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 III

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18 November 2013

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Letter dated 9 March 1966 from P.H. Moberly, UK Ministry of Defence to K.W.S. Mackenzie, Colonial Office

CONFIDENTIAL

19

MINISTRY OF DEFENCE
Main Building, Whitehall, LONDON S.W.1
Telephone: WHItehall 7022, *ext.*

File MA.

Our reference:
Your reference:

9th March 1966

BIOT Fishing Rights

Thank you for the copy of your letter (PAC. 23/892/016) of February 8th enclosing a proposed letter to the Governor of Mauritius about fishing in the Chagos archipelago. I am sorry we have been slow in replying: I have been away a certain amount lately. We have a number of comments which you will wish to take into account in the draft.

2. First, until we know what type of defence facilities may be needed on these islands it seems to us unwise to be at all precise about the terms on which fishing in the waters around them might be permitted. Although some fishing might be allowed in practice, in our view we ought to keep the right to exclude it firmly in our hands - not only geographically but in time. Certain fishing might be considered harmless after an island had been put to some defence use, but with the later construction of an entirely new facility we might want to be more restrictive. I imagine that the Americans too would prefer to be cautious about the terms of any commitment at this stage. We therefore suggest that paragraph 3 B(iii) should be shortened and re-worded as follows:-

> "The possibility of limited access for fishing in the waters surrounding those islands excluded for defence use would be considered as and when the situation arises by the British and US governments, but would of course have to be subject to their overriding defence needs".

3. Similarly, where islands lie close together it is conceivable that we might not welcome unrestricted access by fishermen to a deserted island next door to one from which we had had to clear the local inhabitants. To be on the safe side, we should prefer to retain the right to exclude islands additional to those already cleared for defence use. In paragraph 3 B(ii) we suggest that the words "from which population had not yet been cleared" should be replaced by "not specifically excluded".

4. In general, before an approach is made to the Americans, we think that more thought needs to be given to the related questions of territorial waters and fishing limits. These two are not necessarily the same thing. If current UK law were extended to the BIOT, the effect would be that the Territory would:

/a...

K.W.S. Mackenzie Esq.,
Colonial Office.

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a. adopt a twelve miles fishery limit drawn from base lines in accordance with the 1958 Territorial Sea Convention, granting "habitual fishing rights" between the six and twelve lines to Mauritius and to any other states whose vessels had fished in the area during the preceding ten years, and

b. retain a three mile territorial sea limit drawn from the same base lines.

5. We are asking the Navy hydrographer to provide charts of the BIOT islands showing the appropriate territorial sea base lines and the three, six and twelve mile limits drawn from them. We shall want to see these charts before making up our minds which limits would best meet our defence requirements, and I will of course gladly let you see the charts.

6. This leads me on to two further points. First, although the undertaking to use our good offices with the US government about safeguarding fishing rights concerns only Mauritius and the Chagos archipelago, in principle any arrangements made with Mauritius would presumably apply equally to the BIOT islands formerly administered by Seychelles. Would you therefore consider bringing the Governor of Seychells into the correspondence? Secondly, we should remember that any fishing limits which we accept with Mauritius primarily in mind would apply to other countries too. The Soviet Bloc, for example, have ocean going fishing fleets whose range of operations is increasing through the use of modern techniques. Where it might seem harmless to allow local fishermen within so many miles of some defence installation, the presence of Russian trawlers might be quite another matter. It would thus be convenient to be able to base any undertaking to Mauritius on habitual or traditional fishing arrangements, provided that no other countries can claim similar use in the past. Could this point be brought out in paragraph 5? It is essential that, in helping to meet a special plea on the part of Mauritius, we can still keep other fishing fleets at a safe distance.

7. I am copying this letter to T.W. Hall (Cabinet Office), P. Nicholls (Treasury), A. Brooke-Turner (Foreign Office) J.G. Doubleday (CRO) W.G. Lamarque (Ministry of Overseas Development), A.W. Baker (Treasury Solicitors)

(P.H. MOBERLY)

Annex 52

Letter dated 29 April 1966 from A. Brooke Turner, UK Foreign Office to K.W.S. Mackenzie, Colonial Office

CONFIDENTIAL

Foreign Office, S.W.1.

29 April, 1966.

(3)4/[illegible]14)

6

We discussed on the telephone the draft letter to Mauritius enclosed with your letter DAO 93/892/016 of 8 February about fishing rights and practice in the Chagos archipelago area. We agreed that you should despatch the letter as it stood, and I undertook to send you confirmation of the points I made to you arising out of the draft. I regret that, owing to the absences of several of our Legal Advisers, it has taken some weeks to get this letter off to you.

2. The revised version of paragraph 3B(iii) proposed by Moberly in his letter of 9 March is acceptable to us, as is his suggestion for amending paragraph 3B(ii). Our legal advisers see no objection to the account given by Moberly in paragraph 4 of his letter of the effect of extending current United Kingdom law to the BIOT.

3. I agree with Moberly's suggestion in his paragraph 6 that it would be right to bring the Governor of the Seychelles into this correspondence, since the question of fishing rights may arise in parts of the BIOT other than the Chagos archipelago.

4. In the second part of his paragraph 6, Moberly draws attention to the need to bear in mind the possible interest of countries from outside the area in fishing operations off the BIOT islands. I understand that, as matters stand at present, it would be possible for the United Kingdom to declare an exclusive fishing zone of up to 9 miles beyond the limits of the 3 mile belt of territorial sea, and that within this zone Her Majesty's Government would retain control of the exercise of fishing rights. It would then be for Her Majesty's Government to decide who should be permitted to fish in the area. The rights might be given exclusively to fishermen of Mauritius or the Seychelles; or to any country from which fishermen had operated in the area before the establishment of the exclusive fishery zone; or to Commonwealth countries; or to fishermen of any other countries which might be designated by Her Majesty's Government. However, I understand that Japan may shortly bring a case against New Zealand in the International Court of Justice over the establishment by New Zealand of an exclusive fishery zone extending to the 12 mile line. If the Court's decision went against New Zealand, naturally the value of such a zone would be greatly reduced unless a change of limit of the territorial sea resulted in practice.

/5.

D.W.S. Mackenzie, Esq.,
Colonial Office.

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5. There appear to be two interests involved here. First, it will be necessary to do all we can to exclude the fishing fleets of countries whose interest in the BIOT might be deemed prejudicial to our defence interests there. Secondly, I assume that you will consider it necessary to do all that can reasonably be done to preserve the traditional rights of fishermen from Mauritius (and perhaps the Seychelles) to fish in the area. It is important to know what other countries have hitherto shown an interest in fishing in the waters off the islands now constituting the BIOT, and I understand that you will be obtaining information about this from the Governors. In addition, it would be interesting to know whether they have received any information about the intentions of other countries to begin fishing in the area; it is I imagine possible that fishing vessels from Japan will take an interest if they have not done so already.

6. I am copying this letter to Hall, Cabinet Office, Nicholls, Treasury, Doubleday, Commonwealth Relations Office, Lamarque, Ministry of Overseas Development and Baker, Treasury Solicitors.

(A. Brooke Turner)
Defence Department

Annex 53

Draft letter dated June 1966 from A.J. Fairclough to Sir John Rennie, Governor of Mauritius

DRAFT FOR CLEARANCE

PAC 93/192/016
MIC/58/21

June 1966

CONFIDENTIAL

Will you please refer to correspondence ending with your savingram No.641 of the 16th November about fishing in the Chagos Archipelago.

2. The enquiry in our telegram No.305 was related to the undertaking given to Mauritius Ministers in the course of discussions on the separation of Chagos from Mauritius, that we would use our good offices with the U.S. Government to ensure that fishing rights remained available to the Mauritius Government as far as practicable in the Chagos Archipelago. It seems certain that there would have to be restrictions on the extent to which either our own or American defence authorities would agree to fishing rights being retained by the Mauritius Government once defence installations have been developed on any of the islands of the Chagos Archipelago but as we see it, these need not necessarily be such as to deny fishing rights altogether. The best way of dealing with the matter and at the same time fulfilling our Ministers' undertaking to Mauritius Ministers may well be that during the period before defence installations are introduced into any of the islands of the Chagos Archipelago, an attempt should be made to clarify the arrangements which would govern access by fishing vessels once any of the islands of the Archipelago are actually taken for defence use.

3. As we see it a reasonable arrangement might contain the following elements:-

A. That there should be unrestricted access throughout the Archipelago during the period before any of the islands are taken over for defence uses and cleared of population.

B. Once one or more of the islands has been taken over and cleared of population, the following arrangements would apply -

(i) Mauritius fishing vessels would of course have unrestricted access to the high seas within the Archipelago (of which it seems from such maps as we have there must be a considerable amount).

(ii) They would likewise have unrestricted access to islands not specifically excluded for defence reasons and also to the territorial waters surrounding them.

(iii) The possibility of limited access for fishing in the waters surrounding those islands excluded for defence use would be considered as and when the situation arises by the British and U.S. Governments, but would of course have to be subject to their overriding defence needs.

/Would

Sir John Rennie, KCMG, OBE,
Government House,
MAURITIUS

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would a proposition on these lines (and we should clearly have to fill in the details in consultation with the Americans) be likely to be acceptable to your Ministers?

4. Two matters to which more thought will have to be given are the related questions of territorial waters and fishing limits. These two are not necessarily the same thing. If current U.K. law were extended to the B.I.O.T., the effect would be that the Territory would

(a) adopt a twelve miles fishery limit drawn from base lines in accordance with the 1958 Territorial Sea Convention, granting "habitual fishing rights" between the six and twelve lines to Mauritius and to any other states whose vessels had fished in the area during the preceding ten years, and

(b) retain a three-mile territorial sea limit drawn from the same base lines.

5. It is however possible, as matters stand at present, that the U.K. could declare an exclusive fishing zone up to 9 miles beyond the three-mile belt of territorial sea. This would mean that Her Majesty's Government by exercising exclusive control of the fishing rights in this zone would retain the right to decide who should be permitted to fish in the area. Rights could thus be given e.g. exclusively to fishermen from Mauritius and Seychelles; or e.g. to any other country whose fishermen had operated in the area before; or on any other basis. However we understand that a similar exclusive fishery zone established in the waters of a Commonwealth country is possibly to be challenged in the International Court of Justice. If the Court's decision upheld this challenge the value of such a zone for B.I.O.T. would be greatly reduced and we cannot therefore place too much reliance on this possibility.

6. Your savingram under reference supplied the details we requested at the time, but before entering into further discussions here, we are very much concerned to keep in mind the importance of the fishing grounds to Mauritius, for instance the possible importance of fishing in Chagos as a source of food, in view of the rapidly increasing population. In view of the uncertainty of the position over fishing limits, as described above and of paragraph 4(a) above, it would be convenient to be able to base any special arrangements made for Mauritius (and Seychelles) on habitual or traditional fishing arrangements, provided that no other countries can claim similar use in the past. In these circumstances past and present performance is of considerable importance. We should therefore be grateful for any further information about the present activities of Mauritius companies at Chagos and also of the present activities (or future intentions) of fishing vessels of other countries (e.g. Japan). This will affect our discussion of this matter with the Americans and also be of importance in the context of possible protection of vested Mauritian rights against foreign interlopers.

7. I am sending a copy of this letter to Julian Oxford and shall be grateful for similar information and for any comments he may wish to make, insofar as the islands of B.I.O.T. which were formerly part of the Seychelles are concerned.

(A. J. Fairclough)

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Annex 54

Note by UK Foreign Office, "Presentation of British Indian Ocean Territory in the United Nations", 8 September 1966, FCO 141/1415

SECRET AND GUARD

IOC(66)136

8 September, 1966

POLITICAL AND FINANCIAL SERIES

STEERING COMMITTEE ON INTERNATIONAL ORGANISATIONS

PRESENTATION OF BRITISH INDIAN OCEAN TERRITORY IN THE UNITED NATIONS

(Note by the Foreign Office)

The attached brief has been prepared by the Foreign Office in consultation with the Commonwealth Office and Ministry of Defence.

Foreign Office, S.W.1.

8 September, 1966.

SECRET AND GUARD

SECRET AND GUARD

PRESENTATION OF BRITISH INDIAN OCEAN TERRITORY IN THE UNITED NATIONS

Documents: Hansard: House of Commons, 10 November, 1965 - Written by Mr. James Johnson to the Secretary of State for the Colonies.

B.I.O.T. Order in Council, 1965.

Brief to United Kingdom Mission - Foreign Office telegram to New York, No. 4361 of 10 November, 1965.

Fourth Committee debates of 16 and 25 November, 1965 (A/C4/SR 1558 and 1570).

General Assembly Resolution 2066(XX)

Secretariat Working Papers A/AC 109/L279 of 26 April, 1966 and Add. 1 of 10 August, 1966.

Provisional Summary Record of Sub-Committee I of the Committee of 24, 12 August, 1966 (A/AC.109/SC 2/SR 28).

I BACKGROUND

The British Indian Ocean Territory was constituted by Order in Council in November, 1965 "for the construction of defence facilities by the British and United States Governments". The islands which form part of the British Indian Ocean Territory had formerly been administered as dependencies of Mauritius and the Seychelles. £3m. compensation was agreed and has already been paid to the Government of Mauritius; in the case of the Seychelles it was agreed that a civil airfield would be constructed in compensation to the Government of that territory. There was opposition at the time in Mauritius from the Parti Mauricien on the grounds that the compensation was insufficient; it has been dormant in the last few months but could reappear as an issue in the forthcoming Mauritius elections. In the Seychelles, the leader of the Seychelles People's United Party, Mr. Rene, vociferously opposed the idea of American bases before agreement was reached with the Seychelles Government, but since then he has tried to steal credit for securing an airfield for the Seychelles and is unlikely to renew his opposition.

Geography, Present Population and Economic Activity

2. The new Territory consists of the Chagos Archipelago (formerly administered by the Government of Mauritius) and the groups of islands known as Aldabra, Farquhar and Desroches (formerly administered by the Government of Seychelles). Their populations have been estimated to be approximately 1,000 (of which about a half are found in the one island of Diego Garcia), 100, 172 and 112 respectively. (This

/population

population fluctuates and a recent United Kingdom official visitor to the Chagos Archipelago considers that the population is at present appreciably less.) The Chagos Archipelago is situated some 1,200 miles north-east of Mauritius and is in fact nearer to the Seychelles. Desroches is 120 miles south-west of the Seychelles, Farquhar 420 south-west and Aldabra is 500 miles south-west. (A convenient sketch map of United States origin, not necessarily to scale, is attached at Annex A.) Their previous administrative groupings are therefore largely an historical accident. When these islands were originally acquired by the Crown they were unpopulated but since the 19th century they have been developed privately as copra plantations on a small scale (except Aldabra, whose only economic asset is its turtle exports to the Seychelles).

3. The present population of these islands is, we believe, entirely, or almost entirely, of contract labour, or their dependants, from Mauritius or the Seychelles employed by the present owners of the land and living in housing provided by their employers and they have no interest in these islands other than in their jobs which they enter or renew on 18-month or two-year contracts. We believe that almost all of them are relatively short-term inhabitants, staying for longer or shorter periods (depending on whether they renew their contracts) but a former Colonial Secretary of Mauritius, Mr. Robert Newton, who conducted a survey of the islands in 1964 before their detachment estimated that there was a small number in one island viz. Diego Garcia who could be regarded as having their permanent homes there, either because they were second-generation inhabitants or because they have never left the island. His estimates are based on hearsay and because his is the only estimate available within the last five years, the relevant extract from his report is attached at Annex B.

Administration

4. The islands were hitherto very loosely administered from Mauritius and the Seychelles and were infrequently visited by the administrations of those two territories. Under the B.I.O.T. Order in Council 1965 the Earl of Oxford and Asquith, at present also Governor of the Seychelles is constituted the Commissioner of the B.I.O.T. and it is intended that a Resident Administrator will be appointed this year. Day-to-day administration of these islands has been in the past largely in the hands of the employers.

Future Use of B.I.O.T. and the Fate of its Inhabitants

5. No decisions have yet been reached by either Her Majesty's Government or the United States Government about the construction of any facilities anywhere in B.I.O.T. Nevertheless a small British and United States party will visit Aldabra in September to survey its possible use as a site for a military airfield. The B.B.C. is also surveying Aldabra as a possible site for a radio relay station for the purpose of broadcasting to East Africa. For purely

/practical

practical reasons the B.B.C. and the defence survey parties will join forces. At one time the United States Government were interested in having a communications station on Diego Garcia. This requirement has now faded but they have recently expressed interest in possible naval facilities on a modest scale for which they wish to carry out a survey of Diego Garcia in late September or October, preferably with British participation.

6. There is therefore no immediate need to resettle the population of these islands but their evacuation might conceivably become necessary at six months notice should a military requirement of any of them arise. At present plans for the acquisition of the freehold rights in all these islands except Aldabra, which is occupied by a lessee of the Crown, are being considered and a Ministry of Defence representative has recently returned from a visit to these islands where he has investigated possible purchase prices with the owners. Draft legislation at present under consideration includes an immigration law, which would require that the inhabitants should be issued with entry permits and a land ordinance which would provide the Government with powers of compulsory acquisition should negotiations break down.

7. The present owners are apparently aware of the Committee of 24 interest in B.I.O.T. and according to the Ministry of Defence have pitched their prices in accordance with the political embarrassment which might ensue should negotiations break down. It is as yet too early to judge whether a voluntary settlement will be reached but there is no reason to believe that an accommodation will not be achieved.

8. The evacuation of the islands should not (so far as can be judged in the absence at present of a settled administration) cause insuperable difficulty. The Chagos Archipelago, in which there is the greatest concentration of people, are wholly owned by the Chagos Agalega Company, who also own the freehold in Agalega (which remains a dependency of Mauritius) where there are plans for expansion in copra production and where conceivably some resettlement might take place. From all accounts, none of the population would have a real interest in staying in the islands unless employers were to find them jobs there. In this sense there is no real community and the great majority should be happy with settled occupations elsewhere. The cost of their resettlement, which would need to be planned with the full cooperation of the Mauritius and Seychelles Governments would be met by Her Majesty's Government.

9. Although the separation of these islands was fully agreed with the Mauritius and Seychelles Governments no progress has so far been made in discussing the resettlement of the population in detail; nor is it really possible to make very definite plans until the appointment of an Administrator, probably this year, who could undertake the work of establishing the origin of the individuals concerned on the spot and of examining their claims. We would wish to establish that the inhabitants are all legally either Mauritians or Seychellois and one of the matters which will

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have to be raised with the Mauritian and Seychelles Governments is the question of their acceptance that the individuals in question have this status and their agreement to the issue to the inhabitants of passports of their country of origin. We would then envisage the issue of temporary residence permits by B.I.O.T. for those in the Territory. We should then have established a situation in which there were no individuals with claims on B.I.O.T. or without claims on either Mauritius or the Seychelles. We envisage no difficulty with the Governments of Mauritius and the Seychelles in carrying through these processes.

II OBJECTIVES

10. The primary objective in acquiring these islands from Mauritius and the Seychelles to form the new "British Indian Ocean Territory" was to ensure that Her Majesty's Government had full title to, and control over, these islands so that they could be used for the construction of defence facilities without hindrance or political agitation and so that when a particular island would be needed for the construction of British or United States defence facilities Britain or the United States should be able to clear it of its current population. The Americans in particular attached great importance to this freedom of manoeuvre, divorced from the normal considerations applying to a populated dependent territory. These islands were therefore chosen not only for their strategic location but also because they had, for all practical purposes, no permanent population.

11. It was implied in this objective, and recognised at the time, that we could not accept the principles governing our otherwise universal behaviour in our dependent territories, e.g. we could not accept that the interests of the inhabitants were paramount and that we should develop self-government there. We therefore consider that the best way in which we can satisfy these objectives, when our action comes under scrutiny in the United Nations, would be to assert from the start, if the need arose, that this territory did not fall within the scope of Chapter XI of the United Nations Charter.

12. An important consideration here is that one of the prerequisites of United States cooperation, financially or otherwise, is that they too should have freedom of manoeuvre and it is extremely doubtful whether they would be interested in remaining partners with us in developing facilities on these islands (no Agreement has yet been signed) if we had to regard the needs of the present transient population as paramount or if there were a legal basis for continuous scrutiny of our actions in the United Nations.

III TACTICS

13. So far, the United Nations has dealt with the subject of B.I.O.T. almost entirely in the context of Mauritius. In last year's Fourth Committee and General Assembly no

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cognisance was taken of the existence of B.I.O.T. as a separate entity and many delegations may not then have tumbled to the fait accompli of separation. General Assembly Resolution 2066(XX) dealt with B.I.O.T. en passant in the general context of Mauritius by simply noting with deep concern that any step to detach the islands "would be" a contravention of paragraph 6 of Resolution 1514(XV) and invited us to take no action which "would" dismember the territory and violate its territorial integrity. This year, however, there has already been separate mention of B.I.O.T. in the Secretariat Working Papers A/AC.109/L279 of 26 April 1966 and Add. 1 of 10 August, 1966 and the Russian representative in Sub-Committee I of the Committee of 24 has raised the subject of B.I.O.T. as a "bases" question.

14. The subject is bound to be raised again in the Committee of 24 shortly, possibly only in discussion of Mauritius or the Seychelles, or possibly in an attack on our use of the islands for strategic purposes. It is probable that a hostile resolution will be drafted. The resolution may simply deplore the fact of detachment but it may also claim that it is in contravention of the United Nations Charter and/or General Assembly Resolutions and may propose the establishment of some machinery (possibly a sub-committee or a visiting mission) to continue examination of the subject. Either in this way or (less likely) because we did not submit a separate return this year for B.I.O.T. in respect of 1965 under Article 73(e) of the Charter, we may be forced to accept or reject the application of Article 73 to the Territory this year. On the other hand, if discussion of B.I.O.T. results merely in a hostile resolution, which does not prejudice our case on the application of Chapter XI to the Territory, there may be no need to go into our attitude to the application of Chapter XI at present.

15. As a "bases" question, it would be unhelpful to make any explanation of our ideas of the strategic use of these islands and we cannot add anything to the statement that no decisions have yet been reached by either Her Majesty's Government or the United States Government about the construction of any facilities anywhere in B.I.O.T. This remains our public position within or outside the United Nations though news of the joint survey party may get out at any time from now onwards.

16. Our case on the application of Chapter XI to the Territory is that for all practical purposes the territory does not fall within the scope of that chapter because it has no "peoples" or "inhabitants" as contemplated in Chapter XI. But the weakness of our case lies in

(i) a small number of inhabitants of Diego Garcia who might be regarded as a permanent population; and

(ii) the absence of voting rights in their parent countries of the Mauritians and Seychellois now resident in B.I.O.T.

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It is unhelpful to our case to draw attention to either of these weaknesses and in time when their numbers are known, when discussions about their future have taken place with the Mauritius and Seychelles Governments and when plans for evacuation and compensation have been made these weaknesses will disappear. We should therefore leave it to others to raise these matters.

17. Finally our general tactics, given the present uncertainties about use and evacuation, will better serve our objectives if we do not get drawn into a statement on our position on the application of Chapter XI, unless we are forced to do so either by direct question or where failure to do so now might prejudice our case on the non-applicability of Chapter XI in the future.

IV INSTRUCTIONS

18. If B.I.O.T. is raised as a "bases" question the Delegation should not depart from the formula that no decisions have yet been reached by either Her Majesty's Government or the United States Government about the construction of any facilities anywhere in B.I.O.T. and the Delegation should not be drawn into any discussion of this subject. Separate instructions have been sent to the Delegation about this line (reference Foreign Office letter of 27 August, Brooke Turner to Trench, Washington, copied to United Kingdom Mission New York) which do not however invalidate this formula. Further instructions will be sent if developments make this necessary.

19. If we are forced to make our position clear on the application of Chapter XI to the Territory, the Delegation should say:-

> "Chapter XI of the Charter applies to 'territories whose peoples have not yet attained a full measure of self-government'. As there are no 'peoples' in the British Indian Ocean Territory who could attain self-government it is apparent that Chapter XI has no application to that territory. Those who go to the B.I.O.T. are a migratory force who go in accordance with the demand for their labour. Their numbers fluctuate and at most reach at times 1,500. They are, as they were before the establishment of the Territory, estate managers, officials and labourers from Mauritius and the Seychelles. They may stay in the territory for greater or lesser periods depending on whether they renew their contracts or not, but this does not alter their essential character as a migratory labour force."

20. If asked about the future of the labour force the Delegation should say that no decisions have yet been taken affecting the future of those who are now in the Territory for the purposes of their work but, when decisions are taken full regard will be paid to their welfare.

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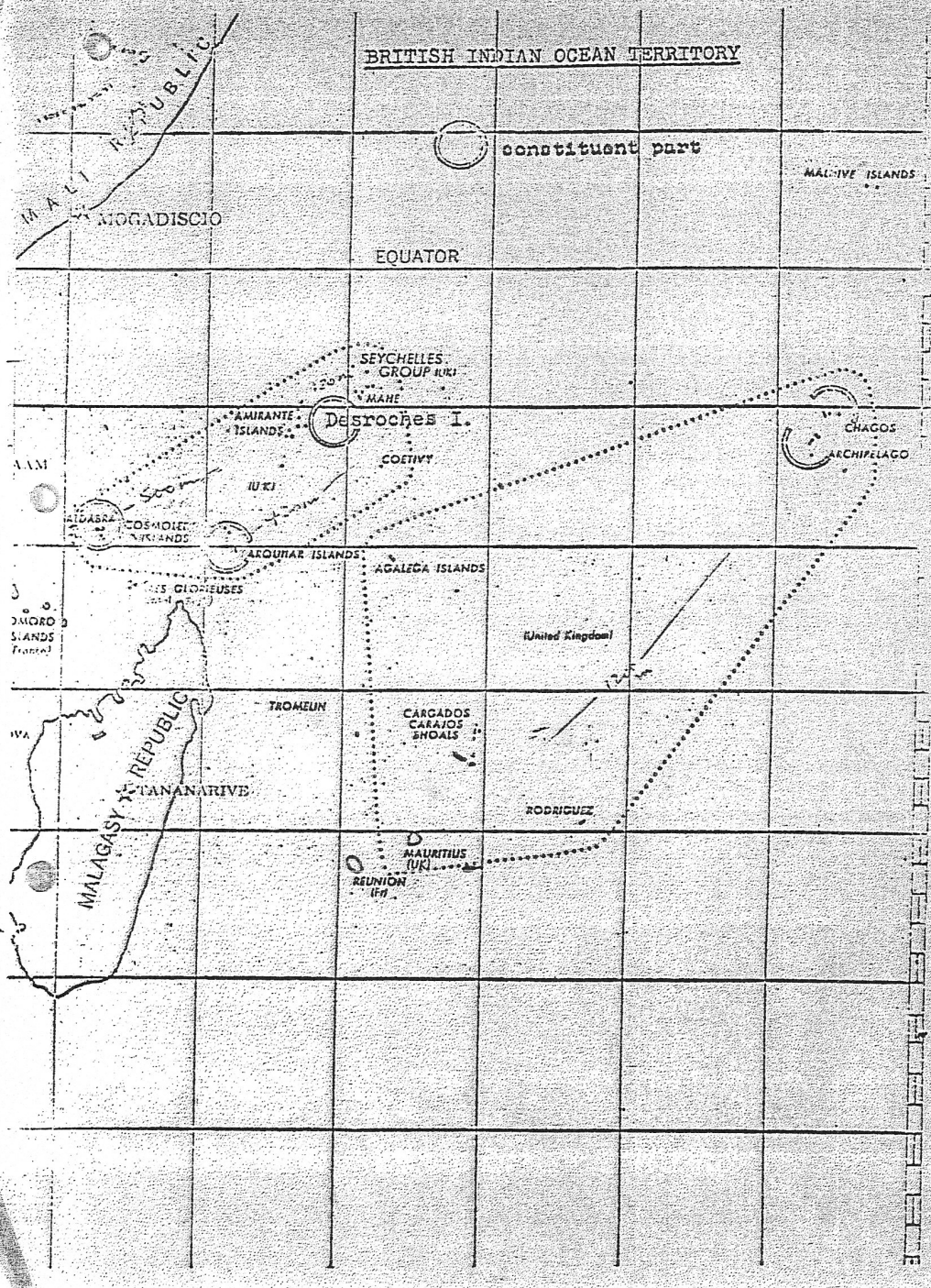
21. The Delegation should avoid any discussion of belonger rights and if presed about the numbers who have lived there for any length of time the Delegation should say (genuinely) that we do not have available any precise records of the length of stay of individual families. The Delegation should refuse to be pressed any further and if asked to find out should undertake to report what was said in the debate.

22. If pressed on the question of voting rights of the present labour force in the B.I.O.T. in Mauritius or the Seychelles the Delegation should say that the position remains as it was before these islands were separated from Mauritius or the Seychelles and that the question whether or not they can vote in an election is determined in accordance with the laws of Mauritius and the Seychelles affecting who has and who has not the right to vote there.

23. The above formulae have been drafted with care and have Ministerial authority. The Delegation should not depart from their wording therefore without seeking further instructions.

Annex A



SECRET ANNEX B

Extract from Mr. Robert Newton's Report 1964

DIEGO GARCIA

"24 ... There is certainly little trace of the sense of a distinct Diego Garcian community described by Sir Robert Scott in his book "Limuria". Sir Robert Scott holds that "the physical characteristics of the island have made the Diego Garcians more down and hard-headed than the residents in the other islands." They are said to be "more diligent in supplementing their basic rations and their cash resources than the other islanders." In the postcript to his book Sir Robert Scott discusses the impact of change and makes a plea "for full understanding of the islanders' unique condition, in order to ensure that all that is wholesome and expansive in the island societies is preserved."

25. Sir Robert Scott's visits took place nearly ten years ago. It is already apparent that already little is left of the distinctive life of Diego Garcia which he described. Judging by conversations with the manager, and with others on the island, most of the inhabitants of Diego Garcia would gladly work elsewhere if given the opportunity. The doctor on Dampier, Surgeon-Lieutenant Maclean, who spoke French well and spent ten days on the island, endorsed these comments on Sir Robert Scott's observations. At the time of the survey there was little evidence of any real sense of a distinct community evolved by the special local environment. Since four-fifths of the labour force are Seychellois under 2-year or 18-month contracts, the evocation of a distinctive attitude to life from the appearance of a chance-met individual on Diego Garcia is hazardous. Difficulties in establishing the paternity of some children was a further indication of a loose social structure - since it could not be attributed to the evolution of a matriarchal society. There are grounds for the conclusion that life on Diego Garcia evolved to meet the special conditions of the 19th century and that attachment to the island in recent years was fostered by the easy-going ways of the old company rather than to the island itself. The impact of the new company has loosened the old ties and if there is a distinctive way of life on the islands it is Seychellois rather than Mauritian being African in origin and evolved round the coconut palm.

26. Of the total population of Diego Garcia, perhaps 42 men and 38 women, with 154 children, might be accepted as Ileois. According to the manager 32 men and 29 women made relatively frequent visits to relatives in Mauritius and perhaps no more than 3 men and 17 women, including a woman of 62 who had never left Diego Garcia, could really be regarded as having their permanent homes on the island. The problem of the Ileois and the extent to which they form a distinct community is one of some subtlety and is not within the grasp of the present manager of Diego Garcia. But it may be accepted as a basis for further planning that if it becomes necessary to transfer the whole population there will be no problem resembling, for instance, the Hebridean evictions. Alternative employment on a new domicile under suitable conditions elsewhere should be acceptable."

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RESTRICTED

STEERING COMMITTEE ON INTERNATIONAL ORGANISATIONS

PRESENTATION OF BRITISH INDIAN TERRITORY IN THE UNITED NATIONS

Corrigendum to IOC(66)136

Page 1, Line 4. After "Written" insert "P.Q."

Page 1, Line 21. After "which" delete "form part of" insert "constitute".

Page 2, paragraph 3, line 2. After "or almost entirely", insert "composed".

Annex B.

Paragraph 24, line 4, delete "down" insert "downright".

Foreign Office, S.W.1.

9 September, 1966

RESTRICTED

SECRET & GUARD.

Annex 55

United Nations General Assembly, Report of Sub-Committee I: Mauritius, Seychelles and St. Helena, UN Doc. A/AC.109/L.335, 27 September 1966

UNITED NATIONS

GENERAL ASSEMBLY

Distr.
LIMITED

A/AC.109/L.335
27 September 1966

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

REPORT OF SUB-COMMITTEE I

MAURITIUS, SEYCHELLES AND ST. HELENA

Rapporteur: Mr. Rafic JOUEJATI (Syria)

CONTENTS

INTRODUCTION

1. The Sub-Committee considered Mauritius, Seychelles and St. Helena at its 28th, 29th, 30th and 32nd meetings held on 12 August, 9, 12 and 19 September 1966.

2. The Sub-Committee had before it the working papers prepared by the Secretariat (A/AC.109/L.279, Add.1 and Add.1/Corr.1).

3. In accordance with the procedure agreed upon by the Special Committee, the Chairman invited the representative of the United Kingdom of Great Britain and Northern Ireland to participate in the consideration of the three Territories. Accordingly, the representative of the United Kingdom participated in the 29th, 30th and 32nd meetings of the Sub-Committee.

CONSIDERATION BY THE SUB-COMMITTEE

A. Statements by members

4. The representative of the Union of Soviet Socialist Republics recalled that the situation in Mauritius, Seychelles and St. Helena had been studied very thoroughly by the Sub-Committee, the Special Committee and the General Assembly in 1964. That study had revealed the true situation in those Territories and had shown that the administering Power had not applied to them the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples but, on the contrary, had done everything possible to retard their attainment of independence.

5. The economic and social status of the inhabitants of the islands was deplorable. The administering Power had deprived them of the wealth which was theirs by right and, by granting concessions to foreign monopolies, had made it impossible for them to progress economically. In Mauritius and Seychelles, for example, two thirds of the arable land had been turned over to groups of planters. Without land, the inhabitants were forced to seek work on the plantations at starvation wages or else rent land. The economy was still very largely based on a single crop, which made the Territories entirely dependent on the metropolitan country. The inhabitants' standard of living was declining. The population was reduced to despair, and discontent was growing daily. In May 1965, serious

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disturbances had broken out in Mauritius, where the economic situation was steadily deteriorating, and the administering Power had used the Army to suppress the protests. In June 1966, a strike had been called in the Seychelles and the United Kingdom Government had brought in military units from Aden to disperse the strikers and prevent them from expressing their discontent. It was thus apparent that the administering Power was ignoring the recommendations of the General Assembly and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Special Committee and the General Assembly should therefore continue to study the question and formulate recommendations calling upon the United Kingdom to take prompt action to enable the Territories to attain independence immediately in accordance with the provisions of General Assembly resolution 1514 (XV).

6. The negative attitude of the administering Power was based on strategic considerations. The establishment of the new British Indian Ocean Territory, which would form the basis of a United Kingdom-United States security system, was a threat directed against the new countries of Africa and Asia, and it fully justified the fears expressed by the non-aligned countries at the Cairo Conference. The inhabitants were opposed to the idea of transforming the Territories into defensive bastions intended not only for the suppression of the nationalist movements in the islands themselves but also for use by the colonialists against those who were fighting for freedom in that part of the world. A petition (A/AC.109/PET.321) from the President of the Seychelles People's United Party protested against the construction of a military base, and, according to paragraph 33 of document A/AC.109/L.279, demonstrations had been held in Mauritius for the same purpose. According to The Times of London of 14 February 1966, an air base was to be built on Ascension Island; an article published in the American magazine Time on 19 December 1965 had stated that certain nearby atolls might be used as a base for submarines equipped with Polaris missiles. The Indian people, among others, were aroused at the prospect that new hotbeds of aggression would be created in the Indian Ocean, for those plans threatened not only the independence of certain peoples but also world peace. According to paragraph 34 of the document in question, the United Kingdom Government did not propose to modify its scheme to convert the islands into a military base. The United Kingdom was thus in effect

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hurling a challenge at the United Nations, for it was not only doing nothing to apply the Declaration embodied in resolution 1514 (XV) but also failing to respect the territorial integrity of the islands and defying the provisions of the resolution calling for the dismantling of military bases. One had only to read the Press to see that the United Kingdom was being encouraged by the United States and other imperialist Powers; during the Washington talks held earlier in the year between the United Kingdom Foreign Secretary and the United States Secretary of State concerning the development of military bases, the Australian Government had announced that large sums were to be allocated for military construction in Papua and New Guinea.

7. In order to eliminate colonialism as quickly as possible from Mauritius, Seychelles and St. Helena, his delegation suggested that the Sub-Committee should recommend the Special Committee to take decisions to the effect that: (1) the right to self-determination and independence of Mauritius, Seychelles and St. Helena and their dependencies should be reaffirmed; (2) elections should be held on the basis of universal adult suffrage; (3) following such elections, representative bodies exercising full powers should be established; (4) all land should be restored to the indigenous inhabitants; (5) the right of the indigenous inhabitants to dispose of all the natural resources of their Territories should be preserved; (6) military bases should be removed; (7) all agreements imposed on the Territories which limited the sovereignty and fundamental rights of the peoples concerned should be abrogated; (8) enterprises of the metropolitan country should refrain from any actions prejudicial to the integrity of the Territories; (9) any use of military bases should be condemned.

8. His delegation would support any recommendations which the Special Committee might adopt with a view to attaining those ends.

9. The representative of Syria noted that, despite the clear and straightforward recommendations made by the Sub-Committee in 1965 and subsequently adopted by the Special Committee, the question of Mauritius, Seychelles and St. Helena had to be taken up once again, because the administering Power, notwithstanding its disclaimers, was not yet willing to transfer full powers to the democratically elected representatives of the inhabitants. He did not believe that the reason for the delay was a desire for a better preparation for independence and self-determination. In fact, the administering Power had made but small contribution

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to accelerating the process of emancipation; it surrounded the idea of independence with all sorts of conditions which cast doubt on its good faith. The reforms which had been introduced in recent years were due entirely to the initiative and toil of the indigenous Government. In reality, during 156 years of British rule, nothing significant had been done to provide for the welfare of the masses of the people, who were exposed to extremely unfavourable meteorological conditions, to spread education or to prepare in the Territories cadres sufficiently enlightened to assume the responsibilities of government, development and industrialization.

10. He submitted that the United Kingdom Government's motives were twofold: to assure the permanence of the privileges of the tiny minority of settlers, and to use the Territories for strategic purposes against the wishes of the people of those islands and of the surrounding areas. Syria regarded the information given by the USSR representative on the Anglo-American plan to establish military bases in the Garcia Islands as extremely serious; the Special Committee should thoroughly investigate the matter and weigh its gravity.

11. Why, after all, did the administering Power wish to maintain the obsolete institution of the Governor, who was foreign to the country and foreign to its culture, its outlook and its aspirations, who appointed and dismissed unbound by the advice of the Public Service Commission, who robbed the indigenous representatives of their legitimate right to care for their own internal security and external affairs and who, while he was supposed to act in accordance with the advice of the Executive Council, was nevertheless authorized to act against its advice?

Why should more than one quarter of the national representatives be nominated by the Governor, and not elected by the people, and why should the Governor, and not the representatives themselves, select the Speaker of their Assembly? Why should he have the last say on expenditure, when the island needed large funds for development? Why should bills require his assent and, worse still, why could a bill rejected by the Legislative Council be put into effect by him if he considered it expedient?

Of course, the administering Power had a ready answer to those questions: the country was not yet independent, it was only in the experimental stages of

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internal self-government. Naturally, the administering Power, invoking apparently plausible reasons of balance, objectivity and reason, wanted it to be believed that the Territories were not ready for independence and self-determination. The Special Committee was very sceptical about the alleged pace of preparation undertaken by the administering Power; moreover, it firmly believed that the problems of poverty, under-development, illiteracy, cleavage between rich and poor and social injustice could not be solved by the administering Power, but would be overcome by the inhabitants themselves when they were independent and could freely decide their own future, their own form of government and the best way of meeting their own needs and when they would receive assistance from the community of nations in equality, equity and dignity. Credence should be given to the Chief Minister, Mr. Ramgoolam, when he asserted that the country should have achieved independence by the middle of 1964, and not to the administering Power, which invoked the need for a process of constitutional progress as a pretext for the continued denial of legitimate rights to the peoples in question.

14. The representative of Mali stated that the situation in Mauritius, Seychelles and St. Helena was a subject of serious concern to his Government. In Mauritius, there was a racial problem which the administering Power had kept alive with a view to perpetuating its domination, in accordance with the principle "divide and rule". It was in obedience to that principle that the United Kingdom Government had appointed the Banwell Commission to make recommendations on the electoral system.

15. Mali believed that the constitution of a country and all related questions were essentially matters for that country's people to decide. The administering Power had no right to make self-government and independence for the Territory conditional on full agreement among the political parties concerning a constitution which did not meet the legitimate aspirations of the indigenous inhabitants. In his view, the setting up of the Banwell Commission was simply a manoeuvre designed to perpetuate the United Kingdom presence in the Territory simply in order the better to exploit its wealth and its people; for while the attention of the Mauritians was centred on constitutional problems, the British companies were continuing to pillage the country, whose economy was in a catastrophic condition. Mauritius could not be considered in isolation in that connexion; attention must

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also be given to conditions in Seychelles and St. Helena, whose climate, owing to their geographical position, was ideal for diversified cultivation. Yet sugar plantations covered a total of 215,800 acres and tea plantations 6,600 acres, leaving only 17,600 acres for other food crops, and the Mauritians, and for that matter the inhabitants of Seychelles and St. Helena also, were forced to import food-stuffs from the United Kingdom and elsewhere. Thus, the decline of the Mauritian economy noted in the working paper was not surprising. In the fourth quarter of 1965, the public debt had amounted to 264 million rupees, or 18 million rupees more than in the corresponding quarter of 1964. That loss to the Territories swelled the excessive profits of the British companies, and that was why the administering Power was refusing to allow self-government and independence for the Territories. Sugar exports had fallen from 334.2 million rupees in 1964 to 289.7 million rupees in 1965, while the profits of the British companies were on the increase. Meanwhile there was heavy unemployment in the island and the Government was advising the indigenous inhabitants to go abroad to work, so that it could make greater military use of the island. He remembered the statement made by the petitioner concerning the intention of the United Kingdom and the United States to turn the island into a military base for aggression. It was interesting to recall the United Kingdom Prime Minister's recent statement that any Power called upon to participate in United Nations peace-keeping operations would have to be on the spot or in a position to go there, and that the United Kingdom could not ignore the fact that its partners wanted it to be able to exert enough influence in Asia and Africa to neutralize existing or potential centres of infection. According to the Prime Minister's own words, the United Kingdom Government had sought to abandon the system of large military bases in populated areas and to establish itself in areas which were virtually devoid of indigenous inhabitants and from which its forces would be able to move to the theatre of operations rapidly and at minimum expense. That statement, especially if it was recalled what had happened in Ascension Island two years previously, needed no comment.

16. Mali was opposed to military bases which were meant for aggression and which prevented the peace-loving peoples of the Territories, notably Mauritius, Seychelles and St. Helena, from enjoying their right to self-determination and

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independence. Consequently, his delegation again appealed to the administering Power to fulfil its obligations by enabling the indigenous people to attain independence, in accordance with their freely expressed desire, in the best conditions. The constitutional problem should not prevent the granting of self-government in the near future, since the Territory must attain independence as soon as possible. The establishment of the military base in the area was an unlawful act. The United Kingdom should dismantle the base and replace it with hospitals and schools, which the people certainly needed much more.

17. The representative of the United Kingdom said he assumed that the statement made by the Soviet Union representative at the 28th meeting of the Sub-Committee on 12 August, as it appeared in the provisional summary record, would be extensively rewritten. The new arrangements for the administration of certain small islands represented an administrative readjustment freely worked out with the Governments and elected representatives of the Territories concerned. No decisions had yet been reached by either the United Kingdom Government or the United States Government on the construction of any facilities anywhere in the British Indian Ocean Territory.

18. Since the representative of the Soviet Union had suggested that the Sub-Committee should recommend the Special Committee to take steps to ensure that all land was restored to the indigenous inhabitants of those Territories and that the rights of those inhabitants to dispose of the natural resources of the islands were preserved, he recalled that the United Kingdom delegation had already pointed out that the first human inhabitants of Mauritius and the Seychelles had come from France and those of St. Helena from the United Kingdom. He wondered whether the indigenous inhabitants to whom the representative of the Soviet Union was referring were the dodos and tortoises - the sole occupants of the islands before the Europeans had arrived.

19. At the twentieth session of the General Assembly, the Fourth Committee had discussed the question of Mauritius. The Electoral Commission, established in December 1965, under the chairmanship of Sir Harold Banwell, had recommended in February 1966 that there should be twenty three-member constituencies for Mauritius and one two-member constituency for Rodriguez, giving a total of sixty-two seats to be filled by direct suffrage. Five additional "corrective"

seats would be filled, to be allocated, one at a time, to the party which had the highest average number of votes per seat won; a "good loser" candidate of that party, belonging to the community least well represented, would then be declared elected. These "corrective" seats, however, would be awarded only to parties which had secured 10 per cent of the total poll and had won at least one constituency seat. Also, under a "variable corrective", any party with 25 per cent of the votes should have its seats increased up to 25 per cent if necessary by the appointment to the Legislature of the requisite number of "good losers". The United Kingdom Government had accepted the Banwell Commission's recommendations in full, but the three parties forming the Coalition Government had protested. Only the leader of the Opposition party, the Parti Mauritien Social Democrate, had welcomed the report. Most of the opposition had been directed towards the "correctives", i.e., the measures designed to provide assurances to minorities on the island that they would be adequately represented in Parliament and therefore that the main clauses of the Constitution should not be amended without their agreement.

20. In the course of a visit to Mauritius by a British Minister, full agreement among all political parties had been reached on a system of seventy seats in twenty three-member constituencies; sixty members would be elected by block voting (each voter being obliged to cast his full three votes). Two members would be elected for Rodriguez by block voting. In addition, there would be eight "best loser" seats. The first four such seats would be reserved, irrespective of party, for communities under-represented in the Legislative Assembly after the constituency elections. The remaining four "best loser" seats would be allocated on the basis of party, without any qualifying requirement for a minimum number of seats or votes. That system would guarantee the fair distribution of seats among the various communities, on the one hand, and the different parties, on the other. Registration was due to begin on 5 September, but because of Ramadan the elections could not be held before February 1967. If a majority of the new Legislature favoured independence, Mauritius would therefore be able to achieve independence after six months of internal self-government, i.e., during the summer of 1967.

21. Pursuant to the Banwell Commission's recommendations, a team of observers from Commonwealth countries had been established under the chairmanship of

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Sir Colin McGregor, formerly Chief Justice of Jamaica. Some of them would be present in Mauritius from the outset of the registration of electors.

22. The establishment of the Banwell Commission had not been in any sense a delaying manoeuvre, as the representative of Mali had implied, because agreement had finally been reached and independence was conditional upon the outcome of the elections. That had been the most appropriate procedure, because of the divisions of opinion concerning the ultimate status of the Territory. The United Kingdom Government continued to regard independence as the right solution and would take all possible steps to ensure that Mauritius became independent as soon as possible.

23. He pointed out in connexion with the paragraphs of document A/AC.109/L.279/Add.1, which referred to economic conditions in Mauritius, that 1963 had been in some respects an exceptional year with a record production of sugar and very high exports because of the international sugar shortage during that year. In fact, the receipts from sugar exports in 1964, although lower than those in 1963, had still been well above those in 1961 and 1962. Again, sugar production in 1965 had shown an increase compared with 1964. The Mauritius and United Kingdom Governments had taken measures to maintain the pace of economic development in Mauritius. In addition to receiving grant funds ($US6.7 million allocated for development for 1965-68 and nearly $13 million in further grants and loans for cyclone reconstruction), it should be remembered that Mauritius enjoyed an outlet at guaranteed preferential prices under the Commonwealth Sugar Agreement (currently more than £47 a ton compared with the world price of about £17); the preferential price applied to an estimated 75 per cent of Mauritius sugar exports.

24. With regard to the Seychelles, he drew attention to the main developments since July 1964 and in particular to the exchange of dispatches between the Colonial Secretary and the Governor, a useful summary of which was to be found in document A/AC.109/L.279 (para. 75). The Legislative Council had asked the United Kingdom Government for a response to its proposal that the Territory should remain British or be integrated with Britain. The Colonial Secretary had replied acknowledging the Council's desire for no change in the present relationship and suggesting that the Territory should now drop the minor qualifications for voting and move to universal suffrage. He also suggested apportioning departmental

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responsibilities to non-official members of the Executive Council and the appointment of a Constitutional Commissioner who would visit the Seychelles and consult all shades of opinion, including parties and individuals, before reporting on the future constitutional evolution of the Territory. The Commissioner had accordingly been appointed and had visited the Seychelles and submitted his report, which was under consideration. A strike had taken place in the Seychelles, but the strikers had returned to work, having accepted an interim-wage award equivalent to an 11.1 per cent increase. His delegation thought that that information should answer the Syrian representative's questions concerning low wages in the Seychelles.

25. The Seychelles were receiving under the Colonial Development and Welfare Acts increased assistance in grants, part of which had been allocated towards development schemes ($3.36 million for 1966-68) and the remainder towards the Seychelles budget.

26. There had been a number of major economic and social developments in St. Helena since 1964, which were briefly described in document A/AC.109/L.279/Add.1. Government labourers had received a pay increase of 90 per cent with effect from July 1965. That had caused the collapse of the flax industry but had not caused unemployment, owing to the other employment opportunities available.

27. The Governor of St. Helena had transmitted to the Colonial Secretary a dispatch in which he had referred to consultations which had taken place with a representative cross-section of the community in regard to possible further constitutional advance. The Advisory Council had adopted a resolution welcoming the proposed revisions of the Constitution and asking the United Kingdom Government for approval. Under the proposals, which had been almost unanimously agreed among the inhabitants of the Territory, the Advisory Council would be replaced by a Legislative Council which would include four additional elected members, bringing the total number of these to twelve. The Council would also have six nominated non-officials and two nominated officials. The Council would enact legislation, the Governor possessing certain reserve powers for use in exceptional circumstances. He would appoint committees of the Council as appropriate and delegate powers and departmental responsibilities to them. Those committees would include special experts as necessary and a majority of members drawn from the Legislative Council. The Executive Council would consist of two officials and the chairmen of the Legislative Council committees. The Public Service would remain the responsibility

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of the Governor. The Governor had expressed his belief that those changes would enable the people of the Territory to take a much more effective and responsible part in the regulation of their own affairs.

28. The Territory already had universal adult suffrage and elections had been held in 1963. Significant and progressive developments had thus taken place in the political and constitutional evolution of the three groups of islands, in each case with the full participation and in consultation with the peoples of the Territories themselves and their democratically elected representatives.

29. The representative of the Union of Soviet Socialist Republics said that the United Kingdom representative's statement was intended only to confuse and to keep the United Kingdom Government from having to say what it intended to do to carry out the resolutions of the General Assembly and the Special Committee. The United Kingdom representative had spoken at length about the constitutional changes, the establishment of an electoral system and appropriate legislation, as though such matters were central to United Kingdom policy. The USSR delegation wished to state categorically that the changes in the Constitution were a matter for the people alone to decide and to ask the United Kingdom to cease manoeuvring to prolong colonial domination and to remove all obstacles to its termination, for it was time to grant the peoples the independence to which they were undeniably entitled.

30. The United Kingdom representative had tried to refute the USSR delegation's remarks by saying that no agreement had been signed between the United Kingdom and the United States regarding the financing of the base in the Chagos Archipelago, but he had been careful to say nothing about the fact that work had already started on the base. The USSR delegation had not invented those facts; the information mentioned in the Special Committee and the Sub-Committee had been published in the United Kingdom and United States Press and could easily be checked. Indeed, the Press had revealed that the United States was bringing pressure to bear on their partners to remain east of Suez and carry out their obligations there. Those "obligations" were to police that part of the world. There had been reports in the United States and the United Kingdom Press that talks had taken place between the United States and the United Kingdom and an agreement had been signed giving responsibility for most of the bases east of Suez to the United States, which undertook to pay for the installation of the base in the Chagos

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Archipelago. It was difficult to see why the Press of the two great Western Powers should publish the information if no such agreement had been signed. If the United Kingdom persisted in its denials, it would be easy to demonstrate the truth by sending a mission of inquiry to the spot, as the Syrian representative had proposed; but the USSR delegation feared that the news was well-founded and that all the information about the base was correct.

31. As to the original inhabitants of Mauritius, the turtles and the dodos, the United Kingdom had not told USSR representatives anything they had not known and they had replied to its comments. As the United Kingdom delegation had brought up the subject of ornithology, however, he would remind it that other birds than dodos, birds with a larger wing-span, now swept over the Non-Self-Governing Territories, and were used by the colonialists to terrorize the subject peoples. There had been talk quite recently about those that had flown over Ascension Island. The United Kingdom representative had apparently been instructed to repeat the specious arguments that had been advanced the previous year, but there was certainly much more to be said about those modern birds, a species which was neither extinct nor becoming extinct; the 1965 and 1966 summary records were very instructive on the subject.

32. The representative of Mali said that although the electoral system described by the United Kingdom representative, which the administering Power wished to introduce into Mauritius, was very complex - he himself had difficulty in understanding it properly - he welcomed the fact that the report of the Banwell Commission had been approved by all the political parties and that the elections would enable the Territory to attain independence beginning in the summer of 1967.

33. The representative of Syria agreed with the representatives of the USSR and Mali that the fundamental question was how the United Kingdom intended to apply General Assembly resolution 2069 (XX).

34. The possibility of the United Kingdom and the United States installing military bases caused concern in Africa and the Middle East, particularly as bases of that kind had recently been the starting point for acts of aggression that had been condemned by the United Nations. The representative of the administering Power had stated that there was no agreement between the two countries at present, but negotiations were apparently under way; he would like to know whether the indigenous population was represented in the negotiations, and if so by whom.

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35. Constitutional development must be freely decided on by the inhabitants. The representative of the administering Power had said that when representatives had been elected by the electoral system it had proposed, they would decide the question of independence. He would like to know when the Legislative Assembly which was to be elected would meet and take such a decision. He also wondered how the problem of the different ethnic groups was to be overcome by the proposed electoral system.

36. As he had pointed out earlier, Mauritius was subject to economic difficulties because of its bad climate; and the local housing was not sufficient protection from the elements.

37. The representative of Tunisia wondered what might be the advantages of such a complicated, not to say peculiar, electoral system as the one proposed for Mauritius and described by the United Kingdom representative. Would national unity really be possible under such a system? Would not elections on the basis of universal suffrage be preferable?

38. The representative of the United Kingdom said that the proposed electoral system for Mauritius was not so complicated as some members of the Sub-Committee thought. Of the seventy seats provided for, sixty-two were to be filled by normal universal suffrage; only the remaining eight were "best loser" seats and were intended to ensure that the minority groups would be represented in the Legislative Assembly. As everyone knew, the system, proposed by the Banwell Commission, had been accepted by all the political parties of the island, after two unsuccessful experiments and after action by the Secretary of State for the Colonies. Replying to the Syrian representative's question, he said that he had already stated in his report that the Legislative Assembly would meet immediately after the elections, or about February 1967; Mauritius would then be able to ask for independence if it so wished.

39. The representative of Syria asked whether the eight "best loser" seats would be filled by representatives of the island's Chinese and Muslim population.

40. The representative of the United Kingdom replied that it had been decided not to set aside special seats for particular minorities or communities, but that the new electoral system had been framed so as to ensure their fair representation. The new system was less complicated than might appear and above all it commanded general agreement among all the Mauritius political parties.

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41. The representative of Tunisia recalled that the question of Mauritius, Seychelles and St. Helena had already been considered by the Special Committee and had also been the subject of General Assembly resolutions 2066 (XX) and 2069 (XX). Those resolutions reaffirmed the inalienable right of the people of those Territories to freedom and independence and invited the administering Power to take effective measures with a view to the immediate and full implementation of resolution 1514 (XV).

42. Recalling that the United Kingdom representative had outlined the future of the islands at the previous meeting, he expressed the hope that the proposed electoral system would not have the effect of accentuating racial differences in the Territories but might, on the contrary, promote the interests of the various sectors of the population. Nevertheless, a serious economic and social problem remained. The main features of the economy of Mauritius, Seychelles and St. Helena, which was rudimentary and colonial in nature, were a heavy loss of revenue, the impossibility of increasing employment and the impossibility of bringing payments into balance, because exports were less than imports. The situation was so unsatisfactory that 3,250 workers had gone on strike in the Seychelles on 13 June 1966, and the administering Power had had to use troops to break the strike.

43. In addition, while resolution 2066 (XX) invited the administering Power to take no action which would dismember the Territory of Mauritius and violate its territorial integrity, it was clear that such dismemberment had already taken place. On 10 November 1965, the Secretary of State for the Colonies had stated that new arrangements had been made, with the agreement of the Governments of Mauritius and Seychelles, for the administration of the Chagos Archipelago and of Aldabra, Farquhar and Desroches. Those Territories, which had formerly been administered by the Governments of Mauritius and Seychelles respectively, were now called the British Indian Ocean Territory, and the United Kingdom and United States Governments would be able to construct defence facilities there. The administering Power had therefore dismembered Mauritius and Seychelles in order to set up a military base on the islands. The establishment of such bases in countries which were still colonized was reprehensible in every respect, and he recalled that his own country had experienced the same problem with the base of Bizerta. The Sub-Committee should therefore recommend to the Special Committee that it should invite

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the administering Power to take steps to implement resolution 1514 (XV), to lead the populations of the islands to independence, to abandon the plan to dismember Mauritius and Seychelles and to install military bases there, and to permit and encourage the sending of United Nations visiting missions to the Territories.

44. The representative of the United Republic of Tanzania said that the United Kingdom representative's statement at the previous meeting seemed to mean that, because they had been uninhabited when the French and the English had arrived, Mauritius, Seychelles and St. Helena belonged to nobody. Without going into detail on that matter, he believed that the inhabitants of the islands, whatever their origin, were none the less subjected to colonial domination. It was precisely that domination, depriving them as it did of the right to choose their own form of government, which the Government of the United Republic of Tanzania condemned. There had been nothing new in the statement of the United Kingdom representative: he had merely avoided the main issue, the obligation to allow the populations of those Territories to exercise their right of self-determination. There could be no possible doubt on that matter: that obligation was one of those laid upon the administering Power both by resolution 2066 (XX) on Mauritius and by resolution 2069 (XX) on, inter alia, the Seychelles and St. Helena. So far as the latter Territories were concerned, resolution 2069 (XX) also requested the administering Power to allow United Nations visiting missions to visit the Territories, and to extend to them full co-operation and assistance. Those were perfectly natural requests and there should be no difficulty in implementing those resolutions if the administering Power were to honour its obligations and respect the decisions which the General Assembly had taken in accordance with the Charter. But what had happened since the adoption of those resolutions? The Chagos Archipelago had become part of the new British Indian Ocean Territory. That decision had been taken scarcely a month before the adoption of General Assembly resolution 2066 (XX), which invited the administering Power to take no action which would dismember the Territory of Mauritius and violate its territorial integrity. The present situation therefore made it highly unlikely that Mauritius would accede to independence in 1966, as had been envisaged. Instead of implementing the General Assembly resolutions, the United Kingdom Government had endeavoured to delay the important steps which it should have taken by forming an electoral commission, which had

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produced what might be called a scientific constitution. The strong opposition to that strange constitution was therefore quite natural, and indeed it was most unlikely that the United Kingdom Government had ever expected the Mauritians to accept it. In that connexion, the agreement which had been reached between the Under-Secretary of State for Colonies and opposition representatives in Mauritius was of no significance because there was no evidence that the discussions had been held freely. The United Kingdom Government should remember, however, that every time it had endeavoured to draw up the constitution of one of its former colonies without taking due regard of the interests of the population, those constitutions had always come to nought and had been replaced by genuinely democratic instruments.

45. The manner in which the British Indian Ocean Territory had been set up and the haste with which it had been done could not but engender suspicion. His delegation had reason to believe that the Territory was to become a military base. Apart from the threat posed by such bases to neighbouring countries in the event of war, the example of Ascension Island, which had been used by mercenaries as a base for attacking the Congolese freedom-fighters, could not be forgotten. The Special Committee should therefore aim at guaranteeing the territorial integrity of Mauritius, Seychelles and St. Helena, and ensuring that they would not be used for military purposes.

46. The economic situation of those Territories was scarcely satisfactory at the moment. There had been a considerable decline in both agriculture and industry, which in 1964 had represented 24 and 15 per cent, respectively, of the gross national product of Mauritius, while unemployment was increasing rapidly. Monoculture should therefore be abandoned on Mauritius, as well as on Seychelles and St. Helena, if social disturbances were to be avoided. While it was doing nothing to stop the Southern Rhodesian Government from depriving 4 million Africans of the right to rule their own country, the United Kingdom Government had seen fit to send two warships to the Seychelles to compel strikers to resume work.

47. In conclusion, he hoped that reason would prevail and that the administering Power would eventually leave the peoples of Mauritius, Seychelles and St. Helena to rule their country as they wished.

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48. The representative of Yugoslavia recalled General Assembly resolution 2066 (XX) on the question of Mauritius, in which the Assembly had, in particular, invited the administering Power to take no action which would violate the integrity of the Territory; the Assembly had likewise adopted resolution 2069 (XX) concerning a number of small Territories, including Seychelles and St. Helena. It seemed that, in spite of the provisions of those resolutions, the administering Power had not only failed to take effective measures for ensuring the independence of those Territories, in accordance with the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, but it had even undertaken some measures contrary to those provided for in the Declaration.

49. His delegation considered that the development of those Territories was still very slow, because of the interests which the administering Power hoped to preserve there as long as possible. As early as 1964, the Conference of Non-Aligned Countries, held in Cairo, had condemned the intentions expressed by imperialist Powers of establishing military bases in the Indian Ocean, holding that such bases would constitute a threat to the new Afro-Asian countries and impede the process of decolonization. The course of events had shown that the Conference had been right, for in November 1965 the United Kingdom had decided to establish the new British Indian Ocean Territory as the site of defence bases for the United Kingdom and the United States of America. In spite of the resignation of three Ministers of the Mauritius Social Democratic Party and the protests raised in Mauritius following that decision, the administering Power had not changed its position on the establishment of those bases, as was evident from the statement of the United Kingdom Defence Secretary, contained in the Secretariat working paper (A/AC.109/L.279, para. 34).

50. As it had already stated, his delegation held that the United Kingdom was not entitled to dismember the Territory of Mauritius for the purpose of military installations. It considered that the Sub-Committee was duty bound to recommend to the Special Committee that the peoples of the Territories in question should accede without delay to independence, in accordance with their freely expressed wishes and with the provisions of the Declaration contained in resolution 1514 (XV). It further thought that the problem of the establishment of military bases through the dismemberment of Mauritius should be given particular attention, in accordance with the provisions of resolution 2066 (XX).

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51. The representative of Denmark expressed his satisfaction that the Territory of Mauritius was to accede to independence the following year, in accordance with the agreement established at the Constitutional Conference in London in September 1965. Following negotiations between the administering Power and the island's three main political parties, the electoral provisions made in the original draft Constitution, which had aroused some criticism by the parties, had been modified and subsequently approved by all concerned. In that connexion, the electoral system drawn up for Mauritius might seem at first to be unduly elaborate, but a similar and equally elaborate system had been functioning in Denmark for a long time, to everyone's satisfaction. Experience had shown that the system fulfulled its purpose perfectly, which was to assure fair and equal representation of all voters. The elections which were to take place on Mauritius would ensure the establishment of an autonomous Government and subsequently, after an interval of six months, accession to independence. The economic and social situation in the Territory seemed satisfactory, thanks to the determined efforts made by the authorities and the people to overcome the severe difficulties due to the losses caused a few years ago by two cyclones. Moreover, the authorities had been trying for some years to diversify the island's economy, which, at present, depended largely on its sugar production. The Danish Government thought, therefore, that the Territory of Mauritius could advance confidently towards independence, and it was looking forward to maintaining the best of relations with the new State.

52. With regard to Seychelles and St. Helena, his delegation considered, as it had often stated, that it was for the people of those Territories, and for them alone, to determine their constitutional future. The size, population and economy of those Territories might justify the adoption of special constitutional arrangements, which should not be ruled out, provided they met with the support of the population.

53. His delegation thought that in its report to the Special Committee, the Sub-Committee should express its satisfaction with the considerable progress made by the Territory of Mauritius on the path towards independence and should express the hope that the forthcoming elections would be another proof of the population's desire to accede to independence. With regard to Seychelles and St. Helena, the Sub-Committee's recommendations should take account of the special circumstances

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prevailing in those Territories and should, therefore, not contain any proposals which might be incompatible with those circumstances and perhaps with the wishes of the population concerned.

B. Conclusions

54. The study of the situation in Mauritius, Seychelles and St. Helena shows that the administering Power has so far not only failed to implement the provisions of resolution 1514 (XV) in these Territories, but has also violated the territorial integrity of two of them by creating a new territory, the British Indian Ocean Territory, composed of islands detached from Mauritius and Seychelles, in direct contravention to resolution 2066 (XX) of the General Assembly.

55. The Sub-Committee notes with regret the slow pace of political development in the Territories, particularly in Seychelles and St. Helena. This has delayed the transfer of powers to democratically elected representatives of the people and the attainment of independence. Key positions of responsibility in the administration of the Territories seem to be still in the hands of United Kingdom personnel.

56. The Sub-Committee notes with deep concern the reports pointing to the activation of a plan purporting among other things to establish military bases in Mauritius and Seychelles as well as an air base on Ascension Island, a plan which is causing anxiety in the Territories concerned and among people in Africa and Asia and which runs contrary to the provisions of resolution 2105 (XX) of the General Assembly.

57. The electoral arrangements devised for Mauritius apart from being complex in themselves seem to have been the subject of great controversy between the various groups and political parties. Regarding the Seychelles, the Sub-Committee regrets that people are still deprived of the right of universal suffrage.

58. The economy of the Territories, particularly Mauritius, is characterized by diminishing revenue, increasing unemployment and consequently a declining standard of living. Foreign companies continue to exploit the Territories without regard to the true interests of the inhabitants.

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C. Recommendations

59. The Sub-Committee recommends that the Special Committee reaffirm the inalienable right of the peoples of Mauritius, Seychelles and St. Helena to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples. The administering Power should therefore be urged again to allow the populations of the three Territories to exercise without delay their right of self-determination.

60. Any constitutional changes should be left to the people of the Territories themselves, who alone have the right to decide on the form of government they wish to adopt.

61. Free elections on the basis of universal adult suffrage should be conducted in the Territories as soon as possible. The elections should lead to the establishment of representative organs which would choose responsible governments to which all powers could be transferred.

62. The administering Power should be called upon to respect the territorial integrity of Mauritius and Seychelles and to insure that they would not be used for military purposes.

63. In fulfilment of the provisions of paragraph 12 of General Assembly resolution 2105 (XX), the administering Power should be called upon to refrain from establishing military bases in the Territories.

64. The Special Committee should recommend to the General Assembly to state categorically that any bilateral agreements concluded between the administering Power and other Powers affecting the sovereignty and fundamental rights of the Territories should not be recognized as valid.

65. The administering Power should be called upon to preserve the right of the indigenous inhabitants to dispose of all the wealth and natural resources of their countries. It should be urged to undertake effective measures in order to diversify the economy of the Territories.

D. Adoption of report

66. This report was adopted by the Sub-Committee at its 32nd meeting on 19 September 1966. The representative of Denmark stated that certain parts of the conclusions and the recommendations of the report did not conform with his delegation's opinion as expressed in the Sub-Committee's meeting on 12 September 1966 (see paragraphs 51-53 above). His delegation therefore could not support all the conclusions and recommendations of the report.

Annex 56

United Nations General Assembly, Report of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, UN Doc. A/6700/Add.9, Chapter X, 1967

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REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

(covering its work during 1967)

Rapporteur: Mr. Mohsen S. ESFANDIARY (Iran)

CHAPTER X

GIBRALTAR

CONTENTS

* This document contains chapter X of the Special Committee's report to the General Assembly. The general introductory chapter will be issued subsequently under the symbol A/6700 (Part I). Other chapters of the report are being reproduced as addenda.

CONTENTS (continued)

ANNEXES:

I. ACTION PREVIOUSLY TAKEN BY THE SPECIAL COMMITTEE AND THE GENERAL ASSEMBLY

1. The Special Committee began its consideration of Gibraltar in 1963 and 1964. On 16 October 1964, the Committee adopted a consensus in which it noted that "there was a disagreement, or even a dispute between the United Kingdom of Great Britain and Northern Ireland and Spain regarding the status and situation of the Territory of Gibraltar" and invited the above-mentioned Powers to begin talks without delay, in accordance with the principles of the United Nations Charter, in order to reach a negotiated solution in conformity with the provisions of General Assembly resolution 1514 (XV) giving due account to the opinions expressed by the members of the Committee and bearing in mind the interests of the people of the Territory. The United Kingdom and Spain were further requested to inform the Special Committee and the General Assembly of the outcome of their negotiations.[1/] The texts of notes exchanged between the two Governments were reproduced as appendices to the report of the Special Committee to the General Assembly at its twentieth session.[2/]

2. In resolution 2070 (XX), adopted on 16 December 1965, the General Assembly invited the Governments of Spain and of the United Kingdom to begin without delay the talks envisaged under the terms of the above-mentioned consensus and to inform the Special Committee and the General Assembly at its twenty-first session of the outcome of their negotiations.

3. The Special Committee again considered the question of Gibraltar at meetings held during November 1966 at which time it had available the texts of further correspondence between the two Governments.[3/] On 17 November 1966, it adopted a resolution whereby, taking into account the willingness of the administering Power and the Government of Spain to continue the negotiations, it: (a) called on the two parties to refrain from any acts which would hamper the success of the negotiations; (b) regretted the delay in the implementation of General Assembly

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1/ Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 8 (part I), (A/5800/Rev.1), chapter X, para. 209.

2/ Ibid., Twentieth Session, Annexes, addendum to agenda item 23, (A/6000/Rev.1), chapter XI, appendices.

3/ A/6242, A/6277 and A/6278.

resolution 1514 (XV) with respect to the Territory; (c) called on the two parties to continue their negotiations in a constructive way and to report to the Special Committee as soon as possible, and in any case before the twenty-second session of the General Assembly; and (d) requested the Secretary-General to assist in the implementation of the resolution.[4/]

4. At its twenty-first session, the General Assembly adopted resolution 2231 (XXI) of 20 December 1966, the operative paragraphs of which read as follows:

> "1. Regrets the delay in the process of decolonization and in the implementation of General Assembly resolution 1514 (XV) with regard to Gibraltar;
>
> "2. Calls upon the two parties to continue their negotiations, taking into account the interests of the people of the Territory, and asks the administering Power to expedite, without any hindrance and in consultation with the Government of Spain, the decolonization of Gibraltar, and to report to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples as soon as possible, and in any case before the twenty-second session of the General Assembly;
>
> "3. Requests the Secretary-General to assist in the implementation of the present resolution."

II. INFORMATION ON THE TERRITORY[5/]

5. Information on the Territory is contained in the reports of the Special Committee to the General Assembly at its eighteenth, nineteenth, twentieth and twenty-first sessions. Supplementary information is set out below.

4/ A/6300/Add.8, chapter XI, para. 66.

5/ This section was originally reproduced in document A/AC.109/L.419. This information has been derived from published sources and from the information transmitted to the Secretary-General by the United Kingdom of Great Britain and Northern Ireland under Article 73 e of the Charter, on 1 September 1966, for the year ending 31 December 1965.

Constitutional developments

6. There were no constitutional changes effected during the period under review.

Negotiations between the United Kingdom and Spain

7. An account of the state of the negotiations between the United Kingdom and Spain appears in the report of the Secretary-General of 17 July 1967 which is annexed to the present chapter.

Economic conditions

8. Gibraltar, which has no agriculture or other primary resources, is largely dependent on tourism, re-exports and the work provided by the dockyard, the Departments of the Armed Services, the Government and the City Council.

9. In particular, efforts are being made to develop the tourist industry. They include the expansion of hotel and restaurant facilities, the promotion of various types of business and other conferences and festivals, the construction of an aerial ropeway to the top of the Rock, etc.

10. The main sources of government revenue are customs and excise. Revenue for the year 1965 totalled £1,848,407 and expenditure amounted to £2,536,800 which included expenditure met out of the Improvement and Development Fund amounting to £518,618. The largest item of expenditure in 1965 was social services (including rehousing and town planning), amounting to £1,294,800.

11. Following a visit of the Chief Minister, Sir Joshua Hassan and the Minister without Portfolio, Mr. Peter Isola to London in July 1965, the United Kingdom Government announced that it was making available £1 million in Colonial Development and Welfare grants for development in Gibraltar over the next three years and also a further £200,000 in Exchequer loans should they be required. In addition, £100,000 would be made available as a special grant-in-aid. This was not actually brought to account until early 1966. The total of £1,100,000 in grants and £200,000 in loans during the years April 1965-March 1968 compares with a Colonial Development and Welfare allocation of £400,000 previously made available for the three years ending 31 March 1966. It was announced in November 1966 that the United Kingdom Government was allocating a further £600,000 in addition to the

£1 million previously allocated in Colonial Development and Welfare grants for an expanded development programme. The United Kingdom Government had also agreed, subject to parliamentary approval, to provide a special grant-in-aid of £100,000 to Gibraltar's budget in 1967.

Social conditions

12. It is estimated that approximately two thirds of the labour force consists of alien non-domiciled workers, the majority of whom live in neighbouring Spanish territory and who enter daily by road from La Linea or by sea from Algeciras under frontier documents issued and controlled by the authorities on both sides of the frontier. Since 1964, however, the flow of workers from neighbouring Spanish territory has tended to diminish while the influx of other non-Spanish labour has tended to increase.

13. In 1965 there were eight doctors practising under government and local authority services and eleven private doctors in Gibraltar. Recurrent expenditure on public health in 1965 was £274,875 by the Government and £33,691 by the local authority. Capital expenditure was £7,612 and £1,820 respectively.

Educational conditions

14. Education in Gibraltar is compulsory and free in government schools for children between five and fifteen years of age. As at the end of 1965, primary education was provided in twelve government schools and three private schools. In addition, there were six government secondary schools and two technical schools, the latter being the Gibraltar and Dockyard Technical College for boys and the Commercial School for girls. There is no higher education in Gibraltar but Gibraltarians with the necessary qualifications are granted scholarships and grants for further study overseas, mostly in the United Kingdom.

15. Total enrolment in schools as at the end of 1965 was 5,125 children out of a total population of 25,270 civilian residents. Of this number, 3,315 were enrolled in primary schools, 1,686 in secondary schools and 124 in the technical schools.

16. Recurrent government expenditure on education in 1965 was £208,663 while capital expenditure relating to buildings amounted to approximately £20,000 with new works started but not completed estimated at about £90,000.

III. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

17. The Special Committee considered Gibraltar at its 543rd to 550th meetings held at Headquarters between 22 August and 1 September 1967. It had before it a report by the Secretary-General concerning the implementation of General Assembly resolution 2231 (XXI) of 20 December 1966 (see annex I).

18. In a letter dated 22 August 1967 (A/AC.109/258), the Deputy Permanent Representative of Spain to the United Nations requested that his delegation be allowed to participate in meetings of the Special Committee at which Gibraltar would be discussed. The Committee decided, without objection, to accede to that request.

A. Written petitions

19. The Special Committee had before it the following written petitions concerning Gibraltar:

Petitioner	Document Number
Mr. Julian Palomo Jiménez	A/AC.109/PET.645
Sir Joshua Hassan, Chief Minister of Gibraltar, Mr. P.J. Isola, Deputy Chief Minister, and others	A/AC.109/PET.704
Mr. Daniel Fernandez	A/AC.109/PET.705
Mr. Alfredo Bentino	A/AC.109/PET.706
171 petitions concerning Gibraltar	A/AC.109/PET.714-883
Mr. Carlos Manuel Larrea, President, and eighteen members of the Instituto Ecuatoriano de Cultura Hispanica	A/AC.109/PET.884
Mr. Andrés Townsend Ezcurra, Secretary-General of the Latin American Parliament	A/AC.109/PET.900

B. General statements

20. The representative of the United Kingdom said that most of the developments concerning the question of Gibraltar which had occurred since the adoption of General Assembly resolution 2231 (XXI) on 20 December 1966 were fully covered in the Secretary-General's report (see annex I). It might be useful, however, to recall the salient features of the current situation and to outline the main developments which had led up to it. Three main conclusions could be drawn - the first negative and the other two positive. The first conclusion was that, to his

delegation's regret, the continued negotiations between the United Kingdom and Spain called for in General Assembly resolution 2231 (XXI) had not taken place. Secondly, by its decision to hold a referendum in Gibraltar, the United Kingdom Government had made an important contribution towards the implementation of resolution 2231 (XXI) and other relevant resolutions of the General Assembly and the Special Committee. Thirdly, the result of the referendum would be an important new factor in deciding on the appropriate steps to be taken thereafter. His statement would be in the nature of an interim account, and a fuller report to the Special Committee, as required under General Assembly resolution 2231 (XXI), would be made when the result of the referendum was known. The Special Committee might, therefore, wish to suspend any substantive judgement on the longer-term aspects of the Gibraltar question until then.

21. A few days before the adoption of General Assembly resolution 2231 (XXI), the Spanish Government had rejected a United Kingdom proposal that the various legal issues which had emerged during the negotiations should be referred to the International Court of Justice and had reverted to its earlier proposal that Gibraltar should be incorporated in Spain under a bilateral convention and "statute". Following the adoption of resolution 2231 (XXI), the United Kingdom Government had taken the initiative in proposing a further round of talks to discuss possible methods of decolonizing Gibraltar, and the Spanish Government had agreed that those talks should take place on or about 18 April 1967. Six days before the talks had been due to begin, however, the Spanish Government, without any prior consultation, had published an order establishing in the immediate vicinity of Gibraltar a prohibited air zone in which all flying was banned, thus hampering access to Gibraltar. The timing of the announcement was clearly not accidental; indeed, similar restrictions on access to Gibraltar had been introduced on two earlier occasions - first in October 1964, the day after the Special Committee had adopted its consensus recommending negotiations between the United Kingdom and Spain, and again in October 1966, five days before a further round of bilateral talks between the United Kingdom and Spain had been due to begin. It was with such acts in mind that the Special Committee, in its resolution of 17 November 1966 (A/6300/Add.8, chap. XI, para. 66), had called upon the two parties to refrain from any acts which would hamper the success of negotiations,

and that the General Assembly had included in its resolution 2231 (XXI) the final preambular paragraph regretting the occurrence of certain acts which had prejudiced the smooth progress of negotiations. Since the declaration of the prohibited air zone in April 1967 had clearly and deliberately introduced a new element into the situation in Gibraltar and had been designed to prejudice the interests of the people of Gibraltar, the United Kingdom Government had considered it a matter of priority to establish the practical implications of that announcement before proceeding with the consultations, and it had therefore postponed the talks. The effects of the prohibited air zone on civil aircraft had already been discussed in the Council of the International Civil Aviation Organization (ICAO) and the matter would be raised in that organization by the United Kingdom as a dispute within the terms of article 84 of the Chicago Convention. In the course of discussions held at Madrid between 5 and 8 June 1967 at the suggestion of the United Kingdom Government, the Spanish representatives had declined to discuss the question of the prohibited air zone without prior acknowledgement by the United Kingdom Government of Spanish sovereignty over the territory on which Gibraltar airfield was situated. It was clear, therefore, that the prohibited air zone would in fact interfere with air navigation at Gibraltar. The Spanish Government's repeated allegations, during the past year, that United Kingdom aircraft had violated Spanish air space had all been fully investigated by the United Kingdom Government, and in only three instances had the allegations proved justified. Gibraltar airfield had been used by British aircraft for many years, yet, significantly, it was only in the past year that such allegations had been made so repeatedly and with such studied publicity.

22. Those were the reasons why the negotiations called for in General Assembly resolution 2231 (XXI) had not taken place. His Government's position on the issue was clear and consistent; it favoured talks, it deplored the obstruction of talks by the Spanish Government, and it regretted the imposition by the latter of obviously unacceptable pre-conditions for the holding of further talks on political matters, or even on the prohibited air zone. After the referendum, there would still be a wide range of subjects for fruitful discussion between the two Governments.

23. The principal element in the present situation was the United Kingdom's announcement that a referendum would be held in Gibraltar. The terms of the referendum had been communicated to the Secretary-General and were reproduced in hi report (see annex I, paras. 15 and 16). There were two choices offered to the people of Gibraltar, namely, to pass under Spanish sovereignty in accordance with the terms proposed by the Spanish Government on 18 May 1966, or voluntarily to retain their link with Britain, with democratic local institutions and with Britain retaining its present responsibilities. The announcement of the referendum had bee immediately welcomed by the elected representatives of the people of Gibraltar and by public opinion generally in the Territory. It was most important that the people of Gibraltar should be asked to say where their own interests lay, since those interests, according to Chapter XI of the Charter, were paramount and since General Assembly resolution 2231 (XXI) had called upon the United Kingdom and Spain to take them into account. The United Kingdom Government had offered the Spanish Government facilities to explain its proposals to the people of Gibraltar and try to convince them that the arrangements it proposed would be in their best interests and had also expressed its readiness to welcome a nominee of the Spanish Government to observe the referendum, but so far the Spanish Government had declined both invitations as unacceptable and had stated its disagreement with the referendum and its unwillingness to concede any validity to its results. The Spanish Government had likewise rejected a further offer by the United Kingdom to consider any views it might wish to put forward on the formulation of the first alternative in the referendum. The United Kingdom still hoped, however, that the Spanish Government would decide to accept the offers, but even if it did so the position of the United Kingdom Government would remain one of complete impartiality as between the two alternatives presented in the referendum, in order to allow the people of Gibraltar a completely free choice.

24. The second alternative offered in the referendum was obviously a limited choice. Under the Treaty of Utrecht, Gibraltar could not be alienated from the British Crown without first being offered to Spain. Thus, the practical choices open to the people of Gibraltar were restricted. Similarly, the area of British responsibilities referred to in the second alternative reflected the United Kingdom Government's concern for legitimate Spanish interests in the immediate

vicinity of Gibraltar. It had been made clear, however, that if the people chose the second alternative the United Kingdom Government would be ready to discuss with their representatives any appropriate constitutional changes which might be desired.

25. The referendum would be held on 10 September, and the entitlement to vote would be restricted to persons of Gibraltarian origin resident in the Territory who were over the age of twenty-one years. Out of a total resident population of some 25,000, therefore, about 12,000 persons would be registered as eligible to vote in the referendum, and the United Kingdom Government hoped that a high proportion would in fact do so.

26. As for the purposes of the referendum, the United Kingdom Government regarded it as an important, though not necessarily a final, stage in the process of decolonization. Moreover, it did not represent a final and irrevocable option on the part of the people of Gibraltar regarding the issue of incorporation in Spain; for even if a majority elected to retain the link with the United Kingdom, the people of Gibraltar would still retain the right to express by free and democratic choice their desire to join Spain. That undertaking went beyond the requirements of the Treaty of Utrecht. His delegation could only regret that the Spanish Government had not so far welcomed or recognized that important new step by the United Kingdom Government.

27. The referendum could be considered a significant step forward in the implementation of General Assembly resolution 2231 (XXI) paragraph 2; for it sought to establish, by popular vote, whether the Spanish proposals of 18 May 1966 were in accordance with the interests of the people of Gibraltar themselves. That question could not be determined by any outside body without reference to those whose future was at stake. The United Kingdom Government believed that, once that point had been clarified, further progress could be made towards the realistic achievement of the objectives of the General Assembly resolution, and it was fully prepared to hold further talks with the Spanish Government on the subject of Gibraltar.

28. Because the referendum was such an important step towards decolonization, the United Kingdom Government was most anxious that it should be conducted in conditions of absolute impartiality. To that end, it would welcome the presence of a Spanish observer, and he was glad to say that the Governments of certain Commonwealth countries and certain States Members of the United Nations had agreed to nominate

independent observers. The United Kingdom had also informed the Secretary-General that it would welcome the presence of any observer whom he might wish to send to Gibraltar for the referendum. That seemed especially appropriate in the light of Assembly resolution 2231 (XXI), and particularly of operative paragraph 3.

29. One reason advanced by the Spanish Government for its unwillingness to accept the referendum was that it would cause the reversion clause of the Treaty of Utrecht to come into operation, although in fact the holding of the referendum could not entail any interruption of British sovereignty over Gibraltar or any alienation of Gibraltar from the British Crown. However, the main criticisms of the Spanish Government seemed to centre on the unfounded assertion that the referendum violated resolution 2231 (XXI) and earlier resolutions of the General Assembly and of the Special Committee by implying that the people of Gibraltar were to say whether General Assembly resolution 1514 (XV) did or did not apply to Gibraltar. It was clear from the terms of resolution 2231 (XXI) that almost all Member States agreed that Gibraltar was a Territory within the scope of resolution 1514 (XV). The referendum would simply ask the people of Gibraltar to state whether or not it would be in their interests to be incorporated in Spain, on the terms offered by the Spanish Government. The clarification of their wishes on that point was certainly a step towards decolonization and was entirely consistent with General Assembly resolutions 2231 (XXI) and 1514 (XV).

30. The Spanish Government's concern with resolution 1514 (XV) seemed to rest exclusively on paragraph 6 of the Declaration. However, it was clear that, in framing paragraph 6, its authors had been essentially concerned not with the risks of dismemberment in sovereign States but with the possibility of dismemberment of existing Non-Self-Governing Territories or of such countries as the Democratic Republic of the Congo which, in December 1960, had barely emerged from colonial status. If paragraph 6 of the Declaration had any relevance to Gibraltar, it could only apply to the attempts of the Spanish Government itself to disrupt the territorial integrity and unity of Gibraltar by laying a claim to the southern part of the isthmus, which had been a part of Gibraltar for more than 100 years.

31. The United Kingdom Government had no doubt as to its legal sovereignty over Gibraltar, and indeed had offered to refer the Spanish Government's claim to the International Court of Justice and abide by its ruling.

32. Even if paragraph 6 of the Declaration could be interpreted as referring to the national unity of mature sovereign States, the Spanish case depended entirely on the thesis that Gibraltar was not a Non-Self-Governing Territory but a part of Spain. That view had certainly not been endorsed by the United Nations. On the contrary, the United Kingdom Government, year after year, had submitted information on Gibraltar under Article 73 e of the Charter, and the status of Gibraltar as a Non-Self-Governing Territory had been accepted in every competent organ of the United Nations.

33. If the Spanish Government really believed that Gibraltar was under Spanish sovereignty, Spain should accept the offer to resolve the question in the highest judicial organ of the United Nations. If, on the other hand, the argument was that Gibraltar was geographically a natural part of Spain, then by the same token it must be accepted that Lesotho and Swaziland were natural parts of South Africa, or Ifni a natural part of Morocco.

34. Moreover, the United Nations had not accepted the proposition that in the case of Gibraltar decolonization could only be brought about by integration with Spain. It was true that the Spanish Government had a standing in matters affecting Gibraltar, and that standing was recognized in the resolutions and was accepted by the United Kingdom Government.

35. While the Treaty of Utrecht limited the possibilities for decolonization through the normal formula of independence, there were other avenues of decolonization consistent with General Assembly resolution 1514 (XV). Integration with Spain would constitute decolonization only if it took place demonstrably in accordance with the wishes of the people of the Territory. To transfer Gibraltar to Spain against their wishes would not be decolonization, but a flagrant breach of all the principles of the Charter and of General Assembly resolutions.

36. There were other features of resolution 1514 (XV), besides paragraph 6 of the Declaration, that might be recalled. It was stated that all peoples had the right to self-determination and that the subjection of peoples to alien subjugation was a denial of fundamental human rights, and the importance of the freely expressed will of the peoples of Non-Self-Governing Territories was emphasized. It was against that background that one should view, first, the referendum, which allowed the people of Gibraltar to express their views as to where their interests lay in regard to one possible road to decolonization and, second, the Spanish proposition that such matters should be negotiated by the United Kingdom and Spanish Governments.

37. In implementation of General Assembly resolution 2231 (XXI), his delegation had endeavoured to present as full an account as possible of developments regarding Gibraltar on an interim basis. Its statement could not be considered a final report under the terms of the resolution, since that must await the outcome of the referendum. As for expediting the decolonization of Gibraltar, enough had been said to demonstrate that the referendum represented definite progress in that direction. The Spanish Government had been given an opportunity to explain its proposals to the Gibraltarians and had been invited to nominate an observer to the referendum. Moreover, the people of Gibraltar had been given a continuing option to modify their status by joining Spain. The United Kingdom Government had thus given full proof of its intention to take account of the interests of the people of the Territory. It would also be recalled that it had taken the initiative in arranging for a resumption of negotiations in April 1967. It could only regret that continued negotiations had been obstructed by the actions of others. Furthermore, whatever the results of the referendum, the United Kingdom Government still believed that there was a whole range of issues concerning Gibraltar that could be explored in direct talks with the Spanish Government within the framework of General Assembly resolution 2231 (XXI). It would be ready to take part in such negotiations, once the referendum had been held.

38. The representative of Spain said that General Assembly resolution 2231 (XXI), taken in conjunction with resolution 2070 (XX) and the Special Committee's consensus of 16 October 1964, not only made it quite clear that Gibraltar should be decolonized but also specified the manner in which the process should be conducted.

39. The colonial situation in Gibraltar called for the application of General Assembly resolution 1514 (XV), as the United Nations had requested. That resolution contained a Declaration consisting of seven paragraphs, the first of which stated that the subjection of peoples to alien subjugation was contrary to the United Nations Charter. However, the United Kingdom and the petitioners appearing before the Committee had said that the inhabitants of Gibraltar were not subjugated by the United Kingdom. The second paragraph set forth the principle that all peoples had the right to self-determination; however, neither the Special Committee nor the General Assembly had specified that that principle should apply to the civilian inhabitants of Gibraltar. Indeed, the 1964 consensus and General Assembly

resolution 2231 (XXI) merely stated that Spain and the United Kingdom should bear the interests of the inhabitants in mind. Paragraphs 3, 4 and 5 set forth principles for guaranteeing self-determination in cases to which paragraphs 1 and 2 applied. Consequently, only paragraph 6, supplemented by paragraph 7, offered a solution for the situation in Gibraltar. In connexion with paragraph 6, he would point out that the interpretation which the United Kingdom representative had placed on the implications of the scope given to it by the Assembly was not in keeping with the facts, as the records of the debates would suffice to show.

40. Continued British presence on a portion of Spanish soil was tantamount to the dismemberment of Spain's national unity and territorial integrity. As long as such dismemberment persisted, the colonial situation in Gibraltar would also persist, whatever formula was used to disguise it.

41. Although the United Nations did not consider the civilian inhabitants of Gibraltar to have the necessary qualifications for self-determination, it had laid down one important condition for the return of that Territory to Spain, namely, that the interests of the inhabitants should be respected by both the United Kingdom and Spain. That decision was quite in keeping with the statement contained in the report of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (A/6230, para. 502).

42. From the very outset, the Spanish Government had offered to respect the interests of the people of Gibraltar and had made a number of suggestions to the United Kingdom as to how those interests might be safeguarded. The United Kingdom Government had not stated what the interests of those inhabitants would be until 14 June 1967, when it had indicated that it considered one of the interests of the inhabitants of Gibraltar to be the right to take a decision regarding sovereignty over a Territory which it occupied. That decision by the United Kingdom had prompted Spain to request an opportunity to make a statement in the Special Committee.

43. When the negotiations recommended in General Assembly resolution 2070 (XX) had opened in London on 18 May 1966, his Government had proposed to the United Kingdom that two agreements should be concluded, one governing the interests of the inhabitants of Gibraltar and the other safeguarding the United Kingdom's interests. On the signing of those agreements, General Assembly resolution 1514 (XV) would have

become applicable, ending the dismemberment of his country's national unity and territorial integrity. The five meetings which had ensued had been negotiations in name only, and all the United Kingdom had done was to create obstacles to the process of decolonization, invoking legal and historical arguments and raising marginal issues. It had adduced new colonial rights over Spanish territory even more extensive than those conferred by the anachronistic Treaty of Utrecht, and it had finally proposed that the International Court of Justice should examine its colonial rights over the Rock before the United Nations resolutions were implemented During the Special Committee's consideration of the situation in Gibraltar in November 1966, he had drawn attention to the United Kingdom's reluctance to negotiate and to the fact that it had gone so far as to claim sovereignty over a part of Spanish territory adjacent to the Rock, thereby committing a new act of aggression against Spain's territorial integrity.

44. The United Kingdom delegation had thereupon attempted to justify its proposal to refer the matter to the International Court of Justice by presenting a long list of accusations against Spain. Those accusations had already been advanced in 1965 as a pretext for refusing to negotiate, and again in 1966 to mask the United Kingdom's unwillingness to negotiate. It had come as no surprise that they had again been put forward during the present debate as an excuse for the United Kingdom's decision to break off the London negotiations on 13 April 1967.

45. His Government interpreted the Special Committee's resolution of 17 November 1966 as a clear indication that the United Nations felt that the decolonization of Gibraltar should proceed through negotiations between Spain and the United Kingdom, and not through recourse to the International Court of Justice. His Government had therefore explained to the United Kingdom why the question could not be submitted to the International Court and had proposed the immediate opening of negotiations for the drafting of a statute to protect the interests of the inhabitants of Gibraltar. The statute was to have become a formal agreement between the two countries, duly registered with the United Nations.

46. General Assembly resolution 2231 (XXI) had requested the United Kingdom to refrain from hindering the decolonization of Gibraltar, which should be undertaken "in consultation with the Government of Spain" and by means of negotiations "taking into account the interests of the people of the Territory". The provisions of the

resolution were identical to those of the Spanish Government's proposal to the United Kingdom six days earlier. By that stage, it had been clear that General Assembly resolution 1514 (XV) provided the only means of solving the question of Gibraltar, bearing in mind the interests of its inhabitants. The United Kingdom had never told Spain what those interests were and had not allowed the Gibraltarians themselves to do so.

47. In 1963 and 1964, Mr. Hassan and Mr. Isola, petitioners from Gibraltar, had requested the Special Committee to safeguard the inhabitants' right to self-determination; however, that right was to be exercised exclusively in order to perpetuate the colonial situation in the Territory which, as the petitioners had admitted, did not affect them. It was not until 17 December 1966 that Mr. Hassan had told the Fourth Committee what rights the inhabitants of Gibraltar wished to see protected. That had been the first indirect information regarding those rights which his Government had received. Mr. Hassan's statement (A/C.4/SR.1679) had confirmed the existence of two types of interests in Gibraltar - those affecting the Gibraltarians themselves, and those of the United Kingdom, which were best described as limited sovereignty over a military fortress on Spanish soil. On 18 May and 13 December 1966, his Government had proposed separate solutions to the problem of those different interests. If the United Kingdom had been ready to comply with General Assembly resolution 2231 (XXI), it would have been easier to solve the question of the purely Gibraltarian interests. At no time, however, had the United Kingdom given any indication that it was ready to open a civilized dialogue with Spain, as requested in the resolution. United Kingdom aircraft had continued to violate Spanish air space, and Spanish protests had been ignored. Furthermore, on 5 January 1967, the United Kingdom had informed his Government that it had acquired the right to avail itself of Spanish air space in the area of the Rock by virtue of its construction of a military airfield adjacent to Gibraltar. The United Kingdom had already attempted to colonize another part of Spanish territory on 12 July 1966, and its attempt to establish so-called rights in Spanish air space, on behalf of military aircraft operating from the Gibraltar airfield, had come sixteen days after the adoption of resolution 2231 (XXI).

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48. The United Kingdom's claim and its endeavours to encroach on Spanish air space had made it more urgent than ever that Spain should protect its air space against military use by foreign countries. His Government had previously requested the establishment of a prohibited zone for air navigation in Spanish military air space around the Straits of Gibraltar. The United Kingdom's insistence on maintaining its base in Gibraltar demonstrated the strategic importance of the region. His Government had therefore approved a ministerial order establishing the prohibited air zone in Algeciras on 11 April 1967. The United Kingdom had used the existence of the prohibited zone as a pretext for disrupting the London negotiations, and the United Kingdom representative had attempted to show that the prohibited zone was a further example of Spanish hostility which was allegedly preventing negotiations. Such tactics were merely a repetition of those used in 1965 and 1966, when the United Kingdom had unsuccessfully attempted to persuade ICAO to condemn the prohibited zone as illegal. By submitting the problem of a prohibited zone to a technical organization concerned exclusively with civil aviation, the United Kingdom had tried to disguise the exclusively military nature of the airfield, which was registered as a military airfield with ICAO. Moreover, the permission of the Royal Air Force was necessary for overflights of the area.

49. The United Kingdom had subsequently rejected a Spanish proposal for the joint modernization of the Gibraltar airfield - despite the fact that it was situated on territory usurped from Spain. By so doing, the United Kingdom had sacrified the civilian traffic through the airfield, which would have brought many advantages to all parties concerned.

50. The Middle East conflict had given clear proof of the need for Spain to establish the prohibited zone. The policies of the United Kingdom and Spain in regard to that conflict had been different, and if it had spread the possibility of the military involvement of Gibraltar could not have been overlooked. The bombing of Gibraltar during the Second World War had caused many victims in the neighbouring Spanish city of La Linea. So long as a military base outside its control existed in Gibraltar, the Spanish Government must emphasize that it did not agree with the use made of that base.

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51. It was common knowledge that the United Kingdom had interrupted the negotiations for the decolonization of Gibraltar and had decided to hold a referendum in the Territory, without previous consultations with Spain as required in General Assembly resolution 2231 (XXI). The referendum was to be held in September 1967, and the United Kingdom had requested Spain and the United Nations to send observers. The questions to be put to the Gibraltarians amounted simply to asking them whether or not they wished to continue their present colonial status. The decision to hold a referendum violated not only the colonial Treaty of Utrecht but also the United Nations resolutions. It had been taken without consulting the Spanish Government, as operative paragraph 2 of resolution 2231 (XXI) required. The Spanish proposal that both countries should consult the Gibraltarians regarding the interests they wished to see safeguarded had met with no reply until 31 July 1967, although a Foreign Office spokesman had stated on 5 July 1967 that the United Kingdom would proceed with the referendum as planned. On 8 July the United Kingdom had indicated that it would not reply to the Spanish proposal; on 31 July, nevertheless, the United Kingdom Government had replied and had attempted to prove that the referendum was not a violation of General Assembly resolutions 2070 (XX) and 2231 (XXI). The reply was the most curious document yet received by Spain in connexion with the decolonization of Gibraltar. It stated that Gibraltar could not be considered part of Spain until the International Court of Justice so decided and that operative paragraph 6 of the Declaration did not, therefore, apply to the colonial situation in Gibraltar. It was clear, however, that the United Kingdom had taken a step greatly affecting the decolonization of Gibraltar and directed more against Spain than towards helping the Gibraltarians.

52. The referendum was tantamount to a defiance of the United Nations, whose decisions were not only ignored by the United Kingdom but were also subjected to the decisions of the inhabitants of Gibraltar after the referendum.

53. In April 1964, the United Kingdom had granted the British inhabitants a constitution setting up a "government" by promoting the Mayor of Gibraltar to the rank of Chief Minister. His delegation had denounced that stratagem in documents submitted to the Secretary-General. The United Kingdom had thus attempted to create the impression that the principle of self-determination was being applied

to Gibraltar, in the hope that the Special Committee would not renew its examination of the question. Although the adoption of resolution 2070 (XX) had marked the failure of that attempt, the referendum which the United Kingdom was now organizing was nothing more than the culmination of the 1964 manoeuvre. The United Kingdom Government had published an Order in Council on 28 June in connexion with the referendum, in which it was stated that the Order in Council was to be construed as one with the Constitution set out in the Gibraltar Constitution Order of 1964. That was an admission that the referendum was a part of the Constitution of 1964, which had been designed to present the Special Committee with a fait accompli. His delegation was sure that the Committee wuuld not be deceived by such shabby tactics. The so-called United Kingdom policy of decolonization in Gibraltar was merely a series of manoeuvres designed solely to guarantee the permanence of the United Kingdom's presence on the Rock. The United Kingdom was attempting to obtain the United Nations approval for its policies; when it failed to do so, it defied the Organization's decisions.

54. The United Kingdom was linking its own interests in the referendum with the interests of the inhabitants of the Rock, by forcing the latter to defend the United Kingdom's military interests at the entrance to the Mediterranean in order to defend a particular way of life which they wished to preserve.

55. Petitioners from Gibraltar had expressed a desire that the military base in Gibraltar should continue, and the United Kingdom was now attempting to have the perpetuation of that base requested by the majority of its subjects on the Rock. It was doing so because it had two specific political objectives in organizing the referendum: first, to defend its military base, and, secondly, to convert its dispute with Spain into a dispute between Spain and the inhabitants of Gibraltar. In an attempt to defend its base, and believing that Spain would agree to permanent United Kingdom sovereignty, the United Kingdom had been fully prepared to abandon the inhabitants. On 23 May 1966 the Foreign Secretary, speaking in the House of Commons, had excluded the inhabitants of Gibraltar from the negotiations between the United Kingdom and Spain, and on 12 July 1966 the United Kingdom had proposed to Spain the reduction of the so-called Gibraltar government to a municipality.

Such action would have been tantamount to abandoning the stratagems employed in introducing the 1964 Constitution, which the United Kingdom was now trying to revive by means of the referendum. Moreover, when the Special Committee's resolution of November 1966 had completely ignored the inhabitants of Gibraltar, the United Kingdom had not protested but had merely abstained from voting. Yet, when Spain demanded the decolonization of the Rock in accordance with United Nations recommendations, the United Kingdom immediately invoked the interests of the inhabitants. It was natural that it should do so, since the sovereignty over the military base which the United Kingdom was now forcing the inhabitants of Gibraltar to defend was an essential part of its interests. As recently as 25 July 1967, the United Kingdom Minister of Defence had told the House of Commons that his Government intended to maintain its garrison, the airport, the shipyard and other installations in Gibraltar. The United Kingdom's prime military objective could hardly have been better expressed. The second aim of the referendum - that of setting the inhabitants of Gibraltar against Spain - emerged clearly from a statement by the Foreign Secretary to the House of Commons on 23 May 1966 to the effect that the aim of the negotiations with Spain was not the decolonization of Gibraltar, but rather the institution of civilized relations between Spain and Gibraltar. The United Kingdom was, in fact, employing its ancient tactics of "divide and rule". As in many other parts of the world, the United Kingdom was deliberately creating a complicated and explosive situation on the Rock. Its sole aim was to make sure that the dispute did not appear for what it was, namely, a colonial dispute between an occupying Power and a partially occupied country, but rather as a conflict between Spain and 25,000 peace-loving people who did not wish to be absorbed by Spain.

56. The referendum was based on the idea that the administering Power had obligations only towards colonized people who were in the process of being decolonized. In the eyes of the United Kingdom, the colonized people were the British inhabitants of the Rock, despite the fact that, in 1963, the latter had themselves told the Special Committee that they were not the victims of colonization.

57. The United Kingdom was attempting to persuade the United Nations and Spain that the Gibraltarians, subjects of Her Majesty installed after the occupation, should decide the future of the Territory. It was trying to prove that those subjects were the sole population of Gibraltar and the sole victims of the Gibraltarian colonial situation. According to that argument, Article 73 of the United Nations Charter would take priority over Article 2 (4), to which paragraph 6 of the Declaration on the Granting of Independence conformed. The interests of the inhabitants of Gibraltar, when bound up with the specifically military interests of the United Kingdom, were tainted with colonialism, and it was at that point that they were questioned by Spain.

58. When the Special Committee had considered the question of Gibraltar in 1964, it had been shown that the population established in Gibraltar after the British occupation had been virtually prefabricated by the United Kingdom. It was therefore important to know exactly who would be eligible to vote in the referendum. Of the current population of approximately 24,500, some 4,000 were United Kingdom or Commonwealth nationals, and approximately 2,000 were foreigners, mostly Spanish citizens. Thus, there were approximately 18,500 "true" Gibraltarians, all of whom were British subjects, entitled to vote in the referendum, a "true" Gibraltarian, according to the Gibraltarian Status Ordinance of 1962, being a person registered as a Gibraltarian. However, only persons born in Gibraltar on or before 30 June 1925, together with their wives and legitimate dependants, were eligible for inclusion in the register. The 1925 date was significant, since the first Indian child of parents who had settled in Gibraltar had been born after that date; naturally, the United Kingdom authorities had not wanted that child to enjoy the same privileges as the other British subjects who had come to the Rock to take the place of the expelled Spanish population. Furthermore, the same Ordinance provided that the Governor in Council might order the deletion from the register of any person if he was satisfied that such person had, within ten years of being registered, shown himself by act or speech to be disloyal towards Her Britannic Majesty. Although 13,572 persons had been eligible to vote in the election held in Gibraltar in May 1967, almost one half had abstained, despite the fact that the election had been vital for the future of the Rock. In the circumstances, the

outcome of the referendum was already clear, and no useful purpose would be served by sending either Spanish or United Nations observers merely to prove that a population controlled by London voted as London had decided.

59. The persons inscribed in the register did not, however, constitute the entire population of Gibraltar. Five thousand Spanish workers worked in Gibraltar but were not permitted to live there. Many of them were the descendants of workers who had also worked in Gibraltar. However, they and their families, totalling some 60,000 persons, would not be allowed to participate in the referendum, nor would the descendants of the true Gibraltarians expelled in 1704 living in the town of San Roque or the neighbouring peoples of El Campo. As the Mayor of San Roque had stated in 1964, any decision which ignored the fact that the Campo de Gibraltar was united geographically, demographically and economically with the Rock would be nonsensical. In view of the composition of the electoral roll, the United Kingdom could hardly invoke Article 73 of the Charter while ignoring Article 2 (4) of the Charter and paragraph 6 of the Declaration.

60. Furthermore, many of those inscribed in the register had acquired a "pied noir" mentality and had become agents, rather than victims, of the colonial situation. The Gibraltarian publication Vox had intimated that the result of the discussions in the Special Committee on the question of Gibraltar was a foregone conclusion in favour of Spain; it had stated that Gibraltar must never disappear into "alien hands" and had called on the United Kingdom to adopt a "tougher policy". That was hardly the voice of a victimized people wishing to safeguard its interests.

61. In the circumstances, the United Kingdom's sole obligation towards the Gibraltarians was to facilitate free entry into the United Kingdom for those who did not wish Gibraltar to be decolonized - an obligation which the United Kingdom Government did not wish to assume. On the contrary, the United Kingdom immigration laws refused entry to the British subjects it wished to maintain on the Rock. An evasive reply had been given to a question asked in the House of Commons concerning the establishment of an entry quota for Gibraltarians, and the Home Secretary had clearly stated that Gibraltarians would not be allowed to enter the United Kingdom without restriction. Therefore, if the decolonization of Gibraltar took place in accordance with the foreseeable results of the referendum, it would be the first time that the loyal subjects of an occupying Power had decided upon the destiny of a colonial Territory - an arrangement which his Government expected that the United Nations would reject.

62. Fortunately, some Gibraltarians appeared to be more interested in preserving the cultural, social, religious and economic identity of the inhabitants of the Rock than in defending the military interests of the United Kingdom. According to a letter published in the Gibraltar Post of 12-13 August, the local Press had refused to publish a petition sent by a Gibraltarian to the United Kingdom Government concerning the untimeliness of the referendum. The tone of the letter gave some indication of the coercion probably exercised not only on the writer but on all Gibraltarians who felt that the best interests of Gibraltar would be served by Spanish-British understanding. The petition, which had been printed by Vox in its issue of 15 August 1967, had stated, inter alia, that no rational Gibraltarian should be asked to accept alternative (a) of the referendum, since the proposals did not set out terms of settlement which could be effectively accepted, and that, with regard to alternative (b), the suggestion that a negotiated solution between the United Kingdom and Spain would result in a severance of the links between Gibraltar and Britain and the abolition of democratic institutions in Gibraltar and would absolve Britain of its responsibilities was alarming, since Gibraltar would have to look mostly to the United Kingdom, following a settlement, for guarantees of the settlement and for its continued protection. The petition had gone on to express serious doubts concerning the extent to which the interests of the Gibraltarians were being advanced by the referendum, and had stated that those interests lay in a negotiated solution of existing differences - a solution which appeared to be excluded by the terms of the referendum as it stood. It had concluded by requesting the United Kingdom Government to reconsider its decision to hold a referendum and by further requesting that, if the referendum must be held, it should be with the express approval of the United Nations and with the full participation of Spain, which should bind itself to accept the result. If neither of those alternatives were possible, it requested that the terms of the referendum should be redrafted to meet the objections expressed.

63. The Spanish Government could not in all honesty ignore the terms of that petition, and it was ready to protect the religious, cultural, economic and sociological identity of the inhabitants of Gibraltar from all the consequences of decolonization. With that end in view, the Spanish Government had, in May 1966, proposed to the United Kingdom the signing of an agreement to protect the interests

of all the inhabitants of Gibraltar, whether or not they were inscribed in the register. In December 1966, it had reiterated that proposal and explained the need for establishing a statute for the inhabitants of Gibraltar. In July 1967, in its memorandum commenting on the United Kingdom referendum, the Spanish Government had proposed that the two countries should jointly consult the Gibraltarians on the interests they wished protected after the decolonization of Gibraltar. However, none of those proposals had been accepted, because they were based on the fact that Gibraltarian interests were distinct from the British interests involved. It was surely time to separate United Kingdom military and imperialist interests in Gibraltar from the specific interests of the Gibraltarians themselves. After that was done, Gibraltarian interests could be examined by Spain and the United Kingdom under the supervision of the Secretary-General and, once defined and guaranteed, they would fall within the scope of paragraph 6 of the Declaration. Needless to say, the United Kingdom referendum was not the most appropriate method of discovering what those interests were. The Special Committee and the General Assembly should therefore request it to refrain from holding the referendum. There were, after all, many interests involved; some non-Gibraltarian residents might well feel that they would wish to leave Gibraltar after decolonization, and Spain would be willing to examine their cases individually and to provide economic and other assistance if necessary. In addition, many British subjects, whether on the register or not, might not wish to remain in a Territory no longer under British sovereignty, and in that respect the United Kingdom Government had an obligation to allow them free entry to the United Kingdom. The interests of all who wished to remain on the Rock would be fully protected under the statute proposed by Spain.

64. The representative of Venezuela recalled that his delegation had stated its views on the question of Gibraltar on many occasions in the Sepcial Committee and the General Assembly. It considered that the problem was one to which General Assembly resolution 1514 (XV), and particularly paragraph 6 of the Declaration, was applicable. Basing itself on that paragraph, the General Assembly had decided that the most effective way of solving the problem was to invite the parties concerned to negotiate - a decision confirmed in its resolutions 2070 (XX) and 2231 (XXI). If the colonial problem of Gibraltar had not fallen within the scope of paragraph 6 the United Nations itself would have had the responsibility of supervising the Territory's evolution towards self-determination. It was precisely because the problem affected the territorial integrity of a Member State that the General Assembly had asked the parties to negotiate, thus achieving the decolonization of Gibraltar through the recognition by the United Kingdom of Spain's rightful sovereignty over the Territory.

65. History offered many examples of the kind of territorial ambitions which had brought about the situation in Gibraltar. Paragraph 6 of the Declaration provided a safeguard for countries which were unable to defend their rights or had had to acquiesce in the annexation of a part of their territory. When that paragraph had been adopted, the sponsors had made it clear that it meant that the principle of self-determination could never affect the right of any State to territorial integrity. It had also been pointed out that many territorial disputes could not be resolved thrcugh the application of the principle of self-determination because an equally important principle - that of the territorial integrity of a country - would then be violated. The referendum which the United Kingdom planned to hold in Gibraltar contravened paragraph 6 of the Declaration, and also the provisions of the Charter guaranteeing the territorial integrity of Member States. The words "the interests of the people of the Territory" in General Assembly resolution 2231 (XXI) were meant to indicate that the solution to the problem of Gibraltar could not be subject to the wishes of the population, because a colonial situation of the kind existing in Gibraltar affected the territorial integrity of a State. The principle of self-determination could not be used to set the seal of approval

on the plundering and injustices of the past. The Special Committee would be acting contrary to the interests of the international community if it allowed that principle to be used to perpetuate a colonial situation so gravely affecting Spanish territorial integrity. The decolonizing activities of the United Nations were guided by two basic principles: the defence of the inalienable right of peoples to freedom, self-determination and independence, and defence of the equally essential right of States to claim territories seized from them by force.

66. It was surprising and paradoxical that, while the United Kingdom was planning a referendum in Gibraltar, it was persisting in its refusal to hold one in the six Caribbean Territories, whose peoples' right to self-determination did not affect the territorial integrity of any country. The referendum could never affect the General Assembly's definition of the problem of Gibraltar; its only possible purpose was to grant the population of Gibraltar the right to perpetuate a colonial situation which violated Spain's territorial integrity. The Spanish Government agreed that the interests of the people of Gibraltar must be adequately safeguarded in the decolonization of the Territory and had proposed the drafting of a special statute guaranteeing those interests.

67. The representative of Iraq said that his delegation had welcomed the Special Committee's decision to give the question of Gibraltar the priority it deserved. The statements made by the representatives of the United Kingdom and Spain, and a study of the relevant General Assembly resolutions, showed the urgency and importance of that question, and the United Kingdom's request that detailed discussion of it should be postponed until after the referendum had been held could not, therefore, be entertained. If the Special Committee did not examine all pertinent information before the referendum was held, it would be helping the United Kingdom to disregard the role of the United Nations and frustrate the hopes of both colonial and freedom-loving peoples.

68. He agreed with the views expressed by the representative of Spain at the previous meeting in challenging the validity of the referendum, which violated the provisions of the General Assembly's resolutions and was based on a unilateral decision by the administering Power. Spain was right not to recognize the results

of the referendum, and the presence of a United Nations observer would be pointless if the referendum was conducted in the manner proposed. Furthermore, the administering Power had not recognized the fact that the relevant resolutions required consultations between it and the Spanish Government. The questions to be put to the voters were unacceptable, in that they neglected the decisions of the United Nations and were tantamount to asking the voters to decide Gibraltar's constitutional future.

69. The administering Power had a duty to do its utmost to liquidate its powers in Gibraltar; to that end, it should be dismantling its military, naval and air base, instead of planning unilaterally to hold a referendum. The base was a real threat to Spanish sovereignty, to international peace and to neighbouring countries. It was easy to understand what the United Kingdom hoped to gain from the referendum, the results of which were a foregone conclusion, since the decision to hold it, the date, the type and number of voters eligible to participate and the issues to be voted upon had all been decided unilaterally without consultation with Spain. All that was needed to make the referendum appear legitimate and authentic was the presence of a United Nations observer, but to send one would be an act of capitulation to the administering Power and an endorsement of its defiance of the United Nations.

70. His Government had placed high hopes in the negotiations between the two countries. The Spanish Government's willingness to implement General Assembly resolutions 1514 (XV) and 2231 (XXI) in good faith had been made crystal clear in documents and statements to the Committee. Spain's numerous practical suggestions had been met by the evasive strategems of the administering Power. The referendum was a transparent manoeuvre threatening the whole future of the area. The United Kingdom's insistence on implementing similar illegal plans in other parts of the world, in defiance of United Nations decisions, had not ended in the victories which it had expected. He therefore hoped that the United Kingdom would reconsider its decision and negotiate an agreement with Spain, thus proving to the world that it genuinely wished to assist in the liberation of all colonial peoples and areas in co-operation with the United Nations.

71. His delegation wished to stress that it considered General Assembly resolution 1514 (XV) in its entirety to apply to Gibraltar, the future of which was governed by paragraph 6 of the Declaration.

72. The representative of Chile said the statements made by the representatives of the United Kingdom and Spain showed clearly that General Assembly resolution 2231 (XXI) was not at present being implemented. Since the adoption of that resolution, no progress had been made in the process of decolonization in Gibraltar and negotiations had not been continued. That was a matter for serious concern. Furthermore, the forthcoming referendum did not comply with the terms of United Nations resolutions since the only alternatives offered to the population of Gibraltar were acceptance of the proposals of the Spanish Government as a basis for agreement, or a continuation of the present colonial status under the United Kingdom. In the consensus adopted at the Special Committee's 291st meeting in October 1964 (A/5800/Rev.1, chapter X, paragraph 209), the United Kingdom and Spain had been invited to begin talks in order to reach a negotiated solution in conformity with the provisions of General Assembly resolution 1514 (XV), bearing in mind the opinions expressed in the Special Committee and the interests of the people of the Territory. Resolution 2070 (XX) had invited the two Governments to begin the talks without delay and resolution 2231 (XXI) had reaffirmed resolution 2070 (XX) and the consensus of October 1964.

73. From the decisions of the General Assembly, it was clear, first, that Gibraltar was a colonial Territory to which resolution 1514 (XV) was fully applicable; and secondly, that a certain territorial claim existed and that operative paragraph 6 of resolution 1514 (XV) should be taken into account. None of those decisions had called for the speedy recognition of the principle of self-determination in respect of the population of Gibraltar, despite the fact that that was one of the basic principles proclaimed in resolution 1514 (XV). The reason for that was clear: the General Assembly was aware that self-determination could, in the case of Gibraltar, lead to the disruption of national unity and territorial integrity. Furthermore, the inhabitants were not like other peoples subject to the colonial yoke, to whom the United Nations gave the choice of freedom. The General Assembly had therefore called for negotiations between the two parties to the dispute, taking into account the interests of the people, rather than for a referendum to determine their wisnes.

74. Regrettably, however, negotiations had not taken place and the United Kingdom had decided unilaterally to hold a referendum which had so many limitations that its validity could hardly be upheld, even if the United Nations had called for it.

The United Kingdom had arbitrarily decided who should vote, since the voting register was subject to the will of the Government. For various obscure reasons, some of those who had been born and now resided in the Territory, as well as the Spanish workers who had to leave the Territory before nightfall, would not be allowed to vote. Moreover, of the alternatives offered in the referendum, one was based on preliminary considerations which should have preceded negotiations, and the other amounted to a maintenance of the status quo. The referendum was therefore contrary to the letter and spirit of the General Assembly resolutions and the 1964 consensus of the Special Committee. It was important that negotiations should be held between the Governments of the United Kingdom and Spain with a view to the full implementation of resolution 1514 (XV), taking into account the interests of the people of the Territory, and his delegation would support any proposal reaffirming that opinion.

75. The representative of Syria said that resolution 2231 (XXI) reaffirmed that Gibraltar was a colonial Territory, to which resolution 1514 (XV) was fully applicable and that the process of decolonization should be expedited. The liquidation of the colonial presence in Gibraltar was essential in the interests of international peace and security, since it was used by the colonial Power mainly as a military base and posed a permanent threat to the independence and integrity of the developing nations of Asia and Africa as well as to their sovereignty over their natural resources. Secondly, since the Territory belonged historically and geographically to a sovereign State from which it had been severed by conquest, the administering Power and the original owner of the Territory had been called upon to conduct negotiations concerning the process of decolonization, taking into account the interests of the people of the Territory.

76. The United Kingdom had clearly been determined in advance to break off the negotiations and to ignore the provisions of resolution 2231 (XXI), yet it had claimed that its attitude had been precipitated by Spain's harassment of its Air Force. No United Nations resolution, nor any rule of international law compelled Spain to give up its sovereignty over its air space, especially when foreign air activities were admitted to be of a military nature. The fact that Spain had granted permission for such activities in the past did not mean that it had permanently abandoned its sovereign rights. The United Kingdom's argument was

irrelevant and its intimidation of the Spanish population in the vicinity of the frontier, together with its attempts to link Spain's protests to the question of decolonization were no indication of its good faith.

77. The administering Power had then unilaterally announced the holding of a referendum, thus arrogating to itself a power not conferred upon it by the United Nations resolutions concerning Gibraltar, which had called for negotiations rather than a referendum. The people were to be offered a choice of allowing the United Kingdom to retain its present responsibilities, which appeared to indicate a new phase of colonization rather than decolonization, or of passing under Spanish sovereignty. The Territory was, however, fundamentally Spanish and Spanish sovereignty had only been suspended as a result of force; force could not eliminate sovereignty, if international relations were to be guided by the United Nations Charter.

78. The United Kingdom claimed that it cared for the interests of the population, yet it wished to perpetuate its conquest and retain Gibraltar as a military base for the purposes of colonial expansionism and imperialist domination, using the innocent inhabitants as manpower. The Government of Spain, on the other hand, pledged to respect the individual rights of the inhabitants, their freedom of religion, the freedom of their Press, their security of domicile and of employment, as well as to preserve their municipal institutions and to allow them to retain their British nationality.

79. The representative of the United Kingdom had claimed at the previous meeting that the Special Committee had been aware of the steps it had taken and had referred to the communication from his delegation to the Secretary-General reproduced in paragraphs 15 and 16 of the Secretary-General's report (see annex I). That was not, however, the proper way to consult the Special Committee. The referendum was, in fact, an ultimatum. In essence, the United Kingdom had announced that it had decided to hold a referendum, the results of which were a foregone conclusion because of the way in which it had been organized, and that its decision admitted of no appeal.

80. Perhaps the administering Power could explain why the electoral register of Gibraltar had been closed to all those born after 30 June 1925 and why the Governor-in-Council had been empowered to delete from the register the names of those who had proved by act or speech to be disloyal to the Queen, so that out

of a total population of 25,000 or more only some 13,000 would be consulted as to the future of the Territory. He wondered whether the Gibraltarians of Pakistani or Indian origin would be eligible to vote, and why the 5,000 Spanish workers who contributed daily to the economy of Gibraltar were denied any right of residence, and consequently of the vote. The representative of the United Kingdom accused Spain of prejudging the referendum, yet he himself had done that when he had asserted that the Gibraltarians did not wish to come under a Spanish régime. If he was sure of that, then the referendum was merely a formula to legalize the unlawful occupation.

81. The United Kingdom representative had stated that his Government was ready to negotiate with Spain after the results of the referendum were known. Since, however, the referendum involved a decision on sovereignty, which was Spain's major interest, there would be nothing left to be negotiated if the results of the referendum were favourable to the United Kingdom, as the United Kingdom representative expected. In the interests of the inhabitants of the Territory, and in the interests of Spain, justice should be done.

82. The representative of the United Kingdom, speaking in exercise of the right of reply, said that it had emerged very clearly from the statements of the Spanish and other representatives that Spain's entire case rested on the central assumption that Spain had a right to Gibraltar. It was argued that, because of that right, the present status of the Territory was an infringement of Spanish territorial integrity and that, as a result, Article 2 (4) of the Charter and operative paragraph 6 of resolution 1514 (XV) were applicable. The great flaw in that argument was that Spain had no right to Gibraltar at all. Only if the United Kingdom were to relinquish sovereignty over Gibraltar to a third party would Spain have any such right. The relinquishment of sovereignty could not arise from the actual holding of a referendum.

83. Spain had no right to Gibraltar - no legal right, no political right, and no right in cultural, economic, social or human terms. The Territory did not belong to Spain and had not belonged to Spain for more than two and a half centuries. Gibraltar was British; before that it had been Spanish and before that Arab territory - as its very name showed. It had been British for longer than it had been Spanish and the United Kingdom's possession of it was not an infringement

of Spanish territorial integrity; still less was it a threat to that country's political independence. Spain's whole case rested on a single spurious claim and if it was contended that the situation in Gibraltar conflicted with Spanish territorial integrity it was for Spain to explain its refusal to submit the question to the International Court of Justice.

84. A whole edifice of argument had been constructed on the claim that operative paragraph 6 of resolution 1514 (XV) was enshrined in resolution 2231 (XXI). It was true that resolution 1514 (XV) was recalled in that resolution, but there was no reference to operative paragraph 6 of it. The consensus of the Special Committee adopted on 16 October 1964 affirmed that the provisions of the Declaration were fully applicable to the Territory. Yet, there was no prejudgement and no singling-out of one facet of the resolution to the total exclusion of others. Indeed, scrupulous care had been taken in framing the resolutions and the 1964 consensus to avoid making prior judgements. If any such judgement had been made, it had been to acknowledge Gibraltar's status as a Non-Self-Governing Territory, which was clearly incompatible with Spain's assertion that Gibraltar was part of Spain's natural territory, illegally occupied by the United Kingdom.

85. There was no mystery in the fact that the Gibraltarian Status Ordinance set July 1925 as the deadline for birth in the colony as a qualification for Gibraltarian status. There was no justification for the unworthy insinuation which the representative of Spain had sought to make in that connexion. The Ordinance had been passed only five years earlier and had been intended to revise an Order in Council, much of which had been in force since 1885. When the Ordinance had been enacted, the opportunity had been taken to advance the qualifying date of Gibraltarian status by a convenient period, namely a quarter of a century, from 1900 to 1925. The intended effect had simply been to extend Gibraltarian status to various people, irrespective of their origin, who had settled in Gibraltar and made it their home since 1900 and before 1925.

86. As to the Spanish representative's suggestion that there was something sinister in the Governor's powers under the Ordinance, those powers were precisely parallel to those in the United Kingdom whereby the Government was enabled to confer British nationality by means of naturalization and even, in certain circumstances, to revoke such naturalization. There was nothing unusual about

such a provision. In actual fact, that power under the Gibraltarian Status Ordinance had never so far been used.

87. As to the suggestion that, because the 1967 Order in Council providing for the referendum contained a general reference to the 1964 Gibraltar Constitution, the referendum was in some way part of that Constitution, it was readily apparent that the connexion was solely on a plane of technical and verbal interpretation. The referendum was quite distinct in its provisions from the Constitution.

88. It was very clear from Chapter XI of the Charter and from the relevant United Nations resolutions that it was the interests of the inhabitants of the Non-Self-Governing Territory of Gibraltar which mattered. The Special Committee's consensus on 16 October 1964 referred expressly to "the interests of the population of the Territory". Spanish citizens who worked in Gibraltar by day but slept in Spain at night were not inhabitants of Gibraltar and not, by any normal definition, part of its population. To allow them to vote in the referendum would accord neither with the Charter nor with the relevant United Nations resolutions. The existing regulations provided that persons of both United Kingdom and Spanish origin would be excluded from the referendum. The omission of the United Kingdom personnel in Gibraltar, civilian and military, helped to account for the gap, to which the Syrian representative had drawn attention, between the figure of 25,000 and the figure of some 13,000 who were expected actually to be eligible to vote. Moreover, the figure of 25,000 included minors and children. He wondered whether those arguing that Spanish daily workers in Gibraltar should be allowed to vote would also advocate that United Kingdom residents there should be allowed to vote in a referendum to decide how the inhabitants of the Territory viewed their interests. Obviously, the proper and right course was to confine the vote to the true inhabitants of Gibraltar, which was precisely what had been done.

89. The allegation that the referendum conflicted with the United Nations resolutions was also unjustified. The mere fact that the resolutions did not specifically require a referendum did not mean that the referendum was contrary to them. Indeed, resolution 2231 (XXI) expressly required Spain and the United Kingdom to take account of the interests of the Gibraltarians. The sole purpose of the referendum was to give such people an opportunity to express their views. His Government had sought to conduct the referendum in co-operation with Spain,

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but the latter had refused. There would be impartial Commonwealth observers and the United Kingdom would welcome a United Nations observer. The referendum was nothing more or less than a consultation of the Gibraltarian people, by democratic means, about their own view of their own interests - a matter on which clear and definite evidence was obviously needed if the requirements of the General Assembly resolutions in 1966 were to be met. The United Kingdom, as the acknowledged administering Power of an acknowledged colonial Territory, was holding a formal and democratic consultation of the peoples of that Territory, precisely in the manner so often advocated in the Special Committee.

90. The representative of Spain observed that the fact that Gibraltar still bore the imprint of its Arab past in its name was no justification for the United Kingdom's assertion that it did not belong to Spain. The names of many Spanish cities were the precious inheritance of a glorious Arab past whose treasures Spain preserved with pride. The United Kingdom might equally well suggest the return of Guadalajara or any other Spanish city to the Arabs. The United Kingdom's contention that Gibraltar had belonged to Spain for only two and a half centuries was surprising. The Hispanic nation had begun to take shape at the time of the Greek, Phoenician, Carthaginian and Roman settlements. It had grown accustomed to occupations and when the Arabs had arrived they had been welcomed. They had merged with the Spaniards to create a race which, to the benefit of mankind and history, had settled in Spain and spread to the Americas.

91. The shameful and deplorable history of Gibraltar showed how, in 1704, the United Kingdom had treacherously taken advantage of Spain's weakness to impose the Treaty of Utrecht. Nevertheless, the concessions under that Treaty had been limited by a series of conditions: there was to be no open communication by land and there would be no extension across the Territory; all that had been ceded was a military fortress. No jurisdiction had been involved. Yet, the first act of the United Kingdom on occupying the Territory had been to seize the Rock and then to expel the Spanish inhabitants. Although another population had started to take shape on the Rock, it had never been sufficient to satisfy the needs of the United Kingdom's military base. From the seventeenth century to the present day, the Spanish population, which still had to go to the Rock to earn its daily bread and to maintain the ties with the town which his country still considered Spanish, had

not been allowed to sleep in the city and re-establish its roots on the Rock. In 1830, the United Kingdom had declared Gibraltar a Crown Colony and a gradual invasion of the surrounding area had taken place until, in 1909, the first wall of shame in Europe had been built. A municipal council had been established in 1923 and in 1946, before Spain had joined the United Nations, the United Kingdom had started to submit information on the Territory, possibly as security for its own rights. If those rights had been truly legal, the United Kingdom would have overlooked Article 73 of the Charter, omitting Gibraltar from the list of Non-Self-Governing Territories in its possession. When Spain had been admitted to the United Nations on 14 December 1955, it had expressed reservations regarding the submission of that information. It should not be forgotten that Gibraltar was not a Territory but a Rock, the mountain of Djebel Tarik, the Rock of Gibraltar.

92. The United Kingdom representative had tried to show that operative paragraph 6 of resolution 1514 (XV) contained the principle of the maintenance of territorial integrity. That principle had been clearly defined to mean that no country whatever could be dismembered; it did not apply exclusively to countries which were still colonial possessions. In 1963, when the Special Committee had been debating whether Gibraltar should be included in its agenda, the United Kingdom had immediately requested that the Committee declare itself incompetent to deal with the question on the grounds that it was a matter in which the United Kingdom was sovereign. The United Kingdom had become a victim of its own actions. It had claimed that, by virtue of the Treaty of Utrecht, it was sovereign over the Territory whereas, in 1830 it had declared it a Crown Colony and in 1946 had stated that it was a Non-Self-Governing Territory. The aim of that skilful manoeuvring was to ensure a solution favourable to the United Kingdom's own interests.

93. When, in 1963, the Special Committee, through lack of time, referred the question to the General Assembly, the United Kingdom had informed the petitioners from Gibraltar who were then present that the Special Committee had decided not to take a decision on the matter. That had been a further manoeuvre by the United Kingdom to ensure that the people of Gibraltar would not be surprised to learn that the question was to be taken up again in 1964. The Committee had adopted a consensus in 1964 to the effect that a dispute existed, that Gibraltar was a colonial Territory and that it should be decolonized through negotiations,

ith due regard for the interests of its population. In April 1964, before the onsensus had been adopted, the United Kingdom had announced its intention of aming a Chief Minister, who was also the President of the Assembly and the Mayor. he Committee, however, had reached its consensus despite the facts placed before t by the United Kingdom. The adoption of General Assembly resolution 2070 (XX) n 1965 had been followed in 1966 by the adoption of resolution 2231 (XXI). It was curious that the United Kingdom should now contend that it had an absolute right over Gibraltar, that Gibraltar was not part of Spain, and that Spain had no rights whatsoever in that connexion. It was the United Kingdom which decided who should have the right to vote and argued that the provisions of the law in Gibraltar were identical with those in the United Kingdom. But whereas the United Kingdom was not a colony, Gibraltar was and the circumstances were therefore not the same. Chapter 218 of the Gibraltarian Status Ordinance stated that the Governor in Council might, in his absolute discretion, order that the Registrar should delete from the Register the name of any person who had been registered by virtue of an order made by the Governor in Council if the Governor in Council was satisfied that such a person had, within ten years of being so registered, showed himself by act or speech to be disloyal or disaffected towards Her Majesty. That showed how the Governor of Gibraltar, subject absolutely to his own discretion, could do whatever he wished with the Register.

94. The representative of the Union of Soviet Socialist Republics said he would like to know whether, as reports in the Press indicated, the Government of Spain would be prepared to settle the question of Gibraltar on the following basis: the United Kingdom would recognize Spanish sovereignty over Gibraltar and Spain would agree to the presence of a British base on Gibraltar.

95. The representative of the United Kingdom said that the logical consequence of the Spanish representative's assertion that Gibraltar was not a Territory but a Rock was that General Assembly resolution 1514 (XV) could not be applicable to it - something which revealed the inherent contradiction in the Spanish position.

96. The proposals to which the Soviet Union representative had referred had been made on 18 May 1966 by the Spanish Government, and constituted the first of the two alternatives to be put before the inhabitants of Gibraltar in the referendum.

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97. The representative of Spain recalled that Spain had become a Member of the United Nations in 1955, some ten years after the United Kingdom had declared Gibraltar to be a Non-Self-Governing Territory, and had only been able to express its reservations since that time. When, in 1963, the Special Committee had taken up the question of Gibraltar and the United Kingdom representative had invoked the Treaty of Utrecht, the Spanish delegation had merely observed that it wished the reversion clause in that Treaty to be borne in mind, and careful account to be taken of operative paragraph 6 of General Assembly resolution 1514 (XV).

98. He reminded the Soviet Union representative that a copy of the Spanish Red Book had been transmitted to the Soviet Union delegation, including the proposals made by Spain on 18 May 1966.

99. There were two elements at stake in Gibraltar: first, the interest of the inhabitants themselves, and secondly, the military interests of the United Kingdom. His delegation had expressed its surprise in the First Committee of the General Assembly at its twenty-first session that the Soviet Union proposal relating to the elimination of foreign military bases had not referred to bases in Europe. Spain had then raised the specific case of Gibraltar. It had even stated that it was prepared to have the base in Gibraltar dismantled; since, however, the offer his Government had made to the United Kingdom had been turned down, it was ready to abide by any decision the United Nations might take.

100. The representative of the Union of Soviet Socialist Republics observed that th Spanish Red Book contained information only up to 1965 and that the proposals he ha referred to had been made in 1966.

101. The representative of Spain said that the proposals made by the Spanish Government on 18 May 1966 had been described in the 1671st meeting of the Fourth Committee of the General Assembly at its twenty-first session (A/C.4/SR.1671).

102. The representative of the Syrian Arab Republic said he was somewhat bewildere by the statement of the United Kingdom representative to the effect that Gibraltar was British and could be nothing else, and that Spain had no right whatsoever to the Territory. If that was so, logically there would be no need for a referendum nor for Spain to be a party to any negotiations. Furthermore, the United Kingdom had stated that it wished to assess where the interests of the population lay; however, United Nations resolutions called not for an assessment of those interest

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but for their protection; he would like to know whether the United Kingdom, like the Government of Spain, had pledged to respect those interests.

103. The representative of the United Kingdom said that, while his delegation considered that Spain had no rights with regard to Gibraltar, that did not exclude recognition of the fact that there were legitimate Spanish interests in Gibraltar and that within the framework of United Nations resolutions a dispute existed and negotiations were necessary.

IV. ACTION TAKEN BY THE SPECIAL COMMITTEE

104. At its 546th meeting, the Special Committee had before it a draft resolution sponsored by the United Kingdom (A/AC.109/L.423). This draft resolution, after recalling the request contained in General Assembly resolution 2231 (XXI) to take into account the interests of the people of the Territory and noting the declared intention of the administering Power to consult the people of the Territory about their views of where their interests lay by means of a referendum to be held on 10 September 1967 as well as noting the statement by the administering Power that in accordance with the requirements of General Assembly resolution 2231 (XXI) it intended to make a full report to the Special Committee following the referendum, would have the Special Committee decide to resume discussion of the question of Gibraltar as soon as the full report of the administering Power was received.

105. At its 546th meeting, the Special Committee also had before it a draft resolution co-sponsored by Chile, Iraq and Uruguay (A/AC.109/L.424) which inter alia would have the Special Committee declare that the holding by the administering Power of the envisaged referendum would contradict the provisions of General Assembly resolution 2231 (XXI) and would constitute an attempt to ignore the principle of national unity and territorial integrity embodied in paragraph 6 and the final part of paragraph 7 of resolution 1514 (XV). At the 548th meeting, a revised text of the draft resolution was submitted to the Special Committee, finally co-sponsored by Chile, Iraq, Syria and Uruguay (A/AC.109/L.424/Rev.1 and Add.1), the main change being that the second part of the above-mentioned operative paragraph concerning national unity and territorial integrity would appear separately in revised form as a preambular paragraph.

106. The representative of Iraq, introducing the original resolution co-sponsored by Chile, Iraq and Uruguay (A/AC.109/L.424), said it was not too late for the administering Power to come to grips with the realities of the situation and to realize that no practical benefits were to be expected from the execution of the unilaterally arranged referendum in Gibraltar, for it would be contrary to the very spirit of the United Nations Charter and the relevant United Nations resolutions. The three-Power draft resolution contained all the necessary elements for a peaceful and legally sound solution to the problem, through the process of negotiations and discussions that was so strongly supported by an impressive majority of the General Assembly a few months before.

107. The representative of Uruguay said that the critical issue before the Special Committee was the referendum, which had been decided upon by the United Kingdom unilaterally and which represented a direct departure from the system of bilateral negotiations called for in General Assembly resolution 2231 (XXI).

108. Turning firstly to the implications of the referendum with respect to the Utrecht Treaty, he recalled Professor Oppenheim's dictum that conquest consisted in taking possession of enemy territory by military force in time of war and was only a method of acquiring territory, when the conqueror, after having firmly consolidated the conquest, formally annexed the territory. On the basis of that statement, the 1704 occupation did not give the United Kingdom any rights over Gibraltar because: (a) Spain was not then in a state of war with Great Britain and Gibraltar was not an enemy territory; (b) the occupation of Gibraltar, far from having the character of a military conquest in time of war, was limited to a mere

foreign violation of Spanish sovereignty; (c) there had been no intention of conquest on the part of Britain; (d) Admiral Rooke had acted on his own and taken possession of Gibraltar on behalf of Queen Anne; (e) Spain had reacted immediately by claiming its sovereignty over Gibraltar; (f) after having sought to recapture Gibraltar by force in 1704, 1727, 1779 and 1783, Spain had continued to maintain its claim, using the peaceful means of diplomacy and finally resorting to the United Nations; (g) Britain had never executed a formal act of annexation.

109. According to the British Encyclopedia of Adam and Charles Black, the conquerors of Gibraltar had defended the interests of Charles, Archduke of Austria, later Charles III, but even though on 24 July 1704 his sovereignty had been proclaimed over the Rock, Admiral Rooke, under his own responsibility, had given the order to raise the British flag. In other words, Great Britain, which was not at war with Spain and which intervened only to defend the rights of the pretender to the Spanish throne, had become the owner of the Rock which had been conquered on behalf of Archduke Charles.

110. Such was the title which appeared nine years later in the Treaty of Utrecht. Spain, vanquished and powerless, felt obliged to sign an instrument whereby it yielded, to the Crown of Great Britain, the city, the castle, the port and the fortress of Gibraltar. Despite that territorial segregation, conditions and limitations were established in the Treaty of Utrecht which seriously undermined the present claims of the United Kingdom. For example, in article X of the Treaty, the King of Spain maintained that the properties had been yielded to Great Britain without any territorial jurisdiction and without any open communication by land with the surrounding country. That article also stated that, if at any time the Crown of Great Britain deemed it appropriate to dispose of the property, the Crown of Spain would have the first choice to redeem the Rock of Gibraltar. Therefore, assuming that the Treaty of Utrecht could be applicable in the light of modern international law, the United Kingdom could not unilaterally change the status of Gibraltar. By doing so, it would be violating article X of the Treaty.

111. However, the Treaty of Utrecht was obsolete and completely at variance with modern international law. It dated back to the time when legal instruments were drafted in an atmosphere of prejudice and rancour and when armed battles were used as legitimate instruments in relations among States. As Professor Oppenheim had stated, the international situation had undergone major change because of the Covenant of the League of Nations and the United Nations Charter. To the extent that those instruments proscribed war, Professor Oppenheim had continued, they also invalidated the conquest of a State which, running counter to its obligations, had recourse to war. Professor Oppenheim's view was confirmed by another Cambridge professor, Sir Hersch Lauterpacht, a member of the International Court of Justice, who had stated that, since in contemporary international law war was forbidden, the results of an illegal action, such as a treaty imposed as a result of the violation of international law, could not be valid.

112. It was therefore obvious that title to Gibraltar in favour of the territorial dismemberment of Spain could not be invoked on the basis of the violent conquest of 1704 nor on the basis of a treaty that was intended to render that conquest valid in 1713. There would still be an objection to the referendum in any case because article X of the Utrecht Treaty gave a preferential option to Spain to recover the territory. Accordingly, any referendum organized by the British who inhabited the territory was devoid of legal or practical value.

113. Turning next to the implications of the referendum with respect to General Assembly resolution 1514 (XV), he observed that the latter laid down two criteria, based on different principles but having the same purpose of promoting and facilitating the freedom and independence of colonial countries and peoples. Although the principle of self-determination was the primary basis for the liberation of peoples, there were certain peculiar colonial situations, such as those of Gibraltar and the Malvinas Islands, to which the criterion of the national unity and the territorial integrity of a State must be applied. In some such cases, a referendum might serve to perpetuate, instead of abolishing, the rule of colonial Powers over territory belonging to other countries. Uruguay, whose devotion to law and justice was unquestionable, had taken that position at the time of the adoption of General Assembly resolution 1514 (XV) and had

therefore supported paragraph 6 of the Declaration. Even if the meaning of that paragraph had not been clear - which was not the case - the records of past debates would show that the intention of its sponsors and supporters had been to avoid the automatic and indiscriminate application of the principle to self-determination, which in exceptional cases could violate the principle of the territorial integrity of States recognized in Article 2 (4) of the Charter. The importance of paragraph 6 of the Declaration had been categorically reiterated by the General Assembly, one year later, in its resolution 1654 (XVI), in which the Assembly had expressed deep concern that acts aimed at the partial or total disruption of national unity and territorial integrity were still being carried out in certain countries in the process of decolonization. The Special Committee itself had been set up under the same resolution, one of the main reasons for its establishment being the need to defend national unity and territorial integrity in the course of decolonization.

114. Much more could be said concerning the implications of the referendum with respect to the provisions of the Charter and the well-established principles of contemporary international law. The vital point, however, was that the proposed referendum would constitute a violation of the principle of non-intervention in a domestic matter affecting the jurisdiction of Spain. Since the question of Gibraltar had been submitted to bilateral negotiations under the auspices of the United Nations, any unilateral act by either party which could affect the political future of the territory in dispute was a departure from the agreed procedure and an unlawful intervention in the domestic affairs of the other country. Paragraph 7 of the Declaration set out in General Assembly resolution 1514 (XV) made that point clear and left no room for ambiguous interpretation. Consequently, the referendum could not be regarded as a valid instrument of decolonization.

115. Turning lastly to the implications of the referendum with respect to General Assembly resolution 2231 (XXI), he noted that a reading of that resolution could lead to only one conclusion, namely, that the General Assembly wished Gibraltar to be decolonized through bilateral negotiations between Spain and the United Kingdom, in accordance with General Assembly resolution 1514 (XV) and taking into account the interests of the people of the Territory. It was significant that the resolution in question, like resolution 2070 (XX), of which it was basically

reiteration, made no specific mention of the principle of self-determination and referred to the interests, rather than the will or the wishes, of the people, thus departing from the terminology normally used - the obvious purpose being to place the problem within the context of paragraph 6 of the Declaration. Thus, in the case of Gibraltar - paradoxical as it might appear - decolonization was intended to benefit, not the British inhabitants of the Rock, but the territory itself or, in other words, the parcel of land of which Spain had been deprived in violation of its national unity and territorial integrity. The referendum was therefore contrary to General Assembly resolution 2231 (XXI), which provided the only practical means of a settlement through a bilateral understanding that would safeguard the interests of the people, without, however, confusing those interests with the political motive of perpetuating colonialism. That resolution had the unanimous support of the peoples of Latin America, as was evidenced by the declaration adopted at the Second Plenary Session of the Latin American Parliament in May 1967.

16. His delegation had often expressed its appreciation of the United Kingdom's contribution to decolonization, and it earnestly hoped to hear at the twenty-second session of the General Assembly that the last vestige of colonialism in Europe had been eliminated by agreement between the United Kingdom and Spain. Gibraltar might be insignificant in itself, but it constituted the southernmost geographical boundary of Spain, and the presence of an alien Power on the Rock was a scar on Spain's territorial integrity and an insult to its sovereign dignity as a State. The Treaty of Utrecht was no longer valid under contemporary international law, and his delegation was confident that the negotiations provided for in General Assembly resolution 2231 (XXI) would lead to the return of Gibraltar to Spain. Gibraltar could not escape decolonization, and the two Governments would surely be able to agree on provisions to protect all the interests of the inhabitants.

17. His delegation would not vote for any draft resolution condemning or censuring the United Kingdom, since to do so would not be constructive and would jeopardize the continuation of the bilateral negotiations.

118. The representative of the United Republic of Tanzania said that the position with regard to the implementation of General Assembly resolution 2231 (XXI) was still unclear. The statement made by the administering Power at the beginning of the discussion of Gibraltar (see paras. 20-37 above) had not provided any information which would help the Committee to formulate constructive recommendations.

119. In approaching the colonial question of Gibraltar, his delegation was guided mainly by General Assembly resolution 1514 (XV), together with other relevant resolutions of the Assembly. Particular importance should be given to the interest of the people, including their long-term interests. The Committee must ensure that the colonial Power's activities did not jeopardize the future of the Territory and its residents. Such considerations had caused his delegation to support General Assembly resolution 2231 (XXI), which, in operative paragraph 2, called upon the two parties to continue their negotiations, taking into account the interests of the people, and asked the administering Power to expedite the decolonization of Gibraltar in consultation with the Government of Spain. The terms of that paragraph had clearly not been complied with. It was distressing that recriminations should have been given prominence in the debate, and that the United Kingdom representative had placed so much stress on the alleged establishment of a prohibited air zone in the vicinity of Gibraltar. The question of Spanish air space was solely within the jurisdiction of the Spanish Government, and such matters were in any case not within the purview of the Committee, which was concerned with the decolonization of Gibraltar.

120. Resolution 2231 (XXI) called for consultation between the Governments of Spain and the United Kingdom, and the organization by the colonial Power of a referendum in Gibraltar would not further the implementation of that resolution. His delegation had always supported the principle of the consultation of colonial peoples; however, when a referendum was held, it was assumed that the object was to determine the interests of the people - both their immediate and their long-

term interests. It was clear that the holding of the referendum further jeopardized the possibilities of consultations between the United Kingdom and Spain which might lead to the decolonization of Gibraltar.

121. Secondly, all the indigenous inhabitants of the Territory should participate in any referendum. In the present case, as a result of the activities of the colonial Power, the indigenous population had been largely excluded. In any case, since the colonial Power had acted unilaterally, it was impossible to determine who would participate in the referendum and how large a part of the population would be excluded. The colonial Power had retained the right to exclude any individual who, in the view of the colonial authorities, might not support their interests.

122. Thirdly, the aim of a referendum must be decolonization. It was distressing to note that part of the referendum under discussion was aimed at perpetuating the colonial status of Gibraltar.

123. He had dwelt on the question of the referendum because it was essential for the Committee to ensure that the referendum procedure, which was one of the means by which decolonization could be effected, was not abused. The United Kingdom representative had said that the type of colonization best suited to Gibraltar could not be prejudged. That might be true, but the General Assembly had called upon the colonial Power to enter into consultations with the Spanish Government to ensure not only decolonization but also the type of decolonization and the process followed. The administering Power, utilizing a means of decolonization, had in fact jeopardized the process of the decolonization of Gibraltar. Thus the referendum would defeat the purposes of General Assembly resolution 2231 (XXI). He therefore agreed with those who called for the resumption of negotiations between the United Kingdom and Spain to ensure the full implementation of the General Assembly resolutions, taking into account the interests of the people as a whole.

124. Another aspect of the problem was the fact that Gibraltar was a military stronghold of the United Kingdom. His delegation had always opposed the establishment of military bases in colonial territories. The question arose whether a free referendum could be held under such conditions; if the United Kingdom had been interested in the decolonization of Gibraltar, a first step would surely be the removal of the military base. In view of some of the powers that had been vested in the Governor, one could not but be apprehensive about the role that the presence of the base would play in the referendum.

125. The United Kingdom representative had tried to give the impression that the United Kingdom was concerned with the interests of the people. In fact, the administering Power was always interested in perpetuating its own interests. Thus the United Kingdom Government, because it suited its interests, had contended for many years that Southern Rhodesia enjoyed internal self-government when in fact it was only the small white minority which exercised power. The Committee should not be deceived by claims that the United Kingdom was seeking to ascertain the interests of the population. In the case of the Caribbean islands, the wishes of the people had not been ascertained before the proposed new arrangements came into effect, and those arrangements had now proved to be a failure. The appropriate lessons should be learnt from the troubles in the Caribbean area and in Southern Rhodesia. He urged the United Kingdom to consider the wisdom of General Assembly resolution 2231 (XXI) and realize that the proposed referendum would not lead to the complete solution of the problem.

126. The administering Power had invited the United Nations to send an observer to Gibraltar. That would be inconsistent with the expressed views of the Committee, since it had insisted that the United Nations should be involved in a positive way with regard to the remaining colonies and not just as a passive observer of activities with which it disagreed. It would therefore have been wron for the Secretary-General to consent to the United Kingdom's request. In the case of other Territories, the administering Power had refused to allow visiting missions. The United Kingdom Government could not use the United Nations Secretariat to obtain approval for its actions from the United Nations.

7. It would undoubtedly be in the interests of the Committee if the terms of neral Assembly resolution 2231 (XXI) were to be faithfully implemented. He pealed to the United Kingdom to co-operate with the United Nations in deed and t merely in words.

8. The representative of Australia said that his delegation had been disappointed at the bilateral negotiations which were to have continued following the adoption General Assembly resolution 2231 (XXI) had come to nothing. Having listened the statements of the representatives of the United Kingdom and Spain, he derstood the Spanish case to be that Spain was the legitimate sovereign Power th respect to Gibraltar and responsible for its inhabitants. It was his derstanding that, if Spain were to enjoy the full exercise of that sovereignty, would respect the individual rights of the inhabitants of Gibraltar, their edom of religion, the freedom of their Press, and their security of domicile employment. The essence of the Spanish case was the assertion of ereignty. The United Kingdom, for its part, maintained that it was the ereign Power, and that it had primary responsibility for the future of the ple of Gibraltar, although Spain had an interest in the situation by virtue the Treaty of Utrecht.

. The Australian view was that the United Kingdom exercised sovereignty over raltar both de jure and de facto. Should Spain obtain a ruling from the ernational Court of Justice to the effect that Spain was the sovereign Power, t would naturally affect Australia's position. It must be borne in mind that United Kingdom was prepared to submit the question of sovereignty to the ernational Court and that the Spanish Government had declined to accept that edure.

. Other Governments represented in the Committee took the view that Spain was sovereign Power. That naturally led them to different conclusions from those is delegation.

. Australia did not consider that the Committee was competent to take decisions uestions of sovereignty, and would be unwise to attempt to assume such etence. The United Nations body competent to consider such disputes was the rnational Court.

132. There had been a tendency in the Committee to misinterpret General Assembly resolution 2231 (XXI). In the discussions in the Fourth Committee at the General Assembly's twenty-first session, a deadlock had been avoided when Sierra Leone had submitted an amendment introducing the words "taking into account the interests of the people of the territory" in the draft resolution. That amendment had rendered the resolution acceptable to the Australian and other delegations.

133. Furthermore, the representative of Ceylon in the Fourth Committee had expressed some surprise that the sponsors of the draft resolution had forgotten to refer to the interests of the people and had been obliged to suspend the meeting to decide whether there should be such a reference. That representative had also reminded the Committee that every people had the right to self-determination and the right to decide their own future. Those views were still as relevant as they had been the previous November. The Fourth Committee's debate had demonstrated the importance which the General Assembly as a whole attached to the right of Gibraltarians to decide their own future. Resolution 2231 (XXI), and Spain's proposal that it should negotiate a statute with the United Kingdom, had obliged the latter to consult the people of Gibraltar regarding their future. The United Kingdom's decision to hold a referendum was entirely consistent with the General Assembly resolution and a transfer of sovereignty to Spain without the prior agreement of the people would have been a repudiation of it.

134. The representative of Spain had suggested that the people of Gibraltar were a "prefabricated population", but, whatever their origins, they did exist as a separate society and the General Assembly had acknowledged that by insisting that their interests should be properly safeguarded in the negotiations between the United Kingdom and Spain. The Gibraltarians were neither Spaniards nor Englishmen but a people with its own customs, institutions and history. It existed as truly and fully as the population of Singapore, which had developed only after 1819. The Gibraltarians were as entitled to the right of self-determination as other similar groups elsewhere and that had been the view of the General Assembly in adopting resolution 2231 (XXI).

135. An important Spanish argument had been that the 5,000 Spanish workers formerly employed in Gibraltar had been denied voting rights in that colony. If that argument were accepted it could be taken to apply to other migratory workers employed temporarily in countries other than their own. As to the Spanish suggestion that the descendants of the residents of San Roque, expelled from Gibraltar in 1704, should be entitled to vote in the referendum, it was extremely difficult to understand how it could be implemented or justified.

136. Much had been said about Gibraltar's use as a military base, and some rather unfounded allegations had been made, but Gibraltar's contribution to the successful prosecution of the Second World War was noteworthy in that connexion. The allied Powers, later the United Nations, had been very thankful to have Gibraltar as a base for the maintenance of the free system of government which had produced the United Nations.

137. The representative of Spain, and those supporting his views, had claimed that the United Kingdom's retention of Gibraltar was a partial or total disruption of Spanish national unity and territorial integrity and, as such, incompatible with the Charter. Yet, operative paragraph 6 of resolution 1514 (XV) had been intended to apply, not to historical territorial claims between sovereign Member States but to the disruption of the national unity or territorial integrity of Non-Self-Governing Territories. If the Spanish interpretation of that operative paragraph were accepted, it would follow that every historic claim of one sovereign State against another would be a matter to be discussed by the Committee. It would mean that nearly every European country could lay claim to some part of another European country's territory on historic grounds. The dangers of such a doctrine were obvious.

138. Operative paragraph 2 of resolution 1514 (XV), concerning the right of all peoples to self-determination, was more directly related to the question before the Committee. By holding a referendum, the United Kingdom would be allowing the Gibraltarians to exercise that right. It had been argued that the absence of any specific reference to self-determination for the Gibraltarians in the relevant General Assembly resolutions implied that the Assembly had concurred with the Spanish contention that operative paragraph 6 of resolution 1514 (XV) was

applicable to the Gibraltar situation. The Assembly had, however, recognized that the United Kingdom was the colonial Power vis-à-vis the people of Gibraltar and not vis-à-vis the people of Spain. Moreover, as a colonial Power the United Kingdom had responsibilities under Chapter XI of the Charter towards the people of Gibraltar which, while they might not be specified in every resolution, were nevertheless continuing responsibilities.

139. His delegation had welcomed the United Kingdom's arrangements for the presenc of impartial Commonwealth representatives during the referendum and hoped that the Secretary-General would comply with the request that a United Nations Observer should also be present.

140. His Government's view was that sovereignty over Gibraltar, both de facto and de jure, lay with the United Kingdom, which was therefore the colonial Power and responsible for the future of the people of the Territory. As the colonial Power, the United Kingdom was seeking to ascertain the wishes of the people by means of a referendum, while simultaneously seeking to ensure that its bilateral treaty obligations to Spain were respected. The United Kingdom's actions were quite consistent with the letter and spirit of resolutions 1514 (XV) and 2231 (XXI) and the referendum was a step forward in the process of decolonization. For those reasons, his delegation urged the Committee to await the results of the referendum before taking further action.

141. The representative of Tunisia said that the problem of Gibraltar, while undeniably colonial in nature, was exceptional in that two administering Powers were involved in the dispute. The United Kingdom had long recognized the Special Committee's competence to attempt to find an appropriate solution.

142. There were two essential provisions in operative paragraph 2 of resolution 2231 (XXI); first, the interests of the inhabitants of the Territory must be taken into account in the negotiations between the United Kingdom and Spain and, secondly, the United Kingdom must expedite the process of decolonization in consultation with the Government of Spain. The fact that Spain was named as the partner of the administering Power was of particular importance and went beyond the mere fact that Spain had a common frontier with the Territory. It was not for the Special Committee to prove that Gibraltar belonged to Spain; the statements

by the representative of Spain and the documents provided by that Government had given sufficient proof of that. The Committee was all too familiar with colonial claims to territories conquered by force and with the various political and legal arguments advanced in attempts to justify them.

143. While his delegation did not wish to level any accusations, the question arose as to why the negotiations indicated in resolution 2231 (XXI) had not been concluded. It was significant that Spain's adoption of a decree establishing a prohibited air zone in the immediate vicinity of Gibraltar was in absolute conformity with its right of sovereignty. His delegation could not consider that decree as having jeopardized the success of the negotiations which were to have begun on 18 April 1967. The International Civil Aviation Organization had taken note of the matter but had taken no measures which could be construed as censure of Spain. The decree had, however, led to the disruption of the negotiations between Spain and the United Kingdom and the latter had subsequently decided to hold a referendum in Gibraltar. That decision had particularly surprised his delegation since, when the United Nations had requested the United Kingdom to hold referendums on other occasions, it had refused to do so, alleging that the peoples of the Territories for which it was responsible had already determined their wishes through elected representatives. Furthermore, whereas the United Kingdom had requested the United Nations to send an observer to Gibraltar for the referendum, whenever the Special Committee had urgently requested the United Kingdom to allow visiting missions to go to Territories under its control, it had always met with a categorical refusal. His delegation did not believe that the referendum could provide a solution. It was apparently intended to enable United Kingdom citizens in Gibraltar to determine their future status and, consequently, could not be considered as fulfilling the requirements of resolution 1514 (XV). The referendum could in no way prejudge the final solution of the problem and the Committee could not take it upon itself to recognize it.

144. There were certain prerequisites for any solution to the problem of Gibraltar. First, such a solution must respect resolution 1514 (XV), particularly operative paragraph 6 of it; secondly, it must respect resolution 2231 (XXI) and especially the provision that Spain and the United Kingdom should continue their negotiations,

taking into account the interests of the inhabitants of the Territory. Spain's assurances that those interests would be safeguarded were satisfactory and the process of decolonization should not be further delayed. The existence of a colonial enclave in an independent country was anachronistic and even dangerous, particularly when it was used for military purposes.

145. The representative of Spain observed that, whereas the Australian representative had stated that the question of Gibraltar was a dispute over sovereignty, the United Kingdom itself had conceded that the Special Committee was competent to examine the problem - a colonial problem with Spain as the sole victim.

146. As to the question of the interests of the people of Gibraltar which had arisen during the Fourth Committee's debate the previous year, he himself had pointed out at the time that it had been Spain which had first undertaken to safeguard those interests. It was to those "interests" that resolution 2231 (XXI) had referred.

147. Although the Australian representative had raised the question of whether the Spanish population of Gibraltar should participate in the referendum, it appeared that he had not read the Spanish statement in that connexion with any care. As that statement pointed out, from the time when the Spanish population had moved to San Roque on its expulsion from Gibraltar and had later begun to work in Gibraltar, it had never been allowed to spend the night in the Territory. The Australian representative could readily imagine what would have happened had his own ancestors been forbidden to spend the night in Australia. The Spanis population lived outside Gibraltar and was forced to leave the city at night - a situation which had lasted for 260 years.

148. As to the references to the use of Gibraltar as a military base during the Second World War, the Australian representative must concede that nobody could know what would have happened had Spain decided to neutralize Gibraltar and prevent the establishment of a military base in the Territory. That base had been built, not in Gibraltar but on the isthmus which was under Spanish sovereignty. If the Australian representative was so anxious to defend the population of Gibraltar, his Government might well ask the United Kingdom to dismantle the military base there. It would then remain to be seen how the civilian workers at the military base could continue to exist.

149. The representative of the United Kingdom, introducing his delegation's draft resolution (A/AC.109/L.423), said that he had no wish to be provocative or dogmatic. He was seeking an agreed way forward. He understood the concern of the members of the Committee but wished to make it clear that he was not asking them to reach a conclusion nor even to approve the proposals explained by his delegation. His immediate objective was a simple and limited one - namely, that no decision should be taken until the voice of the people of Gibraltar had been heard. Indeed, it would be contrary to the most elementary principles of justice and to the fundamental principles of the Charter to deny the people concerned the right to speak in their own cause. He could not conceive that any United Nations body could take a decision that conflicted with that principle. The Special Committee, more than any other, had the duty to take account of the wishes of the peoples it was concerned with and not deliberately to refuse them an opportunity to be heard.

150. The issue was not a legal one and the United Kingdom Government had offered t submit any legal issues to judicial decision. There was no question of any actior which would contravene the Treaty of Utrecht; nor was there any question of power politics or ideologies. He simply asked the Committee not to prejudge the question until the views of the people had been fairly given and heard.

151. He invited the Committee to reflect on the attitude adopted by the two Governments directly concerned. He felt that in the speeches made so far justice had not always been done to the policies pursued by the United Kingdom. There had been no welcome in the Committee for the United Kingdom's willingness to submit the legal questions to international judicial decision and to abide by the result. The United Kingdom Government had even declared its readiness to enter into negotiations with the Spanish Government with a view to Gibraltar's becoming a part of Spain, should the people of Gibraltar vote in favour of that solution. That new and very important commitment did not seem to have been accorded the recognition it deserved. The United Kingdom Government had gone even further in stating - and that was surely an act without precedent - that if the people of Gibraltar opted by a free and democratic vote to retain their links with the United Kingdom, they would be free at any time to change their minds and vote for joining Spain. However, he had not heard in the Committee any acknowledgement of the importance of that new pledge.

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152. As to the referendum, the United Kingdom had invited the Spanish Government to participate in the formulation of the first alternative, to explain its own proposals direct to the people of Gibraltar and to send an observer - not the acts of a Government antagonistic to Spain. Unfortunately, the Spanish Government had not responded in kind.

153. There were close and long-standing ties between the British people and the people of Gibraltar, and public opinion in Britain on the question of Gibraltar was intense. However, the problem was not being approached in a spirit of narrow nationalism, and all political parties in Britain were agreed that the people of Gibraltar had the right freely to express their views and to have those views taken into account. Decolonization could never mean the incorporation of Gibraltar in Spain against the inhabitants' wishes. Their rights were not to be bartered away and a denial of those rights would be intolerable. The British people were no more prepared to see the Gibraltarians' liberties spurned than their own. The British people were determined to defend the liberties of the people of Gibraltar, including their liberty to choose the incorporation of Gibraltar into Spain. The first necessity was that the people should be heard. When the choice had been made and the facts were thus before the United Nations, then whatever the result of the referendum there would be a wide range of matters for negotiation between Spain and the United Kingdom.

154. It had been said that the United Kingdom Government had not favoured the system of referendum elsewhere. That was quite true. In keeping with its parliamentary tradition, the United Kingdom preferred the method of adult suffrage, free elections and negotiation with the leaders so elected. That was good enough for the British people themselves although others might find democratic parliamentary procedures strange. However, the case of Gibraltar was unique, and the wish of the people must be openly and freely expressed in the clear light of world publicity. The United Kingdom would have liked Spain and the United Nations to send observers; however, failing that, the presence of observers from Commonwealth countries would provide the necessary guarantees of the fair and proper conduct of the referendum to be held on 10 September.

155. While the United Kingdom Government had been very ready to report, to explain and to co-operate with the Committee and with the Spanish Government, it could not share or shirk its responsibility as administering Power, and surely no one could dispute the United Kingdom's right to consult the people of a territory under its administration on a matter of fundamental importance to their future.

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156. The attitude of the Spanish Government, on the other hand, had been strangely and misguidedly negative. It had neither welcomed the offers of the United Kingdo Government nor taken the opportunity to put its case to the people of Gibraltar. Nor had Spain sought by generosity and understanding to win over the Gibraltarians Instead it had deliberately sought to alienate them and to antagonize the United Kingdom. It seemed determined not to allow negotiation except under duress. Surprisingly enough, its policy seemed to be designed to alienate the sympathies of the people of Gibraltar. It was unfortunate that the Spanish Government should attempt to achieve its aims by such methods and pressure and coercion, which were out of place in the modern world, and especially unpopular at the United Nations.

157. In conclusion, he invited the Special Committee to remember the resolutions which nearly all had supported; not to deny the importance of the people's interest and to reserve judgement until the voice of the people had been heard. Only after the administering Power had made its full report would the Committee be in a position to deliver a considered opinion. A vote for the resolution presented by the United Kingdom would not be a vote for Spain or the United Kingdom or even for the referendum, for which his Government took full responsibility. It would be a vote for reserving judgement until the missing factor was available - namely the voice of the people concerned. It would be astonishing if the fundamental right of the people to be heard before a decision was taken were to be denied at the United Nations and by the Special Committee.

158. The representative of Spain, speaking in exercise of his right of reply, sai that he wished to make clear some particulars of his Government's policy. His Government was in no way opposed to letting the people of Gibraltar express thei views. Four years previously, the Committee had heard some petitioners who had been officials of the United Kingdom administration, subject to the authority of the Governor and employed at the military bases which had been established in the Territory after its population had been expelled.

159. He was surprised that the United Kingdom representative should again refer to the proposal to bring the matter before the International Court of Justice. The truth was that the United Kingdom Government was trying to find loop-holes, for decolonization questions were not matters to be submitted to the Internation Court of Justice.

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60. He read out an article, published in the United Kingdom Press on 25 August, which mentioned movements of United Kingdom air force and naval units to Gibraltar; the presence of those troops at the time of the referendum gave reason to wonder whether the people would be able to express their wishes freely.

61. He also read out a cable he had received from his Government stating that it had denied a Norwegian military aircraft permission to fly over Spain on its way to Gibraltar, where it was to have participated in NATO military manoeuvres on 9 September. His Government had declared that it did not allow overflights of its territory by NATO aircraft because Spain was not a member of NATO, which wished to make use of military bases, such as Gibraltar, situated in usurped Spanish territory.

62. With regard to the referendum, he wondered what discretionary power the Governor had to manipulate the electoral rolls. In the first place, enrolment was subject to a cut-off on the date of birth, which had been set at 30 June 1925; in the second place, the Governor could decide to remove from the rolls the name of any person who had been disloyal to the Crown. Perhaps the United Kingdom had similar laws, but the United Kingdom was not the colony of anyone, whereas Gibraltar was a colonial Territory.

63. It was surprising to find that during the Second World War those loyal subjects of the British Crown had had to be completely evacuated from Gibraltar, while 3,000 Spanish workers had continued to go there to work and help the British. Apparently the United Kingdom Government had not considered it safe to allow those subjects to remain at their post when the Territory of Gibraltar was under attack. The use of the Territory for military purposes had resulted in the bombing of its railways, and there had been many victims.

64. The representative of Mali noted that the negotiations which had been held between the administering Power and Spain in conformity with General Assembly resolutions 2070 (XX) and 2231 (XXI) had not yielded the expected results. His delegation regretted that the Special Committee had decided to apply the method of consensus in settling the Gibraltar problem; that was tantamount to referring the question back to the Powers concerned, which were, by definition, opposed to each other. By resorting to that method, the Committee, which should take jurisdiction in all decolonization questions - and the level of development of the Powers concerned did not change in any way the colonial nature of the case - seemed to be trying to relinquish its responsibilities under resolution 1514 (XV).

165. As to the referendum which the United Kingdom was proposing to hold in Gibraltar, his delegation doubted the usefulness of such a consultation, the results of which were quite predictable. The Special Committee should ask the administering Power to refrain at present from any new initiative which was not covered by resolution 2231 (XXI). If the parties could not reach agreement, consideration should be given to finding means by which the United Nations could facilitate the search for a negotiated solution.

166. He was surprised that the administering Power should have expressed willingness to invite United Nations observers to be present at the consultation of 10 September in Gibraltar, whereas the United Kingdom had recently rejected the dispatch of United Nations observers to another Territory under its administration There was a blatant contradiction in the attitude of the United Kingdom Governmen respect for the will of the people, which was being flaunted in Gibraltar, was scarcely consistent with the policy pursued in Southern Rhodesia, where the people of Zimbabwe had never had the opportunity freely to express their views on their future and where the democratic rights of the indigenous inhabitants were systematically trampled on. In reality, the United Kingdom was trying to maintai its domination over Gibraltar, which might be of negligible importance in the perspective of global thermo-nuclear strategy but which constituted an essential link in a chain of military bases directed against young developing nations.

167. The draft resolution sponsored by Chile, Iraq and Uruguay was, in his delegation's view, a minimum text. The unilateral breaking off of the negotiatio recommended in resolution 2231 (XXI) was a fait accompli which the Committee coul not accept. In any event, he attached particular importance to operative paragraph 2 of the proposed text, which he read out, and to operative paragraph 4 He believed, as did the sponsors of the draft resolution, that some United Nation machinery should be set up to facilitate the success of further negotiations between Spain and the United Kingdom.

168. The representative of Syria supported the draft resolution sponsored by Chi Iraq and Uruguay. The decolonization process in Gibraltar was at a standstill because the administering Power had failed to respect the relevant resolutions o the General Assembly, particularly resolution 2231 (XXI), which had been adopted without opposition. The United Kingdom would do better to comply with those

resolutions instead of resorting to stratagems; it was in that spirit that the draft resolution submitted by the United Kingdom representative (A/AC.109/L.423) should be considered.

169. His delegation condemned the referendum which the United Kingdom was preparing to hold in Gibraltar. It did not, of course, oppose the idea of consulting the people; however, the proposed referendum was merely a trick designed to evade the real question, that of sovereignty.

170. The representative of the Union of Soviet Socialist Republics stressed the military aspect of the question of Gibraltar. The base and the military installations in the Territory were important parts of the strategic apparatus of the United Kingdom and its NATO allies. Moreover, the military aspects of the problem had been the central point of the discussions held between the United Kingdom and Spain, as was clear from the Secretary-General's report (see annex I). No solution that served the interests of the peoples involved - either the inhabitants of the Territory or the peoples of the United Kingdom and Spain - could be reached so long as the Territory remained a military stronghold of imperialism, and the bastion for the suppression of the national liberation movement of the peoples of the Near East, Asia and Africa.

171. The question of eliminating the Gibraltar military base had never been raised by the parties during their negotiations concerning the future of the Territory. On 18 May 1966 Spain had expressed readiness to accept the presence at Gibraltar of the United Kingdom base, the status of which would be the subject of a special agreement, and to participate "enthusiastically" in the use of the base, in co-operation with the United Kingdom or with "the defence organization of the free world". That position of the Spanish Government obviously bore no relation to the interests of the Spanish people and the other peoples of the Mediterranean region, whose security would be seriously threatened by the presence of stockpiles of NATO rockets and atomic bombs in the Territory. The nuclear weapons which the NATO countries were preparing to install in the region would be used to support various forms of provocation and aggression against the peoples of Africa and the Middle East and the other peoples as well. The fact that Gibraltar was torn away from Spain and converted into a British colony and then into a military base, which had been for centuries used for carrying out the colonial

policy of the British ruling classes, did not raise any doubts in the Committee. But the deal which the Franco régime was proposing to make with the United Kingdom on the question of Gibraltar did not remove the possibilities of using the Gibraltar base for continuation of the same colonialist and imperialist policy, only now in interest of "the defence organization of free world". The representative of the United Kingdom claimed that the forthcoming referendum in Gibraltar was aimed at enabling the people of the Territory to exercise its right to self-determination. However that statement was nothing else but manoeuvre. If the British Government cared so much about the self-determination of the people of Gibraltar, why did it withhold that right from the people of Zimbabwe. Moreove there were no doubts about the validity of a referendum held under conditions of military occupation; the result of the proposed referendum would certainly be what the colonial Power wanted. The real purpose of the referendum was to maintai colonial rule over the Territory in one form or another, a fact which the United Kingdom representative did not trouble to conceal, and thus to preserve its military base in Gibraltar. The problem of decolonizing Gibraltar could not be separated from that of dismantling the military base and demilitarizing the area. Any effective measure to end the colonial status of the Territory implied first of all the liquidation of the base and the air and naval military installations now situated there.

172. The representative of Spain, speaking in exercise of the right of reply, pointed out that the Spanish Government's statements and proposals mentioned by the representative of the Soviet Union were no longer valid. The proposals of 18 May 1966, referred to by the Soviet representative, had been superseded by other proposals which he himself had formulated on 14 December in the Fourth Committee.

173. The new Spanish proposals made no mention of any joint use of the Gibraltar base by Spain and the United Kingdom. Indeed the Spanish Government had rejected the United Kingdom proposal of 12 July 1966 concerning joint use of the base. Similarly, on 17 June, as was indicated in the Secretary-General's report, the Spanish Government had formally invited the United Kingdom Governmen to renounce all military use of the airfield situated on the isthmus connecting Gibraltar with the rest of the peninsula.

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174. Spain had asked the United Kingdom Government to draw a clear distinction between its military interests and the interests of the people of the Territory. Spain hoped that sovereignty over Gibraltar would be returned to it, but it understood the concern of the United Kingdom Government, which wanted to be able to use the military base during the transition period that would precede the restoration of Spanish sovereignty over the Territory. For its part, Spain held that it had complete freedom to make whatever proposals it deemed appropriate, so long as the United Nations had not adopted any resolution on the subject. He wished to assure the Soviet representative, however, that the granting of a military base to the United Kingdom had not been envisaged in the Spanish proposals of 14 December. Lastly, he stated that Spain would be prepared to support any proposal that might be submitted by the Soviet or any other delegation for the dismantling of the Gibraltar military base.

175. The representative of the United Kingdom, exercising the right of reply, said he wished to deal with the four points raised during the meeting. Naval manoeuvres took place constantly in the Mediterranean and the Atlantic as everyone knew; they included operations not only by United Kingdom vessels but also by NATO vessels and by vessels of the Union of Soviet Socialist Republics. There was nothing exceptional about those activities, and the fact that a change of mine-sweeping personnel, arranged long before, was to take place at about the same time as the referendum was quite unconnected with the matter under discussion.

176. As to the question of the register for the referendum, the United Kingdom believed that the genuine inhabitants of Gibraltar, as distinct from those who were not permanent residents, should have the right to vote and so to express their views. The voting regulations were designed to bring this about. If there was any doubt about the fairness of the referendum, the Spanish Government and the United Nations were invited to send observers. In any case the presence of Commonwealth observers should constitute a sufficient guarantee.

177. With respect to permission for Spanish workers to stay and spend the night in Gibraltar, there were certain restrictions regarding outside residents, as the restricted size and limited accommodation of Gibraltar required, but the necessary permission to enable Spanish workers to live and sleep in Gibraltar had been readily given for years. The number of such applications granted, which had for some time been about 1,500 a year, had begun to decrease only when the Spanish Government had created difficulties and imposed restrictions.

178. Lastly, in reply to the Malian representative, he said that the United Kingdom, far from clinging to its Territories in Gibraltar or elsewhere, had for twenty years made a greater contribution to ending colonialism than any other country; indeed 99 per cent of the inhabitants of the former British colonial empire now lived in independent countries.

179. The United Kingdom had always upheld the principle of consultation and consent and it therefore believed that the inhabitants of Gibraltar should not be denied the right to express their views freely and to have those views taken into account.

180. The representative of the Union of Soviet Socialist Republics took note of the Spanish representative's statement that the Spanish Government had withdrawn its proposal of 18 May 1966.

181. In his view, the demilitarization of Gibraltar depended not on Spain but on the United Kingdom, and so long as it had not been effected, the will of the people could not be freely manifested; a people in chains could not express its will.

182. The representative of Spain, returning to the question of permission for non-residents to stay overnight in Gibraltar, pointed out that permission was given only to domestic servants and to nuns working in hospitals and not to Spanish workers. Since the Immigration and Alien Ordinance had been passed in 1845, Spanish workers had been unable to reside permanently or stay in Gibraltar which, but for that fact, would have a typically Spanish population like the rest of the area.

183. The representative of Mali said that, while entirely agreeing with the United Kingdom representative's arguments concerning decolonization and the right of self-determination, he wished to state his delegation's position on certain points.

184. In the first place, while the United Kingdom might justifiably pride itself on having contributed to the liberation and decolonization of a large percentage of the peoples of States Members of the United Nations, the fact remained that, in doing so, it had merely given those people their due and rectified a state of affairs that was incompatible with the normal course of history.

185. Decolonization was an ineluctable process, in keeping with a new situation in which world problems and power relationships had to be viewed in the light of changed conditions. There were two possible attitudes: to withstand the tide

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f history, as some countries, like South Africa and Rhodesia, were still doing, r to go along with history, as many others had done.

86. His delegation had not accused the United Kingdom of seeking to cling to its olonial positions. As the result of the question raised by the representative f Uruguay, his delegation had simply been led to consider certain historical actors and to reflect on the strategic importance of the Mediterranean - known s Mare Nostrum at the time of the Romans - which had served as a justification or many conquests and military occupations. That consideration had prompted it o say that Gibraltar and the Suez Canal were the two keys to the control of the editerranean. His delegation had therefore been very disturbed to hear that ritish naval vessels were being fitted out there a few days before the outbreak f hostilities.

87. The representative of the United Kingdom said that he greatly appreciated he spirit in which the representative of Mali had spoken, but pointed out that t was not correct to say that the main concern of the United Kingdom was to aintain its position in Gibraltar. If the International Court of Justice found he United Kingdom's claim to be legally unsound, the United Kingdom would accept ts judgement.

88. Furthermore, if the inhabitants of the Territory wished to be associated th Spain, immediate action would be taken to give effect to their wish.

89. The United Kingdom Government felt an absolute obligation to the people with om it was associated. It believed that it had an obligation to consult them and take their wishes into account. The circumstances of Gibraltar were certainly ique. But neither the Special Committee nor any other United Nations committee council could ever say that the inhabitants of any territory, whatever the rcumstances, had not the right to be heard before decisions were taken ncerning them.

90. The representative of Iraq, introducing a revised text (A/AC.109/L.424/Rev.1) the draft resolution submitted by Chile, Iraq and Uruguay, with the addition Syria as a fourth co-sponsor (A/AC.109/L.424/Rev.1/Add.1) said that the sponsors d taken the suggestions of certain delegations into account and believed that e new text would be generally acceptable, since it contained no condemnation d asked for nothing that had not already been approved by the overwhelming

majority of Member States. They trusted that the Spanish delegation would be able to accept the text and felt that it was now for the United Kingdom to show goodwill.

191. The draft resolution aimed only at the implementation of the existing resolutions and should therefore be readily accepted by the administering Power and unanimously adopted by the Committee.

192. The representative of the United Kingdom said that he opposed in the strongest terms the wholly partisan draft resolution set out in document A/AC.109/L.424/Rev.1 and Rev.1/Add.1. In purporting to deal with territorial claims, it exceeded and offended the mandate of the Special Committee. With regard to the referendum, it contravened the General Assembly resolution which required that the interests of the people should be taken into account. The revised draft reinforced his argument that no final decisions should be taken at the present time. It would be a grave departure from United Nations traditions and the provisions of Chapter XI of the Charter, and from the principles of elementary justice, to deny a hearing to the people principally concerned. Their liberties should not be denied or betrayed but respected and protected. He accordingly urged that judgement should be reserved and impartiality maintained until the people of Gibraltar had been able freely to express their own views.

193. The representative of Afghanistan said that the interest of the inhabitants of Gibraltar demanded that the Special Committee should base its decision on resolution 2231 (XXI), in which the General Assembly had taken the view that under the prevailing circumstances the continuation of negotiations between the administering Power and Spain was the most effective means of achieving a workable solution to the problem of Gibraltar. No matter how great the difficulties, the Government of Spain and the Government of the United Kingdom should try to resume their negotiations in order to expedite the decolonization of the Non-Self-Governing Territory of Gibraltar. Since the revised version of the draft resolution (A/AC.109/L.424/Rev.1 and Add.1) reflected more accurately the aims and purposes of General Assembly resolution 2231 (XXI), it had his delegation's general approval.

194. Nevertheless, he believed that the sponsors might be well advised to alter operative paragraph 2 to read: "Declares that the convening by the administering Power of the proposed referendum has not been envisaged by resolution 2231 (XXI)".

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that way the paragraph would make a statement of fact instead of taking a ative approach to the holding of a referendum. A referendum held in conditions justice and equity was the most effective means of ascertaining the will of people living under colonial domination. In a United Nations text the use of concept of referendum as it was at present intended in operative paragraph 2 the four-Power draft resolution should be avoided. The General Assembly had ed for negotiations between Spain and the United Kingdom. It was difficult anticipate the results of those negotiations. If the holding of a referendum the outcome, reached with the agreement of the Government of Spain, the ision should be respected.

. For those various reasons he would vote in favour of the four-Power draft olution but would abstain on operative paragraph 2 if it was put to the vote arately. He would abstain on the draft resolution (A/AC.109/L.423) submitted the United Kingdom.

. The representative of Syria believed that the criticisms levelled against the sed draft resolution (A/AC.109/L.424/Rev.1 and Add.1), of which his delegation a sponsor, had no justification. Firstly, by conceding that the question of raltar was a colonial question, the United Kingdom itself recognized that it within the competence of the Special Committee. Thus, the Special Committee ld not be reproached for dealing with the question. Secondly, operative agraph 3 of the revised draft resolution provided expressly for safeguarding interests of the inhabitants. Thirdly, as the representative of Afghanistan implied, the holding of a referendum was a unilateral step outside the ess of neogitations stipulated so clearly in General Assembly resolution (XXI).

. The representative of Sierra Leone said that the two main issues raised ng the Special Committee's discussions on the question of Gibraltar had related, t, to General Assembly resolution 2231 (XXI), operative paragraph 2, and, ndly, to paragraph 6 of the Declaration contained in General Assembly lution 1514 (XV).

His delegation had sponsored the amendment which had led to the inclusion esolution 2231 (XXI), paragraph 2, of the words "taking into account the rests of the people of the Territory" because it believed that the question ibraltar could not be simply a matter for negotiation between the United

Kingdom and Spain. The interests of the people of any Territory could certainly be ascertained by consultation in the form of a referendum; in the case of Gibraltar, the question was whether the administering Power should have consulted Spain first. It had been stated that Spain had been invited to participate in the referendum and had rejected the opportunity to do so. Thus, the issue appeared to be one of interpretation by the two Powers involved. In any event, his delegation could not support the wording used in paragraph 2 of the joint draft resolution (A/AC.109/L.424/Rev.1 and Add.1).

199. With regard to paragraph 6 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, his delegation considered that that provision, like General Assembly resolution 1514 (XV) as a whole, was directed specifically at Non-Self-Governing Territories; consequently, Spain's claim of disruption of its territorial integrity was not relevant and could not be discussed by the Committee, which was competent to discuss only colonial questions. If Gibraltar was a colonial Territory, the Committee was competent to discuss it, but it must treat it entirely as a colonial question. He could not, therefore, support the fifth preambular paragraph of the joint draft resolution.

200. His delegation could support the other paragraphs of that draft resolution; it naturally regretted that interruption of the negotiations between the United Kingdom and Spain and hoped that those two Powers would resume negotiations in order to determine how to solve the problem. However, it could not support the draft resolution as a whole and would abstain from voting on it.

201. His delegation also had difficulties with regard to the United Kingdom draft resolution (A/AC.109/L.423). While it could not reject the idea of a referendum, it questioned the way in which the referendum was to be carried out. However, it felt that the Committee was not yet in a position to pronounce itself on the Territory. Since the referendum was to be held on 10 September and the Committee envisaged closing its session by 15 September, it was unlikely that the full report envisaged would be available before the end of the current session. Consequently, he could not support that draft resolution and would abstain from voting on it.

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202. The representative of the United Republic of Tanzania said that, while his delegation supported the joint draft resolution (A/AC.109/L.424/Rev.1 and Add.1) in principle, it had certain reservations, particularly with regard to the fifth preambular paragraph. Its interpretation of paragraph 6 of the Declaration differed substantially from that given by the sponsors of the draft resolution, so far as its applicability to Gibraltar was concerned. In his delegation's view, paragraph 6 was applicable only to colonial Territories, and to link it with the question of the sovereignty of independent States would be bound to have far-reaching consequences. While his delegation had hoped that operative paragraph 3 of the draft resolution could be improved, it would not press its objections and would support the draft resolution as a whole, subject to its reservations on the fifth preambular paragraph.

203. His delegation could not agree with the purpose of the United Kingdom draft resolution (A/AC.109/L.423), since it involved tactics far removed from the co-operation for which the Committee had repeatedly called. Moreover, the Committee had already described the proposed referendum as "untimely". His delegation would prefer to abide by the spirit of General Assembly resolution 2231 (XXI).

204. The representative of Australia said that there were three points in the joint draft resolution (A/AC.109/L.424/Rev.1 and Add.1) which his delegation could not accept. First, since his delegation understood paragraph 6 of the Declaration to apply solely to the disruption of dependent Territories, it could hardly be taken to apply to Gibraltar, and the fifth preambular paragraph was therefore out of place in a resolution on that Territory. Secondly, with regard to operative paragraph 2, his delegation could not agree that the holding of the referendum would contradict the provisions of General Assembly resolution 2231 (XXI); it seemed a very sound idea to hold a referendum in order to ascertain the wishes of the people of Gibraltar at the present stage. Finally, his delegation felt that the words "safeguarding the interests of the population", which represented the essence of the matter, were not given sufficient emphasis in operative paragraph 3.

205. His delegation could not, therefore, support the joint draft resolution and would vote against it. In the belief that the referendum was one stage, and a necessary stage, in the process of decolonization, it would vote for the United Kingdom draft resolution (A/AC.109/L.423).

206. The representative of Mali said that his delegation would have to vote again the United Kingdom draft resolution (A/AC.109/L.423), the purpose of which was simply to take the question of Gibraltar out of the Special Committee's hands. It was no accident that the draft resolution made no reference to General Assembl resolution 1514 (XV), the charter of decolonization; that omission was evidence of the United Kingdom's desire to divest the problem of its colonial nature. Moreover, the United Kingdom text contained nothing positive which would promote a solution. To express regret that no progress had so far been made would be tantamount to an admission of failure, since it would emphasize that the negotiations recommended in General Assembly resolution 2231 (XXI) had not resulti in an agreement. Nor was it proper for the Committee to "note" the declared intention of the administering Power to consult the people, since many members o: the Committee had criticized that intention; it would be more appropriate for th Committee to express its disapproval of the administering Power's intention. Wh: the Committee did not oppose consultations - quite the reverse - everything depended on how they were carried out. With regard to the seventh preambular paragraph, it was precisely because the Committee had heard the views expressed concerning the referendum and other questions relating to Gibraltar that it must call on the administering Power to continue its negotiations, as envisaged in General Assembly resolution 2231 (XXI), and not to embark on a course of action which the Committee could not fully endorse. The last preambular paragraph - th key paragraph of the draft resolution - was particularly dangerous, since it implied that General Assembly resolution 2231 (XXI) had called for a report on t referendum, whereas in fact it had not even mentioned the possibility of a referendum. With regard to the operative paragraph, he agreed with the representative of Sierra Leone; it was no accident that the referendum was to be held just before the opening of the twenty-second session of the General Assembl to which the Special Committee must report. The Committee should take much more positive action than was recommended by the United Kingdom.

207. In his delegation's view, the joint draft resolution (A/AC.109/L.424/Rev.1 Add.1) represented the bare minimum that was acceptable, particularly since it overlooked the Committee's responsibility to urge the administering Power to re: from any action which was not endorsed by the Committee. Nevertheless, his delegation would vote in favour of it.

208. The representative of the Union of Soviet Socialist Republics said that his delegation would vote in favour of the joint draft resolution (A/AC.109/L.424/Rev.1 and Add.1), since it provided for negotiations between the Governments of the United Kingdom and Spain with a view to putting an end to the colonial situation in Gibraltar and to safeguarding the interests of the population thereafter. It would vote against the United Kingdom draft resolution (A/AC.109/L.423) because the holding of the referendum would result in the perpetuation of United Kingdom domination in Gibraltar and the maintenance of its military base there.

209. The representative of Bulgaria thanked the sponsors of the joint draft resolution for their efforts to take into account the views of other members. His delegation would support that draft resolution, although it believed that no correct solution to the problem of Gibraltar could be found until the military bases in the Territory were dismantled.

210. With regard to the United Kingdom draft resolution, his delegation had always defended the right of colonial peoples to self-determination and insisted that an administering Power, in conformity with General Assembly resolution 1514 (XV), should enable the people of a dependent Territory to exercise that right freely. However, a referendum organized and conducted under military occupation could have only one result, namely, the perpetuation of the colonial situation in one form or another and the continued presence of military bases in the Territory.

211. At the 500th meeting, the draft resolution sponsored by the United Kingdom (A/AC.109/L.423) was rejected by 10 votes to 3, with 11 abstentions. The revised draft resolution co-sponsored by Chile, Iraq, Syria and Uruguay (A/AC.109/L.424/Rev.1 and Add.1) was adopted by a roll-call vote of 16 to 2 with 6 abstentions, as follows:

In favour:	Afghanistan, Bulgaria, Chile, Iran, Iraq, Italy, Ivory Coast, Mali, Poland, Syria, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia.
Against:	Australia, United Kingdom of Great Britain and Northern Ireland.
Abstaining:	Ethiopia, Finland, India, Madagascar, Sierra Leone, United States of America.

212. The representative of Italy, speaking in explanation of his vote, said that his delegation's position on the question of Gibraltar, which had been made clear by its support of General Assembly resolution 2231 (XXI), was that the best way to solve the dispute was through negotiations between the administering Power and Spain, taking into account the interests of the people of the Territory. The fact that he had voted in favour of the joint draft resolution should not be taken as an unqualified endorsement of a certain interpretation of General Assembly resolution 1514 (XV) which, although worthy of further consideration, was not universally accepted either in the Special Committee or in the General Assembly. Rather, his delegation would emphasize the last preambular paragraph of resolution 2231 (XXI), regretting the occurrence of certain acts which had prejudice the smooth progress of the negotiations. His delegation would have preferred a different formulation for operative paragraph 2 of the resolution which the Committee had adopted, in order to avoid creating obstacles to a resumption of the negotiations between the two Governments. He sincerely hoped that the decolonizatio of Gibraltar would not be a source of contention and controversy, but would help to promote harmony among all the countries in that region.

213. The representative of Tunisia said that his delegation was opposed, not to the holding of a referendum as a means of determining the views of the population, but rather to the manner in which it was being organized by the administering Power. General Assembly resolution 2231 (XXI) had called for negotiations between the United Kingdom and Spain, taking into account the interests of the people of the Territory, and had made no mention of a referendum. His delegation had therefore been unable to support the United Kingdom draft resolution. He hoped that the Special Committee would not recognize the results of the forthcoming referendum as valid and that a solution acceptable to all would be found.

214. The representative of Spain said that his Government fully accepted the results of the vote in the Special Committee. It hoped, in a spirit of co-operation and friendship, to reopen negotiations with the United Kingdom Government immediately with a view to the decolonization of Gibraltar.

215. The text of the resolution (A/AC.109/266) adopted by the Special Committee at its 500th meeting on 1 September 1967 reads as follows:

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The Special Committee,

Having examined the question of Gibraltar,

Having heard the statements of the administering Power and the representative of Spain,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960,

Recalling further General Assembly resolutions 2231 (XXI) of 20 December 1966 and 2070 (XX) of 16 December 1965, and the Consensus adopted on 16 October 1967 7/ by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Considering that any colonial situation which partially or totally disrupts the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations and specifically with paragraph 6 of General Assembly resolution 1514 (XV),

1. Regrets the interruption of the negotiations which were recommended in General Assembly resolutions 2070 (XX) and 2231 (XXI);

2. Declares that the holding by the administering Power of the envisaged referendum would contradict the provisions of resolution 2231 (XXI);

3. Invites the Governments of the United Kingdom of Great Britain and Northern Ireland and Spain to resume without delay the negotiations provided for in General Assembly resolutions 2070 (XX) and 2231 (XXI) with a view to putting an end to the colonial situation in Gibraltar and to safeguarding the interests of the population upon the termination of that colonial situation;

4. Requests the Secretary-General to assist the Governments of the United Kingdom and Spain in the implementation of the present resolution, and to report thereon to the General Assembly at its twenty-second session.

216. By identical letters dated 1 September 1967, the Secretary-General transmitted the text of this resolution to the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and of Spain for the attention of their respective Governments.

7/ Official Records of the General Assembly, Nineteenth Session, annex No. 8 (A/5800/Rev.1), chapter X, para. 209.

217. The text of a communication dated 6 September 1967 from the Permanent Representative of the United Kingdom in reply to the Secretary-General's letter of 1 September 1967 is reproduced as annex II.

218. Subsequently, the Permanent Representative of the United Kingdom and the Deputy Permanent Representative of Spain addressed letters to the Secretary-Gene dated 25 October and 30 October respectively, which are reproduced as annexes II and IV.

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Annex 57

Minute dated 14 February 1967 from M.Z. Terry to Mr.Fairclough, "Mauritius: Independence Commitment", FCO 32/268

SECRET 19B

Mr. Fairclough

Mauritius: Independence Commitment

You showed me your minute of today's date about the above in draft and asked me to let you have the "facts and figures" referred to in paragraph 3(i) to (iv).

2. I understand that Mrs. McColl and Mr. Gathercole are producing a note for the U.K. Mission to the U.N. about the effects on the Mauritius economy of the fall in the price of sugar. When completed this should provide the material required under paragraph 3(i). I have myself today prepared a brief on the financial position which will serve the purpose of paragraph 3(ii). As regards paragraph 3(iii) I wonder whether there is not perhaps some confusion. I understand that the future of the Commonwealth Sugar Agreement is being reviewed for reasons which have nothing whatever to do with our possible entry in the Common Market. My understanding is that the review has emerged from the hard thinking which has been going on over the past year or two about our overseas aid commitments: and that the Treasury in particular want the C.S.A. to be dropped because it conceals indirect aid to Australia running into several millions of pounds per annum for which there is no conceivable justification: the idea being that aid given to aid-worthy Commonwealth countries through the C.S.A. should in future be given on a direct Government to Government basis (which would alas! be less effective so far as small colonial territories are concerned). I understand however that it is a deadly secret that the C.S.A. is under review and that this could not be mentioned outside Whitehall circles. As regards (b) of your paragraph 3(iii) I understand that it is the case that if Mauritius were still a colony if and when Britain enters the Common Market it would probably get better treatment for its sugar than if it were already an independent country. In the latter event it seems that it ~~would virtually~~ be excluded from European markets since there is already a sugar surplus within the Common Market. ~~I have however asked~~ Mr. Johnson ~~if he could add anything on this point.~~ has agreed to prepare a note on this point.

3. As regards the question of increased support for the P.M.S.D. (your paragraph 3(iv)) I do not think there are any firm facts and figures which can be produced. It is undoubtedly true that over the past year or so the P.M.S.D. have been making a determined attempt to broaden the basis of their support and to appeal to all communities. As an example the Governor mentioned in his latest monthly report that a leading member of the Muslim community had recently joined the P.M.S.D. and it is to be assumed that he would carry a certain number of Muslim voters with him. Apart from this however it is not possible to give anything as firm as "facts and figures". Most believe that there is little doubt that the P.M.S.D. has succeeded up to a point in winning the support of some proportion of the Indian communities (particularly the younger members and also those with a financial stake in the economy); and apparently large numbers of Indians attend the P.M.S.D. political meetings. It is however essentially a matter of crystal-gazing to try and assess to what extent these efforts will be reflected in the results of the next general election. There are no means of testing public opinion in Mauritius by ~~such means as~~ opinion polls or by-elections. Some argue that the large number of new young voters on the electoral registers is bound to increase the number and the proportion of the votes won by the P.M.S.D. in the next general election. Others claim that whatever the outward signs may be during the pre-electoral period it will be a question of "squaring the ranks" when the

/time comes and

time comes and that the vast majority of the Indians will vote on straight communal lines whatever view they may take of particular election issues (even including independence). In the absence of external tests of the movement of public opinion there are virtually no firm facts and figures which can be adduced: it is essentially a matter of waiting for the P.M.S.D. claims to be put to the test of the general election.

4. In general it seems to me quite impossible for H.M.G. to retract at this juncture the clear and unqualified undertaking given at the 1965 Conference, that we would grant independence if this were asked for by a simple majority vote in the new Assembly returned by the next general election. I am told that it was a Cabinet decision that this undertaking should be given (I am at present trying to trace the relevant Cabinet papers) and that in addition H.M.G.'s decision to come out publicly in favour of independence for Mauritius was part of the deal between our own present Prime Minister and the Premier of Mauritius regarding the detachment of certain Mauritius dependencies for Biot. . I cannot believe that U.K. Ministers generally would be prepared to go back on this decision. To do so would not only cause "a tremendous rumpus in Mauritius" as suggested in paragraph 6 of your minute but would damn us in the eyes of the Commonwealth and indeed of the world as a whole. Since the 1965 undertaking was given we have frequently been asked both at Commonwealth Meetings and at the U.N. what our intentions are in regard to Mauritius: and we have repeatedly stated in unequivocal terms that, in the terms of Mr. Greenwood's pronouncement, we are prepared to grant independence if this is asked for by Mauritius in the manner indicated after a general election. I doubt whether we would even do ourselves much good with the P.M.S.D. by retracting this ~~after~~ repeated undertaking because they (like the rest of the world) would be forced to conclude that our undertakings were not worth the paper they were written on.

5. As regards the particular arguments in paragraph 5 of your minute I would like to say that I cannot see any validity in the argument in sub-paragraph (i). It is a considerable exaggeration and distortion of the facts to say that the registration arrangements were not in accordance with the local law. There probably were omissions from the registers on which the 1959 and 1963 elections were conducted but under a voluntary system of registration it is to be expected that those omitted are the most apathetic and politically indifferent members of the adult community. In Mauritius it would almost certainly be mainly Indians (probably Indian women) who were excluded so that if we were to use this argument we would have to conclude that if all the potential voters had been included on the registers and had exercised their votes the only result would have been to strengthen the support given to Ramgoolam. For the same reason I do not think that there is any validity in the point in your paragraph 5(ii).

6. For the reasons indicated it seems to me quite out of the question that we should at this juncture retract our freely given and unqualified undertaking regarding independence for Mauritius. It is true that circumstances have changed since the undertaking was given and in particular that because of the deteriorating economic and financial position of Mauritius, and the renewed possibility of Britain entering into the Common Market, the interests of Mauritius might be better served by remaining a colony or becoming an Associated State on the West Indian pattern. It is however open to the electorate of Mauritius to judge these issues for themselves. Independence will obviously be the main issue in the forthcoming election and if the P.M.S.D. have any sense they will continue to put across

/to the people

to the people (as they have already been doing) the economic disadvantages of independence. We have however publicly left the choice to the Mauritius electorate. It is really too late in the day for us to assert that the electorate of Mauritius cannot be relied on to judge what is in the best interests of the country and to insist that "mother knows best".

7. For rather different reasons from your own I therefore entirely agree that the only circumstance in which we could possibly suggest that the question of independence should be reconsidered is if the general election results in a very narrow majority (of seats and/or votes) for the Independence Alliance. If the Independence Alliance win by only a narrow majority it seems to me that there is a very strong risk that the P.M.S.D. (if they have any sense) will stage disturbances of some kind. In such a situation, and particularly if there is an actual or threatened breakdown in security, there would be some basis for H.M.G. to suggest that all parties should get round the table again to reconsider the position.

M Terry

(M.Z. Terry)
14 February 1967

Annex 58

United Nations General Assembly, Report of Sub-Committee I: Mauritius, Seychelles and St Helena, UN Doc. A/AC.109/L.398, 17 May 1967

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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

REPORT OF SUB-COMMITTEE I

MAURITIUS, SEYCHELLES AND ST. HELENA

Rapporteur: Mr. Rafic JOUEJATI (Syria)

CONTENTS

INTRODUCTION

1. The Sub-Committee considered Mauritius, Seychelles and St. Helena at its 35th to 39th meetings held on 5, 13, 18, 20 April and 10 May 1967.

2. The Sub-Committee had before it the working papers prepared by the Secretariat (A/AC.109/L.374 and Corr.1 and 2).

3. In accordance with the procedure agreed upon by the Special Committee, the Chairman invited the representative of the United Kingdom of Great Britain and Northern Ireland to participate in the consideration of the three Territories. Accordingly, the representative of the United Kingdom participated in the 35th to 39th meetings of the Sub-Committee.

CONSIDERATION BY THE SUB-COMMITTEE

A. Statements by members

4. The representative of the United Kingdom gave an account of developments which had occurred since the twenty-first session of the General Assembly in the three Territories under consideration.

5. In Mauritius, constitutional discussions between the United Kingdom and representatives of the different political parties in the Territory had already set the stage for independence. At the end of the constitutional conference of September 1965, Mr. Greenwood, the Secretary of State for the Colonies, had announced that Mauritius would achieve independence if a resolution asking for it was passed by a simple majority of the new Assembly resulting from a general election to be held under a new electoral system. In the course of 1966, a special commission had studied the question of the future electoral system and had recommended that the island should be divided into twenty three-member constituencies and one two-member constituency plus five extra "corrective" seats. In that way, the interests of the main sections of the diversified population of Mauritius would be fairly represented. As those recommendations had given rise to disagreements among the political parties, the number of "corrective" seats had been raised to eight and the arrangements for such seats modified to take account of both party and community considerations, and agreement had been reached between all concerned.

6. Thereafter, in September 1966, the preparation of new electoral registers had been initiated in the presence of a team of Commonwealth observations drawn from India, Malta, Jamaica and Canada. The registers had been published in January 1967 and included one-third more voters than previous lists. The matter now rested with the Government of Mauritius and general elections would be held on the basis of universal adult suffrage at a date still to be set. The Parliamentary Under-Secretary of State for the Colonies had said in the House of Commons in December 1966 that it was desirable that elections should be held at the earliest practicable time. Since the 1965 Constitutional Conference had agreed on a six-month interval between full internal self-government and independence, it would be possible, if a majority elected at the future general elections favoured such a step, for Mauritius to achieve independence six months after the elections. There were differing views among the political parties about the ultimate status of Mauritius, but it was for the people to express its views by democratic means. As stated in paragraph 21 of the Sub-Committee's report for 1966, a team of observers from Commonwealth countries would observe the elections.

7. With regard to the Seychelles, he recalled that following an initiative by the Legislative Council about the Territory's future relationship with the United Kingdom, a constitutional adviser had recommended the establishment of a single Council of twelve to fifteen members with both executive and legislative functions, elected on the basis of universal adult suffrage, as a major step towards full internal self-government. The next elections were to be held in October 1967, and the legal instruments, including the new Constitution, required to implement the various proposals were being prepared.

8. The labour disputes which had occurred in 1966 had been resolved by a general wage increase of 20 per cent. A Government Labour Officer and a Trade Union Officer had also been appointed with the aim of improving labour relations.

9. Substantial progress had been made in St. Helena. On 1 January 1967, the former Advisory Council had been replaced by a Legislative Council, and a system of committees giving the members of the Legislative Council departmental responsibilities had been established; the Executive Council had also been reformed to include the chairmen of those committees in place of the former official members. Elections to the new Legislative Council would take place, as before, on the basis

of universal adult suffrage, not later than 1 January 1968. The Council would consist of twelve elected members out of a total of fourteen, instead of eight out of a total of sixteen as at present.

10. The three Territories under discussion had certain features in common: they all were small, had limited resources and were far from the main lanes of communication. In other ways they were different: Mauritius had 750,000 inhabitants and St. Helena only 4,600. These differences were bound to be reflected in the type of political institutions the Territories developed and also perhaps in their ultimate status. He emphasized that since the last session of the Special Committee, each of the three Territories had made substantial progress towards self-government and a final decision on their eventual status.

11. The representative of the United Republic of Tanzania said that the situation in the Seychelles recalled the arrangement proposed by the United Kingdom for certain Caribbean Territories: the administering Power was contemplating a procedure which violated the legitimate interests of the population and contradicted the various pertinent General Assembly resolutions, including resolution 1514 (XV) of 14 December 1960.

12. Document A/AC.109/L.374 and Corr.1 and 2 showed that the colonial Power was reluctant to implement the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples: a colonial Governor had been sent to the Territory to advise on the future colonial status of the Seychelles and had recommended three possible courses: (a) that the Territory should achieve only nominal independence guaranteed by treaty relations with a suitable Power; (b) some form of free associatcn with the United Kingdom; and (c) some form of close association or integration with the United Kingdom. In the first case, it was clear that the colonial Power was not prepared to withdraw from the Seychelles and to concede unfettered independence. The second course would constitute a direct violation of the inalienable right of the people to achieve the independence it demanded. Finally, integration would be a violation of the territorial integrity of the Seychelles, as stated in General Assembly resolution 2069 (XX) of 16 December 1965.

13. The economic situation in the Seychelles remained gloomy and was accentuated by the Territory's colonial status. In a Territory in which there had been a continued decline in agriculture and industry, it was highly regrettable that most of the arable land was being given to foreign monopolies in the form of concessions. He recalled that that aspect of the situation was to be the subject of special study by the Sub-Committee.

14. In Mauritius, too, there had been hardly any progress. At the preceding session, the Tanzanian delegation had stated that the United Kingdom Government was endeavouring to delay the attainment of independence and circumvent the wishes of the people. By its resolutions 2069 (XX) and 2066 (XX) of 16 December 1965, the General Assembly had called upon the administering Power to dismantle the existing military bases and refrain from establishing new ones in the Territories under its domination. It had also invited that Government to take no action which would dismember the Territories or violate their territorial integrity. The United Kingdom Government had, however, completely ignored the Organization's decisions. On 25 March 1967, The Times of London had reported the measures adopted by the United Kingdom in its new Indian Ocean colony created in November 1965, which was to be used for military purposes by the United Kingdom and United States Governments.

15. He protested against the creation of the new colony, which constituted a violation of the legitimate interests and inalienable rights of the inhabitants. It also showed how the colonial Powers were trying to impede independence by such devices as the concessions they granted to foreign monopolies. It was through such monopolies that the new colony had been set up and military installations established. The dismemberment of a Territory violated the express provisions of operative paragraph 6 of General Assembly resolution 1514 (XV) and those of the United Nations Charter. Moreover, the creation of the new colony and the establishment of military installations also ran counter to the declared wishes of the peace-loving peoples of Africa and Asia. It could be regarded as a hostile act against those peoples, who were in the immediate vicinity of the military installations in the Indian Ocean.

16. It must be recognized that with regard to Mauritius, the Seychelles and St. Helena, the administering Power had maintained a negative attitude and had

refused to implement the resolutions of the General Assembly calling upon it to speed decolonization in accordance with resolution 1514 (XV). Furthermore, the United Kingdom Government was continuing its economic exploitation of the Territories, and more and more foreign monopolies were establishing themselves there, to the detriment of the people's legitimate interests. Lastly, the United Kingdom was openly violating the principles of the Charter and the resolutions of the General Assembly by dismembering Mauritus and the Seychelles and building military installations there with the help of the United States.

17. It was not enough to reaffirm the right of peoples to self-determination and independence; immediate measures should be taken to ensure that those rights were respected. The colonial Power should without delay hold elections on the basis of universal suffrage, transfer all powers to the peoples and restore to them the land and natural resources which it had subjected to extensive exploitation. It must also desist from selling to private companies whole islands detached from the Territories and must instead preserve territorial and national entities. The United Kingdom's political manoeuvres to impose upon the peoples the political status it preferred must be condemned, and it must be called upon to refrain from taking any measures incompatible with the Charter and with the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Sub-Committee should also recommend the sending of a visiting mission, especially to the Seychelles.

18. The representative of Syria said that the administering Power's statements had failed to answer a number of very important questions. Had the United Kingdom implemented without delay the relevant resolutions of the General Assembly in Mauritius, the Seychelles and St. Helena, as it had been called upon to do by resolution 2232 (XXI) of 20 December 1966? If not, why not? The Sub-Committee must also know whether the administering Power had changed its attitude with regard to the sending of a visiting mission and whether it was prepared to co-operate with the Sub-Committee in the matter.

19. The General Assembly had expressed some concern regarding the preservation of the territorial integrity of colonial Territories. Did the administering Power still harbour its intentions, and did it realize that the establishment of military bases ran counter to the resolutions of the General Assembly and could not but create international tension and conflict?

20. The United Kingdom had stressed the poverty of Mauritius, the Seychelles and St. Helena and the inadequacy of their resources. But what was it doing to utilize their hydroelectric potential or to remedy the growing unemployment or the balance-of-payments deficit? Had it endeavoured to diversify the economy of Mauritius, as the Prime Minister of Mauritius had repeatedly asked it to do, or was it adhering to the terms of the Commonwealth Sugar Agreement? It was surprising that the United Kingdom, a technologically advanced country and a great source of capital, should permit the Territories under its administration to suffer from shortages of capital and technical skills, as indicated in the Secretariat working paper (A/AC.109/L.374 and Corr.1 and 2).

21. The Mauritius Legislative Assembly had called for an end to the discriminatory practices to which the workers in the sugar industry were being subjected. What measures had been taken to protect those workers? He would like particularly to have full information on the role of the Taxpayers and Producers Association.

22. The Sub-Committee should be better informed concerning the new electoral system in Mauritius and the coming elections. Would they be based on universal suffrage, and when would they take place? It was also desirable to know the role of the parties, to determine the extent to which they genuinely represented the people or, on the contrary, represented special interests. Most important of all, the elected representatives of the people should have adequate powers and the Governor should no longer play an unduly large role.

23. In conclusion, he hoped that the United Kingdom would stop giving the impression of wanting above all to safeguard the privileges of the settlers and to serve strategic interests which were of no concern to the people and that it would display a readiness to help the peoples under its administration to free themselves from discrimination and subjection.

24. The representative of the United Kingdom said that he wished to reply at once to some of the questions asked by the Tanzanian and Syrian representatives and that he would comment on other points later.

25. The Tanzanian representative had said, concerning the three courses envisaged in paragraph 28 of the constitutional adviser's report (nominal independence, "free association" and close association or integration), that they would be imposed on the population of the Seychelles and excluded any real independence.

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Page 3 of the document on the Seychelles, however, contained a statement by the Secretary of State for the Colonies noting that the adviser had wished to consider not final solutions but the progressive establishment of constitutional machinery aimed precisely at permitting the people to decide their ultimate status. The adviser himself stated in paragraph 27 that he had concerned himself with immediate measures. As to the elections in Mauritius, he referred the Syrian representative to paragraphs 20 and 21 of the Secretariat working paper (A/AC.109/L.374 and Corr.1 and 2), which indicated, inter alia, that in the view of the United Kingdom Government, it was most desirable that the elections should be held at the earliest practicable time and that neither the United Kingdom Government nor the Government of Mauritius had been responsible for the fact that it had been impossible to keep to the time-table originally planned. The completion of the register of electors should in principle make it possible to hold elections in 1967.

26. He would have to consult his Government concerning the sending of a visiting mission if that was in accordance with the Special Committee's views.

27. The representative of the United Republic of Tanzania said that, according to the United Kingdom representative, the proposals in paragraph 28 of the constitutional adviser's report on the Seychelles were not final. Inasmuch as the people of the Seychelles had expressed a wish to achieve independence rapidly, the solutions outlined in that paragraph could only create confusion and were, in fact, an insult to the people of the Territory. As to the "political inexperience" of the electorate and the candidates, which the adviser noted with regret in paragraph 34, he wondered if it was not attributable to the fact that the United Kingdom was preventing the people from exercising their rights. Moreover, paragraph 47 shows clearly that the "free association" formula was regarded as final.

28. The possible solutions envisaged by the United Kingdom revealed the latter's neo-colonialist intentions. The administering Power had never shown any willingness to implement General Assembly resolution 1514 (XV) and had taken care, in its statement, to make no mention of complete independence.

29. The representative of Syria asked whether the Legislative Assembly to be chosen in the elections which, according to the representative of the administering Power, were to be held in 1967, would really be in a position to decide the future of Mauritius by adopting a constitution and leading the Territory to independence if that was the wish of the population, or whether, on the contrary, it would be a passive body, content to pass minor legislation under the control of the Governor.

30. The representative of the United Kingdom, replying to the Syrian representative, said that the Legislature could lead Mauritius to independence, if the majority of its members so desired, after six months of self-government. The forthcoming elections would therefore be more than a mere formality.

31. The "free association" formula which the Tanzanian representative had criticized could not, in any case, be imposed. It was for the people of the Seychelles, acting through their representatives, to choose their ultimate status. However, it should not be forgotten that the people were divided, some wanting independence, some association, and others integration, and that the Territory's two political parties, the Seychelles Democratic Party (SDP) and the Seychelles People's United Party (SPUP), had different programmes in that regard.

32. The representative of Syria said that the current debate was enabling the Sub-Committee to form a clearer idea of the situation. He asked the United Kingdom representative whether, if most of the representatives opted for independence, Mauritius would become independent in 1968. The forthcoming elections were of the greatest importance, and it seemed advisable that United Nations observers should be present.

33. The representation of the United Kingdom confirmed that, under the present arrangements, not more than six months would elapse between the general election and the attainment of independence, if that was what the newly elected legislature wanted. On this basis independence could take place by 1968, subject to the views expressed by a majority of the Legislature after the general election. The Government of Mauritius had agreed to the presence of Commonwealth observers to verify the electoral registers and supervise the voting procedures. If a formal request were made that the Sub-Committee should also send observers, he would have to consult his Government before replying.

34. The representative of the United Republic of Tanzania observed that the United Kingdom representative had still not stated definitely whether his Government's policy was one which would permit the Seychelles and Mauritius to

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achieve full independence. Study of the documents as well as information available to him indicated that the people wanted full independence at an early date. He also wished to know when the machinery referred to in the documents, the operation of which had already been explained, would be set up. His Government did not wish to be confronted with a fait accompli or to see the administering Power impose a point of view which was at variance with the people's desires. He also noted that the United Kingdom representative had carefully avoided mentioning the dismemberment of Territories, which was a violation of the Charter and of General Assembly resolution 1514 (XV). A specific reply on that point would enable the Sub-Committee to make definite recommendations to the Special Committee and the General Assembly.

35. The representative of Syria said that if the new elections on Mauritius were to be held in 1967, after which there was to be a six-month delay, the island would presumably attain independence in 1968. As to the question of observers, he that the United Kingdom Government would appreciate the need for a United Nations presence during the elections. Like the Tanzanian representative, he hoped that the United Kingdom delegation would clarify the question of the dismemberment of Territories.

36. The representative of the United Kingdom pointed out to the Tanzanian representative that, as the United Kingdom Government's report indicated, it was for the members of the future legislature of the Seychelles, elected by universal suffrage, to consider the Territory's future, and that there had been no decision as to its ultimate status. As to the content of the new constitutional proposals which were to be implemented in Seychelles, all relevant details were given on page 4 and in chapter V of his Government's report on the recommendations of the constitutional adviser, and in chapter V of the adviser's report. The proposed changes would take effect when the general elections were held, i.e., in October 1967 at the latest.

37. The representative of the United Republic of Tanzania said that his delegation would take note of the United Kingdom representative's explanations. The paramount question of sovereign rights had not, however, been clarified. The documents referred to gave no definite indication as to whether the United Kingdom planned to grant complete independence to the Territories in conformity with General Assembly resolution 1514 (XV). On the contrary, it appeared that the proposals in

chapter IV, paragraph 28 (a), (b) and (c), of the United Kingdom Government's report would be implemented and that a solution involving independence would be discarded, as it had in the case of the Caribbean Territories.

38. The representative of the Union of Soviet Socialist Republics said that the discussion of the situation in Mauritius, Seychelles and St. Helena by the Special Committee in 1966 had clearly shown that the administering Power had not yet implemented the provisions of General Assembly resolution 1514 (XV) and other relevant General Assembly resolutions, that the political development of the Territories was proceeding very slowly, that the electoral arrangements devised for Mauritius had been the subject of serious controversy among various groups and political parties and that universal suffrage had still not been introduced in the Seychelles. The Special Committee had also expressed concern at the establishment of the new "British Indian Ocean Territory" and the reports that it would be used as a military base, and had called upon the administering Power to respect the territorial integrity of Mauritius and Seychelles and, in keeping with operative paragraph 12 of General Assembly resolution 2105 (XX) of 20 December 1965, to refrain from using the three Territories for military purposes. It had also called upon the administering Power to recognize the right of the indigenous inhabitants to dispose of the natural resources, and to take measures to diversify the economy, of the Territories. Those conclusions and recommendations had been confirmed by the General Assembly at its twenty-first session. In resolution 2232 (XXI) the General Assembly had, inter alia, urged the administering Power to allow visiting missions to go to the Territories to study the situation and make appropriate recommendations, and had reiterated its earlier declaration that any attempt to disrupt the national unity and territorial integrity of colonial Territories or to establish military bases and installations in them was incompatible with the Charter of the United Nations and with resolution 1514 (XV). In resolution 2189 (XXI) of 13 December 1966 the General Assembly had requested the colonial Powers to dismantle their military bases in colonial Territories and to refrain from establishing new ones.

39. All three Territories were, however, still under United Kingdom domination and United Kingdom Governors still had wide powers: in Mauritius, the Governor still appointed the Premier and most of the ministers, and in the Seychelles and

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St. Helena he presided over both the Executive Council and the Legislative Council. The people of Mauritius had long been asking for independence, but it seemed as if the administering Power still intended to delay granting it by imposing certain conditions such as that the people should first gain experience of managing their own affairs. A study of the new "Proposals for Constitutional Advance" in the Seychelles showed that they were not intended to prepare the people for independence in accordance with General Assembly resolution 1514 (XV), but rather to perpetuate United Kingdom control of the Territory, and that independence was ruled out as a solution. Under the suggested "committee system of government", the Governor, in addition to his general reserved powers, would have direct responsibility for law and order, the public service and external affairs, and it appeared that he would retain the power to appoint the non-elected members of the Legislative Council and to nominate three other members. As the representative of Tanzania had indicated at the previous meeting, the proposed new arrangement would impede the full exercise of the right to self-determination and independence by the population in accordance with resolution 1514 (XV). Of the three possible courses suggested for the Territory, the one recommended was not even "nominal independence", but some form of "free association with the United Kingdom", which indicated that the administering Power did not wish to relinquish control of the Territory. That had been confirmed by the fact that the United Kingdom representative had given no positive reply at the previous meeting to the question of whether it did indeed intend to grant complete independence to the Seychelles. It was thus clear that the administering Power was impeding the political development of the three Territories.

40. As to the economic situation in the Territories, it was still as serious as before, if not worse. They remained a source of primary commodities and cheap labour for the metropolitan country, which prevented them from developing economic relations with other countries. According to document A/AC.109/L.375 and Corr.1 and 2, as much as 73 per cent of Mauritius exports went to the United Kingdom, including most of the sugar produced, and, as the Premier of the Territory had said, progress in the diversification of the Territory's economy had been slow. A similar situation prevailed in the Seychelles and St. Helena. All three Territories

depended on a single crop, and that made economic progress very difficult. They also depended increasingly on external aid. After the prolonged domination of foreign capital the people of Mauritius were still without the means of production required to satisfy more than 10 per cent of their needs.

41. The social situation in the three Territories also continued to be distressing. There was chronic unemployment in all three and the Christian Science Monitor of 23 January 1967, described the unemployment problem in Mauritius as "hopeless". The gulf between the planters and the peasants in the Seychelles had even been admitted in the document on the proposals for constitutional advance. Furthermore, there were still no facilities for higher education in the Territories.

42. The explanation for London's constitutional manoeuvres and the delay in granting independence appeared to be that the administering Power intended to turn the Territories into military bases. In spite of the United Kingdom representative's assurances during the twenty-first session of the General Assembly that the "British Indian Ocean Territory" would not be used for military purposes, there was continuing evidence that the United Kingdom and the United States did not wish to abstain from using the new colony as an important link in their "East of Suez" policy, a policy aimed at preserving the position of the British and other foreign monopolies which exploited the natural wealth of the Middle East, southern Africa and other regions. The military installations which the United Kingdom was planning to construct in the "British Indian Ocean Territory" would be a direct threat to the countries of Asia and Africa, as the Cairo Conference of Non-Aligned States had pointed out. The Economist of 14 January 1967 had reported that the immediate aim was to station a mobile striking force in the new Territory. The United States still maintained military personnel to man rocket-tracking stations on Mahé, in the Seychelles, and on Ascension Island, which had gained lamentable notoriety as a base for United States and Belgian intervention in the Congo in 1964. There was also evidence that the United States intended to establish a communications relay station on the island of Diego Garcia.

43. The United States was therefore acting as an accomplice of the United Kingdom in violating the General Assembly resolutions relating to the Territories. The Sub-Committee must condemn the militarist activity of the imperialist Powers, which was delaying independence, and which was clearly the reason for the United Kingdom's refusal to allow a visiting mission to go to the Territories.

44. He strongly supported the proposals made by the representatives of Syria and Tanzania at the previous meeting. Since the administering Power had failed to respond to the repeated appeals of the General Assembly and the Special Committee to grant immediate independence to Mauritius, the Sub-Committee should ask the Special Committee to recommend the General Assembly to set a time-limit for the granting of independence without any conditions or reservations. In view of the continuing use of Mauritius and Seychelles for military purposes and the creation of the "British Indian Ocean Territory" in violation of General Assembly resolutions 2105 (XX), 2189 (XXI) and 2232 (XXI), the Sub-Committee should recommend that a visiting mission be sent to the Territories to study the situation and make recommendations to the General Assembly at its twenty-second session. Lastly, the administering Power should be asked to inform the Special Committee before the opening of the twenty-second session on how the recommendations of the General Assembly and the Special Committee were being implemented, especially those concerning the immediate exercise of the right to self-determination by the population, the prompt holding of elections on the basis of universal suffrage in order to create representative organs in Seychelles and St. Helena, and the safeguarding of the people's right to dispose of their own resources and create a diversified economy. Such action would help the people of the Territories towards self-determination and independence and would show them that they had the moral support of the United Nations.

45. The representative of Yugoslavia said that, once again, the Sub-Committee must take note of the fact that the administering Power had done very little in the direction of allowing the peoples of the three Territories to decide their future status and form of government freely and democratically. The administering Power had shown that it was still not prepared to implement the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples and of General Assembly resolutions 2066 (XX), 2069 (XX) and 2232 (XXI).

46. Not only had there been no positive changes in the political and constitutional fields but all three Territories were also characterized by a steadily deteriorating economic situation. The Secretariat working paper (A/AC.109/L.374 and Corr.1 and 2) spoke of a downward trend in per capita income and a rise in unemployment in Mauritius and Seychelles. The administering Power issued warnings about the deterioration in the economic and social situation but took no measures to remedy it. The chief reasons for the negative economic trends had been noted by the Sub-Committee on previous occasions: the single-crop economy, the large areas of arable land in the hands of a small number of plantation owners, and the concessions that continued to be granted to foreign monopolies under conditions which disregarded the interests of the Territories.

47. Another problem which was of extreme concern to his delegation was the violation of the territorial integrity of the Territories. The establishment of the "British Indian Ocean Territory" was contrary to the basic principles set forth in General Assembly resolution 1514 (XV) and was an indication of neo-colonialist plans mentioned in the Cairo Declaration of non-aligned countries. On 10 November 1965, the Secretary of State for the Colonies had confirmed in the House of Commons that the new Territory was to be used by the United Kingdom and the United States for the erection of defence facilities. The statement on 16 November 1966 by the Secretary of State for Defence that no plan had been made for the creation of military bases in the Territory had done little to remove the apprehensions regarding the future plans of the two Governments concerned. The fact that the reports concerning military bases had not been categorically denied, especially when it was known that certain military installations were already being constructed, was an indication to his delegation of the existence of plans which might have dangerous consequences for the whole area. According to The Baltimore Sun, of 7 April 1967, a spokesman for the Indian Government had stated that that Government was strongly opposed to the establishment of military bases in the Indian Ocean and would raise the matter at the United Nations. The same paper stated that the United Kingdom, in co-operation with the United States, was planning to build an air strip in the Territory in order to assist in the movement of troops and aircraft from Europe to Asia.

48. The establishment of military bases could only be intended to check the process of decolonization and threaten the independence of African and Asian countries. The argument that the Governments of Mauritius and Seychelles had agreed to the transfer of the islands concerned to the new Territory was without substance because Mauritius and Seychelles were still not independent. The fact that the United Kingdom had been in a hurry to detach the Chagos Archipelago from Mauritius prior to the proclamation of independence spoke for itself.

49. With regard to recent constitutional developments in Mauritius and Seychelles, he could not accept the United Kingdom's contention that measures leading to the transfer of powers to democratically elected representatives of the people were being taken. In Mauritius, elections had once again been postponed. The statement published by the Commonwealth Office on 21 December 1966 was clearly intended to give the impression that responsibility for the delay did not rest with the United Kingdom. Nevertheless, it was his view that the administering Power alone was responsible for delaying the process of self-determination and independence.

50. In Seychelles, the situation was even more disturbing. There, the administering Power was insisting on a longer constitutional process on the pretext that the inhabitants lacked political experience. Sir Colville Deverell's proposals for constitutional advance, contained in the document which had been made available to members by the United Kingdom representative, were inconsistent with the provisions of relevant United Nations resolutions. Sir Colville complained that the political parties were primarily preoccupied with the question of the ultimate status of Seychelles rather than with constitutional evolution, but that was quite understandable. Sir Colville also stated that the question of the Territory's status could not be an immediate issue. Why not? Sir Colville went on to suggest three kinds of ultimate status which he said were the only possible kinds for a small, isolated island such as Seychelles. All three proposals involved some form of association or integration with the United Kingdom. In his delegation's view, the advancing of such suggestions was inadmissible in that it prejudged the people's decisions.

51. The United Kingdom apparently wished it to be believed that the measures proposed would significantly improve the constitutional situation. He could not agree with such a contention. It seemed that, under the new system, the ratio of

elected to appointed members of the Executive and Legislative Councils would be eight to seven. That means little, however, in view of the influence exercised by the Governor in the councils. The administering Power was clearly delaying the transfer of power to the democratically elected representatives of the people.

52. The following conclusions could be drawn with regard to the three Territories: (a) the administering Power had failed to implement the provisions of General Assembly resolution 1514 (XV) and other relevant resolutions; (b) it was endeavouring to delay the transfer of power to elected representatives of the people; (c) it had created a new colony out of islands detached from Mauritius and Seychelles, thus directly violating the principle of territorial integrity; (d) it was putting into effect its plans for the establishment of military bases on the so-called British Indian Ocean Territory; (e) the economic and social situation in the Territories continued to deteriorate and concessions were being granted to foreign monopolies.

53. He believed that the Sub-Committee should, on the basis of these facts, recommend that concrete measures should be taken to guarantee the rights of the peoples of the Territories to self-determination and independence. The sending of a visiting mission should be recommended, particularly to Seychelles, so that the Special Committee would not be faced with the situation it had been confronted with in the case of the British Caribbean islands.

54. The representative of Finland said that, in view of the striking differences between the three Territories under consideration in terms of political development, economic conditions, and the ethnic background and size of population, it was hard to envisage any common pattern for their constitutional advancement. The largest of the Territories, Mauritius, seemed to be well on the road to full independence. Elections were to take place in the relatively near future at a date set by the Government of Mauritius, and if the newly elected Assembly decided in favour of independence, it could be attained after a six months' transitional period. After some regrettable delay, the people of Mauritius would thus be able to express their views regarding the future status of the Territory, and it seemed that, although there were some differences among the political parties, the majority favoured progress to full independence. As it neared independence, Mauritius faced certain

difficult problems. Further action was needed to diversify its economy, and the problems resulting from the rapidly expanding population needed to be tackled, perhaps through an expanded family planning programme.

55. Political development in Seychelles seemed to be proceeding more slowly. There had been little demand for full independence and, in view of the smallness of the Territory in size and population and of its economic situation, some special constitutional arrangement might be called for, perhaps as an interim solution. He noted with satisfaction that elections were soon to be held on the basis of universal adult suffrage and that a new constitution was being prepared. It was important, however, that plans for constitutional advance should not in any way exclude the possibility of full independence. Economic development was a problem also for Seychelles and it was obvious that the Territory needed outside help.

56. Whatever future course might be chosen by the three Territories, it was essential that the choice should rest with the freely elected representatives of the people. It was equally important that the people should retain the right in the future to choose an alternative political status.

57. The representative of the United Kingdom said that the Sub-Committee had heard many familiar assertions from the representatives of the USSR and Yugoslavia, and his delegation had had to reply to them on past occasions. They ranged from the inaccurate to the fantastic. Since the general debate was not yet concluded, however, his delegation would prefer to defer its comments on the various statements which had been made to a later meeting.

58. The representative of the Union of Soviet Socialist Republics said that his delegation had always given close attention to factual material supplied by the administering Power and derived from other sources. If the United Kingdom representative wished, he could produce the sources on which he had based his statement; they consisted mainly of United Kingdom newspapers, such as The Times and The Observer. The United Kingdom representative would find that the Soviet delegation's statements were confirmed by dispatches in such newspapers.

59. The representative of Yugoslavia said that, if his assertions were "familiar", the reason was that the colonial Power had repeatedly postponed the accession of the people to self-determination and independence. As long as that remained the case, his delegation would be obliged to repeat its arguments.

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60. The representative of Tunisia pointed out that, although General Assembly resolution 2066 (XX) concerning Mauritius had invited the administering Power to take steps to implement resolution 1514 (XV), to take no action to violate the territorial integrity of Mauritius and to report to the Special Committee and the General Assembly on the implementation of resolution 2066 (XX), and although General Assembly resolution 2069 (XX) concerning a number of Territories, including Seychelles and St. Helena, had called upon the administering Power to implement the relevant resolutions of the General Assembly and to allow visiting missions to visit the Territories with its full co-operation and assistance, it appeared from the information provided by the United Kingdom representative that no progress along those lines had been made in the three Territories under consideration. He had asserted that the changes which had taken place or which were planned were such as to hasten the implementation of resolution 1514 (XV), but that was open to question since the administering Power had not complied with the General Assembly's request to allow visiting missions to visit the Territories. The colonial period was still too fresh in the minds of many representatives for them to believe everything an administering Power said about the administration of Territories under its control. If the United Kingdom believed that it had fulfilled the obligations imposed on it by the international community, why did it refuse to allow representatives of the United Nations to visit the Territories and ascertain the truth of its statements? It was necessary for the United Kingdom to permit visiting missions if the present deadlock was to be broken. Everything that had been said during the current debate, including the statements of the administering Power, had already been said in previous years. All that the Sub-Committee could do, therefore, was to recommend the adoption of another resolution, reaffirm the inalienable right of the people of the Territories to self-determination and independence and request the administering Power once again to comply with United Nations resolutions. That represented no progress and it was the administering Power which was to blame. If United Nations representatives were allowed to ascertain conditions in the Territories, it would perhaps be easier to achieve a just and equitable solution of their complex problems.

61. The representative of the United Kingdom, replying to questions which had been raised during the debate, said with regard to the problem of unemployment in Mauritius and the need to diversify the country's economy that it was the policy of the Mauritius Government to do everything possible to encourage the establishment of new industries and to that end a number of incentives had been provided in the shape of tariff concessions and financial assistance by the Government Development Bank. A number of new industries had already been established, or were being considered, including factories for the production of soap, margarine and edible oil, textiles and fertilizers, for the manufacture of stationery and watches, and for the processing of synthetic jewels. Discussions had been held with representatives of the United Nations Industrial Development Organization (UNIDO) on strengthening the local machinery for industrial production. In agriculture, the United Nations Special Fund and the United Nations Food and Agriculture Organization (FAO) were conducting a joint survey of land and water resources and were expected to recommend various projects which should lead to the improvement and greater diversification of agricultural production. An Agricultural Marketing Board had been in operation for the preceding three years and the Mauritius Government had just approved a number of new schemes for agricultural co-operative credit. It was clear, therefore, that the Mauritius Government was determined to do everything possible to diversify the economy of the Territory and reduce its dependence on the production of primary commodities.

62. Inevitably, the Mauritius Government, like most other developing countries, had sought, in promoting local industrialization, to attract foreign capital. It was unrealistic to regard such policies as continued concessions to foreign monopolies. His delegation knew of no arrangements for foreign investment in the Territory which were intended to operate on a monopolistic basis or in a manner contrary to the interests of the people of Mauritius.

63. The representative of Syria had referred to allegations of discrimination in the sugar industry and had asked about steps being taken to protect the workers. Conditions of employment in the sugar industry were regulated by wage councils appointed by the Mauritius Ministry of Labour and there was no discrimination

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among workers in any form of employment. As to the matter of hydroelectric installations, there were at present eight hydroelectric power stations operated by the Central Electricity Board of Mauritius and a ninth was to be completed by 1969. With regard to the Seychelles Taxpayers and Producers Association, he said that that organization, as indicated in paragraph 64 of document A/AC.109/L.374 and Corr.1 and 2, had for some time ceased to exist.

64. The representative of Finland had invited attention to the problems of a rapidly expanding population and the desirability of an expanded family planning programme. There was now a much wider acceptance among all shades of religious opinion and communities in the Territory of the need for family planning and, with government support, certain voluntary agencies had already made a start.

65. With regard to the so-called dismemberment of Mauritius and Seychelles resulting from the establishment of the British Indian Ocean Territory, as alleged by the representatives of Syria and the United Republic of Tanzania, the new Territory was made up of a number of small scattered islands separated from both Mauritius and Seychelles by many hundreds of miles. The Chagos Archipelago, for instance, although previously administered as part of Mauritius, was geographically much nearer to the Seychelles. For nearly 100 years, all the islands, including Mauritius and Seychelles, had formed a single dependency, and thereafter, beginning about sixty years previously, the islands forming the new British Indian Ocean Territory had been attached either to Mauritius or Seychelles purely as a matter of administrative convenience. They could not be considered as a homogeneous part of either of those Territories in ethnic, geographical, economic or any other terms. The islands had no indigenous population, since they had been uninhabited when originally acquired by the United Kingdom Government and virtually all persons now living there were migrant workers. The administrative rearrangements which had been worked out freely with the Governments and elected representatives of the people of Mauritius and Seychelles and with their full agreement, in no sense, therefore, constituted a breach in the natural territorial and ethnic integrity of those Territories.

66. Some representatives, including the representative of the USSR, had implied that there was a conspiracy to delay independence and impede political development in the Territories in order to turn them into military bases. The clear assurances

given by the United Kingdom Government concerning independence for Mauritius and the information provided on constitutional progress in the Seychelles spoke for themselves. The steady progress towards full self-government and decolonization was irrefutable evidence against such allegations.

67. Some delegations had also made familiar allegations that the United Kingdom Government was planning to establish bases in the British Indian Ocean Territory. The allegations had been based exclusively on press reports, which were often highly speculative, since the role of the Press in the United Kingdom was not restricted to that of a subservient reflection of government policies. Those delegations should ignore such speculative comment and accept the clear statement made by the United Kingdom Secretary of State for Defence on 16 November 1966 that his Government had no programme for creating bases in the British Indian Ocean Territory. Although the United Kingdom Government had announced as long ago as November 1965 that the islands might provide potential sites for defence purposes such as refuelling or communications facilities, no decision had in fact been taken to establish any such facilities. Such possible uses were very far removed from the bogey of military bases threatening the independence of African and Asian countries which some delegations had sought to raise.

68. On the question raised by the representative of Syria concerning a United Nations presence during the forthcoming elections in Mauritius, his delegation would be prepared to seek instructions on any specific request which the Committee might make, but he pointed out that the Banwell Commission's report had recommended that a team of Commonwealth observers should be present during the elections and that that recommendation had been accepted by all political parties in Mauritius.

69. The representative of Syria had also asked about the need to take special account of the interests of the communities in the electoral arrangements in Mauritius. He pointed out that the Territory's population was of several different ethnic origins, and that among the political groupings and parties there were bodies which claimed to represent the Hindu and Moslem communities. Under the previous system, it had been possible for as many as fifteen out of sixty-five members of the Legislature to be nominated by the Governor in order to protect under-represented sections of the community. Since it had been impossible at the

Constitutional Conference in 1965 so reach agreement on an alternative procedure, the Banwell Commission had been appointed to make recommendations which would ensure that the main sections of the population should have an opportunity to secure fair representation of their interests. It was not the United Kingdom Government which had demanded that such special arrangements should be made, but the local political parties and especially the minority communities. Under the new electoral arrangements, there would be eight "best loser" seats out of a total of seventy. Four of those would be reserved for under-represented communities irrespective of party considerations, and the other four were intended to restore the balance of party representation in so far as it had been disturbed by the previous award of four seats on a purely communal basis. The arrangement was essentially a compromise. The United Kingdom Government had throughout not wished to impose any solution and the arrangements now in operation had been generally accepted by all sides. His Government had, however, while paying every regard to local wishes, sought to discourage political parties in the Territory from appealing exclusively to particular communities. Sixty out of the seventy members in the new Legislature would be elected in three-member constituencies in which each voter was obliged to cast his full three votes and the result of such an arrangement should be to minimize communal influences. There had, of course, been universal adult suffrage in Mauritius since 1958.

70. The representative of the United Republic of Tanzania said that he would like to make some preliminary comments on the United Kingdom representative's statement. The United Kingdom representative, in attempting to justify the dismemberment of Mauritius and Seychelles, had spoken of distances of many hundreds of miles, but it might be pointed out that the islands in question were many thousands of miles from the United Kingdom. That fact showed the extent to which the United Kingdom regarded geographical proximity as a prerequisite for the existence of a nation. At any rate, the islands in question had always been treated as part of Mauritius and Seychelles. If the facts were as the United Kingdom presented them, one could only assume that the United Kingdom had been systematically misleading the United Nations in the information it had been submitting. If that was not the case, the United Kingdom must admit that it was now pursuing a policy incompatible with the United Nations Charter as well as contrary to the wishes of the freedom-loving and peace-loving peoples of Africa and Asia.

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71. The United Kingdom representative had said that military bases were not now being built on the Indian Ocean islands, but the Tanzanian delegation would like to hear it stated that the United Kingdom Government did not intend to place any military installations, equipment or personnel on the islands, since any such installations and personnel could only be intended for aggressive purposes. The establishment by the United Kingdom of military installations in the Indian Ocean must be seen as part of the military strategy of imperialism. The installations were undoubtedly intended for use against peoples engaged in the legitimate struggle for liberation. The United Kingdom had refused to use force where it was justified, to oust Ian Smith's régime in Southern Rhodesia, but was using all the military means at its disposal against the struggling peoples of Aden and other areas. He would like to be told whether or not the United Kingdom had any military personnel or installations, including military transportation facilities, on the islands.

72. With regard to the reliability of press reports, the question was whether the United Kingdom Government had denied the reports. The Times of London had reported on 25 March 1967 that the United Kingdom was in the final stages of negotiations to buy three privately owned islands in the area for defence purposes. If the United Kingdom Government did not formally deny such reports, his delegation would assume that they were true.

73. The United Kingdom representative had dwelt at length on the need for the representation of the various communities in Mauritius. The United Kingdom, ever since it had controlled Mauritius, had pursued a systematic policy of isolating one group from another, in accordance with the principle "divide and rule". Now, when the nationalists called for independence, the colonial Power claimed that the people were divided. The electoral system under which each voter would be obliged to cast three votes was one which had been tried in Tanganyika prior to its independence and had since been discarded. Such a system actually amounted to a denial of the right of vote, as he would show in more detail at a subsequent meeting.

74. With regard to Seychelles, the United Kingdom had still not indicated that it would accede to the people's demand for independence. "Decolonization" could mean anything, and the Special Committee had seen how the United Kingdom interpreted that term in the case of six Territories in the Caribbean. He would like to be told that under the policy of the United Kingdom Government the people's demand for independence would be granted.

75. The representative of the United Kingdom, replying to the remarks of the representative of the United Republic of Tanzania, said that that representative had claimed that the islands forming the British Indian Ocean Territory were part of Mauritius and Seychelles, but the only evidence he had adduced was that the islands had formerly been treated as part of Mauritius or of Seychelles for administrative purposes. That was true, but, in his view, irrelevant.

76. He formally repudiated the Tanzanian representative's unsubstantiated charge that the United Kingdom had misled the United Nations in the information it had provided on the Territories under discussion. The United Kingdom had never withheld any information relevant to the Special Committee's work, and had indeed gone much further than was strictly required by criteria of relevance. The Tanzanian representative might disbelieve the statements of official United Kingdom spokesmen if he wished, but his counter-assertions had no basis in fact. The matter referred to in The Times report cited by the Tanzanian representative had been dealt with in a statement by the Secretary of State for Defence, on 12 April 1967, who had said that the freehold of the islands in question, which were part of the British Indian Ocean Territory, had been acquired by the Government in order to ensure that they would be available for any facilities, such as refuelling or communications, which the Government might wish to establish there. The United Kingdom had provided full information on the Territories every year from 1964 onwards. There was little purpose in continually furnishing information if it was to be continually ignored.

77. The representative of the Union of Soviet Socialist Republics said that he would like to comment on a number of matters touched on by the United Kingdom representative. That representative had asserted that the administering Power was making efforts to diversify the economy of the Territories under discussion. It was clear, however, that any such efforts had been inadequate. There was chronic unemployment on the islands, and skilled workers were obliged to emigrate to find work. In a survey carried out by Barclays Bank, it had been stated that the United Kingdom had not been vigorous enough in its efforts to help the people of the Territories to help themselves. Basic goods required to meet the essential needs of the people had to be imported.

78. The United Kingdom representative's claim that his Government's military activities in the area were not impeding the progress of the Territories to independence would not bear examination. Preparation for self-determination must include efforts to build up the economy, and the Secretariat paper (A/AC.109/L.374 and Corr.1 and 2) showed that military activities were impeding economic development. In paragraph 114 (A/AC.109/L.374/Corr.2) it was stated that, from 1965, the major single source of income in St. Helena had been employment in "communication stations" on Ascension Island - i.e., a military base. Five flax mills which had been in operation in 1965 had been closed down, clearly because the labour force had been lured to the bases by advantages offered them and diverted from normal activities essential for economic independence.

79. The administering Power had denied that it was dismembering the Territories of Mauritius and Seychelles. Clearly the United Kingdom was ignoring General Assembly resolution 2232 (XXI), which stated unambiguously that any attempt at the disruption of the territorial integrity of colonial Territories and the establishment of military bases and installations there was incompatible with the purposes and principles of the Charter and of General Assembly resolution 1514 (XV).

80. The representative of the administering Power had cast doubt on the veracity of reports quoted from the United Kingdom Press. He did not think, however, that the United Kingdom delegation could dispute the fact that, on 15 June 1966, the British Prime Minister had indicated that it was his Government's policy to avoid establishing large bases in populated areas and instead to rely on staging posts such as those available in the Indian Ocean, where there was virtually no local population, so that United Kingdom forces could get speedily to where they were needed at minimum cost. That statement spoke for itself.

81. The assertion that the islands in question had no population of their own was questionable. The United Kingdom Secretary of State for the Colonies had stated in 1965 that there were 1,400 people living on the islands. The inhabitants certainly did not wish to see their islands handed over to the United Kingdom for use as military bases.

82. It was asserted that the United Kingdom's military activities were not slowing progress towards independence, and that the local governments had agreed. But the agreement of governments which were not independent could not be considered valid. Under General Assembly resolution 1514 (XV), self-determination must not be subject to any conditions, and no form of pressure must be exercised on the people. Once independent, the new nations could enter into whatever arrangements they wished.

83. The representative of Yugoslavia recalled that his delegation was one of those which had raised the question of the establishment of United Kingdom military bases in the Territories. The United Kingdom representative had once again referred to the statement made on 16 November 1966 by the Secretary of State for Defence that no plan had been made for the creation of military bases in the British Indian Ocean Territory. The Yugoslav delegation did not regard that statement as a categorical denial by the United Kingdom Government, since it left open the possibility of the establishment of such bases in the future. According to the United Kingdom representative, members were basing their views on press reports, which were often highly speculative. He pointed out, however, that when he had said at the Sub-Committee's 36th meeting that the Indian Government was strongly opposed to the establishment of military bases in the Indian Ocean, he had relied on a statement by a spokesman for that Government.

84. He regretted that the United Kingdom representative had not deemed it necessary to discuss the points raised in his statement regarding the preoccupation of the political parties in Seychelles with the question of the ultimate status of the Territory. In his delegation's view, that preoccupation meant that the people of Seychelles were not interested in a prolonged process of constitutional evolution. Furthermore, his delegation considered that the changes in the ratio of elected to appointed members of the Executive and Legislative Councils did not represent a significant improvement in the constitutional situation.

85. The representative of the United Republic of Tanzania, speaking in exercise of his right of reply, said that the United Kingdom representative's second statement had served to confirm what he himself had said earlier. The United Kingdom representative had informed members that his Government had been providing information on the new colony only since 1964. However, the Sub-Committee had been in existence for some time before that year. What the Tanzanian delegation wished

to call into question, however, was not the transmission of information but the type of information transmitted. If the Territory in question had been a United Kingdom colony, why would that country pay £3 million to Mauritius as compensation for the inclusion of certain of its islands in the "British Indian Ocean Territory"? Colonialism under any guise was a crime against humanity and military aggression was even worse.

86. At a previous meeting the United Kingdom Government had been called upon to indicate whether its policy was to lead the Territories to independence. The United Kingdom Government had ignored the demand of the people of Seychelles for unfettered independence. In his delegation's view, it was important that the United Kingdom Government should co-operate with the Sub-Committee and the Special Committee and agree to the sending of a visiting mission to Mauritius and Seychelles. It was essential that that Government should renounce its colonial policy in those Territories.

87. The representative of Tunisia recalled that a recent resolution of the General Assembly had called upon the administering Power to make it possible for the United Nations to send a visiting mission to the Territories under consideration. He stressed that the question of visiting missions was a matter of primary importance and the United Kingdom representative had not given a satisfactory reply in that regard. It was necessary for members to have a clear idea of the United Kingdom Government's position on the possibility of sending a visiting mission to Mauritius and Seychelles for the purpose of ascertaining the situation in those Territories. With regard to Mauritius, the United Kingdom representative had said that a group of observers from the Commonwealth would be invited to be present during the forthcoming elections. But he had said nothing about the Seychelles or St. Helena. In any event, what was of concern to members was the role of the United Nations.

88. The representative of the United Kingdom pointed out that the statement made in Parliament by the Secretary of State for Defence on 16 November 1966 had been in reply to a question concerning the estimated cost of establishing military bases in the British Indian Ocean Territory. The Secretary had said that as no plan had been made for the creation of such bases, he could not give any figure for the cost of such a scheme. The Soviet Union representative had referred to a statement made by the United Kingdom Prime Minister on 16 June 1966. However, a careful reading

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of that statement would not reveal any inconsistency, since the Prime Minister had spoken of the possibility of establishing facilities for refuelling and communications purposes.

89. With regard to the question of population, he had pointed out that there was no indigenous population in the British Indian Ocean Territory and that most of the people living there were migrant workers. The Soviet representative had again claimed that military activities in the area impeded constitutional development. He himself did not think that that view would be shared by the inhabitants of Malta or Singapore. In any event, his Government was not conducting any military activities in any of the Territories under consideration. The United Kingdom Government had provided a grant of £3 million to Mauritius and, in the case of the Seychelles, had undertaken to build an international airfield, which would contribute greatly to the economic development of the Territory. The Soviet Union representative had referred to figures in the Secretariat Working Paper (A/AC.109/L.374/Corr.2) and had claimed that the solution of unemployment in St. Helena was dependent on military activities. The United Kingdom delegation wished to point out that a total of 342 St. Helenians - as against 323 in 1964 - had worked on Ascension Island in 1965 and that of that total, 150 had been employed by British Government Cable and Wireless, Limited and 68 by the Ministry of Public Buildings and Works for the construction of a British Broadcasting Corporation relay station.

90. With regard to the Tanzanian representative's remarks concerning the transmission of information by the United Kingdom delegation, he wished to point out that his delegation had always provided full information on the Territories and that it was his understanding that the Sub-Committee had first begun to consider Mauritius, the Seychelles and St. Helena in 1964. Since then, his delegation had provided information on those Territories to the Sub-Committee and the Fourth Committee in 1965 and 1966.

91. His delegation took note of the comments of the Tunisian representative, and his Government would consider any request made by the Sub-Committee as a whole concerning the sending of visiting missions.

92. The representative of the Union of Soviet Socialist Republics said, with regard to British Government Cable and Wireless, Limited, that its activities were not solely concerned with civilian operations. The United Kingdom newspaper, The Observer, had said that the cable was likely to become the main channel for relaying data back to Cape Kennedy. It was obvious that such data would be of a military nature. With regard to St. Helena and Ascension Island, he noted that the United Kingdom and the Republic of South Africa had recently held negotiations concerning the Simonstown naval base. According to a report in The Times, it had been agreed that the United Kingdom would continue to enjoy the right to fly over South Africa in the event of trouble in the Middle East. It was thus clear that those negotiations had been designed to serve the interests of the United Kingdom and to enable that country to hinder the progress of the peoples of the Middle East towards independence.

93. The representative of the United Republic of Tanzania said it was obvious that the representative of the United Kingdom and he were not speaking the same language. The representative of the United Kingdom had said that his Government had made a grant to Mauritius. Yet, according to paragraph 40 of document A/AC.109/L.374 and Corr.1 and 2, on 20 December 1966, the Parliamentary Under-Secretary of State had said that the United Kingdom had provided Mauritius with financial aid totalling £8.1 million, in addition to the compensation of £3 million paid for the inclusion of certain groups of its islands in the British Indian Ocean Territory. That showed clearly that the United Kingdom had had to pay for those islands.

94. The representative of Yugoslavia said that his delegation continued to hold the view that the statement made by the Secretary of State for Defence did not constitute a denial of any intention on the part of the United Kingdom to establish military bases in the new colony.

95. The representative of Mali noted that, in his initial statement at the 35th meeting, the United Kingdom representative had said that, in Mauritius, constitutional discussions between the United Kingdom and the representatives of the various political parties had already set the stage for independence - thus implying that there was no need for the Sub-Committee to consider whether General Assembly resolution 1514 (XV) was being implemented. That was an over-simplification of the situation. Indeed, if one examined the political and economic situation in

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Mauritius, as in the other two Territories under discussion, one found that resolution 1514 (XV) was not being implemented and that basic United Nations principles were being disregarded. According to those principles, peoples had a right to self-determination and independence, decisions on constitutional changes must be left in the hands of the peoples themselves, territorial integrity must be respected and - a principle which was vital to genuine independence - the right of peoples to sovereignty over their natural resources must be guaranteed. All those principles were being flouted. In addition, military bases were being established in the Territories, despite the General Assembly decision that the establishment of such bases in colonial territories was incompatible with the United Nations Charter and resolution 1514 (XV).

96. The United Kingdom representative had gone on to say that, at the end of the Constitutional Conference held in 1965, the Secretary of State for the Colonies had announced that Mauritius would achieve independence if a resolution asking for it was passed by a simple majority of the Legislative Assembly resulting from a new general election. He found that condition surprising. He would have thought that a constitutional conference would represent the last step before independence; the requirement for new elections constituted a barrier in the path to independence. It was hard for him to conceive of a people deciding against independence, but apparently the United Kingdom hoped to ensure that the complexion of the new Assembly was favourable to it.

97. With regard to the arrangements for the elections he noted that, according to paragraph 18 of the Secretariat working paper (A/AC.109/L.374 and Corr.1 and 2) the total electorate was about 340,000, or 48 per cent of the population. Since the rate of population growth was high and the population was predominantly young, the minimum voting age of twenty-one had the effect of excluding a large part of the population, and giving the electorate an unrepresentative character. That illustrated the danger of allowing the United Kingdom to organize the elections to a body which was to vote on the question of independence.

98. Paragraph 16 of the Secretariat paper revealed that a number of seats were to be filled by the "best losers" in the elections. He found such an arrangement extraordinary, since it meant seating people who had been rejected by the electorate and thus reversing the democratic decision of the people.

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99. It was clear from the Secretariat paper that there had been no economic progress in any of the Territories and that no attempt was being made to alter the structure of the economy in order to ensure economic progress in the future. Mauritius depended essentially on the production of sugar and coffee. In view of the world market situation with regard to coffee, with severe fluctuations in prices and low price levels, coffee-producing countries were trying hard to redirect their production. It was clear that coffee provided no basis for economic development, and the situation was similar with regard to sugar. As far as employment was concerned, economic growth was not keeping pace with the rapid rise in population and chronic unemployment and underemployment resulted. No real solution to that problem was yet in sight.

100. The representative of Ethiopia said that very little had been accomplished towards implementing the provisions of relevant General Assembly resolutions in Mauritius, Seychelles and St. Helena. The Special Committee and the General Assembly had repeatedly reaffirmed the right of the people of those Territories to freedom and independence and had invited the administering Power to take effective measures to implement General Assembly resolution 1514 (XV). Yet the Sub-Committee was obliged to take up the question once again. In September 1966, the United Kingdom delegation had informed the Sub-Committee that registration for the purpose of the new elections had been due to begin on 1 September 1966 but, because of Ramadan, the elections could not be held before February 1967; it had added that Mauritius could thus achieve independence during the summer of 1967.

101. At the 35th meeting, however, in reply to a question from the representative of Syria, the United Kingdom representative had said that independence would probably be obtained in 1968. For certain reasons, the elections due to be held in February 1967 had been postponed. She regretted to have to say that her delegation was not satisfied with the reasons given for the delay. The Ethiopian delegation urged the United Kingdom Government to hold the promised elections at an early date. The people of Mauritius had expressed their wish for independence in 1965 at the London Constitutional Conference, but they were still waiting for the day of independence to arrive. Her delegation appealed to the administering Power to implement fully the Declaration on the Granting of Independence to Colonial Countries and People.

102. With regard to Seychelles and St. Helena, developments were still very slow; hardly any progress had been made in either the political, economic or social situation. As could be seen from Sir Colville Deverell's report, the situation in Seychelles remained serious. Sir Colville had expressed the opinion that, in view of the political inexperience of the people, constitutional evolution should proceed "with reasonable deliberation", and had complained that the preoccupation of the political parties with the question of the ultimate status of Seychelles was distracting attention from the more immediate matter of the next steps along the path of constitutional evolution. Whatever Sir Colville's views on the people's preoccupation with the question of the Territory's ultimate status might be, her conclusion was that the people of Seychelles were anxiously awaiting full independence. She would therefore like to see the administering Power comply with the people's wishes on the basis of General Assembly resolution 1514 (XV) and other relevant resolutions.

103. As to economic conditions, Seychelles had been unable to balance its budget without external aid since 1958, unemployment was increasing, the rate of population growth was rising and agricultural production remained static. That was a sad situation in a country soon to become independent, and her delegation urged the United Kingdom Government to take immediate steps to help Seychelles cope with its economic and social problems.

104. She had also noted that very little progress had been made in St. Helena in the economic, social and political fields. Her delegation appealed to the administering Power to implement resolution 1514 (XV) and other relevant General Assembly resolutions in respect of St. Helena. Most particularly, as far as all three Territories were concerned, it recommended that the administering Power should do its utmost to solve the educational, social and economic problems with which they were faced.

105. The representative of Syria, referring to the answers given to his questions by the representative of the United Kingdom, thought he was justified in asking what was the potential economic wealth of the Territories and to what extent that potential had been realized for the benefit of the population. There were indications that Mauritius had considerable potential in hydroelectric power, yet,

according to the representative of the administering Power, there were only eight hydroelectric stations now in operation and a ninth under construction. He would be interested to know what the production was in kilowatts, to what use it was put and whether it was helping to raise the economic standard of the population.

106. The representative of the administrative Power had indicated that unemployment was decreasing, but he wondered why there was any unemployment at all in a place which was apparently so rich in natural resources and when a relatively extensive economic development project might absorb all available manpower, and even require more. The United Kingdom had both the capital and technical knowledge for such a project.

107. The representative of the United Kingdom had dwelt on the benign nature of the strategic installations on the islands, claiming that they were only refuelling stations. He wondered whether they had been constructed on Mauritian land with the express free consent of the people. If not, were they not impeding self-determination and independence?

108. He welcomed the assurance given that there was no discrimination in the sugar or other industries, but asked what were the salary scales for Europeans and indigenous employees and whether the latter had access to managerial positions.

109. He urged the administering Power to give replies that provided a comprehensive picture of the islands under its administration, and not merely partial answers. What was important was that the people should freely exercise their right to self-determination, that there should be social, economic and political progress and that the sovereignty of the people and the territorial integrity of their land should be respected. The Sub-Committee should not base its conclusions on the opinion of the administering Power as to what was reasonable.

110. The representative of the United Kingdom, replying to the comments made by the representative of Mali concerning the delay in granting independence to Mauritius following the 1965 Constitutional Conference and the requirement that a new Legislature should approve a request for independence, referred him to the report of that Conference, which had made it very clear that there had by no means been agreement as to whether the issue of independence had been fully considered at

previous general elections and that it had been decided by the parties represented at the Conference that steps should be taken to review the electoral arrangements before new elections were held. Two points of view had been expressed: one had been that there was no need to consult the people regarding the future status of Mauritius since their desire for independence had been demonstrated by their support in three general elections for the parties favouring independence, but that it would be appropriate to hold general elections before independence so that the newly elected Government could lead the country into independence; the opposing argument advanced had been that the question of independence had not been a prominent issue in previous general elections and it was therefore doubtful whether the voters really desired it.

111. Those had been the views not of the United Kingdom Government, but of the parties represented at the Conference. Agreement had therefore been reached on the procedure he had described and, if a majority of the newly elected Legislature so decided, independence could be granted within a period of six months. The reasons why the approval of a majority in the Legislature was required were perfectly clear to anyone familiar with democratic procedures. As he had made clear in earlier statements, the delay in holding general elections had been caused by the process of reviewing the electoral system and the initiative now lay with the Government of Mauritius. In December 1966, the United Kingdom Secretary of State for the Colonies, after discussions with the Prime Minister of Mauritius, had expressed the hope that the latter would share his wish for early elections and the Prime Minister of Mauritius had confirmed that he wished elections to be held in 1967. The United Kingdom could do no more; the initiative for holding elections lay with the Mauritians themselves.

112. On the question of the voting age, which had also been raised by the representative of Mali, the franchise arrangements had been reviewed at the 1965 Constitutional Conference and the leaders of the parties represented had agreed to leave it unchanged. It had therefore been the decision of the Mauritian representatives themselves. There was, moreover, nothing unusual in a minimum voting age of 21; that was the case in many countries.

113. With reference to the salary scale in the sugar industry, he assured the representative of Syria that no sections of the population of Mauritius could be regarded as indigenous in the sense valid in other parts of the world. No distinction was made in the sugar industry between the Europeans and other sections of the population.

114. He repeated that no refuelling facilities had so far been constructed in the British Indian Ocean Territory and no decision had yet been taken to do so.

115. The representative of Mali said that he had been surprised by the United Kingdom representative's answer to his question concerning the delay in granting independence. In paragraph 20 of document A/AC.109/L.374 and Corr.1 and 2 it was stated that neither the United Kingdom Government nor the Government of Mauritius could avoid the subsequent delays. Internal political difficulties alone could not be the cause for the delay; one cause appeared to be the requirement that a newly elected Legislature should first approve a resolution asking for independence. He believed that after the 1965 Constitutional Conference the path to independence had been wide open. There was some doubt in his mind as to the United Kingdom's willingness to move towards the emancipation of the Territory.

116. On the question of the minimum voting age, it should be recognized that the population of Mauritius was a somewhat special case because of the age pyramid and the rapid growth of population. To give the franchise only to those over the age of twenty-one would favour the population of mixed and French descent who mainly supported the Parti Mauricien Social Démocrate (PMSD), which was in favour of preserving the links with the administering Power. That indicated what the outcome of the proposed popular consultation would probably be. In many countries the minimum voting age was eighteen. If that were adopted in Mauritius, 75 per cent of the population, instead of 48 per cent, would be entitled to vote and the majority would then consist of young people who did not belong to the land-owning class. The situation presented complex problems which should be studied carefully since the future of a nation was at stake.

117. He was deeply concerned over the strict dependence of Mauritius on coffee and sugar. A country which was about to become independent should not depend on those two products alone. Mauritius, for instance, was entirely dependent on Madagascar for rice. If something could be done to make the Territory less dependent on the

fluctuating prices for coffee and sugar, the United Kingdom should inform the Sub-Committee. It should also diversify agricultural production so that the Territory, which had a rich soil, could satisfy more of its own needs.

118. The representative of the United Kingdom said that the requirement that a request for independence should first be approved by a majority of the newly elected Legislature of Mauritius was no more than a guarantee of the democratic expression of the wishes of the people. It was true that the PMSD did not support full independence, but he pointed out that that party represented not only those of European or mixed descent but also many of African descent who were resident in the Territory. It was hoped, however, that the new electoral arrangements would cut across such communal or racial considerations.

119. In his statement at the Sub-Committee's 37th meeting, he had mentioned the various efforts being made to promote new industry and diversify the economy of Mauritius. Both the United Kingdom Government and the Government of Mauritius fully realized the need for diversification.

120. The representative of the Union of Soviet Socialist Republics agreed with the representative of Mali that the administering Power should give some thought to lowering the minimum voting age, especially since the population of Mauritius did not have a long life-expectancy. The explanation given by the United Kingdom representative was not convincing. What was good for other countries was not necessarily good for Mauritius. Some countries recognized that people already had opinions by the age of eighteen and were in a position to decide how to vote.

121. He had been glad to hear from the representative of the administering Power that there were at present no plans to establish military bases in the Territories, especially in the new colony. That would have been satisfactory if there had not been reports to the contrary. There was considerable concern in Africa and Asia on that point and there had even been discussion in the United Kingdom Parliament. He understood that the United Kingdom representative in New Delhi had been handed a statement pointing out that military preparations in the Indian Ocean were contrary to the spirit of the United Nations Charter, and the spokesman for the Indian Government, to whose statement the Yugoslav representative had referred, was very well informed about the discussions in the Special Committee, and in the United Nations in general, and he was reported to have expressed the hope that the United Kingdom Government would take those discussions into account

and would give up any plans to establish military bases in the Territories. He still did not consider the United Kingdom statement definitive; but if it was, he welcomed it.

122. The representative of the United Kingdom pointed out that it was the elected representatives of the people of Mauritius themselves who had decided to retain a minimum voting age of twenty-one. What was more important was that in Mauritius the voters had a free choice between various political parties and a free choice of candidates.

123. He had noted the USSR representative's comments concerning India's views. No doubt when the question was discussed at a later stage by the plenary Special Committee the Indian representative would make clear his Government's position on the matter.

B. Conclusions

124. The Sub-Committee notes with regret that the administering Power has still not implemented the provisions of resolution 1514 (XV) and of other relevant resolutions of the General Assembly concerning Mauritius, Seychelles and St. Helena, and is still unduly delaying the achievement of independence by these Territories.

125. The Sub-Committee notes with regret the inadequacy of political progress in these Territories. The administering Power, through the Governor, continues to exercise vast powers, particularly in the constitutional and the legislative fields. In Seychelles, the administering Power is insisting on a longer constitutional process under the pretext that the people of the Territory lack political experience. Moreover, the new "proposals for constitutional advance" do not accelerate but, in fact, delay the transfer of power to democratically elected representatives of the people as provided for in resolution 1514 (XV) of the General Assembly.

126. By creating a new territory, "the British Indian Ocean Territory", composed of islands detached from Mauritius and Seychelles, the administering Power continues to violate the territorial integrity of these Non-Self-Governing Territories and to defy resolutions 2066 (XX) and 2232 (XXI) of the General Assembly.

127. The Sub-Committee notes with concern that, notwithstanding the denials by the administering Power, there is still evidence to indicate that the United Kingdom intends to use portions of these territories for military purposes in collaboration with the Government of the United States of America. The Sub-Committee is of the firm

opinion that such military installations create international tension and arouse the concern of the peoples of Africa and Asia, especially those in the vicinity of the installations.

128. The economic situation in Mauritius, Seychelles and St. Helena remains unsatisfactory. The Territories suffer from shortage of capital and depend entirely on few crops and external aid. Efforts by the administering Power to diversify the economy of the Territories have been inadequate. Concessions to foreign companies continue and the interests of the peoples are not safeguarded.

129. The social situation in the Territories continues to arouse concern. There is a downward trend in per capita income and a rise in unemployment in Mauritius and Seychelles. In Mauritius, the workers in the sugar industry rightly complain of discriminatory practices. There are still no facilities for higher education in the Territories.

C. Recommendations

130. The Sub-Committee recommends that the Special Committee take concrete measures to insure that the right of the peoples of Mauritius, Seychelles and St. Helena to self-determination and independence, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, is respected by the administering Power.

131. The Special Committee should urge the administering Power to grant the Territories the political status their peoples freely choose. The administering Power should consequently refrain from taking any measure incompatible with the Charter of the United Nations and with the Declaration on the Granting of Independence to Colonial Countries and Peoples.

132. The Special Committee should once again reaffirm that any constitutional changes must be left to the peoples of the Territories themselves, who alone have the right to decide on the form of government they wish to adopt.

133. The administering Power should without delay hold free elections in the Territories on the basis of universal suffrage and transfer all powers to the representative organs elected by the people.

134. The Special Committee should recommend that the General Assembly set a time limit for the granting of independence to Mauritius and accelerate the implementation of resolution 1514 (XV) regarding Seychelles and St. Helena.

Annex 59

Extract from Minutes of 20th Meeting of Defence and Oversea Policy Committee held on 25 May 1967

SECRET

(THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S GOVERNMENT)

OPD(67) 20th Meeting COPY NO. 75

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

MINUTES of a Meeting held at
10 Downing Street, S.W.1.,
on THURSDAY, 25th MAY 1967 at 9.45 a.m.

PRESENT:

The Rt. Hon. Harold Wilson, MP,
Prime Minister

The Rt. Hon. Michael Stewart, MP,
First Secretary of State and
Secretary of State for
Economic Affairs

The Rt. Hon. James Callaghan, MP,
Chancellor of the Exchequer

The Rt. Hon. Herbert Bowden, MP,
Secretary of State for
Commonwealth Affairs

The Rt. Hon. Denis Healey, MP,
Secretary of State for Defence

The Rt. Hon. Roy Jenkins, MP,
Secretary of State for
the Home Department

THE FOLLOWING WERE ALSO PRESENT:

The Rt. Hon. Douglas Jay, MP,
President of the Board of Trade

The Rt. Hon. The Earl of Longford,
Lord Privy Seal

The Rt. Hon. Arthur Bottomley, MP,
Minister of Overseas Development

The Rt. Hon. George Wigg, MP,
Paymaster-General

The Rt. Hon. Frederick Mulley, MP,
Minister of State for
Foreign Affairs

Mrs. Judith Hart, MP,
Minister of State for
Commonwealth Affairs

Field Marshal Sir Richard Hull,
Chief of the Defence Staff

Air Chief Marshal Sir John Grandy,
Chief of the Air Staff

Vice-Admiral Sir John Bush,
Vice-Chief of the Naval Staff

Lieutenant-General
Sir Desmond Fitzpatrick,
Vice-Chief of the General Staff

SECRETARIAT:

Sir Burke Trend
Mr. P. Rogers
Mr. F.A.K. Harrison
Mr. R.L.L. Facer
Major-General J.H. Gibbon

SECRET

C O N T E N T S:

CONFIDENTIAL

3. BRITISH INDIAN OCEAN TERRITORY (BIOT)

The Committee's consideration of this subject (referred to in a minute by the Secretary of State for Defence to the Foreign Secretary dated 12th May 1967), and the conclusions reached, are recorded separately.

Cabinet Office, S.W.1.

25th May 1967

TOP SECRET

Copy No. 25

CONFIDENTIAL ANNEX

(OPD(67) 20th Meeting, Item 3)

THURSDAY, 25th MAY 1967 at 9.45 a.m.

BRITISH INDIAN OCEAN TERRITORY (BIOT)

THE SECRETARY OF STATE FOR DEFENCE said that when BIOT was set up we had made arrangements to compensate Mauritius and the Seyschelles for the detachment from them of islands to form the new territory up to a total of about £10 million. The United States Government agreed to contribute half the cost of this compensation(up to a maximum of £5 million) and at the time, to avoid embarrassment in Congress, particularly requested us to keep secret the arrangements for their contribution; for this reason it had been arranged that it should take the form of their waiving part of our payments to them in connection with the development of Polaris. Until recently there had been no reason to suspect that difficulties would arise over this secret arrangement, but the United States authorities had now told us that some American scientists had become aware of the United States' financial involvement; for this reason they were now contemplating admitting in public if pressed that while no cash payment had been made they had made a "contribution" to the cost of detachment of the islands. This proposal of the United States Government gave rise to great difficulties because we had made arrangements with the agreement of the Comptroller and Auditor General to avoid drawing Parliament's attention to the transactions and we had maintained a firm line in public that there had been no United States contribution. The Prime Minister had also informed the Premier of Mauritius that this was a matter solely between ourselves and Mauritius, in rebutting his proposal that the United States should help Mauritius and the Seychelles. Mr. Christopher Mayhew MP was also aware of the transaction through his former appointment as Minister of Defence for the Royal Navy. He (the Defence Secretary) had circulated with his minute of 12th May a draft telegram to HM Ambassador at Washington containing instructions to the Ambassador for discussion with the United States Secretary of State, Mr. Dean Rusk, but this would require some modification in the light of a minute from the Commonwealth Secretary dated 24th May.

THE COMMONWEALTH SECRETARY said that at the time when the agreement for the detachment of BIOT was signed in 1965, Mauritian Ministers were unaware of our negotiations with the United States Government for a contribution by them towards the cost of compensation for detachment. They were further told that there was no question of a further contribution to them by the United States Government since this was a matter between ourselves and Mauritius, that the £3 million was the maximum we could afford, and that unless they accepted our proposals we should not proceed with the arrangements for the grant to them of independence. Subsequently the matter had become a party political issue in Mauritius and the Premier had been attacked by the present opposition party for having agreed to the separation of Diego Garcia for inadequate compensation. A critical election which would determine whether or not Mauritius was to become independent was due to be held in August and the question of the alleged inadequacy of compensation for detachment of the Chagos Archipelago would be used by the opposition to attack the Premier's record. We should therefore strongly urge the United States Government that complete secrecy should be maintained and we should not at this stage volunteer any alternative proposal. The Ambassador could be asked to report urgently on United States reactions to the proposition that secrecy should be maintained in all circumstances. If they were not willing to accept this we should then consider further what other courses might be adopted.

THE CHANCELLOR OF THE EXCHEQUER said that the Treasury Officer of Accounts, had obtained the consent of the Comptroller and Auditor General to exclude any reference to the remission of part of a Polaris payment in the relevant Votes submitted to Parliament. In view of the latest report of the United States position however there now seemed little chance of total secrecy being maintained, and the following formula had been evolved by Treasury officials which he put forward for consideration -

"The arrangements made with Mauritius and the Seychelles about BIOT were a matter between Her Majesty's Government and the Governments of those two countries. There was no direct payment by the United States in respect of the costs of those arrangements covering such matters as the purchase of land and resettlement of some local inhabitants. BIOT is, however, intended to serve both British and American purposes and in consideration of the arrangements made by the United Kingdom the United States have made some adjustment in other fields which are more favourable to the United Kingdom than would otherwise have been the case."

In discussion it was recognised that there now seemed to be no prospect of maintaining secrecy regarding the United States contribution. There was general agreement that the formula proposed by the Chancellor of the Exchequer provided a useful basis for an announcement. It was suggested, however, that in the last sentence the words "having regard to further capital construction, the United States have now made ...." might be inserted, to relate the contribution to the proposed construction of facilities on Aldabra.

It was also generally agreed that the British Ambassador in Washington should be instructed to inform the United States Government that if in consequence of a disclosure of their contribution which now appeared to be necessary because of the action which the United States Government had taken it became necessary to make an additional contribution to Mauritius or the Seychelles, we should expect the United States Government to bear the cost.

Summing up the discussion, THE PRIME MINISTER said that the formula suggested by the Chancellor of the Exchequer, subject to the addition of some such words in the last sentence as "having regard to further capital construction", should be further discussed by officials and agreed by the Ministers directly concerned. In discussion with the United States authorities we should seek agreement to a simultaneous announcement by the United States and ourselves on the lines indicated in discussion. The timing of such an announcement, which should preferably be after the elections in Mauritius had been held, would require further consideration. After agreement had been reached on the formula which would be used it would be necessary for the Treasury Officer of Accounts inform the Comptroller and Auditor General. The draft telegram to HM Ambassador at Washington should be revised accordingly, in agreement between the Ministers directly concerned.

The Committee -

(1) Invited the Defence Secretary, in consultation with the Chancellor of the Exchequer, the Commonwealth Secretary and the Minister of State for Foreign Affairs, to consider in the light of the discussion, the appropriate form of a public statement regarding the United States contribution.

(2) Invited the Minister of State for Foreign Affairs, in consultation with the Chancellor of the Exchequer, the Commonwealth Secretary and the Defence Secretary, to revise the draft telegram to HM Ambassador at Washington on the lines agreed in discussion.

Cabinet Office, S.W.1.
25th May 1967

Annex 60

Letter dated 12 July 1967 from C.A. Seller to Sir John Rennie, Governor of Mauritius

CONFIDENTIAL

(60)

[redacted].7/1
Your Ref. MIC/58/21

COMMONWEALTH OFFICE
Dependent Territories Division,
Curtis Green Building,
LONDON, S.W.1.

12 July, 1967.

Will you please refer to correspondence ending with your savingram No. 641 of the 16th November about fishing in the Chagos Archipelago.

2. The enquiry in our telegram No. 305 was related to the undertaking given to Mauritius Ministers in the course of discussions on the separation of Chagos from Mauritius, that we would use our good offices with the U.S. Government to ensure that fishing rights remained available to the Mauritius Government as far as practicable in the Chagos Archipelago. It seems certain that there would have to be restrictions on the extent to which either our own or American defence authorities would agree to fishing rights being retained by the Mauritius Government once defence installations have been developed on any of the islands of the Chagos Archipelago but as we see it, these need not necessarily be such as to deny fishing rights altogether. The best way of dealing with the matter and at the same time fulfilling our Ministers' undertaking to Mauritius Ministers may well be that during the period before defence installations are introduced into any of the islands of the Chagos Archipelago, an attempt should be made to clarify the arrangements which would govern access by fishing vessels once any of the islands of the Archipelago are actually taken for defence use.

3. As we see it a reasonable arrangement might contain the following elements:-

A. That there should be unrestricted access throughout the Archipelago during the period before any of the islands are taken over for defence uses and cleared of population.

B. Once one or more of the islands has been taken over and cleared of population, the following arrangements would apply -

(i) Mauritius fishing vessels would of course have unrestricted access to the high seas within the Archipelago (of which it seems from such maps as we have there must be a considerable amount).

/(ii)

Sir John Rennie, K.C.M.G., O.B.E.,
Government House,
MAURITIUS.

CONFIDENTIAL

(ii) They would likewise have unrestricted access to islands not specifically excluded for defence reasons and also to the territorial waters surrounding them.

(iii) The possibility of limited access for fishing in the waters surrounding those islands excluded for defence use would be considered as and when the situation arises by the British and U.S. Governments, but would of course have to be subject to their overriding defence needs.

Would a proposition on these lines (and we should clearly have to fill in the details in consultation with the Americans) be likely to be acceptable to your Ministers?

4. Two matters to which more thought will have to be given are related questions of territorial waters and fishing limits. These two are not necessarily the same thing. If current U.K. law were extended to the B.I.O.T., the effect would be that the Territory would

(a) adopt a twelve miles fishery limit drawn from base lines in accordance with the 1958 Territorial Sea Convention, granting "habitual fishing rights" between the six and twelve lines to Mauritius and to any other states whose vessels had fished in the area during the preceding ten years, and

(b) retain a three-mile territorial sea limit drawn from the same base lines.

5. It is however possible, as matters stand at present, that the U.K. could declare an exclusive fishing zone up to 9 miles beyond the three-mile belt of territorial sea. This would mean that Her Majesty's Government by exercising exclusive control of the fishing rights in this zone would retain the right to decide who should be permitted to fish in the area. Rights could thus be given e.g. exclusively to fishermen from Mauritius and Seychelles; or e.g. to any other country whose fishermen had operated in the area before; or on any other basis. However we understand that a similar exclusive fishery zone established in the waters of a Commonwealth country is possibly to be challenged in the International Court of Justice. If the Court's decision upheld this challenge the value of such a zone for B.I.O.T. would be greatly reduced and we cannot therefore place too much reliance on this possibility.

6. Your savingram under reference supplied the details we requested at the time, but before entering into further discussions here, we are very much concerned to keep in mind the importance of the fishing grounds to Mauritius, for instance the possible importance of fishing in Chagos as a source of food, in view of the rapidly increasing population. In view of the uncertainty of

/the

[redacted]e position over fishing limites, as described above and of paragraph 4(a) above, it would be convenient to be able to base any special arrangements made for Mauritius (and Seychelles) on habitual or traditional fishing arrangements, provided that no other countries can claim similar use in the past. In these circumstances past and present performance is of considerable importance. We should therefore be grateful for any further information about the present activities of Mauritius companies at Chagos and also of the present activities (or future intentions) of fishing vessels of other countries (e.g. Japan). This will affect our discussion of this matter with the Americans and also be of importance in the context of possible protection of vested Mauritian rights against foreign interlopers.

7. I am sending a copy of this letter to Hugh Norman-Walker and shall be grateful for similar information and for any comments he may wish to make.

(C.A. SELLER)

Annex 61

United Nations General Assembly, Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, Summary Record of the Sixty-Ninth Meeting, 4 August 1967, 10.30 a.m., UN Doc. A/AC.125/SR.69

UNITED NATIONS

GENERAL ASSEMBLY

Distr.
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4 December 1967

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1967 SPECIAL COMMITTEE ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES

SUMMARY RECORD OF THE SIXTY-NINTH MEETING

held at the Palais des Nations, Geneva,
on Friday, 4 August 1967, at 10.30 a.m.

CONTENTS:

GE.67-25289

CONSIDERATION, PURSUANT TO GENERAL ASSEMBLY RESOLUTION 2181 (XXI) OF 12 DECEMBER 1966, OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS (agenda item 6)

A. CONSIDERATION, IN THE LIGHT OF THE DEBATES WHICH TOOK PLACE IN THE SIXTH COMMITTEE DURING THE SEVENTEENTH, EIGHTEENTH, TWENTIETH AND TWENTY-FIRST SESSIONS OF THE GENERAL ASSEMBLY AND IN THE 1964 AND 1966 SPECIAL COMMITTEES, OF THE FOUR PRINCIPLES LISTED BELOW WITH A VIEW TO COMPLETING THEIR FORMULATION:

...

(c) THE PRINCIPLE OF EQUAL RIGHTS AND SELF-DETERMINATION OF PEOPLES (A/AC.125/L.40 and Corr.1, A/AC.125/L.44, A/AC.125/L.48) (continued)

Mr. SAHOVIĆ (Yugoslavia) said that a positive decision by the Special Committee on the formulation of the principle under discussion was bound to have a favourable effect on the codification and progressive development of all the seven principles concerning friendly relations and co-operation among States, and on the formation of the new international law based on the United Nations Charter.

Any modern formulation of the principle must stress its legally binding character and its universality; in his delegation's view, it constituted a general rule of contemporary international law.

Bearing in mind the federal character of the Yugoslav constitution, his delegation understood the right of self-determination in the broadest sense and recognized the inalienable right of all peoples to choose their own political, economic and social systems and their international status. Peoples were entitled to claim the right to secede and to fight by all means for their national liberation and the establishment of their own independent States, but they could also express their will by establishing, freely and without outside interference, other types of relationships with the other peoples.

The process of decolonization which had taken place since the San Francisco Conference had given rise to new legal and political ideas which called for a broader formulation of the principle under discussion. Chapters XI, XII and XIII of the Charter had been very valuable in the early years of the United Nations in connexion with the decolonization process, but they had in a certain sense been left behind by subsequent developments. The struggle against colonialism had become an essential feature of international relations in general and was no longer confined to the relationships between the colonial powers and the peoples under their domination. In

formulating the principle under discussion, the Committee should therefore take into account the experience gained in that struggle, the main objectives of which were laid down in the Declaration in General Assembly resolution 1514 (XV). Much could be said on the implementation of that Declaration in the light of the survival of colonialism, which constituted one of the main obstacles to the peaceful development of international relations.

It was also necessary to take into account the decisions on self-determination reached by United Nations organs in connexion with human rights.

The formulation proposed by the Yugoslav and the other non-aligned delegations (A/AC.125/L.48) began with the statement of the general rule that all peoples had the inalienable right to self-determination and complete freedom, and stressed that the ultimate purpose of the principle was to ensure the exercise of full sovereignty and the integrity of their national territory.

Paragraph 2(a) condemned all forms of domination as a violation of international law, and that was the basis of the other sub-paragraphs which concerned the application of the right of self-determination.

Paragraph 2(b) stated the right of self-defence of peoples under colonial domination and their right to receive assistance from other States. Paragraph 2(c) prohibited any action aimed at the disruption of the national unity and territorial integrity of another country, and thus forbade interference by one State in the affairs of another on the pretext of the struggle for liberation; although those provisions were a corollary of the principle of non-intervention, they had their place in the statement of the principle of self-determination. Paragraph 2(d) dealt with the duty of all States to render assistance to the United Nations in the liquidation of colonialism. Lastly, paragraph 2(e) was simply a reflection of the vital role of the struggle against colonialism in contemporary international relations.

Thus the formulation submitted by the non-aligned countries met existing requirements and took into account the general legal framework in which the struggle against colonialism had developed, starting from the provisions of the Charter. It reaffirmed the principle of equal rights and self-determination, laid down in Article 1(2) of the Charter, as a general rule of international law.

The proposal by Czechoslovakia (A/AC.125/L.16) contained ideas that were very close to those put forward by the non-aligned countries, and he therefore urged the Drafting Committee to pay special attention to that proposal.

He had given careful consideration to the proposals submitted by the United States of America in 1966 (A/AC.125/L.32) and the United Kingdom (A/AC.125/L.44) which were very similar in content. He noted, however, that the latter proposal laid considerable stress on the application of the principle of equal rights and self-determination of peoples as a human right. Although the Yugoslav delegation recognized that it was possible to establish a link between human rights and the observance of the right of self-determination, it believed that that approach weakened the legal force of the principle under discussion. That principle was one of the fundamental principles of general international law, as was shown by the fact that the Charter proclaimed it separately from human rights and fundamental freedoms in Article 1(2). It was also mentioned in Article 55 as one of the foundations of peaceful and friendly relations, of which the observance of human rights and fundamental freedoms was only one of the instruments, in the same way as the raising of standards of living and the solution of international economic and social problems.

Hence, it was difficult to see how a violation of the principle of self-determination could be regarded as a denial of fundamental human rights, as suggested in part VI, paragraph 1 of the United Kingdom formulation.

His delegation would not oppose the inclusion of a reference to human rights, provided it was given its subordinate place; it was essential to make it clear that any infringement of the principle under discussion was nothing less than a violation of international law. A provision could perhaps be included to the effect that observance of the right of self-determination was the foundation of human rights and fundamental freedoms, since individuals could only benefit from those rights within the framework of broad national communities formed through self-determination. That was precisely the meaning which should be given to the statement of the principle of self-determination in the first article of each of the two International Covenants on Human Rights.

The proposals made by the United States and the United Kingdom did not explicitly state the inalienable right of all peoples to self-determination, but only the duty of every State to respect the principle under discussion - a duty which was only the corollary of the right of all peoples to self-determination.

Those two proposals, moreover, attempted to restrict the scope of the principle by referring to certain particular situations and territories. It was also strange to see in them a reference to zones of military occupation, a question which had nothing to do with the subject under discussion.

If the intention had been to refer to the Charter, the best course would have been to use its language in general terms, taking into account the interpretation given to its provisions by the practice of the Organization and, particularly, by the General Assembly, which had demonstrated that it was possible to apply the Charter constructively and in a manner calculated to meet the requirements of international life, in particular, the practice of decolonization.

In conclusion, he expressed the hope that the Drafting Committee would soon be able to produce a draft formulation of the principle under discussion, after thorough consideration of the various proposals which had been put forward.

Mr. de la Guardia (Argentina), First Vice-Chairman, took the Chair.

Mr. PECHOTA (Czechoslovakia) said that the irresistible tide of independence, freedom and progress was the most striking historical feature of the age. The principle of equal rights and self-determination of peoples was the moral, political and legal basis of a higher stage in the development of international relations, which compared favourably with the past epochs, when inequality and subjugation were regarded as natural phenomena of international life.

Czechoslovakia had re-established its independence in 1918 after several centuries of foreign domination; its people knew the price of liberty, having been subjected to the horrors of Nazi occupation from 1939 to 1945. Consequently, it could not be indifferent to the struggles of other peoples for freedom and it considered that colonialism and any form of subjugation of peoples were not only incompatible with human dignity, but also calculated to disrupt peaceful relations among nations.

As the USSR representative had said, the great socialist revolution of October 1917 had marked a turning point in world history. Great benefits from that revolution had accrued to many peoples of the world in their struggle for self-determination.

The Charter of the United Nations proclaimed respect for the principle of equal rights and self-determination as a condition for the development of friendly relations among States. The twenty-two years which had elapsed since the adoption of the Charter had witnessed the collapse of the colonial system, but some remnants of it had nevertheless survived. The peoples of such territories as Angola, Mozambique, Zimbabwe and South West Africa were still subjected to open colonial rule, and the ideology and practice of inequality found expression in various forms of neo-colonialism. It was against that political background that his delegation had proposed its formulation of the principle under discussion which had been introduced at the 40th meeting of the Special Committee in 1966.

The duty to respect the principle under discussion constituted an obligation of all States and the Czechoslovak delegation could not accept the idea that self-determination was a purely political concept, as suggested by certain delegations which in 1962 had opposed the inclusion of that principle among those to be considered in the codification and progressive development of the legal principles of friendly relations. Nor could his delegation approve the approach which denied the evolution of the concept of self-determination during the past two decades, and which was adopted in the United Kingdom proposal and in the similar text proposed by the United States delegation in 1966. The general philosophy of those proposals and their silence on certain truly essential elements of the principle bore witness to the basic differences which existed with regard to the legal content of the principle under discussion. The main source of those differences was undoubtedly the fact that certain States did not recognize the right of dependent peoples to self-determination and independence and to the free choice of their own political, economic and social system without outside interference. Contrary to the very essence of law and justice, it was being alleged that the struggle of dependent peoples was not compatible with the standards of law and order.

The United States representative had suggested at the 68th meeting that the Czechoslovak proposal distorted the Charter principle under discussion by limiting its scope to the colonial application. In fact, part VI, paragraph 1 of the Czechoslovak proposal clearly dealt with the right of peoples in general to self-determination, but the United States statement had served to illustrate the crux of the whole problem, which was the standing of the Declaration adopted in resolution 1514(XV) and its bearing on the legal principle of self-determination.

The Czechoslovak delegation regarded that Declaration as the most authoritative pronouncement on the principle under consideration since the adoption of the Charter itself. The Declaration represented a mandatory source for the purposes of the work now in progress. The Committee had a duty to pay due regard to General Assembly resolution 2160(XXI) and other important decisions which expressed the will of the totality or the overwhelming majority of the membership of the United Nations on the subject. His delegation shared the views so ably expressed at the 68th meeting by the Indian delegation regarding resolution 2160(XXI), which should provide guidance on the elements to be included in the formulation of the principle under discussion. That resolution reminded States of the fundamental obligations incumbent upon them under the Charter. In adopting it, the General Assembly had acted fully within its

competence to interpret the rights and obligations arising under the principles of the Charter and had stated certain specific corollaries of those principles. As far as the principle under discussion was concerned, the third and fourth paragraphs of the preamble and operative paragraphs 1(b) and 2(b) were of direct relevance and the Committee should treat them as a clear indication of the direction in which it should proceed with its work, since they were an authoritative pronouncement by the General Assembly.

The Czechoslovak delegation found itself in agreement with the text proposed by the non-aligned delegations which had much in common with its own proposal and therefore called for no substantive comments on its part.

In conclusion, he stressed that the development of the concept of equal rights and self-determination was the most significant example of the vitality of the Charter and its capacity to respond to the changing conditions of international life. The mandate of the Special Committee derived from a sound evaluation of those conditions, and he hoped that when dealing with the principle under discussion the Committee would remain in touch with contemporary realities and carry out its mandate in the manner expected by the General Assembly.

Mr. MILLER (Canada) said that his delegation appreciated the stress placed by previous speakers on the fact that respect for the principle of equal rights and self-determination of peoples was an essential prerequisite for the maintenance of international peace and security, for the development of friendly relations and co-operation among nations and for the promotion of economic, social and cultural progress throughout the world. The importance of the principle was clearly established by its proclamation in Articles 1 and 55 of the Charter and by the guidelines set out for its implementation and application in Chapters XI, XII and XIII of the Charter. For those peoples who had not yet attained full self-government, the principle constituted an objective leading to the assertion of sovereign equality, political self-determination, territorial integrity and, last but not least, freedom from external intervention. Apart from being defined in the Charter, the principle had been extended in scope and content, with particular reference to the emancipation of colonial peoples, by several declarations, resolutions, treaties and the like, many of which had already been mentioned during the debate.

Although it was quite understandable that the main emphasis should still be on the desire and determination of all colonial peoples to be free and equal under the law - a desire which all Canadians appreciated - it was necessary to formulate the

principle as a genuine statement of international law and not to allow it to become subordinated to, or circumscribed by, present events which, by their very nature, were not only diminishing but were characteristically temporary and transitory. An undue preoccupation with the remaining colonial situation, for example, might produce a legal formulation which, subjected to the test of history, would prove to have been far too rigid and inflexible to weather many years of effective application. Moreover, despite the argument that full independence per se was the only correct manner of exercising true and free self-determination, there were many peoples in Non Self-Governing Territories who neither wished nor perhaps were able to assume the responsibilities of independent status and, consequently, would freely determine to enter into an association with another country. The Committee should avoid adopting any definition of self-determination which, directly or indirectly, was open to the interpretation that it meant independence alone.

His delegation considered that the Committee's task was to define the principle in such a way that all its legal components were clearly constituted, with the inclusion, if possible, of some guidance as to the situations to which it was to apply. In other words, because the principle was founded on basic human rights and fundamental freedoms and on justice under the law, it was essential to state clearly by whom those rights should be enjoyed and against whom and under what conditions they could be invoked. Unless that were done, there would be some danger that peoples could be misled into attempting to invoke such rights to justify the dislocation of a State within which various ethnic communities had been successfully cohabiting for a long time. That aspect of the subject was directly related to and governed by the principles of sovereign equality and non-intervention.

While his delegation would not wish the Committee to ignore the General Assembly's declaration on colonialism (resolution 1514 (XV)), which was an important political document, it did not regard that declaration as a mandatory source. There was a balance in the General Assembly's resolution between the declaration that all peoples had the right to self-determination and were accordingly entitled freely to determine their political status and freely to pursue their economic, social and cultural development, and the affirmation that attempts aimed at the partial or total disruption of the national unity and territorial integrity of a country were incompatible with the purposes and principles of the Charter. He hoped the same balance would be maintained in any legal formulation produced by the Committee.

Turning to the specific proposals before the Committee, he said that there was a measure of common ground in them which encouraged his delegation to believe that the Committee should be able to produce a balanced and generally acceptable definition. The Czechoslovak proposal unfortunately produced an unbalanced effect. Paragraph 1, though in the nature of a general statement, began with the words; "All peoples have the right to self-determination ...", an expression which, without more precise definition as to its application, could create considerable practical problems. The following paragraphs accented colonialism and racial discrimination, promoted wars of liberation and made no obvious attempt to take into account dependent territories which were administered in accordance with the Charter. It even went so far as to state unequivocally that "nothing in the entire declaration on sovereign principles shall be construed as affecting the right of peoples to eliminate colonial domination by whatever means for their liberation, independence and free development", thus, apparently, overriding important principles such as the prohibition of the threat or use of force, the duty not to intervene in matters within the domestic jurisdiction of any State and the peaceful settlement of disputes.

The text proposed by the non-aligned countries, which was based very largely on the earlier text (A/AC.125/L.31), suffered from a similar imbalance. It did, however, appear to define the conditions under which the principle was to apply. His delegation had been particularly pleased to note that paragraph 2 (c) stipulated that each State should refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any country. That provision helped, in a small way, to maintain the balance found in General Assembly resolution 1514 (XV).

The text submitted by the United Kingdom delegation had the distinct virtue of beginning with the statement "Every State has the duty to respect the principle ..." which was in line with what the Committee was attempting to do, namely to draw up a code of conduct for States based on certain principles contained in the Charter. It was also clear from the first paragraph, which formed the basic statement of the first paragraph, which formed the basic statement of the principle, that the principle was to have universal application. The language used in paragraph 2 seemed to represent a valid and progressive attempt to give legal effect to that part of General Assembly resolution 1514 (XV) which dealt with self-determination and, like the draft of the non-aligned countries, it carefully maintained the balance of that resolution. Paragraph 3 correctly stressed self-government through the free expression or choice of the people, which accurately reflected the aims and purposes of the relevant Chapters of the Charter on Non-Self-Governing Territories. It also emphasized that

self-government, or self-determination, could take forms other than independence. Paragraph 4 made it abundantly clear that the presence of an effectively functioning government, representative of all distinct peoples in a territory, satisfied that principle in the case of a sovereign independent State. The Canadian delegation supported the United Kingdom proposal and hoped that the Drafting Committee would give it the serious consideration it deserved.

Mr. VIRALLY (France) expressed the hope that the Committee would be able to agree on a formulation of the important principle under discussion, or at least achieve substantial progress in bridging the gap between the various views on the subject; the French delegation would make its contribution to the Committee's efforts in that direction.

The French Revolution had been the first in Europe to proclaim the right of self-determination of peoples. From the beginning, recognition of the equality of rights and self-determination of peoples had been the inevitable and the logical outcome of the recognition of human rights, from which it was inseparable. Without political freedom, civil rights could not be fully respected and the equality of all men before the law could not be assured unless the nations to which they belonged were also recognized as equal.

It followed that the right of self-determination of peoples had the same universal character as human rights. Any attempt to confine the benefit of self-determination to certain peoples or to certain historical situations would falsify the principle and render it meaningless; it would introduce an element of discrimination among peoples which, in the end, would be discrimination among men, in defiance of the Charter of the United Nations.

For a long time the right of self-determination had only been recognized in the form of a political principle - the principle of nationality - and it had not been possible to translate that principle into a rule of positive international law. There were undoubtedly historical, political and even sociological explanations for that situation, but there could be no doubt that the delay had been largely due to an inherent difficulty connected with the legal formulation of the rights in question. As the representative of Ghana had pointed out, the main difficulty resided in the determination of the beneficiary of the right - that was to say, in the definition of the term "people".

During the nineteenth century, it was the term "nation" which had prevailed and, although that concept was much narrower, it had not been possible to reach universal agreement on a definition. The difficulty had increased with the much more vague and imprecise notion of "people". In certain cases, a people was clearly identifiable by means of objective factors, but that was far from being always the case. Moreover, even where the identity was well established, historical circumstances could intimately bind two distinct communities together. In such cases, the rights of one community, whether it was a majority or a minority, should not be so exercised as to destroy the rights of the other or to lead to the formation of entities that were not viable as separate units.

The absence of a general criterion for the identification of a people and the uncertainties which arose meant that self-determination often became a tool to undermine the territorial integrity and political unity of States; peoples were thus used, more often than not against their genuine interests, to further designs of aggression and subversion for the benefit of foreign interests. No State - old or new - could hope to escape that threat, since the population was always of a composite character, even in those States which, ethnically and historically, had achieved the greatest measure of unification; any State could be the object of envy or attempts at disruption.

At the same time, any unduly narrow or restrictive definition of the right of self-determination would have the effect of depriving of that right certain groups which were endowed with strong individual characteristics and a genuine desire for autonomy, but the identity of which was not based on differences of race, language or religion.

Those difficulties, which had not yet been fully surmounted, no doubt explained the fact that it was not until 1945, with the adoption of the United Nations Charter, that the right of self-determination had found its place in a legal instrument. It was significant that its formulation in the Charter had been so complex and so cautious that it had given rise to a variety of different interpretations. It was open to question whether the Charter had given recognition to a genuine right in favour of peoples, or whether it had merely laid down an objective for the United Nations. All things considered, and particularly taking into account State practice since 1945, he believed that the first interpretation should prevail.

As far as the beneficiary of the right was concerned, the French delegation regarded as unduly narrow the view held by Kelsen and certain other writers that the only possible beneficiaries were States. States undoubtedly had the right of self-

determination; the fact that a people had set up an independent State did not deprive it of that right, which meant that the people concerned were free to choose their institutions and their economic and social system and free to conduct their own internal and external affairs.

The question arose, however, whether the same right should be granted to the various peoples living within the borders of a single State in their relations with that State. The arguments made against the affirmative view seemed rather lacking in substance in view of all the evidence of a different intention of the authors of the Charter, which had been confirmed by the practice of States since 1945.

The authors of the Charter had been well aware that the right of self-determination could come into conflict with the sovereignty of the State, despite the fact that that sovereignty was based precisely on self-determination. They had endeavoured to avoid that conflict and to overcome the difficulty by defining the scope of the principle of equal rights and self-determination of peoples in a whole series of specific provisions, which had been described as compromise texts, but which were intended mainly to strike a balance between the various principles embodied in the Charter which the Special Committee had been asked to codify. It was necessary to take into account not only Article 1(2), Article 55 and Chapters XI and XII of the Charter, but also Article 2(7), which contained a principle that the Committee was also called upon to consider.

Those various provisions undoubtedly imposed positive obligations upon Member States with respect to their dependent peoples. Under contemporary conditions, the application was primarily to peoples under a colonial regime. It was in relation to them that the principle of equal rights prohibited the domination of one people by another, and the right of self-determination implied that peoples under a colonial regime should be allowed to express themselves freely with regard to their political future; they were thus free to pronounce in favour of independence or of any other solution which might better serve their interests.

France, for its part, fully recognized the principle under discussion and had applied it with all its consequences to dependent peoples. That process had led to the establishment of numerous independent sovereign States, which were now Members of the United Nations.

Although the French delegation agreed that, in the formulation of the principle under discussion, special prominence should be given to the problem of peoples still under a colonial regime, that should not detract in any way from the universal validity of the principle.

The relevant Charter provisions, considered in the light of subsequent practice, clearly also imposed a negative obligation on States; they prohibited any action to suppress or prevent the exercise of the right of self-determination by the people of another State.

Certain delegations had maintained that the principle under discussion could serve as a basis for intervention by one State in the affairs of another, by organizing or encouraging the formation of irregular forces or armed bands or by carrying out of acts of terrorism against its Government. The French delegation could not accept that unwarranted extension of the principle, which would bring it into conflict with all the other principles before the Special Committee, more particularly with the prohibition of the use of force and the principles of non-intervention and sovereign equality. Thus extended, the principle would serve as a cover for every possible abuse, and recent history unfortunately provided far too many examples in which the right of self-determination had served merely as a cloak for a policy of aggression and subversion.

The opinion of those delegations had no basis whatsoever in the Charter, which absolutely prohibited all threat or use of force against the territorial integrity or the political independence of all States without exception and only authorized the resort to force in the cases of self-defence under Article 51 and collective action decided in accordance with Chapters VII and VIII.

It was in the light of those remarks that his delegation would consider the various proposals before the Committee, all of which had some positive aspects, but none of which had succeeded in overcoming all the difficulties. Some of the proposals were even in direct conflict with the Charter, the provisions of which were, of course, mandatory for the Special Committee. The United Kingdom proposal seemed to be closest to the present state of the law which the Committee had been instructed to codify. The French delegation reserved its right to propose amendments in the Drafting Committee, with a view to arriving at a better formulation of the important principle under consideration.

Mr. TOGO (Japan) said that it was one of the most important and fundamental policies of his Government to oppose any form of inequality or subjugation of peoples to foreign domination. As all those present were aware, Japan had reappeared as a member of the community of nations a little more than a 100 years previously. For domestic reasons, it had obstinately closed its door for more than 250 years prior to that, and when at last forced to open its eyes to the cold facts of international life by the visit of the "black ships" of the Great Powers of the time, Japan had found itself in a very difficult situation. Very few independent countries then existed in

Asia and Africa, and what was taking place in China had profoundly alarmed the Japanese leaders. Had any time been lost, the Japanese people would have suffered the same fate as the peoples of Asia and Africa. Since then, Japan's struggle to develop as a nation without losing its independence had been a long and strenuous one. It had taken years to get rid of unequal treaties. Japanese people had encountered racial discrimination everywhere and had also been deeply hurt to see so many peoples under subjugation throughout Asia and Africa.

It was against that background that the Japanese Government had made every effort, in the Drafting Committee for the Covenant of the League of Nations at Versailles in 1919, to establish the principle of equality of peoples, unfortunately without success. A quarter of a century later, however, the principle of equality of peoples that the Japanese Government had so vigorously advocated at Versailles had been finally incorporated in the preamble and various articles of the United Nations Charter.

Since the end of the Second World War, the great winds of equality and self-determination of peoples had begun to blow with irresistible force, first from Asia, then from Africa, and finally they had swept all over the world. The Japanese people were gratified to see that inequality and subjugation were now becoming the exception rather than the rule, but that did not mean that they were not anxious about, or did not sympathize with, peoples which were still living under such conditions. They most ardently desired that equality and self-determination should be achieved by all peoples for all time.

The Japanese delegation had supported General Assembly resolution 2160 (XXI) as an expression of political intent by the Members of the United Nations. When it came to stating principles of international law, however, it was obliged to take a more cautious view, as the Japanese delegation had said when the resolution had been adopted.

His delegation had gained the impression that each of the various proposals submitted to the Committee reflected the desire of its authors for the attainment of equality and self-determination for all peoples; the differences between them seemed to lie in the ways suggested for achieving it. In the light of what he had said earlier, it would be obvious that his delegation shared the sentiments expressed in some of the proposals, in particular that of the non-aligned countries in which it read a deep sense of impatience and frustration that the ultimate goal of equality for all men could not be achieved.

His delegation fully realized that the principle of equal rights and self-determination of peoples was one of the most important principles embodied in the Charter and that all Member States had an obligation under the Charter not only to respect that principle but also to implement it. It was difficult, however, to accept a formulation such as that contained in paragraph 2(b) of the non-aligned countries' draft. In spite of the clear statement in the Charter of the principle of equal rights and self-determination of peoples, his delegation was not fully convinced that such rights could be called rights under international law in the same sense as the right of sovereign equality or other rights of States. In saying that, he did not wish for a moment to deny the existence of equal rights or the right of self-determination of peoples. The Charter also contained a clear statement of "human rights and fundamental freedoms for all without distinction as to race, sex, language or religion", and his delegation did not deny that those were also rights; by neglecting human rights and fundamental freedoms, a State would, without doubt, be violating the Charter. An individual, however, had not the means of redress, against such violations by the State, so that such rights could not be considered as being established under international law. What his delegation would like to have clarified was whether "peoples" could be considered as subjects of international law, with all the rights and obligations accruing thereunder.

His delegation also had misgivings about the use of the term "self-defence" in regard to peoples, in paragraph 2(b) of the non-aligned countries' draft. The concept of self-defence should be treated with the utmost caution. For many years, scholars of international law had done their utmost to give a proper definition of the concept, particularly in recent times because, under the Charter of the United Nations, self-defence was one of the few reasons for which States could legally resort to the use of armed force. To expand the application of the concept without due regard to all its implications would be detrimental to the maintenance of international peace and security.

Lastly, his delegation had some difficulty with the phrase "by virtue of which they may receive assistance from other States" at the end of paragraph 2(b), since it might well be exploited as a pretext for interfering in the internal affairs of other States.

While sharing the sense of impatience and frustration at not being able to realize ultimate justice and equality for all mankind, his delegation nevertheless considered that a principle of international law should not be hastily formulated, since international law was the main bulwark of peace and stability in the world.

Mr. SINCLAIR (United Kingdom) referred members to what he had said about the scope and content of the principle of self-determination at the 57th meeting and at the 45th meeting in 1966. The United Kingdom proposal on the principle of equal rights and self-determination was an amalgam of elements from the 1966 United States proposal, the non-aligned proposal and resolution 1514 (XIV). His delegation had also incorporated two new elements in paragraphs 2 (a) and 2 (b) and did not anticipate any objection to them, since it was common ground that self-determination could only operate effectively when human rights and fundamental freedom were respected and safeguarded.

Paragraph 2 (b) of the proposal had been carefully drafted in an endeavour to reconcile the differences on the question whether the concept of self-determination was to be regarded as a right or as a principle. In the past his delegation had opposed its being formulated in terms of a right, primarily because of the almost insuperable difficulty of defining or identifying the category of persons possessing the right. The new proposal was a serious and far-reaching attempt to overcome that difficulty. If the essential element of the principle were expressed in the form of a duty imposed on States to accord to peoples within their jurisdiction, in the spirit of the Universal Declaration of Human Rights, the right freely to determine their political status, the Committee would be able to avoid most of the serious conceptual and logical problems involved. The wording of paragraph 2 (b) largely avoided those problems by expressing self-determination in the form of a fundamental human right and by imposing upon States the duty to accord that right to peoples within their jurisdiction. His Government hoped that that new initiative, which meant holding in abeyance the views it had consistently maintained in the past, would meet with understanding.

Paragraph 2 (c) of the United Kingdom proposal originated in the corresponding paragraph of the non-aligned proposal which in turn was based upon paragraph 6 of General Assembly resolution 1514 (XIV).

Paragraph 2 (d) derived in part from paragraph 2.A (3)(a) of the 1966 United States proposal, revised and expanded to incorporate language closer to that of Article 73 (b) of the Charter. Paragraphs 3 and 4 of the United Kingdom proposal were based largely on the corresponding paragraphs in the United States proposal of 1966, with certain textual modifications to meet the criticisms then advanced. The fundamental concept expressed in paragraph 3 came from the provisions of General Assembly resolution 1541 (XV).

Commenting on the Czechoslovak proposal he said that it had a number of serious and obvious difficulties. The first sentence of paragraph 1 seemed to imply that all "peoples" - a term which was presumably deliberately left undefined - had the right to self-determination including the right to establish an independent national State. The provision was not qualified in any way and the effect must surely be, if the word "peoples" were given its ordinary, natural meaning, to encourage secessionist or irredentist movements. In answer to a point made by the representative of Burma at the 68th meeting, he said that the United Kingdom proposal was not intended to encourage or condone secessionist or irredentist movements. As he had pointed out in his statement at the 45th meeting, his delegation could find nothing in the language of the Charter about the principle of equal rights and self-determination to support the claim that part of a sovereign independent State was entitled to secede. Because of its concern to establish the falsity of that claim it had inserted paragraph 4 in its new proposal as an additional safeguard to that in paragraph 2 (c). Paragraph 2 (c) aimed at establishing the duty of every State to refrain from acts which might disrupt the national unity of another State, but within the framework of that principle it was necessary to provide that fully sovereign and independent States were conducting themselves in conformity with the principle as regards peoples subject to their jurisdiction, if they had representative and effective internal machinery of government. The use of the word "representative" in paragraph 4 was not intended to mean that only one system of government properly met the criterion; the essence of the provision was rather to protect the territorial integrity of fully sovereign and independent States. Possibly the drafting of the provision could be made clearer, but he hoped that his explanation would have dispelled any doubts.

Paragraph 2 of the Czechoslovak proposal had no basis in the Charter or in international law. His delegation respected the strong views held by many members of the Committee about the evils of colonialism, but was unable to subscribe to the thesis that colonialism as such was contrary to the Charter or international law. As an administering power with continued responsibilities for certain Non-Self-Governing Territories, his Government was fully aware of its obligations under Article 73 and was constructively discharging them. Its record in the process of decolonization required no defence.

He had already commented on the so-called right of self-defence against colonial domination set out in paragraph 3 of the Czechoslovak proposal in the form of an asserted right "to eliminate colonial domination". Such a provision as well as that

Annex 62

United Nations General Assembly, Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, UN Doc. A/6700/Add.8, Chapter XIV, 1967

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REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

(covering its work during 1967)

Rapporteur: Mr. Mohsen S. ESFANDIARY (Iran)

CHAPTER XIV

MAURITIUS, SEYCHELLES AND ST. HELENA

CONTENTS

* This document contains chapter XIV of the Special Committee's report to the General Assembly. The general introductory chapter will be issued subsequently under the symbol A/6700 (Part I). Other chapters of the report are being reproduced as addenda.

I. ACTION PREVIOUSLY TAKEN BY THE SPECIAL COMMITTEE AND BY THE GENERAL ASSEMBLY

1. In 1964, the Special Committee adopted conclusions and recommendations concerning Mauritius, Seychelles and St. Helena.[1/] The three Territories were considered at two meetings in 1966 by the Special Committee, which also had before it the report of Sub-Committee I concerning these Territories.[2/] At the second of the two meetings, the Special Committee adopted the report without objection and endorsed the conclusions and recommendations contained therein.

2. In these conclusions and recommendations, the Sub-Committee stated that the administering Power had failed to implement General Assembly resolution 1514 (XV) of 14 December 1960 and expressed regret at the slow pace of political development in the three Territories. In particular, it noted that the complicated electoral arrangements devised for Mauritius had apparently been the subject of great controversy between the various groups and political parties, and that the people of Seychelles were still deprived of the right of universal adult suffrage. The Sub-Committee therefore recommended that the Special Committee should reaffirm the inalienable right of the peoples of the three Territories to self-determination and independence; that they should be allowed to exercise their right of self-determination without delay; that any constitutional changes should be left to these peoples themselves; and that free elections on the basis of universal adult suffrage should be conducted in these Territories as soon as possible with a view to the formation of responsible governments to which all power could be transferred.

3. Taking into account the creation of the British Indian Ocean Territory, composed of islands detached from Mauritius and Seychelles, and the reported activation of a plan to establish military bases in the three Territories, the Sub-Committee recommended that the administering Power should be called upon to respect the territorial integrity of Mauritius and Seychelles and to refrain from using all three Territories for military purposes, in fulfilment of the relevant resolutions of the General Assembly. The Sub-Committee further recommended that

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1/ Official Records of the General Assembly, Nineteenth Session, Annex No. 8 (A/5800/Rev.1), chapter XIV.

2/ A/6300/Add.9, chapter XIV, annex.

the Special Committee should urge the Assembly to state categorically that any bilateral agreements concluded between the administering Power and other Powers affecting the sovereignty and fundamental rights of these Territories should not be recognized as valid.

4. Concluding that the economies of the Territories were characterized by diminishing revenue, increasing unemployment and consequently a declining standard of living, and that foreign companies continued to exploit the Territories without regard to their true interests, the Sub-Committee recommended that the administering Power should be called upon to preserve the right of the indigenous inhabitants to dispose of their national wealth and resources, as well as to take effective measures for diversifying the economies of the Territories.

5. At its twentieth session, the General Assembly adopted two resolutions, one concerning Mauritius (resolution 2066 (XX) of 16 December 1965) and the other concerning twenty-six Territories, including Seychelles and St. Helena (resolution 2069 (XX) of 16 December 1965). At its twenty-first session, it adopted resolution 2232 (XXI) on 20 December 1966 concerning twenty-five Territories, including Mauritius, Seychelles and St. Helena. The resolution called upon the administering Powers to implement without delay the relevant resolutions of the General Assembly. It reiterated the Assembly's declaration that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of colonial Territories and the establishment of military bases and installations in these Territories was incompatible with the purposes and principles of the Charter of the United Nations and of General Assembly resolution 1514 (XV). It urged the administering Powers to allow visiting missions to visit the Territories and to extend to them full co-operation and assistance. It decided that the United Nations should render all help to the peoples of the Territories in their efforts freely to decide their future status. Finally, it requested the Special Committee to pay special attention to the Territories and to report on the implementation of the present resolution to the General Assembly at its twenty-second session.

II. INFORMATION ON THE TERRITORIES[3/]

A. MAURITIUS

General

6. The Territory of Mauritius consists of the island of Mauritius and its dependencies, Rodrigues, Agalega and the Cargados Carajos. The island of Mauritius lies in the western Indian Ocean, about 500 miles east of Madagascar. Rodrigues, the main dependency, lies a further 350 miles to the east, the Cargados Carajos 250 miles and Agalega 850 miles to the north. Situated 1,200 miles north-east of Mauritius is the Chagos Archipelago, which according to the administering Power, is no longer part of Mauritius and is included in the "British Indian Ocean Territory".

7. The island of Mauritius is of volcanic origin; its total area is approximately 720 square miles. The northern part of the island is a flat plain rising to a fertile central plateau. There are several small chains of mountains, the principal peaks reaching about 2,700 feet. There are numerous short, swift rivers with waterfalls, some of them used to generate hydro-electric power. Rodrigues, a mountainous island of volcanic origin, covers an area of about 40 square miles. All the islands of Agalega and the Cargados Carajos are coral islands with an area of approximately 27.5 square miles.

8. The estimated population of Mauritius at the end of 1965, excluding the dependencies, was 751,421 (compared with 733,605 at the end of 1964) divided into a general population comprising Europeans, mainly French, Africans and persons of mixed origin, 220,093; Indo-Mauritians, made up of immigrants from the Indian sub-continent and their descendants, 506,552 (of whom 383,542 were Hindus and 123,010 Muslims); and Chinese consisting of immigrants from China and their descendants, 24,776. Latest estimates (January 1967) are that the population will rise to about 800,000 by the end of 1967.

3/ Section II of this working paper is based on: (a) information collected by the Secretariat from published sources; and (b) information transmitted under Article 73 e by the United Kingdom of Great Britain and Northern Ireland for the year ending 31 December 1965.

9. The Territory, which is already very densely populated, is beset with a rapid growth of population resulting in a reduction of living standards among certain sections of the people and an increasing level of unemployment.

Constitution and Government

10. Under the Mauritius (Constitution) Order, 1964, the Government of the Colony of Mauritius is vested in a Governor, with a Council of Ministers and a Legislative Assembly. The Council of Ministers consists of the Premier and Minister of Finance, the Chief Secretary and not less than ten and not more than thirteen other ministers appointed by the Governor on the advice of the Premier from among the elected or nominated members of the Legislative Assembly. The Governor appoints to the office of Premier the member of the Legislative Assembly who appears to him likely to command the support of the majority of members. The Council is the principal instrument of policy and, with certain exceptions, the Governor is obliged to consult it in the exercise of his functions. The Legislative Assembly consists of the Chief Secretary, forty elected members and up to fifteen other members nominated by the Governor.

11. The status of the political parties in the Legislative Assembly has remained the same since October 1963 general elections: Mauritius Labour Party (MLP), which represents mainly the Indo-Mauritian and Creole (Afro-European) communities, 19; Parti Mauricien Social Démocrate (PMSD), which traditionally represented the Franco-Mauritian land-owning class and the Creole middle class, and which now claims to draw support from all communities, 8; Independent Forward Bloc (IFB), which is to the left of the MLP, 7; Muslim Committee of Action (MCA), which has the support of a substantial proportion of Muslims, 4; and independent, 2.

12. The Government formed by Sir Seenoosagur Ramgoolam, leader of the MLP, is a coalition composed of all the parties represented in the Assembly, with the exception of the PMSD.

Recent constitutional developments

13. As previously noted by the Special Committee,[4/] a Constitutional Conference attended by representatives of all the parties in the Mauritius Legislature was

4/ A/6300/Add.9, chapter XIV.

held in London from 7 to 24 September 1965. The main point at issue was whether the Territory should aim at independence or association with the United Kingdom. The MLP and the IFB advocated independence, and the MCA was also prepared to support independence, subject to certain electoral safeguards for the Muslim community. On the other hand, the PMSD favoured a continuing link with the United Kingdom. At the end of the conference, the Secretary of State for the Colonies announced the decision that Mauritius should go forward to full independence subject to an affirmative resolution passed by a simple majority of the new Assembly after elections and a period of six months' full internal self-government. He also hoped that the necessary processes could be completed before the end of 1966.

14. In January 1966, an electoral commission, with Sir Harold Banwell as chairman, visited Mauritius to formulate an electoral system and the method of allocating seats in the Legislature. The report[5/] was published on 13 June 1966 and accepted by the parties participating in the present Government and the Opposition PMSD after certain amendments to the recommendations of the report had been made, following the visit of Mr. John Stonehouse, Parliamentary Under-Secretary of State, to Mauritius between 16 June and 4 July 1966.

15. Under the electoral arrangements now accepted by the four main parties, sixty members will be returned for the island of Mauritius by block voting (each elector being obliged to cast three votes) in twenty three-member constituencies, and two members returned for Rodrigues (the principal dependency of Mauritius) by block voting in a single constituency. The members elected for Rodrigues will also represent the interests of the two lesser dependencies, namely, Cargados Carajos and Agalega.

16. In addition, eight specially elected members will be returned from among unsuccessful candidates who have made the best showing in the elections. The first four of these seats will go, irrespective of party, to the "best losers" of whichever communities are under-represented in the Legislative Assembly after the constituency elections. The remaining four seats will be allocated on the basis of party and community. Parties or party alliances will be permitted to qualify

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5/ Report of the Banwell Commission on the Electoral System, Colonial No. 362, HMSO, 1966.

for the "best loser" seats if registered with the Electoral Commissioner before nomination day.

17. The Constitution of Mauritius set out in the Mauritius Constitution Order, 1966, which was made on 21 December 1966, incorporated the proposals agreed upon at the 1965 constitutional conference, as well as the subsequent agreement on electoral arrangements. The Order in Council provides that the new Constitution will come into effect on a date to be appointed by the Governor. It also provides that the provision for the appointment of an ombudsman may be brought into effect at a later date from the generality of the other constitutional proposals.

Election arrangements

18. Subject to certain exceptions, such as convicted criminals and the insane, all Commonwealth citizens satisfying a two-year residence requirement who have attained the age of 21 years are qualified to register as electors. New registers of electors were prepared in 1966. They were published on 23 January 1967 and brought into force the following day. The total numbers on the new registers are 307,908 for Mauritius plus 7,876 in Rodrigues, making a combined total of 315,784. Four Commonwealth observers (with Sir Colin MacGregor of Jamaica as chairman) were appointed to observe the various processes involved in compiling the new registers. Three of the members arrived in Mauritius on 5 September 1966 and one or more member was present from then until 28 November.

19. Discussions took place in London in December 1966 between the Secretary of State for the Colonies and the Premier of Mauritius about the date for the forthcoming general elections in the Territory. In a statement published on 21 December 1966, the Commonwealth Office said that the United Kingdom Government's view presented during the discussions was that it was most desirable that elections should be held at the earliest practicable time, bearing in mind that at the 1965 Constitutional Conference, the then Secretary of State had hoped that Mauritius could become independent before the end of 1966. Neither the United Kingdom Government nor the Government of Mauritius could avoid the subsequent delays, but the completion of the register of electors in the relatively near future would enable elections to be held in 1967.

20. The Commonwealth Office also said that the Secretary of State had expressed the hope that the Premier would share his wish to see early elections and that the Premier had confirmed that he would wish elections to be held in 1967.

Recent political developments

21. Following the issuance of the report of the Banwell Commission, the three parties participating in the present Government organized a common front, the Pro-Independence Front, under the leadership of the Premier in protest against the Commission's proposals for electoral arrangements. Subsequently, the Front was reported to have been maintained for the forthcoming general elections.

22. On 5 September 1966, Mr. G. Duval, who later became the leader of the Opposition PMSD, was reported to have said that two important election issues were the constitutional future of the Territory and the inability of the Government to put the economy on a sound basis or to look after the destitute.

23. On the same day, Mr. Duval started a movement of passive resistance in Mauritius. Following the reported refusal by the Government to pay them the same amount of relief aid allocated to certain other categories of unemployed workers, some 200 unemployed licensees of the urban administration demonstrated in Curepipe and were arrested for the obstruction of traffic. Later, the Government took action to settle the issue in dispute.

24. At the end of October 1966, over 100 unemployed persons rejected an offer of work on sugar estates, alleging political discrimination. They demonstrated at various places between Mahébourg and Curepipe, culminating in the arrest of 105 persons on 29 October for obstructing the highway. On 4 November, they were tried and found guilty, but were discharged from prison after having received a warning from the Court of Curepipe.

External relations

25. During a visit to the United States of America early in December 1966, the Premier of Mauritius said that his Government was seeking to improve relations between the two countries, to raise the price of the two principal products of Mauritius, sugar and tea, as well as to secure aid for creating secondary industries, increasing the production of foodstuffs, notably rice and flour,

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establishing a new aerial link with Africa, Europe and the United States, reducing population pressure and unemployment, and setting up a university. After discussions with the representatives of the United States Government and various private organizations, he expressed the hope that they would help Mauritius in finding solutions to many of its problems.

"British Indian Ocean Territory"

26. Reference is made in the last report of the Special Committee[6/] to the "British Indian Ocean Territory" which comprises certain islands formerly administered by the Governments of Mauritius and Seychelles, and which was created in 1965 for the construction of defence facilities by the Governments of the United Kingdom and the United States. As compensation for the transfer of these islands to the new Colony, the United Kingdom Government paid £3 million to Mauritius in March 1966 with no conditions attached, and will build an international airfield for Seychelles. On 16 November 1966, the Secretary of State for Defence stated in reply to a question in the United Kingdom House of Commons that no plan had been made for the creation of military bases in the "British Indian Ocean Territory". Thus he could not give any figure for the cost of such a scheme.

Economic conditions

27. Mauritius is primarily an agricultural country. In 1960, it suffered a severe economic setback brought about by two disastrous cyclones. Subsequently, the economy made a good recovery, reaching a peak in 1963, which saw a bumper sugar crop combined with higher sugar prices. If these two years are not taken into account, the gross national product showed a steady growth, from Rs.681 million[7/] in 1959 to Rs.799 million in 1965. During this period, the population increased from 637,000 to 751,000. There was a slight downward trend in *per capita* income and a rise in the level of unemployment.

28. In 1965, sugar was still the mainstay of the economy. Tea had become the second most important export product. In acres, the total area of land under

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6/ A/6300/Add.9, chapter XIV.

7/ One Mauritius rupee is equivalent to 1s. 6d. sterling.

cultivation comprised: sugar, 214,400; tea, 6,600; tobacco, 1,000; aloe fib 900; foodcrops, vegetables and fruits, 10,000.

29. In September 1966, the Chamber of Agriculture of Mauritius estimated su output for the full year at about 575,000 metric tons, representing a consid decrease from 1965, when a total of 665,000 metric tons had been produced. "Denise" and drought accounted for the decline in output.

30. Sugar is disposed of primarily in accordance with the Commonwealth Sug Agreement, which has been renewed until 1974. Under the Agreement, Mauriti exports a quota (380,000 tons per annum) to the United Kingdom at a negotia price (£47.10s a ton in 1966-68). In addition, Mauritius may export to Commonwealth preferential markets (in fact the United Kingdom and Canada) a agreed quota each year. The remainder of the sugar production is sold to n Commonwealth countries at the world free market price, which in 1966 was substantially below the negotiated price. Exports of sugar to the United K the Territory's principal customer, in the first ten months of the year tot 307,786 tons (Rs.208.6 million), an increase of 59,350 tons (Rs.42.5 millio the 1965 period. However, it was estimated that the gross income of the su industry might be moderately lower in 1966 than in the preceding year, when 569,400 tons of sugar (Rs.290.3 million) were exported.

31. Manufacturing is the second largest sector of the economy. The United Central Office of Information reported in October 1966 that since 1963, nea fifty new secondary industries had been introduced on a small scale in the Territory. As previously noted,[8/] the number of such industries establishe years 1963 to 1965 was eight, eleven and twenty-five respectively.

32. Between the first and second quarter of 1966, imports increased from Rs.80.4 million to Rs.82.9 million, while exports decreased from Rs.56.7 mi to Rs.6.3 million. No significant changes occurred in the structure of imp but exports of sugar in the first quarter were Rs.47.3 million and in the s quarter Rs.0.5 million. The third quarter figure was Rs.134.6 million, mak total for the first nine months of Rs.182.4 million. As in the past, trade

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8/ A/6300/Add.9, chapter XIV.

conducted mainly with the United Kingdom, which received 73 per cent of the Territory's exports and provided 23 per cent of its imports in the first half of 1966.

33. In July 1966, the Government decided to increase both direct and indirect taxes in order to balance its budget.

34. Capital expenditure under the 1966-70 Development Programme will be Rs.340 million and the fund will be allocated as follows: agriculture and industry, Rs.130 million; infra-structure, Rs.99 million; social services, Rs.82 million; administration, Rs.28 million; Rodrigues, Rs.1 million.

35. Premier Ramgoolam said in a recent address that an important economic problem for the Territory was that the price of sugar could not be stabilized at a remunerative level.

36. The Premier said that progress in the diversification of the Territory's economy had been slow. The Territory was putting 1,000 acres under tea annually, and it was the intention of the Government to extend this by a further 15,000 acres. The sugar industry had undertaken to provide capital out of its surplus for the erection of seven more tea factories. Businessmen were being encouraged to invest in Mauritius, and in recent years a number of light industries had been established. Industrial expansion had been facilitated by the setting up of the Development Bank of Mauritius, the advisory National Development Council and a marketing board. An East African Economic Community was under discussion, and if this were to materialize it would give further encouragement to many smaller industries.

37. While aware that conditions such as the rapid rise in population, the scarcity of local capital and the paucity of technological know-how had limited economic growth, the Premier nevertheless asserted that the Territory enjoyed a stability and prosperity unknown before in its history through a better distribution of the national income. This was being achieved by a planned economy and a regulated fiscal policy. Recurrent and developmental annual expenditures totalled approximately over £22 million. The sum of £6 million was spent annually on the development programme alone, and 48 per cent of this was financed from local resources. Mauritius was a viable country, which had never needed a grant-in-aid to balance its budget.

38. In December 1966 the Premier made a visit to the United States, the main purpose of which was to seek aid to tackle the economic and social problems confronting the Territory (see paragraph 25 above).

39. On 20 December 1966, Mr. John Stonehouse, Parliamentary Under-Secretary of State, stated in reply to a question in the United Kingdom House of Commons that during the period 1961-66, the United Kingdom had provided Mauritius with financial aid totalling £8.1 million, in addition to the compensation of £3 million paid for the inclusion of certain of its islands in the "British Indian Ocean Territory", and to a £2 million loan raised by the Government of Mauritius on the London market. For the period 1965-68, total Colonial Development and Welfare grants and loan assistance given or envisaged amounted to £4.4 million. Aid to Mauritius after 31 March 1968 would depend on the total resources the United Kingdom could make available for overseas aid at the time and the Territory's needs in relation to those of other recipients of British aid.

40. In response to another question, Mr. Stonehouse stated that in order to combat chronic, widespread unemployment in Mauritius, his Government was examining various ways by which the Territory's economy could be diversified. But he added that the economy was almost completely dependent on sugar and that there were problems in arranging for any new industrial development. These questions were being studied.

Social conditions

41. Labour. In recent years, the economy has not expanded fast enough to provide work for all the new entrants into the labour force. Between mid-1962 and mid-1965 the annual increase in the working-age population and unemployment was estimated at about 6,500 and over 4,000 respectively. During the period, the number registered as unemployed rose by 4,700 and that on relief work by 9,050, making a total of 13,750.

42. On 28 April 1966, the Government published the first of its bi-annual surveys of employment and earnings in large establishments.[9/] The main purpose of these surveys was not to find out figures of total employment but to provide a continuou

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9/ Colony of Mauritius: A Survey of Employment and Earnings in Large Establishments (No. 1), 28 April 1966.

series of comparable data which would show changes in employment from year to year, from one part of the year to another and between the various sectors of the economy. The survey covered 822 establishments, which in April 1966 employed 119,270 workers (including 34,210 on monthly rates of pay and 85,060 on daily rates of pay). Agriculture accounted for 55,200 (including 51,870 employed by the sugar industry), services 45,850, manufacturing 6,850, transport, storage and communications 4,100, commerce 2,960, construction 2,730, electricity 1,310, mining and quarrying 160, and others, 110. The average monthly rates of pay ranged from Rs. 273 for agricultural workers to Rs. 500 for electricians. The average daily rates of pay ranged from Rs. 3.2 for miners to Rs. 8.8 for those engaged in miscellaneous activities.

43. In 1965, there were seventy-nine associations of employees (one more than in 1964), with a membership of 48,349 (120 more than in 1964). There were ten trade disputes involving 1,660 workers and resulting in a loss of 3,860 man-days. The main cause of these disputes was dissatisfaction with conditions of employment.

44. Labour relations in the sugar industry formed a subject of discussion in the Legislative Assembly on 29 November 1966. A member of the Assembly, Mr. J.N. Roy, introduced a motion which would have the Assembly express the view that the widespread and defiant opposition to Indo-Mauritian workers in the sugar industry, if not checked by legislation, threatened to wreck the industry.

45. Commenting on the motion, another member of the Assembly, Mr. Jomadar, who was formerly the Minister of Labour, stated that it was very opportune and that a section of workers in the sugar industry was the victim of injustice. Having made an appeal for eliminating all forms of discrimination and injustice, he proposed an amendment to the motion, which was then adopted unanimously.

46. Under this amendment, the Assembly would express the view that a tripartite standing committee be set up by the Government in co-operation with employers and employees in the sugar industry for the discussion of all matters of concern either to employers or employees or which could adversely affect the good relations between them or the efficiency of the industry. These would include steps to ensure equality of opportunity in recruitment and promotion, and especially the discussion and disposal of possible complaints of discrimination against any category of workers or employees for suspected political affiliation or for any other cause.

47. The Premier of Mauritius said in a recent address that the main problems confronting the Territory today were the rapid rise in population and widespread

unemployment. For many years, the government machinery had been geared to tackle these problems at many levels of administration. However, time had been lost in the beginning because some people had opposed population control on religious grounds, but a change of attitude had come about. With the assistance of the Government and the International Planned Parenthood Federation, two voluntary associations were performing good work both in the urban and rural areas. Mauritius had also been promised considerable aid from the Swedish Government.

48. As to unemployment, the Premier stated, the Government was engaged actively in long-term development of the Territory and pursued a rationalized policy of emigration. It hoped to mobilize all local resources for the creation of more work and wealth. It had also decided not to place an embargo on the export of capital in order to attract foreign investors to Mauritius. But any Mauritian emigrating overseas was only allowed to remove his capital from the country over a number of years. At present, certain labour-intensive projects including tea, textiles and edible oils were being undertaken, which would provide employment for a large number of people. By 1970, it was hoped to provide work for most of the labour force.

49. Public health. There are three systems of providing medical services in Mauritius, of which the largest is the government medical services, administered by the Ministry of Health. Other medical services are provided by the sugar estates for their employees, as required by the Labour Ordinance, while maternity and child welfare services are provided partly by the Government and partly by a voluntary body - the Maternity and Child Welfare Society.

50. Recently, some important changes have occurred in these systems. Government expenditure on medical and health services in the financial year 1964-65 was Rs. 19.7 million (an increase of Rs. 0.5 million over the previous year), or about 9.6 per cent of the Territory's total expenditure. In 1965, there were 137 government and 74 private physicians (compared with 118 and 65 respectively in the previous year). There was, thus, one physician for every 3,400 persons. A total of twenty-four hospitals was maintained by the sugar estates, representing a reduction of one from the previous year. The number of beds available for in-patients in the Territory decreased by fifteen to 3,339 and that of general beds by forty-five to 2,706, amounting to a proportion of one general bed per 361 persons.

51. During 1966, the Government began to construct a 600-bed hospital at Pamplemousses, the total cost of which was estimated at £2.1 million. On 25 November 1966, the United Kingdom Ministry of Overseas Development announced that Colonial Development and Welfare allocations totalling £1.4 million had been made available towards this project. Early in 1967 the Ministry provided a gynaecologist to give instruction to medical, nursing and other staff in family planning work and a medical administrator to work in the Mauritius Ministry of Health. The Ministry is also supplying equipment to the value of approximately £4,000 for thirteen clinics. On 20 December 1966, Mr. Stonehouse said in reply to a question in the United Kingdom House of Commons that in Mauritius, the number of family planning clinics had recently been increased from 98 to 124 and that the programme was very successful.

Educational conditions

52. Enrolment in primary, secondary, teacher training and vocational training schools in 1965 was as follows:

	Schools	Enrolment	Teachers
Primary education	331 a/	134,534 b/	4,015
Secondary education	135 c/	34,121	1,484
Teacher training	1 d/	424	26
Vocational training	4 d/	234	19

a/ Comprising 160 government, 55 aided and 116 private schools.

b/ Representing over 88 per cent of all children of primary school age (5-6 to 11-12 years).

c/ Comprising 4 government, 13 aided and 118 private schools.

d/ Government schools.

53. In 1965, the Government opened seven new primary schools, extended one secondary school and established the John Kennedy College. This college provides full-time training in technical and commercial subjects and also a variety of part-time and evening courses. Full-time, post-secondary education is provided by the Teachers' Training College and the College of Agriculture. The latter is managed by the Department of Agriculture and most of its diplomats enter the sugar industry.

During the year, there were over 1,200 students following full-time courses institutions of higher education overseas.

54. In December 1965, the University of Mauritius (Provisional Council) Or became law. The United Kingdom Government has made an initial pledge of Rs. 3 million from Colonial Development and Welfare funds to finance a deve plan for the University. Dr. S.J. Hale of the University of Edinburgh has appointed Vice-Chancellor. The Premier of Mauritius said in a recent addre steps were being taken towards the establishment of the University where st would be taught and trained in technology and science.

55. Government expenditure on education in the financial year 1964-65 tot Rs. 28.9 million (an increase of Rs. 0.6 million over the previous year), Rs. 26 million was recurrent and Rs. 2.9 million capital expenditure. Edu accounted for 12.7 per cent of the Territory's total recurrent expenditure

B. SEYCHELLES

General

56. As from 8 November 1965, when three of its islands were included in the "British Indian Ocean Territory", the Territory of Seychelles has comprised eighty-nine islands situated in the western Indian Ocean approximately 1,000 miles east of the Kenya coast. The islands, with a land area of some eighty-nine square miles, fall into two groups of entirely different geological formation, thirty-two being granite and the rest coral. The granite islands are predominantly mountainous. In some of them and particularly in Mahé, the largest island, which has an area of about 55.5 square miles, a narrow coastal belt of level land surrounds the granitic mountain massif, which rises steeply to an elevation, at Morne Seychellois, the highest peak, of almost 3,000 feet. The coral islands are flat, elevated coral reefs at different stages of formation.

57. Most of the inhabitants of the Seychelles are descended from the early French and African settlers. Early in 1966, the population of Seychelles was estimated to be about 48,000 (compared with 47,400 at the end of June 1965), nearly all of whom lived in the granitic island group. Three quarters of the Territory's population lives on Mahé, and most of the remainder on Praslin, La Digue and Silhouette. There are very few permanent residents on the coral islands.

58. The present population is increasing at a rate believed to be in excess of 3 per cent per annum. If this rate is maintained, the population will double in less than twenty-three years. The rapid growth of population has slowed down the rise in living standards among certain sections of the people, and reduced employment opportunities.

Constitution and Government

59. The Government of the Colony of Seychelles consists of a Governor, a Legislative Council and an Executive Council. The Governor is empowered to enact laws with the advice and consent of the Legislative Council, subject to the retention by the Crown of the power to disallow or refuse consent.

60. Under a 1960 Order in Council, the Legislative Council consists of the Governor, as president, four ex officio members (the Colonial Secretary, Attorney-General, Administrative Secretary and Financial Secretary), five elected and three nominated members, of whom at least one must be an unofficial member. General elections, on a broad franchise based on a simple literacy test, must take place every four years. The last elections were held in July 1963.

61. The Executive Council consists of the Governor, who presides, four ex officio members and such other persons, at least one of whom must be an unofficial member, as the Governor may from time to time appoint. The composition of the present Executive Council is identical with that of the Legislative Council.

Recent political and constitutional developments

62. At the 1963 elections, all except one of the five elected seats in the Legislative Council were contested to some extent on party lines between candidates broadly supported either by the long-established Seychelles Taxpayers and Producers Association, representing European planters' interests, or the newly formed Seychelles Islands United Party, drawing its support mainly from the middle and working classes. Both parties were able to claim two seats, and the remaining seat went to an independent candidate claiming support from both.

63. In 1964, the Seychelles Islands United Party faded out and two new parties emerged, namely, the Seychelles Democratic Party (SDP) led by Mr. J.R. Mancham and the Seychelles People's United Party (SPUP) led by Mr. F.A. René. About the same time the Seychelles Taxpayers and Producers Association was reorganized into an ostensibly non-political Seychelles Farmers' Association designed to promote and defend the interests of the agricultural community.

64. The main differences between the two parties were reported by Sir Colville Deverell (see below) to be in the accent they placed on the speed of constitutional evolution, and the nature of the ultimate status of Seychelles after a period of self-government. Mr. Mancham, the leader of SDP, advocated a cautious advance and an ultimate relationship with the United Kingdom as close as possible to integration, while Mr. René, the leader of SPUP, initially advocated a rapid, if not immediate, advance to self-government and the early attainment of a status of complete independence.

schools, two of which provided all-age education, three secondary schools and one selective secondary school. In 1965, there were sixty full-time (fifty-ei in 1964) and six part-time (three in 1964) teachers. Selected young teachers sent to the United Kingdom to follow a three-year course leading to a certific in education conferred by the Ministry of Education. More experienced teache are also sent there for further training. In 1965, a senior teacher departed for a year's course. The expenditure on educational services during the yea estimated at £24,561 (an increase of £1,666 over the previous year), or 10.6 per cent of the Territory's total expenditure.

III. CONSIDERATION BY THE SPECIAL COMMITTEE[14/]

Introduction

122. The Special Committee considered Mauritius, Seychelles and St. Helena at its 535th to 539th meetings held away from Headquarters, between 15 and 19 June 1967. The Special Committee had before it the report of Sub-Committee I concerning these Territories (A/AC.109/L.398), which is annexed hereto.

A. Written petitions and hearings

123. The Special Committee had before it a written petition concerning Mauritius from Mr. A.H. Dorghoty, Second Secretary, Mauritius People's Progressive Party (MPPP) (A/AC.109/PET.689). It heard a petitioner concerning that Territory, Mr. T. Sibsurun, Secretary-General, MPPP, accompanied by Mr. Dorghoty.

124. Mr. Sibsurun (MPPP) recalled that more than fourteen months had elapsed since the Special Committee's meeting at which certain resolutions and recommendations had been adopted and it had been decided that the inalienable right of the peoples of Mauritius, Seychelles and St. Helena to self-determination, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, should be reaffirmed. The most important of the recommendations were those to the effect that the administering Power should be urged to allow the population of the three Territories to exercise their right of self-determination without delay, constitutional changes being left to the people of the Territories themselves who alone had the right to decide on the form of government they wished to adopt; that free elections on the basis of universal adult suffrage should be conducted as soon as possible; and that the administering Power should be called upon to respect the islands' territorial integrity and ensure that they were not used for military bases.

125. The United Kingdom Government had not made the slightest effort to accede to the people's demands. In March 1966, he had stressed to the Special Committee the

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14/ This section includes those portions of the statements made on Mauritius, Seychelles and St. Helena in the Special Committee which relate to the question in general; those portions which refer specifically to the draft resolution are included in section IV. It should be noted that additional comments on the question of Mauritius, Seychelles and St. Helena were contained in the statements made at the opening of the Special Committee's meetings at Kinshasa, Kitwe and Dar es Salaam. These statements are included in chapter II of the Special Committee's report (A/6700 (Part II)).

prevalence of bribery and corruption by the imperialists during the pre-election period. Under Mauritian law, a candidate was allowed to spend up to about Rs.5,000 on his electoral campaign but in most cases vast sums were lavished on canvassing votes, and he had pointed out that the Government should take steps to ensure that the law was respected. The general election was to be held in September 1967 and nothing had yet been done by the Government to enforce such law. History was obviously repeating itself and the poor people who were asking for nothing more than their rudimentary rights were being exploited.

126. He had asked at the same time that supervisors from African and Asian countries should be sent to conduct the general election but, in September 19[illegible] before the United Nations had had time to appoint them, the United Kingdom had dispatched observers from Commonwealth countries to supervise the registration of voters and the general election. It was evident that they would only be able to observe and could not investigate the true situation.

127. At the International Conference against War Danger, Military Pacts and [illegible] Atomic Weapons and Colonialism, resolutions had been adopted calling for immediate and unconditional independence for Mauritius, with an immediate general election and moral, material, technical and financial support for a major propaganda campaign to rid Chagos Island of the nuclear military bases installed by the United Kingdom and the United States.

128. In February 1967, at its eighth session, the Council of the Afro-Asian Solidarity Organization, meeting at Nicosia, had adopted a resolution on Mauritius asking that supervisors should be sent to conduct the general election which would lead to complete and unconditional independence for the island, that the United Kingdom and United States system of direct telecommunications, which had been transferred from Trincomalee to Vacoas, should be dismantled, and that moral support, and material, technical and financial aid should be provided in order to remove the United Kingdom and United States base on Chagos Island.

129. He had intended to ask the United Kingdom representative certain questions but unfortunately he was not there to reply. It would have been interesting to know why the United Kingdom had decided to buy, without the consent of the Mauritian people, what it considered to be its own territory; why the recent Government had connived with the United Kingdom to deprive Mauritius of its dependencies; why the United Kingdom had always rejected, without explanation

all petitions for the holding of a referendum on the military bases. It was obvious that the United Kingdom wanted to grant the island independence, while maintaining a nuclear base on Mauritian soil. The Mauritians had always been a peace-loving people, had never been involved in any world war and did not want their innocent country blasted by a nuclear bomb. In the event of a third world war, Mauritius wished to remain neutral. No country could be truly independent if it remained linked with the great Powers, and the independence obtained years before by their African, Arab and Hindu brothers would also turn out to be illusory. He hoped the world would not witness such injustice without reacting against it.

130. The imperialists presented themselves as champions of human rights and democracy, yet challenged their subject peoples' rights to social, political and economic justice. The colonial countries would not flinch before the imperialists' impressive might and would demand their rudimentary rights.

131. The Special Committee should exercise its power and compel the United Kingdom and the United States to respect its decisions and resolutions. The nuclear base was a direct threat to Africa, Asia and the Middle East and to world peace. United Kingdom and United States experts were already in Mauritius putting the finishing touches to the Chagos Island base. Time was short; the general election was to be held on 17 September 1967 and he hoped the other countries would not turn a deaf ear to Mauritius' justified pleas.

132. The reactionary Government had done nothing for the country; it had introduced illegal and exorbitant taxes to pay for the extension of Plaisance airport to enable it to accommodate the latest jet aircraft, to enable the Government to pursue its neo-colonialist policy after independence and to erect an imperialist bastion in the Indian Ocean to check the advance of socialism in Africa. It was not surprising, therefore, that without the consent of the people, the same reactionary Government was supporting Israel in its war of aggression against the Arab States. He wondered how long the people of Mauritius were to be ignored.

133. The people had held a grand mass rally on world peace, organized by MPPP, on 11 June 1967, and had urged Prime Minister Wilson to reconsider the question of the Chagos Island base and accede to their demand that a referendum should be held on the matter, pointing out that they wanted to remain neutral in the event of a third world war.

134. In conclusion, he appealed to the Special Committee to ensure that the recommendations of the above-mentioned conferences were implemented.

135. In reply to questions concerning his Party's membership, strength and activities to date, the petitioner stated that MPPP had been formed in 1963 after the last general elections and had been affiliated with the Afro-Asian People's Solidarity Committee at the Moshi Conference. The other parties were the Mauritian Social Democratic Party, the Mauritius Labour Party, the Independent Forward Bloc and the Muslim Committee of Action. A new Party, the Hindu Congress, had been formed in 1966. MPPP was the only political party to have its own office which were open every day, and a register of members. The other parties had no membership lists and only opened their offices for the election campaign. MPPP ha about 50,000 supporters out of a total population of 786,000 and sympathizers among the working class. It would present candidates for the first time at the forthcoming elections.

136. Although not represented in Parliament, MPPP had been actively opposing the Government and holding daily meetings throughout the country to explain to the people the gravity of the situation created by the military bases on the island.

137. When invited to London to discuss the new Constitution, the Mauritian Social Democrat Party, which was in favour of association with the United Kingdom, had dissociated itself from the coalition Government because the other parties represented wanted independence, although they were also in favour of retaining the military bases. In 1965, the Government had sold Chagos Island for £3 millio to the United Kingdom, which, in conjunction with the United States, was building a military base on it. The United Kingdom now denied buying the island outright, saying that the money had merely been given as compensation.

138. MPPP attended not only the meetings of the Special Committee but also international conferences throughout the world, for instance, the New Delhi Conference on War Danger in November 1966 and the Afro-Asian Council in Cyprus i February 1966. On 11 June 1967, it had asked the Mauritian people to attend a mass rally in favour of peace, especially in Viet-Nam, the dismantling of the military base and unconditional independence for their country.

139. Asked to supply more details concerning the size, number and type of bases and the use made of them, the petitioner regretted that he was unable to state t exact size of the bases. The base at Vacoas was used to house the direct

telecommunications system which had been transferred from Trincomalee. The United States Government was providing funds to enlarge Plaisance airport so that jet aircraft could land there. The United Kingdom had always realized the strategic importance of Mauritius; it had taken the bases from France and had granted independence to the country only on condition that it could continue to use the key bases in the Indian Ocean. During the past year the United States Air Force had been using Plaisance airport continuously. It had also been reported in the newspapers and confirmed by the United Kingdom itself that the United Kingdom and United States navies would continue to use the naval bases in Mauritius.

140. The petitioner was asked whether or not the administering Power was implementing the United Nations decisions, and whether he was in a position to give details regarding the establishment of a base by the United Kingdom and the United States on Mauritius. Replying, he stated that the United Kingdom had not implemented the 1966 resolution any more than it had many others adopted by the United Nations. The construction of the military bases was well advanced under the supervision of experts from the United Kingdom and United States, who were to stay until the completion of the bases.

141. In reply to a further question, the petitioner said that the election was to be held on 17 September 1967. The Prime Minister, fearing trouble in a multiracial country, had asked the United Kingdom to send troops as well as observers to supervise the general election. The opposition was divided into too many small parties and did not present a united front. Although all were in favour of complete independence, some were willing to retain the military bases, whereas MPPP demanded that independence should be unconditional. The Mauritian Social Democrat Party, on the other hand, wanted a continued association with the United Kingdom.

B. General statements

142. At the 536th meeting, the Chairman of Sub-Committee I (the representative of Ethiopia), presenting the Sub-Committee's report on Mauritius, Seychelles and St. Helena, (see annex) said that the Sub-Committee had considered the situation in these Territories during the period 5 April to 10 May 1967. In accordance with the procedure agreed upon by the Special Committee, the United Kingdom representative had participated in the Sub-Committee's consideration of the three Territories.

143. The Sub-Committee had been guided by paragraph 16 of General Assembly resolution 2189 (XXI) of 13 December 1966, which requested the Special Committee "to pay particular attention to the small Territories and to recommend to the General Assembly the most appropriate methods and also the steps to be taken to enable the populations of those Territories to exercise fully the right to self-determination and independence". The Sub-Committee had also taken into account paragraph 15 of the resolution which invited the Special Committee "whenever it considers it appropriate to recommend a deadline for the accession to independen to each Territory in accordance with the wishes of the people and the provisions of the Declaration". Further, the Sub-Committee was aware that, as recognized b the Special Committee in paragraph 322 of chapter I of its 1966 report (A/6300 (Part I)) "their small size and population as well as their limited resources presented peculiar problems". However, the Sub-Committee was firmly of the opin that the provisions of the Declaration were applicable to those Territories, and had examined the situation there within that context.

144. The report of the Sub-Committee consisted of four chapters. The Chairman drew special attention to the conclusions and recommendations of the report, contained in paragraphs 124 to 129 and paragraphs 130 to 139, respectively. The report had been adopted by the Sub-Committee at its 39th meeting on 10 May 1967. The representative of Finland had stated that since certain parts of the conclusions and the recommendations were not in accord with and did not reflect the views expressed by his delegation, it could not support all the conclusions and recommendations.

145. The representative of India said that the Indian delegation had carefully studied the valuable and instructive report of Sub-Committee I. It unreservedly supported its conclusions and recommendations and congratulated the Sub-Committe

146. His delegation deeply regretted the slow progress towards the self-determination and independence of the Territories in question. In spite of repeated appeals, the administering Power had not taken steps to expedite decolonization. Progress in the Seychelles and St. Helena had been particularly slow. He hoped that the United Kingdom Government would respect the people's wishes and grant them the political status of their choice without further dela

147. The United Kingdom Government's policy with regard to Mauritius was to del independence as much as possible. For several years much had been heard of impending independence, but the United Kingdom Government had found one pretext

another to postpone the inevitable, giving the impression that it found parting with that rich colony extremely difficult. The Constitutional Conference had been held as early as September 1965, yet the country was not expected to become independent until about the middle of 1968. That long interval seemed totally unjustified. Considerable time had been wasted by the appointment of the Banwell Commission, whose recommendations had been unacceptable to the Mauritian political parties. They had had to be modified substantially following Mr. Stonehouse's visit, thus wasting more than six months. The electoral system under the modified Banwell proposals seemed unduly complicated; if, however, it was acceptable to the political parties in the island, his delegation would respect it, its only desire being that the people of Mauritius should become independent without further delay.

The independence of Mauritius was essential not only for the emotional satisfaction of its people but also to enable them to devote their energies to raise their level of living. Without political independence real economic progress was impossible. Colonial Powers were not interested in doing anything for the people of their colonies that would not at the same time be in their own strategic or other interests. Mauritius provided an excellent example of that policy. It had an economy almost wholly dependent on the production and export of sugar. The United Nations had been urging the administering Power since 1964 to take effective measures to diversify the economy, but the United Kingdom Government's only response had been to take some half-hearted and haphazard steps without really trying to work out a well-co-ordinated programme. Its failure to develop other sectors of the economy had resulted in shortage of capital, a downward trend in per capita income and increased unemployment. The little progress that had been achieved had been due mainly to the efforts of the Government of Mauritius headed by Premier Ramgoolam, who was reported to have said that Mauritius was a viable country which had never needed a grant-in-aid to balance its budget. His delegation had no doubt that, once the country achieved its independence, progress in the diversification of its economy would be accelerated.

The administering Power in Mauritius, as in other colonies, such as Fiji, had been taking advantage of the differences in the Territory in order to maintain its dominant position and protect foreign vested economic interests. Fortunately, the different communities had successfully resisted the administering Power's attempt to divide them. They had realized that their common interest lay in

ridding themselves first of the colonial administration. His delegation wished Mr. Ramgoolam and his associates all the success they deserved in leading their country to independence as a unified nation.

150. His Government had been greatly perturbed at the reports of the establishment of military installations in the "British Indian Ocean Territory" that had been created artificially by detaching certain islands from Mauritius and Seychelles. That was a clear violation of General Assembly resolutions 2066 (XX) and 2232 (XXI) which asked the administering Power not to take any action that would dismember the Territory or violate its territorial integrity. Such dismemberment was also a clear violation of paragraph 6 of General Assembly resolution 1514 (XV) and of the United Nations Charter. The creation of the new colony also ran counter to the declared wishes of the peace-loving peoples of Africa and Asia and must be regarded as contrary to the interests of those peoples in the immediate vicinity of the military installations. In that connexion, he quoted from a statement made by the Indian Minister for Foreign Affairs in Parliament on 6 April 1967, as follows:

> "The Indian Government's position has been made clear in the past and there is no change in our stand. We have subscribed to the Bandung Declaration of 1955. We have also signed the Cairo Declaration of 1964 on the subject of establishment of bases in the Indian Ocean and we stand by them.
>
> "We have also subscribed to resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 20 December 1966 adopted by the United Nations General Assembly, dealing with this subject. Resolution 2066 (XX) 'notes with deep concern that any step by the Administering Power to detach certain islands from the territory of Mauritius for the purpose of establishment of military bases would be in contravention of resolution 1514 (XV)'. It further invited 'the administering Power to take no action which would dismember the territory of Mauritius and violate its territorial integrity'.
>
> "We are opposed to the establishment of military bases in the Indian Ocean area as it might lead to an increase in tensions in this region. We hope that in the largest interest of peace, the British authorities will bear in mind our feelings and feeling of the countries in this region and desist from setting up a military base in this area."

151. The representative of Poland expressed his appreciation of the work of Sub-Committee I and, in particular, of the concise and objective manner in which its report was drafted. He also thanked the Sub-Committee's Chairman for her able presentation of the report.

152. In all three Territories, progress towards the implementation of General Assembly resolution 1514 (XV) had been extremely slow. Though almost seven years had elapsed since the adoption of the Declaration on decolonization, the people of Mauritius, Seychelles and St. Helena had not yet achieved the objectives sought by the United Nations, and the administering Power was still delaying the transfer of authority to the democratically elected representatives of the peoples of the three Territories.

153. As pointed out in paragraph 125 of the report, the United Kingdom, through the Governor, continued to exercise vast powers, particularly in the constitutional and legislative fields. Contrary to General Assembly resolution 1514 (XV), the administering Power was insisting on an even longer constitutional process in Seychelles than in Mauritius on the pretext that the people lacked political expérience. In Mauritius, the elections had still not been held and the United Kingdom Government, though well aware of the people's wishes for independence, was attaching conditions to the granting of it: e.g., that there should be an interval of six months between self-government and independence, and that the demand for complete independence should be reiterated by the vote of a majority elected at the future general elections to be held under complex and controversial electoral arrangements.

154. Furthermore, the United Kingdom was openly violating the principles of the United Nations Charter and the General Assembly resolution by dismembering Mauritius and the Seychelles for military purposes, with the help of the United States. The Polish delegation fully shared the concern expressed by the Special Committee at the establishment in 1965 of a new colony - the "British Indian Ocean Territory" - and at reports that it would be used as a military base. In resolutions 2189 (XXI) and 2232 (XXI), the General Assembly reiterated its earlier declaration that any attempt to disrupt the national unity and territorial integrity of colonial Territories or to establish military bases or installations there was incompatible with the United Nations Charter and with resolution 1514 (XV). Despite the warning of the non-aligned countries at the Cairo Conference in 1964 that such military bases would create tension and would be used to bring pressure against independent States in their vicinity and against national liberation movements, the United Kingdom had refused to give any assurance that the islands detached from Mauritius and Seychelles would not be used under any circumstances

for military purposes. The Polish delegation firmly endorsed paragraphs 126 and 127 of the report of the Sub-Committee and strongly believed that the attitude of the United Kingdom was incompatible with its obligations as the administering Power.

155. The data contained in the Secretariat working paper (see paragraphs 1-121 above) clearly indicated the administering Power's failure to diversify the economies of the three Territories, which were still dependent on a single crop, and, to an increasing extent, on external aid. Mauritius had to import 90 per cent of its needs for essential goods and foodstuffs. It was also clear from the document that unemployment was increasing in Mauritius and Seychelles and that the per capita income in those Territories was tending to fall.

156. In the Polish delegation's opinion, the administering Power should take vigorous measures to assist the peoples of those Territories by grants-in-aid and development programmes to diversify their economy and create employment and opportunities for the growing populations. It should likewise take steps, without further delay, to ensure that the peoples of those Territories achieved independence in the best possible conditions.

157. The representative of Bulgaria said that his delegation had studied the report very carefully and associated itself with the conclusions and recommendations. He expressed his appreciation of the valuable work performed by the Sub-Committee. The administering Power was continuing without restraint to use the Territory for its own requirements, to behave as its undisputed colonial master, to disregard completely the inalienable rights of its population to freedom and independence, to exploit their natural resources, to dismember the Territories and to establish military bases with the participation of another great Power.

158. It was unbelievable that, seven years after the adoption of General Assembly resolution 1514 (XV), the colonial Power could show such complete disregard for its provisions and for the United Nations as a whole. Bulgaria shared the concern of the neighbouring nations which considered the military bases established on the Territories to be detrimental to their security and were demanding the dismantling of all military installations and the discontinuance of military activity.

159. The representative of Madagascar said that he had carefully studied the report of Sub-Committee I on Mauritius, Seychelles and St. Helena. His delegation

like the Sub-Committee, considered that the provisions of General Assembly resolution 1514 (XV) should be speedily implemented in those Territories. Indeed, it had already supported in the Committee many of the ideas and principles set forth in the Sub-Committee's report. Madagascar, in view of its geographical situation, was certainly the country which was closest to Mauritius, a fact which had enabled it to maintain normal and cordial relations with that Territory. His delegation was particularly well placed to speak of the situation now prevailing in that island. It had noted the statements made by the United Kingdom representative in Sub-Committee I and had been pleased to learn that the United Kingdom Government had taken the necessary steps to enable the people of Mauritius, Seychelles and St. Helena to exercise their right to self-determination and independence. The statements of the United Kingdom representative were in accord with the actual facts in the three Territories concerned. The Malagasy delegation therefore welcomed the attitude of the United Kingdom regarding the islands in the Indian Ocean, and could not support all the conclusions and recommendations contained in the report of Sub-Committee I.

160. The representative of Finland said that, as a member of the Sub-Committee, he had already had the opportunity of expressing his Government's views on Mauritius, Seychelles and St. Helena. As he had said in the Sub-Committee on 13 April 1967, although the three Territories might have certain elements in common, there were striking differences between them in many important respects and it was difficult to visualize any common pattern for their future. He had added that Mauritius was well on the road towards full independence. That view had been substantiated by the Mauritian Prime Minister's statement of 13 May 1967 that elections would take place at the very latest before the end of September of the current year. The political development of the Seychelles seemed to be somewhat slower and it seemed not unlikely that some form of special constitutional arrangements might be advisable in the interim.

161. He re-emphasized that, whatever future course might be chosen by the three Territories, it was essential that the final choice should be made by the freely elected majority. Although there had been some regrettable delays, it appeared to him that the majority of the people in question had, in fact, the opportunity of deciding the future of their own countries.

162. A number of the conclusions and recommendations contained in the Sub-Committee's report were not in accordance with the views his delegation had expressed in the Sub-Committee, nor did they accurately reflect the progress towards self-determination which had taken place in the Territories in question.

163. The representative of Italy said that his delegation had not only examined with great care the report of Sub-Committee I, but had followed with close attention the political development of the Territories in question. It had noted with great satisfaction that significant steps had been taken to ensure for their populations the right and the means freely to express their preferences concerning their future status. In the case of Mauritius, it was noteworthy that the Prime Minister intended to organize elections not later than the end of September 1967.

164. Italy's chief concern was that the people of the islands should have the right to determine their future status by democratic means, and such appeared to be the case. Under the circumstances, he viewed with some misgivings the conclusions contained in the report which did not seem to coincide with his delegation's assessment of the situation.

165. The representative of Venezuela said that he had studied with interest the report of Sub-Committee I on the question of Mauritius, Seychelles and St. Helena. Unquestionably, the report gave a very complete account of the political, economic and social conditions prevailing in those three Territories. His delegation was in general agreement with the recommendations and conclusions of the Sub-Committee.

166. He did not, however, share the view expressed in paragraph 127 of the report concerning military bases and installations. There was insufficient proof of the existence of such bases to warrant the claim that they created international tension and aroused concern in neighbouring countries. Nor could it support paragraph 137 of the report, in which the Sub-Committee prejudged the question of future military activities and claimed that they would constitute an act of hostility towards the peoples of Africa and Asia and a threat to international peace and security.

167. The representative of the United States of America said that he wished to comment on the sweeping and unsubstantiated statements made by a petitioner and some representatives with respect to his country. He wished to state categorically that his country had no plans to construct military bases in the British Indian Ocean Territory. In that connexion, he pointed out that a United Kingdom

spokesman had recently given a similar assurance. Although there was an agreement between his country and the United Kingdom to permit the utilization of the British Indian Ocean Territory for refuelling or communications facilities, no decision had been taken to establish any such facilities.

168. The representative of the United Republic of Tanzania said that his delegation had no intention of disputing the statement made by the United States representative. He wished, however, to know whether the statement had the approval of the United Kingdom also. Had it in fact been made on behalf of that country?

169. The representative of the United States of America replied that he had made no statement on behalf of the United Kingdom; he had simply referred to a similar statement made by a United Kingdom spokesman.

IV. ACTION TAKEN BY THE SPECIAL COMMITTEE

170. The representative of Ethiopia introduced a draft resolution (A/AC.109/L.411/Rev.1) on the three Territories co-sponsored by Afghanistan, Ethiopia, India, Iraq, Mali, Sierra Leone, Syria, Tunisia, the United Republic Tanzania and Yugoslavia.

171. The draft resolution was based on the report of Sub-Committee I (see ann and expressed the serious concern felt by the co-sponsors at the fact that, a stated in paragraph 124 of the report, the administering Power had still not implemented General Assembly resolution 1514 (XV) and other relevant resoluti concerning Mauritius, Seychelles and St. Helena. The co-sponsors urged the administering Power to expedite the process of decolonization in those Terri

172. The representative of Iraq said that he seconded the draft resolution a urged all members of the Special Committee to vote for it. He drew attentio the operative paragraph concerning military bases which the administering P in co-operation with the United States, was proposing to establish in Mauriti Seychelles which constituted a serious threat to the area, to the peace and of Africa, Asia and the Middle East and to the national liberation movement operating in those areas.

173. The representative of Poland said that while his delegation supported draft resolution in general, it regretted that the preambular paragraphs co no reference to the Sub-Committee's concern that the administering Power w continuing to violate the territorial integrity of the Territories and to General Assembly resolutions 2066 (XX) and 2232 (XXI) and that the steps t taking in the economic and social sectors to safeguard the interests of th peoples of the Territories were inadequate.

174. At the next meeting, the representative of Ethiopia submitted on beh the co-sponsors, an oral revision to the draft resolution (A/AC.109/L.41 in which in operative paragraph 7, the phrase "to dismantle such military installations" was replaced by the phrase "to desist from establishing su military installations". The co-sponsors considered that the revision (A/AC.109/L.411/Rev.2) would make it quite clear that the resolution als to existing military bases.

175. The representative of Bulgaria said that the draft resolution submitted by the African and Asian countries and Yugoslavia reflected the main recommendations of the Sub-Committee's report and contained the necessary requests to the administering Power to implement fully the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Bulgarian delegation had hoped that the original draft resolution would contain a reference such as that included in the Sub-Committee's report to the activities of the United Kingdom and to the demands addressed to it by the United Nations. It was therefore pleased that the sponsors had accepted the amendment proposed by the Polish delegation to include a new introductory paragraph to express the Special Committee's deep regret that the administering Power had failed to implement resolution 1514 (XV). The General Assembly should pay particular attention to that matter and his delegation thought that, before the opening of the twenty-second session, the Special Committee should have another opportunity to examine the attitude of the administering Power. That had probably also been the sponsors' reason for drafting paragraph 8, requesting the United Kingdom to report to the Special Committee on the implementation of resolution 1514 (XV).

176. The representative of the Ivory Coast said that he would have preferred, as a representative of an African country, not to make any comment on a draft resolution submitted by the Afro-Asian group, which regarded colonialism as a kind of cancerous tumour in the centre of Africa. His delegation was ready to give its full support to the Special Committee's efforts to deal with the last vestiges of the crumbling colonial system. The climate in the Special Committee must be such that all representatives without exception, and particularly the members of the Afro-Asian group, could associate themselves with the Committee's decisions, decisions which, in a general way, expressed the desire of all to help the peoples of the remaining dependent territories. Such a spirit of co-operation and understanding was the vital factor which would enable the Committee to obtain the results expected of it.

177. His delegation would therefore have liked to be among the sponsors of the draft resolution, which, as a whole, reflected the aspirations of the international community as expressed in the basic resolution of the General Assembly,

resolution 1514 (XV), on the granting of independence to colonial countries and peoples. Regrettably, however, it had been unable to join the sponsors because its request for a compromise on operative paragraph 7 relating to military installations had been rejected. The statement appearing in that paragraph was not necessarily in accordance with the facts. Moreover, even if bases existed in certain dependent countries, it was for those countries, when they obtained independence, to negotiate the removal of the bases with the former administering Power, as had happened in all the African countries which had become independent. The question was within the exclusive competence of the countries concerned. The Ivory Coast, which had subscribed to the doctrine of non-intervention in the internal affairs of States, could not go back on the principles which it had endorsed and to which it intended to remain loyal.

178. There should be no misunderstanding of the significance of that reservation, for the Ivory Coast, which had fought against colonialism for many long years and would continue to do so, remained faithful to the principles of decolonization. It was aware that military activities created tensions in the world. It understood the concern of certain delegations and respected their position. The purpose of the Special Committee, however, was to promote decolonization, and it should make sure that its decisions could be applied. It should seek the most objective way of bringing the countries under foreign domination to self-determination and independence and not choose courses which, on the contrary, would tend to harden positions and delay the solution of the problem of decolonization. The Ivory Coast delegation, while expressing reservations on operative paragraph 7, supported the other provisions of the draft resolution and would vote for it.

179. The representative of Italy said that operative paragraph 7 of the draft resolution was extraneous to the colonial issue and involved considerations outside the Special Committee's purview. His delegation would, therefore, abstain from voting.

180. The representative of Venezuela noted with regret that the draft resolution did not take into account the recommendation of Sub-Committee II that the General Assembly should set a time-limit for the granting of independence to Mauritius and accelerate the implementation of resolution 1514 (XV) in respect of Seychelles and St. Helena. There was no reference either to the recommendation concerning the

sending of a visiting mission to the Territories to ascertain the extent of the progress made in the direction of self-determination and independence. Although his delegation would have preferred a text which took greater account of realities, it would nevertheless vote for the draft resolution.

181. The representative of Chile said that he approved of the general lines of the draft resolution despite certain doubts about the wording. Although the language was somewhat exaggerated, his delegation was, nevertheless, able to support the draft resolution as a whole, in line with its constant policy of supporting any measures designed to further the implementation of General Assembly resolution 1514 (XV), irrespective of the size of the Territory concerned or its distance from world markets. The latter considerations could not, however, be entirely overlooked.

182. The representative of the United States of America said that he intended to vote against the draft resolution which did not constitute a realistic and balanced appraisal of the situation in the Territories in question. The issue of Mauritian independence would be decided in the coming elections to be held this fall. If the population desired independence, it was possible that the Territory would become independent in early 1968. The Seychelles were also moving steadily and impressively in the direction of self-determination. Despite, therefore, his delegation's full approval of operative paragraph 2 of the draft resolution, he was unable to accept later operative paragraphs which were not consistent with the actual situation. It also had reservations concerning the Sub-Committee's report.

183. At its 539th meeting the Special Committee adopted the draft resolution (A/AC.109/L.411/Rev.2) as orally revised, by a roll call vote of 17 to 2 with 3 abstentions, as follows:

In favour: Afghanistan, Bulgaria, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Mali, Poland, Sierra Leone, Syria, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, United States of America.

Abstaining: Finland, Italy, Madagascar.

184. The representative of Australia said, in explanation of his vote, that the normal approach in such a matter would have been to ask the administering Power to explain anything that was not readily apparent in current developments. Not

only had no such approach been made, but a statement by a representative of the administering Power had been completely ignored as had the many practical steps which had been taken in the direction of independence for the Territories in question. Self-determination meant that a Territory was perfectly entitled to decide, by a majority vote, whether or not it desired independence. Operative paragraph 7 was completely unacceptable, especially in view of the statements that had been made by representatives of the Governments of the United Kingdom and the United States that there was no intention of establishing military installation on the island. Appeals had been launched to the administering Power to grant immediate independence to the Territories on the principle of "Heads I win; tails you lose". If immediate independence were granted, without proper preparation, the administering Power would be blamed. That gambling attitude was not one which should be adopted where the future of nations and populations was at stake. Under the circumstances, his delegation had had no alternative but to vote against the draft resolution.

185. The representative of India remarked he had been both surprised and disappointed that the delegations of Australia and the United States had voted against the draft resolution. He failed to realize what they had found in the text so obnoxious that they were forced to vote against it. It had reaffirmed the inalienable right of the peoples of those Territories to self-determination, freedom and independence; it had urged the administering Power to hold free elections and to grant to the Territories whatever political status their peoples should freely choose. It had deplored any dismemberment of the Territories and had declared that the establishment of military installations would be a violation of General Assembly resolution 2232 (XXI). He failed to understand that anything in those provisions could cause a freedom-loving country to vote against the resolution.

186. He particularly regretted the unfortunate "gambling" analogy used by the representative of Australia. The sponsors of the draft resolution had made a serious appraisal of the problems facing those Territories and he deplored the fact that the attitude of responsible representatives of responsible Governments should be described as "gambling".

187. The Chairman added that he was deeply disappointed that the Australian representative should have used such an analogy, after all the work that Sub-Committee I had put into its report. It was regrettable that the administering Power had seen fit to be absent from the Special Committee's deliberations, but that did not justify the use of such intemperate language.

188. The representative of the United States of America said he had made a statement explaining his vote and had been very much surprised by the unprecedented request of India for further explanation. He considered that the statement he had already made fully explained the position of his delegation and Government.

189. The representative of Yugoslavia said that some representatives had explained their abstentions on or opposition to the draft resolution on the grounds of operative paragraph 7. It was denied that either the United States or the United Kingdom had any intention of establishing such bases. In that connexion, he pointed out that The New York Times had reported a story to the effect that the United Kingdom was in the final stages of negotiations to purchase three islands in the Indian Ocean for defence purposes. Another paper had stated that the United States and the United Kingdom were planning to build an airstrip on one of those islands. Those two articles constituted sufficient proof for his delegation that the two Powers in question were intending to construct a military base and that operative paragraph 7 was fully justified.

190. The representative of Mali thanked all who had voted for the draft resolution which was directed towards speeding the process of decolonization in a particularly sensitive region of the world. He regretted that cold war considerations should have been introduced and he associated himself with the statements of the Chairman and the representatives of India and Yugoslavia. He was surprised that colonial Powers which claimed to support the Declaration on the Granting of Independence to Colonial Countries and Peoples should change their attitude when it came to taking concrete measures to give effect to that Declaration. He was particularly astonished by the words of the representative of Australia, a country which had exterminated its indigenous inhabitants and was sending troops to Viet-Nam to prevent the people of that country from enjoying their most elementary rights.

191. The representative of the United States of America said, in reply to the representative of Yugoslavia, that, excellent paper though it was, The New York Times was not an official organ of the United States Government and its reports in no way reflected the policy of his Government.

192. The representative of the United Republic of Tanzania said that the vote against the draft resolution by two delegations had demonstrated, beyond all reasonable doubt, the true position of their countries and their attitude towards the principle of self-determination. In view of the repeated statements by representatives of the United States Government that their country supported the cause of decolonization, that vote had come as a disagreeable surprise. As the representative of the United States had referred to the "British Indian Ocean Territory", he pointed out that the United Nations had refused to recognize that Territory, the establishment of which was no more than a colonialist manoeuvre.

193. The representative of Australia, exercising his right of reply to the representative of Mali, explained that his reference to gambling had been a strictly personal reaction. He had not meant to suggest that the Sub-Committee or the Special Committee approached its work in the spirit of a gambler. The representative of Mali had also referred to the indigenous inhabitants of Australia. That was a matter within the domestic jurisdiction of the Australian Government. Although Australia could not claim that it had no reason for self-reproach, the indigenous inhabitants were not being assassinated as the representative of Mali had stated. He added that the question of Viet-Nam was not within the Special Committee's terms of reference.

194. The text of the resolution on Mauritius, Seychelles and St. Helena (A/AC.109/249), adopted by the Special Committee at its 539th meeting on 19 June 1967 reads as follows:

"The Special Committee,

"Having examined the question of Mauritius, Seychelles and St. Helena,

"Having heard the statement of the petitioner,

"Noting with regret the absence of the representatives of the administering Power,

"Noting with deep regret the failure of the administering Power to implement General Assembly resolution 1514 (XV) of 14 December 1960,

"Having examined the report of Sub-Committee I concerning these Territories, 15/

"Recalling General Assembly resolution 1514 (XV) of 14 December 1960, and other relevant resolutions concerning Mauritius, Seychelles and St. Helena, in particular General Assembly resolutions 2066 (XX) of 16 December 1965 and 2232 (XXI) of 20 December 1966,

"1. Approves the report of Sub-Committee I concerning Mauritius, Seychelles and St. Helena and endorses the conclusions and recommendations contained therein;

"2. Reaffirms the inalienable right of the peoples of Mauritius, Seychelles and St. Helena to self-determination, freedom and independence, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"3. Urges the administering Power to hold, without delay, free elections in the Territories on the basis of universal adult suffrage and to transfer all powers to the representative organs elected by the people;

"4. Further urges the administering Power to grant the Territories the political status their peoples freely choose and to refrain from taking any measures incompatible with the Charter of the United Nations and with the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"5. Reaffirms that the right to dispose of the natural resources of the Territories belongs only to the peoples of the Territories;

"6. Deplores the dismemberment of Mauritius and Seychelles by the administering Power which violates their territorial integrity, in contravention of General Assembly resolutions 2066 (XX) and 2232 (XXI), and calls upon the administering Power to return to these Territories the islands detached therefrom;

"7. Declares that the establishment of military installations and any other military activities in the Territories is a violation of General Assembly resolution 2232 (XXI), which constitutes a source of tension in Africa, Asia and the Middle East, and calls upon the administering Power to desits from establishing such military installations;

"8. Requests the administering Power to report on the implementation of the present resolution to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

"9. Decides to maintain the question of Mauritius, Seychelles and St. Helena on its agenda."

15/ See annex.