

ARBITRATION UNDER ANNEX VII OF THE 1982 UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA

REPUBLIC OF MAURITIUS

v.

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**



REPLY OF THE REPUBLIC OF MAURITIUS

VOLUME II

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18 November 2013

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Annex 15

Draft International Covenants on Human Rights – Annotation, UN Doc. A/2929, 1 July 1955

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/2929
1 July 1955

ORIGINAL: ENGLISH

Tenth session

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Annotation

prepared by the Secretary-General

EXPLANATORY NOTE

In resolution 833 (IX), paragraph 2 (a), the General Assembly requested the Secretary-General to prepare a concise annotation of the text of the draft international covenants on human rights. The present document has been prepared pursuant to this resolution.

It is divided into ten chapters. Chapter I gives an outline of the history of the draft covenants and Chapter II indicates briefly certain general problems relating to the draft covenants. The preambles, the article on the right of peoples and nations to self-determination and the articles on general provisions, which are either identical or very similar in both draft covenants, are dealt with in Chapters III, IV, and V respectively. Chapters VI and VII cover the articles on civil and political rights and the measures of implementation for such rights. Chapters VIII and IX cover the articles on economic, social and cultural rights and the measures of implementation for such rights. The final clauses, which are common to both draft covenants, are dealt with in Chapter X.

An attempt has been made to present analytical summaries of the debates on all the articles, setting out the main points of substance and important questions of drafting which have been raised. These summaries are condensed and generalized statements and do not necessarily reflect in every detail the views expressed by particular governments. At the end of each summary, relevant documents are listed.

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^{1/} A detailed table of contents is given at the beginning of each chapter (except Chapter I).

ABBREVIATIONS

a.i.	agenda item
art.	article
CHR	Commission on Human Rights
com.	committee
CSW	Commission on the Status of Women
DC	Drafting Committee
ESC	Economic and Social Council
GA	General Assembly
mtg.	meeting
para.	paragraph
plen.	plenary
suppl.	supplement

CHAPTER IV

THE RIGHT OF PEOPLES AND NATIONS TO SELF-DETERMINATION

Part I, Article 1, of both draft covenants

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1. All peoples and all nations shall have the right of self-determination, namely, the right freely to determine their political, economic, social and cultural status.

2. All States, including those having responsibility for the administration of non-self-governing and trust territories and those controlling in whatsoever manner the exercise of that right by another people, shall promote the realization of that right in all their territories, and shall respect the maintenance of that right in other States, in conformity with the provisions of the United Nations Charter.

3. The right of peoples to self-determination shall also include permanent sovereignty over their natural wealth and resources. In no case may a people be deprived of its own means of subsistence on the grounds of any rights that may be claimed by other States.

1. By resolution 545 (VI) the General Assembly decided that the covenant or covenants on human rights should include an article on the right of all peoples and nations to self-determination. It further stipulated that the article

"shall be drafted in the following terms: 'All peoples shall have the right of self-determination', and shall stipulate that all States, including those having responsibility for the administration of non-self-governing territories, should promote the realization of that right, in conformity with the purposes and principles of the United Nations, and that States having responsibility for the administration of non-self-governing territories should promote the realization of that right in relation to the peoples of such territories".

Political principle or legal right^{1/}

2. During the consideration of an article on self-determination, a preliminary question was raised whether "self-determination" was a political principle or a legal right. If it were a right, it might be an appropriate subject of an article in the covenants on human rights; if not, it should have no place in such legal instruments.

3. One school of thought maintained that self-determination was a political principle of the highest importance, but not a right in the strict legal sense, not a human right or an individual right. Articles 1 and 55 of the Charter, it was pointed out, spoke of the "principle", not of the "right", of self-determination. It was argued that "self-determination" was a nebulous term; that if it were to denote a right that term should be defined as precisely as possible in order that there might be no misunderstanding of its substance or content. As commonly used, the expression "the right of self-determination" meant different things to different persons: it might mean the right to "local autonomy", to "self-government", to "secession or association", to "independent and sovereign statehood". Furthermore, the concepts of a "people" and a "nation" were also extremely vague. There were no scientific definitions of such terms. It was asked: Was a "minority" to be considered as a "people"? Were the "inhabitants" of a non-self-governing or trust territory necessarily a

^{1/} GA (VI), 3rd Com., 361st, 363rd, 366th, 371st mtgs.; E/CN.4/SR.252-258; GA (IX), 3rd Com., 562nd-573rd and 575th-580th mtgs. For proposals submitted during the first reading of the draft covenants at the ninth session of the General Assembly, see A/C.3/L.412 and 427.

"nation"? Until such concepts were agreed upon, it would be premature to write into an international legal instrument an article on the "right" of "peoples" and "nations" to "self-determination".

4. Another school of thought maintained that self-determination was a "right" as well as a "principle", and was indeed the most fundamental of all human rights. It was stated that, as a right, self-determination was a collective right appertaining to all peoples and all nations, and that, denied that right no peoples or nations were free, let alone individual members thereof. It was essential therefore that the right of peoples and nations to self-determination should be written into the covenants on human rights, as that right was a prerequisite for the enjoyment of all the rights and freedoms of the individual. Admittedly it was difficult to define a "people" or "nation", but it was questioned whether it would ever be possible to arrive at a definition of any such term that would be universally applicable and acceptable. The General Assembly, the highest organ in international community, had already recognized the right of peoples and nations to self-determination; the next step was to formulate an appropriate article by which States would undertake a solemn obligation to promote and respect that right.

5. A third trend of thought was that self-determination could be the subject of a special declaration or a separate covenant, depending upon whether it was to be considered as a principle or a right. The two covenants under preparation would then be confined to civil and political rights and economic, social and cultural rights respectively, and would thus be less controversial and more generally acceptable. Another suggestion was that the principle or the right of self-determination might be the subject of a clause in the preamble to each covenant; this would signify the over-all importance of self-determination without creating any possible legal uncertainty as to its precise meaning.

Charter provisions^{2/}

6. Comments were made in respect of Articles 1 and 55 of the Charter on the one hand and Articles 73(b) and 76(b) on the other. It was suggested that there was

^{2/} GA (VI), 3rd Com., 370th, 397th mtgs;
E/CN.4/SR.252, 253, 254;
E/CN.4/649, 662;
GA (IX), 3rd Com., 569th-570th mtgs.

a distinction between the principle of self-determination of peoples as referred to in Articles 1 and 55 and the reference to "self-government" or "independence" in Articles 73(b) and 76(b). The principle of self-determination, it was said, referred to sovereign States, and according to Articles 1 and 55, the relations between such States should be based upon "respect for the principle of equal rights and self-determination of peoples". Under Articles 73(b) the metropolitan powers should endeavour to "develop self-government" in non-self-governing territories, and under Article 76(b) the administering authorities should promote the development of the inhabitants of trust territories toward "self-government or independence". (It was noted that the term "independence" was deliberately omitted from Article 73(b)). The expression "self-determination" in Articles 1 and 55 should not therefore be loosely identified with the expressions "self-government" in Article 73(b) and "self-government or independence" in Article 76(b).

7. On the other hand it was thought that, while there was a difference in wording and in context, the principle of self-determination and the right to self-government or independence were not different in essence. The United Nations could not promote the principle of self-determination of peoples in accordance with Articles 1 and 55 without promoting the right of the peoples of non-self-governing and trust territories to self-government or independence in accordance with Articles 73(b) and 76(b), or vice versa. It would be an absurd interpretation that under the Charter the peoples of non-self-governing and trust territories should have the right to self-government or independence, but not the right to self-determination. The right of self-determination was a universal right; it was a right of all peoples and all nations.

All peoples and all nations^{3/}

8. The first clause in paragraph 1 of the article read: "All peoples and all nations shall have the right of self-determination". The clause affirmed the principle that the right of self-determination was universal.

^{3/} GA (VI), 3rd Com., 397th mtg.;
E/CN.4/SR.252-258;
E/CN.4/L.21, 23, 27.

9. The word "peoples" was understood to mean peoples in all countries and territories, whether independent, trust or non-self-governing. Suggestions were made to the effect that "peoples" should apply to "large compact national groups," to "ethnic, religious or linguistic minorities," to "racial units inhabiting well-defined territories," etc. It was thought, however, that the term "peoples" should be understood in its most general sense and that no definition was necessary. Furthermore, the right of minorities was a separate problem of great complexity.

10. The text of the clause, as it appeared in General Assembly resolution 545 (VI), read: "All peoples shall have the right of self-determination." The words "all nations" were added in order to emphasize the universal character of the right. There were nations which were erstwhile sovereign but were no longer masters of their own destinies; and nations, now independent, which might lose their right of self-determination.

Meaning of self-determination^{4/}

11. The right of self-determination was defined in paragraph 1 of the article as the right of all peoples and nations "freely to determine their political, economic, social and cultural status".

12. This definition, it was said, was a very comprehensive conception of the right of self-determination. Every people or nation should be free to establish its own political institutions, to develop its own economic resources, and to direct its own social and cultural evolution, without the interference of other peoples or nations.

13. Against this proposal, it was said, that the definition was too broad in that it might sanction the burning of foreign books and the confiscation of foreign investments. Furthermore, the definition was not self-explanatory or self-sufficient, and the meaning of the word "status" was far from being clear.

14. A suggestion was made that the right of a people or nation to determine its "political status" should be written in the article to be included in the covenant on civil and political rights, and that the right to determine its "economic,

^{4/} E/CN.4/SR.252-258;
E/CN.4/L.22, 22/Rev.1, 23/Rev.1, 25.

social and cultural status" in the article to be included in the covenant on economic, social and cultural rights. However, this suggestion was thought to be based upon an artificial distinction between political status and economic, social and cultural status. Every people or nation was or should be an integrated entity. A people or nation that could not freely determine its political status could hardly determine its economic, social and cultural status and vice versa.

15. Suggestions were made which would indicate the substance of the right of self-determination in a concrete form. For instance, the right of self-determination should include the right of every people or nation "to establish an independent State", to "choose its own form of government", to "secede from or unite with another people or nation," etc. These suggestions were not adopted, for it was thought that any enumeration of the components of the right of self-determination was likely to be incomplete. A statement of the right in an abstract form, as in the first paragraph of the article, was thought to be preferable.

Obligations of all States^{5/}

16. Under paragraph 2 of the article, all States should undertake two obligations: "to promote the realization of that right [of self-determination] in all their territories," and to "respect the maintenance of that right in other States."

17. It was proposed originally that this paragraph should set forth the obligation of States, which were responsible for the administration of non-self-governing and trust territories, to promote the realization of the right of self-determination. The proposal was amended to include all States, whether or not they administered any non-self-governing or trust territories.

18. It was generally agreed that all States should "promote" and "respect" the right of self-determination, and that they should do so "in conformity with the provisions of the United Nations Charter." There were two qualifying clauses which were not adopted: that the States should promote the right of self-determination "in accordance with constitutional processes" and "with proper regard for the rights of other States and peoples." While the clause "in accordance with

^{5/} E/CN.4/SR.252-258;
E/CN.4/L.21,23/Rev.1, 25, 25/Rev.1, 28/Rev.1-2, 29, 30, 31.

constitutional processes" was intended to mean that the right of self-determination should be promoted "by legal and peaceful means," it might become an insurmountable obstacle to the realization of that right if it meant, for instance, that, before the right was granted to a non-self-governing or trust territory, the constitution of the metropolitan power had to be amended. The clause "with proper regard for the rights of other States and peoples" was opposed on the grounds that it permitted the exercise of a basic right on the condition that all the rights of other States and peoples - and possibly secondary or acquired rights - were not injured thereby.

Permanent sovereignty over natural wealth and resources^{6/}

19. The third paragraph read: "The right of peoples to self-determination shall also include permanent sovereignty over their natural wealth and resources. In no case may a people be deprived of its own means of subsistence on the grounds of any rights that may be claimed by other States."

20. Against this text it was suggested that "permanent sovereignty" was not a tenable concept as any State could voluntarily limit its own sovereignty at any time. Furthermore, the proposition was considered dangerous in that it would sanction unwarranted expropriation or confiscation of foreign property and would subject international agreements and arrangements to unilateral renunciation.

21. On the other hand, it was stated that the right of self-determination certainly included the simple and elementary principle that a nation or people should be master of its own natural wealth or resources. The proposal, it was emphasized, was not intended to frighten off foreign investment by a threat of expropriation or confiscation; it was intended rather to warn against such foreign exploitation as might result in depriving the local population of its own means of subsistence.

^{6/} E/CN.4/SR.256, 257;
E/CN.4/L.24;
GA (IX), 3rd Com., 567th, 568th, 575th, 576th.

The problem of minorities^{7/}

22. A proposal was made that "the State shall ensure to national minorities the right to use the native tongue and to have the national schools, libraries, museums and other cultural and educational institutions." This was not adopted. One view was that such a proposal would retard the process of assimilation of immigrants to a new country and prevent the formation of a homogeneous society. Another view was that it might encourage separatist or irredentist movements and might bring about a multiplication of barriers and frontiers. (It may be noted that the rights of minorities are dealt with in article 25 of the draft covenant on civil and political rights).

DOCUMENTATION

<u>Organ and session</u>	<u>Records of discussion</u>	<u>Other documents</u>	<u>Article number</u>
CHR (V)		ESC(IX), suppl.10, annex I	
CHR (VI)		E/CN.4/365, part II, H; ESC (XI), suppl.5, annex III.	
GA (V)	3rd Com., 309th-311th mtgs.	Annexes, a.i. 63, A/C.3/L.88 and Rev.1; A/1559	
CHR (VII)		E/CN.4/516; ESC (XIII), suppl.9, annex IV.	
GA (VI)	3rd Com., 358th-372nd and 397th-403rd mtgs.	Annexes, a.i. 29, A/C.3/L.186 and Add.1, 204, 205, 205/Rev.1, 206, 209, 209/Rev.1, 216, 217, 217/Rev.1, 221, 222, 224, 225; A/2112.	
CHR (VIII)	E/CN.4/SR.252-261	E/CN.4/649, 657, 662, 663; E/CN.4/L.21, 22, 22/Rev.1, 23, 23/Rev.1, 24, 25, 25/Rev.1, 27, 28, 28/Rev.1-2, 29, 30, 31; ESC (XIV), suppl.4, paras.20-91 and annex I.	1
CHR (X)		E/CN.4/694/Add.2, 694/Add.2/ Corr.1 (Eng.only), 694/Add.5, 694/Add.5	
GA (IX)	3rd Com. 562nd, 573rd and 575th-580th mtgs.	A/C.3/L.412 and 427.	1
^{7/}	E/CN.4/SR.252, 254, 256, 257; E/CN.4/L.21, 23.		

Annex 16

Mauritius (Constitution) Order in Council, 1958

Amendment of section 4 of principal Order

2. Section 4 of the principal Order shall have effect as if—

- (i) the words “or expedient” were inserted after the word “necessary”;
 - (ii) for the full-stop at the end of paragraph (b) there were substituted a semi-colon followed by the word “and”; and
 - (iii) the following new paragraph were inserted at the end, that is to say—
- “(c) otherwise for providing, maintaining or securing good government in Malta during any such period”.

W. G. Agnew.

MAURITIUS

The Mauritius (Constitution) Order in Council, 1958

At the Court at Buckingham Palace, the 30th day of July, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

Introductory

Citation and commencement

1.—(1) This Order may be cited as the Mauritius (Constitution) Order in Council, 1958.

(2) This Order shall be published in the Gazette and, save as otherwise expressly provided in this Order, it shall come into operation on such day (hereinafter called “the appointed day”) as the Governor, acting in his discretion, by Proclamation published in the Gazette shall appoint(a):

Provided that at any time after the making of this Order the boundaries of electoral districts may be fixed and electors may be registered in accordance with the provisions of sections 29, 30, 31 and 32 of this Order, and of any law enacted under the Mauritius (Electoral Provisions) Order in Council, 1958.

2.—(1) In this Order, unless the context otherwise requires—

“the Colony” means the Island of Mauritius (including the small islands adjacent thereto) and the Dependencies of Mauritius;

“the Gazette” means the Government Gazette of the Colony;

“the Governor” means the Governor and Commander-in-Chief of the Colony and includes the officer for the time being administering the Colony and includes the officer for the time being administering the Colony;

(a) Day appointed, 31.12.58.

Mauritius (Constitution)

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tering the Government and, to the extent to which a Deputy for the Governor is authorized to act, that Deputy;

“law” includes any instrument having the force of law made in exercise of a power conferred by a law;

“Municipal Corporation” includes a Town Council;

“public office” means, subject to the provisions of subsection (3) of this section, an office of emolument under the Crown or an office of emolument under a Municipal Corporation within the Colony;

“public officer” means the holder of any public office and includes a person appointed to act in any public office;

“the Public Seal” means the Public Seal of the Colony;

“the public service” means the service of the Crown in respect of the government of the Colony;

“session” means the sittings of the Legislative Council commencing when the Council first meets after being constituted under this Order, or after its prorogation or dissolution at any time, and terminating when the Council is prorogued or is dissolved without having been prorogued;

“sitting” means a period during which the Legislative Council is sitting continuously without adjournment, and includes any period during which the Council is in committee;

“the Speaker” and “the Deputy Speaker” mean respectively the Speaker and the Deputy Speaker of the Legislative Council;

“the Supreme Court” means the Supreme Court of the Colony.

(2) Any reference in this Order to the holder of an office by the term designating his office includes, to the extent of his authority, any person who is for the time being authorized to perform the functions of that office.

(3) (a) For the purposes of this Order a person shall not be deemed to be a public officer by reason of receiving—

(i) any salary or allowance as Speaker, Deputy Speaker, Minister, Acting Minister or as a member of the Legislative Council;

(ii) any salary or allowance as Mayor, Chairman or a member of a Municipal Corporation, or as the Standing Counsel or the Attorney of a Municipal Corporation;

(iii) a pension or other like allowance in respect of service under the Crown or under a Municipal Corporation.

(b) A provision in any law in force in the Colony that an office shall be deemed not to be a public office for any of the purposes of this Order shall have effect as if it were included in this Order.

(4) References in this Order to Her Majesty's dominions shall be construed as if they were references to all countries or territories within the Commonwealth.

(5) For the purposes of this Order the resignation of a member of any body or holder of any office established by this Order that is required to be addressed to any person shall be deemed to have effect from the time at which it is received by that person:

Provided that a resignation (other than the resignation of the Deputy Speaker) that is required to be addressed to the Speaker shall, if the office of Speaker is vacant, or the Speaker is absent from the Colony, be deemed to have effect from the time at which it is received by the Deputy Speaker on behalf of the Speaker.

(6) For the avoidance of doubt it is hereby declared that any person who has vacated his seat in any body, or has vacated any office, established by this Order may, if qualified, again be appointed or elected as a member of that body or to that office, as the case may be, from time to time.

(7) Save as in this Order otherwise provided or required by the context, the Interpretation Act, 1889(a), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

Revocation

3. The Orders in Council mentioned in the First Schedule to this Order are revoked, but this revocation shall not prejudice anything lawfully done thereunder, and in particular shall not affect the continued operation of any law in force in the Colony immediately before the appointed day.

PART II

Executive Council

Executive Council

4.—(1) There shall be an Executive Council for the Colony which, subject to the provisions of section 10 of this Order, shall consist of three ex officio members and nine appointed members.

(2) The ex officio members and the appointed members shall be styled Ministers.

Functions of Executive Council and exercise of Governor's powers

5.—(1) The Executive Council shall be the principal instrument of policy and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under this Order, any other Orders of Her Majesty in Council, any Instructions under Her Majesty's Sign Manual and Signet or, subject to the provisions of this Order and of such other Orders and Instructions as aforesaid, by any other law in force in the Colony.

(2) The Governor shall, save as is otherwise provided by this Order or by any Instructions under Her Majesty's Sign Manual and Signet—

(a) consult with the Executive Council in the exercise of all powers conferred upon him by this Order other than powers which he is by this Order directed or empowered to exercise in his discretion; and

(b) act in accordance with the advice of the Executive Council in any matter on which he is by this subsection obliged to consult with the Executive Council.

Ex officio members

6. The ex officio members of the Executive Council shall be the Colonial Secretary, the Attorney-General and the Financial Secretary.

(a) 52 & 53 Vict. c. 63.

Appointed members

7.—(1) The appointed members of the Executive Council shall be persons who are elected or nominated members of the Legislative Council and shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

(2) The Governor shall forthwith report to Her Majesty through a Secretary of State the appointment of any person to be a member of the Executive Council.

Tenure of office of appointed members

8.—(1) Subject to the provisions of this Order, an appointed member of the Executive Council shall hold office as such during Her Majesty's pleasure.

(2) An appointed member of the Executive Council shall vacate his office—

(a) when, after any dissolution of the Legislative Council, he is informed by the Governor that the Governor is about to reappoint him as a member of the Executive Council or to appoint another person in his place; or

(b) if he ceases to be a member of the Legislative Council otherwise than by reason of a dissolution of that Council; or

(c) if he resigns his office by writing under his hand addressed to the Governor; or

(d) if he is absent from the Colony without written permission given by the Governor, acting in his discretion.

Determination of questions as to membership

9. Any question whether any person is a member of the Executive Council shall be determined by the Governor, acting in his discretion.

Temporary members of the Executive Council

10.—(1) Whenever an ex officio or an appointed member of the Executive Council is unable, because of his illness or absence from the Colony, to perform his functions as a member of the Council, the Governor, acting in his discretion, may, by Instrument under the Public Seal, appoint a person to be temporarily a member of the Council: Provided that he shall appoint a person who is a public officer in place of an ex officio member, and a person who is an elected or nominated member of the Legislative Council in place of an appointed member.

(2) A person appointed under this section to be temporarily a member of the Executive Council—

(a) shall hold office as such during Her Majesty's pleasure;

(b) shall cease to hold office as such when he is notified by the Governor that the member in whose place he was appointed is again able to perform the functions of his office, or when the office of the member in whose place he was appointed becomes vacant.

(3) The Governor shall forthwith report to a Secretary of State any appointment made under this section.

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(4) Subject to the provisions of this section, the provisions of this Order shall apply in relation to a person appointed to be temporarily a member of the Executive Council—

- (a) as they apply in relation to ex officio members, if he was appointed in place of such a member; and
- (b) as they apply in relation to appointed members, if he was appointed in place of such a member.

Official oath

11. Before entering upon the functions of his office every ex officio member and every appointed member of the Executive Council and every person appointed to be temporarily a member of the Council shall make and subscribe before the Governor, or some other person authorized in that behalf by the Governor, an oath for the due execution of that office in the following form:—

"I do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of So help me God".

Provided that every person authorized by law to make an affirmation instead of an oath in legal proceedings may, instead of making the said oath, make an affirmation in like terms.

Summoning of Executive Council

12. The Executive Council shall not be summoned except by the authority of the Governor, acting in his discretion:

Provided that the Governor shall summon the Council if five or more members of the Council so request.

Proceedings in Executive Council

13.—(1) The Governor shall, so far as practicable, attend and preside at all meetings of the Executive Council, and in his absence such member as the Governor may either generally or specially appoint shall preside.

(2) No business shall be transacted at any meeting of the Executive Council if there are less than five members of the Council present at the meeting and any member present has objected to the transaction of business on that account.

(3) Subject to the last foregoing subsection, the Executive Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council (including any vacancy not filled when the Council is first constituted or is reconstituted at any time) and the validity of the transaction of business in the Council shall not be affected by reason only of the fact that some person who was not entitled to do so took part in those proceedings.

Assignment of departments

14.—(1) The Governor, acting in his discretion, may by directions in writing—

- (a) charge any ex officio member of the Executive Council with the administration of any department or subject;
- (b) declare which departments or subjects may be assigned to members of the Executive Council other than ex officio members; and

(c) revoke or vary any directions given under this subsection.

(2) The Governor may by directions in writing—

- (a) charge any member of the Executive Council, other than an ex officio member, with the administration of any department or subject during such time as it shall be declared, under paragraph (b) of the foregoing subsection, to be a department or subject which may be assigned to members other than ex officio members; and
- (b) revoke or vary any directions given under this subsection.

Leave of absence

15. The Governor, acting in his discretion, may grant leave of absence from his duties to any member of the Executive Council.

Commencement of Part II and transitional provisions

16.—(1) This Part shall come into operation on such day after the appointed day as the Governor, acting in his discretion, by Proclamation published in the Gazette shall appoint(a); and thereupon the Executive Council established by the Mauritius Letters Patent, 1947 and 1954, shall cease to exist.

(2) Whenever the Governor has occasion, before the commencement of this Part, to exercise any power conferred upon him by any other Part of this Order, then, unless the power is one which he is by this Order directed or empowered to exercise in his discretion, he shall, in the exercise of the power, consult with the said Executive Council in such circumstances, and on such conditions, as may be prescribed by such provisions as may at that time have effect, of the Instructions issued under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony and dated the 19th day of December, 1947, as amended by Additional Instructions dated the 22nd day of February, 1952.

PART III

Legislative Council

Legislative Council

17. There shall be a Legislative Council for the Colony which shall consist of a Speaker, three ex officio members, forty elected members and such nominated members, not exceeding twelve in number, as the Governor may, under the provisions of this Order, appoint.

The Speaker

18.—(1) The Speaker shall be a person who is not an ex officio, nominated, or elected member of the Legislative Council and who does not hold any public office, and shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

(2) The Speaker shall hold office during Her Majesty's pleasure and, subject thereto, for such period as may be specified in the Instrument by which he is appointed, and shall not vacate his office by reason of a dissolution of the Legislative Council:

Provided that the Speaker may, by writing under his hand addressed to the Governor, resign his office.

- (a) Day appointed for commencement of Part II, 7. 3. 59.

(3) If the office of Speaker is vacant, or if the Speaker is absent from the Colony or for any other reason unable to perform the functions of his office, the Governor, acting in his discretion, may by Instrument under the Public Seal appoint a person to act as Speaker; and the provisions of this Order other than subsection (1) of this section shall apply in relation to that person as they apply in relation to the Speaker.

The Deputy Speaker

19.—(1) The Legislative Council shall—

- (a) at its first sitting in every session, and
- (b) at its first sitting after the occurrence of a vacancy in the office of Deputy Speaker,

or as soon thereafter as may be convenient, elect as Deputy Speaker of the Legislative Council one of its own members, who is not a member of the Executive Council.

(2) The Deputy Speaker shall, unless he earlier vacates his office under the provisions of this Order, hold office until some other person is elected as Deputy Speaker under paragraph (a) of the foregoing subsection.

(3) (a) A person shall vacate the office of Deputy Speaker—

- (i) upon ceasing to be a member of the Legislative Council; or
- (ii) upon becoming a member of the Executive Council.

(b) The Deputy Speaker may by writing under his hand addressed to the Speaker or, in the absence of the Speaker or if there is no Speaker, to the Clerk of the Legislative Council, resign his office.

(4) In any election of a Deputy Speaker under this section the votes of the members of the Legislative Council shall be given by ballot in such a manner as not to disclose how any particular member votes.

Ex officio members

20. The ex officio members of the Legislative Council shall be the Colonial Secretary, the Attorney-General and the Financial Secretary.

Elected members

21. The elected members of the Legislative Council shall be persons qualified for election in accordance with the provisions of this Order and elected in the manner provided by any law enacted under the Mauritius (Electoral Provisions) Order in Council, 1958, or this Order.

Nominated members

22.—(1) Subject to the provisions of section 24 of this Order, the nominated members of the Legislative Council shall be British subjects of the age of twenty-one years or upwards and shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

(2) The Governor shall forthwith report to Her Majesty through a Secretary of State every appointment of any person to be a nominated member of the Legislative Council.

Qualifications for elected membership

23. Subject to the provisions of the next following section, a person shall be qualified to be elected as a member of the Legislative Council if, and shall not be qualified to be so elected unless, he—

- (a) is a British subject of the age of twenty-one years or upwards;
- (b) has resided in the Colony for a period of, or periods amounting in the aggregate to, not less than two years before the date of his nomination for election;
- (c) has resided in the Colony for a period of not less than six months immediately before the date of his nomination for election; and
- (d) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Council.

Disqualifications for elected and nominated membership

24. No person shall be qualified to be elected or appointed a member of the Legislative Council who—

- (a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state;
- (b) holds, or is acting in, any public office;
- (c) (i) in the case of an elected member, is a party to, or a partner in a firm or a director or manager of a company which is for or on account of the public service, and has not, within one month before the day of election, published in the English language in the Gazette and in a newspaper circulating in the electoral district for which he is a candidate a notice setting out the nature of such contract, and his interest, or the interest of any such firm or company, therein; or
- (ii) in the case of a nominated member, is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government of the Colony for or on account of the public service, and has not disclosed to the Governor the nature of such contract and his interest, or the interest of any such firm or company, therein; or
- (d) has been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions and has not been discharged or has obtained the benefit of *cessio bonorum* in the Colony;
- (e) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law in force in the Colony;
- (f) is under sentence of death imposed on him by a court in any part of Her Majesty's dominions, or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;

(g) in the case of an elected member, is disqualified for election by any law in force in the Colony by reason of his holding, or acting in, any office the functions of which involve—

- (i) any responsibility for, or in connection with, the conduct of any election; or
- (ii) any responsibility for the compilation or revision of any electoral register; or

(h) is disqualified for membership of the Council by any law in force in the Colony relating to offences connected with elections.

Tenure of office of elected and nominated members

25.—(1) Subject to the provisions of this Order, a nominated member of the Legislative Council shall hold his seat in the Council during Her Majesty's pleasure.

(2) The seat of an elected or a nominated member of the Legislative Council shall become vacant—

- (a) upon a dissolution of the Council;
- (b) if he resigns it by writing under his hand addressed, if he is an elected member, to the Speaker, or if he is a nominated member, to the Governor;
- (c) if, being an elected member, he is appointed as a nominated member of the Council or, being a nominated member, he is, with his consent, nominated as a candidate in any election of a member to the Council;

(d) if he ceases to be a British subject;

(e) if he becomes a party to any contract with the Government of the Colony for or on account of the public service, or if any firm in which he is a partner or any company of which he is a director or manager becomes a party to any such contract, or if he becomes a partner in a firm or a director or manager of a company which is a party to any such contract;

Provided that, if in the circumstances it appears to him to be just to do so, the Governor, acting in his discretion, may exempt any elected or nominated member from vacating his seat under the provisions of this paragraph, if such member, before becoming a party to such contract as aforesaid, or before or as soon as practicable after becoming otherwise interested in such contract (whether as a partner in a firm or as a director or manager of a company), discloses to the Governor the nature of such contract and his interest or the interest of any such firm or company therein;

(f) if he ceases to be resident in the Colony;

(g) if any of the circumstances arise that, if he were not a member of the Legislative Council, would cause him to be disqualified for election thereto by virtue of paragraph (a), (b), (c), (d), (e), (f) or (h) of the last foregoing section; or

(h) in the circumstances mentioned in the next following section.

Vacation of seat on sentence

26.—(1) Subject to the provisions of this section, if an elected or nominated member of the Legislative Council is sentenced by a court in any part of Her Majesty's dominions to death or to imprisonment

(by whatever name called) for a term exceeding twelve months, he shall forthwith cease to perform his functions as a member of the Council, and his seat in the Council shall become vacant at the expiration of a period of thirty days thereafter:

Provided that the Speaker (or, if the office of Speaker is vacant or he is for any reason unable to perform the functions of his office, the Deputy Speaker) may, at the request of the member, from time to time extend that period for thirty days to enable the member to pursue any appeal in respect of his conviction or sentence, so however that extensions of time exceeding in the aggregate three hundred and thirty days shall not be given without the approval of the Council signified by resolution.

(2) If at any time before the member vacates his seat he is granted a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of less than twelve months or a punishment other than imprisonment is substituted, his seat in the Legislative Council shall not become vacant under the foregoing subsection, and he may again perform his functions as a member of the Council.

(3) For the purpose of this section two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

Determination of questions as to membership

27.—(1) Any question whether a person has been validly appointed as a nominated member of the Legislative Council or whether a nominated member of the Legislative Council has vacated his seat therein shall be determined by the Governor, acting in his discretion.

(2) Any question whether a person has been validly elected as a member of the Legislative Council, or whether an elected member of the Legislative Council has vacated his seat therein, shall be determined by the Supreme Court.

Temporary members of the Legislative Council

28.—(1) Whenever an ex officio or a nominated member of the Legislative Council is unable, because of his illness or absence from the Colony, to perform his functions as a member of the Council, the Governor, acting in his discretion, may by Instrument under the Public Seal appoint a person to be temporarily a member of the Council:

Provided that he shall appoint a person who is a public officer in place of an ex officio member, and a person qualified for appointment as a nominated member in place of a nominated member.

(2) A person appointed under this section to be temporarily a member of the Legislative Council—

- (a) shall hold his seat in the Council during Her Majesty's pleasure;
- (b) shall vacate his seat when he is notified by the Governor that the member in whose place he was appointed is again able to perform his functions as a member of the Council, or when the seat of the member in whose place he was appointed becomes vacant.

(3) The Governor shall forthwith report to a Secretary of State any appointment made under this section.

(4) Subject to the provisions of this section, the provisions of this Order shall apply in relation to a person appointed to be temporarily a member of the Legislative Council—

- (a) as they apply in relation to ex officio members, if he was appointed in place of such a member; and
- (b) as they apply in relation to nominated members, if he was appointed in place of such a member.

Electoral districts

29.—(1) For the purpose of electing members of the Legislative Council the Colony shall be divided into forty electoral districts, each of which shall return one member.

(2) The boundaries of each electoral district shall be fixed by the Governor by Proclamation published in the Gazette.

Qualifications of electors

30. Subject to the provisions of the next following section, a person shall be entitled to be registered as an elector in one electoral district only, but he shall not be entitled to be registered as an elector unless he—

- (a) is a British subject of the age of twenty-one years or upwards; and
- (b) has resided in the Colony for a period of at least two years immediately before the date of registration or is domiciled in the Colony and is resident therein at that date; and
- (c) has resided in the electoral district in which he claims to be registered for a period of at least six months immediately before the date of registration.

Disqualifications of electors

31. No person shall be entitled to be registered as an elector in any electoral district who—

- (a) has been sentenced by a court in any part of Her Majesty's dominions to death or to imprisonment (by whatever name called) for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon; or
- (b) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in the Colony; or
- (c) is disqualified for registration as an elector by any law in force in the Colony relating to offences connected with elections.

Right to vote at elections

32.—(1) Any person who is registered as an elector in an electoral district shall, while so registered, be entitled to vote at any election for that district unless he is prohibited from so voting by any law in force in the Colony—

- (a) because he is a returning officer; or
 - (b) because he has been concerned in any offence connected with elections.
- (2) No person shall vote at any election for any electoral district who is not registered as an elector in that district.

Law as to elections

33. Subject to the provisions of this Order, a law enacted under this Order may provide for the election of members of the Legislative Council, including (without prejudice to the generality of the foregoing power) the following matters, that is to say:—

- (a) the qualifications and disqualifications of electors;
- (b) the registration of electors;
- (c) the ascertainment of the qualifications of electors and of candidates for election;
- (d) the division of the Colony into electoral districts for the purpose of elections;
- (e) the holding of elections;
- (f) the determination of any question which may arise as to whether any person has been validly elected a member of the Legislative Council or as to whether the seat of any elected member in the Legislative Council has become vacant;
- (g) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the Legislative Council, or for registration as an elector, or for voting at elections, of any person concerned in any such offence; and
- (h) the disqualification for election as members of the Legislative Council of persons holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register.

PART IV

Legislation and Procedure in Legislative Council

Power to make laws

34. Subject to the provisions of this Order, the Governor, with the advice and consent of the Legislative Council, may make laws for the peace, order and good government of the Colony.

Royal Instructions

35. Subject to the provisions of this Order, the Governor and the Legislative Council shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Standing Orders

36.—(1) Subject to the provisions of this Order and of any Instructions under Her Majesty's Sign Manual and Signet, the Legislative Council may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and for the passing, intitling and numbering of Bills, and for the presentation thereof to the Governor for assent; but no such Standing Orders shall have effect unless they have been approved by the Governor, acting in his discretion.

(2) The first Standing Orders of the Legislative Council shall, subject to the provisions of this Order, be the Standing Orders of the Legislative Council constituted under the Mauritius (Legislative Council) Orders in Council, 1947 to 1958, and in force at the time of the revocation of those Orders, and may be amended or revoked by the Council under the foregoing subsection.

Official language

37. The official language of the Legislative Council shall be English but any member may address the chair in French.

Presiding in Legislative Council

38. The Speaker, or in his absence the Deputy Speaker, or in their absence a member of the Legislative Council (not being a member of the Executive Council) elected by the Legislative Council for the sitting, shall preside at any sitting of the Council.

Legislative Council may transact business notwithstanding vacancies

39. The Legislative Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof (including any vacancy not filled when the Council is first constituted or is reconstituted at any time) and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the Council or otherwise took part in those proceedings.

Quorum

40.—(1) If at any sitting of the Legislative Council a quorum is not present and any member of the Council who is present objects on that account to the transaction of business and, after such interval as may be prescribed in the Standing Orders of the Council, the person presiding at the sitting ascertains that a quorum is still not present, he shall adjourn the Council.

(2) For the purposes of this section a quorum shall consist of sixteen members of the Legislative Council in addition to the person presiding.

Voting

41.—(1) Save as otherwise provided in this Order, all questions proposed for decision in the Legislative Council shall be determined by a majority of the votes of the members present and voting, and if, upon any question before the Council, the votes of the members are equally divided the motion shall be lost.

(2) (a) The Speaker shall have neither an original nor a casting vote; and

(b) any other person, including the Deputy Speaker, shall, when presiding in the Legislative Council, have an original vote but no casting vote.

Introduction of Bills

42.—(1) Subject to the provisions of this Order and of the Standing Orders of the Legislative Council, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council, and the same shall be debated and disposed of according to the Standing Orders of the Council.

(2) Except on the recommendation or with the consent of the Governor the Legislative Council shall not—

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding in the Council, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Colony or for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Colony; or
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the Council, is that provision should be made for any of the purposes aforesaid; or
- (c) receive any petition which, in the opinion of the person presiding in the Council, requests that provision be made for any of the purposes aforesaid.

Governor's reserved power

43.—(1) If the Governor considers that it is expedient in the interest of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of the Colony as a territory within the Commonwealth, and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer), that any Bill introduced, or any motion proposed, in the Legislative Council should have effect, then, if the Council fail to pass such Bill or to carry such motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor may, at any time that he thinks fit, and notwithstanding any provisions of this Order or of any Standing Orders of the Council, declare that such Bill or motion shall have effect as if it had been passed or carried by the Council either in the form in which it was so introduced or proposed or with such amendments as the Governor thinks fit that have been moved or proposed in the Council, including any committee thereof; and the Bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) The Governor shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons therefor.

(3) If any member of the Legislative Council objects to any declaration made under this section, he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(4) Any declaration made under this section other than a declaration relating to a Bill may be revoked by a Secretary of State and the Governor shall cause notice of such revocation to be published in the Gazette; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

(5) The powers conferred on the Governor by this section shall be exercised by him in his discretion.

Assent to Bills

44.—(1) A Bill shall not become a law until—

- (a) the Governor has assented to it in Her Majesty's name and on Her Majesty's behalf and has signed it in token of such assent; or
- (b) Her Majesty has given Her assent to it through a Secretary of State and the Governor has signified such assent by Proclamation published in the Gazette.

(2) When a Bill is presented to the Governor for his assent, he shall, acting in his discretion but subject to the provisions of this Order and of any Instructions addressed to him under Her Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents, or refuses to assent, to it, or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that the Governor shall reserve for the signification of Her Majesty's pleasure—

- (a) any Bill by which any provision of this Order is revoked or amended or which is in any way repugnant to, or inconsistent with, the provisions of this Order; and
 - (b) any Bill which determines or regulates the privileges, immunities or powers of the Legislative Council or of its members;
- unless he has been authorized by a Secretary of State to assent to it.

Disallowance of laws

45.—(1) Any law to which the Governor has given his assent may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever such a law has been disallowed by Her Majesty the Governor shall cause notice of such disallowance to be published in the Gazette and the law shall be annulled with effect from the date of the publication of that notice.

(3) The provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply in relation to the annulment of any law under this section as they apply in relation to the repeal of an Act of Parliament, save that any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made.

Oath of allegiance

46.—(1) Subject to the provisions of this section, no member of the Legislative Council shall be permitted to take part in the proceedings of the Council (other than proceedings necessary for the purposes of this section) until he has made and subscribed before the Council an oath of allegiance in the following form:—

"I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God."

(2) If, between the time when a person becomes a member of the Legislative Council and the time when the Council next sits thereafter a meeting takes place of any committee of the Council of which such person is a member, such person may, in order to enable him to attend

the meeting and take part in the proceedings of the committee, make and subscribe the oath of allegiance before a judge of the Supreme Court; and the making and subscribing of the oath in such manner shall suffice for all the purposes of this section.

In any such case the judge shall forthwith report to the Council Speaker that the person in question has made and subscribed the oath of allegiance before him.

(3) For the purposes of this section, every person authorized by law to make an affirmation instead of an oath in legal proceedings may, instead of making the oath mentioned in the foregoing subsection, make an affirmation in like terms.

Privileges of Legislative Council and members

47. A law enacted under this Order may determine and regulate the privileges, immunities and powers of the Legislative Council and its members, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland or of the members thereof.

48.—(1) Subject to the provisions of this Order, the sessions of the Legislative Council shall be held in such place and begin at such time as the Governor by Proclamation published in the Gazette may appoint.

(2) The first session of the Legislative Council shall begin within twelve months after the appointed day; and thereafter a session of the Council shall be held from time to time so that a period of twelve months shall not intervene between the date when the Council last sat in one session and the date appointed for its first sitting in the next session.

Prorogation and dissolution

49.—(1) The Governor may at any time, by Proclamation published in the Gazette, prorogue or dissolve the Legislative Council.

(2) The Governor shall dissolve the Legislative Council at the expiration of five years from the date when the Council first meets after any general election unless it has been sooner dissolved.

General elections

50. There shall be a general election at such time within three months after the appointed day, and thereafter within three months after every dissolution of the Legislative Council, as the Governor by Proclamation published in the Gazette shall appoint.

PART V

The Public Service

Appointments etc. of officers in public service

51.—(1) Power to make appointments to offices in the public service (including appointments on promotion and transfer) and to dismiss and to exercise disciplinary control over officers in that service shall rest in the Governor.

(2) (a) Subject to the provisions of paragraph (b) of this subsection, the Governor may delegate, in such manner and on such conditions as

he may think fit, to any officer in the public service any of the powers conferred on the Governor by the foregoing subsection.

(b) The Governor shall not—

- (i) delegate any such power unless he has obtained the consent of a Secretary of State to such delegation; or
- (ii) delegate any such power with respect to officers whose annual emoluments exceed such sum as may be prescribed by a Secretary of State.

(c) For the purposes of this subsection the emoluments of an officer shall (whether or not he is employed on terms that include eligibility for pension) include only such emoluments as, under the law for the time being in force relating to pensions, are taken into account in computing pensions.

(3) If any law in force in the Colony immediately before the appointed day confers on any officer in the public service any power to appoint, promote, transfer, dismiss, or exercise disciplinary control over, other officers in the public service, that power shall be deemed to have been delegated to that officer by the Governor under the last foregoing subsection, and shall be exercisable by that officer until it is revoked by the Governor or until the provision conferring it has been repealed or revoked.

Public Service Commission

52.—(1) There shall be for the Colony a Public Service Commission (in this Part referred to as “the Commission”) which shall consist of a chairman and such number of other members as may be prescribed by any law enacted in pursuance of subsection (1) of section 54 of this Order.

(2) The chairman and other members of the Commission shall be appointed by the Governor, acting in his discretion.

(3) The Governor, acting in his discretion, may revoke the appointment of the chairman or any other member of the Commission.

(4) No person shall be appointed as a member of the Commission if he is a member of the Legislative Council and, if any member of the Commission becomes a member of the Legislative Council, his appointment as a member of the Commission shall thereupon be deemed to be revoked.

Public Service Commission to advise Governor

53.—(1) The Governor may, either generally or specially and in whatever manner he thinks fit, refer to the Commission for its advice any matter relating to the appointment of any person to an office in the public service, or the dismissal or disciplinary control of officers in the public service, or any other matter that, in his opinion, affects the public service.

(2) It shall be the duty of the Commission to advise the Governor on any question that he refers to it under this section, but the Governor shall not be obliged to act in accordance with its advice.

Laws relating to Public Service Commission

54.—(1) Subject to the provisions of this Order, any law enacted under this Order may provide for all or any of the following matters:—

- (a) the number, tenure of office and terms of service of members of the Commission;

(b) the organization of the work of the Commission and the manner in which it shall perform its functions;

(c) grounds of disqualification for membership of the Commission;

(d) consultation by the Commission with persons other than members of the Commission;

(e) the appointment, tenure of office and terms of service of staff to assist the Commission in performing its functions;

(f) the delegation to any member of the Commission of all or any of the powers and duties of the Commission;

(g) the definition and trial of offences connected with the functions of the Commission and the imposition of penalties for such offences.

(2) Any law in force in the Colony immediately before the appointed day which provides for any of the matters mentioned in the foregoing subsection shall, in so far as it is not inconsistent with the provisions of this section, be deemed for the purposes of this section to have been enacted under this Order.

Exclusion of judges

55. References in this Part to officers in the public service do not include judges of the Supreme Court or any person appointed to be temporarily a judge of that Court.

PART VI

Judges

Retirement and resignation of judges

56.—(1) Subject to the provisions of this Part, a judge of the Supreme Court shall hold office until he attains the age of sixty-two years:

Provided that the Governor, acting in his discretion, may permit a judge to continue in office beyond the age of sixty-two years for a period which does not exceed, or for consecutive periods which do not in the aggregate exceed, three years.

(2) A judge of the Supreme Court may at any time resign his office by writing under his hand addressed to the Governor.

(3) No office of judge of the Supreme Court shall be abolished while there is a substantive holder of that office.

Removal of judges

57.—(1) A judge of the Supreme Court may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be removed except in accordance with the next following subsection.

(2) A judge of the Supreme Court shall be removed from office by the Governor by Order under the Public Seal if the question of removing him from office has, at the request of the Governor, made in pursuance of the next following subsection, been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of

the Judicial Committee Act, 1833(a), or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(3) If the Governor considers that the question of removing a judge of the Supreme Court from office for inability as aforesaid or misbehaviour ought to be investigated, then

(a) the Governor shall by Order under the Public Seal (which he may vary or revoke by another such Order) appoint a tribunal, which shall consist of a chairman and not less than two other members, selected by the Governor from among persons who hold or have held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions or a court having jurisdiction in appeals from any such court;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether he should request that the question of removing the judge from office should be referred by Her Majesty to the Judicial Committee; and

(c) if the tribunal so recommends, the Governor shall request that the question should be referred accordingly.

(4) Subject to the provisions of the last foregoing subsection, the provisions of the Commissions of Inquiry Ordinance(b), as in force on the appointed day, shall apply in relation to a tribunal appointed by an Order made under that subsection as if they were commissioners appointed by a commission issued under the Ordinance, and references in the Ordinance to commissioners and a commission shall be construed accordingly.

(5) If the question of removing a judge of the Supreme Court from office has been referred to a tribunal under subsection (3) of this section the Governor may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor and shall in any case cease to have effect—

(a) if the tribunal recommends to the Governor that he should not request that the question of removing the judge from office should be referred by Her Majesty to the Judicial Committee; or

(b) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

(6) The powers conferred upon the Governor by this section shall be exercised by him in his discretion.

(7) This section shall apply to any person appointed to be temporarily a judge of the Supreme Court as it applies to a substantive holder of the office of judge of the Supreme Court, but without prejudice to the provisions of section 6 of the Courts Ordinance(c), as enacted by the Courts (Amendment) Ordinance, 1954(d), or to any other provision made by any law for the time being in force in the Colony for the termination of the appointment of such a person at the end of a

(a) 3 & 4 Will. 4, c. 41. (b) Revised Mauritius Ordinances, 1945, cap. 286.
(c) Revised Mauritius Ordinances, 1945, cap. 168. (d) Ordinance No. 12 of 1954.

particular period or when his services as a temporary judge of the Supreme Court are no longer required.

Salaries and conditions of service

58.—(1) There shall be charged on the revenues of the Colony and paid thereout to judges of the Supreme Court, and to any person appointed to be temporarily a judge of that Court, such salaries as may be prescribed by any law in force in the Colony.

(2) The salary of a judge of the Supreme Court, or of any person appointed to be temporarily a judge of that Court, shall not be reduced, nor shall his pension rights and other conditions of service be made less favourable to him after his appointment; and, for the purpose of this subsection, if he elects that one of two or more laws shall apply to him, that law shall be deemed to be more favourable than the other law or laws.

(3) Nothing in this section shall prevent the reduction, if the cost of living falls, of a cost of living allowance payable to a judge of the Supreme Court, or to any person appointed to be temporarily a judge of that Court.

PART VII

Miscellaneous

Penalty for sitting or voting in Legislative Council when unqualified

59.—(1) Any person who sits or votes in the Legislative Council knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding five hundred rupees for each day upon which he so sits or votes.

(2) Any such penalty shall be recoverable by civil action in the Supreme Court at the suit of the Attorney-General.

Provisions to give effect to Order

60.—(1) At any time before the appointed day the legislature established by the Mauritius (Legislative Council) Orders in Council, 1947 to 1958, may, by laws enacted under those Orders, make such provision as appears to them to be necessary or expedient for the purpose of bringing any Ordinance in force in the Colony immediately before the appointed day into accord with the provisions of this Order or otherwise for giving effect, or enabling effect to be given, to those provisions; but no such law shall come into operation before the appointed day.

(2) This section shall come into operation forthwith.

Emoluments

61.—(1) The Governor and the other officers mentioned in the Second Schedule to this Order shall receive emoluments at the annual rates respectively specified in that Schedule; and the sums necessary to defray the cost of those emoluments are hereby charged on the revenues of the Colony, and shall be paid thereout by the Accountant-General upon warrant directed to him under the hand of the Governor.

(2) Nothing in this section shall prevent the payment to the Governor or any other officer of any additional sums for which provision may be made from time to time.

Removal of difficulties

62.—(1) If any difficulty arises in bringing into operation any of the provisions of this Order or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him to be necessary or expedient for the purpose of removing the difficulty and may by such Order amend or add to any provision of this Order:

Provided that no Order shall be made under this section later than twelve months after the appointed day.

(2) Any Order made under this section may be amended, added to or revoked by a further Order, and may be given retrospective effect to a date not earlier than the date of this Order.

(3) This section shall come into operation forthwith.

Power reserved to Her Majesty

63.—(1) Her Majesty hereby reserves to Herself, Her Heirs and Successors power, with the advice of Her or Their Privy Council, to amend, add to or revoke this Order as to Her or Them shall seem fit.

(2) Nothing in this Order shall affect the power of Her Majesty in Council to make laws from time to time for the peace, order and good government of the Colony.

W. G. Agnew.

FIRST SCHEDULE

Section 3

The Mauritius (Legislative Council) Order in Council, 1947(a).	
The Mauritius (Legislative Council) (Amendment) Order in Council, 1950(b).	
The Mauritius (Legislative Council) (Amendment) Order in Council, 1951(c).	
The Mauritius (Legislative Council) (Amendment) Order in Council, 1952(d).	
The Mauritius (Legislative Council) (Amendment) (No. 2) Order in Council, 1952(e).	
The Mauritius (Legislative Council) (Amendment) Order in Council, 1953(f).	
The Mauritius (Legislative Council) (Amendment) Order in Council, 1956(g).	
The Mauritius (Legislative Council) (Amendment) Order in Council, 1957(h).	
The Mauritius (Legislative Council) (Amendment) Order in Council, 1958.	
The Mauritius (Electoral Provisions) Order in Council, 1958.	

SECOND SCHEDULE

Section 61

Annual rate of emoluments.

Governor	Ruppes 55,000 salary and Ruppes 20,000 duty allowance.
Other Officer for the time being Administering the Government.	Ruppes 49,500 salary and Ruppes 20,000 duty allowance.
Colonial Secretary	Ruppes 40,000 salary.
Attorney-General	Ruppes 36,000 salary.
Financial Secretary	Ruppes 36,000 salary.
Speaker	Ruppes 30,600.

- (a) Rev. XIII, p. 277; S.R. & O. 1947 I, p. 2736. (b) S.I. 1950 II, p. 1546.
(c) S.I. 1951 II, p. 1416. (d) S.I. 1952 III, p. 3992. (e) S.I. 1952 III, p. 3993.
(f) S.I. 1953 II, p. 2799. (g) S.I. 1956 II, p. 3031. (h) S.I. 1957 II, p. 3081.

The Mauritius (Constitution) (Amendment) Order in Council, 1958

At the Court at Buckingham Palace, the 19th day of December, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, and commencement

1.—(1) This Order may be cited as the Mauritius (Constitution) (Amendment) Order in Council, 1958, and the Mauritius (Constitution) Order in Council, 1958(a) (hereinafter referred to as "the principal (Constitution) Orders in Council, 1958.

(2) This Order shall come into operation forthwith and shall be published in the Government Gazette of Mauritius.

Sidenote to section 2 of principal order

2. In the margin of section 2 of the principal Order the word "Interpretation" is inserted as a sidenote.

Amendment of principal Order

3. Subsection (2) of section 16 of the principal Order is amended by substituting for the words "February, 1952," the words "February, 1952, and the 1st day of April, 1958."

4. Part V of the principal Order is amended—

(a) by inserting as subsection (4) of section 51:—

"(4) The powers conferred upon the Governor by this section shall be exercised by him in his discretion."; and

(b) by substituting, in subsection (1) of section 53, for the words "The Governor" the words "The Governor, acting in his discretion."

W. G. Agnew.

ADDITIONAL INSTRUCTIONS passed under the Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Mauritius.

Dated 1st April, 1958.

ELIZABETH R.

ADDITIONAL INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of Mauritius, or other Officer for the time being Administering the Government of Our said Colony.

Whereas We are minded further to amend the Instructions under the Royal Sign Manual and Signet dated the nineteenth day of December,

(a) See Pt. II, p. 2914, of this volume.

Annex 17

Alfred J.E. Orian, Assistant Entomologist, Department of Agriculture, Mauritius, Report on a visit to Diego Garcia, 9-14 October 1958

REPORT ON A VISIT TO DIEGO GARCIA

by
ALFRED J. E. ORIAN,

Assistant Entomologist — Department of Agriculture, Mauritius

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VOL. 38

LA REVUE AGRICOLE ET SECRÉIRE

NO. 3

I - INTRODUCTION

The writer left Mauritius per M. V. "Sir Jules" on the 1st October 1958 and reached Diego Garcia on the morning of the 9th. The "Sir Jules" left for Peros Banhos and Salomon, returning a few days later. The writer spent altogether 6 days in the island which he left on the 15th, arriving in Mauritius on the 23rd.

II - DIEGO GARCIA: SITUATION, TOPOGRAPHY AND CLIMATE

Diego Garcia is the southernmost atoll of the Chagos Group, which is situated between the parallels of 4°34'S. and 7°41'S. and the meridians of 70°47'E. and 72°52'E., about midway between Ceylon and Mauritius. It is the most important island of the Archipelago; its distance from Mauritius is 1,174 miles in a north-easterly direction. It is a typical atoll made up of a narrow ribbon of land varying in width from 30 yards to 1 1/2 mile and almost completely encircling a vast V-shaped lagoon opening to the ocean towards the north-west. Three small islands lie across the mouth of the lagoon, which is itself 13 miles long and 4 to 6 miles broad; they are known by the names of West (1), Middle and East Islands (2).

Diego Garcia covers an area of about 6,000 acres; the land is subject to alterations, being at times washed away in one part and raised at another. The whole of the land composing the atoll is very low; the highest point being only 30 feet above high tide level and the general elevation 3 to 5 feet, so that the island appears to rise just above the waves. It is surrounded by reefs — the outer or seaward shore being higher than the inner or lagoon shore. Swamps formed by the sea or backwaters are fairly extensive in places. The strong tidal currents cause considerable beach erosion.

The nature of the soil varies a great deal from place to place consisting in some localities of bare coral rock while in others it is made up of calcareous sand and no coral. Also some parts of the land are older than others: these older parts have apparently been covered by vegetation for a considerable period for there is a thick peaty mould lying on the surface. According to Bouma, who visited the island in 1885, "the great strip of land which constitutes Diego" was formerly a series of disconnected islets which have since joined together by the accumulation of sand and coral debris between them. Deposits of guano occur here and there mixed with sand and marine shells or organic matter.

Diego Garcia was discovered by the Portuguese in the XVth century. It is named after two famous navigators of the same nationality:

(1) Or Bird Island or Isle Majaz.

(2) Or Isle Grand Barre — the largest of the three; it is 800 yards long and nearly 100 yards broad.

DIEGO DIAZ and GARCIA DE NORONHA. When first discovered, it was already covered by a luxuriant vegetation of coconut palms, of tamaraka (*Adophyllum inophyllum* L.), of bois blanc (*Herzandia peltata* Meissn.) and of geyac (*Palisotia bijuba* O. Ktze). The whole island is now devoted to the cultivation of the coconut, but its central part "was evidently at one time a large garden for taro: *Calocyma antigonum* Schott" (3) (Plate II).

Before the piercing of the Suez Canal, Diego Garcia was a coaling station for ships going to Australia from Aden and back while earlier still it was a safe shelter for 17th and 18th century privateers. It was visited in August 1914 by the famous German battleship "EMDEN". As there was no wireless in those days, the population, ignorant of the outbreak of war, allowed the ship to load its full complement of fuel and fresh food... only to learn of hostilities between Britain and Germany from a British destroyer 24 hours after the Emden had left. During the last war it was one of the bases held by the R.A.F. and R.A. in the Indian Ocean.

The Archipelago lies on the southern limit of the North-west monsoon and winds at that season are from N.E. through N.W. to West. The S.E. trade wind prevails from April to October, blowing with persistence from June to September. Fortunately a natural windbreak is provided by the almost unbroken zone of *Scaevola frutescens* Krause (Bois manioc), *Thespesia populnea* Soland, and of *Tournefortia argentea*, L. (Veloutier). Calms are very rare and cyclones do not occur. The climate is typically equatorial; the temperature varies little throughout the year and rarely exceeds 82°C or falls below 22°C. The weather is coolest when the S.E. Trade Wind is at its strongest. The dry season lasts from June to September and the wet season from October to March. The rainfall is high with fairly great variations. In 1957 it was 128 inches and this year (September 1957 — August, 1958) it dropped to 88.5 inches.

High rainfall and temperature, absence of cyclones and a constant supply of soil water can easily explain the dense vegetation which is to be found everywhere except where the soil conditions constitute a limiting factor. These conditions are responsible for the absence of a distinct flowering season and for the gigantic size of many native and cultivated trees (Wiehe 1939). The atoll is covered with luxuriant vegetation of bright green colour and is fringed by pure white sandy beaches. In places the tree-line is 125 feet high, while clumps of *Casuarina equisetifolia* Forst., reach 80 feet or more.

III — THE COCONUT PLANTATIONS AND THE COCONUT INDUSTRY

The main industry of the island is the production of copra; this is exported to Mauritius where oil is extracted and the press-cake or po-

(3) Taro: *souffre creole*. It is called "Via" in Diego. However, the plant called "Via" in Mauritius is different and its scientific name is *Typhonodorum lindleyanum* Schott — a giant arum.



Plate II — A plantation underplanted with seedlings.
Cedrela anthyroides in foreground.

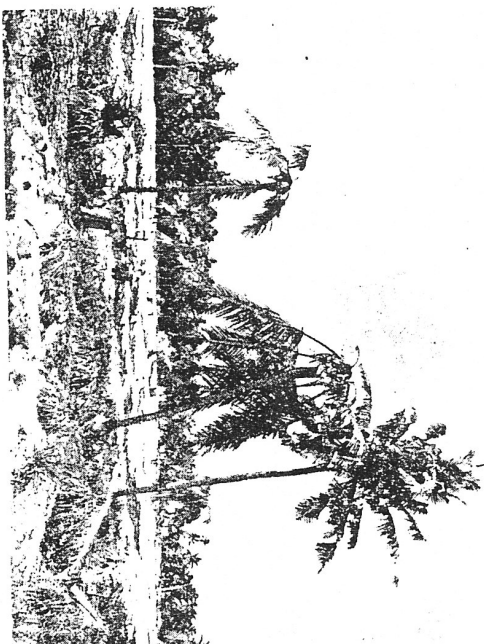


Plate III. — Group of palms dying from hurricanes' fresh attack.

mac is valuable when added to poultry feed mixtures. Some guano is also exported. Table I summarises the island's production.

TABLE I

Year	No. of nuts collected	Weight in tons of copra exported to Mauritius	Weight of copra used for Diego edible oil requirements	Remarks
1957	4,817,000	590	34 tons	In addition 16,000 nuts were used in seedling production
1958	4,514,000	558	36 "	This is equivalent to 26,520 bottles of oil

This year's guano production amounted to 1,425 tons. In addition 800 tons are in stock at Diego.

NATURAL AND ARTIFICIAL GROVES

The coconut groves are nearly all natural plantations which are very old; as a result yields are going down. In places the palms are intermingled with trees and other dense undergrowth on which grow epiphytic ferns, such as *Asplenium nidus* L. (an edible species commonly called "langue de vache"), while at their base and on the ground are thick tufts of *Psidium triguetrum* Sw. thus forming an inextricable jungle. Owing to the dense foliage and the very low light intensity resulting therefrom, the palms are sometimes bent, with spindly twisted trunks.

A tremendous effort in replanting has been made in the past few years and regular plantations of the palm are now to be found e.g. at Nordest, East Point and Carcasse.

In striking contrast with the compact undergrowth of the natural groves, the vegetation of artificial groves changes to creeping plants associated with noxious weeds such as *Tridax procumbens* L. (Herbe caïlle), *Erinostylis spathulacea* Roth. (Herbe malgache), *Bryophyllum pinnatum* Kurz (Soudafale), *Stachytarpheta indica* Vahl (Quene de rat), *Aechranthes aspera* L. (Herbe sergent), *Stenotaphrum daniellatum* (4) Brongn. (Chiendent bontrigue), *Bidens pilosa* L. (Villegue), *Ageratum conyzoides* L. (Herbe bouc), *Boerhaavia diffusa* L. (Liane mna), *Portulaca oleracea* L. (Purslane, pourpier), *Passiflora suberosa* L. (Liane poc-poc)

(4) In many places this grass suffers from "chlorosis" probably due to some mineral deficiency.

and the ubiquitous shrub *Morinda citrifolia* L. (Bois tortue). Plants making up the beach community are frequently parasitized by *Cassytha filiformis* L. (liane sans fin).

A large number of nuts are lost through germination. In the past, planting was only carried out to replace dead trees, and small holes were made in which self-sown seedlings removed with a hoe were planted (hence the name "coco-pioche"). This practice has disappeared altogether and large holes are now dug (3-7' diameter and from 4-10' deep according to the water table) and the hard pan underlying the surface is thoroughly broken. The establishment of seedlings is therefore not as slow as before and better trees result. Selection of seedlings, however, is not effected in nurseries. Nor is manuring of established plantations practised. It might be advantageous to use some of the lower grade guano to improve the soil in deficient areas. The only manuring is at planting time in the hole dug which is filled with organic matter and ash from burnt coir and coconut leaves.

Weeding is an important problem and is done by hand: gangs of labourers simply cutting down and burning the undergrowth from which some charcoal is made at the same time. Weed-killers are not used; should such be employed great care should be exercised to prevent injury to the coconut trees. A flame thrower might perhaps be used where *Bryophyllum* (soudetrafe) is plentiful.

Ripe nuts are allowed to fall on the ground; these are collected weekly and the husks removed. Formerly the husks instead of being burnt were stacked round the trunks of the palms up to a height of 3-4 feet. This practice favoured the development of the rhinoceros beetle and also of adventitious roots along the trunk (Plate IV). The de-husked nuts are transported in donkey-drawn carts and the meat is dried in the copra-kilns at East Point. Formerly the kernels were broken and the meat then spread on drying platforms with sliding corrugated iron roofs. Sun drying has sometimes to be resorted to, but it is altogether an unsatisfactory operation for should rain occur the wet copra does not keep and becomes rancid and mouldy. It is also more readily attacked by the copra beetle (*Neorobbia rufipes* Deg.) (5) than kiln-dried copra.

Owing to the small size of the nuts, about 8,000 to 8,500 nuts are required for 1 ton of copra.

INSECT ENEMIES OF THE COCONUT PALM

About 800 insects have been recorded throughout the world on the coconut palm. Of these, nearly 25% are specific to the genus *Cocos*. Only about half a dozen have so far gained access to Diego. Top of the list comes the rhinoceros beetle.

(5) COLEOPTERA: Family Curculionidae (Cleridae). It is a small metallic blue beetle with reddish legs measuring 3.5 mm to 6 mm. in length.

The following is a list of coconut pests in Diego :—

TABLE II

Pests	Insect Order	Notes
(1) <i>Oryctes rhinoceros</i> L.	Coleoptera : Scarabaeidae	Commonly called the rhinoceros beetle
(2) <i>Aspidiotus destructor</i> Sign.	Hemiptera : Coccinea-Diaspidae	The coconut scale
(3) <i>Chrysomphalus ficus</i> Ashm.	— do —	A round flat scale
(4) <i>Pseudococcus adoni-dum</i> L.	Hemiptera : Pseudococcidae	A white fluffy mealy bug
(5) <i>Pandanus</i> sp.	— do —	— do —

Aspidiotus destructor Sign.

This is the widespread coconut scale. It is a Diaspine coccid which also attacks a wide range of plants, including the banana, mango, papaw, avocado, breadfruit and *Barringtonia* sp. (Bonnef de prétre). This leaf pest is covered by a flat delicate waxy and semi-transparent scale. The male scales have an oval outline, the female scales are circular. The eggs hatch under the scale and the larvae crawl out slowly in search of a suitable place to fix themselves by inserting their rostrum into the leaf. The spread takes place in a number of ways : human agency (coconut leaf baskets), insects, birds and wind. *Chilocorus nigritus* F., a coccinellid beetle or lady bird introduced earlier from Mauritius was recovered but was present in insufficient numbers to check the scale. Thus, at Nordest a number of young coconut palms were severely attacked. The young fronds showed pronounced yellow and brown dying leaflets. The scales were so numerous as to form a continuous light brown crust on the underside of the entire fronds. There are indications that a few palms have been killed by this scale and not by the rhinoceros beetle.

It is suggested that new importations of *C. nigritus* be made from Mauritius. Another coccinellid *Cryptognatha noticeps* Muls. present in Trinidad and Fiji could also be tried as its introduction into the latter islands was very successful against *Aspidiotus*.

It may be mentioned that the following ladybirds also prey upon *Aspidiotus* :— *Scymnus oblongosignatus* Muls., *Scymnus* sp. *Scymnomor-*

plus sp., *Liudorus lophanthus* Blaisd., *Ecochonus laeviusculus* Wsc., *Chilocorus politus* Muls. As these occur in Mauritius, it is also suggested that one or more of these insects be introduced into Diego for trial. An alternative control measure on small palms is to use a 0.2% malathion solution followed by an application of parathion, but as these substances are organophosphorus chemicals, they can only be used under expert guidance.

Chrysomphalus ficus Ashm. is another Diaspidine coccid present in Diego Garcia. It is a round flat scale which can be controlled by coccinellids or by chemical treatment.

Pseudococcus spp.

These mealy bugs are common everywhere and are tended by ants; more commonly by *Technomyrmex detritus* Wlk. The ants intensify the attacks by carrying the young stages from leaf to leaf and palm to palm and warding off parasitic and predaceous insects. To keep the ants off, monthly sprayings with 0.5% chlordane might be made, when no other treatment of the palms is necessary.

Aceria

In a number of cases the palms showed signs of attack apparently by a mite; but in spite of repeated searches, the mite *Haorilla indica* Hirst was not encountered during the author's inspections of the groves. This does not rule out its presence in the island and investigations at other periods of the year would be necessary to find out whether it is present or not.

DISEASES OF THE COCONUT PALM

The author ventures to make the following remarks on some diseases of the coconut palm which he observed during his visit: *Bud rot*, *Stem rot* and *Stem bleeding disease*, *Yellowing*, *Leaf spot*, *Quick tapering* and *Premature nutfall*.

Bud rot—This disease fortunately is not very common. A few cases were seen at East Point, at Gimetiere "Zenfan", and at Noroit. The attacked trees which are growing on unsuitable soil, seem also to have been adversely affected by strong winds. The only control measure advocated if the disease develops in epidemic proportion is burning down affected trees.

Stem rot and Stem bleeding—This occurs throughout the island. The symptoms are fairly easy to detect and are characterized by the formation of drops of brown ooze from the bark which is cracked in a number of places, and of reddish-brown or dark streaks along the stem. The pathogen is a fungus *Ceratostomella paradoxa* (de Seynes) Dade. In advanced cases of the disease, large cavities appear inside the stem.

(Plate IV, trunk above abnormal roots). More than a score of heavily affected trees were counted in different places. Although the vigour of the palms is obviously impaired as a result of this disease, crops of nuts were present in all cases encountered.

The diseases known as "knife-cut" and "fiddle leaf" were not seen although in one case large gashes were found on a palm, but it was difficult to decide whether the effects were due to human agency or to natural causes.

Yellowing — Pronounced leaf yellowing is common at a number of places. Sometimes it is restricted to occasional trees, at other times a fairly large area is affected, as for example at Carcasse, Verger, Canoterie, Aux puits. As pointed out already the mite *Raoiella* was not encountered in the island; the yellowing might be of pathological nature or be due to some unfavourable soil condition. A soil survey or possibly a study of soil profiles only might throw light on the problem.

Leaf spot caused by *Pestalotia palmarum* Cke. is of extremely frequent occurrence resulting sometimes in a severe blight on young seedlings.

Tapering stem with or without point disease — In some areas the palms are apparently affected by a disease which involves rapid shrinkage in diameter, barrenness and yellowing of the tips. In advanced cases the decrease in leaf area and in stem diameter is such that the crown fails to produce leaves and dies (Plate V).

Premature nutfall — The fall of immature nuts (bushon nuts) within 2 months of the emergence of the spadix is a normal phenomenon. At a later stage when the endosperm of the fruit is just being formed nutfall must be attributed to insect attack or to some other adverse factor. It is known that attacks of the bug *Amblypelta cocophaga* China in some countries (e.g. British Solomon Islands Protectorate) leads to premature fruit fall, but as neither this insect nor any allied form was encountered, the cause of the trouble must be looked for elsewhere. In any case large losses of potential crop result and the problem deserves closer attention as in some areas a considerable number of trees are non-bearing.

Lightning injury

A number of trees were found with the dead leaves still attached to the crown; as their death could not be attributed to commonly occurring causes, it is possible that they had been struck by lightning. These trees decay rapidly and serve as breeding ground for the rhinoceros beetle.

The Rat Problem

The rat problem at Diego is comparable in magnitude to the

ravages of the rhinoceros beetle. According to observations and calculations an increase of more than 1 of the nuts collected could be obtained were it not for destruction by rats.

An abstract from Charles Regnaud's book on the coconut (6) concerning damage to coconuts by rats is worth quoting as it explains the nature of the injury caused by this pest:—

« Il y a 240 ans que Pyrrard écrivait : « Les rats ne s'attaquent qu'à ceux qui sont encore verts (les fruits), à cause que les secs sont trop durs à ronger, point que ces animaux desirrent principalement d'en boire l'eau et ont cette industrie de faire un trou par dessus, de peur que l'eau ne se répande, et font ce trou de leur même gressueur, afin qu'ils puissent entrer dedans pour boire et manger ; et quand ce fruit n'a plus de substance dedans, il s'empire et tombe de telle sorte qu'aux îles non peuplées la terre en est couverte..... »

Ces petits quadrupèdes n'ont pas changé de mœurs, depuis l'époque où Pyrrard a signalé leurs dévastations. Ils pullulent encore dans toutes les îles où sont répandus les cocotiers... Le plus souvent, les rats entament le coco tout autour du point où il adhère à son calice persistant, en cet endroit le fruit est très tendre ; aussi ont-ils bientôt atteint la noix, qui n'a pas encore atteint la dureté qu'elle doit offrir plus tard et fait leurs délices de la crème et de l'eau qu'elle contient. Chose assez singulière, les rats s'attaquent indifféremment aux cocos encore très jeunes, ou à ceux qui ont déjà acquis toute leur gressueur ; ils creusent même ceux qui ne sont pas plus gros qu'un œuf d'oiseau..... »

Dans quelques-unes des îles de la mer de l'Inde, qui sont sous la dépendance de Maurice on a introduit des chats, espérant ainsi détruire ou du moins diminuer le nombre des rats ; mais on n'a pas tardé à s'apercevoir que les chats devraient exclusivement les jeunes oiseaux de mer qui leur offraient une pâture plus délicate et infiniment plus facile à se procurer. On a souvent recouru, dans ces mêmes îles, à un moyen analogue à celui employé dans certaines parties de la France pour la destruction des taupes. On a des *chercheurs de rats* : ce sont des noirs qui, en outre de la paye mensuelle, reçoivent la gratification d'un verre de rhum par douzaine de queues de rats qu'ils rapportent à l'établissement ; mais ce moyen est encore insuffisant »...

Besides cats, dogs were introduced in Diego to destroy the rats ; the attempt was not a success, as the dogs were not of the right type and they are now but degenerate mongrels which constitute a nuisance and should, in their turn, be exterminated. Introduction of the mongoose

(6) Histoire Naturelle, hygiène et économique du cocotier, Paris 1806, pp. 22-23.

must be ruled out for obvious reasons. Trapping is not very efficient as only about 600 rats were destroyed by that means from September 1957 to August 1958. Reference is here made to an article (7) by J. R. Williams, former Entomologist of the Department of Agriculture on rat control and it is recommended that those interested in the problem in Diego should read the article.

Poison should be used with great caution, because after eating certain toxic substances, rats run for water and in Diego drinking water is in many cases obtained from wells. Substances containing warfarin, which give good results when properly used, should in the author's opinion be the type of poison to try.

Metal shields or strips of tin, something like an open small umbrella might be nailed round the palms in such a fashion that the lower rim stands out from the trunk, thus preventing ascent. This, however, is a costly job for in saline air metal corrosion is rapid and owing to increase in girth of the trees the shields burst.

BIOLOGICAL ASSOCIATIONS

A word might here be introduced about the origin of the coconut palm. Botanists generally accept O. F. Cook's views about the American origin of the coconut palm (1901), but this seems inadmissible for the crab *Birgus latro* Hbst. does not occur in American coasts and it is improbable that such an organism could have been evolved independently of the coconut.

At the time of my visit this crab (commonly called the Robber Crab or the "Cipaye") seemed very scarce. According to the Manager it does not at the moment cause important losses.

On the other hand, the large red crab, *Coelidion carnifera* Hbst. (commonly called "tronloutron") causes severe depredations in vegetable gardens; further they seriously damage the only road which crosses the island. They could be controlled by pesticide treatment.

IV - THE RHINOCEROS BEETLE

Before discussing methods for the control of *Oryctes rhinoceros* L., it is necessary to review briefly its life cycle and its effects upon the growth of the coconut palm. It is an Asiatic beetle which probably gained access to Diego Garcia during World War I, "being already firmly established in 1939 in some localities" (Wiehe). It now menaces the entire production of copra and consequently of poanae.

Notes on the life-cycle

The length of the life cycle of the insect from egg to adult has

(7) Field rats on sugar estates and methods for their control. *Rev. Agric. Maurit.* 32: 2: 1953 pp. 50-60.

been variously assessed. Ghosh (1911) regarded it as being 336 days. Corbett (1932) found the minimum time, under laboratory conditions, to be just under four months and the maximum just over 9½ months, while other writers have found it to be 2 years. Obviously it varies with temperature and humidity. The adults occur throughout the year, but are more abundant from January to May. They lie in concealment during day-time and begin their flight at dusk, when they attack the coconut palm and burrow into its heart. Sometimes they simply bite through the folded leaf so that when it unfolds later, the leaflets are found perforated or cut symmetrically off. At other times they bite right through to the growing point and the tree is doomed.

The adult has been found to live for just under 3½ months under laboratory conditions. The female starts laying about one month after emergence and the total number of eggs varies between 27 and 60. They are placed singly, or a few at a time, in decaying palm stems or humus-soaked rubbish heaps. The eggs average 3.5 mm by 2 mm (Plate I); they are creamy white in colour and increase considerably in size before hatching; they are often surrounded with hardened earth.

In Diego, under fairly humid conditions they hatch in about 8 days. The newly-hatched larva or grub measures 5.6 mm in length (Plate I). As many as 40 to 100 larvae have been counted in a few feet of coconut stem. Dead trees are soon converted into a damp brown powdery mass, and it has been calculated that over a thousand beetles can be reared from a rotten coconut tree before it is quite destroyed.

The grub lies on its side; it is fleshy and translucent and has three stages of development; when full grown it measures 70 mm x 25 mm. It has a large brown head with powerful black mandibles. The body is covered with numerous reddish bristles and reddish brown spiracles occur along its sides; the anal segment is very swollen. Larval life averages four months. The grub finally enters the pupal stage which is of short duration, so that pupae are comparatively rare to find. The pupa is at first white but later turns brown. The size varies, but is generally about 48 mm by 20 mm. The sex is indicated by the size of the horn on the head which as in the adult is prominent in the male. The adult beetle is very hard and chitinous almost shining black above and reddish brown below and measuring from 50 to 65 mm by 20 to 35 mm. When it emerges from the pupa, it is yellowish to brown in colour; the thorax is etched and scooped out in front toward the head. The elytra are smooth with longitudinal grooves and fine punctures. The legs are stout, spiny and adapted for digging.

Importation of eradication

Prior to 1951, the Entomology Division of the Department of Agriculture supplied Diego Ltd. with several colonies of *Scotia oryctolaga* Coq. for release in the atoll, apparently without result. In

November of the same year, N. L. H. Krauss, who was collecting *Scotia ruficornis* F. in Zanzibar for despatch to American possessions in the Pacific, kindly sent two consignments of the wasp (Plate I) to Mauritius for forwarding to Diego Garcia. The following table summarizes the position in December, 1951.

TABLE III — Shipment of *S. ruficornis* F. from Zanzibar to Diego Garcia

Shipment No.	Date sent from Zanzibar	No. sent from Zanzibar	Date of arrival in Mauritius	No. received in Mauritius		Date sent from Mauritius to Diego	No. sent from Mauritius to Diego
				Alive	Dead		
1	19.11.51	60 ♀ ♀ 10 ♂ ♂	22.11.51	55 ♀ ♀ 8 ♂ ♂	5 ♀ ♀ 2 ♂ ♂	7.1.51	36 ♀ ♀
2	29.11.51	64 ♀ ♀ 6 ♂ ♂	3.12.51	56 ♀ ♀ 6 ♂ ♂	8 ♀ ♀ —	7.12.51	53 ♀ ♀ 6 ♂ ♂

The total shipped to Diego was thus 89 ♀ ♀ and 6 ♂ ♂. The wasps became established and were recovered in 1956. The writer this year collected about a hundred wasps at East Point and Paille Sec. In spite of these recoveries, it is evident that the control of *Oryctes rhinoceros* (L.) through scold wasps has not yet proved its effectiveness and that infestation remains chronic throughout the island. The Manager of the island seeing that the percentage parasitism is negligible started a campaign of collection and destruction of the eggs, larvae and adult beetles (8). The total catch during the past year (September 1957 to August 1958) has been 691,657. During my short stay in Diego Garcia the catch consisted of 40 eggs, 854 larvae, 34 pupae and 51 adults (27 ♂ ♂ and 24 ♀ ♀). Not one of these larvae was parasitized.

Suggestions for dealing with the beetle

The problem of rhinoceros beetle control is now complicated by the fact that nut production is falling, this being due to the old age of the trees. Although an intensive programme of replanting has been started

(8) The usual method of destruction of the adult is to employ labourers (especially women) provided with a long flexible iron wire terminated by a barb with which to spear the beetle in its burrow at the base of the leaf stalks. (Incidentally this method is also employed in India where a « beetle rod », i.e. an iron rod 2 1/2 feet x 3/8" with a hook at one end and another end bent to form a ring for a handle, is used. — Ref. Clerian, M. C. & Anantanarayanan, K. P., *Indian J. Agric. Sci.* 1939, 9 : 571-599). Attacks can easily be seen because of the pile of « dead hearts » or central fronds killed by the beetle.

Countings of all stages of the beetle are then made and payment is 3 eggs, larvae or adults for one cent. Another method is to attract the adults by small fires at night and beat them into the fire while larvae are destroyed in trap logs. The author finds the economic value of the methods of collection uncertain.

ed, out of 16,000 seedlings planted last year, already a third have died through attacks of the beetle which is now, and has been for the past few years, a pest of considerable importance in the island. The writer therefore feels that a new approach to its control should be made:—

10. The use of insecticides should be introduced to ensure the protection of palms in their first years of life.
20. Improved methods of destruction of the larvae should be enforced together with insecticidal treatment of compost pits and refuse heaps.
30. New parasites should be sent to Diego Garcia, for biological control has one great advantage: its effects are usually permanent and once achieved it requires no further attention.

Insecticidal control

Treatment of crown of young palms: B. A. O'Connor after seeing a report of the Indian Central Coconut Committee (9) and experimenting with BHC-sawdust mixtures in Fiji recommends the following:—“Placing a mixture of one part by volume of a BHC formulation in nine parts of damp saw dust in the axils of the youngest four or five fronds of every palm (10). The two formulations which have been commonly used are the dispersible powders containing 6.5% and 10% gamma isomer respectively”. A wettable powder containing 32% diazinon mixed with sawdust is more effective but unfortunately more expensive (11). I am also informed that 2% dieldrin granules applied around the base of the growing tips of young coconut palms seems likely to prevent damage.

Treatment of compost heaps, dung, etc.—Intensive breeding having been observed in dung heaps, it is imperative to treat these with Agrocide 26, a new gammexane formulation now just available on the local market.

Treatment of beetle holes.—As already stated adult beetles are usually speared or harpooned inside their holes at the base of the leaf stalks. It is essential that the holes in the palms be plugged with the mixture recommended above for crown treatment as other beetles have been observed to enter old holes on a number of occasions. It might also be useful to add a compatible fungicide to the mixture for in a number of cases a rot follows attacks of the beetle.

The use of trap logs.

After having seen the labourers search for grubs in trap logs, the

(9) 7th Annual Report (April 1951—March 1952) p. 23.

(10) *Agric. J. Fiji* Dec. 1954, 25 no. 3 & 4, p. 87.

(11) " " 1957, 28 no. 1 & 2, pp. 15-18.

author is of opinion that the procedure is fraught with the greatest danger. Instead of being traps, dead coconut trunks simply constitute infestation foci in the plantations. Scrupulous sanitation of the plantations should therefore be immediately resorted to and dead coconut trunks should be removed and burned at the earliest possible opportunity. Indeed not even a single husk should be left in the groves. Unless this be done and unless the recommendations made above be given effect to, the chances of eradication of *Oryctes rhinoceros* L. would be remote.

Biological control

Predatory beetles of the families Histeridae *Hololepta* (*Leionota*) and Elateridae (*Photophorus jansonii* and *Pyrophorus* spp.) could perhaps be obtained from New Zealand and Trinidad for introduction into Diego. The large carabid *Mecodermus spinifer* Brown and the huge Reduviid bug *Platynereis rhadamanthus* Gerst, which are respectively reported to attack the grub and adult beetle of *Oryctes*, could possibly help in the control of the rhinoceros beetle.

V — OTHER PROBLEMS

The vegetable garden — The island suffers from a great shortage of vegetables. Maize and sweet potato are grown on a small scale, but the former is parasitized by *Striga usitica* O. Kuntze. and by a rust. The variety of sweet potato is not very palatable. The sphingid moth *Herse convoluta* L., although present, is a minor pest of the plant.

Fruit trees — These are extremely scarce in Diego. At East Point, however, mango, jamblang, bread fruit, hog plum, jackfruit, bilimbi, papaw, seem to thrive well. Citrus plants apparently suffer from deficiency diseases. A few scale insects were also found. The insects could be controlled with insecticides.

Pesticides are not used against vegetable and fruit pests. In view of this, it is suggested that one of the employees of the Company should follow certain selected lectures in Pathology and Entomology at the College of Agriculture. Perhaps employees taking their leave could be given an extra 6 months for such training.

Improvement of soil — Considerable benefit should be derived from a visit to the island by a qualified soil chemist.

Flies and Mosquitoes — Owing to the high temperature and humidity, flies and mosquitoes breed in enormous numbers. The effect of countless bites from mosquitoes must be very depressing. It was noted that in addition to wells, coconuts eaten by rats and invariably containing rain water, bred legions of larvae. To check mosquitoes, disused wells should be sprayed with D. D. T. at regular intervals. Where practicable, fallen nuts should be burnt. Reduction of the fly population by the use of malathion could also be tried.

VI - SUMMARY

Nut production in the atoll of Diego Garcia is falling. This is caused by a number of factors: the groves are old and need replanting; rats also destroy about a quarter of the crop; but the greatest damage is caused by the rhinoceros beetle, *Oryctes rhinoceros* L., which kills about 1/3 of the seedlings being replanted. Insecticidal treatment is recommended to prevent damage to the young palms; improved sanitation of the groves would probably reduce larval population to a very low level.

VII - ACKNOWLEDGEMENTS

The writer wishes to record his thanks to Mr. G. Janier, the Manager of Diego Garcia and to his staff for the kindness shown to him during his stay in the island and for their assistance in supplying some of the data presented in this report. It is his pleasant duty also to tender sincere thanks to Mr. J. Lamusse, Secretary of Diego Ltd., and to Captain d'Argent of the M. V. "Sir Jules" who spared no effort to make his visit an agreeable one.

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Annex 18

Official Records of United Nations General Assembly, Fifteenth Session, 925th Plenary Meeting, 28
November 1960, 10.30 a.m., UN Doc. A/PV.925

United Nations
**GENERAL
ASSEMBLY**

FIFTEENTH SESSION
Official Records



**925th
PLENARY MEETING**

Monday, 28 November 1960,
at 10.30 a.m.

NEW YORK

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President: Mr. Frederick H. BOLAND (Ireland).

AGENDA ITEM 87

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

1. Mr. ZORIN (Union of Soviet Socialist Republics) (translated from Russian): We, the representatives of almost one hundred States of the world, have gathered here to consider and take an historic decision on a question of vital importance for the whole world, the question of the final and complete liquidation of the colonial system and the liberation of all colonial countries and peoples.
2. Our descendants, when studying the development of human society, will have every justification for calling the middle of the twentieth century, after the great October Socialist Revolution, a significant epoch of construction of a new world, a world of freedom and independence of peoples.
3. The destruction of the most shameful phenomenon in the life of mankind, colonialism, has become the sign of our times. During the lifetime of our generation the colonial system has suffered crushing blows. Since the Second World War, India, Indonesia, Burma, Ceylon, Cambodia, the United Arab Republic, Iraq, Morocco, Tunisia, Ghana, Guinea and many other countries have thrown off the domination of the colonialists. In 1960 alone, seventeen new States have burst their colonial bonds and gained independence. Now 1,500 million people, but lately languishing in colonial bondage, are following the path of national regeneration.
4. The liberation struggle has changed the entire face of modern Asia. Tremendous, indeed historic, changes have taken and are still taking place on the African continent. Profound processes of national liberation are going on in the countries of Latin America, whose peoples are rising with ever-increasing resolution to fight imperialism. Close at hand now is the complete collapse of the whole colonial system of imperialism, foreseen by the best minds of mankind and predicted by the great Vladimir Ilyich Lenin.
5. But colonialism is not yet dead. Not all States and peoples by any means have liberated themselves from colonial oppression and enslavement.
6. Even those which have become independent are far from having done away with colonial domination,

with the attempts of the colonialists to regain their lost positions, as is graphically shown by recent events in the Congo, which have been the subject of heated discussion in the General Assembly.

7. There are still many countries in Asia, Africa, Latin America and Oceania that are languishing under the yoke of foreign usurpers. It would be a delusion to consider the struggle against the colonialists as ended. One has only to glance at a map of the world to see scattered upon it, like so many birth-marks of the past, the remains of the ruined colonial empires where the colonialists still succeed in keeping tens of millions of people in slavery. There, colonial wars continue to take their bloody toll. Hundreds and thousands of patriots, fighting for the freedom of their peoples, are confined in prisons and concentration camps there. As a result of the plundering carried out by the colonialists in the colonies, it is there that are to be found, side by side, the longest working day and the lowest standard of living, the highest illiteracy rate, the lowest expectancy of life and the highest mortality rate among the population. Repulsive racial discrimination, which insults and degrades the dignity of man, is practised there in its worst forms.

8. Can the United Nations and its Member States acquiesce in this? Who but we should speak out for the complete and prompt elimination of colonialism in all its forms and manifestations and thus fulfil the task entrusted to us of reaffirming faith in human rights, in the dignity and worth of the human person and in the equality of rights of all nations great and small?

9. On 23 September 1960 [869th meeting], the Chairman of the delegation of the Union of Soviet Socialist Republics, Nikita Sergeevitch Khrushchev, Chairman of the Council of Ministers of the USSR, expressing the will of millions of Soviet people, submitted a Declaration on the granting of independence to colonial countries and peoples [A/4502 and Corr.1] for consideration by the United Nations General Assembly at its fifteenth session.

[The speaker then read the text of document A/4502 and Corr.1.]

10. The extreme importance of the problem of liberating the peoples and countries still remaining under colonial domination should be obvious to all. The time has come to make an end of colonialism and free mankind from this shameful vestige of the past.

11. Statements to this effect have been made at this session of the General Assembly by Prime Minister Nehru of India [880th meeting], President Nasser of the United Arab Republic [873rd meeting], President Sukarno of the Republic of Indonesia [880th meeting], President Nkrumah of Ghana [869th meeting], Prime

^{1/} See Official Records of the General Assembly, Fifteenth Session, Annexes, agenda item 87.

Minister Castro of Cuba [872nd meeting], President Sékou Touré of the Republic of Guinea [903rd meeting], Mr. Shukairy, Chairman of the Saudi Arabian delegation [879th meeting], and many other representatives.

12. Speaking in this chamber on 12 October 1960 [902nd meeting], Mr. Khrushchev, Chairman of the Council of Ministers of the USSR, emphasized that the General Assembly should be fully aware that unless the most urgent measures are taken colonialism is capable of inflicting much more suffering and loss, ruining many more millions of lives and spawning armed conflicts and wars, creating a threat to peace and security not only in certain quarters of the globe but all over the world.

13. The Soviet delegation regards as a good and encouraging sign the unanimous decision of the General Assembly [903rd meeting] to discuss the Declaration on the granting of independence to colonial countries and peoples in plenary meeting, that is to say, in the highest forum of the United Nations. This decision can be considered a new blow against colonialism, a new victory for the peace-loving forces in the great struggle for peace and the freedom of peoples.

14. The Soviet Union delegation expresses its firm belief that the fifteenth session of the General Assembly will become a historic landmark on the road to the complete and final liquidation of colonialism and that 1960 will rightfully be called not only the "year of Africa" but also the year of the liberation from colonial slavery of all peoples wherever they lived—in Africa, Asia, Latin America, anywhere in the world.

15. The Declaration submitted by the Soviet Government is a document containing a programme for the struggle for the liberation of all colonial peoples. It defines the principal tasks and indicates the general approach to the solution of this historic problem. We are convinced that the peoples of all continents and all delegations to this session that are anxious for a speedy and radical solution of the historic task of liquidating the shameful colonial system will support this Declaration and its humanitarian, progressive principles as a noble and powerful appeal for the complete liberation of mankind from the shameful past, for the complete freedom and independence of all colonial peoples.

16. Mr. ORMSBY-GORE (United Kingdom): I think my first duty should be to congratulate Mr. Zorin on a very accurate reading of document A/4502, submitted by Mr. Khrushchev on 23 September 1960. I followed the text, which I had read two months ago, and I found his rendering clear and faultless, but I am bound to say that I did not find it any more helpful or constructive than when I first read it for myself two months ago.

17. When the delegation of the Soviet Union asked for the inscription on our agenda of the item which we are now considering, "Declaration on the granting of independence to colonial countries and peoples", I had hoped that the debate upon it could be made the occasion of a serious discussion of the ways in which we can all help to realize the aspirations of those peoples who do not yet enjoy what is described in the Charter of the United Nations as a "full measure of self-government". This is an aspect of world affairs with which we in the United Kingdom have for long been

vitaly concerned. We know the great force of nationalism in the world today. We have seen how the achievement of independence has given to the many millions of people for whose administration we were once responsible the incentive to develop their own countries with added energy and vigour. We have seen how it has given them the opportunity by taking their place here in the United Nations to serve the world community and the interests of international peace and security. The example of the new nations, great and small, of Africa and Asia has been a great stimulus to us in the common effort which we share with the people of the dependant territories which still remain. It has spurred us forward in our policy of helping them build strong and vigorous nations, undivided by tribal, ideological or racial strife and imbued with the strength which only freedom and prosperity can give.

18. I have been shocked, as I am sure many representatives have been, by the manner in which the Soviet delegation and its friends have sought to pervert for their own purposes the deeply and genuinely felt desire for independence of so many millions of people—a desire which is supported and applauded by the great majority of mankind. Both in the document which Mr. Zorin read out to us this morning, in which the Soviet delegation asked for the inscription of this item, and in the speech with which the Soviet representative opened this debate, there is no sign of recognition of the facts of the situation which they have caricatured. Their only purpose seems to be to generate hatred rather than friendship, violence rather than peace, and chaos rather than order.

19. The representative of the Soviet Union appears to wish to use this debate simply as another occasion for vilifying my country and other Administering Powers and for carrying the cold war into Africa, in the hope that perhaps it can there be hotted up to his advantage. I must warn him that if I chose to follow suit, I would have much better ammunition than he has. Since 1939, some 500 million people, formerly under British rule, have achieved freedom and independence, and their representatives sit here. In that same period, the whole or part of six countries, with a population of 22 million, have been forcibly incorporated into the Soviet Union; they include the world's three newest colonies; Lithuania, Estonia and Latvia. In addition the Soviet Union exercises economic, political and military domination over millions of other men and women in neighbouring countries. Countless efforts have been made by national movements in countries under Russian control to gain independence. All have been suppressed. In Central Asia, we have seen examples of a colonial policy which, as Mr. Khrushchev himself told us at great length earlier in the session [869th meeting], has in material terms been an outstanding success. He did not tell us of the mass deportations of populations and the ruthless suppression of nationalities which went with it. I shall not harrow the feelings of this Assembly by reciting the whole grisly catalogue; one or two examples must suffice. The so-called German Autonomous Republic was abolished by a stroke of the pen and the Volga Germans who inhabited it were removed to various localities in the East. This populous group was thus scattered and liquidated as a community. Again, the entire populations of the Crimean Tatar, Kalmyk and Chechen "Autonomous" Soviet Socialist Republics, amounting with some smaller communities to nearly a million people...

20. The PRESIDENT: I call on the representative of the Soviet Union on a point of order. Perhaps the speaker at the rostrum would kindly stand aside while I deal with the point.

21. Mr. ZORIN (Union of Soviet Socialist Republics) (translated from Russian): Mr. President, in the statement I just made I did not say one word about the United Kingdom; I did not speak about that country at all.

22. The United Kingdom representative, however, has just attempted to start a discussion of the internal affairs of the Soviet Union. This is a violation of the generally accepted principle that governs the work of this Assembly. I ask you, Mr. President, to protect the delegation of the Soviet Union and the delegations of other countries against attempts to intervene in the Soviet Union's internal affairs.

23. It is perfectly natural that the United Kingdom representative should have nothing to say about the "beneficent" effect the United Kingdom is having on the colonial territories under what he called its "administration". There is, of course, nothing favourable that he can say in that connexion. However, attempts at intervention in the internal affairs of the Soviet Union are inadmissible; we must protest against them and regard the use of such methods of discussion as utterly illegal.

24. The United Kingdom representative said that he wanted to avoid the cold war, but he was the first to take this line in speaking from this rostrum. If he continues in the same vein he will receive an appropriate answer both from the Soviet Union and from the other countries that are anxious to discuss the liquidation of the colonial régimes existing in the territories dependent upon the colonial Powers, but will not permit intervention in the affairs of the peoples that exist and act in freedom within the framework of the Soviet Union and other socialist countries.

25. The PRESIDENT: The point of order raised by the representative of the Soviet Union places the Chair in somewhat of a difficulty. As all delegations here are aware, charges and accusations of the kind against which the representative of the Soviet Union has just protested have become only too common coin in our discussions here in the Assembly. They are not confined to any one delegation or to any one group of delegations. They are made indifferently by many delegations.

26. The purport of all charges and accusations of this type, and in many cases their actual substance, is the same. It is impossible for the Chair to discriminate between them. To rule some of them out of order and others not would involve the Chair in a series of arbitrary judgements which it would be impossible to justify. To rule them all out of order might rightfully be regarded as an undue restriction of the right of free expression. In these circumstances, the primary responsibility falls on delegations themselves. Charges and accusations of the kind complained of rarely add force to argument and do much to lower the tone of the Assembly's debates. I would appeal, therefore, to the good judgement and the good sense of delegations to refrain from making these charges and accusations gratuitously and, by so doing, to help to keep the tone of this debate on a level in keeping with the importance of the subject matter.

27. I would ask the representative of the United Kingdom kindly to continue.

28. Mr. ORMSBY-GORE (United Kingdom): Mr. President, of course I will bow to your ruling.

29. I felt that we had certain charges made against us. We had been called robbers; we had been told that we indulged in ceaseless carnage, and so on. I did not think the words that I had used in reference to the Soviet Union should have made Mr. Zorin oversensitive. But I am aware that the Soviet delegation does not like discussion here of certain aspects of their home policy, nor does the Soviet Government facilitate the publication by the free Press of the world of the facts about it. Very well; we have to accept that.

30. It is a tragic fact that there is little which we in the United Nations can do to help these people under Soviet domination, and it would be no service to the peoples of the rest of the world who are passionately concerned about their own desire for independence to play the Soviet game, to answer them back in their own kind and thus to allow the affairs of Africa and Asia to become lost underneath a barrage of charges and counter charges. All I ask is that the United Nations machinery for dealing with Trust and Non-Self-Governing Territories, and the structure of co-operation which has been built up over the years, should not be destroyed by the unconstructive and irresponsible assaults of the Soviet delegation and their friends. For this reason, I do not propose to waste further time on the draft declaration on this subject put forward by the Government of the Soviet Union.

31. On the subject of colonialism, my Government will listen with the greatest attention to the voices of Africa and Asia; but we see no reason why our serious discussions on this great subject should be degraded by the calumnies and distortions which are the stock in trade of the greatest oppressor of our day.

32. I am heartened that the African and Asian Members of the United Nations do not appear themselves to regard the Soviet contribution to our debates as a particularly serious one, and that they intend to put forward a draft declaration of their own. Let me say at once that the United Kingdom delegation is in entire sympathy with what I know to be the feelings and the main purposes of these delegations, the achievement with all possible speed of full self-government and independence by those people who do not yet enjoy these things. If we have sometimes had differences of opinion on this question, these have been differences of method and sometimes of timing; they are not differences of intention. They are differences which can be discussed between Member States, speaking as equals and speaking in good faith, speaking, in fact, as those who have the same goals in view.

33. Let us look objectively at the nature of the problem. We hear a lot in the United Nations and elsewhere of the fact that colonialism is dying or that it is disappearing. Of course it is, in those parts of the world where we and those who think like us bear responsibility. It is dying in the sense that the Phoenix died, dying at the moment of its greatest glory, when it gives birth to new nations. Indeed, in the sense that colonialism involved the permanent subjection of one people to another, it was already accepted as an out-of-date political relationship by all those who, like the United Kingdom, subscribed without reservation to

Chapter XI of the United Nations Charter and have since honoured it in practice.

34. I find it hard to improve upon the terms of Article 73 of the Charter as a description of the British concept of the modern colonial relationship, which is, by definition, a living and constantly evolving one and one which, by its very nature, must be rapidly replaced by something new. Let me quote a few passages from this article. We, the United Kingdom Government, as an original Member of the United Nations, "recognize the principle that the interests of the inhabitants" of the Non-Self-Governing Territories "are paramount". We "accept as a sacred trust the obligation to promote to the utmost...the well-being of the inhabitants of these territories". We undertake "to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement". In this connexion, I notice that Mr. Krishna Menon of India observed in committee the other day that we have never tried to turn other people into Englishmen. Moreover, we undertake "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".

35. These obligations we have honoured, and the manner in which we have done so is known to all the world. I think it is fair to say that the speed with which we have developed self-government has been remarkable, in the light of the expectations of the world in 1946. The Committee on Information from Non-Self-Governing Territories has just reviewed the progress made in these territories during the first ten years. It has observed, and rightly:

"The aspirations of peoples towards self-government or independence have too often far outstripped the pace of their economic and social advancement..." [A/4371, part two, para. 24.]

36. This is true. Economic and social progress, though steady, has nowhere been as spectacular as political progress. This does not mean that political progress must be slowed down. Far from it. No one can deny that political advance is affected by the success of economic and social policy, but independence cannot be delayed until all economic and social problems are solved. Nor, of course, are these problems solved automatically by independence, and there are other items on our agenda which call attention to the need for the United Nations to continue to expand its work in the newly independent States to help them tackle and solve the problems which remain.

37. Let us look for a moment at the facts and figures of this political progress. It is people that we are concerned with, and not just territories; so the figures I will give are figures of population. The 450 million or so people who lived in India, Pakistan, Ceylon, Burma, all achieved independence after the war. Not counting these, the total population of the Trust and Non-Self-Governing Territories of the world was in 1946 approximately 225 million. Ten years later it had fallen to approximately 125 million, a figure which included a natural population increase in the remaining territories of about 25 million over the period. Since 1956, the pace has further speeded up, and roughly another 75 million have achieved their inde-

pendence, all of them in Africa. That is to say that, as regards people living outside the Soviet empire, 650 million have achieved complete independence in the past fifteen years. The only people living within the Soviet empire who have gained their freedom are the few millions who have escaped from it as refugees. Of those who remain in dependent territories, about 40 million live in Trust and Non-Self-Governing Territories for which the United Kingdom is responsible. As far as we are concerned, these are the people whom this debate is about.

38. But in these, too, progress towards independence is extremely rapid. Over two million of them live in Sierra Leone, where, according to the representative of the Soviet Union speaking at the beginning of this session, "the struggle for liberation still goes on". This particular "struggle" can best be described as a figment of the Soviet imagination, over-heated perhaps by the perusal of out-of-date Marxist text-books and the incantation of worn-out Leninist slogans. In fact, the people of Sierra Leone know perfectly well that they will be independent in five months' time. The distinguished Sierra Leonean Minister, who is already concerning himself with problems of foreign affairs, was here in New York a few weeks ago studying the problems of United Nations representation for a small country. Many delegations met him. Three million more of these people live in the Federation of the West Indies, which will also, without doubt, be independent in the near future. Nine million more live in Tanganyika, the biggest territory for which the United Kingdom remains responsible and where, according to the representative of the Soviet Union, there has been "unending carnage". There has been nothing of the sort. Instead, there has been an inspiring example of harmony between all communities in the Territory, a harmony which has already brought it to the verge of independence, with a peaceful and exciting future before it. In response to a request from Mr. Julius Nyerere, Chief Minister of Tanganyika, the United Kingdom proposes to introduce, later in this very session of the General Assembly, a draft resolution designed to terminate the Trusteeship Agreement for Tanganyika on its attainment of independence, with effect from a date to be agreed between the United Kingdom Government and the elected leaders of Tanganyika. No one can doubt that that date will not be far away; at least, it is not doubted in Tanganyika or in the United Kingdom. So, proceeding at their own pace and in their own way, the way of co-operation and statesmanship, the people of Tanganyika are blazing the trail for the rest of East Africa.

39. What, then, are the problems which remain? What is so different about the remaining territories, the ones which I have not mentioned, which prevents them from acceding to immediate independence? There are, I think, two different kinds of problem; they differ according to the circumstances of the territories concerned. The first kind concerns territories which are small and sometimes isolated. There are no fewer than twenty-nine Non-Self-Governing Territories now under United Kingdom administration which have a population of under one million each. Fourteen of these have a population of less than 100,000. The people of these small territories have to think carefully about their future. There are many factors, different in each case, which may cause their people to hesitate about separate independence. They may be isolated geographically, with an economy barely sufficient to meet

the expanding needs of their people. These people may have no wish to sacrifice the economic and social progress to which they are entitled in order to assume responsibility for maintaining the expensive apparatus of a modern independent State.

40. Alternatively, in some cases the people of these territories feel—justly or unjustly—threatened by a large and powerful neighbour. They fear that their independence might not long endure and that they might, unprotected, lose the political freedom which they now enjoy.

41. The people of these small territories deserve our consideration just as much as those who live in the great States of the world. They each have their own peculiar political problems, and we in the United Kingdom consider it as our solemn obligation, in accordance with Article 73 b of the Charter, to work out with the people concerned the form of independence which will best satisfy their aspirations.

42. The other day the Fourth Committee adopted, by a majority of 62 to 3,^{2/} a draft resolution [A/C.4/L.648 and Add.1] approving twelve principles, which are to serve as a guide to Member States in determining whether they are under an obligation to transmit information to the Secretary-General in respect of particular territories in accordance with Article 73 e of the Charter. Principles VI, VII, VIII and IX refer to the circumstances in which such territories can be said to have reached a full measure of self-government. I will read out Principle VI:

"A non-Self-Governing Territory can be said to have reached a full measure of self-government by:"

"(a) Emergence as a sovereign independent State;

"(b) Free association with an independent State; or

"(c) Integration with an independent State".

43. Principles VII, VIII and IX go on, very properly, to define with some care the circumstances in which free association or integration is acceptable as full self-government.

44. An important point in these principles is that the free and voluntary choice of such a status by the people concerned must be the result—and I use the words of the draft resolution—of "informed and democratic processes". Now, these processes take time; although perhaps, in comparison with an earlier age, not much time.

45. The United Kingdom is doing all it can to hurry on the processes of self-government as fast as possible, but it would surely be a betrayal of the whole spirit of Chapter XI of the Charter for us to say that the people of, for example, the Seychelles Islands, or the Gilbert Islands, should decide immediately what form they wish their ultimate independence to take; or, to take other examples, the people of Basutoland or Hong Kong.

46. So much for the smaller territories; let us look now at the nature of the problems in the larger territories which are still dependent. These are perhaps more important in the eyes of most Members of the United Nations. They contain more people and they are in Africa.

47. Here I must return to the theme which I stated earlier. Every action of the United Kingdom in regard to these territories is directed towards the building of new nations, nations which will be united and free, and through which the people can realize their aspirations for peace, independence, prosperity and individual freedom. It is of fundamental importance to the future peace and prosperity of Africa that the countries of that continent should retain their integrity, and that their independence should not be followed by civil war and economic collapse.

48. In these last few years, during which we still retain a direct responsibility for these territories, we are framing our policy in such a way that the different tribes and communities who inhabit these territories can learn confidence and trust in each other. Working all the time with the people, we are trying to ensure, before the date of independence is determined, that the new States will command the loyalty and the energies of all tribes, all communities alike.

49. We think that this has already been achieved in Tanganyika. In the neighbouring territories in this region of Africa certain fears still remain. The process is a delicate one. There are groups in all these countries, sometimes African, sometimes European, sometimes Asian, who fear that independence when it comes will hurt them. The task is to dispel this fear, as similar fears have been dispelled in countries which have already achieved independence.

50. In these territories, there is no argument about the right of the people to independence; there is no argument whether the people will be independent or not. Certainly they will. The only question is when, and the answer must be, just as soon as there can be confidence that the new nations will thrive, and that their independence will be really effective and have real meaning and will not be sapped by internal strife or external pressure. The people of these countries want independence in the form which suits them, and not according to some ideological pattern imposed on them from outside. They want to avoid violence and chaos, for these things bring with them outside pressure and interference.

51. It is our obligation to see that they achieve their genuine aspirations and to help them frustrate those who wish them ill. In this I am confident that we shall have the support of the great majority of the Members of the United Nations. I only wish that we could have the support of all of them.

52. In view of some of the things which have been said during this Assembly, I should like to emphasize once again that the policy of the United Kingdom in those parts of Africa for which we are responsible is a non-racial policy, as indeed it is elsewhere in the world. To quote the words used by the United Kingdom representative, Mr. Selwyn Lloyd, from this rostrum at the fourteenth session, on 17 September 1959:

"In those territories where different races or tribes live side by side, the task is to ensure that all the people may enjoy security and freedom and the chance to contribute as individuals to the progress and well-being of these countries. We reject the idea of any inherent superiority of one race over another. Our policy therefore is non-racial; it offers a future in which Africans, Europeans, Asians, the peoples of the Pacific and others with

^{2/} See Official Records of the General Assembly, Fifteenth Session, Fourth Committee, 1045th meeting.

whom we are concerned, will all play their full part as citizens in the countries where they live, and in which feelings of race will be submerged in loyalty to new nations." [798th meeting, para. 30.]

53. To sum up, we believe that the peoples of dependent territories should advance to self-government and independence as fast as is humanly possible. We believe that new nations should be strong and prosperous and at peace with themselves and their neighbours. We hold these beliefs because, to us, they are manifestly right, and because we know that the peoples of these countries ardently desire these things. But we also hold these beliefs because they are in our own interests, and indeed in the interests of every one of us represented in this Assembly. If the new nations are strong and peaceful, they have a great contribution to make to world peace, which is indivisible. If they are prosperous and dynamic in their progress, they have a great contribution to make to the raising of standards of living, to the development of world resources and to the progress and well-being of mankind as a whole. These are the deeply and sincerely held beliefs of the British people. For many years they have guided our actions toward the peoples of countries overseas. On them will continue to be founded our common efforts, until we have achieved the goals of our policy and they, the peoples of these countries, have realized their national aspirations.

54. Mr. CARDOSO (Congo, Leopoldville) (translated from French): It is painful for the delegation of the Congo to have to speak after a clash between two powerful delegations. It was not enough that we had to enter the United Nations through an emergency door; we also had to receive our baptism of fire.

55. However, Mr. President, we wish to thank you and all those who have made it possible for us to speak here.

56. On 22 November 1960 the General Assembly decided [924th meeting] that the representatives of the Republic of the Congo (Leopoldville) would not only be recognized here but would also have the right to speak. Having been unanimously admitted to membership in the United Nations on 20 September 1960 [864th meeting], the Republic of the Congo could no longer be denied the right to make its voice heard.

57. While all Members of the Organization have used and even abused the right to speak about the Congo, some of them going so far as to speak in its name, it must be acknowledged that this right belongs, in the first place, to the Congolese themselves. No one is better qualified to speak of the Congo than the Congolese, who are the first to suffer from the Government crisis which has lasted all too long.

58. The decision of 22 November gave international confirmation to the undisputed authority of our country's highest institution, the office of the Head of State. The Congolese people is resolved to defend all the institutions which it has freely chosen. Our Head of State, President Kasa-Vubu, who has been recalled to Leopoldville by duties which permit no delay, has asked me to convey to the General Assembly his regret that he could not himself express his satisfaction at the decision of 22 November, and he has asked me to read the following message to the Assembly:

"The Republic of the Congo fully appreciates the assistance which the United Nations has decided to

afford it in this exceptionally difficult period of its history. It realizes how great are the sacrifices in men and money which several Member States are making in order to help bring about the successful solution of critical problems.

"In expressing the hope that this assistance will continue, I undertake, as Head of the Congolese State, to do everything in my power to make the best use of it for the sake of peace and progress in the Congo. More than any other country, the Congo needs national unity and agreement. At the proper time, all persons of good will who can contribute to this task will be called upon to do so."

59. That is the message from the President of our Republic. You must understand that the Congolese people, in its determination to free itself from imperialism in any form, is in the pay of no one. It is both futile and insulting to preach that any revolution which does not embrace a particular ideology must inevitably be condemned by history.

60. The dialectic whose intellectual legitimacy has never been acknowledged by some, does not seem to tolerate any surprise. The Congo, alas, is a country of surprises. Imperialists of all persuasions have opposed each other there and have all failed lamentably. The Congolese people has defeated colonialism once and for all. The colonialists of the West and East alike, too long accustomed to thinking of Africa as the perfect country for colonization, now seem bent on "decolonizing" it. In obedience to the wave of new ideas, they intend to "decolonize" at any cost, as if to ease their consciences. But Africa remains vigilant and refuses to be taken in by the pedlars of good intentions.

61. It was these same pedlars of good intentions who yesterday devastated our countries with the hateful slave-trade and with colonialism. They are the ones who today promise us the moon and the stars. They act as though they were dealing not only with economic and social under-development, but also with congenital intellectual under-development.

62. Africa, however, is on the alert to protect its freedom and cultural personality. All peaceful means will be used to promote the unity of Africa, and the magic of mere words and slogans will not prevail against it. Tomorrow Africa, one and indivisible, will release from colonialism the peoples still under arbitrary rule, for it cannot be the only continent of "decolonization". Tomorrow Africa will give the world a more human aspect, so that the true hope of mankind, to live in peace, may not be disappointed.

63. The PRESIDENT: I call upon the representative of China in exercise of the right of reply.

64. Mr. LIU (China): In the wild and far-ranging distortions in his statement, the representative of the Soviet Union made a reference to Taiwan against which, he said, "the United States has committed aggression". I did not wish at that moment to interrupt the orderly proceedings of the General Assembly by table-thumping or otherwise raising a point of order, but I ask for the floor now in my exercise of the right of reply to say that the United States military personnel on Taiwan are there by the invitation of my Government in connexion with my Government's programme of defence

against communist aggression in that area. I need not add that no Soviet distortion can alter the fact that the Government of the Republic of China now based on Taiwan is an independent and sovereign Government,

and it is utter falsehood to allege that the United States has committed aggression against China.

The meeting rose at 12.50 p.m.

Annex 19

United Nations Yearbook, Chapter X, “Questions concerning Asia and the Far East”, 1961

achieve those objectives;

"3. *Requests* the United Nations Commission for the Unification and Rehabilitation of Korea to con-

tinue its work in accordance with the relevant resolutions of the General Assembly."

THE QUESTION OF TIBET

On 18 August 1961, the Federation of Malaya and Thailand proposed that an item entitled "The Question of Tibet" be included in the agenda of the General Assembly's sixteenth session.

In an explanatory memorandum, they pointed out that on 21 October 1959 the General Assembly had adopted a resolution (1353(XIV))⁴ calling for respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life. Despite that appeal, the systematic disregard of the fundamental human rights of the Tibetan people had continued. The question of Tibet had been again included in the agenda of the Assembly's fifteenth session in 1960 but, because of the extreme pressure of work, the Assembly had not found it possible to consider the item, and consequently no positive action had been taken at that session. As the situation in Tibet still remained a source of grave concern, the Federation of Malaya and Thailand hoped that renewed consideration of the question by the United Nations would pave the way for the restoration of the religious and civil liberties of the Tibetan people.

On 25 September 1961 the General Assembly, on the recommendation of its General Committee, decided by a roll-call vote of 48 to 14, with 35 abstentions, to place the item on its agenda. On 27 September, it decided to consider the matter at plenary meetings without prior reference to one of its Main Committees. The item was discussed at two plenary meetings held on 19 and 20 December 1961.

On 12 December 1961, El Salvador, the Federation of Malaya, Ireland and Thailand submitted a joint draft resolution on the subject. By this four-power text, the General Assembly, among other things, would: (1) reaffirm its conviction that respect for the principles of the United Nations Charter and of the Universal Declaration of Human Rights was essential for the evolution of a peaceful world order based on the rule of law; (2) solemnly renew its call for the cessation of practices depriving the Tibetan people of their

fundamental human rights and freedoms, including their right to self-determination; (3) express the hope that United Nations Member States would make all possible efforts as appropriate towards achieving the purposes of the present resolution.

Those speaking in favour of the draft resolution pointed out that the situation in Tibet had not improved since the Assembly had adopted its resolution of 21 October 1959 on the subject, calling for respect for the fundamental human rights of the Tibetan people. It had become graver as the repression of the Tibetan people continued relentlessly. Consequently, no less than 45,000 Tibetans had taken refuge in India, Nepal, Sikkim and Bhutan. Reports from these refugees indicated that an increasingly large number of Tibetans had been conscripted for forced labour, that children were being forcibly separated from their families and deported to China for indoctrination, that religious institutions and beliefs were being suppressed and that well over 1,000 monasteries had been destroyed.

In August 1960, the Legal Inquiry Committee, appointed by the International Commission of Jurists, had published a study confirming these reports and had listed 16 separate articles of the Universal Declaration of Human Rights which were being violated in Tibet. Further, in adopting its Declaration of 14 December on the granting of independence to colonial countries and peoples,⁵ the Assembly had declared that the subjection of peoples to alien subjugation constituted a denial of fundamental human rights. The people of Tibet had for a long time suffered a forcible deprivation of their fundamental human rights; the Assembly would not therefore be true to its pledge if it failed to take a similar stand on Tibet as it had done on other issues involving colonialism, self-determination and fundamental human rights.

Among those subscribing to such views were the representatives of China, New Zealand, the United Kingdom and the United States.

⁴ See Y.U.N., 1959, p. 69.

⁵ See Y.U.N., 1960, p. 49.

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Albania, Bulgaria, Czechoslovakia and the USSR were among those who opposed Assembly consideration of what they called an artificially created problem. Tibet, they maintained, had always been an integral part of China; Assembly discussion of the question constituted interference in the internal affairs of the People's Republic of China and was consequently a flagrant violation of the United Nations Charter. The failure of the rebellion of feudal and reactionary elements in 1959, together with the full support accorded to the Government of the People's Republic of China by the majority of the Tibetan people, had caused fury and disappointment among the foreign allies of the Tibetan feudalists. In the campaign against the People's Republic of China, the support of a so-called investigating committee of international jurists had been also elicited. The objective of that campaign was to bring about a return of the feudalists and reactionaries who had for centuries kept the people of Tibet in subjugation and poverty. It could not, however, halt the democratic process which had begun in Tibet after the liquidation of the rebellion of reactionaries in 1959. Since then, the people of Tibet had made enormous progress: democratic freedoms and the rights of the population had been restored; the feudal régime of exploitation and suppression had been eradicated from the monasteries; Tibet's economy was developing in all fields; progress was being made in ending of illiteracy and in developing education; there was full religious freedom.

The sponsors of the item, however, maintained that the Assembly was fully justified in discussing the Tibetan question just as it had in the past considered a number of questions involving colonialism, self-determination and the observance of human rights. Moreover, the Assembly had on many occasions considered itself competent to discuss questions despite objections raised on the grounds of domestic jurisdiction. Violations of human rights on the scale which had occurred in Tibet could not be ignored by the United Nations.

The representative of the United Kingdom stated that his Government had in the past recognized Chinese suzerainty over Tibet only on condition that Tibet retained its autonomy. The United Kingdom could not agree that any such suzerainty entitled the Chinese Government to claim immunity from world condemnation for depriving the Tibetan people of their fundamental rights.

The representative of France, while sympathizing with the intentions inspiring the sponsors of the draft resolution, said he would abstain in the vote because some of the provisions in the text did not have sufficient foundation in the Charter to dispel doubts which might arise about the Assembly's competence to deal with a matter falling essentially within the domestic jurisdiction of a Member State.

On 20 December 1961, the General Assembly adopted the four-power text by a roll-call vote of 56 to 11, with 29 abstentions, as resolution 1723(XVI).

DOCUMENTARY REFERENCES

GENERAL ASSEMBLY—16TH SESSION
Plenary Meetings 1084, 1085.

A/4848. Letter of 18 August 1961 from Permanent Representatives of Federation of Malaya and Thailand proposing item "The Question of Tibet" for inclusion in agenda of 16th session of Assembly.

A/L.376. El Salvador, Federation of Malaya, Ireland, Thailand: draft resolution.

RESOLUTION 1723(XVI), as submitted by four powers, A/L.376, adopted by Assembly on 20 December 1961, meeting 1085, by roll-call vote of 56 to 11, with 29 abstentions, as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroun, Canada, Central African Republic, Chile, China, Colombia, Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, El Salvador, Federation of Malaya, Gabon, Greece, Guatemala, Haiti, Iceland,

Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Laos, Liberia, Luxembourg, Madagascar, Mauritania, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Philippines, Senegal, Sierra Leone, Sweden, Thailand, Turkey, United Kingdom, United States, Upper Volta, Uruguay, Venezuela.

Against: Albania, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, Hungary, Mongolia, Poland, Romania, Ukrainian SSR, USSR.

Abstaining: Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Finland, France, Ghana, Guinea, India, Indonesia, Iraq, Lebanon, Libya, Mali, Morocco, Nepal, Nigeria, Pakistan, Saudi Arabia, Somalia, South Africa, Sudan, Syria, Togo, Tunisia, United Arab Republic, Yemen, Yugoslavia.

"The General Assembly,

"Recalling its resolution 1353(XIV) of 21 October

Annex 20

Scott, R., *Limuria: The Lesser Dependencies of Mauritius* (Greenwood Press, Connecticut, 1961)
(Extract)

EXTRACT

LIMURIA

THE LESSER DEPENDENCIES OF
MAURITIUS

ROBERT SCOTT



GREENWOOD PRESS, PUBLISHERS
WESTPORT, CONNECTICUT

VI. THE GROWTH OF ADMINISTRATION

IT is most improbable that the generality of employers or any former slaves recognized that they were taking part in an experiment such as Lord Stanley had described. It is very doubtful whether for many years to come a firmer attempt was made in any quarter to lay down more precisely the basis on which such an experiment might be conducted. In so far as it affected the Lesser Dependencies, reconciliation of the possible conflict, between the desire of employers at least to maintain production and the probable inclination of former slaves to regard this as no longer any concern of theirs, clearly depended primarily on intelligent and efficient management and, to a far less significant degree, on governmental intervention. Even when full weight is given to widespread ignorance that an experiment was in hand and to the over optimistic belief of theorists in the cushioning effects of the apprenticeship system, the general disregard of the need for new methods of organization and new managerial skills to meet the situation which was bound to arise after emancipation is astonishing. Both before and after the Capitulation, the concessions under which settlements were founded in the Lesser Dependencies were grants of *jouissance*. The ownership of the islands did not pass, but the holders of *jouissances* had the right of use and occupation and were guaranteed by the grantors (in this case the Government of Mauritius) the peaceful enjoyment of their right. In return, the holders were obliged to use the properties only *en bon père de famille*. Notions of the means of fulfilling the duties of a good father varied widely, but did not often take the shape of more direct participation by the legal 'father' in the affairs of his charges than was implicit in control of the purse-strings and the assuaging of official fustiness. Responsibility for the administration of the settlements, before and after emancipation, was vested in the proprietors. For all practical purposes, however, it was normally delegated to the manager on the spot, the *administrateur*.

The grant of *jouissances* in the Lesser Dependencies appears to

have been on the merits of each individual case. No uniform criteria were, however, applied: an applicant's capacity for administration was very seldom to the fore. The reasons for the concessions were usually set out in the relevant instruments; sometimes in general terms, sometimes with particularity. The provisional authorization issued to Laurent Barbé to form an establishment in Agalega stated, for example, that it was 'for the purpose of the extraction of its products, principally coconut oil'. Farguhar's confirmation of this authorization in 1820 was in recognition of Barbé's services to Mauritius. The assignment to Le Camus of the estate in Diego Garcia formerly held by Lapotaire was also in the nature of a reward. 'It having been the wish of His Excellency the Governor to acknowledge as requested by Mr. Le Camus, the favourable opinion entertained by this Government of the service of that person in the Island of Diego Garcia no mode appeared more easy on the part of Government or so likely to contribute to the benefit of the Dependency, as the giving to Mr. Le Camus of a "jouissance" of land upon it.' Where, however, islands or estates were made available for an economic purpose defined by the applicant, the grant restricted the use of the *jouissance* to that purpose. In 1822, d'Unienville ruled that a *jouissance* permitting the holder to start a fishing station in the Salamon Islands gave him exclusive rights in that undertaking, but did not extend to the exploitation of coconut palms or other trees. A *jouissance* was revocable by the Government at will; no reason need be assigned. In some cases, however, the relevant deeds prescribed grounds on which a grant would be revoked. As has been mentioned earlier, Decaen, in allocating estates in Diego Garcia to Lapotaire, the brothers Cayeux, and others in 1809, forbade the manufacture of oil in the island under penalty of cancellation of the concessions. He imposed the further condition that failure to carry out such replanting as would make good the wastage in the coconut groves would render the concessionnaires liable to the same penalty. In assigning Lapotaire's estate to Le Camus, Colville stipulated, 'without making it exactly a condition of the grant', that Le Camus should buy at a fair rate all the slaves, stock, and building of the former owner; and also that he should provide adequate accommodation for the free lepers still left in Diego Garcia and otherwise assist them in all ways possible. According to another ruling by d'Unienville

(whose rulings appear invariably to have been accepted by the Governors) a *jouissance* did not constitute a title transmissible to third parties. Permission was from time to time granted for the reassignment of *jouissances*, or part of the areas in respect of which they had been granted, but this entailed fresh registration of the new holders and additional conditions could be imposed in the process. Although the holders of *jouissances* certainly did not make a practice of visiting their properties, the fact that applicants were unlikely to do so (being French citizens resident in France), or that they were unable to satisfy the Governor that they had any intention of doing so, were accounted sufficient reasons for not proceeding with grants.

The *jouissances* granted in the Lesser Dependencies were not hereditary. There appears to have been a convention, however, that a *jouissance* should be transferred to the direct descendants of a holder if they were themselves suitable and if they took the initiative in the matter. No application was made until 1822 by the heirs of P. F. Allain, who had died in 1818, for the transfer to them of his *jouissance* in the Salamons; and the Government had, in the meantime, been considering other arrangements for the disposal of the estate. After studying the claims of the heirs, d'Urvillville advised that, as the heirs had not moved earlier, it would be perfectly in order to proceed with those new proposals. This was done. In 1828, Victor Duperré the elder applied to the Governor to make his *jouissance* in the Egmont Atoll transmissible to his descendants and Lowry Cole agreed. Nevertheless, the younger Duperré felt it expedient formally to petition in 1830, on his father's death, for confirmation of his title. It was duly accorded. In the same year, Colville rejected a plea that Lapotaire's *jouissance* in Diego Garcia should be sold and the proceeds divided among his heirs, declaring that he was strongly opposed to establishing so bad a precedent as the sale of a *jouissance* for the benefit of the deceased proprietor's estate. In 1838, Colville's successor approved of the reallocation to Cayeux's children of a part of his estate 'on the clear understanding that it is resumable whenever the Government may think proper without assigning any reason'. In spite, however, of the various test cases, misunderstanding of the exact nature of *jouissances* in the Lesser Dependencies must have persisted. Mrs. Felix Barbé, daughter-in-law of Laurent Barbé, found it necessary in 1832 to ask for official

clarification of the position of her children with respect to Agalega. She explained that, in 1820, Farquhar had granted to Laurent Barbé, his heirs and assigns, the *possession en jouissance* of the islands. On the death of the grantee, Felix Barbé had carried on the work of developing the estate and had, 'moreover, transferred divers portions of his interest in such grant to several persons with the special leave and permission of the Governor of Mauritius'. Mrs. Felix Barbé had been under the impression that, on the death of her husband, the grandchildren of Laurent Barbé were 'entitled, as a matter of right, to the enjoyment of such grant'. She had, however, taken legal advice and had been informed that it might be held that 'the conditions of such grant are similar to those attached to other Government grants and determine with the life of the grantee or at most with those of his immediate heirs in existence'. For the removal of doubt, Mrs. Barbé prayed that the grant be confirmed by the Governor to the three children of Felix Barbé, 'particularly in recognition of his personal worth and services'. The Governor, without touching on the questions of principle raised, agreed that the grant should be continued and transferred to the three children, 'on condition that they maintain the assignments of *jouissance* which may have been made by their deceased father'. The Government of Mauritius had thus, for over four decades, maintained and periodically reasserted its responsibility for ensuring that the Lesser Dependencies were entrusted to persons capable of developing them satisfactorily. For the whole of this period and for nearly a quarter of a century beyond it this was almost the extent of the participation of the Government in the administration of the islands. It could, of course, and did, satisfy itself by inspections and the observations of visiting parties that the proprietors carried out their legal obligations. On the whole, however, the Government was content to see, without intervening in the choice of personnel, the main burden of responsibility in the everyday handling of affairs passed over by the proprietors to the managers.

By 1835, the problems of ensuring that the settlements in the Lesser Dependencies were well run were not new either to the holders of *jouissances*, or, as reflected in the reports of visiting naval officers, to the Government of Mauritius. The initial problem of giving new settlements a fair start under managers sufficiently experienced and resourceful to deal with populations of slaves

under conditions of complete isolation for long periods, without any hope of police support, may have seemed to proprietors to be the only bridge to be crossed; and that problem was well behind when emancipation came about. In general, as has been said in Chapter v, the framework of the new communities was based on the law and conventions relating to slave establishments in Mauritius. The patterns later assumed by the societies in the various islands, must, however, have been largely determined by the approach to settlement adopted by the original managements. There was ample room for the display by *administrateurs* of personal initiative and understanding of their wards in adapting the prototype to the special requirements of island life. A quarter of a century, more or less, elapsed between the beginnings of settlement and the passing of the Emancipation Act. Managements changed fairly frequently and maintained no uniformity in quality or forethought throughout that period. There had been a succession of six *administrateurs* in Agalega within the twenty-five years; there had been similar changes in the islands of the Chagos Archipelago. As a result, the various settlements, while still broadly conforming to the same general pattern, had acquired by 1835 characters of their own. The transformation from the condition of slavery to free society was, accordingly, no rule-of-thumb process. The Assistant Protector of Slaves in Mauritius, George Harrison, toured the Lesser Dependencies to proclaim emancipation and to fix reasonable, standard tasks for free labourers. Most managers, of their own initiative, promptly reduced the tasks set by him. Where emancipation was superintended by an outstanding manager, as in Agalega, everything went as if the kind of festival of liberation imagined by the idealists had been celebrated. Where managers earnestly strove after understanding, but could not rise to the occasion, as in Diego Garcia, the community held together, but nobody noticed much change in the daily round for some time. Where managers complied formally with the law but regarded themselves as being outside the new order, as in Egmont Atoll, society tended to disintegrate in the manner described in Chapter xi.

Laurent Barbé has already been mentioned as a far-sighted, shrewd, and methodical man of business in relation to the first successful settlement in Agalega. The first *administrateur* chosen by him, Caillou de Rosemond, as well as being financially

associated with the venture, had the qualities of enterprise and understanding mentioned above, which should always have been expected of a pioneer in developing an island dependency. From the start, he seems to have been on good terms with his blacks. Modestly refraining from mention of the careful surveys of Agalega which preplaced his engineering and clearing operations, he described his task as an effort to make the twin islands accessible and habitable. He boasted, very mildly, that in spite of all obstacles the completion of his first factory enabled him to export forty hogsheds of coconut oil of excellent quality; and that this represented only the beginning. He had hopes that the programme of new planting which he had prepared would so increase output as to provide Barbé and himself with a very satisfactory return on their capital. Unfortunately, after working for six years in Agalega, de Rosemond died before he had been able to bring about the development of the islands on the lines which he had in mind. The foundations which he had laid were sufficiently stable, however, to ensure the continued existence of the settlement, even if progress was disappointingly slow under a series of managers who never rose above mediocrity. One gained an unenviable reputation for brutality but was promptly removed when this became known in Mauritius. Barbé always chose the managers personally, with the greatest care, but they disappointed him invariably by unimaginative performance of their duties, although there must have been a spell of unusual activity in 1823-4, to judge by Lowry Cole's testimonial in 1825, quoted in Chapter v. He did not take his sights off perfection, however, and must be credited not only with a keen sense of his responsibilities as *bon père de famille*, even if his voluntary public duties in Mauritius tied him to his office, but also with exceptional prescience. Even in the 1820's, he foresaw the day when the slave establishment in Agalega would have to be administered on a system differing from that still followed in Mauritius. He recognized that future development must be entrusted to a man of unusual character and attainments if the establishment were to be a success. He cast around patiently until his eyes fixed on Auguste Leduc, a Parisian who had come to Mauritius in 1814 to seek a livelihood and had buoyantly survived a series of misfortunes, including serious illnesses. Barbé kept this young man under observation for some years and was increasingly impressed

by his business ability, knowledge of agriculture, and easy but firm approach to his fellow men. Barbé decided to offer Leduc the post of *administrateur* of Agalega and the offer was accepted. Barbé's acuteness was to be amply justified.

Leduc reached Agalega in 1827, when he was thirty-three years of age. He remained there until 1839, when he went on holiday to France. On learning that all had not been well in the islands after his departure, he curtailed his visit abroad and returned to Agalega to put matters straight. He finally retired in 1841. His likeness emerges quite clearly from the records of the period: a portrait, not in the round, but having a sharper outline than attaches to other figures in the Lesser Dependencies during the early days. His choice of the Bible and *Robinson Crusoe* as his text-books when he came to teach the islanders to read provides a key to his character and his approach to Agalega. He was a deeply religious man and delighted in showing it in practical ways. He was an essentially practical man, constantly adapting his thought and his working techniques to the requirements of a remote island. Leduc possessed boundless energy and exuberant good humour, but both qualities were restrained by a constant sense of discipline. On arrival in Agalega, he had been appalled by the laxity which had developed in the community of 150 souls under his immediate predecessors. He met the situation with a genial, down-to-earth commonsense, coupled with a clear advertisement that he intended to tolerate no conduct which might be hurtful to the society under his care. His attitude quickly won respect and, as he became better known, affection. Captain Greville, R.N., inspected Agalega after Leduc had been in post for a year. He found the slaves happy and contented; the work light and well organized; and the food plentiful and of good quality. The management of the factory seemed to him to be exemplary. Dr. John, who accompanied Captain Greville to carry out a medical survey, was much impressed by Leduc's health work among the slaves, although he felt bound to point out that more regular supervision by qualified medical men would be advantageous. Leduc had early abolished the more severe of the punishments which it was legally permissible to award to slaves; and the result was the emergence among them of a state of mind which made it possible to maintain discipline without any punishments. He brought the distribution of alcoholic drinks under

his strict regulation, but at the same time he started to build far more comfortable and attractive houses for the slaves, giving each a garden. 'They were inclined to theft. By making each a proprietor, I taught them to respect the property of others.' He built a swimming-pool and a gymnasium for the younger men; and he started teaching mechanical skills appropriate to island life. Leduc had a respectable knowledge of science, particularly as it related to agronomical method, but he never posed as a scientist; his notes on the flora and fauna of Agalega were nevertheless highly regarded by scientists in Europe. He had considerable skill in practical engineering and was not afraid of experiment. In spite of his conscientious devotion to his work and the community, he was far from being a drudge. (His account of his first day in Agalega had allowed space for the exclamations: '*La cuisine est fade, et le vin... ah! quel vin! pouah!*') He built himself a house well suited to the enjoyment of such leisure as he could create for himself and to the entertainment of such company as came his way, too infrequently for his liking. His zest and devotion to his people and the many facets of his mind charmed diverse visitors: a succession of officers of the Royal Navy; doctors (including, in 1831, a Dr. Scott); Mauritius Government officials; Commandant Laplace of the French navy and his strange entourage;² the naturalist Bojer; and the severe Judge Anderson—

¹ Leduc certainly enjoyed his regular periods of relaxation. His working day began with the first light and did not finish until nearly sunset, but he had a mid-morning break for luncheon. Even when he was alone, the meal would consist of rice and greens; fried fish; cold chicken with salad; fruit; *café au lait*; a Bordeaux guineafowl or fat chicken and accompanied by bread or rice; several kinds of fish, with vegetables and eggs; game—hare, larks, partridge, ibis (liked by some but not by others); curlew or pigeon, with salad; roast capon, guineafowl or hare; sweets; dessert; coffee and two or three glasses of cognac; various wines were served and drunk in water. Leduc was an acknowledged gourmet and corresponded with gastronomic experts on recipes and menus as shrewdly as he did with botanists and zoologists with regard to their several studies.

² On this side, Leduc was not favourably impressed by this particular set of visitors. Laplace arrived in the frigate *Atreante* on 20 June 1837 bringing the Comte de Saint Aulaire, now a co-proprietor with Barbé, to visit Agalega. He also had on board a company of Princes, Counts, Dukes, Marquesses and knights of Malta, partridges, hares, guineafowl, etc. (four hundred and fifty and a number of oddments¹). Leduc was asked to dine on board and commented afterwards: '*Tu comprends que les provisions étaient confortables et que le nectar a coulé à grands flots, champagne, malvoisie, etc., que sais-je? Et tout ce qui s'ensuit, dinde aux truffes, jambons d'York, le diable et son train.*'

all considered him the best of company. His reputation, and Agalega's, was spread abroad. Captain Harding, R.N., made the thinnest of excuses in 1831 to visit the islands, and did so, soon after he had heard the enthusiastic accounts of Captain Trotter of H.M.S. *Curlew*.

In accordance with the best administrative principles, Leduc set about proving the genuineness of his concern for the welfare of the slaves by producing tangible evidence of it. His rehousing scheme has already been mentioned. He laid down the first salt-pans and supervised their operation. He built a two-roomed hospital containing twelve beds which, according to the standards of the day and the scientific Mr. Bojer, was capable of dealing with all ailments likely to be encountered. Leduc himself ran the hospital; supervised a maternity centre; and saw to it that all the children in Agalega were vaccinated by his own hand. He always protested, nevertheless, that he was a *médecin malgré lui*! His next enterprise was a 'vast' chapel which, as he claimed, was on the Gothic model, but this probably meant only that it was high and spacious, with very thick walls and narrow, arched windows, and had a very homely look to one accustomed to country churches in Europe. Leduc baptized the children, as well as attending to the religious instruction of residents of all ages. To enable him to buy for cash all the maize which the slaves would produce—a form of private enterprise which he encouraged with enthusiasm—he built a large, stone grain-store. He was very pleased with his first harvest of thirty tons. His commonsense was very much to the fore in prompting his road-making programme. Leduc recognized that it would be necessary to economize in human labour in the fairly near future. Following the example of Farquhar in Mauritius, he accordingly planned throughout Agalega's two islands a network of roads, which were to be twenty-seven feet wide. As they began to stretch out through the coconut forests and dense shrubberies, he imported cartwrights and horses. He introduced donkeys to work the oil mills, which had previously been turned by human labour. A satellite village was built in North Island, with its own mills and houses of the type already built in South Island, and was placed in charge of a sub-manager, handpicked by Leduc. All inhabitants were encouraged to keep pigs and Leduc arranged for their export against cash payments. He brought in bees, to establish a new

cottage industry and organized it so successfully that he quickly established an export trade with Mauritius in bees-wax and honey. At the landing-stage, he constructed a jetty with a small lighthouse and a quay with primitive cranes. Concurrently, he was introducing fruit-trees and vegetable seeds and adopting every measure which came into his ingenious mind to make the basic industry of the islands—coconut production—more efficient.

Leduc has left his own account of his organization of the oil industry in Agalega. Every day, coconuts at various stages of maturity fell from the palms and it was impossible to grade them. They were therefore collected and stacked, about six times a year, by a gang of twenty-five labourers accompanied by two tally-men. Each man's stint was 1,500 nuts; starting at 7 a.m., the gang would usually finish by 3 p.m. They were followed by the dehuskers, who used the equipment still to be seen today (and described in Chapter viii). In Leduc's day, they generally worked in pairs and the task for the two men was 4,500 nuts. The more skilful started at 8 a.m., or a little later, and finished by 3 p.m. Another gang, comprising both men and women, followed them and sorted the nuts from the husks, piling them in heaps in cleared spaces outside the groves. Each worker's stint was 1,500 coconuts a day. Women and children here broke the nuts and laid them out, flesh upwards, in blocks of twenty-four feet square, each of which held approximately 3,000 nuts. Each adult filled one and a half blocks a day. Three days of good sun caused the flesh to curl away from the shells, when it was extracted by women using small knives with brisk wrist movements. They had small shelters of palm fibre by their sides as they worked and the copra was thrown into them, to be collected periodically by carts. The mills were basically of the pattern still used throughout the Oil Islands. A cylinder of very hard wood was sunk in the ground so that its top was about three and a half feet above the surface. Its interior was hollowed in the shape of an hour-glass, with a mouth and base about two feet in diameter and a waist about nine inches in diameter. A hardwood pestle about eight feet long was placed in the mortar at an inclination of twenty-five degrees from the vertical. This was revolved by mules or asses, yoked to the pestle by a pole and chains. In a working day of between six and eight hours, each of those mills crushed 404 lb. of copra,

giving 17 *velles* (nearly 28 gallons) of oil. Under Leduc's management, oil production in Agalega came to be 45,000 *velles* a year. It was his belief that a higher rate of expression was achieved in Agalega by this old method than by steam presses in Ceylon, but he nevertheless bought one of those machines and gave it a trial. The results were unsatisfactory. He installed new milling plant invented in England and experimented with it, but again the results were not good. Undefeated, he introduced a process which involved the reduction of the coconut meat to a fine pulp, which was put through a press in water. High-quality oil was produced, but Leduc considered the method unsuitable for large-scale manufacture.

Having foreseen the approach of emancipation, Leduc framed his administrative measures to make the change easy. In addition to the work already described, he started a school and himself took classes. He was already giving much of his spare time to instructing his charges in religion. He succeeded, in fact, in producing conditions of life among the people of Agalega which made the transition from a servile to a free state largely a matter of formalities. When notified of the coming into effect of the Emancipation Act, Leduc assembled the population on 5 April, 1835 and read it to them. He followed this up with a homely lecture in Creole on their status, framing it on the instruction in the catechism which he had been giving to them for over seven years. The people of Agalega were thus given a full understanding of the transformation which had been brought about in their lives and turned from slavery to free society without disturbance or dislocation of any kind. When, three years later, Judge Anderson came to Agalega to enquire into the manner in which emancipation had been effected, he found that every islander was already aware of the implications of the measure which he sought to explain. They were, indeed, so open in their assertions that the Judge was telling them nothing new that he might have been irked, but, to his credit, he was very pleased. Leduc's achievement is the more remarkable in that his attitude towards emancipation was far from being sentimental or based on conviction that slavery in itself was necessarily an evil. He had a sharp dig at the parsimony of the British Government in fixing the rate of compensation to owners (as he saw it) so far below the proper value of slaves. This faced him with a dilemma. He had a

personal slave who had been with him for eighteen years and to whom he explained the full significance of emancipation. The man told him that he was not going to change his position, whatever happened. What was to be done, Leduc asked himself: take John Bull's money while keeping his servant?

Despite his manifest sagacity and understanding of men, Leduc showed, when the time came for him to leave Agalega in 1839, that he had not grasped the fundamental importance of securing a manager with special aptitudes for dealing with a settlement which was still in a transitional phase. He was by now a partner in the firm which held the rights over the islands. He acquiesced in the appointment, as his successor, of Étienne Pallière, with Pierre Pallière, an elder brother, as his assistant. The new *administrateur* may not have been well known to Leduc when he agreed to the appointment, but Pierre was his own immediate predecessor and the condition in which he had left the islands had greatly shocked Leduc. One of Étienne Pallière's earlier actions after his assumption of his post affords a quick sight of irresponsibility. Without taking special precautions, he allowed a visiting ship to disembark her cook, who was suffering from smallpox. This recklessness was, fortunately, to have no harmful effects, whereas the general attitude of the two brothers was to bring the settlement very near to dissolution. Their original objective seems to have been to restore 'discipline' to Agalega, but they were unable to distinguish between that condition (which had in fact prevailed under Leduc) and the former state of slavery, which was no doubt congenial to them. '*Il s'en ont rien aperçus, ni rien oublié*.' Privileges were abolished; the sale of maize and pigs ceased; the islanders were driven at their work. The first distinct sign of disruption appeared when Pierre decided that North Island, which was to have been his charge, was too lonely and uncomfortable. He settled himself firmly in South Island, alongside his brother, who ordered the people of North Island to abandon their homes and fields and to return. They had to make their own arrangements to transport the few household belongings which they had proudly acquired and their livestock over the difficult passage across the lagoon between the two islands; and to fit themselves in, as best they could, on arrival. They suffered heavy losses in livestock, not only because of the suddenness of their removal and difficulties in transit, but also because disease had

appeared among the livestock on South Island. The unfeelingness of this measure, the actual hardships incurred, and the treatment of workers by the brothers Pallière brought the spirit of the islanders near to breaking point. Before the end of 1839, about three-quarters of the labourers were asking for passages to Mauritius, claiming that their engagements had expired.

It might seem that the achievement, within so short a time, of such general discontent is an unbeatable demonstration of the ineptness of the brothers Pallière, but the remedial measures introduced by Étienne were even more stupid. He began to sell rum freely, being allowed by the Mauritius office to import all that he wanted: Laurent Barbé had been in financial difficulties, was growing old and querulous, and was handing over much of the control to a younger, impetuous generation. This step only made it necessary to go further and faster. Étienne increased wages by about twenty-five per cent and offered each labourer thirty buckets of *poème* a month for feeding livestock. These impromptu changes encouraged the islanders to believe that they had hitherto been cheated of their dues and feelings worsened. The Pallières turned to black magic and slunk from shift to shift to avoid having to send labourers back to Mauritius. Fortunately, before an explosion occurred, Leduc returned from France. Warmly as he was welcomed, he recognized that the atmosphere had so changed that even he, as well as the Pallières, was in some physical danger; that relations between management and islanders were so gravely damaged that they could not be repaired within a measurable period. He nevertheless applied himself with all his skill to the reduction of tensions and was partially successful. At the same time, he used all his influence to have the Pallières removed, but was unable to carry the younger members of the Barbé family with him. Leduc and the other French partner in the firm accordingly sold their shares. Where Leduc's strictures had failed, a rapidly dwindling production of coconut oil under the management of the Pallières quickly had an effect on the proprietors; and the connection of the brothers with Agalega was severed. Succeeding managers were of varying quality, but it was not for decades that the islands again housed a close-knit, contented community.

No such clearly drawn contrast between good and bad management at this critical stage in the passage from a slave to a free

society can be obtained from the islands in the Chagos Archipelago. On the one hand, none of the managers rose to the occasion with the imagination and ebullience of a Leduc; on the other, bad management was there attributable to sloth or sulks, rather than a disposition to return to bad, old ways. Moresby, who was engaged on his marine survey of the area during this period, considered that the treatment of slaves had, on the whole, been commendable. This testimonial seems to have implied no more than that the slaves were not ordinarily ill-treated. They had to work from sunrise to sunset for six days a week, but, judging from the specification of the tasks, which were not heavier than those performed by free workers in Agalega in a considerably shorter time, they cannot have worked with great energy. The only rations supplied to them consisted of between $1\frac{1}{4}$ lb. and $1\frac{1}{2}$ lb. of rice a day and a small tot of rum from time to time. They were expected to supplement those issues by their own efforts with fowls, fish, pigs, and vegetables. Although, according to a contemporary observer, the generality of blacks 'would exert themselves to the utmost to obtain a wife, and if they could choose for themselves, they preferred the steady woman to the giddy girl', the state of marriage was virtually unknown in the Chagos Archipelago; and there were no marriage laws. By 'wife' was meant a partner in the household and a woman did not apparently lose her reputation for steadiness by displaying that quality in two or three households. Even when the islanders began to incline towards marriage, they preferred the religious form only, which meant that the steady women remained paramours, according to the delicate distinctions of Mauritius law. As in all the Dependencies at the time, there was a marked disproportion between the numbers of men and women and this encouraged widespread promiscuity. The birth rate was, however, very low. Emancipation did not at all affect the domestic habits of the people of the Chagos Archipelago, which were, indeed, not greatly altered during the remainder of the nineteenth century. Neither did emancipation produce any convulsive movement in the island societies. The same tasks as before were performed and, for some time, the same rations were issued. The great difference was that wages were paid, but it only gradually became apparent to the islanders that it was in their own interest to do what they could to shorten the time spent on their tasks. The same wages

were paid for the same number of coconuts or *vellies* of oil, whether they were produced in four hours or eight and there were now many 'extras' to be won. A few fowls could be exchanged for a dress length; a green turtle would mean a suit of clothes and the equivalent in cash of a fortnight's wages; a pig would bring in more than a month's wages. No attempt seems to have been made by managements in the Chagos Archipelago to bring the islanders to a realization of their changed economic status, or to encourage them to take advantage of it. Among people who had been accustomed to work only because they had been set a task, and then only as efficiently as would keep them out of trouble, the absence of more clearly perceptible incentives than the casual benefits mentioned above, to turn their thoughts in the direction of taking up forms of production which would improve their condition, lengthened incalculably the process of bringing the islanders to self-respect. This was detrimental to the economic development of the islands, certainly in the short term, perhaps permanently. The managements were not lacking in imagination, but failed to carry the people with them. Maize had been found to grow vigorously, but no satisfactory arrangements were devised to provide suitable terms for its marketing. Tobacco did well, but attracted only sporadic attention. Cotton was tried and a fine, long-staple variety did very well indeed, but its cultivation was not pressed. Cattle and sheep were introduced and thrived on some of the local grasses, but the experiments were abandoned with the verdict (which is still superstitiously regarded as authoritative) that horned creatures could not exist in the islands. Even the trepang, the horrible, fat sea-slug which abounds in the lagoons and had a profitable outlet in the East Indies in the earliest days of settlement of Diego Garcia, was neglected; although, even as late as the 1870's, Colonel Pike believed that it would still be possible to open up trade in this strange foodstuff, through Singapore. It is very improbable that the Chagos Archipelago could have established, or retained, a position in world markets, or even in the markets of Mauritius, in commodities such as those mentioned. There would from time to time have been demands for some in overseas markets; and there could have been a consistent island demand for most, if production had been stimulated early enough. A drive to diversify agriculture, with the bait of cash returns, could have given the islanders a

more practical demonstration of their part in Lord Stanley's experiment than any words could convey. Cottage industries could have emerged. The proprietors might have saved enough by the substitution of local for imported foodstuffs, tobacco, and raw materials to increase the speed of development of the coconut industry in which they were primarily interested. They would even have saved by transforming the planting of citrus trees, which proved very successful, from a dilettante exercise by some managers to an organized scheme; since they were later obliged to retain stocks of lime juice in the islands. Nothing of this happened, however, and the development in the islands was in desperately slow time during the nineteenth century.

The system of praedial apprenticeship which had been interposed between the abolition of slavery and the achievement by the former slave population of the full rights of free men came to an end in Mauritius and the Dependencies in 1839. An Order in Council made by Queen Victoria on 7 September 1838, and published in Mauritius on 11 March in the following year, regulated anew the relations between master and servant. A servant was defined as any person employed for hire, wages, or other remuneration to perform any handicraft or other bodily labour in agriculture or manufacture or in domestic service, or as boatman, porter, 'or other occupation in which the emancipated population . . . were usually employed while in a state of slavery or as apprenticed labourers'. A 'contract of service' meant any agreement, whether oral or written, express or implied, into which any servant might enter with any other person for the performance of any of the kinds of work just mentioned. All previous laws governing contracts of service or apprenticeship, or the rights and duties of masters and apprentices or servants were repealed. Contracts entered into before 30 July 1838 (when an earlier Order in Council had declared null and void all contracts to undertake agricultural work or the manufacture of colonial produce, unless the servant at the time of entering into the contract was within the colony) were not, however, annulled or affected, except where the servant had been misled. After the coming into force of the Order in Council of 7 September all contracts of service, for the performance in Mauritius or the Dependencies of work of the classes specified, must be made within the colony. None remained in force for more than four weeks,

unless it had been reduced to writing and certain requirements had been fulfilled. No contracts were valid for more than one year; all automatically closed at the end of the stipulated period without notice on either side. In so far as was practicable, contracts must specify accurately the general nature of the work to be performed; if it were to be by time and not by task, the hours of work were to be specified precisely. Where any part of the remuneration was to be paid in kind, the articles to be supplied must be described as accurately as possible. If the contract provided for money wages, no part could be paid in kind without the express consent of the servant; equally, if any payment in kind were stipulated, no part could be paid in money. All contracts must be witnessed by Stipendiary Magistrates. They were given an exclusive jurisdiction for the enforcement of contracts. No sentence passed, no order or award made by a Stipendiary Magistrate in this field could be reversed, set aside, appealed from, or questioned by any court in the colony, except on the ground of an unlawful assumption of power or other illegality on the part of the magistrate.

The regulations laid down in this Order in Council were meant to provide a framework within which the further development of the Lesser Dependencies was to be organized. It must have been extraordinarily difficult, initially, to ensure their application in detail, since the need for itinerant Stipendiary Magistrates did not make itself apparent for decades. Their courts in Mauritius were separated from the islands by voyages which (as has been seen) were usually protracted and often formidably long. Naval officers and special commissioners were sharp enough in bringing to light cases of maltreatment, but were ordinarily not well versed in the refinements of the labour laws. The general purport of the regulations must, however, have been quickly grasped by residents in the islands, as was demonstrated by the reactions of the people of Agalega to the mismanagement of the Pallière brothers. Again, in spite of the difficulty of securing their enforcement, the regulations must have been applied in principle by the managements, since, when regular inspection of the islands by Stipendiary Magistrates became a matter of course in the 1870's, very few infringements even of the details were brought to light. The regulations had, by that time, been subject to elaboration in the interest, primarily, of the servant; but,

where the basic right of labourers to remain in the islands or demand a passage to Mauritius was concerned, the magistrates still referred to the 1838 Order in Council. That the population continued to increase, for the most part, in spite of the Order's provisions for voluntary withdrawal, is an indication that the paternal systems of administration established in the Lesser Dependencies had a popular backing.

The Act of Emancipation and the 1838 Order in Council were concerned solely with the establishment of new relations between employer and employed. They did not seek, as was natural, to provide for administrative details outside this field. The administration of the islands continued to be in the hands of the *bon père de famille* who had a grant of *jouissance*. The local manager had no coercive powers and was subject in every respect to the criminal and civil laws, to sporadic inspection by nominees of the Government and to injunctions, virtually amounting to orders, where necessary. He maintained order partly by personality or prestige, and partly by associating with himself a band of trustees, later called *commandeurs*, who had higher wages and more extensive privileges than the generality of employees. As society in the islands matured, it assumed a form which would seem natural to those residents who had some memories of Africa. Elders of character emerged among the islanders who had definitely settled in the various Dependencies and their informal councils helped to shape a decent order in society. The younger people turned spontaneously to the grandfathers and other greyheads in the community for guidance as to conduct and, except in the matter of marriage, the elders were fairly strait-laced. The older women took into their hands the teaching of the children and applied themselves also to the suppression of frowardness. The islands were run as if they were private estates, subject only to the real but distant sanctions of the civil and criminal laws. The England of the day was pronouncedly *laissez faire* where the private affairs of property owners were concerned, so long as they behaved themselves. Public men were little inclined to interfere in the management of overseas possessions, so long as their Governments obediently abolished slavery, dealt correctly with the relations between masters and servants, and had no taste for barbaric extravagances of one kind or another. After the promulgation of the 1838 Order in Council, Mauritius

had fulfilled those unexacting requirements with regard to the Dependencies. There was accordingly no early concern in the United Kingdom with regard to the absence of any governmental system in the Lesser Dependencies. In Mauritius, far more diverting matters than the administration of the Dependencies, entailing much more rhetoric and much less planning, occupied the attention of both officials and those who were politically minded. The Dependencies were irrelevant, one way or the other, to the dialectical adventures of the period and could, with a reasonably good conscience, be shelved for a later day. As private estates, therefore, the Lesser Dependencies plodded very, very slowly through the middle years of the century towards the beginnings of modernization and greater control from the centre in its later decades.

A Penal Code, modelled on Napoleon's, had been enacted by Ordinance No. 6 of 1838 for Mauritius and the Dependencies. It was encyclopaedic in its range of crimes, misdemeanours and contraventions, and their punishments; but it is doubtful whether the islanders as a community ever understood the extent of the legal rigours to which they were technically exposed. By Ordinance No. 20 of 1852, the Governor was empowered to extend to the various Dependencies the laws and regulations published in Mauritius, 'according to the local circumstances of the said Dependencies'. The same power was transferred in the following year to the Governor in Executive Council, a step which suggests that the legislature felt that the Governor, acting on his own initiative, might be precipitate in applying laws to certain of the Dependencies. There was no undue haste in the application to the smaller groups of social measures more comprehensive than the Order in Council of 1838, even although it was recognized in Mauritius by 1852 that, while the Order provided an admirable model for executive action with regard to relations between master and servant, it had singularly failed to suggest means of ensuring that the model should be followed. The first tentative steps towards closer administration of the islands, after the experiment initiated by Lowry Cole in Diego Garcia in 1824, were taken by Sir William Stevenson, who sent out special commissioners—Lieutenant H. Berkeley and Mr. J. Caldwell in 1859 and Commander E. Hardinge in 1860—to report on prevailing conditions.

Berkeley and Caldwell toured Diego Garcia, the Salomon Islands, Eagle Island, the Egmont Atoll, and Peros Banhos. They had intended to land in Agalega also, but the weather made that impossible. They were charged with three specific matters for investigation, in addition to general inspectorial duties. They were to enquire into any complaint by labourers or other servants 'of having been brought into the dependency unlawfully and against their will'. The commissioners found that 'except in the case of a few old men, some of them remaining from the time of slavery', there was no reason for believing that the labourers then in the islands had been brought there otherwise than legally and from Mauritius. The second class of cases into which the commissioners were enjoined to enquire related to complaints by labourers that they had been unlawfully detained in the islands, against their will, after their engagements had terminated. No such case was uncovered, although the commissioners noted that most of the managers admitted to using 'every lawful inducement' to persuade labourers against leaving the islands. The third line of enquiry was in relation to charges which might be brought by labourers 'of having been treated with cruelty, or oppression, or having been illegally imprisoned against their will'. They found only one case of maltreatment by those in authority and were more in sympathy with the offender than with the complainant. A boy in Diego Garcia had used foul language towards a sub-manager and had his ears boxed. The boy was told 'to keep a civil tongue in future'; and the manager was privately advised not to administer summary justice. Imprisonment, the commissioners found, was generally resorted to only where drunken or otherwise violent labourers threatened a breach of the peace, when the offender was kept under lock and key only until he had recovered his senses. Exceptionally, in Peros Banhos and the Salomons, sequestration on outlying islands had been used for punishing such offences as refusal to work. The commissioners found that the conditions under which those exiles lived were comfortable enough—they had company and adequate food and water—but they strongly recommended that sequestration should no longer be used as a punishment, as distinguished from a means of segregating violent or criminal individuals from their fellows. The usual punishments awarded in the islands were the withholding of wages, but not of rations, for wilfully protracted

or repeated absences from work; and for other forms of misbehaviour, deprivation of such privileges as participation in rum and tobacco issues. Serious misconduct entailed repatriation to Mauritius for trial there.

Except in the Egmont Atoll, factories, stores, housing, rates of production, and arrangements for the rationing and general well-being of labourers were found to be satisfactory. In every establishment where rum was issued, managers insisted on its being drunk 'at the tub' as in the Royal Navy. At the managers' request, the commissioners instructed them, in the presence of the men, not to issue it otherwise. Hours and conditions of work were generally better than in Mauritius. Donkeys were used for working the mills and for transport. The demand for more labour which was commonly advanced was not based on plans to increase existing plantations but to clean and thin them, thereby greatly increasing production. The health of the working population was good. The food available 'would be a banquet to many of a far superior class in Mauritius'. The three establishments in Diego Garcia earned especially laudatory comment. Hardinge's report on his visit to Agalega, in 1860, was little less commendatory. Means of ensuring that the beneficial effects of such visits could be made enduring were brought under slow examination.

It was considered opportune, in 1864, to establish by Proclamation that a District Magistrate appointed to the Lesser Dependencies should have the same powers as his counterpart in the Seychelles. These were extensive. His civil jurisdiction covered all cases of debt, damages, demands, and civil matters brought by anybody residing in the islands, whatever might be the value of the matter in dispute. In criminal matters, he could take cognizance of all questions of fact and law in all cases relating to crimes and offences not punishable by death or transportation. No adequate steps were, however, taken to ensure that a magistrate would be regularly available for work in the Lesser Dependencies; and it was not recognized that he might be entrusted with the general supervision of the administration of the islands, in addition to his judicial functions.

The owners of *jouissances* in all the islands now constituting the Lesser Dependencies were given the opportunity in 1865 of changing the legal status of their occupancy. They were offered,

subject to certain conditions, grants of their holdings in perpetuity, on making cash payments at the rate of two shillings a *vel* of coconut oil produced, the consideration being computed on the Surveyor General's estimates of output in 1864. The highest assessments were in respect of Peros Banhos, 26,000 *velles*; Agalega 25,000 *velles*; and the three estates in Diego Garcia—East Point, 34,000 *velles*; Marianne, 20,000 *velles*; and Mini-Mini, 12,000 *velles*. The Egmont Atoll was credited with 11,870 *velles*; Eagle Island with 8,000 *velles*; and the smaller islands in the Chagos Archipelago with 900 *velles* between them. The Salomon Islands were divided into two groups, 11,000 *velles* being assigned to Boddam, English, and Devil Islands and the Ile de la Passe; and 2,500 *velles* to the other nine islands. The fixation of the payments for conversion of the *jouissances* to freehold by reference to the production of a single year meant that each proprietor was asked to enter into a wholly different bargain. It was about a quarter of a century before Peros Banhos again achieved a rate of output equalling the basis of its assessment. The owners of Agalega, on the other hand (which had been exporting 45,000 *velles* thirty years earlier), came off very well at 25,000 *velles*. There had been severe gales in the middle 1860's which greatly affected the groves, but by 1875 they were producing 50,000 *velles* and half as much again within ten more years. Broadly speaking, the assessments in respect of Diego Garcia were too high and those in respect of the Salomons too low. In Eagle Island alone, the estimate was reasonably consistent with performance over a long period. Even with those variations, the price of conversion was nowhere onerous. On the contrary, it was stated in the relevant regulations that the financial requirements had been pitched low, in view of current uncertainty with regard to oil prices; and that the Government reserved the right to impose annual supplementary payments if that should appear to be expedient. The other conditions were not burdensome. The Government retained the discretion to resume possession, without compensation, of two acres in each property if land were required for specified public purposes. Her Majesty retained full rights to any mines, precious stones, or metals which might exist on the lands granted, so that any pirates' treasure, as well as natural riches, would accrue to the Crown. Disposal of the grants, directly or indirectly, to any

person not being a British subject was forbidden on penalty of immediate forfeiture without indemnity or any form of compensation. The terms must have appeared at the time to be favourable, since the great majority of proprietors exercised their option to exchange rights of *jouissance* for grants.

The wheels had moved very slowly where administrative reform and legislation in respect of the Lesser Dependencies were concerned, until a decisive step forward was taken in 1872; and supplementary provisions to improve conditions in the islands followed at relatively short intervals during the next few years. Ordinance No. 5 of 1872 has, at first sight, the appearance of retrogression. It restricted the powers of the magistrate appointed to the Lesser Dependencies to stricter limits, in both civil and criminal matters, than those applicable to the magistrate in the Seychelles. On the other hand, however, it brought the effective exercise of those powers very much nearer, since it appointed the junior magistrate of Port Louis to be the District Magistrate for the islands; and he and all the officers of his court were given the same powers, authority, and jurisdiction as if the islands formed part of the district of Port Louis. Two years later, the Stipendiary Magistrate of Port Louis was declared by proclamation to be the Stipendiary Magistrate for the Dependencies; and it was provided that he might be the same person as the District Magistrate for the islands. He was invested with all the powers conferred on a Stipendiary Magistrate in Mauritius under the Order in Council of 7 September 1838 and by Mauritius Ordinance No. 15 of 1852, which was forthwith applied to the islands. He was to examine into the conduct and state of labourers and servants employed for hire. If their wages were not regularly paid, or if medicines, food, and proper housing were not provided, he could dissolve their contracts and send them back to Port Louis at the master's expense. Ordinance No. 15 provided penalties for frivolous or unfounded complaints on the part of either master or servant; for issuing false certificates relating to the discharge of servants; for giving false evidence; and for employing, or harbouring illegally, a servant under contract to another employer. It laid down that oral engagements, unless they stipulated otherwise, were to be binding for one month only. No debts which a labourer might have incurred in a shop belonging to his employer, or in which his employer might have an interest, could be

set off as a part payment of wages. If wages were not paid within three months of the date on which they were due, the servant might claim dissolution of his contract. More importantly, only a year more was to elapse before the first of the visiting Stipendiary and District Magistrates, E. Pakenham Brooks, was to tour the islands. It had been eleven years since a magistrate had last visited the Lesser Dependencies. Since then, only world wars have interfered with their regular circuits.

In the year of Brooks's first tour, 1875, previous legislation with regard to the functions and jurisdiction of the magistrate for the Lesser Dependencies was confirmed and consolidated by an ordinance to provide for the appointment of a Police and Stipendiary Magistrate 'for the smaller Dependencies commonly called "Oil Islands" and those other Islands, Dependencies of Mauritius, in which there are or may be Fishing Stations, and to provide for the appointment of permanent Officers of the Civil Status for those Islands'. It will be noted that this law contemplated the elaboration of the administrative system to a stage beyond the maintenance of law and order, the enforcement of civil contracts, and the regulation of relations between masters and servants. Civil Status officers, under Mauritius law, were responsible for all the legal formalities attendant on birth, marriage, and death. They, and they alone, for example, could perform a legal marriage (unless one of the partners happened to be *in articulo mortis*). At least in so far as the lawyers were concerned, the fabric of society depended from the exact performance by the Civil Status officers of their duties of registration of the circumstances of those three important occasions. The manager of any of the islands or groups within the Lesser Dependencies might be appointed the Civil Status officer for his particular cure, when he would receive an annual salary of £25, payable by the Colonial Treasury. The magistrate, on the other hand, was not to reside permanently in any one of the Dependencies subject to his jurisdiction. He was required from time to time to visit each such Dependency, to administer justice between private individuals and between master and servant, and to report to the Governor on general conditions. He was to receive a salary not exceeding £500 a year and up to £100 a year in travelling allowances; and was to be given free passages on any of the ships or coasters operated by proprietors or lessees in the Oil Islands. The

proprietors were to contribute between them £400 a year towards the magistrate's salary. If they defaulted, a duty of a half-penny a gallon might be levied on oil imported into Mauritius from the Lesser Dependencies. In addition to the general supervisory duties imposed on the magistrate, he was given the material powers conferred by the Ordinance of 1872 to which reference has been made above. The Governor in Council was empowered to make regulations respecting the forms of contract of service, the management of camps, hospitals, and shops and, generally, to ensure the more effective application of the law to individual islands.

Regulations to govern the employment of labourers in the Lesser Dependencies were duly promulgated in 1877. Written engagements were to be for terms not exceeding three years, but they might be renewed by the magistrate for a similar or lesser period. Wives and families were to be entitled to free passages on the ships carrying labourers from and to Mauritius. Labourers and their families were to be given return passages as near as possible to the dates of termination of their engagements. They were eligible for rations and pay while awaiting a ship and might be awarded damages in respect of any undue prolongation of their stay in the Dependencies. A sufficient store of provisions to supply rations for six months was to be kept at each station. A list of tasks to be performed must be published in each island to which it was applicable and Sunday work was strictly limited. Minimum dimensions for the houses which must be provided by the managements were laid down. They were also obliged to build and equip hospitals, the number of beds being on a prescribed scale related to the size of the population. To touch on the other side of the picture, the managements were obliged to construct prisons to standard dimensions. The *administrateurs* were authorized to award three days' imprisonment for 'insolence and insubordination', but the magistrate could direct the payment of damages for unjust imprisonment.

In their regular tours, the Police and Stipendiary Magistrates had, accordingly, a threefold purpose. They were to ensure that crime was punished and disputes between individuals settled; they were to enforce compliance with standard conditions of employment; and they were to set up, in the Civil Status offices, a rudimentary framework for ordered society. Their careful

reports during the next two decades provide the first comprehensive and clear picture of the Lesser Dependencies; and the first medium for nearly forty years through which the quality of administration in the several islands may be assessed and compared. As was to be expected, the magistrates found that conditions varied directly with the efficiency of individual *administrateurs*, although there was a surprising degree of uniformity; and standards of conduct were seldom relaxed, or responsibilities evaded, to a point at which remedy was difficult. Generally, there were few and minor instances of abuse of authority. There had been double cuts in pay for absence from work. Certain labourers had not been given passages to Mauritius soon enough after the end of their contracts. The tasks given to women in one island, while not legally reproachable, were in fact too heavy. Some managers paid wages at long and irregular intervals. Occasionally, there would be more serious cases, usually arising out of illegal imprisonment, to which further reference will be made later. Cruelty and serious negligence were markedly absent and grave misconduct could move a magistrate to ejaculatory indignation. One assistant manager, a widower, had formed the habit of prowling round the village at night in search of women, 'to the great annoyance of husbands, fathers and so on'. One of the 'so on's' interviewed him with regard to a woman and afterwards complained that the assistant manager had threatened to shoot him. 'Fancy a man in authority in such an out of the way place,' wrote Bouchérat, 'threatening to shoot another man, purely because he wants to have a woman all to himself, when that woman is not his wife, but is probably the concubine or wife of the other man. It is simply monstrous! Bouchérat was fortunately relieved of the vexatious task of dealing with this case himself, since the assistant manager was removed to Mauritius for other reasons. All the magistrates reprobed the disrespect for the institution of marriage which they found among the islanders themselves: a large number of the cases with which they dealt arose out of quarrels over women, or between labourers and their temporary partners—wounding, assault, and virulent abuse. There was little grave crime, although on rare occasions death would result from one of those quarrels. Praedial larceny was common, but other forms of dishonesty exceptional. Dupont was, however, distressed and

disgusted by the thoroughness and skill in plundering displayed by the people of Agalega, when they should have been engaged in salvaging the cargo of the wrecked *Myosotis*. The general feeling of security existing throughout the islands at the period is illustrated by the practice of managements of issuing cutlasses to the labourers for certain branches of work, and allowing them to retain the implements in their quarters. Some of the magistrates raised their eyebrows in face of this rashness, but were told that, if a man were disposed to violence, most of the everyday working equipment could be used as a lethal instrument. All the shops freely sold large knives, with or without sheaths, at less than it cost to buy a frying pan.

A view of Diego Garcia in the last quarter of the nineteenth century may be laid beside the description already given of Agalega in the second quarter, for purpose of comparison. At the beginning of the period, it was divided into three estates—Mini-Mini, East Point, and Marianne—but they were amalgamated in 1883 under the management of the *Société Huilière de Diego et Péros*. Wage rates, conditions of work, and the tasks exacted of the labourers varied little between the three estates and between them and other islands in the Lesser Dependencies. The ordinary labourer received sixteen shillings a month. (Wages here are expressed in shillings since, during the period covered, a change was made from colonial dollars to rupees and it would be confusing to quote two currencies.) Millmen were paid between eighteen and twenty shillings a month and were on a slightly higher level than rat-catchers, stablemen, gardeners, maize planters, toddy-makers and pig- and fowl-keepers. The next grade comprised the blacksmiths, carpenters and assistant carpenters, coopers, and junior overseers, who drew between twenty and thirty-two shillings monthly. The senior overseers and head boatmen might earn sixty shillings. Women were commonly paid at the rate of twelve shillings, although there were some better paid domestic or supervisory jobs. All employees received rations and free housing and medical attention. It was the usual practice of managements to issue rations in measures of greater capacity than the minimum required by law: the excess varied, but was sometimes as much as twenty-five per cent. The minimum ration was ten and a half pounds of rice a week for adults and half that amount for children. All could obtain on request ripe coconuts,

in amounts varying with the different managements. Boats and nets for fishing were placed at the disposal of all who asked. There was a free issue of salt for the curing of the catches. Sometimes the managements organized the expedition and men could take part voluntarily, when they had the right to first pick of the catch. In one morning, Ackroyd saw enough fish caught from East Point by the management's team amply to supply the whole estate. The labourers were encouraged to keep gardens and, although the results differed widely, many were very successful. Poultry-keeping was approved, but there was a divergence of views on pig-keeping. One manager, who allowed it, calculated that each privately owned pig cost the management between £3 and £4 a year in fitched coconuts. By way of bonus, coconut oil was issued to some classes of employees and all were eligible, if their work was satisfactory, to free issues of tobacco and rum or toddy, in amounts according to the practice of individual managements. Prices in the shops were regulated. Trousers were six shillings a pair, made to measure, and shirts cost the same. White cotton cloth was 9d. a yard but calicoes were cheaper. The price of pots and pans was between two and three shillings. Four forks and four spoons, sold only in sets, cost one shilling. Dried peas, beans, and lentils were sold at between 2d. and 2½d. a pound; olive oil was 1s. 8d. a bottle; pork was periodically on sale at 6d. a pound. Claret and various other table wines, which were favourite luxuries, were 6d. a bottle; vermouth was also popular at 2s. 6d. a bottle, or 1s. 3d. a measure of about half a pint. There was a fair range of small luxuries also on sale, from pomatum and eau de cologne to mirrors and bonnets, from sardines to sweetmeats. Nevertheless, labourers often saved about one-quarter of their wages.

The tasks imposed varied in detail from estate to estate and island to island, but followed the same general pattern. A man might be required in one place, for example, to collect, dehusk and break coconuts; and in another only to collect and dehusk; and the quantum varied accordingly. Grass-cutters might be required to deliver so many bundles, or so many pounds, and so on. The schedule laid down at East Point may be quoted as typical. In collecting, dehushing and breaking coconuts, a man had to deal with 500 a day. This task was reserved for men and the scooping of meat from the shell was exclusively a woman's task.

She had to deal with 1,200 broken nuts a day. If a man were employed wholly in breaking nuts, he had to fill a quota of 4,400. Women also were employed at this task, but their quota was only 2,400 nuts. A similar differentiation was made in the performance expected of men and women in other jobs. Male grass-cutters had to produce 500 lb. a day and women 300 lb. Men collecting palm-fronds had to deliver 300 a day and women half that amount. The millmen had to produce fourteen *velas* of oil a day, but if any of them extracted more from 312 lb. of copra he was given an extra glass of rum, since this entailed particularly careful work. A labourer sometimes finished his task by 11 a.m. but the majority worked until 2 p.m. The millmen's hours were longer, but they were almost always able to stop by 5 p.m. Considering that they were among the more highly paid employees, rat-catchers seem to have had a relatively light job: each had to account for only 100 rats a week. On the other hand, their wages were docked for each trap lost and they seemed to mislay traps with remarkable regularity. A good worker in any branch or grade seldom suffered disadvantage through absence of a day or two at intervals, so long as he did not try to presume on the tolerance shown in this respect.

The housing provided for labourers was usually described by the magistrates as being good to middling, but managers had to be kept up to the mark where maintenance was concerned. They often winked at more untidiness in the surroundings of the villages than was tolerable; and they had no sense of symmetry (which the magistrates possessed in high degree) in the layout of villages. There was a hospital on each estate—two at East Point—and they were in most details fully up to standard; although at times magistrates complained of the inadequacy of the space provided for patients in relation to the size of the population. There seems to have been no argument on this score on the part of the managements: they promptly enlarged the hospitals to accord with the magistrates' specifications. It was from time to time pointed out, however, by way rather of excuse than of protest, that it was virtually impossible to induce the women to enter the hospitals, especially for child-bearing. They preferred their own cottages and the services of unofficial and apparently very inexperienced midwives. Good managers supplied patients in the hospitals with special diets prepared in their own homes. The general

level of health was satisfactory and deaths among adults were few. The common complaints of the time are demonstrated by the appearance in medical stores, in relatively very large quantities, of castor oil, epsom salts, Leroy's purging mixture, camphorated oil, carbolic acid, and various other antiseptics. Ackroyd found the medical store at Marianne short of castor oil and took the manager to task. He was informed that consumption had far exceeded expectations, 'the men being rather partial to it'. Exotic medicaments rubbed shoulders with the more familiar remedies on the shelves of most medical stores: *Eau de Saturne*, *Onguent de la Mer*, *Pierre Infernale*, Cockles' pills, *baume tranquille*, and *essence Opodeldock*. The black patch in the otherwise reassuring health record of Diego Garcia, as in most of the other islands, was the appallingly high rate of infant mortality. James Spurs had been in East Point for fourteen years when he first discussed the causes with Ackroyd. His observations had led him to the conclusion that the excessive number of deaths among babies was due to two main causes: the ill-treatment of pregnant women, after bouts of heavy drinking, by the men with whom they were living, which was commonplace; and the gross carelessness of the women themselves. He maintained that children who received proper attention from their mothers did very well indeed and Ackroyd's own investigations enabled him to confirm those views.

Spurs had more character than any of the other *administrateurs* in Diego Garcia at this period and is, indeed, the only one of them who is projected from the past as a distinct personality. He was manager at East Point until he joined the Orient Steam Navigation in 1883. A vigorous, brusque, and opinionative man, he persisted throughout in applying his own ideas of right and wrong. His sense of responsibility for ensuring the well-being of the community under his charge was commendable. The villages round East Point were always reasonably clean and tidy. Spurs introduced the system of allowing labourers to build their own houses, if they so opted, the management providing all the materials. The result was 'quite superior dwellings' and a sense of proprietorship. The hospitals which he built were above the average in the accommodation provided and in the attention to the sick decided so. The ration of rice at East Point was 14 lb. a week, as compared with the legal requirement of 10½ lb. and the usual

issue on the other estates of 12 lb. A glass of rum a week was regularly given to men only, a relatively Spartan provision by comparison with the pint, or glass, of toddy a day allowed by the other estates. Spurs had, however, set his face against toddy—fermented coconut milk—and most of the magistrates thoroughly agreed with him. To offset this niggardliness in the supply of drink, he was generous with tobacco, issuing it to men and women alike. He permitted the keeping of pigs to the annoyance of the managers on the two neighbouring estates, holding that *all* pig-keepers did not steal coconuts and that, in any event, the value of pork as a foodstuff greatly outweighed any loss occasioned by that form of dishonesty. East Point had the best record of all three estates in Diego Garcia in respect of absenteeism: but for a few habitual offenders it would have been almost unknown. A very large number of the labourers had been there for the whole period of Spurs's stewardship and had no intention of leaving the estate.

Spurs was successful as *administrateur* of East Point in spite of his tendency to impose disciplinary regulations which the managers of the other two estates considered to be arbitrary and unfair, although not contrary to law. He forbade the giving of credit by the shop in 1874, years before insistence on cash sales became general in the Lesser Dependencies, maintaining that credit encouraged overspending and kept illiterate labourers in uncertainty with regard to their financial position. This measure was cordially approved by the magistrates. Spurs's embargo on the killing of any sea-birds, turtles, or *cigaye* crabs on the East Point estate met with a more mixed reception. Ackroyd was at first doubtful as to the need for preventing the islanders from obtaining such readily accessible food. Spurs explained that, in fact, the indiscriminate slaughter of birds in the past had stringently reduced sources of food. He had himself seen large areas covered with the rotting, stinking carcasses of sea-birds which had been wantonly killed in such immense numbers that families could not carry them away. Unless the prohibition had been enforced and retained, it would very soon have become exceedingly difficult to find birds, turtles, or *cigayes* on the estate. Ackroyd, still doubtful, grudgingly assented, making the double-edged remark that more sea-birds were indeed to be seen in East Point than in the neighbouring estates. During another visit, four years later, he came

down on Spurs's side. Two men complained that their wages had been reduced because they had killed sea-birds. Ackroyd pronounced that the reduction was illegal and ordered the amounts withheld to be refunded. When this had been done, he brought the two offenders to trial and learnt that they had been employed as bird-watchers, who were supposed to keep Spurs informed of the numbers of sea-birds returning to a colony which had been deserted some years earlier. It had been Spurs's intention that, if the colony were successfully re-established, controlled slaughter would be allowed, to the general benefit of the people of East Point. Ackroyd imposed swinging fines on the two culprits, who must have been left with very confused notions of the operation of the legal system. An even less popular innovation of Spurs's in 1877 was regulation of the sale of ordinary wines. Up to that time, in common with the other managers, he had allowed the shops to sell by the bottle, with restrictions on the quantity purchasable on the one day in the week on which it was on sale, but none on the quantity which might be accumulated for later consumption or for resale. Now, Spurs sold only by the pint measure, on Saturday afternoons, and the customer had to drink his wine in the shop. A year later, he relaxed his rule to the extent that the bar was opened three times a week: a man might have his pint of wine on each of these days (although Spurs tried, not very successfully, to popularize porter), but he must still drink it in the shop. Spurs was firmly convinced that private stocks of wine were at the root of most of the turbulence in the island, as well as being a main cause of mortality among young children. He would not relax control further and complained to Ackroyd that the lavish sales of wine on the other estates seriously hindered the effective application of his own plan. Mini-Mini was only three miles away; its total population was only one-third of that in East Point; and yet the quantity of wine sold in Mini-Mini was almost double the off-take in East Point. Ackroyd was most sympathetic while noting that vermouth and the heavier wines were freely sold everywhere, although at prices which decisively rationed consumption. He tried to induce the other managers to adopt Spurs's principle with regard to the sale of ordinary wines. They refused stiffly, on the ground that it was unconscionable to deprive a man of the pleasure of slaking his thirst at home, and indignantly repudiated Spurs's insinuation that they sold wines to

residents in East Point. To clinch the argument, they produced figures of sales which, had the dispute been before a court, would have substantiated Spurs's case. All of them, however, were well within the law as it stood at that time; and even Ackroyd could do nothing. About thirty years later, the Council of Government in Mauritius amended the law to make compulsory throughout all the Lesser Dependencies a system of control over the sale or issue of wines which bore a strong resemblance to Spurs's plan, but was much less generous towards the bibulous.

Spurs, as has been said, was a man who persisted in applying his own ideas of right and wrong and this had resulted in a clash between Brooks and himself in 1875. Brooks was the first magistrate to have visited Diego Garcia for eleven years and he recorded that, on his arrival he had found two men wrongfully imprisoned. One man had been kept in a store-house for thirty days for refusing to perform his task of carrying stones. Brooks considered the manager's conduct to have been 'most wanton and tyrannous' and sentenced him to a fine of £5. Another man had been imprisoned for sixty-seven days (in another store) for having assaulted a woman and threatened to assault her again; and for having made lecherous advances to a second woman. Brooks fined Spurs £8 in this case. Those two men were sent back to Mauritius at the management's expense. A third man came forward to claim that he had been imprisoned for an unspecified period, because he had left his task partially uncompleted. Brooks found that Spurs had been guilty of an 'arbitrary and uncalled for act' and fined him £2. At this distance in time, it would be imprudent to query the verdict of the Procureur General in Mauritius, that Spurs's conduct was 'certainly very tyrannical' in the first and third cases. It is a pity that neither Brooks nor the Procureur General offered any suggestion as to the appropriate course in the second case. In a community consisting in large part of jealous and fire-fisted males, a man who molested and beat women must have been a poor security risk. All three cases were, however, atypical. As the magistrate very fairly pointed out in his report, all three men were newcomers to Diego Garcia and the well-established residents held Spurs in great respect. He had made no attempt to conceal his treatment of the three men; and no other complaints of unlawful imprisonment were brought against him, then, or subsequently. More-

over, there had been four, and not only three, cases of irregular imprisonment. Neither the magistrate nor the Procureur General had any criticism to offer of Spurs's conduct in the fourth case: on the contrary, they tacitly approved it, even although the victim had been locked in a store for five months. This was a most unsavoury character who had a reputation as a medicine-man and obstetrician. He performed an operation of ghastly cruelty on a pregnant woman, as a result of which the baby's head was crushed and the woman died in agony. The islanders began to whisper that the medicine-man had not merely been careless or drunk. The woman was to have been a witness in a murder case pending before the courts in Mauritius; and the medicine-man was said to have been bribed to ensure that she held her tongue. In any event, Spurs never again had serious trouble with the visiting magistrates, who came to regard him with increasing respect and confidence as an efficient and upright man. Ivanoff Dupont, in 1883, paid official tribute to his outstanding administrative ability, which contributed so greatly to the smooth establishment of a coaling station in Diego Garcia.

The island was subjected to an experiment in industrialization in the 1880's and is alone among the Lesser Dependencies in having passed through a stage of development which was not wholly agricultural. In 1881, the Orient Steam Navigation Company decided to give up the use of Aden as a coaling station. They explored the region for a suitable alternative depot for ships on the Australia run and their attention fell upon Diego Garcia, 1,709 miles from Cape Guardafui and on a bee-line between the Red Sea and Cape Leeuwin. Having been given a favourable report on the island by their inspector, Captain Slader, the company established themselves there in 1882. A London firm of coal merchants, Lund and Company, installed a depot in Diego Garcia almost simultaneously. The Orient Company had twelve steamships on the run between England and Australia, of which the largest was the *Austral* (5,888 tons) and the smallest the *Luissania* (3,825 tons). Messrs. Lund had two cargo ships on the same run. Whereas the Orient Company intended to supply only ships under their house flag (except in case of emergency), Messrs. Lund had contracted to supply coal to fifty ships of various lines trading between Europe and Australia and the Far

East; and were also prepared to supply all comers, whether they were under contract or not.

Early in 1883, the Governor of Mauritius sent Dupont to enquire into the progress of those enterprises and their impact on the life of the island. Dupont arrived in Diego Garcia in April, to find it buzzing with activity. The Orient Company had appointed Spurs to be their local agent; imported forty Somali colliers (from Port Said, of all places) and seventeen European artisans and tradesmen; and started to assemble their fleet of steel lighters at East Point, where this miscellaneous company was lodged. Spurs found the Somalis very difficult to handle and thought poorly of their output. He had induced the Orient Company to contract with Blyth Brothers and Company of Port Louis to send out forty or fifty Mauritian labourers, so that he might repatriate the Somalis. Messrs. Lund also had a resident agent in East Point, G. Worsell, but employed no special staff for unloading or coaling. They had an agreement with the proprietors of the estates in Diego Garcia to use local labour on a profit-sharing basis. The Orient Company had found it necessary from time to time to hire additional labour from the same sources. The stocks of coal of both companies were mainly stored in hulks, anchored off Mini-Mini and East Point, although the Orient Company had leased yards in the latter village and kept a supply there. While the companies estimated that when the station was fully operative some 50,000 tons of coal would be imported annually, there were at that time only 15,000 tons in Diego Garcia, of which about two-thirds were held by the Orient Company.

Between 1882, when the depots were first opened, and this visit of Dupont's, ships had made twenty-two calls at Diego Garcia, not including the visits of steam and sailing ships delivering coal. Mail ships of the Orient Company had made nineteen of the calls. Each coaling operation had occupied between twenty-four and sixty-eight hours and passengers were not normally allowed to land. They must have spent dreary days rolling near the entrance to the lagoon, within sight of long, silver beaches and apparently endless coconut palms, to which they were denied access except with the permission of the estate managers. Not unnaturally, the steamship lines which had contracted with Messrs. Lund declined to make regular calls until the turn-round was much speedier (which depended on a more

adequate labour supply) and conditions generally were improved. It was expected that, once the labour problem had been resolved and other teething troubles overcome, three ships a week would call, in addition to two of the Orient Company's ships each month. Dupont found existing arrangements very satisfactory. The strict quarantine imposed had prevented the introduction of disease into Diego Garcia and the control of passengers and labour alike appeared to be admirable. There had been no debauchery ashore and no new shops had been opened. Dupont was particularly impressed by Spurs's administrative qualities. The manager's only qualms were with regard to the possible effects on the island of the increasing demands for coral and sand, for use as ballast. He estimated that, during the seventeen years in which he had lived in the island, it had decreased in breadth by eighteen feet over long stretches. Dupont was impressed, but not greatly apprehensive. He felt that he could present a rosy report on the future of the coaling station. His complacency was to be short-lived.

The Governor of Mauritius and his advisers had vague misgivings regarding the whole project and sent Dupont back to Diego Garcia towards the end of the year. He travelled in the barque *Eva Joshua*, a ship which he detested, and only arrived on 9 January 1884. There had been developments during the nine months since his last visit, not all of which promised well for the future. Spurs was now employed whole-time by the Orient Company and, in his new capacity, he seemed largely to have forgotten the labour regulations which he had had at his fingertips while manager of East Point. Dupont had to speak to him very severely on this score. The Orient Company had moved their hulks from near Mini-Mini to the lee of Barton Point, at the north-eastern extremity of Diego Garcia. They had leased from the Government of Mauritius the two largest of the islands lying across the entrance to the bay and planned to establish their labour there. Middle Island, about forty acres in extent, was reserved for Spurs, as agent; while the labourers had East Island, about twenty-five acres in extent. A few good huts had been erected, but the majority of the labourers lived under canvas stretched on poles. They had better rations than estate employees, but much scantier opportunity of augmenting them. The water supply was most unsatisfactory, since most of the wells then sunk

were very brackish, and all drinking water had to be transported from the mainland or collected during showers. The Orient Company had provided a distillation plant, but nobody seemed to know quite how to assemble it. The Somalis had been repatriated and the European artisans had completed the lighters and were due to leave in a few weeks. Blyth Brothers had imported 101 Mauritian labourers, who were still an uncertain element. Messrs. Lund were attracting labourers away from the estates and even from other islands, by paying higher wages and giving more ample rations. Sales and deliveries of coal were still below expectations, although thirty-eight ships, including two of the Royal Navy, had visited Diego Garcia during the nine months. No new diseases had been introduced into the island; but Dupont was now very worried lest contagious diseases, which might decimate the population, should make their appearance. It was very easy for the islanders to obtain drink from some of the ships (one resident had died of alcoholic poisoning) and crews and passengers alike were demoralizing the people. There had even been cases in which islanders had been enticed to board ships, in circumstances which suggested that the intention was to shanghai them. Three vessels carrying 750 immigrants to Australia and one carrying 500 Javanese bound for Mecca had called; most of the passengers had gone ashore at intervals, during stays ranging from forty-eight to seventy-two hours. There had been pronounced plundering of coconuts, especially by passengers from a German and a British ship. It seemed clear that Diego Garcia was rapidly losing its primitive charm and Dupont considered that it was urgently necessary that a government official should be permanently stationed in the island, with the special duties of enforcing quarantine and controlling passengers.

Despite their initial troubles and the absence of an administrative authority in Diego Garcia, Messrs. Lund felt themselves sufficiently well established by February 1884 to put forward a project which, had it been realized, might well have deflected the island for at least a quarter of a century from the straight road of agricultural development. They offered, in return for a subsidy of £10,000 a year, to establish a reliable steamship service between Mauritius and Colombo, or Galle, calling regularly at Diego Garcia on a time-table which would permit of the

prompt transfer of mails to and from the Orient Company's mail steamers. Mr. Lund estimated that this service would result in fixing the time of transit of mails between Mauritius and London at twenty-five days. He was prepared to run ships in each direction thirteen times a year to ensure that this would be the case. Charges for passengers and freight between Mauritius and Ceylon would be between thirty and forty per cent lower than those payable to 'the French company' under existing arrangements. Diego Garcia was to become an important junction in the Indian Ocean and Mr. Lund was excusably impressed by the advantages which would accrue to his company, as well as to the island, by this arrangement. The Government of Mauritius felt unable, however, to proceed with Mr. Lund's scheme, since the contract for the conveyance of mails by the Cape route had only recently been renewed. If Diego Garcia had been established as a staging and provisioning point on a new route to Ceylon, there would have been great pressure—and it would, indeed, have been necessary—to renew its installations on a less makeshift basis than that which had met the needs of the coaling companies; to provide shore accommodation for passengers; and to appoint a resident administrative staff to act on behalf of the Mauritius Government. The island would undoubtedly have benefited in the short term; by the provision of medical facilities, for example, which would certainly have been demanded. It might possibly have benefited also in the long term, by the stimulus which would have been given to local industries, for example, fisheries. Such developments might have kept the island in shipping time-tables for very much longer than was actually the case, but, sooner or later, the increasing range of ships and the advantages offered by other ports of call, in relation to Diego Garcia's isolation and inability to produce enough of anything to make regular calls profitable, would have made it redundant.

The Government of Mauritius had made no move in the direction of the closer administration of Diego Garcia, beyond debating an ordinance to enable it to post a police officer with special powers to the island, by the time of Dupont's next visit in October 1884. He found Messrs. Lund much more firmly established at East Point. They had a new agent, J. N. Beaver, who had brought an independent labour force of forty-five men from Mauritius. They were well housed, well fed, and well paid. The

company had buoyed all observed reefs between the entrance to the bay and East Point; and their own men brought ships in. Spurs had not been nearly so successful on Middle and East Islands. He had completed the camps, which fully met official requirements, but had been obliged to settle the greater part of the labourers on his own preserves in Middle Island. The distillation plant was still in packing cases, but a new well was yielding relatively sweet water and large tanks had been erected for rain water. Relations between the men and the agent had, however, sadly deteriorated. The Orient Company had made a bold attempt to mitigate the rigours of life on those two bleak islands by allowing labourers to have their wives with them and by providing family rations, although not employing the women. These domestic amenities seem to have done little to create a happy atmosphere; less than half of the men availed themselves of the opportunity of being accompanied by their families. There were now seventy-six labourers on the two islets; and Dupont found them an undisciplined, truculent, and sullen lot. In reply to his questioning about conditions, their spokesmen told him that they had complaints in plenty, but they had come to realize that it was useless to recite them to a mere visiting magistrate. They would hold their complaints in store against the time of their return to Mauritius, where they would have the ear of a more helpful audience. Dupont argued with the men patiently and quietly, but was unable to change their attitude. Spurs informed him that the men had shown themselves to be exceptionally poor workers, so that the company was contemplating the importation of Chinese to replace them. (Fortunately, in the event, Diego Garcia was spared this ethnic complication.) Dupont received this news without comment, but he was seriously perturbed by the prevailing relations between management and men. He was more than ever persuaded that the early establishment of at least a police post in Diego Garcia was a pressing need.

A police post was duly established at Mini-Mini in November 1885 with an inspector in charge and, under him, a complement of one non-commissioned officer and six men. (An inspector in those days was the equivalent in rank of the modern superintendent). A magistrate was made specifically responsible for the island. Nearly a year later, the power of the managers in Diego Garcia to inflict sentences of imprisonment was removed by

regulation. The ordinance which made those moves possible went further, as a statement of intention, than Dupont had originally envisaged. The police officer for Diego Garcia was invested with certain magisterial powers. He could hear cases of suspected intention to create a breach of the peace and require that surety to be of good behaviour be furnished; or, alternatively, he could commit the would-be trouble-maker to a month in prison. He could sentence persons guilty of larceny or assault to a similar term, and servants found guilty of insolence or insubordination to imprisonment for fourteen days. He was empowered to hold preliminary enquiries into charges of murder, or the attempt, manslaughter, and arson and, if satisfactory evidence were forthcoming, to commit the accused parties for trial in Mauritius and send them there as early as possible. Those powers were to have no effect on the jurisdiction of the magistrate for the Lesser Dependencies and were to be suspended whenever the magistrate was in Diego Garcia. The police officer was also required to levy a due of six cents a ton register on every ship arriving at the island, except Her Majesty's ships and foreign warships.

Before the police post could be manned, the presence of one of Her Majesty's ships in the bay had a notably tranquillizing effect. The ship was not there to carry out police duties: the Orient Company had prevailed on the Admiralty to undertake a marine survey of Diego Garcia. H.M.S. *Rambler* (Captain the Hon. F. C. P. Vereker, R.N.) arrived in 1885 to carry out this duty. The naval team under Captain Vereker, working from the entrance to the bay to East Point, produced the material for a chart which, with a few additions and modifications, is still in use. It is satisfactory that those durable benefits resulted fortuitously from the survey, since in February 1886, five months before its records could be published, the Orient Company warned the Secretary of State that they might discontinue the use of Diego Garcia as a coaling station. They offered, in that event, to sell their vessels and shore installations to Her Majesty's Government, but were informed with chill politeness that, if they ceased to coal at Diego Garcia, the Mauritius Government was entitled under the terms of the lease to resume possession of Middle and East Islands. A few months later, Messrs. Lund complained to the Secretary of State that they received no return for the dues of between £5 and £10 on each ship entering the

bay which the Mauritius Government now exacted. They suggested that an official pilot should be posted to the island. The Secretary of State commended this proposal to the Mauritius Government as being eminently sensible. The Mauritius Government did not share this opinion. It had been intended that the harbour dues should cover the cost of the police establishment. The pressures applied in London by the Orient Company and Messrs. Lund were known to the Council of Government in Port Louis, as were also the complaints and demands of the first police officer appointed to Diego Garcia. He seems to have been unduly concerned over his personal comfort (although, to be sure, Admiral Richards found him and his wife sitting under umbrellas in his leaky house) and substantial extra financial provision had to be found to meet his requirements, including £1,000 for the police buildings at Mini-Mini. The inspector still insisted that a steam-launch was necessary for the proper performance of his duties. The Council doubted whether his presence in Diego Garcia fulfilled any useful purpose. On being asked to adjudicate, the Secretary of State held that the police establishment should be maintained, but that the purchase of a steam-launch and the appointment of a pilot would be obviated if harbour dues were abolished and other financial arrangements devised. The financial officers in Mauritius recommended that there should be a customs duty of one rupee a ton on coal imported into Diego Garcia, a cess on exports from the island and a duty on all coconut oil from any of the Lesser Dependencies imported into Mauritius. Those fiscal recommendations spurred the unofficial members of the Council to independent action, as very few matters relating to the Lesser Dependencies have done.

The report of the financial officers had evoked prompt, eloquent, and not unduly fractious petitions from the co-owners of all the groups and islands in the Lesser Dependencies, or their representatives. They had pointed out that the question of additional taxation really hinged on the existence of special circumstances, beyond their control, in Diego Garcia, necessitating the presence of a police force there. Those who were not directly concerned with that island protested that their own properties were all at a considerable distance from it; they had never applied for, nor felt the want of, police and could derive no benefit from them. The only gainers from the special circumstances of

Diego Garcia were the proprietors there and the steamship companies. The petitioners also made the interesting point, showing that they still regarded the produce of the islands as important only as a lamp oil, that they were suffering severe competition from distributors of gas, petroleum oils, and, very recently, electricity. L. Antelme, *fils*, for the *Société Huilière de Diego et Péros*, emphasized this factor of competition and represented that the agricultural enterprises in Diego Garcia had no need of police. The considerations which had been advanced by the petitioners revolved round questions of domestic economy. Very much wider constitutional issues were raised by the unofficial members of the Council of Government when those questions were brought forward for debate. Dr. O. Beauregard fired the ranging shots by objecting to any expenditure at all by Mauritius on Diego Garcia: if any establishment were required there, the cost should be met by the Imperial Government. He was quickly outpaced by Mr. G. de Coriolis, who had been fascinated by the flashy and irresponsible political style of the Bonapartes of the Government of National Defence¹ in France. De Coriolis was not only against expenditure by Mauritius on Diego Garcia, but, in a later debate, proposed the repeal of the ordinance permitting the maintenance of a police establishment in the island. From the swash of arguments brought forward by the unofficial members during the two debates, a main theme emerged. The need for police in Diego Garcia stemmed wholly from the operation of the coaling companies. The Imperial Government had been responsible for the establishment of the coaling station and should have ensured that the shipping companies which benefited should bear all the expense. The cost of the police post was, in any event, extravagantly high. Mr. L. E. Antelme introduced a discordant note by maintaining, as a proprietor, that police stations were undoubtedly necessary in the Lesser Dependencies, to protect the respectable families which went there from Mauritius. The Oil Islands were the refuge of vagabonds—and vagabonds of the worst type. The Procureur General reminded the Council that the members who had spoken seemed to have lost sight of the fact that Diego Garcia could not be treated as if it formed part of another colony. It was one of the Dependencies of Mauritius and the courts of justice in Mauritius had jurisdiction over it. It was the duty of the Government of Mauritius to

make all necessary arrangements in Diego Garcia to preserve order and protect the inhabitants. In an adroit flanking movement, Sir Virgile Naz sought to translate the problem to the plane of imperial strategy. It was said, he remarked, that the Orient Company had made arrangements for their Australian run which would remove the need for calling at Diego Garcia, which would still, however, be used by a German line. The question therefore was: who was to hold the island in time of war? Mauritius had responsibilities, certainly, with regard to defence, but should not be called upon to defray expenditure on a coaling station 1,000 miles away. That was a matter of imperial concern. The ordinance providing for the appointment of a police officer at Diego Garcia was repealed by twelve votes against eleven.

When Mr. Magistrate Bouchérat visited the island in 1888, there was still a police officer in post, but he did not remain there much longer. With surprising obtuseness, Messrs. Lund had appointed the brother of that officer to be their local agent. Bouchérat had to deal with an unseemly number of suits against both brothers, who seemed to have been afflicted by a strong temptation to petty meanness. The prophets of the Mauritius Council of Government had been accurate in one of their forecasts: the Orient Company had discontinued the use of Diego Garcia. Spurs had left for Colombo, having sold the company's vessels and plant to Messrs. Lund. The Orient Company had invested over £16,000 in the vessels alone and had found the island an unprofitable port of call. Bouchérat guessed that Messrs. Lund also would soon give up their interests in Diego Garcia. Apart from their agent, they had now only one permanent employee in the island, although the agent succeeded in enlisting four labourers during Bouchérat's visit. Diego Garcia was, in fact, on the point of reverting to its one stable industry, the production of coconut oil.

Early in the twentieth century, the Government of Mauritius was able to review administrative arrangements in the Lesser Dependencies in the light of the information produced by the touring magistrates during the preceding quarter of a century. In the result, Ordinance No. 4 of 1904 was passed, 'to provide for the government of and the administration of justice in the Lesser Dependencies'. It made substantial improvements in detail, but no radical changes. As far as possible, every island was to be

visited at least once in every twelve months. The Governor was empowered to appoint, with the approval of the Secretary of State, two District and Stipendiary Magistrates for the Lesser Dependencies, who were to act independently of each other. In general, they were to have the same powers and authority as their counterparts in Mauritius. Their visits were to take place at such times as might be directed by the Procureur General. Apart from their normal duties in criminal and civil matters, the magistrates had newly defined functions in respect of labour. They had to ensure compliance with the Mauritius Labour Law of 1878. All servants, other than artisans, going to work in the islands must be engaged on a written contract, entered into before a magistrate in Mauritius or in the islands, or an authorized officer in the Seychelles. If he so wished, a regular resident in the islands might enter into a written contract, but the transaction must be carried out before a visiting magistrate. Contracts might now be made for three years and they might be renewed, but the act of renewal must be endorsed by a magistrate. Specifications of task work must be posted in the places in the islands at which rations were issued; and a copy had to be produced before the magistrate witnessing the engagement of labourers. The Collector of Customs in Port Louis was obliged to withhold clearance of any ship bound for the islands until he had satisfied himself that all labourers on board were under written contract. The right of access by magistrates to all premises or business papers in the islands (which does not seem ever to have been denied) and their power to check weights and measures (which in practice they had regularly exercised) were formally confirmed. The Governor was authorized to direct the inspection of any island by a properly qualified doctor.¹ In return for those services, the owners of the islands were required to contribute 18,000 rupees annually, in two instalments, the amounts payable by each being propor-

¹ Action on this provision was not unduly delayed. A medical mission went to the Salomon Islands, Eagle Island, and the Egmout Atoll in 1906; another went to Diego Garcia and Peros Banhos in 1908. They found health conditions reasonably satisfactory—the death rate still low—although both the management and the labourers had scant regard for the most elementary sanitary precautions in respect of latrines and water supplies. The housing was generally good and attention was paid to ensuring an adequate diet for the labourers. Dr. Powell (1908) was strongly in favour of requiring islanders to drink their wine at the counter, cf. Berkeley and Caldwell on rum. He blamed the quality of the wine available for much disease and crime: 'only coarse wine is given, and then comes the rub, a fight and the knife.'

tionate to the number of labourers employed by him. In addition, the owners were obliged to provide magistrates and doctors with free passages and subsistence on board ship and in the islands. The very limited, quasi-magisterial functions of the *administrateurs* were slightly extended. 'In order to secure order and the proper and peaceful behaviour of the labourers in camps', the *administrateur* might impose a sentence of imprisonment for not more than six days for insolence and insubordination. He could detain disturbers of the peace, or those whose conduct was likely to lead to that, until the danger of disturbance was over. He could hear cases of praedial larceny and impose fines not exceeding ten rupees. Particulars of all cases tried must be entered in a register, which must be submitted to the magistrate on his next visit. The magistrate's specific approval of sentences of imprisonment was required and he retained the power to award compensation in cases of unjustified imprisonment. He might approve or remit fines.

Provisions governing conditions of employment in the Lesser Dependencies were tightened. Wages must be paid regularly every month. Standard rations must be delivered weekly. Under penalty of a fine of 1,000 rupees, the proprietors must always maintain a sufficient supply of the basic foodstuffs to meet all contingencies, but this sweeping obligation was translated into the maintenance of a reserve equivalent to normal requirements for four months. The dimensions of the dwellings to be provided for labourers with or without families were redrawn; and the duty of ensuring that all villages were kept clean and in good order was firmly pinned on the *administrateurs*. They were also explicitly made responsible for the running of the hospitals and were obliged to employ properly qualified attendants for the day-to-day task. By regulations made under the ordinance in 1905, proprietors were obliged to keep at least one shop in each of the islands scheduled as Lesser Dependencies, although, where groups of islands were concerned, this requirement was met if there were a shop on the island containing the 'main establishment'. Price lists, showing every article on sale, must be displayed prominently in every shop and it was illegal to make a sale otherwise than in accordance with those lists. No price could be higher than twenty-five per cent above the corresponding retail price in Mauritius. No credit sales were permitted. On the other side of

the picture, the killing or capture of edible or hawkbill turtles, except with the general or specific consent of the *administrateur*, was declared to be illegal. Any turtle which might be taken, either on the beach or in the sea, became the property of the proprietors on payment to the labourer concerned of sums of money set out in a tariff based on the sex and species of each turtle.

Since the passing of Ordinance No. 4 of 1904, there have been no changes of substance in the arrangements for the administration of the Lesser Dependencies. The Courts Ordinance of 1945 empowered the Governor to appoint magistrates for Mauritius and the Dependencies, and to assign the Lesser Dependencies to any such magistrate. His jurisdiction, on assignment, is that of a District Magistrate in Mauritius, but he is also required to perform administrative or other duties in the islands according to directions from the Governor. The practical effect of these new provisions was to introduce greater flexibility into the pre-existing system of administration of the islands and to regularize by law the long-standing arrangement under which visiting magistrates had been charged with a variety of general administrative tasks during their periodic tours. It is possible to select a magistrate *ad hoc* for each tour of the islands and thus to make available particular talents and a range of experience which may not be possessed by any one magistrate. The foundations on which the administration of the islands rest are, however, still those which were evolved during the nineteenth century. Each island community is primarily dependent for its welfare on the company to which the right of developing the natural resources belongs. The executive officers of all grades are employees of the company, selected by it for their commercial ability without consultation with the Government of Mauritius. Those in charge of each island or group of islands are invested by the Government with a limited authority—the functions, very much watered down, of a justice of the peace. The former buttresses of island society, the authority of the older people, and the discipline of family ties, have been progressively weakened by the importation of large numbers of temporary labourers, mostly single men from the Seychelles. Yet the island societies continue to hold together, happily without police forces and without any great or frequent recourse to coercive action. The magistrates continue to visit the islands on their regular tours of inspection, as they did in

the nineteenth century, dealing with relatively uncomplicated wrong-doing, redressing not very grievous wrongs; and inspecting water supplies, sanitary systems, and agricultural methods; sometimes throwing out new ideas for the organization of housing or pressing the managements to introduce further amenities. Technical officers—a handful—are posted to St. Brandon, Diego Garcia, and Agalega by the Government of Mauritius and school-teachers, midwives, and dispensers are made available for all the main islands. Especially during the past two decades, officers other than magistrates have joined in the touring of the Lesser Dependencies—doctors, sanitary inspectors, agricultural experts, police officers, and labour officers. They can all add their quota to the advancement of the islands, but they are only making their individual contributions to a basic structure which acquired its special characteristics without their help and still retains them. The general well-being of the communities derives from their own sense of order and capacity to produce and from the ability of their managements to keep them welded together. It is a system peculiar to the Lesser Dependencies and it may fairly be described as indigenous and spontaneous in its emergence, however shaky its early stages may have been. It would probably be completely unsuited to any other part of the world; and it is equally improbable that a system better fitted to the whole character of the Lesser Dependencies could replace it there.

Annex 21

Official Records of United Nations General Assembly, Sixteenth Session, 1085th Plenary Meeting, 20
December 1961, 10 a.m., UN Doc. A/PV.1085

United Nations
**GENERAL
ASSEMBLY**

SIXTEENTH SESSION

Official Records



**1085th
PLENARY MEETING**

Wednesday, 20 December 1961,
at 10 a.m.

NEW YORK

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President: Mr. Mongi SLIM (Tunisia).

AGENDA ITEM 21

**Report of the Committee on the Peaceful uses of
Outer Space**

**REPORTS OF THE FIRST COMMITTEE (A/5026)
AND OF THE FIFTH COMMITTEE (A/5051)**

Mr. Enckell (Finland), Rapporteur of the First Committee, presented the report of that Committee, and then spoke as follows.

1. Mr. ENCKELL (Finland), Rapporteur of the First Committee: The draft resolutions, which are contained in the report of the First Committee on this item [A/5026, para. 9] and which cover wide aspects of international co-operation in the field of the peaceful uses of outer space, were approved unanimously by the Committee for recommendation to the General Assembly, after they had been brought, by a series of modification, to reflect the consensus of the Powers mainly interested in outer space. This draft resolution represents a major step forward and provides the essential basis for progress in international co-operation in this field. It defines a number of important aspects of this matter and widens the membership of the United Nations Committee on the Peaceful Uses of Outer Space.

2. I have the honour to recommend to the General Assembly the adoption of the draft resolutions contained in the report.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the First Committee.

3. The PRESIDENT (translated from French): I would remind the members of this Assembly that they have before them a report of the Fifth Committee [A/5051] on the financial implications of the draft

resolution recommended by the First Committee [A/5026].

4. I invite the Assembly to vote on the draft resolution which the First Committee recommends to us for adoption and which appears in its report [A/5026].

5. This draft resolution was adopted unanimously in the First Committee. If I hear no objection, I shall take it that the General Assembly also adopts it unanimously.

The draft resolution was adopted unanimously.

AGENDA ITEM 19

Question of disarmament (concluded)*

**REPORT OF THE FIRST COMMITTEE (PART III)
[A/4980/ADD.2]**

Mr. Enckell (Finland), Rapporteur of the First Committee, presented the report of that Committee, and then spoke as follows:

6. Mr. ENCKELL (Finland), Rapporteur of the First Committee: The Committee had decided to defer the conclusion of its consideration of this in order to allow the draft resolution contained in the present report [A/4980/Add.2, para. 6] to be jointly introduced as agreed upon by the two Powers principally concerned with disarmament. The draft resolution, as submitted on 13 December, received unanimous approval in the Committee, which decided to agree to adopt the draft resolution by acclamation. The consensus was that it represented a major step forward in the field of disarmament negotiations by setting down a number of basic principles for such negotiation and by establishing a new eighteen-member body for disarmament talks.

7. I have the honour to recommend to the General Assembly the adoption of the draft resolution contained in the report.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the First Committee.

8. The PRESIDENT (translated from French): I invite the Assembly to vote on the draft resolution which the First Committee recommends to us for adoption and which appears in its report [A/4980/Add.2].

9. The First Committee approved this draft resolution unanimously and by acclamation. If I hear no objection, I shall take it that the General Assembly adopts it unanimously.

The draft resolution was adopted unanimously.

10. The PRESIDENT (translated from French): The representatives who wished to speak in explanation

*Resumed from the 1070th meeting.

of their votes on agenda item 80 (Question of Algeria) are not yet present in the Assembly hall. I suggest that we resume our discussion of item 83 (Question of Tibet), after which we shall take up item 80.

It was so decided.

AGENDA ITEM 83

Question of Tibet (concluded)*

11. The PRESIDENT (translated from French): The General Assembly now resumes the general debate on this item. We shall hear those speakers who placed their names on the list at the last meeting and who have not yet had an opportunity to speak. I call upon the representative of the Soviet Union.

12. Mr. ROSHCHIN (Union of Soviet Socialist Republics) (translated from Russian): As the representative of the Soviet Union, who was to speak on this question, has not arrived yet, I would ask you to postpone the discussion of the question to a later stage of this meeting of the General Assembly.

13. The PRESIDENT (translated from French): To avoid any loss of time, I shall give the floor, pending the arrival of the representative of the Soviet Union, to the other speakers on the list who are prepared to speak. I call upon the representative of New Zealand.

14. Mr. CORNER (New Zealand): In order to shorten the time of this debate by reducing the number of speakers, I have been asked to associate Australia with New Zealand in the remarks which I am now going to make.

15. More than two years have now passed since a mass insurrection of the Tibetan people was crushed by Chinese communist armies. The Tibetan Government, together with large numbers of its citizens drawn from all ranks and ages, was forced to abandon its capital and flee into exile. The appeals of this Government, reinforced by the authoritative findings of the International Commission of Jurists, gave undeniable proof that human rights in Tibet were being systematically violated.

16. In recognition of this, the General Assembly at its fourteenth session reaffirmed the autonomy traditionally enjoyed by the Tibetan people and called for the protection of their fundamental human rights [resolution 1353 (XIV)]. This declaration however, was defied. The Assembly's call was not heeded then, nor, to judge from recent reports of refugees, is it being heeded now.

17. It may thus be argued, as it also was in 1959, that to consider the question of Tibet is pointless, that nothing the General Assembly can say or do will have the least effect in alleviating the persecution of the Tibetan people. This is not the view of New Zealand. As my Prime Minister stated last month, it is a matter of profound regret to my Government that the Chinese authorities should have failed to heed the Assembly's appeal in 1959, but I am strongly of the view that the United Nations should not, on this account, allow its attention to be diverted from the tragic plight of the Tibetan people. It is true, as has been suggested, that it is not in the Assembly's power to impose a solution which will safeguard Tibetan rights and liberties. We may also doubt whether the Chinese communist authorities will respond to a new

appeal from world opinion any more than they did to the last one. This, however, is not a justification for silence. A violation of human rights on the scale which has occurred, and is still occurring, cannot be ignored by the United Nations without diminishing its own stature and prestige. The issue with which we are concerned is not a dispute between States, nor an ideological bickering between blocs. It transcends political problems to become a human one, an affront to man's essential dignity, expressed in his right to lead his life according to his own convictions. For this reason we feel that no doubts can be entertained about the Assembly's competence, and indeed duty, to keep the matter within its purview.

18. It seems hardly relevant to analyse the legal status of Tibet, to which even its conquerors paid lip service. We all know, as a matter of historical record, that it possessed and exercised through treaties and other agreements most of the attributes of sovereignty. But that is not the real issue. Human rights, religious and cultural freedom are surely to be protected without regard to the legal status of a people. No one would argue that colonial or non-self-governing peoples are beyond reach of the Assembly's vigilant concern for human rights. Indeed, the weak and the unprotected are precisely those who most need it. It has been our view for many years that when human rights are violated on so flagrant, fundamental and systematic a scale the Assembly has a positive obligation to involve itself in the problem. This applies to events in Tibet as it does to those in Africa, Hungary or anywhere else.

19. Nor can it be justly argued that because the Chinese People's Republic is not a member of this Organization it cannot be expected to heed any appeal from the General Assembly. It would be strange if non-membership of this Organization permitted any State to flout the accepted rules of international behaviour, to smash with a mailed fist through the thin crust of moral decency which generations of human minds have laboured to create, and international law to safeguard. At any rate, the Chinese communist authorities have themselves accepted the authority of the international community.

20. At the Bandung Conference in 1955 ^{1/} they gave their full support to a declaration which reaffirmed the fundamental principles of human rights, as set forth in the Charter and the Universal Declaration of Human Rights. They also affirmed, only a year before the Tibetan uprising began, that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and co-operation. In defiance of the very principles which they then affirmed, the Chinese communist authorities are now pursuing a policy of force and intimidation, the victims of which are a small nation whose citizens stand to lose not only their individual liberties but also their very existence as an ancient and distinctive people. The evidence of the tens of thousands of refugees who have fled from Tibet is that their native political, social and even religious institutions are being methodically eradicated, and there is no sign of any intention short of the complete extinction of the Tibetan personality. No justification for these harsh and coercive measures can be advanced by anyone who sincerely believes in the

*Resumed from the 1084th meeting.

^{1/} Asian-African Conference, Bandung, 1955.

self-determination of peoples. Though it seemed to outsiders a strange and long-sequestered theocracy, Tibetan society was a contented one which jealously preserved its customs. There was no case of a popular uprising in Tibet before that which lasted from 1956 to 1959. Can anyone deny that it sprang from an unwarranted and tyrannous interference with their traditional ways?

21. The resistance of the Tibetan people broke into open warfare, but though this has been put down there is no evidence of opposition being diminished or human liberties restored. If the flow of refugees has this year lessened somewhat it is a fact which the East Berlin wall has taught us to attribute to improved methods of frontier control rather than to a change of heart among the people. In such circumstances, and these facts are well attested, the General Assembly cannot fail to reaffirm with the strongest emphasis its adherence to the principles set out in the Universal Declaration of Human Rights. This may not move the heart, or change the behaviour, of the Chinese authorities, although we still pray sincerely that it will, but even without such immediate or dramatic results it will serve to indicate the human concern and moral authority of the nations assembled here. It will proclaim the high standards set by this Organization and give some small recognition and encouragement to the Tibetan people.

22. Faced with a problem such as this, it is better to state the issues firmly than to stand in helpless silence. If we can do no more we must do no less.

23. Mr. CERNIK (Czechoslovakia): We are witnessing once again an attempt to impose upon us, at least at the conclusion of the sixteenth session of the General Assembly, the debate on the non-existent question of Tibet. The Czechoslovak delegation most resolutely protests such a procedure, aimed as it is at the poisoning of the atmosphere at this session, at the aggravation of the international situation, and at the intensification of the cold war.

24. The inclusion in the agenda of, and the debate on, this non-existent question in the forum of the United Nations is detrimental to the prestige of our Organization and represents an inadmissible and flagrant violation of the Charter of the United Nations and of the sovereign rights of a State Member of the United Nations. Consequently, the adoption of resolution 1353 (XIV) at the fourteenth session of the General Assembly was illegitimate and invalid.

25. It is very deplorable that two Asian countries should have resorted to the requirement of including the so-called question of Tibet in the agenda. They should not forget that by so doing they contributed neither to world peace nor to their own interests. They assumed only the ignominious role of assistants to the aggressive imperialist forces which organize provocations against the socialist countries and other peaceful forces all over the world.

26. It is a well-known fact that since time immemorial Tibet has been an inseparable part of China. We understand that some people dislike the fact that the Chinese people liberated themselves from colonial and imperialist supremacy and that the imperialists in China and subsequently in the Tibetan region were driven from their positions and expelled by the people. That is a historic fact which can be changed by no one, particularly by the forces which tried to do so in Tibet in 1959. As is well known, an anti-

government rebellion of the reactionary feudal and slavers' clique was inspired with the direct assistance of the foreign imperialist forces. The objective of this conspiracy was to cause Tibet to secede from the People's Republic of China and to change it into a base for the imperialists' aggressive policy against the People's Republic of China. The rebellion of the reactionary clique was very quickly and resolutely liquidated. No one could expect the people of Tibet to support a group of feudalists and slavers who for centuries had held it in unimaginable subjugation and oppression. In Tibet a road was opened toward the liquidation of the medieval conditions which for centuries had prevailed there under the rule of the reactionary circles which today are described by some delegations as the representatives of the Tibetan people.

27. The fiasco of the rebellion, together with the fact that the Government of the People's Republic of China was uncompromisingly supported by the overwhelming majority of the Tibetan population, caused fury and disappointment among the foreign advocates and allies of the Tibetan feudalists. The forces of international reaction, headed by the United States, which were raging over the failure of their plans to weaken China and which were deprived of the possibility of re-occupying a part of China's territories for use in their aggressive acts against the People's Republic of China unleashed a frantic campaign of slanders and provocations against the Chinese Government. They brought forward hypocritical fabrications on the so-called suppression of human rights and the violation of the traditional forms of life of the Tibetan people, and they demanded that the United Nations help restore those so-called traditional forms in Tibet. That is a very dangerous road on which the imperialists and their allies try to manoeuvre the United Nations. The General Assembly and the States Members of the United Nations should most resolutely denounce these dangerous attempts which are detrimental to the United Nations and which cause a decline of its prestige.

28. In the slanderous campaign against the Government of the People's Republic of China there participates also a so-called investigating committee of international jurists. The participation of this committee was, as is well known, instigated by influential reactionary circles in the United States concerning which the representative of the United States, as he demonstrated by his statement yesterday, seemed to be so well informed. This is not the first time that the enemies of socialism have tried to impress world public opinion by introducing reports of various groups of scientists who unfortunately are not serving the cause of progress but rather the interest of world reaction. In the statement of the representative of the United States [1084th meeting], in which he praised the report of the so-called International Commission of Jurists, he openly reflected the hatred of these enemies of socialism not only in the United States but all over the world. All those who hypocritically shed tears over the alleged suppression of human rights and the violation of traditional forms of life of the Tibetan people, and who demand that the religious and civic freedoms be restored, are attempting, in fact, to bring about a return of the feudalists and slavers who for centuries kept the people of Tibet in subjugation and poverty.

29. The campaign launched by the reactionary circles headed by the United States against the People's Re-

public of China cannot halt the democratic process which began in Tibet after the liquidation of the rebellion in 1959. Since that time the people of Tibet have made enormous progress, progress which would have been unthinkable during the rule of the feudalists. The feudal serf system has been eradicated in more than 90 per cent of the territory of Tibet and the land has been given to those who till it. Democratic freedoms and rights of the population have been restored all over Tibet. Now for the first time religious freedom is fully ensured and religious life is developing in conditions far more favourable than ever in the past. The feudal régime of exploitation and oppression has been eradicated in the monasteries, which now can serve only and solely for religious purposes. The well-known Potala Palace in Lhasa which, according to articles written by Western journalists, had been burnt, dominates the panorama of Lhasa. Only beggars, slaves and conceited feudalists have disappeared.

30 The economy of Tibet has been developed in all fields. In the country where there was practically no industrial production, today small industrial enterprises have appeared which provide the Tibetan farmers with equipment. The local people's authorities have furnished the farmers with over a million pieces of agricultural equipment and machinery.

31. In the field of culture there has occurred a significant and important development. The main emphasis has been laid upon the liquidation of illiteracy and the development of education. For example, in Lhasa, the capital, out of every ten persons, approximately nine were illiterate. Today there are new schools and centres in which thousands of young and old Tibetans are learning to read and write.

32. One hundred and twenty new hospitals and medical centres of various types, which had not existed at all in Tibet under the feudal rulers, have been built. Only since the liberation has the development of medical care been possible.

33. People in Tibet who only a few years ago served as slaves in palaces and monasteries, are today members of local governing bodies and share in the administration of the country.

34. Today, the Tibetan people do not need advocates. Today, when the country is moving upon the road of free development, hypocritical interest in Tibet on the part of imperialist circles does not represent anything other than a flagrant interference in the internal affairs of the People's Republic of China.

35. This course of action represents an attempt to defame the People's Republic of China before public opinion, to disrupt the solidarity of the Asian countries and to undermine the friendly co-operation of the People's Republic of China with other Asian countries, which has been successfully developed in spite of all the hostile intrigues of the imperialists.

36. The so-called question of Tibet which was enforced in the agenda of the General Assembly is a fabricated imperialist provocation which does not belong to the United Nations at all. The objectives of this provocative question are quite evident. It is ignoble for our Organization to consider this slander. The Czechoslovak delegation most resolutely opposes this interference in the internal affairs of the People's Republic of China. At the same time, it rejects the attempts to misuse the United Nations for aims which are contrary to the Charter of the United Nations.

For this reason the Czechoslovak delegation rejects the draft resolution which is before the Assembly [A/L.376] and will vote against it.

37. Mr. KASEMSRI (Thailand): It is with a profound sense of moral duty that my delegation has had the honour, in conjunction with the Federation of Malaya, to request [A/4848] the inclusion of the question of Tibet in the agenda of the sixteenth session of the General Assembly. It is with a clear conscience that the Thai delegation welcomes the approval by the General Assembly, of the General Committee's recommendation that the Tibetan question be put once more on the agenda of the current session and discussed directly in plenary meeting. This significant decision, which was supported by forty-eight countries and opposed by only fourteen votes, portends a sympathetic support which the bulk of the Members of this Organization are prepared to give to this humanitarian aspect of the issues involving the very existence of the innocent people of Tibet.

38. In support of the draft resolution which my delegation is co-sponsoring with the delegations of El Salvador, the Federation of Malaya and the Republic of Ireland [A/L.376], I wish to recall certain facts and basic principles. It may be recalled that at the fourteenth session, after long discussion, the General Assembly adopted resolution 1353 (XIV) calling for respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life. It is a matter of regret that despite the solemn appeal contained in that resolution, the fundamental human rights of the Tibetan people continue to be systematically disregarded and flagrantly violated, and that the situation in Tibet today remains a source of common concern.

39. Since the resolution was adopted there has been no sign of improvement in respect for the human rights and fundamental freedoms embodied in the Charter of the United Nations and in the Universal Declaration of Human Rights. On the contrary, the cultural and religious life of the Tibetan people continues to be destroyed. Reports coming out of Tibet confirm the fact that in Tibet the fighting is still going on today, that thousands of Tibetans are dying as a result of forced labour under inhuman conditions on roads, airfields and military barracks, and that the imposed régime has paid no heed to the appeal of the United Nations.

40. What is perhaps most alarming and should be emphasized here is the attempt on the part of the current régime in Tibet to put an end once and for all to the ancient religious practices and institutions of Tibet and to allow only an invisible degree of freedom of religious belief which would be compatible with the Chinese version of socialism. The collision between Buddhism and dialectic materialism on ideological grounds alone is apparently enough. The statements by Tibetan refugees themselves revealed the extent of that collision and the method used by the ruling Power to achieve what has been termed "socialist transformation".

41. There has been clear evidence of a systematic design to destroy religious belief in Tibet. A variety of methods have been used, varying from propaganda to arrests and forced labour, and the result has been the large-scale elimination of religious life and worship in Tibet. In particular, monasteries and their inhabitants have been secularized. The landed pro-

perty of monasteries have necessarily suffered from socialist transformation.

42. Among the statements submitted to the Legal Inquiry Committee on Tibet, a large number recount acts and statements by the ruling Power which indicated a general design to destroy religious belief in Tibet. Some vividly recalled the stripping of religious images and various other acts of sacrileges in the monasteries, while others give an account of how Buddhist temples have been converted into barracks and armories. Lamas and monks have been persuaded and compelled to marry, and in many cases forced to leave monasteries and to engage in manual work. The monasteries as centres of devotion and worship have been closed.

43. The evidence produced in the report submitted by the Legal Inquiry Committee on Tibet to the International Commission of Jurists ^{2/} leaves no room for doubt as to the ultimate aim of the activities in ransacking the monasteries. Calling upon lamas to perform superhuman feats or otherwise exposing them to ridicule was an important part of the plan to break their religious life. They have also been compelled to perform acts contrary to their religion and to the dictates of their conscience.

44. It may also be mentioned that the type of work in which leading religious figures were engaged was of the most menial and in the circumstances of the most humiliating character. In the light of these facts the proper inference is that the imposition of forced labour and forced marriages was for the purpose of breaking the religious faith of those in religious orders and of those accustomed to look to them as exalted examples.

45. In this connexion, I wish to quote from the preliminary report entitled "The Question of Tibet and the Rule of Law", prepared and published by the International Commission of Jurists:

"On the basis of the available evidence it would seem difficult to recall a case in which ruthless suppression of man's essential dignity has been more systematically and efficiently carried out. Whether one hangs these particular facts on to particular legal pegs does not matter. The pegs of the Universal Declaration of Human Rights, whatever its exact legal scope, express a basic common understanding of civilized behaviour. There is evidence that the canons of that civilized behaviour have been systematically violated."^{3/}

The important point to be emphasized here is that this bleak picture of human suffering has not changed and the repression continues unabated.

46. Besides flagrant violations of human rights, there is also evidence that the ruling power in Tibet has committed or at least has attempted to commit genocide which is the gravest crime known to the laws of nations. There has been widespread killing of Buddhist monks and lamas and, on an even wider scale, wanton killing of innocent people in Tibet, including indiscriminate air attacks and deliberate shootings of Tibetans who were in no way engaged in hostilities. There is also evidence of forcible mass deportation of Tibetan children to China for denation-

^{2/} International Commission of Jurists, *Tibet and the Chinese People's Republic—a Report to the International Commission of Jurists by its Legal Inquiry Committee on Tibet* (Geneva, 1960).

^{3/} *Ibid.*, *The Question of Tibet and the Rule of Law* (Geneva, 1959), p. 59.

alization and in order to indoctrinate them to revolt against their own culture, traditions and religion, which is directly contrary to the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

47. This problem is a matter of deep concern to all of us here in this Organization, and the responsibility rests with us to cope with this serious problem. I wish to refer to the exact words of the International Commission of Jurists in this matter:

"The Commission therefore earnestly hopes that this matter" the problem of genocide in Tibet "will be taken up by the United Nations. For what at the moment appears to be attempted genocide may become the full act of genocide unless prompt and adequate action is taken. The life of Tibet and the lives of the Tibetans may be at stake, and somewhere there must be sufficient moral strength left in the world to seek the truth through the world's highest international organ."^{4/}

48. These violations of human rights are matters of daily occurrence in Tibet. Tibetan refugees, in increasing number, continue to leave their homesteads and wander in search of shelter in neighbouring countries. The figure has now reached a total of 75,000. I am convinced that the representatives who are assembled here today share the view that the Tibetan question is by no means an artificial issue. We are merely concerned with the fact that the unfortunate people of Tibet are still being suppressed on a mass scale. In good conscience, how can we possibly close our eyes to the plight and suffering of the Tibetan people and remain indifferent to the flagrant violations of their traditional liberties and creed? Violations of fundamental human rights, wherever they are committed, is a matter which cannot and should not escape the attention of the world.

49. The tragedy that is continuing in Tibet affects the basic principles of the Charter of the United Nations and therefore must be of particular concern to all freedom-loving nations. It is the conviction of my delegation that the General Assembly has not only the power conferred upon it by the Charter but also the obligation and the duty to address itself once again to this question.

50. There has been much stress in the Assembly on the right of all peoples to self-determination. At this session the Assembly has adopted resolution 1654 (XVI), which my delegation has the honour to co-sponsor, a resolution which calls for the immediate implementation of the Declaration to end all forms of colonialism and its manifestations and to grant independence to all subjugated countries and peoples. My delegation therefore ventures to hope, and even to expect, that the four-Power draft resolution on the question of Tibet, which is now before us, will receive the Assembly's approval, and that no State will allow itself to act in this particular instance against its own conviction, or even in disregard of its own conscience, by opposing the present draft resolution. To do so, would be tantamount to denying to the Tibetan people the very right that has been advocated for all. To do so, would be to destroy what little hope and faith the Tibetan people might still have for the protection of their fundamental human rights, of their distinctive cultural and religious life, and for the restoration of the autonomy which they have traditionally enjoyed.

^{4/} *Ibid.*, p. 71.

51. Once again, may I address an appeal to all representatives, for the sake of humanity, which we all cherish, to vote for the draft resolution now before us [A/L.376].

52. Mr. LAPIN (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation has firmly objected and continues to object, to the United Nations discussing the so-called question of Tibet. In fact, there is no such question: it is a problem artificially created and raised by the ruling circles of certain countries which are interested in maintaining at all costs the cold war and tension in international relations.

53. The whole world is aware of the true nature of the events which took place in March 1959 in the Tibetan region of the People's Republic of China, and which are now being used as a pretext for discussion. A handful of feudal serf-owners incited by international reactionary elements, started an armed rebellion against the legitimate Government of China. The purpose of the rebellion was to maintain a reactionary régime in Tibet and with its help to create on the territory of Tibet a base for a struggle against the People's Republic of China.

54. The Anglo-American colonialists have long hankered after Tibet. There is incontrovertible evidence that the threads of the criminal conspiracy of the reactionary Tibetan ruling clique were manipulated precisely by them. As far back as 1949, certain circles in the United States promised the representatives of Tibetan reaction military aid for a struggle against the People's Republic of China.

55. We know that the Government of the United States has established a centre in the United States with the object of conducting subversive activity in Tibet against the Chinese people and Government. It has helped the Tibetan reactionaries by giving them arms and other assistance. To this end the United States has made use of Tibetan emigrés.

56. But the rebellion in Tibet did not, and could not, have any success; for the population did not support the reactionaries. The people rose in defence of the legitimate Government—the Government of the People's Republic of China. In the space of a few days the rebellion was completely crushed and the conspiracy failed. A new path was opened up for Tibet and its people.

57. The Government of the People's Republic of China embarked on sweeping democratic and social reforms for the benefit of the working people.

58. That is the gist of what happened in Tibet. Yet we are asked here to discuss the so-called "Question of Tibet"—that is to say, we are asked to do nothing more or less than intervene in the domestic affairs of the People's Republic of China, although we all know that the Charter of the United Nations definitely prohibits any such intervention. Tibet has been, and always will be, Chinese territory; this fact cannot be disputed by anyone. China is master in its own house and no one can interfere with its sovereign rights and actions.

59. But the fact is that the United States will not abandon its aggressive plans against the People's Republic of China. It is true that, during the election campaign and in their pre-election speeches representatives of the United States frequently talked of their intention to change the policy of their country

towards the People's Republic of China. However, the recent debate here on the question of the restoration of the legal rights of the People's Republic of China in the United Nations has revealed how great is the gulf between the statements of United States politicians and their actions.

60. The United States maintains its former imperialistic policy of supporting anti-popular reactionary régimes, and is still nurturing the hopes that the territory of Great China may be partitioned. That is why it is clinging tenaciously to the so-called "Question of Tibet" and trying to use the United Nations as an instrument of its bankrupt policy.

61. Representatives of the United States shedding crocodile tears here about the alleged violation of human rights in Tibet, the suppression of liberty, etc. But in actual fact it is the popular revolution in China and the democratic reforms introduced in Tibet which, for the first time in Tibetan history, has given the population human rights and freedoms.

62. One cannot but feel indignant at the fact that the role of the defenders of rights and freedoms is being assumed here by those very people who, everywhere where it is possible, support the oppressors of freedom and sponsor bloody dictatorships. These defenders of rights and freedoms recently expressed appreciation of the Spanish dictator, so provoking the indignation even of their own countrymen. The day before yesterday, in the Security Council, they supported the Portuguese dictator in his colonial claims to a part of Indian territory. They maintain and defend in the teeth of popular indignation, the reactionary Government of South Viet-Nam. These defenders of rights have for many years encouraged the dictator and executioner, Syngman Rhee, and they are now supporting the fascist military junta in South Korea.

63. With the help of bayonets these champions of freedom are maintaining in Taiwan Chang Kai-shek, that political corpse who has been rejected and expelled by the Chinese people. The American defenders of "rights and freedoms" prevented us at our session from adopting sanctions against the racialists of the Republic of South Africa. They have supported here the impudent claims of Dutch colonialists to West Irian. They have dispatched warships and marines to support the dictatorship in the Dominican Republic and are threatening revolutionary Cuba. And now here they are today appearing in the role of defenders of the reactionary Tibetan feudal lords.

64. Time marches on. The United States has a new Government. Its representatives make new speeches about peace and international co-operation, but the policy of the United States and its actions remain unchanged. However, we must say that there are fewer and fewer people prepared to support this "cold war" policy.

65. The representative of the United States referred here to the report on Tibet prepared by a group of jurists. But he did not tell us how much Mr. McCone's department paid the authors for their slanders against the People's Republic of China.

66. Quite recently, the United States Press reported that the Central Intelligence Agency of the United States pays out hundreds of millions of dollars for sabotage and propaganda activities and for the production of documents, similar to those which have been cited here by the United States representative.

67. The Press reported that Mr. McCone himself, the new head of the United States Central Intelligence Agency, was astonished when he discovered that the Agency had, for example, financed almost all the main international conferences of right-wing socialists which have been held on the continent during the past ten years.

68. Why talk about a few legal experts and their conclusions which have been quoted here? The cost of this document—if it can be so called—was, probably not very high. I would also like to say a few words about another champion of the United States "cold war" policy against China.

69. This is the third year in succession that the representative of Malaya has spoken here as a kind of "expert" on the question of Tibet. In this sordid business he has assumed the role of State Department attorney. Yesterday he echoed the various fabrications of United States propaganda and its slanders against the People's Republic of China, which are collected and disseminated so zealously by the Central Intelligence Agency to which I referred.

70. On this occasion, the representative of Malaya even quoted his own last year's statements, which, incidentally, are based on the same sources. We can assume that the time is not far off when this gentleman will have reason to be ashamed of these quotations, if only he is capable of realizing what a sorry role he has been assigned to play here. Could not the servile talents of this gentleman have been put to better use?

71. In his zeal, this representative even went so far as to refer to the Declaration on the granting of independence to colonial countries and peoples [resolution 1514 (XV)]. One must, indeed, be devoid of all sense of proportion, of all common sense, to attempt to justify, with the help of the Declaration, the claims of the imperialists and the reactionary emigrés in their pay to territory which from time immemorial has been and will in future remain an integral part of China.

It is, in fact, the Declaration which condemns (I quote):

"Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country."

72. And who is it that the champions of the Tibetan problem are taking under their wing? It is criminal rebels who have taken up arms against their own people, against the legitimate Government of their country. Everyone knows that the overwhelming majority of the Tibetan population was living in serfdom and suffering intolerably severe oppression. All lands, forests and other property in Tibet belonged to the feudal serf-owners, who formed a tiny minority of the population, while ordinary people groaned in slavery.

73. The peasants had no political rights. They were the property of feudal lords. Tibetan peasants and cattle-breeders bore a heavy burden of taxes and dues, which were fixed arbitrarily by the feudal lords. What are the champions of the "Tibetan question" trying to achieve? A return to the old order? So this is the wish of the people who are so fond of talking about progress and democratic freedoms! The representative of the United States has tried to prove here that a feudal regime is the very one best suited

to the native customs of the Tibetan people. This is tantamount to arguing that discrimination against Negroes in the United States is best suited to the national temperament and customs of the Negro people. No, Ladies and Gentlemen, the feudal and slave-owning régime in Tibet has gone for good. It has been abolished once and for all. And no amount of intrigue, no slanders against the People's Republic of China are going to help you to resuscitate the past.

74. The dawn of a new life has risen over Tibet. In the interests of the working people of Tibet the Government of the People's Republic of China has embarked on a wide programme of social and democratic reforms. For the first time in Tibetan history, the peasants have become owners of their own land, have acquired the right to dispose of the fruits of their labour: they have won civil and political rights, which were beyond their dreams under the old régime. The Government of the People's Republic of China has abolished the peasants' long-standing debts. The Government is giving generous assistance to the Tibetan people in its economic and cultural development. Agricultural production is steadily rising, the acreage under crops is increasing, irrigation works are being constructed. The wooden plough is being increasingly replaced by modern agricultural implements. Industrial production is also expanding. The number of industrial undertakings is on the increase. It is very typical, for example, that the production of electrical energy in Tibet has risen 3.5 times in comparison with 1959.

75. Much has been achieved, with the help of the Government of the People's Republic of China in the training of native personnel. Thus, in April 1960, the Panchen Lama reported at the fourth session of the Preparatory Committee for the creation of the Tibetan Autonomous Region, only one year after the suppression of the rebellion, that more than four thousand Tibetans had been appointed to posts in local government offices and in various public organizations. After the rebellion was put down all the necessary conditions were created for the development of popular education, which had formerly been discouraged by the feudal lords. Schools were very scarce in old Tibet, but tens of thousands go to school in Tibet today.

76. Much attention is also being paid to improving medical services for the people. Whereas, before 1951, there was not a single doctor or a single medical institute in Tibet, there are now 150 medical institutes where Tibetans are given free medical treatment.

77. The fabrications about offences against the religious sentiments of the Tibetans must also be categorically rejected. This is a wicked slander and a provocation, inspired by certain circles in the United States. In Tibet, as in other regions in China, there is full freedom of religion in accordance with the Constitution. Moreover, the State authorities give material and other aid to Buddhist temples and to members of the clergy, and, in particular, encourage their Buddhist studies.

78. The ridiculous and slanderous attacks of some representatives against the People's Republic of China, could, of course, best be refuted by the representatives of the People's Republic of China itself. But they are still deprived of the possibility of taking part in the work of the United Nations, although the majority of African-Asian countries and all the

socialist and many European States are demanding restoration of the legitimate rights of the People's Republic of China in the United Nations and expulsion of the followers of Chiang Kai-shek.

79. It is highly significant that the small group of sponsors of the Malayan draft resolution [A/L.376] on the so-called "Question of Tibet" has itself stated that this resolution will carry no weight at all, that it has no meaning and no substance. It is quite obvious that this resolution has been submitted with one end in view: to give some support at least to the bankrupt policy of the United States, so that at the close of this business-like and productive session of the United Nations, the State Department may have at least some results to show for all its efforts here in the General Assembly. True, these are pitiful results, but the United States has not so far been able to achieve anything better and in these days it is trying here to squeeze out these pitiable results.

80. The delegation of the Soviet Union has from the very outset spoken out firmly against the far-fetched and still-born question of Tibet being dragged into the United Nations and it urges that an end be finally put to such interference in the domestic affairs of the People's Republic of China. We strongly protest against the attempts made to drag in here any resolution whatsoever on the so-called "Question of Tibet".

Mr. Ortiz Martín (Costa Rica), Vice-President, took the Chair.

81. Mr. BUDO (Albania) (translated from French): The General Assembly's consideration of the so-called question of Tibet, which is taking place at the very last stage of the first part of the sixteenth session, constitutes inadmissible interference by the United Nations in the internal affairs of the People's Republic of China, under pressure from the United States.

82. The delegation of the People's Republic of Albania protests vehemently against this calculated provocation of the People's Republic of China by the United States Government. My delegation considers that the General Assembly should devote itself to the very important problems relating to peace and international co-operation rather than waste its time debating issues which have been deliberately fabricated by the United States for purposes of the cold war and the further poisoning of the international atmosphere.

83. The consideration by the General Assembly of a question such as this, which is in fact a non-existent question, gravely impairs the authority of the United Nations. It has been well known since very ancient times that Tibet has always been an integral part of China. This is a recognized fact and one which the imperialists themselves cannot deny. We might mention that in 1903, Lord Hamilton, the United Kingdom Secretary of State for Indian Affairs, stated that Tibet must, as in the past, be regarded as a province of China. On 14 June 1904 the United Kingdom ambassador to Russia avowed that Tibet was a province of the Chinese empire. Recently, moreover, persons of importance in the United States have admitted that the United States never regarded Tibet as an independent State.

84. In so far as India is concerned, it should be recalled that after independence, that country issued many statements in which it recognized the sovereign rights of China over Tibet. It was, in fact, on the

basis of such mutual respect for territorial integrity and sovereignty that on 29 April 1954 an agreement was signed between the Republic of India and the People's Republic of China concerning trade and intercourse between the Tibet Region of China and India.^{5/} It was on that same occasion that the five principles of peaceful coexistence between the two countries were formulated.

85. Subsequent to the conclusion of that agreement, Prime Minister Nehru, speaking on the subject on 15 May 1954, criticized certain tendencies to disregard the sovereignty of the People's Republic of China over Tibet. He said in particular that for his part he did not know that there had been any State in the past few centuries which had failed to recognize the sovereign rights of China over Tibet.

86. The imperialist Powers are very much interested in Tibet, for they would like to transform it into a base for aggression. It was with this object that the United States and certain countries which support it developed plans to detach Tibet from the People's Republic of China. The hostile campaign of the United States against the People's Republic of China, which has been launched again at this session, is intended to detract from the ever-growing prestige and importance of the People's Republic of China in the international arena. All these ignominious attempts, however, are doomed to failure in the same way as the efforts of the imperialist Powers, headed by the United States, to detach Tibet from the People's Republic of China.

87. In the new historical context of today there has been repeated confirmation that Tibet is an integral part of the People's Republic of China. Moreover, the Constitution of the People's Republic of China sets forth the principles of that country's national policy and in particular the principles guaranteeing the regional autonomy of Tibet.

88. Consideration of the so-called question of Tibet at this session of the General Assembly is consequently a clear attempt to interfere in the internal affairs of the People's Republic of China and, hence, a violation of the principles of the United Nations Charter. All the slanders drawn from the arsenal of imperialist propaganda regarding the situation in Tibet have been fully refuted by the facts and shattered by the force of truth. Until recent times, the people of Tibet were condemned to lead a life of despair under inhuman and even barbaric social conditions. All the land—including the forests, the streams and lakes, the pastures and other resources—was concentrated in the hands of the laity and the monks. This group representing 5 per cent of the population, controlled everything in Tibet, while the overwhelming majority of the people led a life of slavery. The people were forced to obey the orders of their feudal lords and to work for them three-fourths of the year without recompense. The feudal lords had all legal powers. They could impose on the peasantry all kinds of penalties, from imprisonment to the most savage tortures, such as the amputation of arms and feet. This, then, was the famous traditional way of life which certain representatives have spoken of here and which certain Western Powers, led by the United States, would like at all costs to perpetuate in Tibet.

^{5/} United Nations, *Treaty Series*, vol. 299 (1958), No. 4307.

89. The hypocritical charges of certain reactionary circles that the People's Republic of China has impaired the religious and cultural autonomy of Tibet are likewise entirely groundless. These fabricated slanders in no way correspond to the true situation. It is an incontestable fact that the religious beliefs and the customs of the Tibetan people are respected by the authorities of the People's Republic of China, as is the case, indeed, in all socialist countries.

90. After the suppression of the armed rebellion in Tibet, which was designed to undermine the unity of the People's Republic of China, the Tibetan people demonstrated unprecedented ardour and enthusiasm. As a result, the people of Tibet, who had long been oppressed by the country's reactionaries, entered a new phase of their existence, a phase of rapid democratic and administrative reform offering them the possibility of emerging from their backward medieval state and of attaining an economic, political and cultural level equal to that achieved by the other peoples of the People's Republic of China. In consequence of the democratic reforms instituted by the People's Republic of China, the most important of which was land reform, the Tibetan people became the masters of their own destiny. The system of slavery and servitude was abolished for all time, and, as a consequence, there was a sharp rise in production. In 1960 the autonomous region of Tibet increased its output of cereals by 15 per cent in comparison with 1959, while in certain parts of Tibet production rose 50 per cent. The local authorities have reduced taxes and raised the buying price of wool and other agricultural commodities. The first industrial undertakings have already begun production. Many primary and secondary schools, as well as hospitals and health and veterinary centres, have been opened.

91. All the measures which I have just mentioned have given the people of Tibet the brightest prospects for a new and happy life. However, certain Western Powers which have tried unsuccessfully to detach Tibet by force from the People's Republic of China and which are disturbed by the successes of the Tibetan people are now attempting, from this rostrum, to distort reality and to slander the People's Republic of China. Yet all the hostile actions and all the slanders of these Western Powers against the People's Republic of China—including the obstructionist policy to keep the People's Republic of China from taking its place in the United Nations—and the slanders against Tibet, cannot stop the Chinese people from forging ahead in the socialist construction of their country. Indeed, the authority and importance of this people in the international arena will continue to grow.

92. The consideration by the General Assembly at this time of the so-called question of Tibet is a reflection of the aggressive policies being pursued by certain Western Powers against the People's Republic of China. The sponsors of the draft resolution [A/L.376]—including the United States, and more particularly those, who take cover behind them—are endeavouring to increase international tension, contaminate further the international atmosphere, foment hatred among peoples and divert the attention of the United Nations from the important international problems which await solution. The delegation of the People's Republic of Albania vigorously opposes the draft resolution [A/L.376], which constitutes a gross provocation and inadmissible interference in the

domestic affairs of the People's Republic of China, in violation of the Charter and to the grave detriment of the prestige of the United Nations.

Mr. Slim (Tunisia) resumed the Chair.

93. Mr. CROWE (United Kingdom): I am making this statement in explanation of vote.

94. My delegation feels the deepest indignation and distress at what has happened, and is still happening, in Tibet. We are happy that at least this brief opportunity is being afforded to us and to others who share our concern to express in the General Assembly our sympathy for the Tibetan people in their suffering.

95. Since this item was discussed at the fourteenth session of the General Assembly, my delegation has read the report on the subject by the International Commission of Jurists which, as I think will be recognized by the great majority of the delegations here, is an independent, non-governmental organization comprising judges, professors and lawyers from many countries. This report contains horrifying and irrefutable evidence that China's policy in Tibet amounts to the deliberate and continuing suppression of the religious and political liberties of the Tibetan people. This has resulted in human suffering on a vast scale. Those who have spoken before me in the general debate have given the Assembly a picture of the appalling suffering inflicted on the Tibetan people. I shall not, therefore, weary or sicken the Assembly with examples or quotations from the jurists' report, which is there for all to read.

96. I shall confine myself to saying that Chinese policy in Tibet represents a systematic and calculated policy of oppression, continued cynically and ruthlessly despite overwhelming condemnation by the United Nations. The report of the International Commission of Jurists shows, moreover, that the actions of the Chinese Government in Tibet constitute a deliberate attempt to suppress permanently the autonomy of Tibet.

97. Her Majesty's Government in the United Kingdom have in the past recognized Chinese suzerainty over Tibet only on the condition that Tibet retained its autonomy. We cannot agree that any such suzerainty entitles the Chinese Government to claim immunity from the condemnation of the world and to be able freely to impose on the Tibetan people in the spurious name of progress the terrible sufferings to which I have referred. We are convinced that these policies of the Chinese Government have indeed resulted in the conditions described in the preamble to the draft resolution which is before us, with the effects described therein. We deplore them because they heighten international tension, and we deplore them even more for their inhumanity. My delegation will, therefore, vote in favour of the draft resolution [A/L.376].

98. Mr. BERARD (France) (translated from French): I should like to say just a few words to explain my delegation's forthcoming vote.

99. The French delegation wishes to pay a tribute to the intentions which prompted the action of the delegations of El Salvador, the Federation of Malaya, Ireland and Thailand in submitting draft resolution A/L.376. These intentions were eloquently expressed by the sponsors and were supported by other speakers with equal conviction. My delegation lends all its sympathy and its moral support to this draft resolu-

tion. The sufferings endured by the Tibetan people have aroused strong feelings and shocked condemnation in my country. The abolition of fundamental human rights and the religious persecution of which Tibet has been the scene are censured by French public opinion, just as they are by the United Nations Charter. The right to freedom of thought, conscience and religion of which the unfortunate inhabitants of that country have been deprived has been solemnly recognized by our Assembly.

100. For reasons of principle which the French delegation has already had occasion to express at earlier sessions and to which it firmly adheres, my delegation cannot support this draft resolution. Some of the provisions of this draft are not soundly enough based on the Charter to dispel the doubts to which the proposals may give rise from the legal point of view.

101. Consequently, my delegation will be obliged, very regretfully, to abstain in the forthcoming vote.

102. The PRESIDENT (translated from French): I have come to the end of my list of speakers. I give the floor to the United States representative, who wishes to exercise his right of reply.

103. Mr. PLIMPTON (United States of America): The representative of the Soviet Union has seen fit to attempt to paint for the General Assembly a fictitious picture of the situation in Tibet. That fictitious picture is entirely at variance with the true picture disclosed in the reports of the International Commission of Jurists, to which I referred in my statement of last evening [1084th meeting]. In addition, the representative of the Soviet Union has seen fit to try to impugn—I might almost say insult—the integrity of that Commission and its Legal Inquiry Committee.

104. I should like, if I may, to read the General Assembly the names of the members of the Committee, whose integrity and impartiality the Soviet representative has chosen to impugn. I ask the forgiveness of the Assembly for any mispronunciation of which I may be guilty. These, if you please, are the members of the Legal Inquiry Committee to whom the Soviet delegate has referred and who are the authors of the report whose integrity he has impugned: Mr. P. Trikamdas, Senior Advocate of the Supreme Court of India; Mr. N. C. Chatterjee, Senior Advocate of the Supreme Court of India and a former judge of India; Mr. R. P. Mookherjee, Senior Advocate of the Supreme Court of India and a former judge of India; Mr. Bentsi-Enchill, a leading barrister of Ghana; Dr. A. A. Alafriz, of the Philippines, at one time a judge, and President of the Bar Association of the Republic of the Philippines; Mr. Ong Hick Lim, leading barrister-at-law of the Federation of Malaya; Mr. T. S. Fernando, a justice of the Supreme Court of Ceylon; Dr. Rolf Christoferson, Secretary-General of the Bar Association of Norway; Mr. Seni Pramoj, at one time Prime Minister of Thailand, and a leading advocate of that country; plus Lord Shawcross, former Attorney-General of Great Britain and Dr. E. Maung of Burma. Lord Shawcross resigned for personal reasons and Dr. Maung resigned from the Committee upon becoming a member of the Burmese Cabinet. These are the obviously impartial gentlemen of distinction and integrity whose good name has been impugned by a speaker from this platform.

105. I would further point out that each of these distinguished jurists served without compensation, and as a volunteer—because they were interested in

fair play and in the rule of law throughout the world. I leave it to the Members of the General Assembly to decide whether they should believe the unsupported picture painted by the representative of the Soviet Union, or should accept the report of this distinguished group of completely impartial, independent jurists of Asia, Africa and Scandinavia.

106. Some of the communist representatives have contended that the United Nations should keep quiet and do nothing about the ravages of Chinese communist imperialist colonialism in Tibet, on the ground that if the United Nations should rise in the defence of the human rights of the Tibetan people international tension would be increased or the cold war protracted.

107. The United States would like very much to see a relaxation of the international tension and cold-war chilliness caused by the communist mistreatment of the Tibetan people, and it would like to suggest to the Soviet Union that it exercise its influence—still, I trust, considerable—on the Chinese communist imperialists to get them to respect the human rights of the Tibetan people and to cease violating the principles of the United Nations Charter. Until the Soviet Union succeeds in such an effort, I suggest that the General Assembly adopt the draft resolution now before us.

108. The PRESIDENT (translated from French): I invite the Assembly to vote on the draft resolution submitted by El Salvador, the Federation of Malaya, Ireland and Thailand [A/L.376]. A roll-call vote has been requested.

A vote was taken by roll-call.

Ghana, having been drawn by lot by the President, was called upon to vote first.

In favour: Greece, Guatemala, Haiti, Iceland, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Laos, Liberia, Luxembourg, Madagascar, Mauritania, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Philippines, Senegal, Sierra Leone, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroun, Canada, Central African Republic, Chile, China, Colombia, Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, El Salvador, Federation of Malaya, Gabon.

Against: Hungary, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba.

Abstaining: Ghana, Guinea, India, Indonesia, Iraq, Lebanon, Libya, Mali, Morocco, Nepal, Nigeria, Pakistan, Saudi Arabia, Somalia, South Africa, Sudan, Syria, Togo, Tunisia, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Finland, France.

The draft resolution was adopted by 56 votes to 10, with 29 abstentions.

109. The PRESIDENT (translated from French): I give the floor to the representative of Poland for an explanation of vote.

110. Mr. MACHOWSKI (Poland): The Polish delegation voted against the resolution for the following reasons.

111. We find it deplorable indeed that the General Assembly, while having other and more important matters on its agenda, is forced to waste its time on the consideration of a matter placed on the agenda of the present session for the sole purpose of disturbing and poisoning the international atmosphere. An item of purely cold-war character, the issue has little, if any, backing in the United Nations. Characteristically, and even though the item had been inscribed on the agenda, the General Assembly did not consider it at its previous session. Also, it is but too well known that resolution 1353 (XIV) was adopted at the fourteenth session by a very small majority of votes compounded by the Western Powers.

112. Everything that pertains to the social structure and conditions of life of the population of Tibet is a strictly internal affair of the Chinese People's Republic. To consider the so-called question of Tibet here amounts to an attempt at interfering in the internal affairs of a sovereign State and as such is inadmissible from the point of view of international law and order.

113. For ages Tibet has been an integral part of China. No one has tried to question it so far. The political and social system of the Chinese People's Republic and the achievements of the people of Tibet, who decided in free and democratic elections to build a socialist system in their part of the country, may or may not be to the liking of certain Powers. But their likes and dislikes can in no way warrant any infringement upon the inviolable rights of nations. Non-interference in the internal affairs of States is the mainstay of peaceful coexistence. It is one of the basic principles of the United Nations Charter, explicitly laid down in Article 2, paragraph 7.

114. In the circumstances it might be helpful to find an answer to the question, whom and what is this debate supposed to serve? The Polish delegation wishes to state with all emphasis that the so-called Tibetan question has no legal or moral substantiation, and being exclusively a matter of cold-war propaganda, should not have been taken up in our debate in the Assembly. For this reason the Polish delegation voted against the resolution.

AGENDA ITEM 80

Question of Algeria

REPORT OF THE FIRST COMMITTEE (A/5070)

Mr. Enckell (Finland), Rapporteur of the First Committee, presented the report of that Committee.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the First Committee.

115. The PRESIDENT (translated from French): I give the floor to the representatives of Senegal, Ireland and Iceland for explanations of vote.

116. Mr. DIOP (Senegal) (translated from French): The negotiations at Evian and Lugrin had allowed us to hope that a final settlement of the Algerian question would be reached before the end of the first part of the sixteenth session of the United Nations General Assembly, but that unfortunately has not been the case. Nevertheless, the Evian and Lugrin talks have not been fruitless. They have made it possible to progress towards a solution of the problem; they have

made it possible to cross the bridge from the notion of French Algeria to that of Algerian Algeria.

117. Of course, it might be said that, in the distant past of the Crémieux decree and the Violette projects, certain Algerians thought that their problem could be solved by political assimilation and by acquiring the status of French citizens on an entirely separate basis. But from 1946, on the eve of French decolonization, Ferhat Abbas, a deputy of the Moslem college and an authentic representative of Moslem Algeria, was already calling, in the constituent national Assembly of the Fourth Republic, for an Algerian Republic. We can still hear him saying, in the lofty forum of the French National Assembly, that what he was asking of France was not secession, but something which conformed with France's historical tradition. Among other arguments, he supported his thesis by quoting the maxim of a deputy to the National Convention of 1792, who said that one of France's historic roles was to create republics throughout the world. This dictum still remains valid, for it should never be forgotten that, wherever France has sown its culture and civilization, the political ethics of 1789, consisting essentially in the rights of man and of the citizen and the sovereignty of the people, have imbued the minds and hearts of men, whatever the colour of their skin or the latitude of their country.

118. There is, however, no longer any need to expatiate on this phenomenon, for General de Gaulle, the President of the French Republic, and with him the majority of the French people, have recognized Algeria's right to self-determination and independence. On the other hand, there are still several obstacles to be overcome. First of all, on the Algerian side, there are the guarantees to be provided for self-determination. Then on the French side there are, first, the guarantees to be given to the minority of French or European origin living in Algeria, and secondly, the guarantees to be given to foreign capital invested in the exploitation of the oil of Algerian Sahara.

119. These obstacles can, however, be eliminated by negotiation. Senegal's consistent view on the settlement of international disputes has already been explained here by our Minister of Foreign Affairs. It may be described as dialogue and negotiation. We are convinced that dialogue and negotiation are always more effective than the language of weapons.

120. As we have already said here with regard to Bizerta, we are convinced that on a basis of self-determination and of national sovereignty for the entire territory of Algeria, including Algerian Sahara it will be possible as soon as the gunfire has ceased and hearts and minds have become calm, to find a just settlement which will finally put an end to this fratricidal war.

121. Mr. AIKEN (Ireland): Ever since Ireland became a Member of the United Nations in 1955, my delegation has steadily upheld, both here in the Assembly and in the First Committee, the right of the people of Algeria to self-determination and independence. Consistently with the attitude we have adopted in previous years, my delegation will vote in favour of the draft resolution now before the Assembly.

122. I feel bound to say, however, that the text recommended by the First Committee in its report

[A/5070] is by no means an adequate or even an accurate reflection of our point of view on the problem of Algeria as it stands at present. For some time now, those of us who are friends both of France and of Algeria have been watching with deep satisfaction the steady progress which is apparently being made towards a final settlement of the differences between the French and Algerian peoples.

123. For our part, we hope and believe that before many months a final solution of the Algerian problem will be reached and the relations between France and Algeria will be firmly established on a basis of sincere co-operation and friendship. To achieve that result, what is needed now is a spirit of mutual understanding, a readiness on the part of each side to take reasonable account of the viewpoint of the other and a willingness to make the mutual concessions which all international agreements must entail if they are to endure.

124. My delegation would have felt much happier if the draft resolution now before us, instead of simply endorsing one point of view, had breathed somewhat more of this spirit of mutual tolerance and understanding. The second paragraph of the preamble, for example, quotes General Assembly resolution 1514 (XV) of 14 December 1960 as requiring the ending of colonialism in Algeria and recognizing Algeria's right to independence. The draft resolution rather ungenerously, we think, makes no reference at all to General de Gaulle's speech of 16 September 1959, in which he specifically conceded Algeria's right to self-determination—a speech which we in the Irish delegation regard as a truly historic milestone in the history of Algerian freedom.

125. As all of us know, the most significant and encouraging development in connexion with the Algerian problem within the last twelve months was the establishment of direct contact between representatives of France and representatives of the FLN (Forces de la libération nationales). As all of us must recognize too, it is on the outcome of bilateral discussions between the representatives of France and of Algeria that the just satisfaction of Algerian national aspirations and the establishment of lasting peace and fruitful co-operation between the two peoples will finally depend.

126. My delegation regrets that this obvious fact is not recognized more specifically in the terms of the draft resolution now before us. Now that the parties seem to be already so close to agreement, our principle concern should be to emphasize our hope that agreement will soon be reached.

127. If this draft resolution is voted on paragraph by paragraph, my delegation will feel obliged to abstain in the vote on the sixth paragraph of the preamble. The Irish delegation earnestly hopes that the day is not far off when there will be not merely a provisional Government of the Algerian Republic, but a free Government of Algeria recognized *de jure* by all the other Governments of the world. When that day comes few nations will rejoice more sincerely than the nation which I represent. For the moment, however, the position is that, much as we sympathize with Algerian national aspirations, their desire for independence, my Government has not recognized any provisional Government of the Algerian Republic, and, that being so, I am unable to vote for a paragraph in the preamble which might be held to imply that we had done so.

128. While, as I said, my delegation—in keeping with its recognition of the right of the Algerian people to freedom and independence—will vote in favour of the draft resolution, it will do so with some misgivings for the reasons I have explained. No resolution of the Assembly can solve the problem of Algeria. The best way of solving it is by means of negotiations and agreement between the representatives of the French and the Algerian peoples. We are glad that these negotiations are underway. For our part, we would have been happier if the terms of the resolution before us gave clearer and more positive expression to that fact.

129. Mr. THORS (Iceland): Ever since the question of Algeria was first placed before the United Nations in 1955, the Icelandic delegation has constantly held the view that not only is the General Assembly entitled to discuss the situation in Algeria but that the United Nations has the duty to concern itself about conditions in Algeria and the future of its people. It should be remembered that in 1955 the views prevailing in the United Nations about the right to self-determination for dependent peoples, and in particular about the relationship between France and Algeria, were quite different from what they are today. The atmosphere in general was much less favourable for peoples seeking independence and freedom.

130. We consider that there can be no doubt that the debates in the United Nations in previous years and the interest shown for the people of Algeria by the United Nations has had a sound and awakening effect on all concerned and on all opinion in general. The concern of the United Nations and the views expressed in discussions during previous sessions have, to some degree, we venture to say, had a favourable influence on later progress and developments regarding the future of Algeria and its people.

131. The delegation of Iceland dearly cherishes the principle of self-determination of peoples and has always endeavoured in its speeches and by its votes here in the United Nations to enhance the universal application of that ideal. This spirit has guided our attitude by voting in favour of the draft resolution now before the General Assembly.

132. In this draft resolution we recall the United Nations resolution of 19 December 1960 by which the General Assembly recognized the right of the Algerian people to self-determination and independence, and also stress the unity and territorial integrity of Algeria. We furthermore express our deep concern about the continuance of the war in Algeria, and call upon the two parties to resume negotiations with a view to implementing the right of the Algerian people to self-determination and independence respecting the unity and territorial integrity of Algeria.

133. The Icelandic delegation is happy to vote for this draft resolution and desires to express its fervent hope that the negotiations may lead to peace and ensure the independence of Algeria and true and lasting friendship between Algeria and France.

134. The PRESIDENT (translated from French): I invite the Assembly to vote on the draft resolution which the First Committee recommends to us for adoption and which appears in its report [A/5070] on agenda item 80. A roll-call vote has been requested.

A vote was taken by roll-call.

Paraguay, having been drawn by lot by the President, was called upon to vote first.

In favour: Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Austria, Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Denmark, Ethiopia, Federation of Malaya, Finland, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan.

Against: None

Abstaining: Paraguay, Peru, Philippines, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Argentina, Australia, Belgium, Brazil, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Dahomey, Dominican Republic, Ecuador, El Salvador, Gabon, Greece, Guatemala, Haiti, Israel, Italy, Ivory Coast, Luxembourg, Madagascar, Mexico, Netherlands, New Zealand, Nicaragua, Panama.

The draft resolution was adopted by 62 votes to none, with 38 abstentions.

The meeting rose at 12.50 p.m.

Annex 22

United Nations Economic and Social Council, Commission on Human Rights, Eighteenth Session, “Use of the Terms ‘Declaration’ and ‘Recommendation’”, UN Doc. E/CN.4/L.610, 2 April 1962

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2 April 1962

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS
Eighteenth session

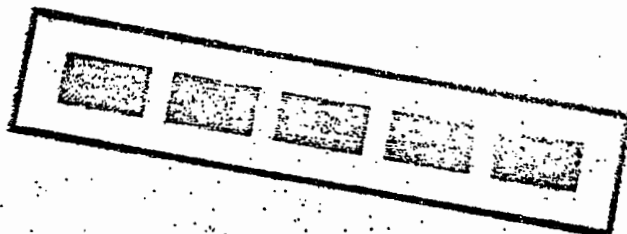
USE OF THE TERMS "DECLARATION" AND "RECOMMENDATION"

Memorandum by the Office of Legal Affairs

1. At the request of the Commission on Human Rights, the following comments on the use of the terms "declaration" and "recommendation" are submitted by the Office of Legal Affairs.
2. The Shorter Oxford English Dictionary defines a "declaration" inter alia as: "The action of setting forth or announcing openly, explicitly or formally: a proclamation as embodied in a document, instrument or public act." It defines a "recommendation" inter alia as: "The action of recommending a person or thing worthy and desirable; Exhortation, advice." These definitions may provide the departure point for indicating the differences between a "declaration" and "recommendation".
3. In United Nations practice, a "declaration" is a formal and solemn instrument, suitable for rare occasions when principles of great and lasting importance are being enunciated, such as the Declaration on Human Rights. A recommendation is less formal.
4. Apart from the distinction just indicated, there is probably no difference between a "recommendation" or a "declaration" in United Nations practice as far as strict legal principle is concerned. A "declaration" or a "recommendation" is adopted by resolution of a United Nations organ. As such it cannot be made binding upon Member States, in the sense that a treaty or convention is binding upon the parties to it, purely by the device of terming it a "declaration" rather than a "recommendation". However, in view of the greater solemnity and significance of a "declaration", it may be considered to impart, on behalf of

the organ adopting it, a strong expectation that Members of the international community will abide by it. Consequently, in so far as the expectation is gradually justified by State practice, a declaration may by custom become recognized as laying down rules binding upon States.

5. In conclusion, it may be said that in United Nations practice, a "declaration" is a solemn instrument resorted to only in very rare cases relating to matters of major and lasting importance where maximum compliance is expected.



Annex 23

Official Records of United Nations General Assembly, Seventeenth Session, 1194th Plenary Meeting, 14
December 1962, 8.30 p.m., UN Doc. A/PV.1194

United Nations GENERAL ASSEMBLY

SEVENTEENTH SESSION

Official Records



**1194th
PLENARY MEETING**

Friday, 14 December 1962,
at 8.30 p.m.

NEW YORK

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President: Mr. Muhammad ZAFRULLA KHAN
(Pakistan).

*In the absence of the President, Mr. Rifa'i (Jordan),
Vice-President, took the Chair.*

AGENDA ITEM 39

Permanent sovereignty over natural resources *(concluded)*
**REPORT OF THE SECOND COMMITTEE (A/5344/
ADD.1 AND ADD.1/CORR.1)**

1. The PRESIDENT: The Assembly will now go into the voting on the item under consideration. The voting will take place in the following order: first, a separate vote by roll-call on operative paragraph 5 of the draft resolution in the report of the Second Committee [A/5344/Add.1 and Add.1/Corr.1], as proposed by the United Kingdom; second, I shall then put to the Assembly the request of the representative of Burma for a separate vote on the first part of operative paragraph 9, which reads: "Foreign investment agreements freely entered into by or between sovereign States shall be observed in good faith"; third, and depending on the result of the preceding vote, I shall put that of

operative paragraph 9 to the vote and fourth and lastly, I shall put to the vote the draft resolution recommended by the Second Committee as a whole, as amended.

2. I now put to the vote operative paragraph 5. I wish to remind the Assembly that it decided this afternoon, under rule 87 of the rules of procedure, that this question, and therefore the related amendments, shall be decided by two-thirds of the Members present and voting. A roll-call vote has been requested.

Jamaica, having been drawn by lot by the President, was called upon to vote first.

In favour: Jordan, Lebanon, Libya, Mauritania, Mongolia, Morocco, Nigeria, Panama, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Syria, Tanganyika, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Algeria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Congo (Leopoldville), Cuba, Czechoslovakia, Guinea, Hungary, Indonesia, Iran, Iraq.

Against: Japan, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Peru, Philippines, South Africa, Spain, Sweden, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Federation of Malaya, France, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy.

Abstaining: Jamaica, Liberia, Madagascar, Niger, Rwanda, Thailand, Cameroon, Central African Republic, Chad, Cyprus, Ethiopia, Finland, Ghana, India, Ivory Coast.

Operative paragraph 5 was rejected by 41 votes to 38, with 15 abstentions.

3. The PRESIDENT: Is there any objection to the request for a separate vote on the first part of paragraph 9?

4. I call on the representative of Italy on a point of order.

5. Mr. ZADOTTI (Italy): I wish to state that my delegation opposes the request for a separate vote on paragraph 9 of the draft resolution.

6. The PRESIDENT: An objection has been raised. I shall therefore put to a vote the motion for division. Rule 91 of the rules of procedure provides that two speakers shall be given permission to speak in favour of the motion and two against. Does any one wish to speak?

7. Since no one wishes to speak, I shall put to a vote the request for a separate vote on the first part of paragraph 9.

The motion was rejected by 45 votes to 22, with 24 abstentions.

8. The PRESIDENT: As the motion for division has not been adopted, I now put to the vote the draft resolution as a whole, as amended. A roll-call vote has been requested.

A vote was taken by roll-call.

Jordan, having been drawn by lot by the President, was called upon to vote first.

In favour: Jordan, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Mali, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Spain, Sweden, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, El Salvador, Ethiopia, Federation of Malaya, Finland, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan.

Against: South Africa, France.

Abstaining: Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Ghana, Hungary.

The draft resolution, as amended, was adopted by 87 votes to 2, with 12 abstentions.

9. The PRESIDENT: I give the floor to representatives who wish to explain their vote.

10. Mr. EL-BANNA (United Arab Republic): We have supported and voted for the resolution, as amended, because it complies, to a great extent, with our point of view on this item. In order to have a free hand in adapting the economy, in such a way as to raise the standard of living of the people and to ensure that development proceeds and is enjoyed by them, a country may seek to remove certain elements of economic dislocation, that may seriously hamper the social and the economic targets of the development plan. It is of vital importance to the developing countries to have command over the way in which their natural resources are exploited.

11. The resolution points out that the exploration, development and disposition of the natural resources of a country, as well as their nationalization, expropriation or requisitioning, should be in conformity with the rules and conditions freely prescribed to by that country, with appropriate compensation to owners of property. These rights, it may be stressed, are in accordance with international law. It is noteworthy that the United Arab Republic, in exercising its rights of economic sovereignty, has lived up to its foreign obligations of compensation. Two important examples, in this respect, are the Suez Canal compensation and the compensation to the United Kingdom nationals, which we have paid in full, at a time when we had heavy pressure on our balance of payments, as necessitated by our comprehensive development plan.

12. Concern has been expressed about the impact of the resolution on the flow of foreign capital. This concern has, we feel, been taken care of in the resolution, since compensation for property is an important principle in the resolution. Of course, each individual country can take the necessary steps on the national plane to give concessions to foreign investment with all appropriate guarantees, on a basis of mutual benefit, not of exploitation. We should like, in this respect, to confirm the idea expounded in the fifth preambular paragraph which distinguishes between the pre-independence and the post-independence contracts conducted by different States, since full political sovereignty is a prerequisite for full economic sovereignty.

13. Colonialism and racial discrimination, which have been condemned in various forums, constitute two kinds of violating the economic sovereignty rights of the countries where they still exist, since the resources and peoples of these countries are exploited in such a way as to benefit primarily either foreigners or minorities. We would have liked that these two aspects would have been explicitly mentioned in the resolution. They are implicitly taken care of, however, in the resolution, especially in operative paragraphs 1, 5 and 7.

14. As to the suggested amendment [A/L.412/Rev.2], we voted for it because we felt that the permanent sovereignty over national resources is so important an item that it should be continuously considered and followed up by the United Nations.

15. We voted against the deletion of operative paragraph 5 of the original draft resolution since the paragraph confirms further the economic sovereignty rights of nations and considers inadmissible acts aimed at obstructing the creation, defence and strengthening of that sovereignty. We could not agree to the argument that this paragraph introduced an element of imbalance in the text of the draft, since in other paragraphs of the draft, foreign investors' rights are maintained.

16. The same consideration of affirming further the sovereignty rights of nations prompted my delegation to vote for the amendment [A/L.414]. We would have liked to include the paragraph suggested in this amendment and to maintain operative paragraph 5 in the original draft. We voted for the draft, as amended, on the understanding that the ideas contained in operative paragraph 5 in the original draft as well as in the amendment [A/L.414], are implicitly contained in the resolution, especially operative paragraphs 4 and 6 of the original draft.

17. Mr. CHOLLET (France) (translated from French): I should like to explain very briefly the reasons why we are against the text of the resolution on permanent sovereignty over natural resources.

18. Our position is based, as the French delegation has seen fit to point out on several occasions, on the fact that we do not think that the Second Committee is equipped to settle single-headed a problem with such complex and delicate legal implications.

19. We still think that, before the matter was settled, the opinion of United Nations organs competent to deal with legal questions, such as the Sixth Committee of the General Assembly or the International Law Commission, should have been sought. However laudable the Second Committee's efforts to produce compromise formulae may be when it deals

with questions within its competence, that is to say essentially economic questions, we think that it is taking the wrong road and running serious risks when it tries singlehanded to outline compromise formulae on texts which are primarily concerned with matters of law.

20. For the same reasons, my delegation abstained from voting on the thirteen-Power amendment [A/L.412/Rev.2], which in our view raises similar objections in that, instead of appealing to the legal authorities which we have mentioned, it refers continued consideration of this question to administrative or economic bodies.

21. We still think that it would be a waste of time to try to lay down definitive formulae without first requesting the opinion of those representatives who are empowered by the various States to deal with legal questions.

22. We hope, however, that when he embarks upon the study which he has been requested to make, the Secretary-General will see fit to suggest that either the Sixth Committee or the International Law Commission should be consulted.

23. Mr. BUTTI (Iraq): While explaining our vote on the resolution just adopted by the Assembly, and for which we have voted, my delegation wishes to stress the fact that Member States and all countries of the world, whose nationals and whose Governments are engaged in capital investment and the exploitation of national natural resources, keep in mind in their deliberations the interests of the developing countries who have freed themselves from political domination.

24. We have listened to some speakers in defence of further exploitation of people of the less developed countries. These speeches deserve a brief answer. It is a fact that political freedom, particularly in the second half of the twentieth century, has brought with it a new type of colonial effort in the interest of the giants of trade, the developed empires of the world. Neo-colonialism, which is so evident in all its ungraceful forms, is a measure taken by the States which were once the masters of the seas and which possessed powerful armies in all the corners of the world. Continents have suffered for ages as a result of the industrial revolution and of the expansion of trade for the benefit of only a handful of States. The giants of investment have subjugated huge areas of the world and millions of people for their own interests. This is the essence of the long debates that the Second Committee engages in concerning the development of the developing nations. It is because the colonizers had exploited, and are still exploiting, the natural wealth of many nations, in order to meet their own ends, that the United Nations is now confronted with programmes such as Technical Assistance and international financing and assistance in general, to the less developed countries. Nobody can deny the fact that many nations that have been blessed with enormous natural wealth are now referred to as, and are in fact, less developed because the colonizers made them so. It is a historical fact that the flags of empires have followed the so-called merchants, traders and investors to continents such as Africa, Asia and South America.

25. In the debates on the permanent sovereignty over natural resources, my delegation's interventions were in the interests of the majority of nations striving for development. Almost all of these nations, including my

own, were previously subjugated to imperialism in one way or another. We have therefore listened with interest to the objections raised by scores of representatives of the less developed countries to the efforts which persisted for the purpose of furthering the interests of the highly developed countries at the expense of the less developed. My delegation's main objections to the Anglo-American amendments and to the principles embodied in them could be summarized as follows.

26. We regard agreements signed between companies and sovereign States as simple contracts, governed and protected by the domestic laws of sovereign States. If the word "agreements" still exists in the resolution which was just adopted and if it may refer to agreements between companies and States, we still do not see any reason for its observance in an international instrument. Such agreements have been signed over the ages between companies and sovereign States of many countries and have been subject to the national laws of these countries.

27. In operative paragraph 4 of the resolution, my delegation wishes to confirm that the expression "national jurisdiction of the State taking such measures shall be exhausted" does not mean the end of the application of national law.

28. We voted in favour of the amendments [A/L.312/Rev.2] presented by thirteen delegations, with the belief that all efforts should be resorted to in the confirmation of the rights of a sovereign State for the protection of the national interests of its people and of the principles of sovereignty. It is our hope that the States which have always talked about helping the less developed countries in their efforts for developing their economic and social conditions will let the principles of the United Nations Charter and the principles embodied in the United Nations resolution on the Development Decade [1710 (XVI)] guide them in their deliberations. Inasmuch as all sovereign States wish to honour their agreements, their rights to sovereignty should not be injured. It is a well-known fact that, if the less developed countries which possess natural resources and natural wealth are helped to use the profits resulting from the exploitation of these resources by foreign capital, it will undoubtedly ease the pressures on United Nations technical assistance funds, which can then be released in the interests of the developing countries which are in need of them.

29. My delegation voted in favour of the amendment submitted by the Soviet Union delegation [A/L.414]. We did so because it contains all the confirmation required in a United Nations resolution of the inalienable right of nations to nationalization, expropriation and all measures aimed at protecting and strengthening their complete sovereignty over anything which is theirs. This is why we also voted for the retention of operative paragraph 5 of the draft resolution. This is also why we voted in favour of the deletion of the first sentence of operative paragraph 9, as suggested by the delegation of Burma. We did that with the purpose of removing any doubt about what sovereignty is. In spite of its retention, we must keep in mind the fact that sixty nations voted for the draft resolution and only five voted against it in the Committee. It seems rather strange and if I may say so illogical, to feel the necessity in a United Nations resolution which is an international instrument to emphasize the observance of contracts between companies and States, and not to

emphasize the inalienable right of sovereign States to which I have just referred. In the view of my delegation, it is of high importance to emphasize the right of sovereignty of States in an international instrument.

30. In conclusion, political freedom of the less developed countries should not be jeopardized by the efforts of the developed nations, which expect to further their own development and increase their own wealth. The interests of the less developed countries should be protected by the United Nations in order that the principles embodied in the Charter could be fulfilled, for a better world free from ignorance, poverty and disease.

31. From today's debate it seems that there still exist in the world efforts to maintain the privileges which imperialism enjoyed for centuries. But I submit that the world of today is different from the world of yesterday. More than sixty nations have joined the United Nations since its emergence. They are mostly countries that have freed themselves from the yoke of colonialism. We look forward together with the millions of people of the world to the day when all the countries of the world will be freed from colonialism, neo-colonialism and exploitation.

32. Mr. AMADOR (Mexico): The Mexican delegation would like to explain briefly its votes on the draft resolution in document A/5344/Add.1, concerning permanent sovereignty over natural resources, in order to record its position on this subject, since it did not participate in the relevant debates in the Second Committee or at the present session of the General Assembly.

33. Basing its position fundamentally and unshakeably on the political Constitution of the United States of Mexico and on the laws derived therefrom, and actuated by Mexico's traditional and faithful fulfilment of its international obligations, as also by its respect for the standards of international law which it has accepted, the Mexican delegation considers that the draft resolution originally submitted by the Commission on Permanent Sovereignty over Natural Resources ^{1/} constitutes a balanced text which took into account various points of view and was the outcome of lengthy discussion.

34. My delegation voted in favour of the first two amendments proposed by the delegations of thirteen countries in document A/L.412/Rev.2, but abstained on the third amendment because we are not convinced that it would be useful or appropriate to continue the study of the various aspects of permanent sovereignty over natural resources. The Mexican delegation voted against the retention of operative paragraph 5 of the draft resolution because it considered that that paragraph had implications which could be given an interpretation running counter to the principles which my Government upholds and which are based fundamentally on the provisions of the Mexican Constitution, which, for example, states in regard to expropriations that these may be carried out solely in the public interest and with payment of compensation.

35. For similar reasons we voted against the amendment proposed by the delegation of the Soviet Union in document A/L.414. As is well known, in the two most outstanding cases concerning land and oil expropriation in Mexico, my Government promptly paid the

appropriate compensation and, as always, has faithfully fulfilled its commitments.

36. Finally, the Mexican delegation voted in favour of the resolution as a whole as amended, for it considers that, although we may not find some parts of it altogether satisfactory, this document represents an important declaration on the indisputable rights of peoples and nations to permanent sovereignty over their natural wealth and resources.

37. Mr. LUQMAN (Mauritania): We have just finished voting on the resolution on the permanent sovereignty of States over their natural resources. I cast my vote in favour of the resolution as a whole, as amended, with the following reasons in mind. First of all, we voted against the deletion of operative paragraph 5, because this, in the mind of my delegation, was the central theme for many countries, especially those developing countries who strive for some sort of international document, to define their relationships with other countries which might be interested in investing capital.

38. However, under parliamentary rules, the majority rules. Even though my delegation voted in favour of the resolution as amended, we do not consider this instrument to be final or the only guidelines at which this Assembly can arrive in the future. But my delegation, in spite of the deficiencies and in spite of the incompleteness of the resolution, believes that it offers certain principles, especially those expressed in operative paragraphs 1, 2 and 6.

39. On a previous occasion in the Second Committee, I stressed the attitude of my country towards foreign capital investment, that is to say, our feeling about investment in pursuit of developing our economies. Our attempt here in the General Assembly was to obtain a well-balanced document, acceptable to all parties concerned and to those interested in the investment of capital in developing countries, especially those with natural resources.

40. We strove to make as clear as possible all involvements in the area, which the small countries might be able to see and understand, so that they would have guidelines to enable them to visualize the situation in the future, should some differences occur. However, my delegation and my Government would never anticipate that any differences would occur in this case. This is a matter of formalities.

41. We strove here to obtain the necessary safeguards. However, my delegation would like to see a better instrument, based on a serious study of international law, so that the old colonial theories, on the one hand, and the international law of the twentieth century on the other, can be compared to, and correlated with, the principles of the Charter of the United Nations. My delegation, therefore, believes that the instrument ⁽¹⁾ have arrived at so far would, in the future, help us to see the areas where we can find a better understanding, among those exploiting the natural resources and those that are using the capital for the development of their economies.

AGENDA ITEM 25

The situation with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples: report of the Special Committee

^{1/} Report of the Commission on Permanent Sovereignty over Natural Resources (United Nations publication, Sales No.: 62.V.6), Annex, pp. 276 and 277.

established under General Assembly resolution 1654 (XVI)
(continued)*

42. The PRESIDENT: We will again take up the report of the Special Committee [A/5238]. The Assembly has before it a draft resolution submitted by the thirty-four Powers [A/L.410 and Add.1].

43. I give the floor to representatives who wish to explain their vote before the voting.

44. Mr. VOEUNSAI SONN (Cambodia) (translated from French): My delegation will vote in favour of the draft resolution before us [A/L.410 and Add.1], which mentions all the essential provisions relating to the work of decolonization undertaken by the United Nations. It cannot help expressing its regret, however, that it cannot join the sponsors, as it did in two consecutive years in the case of resolutions 1514 (XV) and 1654 (XVI). This non-participation, which should not be interpreted as tacit disapproval, is due to practical considerations concerning the number of members of the Special Committee and the establishment of a time-limit for the granting of independence to all colonial countries and peoples.

45. My delegation is still in favour of speeding up the work of the Special Committee, for the Government and people of Cambodia would like to see all forms of colonialism and foreign domination eliminated as soon as possible. It made certain comments to that effect in its intervention of 27 November last [1177th meeting]. Speaking about the number of members of the Special Committee, my delegation expressed the fear that too great an increase in the number might hamper the acceleration of the Committee's work.

46. With regard to the establishment of a time-limit for all territories which have not yet achieved independence, my delegation said that it was not against that principle but, having in mind paragraph 5 of resolution 1514 (XV), we think that a fixed date might be either too soon or too late, given the greatly varying circumstances.

47. We note, however, that the paragraphs of the draft resolution which refer to that aspect of the question take into account, on the one hand, the desire to see the application of the Declaration on decolonization completed as soon as possible and, on the other hand, the need to give the Special Committee an opportunity to examine all situations before making its recommendations for a time-limit to be applied to all cases.

48. I should also like to point out, in connexion with the Secretary-General's report on the financial implications of the draft resolution [A/C.5/962], that the possible dissolution of the Special Committee for South West Africa and the Special Committee on Territories under Portuguese Administration is likely to result in savings.

49. In conclusion notwithstanding the comments which it has just made in all objectivity, my delegation will vote in favour of the draft resolution before the General Assembly.

50. Mr. BINGHAM (United States of America): First of all, on behalf of my delegation, I should like to express our appreciation for what we know have been the very extensive labours of the drafters of the resolution before us [A/L.410 and Add.1]. We know that a great deal of effort and mutual accommodation went into this work, and we compliment particularly the

Chairman for his part in bringing together many points of view and in attempting to reconcile them. We know that the group faced many difficulties in this process. At the same time, I do want to say that my delegation is disappointed in the draft resolution in some respects. First of all, there has been no effort made to correct, or to make provision for correcting, some of the shortcomings in the procedures in the work of the Committee that we commented on in our statement during the general debate [1171st meeting]. Nor has there been any effort made to make provision for eliminating the tendency towards the cold war in the Committee, which we also commented on in the general debate.

51. The major problem that we see in this draft resolution, is the reference, in the final preambular paragraph, and in operative paragraph 8 (b), to setting a time-limit for the achievement of the Declaration on the granting of independence to all territories.

52. There seem to us to be many arguments against such an idea, and we have not heard convincing arguments in favour of it. I will come back to that in a moment. But first I should like to mention briefly some other points in connexion with the draft resolution with which we have some difficulty.

53. First of all, in operative paragraph 2, my delegation assumes that the methods and procedures described as having been adopted by the Committee are those set forth in Chapter I, paragraph 112, of the Special Committee's report [A/5238]. We would have preferred, however, that the resolution state this explicitly.

54. Similarly, with respect to operative paragraph 6, we interpret that paragraph to include the idea of the exercise of the right of self-determination in all its various manifestations. We wish that this paragraph had been as complete on this point as is the Declaration on the granting of independence [resolution 1514 (XV)] itself.

55. With regard to operative paragraph 7, in the view of my delegation, no expansion in the membership of the Committee is necessary—or perhaps even desirable. We are fearful of making the Committee too large and unwieldy. If any expansion in the membership of the Committee were to be approved, we should prefer that only four members be added.

56. With regard to the distribution of the seats, if there are to be additional members, we are glad to leave that in the hands of the President of the General Assembly. We assume, of course, that he will consult wisely, and widely, with Members of the General Assembly. I am constrained to say, however, that we would not agree about the fairness of the type of distribution of seats which was suggested by the representative of Indonesia when he presented the report of the sponsors in introducing the draft resolution.

57. With regard to paragraph 8 (c), my delegation questions the wisdom of a paragraph which asks the Special Committee to submit to the General Assembly next year a full report containing its suggestions and recommendations on all the territories mentioned in operative paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples. In the first place, we are fearful that since it is not specific territories, but categories of territories, which are mentioned, much valuable time may be lost in the Committee in an effort to determine just which

* Resumed from the 1192nd meeting.

territories are included under paragraph 5 of the Declaration. Even if that task could be accomplished, we believe that, in the time available, it would be impracticable to make an adequate report to the Assembly dealing with all the territories concerned, in any individual way.

58. I should now like to return to the matter of time-limits, which we regard as the basic flaw in the draft resolution as presented. I would restate briefly the considerations which, in our view, militate against the idea of such an over-all time-limit.

59. Principally, it seems to us that this idea represents an over-simplification of what is basically a very complex problem, with many different problems arising in each case. For that reason, we do not think it is possible to set a time-limit or a target date that can be applied to all territories. Indeed, we feel that any attempt to set such a time-limit would be so unrealistic as actually to cast discredit on the United Nations itself, and particularly on the generally laudable efforts of the United Nations in the field of decolonization.

60. I would ask this question: what sort of date is it contemplated that the Committee might set? Would it be a date several years away? I recall that at the sixteenth session [1050th meeting] the Foreign Minister of Nigeria suggested 1970 as the time-limit for the achievement of independence by all the territories in Africa. But, as I recall it, that suggestion did not receive a great deal of support. There was a widespread feeling that setting a time-limit so far away might actually provide an excuse for delay in the process of granting self-determination and independence. On the other hand, is it contemplated that a time-limit should be set at an early date—for example, in 1963, as was suggested from this rostrum earlier in the session by a very distinguished gentleman? I would submit that a date in 1963 would be wholly unrealistic and that there would not be a single representative in this Hall who would really suppose, for one instant, that all the territories could achieve self-determination and independence as early as 1963 or in the immediate future. To attempt to set such a date, or actually to set it, would be to mislead tragically the populations of the territories concerned and to raise their hopes to a degree that would be absolutely unjustified by the possibilities of achieving any such result. And what, may I ask, would happen if the date set passed without the achievement of independence? Would the United Nations then set another date, and after that date had passed still another? I submit that this would be to make this Organization seem ridiculous.

61. Now it has been said that setting a time-limit will speed up the process of decolonization, the granting of self-determination and independence. I should like to ask this question: in what specific way would it help? In what territory would the achievement of independence be advanced by setting an over-all target date? On the contrary, the setting of such a date might well interfere with the process. It might well be, as we say, counter-productive.

62. It may be said that, in the draft resolution, the Committee is not instructed to set such an over-all target date. Yet it seems to me, when one takes the last paragraph of the preamble together with paragraph 8 (b), the draft resolution as a whole must be read as an instruction to the Committee to set such a target date. It is perhaps true that, of the two paragraphs, the preambular paragraph is the one to be regretted more,

but the combination of the two leads to a result which is quite unacceptable to my delegation. It would give to the Special Committee, which has such important work to perform, an impossible task. The Special Committee would, I fear, waste a great deal of its limited time wrangling over what is really an insoluble problem: the setting of an over-all time-limit or target date.

63. For those reasons my delegation wishes formally to ask that there be a separate vote on the last paragraph of the preamble and on the following words at the end of paragraph 8 (b): "including recommendations concerning the fixing of an appropriate time-limit".

64. To conclude, I should like to address a plea to Members of the Assembly. A small number of delegations have fought very hard for this idea of introducing the time-limit concept in the draft resolution; I have in mind one delegation in particular. Those delegations are fully within their rights in fighting for such a concept, and I want to pay a tribute to them for the ability and tenacity with which they have fought for this concept through stage after stage of the drafting and presentation of this draft resolution. The heads of their Governments may well be proud of the work their representatives have done in this task. But this is not a reason for those of us who oppose, as a matter of conviction, the correctness of this concept not to vote for our convictions. Surely it shows no lack of respect for a delegation, a country, or group of countries, to vote against something proposed by that delegation or country or group of countries. Such differences indicate the vigour and health of our Organization, and it would be a sad day, indeed, for the United Nations if the time came when it would be otherwise, that it would somehow show a lack of respect for a delegation, or a group of delegations, to oppose a proposal they had made. For that reason I appeal to those delegations here—and I believe they are in the majority—who are opposed to this time-limit idea to vote against these two paragraphs, the last preambular paragraph and the last part of paragraph 8 (b).

65. Mistaken proposals cannot be dropped out of draft resolutions simply by abstentions. Negative votes are required. My delegation would like very much to be in a position to support this draft resolution. I am sorry to say that we will be unable to do so if the last preambular paragraph and the last part of paragraph 8 (b) are retained; and if that happens, I am sorry to say also that our whole attitude toward the Special Committee will be affected.

66. Mr. OKAZAKI (Japan): Since November 1960 it has been a tradition in this Assembly that a large number of countries of Asia and Africa jointly sponsor an important resolution on the general principles of United Nations policy with respect to the question of colonialism.

67. I am referring to resolution 1514 (XV), which was originally sponsored by forty-three Asian and African States, and to resolution 1654 (XVI), which was likewise sponsored by thirty-eight States from the same continents.

68. The sponsoring countries are really the States which are among those most directly concerned with the problem of colonialism. By far the majority of them, at one time or another in their recent history, have experienced colonial régimes of different kinds. There is no denying that some of these countries have suffered much, but they have refused to succumb to

the temptation of an emotional approach to the question of colonialism. Instead, they have demonstrated the high order of their political wisdom by resolutely choosing a constructive approach based on respect for reality.

69. The activities of the Committee of Seventeen, established under resolution 1654 (XVI), have amply proven the rightness of this approach. Frank and open discussion among the members of this Special Committee, which represents all the shades of opinion existing in the Organization, have helped us acquaint ourselves better, not only with the actual situations obtaining in various parts of the world, but also with the diverse and equally weighty views of different nations sharing the same convictions. My delegation believes that the entire Assembly owes a vote of warm thanks to the Special Committee for the spirit in which it has approached its tasks and the excellent work it has done.

70. Following through in this tradition, we, the countries of Asia and Africa have again this year undertaken the task of drafting a resolution [A/L.410 and Add.1]. My delegation has again had the privilege and honour of working through all the stages of this joint enterprise. And I can assure the Assembly that all of us involved in this task have been engaged for several weeks in the most serious discussions, extending over long hours.

71. The main difficulty, as can easily be understood, centred around the question of a time-limit for the complete implementation of the Declaration on the granting of independence to colonial countries and peoples [resolution 1514 (XV)]. There is no doubt, as has always been the case in our discussions, that a great degree of compromise was necessary on the part of all the delegations concerned, and a large measure of agreement was achieved on almost all points except this one question of a time-limit. The draft resolution now before the Assembly is the result of this work.

72. The Japanese delegation has always held an objection against the idea of fixing a time-limit with respect to the process of decolonization. We have expressed our view on this matter each time the occasion required. In short, the basic position of my delegation is that the fixing of a time-limit by the Assembly is clearly not in consonance with the high political functions proper to this organ. By indulging in such an effort, the Assembly would dangerously be encumbered with and, in the end, be left at the mercy of, all the fluctuations of fast-changing internal politics in a given territory. Some of my friends here seem to believe that the fixing of a time-limit can constitute a powerful political pressure against retarding Administering Powers. I am sorry to say that I must disagree. The making of a nation or the attainment of full self-determination is a serious affair. We think that we cannot afford to pursue an uncertain political gain, at the risk of most serious difficulties and dangers, to which all concerned, including the Organization, would most certainly be exposed by fixing a time-limit—although the Japanese delegation fully appreciates the genuine motives of those of our friends who advocate such a time-limit.

73. I have set forth the reasons why my delegation has strong reservations with respect to the seventh preambular paragraph and the last phrase of operative paragraph 8 (b) of the draft resolution before us. We feel constrained to oppose these parts of the draft

resolution if they are put to the vote separately. Otherwise, this document represents the results of a fair and general agreement among a large number of African and Asian delegations. Although many of us might not feel entirely satisfied with certain wording, it is not difficult to subscribe to the general content of the resolution.

74. Perhaps we need not emphasize here the necessity of a very careful and reasonable interpretation of any written document, and particularly of a resolution of the General Assembly on a matter as important as this question of colonialism. The fine work of the present Special Committee has been, I submit, largely due to the high degree of discretion which all of its present members have displayed in the interpretation of both resolution 1514 (XV) and resolution 1654 (XVI), and, in particular, with respect to the scope of the competence of the Special Committee itself. The draft resolution before us is also, when it is adopted, going to constitute an important basic document for the Committee. Some of its stipulations require, as my delegation sees it, the most careful interpretation and implementation on the part of all concerned.

75. I am particularly referring here to operative paragraph 8, sub-paragraphs (a) and (c). With respect to sub-paragraph (c), for example, I am sure that all of us here cannot fail to see the serious implications which a haphazard interpretation of such words, as "all the territories mentioned in paragraph 5 of the Declaration" could most certainly entail.

76. Before concluding, I would like to point out that the increase in membership of the Special Committee from seventeen to twenty-four might create new problems. However, we are confident that the President of the Assembly, with his usual wisdom which all of us here have had ample opportunities to admire, will so reorganize this important Special Committee that the good working conditions of the present Committee will be maintained and, if possible, even improved.

77. Mr. Taieb SLIM (Tunisia) (translated from French): The Tunisian delegation has already had an opportunity to give the Assembly [1181st meeting] its views on the report submitted by the Special Committee of Seventeen [A/5238] and will therefore not revert to all the points raised by the thirty-four Power draft resolution [A/L.410 and Add.1]. We should simply like to express our gratitude to the sponsors of the draft resolution for the work they have done.

78. With regard to the text as a whole, my delegation, which took part in the consultations prior to the preparation of the draft resolution, is in favour of the text proposed. We know that that text is the result of negotiation and compromise and we cannot expect it to fit in perfectly with our views. It is for that reason that, although the draft resolution omits, *inter alia*, any reference to the important question of the list of territories within the competence of the Special Committee, we are prepared to vote in favour of it.

79. There is one other point, however, on which my delegation, which is a member of the Special Committee, has serious reservations: I am referring to paragraph 7, which would enlarge the membership of the Special Committee by the addition of seven new members. We should like to draw the Assembly's attention to the danger that this amendment represents to the delicate balance established by the present membership. The present distribution of seats is

certainly not ideal, but in practice it has proved to be fairly representative of the trends of opinion in the Organization on the problems of colonialism and decolonization. We understand, of course, that in view of the increase in the number of Members of the United Nations, it may be necessary to make some small change in the composition of the Special Committee. In that connexion, it may be recalled that of the six newest Members of the United Nations four belong to Africa and two to Central and South America. We think that within the present balance the addition of two members might have been sensible and useful. In fact, a brief survey shows that the African continent has a slight advantage in the present composition of the Special Committee, an advantage which is readily understandable in view of the fact that the colonized territories of Africa are the largest and most thickly populated of any of the territories still under the colonial régime. All those who believe in decolonization can consider the representation of Africa only in the light of future prospects.

80. There is no doubt that it is the African States which are increasing most rapidly in numbers in the United Nations as decolonization continues. We are therefore convinced that the present balance in the membership of the Special Committee should be maintained. In our opinion the addition of two, three or even four members might be accepted without absolutely destroying the present balance. That would not be the case if the number of members was increased by seven, as the draft resolution proposes, because that would not only threaten the balance in the Committee but might dangerously hamper the effectiveness of its work.

81. The effectiveness of the Special Committee's work is something, I am sure, to which the members of the Assembly attach as much importance as we do. Moreover, one of the reasons most often put forward in favour of such an expansion of the Special Committee's membership is the possible dissolution of other committees responsible for dealing with questions which are within the Special Committee's competence. This very day, however, the Fourth Committee has recommended the continuation of the principal organ whose competence extends to most of the Territories within the purview of the Special Committee, which destroys the foundation of the arguments in favour of such a large increase in membership.

82. That is why my delegation would vote in favour of any amendment reducing the proposed increase in membership to four at the most. As no amendment to that effect has been submitted, we request a separate vote on paragraph 7 of the draft resolution and we shall vote against the paragraph. If it is retained, my delegation will none the less vote in favour of the draft resolution as a whole.

83. Mr. DEMETROPOULOS (Greece) (translated from French): The Greek delegation will be happy to vote in favour of the draft resolution [A/L.410 and Add.1] as a whole.

84. Our policy has always been based on the principle that all dependent peoples must exercise their right to self-determination within as brief a space of time as is historically possible. Since the end of the Second World War, the need for attaining this objective has been accepted and understood by nearly every colonial Power, and in recent years the United Nations has

helped, through its pronouncements and the means available to it, to accelerate this process.

85. As the Trusteeship Council draws near to the completion of its mission, the functions it has been performing have devolved, within a wider field of action, upon the Special Committee of Seventeen.

86. We find ourselves unable to give our wholehearted support to each and every point made in the report of the Special Committee of Seventeen [A/5238] or even to every paragraph and sub-paragraph of the draft resolution on which we are called upon to vote. In a field in which so many tendencies and so many prejudices are found, so much idealism and so much deep-rooted resistance, so many misconceptions concerning the objectives and the most effective means of attaining them, it would perhaps be too much to expect that an endeavour in which all the Members of the United Nations have wished to collaborate should be free of all defects and should enjoy unanimous and wholehearted support. We should like, however, to pay a tribute both to the members of the Special Committee of Seventeen and to the sponsors of the draft resolution for the spirit of realism which has enabled them, in such a vast and complex question, to produce a broadly acceptable document.

87. We share the conviction of the sponsors of this text that the Declaration on the granting of independence to colonial countries and peoples [resolution 1514 (XV)] and the establishment of the Special Committee have made an invaluable moral contribution to the decolonization effort. We congratulate the sponsors of the draft resolution on the moderation with which they have tried to redefine the Special Committee's terms of reference. We are convinced that the members of this Committee, drawing their inspiration from the spirit which prevailed in the drafting of this text, will be able to perform their responsible task successfully by interpreting their terms of reference with all the necessary restraint, given the complexity and diversity of the problems before them and the legal limitations they will have to observe.

88. At a time when the Trusteeship System is drawing to a close and the end of colonialism is already in sight, our thoughts turn to the peoples whose self-determination is not yet on the United Nations agenda and to all those whose independence is still purely nominal, limited as it is by authoritarian political régimes or by constraint imposed by alien will.

89. Mr. BOZOVIC (Yugoslavia): The delegation of Yugoslavia will vote in favour of the draft resolution [A/L.410 and Add.1], such a vote being in accordance with the well-known position of Yugoslavia on the problem of decolonization.

90. The draft resolution is, in our opinion, the result of very hard work during which the authors have tried to reconcile many different points of view. Generally speaking, we believe that they have succeeded and we congratulate them on their achievement.

91. There is one remark which I should like to make regarding operative paragraph 7 of the draft resolution, which provides for the enlargement of the membership of the Special Committee by the addition of seven new members to be nominated by the President of the General Assembly.

92. The Yugoslav delegation did not, and does not, have any major objection to the enlargement of the

Committee, but we should like to state our belief that the nominations should be made on the same basis as they were made when the Special Committee was established, in order to preserve the balance which exists in that Committee. We believe that it is necessary to make a very careful selection in that respect in order to maintain the delicate balance, as the representative of Tunisia has just said.

93. We shall, of course, support the paragraph concerning the fixing of an appropriate time-limit because we think that a time-limit could be set, provided that the populations of the Non-Self-Governing Territories are consulted; and this is, I think, one of the main requirements. The peoples of the Non-Self-Governing Territories are the best judges of the time for their accession to independence. Neither the colonial Powers nor the General Assembly can fix the time without ascertaining the express wishes of the populations, and the Special Committee, or whatever it may be, must arrange the necessary means and procedures to ascertain the wishes of the people. Those wishes must be taken into account before anything is decided about the time-limit. I would, however, stress once more that the idea of the time-limit is closely linked with the express wishes of the populations, which must be taken into account during the last stage of the process of decolonization.

94. The PRESIDENT: Three representatives have requested permission to speak in exercise of their right of reply. I call first on the representative of Guinea.

95. Mr. DIALLO Telli (Guinea) (translated from French): The compromise text which has now been submitted to the General Assembly for approval has caused us so much anxiety and has called for so much effort and so many sacrifices from all those who took part in its drafting that my delegation came here firmly resolved not to intervene in the discussion. A number of statements have, however, been made from this rostrum which call for a brief rejoinder by the Guinean delegation. Despite the fact that we should have been fully within our rights in making an appropriate reply to one statement which has greatly distressed us, we shall endeavour to make our rejoinder very brief and to confine ourselves to two appeals.

96. Our first appeal will be addressed to our Tunisian brother, Mr. Taieb Slim, who knows perfectly well, indeed far better than many other representatives, the circumstances in which the members of the Committee of Seventeen were appointed last year, for it was the Tunisian representative who had the privilege of presiding over the General Assembly at that time who appointed the members of the Committee. To this brother of ours we say that we should dearly have liked his statement to come from a different delegation.

97. Mr. Slim, our brother, who worked with us on the draft resolution [A/L.410 and Add.1], is aware of all the efforts made on all sides and, indeed, he has acknowledged them from this rostrum. Since he knows full well how delicate is the balance that has been achieved, since he knows that the text now before the General Assembly does not represent the specific views of any one person, we should merely like to urge him not to press his proposal for a separate vote on operative paragraph 7.

98. We do not want to dwell on the merits of an enlargement of the Committee's membership for much

has been said on this subject both here and elsewhere. We should merely like to appeal to Mr. Slim, in the name of the solidarity to which we ourselves have sacrificed so much and which is the cornerstone of our relations, and through Mr. Slim to all our African and Asian brothers, not press for a separate vote or for any amendment whatever, since the text before the Assembly is truly a compromise text, a fragile compromise the least change in which might destroy the entire structure which has been erected so laboriously.

99. With reference to the statement by the United States representative, I am compelled to say, with a frankness which is justified by the links of friendship between the Republic of Guinea and the United States, that it has caused us a great deal of unhappiness. I must say very clearly and unambiguously that we should have preferred to deal with a genuine representative of a colonial Power. What is at issue? It is the question of the time-limit.

100. This problem has been raised twice at this session, first by our own Minister for Foreign Affairs [1131st meeting] and then by the Guinean Chief of State [1148th meeting] whom, until such time as I receive instructions to the contrary, I believe to be a Head of State friendly towards the United States Government, a fact which I am sure is known to the United States representative who has laid so much stress on the desirability of not insulting anyone.

101. The least I can say—and I shall not hesitate to say it—is that some of these statements sound like open insults to the Republic of Guinea.

102. What have we said? What are we saying and what are we determined to go on saying? In resolution 1514 (XV) the General Assembly decided that immediate steps—and I repeat the word immediate—shall be taken to enable all peoples which have not yet attained independence to do so without any conditions or reservations.

103. Moreover, up to that time all the colonial Powers, no matter which, had always sought to justify the continuation of colonialism by the need to ensure the progress of the peoples concerned. Resolution 1514 (XV), however, established a principle of prime and crucial importance, which we must not forget, when it denounced that argument formally and categorically. This denunciation appears in operative paragraph 3, which I shall quote merely as a reminder. The paragraph reads as follows:

"Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence."

104. It is now my turn to ask a question: why do they want to prolong colonialism when this Assembly almost unanimously declared that immediate steps should be taken to confer independence and automatically ruled out inadequacy of preparedness, as a completely false pretext? I should like to know why anyone should want to go on practising colonialism.

105. Harsh words were spoken just now and allusions were even made to irresponsibility and lack of realism. If colonial realism is meant, then we agree, for we shall never submit to that kind of realism. I should like to point out, however, that we are speaking here solely on behalf of the people who have sent us here and on behalf of our brothers still under the colonial yoke, and it would be well to inform those who are still

ignorant of the fact that all the living forces of the African continent have already spoken clearly and unequivocally in favour of independence in 1963. Whether at meetings of Heads of State, regardless of their political convictions, or at meetings of political organizations, of our youth organizations, our trade-union organizations or our women's groups—and I shall not weary the Assembly by giving the dates of those meetings—all the living forces of Africa have already called for independence in 1963. And speakers now come to this rostrum to level accusations of lack of realism at those who have been expressing the feelings, yearnings and ideals of these people!

106. We could have said much more but we shall not reply, at least not publicly and from this rostrum, to statements which we consider offensive. On the contrary, our reply will be an appeal and this appeal will be addressed to the United States representative.

107. We were greatly struck by the major inconsistency in the first part of the United States representative's statement, in which he dwelt on the hard-won compromise reached in the working group and in the Afro-Asian group. I should like to point out that, in so far as Guinea is concerned, the text now before the Assembly is far removed from our original position, which was that 24 October 1963, the eighteenth anniversary of the United Nations, should be set as the time limit, not for the attainment of independence by one territory or another but for the compliance by the colonial Powers with all their obligations under resolution 1514 (XV). Although the present text deviates so much from our position, we have accepted it out of solidarity for we have always thought—and we still think—that solidarity among the African peoples in the first place and then among the peoples of Africa and Asia is the fundamental condition, the *sine qua non*, for the liberation of our peoples. It was in the name of this solidarity that we made all these sacrifices and agreed to a text which differs so appreciably from our initial stand.

108. I should therefore like to appeal to the United States representative and to ask him, in the name of the realism of the oppressed, in the name of the realism of the colonized and the African peoples whose friend his own people claim to be, not to press this matter. We have achieved an extremely fragile balance. We should therefore like to urge him not to maintain his proposal for a separate vote. I am asking him this on behalf of my delegation, on behalf of my Government and on behalf of the African peoples who are still enslaved.

109. With regard to the question of a date, all the discussions that have been embarked upon in this Hall should not have been, for they are altogether premature. I should like to tell the United States representative and those who are now rubbing their hands but no longer dare to speak from an official rostrum here or elsewhere that they will have an opportunity to discuss this question at the eighteenth session of the General Assembly. What are we actually asking for? We are inviting the Committee of Seventeen to study this question, to seek out all the relevant facts and to submit recommendations to the General Assembly at its eighteenth session so that the latter can take a decision on the subject. And this is what is described as absolutely unrealistic!

110. In many respects it would seem that very definite progress has been made at the seventeenth session with regard to the problem of decolonization.

Let us recall the decisions already taken by the competent organs—particularly the Fourth Committee—concerning South West Africa, Southern Rhodesia and, quite recently, all the Territories under Portuguese administration. All these decisions represent definite progress. The concept of a date is one of the few new ideas in the draft resolution. The rest is merely a reminder of what has already been done. While I am ready to discuss the matter for as long as necessary, I should like to say—and this will be my conclusion—that the General Assembly has already ruled out inadequacy of political, economic or social preparedness as a pretext for delaying independence. The General Assembly has decided that immediate steps must be taken by the colonial Powers to transfer all powers to the colonial peoples. It has thus been recognized by one and all either that the process has been slow or that, in certain cases, no steps have been contemplated. Indeed, certain colonial Powers have not even agreed to apply resolution 1514 (XV) to their colonies.

111. The representatives present in this Hall will undoubtedly notice that the statements made this evening from this rostrum by the United States representative bear a singular resemblance to the warnings and prophecies of disaster voiced from this very rostrum in 1960, when the immediate independence of all the colonial territories was discussed for the first time. In any event, we remember the day in 1959 when President Sekou Toure for the first time spoke in this Hall of "immediate liberation". We remember the jibes with which this proposal was greeted.

112. We remember full well the debate on the Soviet Union's proposal for the immediate granting of independence to all colonial countries and peoples,^{2/} and the sarcastic comments which, at that time, greeted a proposal which is today hailed throughout the world as one of the United Nations masterpieces.

113. With reference to what has been said today about the setting of a time limit, I am convinced—and it is a hope I am expressing—that tomorrow the United States representative will be one of the first to admit that the General Assembly will have accomplished a great deal at its seventeenth session by adopting the provisions of the draft resolution before us.

114. May I renew my appeal to my brother Taieb Slim and to the United States representative not to press their requests for separate votes. If this appeal is not heeded, I shall ask for the floor again in order to make another specific proposal.

115. Mr. PALAR (Indonesia): I have asked for the floor in order to add a short word to the very eloquent defence of my colleague from Guinea with respect to our draft resolution [A/L.410 and Add.1]. In the first place I should like to give my observations in answer to the views that have been expressed here by the representative of the United States. I am afraid that what he has said would have great influence on some of our colleagues, and that is why I will try to neutralize this.

116. The most important objection that has been made by the representative of the United States concerns the final preambular paragraph and paragraph 8 (b) of our

^{2/} See Official Records of the General Assembly, Fifteenth Session, Annexes, agenda item 87, document A/4502.

text. I should like to read these paragraphs. The last paragraph of the preamble reads as follows:

"Considering that, in order to accelerate the process of decolonization, it is necessary to fix an appropriate time-limit for the full implementation of the provisions of the Declaration on the granting of independence to colonial countries and peoples."
[A/L.410 and Add.1]

I realize that the most important objection that has been expressed here is the fact that we are asking for the fixing of a time-limit. So, it is supposed that we are asking for a blanket time-limit especially. In the final paragraph of the preamble there is no question of asking for a blanket time-limit. Otherwise, we would have mentioned it in the preambular paragraph. We have asked here to fix an appropriate time-limit that can be the time-limit for any individual territory that is not yet independent. We have worked it out in paragraph 8 (b). There, the Assembly can know what we want and what we wish.

117. We have drafted this paragraph deliberately in the following way:

"To propose specific measures for the complete application of the Declaration on the granting of independence to colonial countries and peoples, including recommendations concerning the fixing of an appropriate time-limit."

As I stated this morning, the word "recommendations" has been used deliberately because we want to open the possibility of fixing time-limits for any dependent territories and also the possibility of fixing a blanket time-limit.

118. Now who is going to fix the time-limit or the time-limits? It is not the Special Committee. The Special Committee will make recommendations to the General Assembly, which will accept or reject them. The Special Committee must thoroughly study the conditions in the dependent territories. On the basis of this study, which of course includes knowledge of the desires of the population and of the leaders of the political movements, and on the appraisal of the views of the colonial Powers, the Special Committee will make recommendations to the General Assembly.

119. If these recommendations are going to be made—and I think they will be made—then it would not be very difficult to fix a blanket time-limit because it would most likely be the time-limit for the territory last on the road to independence. Therefore, the fear that the time-limit will be set, as my country hopes it will be, within two or three years, is not necessarily justified. In fact, knowing the Special Committee, on which members of the colonial Powers are represented, I am afraid that the blanket time-limit will not be what my delegation wishes it to be. I hope that the Special Committee will give a recommendation in accordance with the desires of my delegation. However, it is up to the Special Committee; it is up to the Special Committee even to decide whether it is going to give a blanket time-limit.

120. Therefore, on that basis, I would like to suggest that the fear expressed by the representative of the United States is not justified. On that basis, I would like to appeal to him to reconsider his stand. If he does not reconsider his stand, then I would like to follow the example just given by the representative of Guinea and to say that I would like to make another proposal.

121. Also, I would like to appeal to the representative of Tunisia. We know that he has done his utmost to have the ideas of his delegation accepted in our drafting committee. However, I hope that the representative of Tunisia, who is a personal friend of mine, will reconsider his proposal. If he cannot reconsider it, I shall be compelled to take a position which has to be expressed in a proposal that I may make later.

122. Mr. ADEYINKA (Nigeria): It was not the intention of my delegation to intervene in the debate on this draft resolution [A/L.410 and Add.1] of which Nigeria is a co-sponsor. However, since the representative of the United States, in his explanation of vote, referred to the statement made by my Foreign Minister at the sixteenth session on the question of a time-limit, my delegation feels in duty bound to intervene at this stage in order to set the record straight and to eliminate any misunderstanding in the minds of Members.

123. The representative of the United States said that last year my Foreign Minister suggested a target date of 1970 for the liquidation of colonialism. This is not a correct quotation, and neither is it a correct interpretation. Therefore it leaves room for misunderstanding that Nigeria does not support the granting of immediate independence to colonial countries and peoples and that Nigeria is a neutralist on this question. This we reject entirely. Nigeria was a co-sponsor of General Assembly resolution 1514 (XV).

124. The correct position is that, at the sixteenth session, my Foreign Minister raised [1050th meeting], for the first time, the idea of a target date as a stimulant and catalyst to decolonization. He subsequently canvassed the idea of the specific date of 1970, taking all the factors and problems involved into consideration, before which, by which, but not later than which, the job of decolonization should be completed. I wish to repeat this because it is extremely important—before which, by which, but not later than which, the job of decolonization should be completed. It is not something that is static. It is something that is changeable.

125. Having raised the issue of a target date, my delegation is really happy that the idea has gained ground in the United Nations, and we do not therefore have the fears and the misgivings which have been expressed by the United States delegation. The question of a time-limit is designed to give an added impetus to the movement for decolonization, since the word "immediate" seems to have lost its meaning for the colonial Powers.

126. Since I have the floor, I wish to state that my delegation regards the views expressed by the United States delegation with very serious misgivings, especially the request for a separate vote on this important draft resolution, which is the result of a delicate but balanced compromise and should now be adopted unanimously. My delegation believes that in order to retain the full weight of the United Nations behind the movement for decolonization already expressed in the two previous resolutions [1514 (XV) and 1654 (XVI)] on decolonization, the third resolution on this subject should not acquire a less stature than the previous two resolutions. We believe that the delegation should be satisfied with expressing their reservations, which will be fully reflected in the verbatim records of this Assembly.

127. For these reasons, my delegation will be compelled to resist the appeal for a separate vote made by the United States representative. We feel that this

is an attempt to whittle down the importance and the significance of this third resolution on decolonization. We appeal very seriously to the United States delegation and to the representative of Tunisia that their suggestion for a separate vote should not be pressed.

128. However, we also associate ourselves with the appeal made by the representative of Guinea. I believe that the representatives here have accepted this appeal in good faith, and we believe that after listening to the various speakers on this rostrum on the question of granting independence to colonial peoples and having realized that all the peoples in Africa should be made free, they will also join us in voting for this great draft resolution which is now before the Assembly.

129. Mr. Taleb SLIM (Tunisia) (translated from French): I should like to thank Mr. Diallo Telli, our brother from Guinea, for his eloquent plea to me that I should not press my request for a separate vote on paragraph 7 of the draft resolution. I should like to assure him that the Tunisian representative could not remain deaf to his appeal were it not for one small detail: I should like to remind the Guinean representative that on this particular point there is a difference of opinion which is of considerable importance to my delegation, whose opinion is moreover shared by several of our friends in this Assembly and in our various groups.

130. I should like to tell my Guinean brother that the balance in the Committee of Seventeen is certainly more important for decolonization than the balance of the draft resolution, which in my delegation's opinion will not—I repeat, will not—be jeopardized by the separate vote we are requesting. I might add that this text includes several points which do not reflect our views but that, out of solidarity, we have stated that we shall vote in favour of the draft resolution as a whole.

131. This is why I have said and I repeat that if paragraph 7 were amended by the replacement of the word "seven" by the words "four or less", it would be a compromise which might secure unanimous support for this paragraph. I regret to note that our own appeal for such a compromise has not been heeded. This is why, with apologies to my brother Diallo Telli, I must tell him that I am obliged to press for a separate vote on paragraph 7.

132. The PRESIDENT: I recognize the representative of Afghanistan on a point of order.

133. Mr. PAZHWAQ (Afghanistan): My delegation is one of the sponsors of the draft resolution now before the Assembly [A/L.410 and Add.1], and that is enough to explain what our position is on this matter and what our ideas are. On the other hand, in keeping with the traditions of my delegation, when we make a suggestion or sponsor a draft resolution, we always do this with an open mind and reflect upon it in the light of the discussions that take place in the Assembly. With all respect to the views which will be expressed by others, this evening a very constructive debate has taken place on this draft resolution, and we have listened very carefully to all sections of opinion that have been expressed on it. At this stage, my delegation has only one request to make to the Assembly. As one of the sponsors of the draft resolution, and I am speaking only for my own delegation, I believe that we need time to reflect on the views expressed on this draft resolution, and I am very happy to say that we do have that time at our disposal after the debate has taken place.

134. I am sorry I have detained the procedures of the Assembly by asking to make this point of order, but I would propose formally that any vote or procedure on substance should be postponed until a time not later than Monday afternoon, so that the sponsors of the draft resolution can enter into consultations with other delegations and come back and report the results of those consultations. That is my proposal, and I hope that this proposal is an acceptable one. I hope that my fellow representatives will agree with me.

135. The PRESIDENT: The representatives have heard the proposal of the representative of Afghanistan. I do not take it that it is a motion for the adjournment of the meeting or the adjournment of the debate. The representative of Afghanistan proposed that the voting on the draft resolution be postponed until Monday afternoon. The Chair is now in the hands of the meeting.

136. Mr. BINGHAM (United States of America): I have no objection to the motion and I beg the indulgence of the Assembly for a very brief word by way of reply. I simply want to say that I was deeply troubled by the manner in which my earlier remarks were interpreted by the representative of Guinea. I can assure him that the last thing that I intended to do was to give any offence to him or to his country, which is indeed a friend of my country. Since my words apparently did convey offence, I can only say to the representative of Guinea, whom I greatly respect and whom I consider my friend, that I feel the deepest regret and that I convey to him humble apologies.

137. Mr. DIALLO Telli (Guinea) (translated from French): I note with pleasure the statement just made by the United States representative and am glad that he has understood Guinea's reaction so well. I in turn should like to assure him that I regard him as a friend and to say on behalf of my country, that the Republic of Guinea regards his country as a friendly country.

138. Our dearest wish, however, is that through Guinea, the United States should be the friend of Africa and of the African peoples who are still bowed under the colonial yoke. I am convinced that he will understand what I mean and that there is no need for me to labour this point.

139. I appreciate the good intentions underlying the Afghan representative's proposal, although my delegation would have preferred the vote to be taken this evening since the situation is perfectly clear. Out of solidarity, friendship and the particular esteem in which I hold the Afghan representative, I can but accede to his proposal. We know from past experience, however, that for us, the small and the lowly, rare indeed are the occasions when time is on our side. I hope to see an exception on Monday.

140. In any event, the General Assembly already knows—and as Guinean representative I should like to reaffirm this—that we regard the adoption of the Declaration on the granting of independence as a great enterprise of peace for the African continent. Last year we regarded the establishment of the Committee of Seventeen responsible for the implementation of this declaration as a new act of peace in Africa, and all the steps we are requesting today are for that same purpose. The African peoples are resolved to free themselves, come what may. The only question that arises is whether their liberation will be peaceful, which is our dearest wish and in which we know we can be greatly assisted by the United Nations, or whether, against our wishes and in spite of our efforts,

it will have to be achieved in bloodshed, I hope that every representative in this Hall, and first and foremost my friend the United States representative, will try to ensure that Africa's inevitable liberation will come about in peace.

141. The PRESIDENT: Since there has been no objection to the proposal of the representative of Afghanistan, we shall come back to the vote on the draft resolution [A/L.410 and Add.1] on Monday afternoon, as proposed.

It was so decided.

142. We are ready now to take up the remaining parts of the report of the Special Committee. Before doing so I call on the representative of Syria for a statement on the conduct of voting.

143. Mr. RIFAI (Syria): I thank the Chair for calling on me, but I think I have already made it clear that the statement I had intended to make on procedure would be made after the Assembly had decided on the draft resolution now under consideration. I do not think this is the time for me to make these proposals concerning the procedure to be followed regarding the various draft resolutions that are still to be considered and that are contained in the report of the Committee. I think we might adjourn that until Monday afternoon.

144. The PRESIDENT: Under the circumstances, I propose now to adjourn the meeting. The General Assembly will meet tomorrow morning to take up the agenda items which are the subject of the reports of the Fourth Committee.

145. Mr. YOMEKPE (Ghana): I am sorry to intervene at this stage, but I should like to bring the following matter to the attention of the President. A meeting of the Fourth Committee is scheduled for tomorrow morning. We had hoped that it would be possible to proceed now to the consideration of the reports of the Fourth Committee. I see that the Rapporteur of that Committee is here, and I think that the members of the Fourth Committee who are present will agree with me that it would facilitate our work if the Assembly could proceed now to discuss these reports instead of adjourning.

146. The PRESIDENT: The Assembly has heard the proposal of the representative of Ghana. If there is no objection, I shall take it that the Assembly agrees to continue the meeting.

It was so decided.

AGENDA ITEM 57

Question of South West Africa:

- (a) Report of the United Nations Special Committee for South West Africa;
- (b) Special educational and training programmes for South West Africa: report of the Secretary-General

REPORTS OF THE FOURTH COMMITTEE (A/5310) AND OF THE FIFTH COMMITTEE (A/5340)

AGENDA ITEM 54

Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General

Assembly resolution 1542 (XV): report of the Special Committee on Territories under Portuguese Administration

REPORT OF THE FOURTH COMMITTEE (A/5349)

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Fourth Committee.

147. Mr. IBE (Nigeria), Rapporteur of the Fourth Committee: I wish first to introduce the report of the Fourth Committee on the question of South West Africa [A/5310]. The Committee adopted overwhelmingly—by ninety-six votes to none, with one abstention—a substantive draft resolution, which is annexed to the report as draft resolution II. The overwhelming support for this draft resolution is undoubtedly a matter of gratification to the Committee, as justifying the great effort expended on the item.

148. The other two draft resolutions which are recommended for adoption by the General Assembly deal with the petitions and communications examined by the Special Committee for South West Africa and with the dissolution of the Special Committee.

149. At this stage I should like to draw the attention of the General Assembly to the last part of paragraph 5 of the report, in which mention is made of the presentation to the Fourth Committee by the Reverend Michael Scott, on behalf of the Africa Bureau, of a bust of Chief Hosea Kutako, a highly respected leader in South West Africa. The Committee was glad to recommend the acceptance of the bust to the Secretary-General, and it has since been informed that the gift has been accepted.

150. With those few remarks I should like to recommend for unanimous adoption by the General Assembly the three draft resolutions contained in the report on the question of South West Africa.

151. I come now to the report [A/5349] of the Fourth Committee on the item entitled "Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV)".

152. This report is being presented directly to the General Assembly, on the basis of the decision of the Committee. It is likely that Members will find certain errors and omissions in the report, and I wish to state that the Rapporteur will be only too glad to have his attention drawn to any such errors so that they may be corrected.

153. Before formally introducing the report, I myself should like to make a few corrections and one addition. Since the completion of the report, the representative of the Ivory Coast has approached the Rapporteur to say that his delegation would like to be listed among the co-sponsors of the draft resolution [A/C.4/L.759/Rev.1] referred to in paragraph 6 of the report.

154. Furthermore, in paragraph 26 of the report the name of Nigeria was included by mistake in the list of sponsors of the draft resolution [A/C.4/L.761]. The representative of Nigeria pointed out this mistake to the Fourth Committee at its meeting yesterday [1421st meeting], and the correction will be made in the final text of the report.

155. As I have stated, with a view to expediting its work the Fourth Committee requested the Rapporteur to report directly to a plenary meeting of the General

Assembly. Like the report on South West Africa, this report is primarily of a procedural nature, its objective being to report to the General Assembly on the action which the Fourth Committee has taken in regard to the recommendations and observations made by the Special Committee on Territories under Portuguese Administration [A/5160 and Corr.1 and Add.1 and 2].

156. To the report which I now have the honour to submit are annexed three draft resolutions which the Fourth Committee has recommended for the approval of the General Assembly.

157. Draft resolution I contains a number of recommendations to which the Fourth Committee devoted a good deal of time, in particular the Fourth Committee's discussion on this draft resolution as set out in the seventh paragraph of the preamble and operative paragraph 7.

158. As regards draft resolution II, the Fourth Committee had before it a statement by the Secretary-General [A/C.4/593] on the financial implications of the draft resolution. The General Assembly has before it a report [A/C.5/964] submitted by the Secretary-General to the Fifth Committee after the draft resolution was adopted in the Fourth Committee.

159. Draft resolution III recommends to the General Assembly the dissolution of the Special Committee on Territories Under Portuguese Administration.

160. In view of the lateness of the hour, with these few remarks I commend the reports of the Fourth Committee on the two items under discussion to the approval and adoption of the General Assembly, and it is my hope that this will be done by a great majority.

161. The PRESIDENT: Interventions will be limited to explanations of vote. We will first take up the question of South West Africa. Members who wish to explain their vote may, if they desire, refer in one intervention to any of the three recommendations of the Fourth Committee on this question.

162. We shall now proceed to the vote. We shall vote on the draft resolutions contained in the Committee's report [A/5310]. Draft resolution I was adopted without objection by the Fourth Committee. May I take it that the General Assembly also adopts it?

Draft resolution I was adopted.

163. The PRESIDENT: In connexion with draft resolution II the Fifth Committee submitted a report [A/5340] on the financial implications of this draft resolution. I put this draft resolution to the vote.

Draft resolution II was adopted by 98 votes to none, with 1 abstention.

164. The PRESIDENT: Draft resolution III was recommended without objection by the Fourth Committee. May I take it that the Assembly also adopts it.

Draft resolution III was adopted.

165. The PRESIDENT: The second report of the Fourth Committee [A/5349] refers to the report of the Special Committee on Territories under Portuguese Administration regarding non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV). Does any Member wish to explain his vote?

166. Mr. GARIN (Portugal): The draft resolution contained in the report [A/5349] has already been com-

mented upon by my delegation in the Fourth Committee, where the draft originated. My delegation now reaffirms its position and desires that the clear statements it made in that Committee should be considered as reproduced here. We would, however, like to make a few further comments.

167. The methods adopted to arrive at this draft resolution have not only slighted the Charter, but have further underlined the attempt of a certain section of the membership of this Organization to dictate to my country details of internal administration, and to force a denial of its traditional political evolution, which has taken place through the centuries by the process of history and is fully sanctioned by international law. Though in view of the tendency prevailing here it seems almost anachronistic to talk to the majority about the Charter, my delegation vehemently protests against this illicit procedure and denounces once again a draft resolution which falls outside the scope of the basic law of the Organization.

168. Viewed from another angle, this draft resolution also underlines an attempt to form nations by dictation, irrespective of the traditional structures of the territories involved and of the political, economic and social conditions of the human aggregates concerned.

169. The very concept of a nation, which has always been understood to be an organic and historical growth brought about by the cohesive action of purely internal forces, and that undefinable creation of a collective soul, is sought to be distorted. Thus we now have attempts to create nations by artifices which, disregarding reality, do not seek the well-being or progress of peoples; rather they seek to implement slogans, or else, as has unfortunately proved to be the case, they hide thinly disguised purposes of political power or territorial ambitions.

170. Not only is this draft illegal and unrealistic, as I have briefly demonstrated, but it is in direct opposition to what is otherwise said to be a necessity of modern times—the creation of large economic and political areas, as exemplified in the creation of common markets and in the vigorous advocacy, observed in certain quarters, of the idea of political unifications, federations and confederations, even of territories whose populations are widely separated by geography, history, race and culture. Since such efforts are considered legitimate, it is difficult to understand the legitimacy of the efforts made in the opposite direction by those who seek to break up the centuries-old family ties which bind together the various parts of the Portuguese community. But such efforts are made in this Organization and, given the processes used to carry them through, they can be ascribed only to motives which have nothing to do with the trends of the present-day world. These motives are too thinly concealed to escape attention. They are the ambitions of those who seek to derive profit from a breakdown of the steady rhythm of evolution of our peoples towards the achievement of the highest human values. If evidence of such motives were needed, it is to be found in the blatant aggression committed against Portuguese territory by a country which has been one of the protagonists of the anti-Portuguese campaign in this Organization and which, as early as 1957, took the initiative in introducing the item under discussion.

171. From all the facts I have stated, the conclusion has necessarily to be drawn that this draft resolution will serve to promote certain ambitions camouflaged

under the hypocritical pretense of upholding principles which have, in any case, always been operative in all Portuguese territories.

172. If there had been the slightest sincerity in the zealous talk heard here about otherwise highly respectable principles, this Hall would have resounded with a solemn protest, which the draft resolution would have reflected, against incitements to subversion, armed infiltrations, support and encouragement of terrorist movements, establishment of bases and training of so-called patriotic fighters—although of different nationalities—in foreign countries, open threats of aggression; indeed, against the subjugation of populations by means of an armed invasion in defiance of the most sacred principles which are the very *raison d'être* of this Organization.

173. All this has happened and is currently happening. But since nothing of this sort has been recognized in the course, or in the conclusions, of the debates, my delegation feels fully justified in denouncing the insincerity which lies in the minds of those who have inspired this draft. An additional argument is thus being given to those who accuse this Organization of having a double standard.

174. Another fundamental aspect of this draft resolution calls for serious attention. One of its preambular paragraphs refers to petitioners. Now, the Special Committee had before it information which, though of relative merit, would lead to certain conclusions in favour of Portugal. The Committee, however, did not adopt those conclusions but adopted others, sometimes in a directly contradictory sense, exclusively on the basis of statements made by petitioners heard illegally, as far as the Charter is concerned. And who were these petitioners? Individuals who were expected to be anti-Portuguese, whatever their personal antecedents; individuals gathered by public advertisement; individuals mostly with scant culture but advancing opinions even on highly technical problems of public administration; individuals some of whom are not Portuguese nationals and have never set foot on Portuguese territory; individuals, all of them residing abroad and some of them formerly known as admirers of the Portuguese administration but who changed their opinions overnight; individuals, known to be leading terrorist movements; individuals who, above all, were not sworn before any spiritual or temporal authority to speak the truth as in a court of law and who spoke from hearsay without providing any proof, but whose statements were accepted as reliable evidence.

175. Thus, in effect, the conclusions of the Special Committee are for all purposes those made possible by the statements of a nondescript crowd of petitioners who not only did not offer the slightest guarantee of adequate knowledge and personal honesty, but who were not even pledged to speak the truth and never furnished the slightest corroboration of their hearsay stories. It is on conclusions arrived at in this manner that this draft resolution is fundamentally based.

176. Incidentally, it should be noted that, to carry out designs that are in themselves illegitimate, the person chosen to preside over one of the relevant bodies of this Organization was the very one who had said, "Charter or no Charter, Council or no Council", in an attempt to justify annexation of territories by means of armed aggression, while later another relevant body sought to explain away that annexation by describing the territories involved as "nationally united" with the aggressor countries.

177. It has been held, however, that the sources utilized were the only ones available. This my delegation disputes. There are, in the first place, scores of testimonies given by independent foreign personalities who visited the territories in question and later made their views widely known through the international Press and other media of information. None of this has been mentioned, let alone quoted. Nevertheless, they all contradicted and denied allegations current in this Organization, such as those referring to anti-Portuguese feelings on the part of the populations and to the existence of a significant and genuine movement of political unrest. What has mostly struck these observers, who freely met all sectors of the population and thus could form an objective judgement, is that the fact that people in the territories they visited go about their peaceful occupations as usual, living contentedly in an atmosphere of perfect racial harmony, proud and happy members of the Portuguese community—contrary to the propaganda so cunningly spread in many parts of the world, including this Organization. It is a matter of regret that none of this testimony has found its way either into the reports or into the debates which are at the basis of the present draft.

178. In the second place, there are the various new measures of very wide scope taken by the Portuguese Government in the recent past further to promote the well-being and all-around progress, including the political progress, of the overseas populations.

179. In the third place, there is the co-operation which the Portuguese Government has sought from the specialized agencies of the United Nations in important fields of public administration.

180. Though these are all matters of public domain, they are totally ignored in the draft, obviously so that not even the slightest impression may be created in favour of the Portuguese administration. Partisanship could not indeed make a better exhibition of itself, and it is deeply to be regretted that such lurid exhibitions are possible in this Organization dedicated to international understanding and harmony.

181. It is therefore clear that the present draft resolution does not correspond to an objective evaluation of the problem which this Organization decided to treat in debates. While these debates were, since the very beginning *ultra vires* of the Charter, it is also clear that the draft resolution has even overtaken the chain of illegalities behind them. Indeed, although the draft is presented under the heading of Chapter XI of the Charter, its clauses bear no relation whatsoever to the provisions of that part of our basic law; furthermore, the conclusions arrived at by the Special Committee do not correspond to the actual findings as contained in its report; and finally, the draft goes even further than the conclusions of the report itself.

182. Most of the attacks and accusations made against Portugal arise from the idea, considered as axiomatic, that our policy does not recognize the needs and aspirations of modern Africa. My delegation has on several occasions proved that such ideas are untenable if an unbiased analysis of our policies and practices is undertaken. We aim at the steady and well-founded progress of all our peoples in all fields of political, social and educational activities; we aim at the formation of a multiracial society, on a basis of equality for all, meaning not only the coexistence of different racial groups, but the absence of racism—a feature of which Africa is in great need, if it is to make progress and gain the place to which its human and material

resources entitle it in the world. In this context we greatly regret that, today, emotional factors prevent a clear understanding of the high objectives which we are pursuing with all our efforts and devotion. We have shown our desire to co-operate with international organizations for the furtherance of these aims. For the same purposes, we have offered our co-operation to all, and especially to the neighbouring countries, hoping that when emotion gives place to realism, they will come to recognize that our aims are not different from their own in so far as spiritual and material progress is concerned. We expect that the wide range of common interests will prevail over the differences, many of which are not inspired by purposes which may be said to be in any way connected with the real needs of the African people.

183. But as against our sincere intentions and efforts we find ourselves faced with an atmosphere of misunderstanding and misinterpretation, artificially created. We regret to say that the present draft resolution is an instance in point as it contains accusations which my delegation rejects with indignation. I refer particularly to the charge of oppression which we regard as unworthy of any serious-minded study or consideration of the subject. It is a sad commentary on the psychology prevailing in a large sector of this Organization that such a charge should be made at all against my country. It is also indicative of the total inversion of the truth which has, regrettably, become a programme of action in certain quarters.

184. Another example of this inversion is the allegation that "the policy and acts of the Portuguese Government ... have created a situation which constitutes a serious threat to international peace and security". My delegation submits that what does constitute a threat is the unfortunate campaign of vilification and other illegal efforts made against Portugal, and the collective aggression to which they can lead, even as they have already led, to implicit approval of terrorism and to silence in the face of acts of open aggression.

185. For all the reasons which I have stated, and without further considerations which do not seem to be necessary, my delegation expresses its most formal reservations, on behalf of the Government of Portugal, to the provisions contained in this draft resolution.

186. The PRESIDENT: As there are no further speakers on the list, the Assembly will proceed to the

vote. We shall vote on the three draft resolutions contained in the report of the Fourth Committee [A/5349].

187. I put to the vote draft resolution I. A roll-call has been requested.

A vote was taken by roll-call. Jamaica, having been drawn by lot by the President, was called upon to vote first.

In favour: Jamaica, Japan, Jordan, Lebanon, Nigeria, Libya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Sweden, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yugoslavia, Afghanistan, Albania, Algeria, Argentina, Bolivia, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, El Salvador, Ethiopia, Federation of Malaya, Finland, Gabon, Ghana, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast.

Against: Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Belgium, France.

Abstaining: Netherlands, New Zealand, Norway, Turkey, Australia, Austria, Brazil, Canada, Denmark, Dominican Republic, Greece, Iceland, Italy.

Draft resolution I was adopted by 82 votes to 7, with 13 abstentions.

188. The PRESIDENT: I now put to the vote draft resolution II, on the financial implications of which the Fifth Committee has submitted a report [A/5357].

The draft resolution was adopted by 96 votes to 2.

189. The PRESIDENT: Finally, I put to the vote draft resolution III.

The draft resolution was adopted by 100 votes to none, with 1 abstention.

*The meeting rose on Saturday,
15 December, at 12.10 a.m.*