the Soviet Union, of which he of course knew nothing.

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

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

125. He would like to have some information about the monopolies, which, while they might have changed their names or amalgamated, were nevertheless in existence. He very much doubted, however, whether the United Kingdom representative would ever give the Committee information of that kind, for the activities of the monopolies and companies were a closely guarded secret, as had been apparent in the case of Katanga; at that time the situation had been known to all, but no one had known what the Union Minière really did or what its transactions were although the attention of the world was riveted on that area. The same could be said of Fiji.

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

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

the same time to disregard a petition and satisfy the demands made in it.

128. When the United Kingdom delegation had nothing to say it would start talking about part of the territory of the Soviet Union in the Pacific area. He deplored that interference in Soviet Union affairs and told the United Kingdom representative: "Don't poke your nose into our Soviet affairs. You have repeatedly poked your nose, with weapons in hand, too, so that the tip of the nose has remained buried in the Soviet Union." (translated from Russian). He pointed out that after the Second World War the allies had agreed that the territories which had belonged to Russia for many years before they had been occupied by Japan, should be restored to the Soviet Union. Under agreements and treaties signed by the principal allies, the Soviet Union had received the islands near Sakhalin, where Russians had been living for years. Those territories were an integral part of the Soviet Union and no one had the right to reopen the question.

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

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

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

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

133. Perhaps the Fijian people were not yet reacting in the same way as were the people of Southern

Rhodesia, or the people of Angola to the Government of Mr. Salazar, but it was undeniable that they wanted, and would obtain, the independence of which the United Kingdom Government had deprived them in the name of an alleged act of friendship and protection.

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

C. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963

135. At the 193rd meeting, on 15 July 1963, the representative of the Soviet Union introduced a draft resolution on Fiji (A/AC.109/L.68). The draft resolution read as follows:

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

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

"Having considered the question of Fiji,

"Having heard a statement by the representative of the administering Power,

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

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

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

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

"2. Invites the administering Power:

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

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

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

136. At the 195th meeting, on 17 July 1963, the representative of Australia proposed that the Committee should proceed by way of a consensus rather than by means of a resolution.

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

138. Supporting this proposal, the representative of Venezuela said that while his delegation had no objection to the substance of the Soviet Union draft resolution, it was under the impression that there was an almost general agreement in the Committee that it was preferable to proceed by consensus. His delegation, which had always preferred solutions that did not necessitate a vote, held the view that if a consensus could be formulated there was no reason why a vote should be taken. The consensus procedure had been used on previous occasions and he thought that it was particularly applicable to the case of Fiji since that was the first occasion on which the Committee was considering the Territory. He saw no reason for precipitate action or for the adoption of the rigid formula of a resolution. A consensus had the enormous advantage of enabling the Committee to reach general agreement on the fundamentals of the problem so that, in accordance with the provisions of the Declaration on the granting of independence to colonial countries and peoples and of resolution 1810 (XVII), the most suitable ways and means could be sought for the solution of the problem.

139. Without wishing to question in any way the right of any delegation to submit a draft resolution and to insist that it should be put to the vote, his delegation thought that, under its terms of reference, the Committee was not obliged to adopt a resolution in every case. One of the Committee’s tasks was “to seek the most suitable ways and means”—he would even say the most effective ways and means—“for the speedy and total application of the Declaration”. In the case of Fiji a resolution would be less effective than a statement of the consensus of the Committee. Instead of strengthening the Committee’s action a resolution would weaken it because it would lead to numerous reserva-

tions and adoption by a relative majority where virtually general agreement might have been demonstrated.

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

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

142. The Australian representative had spoken of a consensus. As could be seen from the general debate, the majority of the members were agreed on two points: first, that the Declaration was applicable to the colonial territories in the Pacific region including Fiji, and, secondly, that the Fiji Constitution failed to provide the people with the necessary opportunities for expressing its views and duly participating in the self-government and administration of their country. Disagreement with those views had been expressed only by the United Kingdom representative, but that had not been the first occasion on which the agreement of the representative of the administering Power had not been forthcoming.

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

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

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

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

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

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

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

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

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

151. With reference to the fourth preambular paragraph, he said that to the best of his recollection the Committee had not examined the petition from the Fijian Western Democratic Party, at least not in the general debate. Even if it had done so, however, he did not think that it could base the action recommended in the operative part of the draft resolution on the examina-

tion of a petition, unless the petition emanated from a political party which represented the majority of the people of the Islands.

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

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

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

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

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

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

158. At the same meeting, the representative of Mali introduced amendments (A/AC.109/L.73) to the draft resolution. By those amendments the end of the first preambular paragraph, after the words "1810 (XVII), of 17 December 1962" would be replaced by the words "and in particular paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples,"; the fourth preambular paragraph would be deleted; in the fifth preambular para-

graph the word "effective" would be inserted before the word "steps"; and in the sixth preambular paragraph the words "does not meet the legitimate aspirations of the political aspirations of the Fijian people," would be replaced by the words "is not based on generally accepted democratic principles,". The Mali amendment would also replace paragraph 2, sub-paragraph (a), by the following text:

"(a) To work out, together with the representatives of the people of Fiji, a new constitution providing for free elections conducted on the principle of 'one man, one vote' and the creation of representative institutions;"

It would also replace paragraph 2, sub-paragraph (c), by the following text:

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

159. The amendments proposed by Mali were accepted by the representative of the Soviet Union.

160. At the 197th meeting, the representative of Mali agreed to a suggestion by the representative of the Soviet Union that the text of paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples should be included in the first preambular paragraph of the draft resolution.

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

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

163. The representative of Australia explained that his delegation had abstained from the vote because it had felt that the proper course with respect to Fiji would have been the approval of a consensus expressing the wide area of general agreement that existed on the question. However, the Soviet representative had seen fit to introduce a draft resolution which, in the view of his delegation, had been ill chosen in many respects. For example, it had made no reference to the

wishes of the people of Fiji or to the necessity of solving the basic problem of Fiji, namely, the differences between the races living in the Territory. He welcomed the fact that a number of the elements of what would have been a consensus had been included in the resolution through the efforts of certain delegations, so that the original Soviet draft was now barely recognizable. Nevertheless, in spite of those improvements in the draft resolution, his delegation had abstained from the vote as a matter of principle, in view of the position it had taken on the undesirability of adopting a resolution in the present instance.

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

165. The resolution on Fiji (A/AC.109/47 and Corr.1) as approved by the Special Committee at its 197th meeting, on 19 July 1963, read as follows:

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

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

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

"Having considered the question of Fiji,

"Having heard a statement by the representative of the administering Power,

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

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

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

"2. Invites the administering Power:

"(a) To work out, together with the representatives of the people of Fiji, a new constitution providing for free elections conducted on the principle

of 'one man, one vote' and the creation of representative institutions;

"(b) To take immediate steps for the transfer of all power to the people of this Territory, in ac-

cordance with their freely expressed will and desire and without any conditions or reservations;

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

CHAPTER VIII

NORTHERN RHODESIA, NYASALAND, KENYA AND ZANZIBAR

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

NORTHERN RHODESIA

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

1. Following its consideration of the question of Northern Rhodesia at its meetings in 1962, the Special Committee, on 16 May 1962, adopted conclusions and recommendations on the Territory (A/5238, chap. III, paras. 193-205), including a draft resolution submitted to the General Assembly for its consideration.

2. In these conclusions and recommendations the Special Committee stated that, in view of the strong opposition of the vast majority of Africans to the Federation as constituted at present, immediate steps should be taken to end it. It believed that the question of whether Northern Rhodesia was to enter into any federation or relationship of any other kind with other countries could be decided only by the people and representative bodies of Northern Rhodesia. The Special Committee also expressed its strong opposition to any attempts to disrupt the territorial integrity of Northern Rhodesia.

3. With regard to the proposed constitution, the Special Committee considered that it was basically undemocratic and discriminatory. It did not conform to the principles embodied in paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples, particularly in respect of the franchise qualifications which excluded the enrolment of the vast majority of the indigenous people. The Special Committee was impressed by the high sense of responsibility shown by the African political leaders by their decision to participate in the elections despite the serious defects and shortcomings of the Constitution. The Special Committee therefore urged the administering Power to implement, before the elections, the following five conditions which had been advanced by the leaders of the United National Independence Party as a *sine qua non* of their participation in the forthcoming elections:

- (i) Release of all political prisoners and detainees;
- (ii) Complete freedom of movement and political activity of political parties;
- (iii) Delimitation of constituencies by an impartial commission;
- (iv) Guarantees that elections would be held in an atmosphere free of any intimidation or pressure and to that end withdrawal of the armed forces of the Federation from Northern Rhodesia;

- (v) No nomination of members should be made to fill any "national seats" in the Legislative Council which may be left vacant.

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

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

6. At the seventeenth session of the General Assembly, Cambodia, Ethiopia, India, Madagascar, Mali, Syria, Tanganyika, Tunisia, Uruguay, Venezuela and Yugoslavia submitted a revised text (A/L.418) of the draft resolution recommended by the Special Committee. At the 1196th plenary meeting, on 18 December 1962, the representative of the United Kingdom stated that in the judgement of his delegation, it would be better not to put the resolution to the vote at that time since a coalition government had been formed in the Territory, Ministers had been appointed and the resolution itself was out of date. He therefore suggested that it would be wiser not to proceed to vote on the draft resolution. The President put to the vote the suggestion that the Assembly should not proceed at that stage to vote on the draft resolution. The suggestion was adopted by the General Assembly.

Information on the Territory

(a) *Introduction*

7. Information on the Territory is contained in the Special Committee's report to the General Assembly at its seventeenth session (A/5238, chap. III). Supplementary information on recent developments concerning the Territory is set out below.

(b) *Population*

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

(c) *Constitution*

9. The present Constitution of Northern Rhodesia came into force in September 1962. The main features of the Constitution, in particular, the details of the electoral system and the franchise are described in the report of the Special Committee to the seventeenth session of the General Assembly (*ibid.*, paras. 14-21).

(d) 1962 elections

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

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

12. Elections were held for 14 upper-roll seats,⁶¹ 15 lower-roll seats and 15 national constituency seats. The latter included one special seat to be filled by an Asian and 14 seats to be filled from seven constituencies returning two members each. In four of these constituencies one African and one European must be returned while in the remainder the seats are open to members of any race. One of the requirements for election in the national constituencies is that the candidates must receive a minimum of 10 per cent support from both European and African voters.

13. The elections were contested by the following four main political parties:⁶² the African National Congress (ANC), led by Mr. Harry Nkumbula; the Liberal Party, led by Sir John Moffat; the United Federal Party (UFP), led by Mr. John Roberts; the United National Independence Party (UNIP), led by Mr. Kenneth Kaunda. Two other parties, the Rhodesia Republican Party and the Barotse National Party also put up candidates.

14. The results of the elections were as follows:

	Upper-roll seats	Lower-roll seats	National seats	Total
United Federal Party	13	—	2	15
United National Independence Party	1	12	1	14
			(Special Asian) ⁶³	
African National Congress		3	2	5

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

16. The total votes cast on the upper and lower rolls for the main parties were as follows: for UNIP 65,000, for UFP 22,000, and for ANC 17,000. On the predominantly European upper roll, UFP received 70.5 per cent of the valid votes cast, and on the almost entirely African lower roll UNIP received 78.2 per cent of the valid votes. The latter received a small portion of European votes, and the UFP received a minor proportion of African votes.

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

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

⁶¹ The election for one of the upper-roll seats was not held because of the death of one of the candidates.

⁶² For information on political parties in Northern Rhodesia, see A/5238, chap. III, paras. 23-28.

⁶³ The successful candidate for this seat stood as an independent but had UNIP support and is regarded as supporting UNIP.

(e) By-elections

19. The by-elections for one upper-roll and ten national constituency seats took place on 10 December 1962 as scheduled.

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

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

	Upper-roll seats	Lower-roll seats	National seats	Total
United Federal Party ⁶⁴	14	—	2	16
United National Independence Party	1	12	1	14
			(Special Asian) ⁶³	
African National Congress		3	4	7

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

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

(f) Coalition Government

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

24. Four other Ministers were appointed from the elected members, two from UNIP and two from ANC. The Governor also appointed the four *ex officio* Ministers to the portfolios of Chief Secretary, Finance, Native Affairs, and Legal Affairs and Attorney General. The constitutional requirement that the unofficial members of the Executive Council should include at least two non-Africans has been fulfilled, as two of the ANC Ministers are Europeans.

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

(g) Inaugural meeting of the House of Chiefs

26. On 3 January 1963 the first meeting of the House of Chiefs which was established under the new Constitution took place. The House of Chiefs consists at present of 22 members chosen by 228 Chiefs in the Territory and has advisory functions in relation to bills and other matters laid before it by the Governor. The Litunga (Paramount Chief) of the Barotseland Protectorate, a part of Northern Rhodesia with separate treaties of protection, has decided not to nominate members to represent Barotseland in the House of Chiefs.

(h) Recent developments

27. At the beginning of December 1962 Mr. Kaunda and Mr. Nkumbula held informal talks in London with Mr. R. A. Butler, United Kingdom Minister responsible for Central African Affairs. At the conclusion of

⁶⁴ The United Federal Party recently changed its name to the National Progress Party.

these talks the two leaders issued a statement which read in part as follows:

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

28. On 19 December 1962 Mr. Butler announced that the United Kingdom Government had accepted in principle that Nyasaland should be allowed to withdraw from the Federation of Rhodesia and Nyasaland. He added that "such a withdrawal does not mean that the present constitutional relationship between Northern and Southern Rhodesia is thereby broken".⁶⁵ He also indicated that he proposed to visit Central Africa to initiate consultations with the Federal and Territorial Governments to seek ways and means of achieving a practical and durable solution of the situation in Central Africa.

29. Following Mr. Butler's announcement, charges were made in the British Parliament and by Sir Roy Welensky, Prime Minister of the Federation that, by allowing Nyasaland to secede from the Federation, the United Kingdom Government had broken a pledge given in January 1953 that no change in the federal structure would be made without the consent of the component Governments. To clarify its position, the United Kingdom Government in February published a White Paper containing confidential records of the meeting of 19 January 1953 of the Conference on the Federation of Southern Rhodesia, Northern Rhodesia and Nyasaland.⁶⁶

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

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

ernment chosen by the suffrage of all men and women" and requested a constitution based on these principles.

32. In March 1963 the leaders of the Governments of the Federation and of Southern and Northern Rhodesia came to London for informal talks with Mr. Butler. Following these talks Mr. Butler stated in the House of Commons on 1 April 1963 that Her Majesty's Government had accepted that none of the territories could be kept in the Federation against its will, and the principle had, therefore, been accepted that any territory which so wished must be allowed to secede. The Government was convinced that this decision was essential before further progress could be made toward the evolution of an effective relationship between the territories which is acceptable to each of them. It considered that before any further changes were made, there should be renewed discussion in Africa, not only on the transitional arrangements required but also on the broad lines of a new relationship.

33. On 18 June 1963, Mr. Butler announced in the House of Commons that a conference on the dissolution of the Federation of Rhodesia and Nyasaland would begin on 28 June at Victoria Falls in Southern Rhodesia.⁶⁷ This would be attended by representatives of the Governments of Northern and Southern Rhodesia, an observer from Nyasaland, the Prime Minister of the Federation, and Mr. Butler.

NYASALAND

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

34. Following its consideration of the question of Nyasaland at its meetings in 1962, the Special Committee, on 7 June 1962, adopted conclusions and recommendations on the Territory (A/5238, chap. IV, para. 67).

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

36. At its seventeenth session, the General Assembly, on 18 December 1962, adopted resolution 1818 (XVII) on Nyasaland. In this resolution the General Assembly took note of the conclusions and recommendations adopted by the Special Committee. It noted with satisfaction that, at the constitutional talks held in London in November 1962, agreement had been

⁶⁵ See *Parliamentary Debates (Hansard), House of Commons, Official Report, Fifth Series*, vol. 669 (London, H.M. Stationery Office), col. 1267.

⁶⁶ *The Federation of Rhodesia and Nyasaland. Commentary on statements relating to the establishment of the Federation and their bearing on the withdrawal of Nyasaland* (London, H.M. Stationery Office), Cmnd. 1948.

⁶⁷ Central Africa Conference, 28 June to 3 July 1963 (see para. 90 below).

reached on a new constitution for Nyasaland, and expressed the hope that that agreement would lead to the achievement of independence by Nyasaland without delay in conformity with the wishes of its people.

Information on the Territory

(a) *Introduction*

37. Information on the Territory is contained in the report of the Special Committee to the seventeenth session of the General Assembly (A/5238, chap. IV, paras. 1-24). Supplementary information on recent developments concerning the Territory is set out below.

(b) *Population*

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

(c) *Constitution*

39. At a constitutional conference on Nyasaland held in London in November 1962 which was attended by representatives of both major political parties, agreement was reached on proposals for a self-governing Constitution to be introduced in two stages. The first stage took effect on 1 February 1963, when Mr. Hastings Banda was named Prime Minister and when the existing Constitution was amended to bring into force certain changes in the composition of the Executive and Legislative Councils. The complete new Constitution,⁶⁸ as agreed at the Conference, came into force on 10 May 1963.

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

(i) *The Governor*

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

(ii) *The Cabinet*

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

(iii) *The Prime Minister and other Ministers*

43. The Governor is required to invite the member of the Legislative Assembly who appears to him likely to command the support of the majority of the members of the Assembly to form a government and serve in the office of Prime Minister. The other Ministers are appointed by the Governor on the advice of the Prime Minister from among members of the Legislative As-

sembly, except that not more than three (or, so long as the Financial Secretary remains Minister of Finance, two) may be appointed from other persons who are not elected members of the Legislative Assembly but are qualified to be elected members of the Assembly.

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

(iv) *The Legislative Assembly*

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

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

47. The Legislative Assembly has a life of not more than five years. The strength of the political parties in the Legislative Assembly is as follows: the Malawi Congress Party (MCP), led by Mr. Hastings Banda, 22 seats; the Nyasaland Constitutional Party (NCP),⁶⁹ led by Mr. M. Blackwood, 4 seats; and two independent members.⁷⁰

(v) *Bill of Rights*

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

(d) *Electoral system*⁷¹

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

(e) *Recent developments*

50. On 19 December 1962, Mr. R. A. Butler, the United Kingdom Minister responsible for Central Afri-

⁶⁸ Formerly the United Federal Party (UFP).

⁷⁰ These members are supported by MCP; one of them is a member of the Cabinet.

⁷¹ The existing electoral system was described in the previous report of the Special Committee (A/5238, chap. IV, para. 12).

⁶⁸ *The Nyasaland (Constitution) (Amendment) Order in Council 1963* (London, H.M. Stationery Office).

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

51. In reply to the charges that it had broken the pledge of 1953 that no change in the federal structure would be made without the consent of the component Governments, the United Kingdom then published the White Paper referred to above (para. 29), clarifying its position.

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

53. Mr. Butler later announced that a conference on the dissolution of the Federation of Rhodesia and Nyasaland would begin on 28 June 1963 at Victoria Falls (see para. 33 above).

KENYA

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

54. Following its consideration of Kenya at its meetings in 1962, the Special Committee on 18 September 1962 adopted a draft resolution on the Territory for consideration by the General Assembly (A/5238, chap. X, para. 88). By this draft resolution the General Assembly would urge the administering Power "to make every effort to organize national elections without further delay on the basis of universal adult suffrage;" and requested the "administering Power and all concerned to make every effort including the promotion of harmony and unity among the people of Kenya, to bring the Territory to independence at the earliest date in accordance with the Declaration on the granting of independence to colonial countries and peoples;"

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

Information on the Territory

(a) *Introduction*

56. Information on the Territory is contained in the Special Committee's report to the seventeenth session of the General Assembly (*ibid.*, paras. 1-31). Supplementary information on recent developments in the Territory is set out below.

(b) *Population*

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

(c) *Constitutional developments*

58. In late February and early March 1963, the United Kingdom Secretary of State for Commonwealth Relations and the Colonies visited Kenya and held discussions with Ministers of the Kenya coalition Government and with deputations representing regional, racial and sectional interests of various kinds, in order to complete Kenya's new Constitution, so that elections could be held and internal self-government could be introduced.

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

60. A summary of the proposed Constitution which the National Coalition Government of Kenya and the British Government agreed upon was published as a White Paper in March 1963.⁷² It provides *inter alia* for the following:

(i) *Bill of rights*

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

(ii) *Central Legislature*

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

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

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

65. With the prior authority of resolutions passed by not less than 65 per cent of the votes of all the members of each of the two Houses of the National Assembly, the

⁷² *Kenya Constitution. Summary of the Proposed Constitution for Internal Self-Government* (London, H.M. Stationery Office), Cmnd. 1970.

Central Government will be enabled, if circumstances warrant, to proclaim a state of emergency for up to two months for a part but not the whole of Kenya. Thereafter the National Assembly will be able to make laws even in respect of matters otherwise the exclusive responsibility of the Regional Assemblies.

(iii) *Executive powers*

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

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

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

(iv) *Regions*

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

(v) *Finance*

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

(vi) *The Judicature*

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

(vii) *Local government*

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

(d) *Political parties*

73. The African Peoples Party (APP) was formed by Mr. Paul Ngei, who broke away from KANU in

December 1962. Shortly before the elections APP formed a loose alliance with KADU.

(e) *Elections*

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

<i>House of Representatives</i>	<i>Number of seats</i>
Kenya African National Union and supporters	83
Kenya African Democratic Union	33
African Peoples Party	8
Vacant	5
<i>Senate</i>	
Kenya African National Union and supporters	18
Kenya African Democratic Union	16
African Peoples Party	2
Independents	2
Vacant	3

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

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

ZANZIBAR

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

77. Following its consideration of Zanzibar, at its meetings in 1962, the Special Committee adopted a draft resolution on 11 September 1962 for the consideration of the General Assembly (A/5238, chap. VI, para. 154). This would have the Assembly request all concerned to make arrangements for the holding of elections on the basis of universal adult suffrage, appeal to all the people of Zanzibar to achieve national unity, request the United Kingdom to make every effort, including the promotion of harmony and unity among the political elements of Zanzibar, to bring that Territory into independence at the earliest possible date in accordance with the Declaration on the granting of independence to colonial countries and peoples.

78. At its seventeenth session, on 17 December 1962, the General Assembly adopted the draft resolution recommended by the Special Committee as resolution 1811 (XVII).

Information on the Territory

(a) *Introduction*

79. Information on the Territory is contained in the Special Committee's report to the seventeenth session of the General Assembly (*ibid.*, paras. 1-3). Supplementary information on recent developments concerning the Territory is set out below.

(b) *Constitutional developments*

80. The present constitution of Zanzibar came into effect in 1960. Its main features and details of the electoral system and the franchise are described in the report of the Special Committee to the seventeenth session of the General Assembly (*ibid.*, paras. 7-13).

81. Following the Zanzibar Constitutional Conference held in London in March and April 1962, a Delimitation Commission was appointed to make recommendations concerning the number of elected members of the Legislative Council. At that time it consisted of 23 elected members, 5 appointed members and 3 *ex officio* members. Subsequently the Commission's recommendation that the elected members be increased from 23 to 31 was accepted, and legislation was passed to implement this change. Literacy and property qualifications for voters were also removed. The next elections will therefore be on the basis of universal adult suffrage.

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

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

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

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

Written petitions

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

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

General statements by members

86. The representative of the United Kingdom said that he would give the Committee some information on recent developments in the four Territories. As far as Kenya was concerned, the responsible United Kingdom Minister had made a statement in the House of Commons the previous day. He had recalled that after the elections in May 1963 Kenya had been given full internal self-government as a prelude to early independ-

ence. The Minister had had consultations with Kenya Ministers about the further steps to be taken for the transfer of the remaining powers and a joint statement setting out their agreed conclusion had been published as a White Paper.⁷³ The decision of the Governments of Tanganyika, Uganda and Kenya to form an East African Federation, which was warmly welcomed by the United Kingdom Government, had affected the constitutional arrangements to be made. Kenya would have to obtain independence shortly before the inauguration of the federation, and it was the aim of the three East African Governments to bring the Constitution of the Federation, in the drafting of which they had already made substantial progress, into being before the end of the year, in time to enable the new federal State to be admitted to the United Nations at the forthcoming session.

87. The responsible United Kingdom Minister proposed to convene a conference in London towards the end of September to settle the final form of Kenya's Constitution. Representatives of the Government and of the European Community would be invited to attend. The United Kingdom Government had already informed the Government of Kenya that, subject to the necessary steps being completed, Kenya would be granted independence on 12 December 1963.

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

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

90. As far as Northern Rhodesia and Nyasaland were concerned, an important conference on the dissolution of the Federation of Rhodesia and Nyasaland had been held at Victoria Falls with the full participation of the Government of Northern Rhodesia and with the Government of Nyasaland attending as an observer.⁷⁴ The Conference, which had ended on 3 July, had reached full agreement on the establishment of machinery which would set a time-table for the dissolution of the Federation of Rhodesia and Nyasaland and study the problems involved in the transfer of federal responsibilities to the Territories. The Conference had also set the date of 31 December 1963 for the dissolution of the Federation, subject to the settlement by that time of such important problems as the apportionment of the public debt and of other liabilities and assets, and the future of the federal public service. For that purpose the Conference had provided for the establishment of two committees. The first would work out detailed arrangements for the reversion of federal functions to the Territories and the solution of the aforesaid prob-

⁷³ *Kenya Preparations for Independence* (London, H.M. Stationery Office), Cmnd. 2082.

⁷⁴ See *Report of the Central Africa Conference, 1963* (London, H.M. Stationery Office), Cmnd. 2093.

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

91. The decision of the Victoria Falls Conference to aim at dissolving the Federation by 31 December 1963 was complementary to the work being done by the individual Governments in Northern Rhodesia and Nyasaland. In Nyasaland, the second stage in the implementation of the new Constitution had been introduced on 10 May in accordance with the decisions reached at the Nyasaland Constitutional Conference held in London in November 1962.⁷⁵ Nyasaland had thus achieved internal self-government, with Mr. Hastings Banda as Prime Minister. In Nyasaland itself, a working party was completing the administrative arrangements for the secession of Nyasaland from the Federation, and the Nyasaland Government was taking the necessary steps to assume certain federal functions in the coming months.

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

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

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

95. His delegation was gratified that the United Kingdom, after having disregarded the aspirations of the Africans of Kenya for so long, had now accepted

their inevitable accession to freedom and independence, and it hoped that the United Kingdom and the other colonial Powers would now apply the lessons of history to the colonies still under their domination.

96. The proposed federation mentioned by the United Kingdom representative appeared to be yet another demonstration of the deep-rooted desire of the African peoples to work towards the reunification and development of the continent which the colonial Powers had treacherously partitioned at the Berlin Conference of 1884-1885. The move towards lasting unity had to be based on the freely expressed will of the people. That had not been so in the case of the federation which had been broached some years earlier by the European settlers, with United Kingdom support. It was clear that that federation, if it had come into being, would have met the same fate as the Federation of Rhodesia and Nyasaland, which had been set up primarily to extend the rule of the European settlers of Southern Rhodesia.

97. In connexion with the death of the Federation of Rhodesia and Nyasaland, he quoted an article appearing in *The Observer* of London on 7 July 1963, which expressed satisfaction that the United Kingdom had become extricated from that situation without an Algeria-type war. The author of the article had found that South Africa now became the nub of the problem, with the three protectorates on its frontiers; he had held that South Africa was far more dangerous to the rest of Africa than the Federation and that there, too, the United Kingdom had a large responsibility. Now that it had dissolved the Central African Federation, it could use its experience, and its influence at the United Nations, to intervene in the really dangerous corner of South Africa through the protectorates which remained under its control. The Tanganyikan delegation hoped in that connexion to hear an official statement from the United Kingdom representative regarding the future of the Rhodesias and Nyasaland.

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

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

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

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

⁷⁵ See *Report of the Nyasaland Constitutional Conference* (London, H.M. Stationery Office), Cmnd. 1887.

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

103. Kenya had received full internal self-government on 1 June 1963, when the new Constitution had entered into force. Elections based on universal adult suffrage had been held, and a representative Government had been established; it was presided over by Mr. Kenyatta, who had long striven for his country's independence. The Committee should therefore take note of the fact that the United Kingdom Government had informed the Government of Kenya that that Territory would be granted independence on 12 December 1963. Noting that consultations would take place in London in September 1963 with a view to the establishment of an East African Federation, he expressed the hope that they would lead to satisfactory results without calling into question the decision that had been taken with regard to the date on which independence would be granted to Kenya.

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

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

106. He recalled the two stages in which the introduction of the Constitution of Nyasaland had been planned to take place, and was gratified to note that Northern Rhodesia had had a coalition Government since December 1962 and that the leaders of the two African parties had displayed great wisdom and political sagacity. He called attention to the motion passed by the Legislative Council on 13 February 1963, recommending the adoption of a new Constitution founded on the right of the people to administer the country freely through a government elected on the basis of universal adult suffrage.

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

108. The representative of the Soviet Union recalled that the situation in Kenya, Nyasaland, Northern Rhodesia and Zanzibar had been considered in detail by the Special Committee in 1962 and that the resolutions

it had adopted had been endorsed by the General Assembly at its seventeenth session. He likewise recalled that the Declaration on the granting of independence to colonial countries and peoples should constitute the basis for any assessment of conditions in those Territories.

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

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

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

United Kingdom would use that situation as a pretext for postponing the granting of independence.

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

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

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

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

116. His delegation wished to salute the peoples of East and Central Africa and their leaders, especially the illustrious Jomo Kenyatta, the astute Kenneth Kaunda and Hastings Banda, who had waged a heroic struggle for independence; it also wished to congratulate the leaders of Uganda, Tanganyika and Kenya on having realized, as wise statesmen, that the independ-

ence of individual territories was not an end in itself and that a prosperous society could not be achieved without some sort of political integration.

117. The independence of Kenya before the end of the year was a certainty; the general elections, which had been held under a Constitution carefully worked out to accommodate the points of view of the principal nationalist parties, had led to the establishment of a truly representative Government. Despite outside interference, there was every reason to hope that the territorial integrity of Kenya would be kept intact before and after independence.

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

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

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

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

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

123. In their long struggle, the people of Kenya had fought not only for themselves but for all Africa. In paying a tribute to them now, it should be remembered that attempts had been made to distort the meaning of their struggle. As *The Washington Post* of 29 May 1963 had rightly recalled, it was only a few years since the British Governor of Kenya had described Jomo Kenyatta as "the African leader of darkness and death". Yet Kenyatta was now in the first rank of those African and Asian leaders who, once prisoners, were now in Government House. Everyone joined in congratulating the people of Kenya on their imminent accession to independence.

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

125. Turning to the Rhodesias and Nyasaland, he noted that the dissolution of the Federation had at long last been decreed. Yet although the successive stages of that dissolution had been carefully planned and provision had been made to secure the payment of what was termed a public debt, no date had been fixed for the final transfer of power to the Governments of Nyasaland and Northern Rhodesia. The unnecessary delay in conferring independence upon those Territories should be a matter of concern to the Committee, for it was inconsistent with the conclusions and recommendations adopted by the General Assembly in 1962. Disquieting news was being received from Nyasaland, where the white settlers were trying to create disorder and delay the Territory's independence. *The New York Times* of 7 July 1963 had reported that white civil servants had begun carrying weapons to protect themselves against unofficial African "policemen". Racial tension and the breakdown of law and order had always been used as an excuse for delaying the independence of colonial territories. That was why the Prime Minister of Nyasaland had recently stated that if anyone either in Nyasaland or in London attempted to withhold independence from the Malawi people on any pretext, he would declare his country's independence regardless of the financial, economic, military or international consequences. The Polish delegation fully endorsed that statement.

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

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

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

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

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

131. It was also glad to learn that a Federation of East Africa, comprising Tanganyika, Uganda and inde-

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

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

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

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

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

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

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

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

139. His delegation was happy to note that the situation in Kenya had taken a more promising turn and that, after years of colonial intrigue and procrastination which had caused them unnecessary suffering, the people of Kenya were on the way to attaining the national objectives for which they had struggled so

long. It welcomed the agreement on the date for independence and the negotiations in progress between Kenya, Uganda and Tanganyika on the formation, when Kenya became a sovereign State, of an East African Federation. It congratulated the people of Kenya on their success in overcoming all the difficulties and paid a well-deserved tribute to the wisdom and political judgement of their leaders. Kenya would soon join the family of independent nations and swell the ranks of the United Nations.

140. The situation had improved also in Zanzibar, which had achieved internal self-government on 24 June 1963. Elections had been held on 8 July as a prelude to the formation of a Government which would negotiate with the United Kingdom Government the conditions for the final transfer of power and the date for the independence of the Territory. It was to be hoped that the elections would not be marred by any event which might be used as a fresh pretext for delaying the independence of Zanzibar. The maintenance of law and order during the elections depended as much on the administering Power as on the people of Zanzibar, but the Syrian delegation wished to reaffirm that the fixing of a date for the independence of Zanzibar—or of any other dependent territory—should not be subordinated to any conditions, particularly of a tenuous nature.

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

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

143. The representative of Yugoslavia recalled that, when the situation in the four Territories had been studied during 1962, both in the Special Committee and in the General Assembly, the view had been clearly expressed that the peoples concerned should be given independence as soon as possible and that no pretext should be used to delay the granting of independence.

144. Although he regretted that it had been necessary to wait a whole year to hear the statement of the administering Power regarding the independence of Kenya, he associated himself with the previous speakers in congratulating the people of Kenya on the determination and political judgement which they had displayed during the past twelve months. In particular, he paid a tribute to the courageous leader, Jomo Ken-

yatta, who had led the struggle for the independence of his people, despite the difficulties and tortures which he had had to endure. He hoped that the date for independence, which had been set for 12 December 1963, could be advanced and that no obstacle would prevent the people of Kenya from joining the world community.

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

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

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

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

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

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

151. His delegation was gratified that Nyasaland had achieved internal self-government smoothly under the able leadership of Mr. Hastings Banda. The new Constitution contained a Bill of Rights which guaranteed the civil liberties of all the people and outlawed discrimination; that fine instrument would assuredly be the foundation for complete harmony between the several races in that nation-to-be.

152. His delegation took note of the assurances recently given by the United Kingdom Government that each of the three Territories of the Central African Federation would be allowed to secede from the Federation if it wished, as well as of the report given by the United Kingdom representative on the results of the Central Africa Conference at Victoria Falls (see para. 90 above).

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

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

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

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

157. The picture was also hopeful in Northern Rhodesia. His delegation was confident that the administering Power would take steps to implement the Decla-

ration on the granting of independence to colonial countries and peoples speedily in that Territory and that it would announce the date fixed for independence very soon.

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

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

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

161. He was heartened by the fact that elections resulting in the formation of a truly representative Government had at last been held in Kenya and that Kenya was to attain independence in December 1963. He wished to congratulate the valiant people of Kenya and their great leader, Mr. Kenyatta, on the outcome of their long and bloody struggle against colonial domination. He hoped that the date set for independence would, if possible, be advanced; in any case, the date already agreed upon would not be moved back.

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

of Africa, so that the fragmentation brought about by colonial rule would be ended.

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

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

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

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

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

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

169. Turning to the question of Northern Rhodesia and Nyasaland, he recalled that Mr. Kaunda, the

Northern Rhodesian leader, had been moved to tears in April 1962 when describing to the Committee the suffering and humiliation inflicted on his people by British colonialism. Although references were often made to the liberal and understanding outlook of the colonial Powers, history showed that only the united efforts of the oppressed peoples could prevail against colonialism. The forthcoming dissolution of the Federation of Rhodesia and Nyasaland, which had been imposed on the peoples concerned in order to maintain the supremacy of the white settlers, was the result of the struggle carried on by those peoples. Since the colonial Powers stopped at nothing in their efforts to protect their selfish interests and had even been known to abolish constitutions, the administering Power must be reminded of its obligation under paragraph 5 of the Declaration contained in General Assembly resolution 1514 (XV) to grant immediate independence to Northern Rhodesia and Nyasaland.

170. The representative of Bulgaria said that while he was pleased that Kenya was to attain independence on 12 December 1963 and that the Central African Federation was to be dissolved on 31 December, he was concerned at the fact that the administering Power was employing various pretexts in order to delay the granting of independence to Nyasaland, Northern Rhodesia and Zanzibar. The Committee should do everything in its power to bring about the immediate and unconditional attainment of independence by those territories in accordance with paragraph 5 of the Declaration.

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

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

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

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

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

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

C. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963

Kenya

177. At the 197th meeting, on 19 July 1963, the Chairman said that, in response to a number of suggestions he had prepared a consensus of the Committee on the question of Kenya. He read out the consensus which was then approved by the Committee.

178. The consensus read as follows:

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

"The Special Committee reaffirms the inalienable right of the people of Kenya to independence and welcomes the fact that the administering Power has undertaken to grant independence to the Territory on 12 December 1963. It expresses the hope that no

new obstacle will be put in the way of the Territory's accession to independence and that Kenya will be an independent State by that date at the latest. The Special Committee wishes to congratulate the people of Kenya on the success it has already achieved."

Zanzibar

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

180. The consensus read as follows:

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

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

Northern Rhodesia and Nyasaland

181. At the 197th meeting the representative of Ethiopia introduced a draft resolution on Northern Rhodesia and Nyasaland (A/AC.109/L.74), jointly sponsored by Cambodia, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia and Yugoslavia.

182. At its 198th meeting, on 27 July 1963, the Special Committee approved this draft resolution without objection (A/AC.109/49).

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

184. The draft resolution on Northern Rhodesia and Nyasaland approved by the Special Committee at its 198th meeting read as follows:

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

"Recalling its resolution on Northern Rhodesia adopted on 16 May 1962 (A/5238, chap. III, para. 205) and resolution 1818 (XVII) of 18 December

1962 of the General Assembly adopted on its recommendation,

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

"Having heard the statements of the administering Power on recent constitutional developments in these Territories, including the outcome of the Central Africa Conference held at Victoria Falls on the dissolution of the Central African Federation,

"1. Reaffirms the inalienable right of the peoples of Northern Rhodesia and Nyasaland to self-determination and independence;

"2. Notes with appreciation the decision to dissolve the Central African Federation in accordance with the wishes of the people;

"3. Expresses its conviction that with the dissolution of the Federation, no obligation arising from the provisions of the said Federation, or from any commitments or obligations the Federation might have made or entered into, should be imposed on the peoples of Northern Rhodesia and Nyasaland without their consent;

"4. Expresses the hope that the process of the dissolution of the Federation will not be delayed and that Northern Rhodesia and Nyasaland will accede to independence immediately;

"5. Requests the administering Power, in consultation with the elected Governments, to fix the earliest dates for the accession to independence by the two Territories."

CHAPTER IX

BASUTOLAND, BECHUANALAND AND SWAZILAND

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

1. Following its consideration of Basutoland, Bechuanaland and Swaziland at its meetings in May and June 1962, the Special Committee, at its 70th meeting, on 7 June 1962, approved a draft resolution containing recommendations to the General Assembly (A/5238, chap. V, para. 214).

2. By this draft resolution the Committee, noting that "the constitutional provisions now contemplated for these Territories and the electoral legislation in force are discriminatory, do not meet the wishes of the people and are not consistent with the General Assembly Declaration of 14 December 1960", recommended the General Assembly to invite the administering Power "immediately to suspend the present constitutional provisions and to proceed without further delay to hold elections in the three Territories on the basis of direct universal adult suffrage;". According to the recommendations, the General Assembly would invite the United Kingdom Government "to abrogate the present constitutional provisions and to convene immediately a constitutional conference with the participation of the democratically elected political leaders of Basutoland, Bechuanaland and Swaziland, with a view to setting, in accordance with their wishes, the date on which each of these Territories will attain its independence;"; it would also consider that a serious effort should be made "to provide economic, financial and technical assistance through the United Nations programmes of technical co-operation and the specialized agencies, in order to remedy the deplorable economic and social situation of the three Territories;"; and the administering Power would be urged "to take immediate steps to return to the indigenous inhabitants all the land taken from them, whatever the form of, or pretext for, such alienation;". By the same draft resolution, after having expressed its profound concern at "the declared intention of the Government of the Republic of South Africa to annex these Territories," and after having taken note of a statement of the administering Power to the effect that "these Territories

are politically completely independent of South Africa and that the United Kingdom adheres to this policy," and that there was no question of that country's Government agreeing at that stage to the transfer of the Territories to the Republic of South Africa, the Committee recommended the General Assembly to declare solemnly that "any attempt to annex Basutoland, Bechuanaland or Swaziland, or to encroach upon their territorial integrity in any way, will be regarded by the United Nations as an act of aggression violating the Charter of the United Nations".

3. At the seventeenth session of the Assembly, the Fourth Committee, in December 1962, heard statements by the following persons appearing as petitioners: Mr. J. J. Nquku, of the Swaziland Progressive Party, and Mr. G. M. Kolisang and Mr. K. S. Chakela, of the Basutoland Congress Party.⁷⁶

4. Following the general debate in the General Assembly on the report of the Special Committee, a draft resolution (A/L.416) was submitted by Cambodia, Ethiopia, India, Madagascar, Mali, Syria, Tanganyika, Tunisia, Uruguay, Venezuela and Yugoslavia to the Assembly. The draft resolution was identical in substance with the draft resolution approved by the Special Committee. It was adopted by the Assembly at its 1196th plenary meeting, on 18 December 1962, as resolution 1817 (XVII).

B. INFORMATION ON THE TERRITORIES

Introduction

5. Information on the three High Commission Territories is contained in the Special Committee's report to the General Assembly at its seventeenth session (A/5238, chap. V, paras. 1-76). Information on recent developments is set out below.

⁷⁶ See *Official Records of the General Assembly, Seventeenth Session, Fourth Committee*, 1409th to 1412th meetings; for a statement by the representative of the United Kingdom with reference to the statements of the petitioners, see *ibid.*, 1413th meeting.

Basutoland

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

Bechuanaland

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

Swaziland

8. Events leading to the issue of the report by the Swaziland Constitutional Committee in March 1962 and the recommendations made for the establishment of a Legislative Council and an Executive Council, were described in the previous report of the Special Committee (*ibid.*, paras. 64-70).

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

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

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

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

13. All the African political parties and the Eurafrikan attending the Swaziland Constitutional Talks opposed the proposed constitution and counter-proposals were made for a legislature mainly based on adult suffrage and a common roll. The Swazi National Council

and the European representatives were against any amendments in the proposed constitution.

14. The Swaziland Constitutional Talks concluded without any agreement having been reached. On 30 May 1963 the United Kingdom Secretary of State for the Colonies announced the introduction of a new Constitution which, while preserving traditional influences, also provided for part of the Legislature to be elected on the basis of adult suffrage and a non-racial roll.⁷⁷ The Legislature would consist of twenty-four elected members, four other members appointed by the Commissioner from the Executive Council, and an appointed Speaker. It also provided that the Commissioner might appoint as many other members as he considered necessary to ensure that no interest or community lacked representation.

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

16. The new Constitution was rejected by the Swaziland Democratic Party and by the Ngwane National Liberatory Congress.⁷⁸ The latter reportedly stated that a general strike would be used to fight the Constitution.

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

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

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

Written petitions

19. The Special Committee circulated the following written petitions concerning these Territories:

<i>Petitioner</i>	<i>Document No.</i>
(a) <i>The three Territories</i>	
Mr. M. K. Mpho, President, Bechuanaland Peoples Party	A/AC.109/PET.143
(b) <i>Basutoland</i>	
General Secretary, Marema Tlou Freedom Party ⁷⁹ ..	A/AC.109/PET.88

⁷⁷ For an outline of the new Constitution, see *Swaziland Constitution* (London, H.M. Stationery Office), Cmnd. 2052.

⁷⁸ A new political party on which detailed information is not available.

⁷⁹ The Basutoland Freedom Party and the Marema Tlou were amalgamated in December 1962.

<i>Petitioner</i>	<i>Document No.</i>
Mr. Edwin Leanya and Mr. Mosebi Damane	A/AC.109/PET.99
Mr. Josiel Lefela	A/AC.109/PET.100
(c) <i>Bechuanaland</i>	
Mr. P. G. Matante, Vice- President, and Mr. P. D. Maruping, Acting Secre- tary-General, of the Be- chuanaland Peoples Party (six petitions)	A/AC.109/PET.89, A/AC.109/PET.144 and A/AC.109/PET.144/Add.1*
Mr. Joseph Tjetjoo, Mr. Mbukushu Kahaka and Mr. Hiazetaura Tupundu	A/AC.109/PET.168*
PAFMECSA ⁸⁰ affiliates	A/AC.109/PET.169*
Mr. M. K. Mpho, Presi- dent, and Mr. B. D. Macheng, Secretary-Gen- eral, of the Bechuana- land Peoples Party (three petitions)	A/AC.109/PET.170*
(d) <i>Swaziland</i>	
Mr. J. J. Nquku, Presi- dent, Swaziland Progres- sive Party (four peti- tions)	A/AC.109/PET.109 and A/AC.109/PET.109/Add.1*
Mr. Richard P. Stevens	A/AC.109/PET.177
Mr. A. M. Nxumalo, Deputy Leader, Swaziland Demo- cratic Party	A/AC.109/PET.178*
Swazi students	A/AC.109/PET.179*
Mr. S. J. Zwane, Ngwane National Liberatory Con- gress (two petitions)	A/AC.109/PET.180*

* Circulated after the Special Committee had concluded its consideration of the question of the three Territories.

General statements by members

20. The representative of Cambodia said that in its consideration of the question at its meetings in 1963 the Committee should be guided by the provisions of General Assembly resolution 1817 (XVII), and, in particular, the principles affirmed in its paragraphs 1 and 6. The Committee should examine the extent to which the administering Power had implemented paragraph 3 of that resolution, by which it had been invited to abrogate the present constitutional provisions and to convene a constitutional conference with a view to setting the date on which each of the Territories would attain its independence.

21. Reviewing developments since the adoption of the General Assembly resolution, he pointed out that a constitutional commission had been established for Basutoland, but would not submit its report until the end of 1963. With regard to Bechuanaland, the United Kingdom Secretary of State for the Colonies had stated in April 1963 that the time had come to review the Constitution of the Territory and to envisage greater political advancement. Consultations were being held regarding the convening of a constitutional conference. Such a conference had been held for Swaziland in January and February 1963 in London, but had ended without agreement. Nevertheless, the Secretary of

State for the Colonies had announced on 30 May 1963 that a new constitution would be applied in spite of the fact that it had been rejected by the two principal African parties of the Territory. As a result, there had been a wave of strikes and unrest in Swaziland and a disturbed situation characterized by arrests, repressive measures and troop reinforcement now prevailed in the Territory.

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

23. The Cambodian delegation also reaffirmed its support for the measures advocated in paragraphs 4 and 5 of the aforementioned resolution.

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

25. The Constitution of Basutoland reflected proposals put forward by the Basuto people. At the end of 1956 the Basutoland National Council had established two committees on constitutional reform and chieftainship affairs. The Council had approved the report of the two committees in 1958 and had sent a delegation to London for talks with the United Kingdom Government, when agreement had been reached on the new Constitution, which had come into force in 1959. Its main feature was the introduction of forty elected members into the Basutoland National Council and three elected members into the Executive Council. Members of the Executive Council had assumed responsibility for some departments without formally becoming ministers, and elected members were now responsible for education and health, works and commerce, and local government. After the new Constitution had been in force for less than eighteen months, the Basutoland National Council had invited the High Commissioner and the Paramount Chief to arrange for the establishment of a constitutional commission to review the 1959 Constitution and formulate proposals to improve it with particular reference to the introduction of a responsible form of government, the constitutional position of the Paramount Chief in such a government, the composition of the Executive Council and the protection of human rights and fundamental freedoms. The Commission had been set up with a broad membership, including representatives of the Basutoland National Party, the Marema Tlou Freedom Party and the Basutoland Congress Party. It was now

⁸⁰ Pan African Freedom Movement for East, Central and Southern Africa.

at work and was hearing evidence from the public throughout the Territory; its report, which was expected later in the year, would clearly be of the greatest importance in determining the next stage of constitutional advance in Basutoland.

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

27. In Swaziland, the present Constitution provided for a Resident Commissioner, assisted by the Swazi National Council and the European Advisory Council. The Swazi National Council was the traditional council of the Swazi nation presided over by the Paramount Chief, and it met once every year. All adult Swazi males were members of that Council, but as it was therefore somewhat unwieldy, the actual work was done mainly by a smaller, standing council. The European Advisory Council had a membership of sixteen, ten non-official members elected throughout the Territory and six official members. It had no legislative powers.

28. Proposals for the establishment of a legislative council on which both European and Swazi interests would be represented had been under discussion for three years. The first proposal, made by the Paramount Chief and supported by the European Advisory Council, had been that, apart from four officials, half the seats on the Legislative Council should be filled by representatives of the Swazi National Council selected in the traditional way—by acclamation—and half by Europeans elected by secret ballot. A committee had been established by the Resident Commissioner to consider the proposals and make recommendations and its report had been published in March 1962, together with a statement of the provisional views of the Secretary of State for the Colonies. After taking account of the reactions to the report and to his statement, on 8 December 1962 the Secretary of State for the Colonies had invited Swazi representatives to London for talks on constitutional advancement. The constitutional conference had been held from 28 January to 12 February 1963. There had been a broad measure

of agreement, but a marked difference of opinion on some matters, particularly on the composition and powers of the Legislative Council. The Secretary of State for the Colonies had formulated proposals in the light of those discussions and had asked the Resident Commissioner to discuss them with the Paramount Chief and with the other interests represented at the London talks; but the differing opinions had not been reconciled. The Secretary of State for the Colonies had therefore been obliged to decide, on his own responsibility, what form the new Constitution should take. All the points on which broad agreement had been achieved had been incorporated; for the other points, particularly those relating to the Legislature, the Secretary of State had tried to take account of the traditional institutions of the Swazi people, the contribution of the European community to the economy of the Territory, and the need to provide opportunities for political expression to those who, while respecting the Paramount Chief and the Swazi National Council, felt that they were not adequately represented through the tribal structure.

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

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

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

32. Reference had also been made to the recent strike in the Territory, which had been represented as a protest against the new Constitution. In fact, the strike had begun at the Havelock asbestos mine on 20 May, that was to say, ten days before the announcement of the new Constitution, and the origins of the

strike were industrial rather than political. Under the Industrial Conciliation and Settlement Proclamation, a strike was illegal for a period of twenty-one days after a labour dispute had been reported to the Labour Department. The strike leaders had therefore been informed on 24 May that they were acting illegally, and the Government had announced the establishment of a commission of inquiry to investigate the causes of the dispute, with particular reference to the wage structure of the workers involved and the effectiveness of the machinery for the settlement of trade disputes by negotiation. In spite of those measures, the strike had continued and the Government had had no alternative but to arrest some of the strike leaders on 9 June. The organizers of the strike had responded by promoting strikes in other industries and in the capital town of Mbabane, enforcing a work stoppage by threats and intimidation. Although many areas had remained quiet, trouble had been sufficiently widespread to make it impossible for the small Swaziland police force to deal with it adequately. As a result, the law had been broken with impunity and it had become essential for reinforcements to come to the support of the police. Accordingly, a unit of British troops had been sent to the Territory on 13 June, and law and order had quickly been restored without loss of life. All the strikers had returned to work by 19 June and the situation was now normal.

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

34. In Basutoland, for example, although the Basutoland Congress Party had won thirty-two out of forty elective seats, the administering Power had established a so-called coalition Government of nominated members comprising colonial officials and tribal chiefs. It was from the chiefs that the first negative response to the appeals and decisions of the Special Committee and the General Assembly had come: as reported in *The Times* of London on 20 February 1963, the Basutoland National Council had adopted a resolution stating that the Special Committee's resolution on Basutoland of the previous June had been based on inaccurate information and that the General Assembly should not implement it until asked to do so by the National Council itself. There was nothing to indicate that conditions had improved in the meantime. Half the male population of Basutoland was still working

in South Africa, agricultural production was declining and many arrests had been reported. A news item in *The Times* of 4 April 1963 had included reports on the kidnapping of nationalist elements by the South African police in collaboration with the police of the administering Power. The petition from the Marema Tlou Freedom Party (A/AC.109/PET.88) showed that the inhabitants wanted assistance in developing their economy as a corollary to the constitutional advancement which they were seeking. The petition from Mr. Josiel Lefela (A/AC.109/PET.100) set forth the dissatisfaction of the nationalist leaders with the obligations to pledge allegiance to the Crown and take the oath of secrecy required of members of the Executive Council and with the system under which nationalist representatives would be paid from United Kingdom Government funds instead of being allowed to receive an allowance from the people of Basutoland. The petitioners felt that those two conditions were traps designed to make the people's representatives betray the confidence of a powerless electorate. In the light of the obviously unsatisfactory provisions of the Basutoland Constitution, the arguments offered in the petition from Mr. Edwin Leanya and Mr. Mosebi Damane (A/AC.109/PET.99) were weak and unconvincing.

35. The proposed Constitution for Swaziland likewise failed to provide for adequate representation of the African inhabitants of the Territory. Indeed, it was clearly designed to ensure that the legislature would give unanimous support to the plans of the colonialists and reactionary feudal chiefs. Swaziland offered a striking example of the conditions which caused certain colonies to remain under the domination of such elements while others were securing their independence: an article in *The Economist* of 26 January 1963 described the resources of the Territory, which it called the richest of the three colonial enclaves within the Republic of South Africa, and the *Yugoslav Review of International Affairs*, of 5 March 1963, had dealt with increased British immigration into Swaziland in recent years, foreshadowing the possible emergence of a situation similar to that prevailing in Southern Rhodesia. From other sources it had been learned that the Paramount Chief in Swaziland was trying to make a political arrangement with the South African Government for the preservation of his position. The African nationalists for their part were seeking the establishment of a truly representative legislative institution. As they did not consider that the proposed constitution would provide for such a body they had rejected it as racist and discriminatory. The Ngwame National Liberatory Congress had declared its intention to call a national conference in order to propose a boycott of the Constitution and of the elections to be held under it. The opposition of the Swaziland Progressive Party to what that organization regarded as a Constitution undemocratic and unacceptable to the Swazi people and the people of Swaziland as a whole was expressed in the petition from that Party (A/AC.109/PET.109). The unrest in the Territory had found expression in a strike by 1,500 miners. To deal with the strike the United Kingdom Government had airlifted 800 British troops from the strategic reserve in Kenya, a measure which the Kenya African National Union had denounced as a calculated affront to Kenya's self-governing status. According to a dispatch published in *The Times* of London on 15 June 1963, the strikers who had refused to go back to work had been arrested.

36. The petition from Mr. P. G. Matante (A/AC.109/PET.144) reported that mass arrests of Africans were being carried out in Bechuanaland and the petition from Mr. M. K. Mpho (A/AC.109/PET.143) denounced the collaboration between the United Kingdom authorities in the High Commission Territories and the South African and Southern Rhodesian police in attempts to arrest political leaders in those Territories. The petition from Bechuanaland Peoples Party (A/AC.109/PET.89) called for the immediate abrogation of the 1961 Constitution, the suspension of the Legislative Council, the convening of a constitutional conference and the abolition of the existing land tenure system, which favoured white farmers from South Africa over the indigenous inhabitants. The petition also stated that the Administration was turning the Territory into a police State and was trying to crush the Bechuanaland Peoples Party.

37. From the foregoing information it could be seen that in those three Territories the United Kingdom had failed to implement the Declaration on the granting of independence to colonial countries and peoples and General Assembly resolution 1817 (XVII). The administering Power should be urged to hold elections in the Territories on the basis of universal adult suffrage, so that constitutional changes could be put into effect and discussions concerning accession to independence could be undertaken with the real representatives of the inhabitants. It should also be urged to return usurped land to its African owners. Finally, the United Nations itself should assist in remedying the economic situation prevailing in the three Territories.

38. The representative of Ethiopia observed that the three Territories under discussion presented a two-fold problem. On the one hand there was the question of transferring the powers of government and the attributes of independence to the peoples concerned, and on that aspect of the problem the Committee had the unequivocal guidance of General Assembly resolution 1514 (XV). On the other hand there was the special consideration that two of the Territories were partially and the third entirely encircled by a hostile and infinitely more powerful neighbour which practised a policy of oppression against its own African inhabitants. That neighbour was, of course, the Republic of South Africa and as a result of its racist policies thousands of its inhabitants had sought political asylum in the High Commission Territories. The South African Government's warning in that connexion that the United Kingdom must "expect retaliation" should not be taken lightly. As the momentum of the cycle of oppression and resistance increased it was inevitable that many more refugees would enter the Territories, and in such circumstances the South African Government might well be tempted to wipe out those areas of African nationalism. Although representatives of that Government had dismissed the reference in General Assembly resolution 1817 (XVII) to South African intentions to annex the Territories, there was nothing in the Republican Constitution to indicate that South Africa had renounced its claim to them. Act No. 32 of 1961, the South Africa Constitution Act,⁸¹ repealed the South Africa Act of 1909 but with the exception, *inter alia*, of section 150, entitled "Power to admit into Union Territories administered by the British South Africa Company" and section 151, en-

titled "Power to transfer to Union Government of Native Territories".

39. The distinctive feature of the constitutional developments in the High Commission Territories was the use to which traditional African institutions had been put in an effort to prevent real democratic progress. None of the African representatives in the Committee would deny the value of most political institutions in Africa, but in the case of the High Commission Territories they were used to prevent popular participation in the affairs of government. The most recent innovation in the Territories was the introduction of Legislative Councils consisting of official and unofficial members, the African members of which were elected indirectly through traditional African councils, while a small number of the elected members of the Legislative Council had also been made members of the Executive Councils. It was obvious that such institutions fell far short of the requirements of General Assembly resolution 1514 (XV). The participation of the entire people in the conduct of their Government could not be assured unless they were afforded an opportunity to work out constitutions leading to general elections on the basis of universal suffrage and, immediately thereafter, to independence. The strike in Swaziland was a manifestation of the growing impatience of the inhabitants.

40. In view of the unique geographical situation of the Territories and the hostile attitude of their powerful neighbour, the Committee should consider how best to guarantee their territorial integrity against possible acts of aggression after their accession to independence. None of them would be in a position to provide for its own defence against such aggression, and one of them in particular was vulnerable to such forms of indirect aggression as a total blockade. The General Assembly in resolution 1817 (XVII) had declared that any act of aggression against any one of those Territories would be considered an act of aggression against the United Nations, but it had not addressed itself to the task of instituting measures to prevent aggression. His delegation was of the opinion that the General Assembly could usefully study the possibility of instituting such measures, including the establishment of United Nations peace observation teams which could keep the appropriate organs of the United Nations informed of any violation of the sovereignty or territorial integrity of independent Basutoland, Bechuanaland and Swaziland.

41. The representative of Yugoslavia observed that the situation in the High Commission Territories had not changed substantially since the preceding year and that the provisions of General Assembly resolution 1817 (XVII) had not been implemented. The United Kingdom representative had mentioned no dates in the near future when the peoples of those Territories would enjoy their right to self-determination and independence. Although his delegation considered the talks on constitutional changes positive, it could not be satisfied with the statement of the administering Power that negotiations were under way and that they would be useful for the gradual introduction of internal self-government. The General Assembly had drawn a definite line of distinction between the terms "internal self-government" and "independence", and the Committee was concerned with the implementation of a declaration on the granting of "independence".

42. The situation in the Territories was all the more serious as their geographical position exposed them to

⁸¹ Act to Constitute the Republic of South Africa and to Provide for Matters Incidental thereto (Union of South Africa, Capetown, *Government Gazette*, vol. 204).

pressure from the South African Government, which had very powerful means at its disposal. The power of that Government, and its intentions towards the Territories, represented a serious threat to peace in that part of Africa and placed a special responsibility on the administering Power. During the seventeenth session of the General Assembly, the United Kingdom representative in the Fourth Committee (1413th meeting, para. 23) had offered his Government's guarantee that the High Commission Territories would not be transferred to South Africa. In the present conditions, however, his delegation was not concerned with the legal possibilities of transfer but with the danger of annexation through aggression on the part of South Africa. The administering Power was under an obligation to give specific guarantees in that respect. The United Nations should also guarantee the inviolability of the Territories, possibly through the establishment of United Nations observation teams, with the consent, of course, of the peoples of the Territories.

43. An extremely difficult economic and financial situation existed in the Territories, and at the seventeenth session of the General Assembly a great majority of delegations had felt that serious efforts should be made to provide aid through technical assistance programmes and through the specialized agencies. He regretted that there had been no indication by the administering Power of any measures undertaken for the improvement of the economic and financial situation or of living conditions in the Territories. The failure to take such measures made it far easier for South Africa to exert economic pressure on the Territories. Economic and financial assistance by the United Kingdom would be far more useful than the sending of troops to suppress strikes, as had been done in the case of Swaziland.

44. With respect to constitutional changes, his delegation held that the administering Power should adopt effective measures for the revision of the constitutional provisions. Tribal differences could not be accepted as justifying delay in granting self-determination. The only realistic and just way of working out a Constitution was to do so in consultation with the peoples concerned. The imposition of constitutional provisions without consultation, as had been done in the case of Swaziland, was unacceptable even as a temporary measure. The peoples of the Territories, like all other peoples, had the right to express their desires concerning their future, and that was possible only through general elections based on universal adult suffrage. After such elections were held the administering Power should take the necessary steps to transfer power to the true representatives of the people and to grant independence as soon as possible.

45. His delegation was prepared to support all measures which would contribute to the improvement of the present situation in the Territories and which were aimed at granting the right of self-determination and independence to their peoples.

46. The representative of the Soviet Union observed that more than a year had elapsed since the Special Committee had considered the question of Basutoland, Bechuanaland and Swaziland and had made recommendations to the General Assembly, subsequently embodied in resolution 1817 (XVII). The question to be asked now was how the administering Power had responded to the recommendations set out in that resolution.

47. All the facts, and also the statement by the representative of the administering Power, indicated that the United Kingdom Government had not yet taken any steps to implement the General Assembly's Declaration in resolution 1514 (XV) of 14 December 1960 and to transfer power to the peoples of Basutoland, Bechuanaland and Swaziland, although the Declaration emphasized that such steps must be taken immediately.

48. In Basutoland, the British High Commissioner still settled all questions of domestic and foreign policy, the Legislative Council having only advisory functions. In addition, half of the Legislative Council's members were appointed by the High Commissioner and the Paramount Chief, and the rest were elected under indirect suffrage. The Executive Council was appointed by the British; it consisted of eight members, four of whom were British officials.

49. In the economic sphere the situation remained as before. British policy had turned Basutoland into an agrarian appendage of the Republic of South Africa; the tariff union with the Republic made Basutoland dependent on the South African economy. Basutoland did not have its own industry, and nearly half of the able-bodied population was recruited for work in South Africa, where the workers were treated like slaves by the South African racists. The Colonial Administration sold manpower to South African recruiting agents and used the receipts to cover its own administrative expenses. What was more, the income of the migrant workers was very heavily taxed by the Basutoland Administration. The slave trade, long since outlawed in international law, continued to exist in Basutoland, as in Angola. Before the advent of the Europeans crafts had been practised in Basutoland. Today the mineral and power resources of the country lay unused and only agriculture was promoted, but in that sphere too the interests of the colonialists were placed foremost. They had taken the best lands from the Basutos, and increasing amounts of land were being bought up by South Africans.

50. In Swaziland, the seizure of the best land by the colonialists deprived the Swazis of their only means of subsistence. The average plot of the African farmer had shrunk to three acres. Swazis were driven from the land and forced to work for hire under the worst conditions. The workers in Swaziland were kept in a state of semi-starvation, while British and South African monopolies reaped the profits. The country's great resources of asbestos, iron ore, coal and wood were exploited by companies which shared none of their wealth with the Swazi people. British, South African and Danish capital held 29,000 acres of irrigated land used to grow sugar cane, rice and citrus fruits. Great tracts of land were leased to South African cattlemen, while in the African reserves land was scarce.

51. Power in Swaziland was still in the hands of the British Resident Commissioner. Although racial discrimination had been formally abolished, it continued to exist. There were different laws and courts for the Whites and for the Blacks. The Africans were forced to live on thirty-five reserves which were separated by lands belonging to the United Kingdom authorities and to Europeans. Africans and Europeans went to separate schools. Fifteen times more was spent on the education of a European child than on that of an African child. For equal work a European earned dozens of times more than an African. In spite of all its promises, the United Kingdom Government had

no intention of eradicating racial discrimination. Under the new Constitution of Swaziland the Legislative Council consisted of twelve members elected by Europeans and twelve Africans who were nominally elected but who were actually appointed by the Paramount Chief. Even the Western Press acknowledged that the new Constitution was permeated with the spirit of *apartheid*.

52. In Bechuanaland the situation was not much different from that in Basutoland and Swaziland, the representative of the Soviet Union went on to say. The fertile land was held by companies or by the European colonialists. The mining industry was in the hands of foreigners, and the extracted ore was shipped outside the country. Political power was to all intents and purposes held by the Resident Commissioner. There was a European majority in the Legislative Council.

53. The situation existing in the three Territories showed that the United Kingdom was taking advantage of the fact that the national liberation movement in the Territories was developing under particularly difficult circumstances. That movement faced not only the British colonialists but also the leading circles of racist South Africa, which had long coveted the Territories and were trying to prevent the creation of independent African States in the vicinity of South Africa. The peoples of the Territories were thus beset on two sides: the colonial authorities were trying to force them to choose between a continuation of protectorate status and annexation to the Republic of South Africa.

54. Nevertheless, it was clear that the peoples of the Territories were not yielding to that blackmail but had decided on the path of independent statehood. Their struggle for independence was gaining greater and greater impetus. The political leaders of all three Territories demanded independence without delay. Needless to say, they had the support both of the African peoples, which at the recent Summit Conference of Independent African States in Addis Ababa had declared that they would not countenance the continued existence of colonial territories on the African continent, and of all freedom-loving peoples throughout the world.

55. It was the duty of the United Nations, the General Assembly and the Special Committee to give full support to the demands of the peoples of the Territories. The United Kingdom's failure to give effect to the General Assembly resolution on Basutoland, Bechuanaland and Swaziland tended not only to deprive the peoples of those Territories of their natural rights to independence and statehood but also to support the racists of South Africa and Southern Rhodesia in their endeavours.

56. The United Kingdom had been so shaken by the recent strike of asbestos miners in Swaziland that it had brought in additional troops from its military base in Kenya. That also demonstrated the purposes for which the United Kingdom maintained its bases in and around Africa. Equally symptomatic was the fact that the United Kingdom authorities hastened to hand over to the Verwoerd Government political refugees from South Africa who fled to the British Protectorates. The Committee should denounce the administering Powers with regard to both those matters.

57. There was a certain connexion between the struggle of the Territories' peoples for freedom and independence and the struggle being waged by the peoples of South Africa and Southern Rhodesia. By sup-

porting the inalienable right of the peoples of the Protectorates to independence, the United Nations not only hastened the implementation of the Declaration on the granting of independence to colonial countries and peoples, but also contributed to the realization of the hopes and aspirations of all of the peoples in the southern part of the African continent.

58. His delegation considered that the Committee should adopt a very specific resolution on the question of Basutoland, Bechuanaland and Swaziland, including the following points. First, the General Assembly's attention should be drawn to the fact that the United Kingdom had not complied with its resolution regarding the Protectorates or with other General Assembly decisions relating to those Territories. It should also be pointed out that the United Kingdom, while hypocritically asserting that it was prepared to co-operate with the United Nations, was actually acting contrary to its wishes. The most recent instance of lack of respect for the Special Committee and the United Nations as a whole had occurred when the United Kingdom representative had stated that he did not oppose the adoption of the draft resolution on Northern Rhodesia and Nyasaland but that his Government reserved its right to do, in effect, whatever it pleased with respect to those Territories.

59. Secondly, the Constitution and constitutional proposals elaborated by the United Kingdom authorities for the Protectorates were in conflict with the desires of the peoples and with the provisions of the Declaration and should be immediately revoked. The administering Power should be asked to take speedy steps to give effect to the Declaration in the matters of transferring all powers and granting complete independence. As first steps in that direction, universal suffrage should be introduced and democratic elections held to organs which truly represented the indigenous population. The colonial administration should be abolished.

60. Thirdly, the Committee should recommend that the General Assembly should fix a date in 1963 for the granting of independence to the three Territories.

61. Fourthly, the administering Power should again be asked to return at once to the indigenous population all land alienated by the colonialists, regardless of when, how and on what pretext the land had been alienated.

62. Finally, the General Assembly's attention should be drawn to the fact that during the past year neither the Colonial Administration, nor the Republic of South Africa had taken any steps to show that the former had renounced the idea of joining the three Territories to South Africa as a solution to the problem, or that the latter had given up its hope of swallowing up those Territories with the connivance of the United Kingdom.

63. The representative of Mali said that he had hoped that in his statement the United Kingdom representative would have given the Committee some indication of his Government's intention to apply General Assembly resolution 1514 (XV) in the near future to Basutoland, Bechuanaland and Swaziland. The fact that he had not referred to any of the resolutions relating to those Territories, the most important of which were the 1962 resolution of the Special Committee (A/AC.109/15) and General Assembly resolution 1817 (XVII), showed that the United Kingdom Government was little concerned with the aspirations of the peoples of those three Territories.

Finding nothing new to add, the United Kingdom representative had recalled ancient history. Even if it was true that the Territories had originally sought United Kingdom protection, there was no reason to continue that protection now, when the people no longer desired it. It was clear that the Territories were still under colonial rule.

64. In Basutoland the United Kingdom Government had granted a pseudo-constitution in 1959, under which some of the elected African members of the Executive Council had been given posts as Ministers; but their powers were strictly limited. Such a "Constitution" was obviously unsatisfactory, as had been recognized by the United Kingdom itself, for after it had been in operation for only eighteen months, revision was now being considered, in consultation with the representatives of the major political parties. The Malian delegation welcomed the United Kingdom representative's statement that the report of the Commission to study the 1959 Constitution would be of the greatest importance in determining the next stage of Constitutional advance in Basutoland (see para. 25 above). His delegation trusted that the next stage would be the implementation of paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples and paragraph 3 of resolution 1817 (XVII). Any other solution would be rejected by the Basuto people.

65. In Bechuanaland, the 1960 Constitution, which did not reflect the will of the people because it was based on the recommendations of a Constitutional Committee dominated by the representatives of the administering Power, had proved inadequate almost as soon as it had been put into effect and was now being revised. The United Kingdom Government should, in accordance with General Assembly resolution 1514 (XV) convene a conference which would be really representative and transfer real power to the Africans.

66. As to Swaziland, the Constitutional Talks held in London at the beginning of 1963 had been a failure and the Secretary of State for the Colonies had had to decide, on his own responsibility, what form the new constitution should take. The proposals regarding the new Legislative Council, which had been outlined by the United Kingdom representative in his statement, had produced strong reactions in Swaziland, and there had been strikes and demonstrations which the United Kingdom had put down by force. It was the old story of colonial intervention, allegedly in the interests of progress, but no one had any illusions about the real aims.

67. Although the traditional institutions had played and still were playing an important role in the development of the African countries, they were undergoing far-reaching changes in order to meet the requirements of the new situation in which Africa must take its rightful place in the world community. The administering Power should abandon subterfuges and frame a new constitution based on democratic principles. General Assembly resolutions 1514 (XV) and 1817 (XVII) should be its guides; the former declared that immediate steps should be taken to transfer all powers to the peoples of the dependent territories, without any conditions or reservations, in accordance with their freely expressed will and desire, and the latter reaffirmed the inalienable right of the peoples of Basutoland, Bechuanaland and Swaziland to self-government and independence. Pursuant to those resolutions, the United Kingdom should abolish the present Constitu-

tion, proceed to hold really free elections on the basis of universal adult suffrage, and transfer power to democratically elected African representatives. His delegation would support a recommendation along those lines. He had deliberately refrained from mentioning social and economic conditions in the Territories, lamentable as they were, for independence was the only remedy for those and all the other ills from which the Territories now suffered.

68. The return of African nationalist refugees to South Africa by the United Kingdom authorities was most shocking. By its action, the United Kingdom—a State Member of the United Nations and a permanent member of the Security Council—was flagrantly violating the principles of the Charter, human rights and relevant resolutions of the General Assembly; in addition, it was supporting the policy of apartheid, aggravating the situation in South Africa, and encouraging the South African Government to continue a policy which had been condemned by every United Nations body. He appealed to the United Kingdom to change its attitude and to take steps to prevent South Africa from annexing the three Territories.

69. The representative of Tanganyika said that the three High Commission Territories were colonial territories whose peoples should now be permitted to exercise their right to self-government and independence. Those African peoples, which had been under the colonial yoke for more than a hundred years, had shown their determination to be free; the struggle of the Basutos and Zulus against colonial domination during the first half of the nineteenth century was still an inspiration to all African fighters for freedom.

70. There was no need to review developments in those Territories, since that had been done in 1962 by the Special Committee and at the seventeenth session of the General Assembly. It was clear from the statement of the United Kingdom representative that the peoples of Basutoland, Bechuanaland and Swaziland had as yet had no opportunity to exercise their right of self-determination and that the constitutional reforms envisaged in those Territories were not very significant.

71. Instead of being protected by the United Kingdom, the African inhabitants of those Territories had been gradually deprived of their land and transformed into a reserve of cheap labour for South African industry. The dispatch of United Kingdom troops to put down the recent strike in Swaziland was a familiar colonial practice. The strikes had simply reflected the aspirations of the African inhabitants, who were anxious to regain their lost dignity and throw off the colonial yoke. In the view of his delegation, a lasting solution to those problems could be achieved only by granting the just demands of the Africans, not by using armed force.

72. The Verwoerd government was bitterly opposed to self-determination for the Africans of the three Territories, since their attainment of independence would surely hasten the emancipation of the Africans of Mozambique, Angola, South West Africa, Southern Rhodesia and South Africa itself.

73. It was therefore clear that any delay in granting independence to the High Commission Territories only served the interests of the European settlers and the abominable *apartheid* system.

74. The peoples of Basutoland, Bechuanaland and Swaziland shared the longing for freedom of their brothers throughout Africa, whatever might be said

by the colonial Powers, which were fond of citing the attitude of the so-called traditional elements as an excuse for delaying the granting of independence. In any event, the racial discrimination on which the electoral system was based was deplorable anachronism, and universal adult suffrage should be adopted immediately in all three Territories.

75. The economic backwardness of the three countries had been deliberately fostered by the administering Power. As had been demonstrated in Tanganyika, it could be eliminated only by independence. As far as the political situation was concerned, an article in the United States periodical *Africa Report* of July 1963 provided information on how the white settlers' régime in South Africa and the colonial authorities of the three Territories worked together in suppressing the nationalist movements.

76. With regard to the defence of the Territories after the granting of independence, his delegation felt that the United Nations should guarantee their territorial integrity in the spirit of General Assembly resolution 1817 (XVII). In addition, co-operation should be encouraged between the nationalist forces of the three Territories

77. The representative of Poland said that he would restrict his comments to developments since the adoption of General Assembly resolution 1817 (XVII). That resolution invited the United Kingdom to abrogate the present constitutional provisions and to convene immediately a constitutional conference with the participation of the democratically elected political leaders of Basutoland, Bechuanaland and Swaziland, with a view to setting a date for the attainment of independence. In his statement to the Committee, however, the representative of the administering Power had said nothing whatever about implementing the resolution.

78. His delegation was disappointed at the administering Power's refusal to meet the legitimate aspirations of the peoples of the High Commission Territories, which was contrary to the provisions of the Declaration embodied in General Assembly resolution 1514 (XV). The three Territories were still administered by a High Commissioner, who was also the United Kingdom's Ambassador to the Republic of South Africa and did not reside in the Territories. The constitutions of these Territories, under which absolute power was vested in this High Commissioner and which had been found by the General Assembly to be discriminatory against the indigenous inhabitants and not consistent with the Declaration remained in force.

79. In Basutoland, the National Council was composed of persons appointed by the High Commissioner and the chiefs—a fact which rendered the Congress Party's triumph in the elections utterly meaningless. The United Kingdom representative had said that a commission was to formulate proposals for the revision of the 1959 Constitution and would soon submit its report; however, the very composition of the commission, whose chairman was the Speaker of the so-called Basuto National Council, who was a South African, and its terms of reference made it unlikely that its work would lead to the implementation of the Declaration in the Territory.

80. In Bechuanaland the 1960 Constitution continued to grant two-thirds of the seats in the Legislative Council to a minority of white settlers.

81. As to the new Constitution which had just been imposed on the people of Swaziland, it brought no real change in the system of government based on an alliance of white settlers and the Colonial Administration with a small number of indigenous chiefs. In the Legislative Council of Swaziland, the white minority, which comprised less than 10,000 persons, would have as many seats as the 270,000 Swazis. It was not surprising that the two African nationalist parties of Swaziland had rejected the Constitution which was racial in character and discriminatory. It should be noted that the administering Power was determined to apply the Constitution for a three-year period before contemplating further constitutional change. The United Kingdom Government was thus deliberately delaying the Declaration's application to Bechuanaland, Basutoland and Swaziland.

82. Moreover, the economic development of the three Territories had been seriously neglected. According to *The Observer* of London the United Kingdom had not spent a penny on them up to 1945, while between 1945 and 1960 its aid had amounted to less than £10 million. As a result of this neglect the Territories increasingly depended on the wages of migrant labourers in South Africa and the Rhodesias, and South Africa regarded the Territories as future Bantustans within the Republic and as permanent pools of cheap labour. As the representative of Ethiopia had pointed out (para. 38 above), the South African Constitution of 1961, which retained certain provisions of the 1909 Constitution, provided for the possible annexation of the High Commission Territories. That was why the administering Power had kept those Territories in a state of ignorance and poverty. In Bechuanaland, 43 per cent of the men had to go to work in the gold mine, industries or farms of South Africa. Since the administering Power had done nothing to improve economic conditions, the racist Government of South Africa had the three Protectorates at its mercy. Tens of thousands of workers who had to go to South Africa to earn their living were subjected to shameful treatment there. Furthermore, with the agreement of the administering Power, the South African Government had recently tightened border controls to the disadvantage of the people of the Protectorates. Moreover the role of the administering Power in supporting Mr. Verwoerd's Government was exemplified in the treatment of South Africans who sought refuge in the High Commission Territories. Resident permits were now more difficult to obtain and some refugees had even been set back to South Africa. The Basutoland Police Force also co-operated with the South African police; thus, at a raid by the police in Basutoland on the headquarters of the Pan-Africanist Congress a list of members active in South Africa had been discovered, following which arrests were made there. The administering Power also employed South Africans in a great number of senior positions.

83. The administering Power was intensifying its fight against the national liberation movement. It had even gone so far as to send troops from Kenya to put down the general strike in Swaziland. The Special Committee could not remain indifferent in the face of such brutal measures, which had aroused the indignation of world opinion and constituted a flagrant violation of General Assembly resolution 1514 (XV).

84. In his view, the only solution for the three Territories which were still suffering from their long and distressing association with South Africa was the

immediate granting of independence. The United Kingdom Government bore a unique responsibility to grant the High Commission Territories their independence without delay and faithfully to implement all the provisions of resolution 1817 (XVII).

85. The representative of Bulgaria said that colonialism assumed some of its cruellest forms in Basutoland, Bechuanaland and Swaziland.

86. The peoples of those Territories found themselves in a tragic state after nearly a century of British rule. Deprived of their most fertile lands by the British and South African settlers, they had to work in the mines or plantations or lead a life of destitution in the "reserves". The three Territories were thus a reservoir of cheap labour for South African industry. Their extensive mineral resources did not benefit the local inhabitants but were exploited by the British and South African colonialists. In that connexion, the growing penetration by the South African financial monopolies was particularly disturbing.

87. In a political sense, too, the peoples of the three Territories had been left with nothing. All power rested with the British residents. The Legislative Councils established by the administering Power had only advisory functions, and European settlers comprised a majority of their membership. The indigenous population was deprived of all human rights and was subject to the *apartheid* system in almost all fields.

88. The peoples of Basutoland, Bechuanaland and Swaziland, unable to endure that intolerable régime any longer, were following the example of their brothers in other African countries and intensifying their struggle for independence and freedom.

89. In its consideration of the three Territories the year before, the Special Committee had made recommendations which the General Assembly had adopted in its resolution 1817 (XVII).

90. In the light of that resolution and of the Declaration on the granting of independence to colonial countries and peoples, the Committee should propose measures enabling Basutoland, Bechuanaland and Swaziland to attain independence as quickly as possible. As the Committee was aware, the administering Power had not applied any of the provisions of resolution 1817 (XVII), and the United Kingdom representative's statement had not given the least indication of the date on which the three Territories would become independent. Resolution 1817 (XVII) also declared that any attempt to annex Basutoland, Bechuanaland or Swaziland, or to encroach upon their territorial integrity, would be regarded by the United Nations as an act of aggression violating the United Nations Charter.

91. His delegation was disturbed to see the United Kingdom pursuing a policy that encouraged the annexationist tendencies of the racist South African Government. The fact that the administering Power persisted in attempting to impose on Basutoland, Bechuanaland and Swaziland constitutions which were rejected by their peoples made it difficult to believe that the United Kingdom Government sincerely wished to co-operate with the United Nations with a view to the immediate implementation of the Declaration on the granting of independence to colonial countries and peoples.

92. With regard to the general strike and the disturbances which had broken out recently in Swaziland, it was high time the United Kingdom Govern-

ment realized that its policy of brutal repression was bound to fail and that the only solution was to grant independence.

93. His delegation would whole-heartedly support any action to enable the three Territories to regain their freedom.

94. The representative of India said that careful examination of the United Kingdom representative's statement on the High Commission Territories had led him to conclude that nothing significant had been done to implement General Assembly resolutions 1514 (XV) and 1817 (XVII). It appeared from a recent article in *The Observer* of London that until recently the United Kingdom had done almost nothing to develop the three protectorates either economically or constitutionally, since it had thought that they would one day agree to incorporation by South Africa. Between 1945 and 1960, the Territories had received less than £10 million in aid from the United Kingdom. Worse yet, they had been starved of experienced technicians and administrators. That accounted for the testimony of the petitioners who had come to New York in 1962 and described the miserable and distressing conditions in which the indigenous population lived.

95. Since then, the situation in Swaziland had grown even worse. Mr. Duncan Sandys, the Secretary of State for Colonies, had decided on his own responsibility what form the new Constitution was to take. To judge by the details provided by the United Kingdom representative, that Constitution could not satisfy the Swazi people.

96. The conditions in Basutoland and Bechuanaland were also far from satisfactory. What was needed was the urgent convening of a constitutional conference to grant each of these Territories a constitution which would be in keeping with the spirit of the times, reflect African predominance and advance democratic representation. Not only were the present constitutional arrangements unjust, but they were also based on the false premise that the people of that part of Africa were not yet ready for independence and freedom. The Committee could not accept that premise.

97. The problem of those Territories was further complicated by their geographical position relative to the Republic of South Africa. Speaking at a function arranged by the Southern Africa Freedom Group, Mr. Harold Wilson, the leader of the United Kingdom Labour Party, had deplored the existence of close co-operation between the Administration of those Territories and the South African police. The United Kingdom had already agreed to South Africa's controlling the movement of Africans across the borders of the three Territories; from 1 July 1963 all Africans from Basutoland, Bechuanaland and Swaziland would be considered aliens in South Africa. It was to be feared in particular, that the Republic of South Africa was planning an economic strangulation of Basutoland, which was serving increasingly as an asylum for South African political refugees. Discussions were currently in progress concerning revision of the fifty-three-year-old customs agreement, upon which Basutoland relied for a third of its revenue, Bechuanaland for 20 per cent and Swaziland for 11 per cent. The Republic of South Africa now wanted to make a separate agreement with each Territory; if it succeeded, it would be able to "put the squeeze" on Basutoland while leaving alone the large South African investments in mineral-rich Swaziland.

98. The representative of Syria said that the political situation in Basutoland, Bechuanaland and Swaziland had remained basically unchanged since 1962. The three Territories remained under the direct rule of the colonial Power and had no opportunity to throw off the shackles of traditionalism, the natural ally of foreign rule and the main impediment to progress and independence.

99. In Basutoland, for example, the 1959 Constitution, which was rejected by the people, was still in force, and the work of the constitutional commission formed to review it was progressing very slowly. The situation was scarcely better in Bechuanaland. According to the United Kingdom representative, the Resident Commissioner had undertaken to review the Constitution in the course of 1963 and the United Kingdom Government would consider any proposal concerned with the coming constitutional measure if it met with the agreement of the general opinion in the Territory. But he wondered what was meant by "general opinion in the Territory". If the European minority was to have a voice equal to that of the overwhelming African majority and if the traditional chieftains were to have as much influence as the mass of the people, the results obviously would not satisfy either the aspirations of the people or the requirements of the Declaration on the granting of independence to colonial countries and peoples. In Swaziland, the Constitution which had been imposed on the Territory also showed that the United Kingdom Government was concerned only for the foreign minority and the traditional chiefs.

100. It was difficult to understand the policy followed by the administering Power with regard to the recommendations of the Special Committee in 1962 and the resolutions adopted by the General Assembly. In view of its mandate, the Committee should act in accordance with the letter and the spirit of the Declaration on the granting of independence to colonial countries and peoples. For that reason, his delegation urged the United Kingdom Government to give effect to resolution 1817 (XVII), which was particularly concerned with the High Commission Territories.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963

101. At the 201st meeting of the Committee, on 25 July 1963, the representative of Ethiopia introduced a draft resolution (A/AC.109/L.75) jointly sponsored by Cambodia, Ethiopia, India, Iran, Iraq, Madagascar, Syria, Tunisia and Yugoslavia. Subsequently the Ivory Coast, Mali, Sierra Leone and Tanganyika joined as co-sponsors (A/AC.109/L.75/Add.1).

102. Introducing the joint draft resolution the representative of Ethiopia drew attention to its operative paragraph 5 which contained a new and important feature. It recommended that the General Assembly should study as a matter of urgency all measures for guaranteeing the independence and territorial integrity of the three Territories, such measures to include the possibility of establishing United Nations observation teams in those Territories. In that connexion he recalled the very special geographical situation of the three Territories. Two of them were completely surrounded by hostile neighbours, and the third was on the threshold of the Republic of South Africa. They represented outposts of African nationalism, and when they became independent there was no certainty that the South African Government would be disposed to accept them

as neighbours. The fact that Africans would have independent governments in those Territories might be considered by South Africa as contradicting the very doctrine of *apartheid*. In the interest of its own domestic policy, there was accordingly no certainty that it would tolerate those Territories. The South African Government was already uneasy about the fact that Africans could escape from its oppressive rule and take refuge there. That was why, in paragraph 5 of the draft resolution, the request was made for a study of preventive measures against possible aggression by a neighbouring State. The sponsors of the draft resolution had not wished to specify the nature of those measures. In referring to United Nations observation teams, they had not specified that those teams should be military in character or should involve themselves in peace-keeping operations. They were simply saying that there should be an effective United Nations presence which could assist the competent organs of the United Nations in obtaining authoritative information concerning any possible encroachment on the territorial integrity of the three Territories. They had likewise not specified the method to be followed for the establishment of the observation teams, for they had been aware that difficulties might arise for some delegations, in view of the stand taken by those delegations with regard to the peace-keeping operations of the United Nations.

103. At the 202nd meeting, the representative of Poland suggested the following amendments:

(1) In the second preambular paragraph, the words "outlining the constitutional steps thus far taken in these Territories" should be deleted;

(2) The following new preambular paragraph should be inserted:

"*Deprecating* the repressive measures against the nationalistic elements of the Territories";

(3) In operative paragraph 3, the words "once more" should be inserted after the words "*To request*";

(4) In paragraph 5, the words following "such measures" should be deleted;

(5) Paragraph 6 should note the administering Power's responsibility for providing economic, financial and technical assistance to the three Territories.

104. The representative of Italy suggested the following amendments:

(1) Replace the second preambular paragraph by the following:

"*Noting* that the administering Power has not fully implemented the provision of the Declaration contained in General Assembly resolutions 1514 (XV) and 1817 (XVII)",

(2) Replace operative paragraph 3 by the following:

"3. *To request* the administering Power to continue to proceed without delay and in consultation with the population of the three Territories to the creation and development of representative political institutions reflecting both the culture and traditions of the people and the needs of a modern democratic State."

105. The representative of the Soviet Union suggested the following:

(1) The draft resolution should express the Committee's view on the fact that the administering Power was co-operating with the Republic of South Africa in favour of the policy of *apartheid* and in favour of

strengthening the economic position of South Africa in the Protectorates;

(2) The Committee should roundly condemn the United Kingdom's repression of the Swazi people's liberation movement and that the draft resolution should include the judgement of the use of the United Kingdom military base in Kenya for that purpose;

(3) In operative paragraph 5 in the phrase "until such time that the General Assembly deems there is no longer a threat to their independence and territorial integrity", the words, "General Assembly" should be replaced by the words "United Nations";

(4) Paragraph 6 should be replaced by a paragraph urging the administering Power to work out effective measures designed to improve the cultural and economic position of the peoples and perhaps indicating the sources from which the necessary funds could be obtained.

106. The sponsors then announced that, after considering the oral amendments suggested by various representatives, they had agreed to accept the amendment of the representative of Poland to paragraph 3, and the amendment of the representative of the Soviet Union to paragraph 5.

107. The representative of Australia said that his delegation would vote against the draft resolution, for the essential reason that it did not take account of the constitutional progress—slow perhaps, but nevertheless real—that had been made in the Territories. The Australian delegation considered that it would have been only right to take account of the efforts of the Administering Authority, and it regretted that the amendments to that effect, which had been proposed by the Italian representative, had not been approved. Furthermore, his delegation wondered whether the peremptory tone of paragraph 4 was justified, as the United Kingdom delegation and the representative of the Republic of South Africa had publicly declared, on several occasions, that the Territories in question would not be annexed by South Africa.

108. The representative of Denmark said that like the Australian representative, he regretted that the Italian amendments had not been accepted. That was the reason why his delegation would abstain in the vote.

109. The Special Committee then adopted the draft resolution, as orally amended by 17 votes to 3, with 2 abstentions.

110. The representative of the United Kingdom said that, as references had been made in the Committee to the possibility of incorporation of the three Territories into South Africa, he wished to state once again, the position of his Government. He recalled that the responsible United Kingdom Ministers had declared on several occasions that, notwithstanding the Act of 1909 which contained a provision concerning the incorporation of those Territories into South Africa, there was positively no question of such annexation taking place. In any event, the Act of 1909 had ceased to have effect when South Africa had left the Commonwealth. He reaffirmed that his Government considered itself responsible for those Territories as long as they were entrusted to it. That was why his delegation objected to paragraph 5 of the draft resolution, which mentioned the possibility of acts of aggression.

111. Furthermore, the United Kingdom had voted against the draft resolution because it did not take account of the constitutional progress that had been

made in the Territories. He had already described that progress in detail at a previous meeting of the Special Committee (see paras. 24-30 above). He had explained on that occasion that a Constitutional Commission in Basutoland was to revise the 1959 Constitution, that the Constitution of Bechuanaland would be redrafted in consultation with representatives of the political parties and of the public, and that, as regards Swaziland, the Secretary of State for the Colonies had proposed a new Constitution which gave a predominant role to the people and attempted to strike a balance between the various parties.

112. In a letter dated 26 July 1963 (A/AC.109/51), the Permanent Representative of South Africa to the United Nations referred to paragraph 4 of the draft resolution and drew attention to a statement made by his delegation in the General Assembly at its seventeenth session, on 19 December 1962, at the time of the adoption of resolution 1817 (XVII), entitled "Question of Basutoland, Bechuanaland and Swaziland", and in which his delegation rejected "the charge contained in the penultimate preambular paragraph that it is the 'declared intention of the Government of the Republic of South Africa to annex these Territories'" (1198th plenary meeting, para. 2).

113. The draft resolution on Basutoland, Bechuanaland and Swaziland, as amended orally, which was approved by the Special Committee at its 202nd meeting, on 26 July 1963 (A/AC.109/50) read as follows:

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

"Recalling General Assembly resolution 1817 (XVII) of 18 December 1962 regarding the Territories of Basutoland, Bechuanaland and Swaziland which was adopted on its recommendation, and in accordance with the terms of General Assembly resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962,

"Having heard the statement of the representative of the administering Power outlining the constitutional steps thus far taken in these Territories,

"Regretting that the administering Power has not taken effective steps to implement the provisions of resolutions 1514 (XV) and 1817 (XVII),

"Being cognizant of the fact that the claim and the demand of the Government of the Republic of South Africa that these Territories should be transferred to it remain unchanged,

"Recalling the declaration contained in General Assembly resolution 1817 (XVII) to the effect that any attempt to annex Basutoland, Bechuanaland or Swaziland, or to encroach upon their territorial integrity in any way, will be regarded by the United Nations as an act of aggression violating the Charter of the United Nations,

"Mindful of the unsatisfactory state of economic, financial and social conditions in these three Territories and their dire need for external assistance,

"Recommends the General Assembly:

"1. To reaffirm the inalienable right of the peoples of Basutoland, Bechuanaland and Swaziland to self-determination and independence;

"2. To reiterate its request that the administering Power take immediate steps to return to the in-

digenous inhabitants all the land taken from them, whatever the form or pretext for such alienation;

"3. *To request once more* the administering Power to convene immediately a constitutional conference for each of the three Territories, in which all groups representing all points of view will participate with a view to devising democratic constitutional arrangements which will lead to general elections based on universal suffrage and, thereafter, to immediate independence;

"4. *To call upon* the Republic of South Africa to declare unequivocally that it will not attempt to annex or encroach upon the territorial integrity of these three Territories before or after their accession to independence;

"5. *To study* as a matter of urgency all measures for guaranteeing the independence and territorial integrity of the three Territories, and to ensure that no aggression will be committed against any one of the three Territories; such measures to include the possibility of establishing in these Territories with the consent of the people, United Nations observation teams until such time that the United Nations deems that there is no longer a threat to their independence and territorial integrity;

"6. *To make increasing efforts* to provide economic, financial and technical assistance commensurate with the special needs of the Territories through the United Nations programmes of technical co-operation and the specialized agencies."

CHAPTER X

BRITISH GUIANA

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1962

1. Following its consideration of the question of British Guiana at its meetings in 1962, the Special Committee, on 30 July 1962, approved without objection a draft resolution on this Territory (A/5238, chap. VII, para. 84).

2. In this resolution, the Special Committee, noting that both Houses of Parliament in British Guiana, in November 1961, had approved a motion calling on the United Kingdom Government to fix a date for independence in 1962, and taking into account the policy commitment of the United Kingdom Government to hold a constitutional conference for the independence of British Guiana, requested the United Kingdom Government and the Government of British Guiana to resume negotiations immediately with a view to reaching agreement on the date of independence for the territory, in accordance with the wishes of its people as expressed by their Parliament. The resolution also requested the Secretary-General of the United Nations to transmit the resolution to the administering Power.

3. By a letter dated 1 August 1962, the Secretary-General transmitted the Special Committee's resolution to the United Kingdom Government.

B. INFORMATION ON THE TERRITORY

Introduction

4. Detailed information on the Territory is contained in the report of the Special Committee to the General Assembly at its seventeenth session (A/5238, chap. XII, paras. 1-21).

Population

5. The estimated population of British Guiana at 31 December 1961 was 590,050, made up as follows: East Indians, 289,790; people of African descent, 192,660; Mixed, 68,420; Amerindians, 23,600; Chinese, 3,520; Europeans, 12,060.

Constitution

6. The present Constitution of British Guiana was introduced in 1961 by the British Guiana (Constitution) Order in Council 1961. The new Constitution

was based on the recommendations of a Constitutional Conference held at Lancaster House in London in March 1960. It was also agreed at that Conference that an Independence Conference would be called whenever the British Guiana Legislature so wished, but not before August 1962.

7. The 1961 Constitution, which is now in force, provides for a bicameral Legislature comprising a wholly elected Legislative Assembly of thirty-five members and a Senate of thirteen appointed members. The executive, the Council of Ministers, consists of a Premier and up to nine other Ministers.

1961 elections

8. General elections based on universal adult suffrage, held on 21 August 1961 under the new Constitution, were contested by the three main political parties, which are the Peoples Progressive Party, the Peoples National Congress, and the United Force. A total of 88.5 per cent of the electorate voted. The results were as follows:

(a) The Peoples Progressive Party (PPP), whose leader is Mr. Cheddi Jagan, won 20 seats; it had received 93,075 votes, or 42.6 per cent of the votes cast.

(b) The Peoples National Congress (PNC), whose leader is Mr. L. F. S. Burnham, won 11 seats; it had received 89,501 votes, or 41 per cent of the votes cast.

(c) The United Force (UF), whose leader is Mr. Peter d'Aguiar, won 4 seats; it had received 35,771 votes, or 16.4 per cent of the votes cast.

9. Subsequent to the elections the number of seats of the majority party (PPP) was reduced by two because the election of one member of the Party became invalidated and another member was sitting as an independent member of the Opposition. Thus PPP was left with 18 seats, PNC with 11 and UF with 4, while Independents held one seat.

10. Following the elections PPP which had secured a majority of seats in the Legislative Assembly, assumed office with its leader, Mr. Cheddi Jagan, as Premier.

Postponement of the Independence Conference

11. The principle of independence for British Guiana was accepted by the United Kingdom Government at

the Constitutional Conference of March 1960. In November 1961, a resolution was passed by both houses of the British Guiana Legislature asking the United Kingdom Government to name a date in 1962 for the granting of independence to British Guiana. In reply, the Secretary of State for the Colonies announced in January 1962 that he was willing to hold a conference in London in May 1962 to discuss the date and the arrangements to be made for the achievement of independence by British Guiana.

12. In February 1962, disturbances took place in British Guiana. These disturbances were such that the Governor, on the advice of the Council of Ministers, proclaimed a state of emergency.

13. On 13 March 1962 it was announced that the Secretary of State for the Colonies, after consultation with the Government of British Guiana, had appointed a Commonwealth Commission composed of three members "to inquire into the recent disturbances in British Guiana and the events leading up to them and to report thereon".

14. On 8 May 1962, the Secretary of State for the Colonies stated that although the United Kingdom Government had agreed in January to hold a conference on independence in May, subsequent events had made that impracticable. He said that a commission, under the Chairmanship of Sir Henry Wynn Parry, would begin an inquiry in the middle of the month into the February disturbances in Georgetown. He also stated that his Government was discussing with the British Guiana Government measures aimed at enabling the conference to have before it a formulation of local ideas for an independence constitution, with initial ideas of disagreement narrowed as far as possible. The two Governments were also undertaking a joint examination of financial matters. To enable those measures to be completed some deferment of the conference was needed. He proposed to hold it in July provided the necessary preparatory steps were completed in time.

15. On 3 July 1962, the Secretary of State for the Colonies made the following written statement in reply to a question in the House of Commons:

"The Commission appointed to inquire into the disturbances in February in British Guiana expect to submit their report in August. As I told the Government of British Guiana in mid-June, when urging the immediate submission by all parties of papers embodying proposals for consideration at the conference, which I had proposed to hold in July, I consider it essential that [the] Report of the Commission should be available to the conference before it starts. I regret, therefore, that it will be necessary to postpone the Conference. I now propose to hold it as soon as practicable after the Commonwealth Prime Ministers' Conference in September."⁸²

16. The Commission of Inquiry held hearings in British Guiana from 21 May to 28 June 1962. The Report of the Commission⁸³ was published in July 1962.

Independence Conference 1962

17. The British Guiana Independence Conference was held in London from 23 October to 6 November

1962, under the Chairmanship of the Secretary of State to the Colonies, Mr. Duncan Sandys.⁸⁴ In addition to the representatives of the British Government, the Conference was attended by delegates from the three political parties represented in the Legislative Assembly of British Guiana, namely PPP, PNC and UF. After eighteen sessions, the Conference ended on 6 November 1962 without reaching agreement on the major issues involved.

18. Although a number of constitutional points were settled, no substantial progress could be made, because of the failure of the Conference to reach agreement on three major questions, which were: whether elections should be on the basis of single-member constituencies as at present or on the basis of proportional representation, whether the right to vote should be accorded at the age of 21, as at present, or at the age of 18, and whether fresh elections should be held before independence.

19. The Government party, PPP, advocated single-member constituencies, voting at the age of 18 and no elections before independence. Both PNC and UF asked for proportional representation, voting at the age of 21, and the holding of fresh elections. In the absence of agreement on these issues, the Conference recognized that there were only two possible courses, namely, to leave the United Kingdom Government to arbitrate on the questions at issue or to adjourn the Conference.

20. The leaders of the three delegations from British Guiana were unwilling to agree to arbitration by the United Kingdom Government on the questions at issue. Mr. Sandys said that he would not consider it appropriate at this stage to impose decisions against the wishes of the Government party which held a majority of seats in the Legislative Assembly, or alternatively, against the wishes of the opposition parties which together had polled a majority of votes in the last election.

21. At the final session, on 6 November 1962, it was agreed that the Conference should be adjourned to allow for further discussions between the parties in British Guiana. Mr. Sandys emphasized that, since continued political uncertainty must inevitably prejudice the social and economic progress of the country, the present state of affairs must not be allowed to continue much longer. He stated that if, after an interval, no agreed solution could be found, the United Kingdom Government might have to consider imposing a settlement on their own authority so as to enable British Guiana to go forward to independence. Since that would be a most unhappy way of launching the new nation, he urged the three leaders to make a further serious effort to reach agreement amongst themselves.

Recent developments

22. In April 1963, in protest against the introduction of a labour relations bill in the British Guiana Legislature by the Government, the Trades Union Council called a general strike. The strike began on 20 April and is reported to have seriously affected the Territory's economy as well as its essential services. On 10 May, the British Guiana Government declared a state of emergency in order to maintain essential services. When the Special Committee began its general

⁸² See *Parliamentary Debates (Hansard), House of Commons, Official Report, Fifth Series*, vol. 662 (London, H.M. Stationery Office), *Written Answers*, col. 28.

⁸³ *Report of a Commission of Inquiry into Disturbances in British Guiana in February 1962* (London, H.M. Stationery Office), Colonial No. 354.

⁸⁴ The text of the report of the Conference was transmitted by the United Kingdom to the Secretary-General of the United Nations by a letter dated 20 November 1962 (A/5315).

debate on the question of British Guiana, on 20 June 1963, the strike was still in progress.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

23. The Special Committee considered the question of British Guiana at its 125th, 160th, 170th, 171st, 174th to 183rd, 189th and 190th meetings, held on 7 March, 30 April, 10 to 27 June and 9 and 10 July 1963.

Written petitions and hearings

24. The Special Committee circulated the following written petitions concerning British Guiana:

<i>Petitioner</i>	<i>Document No.</i>
Mr. L. F. S. Burnham, Leader, Peoples National Congress (two petitions)	A/AC.109/PET.49 and Add.1
Mr. Cecil Gray, Leader, National Labour Front (two petitions)	A/AC.109/PET.77 and Add.1
Mr. Cheddi Jagan, Premier of British Guiana (five petitions)	A/AC.109/PET.106 and Add.1-3
Mr. Felix Cummings, on behalf of the Premier of British Guiana....	A/AC.109/PET.115
Mr. Hoosani Ganie, President, British Guiana Ahmadiyya Anjuman Isha'at-i-Islam	A/AC.109/PET.120
Mr. Andrew L. Jackson, Vice-President, British Guiana Trades Union Council (two petitions)	A/AC.109/PET.132
Mr. Milton Hanoman, Chairman, British Guiana Multi-Racial Democratic Committee	A/AC.109/PET.134
Mr. J. H. Pollydore, Secretary, British Guiana Trades Union Council (four petitions)	A/AC.109/PET.135
Town Clerk, Georgetown	A/AC.109/PET.136
Mr. A. E. Charles, President, British Guiana Freedom Association	A/AC.109/PET.137
Mr. C. Persaud Bhairan, on behalf of the British Guiana Freedom Association	A/AC.109/PET.138
Mr. G. L. Munroe, Secretary, United Force Overseas (Great Britain) ..	A/AC.109/PET.139
Mr. Felix Cummings	A/AC.109/PET.153*
Mr. David de Caires, on behalf of the New World Group	A/AC.109/PET.154*
Mr. Maurice Allen	A/AC.109/PET.171*
Mr. Ganga Persaud, General Secretary, British Guiana Freedom Association (two petitions)	A/AC.109/PET.172*

* Circulated after the Special Committee had concluded its consideration of the question of British Guiana.

25. The Special Committee heard the following petitioners concerning British Guiana:

(a) Mr. L. F. S. Burnham, Leader, Peoples National Congress (125th meeting);

(b) Senator C. V. Nunes, Minister of Education, British Guiana (160th meeting);

(c) Mr. Andrew L. Jackson, Vice President, the British Guiana Trades Union Council (171st meeting);

(d) Mr. Brindley H. Benn, Vice Premier, British Guiana (174th and 175th meetings).

26. Mr. L. F. S. Burnham, the leader of PNC, said that the present Constitution under which the elections of 21 August 1961 had been held, had instituted full internal self-government. At those elections PPP, the party led by Mr. Jagan, the Premier, had secured 42.7 per cent of the votes and twenty seats, PNC, his own party, 41 per cent of the votes and eleven seats, and UF, led by Mr. Peter d'Aguiar, 16.3 per cent of the votes and four seats.

27. On 1 November 1961 the Premier had introduced a motion in the Legislative Assembly calling upon the United Kingdom to grant independence to British Guiana during 1962. The motion had been supported by PNC and had been carried by 31 votes to 4. His party had always advocated and agitated for independence and in fact had been the first political party during the 1961 election campaign to suggest a date, that of 31 May 1962. When speaking on the motion he had made it clear that independence was not an issue between the two major parties. The question which would have to be settled was the constitution under which an independent Guiana would come into being. It was the thesis of PNC that the constitution must be acceptable to the majority of the people and guarantee them the protection of certain basic rights and freedom from fear. To that end, his party proposed an electoral system of proportional representation which would reflect in the Legislature less inaccurately than the present system the electoral support enjoyed by the various political parties.

28. His party had welcomed the decision of the United Kingdom Government to hold a constitutional conference in London in May 1962 to discuss the date and arrangements for the achievement of independence by British Guiana. The proposed conference had, however, been unilaterally postponed by the United Kingdom Government on 4 May 1962 and again on 30 June 1962, on the grounds that it was necessary to have available the report of the Commission of Inquiry into the disturbances of 16 February 1962. The postponement had been publicly opposed by PNC. The conference had eventually been fixed for 23 October 1962. Before that date PNC had proposed to PPP that they should hold a conference in British Guiana to resolve their differences. The proposal had been rejected by the Premier, with the support of the Governor. It had become clear by that time that the main difference between the two parties centered round the electoral system. One spokesman for PPP had declared that rather than accept proportional representation his party would abandon its demands for immediate independence and continue to rule under the present Constitution until 1965.

29. At the British Guiana Independence Conference in London UF had supported the proposal of PNC that proportional representation should be introduced. Thus that system was favoured by the elected representatives of 57.3 per cent of the electorate, as against 42.7 per cent who favoured the present system.

30. As a final effort PNC had proposed that a referendum should be held so that the voters could decide which electoral system they preferred. That suggestion had been rejected by the Premier, and no satisfactory reason for the rejection had been given. The United Kingdom Government had used the difference as a pretext for not fixing the date for the attainment of independence and the present situation was one of deadlock.

31. The economic and fiscal problems of British Guiana were many and grave, but they were hardly likely to be solved until the question of the electoral system had been settled. In that matter the United Kingdom Government continued to use delaying tactics.

32. Independence was the inalienable right of the people of British Guiana. It would mean the final recognition of their human dignity and an opportunity for them to replace the old oppressive and dehumanizing colonial system by one in which there was real freedom for all and political and social democracy. The only obstacle to the achievement of that goal was the unwillingness of the Governments of the United Kingdom and British Guiana to let the sovereign people speak.

33. Mr. Nunes expressed the regret of Mr. Jagan, the Premier of British Guiana, that he had been prevented by circumstances from appearing before the Committee.

34. It was common knowledge that the British Guiana Independence Conference had been a total failure. He would not go into the subject in detail but would endeavour to apprise the Committee of the fundamental problems which had caused the collapse of the Conference. One of the basic difficulties from the outset had been the fact that the United Kingdom Government had allowed an item to be placed on the agenda which in substance was a question of the struggle for power among the political parties of the country and would not normally have been placed on the agenda of such a conference. Contrary to its own past principles in dealing with conferences of the kind, the United Kingdom Government had violated General Assembly resolution 1514 (XV) and in particular paragraph 5 of that resolution. That procedure had set the stage for the intransigent behaviour of the Opposition parties which had led to the breakdown of the Conference.

35. The situation in Trinidad and Tobago prior to its attainment of independence had been somewhat similar to that in British Guiana. The opposition had demanded a change in the electoral system to one of proportional representation. The Secretary of State for the Colonies, who had presided over the Trinidad and Tobago Independence Conference, had quite rightly rejected that demand. Similar demands were being made by the Opposition in British Guiana. The effect of the system of proportional representation on a multi-racial and multireligious community such as British Guiana would be the intensification of a tendency towards separatism and intolerance which had recently greatly increased as a result of Opposition tactics. The Government of British Guiana had been disturbed to note the complacency with which the Opposition had frankly stated at the Independence Conference that the system of proportional representation would prevent any single party from obtaining a working majority. It felt that the resulting instability would be disastrous in the context of British Guiana's needs and aspirations, and it could not in any circumstances agree to the system.

36. It was difficult to understand why there had been such a sharp departure from customary practice in the case of British Guiana. In his view it was discriminatory to impose upon that Territory any sort of condition or reservation prior to the transfer of the residual powers of defence and foreign affairs to the Government of British Guiana, in view of the different treatment meted out to other United Kingdom territories.

37. It had been clearly understood in 1961, after internal self-government had been granted to British Guiana, that whichever party won the elections would lead the country to independence. Now, however, not only had the Opposition parties reversed their stand but the United Kingdom had engaged in various subterfuges to arrest the smooth transition to independence. The long delay in the attainment of independence had created much unrest and had emboldened the Opposition to create further disorders since the disturbances of February 1962. A continuation of that situation would threaten the peace, security and economic well-being of the country and might even lead to international conflict because of outside interference.

38. With reference to the statement made in the Special Committee by the leader of the Opposition party in British Guiana (see paras. 26-32 above), strongly advocating the introduction of an electoral system of proportional representation, he maintained that the guaranteeing of certain basic rights would be achieved not by a change in the electoral system but by the entrenchment of those rights in the Constitution. His party had ensured that that should be done not only in the existing Constitution but also in the draft constitution for independent Guiana.

39. The Opposition had also charged that the Government was a minority Government. That was a most unfair charge, since it was the number of seats obtained and not the number of votes cast which constituted the majority. The elections had been held fairly; the constituencies had been delimited by a United Kingdom High Court Judge on behalf of the United Kingdom Government, and there had been no charges of corruption.

40. In January 1962 the Permanent Representative of the United Kingdom to the United Nations had informed the Secretary-General that his Government was willing to hold a constitutional conference in London in May 1962 to discuss the date and the arrangements for the achievement of independence by British Guiana (A/C.4/520). The United Kingdom Government had, however, failed to abide by the terms of that letter, since at the Conference, which had been held in October and not in May, the date of independence had not been discussed. The United Kingdom Government had exploited the differences between the parties in order to delay independence and had insisted on the principle of unanimity although the demands of the two Opposition parties had been unreasonable.

41. British Guiana wanted immediate independence with no prior conditions. The problem was that the Opposition parties wanted independence on their terms only. The United Kingdom Government had strengthened the Opposition by failing to take decisive action to transfer the remaining two areas of responsibility to the Government of British Guiana. That should be done immediately. Internal disputes could be settled at home. Nevertheless, at the Conference the Government party, in an effort to resolve the deadlock, had offered PNC, the major Opposition party, the right to elect the President and four Ministers of the new State, but the offer had been rejected. Furthermore, the Government had offered to form a coalition government with the major Opposition party; that effort, too, had met with no success. The Government was still prepared to share responsibility with PNC and even to hold new elections, provided they were held under

the present system, but the Opposition remained intransigent.

42. The United Kingdom Government was wholly responsible for the untoward developments in British Guiana; it had allowed the Conference to break down, in deference to an irresponsible Opposition, and had sown the seeds of further trouble in the Territory. He urged the Committee to discuss the problem of immediate independence for British Guiana and to call upon the General Assembly to put a stop to the United Kingdom's delaying tactics by resolving that a definite date for the independence of Guiana should be fixed.

43. Mr. Jackson said that twenty-six trade unions, with a membership of approximately 60,000, were affiliated to the British Guiana Trades Union Council. The Man Power Citizens' Association, an affiliate which represented sugar industry employees, most of whom were of East Indian origin, had a membership of 23,000. Only two unions, The Guiana Agricultural Workers' Union and the Rice Marketing Board Workers' Union, both of which were regarded as pirate unions, were outside the Council. The former was seeking recognition as a bargaining agent for the sugar industry workers despite the successes of the Man Power Citizens' Association in securing increased benefits which made them the highest paid plantation workers in the Caribbean area.

44. British Guiana had many grave problems. The gravest of them all was that the two largest groups in the country, those of Indian origin and those of African origin, were divided along racial lines. That division was almost rigid in the political field, but in the trade union movement the two groups could live and work in complete harmony. That was one of the primary reasons underlying the Trades Union Council's opposition to the Labour Relations Bill, 1963, which had been published in *The Official Gazette (Extraordinary) of British Guiana* on 25 March 1963, and in the newspapers on the following day.

45. On 28 March the General Secretary of the British Guiana Trades Union Council had sent a letter to the Minister of Labour, Health and Housing strongly protesting against the Government's failure to ascertain the views of the Council on so controversial a matter, and requesting a six-week postponement of the first reading of the Bill to enable the Council to make its views known to the Government. The Minister had, however, proceeded with the first reading on 2 April 1963.

46. On the morning of 16 April a delegation from the Executive Council of the British Guiana Trades Union Council had held discussions with the Minister, in the course of which they had expressed the Council's objections to the Bill in its original form and had expounded the principles which, in the Council's view, should be incorporated in a labour relations bill. The Minister had shown no sympathy for the Council's views on the matter, and the delegation's attempt to have an audience with the Premier had proved unsuccessful. While the second reading of the Bill, which had begun on 16 April, had been in progress in the Legislative Assembly, the Premier had reluctantly invited the Trades Union Council to meet him on 19 April 1963. It had been agreed that the talks would continue until 22 April and that if no agreement had been reached by that date further debate in the Legislative Assembly would be delayed.

47. On 18 April 1963 an Extraordinary Congress of the British Guiana Trades Union Council had recommended strike action to its twenty-six affiliates because of the Government's attitude, but the recommendation had not been put into full effect until 23 April, the day following the passage of the Bill in its second and third readings. On the latter date the Opposition had walked out of the Legislative Assembly in protest against the use of strike-breakers as official reporters, upon which the Premier had abruptly adjourned discussions with the Council.

48. Although the Bill was supposed to be patterned after the Wagner Act⁸⁵ in the United States and its subsequent amendments, it bore no relationship to that Act except for the provisions concerning compulsory recognition by employers of trades unions and of the right to enter into collective bargaining. In particular, the Bill empowered the Minister of Labour to proceed with a ballot without inquiring into the genuineness of the claim of a trade union seeking the right to represent workers in an industry or undertaking, and provided that even where an inquiry was conducted, the Committee conducting it need not report its findings, as could be seen from clause 5.(4) of the Bill, which merely stated that a report should be submitted "in due course".

49. It was evident from numerous statements by members of the governing party in the Legislative Assembly that the Government was determined to take control of the trade union movement. The British Guiana Trades Union Council, on the other hand, was determined to keep it free from control either by politicians or by employers. It was with that objective that the strike, which was now in its eighth week, had been called.

50. The present was the second general strike connected with a labour relations bill. The first had occurred in 1953; on that occasion the then Minister of Health and Housing had been President of the Guiana Industrial Workers' Union, which had failed to gain the recognition granted to the Man Power Citizens' Association. In 1963 one of the reasons for the Bill was to secure recognition for the Guiana Agricultural Workers' Union which had been set up in opposition to the Man Power Citizens' Association.

51. The Trades Union Council was satisfied that there was no longer any need for the introduction of legislation to secure the recognition of trade unions by employers. In order to meet the Government's desire, however, it had accepted the Bill in principle and had sought to secure amendments which would guarantee the workers' right to join the trade union of their choice and, at the same time, keep the movement free from domination either by politicians or employers. In the course of the negotiations between the Council and the Government, agreement had been reached on many points, but other points were still outstanding.

52. In the meantime, however, the workers' view of the Bill had changed considerably, and it was now felt that the Government should be asked to withdraw it. The same view was also taken by responsible bodies such as the Georgetown and Berbice Chambers of Commerce.

53. Instead of making a serious attempt to settle the dispute, the Government had engaged in strike-breaking first by invoking emergency powers and then

⁸⁵ National Labor Relations Act of 1935.

by employing strike-breakers to run transport and postal services. The Government had also requested the United Kingdom to send warships to British Guiana. The presence of those warships had incensed the striking workers and more than thirty cables had been sent by the affiliates of the Council to the Secretary of State for the Colonies. It was paradoxical to find a Government which had continuously accused the United Kingdom of employing imperialist tactics in order to deny the granting of independence, now call for warships to meet a purely internal situation. It was also beyond his comprehension that the United Kingdom Government should have acceded to the request of the Government of British Guiana since the presence of those warships was unnecessary and since British Guiana was fully self-governing.

54. As a result of the strike the Government had lost millions in revenue, and the industrial life of the country had been brought to a complete standstill. The cost of maintaining troops and warships was adding to the burden of the inhabitants. Under the emergency powers the Government had taken over control of foodstuffs and other essential commodities. The striking workers and their families were facing starvation, while it was believed that supplies were being diverted to the rural areas for the benefit of Government supporters. It was obvious that malnutrition would soon begin to take a heavy toll of lives. Since his arrival in New York further unfortunate events had occurred in British Guiana and more than 250 persons had been arrested. The blame for the situation rested squarely upon the British Guiana Government for its recalcitrant attitude and upon the United Kingdom Government for giving support to the Government of British Guiana. It was his fervent hope that the Special Committee would use its good offices by calling upon the United Kingdom Government to intervene so that an early solution favourable to all the parties concerned could be worked out.

55. Mr. Benn said that as attempts had been made to distort the facts and confuse the issues relating to independence for British Guiana he would briefly review the situation which had developed since the British Guiana Constitutional Conference in London in 1960. At that Conference the United Kingdom Government had accepted the principle of independence for British Guiana. It had not, however, acceded to the wish of the majority of the British Guiana delegation that independence should be granted by August 1961. Instead it had worked out a complicated formula providing that if at any time not earlier than two years after the first general election held under the new Constitution which was to result from the Conference, or upon its being decided that the West Indies Federation should attain independence, whichever period was shorter, both Houses of the British Guiana Legislature passed resolutions asking for independence, the United Kingdom Government would call a further conference to consider when it would be practicable to implement the request. The new Constitution anticipated by the Conference had been introduced in August 1961 but in the meantime, on 16 June of that year, the decision to grant independence to the West Indies Federation had been announced. Moreover, the announcement of the forthcoming accession to independence of Sierra Leone and Tanganyika—countries with which British Guiana compared favourably in economic and social development and which were less advanced than it was consti-

tionally—had been made soon after the Constitutional Conference in London. When the new British Guiana Constitution had gone into effect in August 1961 elections had been held in which independence had been one of the major issues, and the results of the balloting had constituted a decisive mandate in favour of that objective. It was in those circumstances that the new Legislature had passed resolutions in November 1961 requesting the United Kingdom Government to fix a date during 1962 for the attainment of independence. The resolutions had been adopted by overwhelming majorities, having the support of both PPP and PNC. It was important to point out that at the time of the August 1961 elections those two major parties had agreed, and the electorate had understood, that the party which won the elections would lead the country into independence without another general election. During the electoral campaign Mr. Burnham himself, the leader of PNC, had said that the people must make up their minds which party they wanted to lead them to independence, and that party had expelled its Secretary, Mr. Sydney King, for opposing the demand for immediate independence. Mr. Burnham had also stated in a broadcast that the elections would usher in a Constitution which would be but a prelude to full independence within a matter of months and had said at a meeting in June that by the time the Federation of the West Indies was celebrating its independence, in May 1962, British Guiana would be doing likewise. If Mr. Burnham had expected independence within so short a time, he could hardly have had another general election in mind. It should also be noted that proportional representation had not been advocated at that time and had not been an issue in the election. Thus it had been clearly implied in the attitudes of the two major parties that the advance to independence would take the form of the transfer of the United Kingdom Government's residual responsibilities to the British Guiana Government resulting from the 1961 elections.

56. On 13 December 1961 Mr. Jagan, the Premier, had requested Mr. Reginald Maudling, the then Secretary of State for the Colonies, to act upon the resolutions calling for independence; Mr. Maudling, however, had refused to fix a date for the country's accession to independence or even for a conference to decide on the date, merely promising to raise the matter in the United Kingdom Cabinet and inform the Premier of the latter's decision. Thereupon the Premier, interpreting the reply to mean that the United Kingdom Government might refuse the request for independence, had taken the matter to the United Nations. Following the Premier's statement in the Fourth Committee of the General Assembly on 18 December 1961 (A/C.4/515) a draft resolution had been submitted calling upon the United Kingdom Government to negotiate the issue of independence with the Government of British Guiana (A/C.4/L.728). Action on the draft resolution had been deferred over the Christmas recess, and on 15 January 1962, the day of the resumption of the Fourth Committee's deliberations, the United Kingdom Government had announced that it had agreed to hold a conference during the following May to discuss the date and the arrangements to be made for the achievement of independence by British Guiana (A/C.4/520).

57. In the meantime, the United Force (UF), a right-wing party which had taken an equivocal stand on the question of independence during the elections, had decided to oppose independence and with the an-

nouncement of the new conference it had begun an intense anti-independence campaign. When, at the end of January, the Government, in an effort to raise money for economic and social development, had introduced a draft budget including proposals for increased taxation, a compulsory savings scheme and measures to prevent widespread tax evasion, UF had seized upon it as a weapon to be used in its struggle to block independence. Other Opposition elements had then joined with that party and the campaign had become increasingly bitter. In an effort to discredit the Government, merchants had raised prices on all commodities, whether affected by the new taxes or not, and the riots of 16 February 1962 had been the result. Thereupon UF had used the rioting, which it had helped to bring about, as an excuse for demanding that independence should be withheld, and its views had been echoed in sections of the British Press. In May 1962 the United Kingdom Government had announced that the Conference would be postponed until July, and it had not actually taken place until October and November 1962. Thus it could be seen that the United Kingdom Government had allowed nearly a year to elapse between the date of the resolutions calling for independence and the Conference. He had no doubt that its vacillation had led those in the Opposition to believe that the United Kingdom would delay or withhold independence on the slightest excuse and had thus emboldened them in their attacks.

58. At the time the Independence Conference was meeting, Mr. Benn continued, all the pointers, and especially the election results and resolutions on independence which had been passed, had seemed to favour a decision to transfer the United Kingdom's residual responsibilities to the Government of British Guiana. The Opposition, however, smarting under its defeat, had injected an entirely new issue by demanding that the traditional electoral system should be replaced by proportional representation.

59. During the Conference the Government of British Guiana had made many concessions to the Opposition. In particular it had agreed to set up inter-party consultative committees on economic and social questions to consider proposals on planning made to the Council of Ministers. It had also agreed to allow the Opposition to elect the Head of State, who was to be vested with the power of veto regarding imports of military equipment, the establishment of foreign bases and declarations of war. It had made an offer, to which no clear answer had been received, to give the main Opposition party four seats in the Council of Ministers. Despite its strongly held views, it had agreed to extend the franchise to persons of eighteen years of age, in consideration of the fact that a high proportion of the population were young people. Although it regarded the Opposition demands for further elections before independence as unjustified, since before the elections the Opposition had agreed to forego any such further consultation, the Government would have been willing to agree to them if the United Kingdom had made new elections a condition of independence; the Premier had recently confirmed that concession in a public statement. Finally, the Government, despite its objections of principle, had agreed to accept a second chamber as an added safeguard for minority interests.

60. Despite all those concessions the Conference had ended in a deadlock, since the Opposition had remained adamant on the matter of proportional representation, which was an issue on which the Government could

not give way, since it believed that such a system would have tragic consequences in a multiracial and multireligious community such as that of British Guiana and would intensify the separatist tendencies that already obtained. Moreover, its political and economic consequences would be no less disastrous, for it would destroy the balance of power between two equally strong parties in favour of a small minority group and make a strong and stable government such as British Guiana needed impossible. The outcome might in fact be a military dictatorship.

61. The Opposition had claimed that proportional representation would prevent the establishment of an authoritarian régime after independence. Yet many countries which had introduced that system had fallen a prey to authoritarian rule, while others had been characterized by a multiplicity of parties and weak and ephemeral governments.

62. The Opposition claimed that the Peoples Progressive Party (PPP) was a "minority Government" representing only 42.7 per cent of the electorate. The aim of the elections, however, was to secure seats, not votes, and although it had not put forward candidates for six of the thirty-five constituencies, PPP had won twenty of them and the two Opposition parties together only fifteen. Had PPP put forward candidates for those six seats, it would have won a still greater percentage of the vote. A situation in which a party secured the majority of seats but not of votes was a commonplace in political science.

63. It was at that stage that the Government had proposed the addition of an Upper House to the legislature to represent special interests, to safeguard which it had already proposed the incorporation in the Constitution of a Bill of Rights guaranteeing human freedoms and rights. When the Opposition had turned down the suggestion for an Upper House, the Government had suggested that the United Kingdom should be requested to impose any form of constitution that had been adopted by the Colonial Office in recent years for any emergent territory, but that suggestion had also been rejected by the Opposition.

64. It was clear from the foregoing that British Guiana's failure to achieve independence at the Conference had been due to the unprincipled and intransigent behaviour of the Opposition, which wanted independence on its own terms alone, and to a breach of faith by the United Kingdom Government, which had used the Opposition's recalcitrance as an excuse for denying independence to British Guiana. The purpose of the Conference had been to fix the date and arrangements for the country's independence, and the United Kingdom's proper course of action would have been to transfer its residual powers to the Government of British Guiana.

65. The withholding of independence had had many serious consequences for British Guiana. First of all, it had delayed the country's economic expansion. In 1956 an expert of the International Labour Organisation had warned that if no new opportunities for employment were created in the Territory, the number of unemployed, which already amounted to 18 per cent, with 9 per cent under-employed, would be trebled by 1966. Although there had been some increase in production since then, the great acceleration of economic growth that the situation demanded was not possible under colonialism.

66. Next, the delay had encouraged the Opposition to foment disorder and unrest, with a view to overthrowing the Government and thwarting independence. The general strike called in April 1963 by the Opposition-controlled British Guiana Trades Union Council had been caused by such a desire rather than by dissatisfaction with labour conditions.

67. Aside from encouraging dissident elements, Mr. Benn went on to say, the United Kingdom's equivocal attitude had ensured that the parties elected to the Government did not control the machinery of State and hence had not the power to govern; once independence was granted the disaffection would subside, but it could only be further inflamed by any added delay in granting independence.

68. The Government had been greatly concerned by the outside interference in the internal affairs of the country which had been another consequence of the delay. During the 1961 election campaign two United States citizens, Mr. F. C. Schwarz and Mr. Joost Sluis, had openly supported UF and had admitted spending \$BWI 176,000 during the campaign. There was also evidence that United States organizations and individuals had been involved in the recent unrest, particularly the general strike, which was still going on. An American journalist, Victor Riesel, had revealed that leading trade unionists had been trained by the American Institute of Free Labor Development, which was financed by the United States Government, the petitioner continued. Those persons had returned to British Guiana with the aim of overthrowing the Government and were receiving money and advice from United States trade unionists. Independence would necessarily put an end to such interference.

69. There was a further consideration of importance for the future, one which threatened the very continuance of parliamentary traditions and conventions in British Guiana. Under existing constitutional arrangements responsibility for internal matters vested in the elected Government, functioning through Ministers, while defence and foreign affairs were reserved for the metropolitan Power, acting through a Governor. The elected Ministers exercised their functions through departments staffed by civil servants. The latter, however, were appointed by and subject to the authority of the Public Service Commission appointed by the Governor after consultation with the Premier, and the Commission's decisions were subject to review by the Governor, who was not bound by their advice. The police and the judiciary were in a similar position. Indeed, in the case of the Judicial Service Commission the elected Government had no voice in the appointment of its members. The position was therefore that the authority of the elected Ministers was exercised, subject to concurrence by civil servants answerable to the representative of the metropolitan Power. It was no secret that the United Kingdom Government did not sympathize with the policy of the Government party in British Guiana, and that fact had been reflected in the attitude of the civil service towards the Government since the attainment of internal self-government in 1961. In 1962 the civil service had joined in the strike against the Government's fiscal proposals, and civil servants who did not toe the line had been subjected to intimidation. It had acted similarly in the case of the general strike, and heads of important Government Departments were currently on strike, while some of the their juniors were still at work. Yet the

British Guiana Civil Service had never taken similar action against the United Kingdom Government.

70. In the case of the police the situation was even worse, for the Commissioner in charge of the force was an Englishman who evidently acted in accordance with the wishes of the metropolitan Power. Such dual authority rendered the executive power ineffective. The result was that Opposition elements could openly defy prohibitions against public meetings and engage in acts of violence, while the police turned a blind eye and the British Commissioner insisted that the situation was peaceful. Thus the British Government had created a situation in which subversion and rebellion were reaping rich rewards, and the Government was unable to implement its electoral programme. The remedy was simple: the British Government should honestly fulfil its obligation to assist the elected Government to govern.

71. The Government's difficulties were not due to the United Kingdom alone. Groups such as the International Confederation of Free Trade Unions, American oil companies operating in British Guiana, and others, had instituted lock-outs and an economic blockade aimed at destroying the Government. Such action was being taken in the name of "democratic" trade unionism, although more than half the workers in the country's trade unions opposed it and supported the Government.

72. The question to be answered in British Guiana was really a universal one, namely whether the democratic processes could function in a country whose Government was determined to institute change and abolish vested colonial interests and the *status quo*. The struggle against British imperialism by PPP had always been conducted by non-violent and constitutional means. It had twice won elections under adverse conditions. The current situation, however, made a mockery of constitutional Government and clearly revealed the metropolitan Power's subversion of the democratic process to which it paid lip-service.

73. The Government of British Guiana requested the Committee to call upon the British Government to discharge its constitutional obligations towards British Guiana honestly and sufficiently, so as to ensure that the elected Government had the authority to govern and the security with which to exercise that authority. Secondly, it requested the Committee to require the British Government to co-operate with it to restore and maintain law and order in Georgetown and eliminate the criminal and violent elements which dominated that city's politics. Thirdly, it requested the Committee to require the British Government immediately, in consultation with the British Guiana Government, to fix a date for independence, and on that date to hand over its remaining power to the latter. Lastly, it hoped that the Committee would send a delegation to observe the situation in British Guiana.

General statements by members

74. The representative of the United Kingdom noted that in a statement to the Special Committee in 1962 the British representative had informed the Committee that a constitutional conference in preparation for the granting of independence to British Guiana would be convened as soon as practicable (see A/5238, chap. VII, paras. 60-65). The Permanent Representative of the United Kingdom to the United Nations had subsequently transmitted a copy of the official report of

the Conference in a letter to the Secretary-General dated 26 November 1962 (A/5315). Since the adjournment of the Conference, the Governor of British Guiana had made repeated efforts to assist the leaders of the political parties to reach agreement among themselves. On 29 November 1962, only a few weeks after the adjournment, the Governor had presided over a meeting attended by Mr. Jagan and Mr. Burnham, but that meeting, unfortunately, had produced no concrete results. The Acting Governor had written letters to the leaders of the parties in December and January reminding them that he was at their disposal to facilitate further discussions, but neither side had shown any desire to resume formal negotiations. There had been a lengthy correspondence between Mr. Jagan and Mr. Burnham during that period on the possible formation of a coalition Government, which had led to a private meeting between them on 22 February 1963; but no agreement was reached at that meeting. Shortly afterwards Mr. Burnham had left the Territory to appear before the Committee, and the terms of his statement before it indicated that the negotiations between the leaders had not made much progress (see paras. 26-32 above). Finally, after Mr. Burnham's return to the Territory, the Governor had issued a further invitation to the leaders of all three parties on 27 March to renew their talks under his chairmanship, but that invitation had not been accepted.

75. It would be clear that the Governor of British Guiana, on behalf of the British Government, had taken every opportunity to bring the parties together and find a way of resolving the constitutional deadlock. Unfortunately, his efforts had been unsuccessful and the lack of progress on the constitutional front had been accompanied by a steady deterioration in the political and economic situation. The Government of British Guiana had introduced the Labour Relations Bill, 1963, to which the Trades Union Council, representing the majority of workers, had been strongly opposed. When the Government of British Guiana had decided to pass the bill through the lower chamber of the Legislature despite the protests of the Trades Union Council, the Council had called a general strike with effect from 20 April. On 9 May the Government had advised the Governor to declare a state of emergency, and the Governor had been bound by the Constitution to comply with that request. On 18 June, on the advice of the Premier, the Governor had prorogued the Legislature; as one consequence, the Labour Relations Bill had lapsed.

76. The United Kingdom Government deeply regretted that the two principal political parties in British Guiana had failed to reach agreement and that its attempts to resolve the deadlock had been frustrated by the mounting tension in the Territory. The struggle was recognized as more political than industrial. United Kingdom troops had had to stand by to assist, when needed, in maintaining law and order. It was to be hoped that, since the immediate cause of the strike had been removed with the lapsing of the Labour Relations Bill, all parties in British Guiana would work constructively towards remedying the economic damage done to their country in recent weeks.

77. The object of his Government's policy remained to bring British Guiana to independence at the earliest possible date, but the events he had described showed how forbidding were the obstacles which were first to be cleared away. The various initiatives by the

Governor on the constitutional front demonstrated the determination of the British Government to assist the leaders of the parties in finding a way out of the deadlock. However the Governor's efforts in the constitutional field had been overshadowed by the general strike and the proclamation of the state of emergency and the subsequent deterioration in the economic and political situation. His Government hoped that both the economic and political life of the country would speedily return to normal and permit the resumption of negotiations on the constitutional issues still unresolved.

78. The representative of Cambodia recalled that when British Guiana had been discussed by the Committee in 1962 the main question had been the holding of a conference to set the date for the independence of the Territory. The failure of the British Guiana Independence Conference, held in London in November 1962, had been a great disappointment. Independence, which had seemed so near, had been postponed for a long time. Judging by the report of the Conference (A/5315), the question of the transfer of power had not even been discussed. The Conference had dealt mainly with constitutional issues, which it had not been possible to settle and which had finally led to the adjournment of that important meeting.

79. Although the administering Power did not say so explicitly in its report on the Conference, it regarded the prior settlement of the constitutional issue as a condition for the granting of independence. Such an attitude ran counter to the provision of paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples. Both the 1961 elections and a resolution adopted by the deputies of both PPP and PNC had demonstrated the freely expressed will and desire of the people of British Guiana to become independent. Mr. Burnham himself had announced that his party had always stood for independence (para. 27 above).

80. Differences of opinion with regard to electoral systems were not unusual and sometimes occurred even in countries which had long been independent, where they were settled by the sovereign people.

81. In his delegation's view the unjustified impasse at the Independence Conference of November 1962 constituted the major obstacle to the Declaration's application in British Guiana. An even more serious factor was that there had been no developments since the adjournment of the Conference which might give ground for thinking that the political parties had moved closer to the settlement of their differences. Political tension had indeed increased and disturbances, accompanied by acts of violence, had broken out in the Territory. Soon there might be bloodshed and the deplorable situation might threaten international peace and security.

82. The antagonism between the two main political parties had prevented the establishment of a common front capable of frustrating the manoeuvres designed to delay the granting of independence to British Guiana. Although unanimity or a large majority was not a *sine qua non* of independence, his delegation would like there to be a community of views on that question, which was of fundamental importance for the people of a territory still under foreign domination.

83. The representative of the Government of British Guiana had suggested that observers should be sent to the Territory. The dispatch of such a mission might

be justified in so far as certain more or less controversial issues deserved to be studied thoroughly by absolutely impartial persons. Such a mission might also try to reduce the differences between the two main opponents in an endeavor to find a satisfactory solution. In any event, the transfer of power should occur independently of the attainment of the latter objective.

84. There was a further aspect of the question which had not been mentioned openly but which was regarded by many as an obstacle to the granting of independence in the present circumstances. It related to the political tendencies of the party in power. Quite clearly, his delegation could not endorse any such views. Cambodia upheld the Bandung Conference principle of non-interference in the internal affairs of other countries, which had been restated by Prince Norodom Sihanouk, the Cambodian Chief of State, at the Belgrade Conference in 1961.

85. On the basis of the foregoing, his delegation reached the following conclusions: the administering Power, having accepted the principle of the independence of British Guiana, should apply it without any conditions or reservations; independence should be granted to the Territory in accordance with the clearly expressed wishes of the people and their elected representatives; elections having been held on the basis of universal suffrage and a lawful Government having been constituted, power should be transferred to that Government; should the Government of British Guiana so request, a visiting mission might be sent to the Territory to study the serious situation prevailing there and to make recommendations for the restoration of order and peace. The dispatch of a mission might even precede any other step which the Special Committee might take. Those four conclusions were not formal proposals but merely expressed his delegation's point of view on the difficult problem before the Committee.

86. The representative of the Soviet Union said that before the Committee could determine its attitude towards the two problems involved in the discussion of British Guiana—*independence and the present situation in the country*—it was necessary to make a thorough analysis of the main forces and factors in the political life in British Guiana: namely, the United Kingdom, the Government of British Guiana, the Opposition parties, with particular reference to PNC, and the United States of America.

87. The United Kingdom still retained control of the main levers of influence over the situation in the Territory. Under the 1960 Constitution the territorial Government was responsible for internal affairs only, whereas all the main Government functions, including foreign policy and defence, had remained in the United Kingdom Government's hands. The British Governor retained control over the police and services responsible for carrying out the territorial Government's directives. During the Constitutional Conference the United Kingdom had promised early independence, but not before a year had elapsed; yet two years had already gone by since the 1961 elections and independence had still not been granted. The Committee should not be misled by the subterfuges and excuses to which the United Kingdom was now resorting in order to avoid carrying out its unambiguous promises to the people of British Guiana and to the world public.

88. With reference to the position of the Government of British Guiana formed by PPP after its victory

in the August 1961 elections, it should be stressed that that party had come to power in conditions which, in essence, had been determined by the United Kingdom Government. On three occasions, in 1953, 1957 and 1961, under colonial constitutions and in conditions of colonialism, the people of British Guiana had expressed their wishes regarding the party that should lead the country, thereby convincingly demonstrating their complete confidence in the present Government, which was enjoying the people's time-tested support.

89. An analysis of the position of PNC showed that that party's platform in the 1961 elections had included a call for immediate independence regardless of the outcome of the elections. The leaders of that party had now retreated from their election promises and were stating that they did not want independence as long as new elections in British Guiana were not held on the basis of proportional representation. The Committee had no guarantee that, were PNC to be defeated in elections held under the system of proportional representation, it would not advance yet another electoral principle and call for further elections, again renouncing independence on that pretext. It was legitimate to ask whether that process was to go on for ever or until such time as PNC came to power. The fundamental factor which had to be taken into account in assessing the position of PNC was that all the parties which had participated in the 1961 elections had agreed to the present Constitution and to the electoral system approved by the United Kingdom.

90. On the question of United States interference in the affairs of British Guiana, the Committee's position must be quite definite. Such interference was inadmissible, regardless of whether British Guiana was an independent State or under United Kingdom rule. The motives underlying United States activities with regard to British Guiana were well known and could only be condemned.

91. British Guiana's economic and political situation was complex. It might be asked who was responsible for that situation and why a country whose people wanted independence and whose Government was doing its utmost to attain independence, raise levels of living, satisfy the people's needs and develop culture and education was facing grave difficulties. The main reason lay in the fact that independence had not yet been granted, although the United Kingdom had promised it long since. The present Government, elected by the people in elections in which they had opted for independence, did not possess all the necessary means for leading the country to happiness and prosperity: it lacked the main attribute—*independence*. No Government of an independent country would be able to remain in power for one month in the conditions with which the Government of British Guiana had to contend; yet the latter had been in power for nearly two years despite the fact that the United Kingdom had not only failed to grant independence to the Territory but had not even handed over the necessary political and economic powers. The Government of British Guiana had also had to contend with intrigues in which the activities of the United Kingdom and of the United States were clearly discernible. It was hardly to be expected that in such circumstances peace and order would reign in the country and that all government, political and economic institutions would function normally.

92. In order to determine what position the Committee should take and whether or not it should become

an arbitrator and endeavour to find a common platform between the United Kingdom and the Government and the Opposition in British Guiana, it was necessary to recall the Committee's terms of reference, the representative of the Soviet Union went on to say. The General Assembly had entrusted the Committee with the task of seeking ways and means of ensuring the implementation of the Declaration on the granting of independence to colonial countries and peoples. It followed that in the case of British Guiana the Committee's main task was to express its opinion on the question of its being granted independence. Independence should have been granted to the Territory long ago, even according to the United Kingdom's original point of view, not to mention the provision of the Declaration that all colonial countries must be granted immediate independence without any conditions or reservations.

93. The United Kingdom's attitude in the question must be described as unprecedented hypocrisy. In the case of Southern Rhodesia, the United Kingdom, while conducting negotiations with the white settler Government, refused to listen to the people's representatives. In the case of British Guiana, however, it was stating that it could not grant independence in view of the absence of unanimity between the opposition parties and a Government lawfully elected under conditions which the United Kingdom itself has proposed. The Committee could not agree with the United Kingdom's argument on the basis either of the Declaration or of the facts.

94. British Guiana must be granted all the prerogatives and resources normally enjoyed by all Governments. The conclusion which the Committee was bound to reach was that the sooner independence was granted to British Guiana, the sooner would peace and order reign in the Territory and the internal difficulties be overcome. The Government of British Guiana had appealed to the Committee to send a mission to the Territory. In his delegation's view, the appeal should be heeded, it being understood that the mission would be guided in its activities by the provisions of the Declaration.

95. The representative of Iraq said that the hope that British Guiana would become an independent country by the end of 1962, in accordance with the territorial legislature's request to the United Kingdom Government in 1961, had been dashed when the outbreak of turmoil and rioting in the Territory early in 1962 had been seized upon by the United Kingdom Government as a pretext for postponing the Independence Conference. That Conference had finally been held after two postponements but unfortunately it had ended in failure, without agreement on the date for independence. Furthermore, the country's economy was being crippled by a general strike which had already lasted for over two months.

96. The mandate entrusted to the Committee by the General Assembly was to find the best ways and means of expediting the granting of independence to all colonial countries and peoples. Iraq held that all dependent territories should accede to independence within the shortest possible period of time. Despite the political and racial strife and the differences and difficulties besetting British Guiana, the local leaders should assume responsibility for governing the Territory and should make a fresh attempt to reach agreement on the country's future and independence. The electoral system seemed to be the main cause for disagreement;

that problem should be settled by the leaders of the various groups and parties in the Territory, for the longer such problems were allowed to exist, the more complex and dangerous they became.

97. While the administering Power could not be absolved of its share of the responsibility for the present state of affairs in the Territory, it behoved the people of Guiana to reach agreement among themselves and prevent any further postponement of their independence. It was quite clear that, since each of the two major parties commanded wide support among the people, they would both have to compromise. The future of the people as a whole was at stake and no one party was in a position to lose the co-operation of the other.

98. There was no doubt that external influences had been interfering in the affairs of British Guiana. Such interference by outside groups and Powers could lead to civil war and internal strife. It was sincerely to be hoped that all those who truly cared for the welfare of the people of British Guiana would cease their dangerous game and leave it to the people themselves to resolve their problems. The political parties and different sections of the people should realize the dangers of collaboration with foreign elements or of reliance upon their support. They should know that foreign interests pursued selfish goals and were not concerned with the true interests of the people and the country.

99. In the view of the delegation of Iraq, a new conference should be called in the near future at which every effort should be made to secure agreement among the representatives of the people of Guiana and to set a date for independence. It might also be useful for the Committee to send a small mission to the Territory as soon as possible to ascertain local conditions and report back to the Committee. The representative of Iraq sincerely hoped that the United Kingdom Government would extend its co-operation and assistance to the Committee and the people of British Guiana and that an independent State of Guiana would soon be admitted to membership of the United Nations.

100. The representative of Sierra Leone said that it was clear from the statements of the petitioners that a tense situation prevailed in British Guiana. One of the petitioners, a Minister in the present Government, had maintained that the United Kingdom Government could do much more than it had done so far to help maintain law and order. It had also been suggested that the present régime could handle the situation better if the Territory were granted independence and if the Government's hands were not tied by the constitutional framework in the country. A different interpretation of the situation had been given by Mr. Burnham, the leader of PNC, and by a trade union leader, but it was quite clear that unless something was done quickly, the situation might deteriorate rapidly.

101. It was difficult to divorce the situation in British Guiana from broader questions outside British Guiana. Indeed, certain suggestions had been made in the Committee. In the view of his delegation, however, the Committee needed additional facts before it could reach any conclusions on those matters. That was why his delegation was strongly in favour of the suggestion that a sub-committee should be sent to British Guiana to investigate the situation, establish contacts and thus help the people to achieve independence. There had been clear indications that the problem of British Guiana had some racial implications, and it was likely

that a sub-committee with a multiracial composition could establish the kind of contacts and exert the kind of influence that was desirable.

102. There was general agreement that independence for British Guiana was a matter of urgency. The United Kingdom Government itself had stated often enough that the Territory should obtain independence. The sooner it became independent the better it would be for all concerned and the sooner the people would be able to tackle the economic problems, which were assuming ever greater dimensions.

103. The representative of Venezuela recalled that at the Ninth and Tenth Inter-American Conferences, held in 1948 and 1954, the American republics had declared their desire to eliminate colonialism and the occupation of American Territories by extra-continental countries and their support for the legitimate aspirations of peoples under domination to achieve sovereignty. The people of Venezuela, in particular, were interested in the future of British Guiana and their concern would continue until Guiana had become a stable and progressive sovereign State.

104. It was well known that there was a border problem between Venezuela and British Guiana, but his Government had never held that the independence of British Guiana should be subject to the prior settlement of that problem. The two problems were independent; no matter what the status of British Guiana might be in the future, Venezuela's rights would be the same and could not be abandoned.

105. In order to investigate the most suitable ways and means for the speedy and total application of the Declaration on the granting of independence to colonial countries and peoples to all Territories which had not yet achieved independence, the Special Committee had adopted procedures which included the securing of information and documentation on the Territory under consideration, the hearing of petitioners, members making statements in the Committee and the appointment of visiting missions. After discussing the question of British Guiana in 1962, the Committee had adopted a resolution requesting the Governments of the United Kingdom and British Guiana to resume negotiations for the purpose of reaching agreement on the date of independence for British Guiana. The Independence Conference held in London in October and November 1962 had not, however, come to any agreement on that date. The Committee should not re-examine the entire problem, but it should examine the reasons for the failure of the Conference and seek the most suitable means of applying the Declaration to British Guiana.

106. All the petitioners who had appeared before the Committee agreed that independence should be achieved as soon as possible. The disagreement among them concerned the basis on which independence should be granted. In his delegation's view the most important condition for the achievement of independence was that a territory should have a Constitution freely expressing the will of the people. Only the people of Guiana could decide the basis upon which independence should be attained; the Committee could only determine whether or not the will of the people had been respected. The Vice-Premier of British Guiana had told the Committee that there was substantial Opposition in British Guiana to the Government in power. From the statements of other petitioners, including that of Mr. Burnham, leader of PNC, it could be deduced that that Opposition was due to differences with respect to the Constitution under which Guiana

should attain independence. It was those differences which had caused the recent disturbances in British Guiana.

107. There was general agreement that British Guiana should be granted independence. It lay with the Committee, therefore, to study the factors which were delaying that process and to take action, within its terms of reference, to eliminate any obstacles.

108. The Venezuelan delegation considered, first, that the Committee had no authority to make any recommendations in respect of the causes of the disagreement; it could only appeal to the political parties, the trade unions and all the people of British Guiana to make every effort to achieve agreement and the supreme goal of independence. Secondly, the administering Power should be asked to convene a new constitutional conference as soon as possible at which all the interested parties will be represented in order to establish the date for independence. Thirdly, the Committee should offer its good offices to help the parties concerned to settle their differences. Fourthly, a mission should be sent to the Territory to obtain the additional information the Committee required.

109. The representative of Ethiopia reviewed the circumstances which had preceded the Special Committee's resolution of 30 July 1962 on the question of British Guiana (A/5238, chap. VII, para. 84) and recalled that the resolution had requested the United Kingdom and British Guiana Governments to resume negotiations immediately with a view to reaching agreement on the date of independence for the Territory.

110. The United Kingdom representative had informed the Committee that at the Independence Conference held in London, October and November 1962, it had been found impossible to make substantial progress until decisions could be reached on three major questions, namely whether elections should be fought on the basis of single-member constituencies or on the basis of proportional representation, whether the right to vote should be accorded at the age of twenty-one or at the age of eighteen, and whether fresh elections should be held before independence. There were, however, hopeful signs of reconciliation. Statements made in the Committee by members of the British Guiana Government had indicated that agreement might be reached on the questions of fresh elections and the voting age; thus the three major questions could be narrowed down to one. While it appreciated the difficulties, his delegation felt that it should be possible to reach agreement through continued talks between the principal parties of British Guiana. The collaboration of the administering Power was of vital importance and he was confident that the United Kingdom Government would lend its full co-operation.

111. His delegation did not intend to make any formal proposals at the moment but would support the suggestions put forward by previous speakers, particularly the proposal for the establishment of a smaller group of the Committee, with the mandate of finding the best ways and means of implementing the Committee's earlier resolution.

112. The representative of Poland recalled that, under pressure from the national liberation movement, the United Kingdom had accepted the principle of independence for British Guiana and had granted that country internal self-government under the 1960 Constitution. Moreover, the question of independence had been a major issue in the campaigns of all parties in

the 1961 elections, and the majority of the people had understood that the victorious party would lead British Guiana to independence. In November 1961 both chambers of the British Guiana Legislature had approved the motion that the United Kingdom Government should fix a date for independence in 1962. Yet, the United Kingdom was delaying the granting of independence under various pretexts; it had postponed the Independence Conference from May to July and then until October 1962, thus encouraging hostile elements in the Territory who had been interested in instigating disturbances to subvert the Government and who had openly advocated the postponement of constitutional talks.

113. In all cases of colonialism the United Kingdom had sought to justify its position by maintaining that its actions were based on the principles of democracy and the need for a representative Government. The Government of British Guiana which the people had supported in three consecutive elections held during the last ten years was, however, fully representative and the reason for the attitude of the United Kingdom was its obvious dislike of that Government. The political charges which the United Kingdom had made against the Government of British Guiana since 1953, when the Peoples Progressive Party led by Mr. Cheddi Jagan had won the election, were of the type that were always used by the colonial forces in their attempts to crush the struggle for independence in any part of the world. The colonial Powers applied the principles of Western democracy only when it suited them to do so. Despite the provisions of paragraph 2 of General Assembly resolution 1514 (XV), the elected Government was disregarded if its policy was not to the liking of those who had vested interests in the Territory. Almost the entire economy of British Guiana was in the hands of foreigners mostly British and American, and a great deal of the wealth generated there was leaving the country. It was significant that, according to *The New York Times* of 31 May 1963, two United States oil companies operating in British Guiana intended to ask their Government to protect their property and interests in the Territory. That recalled the prelude to the tragic events in the Congo.

114. The arbitrary nature of the delay in granting independence to British Guiana could be seen from the attitude of the United Kingdom Government during the Constitutional Conference of 1962. The main subject of the Conference, the establishment of a date for the independence of British Guiana, had not been discussed. Moreover, the United Kingdom Government had allowed the Conference to break down and was still delaying the granting of independence under the pretext of the lack of agreement between the two major political parties on the question of the electoral system. That attitude of the Administering Power was contrary to the spirit and the letter of the Declaration on the granting of independence to colonial countries and peoples. The representative of Tunisia had rightly pointed out at a previous meeting (chap. III, para. 195, above) that the Declaration did not make the existence of a Constitution a condition for the transfer of all powers to the people. In the case of British Guiana, the people had already expressed their desire for independence and the administering Power had only to transfer the powers of defence and foreign affairs to the Government of the Territory without any conditions or reservations. The long delay in British Guiana's attainment

of independence had already created much unrest. The disturbances in the Territory were likely to continue until independence was granted, since no Government could function effectively unless it enjoyed all the attributes of power. Only when it gained independence would British Guiana be able to overcome the many difficulties and grievances inherited from over 130 years of colonial rule.

115. The Polish delegation would support the proposal made by the Vice-Premier of British Guiana that a sub-committee should be sent to the Territory, on the understanding that the sub-committee's terms of reference would be based on General Assembly resolutions 1514 (XV), 1654 (XVI) and 1810 (XVII).

116. The representative of Chile said that any further delay in granting independence to British Guiana would create new difficulties for the administering Power and might have unfavourable repercussions in international relations. It was the duty of the Committee to consider the question objectively, with due regard for the principles of the United Nations Charter.

117. Although the United Kingdom undoubtedly intended to grant independence to the Territory, no progress was being made towards the liberation of the people of British Guiana. At the Independence Conference of 1962, the question of the Constitution and the internal régime of the Territory had perhaps been confused with the related question of a date for independence and the transfer of powers. It was regrettable that the representatives of British Guiana had not agreed among themselves at the Conference and had not succeeded in finding a solution to the difficulties, in the interests of the independence of their country and the future of their people. Since then the situation had deteriorated to such an extent that the Territory was on the brink of economic bankruptcy, and the only possible solution was for the people of British Guiana to achieve independence. Chile and the other Latin American countries were following the unhappy events in British Guiana with concern and brotherly understanding. At various inter-American conferences, they had expressed their determination to achieve the elimination of colonialism in America. It was therefore the duty of the American countries to do everything possible to ensure that British Guiana achieved independence without delay.

118. Independence was an irreversible process and, in accordance with paragraphs 3 and 5 of General Assembly resolution 1514 (XV), it could not be subject to any conditions. If peoples were not prepared for independence, that was the fault of the colonial Powers. The internal situation in a Non-Self-Governing Territory could not be used as a pretext for delaying the granting of independence. That did not mean, however, that everything possible should not be done to create the conditions necessary for independence, which should promote the dignity, freedom, development and well-being of the people. The other countries of Latin America had achieved independence at a time when the United Nations had not existed, but in most cases it had been a joint undertaking. Today, with the help of the United Nations, it should be possible to achieve independence in better conditions than had then been possible.

119. The Chilean delegation would join in any appeal to the leaders of the various parties in British Guiana to reconcile their views and shoulder their responsibilities. In particular, the hostility between In-

dians and Africans should cease, and political differences should not be transformed into racial hatred. In Latin America there had always been harmony and co-operation between different races and, since the composition of the Government and labour unions in British Guiana was multiracial, such co-operation should be equally possible there.

120. His delegation was confident that the administering Power would use its influence to maintain order in the Territory and arrange for the resumption of negotiations which would lead to the rapid convening of a conference with a view to granting independence to British Guiana. A sub-committee should visit the Territory and report on the situation. The problem urgently required attention because British Guiana was wasting its energies and resources and was likely to become a source of international conflict.

121. The representative of Uruguay recalled that there was general agreement on the need to grant independence to British Guiana and that General Assembly resolution 1514 (XV) had specified that powers should be transferred without conditions or reservations. It was clear that powers should be transferred to the legitimate representatives of the people. Resolution 1514 (XV) had laid down no specific procedure for the election of such representatives because it had been felt that the establishment of a specific procedure might serve as a pretext for delays. Elections on the basis of universal adult suffrage were the generally accepted method of expressing the will of the people, but the choice of the system of representation was also important.

122. Uruguay had a system of proportional representation. His delegation recognized, however, that in certain circumstances it might be desirable to adopt other systems providing greater guarantees of stability or unity and reflecting more accurately the sociological situation in a country. For the purposes of the application of General Assembly resolution 1514 (XV), any system was valid if it had a rational basis and met the requirements of public order. Other newly independent countries had adopted systems similar to that followed in British Guiana, and the validity of the mandate given to the representatives of the people had never been questioned. Each country should choose its own electoral system and the Committee was not competent to make recommendations on that subject, for that would violate the principle of non-intervention.

123. His delegation therefore concluded that British Guiana had *de jure* achieved the right to immediate independence and that steps should be taken forthwith, including the convening of a new constitutional conference, to transfer all powers to the people of the Territory in accordance with their freely expressed wishes. It also considered that the Committee was empowered to take action on the situation in British Guiana and should use its good offices to promote harmony and national unity there. The experience of the Latin American countries, which had on many occasions indicated their desire to end colonialism in America, had taught them that freedom should be granted to all countries which desired it.

124. The representative of Mali recalled that on 1 August 1962 the Secretary-General of the United Nations had transmitted to the administering Power (A/5238, chap. VII, para. 85) the resolution adopted by the Special Committee at its 90th meeting, on 30 July 1962, requesting the Governments of the United

Kingdom and British Guiana "to resume negotiations immediately with a view to reaching agreement on the date of independence for British Guiana, in accordance with the wishes of the people as expressed by their Parliament" (*ibid*, para. 84). Since that date nothing had been done to help the Territory attain independence. Indeed, the situation had deteriorated, as could be seen from the strikes which were slowing down the country's economy and creating a climate of social instability favourable to foreign interference.

125. His delegation had no wish to intervene in a domestic dispute by trying to enumerate the successes of the present Government or by expressing views in favour of or against a régime which was and would remain within the exclusive competence of the people of British Guiana.

126. An analysis of the statements made by the petitioners, who included a leader of PNC, a senior trade unionist and the Vice-Premier of British Guiana, and of the detailed documentation made available to the Committee, had led his delegation to the conclusion that the only point at issue was that of the granting of independence to British Guiana. The Territory had traversed all the normal stages towards independence. No further preliminary condition should be set. The Constitutional Conference convened by the United Kingdom in March 1960, in response to pressure from the national liberation movement, had approved a new Constitution, providing for full internal self-government, to enter into force in August 1961. At that Conference the United Kingdom Government had also accepted the principle of independence for British Guiana, and provision had been made for holding an Independence Conference in 1962. Accordingly, in October 1961 the two chambers of the British Guiana Legislature had adopted a resolution requesting the United Kingdom Government to hold such a Conference. The United Kingdom Government had acceded to that request and had set a date in May 1962 for the Conference.

127. It was easy to see that the country had progressed naturally towards full sovereignty, the representative of Mali continued. The elections held, on the basis of universal suffrage after the Constitutional Conference in 1960, had led to the formation of a lawful Government headed by Mr. Jagan, the leader of PPP, which had won 42.6 per cent of the votes cast and had been the winning party in the 1953 and 1957 elections.

128. The hopes born of the 1960 Conference had, however, been dashed. For reasons which were difficult to determine and which obviously did not correspond to the will of the people, the United Kingdom Government had reopened the question of independence and had postponed the Independence Conference. As a result of foreign interference, party strife had been fanned and social unrest created in order to impede a Government anxious to proceed with its task and, above all, in order to justify the argument, invoked by every administering Power, that the people were not ready for independence. Such an attitude was totally incompatible with the provisions of paragraph 5 of the historic Declaration on the granting of independence to colonial countries and peoples.

129. Despite the present differences of opinion among the people of British Guiana, which, he was certain, would give way to national interest, the yearning for independence was shared by one and all. His delegation appealed to the statesmen of British Guiana to realize that the reasons for unity far outweighed their

differences. It invited the United Kingdom to continue the admirable task begun at the 1960 Conference and, without delay, to hold a new conference for the purpose of transferring the powers and attributes of sovereignty to the Government which had been put in office by the will of the people. Any other course would amount to the shirking of responsibility.

130. His delegation supported the proposal put forward by some members of the Committee that a visiting mission should be sent to the Territory. It was convinced that no effort should be spared to help the parties to overcome their present difficulties, so that British Guiana could attain independence without delay. The mission should be regarded as a good offices mission and not as a mission of inquiry. He hoped that the United Kingdom Government would co-operate in the matter.

131. The representative of Tanganyika said that after the accounts which had been given by the Premier and Vice-Premier of British Guiana, the leader of the Opposition party, PNC, by a leader of the Trades Union Council and by the representative of the administering Power, the Committee was familiar with the major aspects of the problem. British Guiana was a self-governing colony on the verge of independence. In fact, the Committee had been given to understand that the major obstacle to independence, which was now long overdue, was the failure of the various groups and leaders in the Territory to reach agreement among themselves.

132. His delegation strongly deplored the unfortunate fact that it had hitherto proved impossible for the various groups and parties and the administering Power to reach agreement on a matter of paramount interest to the people, namely freedom, national sovereignty and independence. His delegation was familiar with situations and periods in the history of various colonial Territories where internal differences and conflicts had appeared insurmountable and the attainment of independence remote. Such divisions created fertile ground for the classical practices of "divide and rule" long cherished by the colonial Powers and their agents. Sooner or later, however, the people realized that they had to learn to live together in harmony and unity and work for freedom and national reconstruction. He was convinced that, whatever the difference, the people of British Guiana could and should reach agreement and become independent. The sooner the parties and the leaders in the Territory did so, the better it would be for their country. They would be able to save the people of British Guiana from the scourge of hatred, strikes and violence and to mobilize them for the great work of development and reconstruction with which every new nation was faced. They should realize that there were many colonized peoples in various parts of the world who were struggling to achieve British Guiana's rather enviable position of having only to agree on the terms of independence. The different peoples in the Territory should not forget that they had to live together and that only harmony, good will, trust and co-operation would save them from chaos and untold suffering.

133. His delegation would support any measure or decision which might lead to reconciliation and to immediate independence in accordance with General Assembly resolution 1514 (XV). For that reason it supported the suggestion that a sub-committee should be sent to British Guiana.

134. The representative of Tunisia expressed his delegation's profound disappointment at the fact that British Guiana had not yet attained independence and that the prospects of independence seemed remote. He regretted the failure of the talks in London and Georgetown. He was convinced that given more good will on the part of all concerned, and particularly of the United Kingdom Government, an arrangement could have been found for the transfer of power to the representatives of the people in accordance with General Assembly resolution 1514 (XV).

135. The present situation in the Territory was not such as to pave the way for a fair solution of the problem. The Government and the Opposition were moving farther apart, and the situation, which was deteriorating from day to day, might degenerate into the worst kind of civil war—that between different races living in the same country.

136. His delegation refused to throw its support behind either of the two political groups between which the people of British Guiana were more or less equally divided. Nor did it wish to assess the respective merits of the system of single-member constituencies as against that of proportional representation.

137. The people of Guiana were divided by feelings which went deeper than differences about electoral systems, the minimum age for voting, election dates, budget and labour legislation problems or racial antagonisms. Each party was firmly convinced that the other was in the pay of foreign interests. The Guianese should overcome that mistrust without delay, since the continuation of the colonial régime could only lead to greater differences and deeper suspicions. The two main groups in the Territory must realize that their country could not live either without the people of Indian origin or without those of African origin, that it could not live without the followers either of PPP or of PNC. Guiana was too small a country to dispense with any of its people; it needed the efforts of one and all. His delegation was convinced that if all the leaders of Guiana, particularly Mr. Jagan and Mr. Burnham, who had already given such proof of their devotion to their country, could rise above the atmosphere of passion and suspicion prevailing at Georgetown, it would be possible to overcome the political crisis and to set a very early date for independence.

138. It was incumbent upon the Committee to make the people of British Guiana and its leaders heed the language of common sense. For that reason his delegation was in favour of the establishment of a sub-committee whose main task would consist in helping the parties concerned to find a formula for reconciliation leading to immediate independence. Such a sub-committee should be a good offices organ, rather than a visiting mission. There was no reason why the United Kingdom Government should object to such a mission of conciliation. If it did object, the views of all those who, explicitly or implicitly, had been accusing it of prolonging the present differences with a view to perpetuating the colonial régime would be justified.

139. If, contrary to his expectation, the United Kingdom Government once again refused to admit the sub-committee to the Territory, the sub-committee should be authorized to proceed to neighbouring countries. In that respect, the co-operation, advice and powers of persuasion of the Government of Trinidad and Tobago, in particular, might be sought because of

the close proximity, the similarity of racial composition and the good relations between the two countries.

140. In the view of his delegation, such a sub-committee should consist of the representatives of one African State, one Asian State and one Latin American State. His delegation attached great importance to the contacts which the sub-committee could have in British Guiana and thought that it might effectively promote a solution consistent with the Declaration on the granting of independence to colonial countries and peoples. His delegation would vote in favour of any draft resolution which was designed to secure internal reconciliation and immediate independence.

141. The representative of India said that his delegation noted with satisfaction the statement by the United Kingdom representative at a previous meeting that the object of the United Kingdom remained to bring British Guiana to independence at the earliest possible date (para. 77 above). It did not, however, share the view that the political differences in British Guiana constituted an insurmountable obstacle in the way of early independence. In democracies, differences between political parties were neither wholly unknown nor entirely unexpected. In the colonies they were often not only aggravated by vested interests but used by those interests as a pretext for postponing independence. From the statement made by the United Kingdom representative it would appear that no immediate action was contemplated by the United Kingdom Government with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples, unless the two major political parties agreed on each and every one of their differences. The vital fact, however, was that the parties were at one in seeking independence for British Guiana. He was hopeful that the differences between them could be settled.

142. The possibility of transferring power to a coalition government composed of the major political elements in the Territory might perhaps be explored. Existing differences could then be settled by an independent Guiana. The suggestion by several delegations that a sub-committee should be sent to the Territory was helpful and might lead to positive results.

143. The Committee's main task was to work for the immediate implementation of General Assembly resolutions 1514 (XV), 1654 (XVI) and 1810 (XVII). They were applicable to British Guiana, and it was his earnest hope and desire that the administering Power would make it possible for them to be applied immediately so that the people could attain freedom and independence without delay.

144. The representative of Yugoslavia said that, since the trend in the Committee seemed to be towards the adoption of an interim measure, he would merely make a few remarks concerning the problem of British Guiana.

145. Almost two years had elapsed since the formation of the present Government as a result of elections by universal suffrage; the party in power had won the majority of seats and the whole electoral campaign had been conducted with the understanding that the winning party would lead the country to independence. Yet the administering Power had continually postponed independence and, despite the unequivocal wording of paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples, the transfer of all powers had not yet been effected. It was that

attitude on the part of the administering Power which was the principal cause of the present tension in British Guiana. The longer independence had been delayed, the further the situation had deteriorated. The Government of British Guiana was having to contend with powerful foreign interests which had succeeded in exploiting not only the difficulties caused by economic backwardness but also racial differences.

146. Although the unity of a people under foreign domination was an important condition for the success of the struggle for national independence, it should not be considered as a *sine qua non* for independence. Differences of opinion about the constitutional régime or the electoral system could not be used as a pretext for delaying independence; that had always been the position of the Committee and of the United Nations.

147. The second principle which should guide the United Nations in the consideration of colonial problems was the principle of non-interference in the internal affairs of States. The United Nations was not concerned with the character or political orientation of a régime, provided that it had been established as a result of a consultation of the people, based on universal suffrage. Nothing would be more detrimental to the cause of decolonization than for the Members of the United Nations, and especially those on the Committee, to take sides on the basis of the economic, social or political character of the régimes in the various Non-Self-Governing Territories. The main task of the Committee was the implementation of the Declaration; the internal systems of those countries and peoples were matters exclusively within their competence.

148. His delegation was in favour of sending a sub-committee to British Guiana, with the task of reconciling the two main political parties in the Territory and trying to convince them that the common interest should be placed above specific interests. It was convinced that the national interest, the attainment of national independence by British Guiana, would prevail over narrow, selfish party interests. It should, however, be understood that the immediate and unconditional granting of independence to British Guiana was the obligation of the administering Power and that the fulfilment of that obligation could not be made conditional on the success of the mission of the proposed sub-committee.

149. The representative of Bulgaria noted that the increasingly tense situation in British Guiana was a subject of serious concern to the United Nations. The efforts of the Committee to accelerate the implementation of the Declaration on the granting of independence to colonial countries and peoples had been blocked by the obstinacy of the United Kingdom Government, which was trying to postpone indefinitely the granting of independence to the Territory, in order to protect the selfish interests of the British colonialists.

150. The Constitutional Conference held in London in March 1960 had drafted a Constitution granting home rule to British Guiana and accepting the principle of independence for the Territory; that Constitution, which had been approved by the United Kingdom Government and by the main political parties in British Guiana, had come into force in 1961, and in the same year Mr. Jagan's government had come into power as a result of elections held on the basis of universal suffrage. In November 1961 both chambers of the Legislature of British Guiana had passed a resolution

asking the United Kingdom Government to grant independence to the Territory in 1962. Following the legislative elections, the United Kingdom had allegedly granted internal autonomy to the Territory, but it had retained control over the administration and the police force and had kept matters of foreign policy and defence of the country completely in its hands. Although, after the 1961 elections, it had reiterated its intention of granting independence to British Guiana, the United Kingdom Government had so far refused to do so, using all kinds of pretexts and taking advantage of the economic and political complications and of the intrigues and manoeuvres of the imperialist forces.

151. As the Press had often reported, British and American interests, dissatisfied with the policy of the Government in power, were doing their best to prevent British Guiana from becoming an independent State under the leadership of its Premier, Mr. Jagan, and his followers. That was the real cause of the serious and unfortunate events taking place in British Guiana.

152. He thought that he was expressing the opinion of the majority of the members of the Committee, the representative of Bulgaria continued, when he said that the postponement of independence was the real cause of all the present difficulties in British Guiana. It was known that it was not the aim of the colonialists to foster the unity of the forces struggling for political and economic independence. Their aim was to disrupt the unity of the national and democratic forces in the dependent territories, as a means of defending the selfish interests of colonialism.

153. The attitude of the United Kingdom in the question of the granting of independence to British Guiana was a flagrant violation of the Declaration contained in General Assembly resolution 1514 (XV). In its desire to find pretexts for refusing independence to the Territory, the United Kingdom wanted to make unanimity among the political parties, on matters entirely within the purview of British Guiana's internal policy, a condition for the granting of independence. Yet, as several members of the Committee had pointed out, internal political differences existed in all countries, even in those with centuries of independent political life. Hence to deny British Guiana independence on the pretext of the existence of internal political differences in the Territory was only a subterfuge by means of which the United Kingdom Government intended to maintain its domination over the Territory. The task of the Committee was to seek the most suitable ways and means to ensure the speediest possible application to British Guiana of the Declaration. The important fact for the Committee was that an overwhelming majority of the population of the Territory had on several occasions expressed itself in favour of the political movement which had formed the present Government of British Guiana. Since that Government and the Legislature of British Guiana were demanding independence for the country, there was no reason to refuse it. The pretexts advanced by the United Kingdom Government were contrary to paragraph 5 of the Declaration and by postponing independence, that Government was, in the opinion of the Bulgarian delegation, committing a flagrant violation of resolution 1514 (XV).

154. The only positive solution to the problem lay in the immediate and unconditional granting of independence to the people of British Guiana. His delegation supported the request of the Government of British

Guiana that a visiting mission for the Committee should be sent, on the understanding that the mandate of the mission would be in accordance with the provisions of resolution 1514 (XV). He expressed the hope that the work of the Committee would be fruitful and that the people of British Guiana would soon join the family of independent nations.

155. The representative of Syria expressed his concern that British Guiana should be involved in domestic strife at a time when it should already have taken its proper place among the free and independent nations of the world. The situation was the result of purely local causes, but also, without the slightest doubt, of interference by foreign interests.

156. All the political parties of British Guiana desired independence without further delay. They differed only about the means of attaining that objective. The Government Party (PPP), which had come to power in 1961 and whose mandate did not expire till 1965, was asking for independence, but on terms which were not acceptable to PNC. The crucial problem was that of the electoral law, but he did not think it appropriate for the Committee to discuss that question or the other questions which divided the political parties. Those were questions which would have to be settled by the people of British Guiana.

157. What did concern the Committee, however, was the fact that those political differences were fostering racial tension and thereby creating a serious obstacle to the achievement of independence, which remained the principal objective. Slowly but surely a racial dichotomy was being established in British Guiana, with dire consequences for the well-being and peace of the country. He could not hide his fear that the political situation might degenerate into racial strife, which would play into the hands of those who were in no hurry to see the Territory emerge as an independent and sovereign State. He therefore wished to make a solemn appeal to the people of British Guiana not to let their present differences deflect them from a happy and prosperous future. It was the Committee's duty to help them to compose their differences and to find solutions acceptable to all. The Syrian delegation therefore joined the speakers who had preceded it in proposing that a sub-committee should be sent to British Guiana, or to a neighbouring country, to lend its good offices and undertake a mission of conciliation. It hoped that the administering Power would give the sub-committee its full co-operation.

158. It was, of course, only an interim measure designed to help overcome the difficulties which had been used as a pretext for delaying the fixing of a date for British Guiana's independence. That date should have been fixed immediately after the 1961 elections but, contrary to the provisions of paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples, it had not been and the present situation in the Territory could not be divorced from that unwise decision. If the Committee were to accept the principle that independence could not be granted to a Non-Self-Governing Territory as long as there were differences among the political parties in that Territory, it would be acquiescing in the continued subjugation of the people concerned. The independence of British Guiana had been delayed on account of such differences, as had been the case with Zanzibar the previous year. It might legitimately be asked whether

it was to be postponed indefinitely as long as those differences persisted.

159. The Syrian delegation was confident that those differences could be surmounted and that the political parties of British Guiana would soon achieve agreement, for the greater good of their country. If, however, that objective was to be achieved, the administering Power would have to give its full support to every effort at conciliation. The United Kingdom would demonstrate the sincerity of its declared intention to grant independence to British Guiana by facilitating the task which the Committee now felt in duty bound to undertake.

160. The representative of Iran considered that the question of British Guiana was one of the most complicated ever to come before the Committee, the more so since the Committee's possibilities of action were very limited. While Mr. Jagan's government was accusing the British Government both of postponing the granting of independence to British Guiana, and thereby helping to prolong and aggravate the critical situation existing in the Territory, and of failing to give adequate assistance to the local Government in maintaining internal order and security, the minority parties, PNC and UF, were firmly opposed to the granting of independence until such time as radical changes had been made in the Constitution.

161. In such a situation, he wondered what the Committee could do to fulfil its mandate, which was to apply the provisions of General Assembly resolution 1514 (XV). It was bound to note that the principal obstacle to the independence of British Guiana was the divergency of views between the political parties. The Committee could, of course, invite the leaders of those parties to consider the gravity of the situation and to spare no effort to reach agreement, but it was also its duty to seek the most suitable ways and means to obtain detailed and accurate information about the present situation in the Territory. The best way of obtaining such information was, as a number of representatives had suggested, to send a sub-committee to British Guiana, on the basis of whose report the Committee would be able to take the requisite decisions.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963

Establishment of the Sub-Committee on British Guiana

162. At the 182nd meeting of the Special Committee, on 27 June 1963, the Union of Soviet Socialist Republics submitted a draft resolution (A/AC.109/L.65) by which the Committee would decide to dispatch a visiting mission to British Guiana and, if necessary, to London for the purpose of holding consultations on the question of British Guiana's accession to independence at the earliest possible date. The visiting mission, whose members were to be designated by the Chairman, would be instructed to report to the Committee on the results of its work not later than 10 July 1963.

163. At the 183rd meeting, the Chairman stated the consensus of the Special Committee as reflected in the general debate on British Guiana in the following terms:

"In examining the situation in British Guiana with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples, the Special Committee heard the representative of the administering Power and petitioners

representing various political parties and trade unions in the Territory.

"The Committee is deeply concerned about the situation in British Guiana, which, particularly of late, has been deteriorating rather disturbingly. The Committee firmly believes that every effort should be made to ensure that the country accedes to independence immediately, without any preliminary conditions, in accordance with the provisions of paragraph 5 of General Assembly resolution 1514 (XV).

"Viewing the problem within that context, at the present stage of the debate, the Committee considers it necessary, as an interim measure and without prejudice to any decision which it may take in the future, to appoint a Sub-Committee to seek, together with the interested parties, the most suitable ways and means of enabling the country to accede to independence without delay.

"The Sub-Committee, whose function is fundamentally one of good offices and fact-finding, will begin its work in New York and may proceed to any other place it considers appropriate for the successful performance of the task entrusted to it.

"The establishment of the Sub-Committee having been suggested by both the Government of British Guiana and the principal Opposition party, the Committee appeals to the administering Power and to all parties concerned for their co-operation in ensuring the success of its efforts.

"The Sub-Committee, the composition of which is left to the Chairman of the Special Committee to decide, will be required to report to the Committee as soon as possible, and in any case during its present session."

164. The statement of consensus made by the Chairman was accepted by the Special Committee without objection as expressing its interim decision on the question of British Guiana.

165. The representative of the United Kingdom said that his delegation had taken note of the consensus that the Chairman had read out, appreciated the spirit in which it had been drafted, and would communicate it to his Government without delay.

166. The representative of the Soviet Union stated that his delegation was in agreement with the interim decision taken by the Special Committee and that therefore he would not insist on his draft resolution being put to the vote.

167. At the 189th meeting, the Chairman announced that the Sub-Committee on British Guiana would consist of the representatives of Mali (Chairman), Syria (Rapporteur), Chile, Iran and Sierra Leone.

168. At the 190th meeting, on 10 July 1963, the representative of the United Kingdom referred to the proposals contained in the consensus read out by the Chairman on 27 June and in particular to the appeal to the United Kingdom Government for its co-operation in ensuring the success of the Sub-Committee's efforts. He recalled that in his earlier statement on the subject a week before that date he had reaffirmed that it was the object of United Kingdom policy to lead British Guiana to independence at the earliest possible date (para. 77 above) and he had drawn attention to the repeated efforts made by his Government to bring the leaders of the political parties together and to help them to reach agreement on the constitutional problem.

169. There had been two important developments since then. In the first place, the General Council of the British Trades Union Congress had decided to send Mr. Robert Willis, Chairman of its Commonwealth Advisory Committee, to British Guiana to assist in the settlement of the general strike. Upon his arrival on 30 June Mr. Willis had at once begun intensive negotiations with the Government of the Territory and with the British Guiana Trades Union Council. As a result of his efforts, most of the strikers had returned to work on Monday, 8 July. Secondly, Mr. Duncan Sandys, Secretary of State for the Colonies, had decided to pay a personal visit to British Guiana. He had left London the previous day and would be back on 16 July. His object was to see the situation for himself and to hold discussions with the Governor and the chief political leaders. He had not gone with any preconceived plans.

170. The United Kingdom Government appreciated the spirit in which the statement of the Committee's consensus had been made and, in particular, the suggestion of "good offices" it embodied. His delegation would co-operate to the best of its ability in the Sub-Committee's work in New York. During the debate which had preceded the consensus, however, there had been much talk of the Sub-Committee's visiting British Guiana. Any visit by a mission sent by the Committee, whatever its terms of reference, should be considered against the background of the United Kingdom Government's long-established attitude towards the United Nations in respect of the Non-Self-Governing Territories under its administration. In British Guiana, as in any other such Territory, the United Kingdom Government could not share its responsibilities with the United Nations and it consequently could not agree to any visits to United Kingdom Territories by any body representing the Committee. It therefore regretted that it would not be able to agree to any visit by the Sub-Committee to British Guiana if such a request were made.

171. He pointed out, moreover, that it was not within the competence of the Premier of British Guiana to authorize such a visit. Any such request must be addressed to Her Majesty's Government in the United Kingdom, which, under the provisions of the Constitution of British Guiana, retained responsibility for that country's external affairs.

172. The representative of Chile regretted that the United Kingdom Government did not agree to the Sub-Committee's visiting the Territory of British Guiana. As he had stated earlier, impartial and objective visiting missions should be authorized to visit Territories which, while legally dependent on the administering Power, came also within the competence of the United Nations in other respects, particularly from the moral standpoint.

173. Since the United Kingdom had full responsibility for the external affairs of British Guiana and considered that the Premier of the country was not competent to admit a United Nations mission, he would like to know whether representatives of the people of British Guiana were free to leave the country to come to New York or elsewhere or whether they required the United Kingdom's authorization in order to do so.

174. The representative of the United Kingdom replied that the inhabitants of British Guiana were free to travel abroad, as were the inhabitants of the great majority of States represented in the Committee.

175. The Chairman recalled that, when the Special Committee had been originally established under General Assembly resolution 1654 (XVI), it had been authorized "to meet elsewhere than at United Nations Headquarters, whenever and wherever such meetings may be required . . .". During 1962 the Committee had considered the possibility of sending visiting missions as one of the means available to it for the effective discharge of its task, and at its seventeenth session, the General Assembly, in approving the Committee's report, had taken note with approval "of the methods and procedures which the Committee has adopted . . ." (resolution 1810 (XVII)). When the time came, the Committee would take into account that aspect of the problem, as also the resolutions already adopted concerning its methods of work. Only in that context would it be able to appraise the statement just made by the United Kingdom representative that the Sub-Committee could not visit British Guiana.

Action arising out of the report of the Sub-Committee on British Guiana

176. The Sub-Committee on British Guiana was composed of Mr. Sori Coulibaly (Mali) as *Chairman*, Mr. Humberto Díaz Casanueva (Chile), Mr. Mohied Din Nabavi (Iran), Mr. Gershon B. O. Collier (Sierra Leone) and Mr. Najmudine Rifai, (Syria), succeeded by (from 9 September 1963) Mr. Tarek Jabri (Syria).

177. The Sub-Committee was unable to visit British Guiana because of the refusal of the United Kingdom to agree to such a visit. On the suggestion of Mr. Jagan and Mr. Burnham, respectively, the Sub-Committee considered the possibility of meeting with these leaders in London or in Barbados. It decided that, in view of the attitude of the United Kingdom Government, it would not be possible to meet the two leaders in any of the places suggested. Finally, the Sub-Committee invited Mr. Jagan and Mr. Burnham to come to New York. After discussions with the two political leaders, the Sub-Committee on 30 September 1963 unanimously adopted its report (see appendix, appearing after para. 210 below).

178. The report of the Sub-Committee on British Guiana was introduced by the Chairman, in his capacity as Chairman of the Sub-Committee, at the 216th meeting of the Special Committee, on 8 October 1963, and was considered by it at the same meeting.

179. The Chairman, in introducing the report of the Sub-Committee, recalled that after its efforts to proceed to British Guiana had proved unsuccessful, the Sub-Committee had invited Mr. Jagan and Mr. Burnham to come to New York, where a number of meetings had been held. Although British Guiana's two political leaders had been unable to agree on the formation of a coalition government, they had decided to pursue their negotiations further and, as an interim measure, they had asked the Sub-Committee to make a number of recommendations to the Special Committee. Those recommendations were included in paragraphs 59 to 65 of the report.

180. The representative of the United Kingdom recalled that at the 190th meeting of the Special Committee, on 10 July, he had announced that his Government appreciated the spirit in which the consensus establishing the Sub-Committee had been made and the suggestion of "good offices" embodied in it. He had added that his delegation would co-operate with the Sub-Committee, so far as it could, during its work

in New York, but that his Government regretted that it would be unable to agree to any visit by the Sub-Committee to British Guiana. Thus, when the Chairman of the Sub-Committee had written to his delegation expressing the hope that his Government might agree to the Sub-Committee's visiting British Guiana, his delegation, in a letter dated 24 July 1963 (appendix, annex II), had replied that his Government had been unable to reconsider its position. Nevertheless, in accordance with his undertaking to cooperate with the Sub-Committee during its work in New York, he had met the Sub-Committee on 19 July 1963 and had informed it of a very important statement made by the Secretary of State for the Colonies on 17 July (appendix, annex III).

181. Despite the efforts made since July, the leaders of the political parties in British Guiana had not been able to resolve the differences which had led to the breakdown of the 1962 Independence Conference. Accordingly, and in conformity with his statement of 17 July, the Secretary of State for the Colonies had announced on 4 October that he had invited the Premier of British Guiana and the two Opposition leaders to bring delegations to a conference opening in London on 22 October 1963. It was hoped that the conference would lead to the finding of solutions to the problems responsible for the breakdown of the 1962 conference. It was now necessary to await the outcome of the new conference. In the circumstances, the proposal in paragraph 62 of the Sub-Committee's report regarding the appointment by the Secretary-General of a team of constitutional experts was not appropriate in the present situation. With regard to the recommendation in paragraph 63, British Guiana had had the advantage of the services of many experts provided under United Nations technical assistance arrangements, and he hoped that it would be able to benefit from that assistance in the future as in the past.

182. The representative of Venezuela said that while his delegation agreed in principle with the Sub-Committee's conclusions and recommendations, it wondered whether the recommendations in paragraphs 62 and 63 concerning technical assistance to British Guiana were within the Sub-Committee's terms of reference. The Committee would recall that when, during the discussion of Malta, the Italian delegation had proposed that the Committee should recommend the provision of technical assistance for that Territory, the representatives of Mali and Iraq had objected on the grounds that a precedent might be established and that the sovereign State of Malta would be in a position to seek assistance from the United Nations and the specialized agencies (chap. VI, paras. 118 and 119, above).

183. The basic principle underlying the granting of technical assistance by the United Nations was that such assistance was requested by and through the Governments concerned. With reference to paragraph 62 of its report, he felt that the Sub-Committee might recommend to the Government of British Guiana that it should approach the Secretary-General with regard to assistance, since such assistance should be granted with the consent of the Government concerned and should be requested through official channels, in that instance the United Kingdom Government. With reference to paragraph 63, he thought that it was outside the Sub-Committee's or even the Committee's terms of reference to make the appeal direct to the Secretary-General. In paragraph 65, the last phrase might be

amended to read "in accordance with General Assembly resolution 1514 (XV), with particular reference to paragraph 5", since the resolution as a whole was applicable to British Guiana.

184. The Chairman, speaking as Chairman of the Sub-Committee on British Guiana, recalled that the Sub-Committee had been appointed "to seek, together with the interested parties, the most suitable ways and means of enabling the country to accede to independence without delay". The Sub-Committee had done precisely that. It had sought the views of Mr. Jagan, the Premier, and of Mr. Burnham, the Opposition leader, and had been told by both that, as an immediate step, the British Guiana leaders should be provided with United Nations assistance to enable them to seek solutions to their difficulties with regard to constitutional arrangements. The Sub-Committee had deemed it its duty to transmit the request of the British Guiana leaders to the Special Committee.

185. The Chairman went on the recall that the United Kingdom representative had expressed the view that the recommendation in paragraph 62 should be delayed pending the outcome of the constitutional conference proposed to be convened in London on 22 October. He could not understand that argument, since it had been Mr. Jagan and Mr. Burnham, the representatives of the people of British Guiana, who had deemed it indispensable to agree between themselves on constitutional matters before proceeding to a constitutional conference in London. As a "good offices" body, the Sub-Committee could only welcome the suggestions made by both Mr. Jagan and Mr. Burnham. Now that the two political leaders had placed their confidence in the United Nations, it was impossible for the Committee to slough off its responsibility. If the United Kingdom was indeed desirous of seeking a solution to the problem of British Guiana in conformity with General Assembly resolution 1514 (XV), namely in line with the wishes of the people, it should have no difficulty in acceding to the request made by Mr. Jagan and Mr. Burnham.

186. With reference to the statement by the Venezuelan representative, he did not think that the Malta precedent was applicable to British Guiana. The request for the particular type of United Nations technical assistance under discussion had been made by the two main political leaders of the Territory. British Guiana was facing a specific problem caused by social unrest and the division of the population into distinct ethnic groups, and that problem called for specific solutions. British Guiana's political leaders wished to be able to draw on the largest possible fund of experience in constitutional matters and their request was deserving of the Committee's consideration.

187. He suggested that the Committee might take note of the United Kingdom representative's reservations and adopt the Sub-Committee's report as it stood.

188. The representative of Uruguay said that it would be useful to know whether Mr. Jagan and Mr. Burnham had accepted the invitation to the proposed constitutional conference in London.

189. The representative of the United Kingdom replied that the invitation had been issued only four days previously and that he did not know whether the leaders of the political parties of British Guiana had accepted it. He was bound to assume that the conference was to take place unless he heard to the contrary.

190. The Chairman said that it was his belief that Mr. Jagan and Mr. Burnham wished to hold further consultation together, with assistance from the United Nations, before attending a constitutional conference. The Sub-Committee's recommendations were designed to help the leaders to reach agreement before the conference was held, and he hoped that the United Kingdom would consider the suggestion carefully in the light of the views of those directly concerned.

191. The representative of Uruguay observed that the United Kingdom's invitation to the political leaders of British Guiana had supervened since the Sub-Committee's adoption of its report. If the leaders concerned agreed to attend the conference, that might be regarded as altering the situation. The Committee could perhaps adopt the report with the understanding that paragraphs 62 and 63 should be interpreted as allowing the administering Power to see how the proposed talks proceeded before expressing any reaction to the suggestions in those paragraphs.

192. The Chairman said that the Secretary-General would naturally have to consult the administering Power, as was provided in paragraphs 62 and 63, before taking action on the proposals. The United Kingdom delegation would be able to inform the Secretary-General of its views on the desirability of the proposed measures. The Sub-Committee had made its recommendations because it had become convinced that they represented the only course likely to lead to the speedy accession of British Guiana to independence. He hoped that the Special Committee would be able to endorse the recommendations and adopt the report.

193. The representative of Australia said that he doubted whether the Committee could do more than take note of the Sub-Committee's report in view of the new circumstance of which it had been informed by the United Kingdom representative.

194. The Chairman said that he did not see why the fact that the United Kingdom was taking certain action prevented the Committee from making recommendations. The Committee had made proposals on other territories in similar circumstances. There did not seem to be any incompatibility between the recommendations and the measures contemplated by the United Kingdom.

195. The representative of India said that in his view there was no incompatibility between the Sub-Committee's report and the proposed holding of a constitutional conference. He saw nothing in the report to which exception could be taken; it did not prejudge the issue but merely expressed views, with which his delegation was in agreement. He believed that, if the political leaders of British Guiana agreed to attend the proposed conference and if it did take place, the recommendations of the Sub-Committee would assist rather than obstruct the work of that conference and might be of value to the participants.

196. The representative of Iran regretted that the United Kingdom delegation had been unable to reply to the Uruguayan representative's question whether the Premier and the other political leaders of British Guiana had agreed to participate in the conference. With regard to the recommendations of the Sub-Committee, his delegation considered that the Sub-Committee had done its best to perform the task entrusted to it.

197. He said that in examining the question of British Guiana, it should be constantly borne in mind

that the main obstacle to independence was the discord between the political leaders in the Territory, which the Sub-Committee had endeavoured to resolve. He therefore considered that the recommendations in paragraphs 62 and 63 of the report were in complete conformity with the Sub-Committee's terms of reference. Hence the adoption of the report should not constitute an obstacle to the convening of the constitutional conference, provided the political leaders agreed to participate. He therefore hoped that the Sub-Committee's report would be adopted unanimously.

198. The representative of Syria agreed with the view expressed by the Chairman and by other representatives that there was no incompatibility between the Sub-Committee's recommendations and the holding of a constitutional conference. Indeed, he considered that the Sub-Committee's recommendations might be used as a basis of discussion at the conference. He hoped that the Sub-Committee's report would be adopted unanimously.

199. The representative of Sierra Leone observed that when Mr. Jagan and Mr. Burnham had been in New York they had agreed to a suggestion that the Secretary-General should be asked to send a team of constitutional experts to British Guiana. They had said that they would endeavour to persuade the United Kingdom Government to postpone the constitutional conference—in other words, they would prefer to use the good offices of the United Nations rather than hold another conference with the United Kingdom Government. He therefore considered that the Sub-Committee's report should be adopted.

200. The representative of Tanganyika considered that the report should be adopted subject to the reservations that had been expressed.

201. The representative of Chile said that, despite the new developments announced by the United Kingdom representative, her delegation did not think that the adoption of the report would preclude the holding of a further constitutional conference. She hoped that the report would be adopted.

202. The representative of the United Kingdom said that in the light of the Chairman's statement his delegation would not wish to oppose the adoption of the report at the present time. He asked, however, that his delegation's reservations with regard to paragraph 62 of the report should be noted and he reserved the right to state his Government's views at greater length when the Committee's recommendations were debated in the General Assembly.

203. The representative of Poland agreed with the Chairman that there was no discrepancy between the adoption of the report and the holding of a constitutional conference. His delegation was unable to understand why the United Kingdom insisted on its reservations. The decision to hold a constitutional conference must mean that British Guiana would achieve independence; indeed it was clear from the statement made by the United Kingdom Colonial Secretary on 17 July 1963 that if the political leaders of the Territory were unable to reach agreement the United Kingdom Government would be obliged to impose a solution. He felt sure that it would be reluctant to do so and that it would co-operate if the Committee adopted the recommendations that had been agreed to by the political leaders.

204. The Committee should make clear recommendations. In his delegation's view, British Guiana should not be dealt with differently from the other Territories

which the Committee had examined. It had a Government which had been elected by universal adult suffrage and to which all powers should be transferred. During the debate it had been established that the principal issue at the most recent elections had been the question of independence. His delegation supported the recommendations in the Sub-Committee's report.

205. The Chairman said that to satisfy some delegations which had expressed reservations with regard to the attitude of Mr. Jagan and Mr. Burnham, he would explain that both leaders had told him that they hoped the Sub-Committee's recommendations would be adopted, especially that concerning the dispatch of a team of experts to British Guiana, since they felt that if they were to attend the conference without having reached agreement they might encounter another failure.

206. The representative of Syria pointed out that in other cases reports by Sub-Committees had been adopted by means of a resolution. His delegation would have preferred that course to be followed in the present case. He would not, however, press if the Committee decided otherwise.

207. The representative of India said that, in accordance with normal practice, it was open to any delegation to submit a resolution on British Guiana when the report of the Special Committee came up before the General Assembly.

208. The Chairman said that it was still open to the Committee to wind up the debate on British Guiana in the form it thought best. The adoption of the report of the Sub-Committee need not prevent any delegation that wished to do so from submitting a draft resolution.

209. The Special Committee, after having noted the observations made by the representative of the United Kingdom unanimously approved the report of the Sub-Committee on British Guiana.

APPENDIX

Report of the Sub-Committee on British Guiana*

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Establishment of the Sub-Committee

1. At the 183rd meeting of the Special Committee, on 28 June 1963, the Chairman had stated the consensus of the Special Committee as reflected in the general debate on British Guiana.

[For the text of the consensus see the Committee's report on the question of British Guiana, chap. X, para. 163, above.]

2. The statement of the consensus made by the Chairman was accepted by the Special Committee without objection as expressing its interim decision on the question of British Guiana.

3. The Sub-Committee established as a result of the decision was composed as follows: Mr. Sori Coulibaly (Mali), *Chairman*, Mr. Humberto Diaz Casanueva (Chile), Mr. Mohied Din Nabavi (Iran), Mr. Gershon B. O. Collier (Sierra Leone), and Mr. Najmudine Rifai (Syria), who served until 9 September 1963, when he was succeeded by Mr. Tarek Jabri (Syria).

4. Following the decision to establish the Sub-Committee on British Guiana, the Chairman requested the representative of the United Kingdom to the Special Committee to approach his Government with a view to facilitating the visit of the Sub-Committee to British Guiana.

5. At its 188th meeting, on 8 July 1963 the Special Committee agreed to circulate as a petition a cable dated 28 June 1963 from Mr. Cheddi Jagan, Premier of British Guiana (A/AC.109/PET.106/Add.3), in which he welcomed the establishment of the Sub-Committee and formally invited it to visit British Guiana immediately.

6. At the 190th meeting of the Special Committee, on 10 July 1963, the representative of the United Kingdom said that his Government appreciated the spirit in which the consensus had been made and that it would co-operate to the best of its ability in the Sub-Committee's work in New York. With reference to the suggestion that the Sub-Committee should visit British Guiana, he stated that any visit by a mission sent by the Committee, whatever its terms of reference, should be considered against the background of the United Kingdom Government's long-established attitude towards the United Nations in respect of the Non-Self-Governing Territories. In British Guiana, as in any other Non-Self-Governing Territory under its administration, the United Kingdom Government could not share its responsibilities with the United Nations. Consequently it could not agree to a visit by the Sub-Committee to British Guiana. He also pointed out that it was not within the competence of the Premier of British Guiana to authorize such a visit. Any such request would have to be addressed to Her Majesty's Government in the United Kingdom which, under the provisions of the Constitution of British Guiana, retained responsibility for that country's external affairs.

7. The Sub-Committee held seventeen meetings, on 10, 19 and 30 July, 8, 21 and 22 August and 6, 12 to 20, 23, 26, 27 and 30 September 1963.

Preliminary arrangements

8. The Sub-Committee held its first meeting on 10 July 1963, when it considered the methods it would adopt in carrying out the mandate entrusted to it by the Special Committee. The Sub-Committee decided to inform the Premier and the Leader of the Opposition in British Guiana of its terms of reference and intentions and to appeal to the United Kingdom Government to reconsider its position concerning a visit by the Sub-Committee to British Guiana.

(a) *Proposed visit to British Guiana*

9. In a letter dated 12 July 1963 addressed to the Permanent Representative of the United Kingdom to the United Nations (annex I below), the Chairman recalled that in accordance

with the consensus of the Special Committee and with the official invitation from the Premier of British Guiana he had requested the representative of the United Kingdom on the Special Committee to approach his Government with a view to facilitating the visit of the Sub-Committee to British Guiana. The Sub-Committee at its 190th meeting had considered the statement made by the United Kingdom representative and was surprised and disappointed at that Government's refusal to agree to the Sub-Committee's visit to British Guiana. The Chairman's letter pointed out that such a visit was fully in keeping with the decisions of the General Assembly and that, further, the purpose of the establishment of the Sub-Committee was to assist in the early attainment of independence by British Guiana in accordance with the principles contained in the Declaration on the granting of independence to colonial countries and peoples, an objective which was equally shared by the United Nations and the United Kingdom. For those reasons, the letter continued, the Sub-Committee requested the Permanent Representative of the United Kingdom to approach his Government so that the Sub-Committee might proceed to British Guiana in accordance with the wishes expressed by the Special Committee and by the political leaders of British Guiana. The letter expressed the hope that the United Kingdom Government would find it possible to reconsider its position with a view to co-operating fully with the Sub-Committee and ensuring the greatest possible success to its endeavours.

10. The reply of the United Kingdom Government was contained in a letter dated 24 July 1963 (annex II below). In this letter the Permanent Representative of the United Kingdom to the United Nations pointed out that the basis on which his Government had agreed to participate in the Special Committee had been set out in his letter to the President of the General Assembly dated 23 January 1962 (A/5084). In that letter he had affirmed that his Government's agreement to participate was on the clear understanding that the Committee would not attempt to intervene in the territories for which his Government was responsible. Subsequently, his delegation had made it clear on a number of occasions in the course of the Committee's debates that his Government considered the despatch of visiting missions to these territories as interference in their administration. In the light of this, his Government found it surprising that the Sub-Committee should have expected anything other than a refusal to agree to the proposed visit. Accordingly, for the reasons already given in the Committee, his Government was unable to reconsider its position concerning a visit by the Sub-Committee to British Guiana. He also added that, as his delegation had explained to the Committee, it did not fall within the competence of the Premier of British Guiana to authorize a visit by the Sub-Committee.

11. The Sub-Committee deeply regrets that the United Kingdom Government would not agree to allow the Sub-Committee to visit British Guiana. Had the Sub-Committee been permitted to hold its meetings with the British Guiana leaders in the Territory, that would have enabled it to carry out its tasks in a more efficient manner and perhaps even with more effectiveness and certainly within a shorter time. Furthermore, it would also have avoided the inconvenience that the two leaders were put to in having to travel to New York and to spend a considerable amount of time away from their important duties.

(b) *Other arrangements to meet the Premier and the Leader of the Opposition*

12. In accordance with the decision taken at its first meeting, the Sub-Committee, on 11 July 1963, sent cables to the Premier of British Guiana, Mr. Cheddi Jagan, and the Leader of the Opposition, Mr. L. F. S. Burnham, informing them that the Sub-Committee had been entrusted with the task of seeking, together with the interested parties, the most appropriate ways and means for enabling British Guiana to accede to independence without delay. The Sub-Committee had begun its work in New York and intended to visit British Guiana subject to the co-operation of the United Kingdom. The two leaders were also informed that the Sub-Committee would welcome their co-operation and assistance in carrying out its task and hoped to meet with them in Georgetown or, failing that, at any other convenient place.

13. In view of the urgency of the matter and of the possibility that the United Kingdom Government would not reconsider its position concerning a visit of the Sub-Committee to the Territory, the Sub-Committee, on 19 July, decided to invite the two leaders to suggest a suitable alternative meeting place.

14. In reply, Mr. Burnham suggested Barbados as a meeting place, while Mr. Jagan suggested British Guiana or London.

15. The Sub-Committee considered these suggestions at its meeting on 8 August and decided that in view of the attitude of the United Kingdom Government it would not be possible to meet the two leaders in any of the places suggested. The Sub-Committee then decided that there was no alternative but to invite them to come to New York. The two leaders were accordingly informed of this decision by letters dated 9 August 1963 and invited to come to New York early in September. By cables dated 20 and 23 August, respectively, the Sub-Committee was informed that these arrangements would be suitable.

Statement by the representative of the United Kingdom

16. At its meeting on 19 July 1963 the representative of the United Kingdom informed the Sub-Committee of a statement made on 17 July, in the House of Commons in London by the Secretary of State for the Colonies on his return from British Guiana. The text of the statement by the Secretary of State is contained in annex III to this report.

Hearing of the President of the British Guiana Trades Union Council

17. At the request of Mr. Richard A. Ishmael, President of the British Guiana Trades Union Council, the Sub-Committee at its meeting on 21 August 1963 heard a statement by Mr. Ishmael. At its next meeting, on the following day, Mr. Ishmael answered questions put to him by members of the Sub-Committee.

18. Mr. Ishmael stated that he personally and the Trades Union Council, which represented 52,000 organized workers in British Guiana regretted that the Sub-Committee was unable to visit British Guiana. He hoped that the United Kingdom Government would change its position and that the Sub-Committee would be able to go to British Guiana. He was certain that the good offices of the Sub-Committee could be used to assist the people of British Guiana in correcting the situation there which was a matter of concern to all of its people who were interested in its independence and future.

19. Mr. Ishmael gave the Sub-Committee his account of the strike called by the Trades Union Council in protest against the Labour Relations Bill, 1963, and the related events in British Guiana.

20. He explained that the Trades Union Council was not aligned to any political party and that its members were free to vote as they saw fit. The Trades Union Council wanted immediate independence.

21. The Trades Union Council recognized that racial divisions in the country were delaying its independence. It believed that proportional representation was the only solution to the problem of racial strife and the deadlock that existed in British Guiana. Therefore the Trades Union Council advocated proportional representation to be followed by independence. Since there was no agreement on this question, he proposed the holding of a referendum on the electoral system by the United Nations, so that the people could freely express their will on the matter.

Discussions with Mr. Cheddi B. Jagan, Premier of British Guiana and leader of the Peoples Progressive Party, and Mr. L. F. S. Burnham, leader of the Peoples National Congress

22. At its meeting on 6 September 1963, the Sub-Committee considered the procedure to be followed in its discussions with Mr. Jagan and Mr. Burnham. It was agreed that the Sub-Committee should first hear the views of the two leaders separately and then hold joint meetings as necessary.

23. At the meeting on 12 September, on the invitation of the Chairman, both leaders took seats in the Sub-Committee.

The Chairman then explained to them the Sub-Committee's terms of reference. He emphasized the concern of the Special Committee with regard to the situation in British Guiana and the desire of its members to see the Territory achieve its independence without further delay. He also stated that the main function of the Sub-Committee was one of good offices and expressed the willingness of the Sub-Committee to assist in finding a satisfactory solution.

24. Following the Chairman's statement it was agreed that Mr. Jagan would present his views first. Accordingly Mr. Burnham withdrew.

25. Mr. Jagan expressed his deep regret that the Sub-Committee was not able to go to British Guiana because of the United Kingdom's refusal to agree to such a visit. He felt that a visit by the Sub-Committee would have helped it and the Special Committee to understand the situation more clearly.

26. The administering Power had used every technique and device to destroy the independence movement in British Guiana. It had used the differences and the divisions, which it had created, as an excuse for delaying independence.

27. He said that the electoral system based on proportional representation demanded by the Opposition had nothing to do with independence. His party was willing to give all necessary assurances to allay the fears of the Opposition whether they were real or imaginary. He also referred to the propaganda being conducted against his Government, particularly in the United States, and to foreign influences in British Guiana, which were acting through trade unions and in other ways.

28. He stated that, in order to make a compromise with the Opposition, he was willing to agree to the following:

(a) To include in the Constitution adequate safeguards, including provisions safeguarding fundamental rights;

(b) To pursue a policy of neutrality and non-alignment;

(c) To bring about unity in the country by way of a coalition government or in some other way; and

(d) To set up consultative committees of a representative character on economic, social and cultural matters so that these matters could be discussed before being brought up in the Cabinet or in the Legislature.

29. Mr. Jagan also stated that he was willing to agree to the neutralization of the country guaranteed by the United Nations or by the great Powers and to the establishment of a United Nations presence in British Guiana.

30. Mr. Jagan indicated that he had full confidence in the Sub-Committee and that he would be prepared to examine any proposals that the Sub-Committee could suggest in order to find a speedy solution to the problems facing British Guiana.

31. At its next meeting, on 13 September, Mr. Burnham appeared before the Sub-Committee. He also expressed his regret that the Sub-Committee was not able to visit British Guiana. He pointed out that during the visit of the United Kingdom Colonial Secretary to British Guiana in July 1963 he had made efforts to persuade him to agree to the Sub-Committee's visit. His efforts were, however, unsuccessful.

32. Mr. Burnham pointed out that independence was his and his party's major concern. In his view the problem in British Guiana was not whether there should be independence, but was concerned with the conditions under which the Territory should accede to independence and the type of Constitution under which the people should move forward to independence. It was the view of his party that the Constitution should be acceptable to the majority of the people. It should give every citizen the feeling of safety and the confidence that they would not be discriminated against. It should ensure that the people would not be subjected to a dictatorship. Difficulties had arisen, however, in reaching agreement on such a Constitution.

33. The difficulties which his country had faced recently had made it clear—although it had always been clear to PNC—that unless there was agreement between the two parties, the country was hardly likely to move forward even if it were to achieve independence.

34. Mr. Burnham said that politically the country was divided into two main sections, represented by PPP and PNC.

Various proposals had been made and considered for the two parties to come together, but while it was easy to express sentiments, it was difficult to translate them into action.

35. Mr. Burnham stated that the people had many fears about the future. While he did not wish to go into details, he pointed out that any agreement between the parties should include terms which would remove the fears and mistrust now existing among the people. He continued that British Guiana was becoming part of the cold war. His party wanted independence for British Guiana, but did not want the country to become a satellite of any power bloc. What they wanted was the ending of colonial rule.

36. One of the difficulties faced by the country was the racial problem, which had come to the forefront within the last few months. In this connexion, PNC had proposed that a team of sociologists and social scientists should be invited from the University College of the West Indies to give advice concerning this problem. His party was in favour of asking the United Nations to make necessary arrangements in this regard.

37. Mr. Burnham said that it was a source of embarrassment and frustration that British Guiana was still under colonial rule. A solution to the problem, he concluded, should, in the final analysis, be found by the people themselves and their political leaders. He was willing to explore all possible avenues for a solution acceptable to both parties.

38. On 17 September, the Sub-Committee met jointly with Mr. Jagan and Mr. Burnham.

39. Mr. Jagan said that since his last meeting with the Sub-Committee, he had had consultations with Mr. Burnham in the hope of arriving at some agreed solution so that British Guiana could move forward to independence. He regretted that it had not been possible to arrive at a satisfactory conclusion.

40. As he had stated earlier, he was prepared to enter into a coalition with PNC, which would continue even after attainment of independence. But, Mr. Burnham would accept nothing less than an equal number of ministerial posts. He had previously offered a ratio of 6 to 4. However, in the interests of the country he was now persuaded to offer a 6 to 5 ratio. This too has not been accepted by Mr. Burnham.

41. The Opposition had also asked for the portfolio of Home Affairs, which had control of the police. For various reasons, including the fact that there was no army in British Guiana, PPP had not been prepared to place the Ministry of Home Affairs in the hands of the Opposition. It had been suggested that the Ministry of Home Affairs might be allocated to the Opposition, the Ministry of Defence being given to PPP. In a spirit of compromise, he was prepared to go along with that suggestion. In addition to the coalition arrangements, PPP was also prepared to enter into broad co-operation between the two parties at various levels and to establish machinery for that purpose.

42. He said that the fears of the Opposition could be allayed by providing in the Constitution the necessary guarantees and safeguards. In this connexion he repeated the specific proposals he had mentioned to the Sub-Committee at its meeting on 12 September (see paras. 28 and 29 above).

43. In view of the fact that it had not been possible to reach agreement between the two parties, Mr. Jagan felt that he had no other choice than to request the Sub-Committee and the Special Committee to recommend to the United Kingdom to transfer immediately all residual powers to the Government of British Guiana and to fix a date for the independence of his country in accordance with General Assembly resolution 1514 (XV).

44. The Chairman thanked Mr. Jagan and invited Mr. Burnham to give his views.

45. Mr. Burnham regretted that no agreement had been reached between himself and Mr. Jagan. He stated that he and his party were interested only in British Guiana and how its people could come together to achieve independence and build a strong democratic nation. They were not concerned with any interests of foreign countries in British Guiana. He reiterated that his party was very anxious that British Guiana

should achieve its independence at the earliest possible opportunity.

46. He said that the present electoral system had been imposed by the United Kingdom. His party stood by the demand for a new electoral system based on proportional representation. Since the two parties had not been able to reach agreement on the electoral system, PNC wanted the question of whether the electoral system should be based on proportional representation or not to be submitted to the people of British Guiana for their decision.

47. Mr. Burnham went on to say that he was concerned about the division in the community, the resulting tensions and the delay in the achievement of independence. It was in that context that PNC was prepared to consider the possibility of a coalition government with PPP, but it was prepared to form a coalition only on the basis of equality, that is, the two parties having an equal number of Cabinet posts. Such equality should also be extended to other bodies and institutions. However, PPP was unwilling to agree to parity.

48. Referring to the proposals for co-operation at various levels between the two parties which had been mentioned by Mr. Jagan, Mr. Burnham said that in July 1962 he had accepted proposals to set up inter-party Committees, but that there had been some difficulty on the part of Mr. Jagan's Government in consulting fully with PNC and in giving it the rights to which they were entitled by virtue of their political support. For example, he said that, in the National Economic Council, out of a membership of five, four were from PPP and only one from PNC.

49. The fears of his party were real. They had lived with the situation for some time and experience had shown that it was one thing for the leader of the Government party to make statements of principle and quite another thing for him to translate them into action. What PNC wanted was deeds and not words. If PPP wanted to negotiate a coalition in good faith, they should accept PNC as equals.

50. Mr. Burnham stated further that the alternative to a coalition based on equality was the settling of the question of proportional representation.

51. He said that while he was grateful for the good offices of the Sub-Committee, the final solution would have to be left to the people of British Guiana.

52. The Chairman expressed to the two leaders the Sub-Committee's regret that it was not possible for them to reach agreement concerning the formation of a coalition government. At the same time, he requested them to continue their consultations under the auspices of the Sub-Committee and to explore the possibilities of finding other areas of agreement on which a solution might be found.

53. Subsequently, the Chairman had a number of informal talks with the two leaders individually and jointly in an effort to find a common ground.

54. At its meeting on 20 September 1963, the Sub-Committee held further discussions with Mr. Jagan. At this meeting Mr. Jagan proposed that the Secretary-General of the United Nations, in consultation with the British Guiana Government (which would consult with the Opposition leader, Mr. Burnham) and the United Kingdom Government should appoint a conciliation committee of Jurists from Commonwealth countries to consult with the British Guiana Government, the political leaders of British Guiana and the United Kingdom Government and to convey advice and suggestions on constitutional matters with a view to helping the political leaders in British Guiana to reach a solution on constitutional questions on the pattern of other Commonwealth countries.

55. Mr. Jagan had discussed this proposal with Mr. Burnham and the latter had agreed to it in principle. He also said that he had great hopes of the role of the United Nations in British Guiana's future.

56. On 23 September, the Sub-Committee held a meeting with Mr. Burnham. The Chairman explained to Mr. Burnham the proposal made by Mr. Jagan on 20 September.

57. Mr. Burnham stated that the proposal to appoint a conciliation committee or commission to consider and make recommendations on a generally acceptable Constitution for British Guiana had been discussed between him and Mr. Jagan and that he had agreed with it in principle.

58. Mr. Burnham, in confirming his agreement in principle, made the following reservations:

(a) His party should be consulted directly in connexion with the appointment of members of the Conciliation Committee and not through the British Guiana Government. Similarly, the Committee, when appointed, should consult directly with PNC and not through an intermediary.

(b) The membership of the Committee should not be limited to Commonwealth countries.

(c) The terms of reference of the Committee should not be limited in advance by providing that the Constitution should be based on the pattern of other Commonwealth countries.

Conclusions and recommendations

59. Following the opening statements made before it by Mr. Jagan (paras. 25-30 above) and Mr. Burnham (paras. 31-37), the Sub-Committee had hoped that the two leaders would be able to reach agreement on a coalition government as being the best means of leading the country to independence. The Sub-Committee regrets that after discussions which are reflected in this report, it was not possible for the two leaders to agree on the details of such a coalition.

60. The Sub-Committee notes with regret the distrust that continues to exist between the two political leaders. In the view of the Sub-Committee, this constitutes a serious obstacle to the creation of harmony which would help the country along the path of independence in peace and concord.

61. The Sub-Committee feels that the United Nations should do all in its power to assist the leaders of British Guiana to foster a climate of harmony and unity in which the territory could speedily accede to independence.

62. Under these circumstances, and in the light of its discussions with the two leaders as set out in this report, the Sub-Committee recommends that the Secretary-General of the United Nations should be requested to appoint, after necessary consultations, including consultations with the administering Power, a team of constitutional experts drawn from Commonwealth and non-Commonwealth countries. The terms of reference of this team would authorize it to proceed to British Guiana, and after studying the conditions there to help the parties concerned to formulate recommendations with a view to arriving at a constitution acceptable to them.

63. The Sub-Committee further recommends that the Secretary-General should be requested to provide, in consultation with the administering Power, United Nations experts in those fields where their services might be necessary for the solution of specific problems confronting British Guiana.

64. The Sub-Committee notes that both Mr. Jagan and Mr. Burnham expressed regret that the United Kingdom Government did not permit the Sub-Committee to visit British Guiana and that they welcomed the opportunity afforded to them by the Sub-Committee to meet in New York and to discuss the future of their country under the auspices of the United Nations. The Sub-Committee wishes to express the hope that the two leaders will maintain the contact established between them and make every effort to settle their differences, keeping in view the interests of the country as a whole and the inescapable fact that British Guiana's future lies in the different communities living and working together for a common goal namely the well-being of all its people. It would emphasize the responsibility resting upon the political leaders of British Guiana not to allow personal or other considerations to stand in the way of national unity and the immediate attainment of the country's independence.

65. The Sub-Committee recommends the Special Committee to invite the Government of the United Kingdom to do its utmost so that British Guiana should achieve independence as soon as possible without any conditions or reservations in

accordance with paragraph 5 of General Assembly resolution 1514 (XV).

Approval of the report

66. The Sub-Committee discussed the form and content of its report to the Special Committee at its meetings on 18, 23, 26, 27 and 30 September 1963. This report was approved unanimously by the Sub-Committee at its meeting on 30 September 1963.

ANNEXES

Annex I

LETTER DATED 12 JULY 1963 FROM THE CHAIRMAN OF THE SPECIAL COMMITTEE ADDRESSED TO THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS

I have the honour to refer to the consensus adopted by the Special Committee on 27 June 1963 at the conclusion of the general debate on the question of British Guiana.

By this consensus the Special Committee decided, as an interim measure, to set up a Sub-Committee whose terms of reference would be to seek, with the parties concerned, the most appropriate ways and means of enabling British Guiana to accede to independence without delay.

As Chairman of the Committee, basing myself on this consensus and on the official invitation from Mr. Cheddi Jagan, Premier of British Guiana, and the invitation in the statement made by Mr. L. F. S. Burnham before the Committee on 7 March 1963, I asked Mr. C. E. King, the United Kingdom alternate representative on the Special Committee, to approach his Government with a view to facilitating the visit of the Sub-Committee to British Guiana.

At the 190th meeting of the Special Committee, the representative of the United Kingdom informed the Special Committee that his Government was willing to co-operate with the Sub-Committee in New York, but that it would be unable to agree to any visit of the Sub-Committee to British Guiana.

At its meeting on 10 July the Sub-Committee took the United Kingdom representative's statement into consideration.

While expressing its appreciation of the co-operation that the United Kingdom Government is willing to give it in New York, the Sub-Committee would like to express its surprise and even its disappointment at the United Kingdom's refusal to agree to its visiting British Guiana.

The refusal of the United Kingdom to agree to the visit of the Sub-Committee to British Guiana reopens the question of the relevant provisions adopted by the General Assembly concerning the terms of reference of the Special Committee and the way in which the Committee is to discharge its duties.

In this connexion I should like to point out that paragraph 6 of General Assembly resolution 1654 (XVI) authorizes the Special Committee to meet elsewhere than at United Nations Headquarters whenever that is deemed necessary.

Further, in accordance with the directive given to the Special Committee by the General Assembly "to carry out its task by employment of all means which it will have at its disposal within the framework of the procedures and modalities which it shall adopt for the proper discharge of its functions;" (resolution 1654 (XVI), para. 5), the Special Committee has adopted methods and procedures, one of which is to send visiting missions. At its seventeenth session the General Assembly, after having considered the report of the Special Committee on its work in 1962, adopted resolution 1810 (XVII). In this resolution the General Assembly, *inter alia*, reaffirmed resolutions 1514 (XV) and 1654 (XVI) and took note with approval of the methods and procedures that the Special Committee had adopted for the discharge of its functions.

Thus the proposed visit of the Sub-Committee to British Guiana is fully in keeping with the decisions of the General Assembly.

Furthermore, the purpose of the Special Committee in setting up the Sub-Committee is to assist in bringing about the necessary conditions for the early attainment of independence by British Guiana, in accordance with the principles enunciated in the 1960 Declaration, an objective which is shared by the United Nations and the United Kingdom.

For all these reasons, the pertinence of which you will undoubtedly recognize, the Sub-Committee has asked me to send you this letter requesting you to be good enough to approach your Government so that the Sub-Committee may proceed to British Guiana in accordance with the wishes expressed by the Special Committee and with the desire of the parties concerned in this question.

In these circumstances, I should like to express the hope that your Government will find it possible to reconsider its position with regard to the Sub-Committee's visiting British Guiana and will give its full co-operation in order that the Sub-Committee may have the greatest possible success in its endeavours.

(Signed) Sori COULIBALY
Chairman of the Special Committee and of
the Sub-Committee on British Guiana

Annex II

LETTER DATED 24 JULY 1963 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE SPECIAL COMMITTEE

I have the honour to refer to your letter TR 412/2 of 12 July on the subject of British Guiana and, on instructions from my Government, to reply to it as follows.

Your Excellency's letter refers to a number of General Assembly resolutions relating to the terms of reference and procedures of the Special Committee. As you are aware, my Government abstained in the voting on each of the General Assembly resolutions cited in your letter, for reasons fully stated to the Assembly at the time; and the basis on which they agreed to participate in the Special Committee was explained in my letter dated 23 January 1962 to the President of the Assembly, accepting the invitation to be represented on the Committee. This letter, which was circulated as General Assembly document A/5084, expressly affirmed that the agreement to participate was on the clear understanding that the Committee would not attempt to intervene in the administration of territories for which my Government are responsible. It has subsequently been made clear by my delegation on a number of occasions in the course of the Committee's debates that my Government consider the despatch of visiting missions to these territories as intervention in their administration. In the light of this, my Government for their part find it surprising that the Sub-Committee should have expected anything other than a refusal to agree to the proposed visit to British Guiana; and they regret that the proposal should have been advanced when it was clearly bound to run counter to the understanding on which my Government are known to participate in the Committee.

My Government have accordingly instructed me to inform you that, for the reasons already given to the Committee, they are unable to reconsider their position concerning a visit by the Sub-Committee to British Guiana. I am to add in this connexion that, as my delegation explained to the Committee on 10 July, it does not fall within the competence of the Premier of British Guiana to authorize a visit by the Sub-Committee; this applies equally to any other invitation emanating from British Guiana.

Since your letter, the Secretary of State for the Colonies made a statement to Parliament on 17 July following his recent visit to British Guiana and talks with the leaders there. I would respectfully draw this statement to the attention of Your Excellency as of immediate relevance to the work of the Sub-Committee, and in particular the following passage in that statement:

"I think it is right to give the party leaders a further short period in which to make a last effort to reach agreement among themselves. But, in any case, I intend to reconvene the conference [i.e. the conference held in London last autumn on the question of independence] not later than October. If, in the meantime, they are able to resolve their differences that will greatly ease my task. Failing agreement, I think that it is now generally accepted that the British Government will have to settle the outstanding issues on their own authority; and that is what we propose to do."

(Signed) Patrick DEAN
Permanent Representative of the United Kingdom
of Great Britain and Northern Ireland to the
United Nations

Annex III

STATEMENT MADE ON 17 JULY 1963 IN THE HOUSE OF COMMONS BY MR. DUNCAN SANDYS, SECRETARY OF STATE FOR THE COLONIES^a

I returned yesterday from a short visit to British Guiana, and I think the House would like to hear my frank impressions of the situation in that unhappy country.

Wherever I went in town and village, I received a warm and openhearted welcome from crowds of all races. In one place after another simple people expressed a touching belief that I would be able to lift from them the shadow which overhangs all their lives—the shadow of fear and suspicion. From one end of the country to the other, from the highest to the lowest, the people of British Guiana are gripped with fear and cleft in two by mutual suspicion.

The Africans fear the Indians and the Indians fear the Africans. They live in constant dread of assault, murder and arson; and this has got to the point where even neighbours of long standing in the same village no longer trust each other. The police, who are mainly African, are doing a fine job, despite the fact that their impartiality is, quite unjustifiably, questioned by the Indian community, including, I am afraid, Ministers.

Against this background, it is not surprising that the British soldier is universally welcome among all sections of the population. His calm and cheerful presence has undoubtedly had a steadying effect and has done much to prevent the situation from getting completely out of hand.

In addition to the immediate fear of violence, each race has a deep-rooted fear of the prospect of living under a Government

^a See *Parliamentary Debates (Hansard), House of Commons, Official Report, Fifth Series, vol. 681* (London, H.M. Stationery Office), col. 525.

controlled by the other, after independence. On this aspect of the problem, I received much advice from many quarters. The Government and the predominantly Indian party expressed the view that the trouble would cease at once if I would fix an early date for independence. The remedy of the Opposition, whose members are predominantly African, was the introduction of proportional representation.

I made it clear to both leaders that I was not prepared to discuss independence or constitutional changes under present conditions. I told them that it was their duty temporarily to join together to stop the bloodshed between their supporters. I urged them temporarily to put aside party politics and to form an emergency Government of all parties for the single purpose of restoring peace.

The leader of the main Opposition party, Mr. Burnham, and the leader of the smaller multi-racial party, Mr. d'Aguiar, both declared themselves willing, in principle, to participate in such a Government. But Dr. Jagan, the Premier and leader of the predominantly Indian party, did not feel that an all-party Government with this limited objective would be practicable. However, he offered to consider the formation of a coalition with Mr. Burnham's party, provided they could first agree to a joint programme covering the main aspects of political and economic policy. They held their first meeting on Sunday and will be resuming the talks tomorrow.

I was, naturally, disappointed not to be able to secure the formation at once of a joint administration to call an immediate halt to racial violence, all the more so because I am well aware of the difficulties which the two leaders will have in reaching agreement on basic political and economic policies. Nevertheless, I hope that the very fact that they are meeting and talking may help to some extent to reduce tension between their supporters.

The restoration of law and order is, of course, not the whole problem. When that has been done we shall still be left with the acute political differences which led to the breakdown of the conference in London last autumn. I am convinced that the constitutional future of British Guiana must now be decided without much further delay.

I think it is right to give the party leaders a further short period in which to make a last effort to reach agreement among themselves. But, in any case, I intend to reconvene the conference not later than October. If, in the meantime, they are able to resolve their differences, that will greatly ease my task. Failing agreement, I think it is now generally accepted that the British Government will have to settle the outstanding issues on its own authority; and that is what we propose to do.

Before ending, I am sure that the House would wish to join with me in paying a tribute to the Governor, Sir Ralph Grey, whose wisdom and impartiality has won the respect and admiration of all fair-minded people in the Colony and outside.

CHAPTER XI

GAMBIA

A. INFORMATION ON THE TERRITORY

General

1. Except for about thirty miles of coastline, the Gambia is completely surrounded by Senegal. It consists of the last 295 miles of the River Gambia with a strip of land on each bank varying from seven to twenty miles in width. Its area is just over 4,000 square miles (10,000 square kilometres). The capital, Bathurst, has a population of 25,000.

2. The latest estimate of population of the Gambia is 300,000, most of whom are Africans. The main ethnic groups, of which the Mandingos comprise one third of the population, are also to be found in the

adjoining areas of Senegal. There are also a few hundred Europeans, Syrians and Lebanese, who are either civil servants or merchants.

Government

(a) *Status*

3. British association with the Gambia dates back to 1588. During the nineteenth century British authority, originally confined to the small areas centred on Bathurst at the river mouth, was extended to its present boundaries, being divided into the original Colony of twenty-nine square miles (the Island of St. Mary on which Bathurst is situated and the adjoining division of Kombo St. Mary) and the Protectorate

lying along both banks of the river with an area of about 4,000 square miles.⁸⁶

(b) *Previous constitutions*

4. In 1915 the first unofficial members were appointed to the Legislative Council. In 1947 an unofficial majority was introduced in the Legislative Council which included, for the first time, one elected member. In 1951 the number of elected members was increased to three. All the elected members were appointed to the Executive Council and two became members of the Government without portfolio.

5. A new Constitution came into force in 1954, and the Legislative Council was reconstituted as follows: 14 elected members, 2 nominated unofficial members, 4 *ex officio* members, 1 nominated official member, and a Speaker. The Executive Council included 4 *ex officio* members, the nominated official member of the Legislative Council and 6 unofficial members from the Legislative Council. In 1960 the membership of the legislature was enlarged and was renamed the House of Representatives. It comprised the Governor as President, a Speaker, 4 *ex officio* members, not more than 3 nominated unofficial members and 27 elected members. Of these, 7 were elected from the Colony and 12 from the Protectorate, on the basis of universal adult suffrage; the remaining 8 were Head Chiefs elected by an electoral college composed of all the Chiefs. The Executive Council was reorganized and 6 Ministers were appointed. In March 1961 the first Chief Minister, a Gambian, was appointed.

(c) *Present Constitution*

6. The present Constitution of the Gambia embodies the recommendations of a constitutional conference held in London in July 1961, which was attended by representatives of all political parties and the Chiefs. The main provisions of the present Constitution, which is contained in the Gambia (Constitution) Order in Council, 1962,⁸⁷ are set out below.

(i) *Governor*

7. The Governor is appointed by the Queen and is the head of the administration. The Governor has exclusive responsibility for external affairs, defence, internal security and the public service (including appointment, dismissal and disciplinary control of officers).

8. The Governor is required to consult with the Executive Council and act in accordance with its advice in exercising all powers other than those already mentioned. However, he is not obliged to consult the Executive Council in any case in which, in his judgement, the service of Her Majesty would sustain material prejudice thereby, the matters to be decided are too unimportant to require such consultation or the matters to be decided are so urgent that it is necessary for him to act before recommendation, advice or concurrence can be obtained.

9. The Governor may also act without the recommendation, advice or concurrence of the Council in any case in which, in his judgement, it is expedient to do so in the interest of public order, public faith or good government.

⁸⁶ In the past, during brief periods of time, the Gambia was administered from Sierra Leone. That relationship, however, ceased in 1888.

⁸⁷ For complete text see *Supplement "A" to the Gambia Gazette No. 14 of 26th April, 1962* (Bathurst, Government Printer).

(ii) *Executive Council*

10. The Executive Council consists of the Governor, the Premier and not fewer than eight other Ministers. The Governor appoints as Premier the elected member of the House of Representatives who appears to him to command the support of a majority of the other members. Ministers are appointed by the Governor on the recommendation of the Premier.⁸⁸

11. The Executive Council is the principal executive body of the Territory. The Attorney-General attends the meetings of the Council in an advisory capacity.

(iii) *House of Representatives*

12. The legislative organ of the Territory elects its own Speaker and is composed of the Attorney-General, thirty-six elected members and not more than two nominated members.

13. The elected members consist of seven members elected from electoral districts in the Colony, twenty-five members elected from electoral districts in the Protectorate and four members elected by the Head Chiefs from among their number.

14. Under the Constitution, the Governor may make laws "with the advice and consent" of the House. Bills for imposing or increasing taxes, or for altering salaries, allowances or conditions of service of public officers, as well as bills affecting the reserved power of the Governor may not be presented to the House except on the recommendation of the Governor, in his discretion. Any bill or motion not passed by the House within such time and in such form as the Governor thinks reasonable and expedient, may be declared passed by the Governor in the interests of public order, public faith or good government. Such declaration must, however, be submitted to the assent of a Secretary of State of the United Kingdom Government, who may also disallow any law assented to by the Governor.

15. The term of office of the House is five years, but it can be dissolved at any time by the Governor.

(d) *Elections*

16. The last elections for the House of Representatives took place in May 1962 at which 72 per cent of those registered voted. Thirty-two of the members were elected in single-member constituencies on the basis of universal adult suffrage and four by the Head Chiefs in Assembly. The results of the elections for the thirty-two seats were as follows:

Peoples Progressive Party	18
United Party and allies	13
Democratic Congress Alliance	1

17. Following the elections, the leader of the Peoples Progressive Party, Mr. D. K. Jawara, as the leader of the party which commanded the support of the majority in the House was appointed Premier. On the recommendation of the Premier, eight Ministers were appointed to the Executive Council.

18. In March 1963, the Gambia Court of Appeals ruled that certain electoral lists used in the 1962 elections had been invalid. The leaders of the United Party and the Gambia Congress asked the United Kingdom Government to dissolve the House of Representatives and organize new general elections. They also asked that Mr. Jawara's government be revoked and all acts it had passed considered illegal.

⁸⁸ All the present Ministers are nationals of the Territory.

19. On 28 May 1963, the Secretary of State for the Colonies stated in the House of Commons in London that the register of voters in the Protectorate used in the 1962 elections had been compiled in 1961, after the 1959 register, on which the elections were to be held, had been found to be very faulty. An amending law to substitute the 1961 register for the defective 1959 register had been passed by the House of Representatives with the support of both Government and Opposition parties. However, owing to the imprecise drafting of one phrase in that law, the Court of Appeals reversed the decision of the High Court of the Gambia upholding the validity of the register.

20. The Secretary of State announced that he would submit a draft Order in Council correcting retrospectively the single defective phrase in the law so as to give it the effect which both parties had clearly intended, and thereby validate the 1961 register and the elections held on it.

21. In accordance with this announcement the Gambia (Validation) Order in Council 1963 (No. 1051) was issued on 30 May 1963.

(e) *Public Service*

22. Control of the public service is vested in the Governor. A Public Service Commission consisting of a Chairman and five other Gambian members advises the Governor on questions relating to the appointment, promotion, transfer, dismissal or disciplinary control of public officers, or on any other question affecting the public service.

23. Efforts at staffing the Public Service with Gambian nationals have been continuing for several years. In October 1962, there were 120 non-Gambians (of whom sixty-three were on contract) and seventy-six Gambians in senior posts in the administration. According to the instructions given to the Public Service Commission, no non-Gambian may be recruited to a post for which a qualified Gambian is available. Non-Gambian officers are recruited on pensionable terms only in the most exceptional circumstances. Scholarships are awarded to Gambian students and officers for higher education and for departmental training in other countries in West Africa and in the United Kingdom.

(f) *Judiciary*

24. There are two separate judicial systems in the Gambia: in the Colony there is a Supreme Court, two magistrates courts and a Court of Requests. In the Protectorate there is a High Court with subordinate courts and district tribunals. Both the Supreme Court of the Colony and the High Court of the Protectorate are presided over by the Chief Justice of Gambia. Appeals from the Supreme Court and the High Court lie to the Gambia Court of Appeals. There is also a Court which exercises jurisdiction in causes and matters between or exclusively affecting the Moslem inhabitants of the Territory.

(g) *Local government*

25. Bathurst has a town council consisting of one official, fifteen elected and four nominated members. Its responsibilities comprise the normal range of local government functions such as street lighting, supervision of markets, sewers and street cleaning, and other services. The Council draws revenue from rates levied on private, commercial and government premises which are all subject to annual valuation, market dues, sundry grants from the Government and duties on palm wine

entering the town. The adjacent town of Kombo St. Mary also has a council with similar powers. It has one official, twenty elected and six nominated members. Outside Bathurst and Kombo St. Mary the Territory is divided into thirty-five districts, each with a district authority. The district authorities are expected to maintain order and good government in their respective areas and have powers to make rules and orders for a variety of matters. In the last few years these districts have been combined into six groups, each of which has a central treasury, and the Gambia Government is in the process of forming six area councils (two were established in 1961) based on these treasuries. The area councils will be composed partly of Chiefs and partly of members elected by universal adult suffrage; they will gradually take over the executive functions (relating to development and the provision of services) of the various district authorities, leaving the Chiefs and their advisers in each district responsible for law and order and the administration of justice.

Political parties

26. The Peoples Progressive Party is led by Mr. David K. Jawara who was appointed Premier after his party had won the 1962 elections. The party is supported by the Democratic Congress Alliance. In April 1963 a conference of these two parties passed a resolution urging the Government to renegotiate immediately with the United Kingdom Government for the attainment of independence by the Gambia within the Commonwealth before the end of 1963, "without prejudice to any form of closer association this country would wish to effect with her neighbours, in furtherance of the practical achievement of African unity".

27. The United Party is led by Mr. Pierre S. N'Jie who was Chief Minister before the elections. Mr. N'Jie has urged the British Government to dissolve the Gambian House of Representatives and organize new elections. The party opposes any consultations or negotiations with Senegal before full independence has been granted to the Gambia and before the people of the Gambia have been consulted on this issue.

28. The Gambia Congress is led by Mr. I. M. Garba-Jahumpa, Chairman of the Bathurst Town Council.

Economy

29. The Gambia depends mainly on agriculture and, for its exports, almost wholly on groundnuts. The economy has been greatly affected by the size of the groundnut crop and the fluctuations in the world price of groundnuts. All groundnuts and palm kernels are purchased by the Oilseeds Marketing Board which markets these products to the best advantage. The Farmers' Fund, established from the profits of the Board provides funds for the development of agriculture. The cultivation of rice as a secondary cash crop has also been encouraged in the last few years.

30. In 1961 the total value of exports amounted to £3.2 million, of which groundnuts accounted for £3 million. Total imports were valued at £4.5 million.

31. The Territory's estimated expenditure for 1963 will amount to £2.5 million and the estimated revenue will be £1.9 million. The United Kingdom has in the past provided grants-in-aid for the administration and development of the Territory. It has been estimated that a grant-in-aid of about £590,000 would be necessary for the current year.

32. Economic relations between the Gambia and Senegal are very close. Farmers from Senegal and other countries in the area migrate to the Gambia, grow groundnuts on the basis of arrangements made with local farmers and return to their own countries at the end of the season. There is also extensive trade across the frontiers in either direction.

Association with Senegal

33. Following consultations between the Governments of the Gambia and Senegal, the two Governments, on 26 October 1962, issued the following joint *communiqué*:

"The Government of the Republic of Senegal and the Government of the Gambia, with the consent of Her Majesty's Government in the United Kingdom, have recently given consideration to the possibility that, on the attainment of full sovereign independence by the Gambia, some form of association might be entered into between the Gambia and Senegal. During their discussions the Premier of the Gambia proposed that a joint approach might be made by the Government of Senegal and the Government of the United Kingdom, acting in respect of the Gambia, to the Secretary-General of the United Nations to appoint, under technical assistance arrangements, a team of constitutional, economic and fiscal experts. This team of experts would lay before the Governments economic and political data on which decisions can be taken as to the form which their future relationships should take.

"This proposal was accepted by the Senegalese Government, and the Secretary-General of the United Nations has confirmed his willingness to appoint such a team. Subject to the endorsement of this proposal by the Gambian House of Representatives this team will be appointed in consultation with the two Governments, who hereby affirm their determination to co-operate fully with the team and to provide such information as it may require to perform its appointed task.

"The conclusions reached by the experts will be studied by the two Governments and will form the subject of subsequent negotiations, with a view to achieving a close and friendly association between the Gambia and Senegal. The two Governments hope thus to make an important contribution to the stability, development and prosperity of their two countries and to the cause of African unity."⁸⁹

34. On the same day, the Government of Gambia issued the following statement as a supplement to the joint *communiqué* issued by the Governments of the Gambia and Senegal:

"1. The Government of the Gambia, in furtherance of its declared intention to lead the country to independence, has recently been giving careful deliberation to the future economic and political development of the Gambia.

"2. In the course of these deliberations the Gambia Government has been guided by two main principles: firstly, that independence must provide an effective means of leading the Gambian people towards greater prosperity and well-being, and that, for economic reasons, the Gambia might find it difficult to sustain this objective as an isolated sove-

reign independent state; secondly, that independence, when attained, should contribute to the wider cause of African unity. In the light of these two principles and in view of the close economic, geographical and ethnological links which bind the two countries, the Government decided that steps should be taken, after preliminary discussion with the Senegalese Government, to acquire the necessary information which would enable the Government and the peoples of the Gambia to consider the question of some form of association with Senegal on the attainment of independence. The Gambian Government has been informed that the United Kingdom Government, for their part, would be prepared actively to support any such move towards closer association between the two countries.

"3. At the same time the Gambian and Senegalese Governments have recognized the fact that due to the differing traditions and culture on which Senegal and the Gambia have developed, and to the differing political, economic and fiscal systems which obtain in the two countries, the problems involved in achieving political and economic association are considerable.

"4. With these considerations in mind the Premier of the Gambia, the Hon. D. K. Jawara, informally approached the President and Prime Minister of the Senegal Republic on 24th September with a proposal that consideration should be given by the two Governments to making a joint approach to the Secretary-General of the United Nations requesting that a team of constitutional, economic and fiscal experts should be appointed under technical assistance arrangements, in consultation with the two Governments. These experts would lay before the Governments the economic and political data on which the Governments and peoples of the two countries could decide what form their future relationship should take. In putting forward this proposal the Premier of the Gambia made clear the need for his Government to await the conclusions of the team of experts before reaching any decision on the nature of such a future relationship.

"5. In addition, the Premier emphasised that in the event of any form of union between the two countries being agreed the Gambia Government would wish to see reserved in any such agreement certain essential safeguards concerning the measure of autonomy which would be enjoyed by the Gambia after association. These matters would concern those which the Government would wish to retain under its own control in any association with Senegal and would include responsibility for internal administration, the police, civil service, and local government; preservation of Gambian civil and criminal law, educational and professional standards and qualifications; and the maintenance of the close ties of association between the Gambia, the United Kingdom and the Commonwealth. They would also concern those matters which the Gambia would wish to consider sharing with Senegal (defence, foreign policy [including joint representation overseas], financial matters and development). Ancillary to these matters the Gambia Government would also wish to see secured conditions ensuring joint representation for matters for which responsibility might be apportioned; conditions which would ensure continuance of Gambia's trading remaining liberalised; and provision for some form of constitutional appeal to

⁸⁹ *Commonwealth Survey* (London, H.M. Stationery Office), vol. 8, No. 25, 4 December 1962, p. 1064.

protect safeguards and conditions secured in any final agreement.

"6. The President and Prime Minister of Senegal have informed the Premier of the Gambia that they welcome these proposals and have accepted them in principle subject to detailed negotiation on the terms of any eventual association in the light of the team of experts' findings. The Secretary-General of the United Nations has also confirmed his willingness to appoint such a team.

"7. Subject, therefore, to the endorsement of this proposal by the Gambia House of Representatives, it is anticipated that the team of experts will be appointed towards the end of the year and, in the meantime, consideration will be given by the two Governments to the membership of the team and to its terms of reference.

"8. The Gambia Government fully endorse the hope expressed in the joint communiqué that the outcome of the team's enquiry will form a satisfactory basis for further negotiations between the two Governments contributing to the stability, development and prosperity of the two countries and to the cause of closer African unity."⁹⁰

35. The United Kingdom has informed the Premier of the Gambia that if, in the light of the experts' report, a satisfactory basis for association between the two countries can be worked out, the United Kingdom Government will be prepared to grant independence to the Gambia, so that she may conclude the necessary agreements with Senegal as a sovereign nation.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

36. The Special Committee considered Gambia at its 205th to 210th meetings, held between 6 and 13 September 1963.

General statements by members

37. The representative of the United Kingdom said that prior to 1960 the Gambia had had an Executive Council composed of five official members and at least six appointed members, while the Legislative Council had consisted of a Speaker, fourteen elected members, three nominated unofficial members and four official members. The Governor had presided over both Councils. The Legislature had been enlarged in 1960 to include twenty-seven elected members; direct elections had been extended to the whole Territory and the Executive Council had been reorganized to include a greater number of elected members of the House of Representatives.

38. In July 1961 a constitutional conference between the elected representatives of Gambia and the United Kingdom Government had been held in London to consider further political progress for the Territory and had reached agreement on a constitution giving a considerable measure of internal self-government, which had come into force in April 1962. Its main features had been that the Executive Council should consist of a Gambian Premier and eight Ministers drawn from the Legislature under the chairmanship of the Governor and that the House of Representatives should consist of a Speaker, thirty-six elected members, including four Chiefs elected by the Chiefs in Assembly, and two nominated members. The Governor

had retained responsibility for certain matters, including external affairs and defence, internal security and the public service.

39. Elections for the House of Representatives had taken place under the new Constitution in May 1962. Seventy-two per cent of the registered electors had voted; the Peoples Progressive Party, led by Mr. Jawara, had won eighteen seats, the United Party and its allies had won thirteen seats, and the remaining seats had been won by the Democratic Congress Alliance. As the leader of the majority party, Mr. Jawara had been appointed Premier, which office he still held.

40. In December 1962 the Premier had visited London and had raised the question of further constitutional advance for Gambia. Further discussions had been held between the Governor of Gambia and the United Kingdom Government in May 1963, and on 2 July the Governor had announced to the Gambian House of Representatives that the United Kingdom Government had agreed that Gambia should become fully self-governing as soon as the necessary procedures could be completed. Full internal self-government would mean that while the Governor would retain a certain residual responsibility for foreign affairs, defence and internal security until the Gambia was fully independent, all other questions appertaining to the government of the country would become the sole and exclusive responsibility of the elected Gambia Government and that, subject to the Governor's residual responsibility, foreign affairs, defence and internal security would also become a ministerial responsibility. The Premier would become the Prime Minister, and the Executive Council would become the Cabinet; responsibility for the civil service would be transferred to an executive Public Service Commission. The necessary legislation bringing those changes into effect would be introduced at the end of September or in the first week of October 1963.

41. In connexion with the question of the attainment of independence by Gambia in some form of association with its neighbour, Senegal, the Governments of the Gambia and Senegal had on 26 October 1962 issued a joint *communiqué*. The representative of the United Kingdom then read out the joint statement together with a statement by the Government of the Gambia (see paras. 33 and 34 above).

42. In a statement issued on 26 October 1962, the Secretary-General of the United Nations, in response to the request contained in the joint statement, had declared his willingness to appoint a team of experts to lay before the Governments of Gambia and Senegal economic and political data on which the two countries could decide what form their future relationship should take. The task of selecting suitable experts had been proceeding and it was expected that the team would start work on or about 1 October 1963.

43. The Committee would realize that very complex problems would have to be solved if a satisfactory basis for association between the two countries was to be achieved and that the issue should not be prejudged until the findings of the team of experts had been received and considered. Moreover, a reasonable period of time should be allowed in which the Government and the Civil Service of the Gambia could gain experience of the working of the fully self-governing constitution which would shortly come into force. In those circumstances it was impossible to forecast with any certainty the timing of the next constitutional step in the territory; detailed consideration of those matters

⁹⁰ *Ibid.*, p. 1065.

would be carried on when the United Nations team had submitted its report.

44. The representative of the United States said that the consideration of the Gambia did not present the Committee with any controversial problems. He thought all members would agree that there had been an orderly and progressive series of steps towards the fulfilment of the provisions of the Declaration on the granting of independence to colonial countries and peoples.

45. The Secretariat working paper⁹¹ and the statement made by the United Kingdom representative provided up-to-date information on those developments, the latest of which, the achievement of full internal self-government, was anticipated for the end of the current month or the first week of October. There seemed to be no significant difficulties in the way of the further and full implementation of the Declaration and his delegation would congratulate the people of the Gambia and the administering Power on their achievements and the manner in which that progress had been made.

46. The joint *communiqué* issued by the Governments of Senegal and the Gambia on 26 October 1962 did not fall directly within the purview of the Committee; it dealt with the form of independence the people of the Gambia might choose but did not place in doubt the full implementation of the Declaration. The decision concerning association with Senegal and the form it might take lay entirely in the hands of the peoples and Governments of the two countries concerned. It was not for the United States delegation or the Committee to express opinions on such a possible association. The Committee would, however, recall that the General Assembly in adopting the Declaration had recognized that the process of decolonization could be achieved either through emergence as a sovereign independent State, free association with an independent State, or integration with an independent State, in accordance with the desires of the peoples concerned. His Government viewed with interest the initiative taken by the Governments of the Gambia and Senegal in requesting that a United Nations technical mission composed of constitutional, economic and fiscal experts should lay before those Governments economic and political data on which decisions could be taken as to the form which their future relationships should take. The technical mission would soon be in the Gambia and it was to be hoped that all concerned would facilitate the speedy conclusion of its work.

47. The next steps in the development of the Gambia were in the hands of the Government of Gambia in agreement with the Government of Senegal. The United Kingdom had made clear its willingness to co-operate in solving the many difficult and complex problems which arose. The United States delegation wished success to all concerned and would watch ensuing developments with interest.

48. The representative of Cambodia said that his delegation had noted with satisfaction: first, that a new Constitution had come into force in April 1962; secondly, that the Constitution provided for an Executive Council and for a House of Representatives most of whose members were elected; thirdly, that elections held in May 1962 had led to the formation of a Government which had the support of the majority in

the House of Representatives; and fourthly, that the Gambia and the United Kingdom had agreed on the granting of complete internal self-government not later than the first week of October 1963.

49. His delegation assumed that following the great progress that had been made the Gambia would achieve independence without delay. It was disappointed that the date of independence had been postponed on the pretext that it was linked with administrative and economic considerations and with the negotiations concerning association with Senegal.

50. His delegation understood the sentiments expressed by the Government of the Gambia in its statement of 26 October 1962; independence should provide an effective means of leading the Gambian people towards greater prosperity and well-being and should contribute to the success of the larger cause of African unity. Those aims could be achieved just as well by a fully independent and not merely self-governing country. Once independent, the Gambia would have the right to enter freely into any form of association with any other State. His delegation, therefore, while approving all the steps that had been taken to set up an indigenous Government and to obtain external assistance in studying the problems arising from possible association with a neighbouring country, considered that the question of the granting of independence to the Gambia should not necessarily depend upon the conclusions of the United Nations team of experts or the progress made by the Government and Administration of the Territory. That view was supported by the Declaration on the granting of independence to colonial countries and peoples, in particular to paragraphs 2 and 3.

51. While his delegation congratulated the administering Power on the constitutional and political progress that had been made in the Gambia, it hoped that an early date would be fixed for the granting of independence to the Territory in accordance with the freely expressed wishes of the people. It welcomed the Secretary-General's decision to provide assistance to facilitate the negotiations for close and friendly association between the Gambia and Senegal.

52. His delegation would support any recommendation that the administering Power should take appropriate steps to accelerate the achievement of independence by the Gambia.

53. The representative of Syria said that on the basis of the available material it appeared that the constitutional development of Gambia since 1915 had been persistent but very slow and gradual. The administering Power had seemingly allowed an increasing number of Gambians to participate in the machinery of government. The latest Constitution appeared to grant the people of the area wider representation than they had had previously. While those developments were in themselves commendable, the Governor, who was appointed by the United Kingdom Government, still retained almost exclusive powers in his hands: he need not consult the Executive Council in matters in which, in his judgement, the service of Her Majesty would sustain material prejudice, which were so urgent that he must act before he had had a chance to consult the Council, or which were too unimportant to require consultation. In view of those and the other powers reserved to the Governor, it was clear that a very broad area of governmental machinery was still concentrated in the hands of the representative of the

⁹¹ Hectographed; issued to participants only.

administering Power. The Syrian Government considered that the constitutional progress which was taking place, apparently with the blessing of the United Kingdom Government, should not be mere progress on paper but should be accompanied by the transfer of governmental powers at the highest level to the inhabitants of the Territory and their representatives.

54. The decision by the People's Progressive Party and the Democratic Congress Alliance in April 1963 to reopen negotiations with the United Kingdom Government for the purpose of obtaining independence within the Commonwealth before the end of 1963 should be given very serious consideration. The United Kingdom Government should supplement its declaration of 2 July 1963 with another declaration embodying target dates for the attainment of self-government and the transfer to the people of the Gambia of full powers of government at all levels.

55. The second aspect of the Gambia's progress towards self-government concerned the establishment of a suitable and mutually beneficial association between the Gambia and Senegal. His delegation would not wish to pronounce upon that aspect of the matter until the report of the United Nations team of experts had been received.

56. The Syrian Government fervently hoped that in the very near future the people of the Gambia would enjoy the attributes of self-government. His delegation would vote in favour of any resolution that took into account the points he had enumerated.

57. The representative of Poland observed that the situation in the Gambia was similar in concept and practice to that in other Non-Self-Governing Territories under United Kingdom administration. In the political field, almost absolute power was vested in the hands of the Governor. Although the Constitution provided for an Executive Council and a House of Representatives, neither organ had any executive power to speak of, and the Governor could impose such decisions and laws as he might deem necessary. Any bill or motion not passed by the House within such time and in such form as he thought reasonable and expedient could be declared passed by the Governor. He could also act without the recommendation, advice or concurrence of the Executive Council whenever he judged it expedient to do so in the interests of public order, public faith or good government. Moreover, he had exclusive responsibility for internal security, the public service, defence and external affairs. Thus very few important tasks were left to the Executive and Legislative, composed of representatives selected on the basis of universal suffrage. Such a state of affairs was obviously inconsistent with the provisions of General Assembly resolution 1514 (XV), which imposed obligations on the administering Power which could not be evaded on the pretext of geographic or economic difficulties. In the view of the Polish delegation the provisions of the Declaration were applicable to all Territories which had not yet attained full independence, regardless of their specific features, and should be applied to Gambia as soon as possible.

58. While welcoming the announcement by the representative of the administering Power that at the end of September or early in October new legislation would be introduced and the Gambia would enjoy full internal self-government, his delegation had been disturbed to note that no date had been fixed for the

Territory's attainment of independence. The wishes of the Africans in the Gambia in that respect had been clearly demonstrated. In April 1963 a conference of the Peoples Progressive Party and the Democratic Congress Alliance had passed a resolution urging the Government to reopen negotiations with the United Kingdom Government for Gambia's attainment of independence by the end of the year, without prejudice to any form of closer association the country might wish to effect with its neighbours in furtherance of the practical achievement of African unity.

59. In an attempt to justify the delay in granting independence to the Gambia, the United Kingdom representative had placed particular emphasis on the subject of an association between Gambia and Senegal after the Territory became independent. The United Kingdom representative had also stated that time was needed in which the Government and the Civil Service could gain experience under the self-governing Constitution which would shortly come into force. The Committee's task, however, was to see that General Assembly resolution 1514 (XV) was implemented. Power must be transferred to the democratically elected representatives of the people of Gambia, in accordance with paragraph 5 of that resolution. It would be for the people of the Gambia to work out their future relationship with their neighbours and to contribute to the cause of African unity. It would be contrary to the spirit and letter of the Declaration contained in resolution 1514 (XV) to make the exercise of the inalienable right of the Gambian people to self-determination and independence dependent on any conditions or reservations. Experience gained by other African countries showed that progress could be achieved much more satisfactorily and rapidly in conditions of full sovereignty and independence. His delegation therefore felt that the Committee should urge the administering Power to take all steps to transfer sovereign powers to the Gambian people and to fix a date for the Territory's accession to independence in accordance with the wishes of the people.

60. The representative of Tunisia said that the information given by the United Kingdom representative in his recent statement had assisted the members of the Committee to form a clear idea of the political situation in the Gambia. A study of the steps which the administering Power had promised or proposed to take in 1960, 1961, 1962 and 1963 showed that there had been little or no development in the political situation. There had certainly been a constitutional change, characterized both by the agreement concluded in July 1961, which according to the United Kingdom representative had established a considerable measure of internal self-government, and by the agreement of 1963 granting the Gambia full internal self-government, the provisions of which were to come into force very shortly.

61. Slight as was the progress represented by those steps, they did demonstrate a certain change of heart on the part of the United Kingdom Government. All the same, it was deplorable that they had been spread out over four years and that no date had been fixed for the end of United Kingdom administration in the Gambia and the liberation of the Gambia people. The United Kingdom representative, far from allaying the Committee's anxiety on that subject, had added to it by his statement that it was not possible to forecast with any certainty the timing of the next constitutional step in the Territory. The administering Power was

very niggardly in introducing reforms and its reluctance to implement the Declaration on the granting of independence to colonial countries and peoples left little room for hope of a radical and immediate change in its policy. Yet the Gambia, which had an entirely African population, was a supreme example of a country where the implementation of the Declaration was unlikely to give rise to any problems, and it was difficult to understand why there had been no effective transfer of powers to the people of the Territory. The administering Power claimed that it must proceed by stages in order to allow time for the elected representatives of the people to familiarize themselves with the problems of the public service and governmental machinery. That argument was unfounded, since experience had shown that those alleged obstacles had never hampered development in the African countries which had achieved independence. Even if those reasons were based on genuine goodwill, they could not justify the people's being kept indefinitely in a state of subjugation. Furthermore, they were contrary to the Declaration, in particular to the last preambular paragraph and to operative paragraph 5.

62. His delegation welcomed the idea of an association between the Gambia and Senegal. Nevertheless, the United Kingdom Government, however praiseworthy its efforts in that direction might be, should not attempt to link the Gambia's independence with the realization of that association. The Government of independent Gambia would undoubtedly work towards that association and would be able to bring it about in the spirit of the charter of the Organization of African unity.

63. His delegation urged the United Kingdom Government to cease making use of expedients and provisional solutions and to implement the Declaration on the granting of independence to colonial countries and peoples without delay. The proclamation of the Gambia's independence would strengthen and consolidate the United Kingdom's own position in Africa.

64. The representative of Mali said that although the question of the Gambia should be approached with caution, since the Committee was examining it for the first time, and despite Gambia's particular relationship with the Republic of Senegal, his delegation was convinced that the country was a classic example of a colonial territory and thus came within the scope of General Assembly resolution 1514 (XV).

65. After studying the Secretariat working paper (see para. 45 above) and hearing the statement made by the United Kingdom representative his delegation would state categorically that the constitutional development of the Territory had been neither rapid nor progressive. The Gambia had remained under colonial domination up to 1960, when, as a result of the struggle of the Gambian people for independence, the United Kingdom had granted it a kind of Constitution under which there was an Executive Council consisting of five official and six appointed members and a Legislative Council consisting of a Speaker, fourteen elected, three unofficial and four official members. The Governor had presided over both Councils. Later the number of seats in the Legislative Council had been increased and elections had been extended to the whole Territory.

66. Obviously at a time when Senegal, the neighbouring country, and a number of other African countries were achieving total independence, those constitutional reforms could not satisfy the Gambian people's

desire for self-determination. Hence in July 1961 the Colonial Office in London had convened a conference to consider further political progress for the Territory, or rather to satisfy its desire for independence. The United Kingdom had been obliged to grant a Constitution, which had come into force in 1961 and had given the Territory a considerable degree of internal self-government. That Constitution, however, was nothing more than a subterfuge, since the colonial Power maintained all its rights through the Governor, who exercised authority in all matters and particularly in defence and security.

67. Towards the end of 1962 Mr. Jawara, the Premier, had visited London and had raised the question of further constitutional advance for his country, which was becoming ever more keenly aware of the independence movement in various parts of Africa. At the conclusion of the talks the United Kingdom Government had promised to envisage steps to grant the Territory internal self-government in the shortest possible time. In view of the delay in putting those measures into effect, Mr. Jawara had again visited London in July 1963 and on his return had informed his people that legislation introducing constitutional reforms would come into force at the end of September or early October. Without prejudging the terms of the new Constitution, the delegation of Mali could state forthwith that it would not correspond to the aspirations of the Gambian people if it did not provide for the real transfer of all powers and functions to the indigenous population.

68. The United Kingdom representative had informed the Committee that the Governments of the Gambia and Senegal were studying the possibility of some form of association between the two countries even before Gambia had achieved independence, and that the two Governments had requested the Secretary-General to send a team of constitutional, economic and fiscal experts to assist them. The delegation of Mali, while welcoming the spirit of understanding between the two Governments, considered that such an association should come into being only after the Gambia had become independent and was on a footing of equality with the Republic of Senegal. Any form of community or association must be based on equality. Without wishing to prejudge the conclusions of the team of experts, his delegation urged the administering Power to grant immediate and total independence to the people of the Gambia, in accordance with General Assembly resolution 1514 (XV).

69. The representative of the Soviet Union observed that if the information on the Gambia that was available to the Committee was analyzed from the point of view of the requirements of the Declaration on the granting of independence to colonial countries and peoples, it became apparent that the situation in the Territory was far removed from the idyllic picture painted by the United Kingdom representative. Politically, the Gambia was a typical United Kingdom colony. Virtually all power remained in the hands of the Governor, who was responsible for internal security, external relations, defence and the public service and could disallow bills recommended by the House of Representatives and, conversely, pass bills not so recommended; he also had the power to dissolve the House of Representatives before its term expired. In the circumstances the fact that the majority of the House of Representatives were elected on the basis of universal suffrage was of little consequence and uni-

versal suffrage itself had become an empty formula, for the United Kingdom colonialists had seen to it that the elected organ was virtually devoid of power. The powers of the Executive Council, the members of which were appointed by the Governor and which was presided over by the latter, were also very restricted.

70. Similarly, the Gambia had a typically colonial economy. Ground-nuts—the territory's main export crop—and palm kernels were marketed through the Oilseeds Marketing Board, a United Kingdom company which, according to the July 1962 issue of *Africa Today*, paid the growers such a low price for their crop that their income could only support them for six months of the year. The Oilseeds Marketing Board was also the biggest of the United Kingdom companies controlling the Territory's foreign and internal trade.

71. The only possible conclusion was that none of the main principles embodied in the Declaration had been implemented in Gambia.

72. It was clear from the statement by the United Kingdom representative that the administering Power was in no haste to lead the country to independence. The intention was merely to grant it internal self-government in the very near future. The dilatoriness of the United Kingdom could be seen from the fact that the reply to the Gambia Government's request in December 1962 for further constitutional progress in the Territory had been that the granting of full internal self-government would be contingent on the completion of the necessary procedures, and that the Governor would remain responsible for internal security, defence and external relations. Various members of the Committee had been justified in voicing their concern that the constitutional reforms were on paper only and were not accompanied by the transfer of power to the indigenous inhabitants as demanded in the Declaration.

73. The United Kingdom representative had tried to convince the Committee that the problem was so complex that it was impossible to set a date for the next stage in the constitutional development of the Territory, that the report of the United Nations experts should be awaited, that the Committee should take no decision at that stage and that the Gambia Government must be given time to gain experience. Such artificial pretexts were typical of the administering Power's attempts to delay the inevitable granting of independence to a colonial territory.

74. The Committee was, however, aware that, at a conference held in April 1963 the Peoples Progressive Party and the Democratic Congress Alliance had unanimously adopted a resolution calling for independence within the Commonwealth before the end of 1963, without prejudice to any form of close association the Gambia might wish to effect with its neighbours in furtherance of the practical achievement of African unity. Similarly, in the joint *communiqué* issued by the Senegalese and Gambia Governments on 26 October 1962, it was stated that, on the attainment of full sovereign independence by the Gambia, some form of association might be entered into between the two countries.

75. None of those documents provided any justification for delaying the granting of independence. Besides, it should be borne in mind that paragraph 5 of the Declaration specified that immediate steps should be taken to transfer all power to the peoples of the dependent territories. That paragraph was directly applicable to the Gambia.

76. It was incumbent upon the Committee to take an effective decision designed to accelerate the granting of independence to the Gambia. The Committee should recommend that the General Assembly should confirm the inalienable right of the Gambian people to self-determination and independence in accordance with the provisions of the Declaration on the granting of independence to colonial countries and peoples and that it should call upon the administering Power to take immediate steps for the transfer of power to the Gambian people in accordance with that Declaration. The Committee should also support the request put forward in the resolution of the two Gambian parties and should recommend that the General Assembly should request the administering Power to grant independence to Gambia before the end of 1963 without any conditions or reservations.

77. The representative of Madagascar said that, thanks to the understanding and co-operation of the people of the Gambia, the administering Power, the Government of Senegal and the Secretary-General, the Gambia was well on the road to independence. His delegation was convinced that for the time being the best course for the Committee was to express the hope that the United Nations experts should leave for the Territory at an early date, with a view to gathering the constitutional, economic and political information necessary for the future negotiations between the Governments of sovereign Gambia and Senegal concerning a form of association between the two countries.

78. The representatives of Denmark noted with satisfaction that, as the United Kingdom representative had confirmed in his statement, the Gambia was to enjoy full internal self-government shortly—a development which constituted a decisive step towards independence.

79. As mentioned in the statement issued by the Governments of the Gambia and Senegal (paras. 33 and 34 above) a request had been made for a United Nations investigation of the problems connected with an association between the Gambia and Senegal. Considering the experience the United Nations had acquired since its establishment, the Danish delegation was convinced that the team of experts to be appointed by the Secretary-General would be able in an impartial way to lay before the two Governments the economic and political data which would enable them to decide what form their future relationship should take. The Committee should welcome that attempt by the two Governments, which would serve the cause of African unity. It should be borne in mind, however, that the Gambian Government itself had pointed out the need to await the conclusions of the team of experts before reaching any decision on the nature of a future relationship between the Gambia and Senegal. The Committee should respect that point of view. On the other hand, since the team of experts appointed by the Secretary-General was about to visit the Territory, the matter would soon be settled, and that would enable resolution 1514 (XV) to be applied to the Gambia without delay.

80. The representative of Australia said that the intentions of the administering Power in Gambia could not be questioned: the United Kingdom, in common with the other members of the Committee, was aware that the trend toward independence was irreversible and beyond the control of any administering Power. The Committee should therefore determine the present stage of development in the Territory, after which it

should scrutinize the means which had been employed in reaching that stage, and it should then decide whether the continued application of those means would lead toward the objectives of resolution 1514 (XV).

81. It appeared that the association with Senegal, which was under examination, was the nucleus of the question. First, such an association seemed to be in accord with resolution 1514 (XV). Secondly, the United Nations had a vital role to play in the matter; the Secretary-General himself had expressed his satisfaction regarding the constructive approach of the two Governments concerned to the question of such an association and was confident that such action would make an important contribution to the stability, development and prosperity of the two countries and would serve the cause of African unity.

82. There was to fear, however, that the association would involve difficulties for which there was no rapid solution. In his own country, the federal association which had been achieved at the beginning of the twentieth century between a group of separate colonies, under much more favourable conditions than the Gambia and Senegal could hope for, had nevertheless encountered obstacles that had inevitably given rise to stress, some of which still persisted. On the basis of that experience the Australian delegation had carefully studied some of the factors which the leaders of the Gambia and Senegal would have to bear in mind and which greatly complicated the question, such as the relative size of the populations (250,000 in Gambia, 3 million in Senegal), the differing political, economic and social institutions, and the differences in customs and language.

83. In those circumstances, the peoples concerned obviously wanted a thorough exploration of the possibilities of association before a final decision was taken. Those wishes must be respected, and anything that the Committee or any other organ of the United Nations might do should be directed towards that end.

84. The wishes of the people of the Gambia, which had been clearly expressed in the statement of 26 October 1962 (see para. 34 above), had been fully respected by the administering Power. Furthermore, the United Kingdom Government had indicated that it was prepared to endorse the proposed association between the two countries, provided that its terms were satisfactory and acceptable to the people of the Gambia. Clearly, if the association emerged, it would be owing in large measure to the understanding and the efforts of the United Kingdom. The Committee should take that fact into account in determining what conclusions it should draw from its examination of conditions in the Gambia.

85. Moreover, the degree of development which had now been reached by the Gambia was the result of well-ordered political development. The elements of the country's political future already existed in embryo, and that was encouraging. The 1962 Constitution provided for substantial internal self-government, exercised mainly by a House of Representatives with a large elected majority returned at elections in which the greater part of the electorate had participated. A new Constitution, which would leave only minimal powers in the hands of the Governor, was about to come into force. Such self-government, marked by the existence of a Prime Minister, a Cabinet, and a Public Service Commission largely independent of the Governor's control, conformed to the recognized

principles of democracy and independence. If the possibility of an association between the Gambia and Senegal was added, the intentions of resolution 1514 (XV) were seen to be fulfilled.

86. Thus the situation was that a free association between the two countries seemed to be a possibility based upon investigation and advice by the United Nations, upon the expressed wishes of the people concerned and upon encouragement and assistance by the administering Power; it also conformed to the intentions of the United Nations Charter and of at least two great resolutions of the General Assembly.

87. The progress of the Gambia itself towards independence had been hastened by a series of constitutional steps deliberately taken by the administering Power. The situation in the country was non-controversial; the people had been consulted and continued to be consulted.

88. At the same time, however, the Committee had its own duty to perform, arising from resolution 1514 (XV). It must determine what it considered to be the basic facts of the existing situation and then express the hope that the provisions of that resolution would be implemented in the Gambia at the earliest possible date.

89. In the view of the Australian delegation, a resolution or a consensus along those lines would enable the Committee to indicate what it considered to be the basic facts, to emphasize what should be done to comply with resolution 1514 (XV) and to warn against the dangers of forcing undue haste with regard to an association which was not yet perfected and which might seriously retard both the progress of the Gambia and African unity itself. Such a statement would appear more appropriate than any reference to a target date, which might lead to haste, destructive to the hopes and plans of the people of the Gambia.

90. The representative of Iraq noted that the Gambia had made considerable progress towards self-government, particularly after the promulgation of the new Constitution of May 1962. He welcomed the agreement reached on the principle of an association with Senegal. Such an association, apart from the benefits it would have for the two States, was an important step towards African unity. It was to be hoped that the administering Power would fix a date for full self-government and independence for Gambia as soon as possible.

91. The representative of Bulgaria observed that, nearly three years after the adoption of the Declaration on the granting of independence to colonial countries and peoples, the Gambia was still a British colony, and the United Kingdom Government, which had not implemented the provisions of resolution 1514 (XV), was using every pretext to postpone indefinitely the granting of independence to the countries and peoples under its rule.

92. The statement made by the United Kingdom representative was a source of serious concern to most members of the Committee. The representative of the administering Power had spoken at length about the so-called constitutional progress made by the Gambia, but had failed to mention even the approximate date on which his Government intended to grant independence to the people of the Gambia in accordance with resolution 1514 (XV).

93. The so-called constitutional reforms which were supposed to prepare the people for self-government had been introduced more than half a century earlier.

During the long period which had followed, other constitutional reforms had been introduced, leading to the adoption of the present Constitution. It was well known that the self-government granted by that Constitution was meaningless: it gave the Governor, appointed by the Crown, sole responsibility for external affairs, defence, internal security and the public service. The Executive and Legislative Councils established under that Constitution did not in fact exercise any functions other than those of advisory organs. Although the Constitution provided that the Governor had to consult the Executive Council with regard to certain matters and act on its advice, the fact was that the Governor could also act without consulting the Council whenever he saw fit. The same applied to the House of Representatives. Many matters, such as external affairs, defence, internal security and wage-scales, could only be brought before the House of Representatives by the Governor. Moreover, any bill which had not been adopted by the legislative body within a certain period and in a form which the Government considered appropriate could be declared law by the Governor himself. Lastly, the House of Representatives could be dissolved by the Governor before its five-year term had expired.

94. Those examples demonstrated that the British were still masters of the destiny of the Gambian people. It was true that the representative of the administering Power had announced that the Gambia would attain full internal self-government at the end of September or beginning of October, but he had not stated the precise date on which the Territory would become independent, arguing that it would be necessary to allow a reasonable period of time for the Government and the civil service to gain experience. In view of the fact that the British had taken centuries to prepare the people of the Gambia for self-government it might well be asked how long it would take before the country attained full independence. In the opinion of the Bulgarian delegation, the date on which the Gambia would be fully independent should be fixed without further delay in accordance with the clearly expressed wishes of the people and the provisions of resolution 1514 (XV). The independence of the Gambia could not be postponed any longer on the pretext that the Territory's future relations with Senegal must first be determined.

95. The representative of Yugoslavia said that his delegation's views on the question were in conformity with its conviction that all colonial territories, irrespective of their size, should attain independence and be granted the right to self-determination in the shortest possible time. His delegation was not entirely satisfied with the statement of the administering Power that it would grant the Gambia internal self-government, since so many powers were to be left in the hands of the Governor. Moreover, the process of transferring administrative power to the people of the Gambia was extremely slow. He had no doubt that the people were ready to take charge of their own affairs and the future of their country. The United Kingdom Government had informed the Premier of the Gambia that if a satisfactory basis for association between the Gambia and Senegal could be worked out it would be ready to grant independence to the Gambia, but unfortunately no specific date had been mentioned. The question whether the basis for that association was satisfactory or not should not be made a pretext for delaying the granting

of independence; it should be left to the people of the Gambia and their elected representatives to decide on the future of their country. His delegation held that the Declaration on the granting of independence to colonial countries and peoples should be applied to the Territory without further delay.

96. The representative of the United Kingdom in reply, drew the Committee's attention to the fact that the resolution calling for independence for the Gambia by the end of 1963 had been adopted at a conference of two political parties, the Government Party, which was the Peoples Progressive Party, and its ally, the Democratic Congress Alliance. It had not been a decision of the Government of the Gambia, nor had such a demand been made by the Opposition party, the United Party. Subsequent to the conference, the Premier had decided to seek only immediate full internal self-government pending the submission of the report of the United Nations team of experts. When the Premier had announced over Radio Gambia, on 4 September 1963, that the United Kingdom Government was granting the Gambia full internal self-government, he had made no reference to independence.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1963

97. At the 209th meeting, on 12 September 1963, the representative of the Ivory Coast introduced a draft resolution on the Gambia, jointly sponsored by India, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia and Yugoslavia (A/AC.109/L.85).

98. At the following meeting the representative of Italy said that the draft resolution did not mention the possibility of association between the Gambia and Senegal which in his delegation's view was a relevant factor as far as the independence of the Gambia was concerned. It had been mentioned by almost all the speakers who had taken part in the debate and he saw no reason why there should be no reference to it in the draft resolution. Without such a reference, the draft resolution neither indicated suitable ways and means for the application to the Gambia of the Declaration on the granting of independence to colonial countries and peoples, nor did it propose any specific steps designed to lead to the independence of the Territory.

99. The representative of Mali said that the only purpose of the draft resolution was to ensure that the Gambia should achieve independence in the shortest possible time. The sponsors had not felt it necessary to take into account other considerations which had been raised by the administering Power. The most urgent necessity was the achievement of independence by the Territory; following that, the sovereign people would be free to take the direction they wished and to decide on the form of sovereignty which would suit them. He hoped that the Committee would adopt the resolution as it stood, without the amendment suggested by the Italian representative. His delegation considered that the adoption of such an amendment would be presumptuous, since the Committee had not heard the views of any representative of the Gambia on the subject.

100. The representative of Cambodia said that his delegation would have no objection to the suggestion made by the representative of Italy. If, however, there

were to be a reference to a possible association between the Gambia and Senegal, it should perhaps also be stated that that association should not be linked to the granting of independence. At the present stage, it might perhaps be wise for the Committee simply to adopt the draft resolution which had been submitted.

101. The representative of Australia said that his delegation would have liked to see in the draft resolution a specific reference to the proposed association between the Gambia and Senegal, since it believed that a Territory could properly gain and exercise independence as a constituent member of a federation or association. It would also have liked the draft resolution to refer to the part being played by the United Nations in co-operation with the efforts of the Governments of the Gambia and of the United Kingdom. In his delegation's opinion the administering Power had been observing the provisions of General Assembly resolution 1514 (XV) in its efforts in Gambia. The Territory had made great strides towards full internal self-government and proper instruments had been created through which the voice of the people could be made known. The draft resolution should also refer to the wishes of the people of the Gambia, which were the dominant factors in any such situation, as was clearly laid down in paragraph 5 of resolution 1514 (XV). Furthermore, there were particular problems associated with the independence of small nations. That should not be interpreted to mean that his delegation did not believe that small nations should have the same rights as larger nations, but the small size of a population such as that of the Gambia called for the consideration of particular solutions to the problems of their independence. They should not be forced, regardless of size, into predetermined patterns of national development.

102. The Special Committee then unanimously adopted the draft resolution.

103. The representative of the United Kingdom said that his delegation had not opposed the resolution because, as he had consistently made plain, it had not wished to stand in the way of the aspirations of the people of the Gambia for independence. He would, however, comment that the resolution was inadequate and incomplete, since it made no reference to the establishment within the next few weeks of full internal self-government, or to the imminent arrival of the United Nations team of experts, at the request of the Governments of the Gambia and Senegal, to investigate a possible association between the two countries. The United Kingdom considered that the timing and the

way in which the Gambia was to achieve independence should not be decided in advance of and without reference to a decision on that question, in the examination of which he hoped the United Nations team would be able to help the Governments concerned. The Premier of Gambia had recently announced that 4 October 1963 had been chosen as the day on which the new Constitution conferring full internal self-government on the Gambia would become effective, and that day had been declared to be a public holiday.

104. The representative of the United States said that if there had been a vote on the resolution he would have voted in its favour. At the same time he felt constrained to point out that in his delegation's view the resolution would have been better if it had called attention to four points: first, the fact that the Gambia was already on the threshold of full internal self-government; secondly, the interest expressed by both the Gambia and Senegal in freely associating with each other and the positive steps taken by the two Governments in requesting United Nations assistance in devising a formula for such an association; thirdly, the forthcoming visit of the United Nations team in response to that request; fourthly, he would have liked to see a reference in the preamble to General Assembly resolution 1541 (XV), particularly those portions dealing with free association and integration.

105. The resolution on the Gambia approved by the Special Committee at its 210th meeting, on 13 September 1963, read as follows:

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

"Having in mind the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960, and resolutions 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962,

"Having heard the statements of the representative of the administering Power in the Special Committee,

"1. Reaffirms the inalienable right of the people of Gambia to self-determination and independence;

"2. Declares that the provisions of resolution 1514 (XV) must be applied to Gambia without delay;

"3. Invites the administering Power to comply with the provisions of resolution 1514 (XV)."

CHAPTER XII

GIBRALTAR

A. INFORMATION ON THE TERRITORY

General

1. Gibraltar is a narrow peninsula running southward from the south-west coast of Spain. It consists of a long, high mountain called The Rock and a sandy plain to the north of it, raised only a few feet above the level of the sea, called the North Front. Its greatest elevation is 1,396 feet, its length $2\frac{3}{4}$ miles and its greatest breadth nearly 1 mile. To the south of

Gibraltar, 20 miles across the Straits, is Africa; the Mediterranean lies on the east.

2. The area of Gibraltar is $2\frac{1}{4}$ square miles (5.8 square kilometres).

3. The population of Gibraltar, according to the census taken in October 1961, is as follows:

Gibraltarians	17,985
British subjects not classified as Gibraltarians (This figure includes families of members of the British armed forces, but excludes servicemen)	4,809

Non-British	1,132
Visitors with temporary permits of residence	149
	—
TOTAL	24,075
	—

Government

(a) *Status*

4. Gibraltar is a Crown Colony and has been under British control since its capture by British forces in 1704.

5. Since 1957 the representative of Spain in the Fourth Committee of the General Assembly has each year recorded his Government's jurisdictional reservations with regard to the right of the United Kingdom to submit information on Gibraltar, which his Government considers to be an integral part of Spanish territory.

6. In reply to these statements, the representative of the United Kingdom has stated on each occasion that his Government has no doubt as to the legitimacy of the rights of sovereignty it exercises over Gibraltar, and that it reserves its position in the matter.

(b) *Constitution*

7. The constitution of Gibraltar is defined by the Gibraltar (Legislative Council) Order in Council, 1950, dated 3 February 1950 and by Letters Patent and Royal Instructions of 28 February 1950. The constitution is that of a Crown Colony and it provides for the following:

(i) *Governor*

8. The Governor is head of the administration of the Territory and is also Commander-in-Chief. In the exercise of his powers, he is advised by an Executive Council.

(ii) *Executive Council*

9. The Executive Council, presided over by the Governor, is comprised of four *ex officio* members (the Colonial Secretary, the Attorney General, the Financial Secretary and a military representative) and four non-official members appointed by the Governor. Three of the four non-official members are elected members of the Legislative Council and the fourth is a nominated member of the Legislative Council. The Executive Council is the principal executive organ and normally takes decisions on all matters affecting the internal government of the Territory, including the budget.

(iii) *Legislative Council*

10. The Legislative Council consists of the Governor as President, the Speaker and twelve members as follows:

3 *ex officio* members (the Colonial Secretary, the Attorney-General and the Financial Secretary),

2 members nominated by the Governor (at least one must be a non-official member and 7 elected non-official members.

11. The Legislative Council passes laws for the peace, order and good government of the Territory. It normally meets under the chairmanship of the Speaker. As a result of constitutional changes introduced in 1959, members of the Legislative Council now undertake the supervision of departments of the administration. The leader of the largest group in the Legislative Council is designated Chief Member.

12. The assent of the Governor is required to all legislation, which also remains subject to disallowance by the Crown. Powers are reserved to the Governor to pass into law, without the consent of the Council, any measures that are in his opinion expedient in the interests of public order, public faith or good government so to do.

13. The normal life of the Legislative Council is five years. The last elections to the Legislative Council were held in September 1959.

(c) *Electoral system*

14. The elected members of the Legislative Council are elected on a basis of universal adult suffrage by proportional representation.

15. During the last elections, held in September 1959, thirteen candidates stood for election to the seven elected seats. About 8,800 votes were polled out of a total electorate of some 13,300. Of the seven members elected, three were members of the Association for the Advancement of Civil Rights, one belonged to the Transport and General Workers' Union and three were independents.

(d) *Judiciary*

16. The courts of law in Gibraltar consist of the Supreme Court, the Court of First Instance and the Magistrates' Court. The Judiciary comprises the Chief Justice, a judge of the Court of First Instance, a Stipendiary Magistrate, and twenty-one local justices of the peace. The Chief Justice presides over the Supreme Court, which has both original and appellate jurisdiction. The Court of First Instance has jurisdiction comparable to that of County Courts in England and is subordinate to the Supreme Court. The Magistrates' Court is normally presided over by the Stipendiary Magistrate or, in his absence, by two or more justices of the peace.

(e) *Public Service*

17. All junior posts and many of the senior posts of the Civil Service are filled by locally recruited personnel. Senior posts in the administration held by Gibraltarians include those of Financial Secretary, Commissioner of Lands and Works, and Chief Medical Officer. Government Officers are appointed by the Governor on the recommendation of the Public Service Commission.

(f) *Local government*

18. Municipal affairs are in the hands of the Gibraltar City Council which has eleven members. Seven councillors are elected and hold office for three years; at present five of the councillors are members of the Association for the Advancement of Civil Rights and two are Independents. The leading elected member of the Council is the Mayor of Gibraltar. The remaining four members are appointed by the Governor. The last elections were held in December 1962. The functions of the City Council include fire prevention, public health, highway maintenance, public markets, water, electricity, gas and telephone services.

Political parties

19. The main political party in Gibraltar is the Association for the Advancement of Civil Rights which was formed in 1942 to do its utmost for the welfare of all citizens of Gibraltar and for the furtherance of civil rights in the Colony. Three of the seven elected seats in the Legislative Council are held by this party.

There are two smaller parties, namely the Transport and General Workers Union, which has one elected seat in the Legislative Council, and the Gibraltar Commonwealth Party.

Economy

20. The economy of Gibraltar is largely dependent on tourism, re-exports and work provided by the dockyard, the service departments, the Government and the City Council.

21. Government revenue for the year 1961 was £2,144,963 and the expenditure amounted to £2,134,460.

22. Owing to the small size of the Territory and the infertility of the soil, there is no agricultural production in Gibraltar. The Territory has no natural resources. There are a few processing industries such as canning of fish and fruit, the processing of tobacco and the roasting and blending of coffee.

23. The resident working population is considerably less than that required to meet the labour demands in the Territory. As a consequence approximately two thirds of the labour force consist of non-domiciled workers almost all of whom live in the neighbouring Spanish territory and enter Gibraltar daily.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

24. The Special Committee considered the question of Gibraltar at its 206th, 208th, 209th, 211th to 215th meetings, held between 9 and 20 September 1963.

Participation by Spain in the work of the Special Committee

25. By a letter dated 4 September 1963 the Deputy Permanent Representative of Spain to the United Nations informed the Special Committee that his delegation would like to take part in its discussion of Gibraltar (A/AC.109/52). At its 206th meeting the Special Committee decided, without objection, to invite the representative of Spain to attend its meetings during the consideration of this item.

Written petitions and hearings

26. The Special Committee distributed the following petitions concerning Gibraltar:

<i>Petitioner</i>	<i>Document No.</i>
Mr. Joshua Hassan, Chief Member of the Legislative Council and Mayor of Gibraltar (three petitions)	A/AC.109/PET.158
Various individuals and organizations (eleven petitions in support of petitioners)	A/AC.109/PET.174*

*Circulated after the Special Committee had concluded its consideration of Gibraltar.

27. The Special Committee heard the following petitioners concerning Gibraltar:

- (a) Mr. Joshua Hassan, Chief Member of the Legislative Council and Mayor of Gibraltar (214th meeting);
- (b) Mr. P. Isola, Independent member of the Legislative Council (214th meeting).

28. Mr. Hassan said that he and his colleague had come to New York to express the views of all the people of Gibraltar. He himself was the Chief Member

of Gibraltar's Executive and Legislative Councils, having been elected to the latter on the basis of universal adult suffrage, as the leader of the Association for the Advancement of Civil Rights, the largest political party in Gibraltar. He was also a City Councillor and had been unanimously elected Mayor by all the Councillors, irrespective of party, at the last sixteen elections. He could therefore claim to speak on behalf of the people of Gibraltar. Mr. Isola, his colleague, who did not always agree with him on certain aspects of internal government, was also an elected member of the Legislative Council and was in fact the Minister of Education although he had not yet been given that title.

29. On several occasions Spain had asked that Gibraltar should be returned to it. The Spanish representative was now trying to achieve that object under the guise of an abhorrence of colonialism. He did not question Spain's dislike of colonialism but he emphatically maintained that its application in the case of Gibraltar was completely irrelevant.

30. Colonialism implied the subjugation of a people by a foreign Power, the exploitation of the resources and labour of a colony for the benefit of the colonial Power, and the economic, social, moral, legal and political oppression of its people. None of those qualifications was met in the case of Gibraltar; hence the case presented by the representative of Spain could not stand, based as it was on false premises, not on a desire to liberate an oppressed people but on a centuries-old obsession to alter a historical fact.

31. The people of Gibraltar were not subjugated by a foreign Power. They had come to Gibraltar after it had been conquered and had settled there in the knowledge that it was a fortress. As its value as a fortress had declined, there had been changes in the whole way of life of Gibraltar which were entirely consonant with its growth as a political entity.

32. With regard to the exploitation of the Colony's resources, the United Kingdom did not derive any revenue from Gibraltar or from the labour of the population. On the contrary, it was the people of Gibraltar who derived benefit from the presence of the British armed forces, from the trade that that represented, the opportunities for employment, grants made under the Colonial Development and Welfare Acts, and the whole background of administrative expertise, judicial independence and responsible legislature which characterized the system of government.

33. As for the economic oppression of the people, prosperity was enjoyed by all sections of the community. In the educational sphere, a large proportion of the young people went on from school to university, teacher-training colleges or technological schools. There was no distinction of class, race or religion in Gibraltar, and all communities lived together in mutual respect.

34. Gibraltar's legal and judicial system was based entirely on that of the United Kingdom, and there was a wholesome respect for the impartiality of the courts.

35. With regard to the political aspect, Gibraltar had not yet achieved full self-government; that was, however, the aim of the political leaders of Gibraltar and had been accepted by the United Kingdom. At the municipal level, the Gibraltar City Council had a popularly elected majority, and its decisions were not subject to approval by the United Kingdom Government. In the governmental sphere there were the Legislative Council, Executive Council and the Council of

Members. Decisions taken by the Legislative Council were subject to the Governor's reserved powers which had, however, been exercised on only one occasion since the establishment of the Legislature thirteen years previously.

36. In 1956 a scheme had been instituted for the association of members of the Legislature with government departments. That scheme ensured that heads of government departments would not take any policy decisions without consulting the member associated with the department. General policy matters which were not directly related to any particular department were made the subject of consultation with the Chief Member.

37. The Executive Council met under the chairmanship of the Governor and consisted of equal numbers of official and elected members. Although the Governor was entitled to disregard advice tendered by the Council, in practice he acted on the advice of the elected representatives. A further step in constitutional development had been taken recently with the formation of the Council of Members. That body consisted of the elected members in the Executive Council under the chairmanship of the Chief Member and it considered in detail matters relating mainly to domestic affairs which were put before the Executive Council. Its conclusions were subject to the endorsement of the Executive Council, but so far there had been no case of their being rejected.

38. From the foregoing it should be clear that although Gibraltar was still formally a Crown Colony, nothing could be further from the generally accepted interpretation of colonialism than the situation in Gibraltar. The people of Gibraltar wanted to go on living in Gibraltar, without outside interference, in friendship with all peoples and in co-operation with their immediate neighbours. He was confident that the Committee would support his view that the imposition by Spain of restrictions against Gibraltar, designed to undermine its prosperity, were as directly contrary to the spirit of the United Nations Charter as would be an act of open aggression.

39. He would submit that the primary concern of the Committee was to ascertain whether colonialism was in fact being practised in Gibraltar and, if not, to agree that the people of Gibraltar were entitled to decide how they wished to shape their own future. Even if Gibraltar were to be dealt with as a colonial area within the terms of reference of the Committee, the main concern of the Committee should be the right to self-determination of the people, in accordance with paragraph 5 of General Assembly resolution 1514 (XV).

40. What were the wishes of the people of Gibraltar? Principle VI of the annex to resolution 1541 (XV) defined three ways in which a "full measure of self-government" could be reached, namely: "(a) Emergence as a sovereign independent State; (b) Free association with an independent State; or (c) Integration with an independent State." Gibraltar was not and could never be a fully independent, self-supporting nation, relying on its own resources for its economy, defence and conduct of its relations with other States. Hence it could never emerge as a sovereign independent State. There were practical reasons which made the third possibility of full self-government, namely integration with an independent State, extremely difficult to implement. Conditions of life in Gibraltar dif-

fered in many ways from those in the United Kingdom. Geographical reasons, too, would make such integration very difficult. There were also political reasons. For example, if Gibraltar chose to be integrated with the United Kingdom, it would be represented in the British Parliament by one member in a body of over 600. Gibraltar would lose its individuality and be swallowed up. It could not, therefore, accept the possibility of integration with another independent State.

41. The remaining possibility envisaged by the United Nations—free association with an independent State—was the one to which the people of Gibraltar aspired, and it was for them alone to decide with which independent State they wished to be freely associated. Gibraltar wished to be associated with the United Kingdom. He wished to make it quite clear that Gibraltar wanted to be with the United Kingdom, not under it. He stressed that the people of Gibraltar had had nothing to do with the conflicts of the past and should not be made to give up what they held most dear in order to reverse an accident of history. They wished to be true friends of their neighbours, as they had been for well over two centuries, and to live in peace and amity with them. Spain was a big country with a wonderful history of achievements and a sense of honour and dignity which was universally admired. Its grandeur would not suffer in any way if the people of Gibraltar continued in their own way of life, which they cherished and fervently desired to preserve.

42. The Committee would enhance its prestige as an upholder of the rights of colonial peoples by reaffirming the principle of self-determination, thus allowing the people of Gibraltar to continue the way of life which they had freely chosen for themselves.

43. Mr. Isola said that although he did not agree with Mr. Hassan on all matters relating to Gibraltar's internal government, there was no conflict of any kind regarding the issues that had brought them before the Committee. On behalf of all those in Gibraltar who were not of Mr. Hassan's political persuasion, he fully endorsed all that Mr. Hassan had said.

44. Gibraltar, though small, had grown as a separate entity. Its people had sometimes feared that their future was something that might be discussed, without their consent, knowledge or participation, bilaterally between the United Kingdom and Spain, but the United Kingdom Government had repeatedly assured them that there could be no question of discussing the future of Gibraltar with anyone other than the people of Gibraltar. They had always believed that in any event their position would be safeguarded by the Charter of the United Nations and that they could rely upon the United Nations and the principles of the Charter, as also paragraph 5 of resolution 1514 (XV), to protect their right of self-determination. The people of Gibraltar had never thought that it might be suggested in the Committee that the future of Gibraltar should be discussed by two great Powers, without reference to the fundamental rights of the people of Gibraltar. Gibraltar was indeed a small Territory, but it was for the protection of such small peoples that the Charter of the United Nations had been conceived.

45. The petitioner then went on to refer to the statement by the representative of Spain (paras. 53-66 below). That representative had argued that Spain was an interested party in Gibraltar on the basis of sovereignty and on economic grounds, and that Gi-

braltar, a nation of smugglers, constituted a cancer in the Spanish economy.

46. He did not deny the fact that Gibraltar was a British possession, not only by virtue of the Treaty of Utrecht but also as a result of subsequent treaties, but, whatever the juridical position might be, Gibraltar belonged to the people of Gibraltar and to them alone.

47. The allegations that his country was a nation of smugglers were very much resented. Gibraltar was a country of high moral integrity, and though some smuggling undoubtedly went on round about Gibraltar, as on any frontier in the world, it was wrong to say that smuggling was one of the pillars of Gibraltar's economy. The economy of Gibraltar was based primarily on its position as a Mediterranean port and on the British presence there. The charge that Gibraltar represented a cancer in the Spanish economy was equally unfounded. The people of Gibraltar made a very real contribution to that economy: they travelled to Spain a great deal and the money they spent there amounted to some £2 million a year. In addition, Gibraltar provided employment for about 10,000 Spanish workers, whose earnings amounted to some £2.5 million a year. Furthermore, Gibraltar's airports offered the means of attracting a large tourist traffic to the south of Spain.

48. However that might be, he could not believe that economic principles alone could form the basis for deciding the political position of any territory. Accordingly, he asked the Committee to be guided in its consideration of the question of Gibraltar by the purposes and principles of the Charter of the United Nations, and in particular the principle of self-determination. It was the people of Gibraltar, and they alone, who must decide their own future.

General statements

49. The representative of the United Kingdom recalled that Gibraltar, although it had been possessed successively by the Carthaginians, the Romans and the Visigoths, had remained uninhabited until the Mohammedan invasion of Spain. After being held alternately by Moors and Spaniards, it had been occupied by British forces in 1704 and British possession had been confirmed by the Treaty of Utrecht in 1713 and the Treaty of Versailles in 1783.

50. Owing to its small area and its geographical position, Gibraltar depended economically on a number of external factors, the principal one being the commercial needs of neighbouring countries. Efforts were being made, however, to develop industries, to enlarge the port and to develop Gibraltar as a tourist centre. Since 1946 some £1,400,000 had been spent in the Territory under the Colonial Development and Welfare Scheme. Substantial progress had also been made in the social field. Medical services were available to all at a scale of charges which took into account the patient's income, while financial assistance was given to those requiring specialist treatment abroad. Free education was provided for children up to the age of fifteen, and scholarship schemes were in force. The Government had initiated large-scale building projects and social security schemes had been inaugurated in the past ten years.

51. The present Constitution provided Gibraltar with an Executive Council and a Legislative Council. The Legislative Council, which normally met under the chairmanship of a Speaker, had twelve members,

of whom seven were elected, two were nominated and three were civil servants who were members by virtue of the offices they held. In the 1959 elections, which had been held on the basis of universal adult suffrage, there had been thirteen candidates for the seven seats to be filled. Some 8,800 votes were polled out of a total electorate of 13,300. The Association for the Advancement of Civil Rights won three seats, the Transport and General Workers Union won one seat and three seats were won by independents. As a result of the constitutional changes introduced in 1959, members of the Legislative Council undertook the supervision of various departments of the administration, and the leader of the largest group in the Legislative Council had been designated Chief Member. Other elected members were concerned with labour and social security, medical services, ports and tourism, education and the postal department. The principal executive organ of the Territory was the Executive Council, which consisted of three elected members of the Legislative Council, one nominated member and four *ex officio* members, and was under the chairmanship of the Governor.

52. The people of Gibraltar, who already enjoyed a large measure of internal self-government, had emphasized that they wished to retain a close association with the United Kingdom. The United Kingdom Government, for its part, was always ready to consider any proposal for a change in the existing situation put forward by the people or their elected representatives.

53. The representative of Spain thanked the Committee for having allowed his country to take part in the debate. He stated that Spain was particularly interested in the question of Gibraltar because it had always considered that Territory a part of its national soil which had been taken from it at a time of weakness and to which it had never relinquished its claim. The reason for including the question in the Committee's agenda, however, had been not the Spanish claims but the fact that Gibraltar was a colonial territory which the United Kingdom had made first a Crown Colony and then a Non-Self-Governing Territory and in which for centuries it had carried on a typically colonial policy.

54. The United Kingdom Government had acknowledged that Gibraltar was a United Kingdom Non-Self-Governing territory by regularly sending information about it to the Secretary-General of the United Nations; it was therefore logical to apply to that Territory the decisions taken by the General Assembly with a view to ending colonialism. Spain, however, since the beginning of its participation in the work of the United Nations, had always expressed reservations concerning Gibraltar each time the United Kingdom had submitted such information. His Government had thus wished to emphasize that Spain must be taken into consideration in any discussion of Gibraltar, since it had rights over the Territory which had been recognized by the United Kingdom Government itself and which could not be denied if the problem was to be solved in accordance with the Charter of the United Nations.

55. In treating of the question of Gibraltar before the Special Committee, Spain had no intention of confining itself to an examination of the legal claims which could be put forward with regard to the Territory. By expressing the previously mentioned reservations at each session of the General Assembly, his Government had wished to make it clear that the sovereignty exercised by the United Kingdom over

Gibraltar was contrary to the principles of the Charter because it established, in an area that had been artificially separated from Spanish territory, a colonial régime that served as an important base for the maintenance of similar régimes in other territories. The existing status of Gibraltar, which infringed legitimate Spanish interests, was a continuing source of friction that Spain had not failed to point out to the United Kingdom Government in the hope that an amicable discussion of the matter would make it possible to find a solution which would be in accord with the spirit of the United Nations and satisfactory to all the parties directly concerned.

56. In a brief historical review of the Gibraltar question, he recalled that in 1704, during the War of the Spanish Succession, a combined English and Dutch fleet, supporting the claims of the pretender to the Spanish throne, had conquered Gibraltar and expelled its inhabitants. The admiral commanding the fleet had then taken possession of the city in the name of the Queen of England. At the end of the hostilities between Spain and Great Britain, the peace treaty signed at Utrecht in July 1713 had declared that Gibraltar had been conquered by Great Britain; it had established the legal status, never altered thereafter, of the British presence in the Territory. In thus taking possession of the Territory, Great Britain had sought primarily to establish a military base for the support of its strategic policy. The strategic objectives had been clearly apparent throughout the eighteenth century, when Gibraltar had been the key factor in the European military situation. In the nineteenth century, when Spain, whose strategic movements could be largely controlled by reason of the Gibraltar base, had ceased to be a great world Power, and had concluded an alliance with the United Kingdom against Napoleon, the United Kingdom Government had gradually and unilaterally converted the territory of the town into a colony. In 1830 Gibraltar had been declared a Crown Colony, and only in 1921 had a town council been established there. Finally, in 1950, an Executive Council and a Legislative Council had been established for the town, and the United Kingdom had ratified its status as a Crown Colony.

57. In addition to giving Gibraltar the legal status of a colony, the United Kingdom had adopted various measures which had helped to create a colonial situation. Since 1826 it had regarded the harbour of Gibraltar as extending between an imaginary line joining Punta Mala to Devil's Tongue, the landing-stage of the former harbour of the town, and the Rock, so that in spite of Spanish protests it had laid claim to the waters touching the western part of the isthmus on which the Spanish village of La Línea de la Concepción was situated and had compelled foreign vessels to anchor at the Rock, where fees were collected by the United Kingdom authorities. Moreover, by reason of its colonial character, Gibraltar endangered the security of Spain, which suffered from the presence of a foreign military base on its soil. During the Second World War, one of the bombardments of Gibraltar had caused serious losses of life and property in Spain. The Spanish State had consequently been compelled to set up a military administration in the immediate vicinity of Gibraltar. Indeed, it was impossible to think of Gibraltar as an entity isolated from the adjacent territories, and the inhabitants of the neighbouring villages had understood that fact very well. They had given the place itself and the adjacent territory the

generic name of Campo de Gibraltar, and that name had been officially adopted by the Spanish administration since the nineteenth century.

58. The most striking example of that colonial policy of the United Kingdom's was, however, of a demographic and economic nature. Gibraltar was a territory five square kilometres in area, with no resources on its soil and just enough urban area to accommodate a population of almost 25,000. Excluding United Kingdom nationals, there were at Gibraltar some 18,000 persons whose means of livelihood could come only from contraband trade carried on at the expense of the Spanish economy. That trade had attracted to the town a population that had no real ties to that fragment of Spanish territory and whose loyalty lay with genuine economic interests—which Spain was prepared to take into consideration—and with the Power that, by occupying Gibraltar, had allowed those interests to flourish. Thus, in the course of centuries, Spain had seen a colony of a foreign country arise on its soil. That transformation of a military base into a colony was particularly disturbing at a time when there were many such bases in the world. The existence of those bases was ordinarily the result of a pact between sovereign States, and their duration was closely linked to that of the co-operation between the countries that had established them by common consent. To allow a military base to become a colony was to betray the spirit of the Charter of the United Nations and open the way to a new type of colonialism. Moreover, from the geographic point of view, it was to be wondered how one could speak of geographic independence in the case of a Territory which had to regard the waters of the natural harbour of a foreign town as an integral part of its own harbour.

59. The Territory was, however, an integral part of the national territory of Spain for more than geographic reasons. Because of the demographic and economic factors, Gibraltar could not live without Spain; that was why it lived at the expense of Spain and constituted a sort of cancer in the Spanish economy. From the demographic point of view, the population of Gibraltar consisted of more than merely the persons residing in the town itself. Some 700 inhabitants of Gibraltar actually lived in the neighbouring Spanish towns, and some 10,000 workers crossed the frontier each day to go to work at Gibraltar. Those workers belonged to a special trade union, whose headquarters and secretariat were situated at La Línea de la Concepción. The employers at Gibraltar and the authorities of the Colony itself recognized the existence of that trade union, and negotiated with it in determining wages, working conditions and the like. In addition, Spain allowed the inhabitants of the town to spend their week-ends and holidays in Spanish territory. Since the strip of Spanish territory encircling Gibraltar was a military zone of strategic importance, Spain was not obliged under international law to allow aliens the use of tourist facilities there. It did so, however, for humanitarian reasons. There were thus many ties between the Colony and Spanish territory. On the other hand, the barrier built in 1906 by the United Kingdom contained only one gate permitting access to the town, and that gate was flanked on the Spanish side by a police control post. Spain attached particular importance to the maintenance of that system, which had caused considerable concern to the United Kingdom authorities. They had frequently asked for an easing of communications and had even suggested that

the police control post should be replaced by an ordinary frontier thus recognizing explicitly that the town could not be separated from the Campo. From the demographic point of view, the two regions were so close to each other that the inhabitants of the town, who were not generally of Spanish origin, spoke Spanish as their mother tongue, read the Spanish Press and listened to and watched Spanish radio and television programmes.

60. Gibraltar also formed part of Spanish territory from the economic point of view, since it was not viable without Spain and could be said, in fact, to live at his country's expense, the representative of Spain continued. Having no agriculture or natural resources, Gibraltar was obliged to obtain its supplies of food and even of water from outside the town. Nevertheless, its 24,000 inhabitants had an annual *per caput* income well above that of the inhabitants of Spain. The fact was that Gibraltar lived on a trade based on two factors: the port and smuggling. The latter was by far the most important activity of Gibraltar, for everything there was organized so that smuggling could be carried on with impunity. Those who defrauded the Spanish customs were the tourists, the inhabitants of Gibraltar when they crossed into Spain and the 10,000 Spanish workers who went to work every day in Gibraltar. The only way to combat such smuggling would be to register all those who came from Gibraltar and passed the police and control posts at La Línea de la Concepción or the customs post at Algeciras. Such registration was practically impossible, since if it was strictly enforced, the economic life of the town would be stifled and its inhabitants condemned to immobility in an area of a few square kilometres.

61. However, there was also sea contraband, which was still more important. Moored around the town was a multitude of fast boats which, taking devious routes, distributed along the Spanish coast and in the neighbouring Mediterranean countries the goods which were stocked on the Rock exclusively for purposes of smuggling. In view of the restrictions on the inspection of merchant vessels on the high seas, it was difficult for the Spanish patrol boats to intercept ships flying foreign flags.

62. The authorities of the Colony of Gibraltar did not co-operate with Spain to eliminate the smuggling. There was a free port in Gibraltar where goods of any origin were stocked and where the regulations in force were such as to transform the whole town of Gibraltar into another illegal free port in so far as Spanish territory was concerned. The boats engaged in smuggling were registered in Gibraltar, where, moreover, the colonial authorities did nothing to prevent these illegal activities. The Gibraltar banks promoted the contraband traffic, enjoying as they did a freedom of action which they certainly did not have in the United Kingdom. The plans of the colonial authorities for developing the town of Gibraltar—for example, the proposal to establish a casino in order to attract tourists—were remedies worse than the evil itself, in that they would further integrate Gibraltar's economy with that of Spain.

63. In order to prevent the economic and demographic expansion of Gibraltar from aggravating the difficulties which that United Kingdom enclave was already causing to the Spanish economy, the Spanish Government had been obliged to adopt a variety of control measures. Thus, passage through the police and control posts at La Línea de la Concepción was

strictly regulated, the entry of Spanish tourists into Gibraltar was forbidden, and the acquisition of land in the Campo by people living on the Rock had to be approved by the Governor of the Campo. Those measures had provoked a very violent reaction in Gibraltar, where pressure was being put on the London Government to compel Spain, by force if necessary, to revoke them.

64. The situation was therefore one which could not be allowed to continue, and the status of Gibraltar must be modified in keeping with the spirit of the times and the provisions of the United Nations Charter. For some time, the Spanish Government had been proposing to the United Kingdom Government that talks should be opened with a view to reaching a solution acceptable to all concerned. In that connexion, he wished to stress that the problem of Gibraltar could not be examined independently of that of the Campo, and that a solution based solely on the aspirations of the 17,000 inhabitants of Gibraltar itself would be unacceptable to Spain. Secondly, the principle laid down in paragraph 6 of General Assembly resolution 1514 (XV) must be respected, namely, that "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations". As long ago as January 1956, in a statement to a correspondent of the *Daily Mail*, the Head of the Spanish State had said that it would be possible to find a formula reconciling the United Kingdom's military requirements with the restoration to the Spanish nation of sovereignty over Gibraltar. Again in 1959 he had declared that the return of Gibraltar to the Spanish homeland would not injure the legitimate interests of Gibraltar's inhabitants, who would be offered a better future by Spain. He himself hoped that when the Special Committee adopted a resolution on the question of Gibraltar, it would take into account that promise on Spain's part, which Spain alone could fulfil.

65. Spain's offers had met with no response from the United Kingdom Government. On 17 April 1959, when Mr. Arthur Creech-Jones, the former Secretary of State for the Colonies in the Labour Government had mentioned the possibility of United Nations intervention, Mr. Julian Amery, then Under-Secretary for the Colonies, had replied that there could be no question of any modification of Gibraltar's status.

66. In short, Spain's position was as follows: (1) Gibraltar had been ceded to the United Kingdom under the Treaty of Utrecht, which had laid down the conditions and limits of that cession, and there had never been any question of Gibraltar's conversion into a colony; (2) Spain had always respected the Treaty of Utrecht, but the United Kingdom, as the result of a series of unilateral interpretations, often imposed by force, had transformed the portion of Spanish territory in question into a colony—after expelling the inhabitants and replacing them by a population composed of a wide variety of elements—and had created an artificial economic prosperity there; (3) The Territory of Gibraltar was an integral part of Spanish soil, not only geographically but also economically and demographically, and any political development affecting Gibraltar which did not take into account its close links with the Campo would only aggravate the problem; (4) The military base of Gibraltar, having been transformed into a commercial emporium and a United Kingdom colony, unquestionably came within the scope

of the general decolonization process; (5) Spain was ready to discuss with the United Kingdom the implementation of General Assembly resolution 1514 (XV), and particularly the provisions of its paragraph 6, having due regard for the true interests of the inhabitants of the military base and of the Campo; (6) If the Treaty of Utrecht was strictly applied, the cession by the United Kingdom of the Campo, which it had acquired under that Treaty, would automatically give Spain the right to recover possession of Gibraltar; and (7) The Spanish people placed their confidence in the United Nations and hoped for its assistance in eradicating colonialism from the soil of Spain, just as it had been eradicated from other continents.

67. The representative of the United Kingdom, speaking in the exercise of his right of reply, said that the question of sovereignty over Gibraltar was not within the Committee's competence. He had the authority of his Government to state that it had no doubt as to its sovereignty over the Territory of Gibraltar, and he wished formally to reserve his Government's rights on that question.

68. The representative of Uruguay recalled that the United Kingdom representative had questioned the Committee's competence to consider the question of Gibraltar. His delegation wished to take up that remark not only for reasons of principle but also because Gibraltar was not the only colonial territory which had been the subject of territorial claims; other similar cases had arisen on the American continent. Sooner or later the question of competence would be raised again and an attempt should be made to settle it once and for all.

69. His delegation did not share the opinion expressed by the United Kingdom representative. According to its mandate, as laid down in resolutions 1654 (XVI) and 1810 (XVII), the Committee's task was to seek the most suitable ways and means for the speedy and total application of the Declaration on the granting of independence to colonial countries and peoples. The Declaration made no provision for any exception or limitation. Its operative part consisted of seven paragraphs, all of which must be applied. So far, the Committee had concerned itself mainly with the questions raised in the first five paragraphs, i.e. those concerning the rapid transfer of powers to peoples of dependent territories with a view to their complete independence. At the previous meeting the Spanish representative had quoted paragraph 6 of the Declaration, which, while closely linked with the preceding paragraphs, raised a different question or at least a question which should be considered on the basis of different principles.

70. Recalling the discussions which had taken place in the General Assembly during its fifteenth session on the question of national unity and the territorial integrity of States, in particular the statements made by the representatives of Guatemala and Indonesia at the 947th plenary meeting, he said that he was surprised that the Committee's competence had been questioned with regard to Gibraltar. Paragraph 6 of the Declaration constituted a guarantee for the small and weak countries which throughout history had been deprived of their legitimate rights. The principle underlying that provision had been frequently reaffirmed by the American countries.

71. In that connexion, the Tenth Inter-American Conference of 1954 had approved without opposition a resolution which stated *inter alia* that extra-continental

countries with colonies in America must conform to the United Nations Charter and allow the peoples of those Territories to exercise their right of self-determination. That resolution did not, however, mention Territories which were the subject of disputes or claims between extra-continental countries and certain American Republics.

72. He had wanted to express the point of view of his delegation because he did not wish his silence to be interpreted as a tacit approval of statements to the effect that the Committee should renounce powers which had been entrusted to it by the General Assembly. He did not, however, think that the Committee was competent to draw up the terms of an agreement on the question. In his opinion, the Committee's contribution would be much more modest.

73. He went on to recall the statement by the representative of Spain that the Spanish Government was considering to open negotiations with a view to solving the problem of Gibraltar to the satisfaction of the parties concerned. If, therefore, the interests of the population were properly taken into account, a solution should not be far off. Certain similar cases which the General Assembly had taken up had been settled to the satisfaction of all. In any case, the Uruguayan delegation would be ready to support any effort in that direction if such support could facilitate an agreement between two countries with which Uruguay enjoyed very friendly relations: Spain, which had given Uruguay its national character, and the United Kingdom which had played an important role in the achievement of Uruguay's independence.

74. The representative of Iraq stated that Great Britain had occupied Gibraltar by force in 1704 as part of a network of similar bases throughout the world for the protection of its trade routes, its empire and other political interests. Since the Committee's task was to find the best means for implementing General Assembly resolution 1514 (XV), it should consider all the relevant aspects of every territory coming within its purview in order to recommend to the General Assembly what it considered to be the best means for the emergence of dependent territories to independence, in the light above all of the true interests and wishes of the peoples of the territories not only for the present but for their future development and happiness.

75. The Spanish Government's case with respect to Gibraltar, which included many problems arising from the colonial status of the Territory, had been ably presented by the representative of Spain, who had put forward his Government's claim to Gibraltar as a part of Spain and explained the historical, geographical and demographic grounds for that claim. The delegation of Iraq was of the opinion that in view of all those considerations the United Kingdom Government should enter into negotiations with the Spanish Government regarding steps to be taken concerning the future of Gibraltar. The delegation of Iraq would therefore support any draft resolution or proposal that included the considerations it had just advanced and that would promote a solution based on agreement between the two Governments concerned.

76. The representative of Tunisia recalled that in his statement the United Kingdom representative had challenged the Committee's competence to deal with the question of sovereignty over Gibraltar. In his delegation's view, however, the Committee's terms of reference as laid down in General Assembly resolutions 1654 (XVI) and 1810 (XVII) left no room for doubt that

it was its duty to ensure the implementation of the Declaration on the granting of independence to colonial countries and peoples. He wondered whether the United Kingdom Government, having declared that Gibraltar was a Crown Colony and having regularly transmitted information on it in accordance with Article 73 e of the United Nations Charter, was now going to contest the colonial character of the Territory.

77. He welcomed the Committee's decision to allow the representative of Spain to take part in the Committee's debate on Gibraltar. He paid a tribute to the spirit of co-operation shown by the Spanish representative, who would be able to make a valuable contribution to its work and whose presence would ensure that the Committee's conclusions would be in accordance with the real situation in the Territory.

78. The United Kingdom's sovereignty over Gibraltar was exercised in virtue of a treaty imposed on Spain, which had never recognized British sovereignty and had consistently asserted its rights in the light of the principle of territorial integrity. Gibraltar was a typical example of colonial policy; the indigenous population had been expelled and replaced by colonialist adventurers inspired by the desire for gain. Nevertheless, two and half centuries later any visitor to Gibraltar was struck by its profoundly Spanish character, which was only accentuated by the artificial nature of the foreign domination. Moreover, Gibraltar, being without resources of its own, lived at the expense of the Spanish economy; thus it presented a constant danger for Spain's economic policy and an obstacle to its development.

79. The refusal by the administering Power to recognize that Gibraltar was part of Spain created continual tension and friction, comparable to that created by the Spanish domination over the Moroccan territories of Melilla, Cueta, Ifni and Spanish Sahara. Spain had, however, wisely decided to abandon its integrationist policy and to negotiate with the Moroccan Government with a view to the restoration of Morocco's sovereignty over those territories. The United Kingdom Government would do well to follow the same course in connexion with Gibraltar, to recognize the need for justice and equity and thus spare the world further friction and tension. He hoped that the Spanish Government's offer to negotiate would be taken up by the United Kingdom Government.

80. His delegation would associate itself with any step designed to re-establish Spain's territorial integrity and would support any recommendation or resolution inviting the United Kingdom and Spanish Governments to enter without delay into negotiations for the purpose of settling the question of Gibraltar in accordance with General Assembly resolution 1514 (XV), while taking into consideration the interests of the present population of the Territory.

81. The representative of Venezuela said that in the eyes of his delegation Gibraltar represented a symbol. It was inconceivable that at a time when colonialism was disappearing from the world, the symbol of that phenomenon should persist in Europe.

82. After referring to the war of the Spanish Succession and to the Treaty of Utrecht, by which Gibraltar had come under United Kingdom domination, he said that today Gibraltar was a centre of smuggling, illicit currency operations and every kind of illegal activity. For example, the Spanish representative had informed the Committee that as a means of attracting tourists

the colonial authorities were contemplating the establishment of a gambling casino.

83. There was no doubt that the colonial case of Gibraltar came within the Committee's terms of reference. The Government of the administering Power had unilaterally given the Territory the status of a Crown Colony and had transmitted information in accordance with Article 73 e of the Charter. Hence the Committee's competence in the matter was not open to discussion. In his delegation's view the Committee's duty was, to use the words of paragraph 8 (a) of General Assembly resolution 1810 (XVII), "to seek the most suitable ways and means for the speedy and total application of the Declaration" to Gibraltar. Furthermore, as his delegation had frequently stressed, the Committee should seek not only the most suitable but also the most effective ways and means in each particular case. The situation in Gibraltar was covered by paragraph 6 of General Assembly resolution 1514 (XV), which read: "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations". A refusal to implement that paragraph would be tantamount to the acceptance of the right of the strongest in international relations. Venezuela could hardly accept the Roman principle of *vae victis* when, at the very time that Venezuelans were struggling for their own independence, the Marshal of Ayacucho, Antonio José de Sucre, who was the commander of the joint forces that put an end to colonial power in Latin America, on two occasions established the principles of what today is doctrine in inter-American law, namely, that victory gives no rights and justice is the same before and after victory. The applicability of paragraph 6 of the Declaration contained in resolution 1514 (XV) in the present case had been clearly demonstrated during the debate which had preceded the adoption of that resolution. As the representative of Uruguay had rightly pointed out, paragraph 6 constituted a guarantee for the small and weak countries which throughout history had been deprived of their legitimate rights.

84. His delegation considered that according to the terms of General Assembly resolutions 1514 (XV), 1654 (XVI) and 1810 (XVII) the Committee should recommend to the two Governments concerned that they should enter into negotiations with a view to finding a solution which would be in conformity with justice and the principles of the Charter. The Government of Venezuela maintained cordial relations of friendship with the United Kingdom Government and was bound to Spain by ties of blood, culture, language and religion. He therefore sincerely hoped that those two countries would be able to reach agreement so as to put an end to a situation which, if prolonged, might impair their good relations.

85. The representative of Syria stressed the complexity of the question of Gibraltar and said that he associated himself with those representatives who differed with the United Kingdom view concerning the Committee's competence with regard to the question of sovereignty over Gibraltar. He whole-heartedly endorsed the statement the representative of Uruguay had made on that subject.

86. Gibraltar was a typical colonial Territory. Great Britain had acquired it by force of arms in 1704 and Spain had been forced to recognize Great Britain's possession of Gibraltar in the Treaty of Utrecht, signed

in 1713. Moreover, there was reason to wonder whether the United Kingdom had not violated the terms of that Treaty since then. As the representative of Spain had pointed out, the Territory had passed from the status of land acquired by conquest to that of a colony within the meaning of resolution 1514 (XV) and Article 73 e of the Charter; the matter was therefore within the competence of the Committee.

87. The Committee's task was, however, a difficult one in view of the special situation of Gibraltar and its economic, geographical and demographic relations with Spain. It was true, as the representative of Spain had observed, that those relations were prejudicial to the Spanish economy and constituted a constant source of trouble and administrative complications.

88. Under its terms of reference the Committee had to take into account the wishes of the people, but it must also recognize the realities of the situation and not ignore the conflicting claims regarding the Territory. It would need to work with realism, tact and diplomacy. Syria, for its part, had no hard and fast solution to offer. It hoped that a draft resolution that would satisfy, first and foremost the people of Gibraltar, and then Spain and the United Kingdom, would be drawn up.

89. The representative of Denmark said that he too had some doubt about the competence of the Committee in the matter. His delegation found it difficult to agree with the thesis that Gibraltar represented a typical colonial phenomenon. Most speakers had drawn attention to the geographical, demographical and linguistic aspects of the Territory and had referred to paragraph 6 of resolution 1514 (XV). All those factors were undoubtedly important, but it seemed to his delegation that the relevant paragraph was not paragraph 6 of the resolution but paragraph 5, to which little reference had thus far been made. Whatever decision the Committee might take, he felt that the right of self-determination should be emphasized.

90. The representative of Cambodia said that in his view the question of Gibraltar had two main aspects. First, Gibraltar was a Non-Self-Governing Territory, and as such came within the Special Committee's purview. Secondly, Spain claimed sovereignty over the Territory. As to the first aspect, the Special Committee, which was responsible for seeking means for the application of resolution 1514 (XV), felt certain that Gibraltar was entitled to self-determination and independence. Regarding the question of sovereignty, the Committee was perhaps not qualified to resolve the issue, but that did not mean that it could not discuss it. On the contrary, the Committee ought to consider the question, since it was its task to propose suitable measures for the implementation of the Declaration contained in that resolution. For as Gibraltar was at present non-self-governing, the issue of sovereignty had to be settled first if the exercise of the right to self-determination and independence was to be rendered possible. Thus the question of sovereignty was connected with the question of granting independence to Gibraltar, which came within the direct terms of reference of the Special Committee. His delegation, convinced as it was that the question of competence should be settled by negotiation between the United Kingdom and Spain, hoped that those Powers would enter into talks, and it was prepared to support any recommendation to that effect.

91. The representative of Australia said that his delegation agreed with the arguments put forward by

Mr. Hassan, Chief Member of the Legislative Council in Gibraltar, to show that Gibraltar was not a colony in what might be called the "colonialist" sense. His delegation had pointed out in the past that in approaching the problems of colonialism it was essential to recognize that there were different sorts of colonies, and the statements of the two spokesmen for the people of Gibraltar had made it clear that there was no question in that case of subjugation or exploitation by a foreign Power, that economic, social and educational conditions were very satisfactory, that political institutions were stable, progressive and representative, and that close consultations took place between the people and the administering Power.

92. As Mr. Hassan had acknowledged, the actual legal status of Gibraltar made it a proper subject for scrutiny by the Special Committee. Fundamental to the question of the legal status of Gibraltar was the question of sovereignty. His delegation believed that sovereignty over Gibraltar lay in present fact and practice with the British Crown, and the arguments to the contrary which had been adduced by certain representatives seemed to be based not on what actually was the case but on what those representatives believed ought to be the case—and that was a largely historical question which the Committee was hardly competent to decide.

93. Whether or not the question of sovereignty was within the competence of the Committee, if the Committee concentrated on Spanish claims of sovereignty it would be allowing its attention to be diverted from its tasks under General Assembly resolution 1514 (XV), which spoke of the right of peoples freely to determine their political status and freely to pursue their economic, social and cultural development. In that respect, it had been useful to the Committee to hear the views expressed by Mr. Hassan and Mr. Isola on behalf of the people of Gibraltar. In other respects, too, their presence had given cause for reflection. First, their references to the United Nations Charter had been a moving reminder of the fact that, in colonies throughout the world, millions of people continued to look to the Charter as their blueprint for the future. Secondly, the spokesmen for the people of Gibraltar had drawn attention to the fact that the problems of independence for small groups of people could be very different from the problems where larger groups were concerned. Thirdly, they had reminded his delegation that the voice of the Special Committee was heard throughout the world, especially in colonial areas, and that it was vital that colonial peoples should continue to have faith in the United Nations and in the Special Committee in particular.

94. In his final statement during the debate the representative of Spain drew attention to certain points with regard to the statements of the petitioners. First, the petitioners' statements had served to confirm that, despite what the representative of the United Kingdom had said, the problem of Gibraltar was a typical colonial one and was therefore within the competence of the Committee. Secondly, their statements had made it clear that the United Kingdom claims to Gibraltar, though they might be supported by the Treaty of Utrecht, were based ultimately on the "right of conquest". In any case, it was clear that for the inhabitants of Gibraltar the Treaty of Utrecht was practically a dead letter. Thirdly, the petitioners clearly wished the colonial situation in Gibraltar to be perpetuated in one form or another. At a time when the

process of decolonization was continuing in other continents, the inhabitants of Gibraltar were allowing themselves to be active instruments in the perpetuation of colonialism. In their statements they had more or less insinuated that Spain wished to expel them from Gibraltar. That was quite untrue, and he would recall Spain's promise to guarantee the legitimate interests of the population on the return of Gibraltar to the homeland and to offer them a better future.

95. He wished to reiterate his country's desire to co-operate with the Committee and with the United Kingdom Government in solving the problem of Gibraltar.

96. To conclude, he would like to draw attention to the relevance of the exhortation made by the President of the General Assembly at its 1206th plenary meeting, in support of the impartial application of the principles of the Charter.

C. POSTPONEMENT OF FURTHER CONSIDERATION BY THE SPECIAL COMMITTEE

97. At its 215th meeting, on 20 September 1963, the Special Committee decided to postpone further consideration of Gibraltar until the next session, subject to any decisions taken in that connexion by the General Assembly at its eighteenth session.

CHAPTER XIII

FERNANDO POO, IFNI, RIO MUNI AND SPANISH SAHARA

A. INFORMATION ON THE TERRITORIES

1. THE TERRITORIES IN GENERAL

Status

1. Fernando Póo, Ifni, Río Muni and Spanish Sahara are administered by Spain and are designated African Provinces of Spain. In 1959 legislation was enacted to bring the administration of these territories into line with that of the peninsular provinces of Spain.

2. Information on these territories is transmitted to the Secretary-General of the United Nations by the Government of Spain in accordance with Article 73 e of the Charter.⁹²

Government

(a) *Central government*

3. According to the administering Power, there is no difference between the territories in Africa and the peninsular provinces of Spain; the legislation is the same and the inhabitants of both enjoy the same privileges. The various central organs of the Spanish Government exercise the same authority in these territories as in the peninsular provinces.

4. Information transmitted by Spain under Article 73 e of the Charter states that as African provinces Fernando Póo and Río Muni (since 1960) are represented in the *Cortes* (Spanish Parliament) on the same basis as other provinces. Fernando Póo and Río Muni are each represented by three deputies, and in addition the mayors of Santa Isabel and Bata, the capitals, are deputies by virtue of their office. Although it is stated that Ifni and Spanish Sahara have the same rights as other Spanish provinces, information is not available on the actual number of deputies in the *Cortes* from these two territories.

(b) *Territorial government*

5. In each of these territories the Governor-General represents the Government of the Nation. He is appointed by decree approved by the Council of Ministers.

6. The Governor-General is responsible for the promulgation, execution and enforcement of the laws, decrees, regulations and any provisions published in the Official Gazette. He may issue instructions supplementing or amplifying the provisions of the Government. It is the duty of the Governor-General to promote

and to take any type of initiative for development in all fields, and particularly with respect to production, public works, education, public health, agriculture, forest conservation and re-afforestation, housing, labour and social security.

7. Fernando Póo and Río Muni are jointly administered by one Governor-General with a civil Governor for each territory. Ifni and Spanish Sahara are each under a Governor-General.

8. Each Governor-General is assisted by a *Secretario General* (Secretary-General) who is the head of all the government services, with the exception of the judicial and military services. The Secretary-General is also appointed by the Council of Ministers. He is the second highest authority in the territory.

(c) *Local government*

9. The local administrative organs are the *Diputación Provincial* (provincial council), the *ayuntamientos* (Municipal Councils) and the *juntas vecinales* (village councils). In Spanish Sahara, in addition to village councils there are nomadic sections. The inhabitants of the territories participate in government activities through their representatives in these councils. These councils are autonomous in those matters which the law places within their exclusive competence. In other matters, they act under the direction of the Governor-General, to whom authority is delegated by the central Government.

10. The provincial councils are composed of a President and deputies. The deputies in Fernando Póo and Río Muni (eight and ten, respectively) are divided into two groups: representatives of the municipal councils and representatives of economic, cultural and professional organizations. In Spanish Sahara, there are fourteen deputies, two representing the municipal and village councils, six representing the nomadic sections and six representing industrial, commercial, cultural and professional organizations. Information concerning the provincial council in Ifni is not available.

11. The deputies are elected for four-year terms, half of them being replaced every two years.

12. The matters with which the provincial councils are concerned include welfare and education, public health, town planning, public works and agriculture.

13. The municipal councils are composed of the Mayor who presides and a number of councillors (between four and twelve) in proportion to the population of the municipal districts. Half of the members

⁹² See ST/TRI/SER.A/19 and ST/TRI/B.1962/1/Add.1

of the municipal councils are elected by heads of families and the other half by the economic, professional and cultural organizations.

14. The village councils are presided over by a chairman and are composed of four members elected by the heads of families of the village. In Spanish Sahara, the nomadic sections are governed by a council or *Yemáa*, the chairman of which is the traditional leader of the nomadic section. The number of council members is proportionate to the number of heads of families within the section.

(d) *Electoral system*

15. All inhabitants who are permanent residents are classified according to three groups: heads of family, *vecinos* or domiciled persons. Heads of family are persons over twenty-one years of age, who have others dependent upon them by reason of relationship, guardianship, adoption and other circumstances. *Vecinos* are those residents who are over twenty-one but are not heads of family. Domiciled persons are those who being under twenty-one are considered minors by civil law.

16. Heads of family are qualified to exercise electoral rights. For electoral purposes, *vecinos* who do not live with their families are considered heads of family.

17. The qualification required to be elected as a member of any type of local government body is to be a head of a family and over twenty-three years of age.

(e) *Judicial system*

18. The Spanish system of law applies in the territories except where Koranic law and customary law are in force. Justice is administered by judicial organs which are independent of the executive.

2. FERNANDO POO AND RIO MUNI⁹⁸

General

(a) *Fernando Póo*

19. Fernando Póo comprises the island of that name and the island of Annobón. The island of Fernando Póo has an area of 2,017 square kilometres (777 square miles); it is situated in the Bight of Biafra in the centre of the Gulf of Guinea. Annobón has an area of 17 square kilometres. The capital of Fernando Póo is Santa Isabel.

20. The distribution of population as described in the 1950 census was as follows:

	<i>Fernando Póo</i>	<i>Annobón</i>
Spaniards:		
White	2,161	6
Coloured	14,735	1,397
	TOTAL 16,896	1,403
Foreigners	23,579	—
	TOTAL 40,475	1,403

21. In 1950 more than half of the population was from neighbouring countries, a large proportion of whom were contract workers from Nigeria. According

⁹⁸ These two territories are jointly administered by one Governor-General.

to the 1960 census, the population of the Territory of Fernando Póo was 62,613, including 1,415 on Annobón. Figures of the population distribution for 1960 are not available.

(b) *Río Muni*

22. Río Muni covers an area of 26,017 square kilometres (10,045 square miles), comprising a section along the west coast of Africa and the islands of Corisco, Elobey Grande and Elobey Chico. The island of Corisco covers an area of 15 square kilometres, Elobey Grande 2.27 square kilometres and Elobey Chico 0.19 square kilometres. The Territory is 15 to 25 kilometres wide from the river Muni to the river Campo, with a coastline approximately 150 kilometres long. The capital of Río Muni is Bata.

23. The distribution of the population, as described in the 1950 census, was as follows:

	<i>Mainland</i>	<i>Corisco</i>	<i>Elobey</i>
Spaniards:			
White	1,428	—	—
Coloured	142,316	513	96
	TOTAL 143,744	513	96
Foreigners	12,432	—	—
	TOTAL 156,176	513	96

24. In the 1960 census the total population of the Territory was 183,377 and its density was seven persons per square kilometre. No information is available on the distribution of the population.

Political parties

25. The Fourth Committee of the General Assembly in 1962 during its seventeenth session (1412th, 1413th and 1420th meetings), heard petitioners on behalf of the following organizations:

Mouvement pour l'indépendance de la Guinée équatoriale, Partido Político Idea Popular de la Guinea Ecuatorial and Mouvement national de libération de la Guinée équatoriale.

26. In May 1963 the Special Committee distributed a petition from the Chairman of the Central Committee of the Unión Popular de Liberación de la Guinea Ecuatorial (A/AC.109/PET.131).

Economy

27. The main economic activities in the two territories are the production of coffee, cocoa and timber and these are the main exports. Some palm oil, bananas and yucca are also exported. Most of the cocoa is produced in Fernando Póo on plantations and by some co-operatives. Most of the coffee is grown by indigenous farmers in Río Muni. There are no known mineral resources in Fernando Póo. In Río Muni a concession for gold-bearing sand is worked. Timber is produced chiefly in Río Muni.

28. No separate figures are available for the revenue and expenditure for Río Muni and Fernando Póo, which for the purposes of public finance are treated together as the Equatorial Region. Since 1950 revenue has risen from 53 million pesetas to 198 million in 1959 and 310 million in 1960. Expenditure has also risen but there have been annual surpluses over this period, averaging about 14 per cent of the budget.

3. IFNI

General

29. Ifni is an enclave on the Atlantic Coast of Africa, opposite the Canary Islands, surrounded on the north, east and south by Morocco. It covers an area of approximately 1,500 square kilometres (579 square miles). Its capital is Sidi Ifni.

30. The population of Ifni in 1959 numbered 52,995, of which 4,759 were Europeans and 48,236 were indigenous. According to the 1960 estimates the total population amounted to 49,889.

Political parties

31. No information is available concerning political parties.

Economy

32. The principal economic activities in Ifni are agriculture, the raising of livestock and commerce. It has a few small industries and has no known mineral resources.

33. In 1960 revenue amounted to 50.7 million pesetas, of which 13.8 million was territorial revenue and 37 million from subventions. Expenditure was 47 million pesetas.

4. SPANISH SAHARA

General

34. Spanish Sahara covers an area of 280,000 square kilometres. It is bounded on the north by Morocco, on the east and south by Mauritania (except for a few kilometres in the east where it is bounded by Algeria), and on the west by the Atlantic. The capital of Spanish Sahara is El Aaiun.

35. Spanish Sahara is sparsely populated, with approximately one inhabitant per ten square kilometres. Most of the inhabitants are nomads and the size of the population varies from year to year. As described in the 1960 census, and with comparative figures for the two preceding years, the *de facto* population was as follows:

	1958	1959	1960
European	1,710	5,683	5,304
Indigenous	17,525	18,912	18,489
TOTAL	19,235	24,595	23,793

Political parties

36. No information is available concerning political parties.

Economy

37. Most of the Territory is arid and only small areas are under cultivation (567 hectares in 1957, 573 hectares in 1958) and the only crop of importance is barley. The area under forest is estimated at 2,900 hectares. The most important resource of the Territory at present is its live-stock. Property and wealth are measured in terms of live-stock; a family of moderate means may have fifteen to twenty camels. Next in importance is fishing. Government and private enterprises and co-operatives are active in developing the fishing industry.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

38. The Special Committee considered the question of Fernando Póo, Ifni, Río Muni and Spanish Sahara at its 206th and 213th to 215th meetings, held between 9 and 20 September 1963.

Participation by the representatives of Spain, Morocco and Mauritania in the work of the Special Committee

39. In a letter dated 4 September 1963 (A/AC.109/52) the Deputy Permanent Representative of Spain to the United Nations informed the Special Committee that his delegation would like to take part in the discussion of Fernando Póo, Ifni, Río Muni and Spanish Sahara. At its 206th meeting the Special Committee decided, without objection, to invite the representative of Spain to attend its meetings during its consideration of these territories.

40. In a letter dated 16 September 1963 (A/AC.109/55) the Permanent Representative of Morocco to the United Nations requested permission to address the Special Committee during its consideration of the agenda item relating to "Moroccan territories under Spanish administration". At its 213th meeting the Special Committee decided, without objection, to invite the representative of Morocco to attend its meetings during its consideration of the item concerned.

41. In a letter dated 18 September 1963 (A/AC.109/56) the Chargé d'Affaires *ai.* of the Permanent Mission of Mauritania requested to be allowed to take part in the debates of the Special Committee when the item relating to the African territories under Spanish administration was considered. At its 213th meeting the Special Committee decided, without objection, to invite the representative of Mauritania to attend its meetings during its consideration of this item.

Written petition

42. The Special Committee distributed a petition (A/AC.109/PET.131) from Mr. B. Ondo Edou, Chairman, Central Committee of the "Unión Popular de Liberación de la Guinea Ecuatorial" concerning Fernando Póo and Río Muni.⁹⁴

General statements by members

43. The representative of Spain, recalling that on 18 May 1961 his delegation had made a lengthy statement on the territories in question in the Committee on Information from Non-Self-Governing Territories (see A/4785, part I, annex V), said that Spain had repeatedly expressed its desire to assist the United Nations in bringing the process of decolonization to a successful conclusion. Spain, which had discovered and populated many countries, had never practised discrimination of any kind, and could not be accused of being colonialist in the pejorative sense of the word. Spain's contacts with other countries of a different cultural level—as in the case of America—constituted a major chapter in history. Thus, now that the process of decolonization was asserting itself, Spain pointed out that unlike a number of other Powers it had never

⁹⁴ A petition from Mr. José Perea Epota, President, and Mr. Clement Ateba Nso, Secretary, Partido Político Idea Popular de la Guinea Ecuatorial (A/AC.109/PET.173) was circulated after the Committee had concluded its consideration of the Question of the Territories under Spanish administration.

engaged in economic exploitation, never sought to capture markets and, *a fortiori*, never destroyed any indigenous peoples. In April 1963 he had stated at the 260th meeting of the Committee on Information, of which he had been Vice-Chairman in 1962 and was Chairman for the current year, that the Non-Self-Governing Territories would soon attain self-determination and independence and that as a result that Committee would lose its purpose. That statement, which applied also to the Special Committee, faithfully reflected Spain's position on the question of colonialism.

44. The territories now under discussion were completely different from one another and had to be considered separately. Spanish Sahara, with a total area of 280,000 square kilometres, had only 24,000 inhabitants. It had no hills exceeding 500 metres in altitude. What few waterways existed became torrential during the rains. The climate was marked by violent winds and great heat throughout the year, and consequently the population was for the most part nomadic.

45. The Act of 19 April 1961 provided for a political structure adapted to the geographical, historical, social, economic and, above all, human characteristics of the country. It regulated the operation of the local institutions, which were all representative of the Sahara, with due regard to the mode of life peculiar to nomadic peoples. The Committee would find ample information on that subject in the summary of information transmitted by Spain under Article 73 e of the Charter of the United Nations (see ST/TRI/SER.A/19).

46. Ifni, which was 1,500 square kilometres in area, was bounded on the north by the Wadi Busedra, on the south by the Wadi Nun, on the east by a line running twenty-five kilometres from the coast, and on the west by the Atlantic Ocean. The country was hilly and the rain scanty. In 1960 it had had a population of 47,000, including 5,000 Europeans. Spain's policy towards Ifni had been dictated by the special characteristics of the country's small population. Its political structure had been modified in 1958, when the Territory, which had been up to then under purely military administration, had been given institutions which, while similar to those of other metropolitan regions, were suited to the human and geographical characteristics of the country. Executive power was in the hands of the Governor-General, who was assisted by a Secretary-General; the judiciary was independent; and legislative power, which was at present being organized, would enable representatives from the Territory to be elected to the *Cortes*. That system ensured respect for the person of the indigenous inhabitants, equal rights without discrimination of any kind, and a rising level of living; it also reflected a desire to prepare the country's future. Spain had opened many schools in Ifni. For further information, he referred the members of the Committee to the summaries of the information periodically transmitted by Spain under Article 73 e of the Charter, and to the summary records of the Committee on Information from Non-Self-Governing Territories.

47. He recalled the important conversations which had taken place a short time earlier between the Ministers for Foreign Affairs and the Ministers of Information of Spain and Morocco and the visit of the Deputy Prime Minister of Spain, as well as the conference which had taken place at Barajas (Madrid) in June 1963 between the Head of the Spanish State and

the King of Morocco. The friendly atmosphere in which those talks had been held would undoubtedly pave the way for a settlement in a spirit of understanding of the territorial and administrative problems dividing the two countries; it was therefore important to maintain that favourable climate.

48. Fernando Póo and Río Muni formed what was sometimes called the Spanish Equatorial Region.

49. Fernando Póo was an island of 2,017 square kilometres in the Bight of Biafra, in the centre of the Gulf of Guinea. It was composed of a large volcanic cone, the summit of Santa Isabel, with small secondary volcanoes, and of a volcanic range which extended towards the south, the two massifs being separated by a depression at an altitude of 700 metres. The coast was 200 kilometres in length, and it was difficult to land on the south coast, but on the north, the coast was of moderate height and there was a magnificent harbour. There were many rivers, but they were small. The island of Annabón, which was part of the province of Fernando Póo, was the only Spanish territory in the southern hemisphere. It was 17 square kilometres in area; the ground, which was steep and rugged, was not easy to cultivate. The province of Fernando Póo therefore had a total area of 2,034 square kilometres, and its population numbered 41,878.

50. The province of Río Muni, which was 26,017 square kilometres in area, comprised a section along the western coast of Africa and the islands of Corisco, Elobey Grande and Elobey Chico. The mainland zone was bounded on the north by the Republic of Cameroon, on the west by the Atlantic, and on the south and east by the Federal Republic of Gabon. It consisted mainly of a coastal plain between 15 and 25 kilometres wide, and a number of peneplains extending at intervals into the interior. Its coast was about 150 kilometres long. The different tribes in Río Muni was divided into two main groups: the Ndowe, who occupied the coastal area, and the Pamua, who had settled in the interior. The island of Corisco had a circumference of 17,790 metres and was surrounded by reefs, which made its coasts extremely dangerous for navigation. The Elobeyes were two small islands with sandy soil and lush vegetation situated in the estuary of the Muni. Until 1930 Elobey Chico had been the seat of the Deputy Government of Río Muni.

51. Any members of the Committee who would like to have further information about those provinces could refer to the statement made to the Committee on Information from Non-Self-Governing Territories, on 18 May 1961 by the representative of Spain (A/4785, part I, annex V). He felt that it would be useful to outline the development of the territories under consideration on the basis of the information transmitted by Spain to the various organs of the United Nations.

52. On 14 December 1960 Spain had announced that it would transmit information on the territories under its administration under Article 73 e of the Charter and in accordance with General Assembly resolutions 1541 and 1542 (XV), the representative of Spain continued. Subsequently, the Spanish delegation had drawn attention to provisions of the Act of 30 July 1959, which was a basic document for anyone who wished to know the political and administrative organization of the territories in question; it had stated that the regions in question were divided into municipalities administered by municipal councils; and

it had reported on the municipal elections that had been held in 1960.

53. In giving the results of the elections of June 1960, in which more than 80 per cent of the electorate had voted, and in announcing that in August 1962 partial elections to the municipal councils would be held, the Spanish delegation had anticipated the wishes of the General Assembly, for resolution 1700 (XVI), requesting Administering Members to submit political and constitutional information on the Non-Self-Governing Territories, was dated 19 December 1961.

54. Spain had had no trouble in adapting itself to new conditions, as was evident from the very large number of indigenous inhabitants holding public office. And that was only a beginning, as the Permanent Representative of Spain had confirmed in his address to the General Assembly on 27 November 1962, when he had quoted a statement made by the Under-Secretary of the Presidency of Spain to the effect that if the majority of the inhabitants decided in favour of such a course, "Spain would place no obstacle in the way of working out the future of these provinces with them." (1177th plenary meeting, para. 71).

55. The Spanish Government thus recognized the inalienable right of the inhabitants of those territories to self-determination. Spain had decided that henceforth those territories would take part in the work of the Economic Commission for Africa, and their presence at future sessions of the Commission had been assured. The Special Committee could not fail to acknowledge the speed with which Spain had fulfilled its promises, both as regards the participation of the indigenous inhabitants in the administration of the territories and with respect to the opportunity given them to become one day the masters of their own destiny. Only a short time previously a delegation of representatives of those territories had been received by the Head of State of Spain, to whom it had expressed its gratitude. The Spanish Head of State had stated that it was his ambition to make those provinces models of progress, peace and prosperity, and that he would devote every effort to the advancement of the territories, and particularly to the development of educational facilities—a measure that was essential if the indigenous inhabitants were to take over all activities in those areas, which were united with Spain by four centuries of peace and mutual understanding, by a single faith and a single language. In order to prepare the indigenous inhabitants for their new responsibilities, Spain had developed education by setting up new higher educational establishments and by granting scholarships for accelerated technical training at the university level.

56. The name of "provinces" given to those territories caused some concern to certain delegations. He would simply explain that, under the Act of 30 July 1959 the word "province" merely established the principle of legal equality between the indigenous inhabitants and the inhabitants of metropolitan Spain. What other meaning could be given to the term, since Spain accepted the principle of self-determination? In that connexion, he quoted a passage from the latest Annual report of the Secretary-General on the work of the Organization (A/5501, p. 114).

57. A rapid evolution was taking place. The first statement had been made by Spain in May 1961, and the basic legislation went back only to 1959. Rapid though the evolution might be, however, Spain intended to pursue it, and no better proof of that was needed

than the proclamation of the accession of Fernando Póo and Río Muni to self-governing status issued by the Spanish Government at San Sebastián on 9 August 1963. Two bills concerning the granting of self-government to Fernando Póo and Río Muni were now under consideration. Those bills would reaffirm that the inhabitants enjoyed the same rights as Spaniards and had full exercise of all the basic freedoms. Economically, the two territories would be completely independent, and would not have to make any contribution to the expenditure of the State. Each territory would have its own budget, so that all income would thus be devoted entirely to meeting the needs of the territory concerned.

58. The laws applicable to Fernando Póo and Río Muni would be examined by a Commission which would decide whether they were applicable, either wholly or in part, to each territory. Half of the members of the Commission would be representatives of metropolitan Spain, while the other half would consist of representatives of the territory concerned. The Governments of both territories would be representative. The task of governing would be entrusted to an assembly made up, in the case of Fernando Póo, of deputies from Fernando Póo and the Island of Annobón, and in the case of Río Muni, of deputies from Río Muni, Corisco, the islands of Elobey and the neighboring islands, who would be responsible for legislation in all matters concerning the indigenous Government.

59. The Governors also would be indigenous. The municipal councils and local assemblies would be representative. A representative of the Government would be appointed Delegate-General. There would be complete separation of judicial and political powers. The Act of 30 July 1959 would be repealed, as would the entire legal system of what the former Act referred to as a "province". The title of "province" would be discontinued. One of the main provisions was that dealing with the setting up of joint Spanish indigenous round-table commissions, which would be authorized to make amendments to the existing laws.

60. The laws to be submitted to the *Cortes* were dynamic laws which had been worked out with the participation of many representatives elected by the inhabitants of the territories. Moreover, the accession of Fernando Póo and Río Muni to self-governing status gave their peoples the right to take any decision affecting their future. Spain's public recognition of the right of those territories to self-determination was not mere empty words.

61. As the *Diario Vasco* of San Sebastián had stated, the decision of 9 August 1963 would rank among the historic actions of Spain, which, after having given the best of itself to America, had now—far from thinking of exploiting the riches of its territories in Equatorial Africa, whose products it was buying at prices higher than those prevailing on the world market—devoted part of its modest resources to the advancement and education of the indigenous inhabitants. The *per caput* income, for example, was second to that of no other African country, while the area's hospitals and schools were among the finest in Africa.

62. A commission of elected indigenous representatives was at present working in Spain with the Spanish Government on the drafting of the law concerning self-government. The Governor-General of the area, in announcing to the inhabitants that the territories were to accede to self-government, had declared in a recent

speech that the peoples of the Provinces had reached political maturity, that they were preparing to govern themselves and that Spain would help them to fulfil their destiny as free peoples.

63. The members of the Special Committee would agree that this evolution, which went even beyond the aspirations of the inhabitants, was perfectly logical and in keeping with Spain's traditional position. He wished to emphasize the fact that there was no internal strife in the territories, and that their relations with neighbouring countries were cordial.

64. The Special Committee should recognize that Spain was actively carrying out the reforms he had mentioned and was trying to prevent any interference with that process. Spain would make a point of providing the Special Committee with any relevant information it might require.

65. The representative of Morocco said that he wished to make some corrections both with regard to some of the Committee's working documents and to the statement by the representative of Spain.

66. For the first time a United Nations document had listed the four territories under consideration separately. Previously, information regarding Ifni and what was known as the Spanish Sahara—that was to say, Saguia-el-Hamra and Río de Oro, which in the past had been known as Southern Morocco—had always been examined together. Those two territories had always been governed as Moroccan territories under Spanish administration, but the vicissitudes which they had undergone had not succeeded in disrupting their geographical, cultural and historical unity. He believed that in listing the territories separately the Committee had not wished to introduce any change in the way of viewing them.

67. The Spanish representative's statements concerning the Spanish Sahara also required clarification. In the entire Territory which extends over 280,000 square kilometres there were only 1,500 Spaniards, most of whom were only temporary residents there. The overwhelming majority of the population was Arab, of Moroccan origin and Moslem religion.

68. His delegation took note of the intentions formally announced by the Spanish delegation in the Committee, and it had no doubt that liberal measures would follow. However, it should be pointed out that remarks of the representative of Spain concerning relations with neighbouring countries were hardly applicable except to Fernando Póo and Río Muni.

69. The problem of the Spanish Sahara and Ifni was not a new one for the United Nations, and it had already come before the General Assembly and the Fourth Committee. Moroccans took the view that Spain had continued to administer those territories under a tacit agreement with their country; that agreement could not be interpreted as a renunciation of Morocco's rights, but meant that after independence the two Governments were under a mutual obligation to consider the procedure for transfer of sovereignty and the return of the regions to the mother country. In 1956, when independence was proclaimed, King Mohammed V and General Franco had agreed to leave the problem in abeyance, but there had never been the slightest misunderstanding as to the fact that the question should be settled by bilateral negotiations. King Hassan II had recently met the Spanish Head of State to examine the matters in dispute as a whole. The territories listed in

the agenda were not in fact all the matters in dispute between Spain and Morocco. His delegation did not intend for the time being to broach the subject of the other Territories, but it could not help noting the analogy between the situation in Gibraltar, which, as the representative of Spain had so well stated, formed an integral part of his country, and that of certain cities on the Moroccan coast. His Government would willingly support Spain's claims to Gibraltar if the Spanish Government would recognize its rights over regions which had always retained their Moroccan character and which, to a much greater extent than Gibraltar, formed an integral part of the territory of the mother country.

70. He hoped that negotiations conducted in a spirit of mutual understanding and good neighbourliness would enable the two countries to find a satisfactory solution to their problems.

71. The representative of Mauritania said that his delegation wished to clarify certain aspects of the matter before the Committee. While welcoming the Spanish Government's announcement of its willingness to co-operate with the United Nations in the process of decolonization, he was astonished that efforts were being made to link the future of the so-called Spanish Sahara with bilateral negotiations between Spain and Morocco. Ever since its attainment of independence the Islamic Republic of Mauritania had cherished the conviction that its contacts with Spain would lead to a negotiated settlement of the problem of the so-called Spanish Sahara which was an integral part of Mauritania.

72. His delegation found it somewhat strange that the representative of Morocco should express surprise that the Territories of Ifni and Río de Oro were listed separately in a United Nations document. That had always been done in United Nations documents.

73. The so-called Spanish Sahara was populated solely by Moorish tribes, mostly nomadic, who were in no way different from those living in the north-west of Mauritania. They spoke the Hassania dialect, which was found only in Mauritanian territory, and their ties of culture, religion, race and custom showed how artificial was the frontier separating them.

74. He went on to quote from a White Paper on Mauritania, published in Rabat in 1960, by the Ministry of Foreign Affairs of the Kingdom of Morocco, which defined Mauritania in such a way as to include Spanish Sahara. That was an eloquent admission, even though it was intended to support Morocco's claims to those territories.

75. The representative of Morocco said that it would have been better if the previous speaker had exercised greater restraint at a time when Morocco and Spain were showing a sincere desire to reach a friendly settlement of the question of the Spanish Sahara. His delegation could attach no value whatsoever to that speaker's attempt to perpetuate outworn ideas of colonialism and separatism. The territories under consideration had been engaging the attention of the United Nations for the past seven years and his delegation thought that it was but just and natural that the Committee should pay attention only to the statements made by the parties concerned, namely Morocco and Spain, on the basis of which it should arrive at a logical conclusion and if necessary take a decision. The Moroccan delegation sincerely hoped that the discussion would lead to a positive result likely to contribute to the success of the

talks which had been going on for some years between the Governments of Morocco and Spain, with a view to finding a solution in conformity with paragraph 6 of General Assembly resolution 1514 (XV).

76. With regard to the previous speaker's claim that the Hassania dialect was spoken only in Mauritania, he would point out that the Beni-Hassan language—as he preferred to call it—was spoken in some of the Moroccan provinces. Moreover, the tribes to which the speaker had referred were to be found in Morocco, too, and members of those tribes held high positions in the Moroccan Government and army.

77. The representative of the United Kingdom said that he had listened with interest to the statement of the representative of Spain about the Spanish territories of Fernando Póo, Ifni, Río Muni and Spanish Sahara, but had found the absence of the kind of constitutional information which the United Kingdom delegation normally supplied on each territory somewhat confusing. It was not clear whether or not the territories were considered to be colonies. It seemed, however, that a typical colonial situation existed in some of them. His delegation welcomed the Spanish representative's statement that his Government envisaged political progress toward self-government and independence in the territories concerned, subject to special conditions in those territories and to the freely expressed will of the people.

78. He himself had visited Fernando Póo in February 1962. The island had appeared to him to be moderately prosperous and orderly, and conditions to compare well with those on the mainland of Africa. There was a somewhat idyllic atmosphere under the paternal guidance of the Governor. It had been clear, however, that the island's future presented problems and that its inhabitants might one day have to choose between autonomy under Spain, independence or possibly some kind of association with one or another of the neighbouring mainland countries. In that connexion it was interesting to note that at that time more than half the population had consisted of Nigerian labourers on seasonal contract. Indeed, the original inhabitants of the island were few in number, and much of the population, apart from the immigrant labour, was of Liberian or Gold Coast origin, or of mixed African and Spanish or Portuguese origin.

79. He welcomed the Spanish Government's announcement of 9 August 1963 that a régime of autonomy would be granted to Fernando Póo and to Río Muni and looked forward to receiving further clarification in due course of what that involved. He was glad to note that the representative of Spain had again emphasized the fundamental point that any decision about the future of the territories in question could be taken only in accordance with the freely expressed wish of their inhabitants.

80. The representative of Spain said that the figure he had given for the population of Fernando Póo represented the legal population. The number of Nigerian workers who went to work in Fernando Póo by agreement between the Government of Nigeria and the Spanish Government was approximately 20,000—a smaller figure than the representative of the United Kingdom apparently had had in mind.

81. He would like to draw attention to the contrast between his Government's attitude in offering to hold an open discussion with regard to the application of

self-determination to its territories in the Equatorial Region and the negative attitude taken by some great Powers which refused to engage in such discussions.

82. He also said that he wished to clarify certain points which might have become confused. It had been objected that for the first time a United Nations document had referred to the Spanish Territories separately. He would point out that the terminology used in the Secretariat paper reflected that used by his delegation ever since it had transmitted information to the Secretary-General under Chapter XI of the Charter. Despite the statement by the representative of Morocco, the Spanish Government had no doubts regarding its rights in Africa, which were not derived merely from a tacit agreement. If it was thought that the territories in question should be described in other terms, it could equally be argued that Gibraltar should not be included among United Kingdom territories but should be described as a "Spanish territory under United Kingdom administration". With regard to the Moroccan representative's claims concerning the extent of Moroccan sovereignty, while those claims were not supported by the facts, he would like merely to reiterate what he had said in his statement concerning the friendly atmosphere in which Spain and Morocco were discussing their differences on territorial questions.

83. The representative of Morocco referring to the Spanish representative's statement regarding the way in which the four Spanish territories had appeared in the Secretariat paper, said that it had been Spain which, for reasons of administrative expediency, had given different administrative régimes to territories which, because they belonged to Morocco, should always be considered jointly.

84. Concerning the tacit agreement between Spain and Morocco in 1956, it might be useful for the Committee to know that the two Governments, bearing in mind the complexities of certain problems relating to territorial matters and the evacuation of Spanish forces, had decided that they should be considered at a later date. On the latter point the negotiations had continued for six years and the matter had been settled to the satisfaction of the Moroccan Government, while preserving Spain's legitimate interests. He was certain that the same spirit would prevail in the discussion of such matters as were still outstanding and that the final solution would enable Morocco to regain sovereignty throughout its territory while at the same time protecting Spain's interests. In that connexion, it should be said that Morocco had never denied that those interests must be protected and safeguarded. The purpose of his statement was to explain to the Committee once again that the present relations between Morocco and Spain were extremely friendly and that the two countries intended to settle their problems in the spirit by which their Governments had always been actuated, regardless of the relative value which they attached to the various problems. For most valid reasons Morocco attached greater importance to territorial than to administrative problems. The essential point was that both Governments were hopeful about the outcome of their negotiations.

85. The representative of the Soviet Union pointed out that the four territories under consideration did not exhaust the list of Spanish colonies in Africa to which the Declaration on the granting of independence to colonial countries and peoples was applicable. Every

Spanish colony, regardless of whether it had been conquered in the fifteenth or the nineteenth century, bore the shameful stamp of colonial slavery. Spain had done nothing to develop its territories in the interests of the indigenous inhabitants, and the changes leading to independence, which had been accelerated after the adoption of the Declaration, had passed the Spanish possessions by. Like Portugal, Spain was trying to mislead the world by describing its colonies as its African provinces allegedly indistinguishable from the provinces of metropolitan Spain. In actual fact, however, Spain's aim was to wax rich through the exploitation of the natural resources and the indigenous inhabitants of its African possessions.

86. Although the Act of 30 July 1959 provided that those African provinces would have a representation in the *Cortes* similar to that of the other Spanish provinces, the nature of that representation could be gauged from the example of Equatorial Guinea (another name for Fernando Póo and Río Muni), which returned three deputies for the 3,600 Whites and three deputies for the 200,000 Africans. Furthermore, the Committee would remember that the Fourth Committee of the General Assembly, at its seventeenth session, had been told by a petitioner from Río Muni that he himself had been elected without having stood for election (1420th meeting, para. 90), that in practice the deputies were appointed by the Government and not elected, and that the votes were counted by State officials—without witnesses—who then announced results advantageous to the Government. As for Ifni and Spanish Sahara, to the best of the Committee's knowledge, no elections had been held.

87. Under the cruel colonial régime in the Spanish territories, the Africans, who represented the overwhelming majority of the population, were being subjected to political and racial discrimination and to arbitrary actions by the police. All power was in the hands of the Spanish Governor and all local authorities operated under his orders. The so-called electoral system had nothing in common with universal suffrage. The indigenous population was divided into three categories and, according to the testimony of petitioners, the overwhelming majority were in the lowest category, in which they were in virtual slavery. The indigenous inhabitants were not allowed to travel within the country without special passes or to go out into the streets after 8 p.m. Everywhere, in cinemas, coffee houses, churches and so forth, special seats were reserved for the Whites.

88. The indigenous inhabitants were also being subjected to economic exploitation. The most fertile land was occupied by the Spaniards and special legislation advantageous to the European settlers had been passed in 1942. The lot of the Africans was to work for a pittance on plantations or in the forests belonging to the settlers. In Fernando Póo half the population consisted of workers from neighbouring African countries, mostly Nigerians. Hundreds of Nigerians who had gone to the Territory under the 1957 agreement had died as a result of the unbearably difficult working conditions. The colonizers behaved towards the Nigerian workers as if they too were slaves. The workers were subjected to cruel punishment, and trade unions and political organizations were banned. Racial discrimination was also the rule in the economic field and Spaniards were paid much more than Africans doing the same work.

89. Judging by press reports, Spain's interest in the economy of Spanish Sahara, which had been awakened by reports that the Territory was rich in oil, iron ore, phosphates and other minerals, had declined when the twelve large United States companies which had been given concessions to prospect for oil had failed to strike any.

90. In the field of education, Spain's aim was to keep the people illiterate. Equatorial Guinea, with a population of over 200,000, had only one secondary school—and even that was reserved for the Whites—and two vocational schools. According to statements by petitioners, the Governor-General of Río Muni had issued an order forbidding Africans to go to school after the age of fifteen. In the colonialists' view a person of that age who strove to improve his education was dangerous. As for Spanish Sahara, the authorities had not built any schools, hospitals or medical centres. According to foreign press reports there were almost as many Spanish troops as indigenous inhabitants in the territory. The anti-colonial rebellion which had broken out there in 1958 had been cruelly put down.

91. It was difficult to assess the impact of the bill now in preparation which was designed to grant internal self-government to Río Muni and Fernando Póo. At the present stage, three years after the adoption of the Declaration on the granting of independence to colonial countries and peoples, all such half-measures were clearly inadequate and seemed to be nothing but manoeuvres on the part of the colonizers, designed to parry criticism by the anti-colonial forces. The most recent attempt to mislead the world consisted in the promise to repeal the designation "African province", but that could not be regarded as a step towards the implementation of the Declaration.

92. The Spanish Government had had more than ample time to put its promises into effect, but its reply to the request by the indigenous inhabitants of Equatorial Guinea for independence had been to arrest and torture the petitioners.

93. Another weapon in Spain's arsenal for the struggle against the national liberation movement was alcohol. By setting the prices of the necessities of life high and those of alcoholic beverages low, the Spanish colonizers strove to increase the incidence of disease, raise the death-rate and reduce the birth-rate of the indigenous inhabitants.

94. Spain's colonial policies were also influenced by strategic considerations. In addition to using its possessions as a base for the maintenance of colonialism in Africa and as a means of bringing pressure to bear upon the new African States, Spain was trying to use them as counters in bargaining with its allies, above all the United States and France, for economic, political and other advantages. Recently there had been alarming reports that Spain was planning to turn Spanish Sahara into a nuclear testing ground. As the Madrid newspaper *Ya* had stated early in 1963, Spanish Sahara might be useful for purposes of the defence of the West. In making such a proposal Spain counted on receiving assistance for the maintenance of its colonial domination in Africa. Also from the point of view of the Powers of the North Atlantic Treaty Organization the offer was timely, since the African States, in the light of the resolution on general disarmament adopted in May 1963 at the Summit Conference of Independent African States, would sooner or later deprive them of all their military bases in Africa.

95. The wishes of the indigenous inhabitants of Spanish Sahara and Ifni were known to everyone. As far back as 1957 a powerful movement of national liberation had been launched there, which the colonizers had brutally crushed by force of arms. The view of the people of Equatorial Guinea had been reflected by the petitioners who had asked that the United Nations should confirm the right of Equatorial Guinea to immediate independence, and that independence should be granted not later than at the end of 1963.

96. The Soviet Union delegation was of the opinion that the Committee, in accordance with the Declaration on the granting of independence to colonial countries and peoples, should submit to the General Assembly recommendations which would confirm the inalienable right of the peoples of the Spanish colonies to self-determination and independence. It should also support the indigenous inhabitants' demands for immediate freedom and independence, and recommend that the administering Power should take immediate steps for the complete implementation of the provisions of the Declaration. Those steps should include the holding of democratic elections on the basis of universal suffrage with a view to the creation of legislative organs and national Governments, to which all powers should be transferred without any conditions or reservations.

97. His delegation noted that bilateral talks had been under way for some time with a view to the peaceful settlement of questions relating to the territories on the Committee's agenda.

98. The representative of Spain, in reply, said that the reference by the Soviet representative to Spanish provinces in Africa was out of date since the Act of July 1959 establishing the system of provinces had been abrogated. Furthermore, the reports that preparations were being made for using Spanish Sahara as a base for nuclear testing were pure speculation.

99. The representative of Poland said that his delegation considered that the territories listed on the Committee's agenda did not include all the territories still occupied by Spain which came within the purview of the Declaration on the granting of independence to colonial countries and peoples. It welcomed the holding of bilateral talks between the Governments concerned and hoped that a solution to the territorial problems involved would be achieved.

100. It appeared from the statement made by the administering Power that Spain had not implemented the provisions of the Declaration in all the territories which it still administered. The indigenous people continued to live in appalling conditions and were denied any right to take part in the management of their countries' affairs. Spanish legislation had been introduced and various services and institutions had been established on the Fascist pattern of those in the metropolitan country. Absolute power was vested in the hands of the Governor-General, who was appointed in Madrid and who had jurisdiction over all aspects of territorial administration. There was a system of local administrative organs, such as provincial councils, municipal and village councils, composed of elected and appointed members. As was evident from the statements of the petitioners who had appeared before the Fourth Committee during the seventeenth session of the General Assembly, the candidates in the so-called elections to the administrative organs were also nominated by the Governor. There was no universal franchise and, as in Spain itself, the pattern of representation was based mainly on the corporative principle, which

disenfranchised a great number of the population. The colonial Administration could arrest and imprison without trial any person who was considered suspect or who expressed a desire for independence. In recent years the police forces in those territories, particularly the civil guard, had been strengthened. The petitioners had stated that Africans under Spanish domination were denied the right to dispose of their persons and their property and that for every official transaction they had to go to the Office of Native Affairs, which had been set up to act on their behalf. Thus an African who did not fall into the emancipated category could not, for example, accept employment, buy or sell property, sign a contract or inherit property without the consent of that Office, which it could grant or refuse as it saw fit.

101. There was also discrimination against the indigenous inhabitants of Fernando Póo and Río Muni in the economic field. For centuries the Spaniards had occupied the most fertile land, and the Africans had been forced into servitude. Trade was in the hands of foreign companies and they and other Spanish businessmen controlled market prices. Spanish officials were paid much higher salaries than Africans of the same grade.

102. Thus the glowing picture painted by the representative of the administering Power in no way corresponded to the real facts, the representative of Poland went on to say. Indeed the situation in the Spanish Territories had many of the same characteristics as that in the Portuguese Territories. The Spanish representative had tried to create the impression that his Government was co-operating with the United Nations in the field of decolonization. He had referred to Spain's activities in the Committee on Information from Non-Self-Governing Territories and to various statements made by the Spanish delegation with regard to the Spanish colonies. The fact was, however, that almost three years had elapsed since the adoption of resolution 1514 (XV), and the situation in the Spanish Territories remained unchanged. It was true that in the face of the powerful national liberation movement Spain had adopted a more realistic approach than had Portugal, but it was equally true that the implementation of the Declaration contained in that resolution had been deliberately delayed in the Territories under Spanish administration. The right of the indigenous people to self-determination and independence was recognized by the Charter and paragraph 5 of the Declaration clearly provided that immediate steps should be taken to transfer all powers to the peoples of Non-Self-Governing Territories "in order to enable them to enjoy complete independence and freedom." The steps contemplated by Spain to grant economic and administrative autonomy to Fernando Póo and Río Muni fell short of the requirements of the Declaration. The petitioners from Equatorial Africa had been unanimous in requesting immediate independence. The people of those territories were courageously fighting to reconquer their liberty and identity as African people and wished to be free of the abhorrent foreign yoke. In his delegation's opinion the Special Committee should recommend that the General Assembly should affirm the right of the people of Fernando Póo and Río Muni to self-determination and independence. The United Nations should urge the administering Power to cease forthwith all repressive action against the people and to release all political prisoners and detainees in those territories. It should further call

upon Spain to hold, as soon as possible, general elections based on universal adult suffrage and to transfer all powers to the democratically elected representatives of the people of Fernando Póo and Río Muni.

103. The representative of Bulgaria pointed out that Fernando Póo, Ifni, Río Muni and Spanish Sahara were not the only Spanish colonial possessions in Africa. Spanish domination in some of the territories had been established as early as the fifteenth century and had been maintained by means of oppression. Although nearly three years had elapsed since the adoption of General Assembly resolutions 1514 (XV), the Spanish Government had taken no positive steps for the immediate granting of independence to the peoples and territories under its colonial rule.

104. In 1959 the Spanish Government had enacted legislation under which Fernando Póo, Ifni, Río Muni and Spanish Sahara had been converted into provinces of Spain. That so-called reform had brought about absolutely no change in the situation of those territories. Ifni and Spanish Sahara was each administered by a Governor-General appointed by the Spanish Government, while Fernando Póo and Río Muni were jointly administered by one Governor-General, with a civilian Governor for each territory. No matter what names those territories might be given, they remained Spanish colonies, and their peoples were still suffering under Spanish oppression and exploitation. The indigenous population had been ejected from the most fertile land and reduced to servitude. The wages paid to white workers and those paid to indigenous workers differed enormously. The education of the local inhabitants had been totally neglected.

105. Spain had been using the African territories under its colonial rule not only as a source of profit but also as important military bases for the purpose of suppressing the struggle of the African peoples for national liberation. The peoples of Africa were demanding the withdrawal of all military bases from the continent; Spain should accordingly withdraw its bases from its African colonial possessions and cease all efforts to utilize the territories for any military purposes whatsoever.

106. During the long period of Spanish domination the peoples of the Spanish colonies in Africa had preserved their national traditions and language and had never ceased to struggle for freedom and independence. In the last decade, under the influence of the great victories of the national liberation movement in Africa, the struggle of the peoples still suffering under Spanish colonial rule had gained new impetus. The Spanish Government was therefore trying new manoeuvres to postpone the independence of the peoples under its colonial rule. That Government had declared that it would grant self-government to some of its African territories, but the Declaration adopted by the General Assembly three years earlier called for the granting, not of self-government, but of self-determination and independence to the colonial peoples.

107. In the past decade a powerful national liberation movement had developed in Ifni and Spanish Sahara. Petitioners representing all political parties had demanded, first the reaffirmation by the United Nations of the right of Equatorial Guinea under Spanish administration to full and immediate independence and secondly the fixing of a date for the territories' achievement of independence before the end of 1963. The Bulgarian delegation supported the just demands of the peoples under Spanish colonial domination for the

right to self-determination and independence and would endorse all effective measures to facilitate the speediest possible implementation of the Declaration in those territories.

108. The representative of Iraq said that his Government had consistently stated its reservations regarding Spain's claim to sovereignty over the Territories of Ifni and Spanish Sahara. In its view those territories were an integral part of Morocco and no other claim to sovereignty over them could be accepted by the Government of Iraq. That position was not based purely on the facts of history and geography and a community of culture; it was based also on the interests of the inhabitants themselves. His delegation felt that enough fragmentation had been allowed on the African continent. Morocco had been mutilated by colonial Powers over the years, and the Committee now had an opportunity to rectify the errors and injustices inflicted in the past. His delegation therefore considered that the best way of implementing the Declaration in respect of those territories would be to restore them to their motherland, Morocco. It hopes that the negotiations which had already begun between Spain and Morocco would continue with a view to the restoration of those territories to the Moroccan nation.

109. The representative of India reserved the right of his delegation to speak on the question of Fernando Póo, Ifni, Río Muni and Spanish Sahara at the next session of the Committee.

C. POSTPONEMENT OF FURTHER CONSIDERATION BY THE SPECIAL COMMITTEE

110. The Chairman said that he understood the Special Committee to have felt, after hearing the statements of the representatives of the Spanish, Moroccan and Mauritanian Governments concerning Ifni and the Spanish Sahara, that it lacked the time to continue the general debate on the situation in those territories. The Committee had noted that the representative of the Spanish Government, in his statement, had recalled his Government's announced commitment to respect the principle of self-determination with regard to the peoples under its administration. The Committee had also noted that the Spanish and Moroccan Governments had begun negotiations with a view to the peaceful composition of their difference over the situation and the future of two territories in question. The Committee, obliged to interrupt its work, had therefore decided to postpone its consideration of the situation in those territories, which would be resumed at its next session, subject to any decisions which the General Assembly might take on the subject.

111. The representative of Mauritania said that the Government of Mauritania, too, was engaged in conversations with the Government of Spain with a view to solving the problem by amicable means.

112. The representative of Morocco noted that for the first time it had been officially stated in a United Nations committee that negotiations were proceeding between the Government of Spain and an authority other than the Government of Morocco.

113. The Chairman said that with respect to Fernando Póo and Río Muni, the Committee considered that for lack of time it could not conclude the general debate on the situation in those two territories. The Committee, however, had taken note of the fact that the Government of Spain had undertaken to respect

the right of self-determination of the peoples of Fernando Póo and Río Muni, and without prejudging in any way the recommendations which it might subsequently make on the situation in those Territories, and subject to any decisions which the General As-

sembly might make regarding them, he appealed to the Government of Spain to speed up the process of decolonization in the Territories of Fernando Póo and Río Muni, in accordance with the provisions of resolution 1514 (XV) of the General Assembly.

CHAPTER XIV

OTHER MATTERS CONSIDERED BY THE SPECIAL COMMITTEE

A. REPORT OF THE SECRETARY-GENERAL ON RACIAL DISCRIMINATION IN NON-SELF-GOVERNING TERRITORIES

1. By paragraph 3 of its resolution 1850 (XVII), of 19 December 1962, the General Assembly decided to refer the report of the Secretary-General on racial discrimination in Non-Self-Governing Territories (A/5249 and Add.1) and the summary records of the discussion on that report to the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

2. By a note dated 1 February 1963 (A/AC.109/34) the Secretary-General transmitted to the Special Committee the report on racial discrimination in Non-Self-Governing Territories and the relevant summary records of the discussion in the Fourth Committee.

3. At its 214th meeting, on 19 September 1963, the Special Committee adopted the following decision without objection.

“The Special Committee decides to inform the General Assembly that, during its examination of the application of the Declaration on the granting of independence to colonial countries and peoples in respect to individual territories, it will continue to give special attention to the eradication of racial discrimination in those territories where such discrimination is prevalent.”

B. PETITIONS CONCERNING THE DECLARATION IN GENERAL AND TERRITORIES NOT CONSIDERED BY THE SPECIAL COMMITTEE

4. The Special Committee distributed the following written petitions concerning territories which it did not consider individually.

<i>Subject</i>	<i>Petitioner</i>	<i>Document No.</i>
<i>The Declaration in General</i>	Mr. Georges Vumi, Assistant Secretary-General, World Assembly of Youth...	A/AC.109/PET.95
<i>Bermuda</i>	Mr. Charles Brown, Chairman, Bermuda Constitutional Conference	A/AC.109/PET.145
<i>Cook Islands</i>	Mr. Ronald Syme	A/AC.109/PET.155 and Add.1
	Mr. R. Julian Dashwood, Member of the Cook Islands Legislative Assembly ..	A/AC.109/PET.156
<i>Mauritius</i>	(Petitioner's name withheld at his request)	A/AC.109/PET.176
<i>Brunei, North Borneo and Sarawak*</i>	Mr. G. S. Sundang, President, United National Pasok Momogun Party of North Borneo	A/AC.109/PET.50
	The Secretary-General, Sarawak United Peoples Party	A/AC.109/PET.51
	Mr. Donald Stephens, Chairman, Executive Committee, Sabah Alliance Party	A/AC.109/PET.52
	Mr. Stephen Kalong Ningkan, Secretary-General, Sarawak Alliance Party	A/AC.109/PET.76
	Mr. Achmad Fadillah	A/AC.109/PET.121
	Mr. A. M. Azahari Mahmud	A/AC.109/PET.133
<i>Brunei, North Borneo, Sarawak and Singapore*</i>	Mr. Kassim Ahmad	A/AC.109/PET.128 and Add.1
	Dr. Toh Chin Chye, Acting Prime Minister of Singapore	A/AC.109/PET.84
	Dr. Lee Siew Choh, Chairman, Barisan Socialist (three petitions)	A/AC.109/PET.85
	Mr. John Eber, General Secretary, Movement for Colonial Freedom	A/AC.109/PET.86
	Mr. S. Markandu, President, and Mr. Jamit Singh, General Secretary, Singapore Harbour Board Staff Association Trade Union	A/AC.109/PET.87

* The petitions listed under this heading were circulated before 16 September 1963.

ANNEXES

Annex I

PRELIMINARY LIST OF TERRITORIES TO WHICH THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (GENERAL ASSEMBLY RESOLUTION 1514 (XV)) APPLIES

Territory	Area		Population (midyear 1962 estimates in thousands)
	(square kilometres)	(square miles)	
(a) Trust Territories			
AUSTRALIA			
1. New Guinea	240,870	93,000	1,485
2. Nauru ^a	21	8	5
UNITED STATES			
3. The Trust Territory of the Pacific Islands ^b	1,813	700	81
(b) The Territory of South West Africa			
SOUTH AFRICA			
4. South West Africa	823,264	317,863	545
(c) Territories which have been declared by the General Assembly to be Non-Self-Governing Territories within the meaning of Chapter XI of the Charter of the United Nations, but on which information is not transmitted by the administering Powers concerned			
PORTUGAL ^c			
5. Angola, including the enclave of Cabinda	1,246,700	481,352	4,950
6. Mozambique	771,125	297,654	6,750
7. Guinea, called Portuguese Guinea	36,125	13,947	549
8. The Cape Verde Archipelago	4,033	1,557	211
9. São Tomé and Príncipe and their dependencies	964	372	64
10. Macau and dependencies	16	6	169
11. Timor and dependencies	18,990	7,332	528
UNITED KINGDOM ^d			
12. Southern Rhodesia	389,362	150,333	3,880
(d) Non-Self-Governing Territories on which information is transmitted by the administering Powers concerned			
AUSTRALIA			
13. Cocos (Keeling) Islands	13	5	1
14. Papua	234,498	90,540	540
FRANCE AND UNITED KINGDOM			
15. New Hebrides ^e	14,763	5,700	63
NEW ZEALAND			
16. Cook Islands	234	90	18
17. Niue Island	259	100	5
18. Tokelau Islands	10	4	2
SPAIN			
19. Fernando Póo	2,034	785	67
20. Ifni	1,500	579	50
21. Río Muni	26,017	10,045	188
22. Spanish Sahara	266,000	102,703	25
UNITED KINGDOM			
23. Aden	287,684	111,075	1,220
24. Antigua	442	171	58
25. Bahamas	11,396	4,400	111

Annex I (continued)

Territory	Area		Population (midyear 1962 estimates in thousands)
	(square kilometres)	(square miles)	
UNITED KINGDOM (continued)			
26. Barbados	431	166	232
27. Basutoland	30,344	11,716	708
28. Bechuanaland	574,980	222,000	335
29. Bermuda	53	20	46
30. British Guiana	214,970	83,000	598
31. British Honduras	22,963	8,866	96
32. British Virgin Islands	153	59	8
33. Brunei	5,765	2,226	90
34. Cayman Islands	259	100	8
35. Dominica	789	305	61
36. Falkland Islands	11,961	4,618	2.6
37. Fiji	18,272	7,055	421
38. Gambia	10,369	4,003	316 ^f
39. Gibraltar	6	2	27
40. Gilbert and Ellice Islands	905	349	48
41. Grenada	344	133	90
42. Hong Kong	1,031	398	3,410
43. Kenya	582,646	224,960	8,676
44. Malta	316	122	329
45. Mauritius	2,096	809	702
46. Montserrat	83	32	13
47. North Borneo	76,115	29,388	470
48. Northern Rhodesia	746,256	288,130	2,550
49. Nyasaland	119,311	46,066	2,950
50. Pitcairn Island	5	2	0.1 ^g
51. St. Helena	419	162	5
52. St. Kitts-Nevis-Anguilla	396	153	60
53. St. Lucia	616	238	92
54. St. Vincent	389	150	82
55. Sarawak	125,206	48,342	770
56. Seychelles	404	156	44
57. Singapore	581	224	1,740
58. Solomon Islands	29,785	11,500	128
59. Swaziland	17,363	6,704	275
60. Turks and Caicos Islands	430	166	6
61. Zanzibar	2,643	1,020	320
UNITED STATES OF AMERICA			
62. American Samoa	197	76	21
63. Guam	549	212	70
64. United States Virgin Islands	344	133	36

^a Nauru is administered by Australia on behalf of Australia, New Zealand and the United Kingdom.

^b The Trust Territory of the Pacific Islands is designated as a strategic area under Article 82 of the Charter.

^c General Assembly resolution 1542 (XV).

^d General Assembly resolution 1747 (XVII).

^e Administered jointly by France and the United Kingdom as a condominium.

^f According to the 1963 census.

^g According to estimate of 1961.

Annex II

LETTER DATED 10 SEPTEMBER 1963 ADDRESSED TO THE CHAIRMAN OF THE SPECIAL COMMITTEE FROM THE REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Your Excellency will recall that, in a letter dated 4 September 1962, the representative of the United Kingdom on the Special Committee addressed a letter to the then Chairman,

Ambassador C. S. Jha, describing in outline developments in Non-Self-Governing Territories under British administration from December 1960 until August 1962. This letter, and the calendar of constitutional advance enclosed with it, was circulated as a document of the Special Committee (A/AC.109/26), and was included in the report of the Special Committee to the General Assembly (A/5238) as annex I.

In the past twelve months, constitutional and political progress in the Non-Self-Governing Territories under British administration has continued; Uganda, with a population of 6.5 million, attained its independence on 9 October 1962 and is now a Member of the United Nations, and dates for independence have been set for Singapore, North Borneo, Sarawak, Kenya, Zanzibar and Malta, with a combined population of over 12 million, in the next few months.

In this connexion, I enclose with this letter a calendar of constitutional advance summarizing the main developments in the past twelve months, which my delegation hopes will be of assistance both to the Special Committee and to the General Assembly. I have the honour to request that this communication and its enclosure should be circulated to members of the Committee, and also form a part of our report to the General Assembly.

(Signed) C. E. KING

CALENDAR OF CONSTITUTIONAL ADVANCE

September 1962 to August 1963

September 1962

In Singapore a referendum on the Territory's future status resulted in an overwhelming majority in favour of joining the Federation of Malaysia, on the terms proposed by the Singapore Government.

In Grenada general elections on the basis of universal adult suffrage resulted in victory for the Grenada National Party whose leader, Mr. Blaize, became Chief Minister.

October 1962

Uganda became independent.

In Northern Rhodesia general elections under the new constitution produced an African majority in the Legislative Council.

November 1962

The Nyasaland constitutional conference resulted in agreement on a constitution for internal self-government.

In the Bahamas, a general election resulted in victory for the United Bahamian Party.

December 1962

In Northern Rhodesia, the United National Independence Party (led by Mr. Kaunda) and the African National Congress (led by Mr. Nkumbula) formed a coalition government.

January 1963

Aden joined the Federation of South Arabia and became its twelfth member. At the same time a more advanced constitution was brought into operation in Aden.

The Swaziland constitutional conference opened in London.

In North Borneo elections on the basis of universal adult suffrage resulted in victory for the pro-Malaysia parties.

February 1963

In Nyasaland, Dr. Banda took office as Prime Minister.

In Fiji, a new constitution was introduced.

The report of the Inter-Governmental Committee on the constitutional arrangements for the accession of North Borneo and Sarawak to Malaysia was published.

March 1963

The legislatures of North Borneo and Sarawak approved the report of the Inter-Governmental Committee.

Two further States (Haushabi and Sha'ib) acceded to the Federation of South Arabia and a common market was established within the Federation.

April 1963

General elections under the new constitution were held in Fiji.

May 1963

General elections were held in Kenya under the new constitution and resulted in victory for the Kenya African National Union led by Mr. Kenyatta.

A new constitution was announced for Swaziland giving an African majority in the Legislative Council.

The Bahamas constitutional conference reached agreement on a constitution providing for internal self-government.

In Barbados discussions took place between the Parliamentary Under-Secretary of State for the Colonies and the Premier of Barbados and the Chief Ministers of Antigua, St. Kitts, Montserrat, Dominica, St. Vincent and St. Lucia about the formation of a West Indies Federation.

June 1963

Elections in Sarawak on the basis of universal adult suffrage resulted in victory for the pro-Malaysia parties. Proposals were announced for constitutional development in the Gilbert and Ellice Islands.

The British Government agreed to the introduction of internal self-government in the Gambia.

Mr. Kenyatta took office as Prime Minister of Kenya.

Full internal self-government was introduced in Zanzibar.

July 1963

The British Government stated that immediately after the elections they would consult with the Zanzibar Government with a view to fixing a date for independence. The general elections resulted in the victory of the coalition Zanzibar Nationalist Party (led by Mr. Muhsin) and the Zanzibar and Pemba Peoples Party (led by Mr. Shamte).

The British Honduras conference reached agreement on a new constitution providing for internal self-government. Formal agreement on the establishment of the Federation of Malaysia was signed by the representatives of the Governments of the United Kingdom, Malaya, Singapore, North Borneo and Sarawak.

In North Borneo the Legislative Council was reconstituted by the election of all its unofficial members.

In Sarawak following the elections a ministerial government was formed and the first Sarawakian Chief Minister appointed.

The Malta Independence Conference was held and an announcement was made that the British Government had decided that Malta should become independent not later than 31 May 1964.

The British Government announced that, subject to the necessary steps being completed in time, Kenya would become independent on 12 December 1963.

August 1963

The British Government announced their readiness, in consultation with representatives of the people of Fiji, to work out a constitutional framework preserving a continuing link with Britain, and within which further progress could be made in the direction of internal self-government.

In Bechuanaland, consultations were held between the Resident Commissioner and the representatives of the people of the Territory to review the 1961 Constitution.

North Borneo and Sarawak achieved full internal self-government.

It was announced that Singapore, North Borneo and Sarawak would achieve independence as parts of the Federation of Malaysia on 16 September 1963.

It was announced that, subject to the satisfactory conclusion of the independence conference to be held in September, Zanzibar would become independent during the first half of December 1963.

Annex III

LIST OF DELEGATIONS

AUSTRALIA

Representative:

H.E. Mr. D. O. Hay

Alternate Representatives:

Mr. J. D. L. Hood

Mr. Dudley McCarthy

Advisers:

Mr. T. W. White

Mr. M. J. Cook

Mr. P. C. J. Curtis

Mr. A. C. Wilson

BULGARIA

Mr. Detcho Stamboliev

Mr. Malin Molérov

Mr. Barouch M. Grinberg

CAMBODIA

Representative:

H.E. Mr. Voeunsai Sonn

CHILE

Representatives:

H.E. Mr. Daniel Schweitzer

Dr. Humberto Díaz Casanueva

Alternate Representative:

Miss Leonora Kracht

Adviser:

Mr. Hernán Sánchez

DENMARK

Representative:

H.E. Mr. Aage Hesselund-Jensen

Alternate Representatives:

Mr. Kjeld Mortensen

Mr. Poul Boeg

ETHIOPIA

Representative:

H.E. Dr. Tesfaye Gebre-Egzy

Alternate Representatives:

Mr. Kifle Wodajo

Mr. Girma Abebe

INDIA

Representative:

H.E. Mr. B. N. Chakravarty

Alternate Representatives:

Mr. A. B. Bhadkamkar

Mr. K. Natwar Singh

Junior Adviser:

Mr. J. J. Therattil

IRAN

Representative:

H.E. Dr. Mehdi Vakil

Alternate Representatives:

Mr. Hassan Zahedi

Dr. Mohied Din Nabavi

IRAQ

Representative:

H.E. Dr. Adnan M. Pachachi

Alternate Representatives:

Mr. Burhan M. Nouri

Miss Faiha Izrahim Kamal

Mr. Anis Zaki Hassan

ITALY

Representatives:

H.E. Mr. Vittorio Zoppi

Mr. Paolo Tallarigo

Alternate Representatives:

Mr. Ludovico Carducci-Artenisio

Mr. Vincenzo Zito

IVORY COAST

Representative:

H.E. Mr. Arsène Assoun Usher

Alternate Representatives:

Mr. Siméon Aké

Mr. Julien Kacou

MADAGASCAR

H.E. Mr. Louis Rakotomalala

Mr. Gilbert Ratsitohara

Mr. Rémi Andriamaharo

Mrs. Lucile Ramaholimihaso

MALI

Representative:

H.E. Mr. Sori Coulibaly

Alternate Representatives:

Mr. Mamadou Traoré

Mr. Ahmadou Baba Dicko

POLAND

Representative:

H.E. Mr. Bohdan Lewandowski

Alternate Representative:

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<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/4785	Report of the Committee on Information from Non-Self Governing Territories	<i>Official Records of the General Assembly, Sixteenth Session, Supplement No. 15</i>
A/4926	Report of the Committee on South West Africa concerning the implementation of General Assembly resolutions 1568 (XV) and 1596 (XV)	<i>Ibid., Supplement No. 12A</i>
A/4957	Report of the Committee on South West Africa	<i>Ibid., Supplement No. 12</i>
A/4978 and Corr.2	Report of the Sub-Committee on the Situation in Angola	<i>Ibid., Supplement No. 16</i>
A/5084	Letter dated 23 January 1962 from the representative of the United Kingdom of Great Britain and Northern Ireland addressed to the President of the General Assembly	<i>Ibid., Sixteenth Session, Annexes, agenda items 88 and 22 (a)</i>
A/5124	Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	<i>Ibid., agenda item 97</i>
A/5160 and Add.1 and 2	Report of the Special Committee on Territories under Portuguese Administration	<i>Ibid., Seventeenth Session, Annexes, addendum to item 54</i>
A/5201/Add.1	Introduction to the annual report of the Secretary-General on the work of the Organization (16 June 1961-15 June 1962)	<i>Ibid., Seventeenth Session, Supplement No. 1A</i>
A/5212	Report of the Special Committee for South West Africa	<i>Ibid., Supplement No. 12</i>
A/5238	Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	<i>Ibid., Seventeenth Session, Annexes, addendum to agenda item 25</i>
A/5249 and Add.1	Racial discrimination in Non-Self-Governing Territories: report of the Secretary-General	<i>Ibid., Annexes, agenda items 49, 50, 51, 52, 53 and 55</i>
A/5286	Report of the Sub-Committee on the Situation in Angola	<i>Ibid., addendum to agenda item 29</i>
A/5315	Letter dated 26 November 1962 from the representative of the United Kingdom of Great Britain and Northern Ireland to the Secretary-General	<i>Ibid., agenda item 25</i>

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5396	Report of the Secretary-General	<i>Ibid.</i> , agenda item 56
A/5397	Note by the Secretary-General giving the new membership of the Special Committee set up under General Assembly resolution 1654 (XVI)	See note at the end of General Assembly resolution 1810 (XVII)
A/5401/Add.1-12	Political and constitutional information on African and adjacent Territories under United Kingdom administration	Mimeographed
A/5426	Report of the Secretary-General	<i>Official Records of the General Assembly, Eighteenth Session, Annexes</i> , agenda item 75
A/5446 and Corr.1	Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Mimeographed; the text of this document is reproduced in A/5446/Rev.1 as chaps. I and VI-XIV and as annexes I-III.
Add.1 and Corr.1 and 2		<i>Idem</i> , chap. II
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Add.3 and Corr.1 and 2		<i>Idem</i> , chap. III
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A/5501	Annual report of the Secretary-General on the work of the organization (16 June 1962-15 June 1963)	<i>Official Records of the General Assembly, Eighteenth Session, Supplement No. 1</i>
A/5504	Report of the Trusteeship Council (20 July 1962-26 June 1963)	<i>Ibid.</i> , Supplement No. 4
A/5526 and Add.1	Special educational and training programmes for South West Africa: report of the Secretary-General	<i>Ibid.</i> , Eighteenth Session, Annexes, agenda item 55
A/AC.108/...		Documents in this series are mimeographed
A/AC.109/...		Ditto
A/AC.115/...		Ditto
A/AC.4/515	Statement made by Mr. Cheddi Jagan, Premier of British Guiana, at the 1252nd meeting of the Fourth Committee	Mimeographed; for summary, see A/C.4/SR.1252, paras. 37-52
A/C.4/520	Letter dated 15 January 1962 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, addressed to the Secretary-General	<i>Official Records of the General Assembly, Sixteenth Session, Annexes</i> , agenda items 39, 40, 41, 42, 43 and 44
A/AC.4/L.728	Cuba, Ghana, Guinea, India, Indonesia, Iraq, Liberia, Libya, Mali, Morocco, Nigeria, Syria, Tunisia, United Arab Republic and Yugoslavia: draft resolution	<i>Ibid.</i>
A/L.416	Cambodia, Ethiopia, India, Madagascar, Mali, Syria, Tanganyika, Tunisia, Uruguay, Venezuela and Yugoslavia: draft resolution	For the text of this document, see <i>Official Records of the General Assembly, Seventeenth Session, Supplement No. 17</i> , resolution 1817 (XVII)
A/L.418	Cambodia, Ethiopia, India, Madagascar, Mali, Syria, Tanganyika, Tunisia, Uruguay, Venezuela and Yugoslavia: draft resolution	<i>Official Records of the General Assembly, Seventeenth Session, Annexes</i> , agenda item 25
A/L.420	United States of America: draft resolution	<i>Ibid.</i> , agenda item 29
S/4835	Resolution adopted by the Security Council at its 956th meeting on 9 June 1961	<i>Official Records of the Security Council, Sixteenth Year, Supplement for April, May and June 1961</i>
S/5276	Letter dated 5 April 1963 from the Secretary-General to the President of the Security Council transmitting the text of the resolution on Territories under Portuguese administration adopted on 4 April 1963 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Mimeographed
S/5322	Letter dated 14 May 1963 from the Secretary-General to the President of the Security Council transmitting the text of the resolution on the question of South West Africa adopted on 10 May 1963 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Ditto

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
S/5337	Letter dated 21 June 1963 from the Secretary-General to the President of the Security Council transmitting the text of the resolution on Southern Rhodesia adopted on 20 June 1963 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Ditto
S/5340	Report of the Trusteeship Council to the Security Council on the Trust Territory of the Pacific Islands covering the period from 17 July 1962 to 26 June 1963	<i>Official Records of the Security Council, Eighteenth Year, Special Supplement No. 1</i>
S/5356	Letter dated 19 July 1963 addressed to the President of the Security Council by the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, transmitting the report of the Special Committee concerning the Territories under Portuguese administration	Mimeographed
S/5375	Letter dated 26 July 1963 addressed to the President of the Security Council, by the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, transmitting the report of the Special Committee concerning South West Africa	Ditto
S/5378	Letter dated 26 July 1963 addressed to the President of the Security Council by the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, transmitting the report of the Special Committee concerning Southern Rhodesia	Ditto
ST/TRI/B.1962/1/ Add.1	Summaries of information transmitted to the Secretary-General for 1961—African and adjacent Territories: Territories under the administration of Spain	Lithographed
ST/TRI/B.1962/4	Non-Self-Governing Territories—Summaries of information transmitted to the Secretary-General for 1961	Ditto
ST/TRI/SER.A/19	<i>Non-Self-Governing Territories—Summaries of information transmitted to the Secretary-General for the year 1960</i>	United Nations publication Sales No.: 63.VI.1