

INTERNATIONAL COURT OF JUSTICE

**LEGAL CONSEQUENCES OF THE SEPARATION OF THE
CHAGOS ARCHIPELAGO FROM MAURITIUS IN 1965
(REQUEST FOR ADVISORY OPINION)**

Written Statement of the Republic of Mauritius

VOLUME III

(Annexes 61–107)

1 March 2018

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Annex 61

United Kingdom, *Record of a Meeting Held in Lancaster House at 2.30 p.m. on Thursday 23rd September: Mauritius Defence Matters*, CO 1036/1253 (23 Sept. 1965)

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RECORD OF A MEETING HELD IN LANCASTER HOUSE
AT 2.30 P.M. ON THURSDAY 23rd SEPTEMBER

MAURITIUS DEFENCE MATTERS

Present:- The Secretary of State
 (in the Chair)

Lord Taylor	Sir S. Ramgoolam
Sir Hilton Poynton	Mr. S. Bissoondoyal
Sir John Rennie	Mr. J. M. Paturau
Mr. P. R. Noakes	Mr. A. R. Mohamed
Mr. J. Stacpoole	

THE SECRETARY OF STATE expressed his apologies for the unavoidable postponements and delays which some delegations at the Constitutional Conference had met with earlier in the day. He explained that he was required to inform his colleagues of the outcome of his talks with Mauritian Ministers about the detachment of the Chagos Archipelago at 4 p.m. that afternoon and was therefore anxious that a decision should be reached at the present meeting.

2. He expressed his anxiety that Mauritius should agree to the establishment of the proposed facilities, which besides their usefulness for the defence of the free world, would be valuable to Mauritius itself by ensuring a British presence in the area. On the other hand it appeared that the Chagos site was not indispensable and there was therefore a risk that Mauritius might lose this opportunity. In the previous discussions he had found himself caught between two fires: the demands which the Mauritius Government had made, mainly for economic concessions by the United States, and the evidence that the United States was unable to concede these demands. He had throughout done his best to ensure that whatever arrangements were agreed upon should secure the maximum benefit for Mauritius. He was prepared to recommend to his colleagues if Mauritius agreed to the detachment of the Chagos Archipelago:-

- (i) negotiations for a defence agreement between Britain and Mauritius;
- (ii) that if Mauritius became independent, there should be an understanding that the two governments would consult together in the event of a difficult internal security situation arising in Mauritius;
- (iii) that the British Government should use its good offices with the United States Government in support of Mauritius request for concessions over the supply of wheat and other commodities

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- (iv) that compensation totalling up to £3m. should be paid to the Mauritius Government over and above direct compensation to landowners and others affected in the Chagos Islands.

This was the furthest the British Government could go. They were anxious to settle this matter by agreement but the other British Ministers concerned were of course aware that the islands were distant from Mauritius, that the link with Mauritius was an accidental one and that it would be possible for the British Government to detach them from Mauritius by Order in Council.

3. SIR S. RAMGOOLAM replied that the Mauritius Government were anxious to help and to play their part in guaranteeing the defence of the free world. He asked whether the Archipelago could not be leased. (THE SECRETARY OF STATE said that this was not acceptable). MR. BISSOONDOYAL enquired whether the Islands would revert to Mauritius if the need for defence facilities there disappeared. THE SECRETARY OF STATE said that he was prepared to recommend this to his colleagues.
4. MR PATURAU said that he recognised the value and importance of an Anglo-Mauritius defence agreement, and the advantage for Mauritius if the facilities were established in the Chagos Islands, but he considered the proposed concessions a poor bargain for Mauritius.
5. MR. BISSOONDOYAL asked whether there could be an assurance that supplies and manpower from Mauritius would be used so far as possible. THE SECRETARY OF STATE said that the United States Government would be responsible for construction work and their normal practice was to use American manpower but he felt sure the British Government would do their best to persuade the American Government to use labour and materials from Mauritius.
6. SIR S. RAMGOOLAM asked the reason for Mr. Koenig's absence from the meeting and MR. BISSOONDOYAL asked whether the reason was a political one, saying that if so this might affect the position.
7. MR. MOHAMED made an energetic protest against repeated postponements of the Secretary of State's proposed meeting with the M.C.A., which he regarded as a slight to his party.
8. THE SECRETARY OF STATE repeated the apology with which he had opened the meeting, explaining that it was often necessary in such conferences to concentrate attention on a delegation which was experiencing acute difficulties, while he himself had been obliged to devote much time to a crisis in another part of the world.
9. MR MOHAMED then handed the Secretary of State a recent private letter from Mauritius which disclosed that extensive misrepresentations about the course of the Conference had been published in a Parti Mauricien newspaper. THE SECRETARY OF STATE commented that such misrepresentations should be disregarded, and that MR. MOHAMED had put forward the case for his community with great skill and patience.

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10. MR. MOHAMED said that his party was ready to leave the bases question to the discretion of H.M.G. and to accept anything which was for the good of Mauritius. Mauritius needed a guarantee that defence help would be available nearby in case of need.
11. At SIR S. RAMGOOLAM'S request the Secretary of State repeated the outline he had given at a previous meeting of the development aid which would be available to Mauritius between 1966-1968, viz. a C.D. & W. allocation totalling £2.4 million (including carryover) thus meaning that £800,000 a year would be available by way of grants in addition Mauritius would have access to Exchequer loans, which might be expected to be of the order of £1m. a year, on the conditions previously explained. He pointed out that Diego Garcia was not an economic asset to Mauritius and that the proposed compensation of £3m. would be an important contribution to Mauritius development. There was no chance of raising this figure.
12. SIR S. RAMGOOLAM said that there was a gap of some £4m. per year between the development expenditure which his government considered necessary in order to enable the Mauritian economy to "take off" and the resources in sight, and enquired whether it was possible to provide them with additional assistance over a 10 year period to bridge this gap.
13. THE SECRETARY OF STATE mentioned the possibility of arranging for say £2m. of the proposed compensation to be paid in 10 instalments annually of £200,000.
14. SIR S. RAMGOOLAM enquired about the economic settlement with Malta on independence and was informed that these arrangements had been negotiated in the context of a special situation for which there was no parallel in Mauritius.
15. SIR H. POYNTON pointed out that if Mauritius did not become independent within three years, the Colonial Office would normally consider making a supplementary allocation of C.D. & W. grant money to cover the remainder of the life of the current C.D. & W. Act, i.e. the period up to 1970. He added that if Mauritius became independent, they would normally receive the unspent balance of their C.D. & W. allocation in a different form and it would be open to them after the three year period to seek further assistance such as Britain was providing for a number of independent Commonwealth countries.
16. SIR S. RAMGOOLAM said that he was prepared to agree in principle to be helpful over the proposals which H.M.G. had put forward but he remained concerned about the availability of capital for development in Mauritius and hoped that the British Government would be able to help him in this respect.
17. MR. BISSOONDOYAL said that while it would have been easier to reach conclusions if it had been possible to obtain unanimity among the party leaders, his party was prepared to support the stand which the Premier was taking. They attached great importance to British assistance being available in the event of a serious emergency in Mauritius.

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18. MR. PATURAU asked that his disagreement should be noted. The sum offered as compensation was too small and would provide only temporary help for Mauritius economic needs. Sums as large as £25m. had been mentioned in the British press and Mauritius needed a substantial contribution to close the gap of £4-5m. in the development budget. He added that since the decision was not unanimous, he foresaw serious political trouble over it in Mauritius.

19. THE SECRETARY OF STATE referred to his earlier suggestion that payment of the monetary compensation should be spread over a period of years.

20. SIR S. RAMGOOLAM said that he was hoping to come to London for economic discussions in October. The Mauritius Government's proposals for development expenditure had not yet been finalised, but it was already clear that there would be a very substantial gap on the revenue side.

21. SIR H. POYNTON said that the total sum available for C.D. & W. assistance to the dependent territories was a fixed one and it would not be possible to increase the allocation for one territory without proportionately reducing that of another.

22. Summing up the discussion, the SECRETARY OF STATE asked whether he could inform his colleagues that Dr. Ramgoolam, Mr. Bissoondoyal and Mr. Mohamed were prepared to agree to the detachment of the Chagos Archipelago on the understanding that he would recommend to his colleagues the following:-

- (i) negotiations for a defence agreement between Britain and Mauritius;
- (ii) in the event of independence an understanding between the two governments that they would consult together in the event of a difficult internal security situation arising in Mauritius;
- (iii) compensation totalling up to £3m. should be paid to the Mauritius Government over and above direct compensation to landowners and the cost of resettling others affected in the Chagos Islands;
- (iv) the British Government would use their good offices with the United States Government in support of Mauritius' request for concessions over sugar imports and the supply of wheat and other commodities;
- (v) that the British Government would do their best to persuade the American Government to use labour and materials from Mauritius for construction work in the islands;
- (vi) the British Government would use their good offices with the U.S. Government to ensure that the following facilities in the Chagos Archipelago would remain available to the Mauritius Government as far as practicable:

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- (a) Navigational and Meteorological facilities;
 - (b) Fishing Rights;
 - (c) Use of Air Strip for emergency landing and for refuelling civil planes without disembarkation of passengers.
- (vii) that if the need for the facilities on the islands disappeared the islands should be returned to Mauritius;
- (viii) that the benefit of any minerals or oil discovered in or near the Chagos Archipelago should revert to the Mauritius Government.
23. SIR S. RAMGOOLAM said that this was acceptable to him and Messrs. Bissoondoyal and Mohamed in principle but he expressed the wish to discuss it with his other ministerial colleagues.
24. THE SECRETARY OF STATE pointed out that he had to leave almost immediately to convey the decision to his own colleagues and LORD TAYLOR urged the Mauritian Ministers not to risk losing the substantial sum offered and the important assurance of a friendly military presence nearby.
25. SIR S. RAMGOOLAM said that Mr. Paturau had urged him to make a further effort to secure a larger sum by way of compensation, but the Secretary of State said there was no hope of this.
26. SIR J. REYNIE said that while he had hoped that Mauritius would be able to obtain trading concessions in these negotiations, this was now ruled out. It was in the interest of Mauritius to take the opportunity offered to ensure a friendly military presence in the area. What was important about the compensation was the use to which the lump sum was put.
27. SIR S. RAMGOOLAM mentioned particular development projects, such as a dam and a land settlement scheme, and expressed the hope that Britain would make additional help available in an independence settlement.
28. SIR H. POYNTON said that the Mauritius Government should not lose sight of the possibility of securing aid for such purposes from the World Bank, the I.D.A. and from friendly governments. While Mauritius remained a colony such powers as Western Germany regarded Mauritius economic problems as a British responsibility but there was the hope that after independence aid would be available from these sources. When Sir S. Ramgoolam suggested that he had said that grants could be extended for up to 10 years, Sir H. Poynton pointed out that he had only indicated that when the period for which the next allocation had been made expired, it would be open to the Mauritius Government to seek further assistance, from Britain, even though Mauritius had meanwhile become independent. It would not be possible to reach any understanding

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understanding at present beyond saying that independence did not preclude the possibility of negotiating an extension of Commonwealth aid.

29. At this point the SECRETARY OF STATE left for 10, Downing Street, after receiving authority from Sir S. Ramgoolam and Mr. Bissoondoyal to report their acceptance in principle of the proposals outlined above subject to the subsequent negotiation of details. Mr. Mohamed gave the same assurance, saying that he spoke also for his colleague Mr. Osman. Mr. Paturau said he was unable to concur.

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Annex 62

United Kingdom, *Record of UK-US Talks on Defence Facilities in the Indian Ocean*, FO
371/184529 (23-24 Sept. 1965)

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(24/190)

FOREIGN OFFICE, S.W.1.

10 December, 1965.

Thank you for your letter 119101/65G of 22 October to Geoffrey Arthur giving a list of State Department amendments to the record of the September talks about the Indian Ocean Islands.

2. I enclose two copies of a clean text incorporating the American amendments, and taking account of two points made by the Ministry of Defence in their letter of 8 October, of which I now enclose a copy together with our reply of 21 October.

(J.A.N. Graham)
Permanent Under-Secretary's
Department

N.C.C. Trench, Esq.,
WASHINGTON.

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List of Officials who took part in U.S./U.K.
talks on Defence Facilities in the Indian Ocean

21-24 September, 1965

U.S. Side

Jeffrey C. Kitchen	State Department
Howard Meyers	State Department
Capt. Aubrey Coward	State Department
Ray Brookes	OSD/ISA (PMB)
W.J. Allen	OSD/Assistant General Council
Capt. R.G. Zimmerman	USM, Joint Chiefs of Staff
Mr. T.W. Michel	(JSC-3), Navy, Op/Nav
Mr. W.W. Hancock	Air Force, Office of Secretary of the Air Force/Assistant General Council
Mr. T.W. Aiken	Navy, Bureau of Weapons
Cdr. McGrath	USN
Mr. Philip E. Barringer	U.S. Embassy
Mr. E. Zanne	U.S. Embassy

U.K. Side

Mr. E.H. Peck	Foreign Office
Mr. P.L. Hughes-Fox	Foreign Office
Mr. J.A.M. Graham	Foreign Office
Mr. R.H. Young	Foreign Office
Mr. M.H. Morland	Foreign Office
Mr. J. Burlace	D.S.t., Ministry of Defence
Mr. P. Moberly	" "
Mr. M. Holten	D.S.t., Ministry of Defence
Mr. R.J. Penney	(AUS/WAT) Space (N), Ministry of Defence
Mr. B. Swain	WAT 1 (N), " " "
Mr. A.T. Fairclough	Colonial Office
Mr. R. Blackley	" "
Mr. R. Terrell	" "
Mr. Baker	Treasury Solicitors Office

/Mr. P. Nicholls

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Mr. P. Nicholls
Mr. G.S. Downey
Mr. G.P. Hadden

Treasury

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~~SECRET~~DEFENCE FACILITIES IN THE INDIAN OCEAN

Record of a Meeting with an American
Delegation headed by Mr. John Kitchen, on
21 September, 1949. Mr. Peak in the
chair

Mr. Peak began by thanking the Americans for coming. He explained that the Constitutional Conference on the future of Mauritius had not yet ended - it should finish at the end of this week - and that Mauritius Ministers' attitude to the defence project was not yet finally clear. The present talks must therefore be without commitment and without prejudice to the conclusion of a satisfactory settlement with Mauritius. He would nevertheless be willing to discuss the three American drafts in detail if possible, and at any rate in outline. It seemed generally agreed that each draft should be discussed in a separate sub-committee. The Ministry of Defence would deal separately with their American opposite numbers over draft A about the American financial contribution.

Mr. Kitchen said that it would be more convenient for the same sub-committee to deal with draft C and draft B, taking draft C this afternoon and draft B tomorrow morning. This was agreed.

Mr. Fairclough then explained the position reached in the Mauritius constitutional conference. The British side had tried to keep the independence issue which the conference was really meant to deal with, separate from the defence project, but the outcome of the latter was found to depend partly on the former problem. One main party in Mauritius with a different policy from that of Dr. Ramgoolam but belonging to his coalition government, favoured some continuing link with Britain. Mr. Ramgoolam's party wanted full independence. It seemed that the conference was moving towards agreement on "free association". There were prospects of reaching agreement on the constitutional arrangements for internal affairs. There was no sign of imminent agreement on external affairs. Because of the loose nature of the coalition government the defence project had to be discussed with Ministers from all parties. Both pro and anti independence parties regarded the defence project as a bargaining counter which they might use either to achieve or to avoid complete independence. No party leader wanted to settle the defence project before the independence issue was settled. All Mauritius Ministers had given a positive response to the defence project in that they agreed with us that it was in the interests of Mauritius. Discussion had turned on their demand for favourable trading arrangements to bolster up the economy of Mauritius in the long term. Mauritius Ministers had adhered firmly to their demand for such arrangements, particularly for a very large American sugar quota. They had pointed out that a foreign country, the United States, wanted defence facilities on Mauritius territory and that the Americans should therefore pay for them. They recalled the United States Administration's recommendation to Congress in 1962, that Mauritius should be given a sugar quota of 100,000 tons. They failed to understand why it was not practicable to get a quota of this order of magnitude now. At the last meeting held with Mauritius Ministers to discuss the defence project earlier this week they had generally maintained their position on this but had hinted that they might move from it if the United States gave them financial aid equivalent in value to the benefits of a very large sugar quota. The likely outcome appeared to be independence for Mauritius and agreement on the detachment of the islands required for defence facilities in return for suitable compensation but Mauritius Ministers were insistent that such compensation should be of a kind which would

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help the long term economic stability of Mauritius. This meant sugar. We had told the Mauritians that a sugar quota of this order of magnitude was probably impossible.

Mr. Kitchen confirmed that a sizeable sugar quota was impossible and asked about Mauritian demands for a long lease rather than detachment of the islands concerned. Mr. Fairclough replied that there were signs that Mauritius might accept a detachment in exchange for a sugar quota and a reversion clause allowing the return of the islands to Mauritius if and when they were no longer required for U.S./U.K. defence purposes.

In answer to a question from Mr. Pack, Mr. Fairclough confirmed that we had told the Mauritians that a lease was out of the question. Mr. Kitchen said that they had made it clear at the talks last January that an agreement of the kind made over Ascension Island was required. Nothing since then had caused them to change their mind. Mr. Pack asked for the American side's views on the question of a reversion clause. Mr. Kitchen said he would prefer to deal with this in the sub-committee. He went on to thank Mr. Fairclough for his exposition.

He described the Mauritian demand for a sugar quota as "out of the ball park". There had been fierce agitation recently in the U.S. press against any kind of sugar quotas for countries outside the Western hemisphere. The State Department considered that they had done yeoman work in getting a quota of 15,000 tons for Mauritius. The situation in 1962 had been entirely different. The Cuban crisis had played havoc with the sugar market. Mr. Fairclough assured Mr. Kitchen that the Colonial Office sugar experts fully agreed that a Mauritian quota of the size suggested would cause a radical upset in existing arrangements.

There was a brief discussion about the Mauritian request for an increased immigration quota into the United States. It was agreed that the number of Mauritians who had applied for immigration visas in the last few years was so far below their present not very large quota that this was not worth pursuing.

Mr. Kitchen emphasized that they could not contemplate anything but once and for all compensation. They had changed the basis of the understanding reached in 1961 when it had been agreed that H.M.C. were to be responsible for the costs of detachment and had offered to contribute a substantial sum. No more funds were available. It would take too long to raise the necessary appropriations even if they had been willing to do so. Mr. Pack expressed gratitude on H.M.C.'s behalf for the generous American contribution and Mr. Fairclough emphasized that in his explanation of the position he was not suggesting that the Colonial Office supported the Mauritian case.

Mr. Fairclough then explained the position reached over the Seychelles. Nothing more had been done after the original approach to the Executive Council, since nothing could be settled until the Mauritius question was resolved. The Executive Council's reaction had been reasonably satisfactory. As expected, they had asked for an airfield. The Seychellois had, however, made it clear in this connexion that they were not prepared to look at any formal agreement to cover the existing tracking station on Mahe until the compensation for the main project had been settled. Finalisation of the tracking station agreement must therefore wait on finalisation of the main project. It appeared that the latter would be welcome to the Seychellois and that the compensation they asked for was of manageable proportions. We could not, however, make a firm proposal to the Seychelles in this regard until the Mauritius position was clarified. This should be within the next two or three days. This was because there had to be reasonable balance between compensation paid to each territory, i.e. it would be impracticable to give Mauritius less than the Seychelles and they would probably have to have more.

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/Mr. Kitchen

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Mr. Kitchen suggested that the reverse process might have merit. Supposing we reached a settlement with the Seychelles over the islands only required for defence purposes the Mauritians might be more inclined to see reason.

Mr. Peck pointed out the difficulty over this otherwise attractive course of action was that the only firm military requirement now was for facilities on Diego Garcia in the (Mauritian) Chagos archipelago. Mr. Kitchen said that after all our planning also encompassed the possibility of the availability of facilities some time on Aldabra and other of the Seychelles Islands.

Mr. Peck made the point that we would want to avoid a second row in the United Nations if possible, and therefore to carry out the detachment as a single operation. Mr. Kitchen suggested that this was worth further discussion later. Admittedly both sides had as far thought in terms of a single operation but the price seemed to go up as time went by and a thoroughly lop-sided situation had arisen. Mr. Peck agreed that detachment would have been far easier a year ago. Mr. Fairclough noted that Mauritian demands seemed to be diminishing rather than increasing at this moment.

On draft C, covering the tracking station, Mr. Kitchen emphasised that they regarded this as closely related to draft A covering the American financial contribution. They regarded the latter as dependent on a successful conclusion of the tracking station agreement. Speaking frankly he very much hoped that it would be possible during our current discussions to reach agreement between the two sides of the table on the terms of the tracking station agreement.

Mr. Fairclough explained that we shall have to clear any draft with the Governor of the Seychelles and make sure that he was confident of selling it to the Executive Council. The Governor had indicated that this should be possible provided the agreement was shown to be in a standard form in line with previous precedents. Mr. Kitchen drew attention to the fact that the Americans had made a number of concessions in the draft.

It was agreed that a discussion of draft C should continue in the afternoon, while draft B would be taken tomorrow morning. Draft A would be discussed in a separate sub-committee in the Ministry of Defence.

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~~SECRET~~DEFENCE FACILITIES IN THE INDIAN OCEANRecord of a Meeting of U.K. and U.S. Officials on
24 September, 1955, to Discuss Draft B. Mr. Peck in
The Chair.

The following points of interest which do not emerge from the record of the two "plenary" meetings were made in discussion.

2. Mr. Kitchen explained that the U.S. draft had not been prepared with an eye to publication. They accepted that something would have to be published in due course. The thing might have to be modified to put it in a suitable form for this.
3. Mr. Blackley explained that the Colonial Office envisaged the detachment operation taking place in three stages. During the first stage normal life would continue on the islands detached but not yet needed for defence facilities. In the middle stage the population would have to be cleared off any island when it was needed for defence purposes. This process would take a little time. During the final stage it was envisaged that an island with defence facilities installed on it would be free from local civilian inhabitants.
4. It was agreed that special arrangements would have to be made to cover the middle period when there might be U.S. forces and local inhabitants living for a time on a particular island.
5. The question of jointly financed facilities, a category not previously considered, was discussed. Mr. Kitchen explained that they were thinking of a situation in which both parties had a similar requirement in mind and it might be met more expeditiously and economically if the costs were shared. Mr. Fairclough explained that it would greatly ease the problems of resettlement in view of the prevailing unemployment in Mauritius and the Seychelles if local labour could be employed at least during the constructional phase. Mr. Kitchen said that they regarded the matter sympathetically and were willing to consider using local labour, but only during the constructional phase.
6. There was a lengthy discussion of the problems of jurisdiction over the islands detached. This was continued in the "plenary" meeting.

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SECRETDEFENCE FACILITIES IN THE INDIAN OCEAN

Summary record of 'Plenary' meeting between the
United Kingdom and United States officials (led
by Mr. Kitchen). Mr. Peak in the Chair on

24 September, 1965

Mr. Fairclough confirmed that at a final meeting with Mauritius Ministers, Dr. Ramgoolam and a majority of Ministers present had agreed to the detachment of the Chagos Archipelago in return for agreed compensation. They had been promised an agreement on the external defence of Mauritius, with provision for consultation in the event of internal disorder. Although the position was not yet crystal clear, it was reasonable to assume that there would be no serious difficulty over detachment. In answer to a question about a future timetable, he explained that the necessary legal measures would be comparatively quick, but that resettlement and other administrative arrangements might take longer.

It was agreed in discussion that the term 'detachment' should be avoided in any public statements on this subject, and that some other phrase - e.g. the retention under the administration of Her Majesty's Government should be devised in its place.

Mr. Kitchen explained that a review of United States communication requirements made it hard for him to judge when they would be ready to construct facilities on Diego Garcia. The favourable outcome of these discussions would assist progress in Washington.

Mr. Kitchen asked about British requirements for defence facilities on the islands. Mr. Eshery replied that the only British requirement at present was for a Naval oil storage depot at Diego Garcia, and that this was still subject to approval.

Mr. Holton reported on results of discussion of Draft A - financial arrangements. They had reached complete agreement subject to

- (a) reference to Governments;
- (b) any necessary adjustments to wording to put the text in a form suitable to a secret understanding;
- (c) consequential adjustments to Draft 'A' when the text of draft 'B' had been finally agreed.

Mr. Tawell reported that the sub-committee had reached agreement on all points of substance in Draft 'C' (Radio tracking station). Certain definitions needed expanding. The United States side had agreed to produce a redraft. He would pursue separately with the United States Embassy a point about transmission of messages by Cable & Wireless (Seychelles). He recalled that the Seychelles Executive Council had refused to consider an almost identical draft in 1964, and had demanded a substantial quid pro quo.

Mr. Peak noted that the main details had now been ironed out. It would not be possible to clinch this agreement in isolation. We undertook to put the draft to the Seychelles

/Executive

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Executive Council (subject to the advice of the Governor) along with the proposal for the detachment of Aldabra, Farquhar and Desroches, for which substantial compensation was to be paid. This should provide the required quid pro quo.

Mr. Fairclough explained that the 'package' to be put to the Seychelles Executive Council must include the draft tracking station agreement, compensation for detachment and compensation for resettlement.

The meeting agreed that the agreement should be published in due course.

Mr. Brown explained that in preparing draft 'B', the United States side had not taken account of the need for an interim regime to continue after detachment in the islands not yet needed for defence purposes. It was important that any such arrangements written into the draft should not obscure the fact that after detachment any of the islands would be available for defence use, as required. They would have to look at this again in Washington and consider also some provision for emergency defence use of islands not yet required for permanent facilities. They would produce a redraft of the second sentence of the first paragraph, to cover these two points.

Mr. Brown went on to explain that they found difficulty over the Ministry of Defence redraft of (2). Either (2) and (5) were repetitive or (2) seemed unduly restrictive. The phrase 'mutual agreement' was difficult for them.

Mr. Moberly drew a distinction between (2) and (3). (2) was meant to deal with a United States proposal for taking over an island (or part of an island) for the construction of defence facilities. (3) was meant to deal with technical and administrative details.

Mr. Fairclough explained that the Colonial Office would be happy if given due notice of United States intent to take over a fresh island.

Mr. Moberly explained that the Ministry of Defence also wanted to be able to look at any such proposal in the light of our own military requirements.

It was agreed that the United States side would produce a redraft taking account of points made in discussion.

Mr. Brown said that the United States side agreed to the amended wording of (3), (6) and (8) (see revised text enclosed). They would look again at (4), as amended by the British side. Some provision covering third party use of any jointly financed facilities would be needed here. They would also incorporate in (7) an understanding with respect to the use of local (i.e., Seychelles and Mauritius) labour. (9) - covering jurisdiction would need considerable further thought, but the United States would make proposals.

Mr. Baker said that at first sight the arrangements for jurisdiction in the Ascension Island agreement would fit.

Mr. Fairclough explained that if the judicial arrangements they envisaged for islands not yet required for defence purposes - Seychelles law administered by the Governor in his capacity as administrator of the new colony - proved satisfactory, they might be extended from this interim period to the final period. If not, they could be changed by the Administrator.

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/Mr. Kitchen

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Mr. Kitchen said that they would like to consider further the terms of years to be inserted in (16) - the review clause. They were thinking of a 50 year agreement, with a review after (say) 20 years.

Mr. Fairclough explained that some fixed term would help vis-à-vis Mauritius Ministers, who had again raised the question of Chagos reverting to Mauritius if and when no longer required for defence purposes. There would be no need to put a reversion clause in the agreement.

Mr. Peak turned to arrangements for follow-up action. It was agreed that we should keep the United States Embassy informed of the steps taken by Colonial Offices, and that the American side should provide redrafted passages, as agreed in discussion, through their Embassy (see note on further action attached).

Mr. Kitchen concluded by expressing his gratitude for this major decision by Her Majesty's Government which would be of great value to the free world and the West. The discussions had been most useful; we should have a further round (perhaps in Washington) if necessary to speed up action.

Mr. Peak thanked Mr. Kitchen.

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SECRETDEFENCE FACILITIES IN THE INDIAN OCEANNOTE ON FUTURE ACTIONUnited States SideDraft 'a'

To suggest language for second sentence of first paragraph - see explanation in text.

To suggest redraft of last sentence of (2) (agreement to United States construction of new facilities).

To redraft (4) - use by third countries.

To produce working for second sentence of (7), covering use of local labour where possible.

To redraft (9) setting out arrangements for jurisdiction.

To consider what terms of years should be inserted in (10) (review clause).

Draft 'c'

To produce a redraft, keeping to the sense of the United States draft, but expanding various points of definition in the light of discussion.

General

To keep us informed of developments concerning the forthcoming review of United States communications requirements.

United Kingdom Side

To make the necessary constitutional and administrative arrangements for the detachment of Chagos Archipelago from Mauritius, upon payment of compensation, as agreed, to the Mauritius Government.

To secure the agreement of the Exec. Co to the detachment of Aldabra Farquhar and Desroches in return for compensation to be settled, and to the terms of a formal agreement covering the tracking station on Mahé.

To keep the United States Embassy informed of progress, and to give them an estimate of the time it will take to complete the constitutional and administrative processes as soon as it is possible to form such an estimate.

/To

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To consider what form of British Civil Administration will be required in the islands both before and after their clearance for Defence Use.

JOINT ACTION

Draft A. Once agreement is reached on Draft B, and on the date of detachment, certain minor consequential changes will have to be made in Draft A. The wording will have to be adjusted to fit the form of a secret understanding.

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Annex 63

Handwritten amendments proposed by S. Ramgoolam, FCO 31/3834

John L. S. Ramsgate
Strand Palace Hotel
STRAND LONDON, W.C.2

ACK. in manuscript 1st Oct. 61
Dear Mr Trafford-Smith,

I do not
Mr. Mohamed have gone through
the enclosed paper on the
question of Diego Garcia and
another near island (i.e. two
altogether) and we wish
to point out the amendments
that should be effected on
page 4 of this document. The
matter to be added formed

part original
requirements submitted
to H. M. G. We think
that these can be
incorporated in any
final agreement.

With kind regards

Yours truly

P. Rouque

P.S. The two copies handed over
to me are herewith enclosed
Sh.

vii. Environmental & Meteorological
facilities 27/2/82

- (viii) Fishing rights.
- (ix) Use of air strip for Emergency
landing and if so granted
for development of the other
islands.
- (x) Any mineral or oil discovered
on or near islands to
revert to the Mauritian
Government.

(For J Rampoolam's proposed
additions to list as p 4 of
record of L.H. Mtg. 22nd September

Annex 64

United Kingdom, *Mauritius Constitutional Conference Report* (24 Sept. 1965)



b4

MAURITIUS CONSTITUTIONAL CONFERENCE

Attached is a copy of the final report of the Conference which was circulated to delegates at the closing session of the Conference held today (Friday, September 24th) with the Secretary of State for the Colonies (Mr. Anthony Greenwood) in the Chair.

The Report was signed by the Secretary of State and the Secretary General (Mr. M.M. Minogue).

September 24th, 1965

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MAURITIUS CONSTITUTIONAL CONFERENCE REPORT 1965

INTRODUCTION

1. In the final communique of the Mauritius Constitutional review talks in July 1961, two stages of constitutional advance were proposed, on the assumptions:-

- (i) that constitutional advance towards internal self-government was inevitable and desirable;
- (ii) that after the introduction of the second stage of constitutional advance following the next general election, Mauritius would, if all went well, be able to move towards full internal self-government before the next following election; and
- (iii) that at that time it was not possible to foresee the precise status of Mauritius after full internal self-government had been achieved.

The communique further recorded the general wish that Mauritius should remain within the Commonwealth; but whether as an independent state, or in some form of special association either with the United Kingdom or with other independent Commonwealth countries, was a matter which should be considered during the next few years in the light of constitutional progress generally. A copy of the communique is attached at Annex A.

2. The two stages of constitutional advance envisaged in the 1961 communique were duly carried into effect; and when early in 1964 the Mauritius (Constitution) Order 1964 was made and the present all-party government of Mauritius had taken office, the constitutional advances foreshadowed in the 1961 communique were complete. The move to full internal self-government, and the ultimate status to be aimed at, thus became matters for discussion and decision.

3. During the discussions early in 1964 leading to the formation of the present all-party government, the timing of a conference to consider further constitutional advance was considered and it was agreed that this should be at some convenient time after October 1965. Further discussions on the occasion of the Secretary of State's visit to Mauritius in April, however, made it seem probable that a conference in September 1965 would be acceptable and, particularly in view of the importance of bringing to an end the period of uncertainty in Mauritius as soon as possible, it was decided to convene the conference in September. The Secretary of State's Despatch of the 8th June, 1965 to the Governor conveying an invitation to the Premier and the other leaders of parties represented in the legislature to attend a constitutional conference opening in London on 7th September, 1965 is attached at Annex B.

4. The main task of the Conference was to reach agreement on the ultimate status of Mauritius, the timing of accession to it, whether accession should be preceded by consultation with the people, and if so in what form.

THE CONFERENCE

5. The Conference met at Lancaster House under the chairmanship of the Secretary of State for the Colonies, Mr. Anthony Greenwood, from 7th September, 1965 until

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24th September, 1965, assisted by the Joint Parliamentary Under-Secretary, Lord Taylor. It was attended by representatives of all the political parties in the Mauritius Legislature, namely:

The Mauritius Labour Party (Leader The Hon. Sir Seewoosagur Ramgoolam) which at the last election won 19 out of the 40 seats in the legislature and polled 42.3% of the votes cast.

The Parti Mauricien Social Democrat (Leader The Hon. J. Koenig, Q.C.) which won 8 seats and polled 18.9% of the votes.

The Independent Forward Bloc (Leader The Hon. S. Bissoondoyal) which won 7 seats and polled 19.2% of the votes.

The Muslim Committee of Action (Leader The Hon. A. R. Mohamed) which won 4 seats and polled 7.1% of the votes.

Two independent members of the legislature, The Hon. J. M. Patureau and The Hon. J. Ah Chuen also attended.

A full list of those attending the Conference is attached to this Report.

6. The main debate at the Conference was between the advocates of independence and of continuing association with Britain as the ultimate status of Mauritius. The Secretary of State for his part had repeatedly indicated that he did not wish to form any view as between those courses in advance of the Conference; that no proposals for the constitutional future of Mauritius were ruled out in advance; and that he hoped that every effort would be made in preliminary discussions in Mauritius to reach agreement on as many as possible of the matters before the Conference. These varying points of view were brought out in the speeches by the Secretary of State and the leaders of the four Mauritius parties at the opening session. The texts are given in Annex C.

CONSTITUTION

7. The Conference recognised that there were a number of matters which would have to be provided for in the constitution of Mauritius which would not be affected by the decision on final status. All the delegates agreed to these matters without prejudice to their views on this question. Subject to this reservation on ultimate status, a large measure of agreement was reached on the details of a constitutional framework covering the great majority of these matters. A framework embodying these points and in such a form that it could be used as the basis of the new constitution, whichever way the decision eventually went on ultimate status, is set out in Annex D.

8. Since it had proved impossible to reach agreement at the Conference on the electoral system, and the Secretary of State was reluctant to determine such an important matter without further consultation, he decided that a Commission should be appointed to make recommendations to him on:-

- (1) the electoral system and the method of allocating seats in the Legislature, most appropriate for Mauritius, and

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- (ii) the boundaries of electoral constituencies.

The Commission should be guided by the following principles:-

- (a) The system should be based primarily on multi-member constituencies.
- (b) Voters should be registered on a common roll; there should be no communal electoral rolls.
- (c) The system should give the main sections of the population an opportunity of securing fair representation of their interests, if necessary by the reservation of seats.
- (d) No encouragement should be afforded to the multiplication of small parties.
- (e) There should be no provision for the nomination of members to seats in the Legislature.
- (f) Provision should be made for the representation of Rodrigues.

9. The Conference also considered the question of Mauritian citizenship. It was recognised that should the decision on ultimate status be in favour of independence, the independence constitution would have to include provisions governing citizenship. Moreover, the type of association considered by the Conference involved provision for Mauritius to move on, by due constitutional process, to full independence without having to seek the approval of the British Government. The British Government would therefore wish to determine, at the time of a decision on association, the arrangements governing Mauritian citizenship if and when a move from associated status to full independence should take place. The Conference discussed the citizenship question against this background, without prejudice to their views as to the ultimate status of Mauritius. It was not possible to go into the matter in detail, but the Secretary of State made it plain that the British Government would wish to ensure that the arrangements governing Mauritian citizenship followed the general principles adopted in many Commonwealth countries, and set out in Annex E.

10. The position of Mauritius civil servants for whom the Secretary of State had responsibility was also considered, in view of the decisions implicit in the constitutional arrangements described in Annex D, that Mauritius should proceed to the stage of full internal self-government and that the Service Commissions should become executive. The Secretary of State informed the Conference that the standard practice was that when a country moved to full internal self-government with executive Service Commissions, and in consequence the Secretary of State's power to continue to carry out his responsibilities towards the officers concerned inevitably ceased, a compensation scheme should be introduced under which the officers concerned would be able to retire with compensation for loss of career prospects. He went on to explain that it would be necessary for the Mauritius Government to agree to the introduction of such a compensation scheme and the related Public Officers Agreement,

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both following the usual pattern, and in terms satisfactory to the British Government. The details of these arrangements remain to be settled in negotiations between the British and Mauritius Governments.

POPULAR CONSULTATION

11. The Conference devoted a considerable time to consideration of whether advance to ultimate status should, in the words of the Secretary of State's Despatch of 8th June "be preceded by consultation with the people and if so in what form". It was argued that no such consultation was necessary, as the wish of the people of Mauritius for independence had been amply demonstrated by the support accorded in three general elections to parties which favoured independence. It would, however, be appropriate that there should be a fresh general election, under whatever electoral arrangements were agreed upon at the Conference, in advance of independence; and that the government then elected should lead the country into independence. On the other hand it was argued that the question of independence had not been a prominent issue in previous general elections and that it was doubtful whether a majority desired it. At general elections, voters directed their attention mainly to other issues, and were distracted by communal considerations. Cases were cited within the Commonwealth where decisions on ultimate status had been made by referendum, and it was argued that these precedents should be followed in the case of Mauritius.

ULTIMATE STATUS

12. In addition to the arguments relating to ultimate status summarised in the preceding paragraph it was also contended that to grant independence would be in accordance with British policy and practice; and that independence was a goal which Britain herself should encourage her dependant territories to attain. Given the universal desire in Mauritius to remain within the Commonwealth and on terms of close friendship with Britain, there was little reason for stopping short of full independence at the hitherto untried intermediate status of association. Finally, it was argued that only through independence could Mauritius achieve unity, and attain membership of the Commonwealth and of the United Nations.

13. Against independence and in favour of association it was argued that the results of previous general elections were irrelevant, since independence had not been in issue. There were on the contrary, grounds, in the support accorded in political meetings throughout Mauritius to those advocating association, for doubt whether a majority of the people wanted independence. Mauritius was too small, isolated, and economically vulnerable to be viable as an independent country. Emphasis was laid on her dependence on sugar exports, and her liability to cyclones. It was further argued that should Britain ever accede to the Treaty of Rome and enter the European Economic Community, Mauritius would have a far better chance of negotiating advantageous arrangements with the Community as a territory associated with Britain than if she were independent. The problems of growing population and unemployment in Mauritius, were also emphasised.

THE BRITISH GOVERNMENT'S VIEWS

14. In the face of this conflict between the advice afforded to the British Government by the various parties in Mauritius as to

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the ultimate status of the country and given the general recognition of the importance of terminating as rapidly as possible the recent period of uncertainty, it was clear during the Conference that it would fall to the British Government to make a decision as between independence and association and on the question of popular consultation, without the benefit of unanimous advice from the parties at the Conference.

15. The Mauritius Labour Party and the Independent Forward Bloc, which advocated independence had between them 26 out of the 40 seats in the legislature and the support at the 1963 election of 61.5% of the voters. The Muslim Committee of Action was also prepared to support independence, provided that certain conditions regarding the electoral system were met.

16. On the other hand, a significant section of the population, especially in the community known as the General Population, was opposed to independence. In view of the complex composition of the population, the Secretary of State attached great importance to ensuring that full weight was given to the views of the Parti Mauricien delegates and the two independents.

17. He concluded, however, that the main effect of the referendum for which they asked would be to prolong the current uncertainty and political controversy in a way which could only harden and deepen communal divisions and rivalries. He therefore came to the conclusion that a referendum would not be in the best interests of Mauritius, and that it was preferable that a decision on ultimate status should be taken at the present Conference.

18. The proposals for association developed by the Parti Mauricien did not rule out the possibility of Mauritius becoming independent. It was inherent in this form of association, as distinct from the normal colonial relationship, that the territory itself should be free at any time to amend its own constitution and, by due constitutional process, to move on to full independence. Given the known strength of the support for independence, however, it was clear that strong pressure for this would be bound to continue and that in such a state of association neither uncertainty nor the acute political controversy about ultimate status would be dispelled.

19. The Secretary of State had throughout the Conference emphasised the importance that he attached to the constitution containing every possible safeguard against the abuse of power. Discussions at the Conference had shown that there was good ground for believing that such safeguards and many other provisions of the internal scheme of government would command general acceptance, whatever the ultimate status. In considering his final decision, therefore, the Secretary of State felt confident that it would be possible to produce a constitution which would command the support and respect of all parties and of all sections of the population.

20. The Secretary of State accordingly announced at a Plenary meeting of the Conference on Friday, 24th September, his view that it was right that Mauritius should be independent and take her place among the sovereign nations of the world. When the electoral Commission had reported, a date would be fixed for a general election under the new system, and a new Government would be formed. In consultation with this Government, Her Majesty's

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Government would be prepared to fix a date and take the necessary steps to declare Mauritius independent, after a period of six months full internal self-government if a resolution asking for this was passed by a simple majority of the new Assembly. Her Majesty's Government would expect that those processes could be completed before the end of 1966.

21. It would be the British Government's intention, in preparing the draft of the Independence Constitution, to recommend the inclusion in it of the provisions set out in the constitutional framework in Annex D to this Report. This scheme had been devised to take the fullest possible account of the views expressed by delegates at the Conference. In addition to these provisions, however, and in consequence of the decision that the ultimate status of Mauritius will be Independence, it will be necessary to include in the Independence Constitution additional arrangements for the appointment and removal of ambassadors, high commissioners and principal representatives abroad of Mauritius. The usual arrangements would be followed and appointment and removal in respect of these offices would take place on the advice of the Prime Minister, who would consult the Public Service Commission before tendering advice in cases where career civil servants were involved.

22. The Secretary of State also referred to discussions he had had with the individual Parties regarding the adoption of certain constitutional practices concerning the appointment and tenure of office of the Queen's representative in an independent Mauritius. The Queen's representative would have special responsibilities which he would exercise in his personal discretion, and the Secretary of State stressed that it was of fundamental importance to make special arrangements protecting the impartiality of the Queen's representative. The individual Parties to the Conference agreed that to this end the following constitutional practices should be adopted. In making his recommendation for the appointment of the Queen's representative, the Prime Minister would take all reasonable steps to ensure that the person appointed would be generally acceptable in Mauritius as a person who would not be swayed by political or communal considerations; it would be for the Prime Minister of the day to make arrangements to give effect to this practice. In the case of the recommendation to Her Majesty for the appointment of the first Governor General of an independent Mauritius, the person appointed would come from outside Mauritius and the name would be agreed between the British Government and the Prime Minister before it was submitted to Her Majesty. Once appointed, the Governor General would, unless he resigned, be permitted to continue in office for his full term unless a recommendation was made to Her Majesty for the termination of his appointment on medical grounds established by an impartial tribunal appointed by the Chief Justice.

23. At this final Plenary meeting of the Conference the Secretary of State also indicated that the British Government had given careful consideration to the views expressed as to the desirability of a defence agreement being entered into between the British and Mauritius Governments covering not only defence against external threats but also assistance by the British Government in certain circumstances in the event of threats to the internal security of Mauritius. The Secretary of State announced that the British Government was willing in principle to negotiate with the Mauritius Government before independence the terms of a defence agreement which would be signed and come

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into effect immediately after independence. The British Government envisaged that such an agreement might provide that, in the event of an external threat to either country, the two governments would consult together to decide what action was necessary for mutual defence. There would also be joint consultation on any request from the Mauritius Government in the event of a threat to the internal security of Mauritius. Such an agreement would contain provisions under which on the one hand the British Government would undertake to assist in the provision of training for, and the secondment of trained personnel to, the Mauritius police and security forces; and on the other hand the Mauritius Government would agree to the continued enjoyment by Britain of existing rights and facilities in H.M.S. Mauritius and at Plaisance Airfield.

24. As regards membership of the Commonwealth, the Secretary of State referred at the final Plenary session to the general desire expressed to him by all parties that Mauritius should remain within the Commonwealth. He made it plain that, as delegates would appreciate, the question of membership of the Commonwealth was a matter not for the British Government alone but for the members of the Commonwealth as a whole to decide. He indicated that the British Government would be happy, if the desire of Mauritius for membership of the Commonwealth were confirmed by a resolution of the legislature elected at the general election which was to be held before independence, to transmit such a request to other Commonwealth governments.

25. Finally the Secretary of State underlined the importance attached by Britain to the maintenance of the close and friendly relations which had existed between Britain and Mauritius for over 150 years. The achievement of independence would, in his belief, strengthen rather than weaken those ties of friendship. Mauritius would naturally continue to be eligible for economic assistance from Britain, in the same way as other formerly dependent territories and would still benefit from the Commonwealth Sugar Agreement.

26. The Secretary of State said that he felt sure that all the political parties represented at the Conference and every man and woman in Mauritius would loyally accept the decision that Mauritius should become independent, and would co-operate in making a success of the new constitutional arrangements.

Lancaster House, S.W.1

24th September, 1965.

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LIST OF THOSE ATTENDING CONFERENCE

The Right Honourable Anthony Greenwood, M.P.,
Secretary of State for the Colonies

Lord Taylor
Parliamentary Under-Secretary of State for the
Colonies

Mrs. Eirene White, M.P.,
Parliamentary Under-Secretary of State for the
Colonies

U.K. DELEGATION

Sir Hilton Poynton, G.C.M.G.
Mr. A.N. Galsworthy, C.M.G.
Mr. Trafford Smith, C.M.G.
Mr. H.G. de Winton
Mr. A.J. Fairclough
Mr. R. Terrell

GOVERNOR OF MAURITIUS

Sir John Rennie, K.C.M.G.

MAURITIUS DELEGATION

Sir Seewoosagur Ramgoolam
Hon. J. Koenig, Q.C.
Hon. S. Bissoondoyal
Hon. A.R. Mohamed
Hon. J.M. Paturau
Hon. J. Ah Chuen
Hon. G. Forget
Hon. V. Ringadoo
Hon. S. Boollell
Hon. H. Walter
Hon. R. Jomadar
Hon. R. Jaypal
Dr. the Hon. L.R. Chaperon
Dr. the Hon. M. Cure
Hon. V. Govinden
Hon. H. Ramnarain
Hon. S. Virah Saamy
Hon. R. Modun
Hon. G. Duval
Hon. R. Devienne
Hon. J.C.M. Lesage
Hon. H. Rossenkhani
Hon. A.W. Foondun
Hon. D. Basant Rai
Hon. A. Jugnauth
Hon. S. Bappoo
Hon. H.R. Abdool
Hon. A.H. Osman

CONFERENCE ADVISER

Professor S.A. de Smith

SECRETARIAT

Mr. M.M. Minogue
Mr. T.C. Platt
Mr. E.C. Reavell
Mr. J.K. Sawtell
Mr. N.N. Walmsley

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ANNEX A

The following final communique was approved at the sixth and final Plenary Session of the Mauritius Constitutional Review Talks at the Colonial Office today, Friday (July 7, 1961), with the Secretary of State for the Colonies (Mr. Iain Macleod) in the chair:-

At the invitation of the Secretary of State for the Colonies representatives of the Mauritius Labour Party, the Independent Forward Bloc, the Muslim Committee of Action, the Parti Mauricien and two independent members of the Mauritius Legislative Council met in London from June 26 to July 7 to exchange views on the present Constitution and to discuss the extent, the form and timing of any changes. Sir Colville Deverell, the Governor of Mauritius, and Professor S.A. de Smith, the Constitutional Commissioner, were present throughout the talks.

2. After an initial plenary meeting and separate and frank discussions with each of the groups the Secretary of State tabled proposals which were discussed at two plenary sessions. In the light of the comments made upon them by delegates, the proposals were further modified by the Secretary of State and discussed at further plenary sessions on July 5 and 6.
3. The proposals are based on the assumption that constitutional advance in Mauritius towards internal self-government is inevitable and desirable; that the extent and timing of any advance must take into account the heterogeneity of the population and include provisions for adequate safeguards for the liberties of individuals and the interests of the various communities. It is that and not any lack of talent or aptitude for government which conditions the pace of advance in Mauritius.
4. Two stages of advance are proposed. The first stage is to be brought into operation as soon as the necessary arrangements can be made. The second stage presents a broad basis of the constitution for adoption after the next General Election and in the light of that Election if, following an affirmative vote by the Legislative Council, they are recommended to the Secretary of State by the Chief Minister. On the assumption that the second stage is implemented after the next General Election, it would be expected that during the period between the next two General Elections or what has been called the Second Stage, if all goes well and if it seems generally desirable, Mauritius should be able to move towards full internal self-government.
5. It is not possible at this stage to suggest what should be the precise status of Mauritius after the attainment of full internal self-government. It is the general wish that Mauritius should remain within the Commonwealth. Whether this should be achieved as an independent state, or in some form of special association either with the United Kingdom or with other independent Commonwealth countries, are matters which should be considered during the next few years in the light of constitutional progress generally.
6. The changes proposed are:-

First Stage

- (1) The Leader of the Majority Party in the Legislature would be given the title of Chief Minister.

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(2) The Governor would consult the Chief Minister on such matters as the appointment and removal of Ministers, the allocation of portfolios and the summoning, proroguing, and dissolution of the Council. It would be understood that in general he would not be bound to accept the Chief Minister's advice but that he would act on the advice of the Chief Minister in the appointment or removal of Ministers belonging to the Chief Minister's party.

(3) An additional unofficial ministerial post would be created. The new Ministry would have responsibility for Posts and Telegraphs, Telecommunications, The Central Office of Information and the Broadcasting Service.

(4) The Colonial Secretary would be re-styled "Chief Secretary".

Second Stage

(1) Executive Council

- (a) The Council would be called the Council of Ministers.
- (b) The Chief Minister would be given the title of Premier.
- (c) The Premier would be appointed by the Governor in accordance with the conventions obtaining in the United Kingdom; that is to say, the Premier would be the person who, in the opinion of the Governor, was most likely to be able to command the support of the majority of members of the Legislature.
- (d) The Council would not be a purely Majority Party government but as at present would include representatives of other Parties or elements which accepted the invitation to join the Government and the principle of collective responsibility.
- (e) In appointing Ministers from groups other than the Premier's Party, the Governor would act in his discretion but would consult with the Premier and such other persons as he deemed fit to consult.
- (f) The Financial Secretary would cease to be a member of the Council.
- (g) Provision would be made for the post of Attorney General to be filled by an Official or by an unofficial Minister. In the former case the holder would cease to be a member of the Council but would continue to be available to attend meetings as an Adviser. In the latter case it would be necessary to create a new official post of Director of Public Prosecutions who would be solely responsible in his discretion for the initiation, conduct and discontinuance of prosecutions and would in this respect be independent of the Attorney General.
- (h) The Chief Secretary would continue to be a member of the Council and would become in addition to his substantive appointment Minister for Home Affairs.
- (i) An Unofficial Deputy Minister for Home Affairs would be appointed.

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(2) Legislative Council

- (a) The Council would be re-named the Legislative Assembly.
- (b) The Assembly would contain 40 elected members. The maximum number of nominated members would be increased to 15. It is contemplated that two or three of these appointments should be held in reserve.
- (c) The Speaker would be elected by the Legislative Assembly from among its members but this provision would only become effective on the retirement of the present Speaker.
- (d) The Financial Secretary and (if the post were held by an Official) the Attorney General would cease to be members of the Legislative Assembly.
- (e) The Governor in his discretion would summon, prorogue and dissolve the Assembly after consultation with the Premier.

(3) The Public Service, Police Service and Judiciary

- (a) The Public Service and Police Service Commissions and the proposed Judicial and Legal Service Commission would remain advisory to the Governor. The Governor would however be required to consult the Premier in respect of certain appointments viz. Permanent Secretary (or by whatever title the senior administrative officer in a Ministry is described) and Heads of Departments.
- (b) The Chairman and members of the Commissions would continue to be appointed by the Governor in his discretion.
- (c) The Membership and procedure of the Commissions, in the second stage, would so far as possible be conducive to the development of these bodies in such a way as to enable them to become fully executive.
- (d) During the life of the Legislative Assembly following the next General Election the Service Commissions would become executive. At this stage, while the Chairman and Members of the Commission would continue to be appointed by the Governor in his discretion, he would be required to consult the Premier in respect of those appointments.
- (e) The appointment of the Chief Justice would remain as at present.

(4) External Affairs, Defence and Internal Security

- (a) These matters would remain within the responsibility of the Governor who would however consult with the Premier about these matters.
- (b) The operational control of the Police and Special Force would continue to be the responsibility of the Commissioner under authority of the Governor.

(5) Human Rights

The Constitution would include provision for the safeguarding of human rights and fundamental freedoms and for the redress of infringements of these rights and freedoms in the courts.

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7. The Independent Forward Bloc and the Parti Mauricien, for reasons which they gave in full to the conference, were unable to accept the Secretary of State's proposals.
8. The Mauritius Labour Party considered that the proposals did not provide the measure of advance which they were fully justified in claiming. They were, however, prepared to accept them, if reluctantly, as a compromise, on the recommendation of Her Majesty's Government, in the best interests of Mauritius.
9. The Muslim Committee of Action did not consider that the proposals adequately safeguarded the interests of the Muslim community. Reluctantly, however, and as a compromise, they too were prepared to accept them in the general interest of Mauritius as a whole.
10. The two independent members considered that it would not be wise in present circumstances to go beyond the proposals put forward by the Secretary of State. They recognised that some measure of advance was inevitable and as the electorate would be given an opportunity of expressing its views before the second and more important stage was introduced, they too accepted them.
11. The Secretary of State informed the Conference that while it was clear that unanimous agreement could not be reached, in his view a sufficient measure of acceptance had been indicated to justify his recommending the adoption of his proposals.
12. Certain delegates proposed the creation of a "Council of State" or "high-powered Tribunal". The functions and composition of such a body would, however, present problems of some complexity and would need careful study. The Secretary of State proposed to address a despatch to the Governor giving his considered views on this, after consultation with the Constitutional Commissioner. The Secretary of State would at the same time indicate the arrangements which could be made to ensure that the Information and Broadcasting Services should continue to operate on a non-partisan basis.
13. It was agreed that consideration should be given at a later stage to the question whether a visit to Mauritius by the Constitutional Commissioner, Professor de Smith, would be valuable in examining in greater detail the broad conclusions of the Conference and considering particular aspects which had not come within its scope.

July 7, 1961

/ Note to Editors:- Elections to the Mauritius Legislative Council were held in March, 1959 with the following results:

Mauritius Labour Party	23 seats
Trade Union candidates	2 seats
Muslim Committee of Action	5 seats
Independent Forward Bloc	6 seats
Parti Mauricien	3 seats
Independent	1 seat
Total	40 seats

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ANNEX B

I have the honour to address you on the subject of the future constitutional development of Mauritius. During my recent visit I had extensive discussions with the Premier and the leaders of all the parties represented in the Legislature. I am most grateful to them and to many others who were good enough to give me their views on the problems which now confront the people of Mauritius.

2. The overriding impression with which I was left was the need to end as quickly as possible the present period of uncertainty. Divergent views are current as to the direction which future constitutional development should take; and it is understandable that until firm decisions can be reached, based upon the widest possible measure of agreement, there should persist a malaise which has doubtless contributed to recent civil disturbances, of which I have learned with distress, and which are foreign to the reputation for goodwill and orderly behaviour which Mauritius has earned over many years.

3. You will recall that it was agreed at the talks held in London under the Chairmanship of Lord Lansdowne in February 1964 that the next conference should be held "during the third year counting from the elections held in October 1963, i.e. at any convenient time after October 1965". It happens that I should not be free, because of other commitments, to preside at a Conference in October, though I could do so in the early part of September. I should be grateful therefore if, on my behalf, you would convey to the Premier, and to the other leaders of Parties represented in the legislature, an invitation to attend a Constitutional Conference in London during September, and suggest to them that Tuesday, 7th September would be an appropriate date for the opening session. I should welcome your early recommendations as to the numbers of representatives which the various Parties should bring.

4. With regard to the Agenda of the Conference, paragraphs 4 and 5 of the 1961 Communique indicate the range of matters for discussion. It will be for delegates to advise me as to whether it is the wish of the people of Mauritius to go ahead, in the words of paragraph 5 of the communique "as an independent state, or in some form of special association either with the United Kingdom or with other independent Commonwealth countries"; and I wish to make it plain that no proposals for the constitutional future of the island are ruled out in advance.

5. It does appear however that consideration of the question of the ultimate status of Mauritius has now reached the point where specific alternatives are emerging. The main task of the Conference should therefore be to endeavour to reach agreement on this status, the timing of accession to it, whether such accession should be preceded by consultation with the people, and if so in what form. The Conference will of course also consider the changes in the constitution required by full internal self-government, it being understood that these may well be affected by the final view reached on the question of future status. The electoral system and any constitutional changes which this might involve would also have to be decided upon and Professor le Smith's report will provide a useful basis for discussion.

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6. Before leaving Mauritius I expressed to you, and to the leaders of the main parties separately, the urgent hope that they would use the period before the Conference for serious thought and discussion with one another, so as to reach agreement locally, where possible, and to identify the more difficult points which would need to be resolved at the Conference. I hope that the all-party Government may find it possible to subscribe to a single document setting out the areas of agreement and disagreement. You undertook to do all you could to further preliminary discussions to this end, and I trust that it will be possible to do much useful preparatory work in this way. I believe that if the Party leaders will co-operate with you in setting practical discussions of this kind in motion, that will of itself do much to reduce the tension which has been so evident.

7. In connection with these preliminary discussions a number of particular points arise. In regard to the Labour Party's proposals, I note that a desire has been expressed for a continuing close link with Britain; if by this is meant some special relationship with Britain over and above the relationship all members of the Commonwealth have with each other, I am sure that it would be valuable if before the Conference the implications of such a relationship could be worked out in some detail; similarly, if the Labour Party contemplated suggesting further safeguards for minorities, it would I am sure be helpful if these could be formulated now. As regards the Parti Mauricien's proposals, reference has been made to both "integration" and "association", and some of their detailed proposals appear more akin to the former, others to the latter. It would I am sure be of assistance if further clarification of the Parti Mauricien's wishes could be obtained and if the distinction between the concepts of integration and association could be recognised. As regards the Independent Forward Bloc and the Muslim Committee of Action, these parties would no doubt also welcome further clarification of the Labour Party's and the Parti Mauricien's proposals and, in defining their own particular wishes, would no doubt wish to consider how best these might be reconciled with the main alternatives which so far appear to be under discussion.

8. In the short remaining period before the Conference a heavy responsibility rests on everyone in Mauritius, and particularly on the Party leaders; the Press, and all who are in a position to influence opinion, to think of the interests of Mauritius as a whole, and to avoid doing or saying anything that might increase tension between sections of all communities.

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ANNEX CSTATEMENT BY THE SECRETARY OF STATE

"I should like to begin by thanking you all for accepting my invitation to come to this conference. This is a moment to which I have looked forward with pleasure for nearly a year, and still more eagerly since my visit to your idyllic country in April.

I feel now that I can welcome you, not just formally and politically, on behalf of my colleagues and myself, but also in terms of personal friendship as one who knows and loves the people of Mauritius and who knows and respects their leaders.

May I therefore welcome you all very warmly to this conference on the constitutional future of your country. I only wish I had been able to provide the same overwhelming reception for everyone of you that you arranged for me when I drove from the Airport to Le Reduit.

This is a conference which the people of our two countries, bound closely together for over 150 years, will watch with eager interest, praying that there will emerge from it a generally acceptable solution which will give Mauritius a secure, prosperous, and happy future. When there is so much strife in the world it is incumbent upon us all to narrow the areas of disagreement and to remove possible causes of friction. And I know that in the talks ahead we shall all of us keep before us one clear goal - quite simply, what is best for Mauritius and her people as a whole.

Before I refer to the subject matter of the conference may I make two personal points. First, I know that everyone around the table will have shared my delight that the Premier should have been honoured by Her Majesty The Queen. It is an honour, Mr. Premier, which was richly deserved and which delighted your friends throughout the Commonwealth who hold in high esteem your statesmanship and wisdom.

I should also like to say how sorry I have been to learn that some of my friends here have experienced ill-health since we last met. I am very glad to see Mr. Koenig, your Attorney General and leader of the Parti Mauricien, Mr. Ringadoo, Minister of Education, and Mr. Devienne, Minister of State, with us today and I hope that their health is fully restored, and that the proceedings of our conference will not be so arduous as to put any undue strain upon them.

This conference has its origin in the series of constitutional talks held under the chairmanship of Mr. Macleod, in 1961. The constitutional advances agreed upon then have been carried smoothly into effect with general agreement and goodwill. The 1961 talks, and the London talks eighteen months ago on the formation of the present all-party Government, looked forward to the present conference.

What emerges from these facts of recent history, however, that I would like principally to stress is that the background against which this conference is being held is one of gradual and steady progress achieved by discussion and agreement. Mauritius is a sophisticated and politically sensitive community. Despite many differences, it has always been possible for the leaders of the various parties and communities in the end to reach agreement, and I have every confidence that this enviable record will continue an unbroken one when we conclude our present labours.

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Ever since I visited you in April, I have stressed both in public and in private that I would not prejudge in any way the outcome of the present conference. No solutions have been ruled out in advance. I adopted this point of view partly because I do not think that it is right that the British Government, although it has ultimate constitutional responsibilities, should attempt to lay down in advance constitutional solutions for highly developed communities many thousands of miles away - those days are far behind us: but also I took this line because I know of Mauritius's record of working out solutions by discussion and negotiation between her political leaders. I felt, and still feel, that this is the best possible way to reach durable agreements on constitutional matters. For this reason, too, I urged upon you when I visited Mauritius, and have since continued to press upon you, the necessity for discussing the issues arising and endeavouring to reach agreement amongst yourselves.

This still remains my position. I still regard it as being of primary importance that you in the Mauritius Delegation should agree between yourselves upon the constitutional steps you want your country to take. You who live in Mauritius and who represent the various communities that make up its population are the best judges of how you can live together in peace and friendship which I know is what you all wish.

I conceive my role at this conference and that of Her Majesty's Government as being one of counsellor and friend. We in the Colonial Office, as you know, have a good deal of experience of constitutional conferences and of constitutions, in practice; of means of meeting particular situations and particular problems; and of devising machinery which can resolve doubts and set fears at rest. We shall seek to help in this way during this conference. Between us I hope that we can ensure that Mauritius's multiplicity of races, far from being a source of weakness, is, as it should be, a source of strength.

In these few opening remarks I shall not attempt to discuss the various constitutional steps which will be before us at the conference. We shall have to go into the implications of the possible courses in considerable detail. The basic issues we shall have to tackle are well enough known to you all and to the world at large.

I will only say now that I regard it as being of the utmost importance that our discussions at this conference should end in an agreement on the course to be pursued which can be wholeheartedly supported by all the parties represented here. Only in that way can the plan agreed upon, whatever it may be, be honestly advocated by all of you, the political leaders, to your constituents, the people of all the communities which make up the population of Mauritius.

If we can succeed in this we shall have done well, and the people of Mauritius will have cause to be thankful for what between us, we have achieved on their behalf."

STATEMENT BY SIR R. SEEWOOSAGUR RAMGOOLAM

"On behalf of the Mauritius Labour Party and in my own name I wish to thank you, Sir, for the very warm welcome you have extended to us. We are also grateful to you personally for having called this conference so that we may remove uncertainty, and colonialism and bring about independence to the people of Mauritius.

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The proposals of the Mauritius Labour Party have been embodied in a memorandum which has been communicated to you. They represent a summary of our views on the constitutional changes which are required for the effective establishment of independence with guaranteed safeguards for the minorities. The Mauritius Labour Party which, by its constitution and actual working, represents a complete cross-section of Mauritian society, has received a clear mandate for independence from the people of Mauritius at the last three general elections. You have planted the Rule of Law in Mauritius and are now being invited to complete the process by the establishment of full democracy.

The Mauritius Labour Party wants the independence of Mauritius within the Commonwealth with a Governor-General appointed by Her Majesty The Queen, and with a Cabinet form of government. It is hoped that Her Majesty will be graciously pleased to become Queen of Mauritius.

The Mauritius Labour Party accepts the automatically operated best-loser system and at the same time it is prepared to consider any alternative which would secure adequate representation of the Muslim and Chinese minorities. We are also in favour of the creation of an ombudsman.

At this stage it is not necessary for me to go into a detailed examination of our proposals which are most orthodox and in line with the constitutional status of other countries which have acceded to independence within the Commonwealth, but I would like to say that the memorandum of the Mauritius Labour Party adumbrates the main principles governing our stand at this constitutional conference.

As you have said, Mr. Secretary of State, we are meeting here as friends and as a family, and we are hopeful that goodwill, understanding and wisdom will prevail at this conference and that Mauritius will emerge from it as an independent nation. To my mind it is incumbent upon the British people to help us in this march forward.

In concluding, I share with you the feeling of joy that my friend the Attorney General, my oldest friend of the Assembly, has now recovered and would wish that he will be even better as the conference proceeds. I would like to say the same for my friend the Minister of Education, Mr. Ringadoo and my friend the Minister of State, Mr. Devienne.

Finally, Sir, I am very sensible of the congratulations that you have given on the occasion of my having received the Knighthood from Her Majesty.

With these words I think I have nothing more to add except that I am personally hoping that all will go well ahead."

STATEMENT BY THE HON. J. KOENIG, Q.C.

"I would like to thank you on behalf of my colleagues and myself for the kind words addressed to us, and I should like at the same time to thank my friend, Sir Seewoosagur Ramgoolam, for the very nice words he addressed to me.

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We, Mauritians, have been loyal subjects of Her Majesty since 1810. We have stood by Britain in the dark days of two World Wars and have, in a modest but unstinting way, played our part in the defence of democracy and of the free world.

If we contend that de-colonisation there must be, we discard independence as being fatal to the prosperity and the peaceful and harmonious development of Mauritius as part of the free world.

We claim that it is the general wish of the people of Mauritius that as a substitute for independence, close constitutional associations with Great Britain should be maintained within the framework of a new pattern. We believe that the people of Mauritius must in any event have the right to express their preference in a free referendum.

The United Nations Charter recognises our right to self-determination and we are confident, Sir, that this right will be readily conceded to us by Great Britain."

STATEMENT BY THE ON. A. R. MOHAMED

"On behalf of my party, I associate myself with my other friends who have just been speaking to thank Her Majesty's Government for having kindly asked us to be here to decide the future of our Colony, in other words, of our country. Sir, you have just spoken about our past association with Her Majesty's Government, and, on behalf of the Muslim population of Mauritius, I would like to say it is our real wish that our past association of 150 years with the British Government will continue for many more centuries to come. Speaking as a delegate to this conference, I consider it my bounden duty to declare, and declare it very clearly, that the Muslims of Mauritius have always co-operated with others for the good of the country, and they are ready to co-operate in the future. We are not against any political and constitutional progress of our country provided such progress does not mean the oppression of any community in Mauritius, and because of this and other reasons I also want to make it clear that we will have to see that our political and other rights are safeguarded and that we be left neither to the mercy of, nor be forced to depend upon, the charity of others."

STATEMENT BY THE HON. S. BISSEONDYAL

"I have not much to say on this occasion apart from thanking you for the very magnificent hospitality you have accorded to all the delegates from Mauritius. I have to emphasise the thankfulness of my party for the visit both of you, Sir, and of Professor de Smith, and when I refer to Professor de Smith I am referring to the proposal for the appointment of an ombudsman.

Before resuming my seat, I will ask this Government to see to it that no mischievous report reaches Mauritius as it did last time and that a strict impartiality will be observed. I say this because I see the man whom I believe to be responsible for that the last time is present in this house."

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ANNEX D

THE CONSTITUTIONAL FRAMEWORKFundamental rights

The Constitution will include a Chapter providing for the fundamental rights and freedoms of the individual which will follow closely Chapter 1 of the existing Constitution. /

2. The Chapter on fundamental rights will contain such modifications as are necessary to secure that any religious, social, ethnic or cultural association or group will have the right to establish and maintain schools at its own expense, subject to any reasonable restrictions which may be imposed by law in the interests of persons receiving instruction in such schools, and that a parent will not be prevented from sending a child to such a school merely on the ground that the school is not a school established or maintained by the Government.

3. Derogations may be made from the provisions protecting fundamental rights by the Mauritius Government and legislature in relation to a state of war or other public emergency but only to the extent and in accordance with the procedure set out below:-

- (a) Derogations from the fundamental rights will only be permissible under a law during a public emergency and will be limited to derogations from the right to personal liberty or the protection of freedom from discrimination which are reasonably justifiable in the circumstances of the situation.
- (b) A period of public emergency for this purpose will be a period when Mauritius is at war or when the Queen's Representative, acting on the advice of Ministers, has issued a proclamation declaring that a state of public emergency exists.
- (c) When the Legislative Assembly is sitting, or when arrangements have already been made for it to meet within seven days of the date of the proclamation, the proclamation will lapse unless within seven days the Assembly approves the proclamation.
- (d) When the Legislative Assembly is not sitting and is not due to meet within seven days, the proclamation will lapse unless within twenty-one days it meets and gives its approval by a resolution supported by at least two-thirds of all the members.
- (e) The proclamation, if approved by resolution, will remain in force for such period not exceeding six months as the Assembly may specify in the resolution.

It was noted by the Conference that the provisions in Chapter 1 of the existing Constitution containing protection against discrimination did not preclude the enactment of laws applicable to Muslims only relating to marriage, divorce and the devolution of property; the Conference accepted in principle that steps should be taken towards the introduction of Muslim personal law in respect of these matters into Mauritius.

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- (f) The Assembly will be empowered to extend the operation of the proclamation for further periods, not exceeding six months at a time and a resolution for this purpose will also require the support of at least two thirds of all the members of the Assembly.

Provision will be made for the periodic review of the case of persons who have been detained in derogation in the right of personal liberty by an independent and impartial tribunal and a detained person will have the right to information as to the ground on which he is detained, to consult a legal representative and to appear in person or by a legal representative before the reviewing tribunal.

4. The Queen's Representative

The Queen's Representative will be appointed by Her Majesty and, subject to Her Majesty's pleasure, will hold office during his period of appointment.

5. The functions of the Queen's Representative will be discharged during a vacancy, an illness or absence of the representative by such person as Her Majesty may appoint, or if there is no such person as Her Majesty may appoint, or if there is no such person appointed in Mauritius, by the Chief Justice.

6. The Queen's Representative will, in the exercise of his functions, act on the advice of the Council of Ministers or an individual Minister acting with the general authority of the Council of Ministers except in cases where he is required by the Constitution or a law to act on the advice of some other person or authority or to act in his personal discretion. The chief minister will keep the Queen's Representative informed concerning matters of government.

7. The Council of Ministers

There will be a Council of Ministers which will be collectively responsible to the Legislature. The Council of Ministers will consist of a chief minister and not more than 14 other ministers; subject to this limit, the number of ministers will be determined from time to time by the Queen's Representative on the advice of the chief minister.

8. The Queen's Representative, acting in his personal discretion, will appoint as chief minister a member of the Legislative Assembly who appears to him likely to command the support of the majority of the members of the Assembly. The ministers, other than the chief minister, will be appointed from among the members of the Assembly on the advice of the chief minister.

9. The Queen's Representative will be empowered to remove the chief minister from office if a vote of no confidence in his government is passed in the Legislative Assembly and he does not within 3 days resign or advise a dissolution, and also, following a general election, where the Queen's Representative considers that as a result of the election the chief minister will not be able to command a majority in the new Assembly. Any other minister will vacate office if the Queen's Representative revokes his appointment on the advice of the chief minister, if the chief minister goes out of office in consequence of a vote of no confidence or on the appointment of any person to be chief minister. The chief minister and any other minister will vacate office if he ceases to be a member of the Legislative Assembly otherwise than by reason of a dissolution or if, at the first meeting of the Assembly following a dissolution, he is not a member of the Assembly.

10. The chief minister will preside in and summon the Council of Ministers and portfolios will be allocated to ministers on his advice.

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11. There will be provision in the Constitution for the appointment of a minister to carry out the functions of the chief minister when the chief minister is unable to act because of illness or absence from Mauritius. Such an appointment will be made by the Queen's representative on the chief minister's advice unless it is impracticable to obtain this advice because the chief minister is too ill or is absent, in which case the Queen's representative will make the appointment without obtaining advice.

12. The Constitution will provide for the appointment of Parliamentary Secretaries, whose number will not exceed five. A Parliamentary Secretary will be appointed on the advice of the chief minister from among the members of the Legislative Assembly and will hold office on the same terms as a minister, (other than the chief minister).

13. The Legislature

The Legislature will consist of Her Majesty and the Legislative Assembly. The Legislative Assembly will consist of elected members. The Constitution will provide for the electoral system*.

14. The provisions for the franchise and for the qualifications and disqualifications for election to the Legislative Assembly and for the Speaker and Deputy Speaker will follow the corresponding provisions in the existing Constitution. The official language of the Legislative Assembly will be English but any member will be able to address the chair in French.

15. The Constitution will provide for the establishment of an Electoral Boundaries Commission which will review the boundaries of the constituencies every ten years or, if the Commission considers it necessary after the holding of a census, and to make recommendations to the Legislative Assembly. The members of the Commission will be appointed by the Queen's representative on the advice of the chief minister after the latter has consulted the leader of the opposition. The principles which the Commission will be required to apply will be specified in the Constitution. The recommendations of the Commission as to the alteration of the boundaries of the constituencies will be submitted to the Legislative Assembly which may approve them or reject them but may not alter the recommendation; if approved by the Assembly, they will become operative upon the next dissolution of the Legislature.

16. The Constitution will also provide for an Electoral Commissioner who will be a public officer and will be appointed by the Judicial and Legal Service Commission. The functions of the Electoral Commissioner will be to supervise the compilation of electoral registers and the holding of elections. The Electoral Commissioner will have security of tenure similar to that of a judge, i.e. his retiring age will be prescribed by the Constitution and he will not be removable except on the grounds of inability or misbehaviour and after there has been an enquiry by a tribunal consisting of persons who are or have been judges and the tribunal has recommended his removal. Any proceedings for the removal of the Electoral Commissioner will be initiated by the Judicial and Legal Service Commission.

17. The office of leader of the opposition will be established by the Constitution. Appointments to this office will be made by the Queen's representative acting in his personal discretion.

*See paragraph 8 of the Report

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from among the members of the Legislative Assembly and he will be guided by provisions in the Constitution as to the person to be selected for appointment to this office. The Queen's representative, acting in his personal discretion, will have power to revoke the appointment of the leader of the opposition if he ceases to fulfil the qualifications specified in the Constitution, and the office of leader of the opposition will also become vacant if another person is appointed to the office after a dissolution of the Legislature, or if he ceases to be a member of the Legislative Assembly otherwise than by reason of a dissolution.

18. Bills passed by the Legislative Assembly will be assented to by the Queen's representative on the advice of the Council of Ministers.

19. The life of the Legislature will be 5 years but there will be provision under which the Legislature may extend its life during any period of war for 12 months at a time, up to a maximum of 5 years. The power of the Queen's representative in relation to the dissolution of the Legislature will be exercised on the advice of the chief minister, but the Queen's representative will have power in his personal discretion to dissolve the Legislature if the Legislative Assembly passes a vote of no confidence in the government and the chief minister does not either resign or recommend a dissolution, and the Queen's representative will also be required to dissolve the Legislature if the office of the chief minister is vacant and the Queen's representative considers that there is no prospect of his being able, within a reasonable time, to appoint a chief minister who can command a majority in the Legislative Assembly.

20. The Judicature

The Constitution will continue to provide for the Supreme Court. The judges of the court will be a Chief Justice, a senior Puisne Judge and other Puisne Judges. The qualifications for appointment will be prescribed in the Constitution, and will follow the present qualifications.

21. The Chief Justice will be appointed by the Queen's representative in his personal discretion after consultation with the chief minister. The senior puisne judge will be appointed by the Queen's representative on the advice of the Chief Justice. The other judges of the Supreme Court will be appointed by the Queen's representative on the advice of the Judicial and Legal Service Commission.

22. The security of tenure of the judges of the Supreme Court will be protected by provision on the same lines as exists in the present Constitution. The procedure for removing a judge will be initiated by the Queen's representative, acting in his personal discretion, in the case of the Chief Justice and by the Chief Justice in the case of the other judges of the Supreme Court.

23. There will be a Judicial and Legal Service Commission established by the Constitution. The Commission will be composed of the Chief Justice (as Chairman), the senior Puisne Judge, the Chairman of the Public Service Commission and an appointed member selected from persons who are or have been judges. "The appointed member of the Commission will be

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appointed by the Queen's representative on the advice of the Chief Justice; he will hold office for a period of 3 years and will be removable only on the grounds of inability or misbehaviour after a tribunal consisting of persons who are or have been judges have investigated any complaints against the member and recommend his removal; the procedure for removing the appointed member will be initiated by the Queen's representative on the advice of the Chief Justice. The Commission will have the power to make appointments and exercise powers of discipline and removal in respect of the same offices as are now included in Schedule 2 to the existing Constitution, (with the exception of the Director of Public Prosecutions).

24. The Constitution will provide for the Supreme Court to have unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law. It will also confer on the Supreme Court jurisdiction to supervise civil or criminal proceedings before all subordinate courts, with power to issue the necessary orders, etc. for the purpose.

25. The Constitution will provide for an appeal as of right to the Privy Council from final decisions of the Supreme Court on questions as to the interpretation of the Constitution, and will also include provision for rights of appeal from the Supreme Court to the Privy Council in other cases (which will follow the existing rights of appeal to the Privy Council from decisions of the Supreme Court in ordinary civil and criminal cases).

26. There will be included in the Constitution rights of appeal from the subordinate courts to the Supreme Court. These rights of appeal will include appeals from decisions of the subordinate courts on the interpretation of the Constitution and minimum rights of appeal in ordinary civil and criminal proceedings based on the rights of appeal which exist at present under Mauritius Ordinances.

27. The Director of Public Prosecutions

The Constitution will establish the office of Director of Public Prosecutions who will have independent powers in relation to criminal prosecutions corresponding to those vested in the Director by the existing Constitution. A person will not be qualified to be or act as Director unless he is qualified for appointment as a Supreme Court judge. The Director will be appointed by the Judicial and Legal Service Commission. His security of tenure will be similar to that of a judge.

28. The Public Service

There will be a Public Service Commission which will be composed of a Chairman and four other members. Members of or candidates for election to the Legislative Assembly or any local authority will be disqualified for appointment. Appointments to the Commission will be made by the Queen's representative acting in his personal discretion after consulting the chief minister and the leader of the opposition. The term of office of the members of the Commission will be 3 years. The members of the Commission will be removable in the same manner and in the same circumstances as the appointed member of the Judicial Service Commission, except that the procedure for removal will be initiated by the Queen's representative acting in his personal discretion.

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29. The Public Service Commission will have powers of appointment, discipline and removal in respect of all public offices (other than those coming under another Service Commission or those offices for which other provision is made in the Constitution). The Commission will be authorised to delegate any of its powers to a member of the Commission or a public officer.

30. Permanent Secretaries will be appointed by the Public Service Commission, but the Commission will be obliged to inform the chief minister of any proposed appointment and the chief minister will have the right to veto the appointment. Transfers between the offices of permanent Secretary which carry the same emoluments will be made on the advice of the chief minister.

31. The retirement benefits of public officers will be guaranteed by the Constitution against unfavourable alteration. Reduction or withholding of the pension of a public officer will require the approval of the appropriate Service Commission.

32. The Police

The Chief of Police will be appointed by the Police Service Commissioner after consultation with the chief minister and he will have security of tenure similar to that of a judge. The procedure for the removal of the Chief of Police will be initiated by the Police Service Commission.

33. The Constitution will place the police force under the command of the Chief of Police, and will provide that, in the exercise of his power to determine the use and to control the operations of the police force the Chief of Police will be under an obligation to comply with general directions of policy with respect to the maintenance of public safety and public order given him by the responsible Minister; in the exercise of his command of the force in other respects the Chief of Police will act on his own responsibility and will be independent. The organisation, maintenance and administration of the police force will be the responsibility of Ministers.

34. There will be a Police Service Commission which will consist of the Chairman of the Public Service Commission as Chairman and three other members who will be appointed by the Queen's representative in his personal discretion, after consulting the chief minister and the leader of the opposition. Members of the Commission, other than the Chairman, will hold office for a period of 3 years. They will be removable in the same manner and on the same grounds as the appointed member of the Judicial Service Commission. The procedure for the removal of a member of the Commission will be initiated by the Queen's representative in his personal discretion.

35. Subject to the arrangements specified above for the Chief of Police, the Police Service Commission will have powers of appointment, discipline and removal in respect of all police officers. The Commission will be authorised to delegate its powers of discipline and removal to the Chief of Police or any other officer of the police force, but any decision taken by an officer to whom powers are delegated to dismiss a police officer will require the confirmation of the Commission.

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36. The Ombudsman

The Constitution will establish the office of Ombudsman. Appointments to this office will be made by the Queen's representative in his personal discretion after consulting the chief minister, the leader of the opposition and the other persons who appear to the Queen's representative to be leaders of parties in the Legislative Assembly. The Ombudsman will hold office for a period of four years and will be removable only on the grounds of inability or misbehaviour after a tribunal consisting of persons who are or have been judges have investigated any allegation against him and have recommended his removal; the procedure for removing the Ombudsman will be initiated by the Queen's representative in his personal discretion.

37. The Ombudsman will have jurisdiction to investigate complaints regarding the acts, omissions, decisions and recommendations of specified public bodies and other officers which affect the interests of individuals or bodies of persons. He will be entitled to act upon his own initiative or upon receiving a complaint from an individual or a body and matters may also be referred to him for consideration by ministers and members of the Legislative Assembly. The bodies which the Ombudsman will be authorised to investigate will include Government Departments, their officers, tender boards, the police and prison and hospital authorities. The personal acts and decisions of ministers and decisions of the Service Commissions will be excluded from investigation by the Ombudsman.

38. The investigation of the Ombudsman will be carried out in private and what occurs during the course of an investigation will be absolutely privileged. The Ombudsman will not be required to give anybody a hearing save where it appears to him that there are grounds for reporting adversely on the conduct of the department, organisation or person concerned. There will be powers to examine witnesses and also powers vested in the appropriate Government authority to prevent the disclosure of information on the grounds that it prejudices defence, external relations or internal security or that it might divulge the proceedings of the Council of Ministers. The Ombudsman will be entitled to refuse to investigate any complaint that is more than six months old or on the ground that it is vexatious or too trivial or that the complainant has insufficient interest in the matter and he will be enabled to discontinue an investigation for any reason that seems fit to him. He will be precluded from investigating any matter in respect of which there is a statutory right of appeal to or review by a court or tribunal. However, he will not be precluded from investigating a matter merely because it will be open to the complainant to impugn the measure, act or decision in the matter as a violation of the constitutional guarantees of fundamental rights.

39. The Ombudsman will be entitled to report unfavourably on any decision, recommendation, act or omission on the ground that it is contrary to law, based wholly or partly on a mistake of law or fact, unreasonably delayed or otherwise manifestly unreasonable. He will address his report, recommending any remedial action that he thinks proper, to the department or organisation concerned. If no adequate remedial action has been taken within a reasonable time, he will be empowered to make a special report to the Legislative Assembly. The principal functions of the Ombudsman will be included in the Constitution, the supplementary provision being made in an ordinary law of Mauritius.

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40. Financial procedure

The Constitution will provide for a procedure with respect to the appropriation and expenditure of public monies, which will ensure the control by the Legislature of Mauritius of public money. The Constitution will accordingly establish a Consolidated Fund into which (with certain exceptions) there will be paid all revenues of Mauritius and out of which (with certain exceptions) all expenditure will be met. Estimates of expenditure expected to be incurred in a financial year will be laid in the preceding financial year before the Legislature for its approval and will be included in an appropriation law to be passed by the Legislature. Except in the case of expenditure charged on the Consolidated Fund and certain other cases, no money will be withdrawn from the Consolidated Fund except under the authority of an appropriation law. The Constitution will provide for the presentation of supplementary estimates and the enactment of supplementary appropriation laws, where this is necessary, and will also establish a Contingencies Fund out of which payment may be made to meet urgent and unforeseen needs.

41. There will be a Director of Audit who will have the function of auditing all public accounts and reporting on them to the Legislature. The Director of Audit will be appointed by the Public Service Commission after consultation with the chief minister and the leader of the opposition and will have security of tenure similar to that of a judge.

42. The salary and conditions of service of the Queen's representative, judges of the Supreme Court, Members of the Service Commission, the Director of Public Prosecutions, the Chief of Police, the Director of Audit, the Electoral Commissioner and the Ombudsman will be protected in the same manner as the salary and conditions of service of judges are protected under the existing Constitution.

43. The Prerogative of Mercy

The prerogative of mercy will be exercised by the Queen's representative on the advice of a special committee. The members of the committee will be appointed by the Queen's representative acting in his personal discretion. The Constitution will require that capital cases should be taken into account at a meeting of the special committee.

44. Alteration of the Constitution

The legislature of Mauritius will have power to alter the constitution. The procedure will be as follows:-

- (a) A Bill for an amendment to the provisions of the constitution (other than the entrenched provisions specified below) will require the support of not less than two-thirds of all the members of the Legislative Assembly to pass the Assembly.
- (b) A Bill for the amendment of the entrenched provisions of the constitution will require the support of not less than three quarters of all the members of the Legislative Assembly to pass the Assembly.

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45. The entrenched provisions of the Constitution will be those relating to:-

- (a) The establishment of the Legislature and its power to make laws, the electoral system, Annual Sessions, the life of the Legislature and its dissolution;
- (b) Human Rights;
- (c) The judicial system (including appeals to the Privy Council);
- (d) The Public Service and the Police;
- (e) The Ombudsman;
- (f) The Director of Public Prosecutions;
- (g) The position of the Crown and the Queen's representative;
- (h) The method of altering the constitution.

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ANNEX ECITIZENSHIP

The Constitution should provide for the following classes of persons automatically to acquire citizenship of Mauritius:

- (a) All persons born in Mauritius, whether before or after Independence Day.
- (b) All persons born outside Mauritius of a father born in Mauritius.

In the case of persons alive on Independence Day, both (a) and (b) would be subject to the proviso that they were then still citizens of the United Kingdom and colonies.

2. The Constitution should confer a right to acquire Mauritius citizenship on application on all women who have at any time been married to a citizen of Mauritius or to a person who would have become a citizen of Mauritius automatically on Independence Day had he still been alive.

3. The Constitution should either automatically confer citizenship or a right of registration on the following classes of persons -

All persons naturalised or registered in Mauritius as citizens of the United Kingdom and colonies, and

All persons born outside Mauritius of fathers in this category,

providing that in both cases they were still citizens of the United Kingdom and colonies on Independence Day.

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Annex 65

U.K. Colonial Office, *Despatch No. 423 to the Governor of Mauritius*, PAC 93/892/01, FO
371/184529 (6 Oct. 1965)

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MAURCOM

--- FOREIGN AFFAIRS 003/014

Our Ref. PAC 93/892/01

COLONIAL OFFICE,

MAURITIUS

London, S.W.1.

No. 423

6 October, 1965.

Sir,

I have the honour to refer to the discussions which I held in London recently with a group of Mauritius Ministers led by the Premier on the subject of UK/US Defence Facilities in the Indian Ocean. I enclose a copy of the record prepared here of the final meeting on this matter with Mauritius Ministers - this record has already been agreed in London with Sir S. Ramgoolam, and by him with Mr. Mohamed, as being an accurate record of what was decided.

2. I should be grateful for your early confirmation that the Mauritius Government is willing to agree that Britain should now take the necessary legal steps to detach the Chagos Archipelago from Mauritius on the conditions enumerated in (i) - (viii) in paragraph 22 of the enclosed record.

3. Points (i) and (ii) of paragraph 22 will be taken into account in the preparation of a first draft of the Defence Agreement which is to be negotiated between the British and Mauritius Governments before independence. The preparation of this draft will now be put in hand.

4. As regards point (iii), I am arranging for separate consultations to take place with the Mauritius Government with a view to working out agreed projects to which the £3 million compensation will be devoted. Your Ministers will recall that the possibility of land settlement schemes was touched on in our discussions.

5. As regards points (iv), (v) and (vi) the British Government will make appropriate representations to the American Government as soon as possible. You will be kept fully informed of the progress of these representations.

6. The Chagos Archipelago will remain under British sovereignty, and Her Majesty's Government have taken careful note of points (vii) and (viii).

I have the honour to be,

Sir

Your most obedient
humble servant,

(for Secretary of State)

GOVERNOR,

SIR JOHN RENNIE, K.C.M.G., O.B.E.,

Annex 66

U.K. Foreign Office, *Secretary of State's Visit to Washington 10-11 October 1965: Defence Facilities in the Indian Ocean* (7 Oct. 1965)

SECRET

Additional BriefSECRETARY OF STATE'S VISIT TO WASHINGTON10 - 11 OCTOBER, 1965DEFENCE FACILITIES IN THE INDIAN OCEANTalking Points

We are grateful for the generous American contribution (a half-share of a total of up to £10m.) towards the cost to be incurred in detaching the Chagos Archipelago from Mauritius. We are pressing on with further action as a matter of urgency.

2. A decision to cancel the U.S. requirement for a communication station on Diego Garcia, the only facility immediately planned, might lead to difficulties. We hope that if it should have to be cancelled some other immediate project can be substituted for it. We ourselves have no immediate plans to build on any of the islands, although various projects are being considered.

3. We count on United States support in the United Nations and elsewhere to defend this project against criticism with which we may be faced once it becomes public. We hope to keep it confidential for the moment, at least until the agreement of the Seychelles and Mauritius Governments has been formally confirmed.

/Background Note

SECRET

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SECRET

Background Note

The Secretary of State will recall that at the end of the Mauritius Constitutional Conference last month Sir S. Ramgoolam and a majority of Mauritian Ministers present agreed in principle to the detachment of the Chagos Archipelago (including Diego Garcia) in exchange for £3m. compensation. It is expected that the formal agreement of the Mauritian Government will be secured shortly and that the Seychelles Executive Council will not raise serious difficulties over the detachment of Aldabra, Farquhar and Desroches (and the settlement of other outstanding problems including the long outstanding question of the terms on which a U.S. tracking station in the Seychelles should operate) in exchange for a civil air field on Mahé (the main island of the Seychelles group) at an expected cost of about £3m. Additional compensation for resettlement of the inhabitants of the islands chosen for defence facilities, for loss of coconut crops, etc., will also have to be paid in each case.

2. We were able to give this good news to a delegation of American officials led by Mr. Kitchen, Deputy Assistant Secretary of State for Politico-Military Affairs, at the end of discussions held in London on 23 and 24 September to consider the administrative, legal and financial details of the defence proposals. It was agreed at the end of these discussions that the Colonial Office would press on with securing the formal agreement of the Seychelles and Mauritius authorities and start work on the complicated administrative measures once this agreement had been obtained. Mr. Kitchen warned us during the discussions that they were about to embark on a review of their world-wide communications requirements including the proposal communications station on Diego Garcia in the Chagos Archipelago. The implication is that it

/may

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SECRET

may prove cheaper to develop a satellite communications system than to rely on land stations such as that planned for Diego Garcia. Mr. Kitchen added however, that the U.S. Government were no less interested than before in the defence possibilities of the islands.

P.U.S.D.

7 October, 1965

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Annex 67

Letter from T. Smith of the U.K. Colonial Office to E. Peck of the U.K. Foreign Office, PAC
93/892/01, FO 371/184529 (8 Oct. 1965)



Your reference
Please quote

PAC 93/892/01

SECRET

COLONIAL OFFICE

GREAT SMITH STREET, LONDON SW1

Telephone: ABBEY 1266 Ext.

13 OCT 1965

8th October, 1965

24 / 18 / 1 G

Sum of the party in § 22
go beyond anything that was authorised.

(in particular (vi) & (vii)).

J. G. L. 11/10/65

I agree. I shall like to see minutes

Defence facilities in the Indian Ocean

I enclose a copy of a formal Secret despatch we sent to the Governor of Mauritius on the 6th October covering the final agreed record of the Lancaster House meeting of September 23rd at which my Secretary of State secured the agreement of leading Mauritius Ministers to the detachment of the Chagos Archipelago.

2. The intervening time since that meeting was held has been spent in securing, on the Secretary of State's instructions, the agreement of Sir S. Ramgoolam and his colleagues to the record. In the event, this was not a very easy proceeding, and we have had to agree to the stipulations recorded in paragraph 22, some of which are perhaps rather tiresome - though by no means as much so as in the wording originally suggested by the Mauritians. As the despatch makes clear, the next move is for the Governor to secure formal confirmation of the Mauritius Government's willingness to agree to our taking the necessary legal action for detachment. This of course arises because the Governor originally broached the subject with the full Council of Ministers, and our talks in London were only with the main party leaders and an Independent Minister, Mr. Paturau, and, in the last and critical meeting, without the leader of the Parti Mauricien Mr. Koenig, who had walked out of the Conference earlier in the day and no doubt thought it tactically wise, from the point of view of future political campaigning in Mauritius, not to be involved in the final ~~Mauritius~~ agreement.

3. The Governor - and Sir S. Ramgoolam and the Ministers who support him - may not find it an easy task to secure the formal concurrence of the Council of Ministers which we require: but we are confident that, since the leading political parties representing almost 70% of the votes at the last election are committed, and since in many ways the Parti Mauricien have hitherto made a point of the importance they attach to a continuing British presence in and around Mauritius, confirmation will be forthcoming. You, and the others to whom I am sending copies of this letter, will see what is said in the despatch about the various stipulations in paragraph 22 of the record. The main problems will arise over (iv), (v) and (vi), and we shall be considering how best to take these up with the Americans. I hasten to add that neither we nor Sir S. Ramgoolam and his colleagues immediately concerned have any
/nope

E. H. Peck, Esq.,
Foreign Office.

SECRET

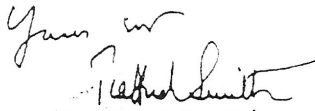
SECRET

(2)

hope of extracting concessions from the Americans, e.g. over sugar imports. Our Ministers and officials, and the Economic Minister at the U.S. Embassy in direct conversations with the Mauritians, spent a lot of time explaining exactly why concessions on sugar are not practicable. My impression is that Sir S. Ramgoolam wanted to have stipulations of this kind in from the point of view of their effect on his colleagues back home in Mauritius. At all events we shall have to go through the motions with the Americans but not everybody will be very surprised if, on some issues, they achieve no results. On the other hand where (one would imagine) the Americans can help, e.g. perhaps over wheat and rice, and such matters as navigational and meteorological information etc., it will be very much in the interests of us all if they contrive to do so with reasonable generosity. It might be a good idea to discuss these matters in the new Cabinet Office Committee some time.

4. I will of course keep you informed on developments in the Mauritius context. Meanwhile, we must be getting on with the Seychelles side about which I recently wrote.

5. I am sending copies of this letter to Nicholls, Treasury, Holton and Burlace, Ministry of Defence, Harris Ministry of Overseas Development and Champion of Commonwealth Relations Office.

Yours in

(Trafford Smith)

SECRET

Annex 68

Telegram from the U.K. Foreign Office to the U.K. Mission to the U.N., No. 4104, FO
371/184529 (27 Oct. 1965)

CONFIDENTIAL

FROM FOREIGN OFFICE TO NEW YORK
(United Kingdom Mission to the United Nations)

Cypher/OTP

FILESNo. 4104

27 October, 1965

D. 23.00 27 October, 1965

IMMEDIATECONFIDENTIAL

Addressed to U.K.Mis. New York telegram No. 4104 of
27 October,

Repeated for information to: Mauritius (Personal to Governor)

U.K.-U.S. Indian Ocean Defence Proposals.

We are concerned lest any hostile reference to these proposals in the Fourth Committee might jeopardize final discussions in the Mauritius Council of Ministers, which it would be difficult for local reasons to hold before 5 November.

2. Please let us know if you think that this subject is likely to be raised in discussion on miscellaneous territories and if so when. We wish, if at all possible, to have completed local negotiations before the question is raised in New York

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U.N. Dept.

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Annex 69

Telegram from the U.K. Mission to the U.N. to the U.K. Foreign Office, No. 2697, FO
371/184529 (28 Oct. 1965)

CONFIDENTIALZ
TOP COPYFROM NEW YORK TO FOREIGN OFFICE

(United Kingdom Mission to the United Nations)

Cypher/OTP

RECEIVED IN

RECEIVED No. 39

29 OCT 1965

TRUSTESHIP DISTRIBUTION

Lord Caradon

No. 2697

28 October, 1965

D. 1647 28 October, 1965

R. 1707 28 October, 1965

IMMEDIATE
CONFIDENTIALBUILDAddressed to Foreign Office telegram No. 2697 of
28 October.

Repeated for information to Mauritius (Personal).

Your telegram No. 4104: Indian Ocean Defence Proposals.

Discussion of miscellaneous territories may begin early next week. The question of our proposals might well of course be raised at any time in context of Mauritius or the Seychelles. It is impossible to make any guess about when these particular territories will be discussed, as speakers will be at liberty to talk about any of the thirty or so territories in the miscellaneous list during discussion of this item.

2. Item could of course be delayed, e.g. by prolongation of Rhodesia debate or resumption of discussion on Aden. But the Indian Ocean point might still be raised in the Aden context also. So far there has been no sign of this.

Foreign Office pass routine Mauritius telegram No. Personal 1.

[Transmitted to C.O. for onward transmission to Mauritius.]

ADVANCE COPIES:

Private Secretary
P.U.S.
Mr. Greenhill
Hd. United Nations Dept.
Resident Clerk

XXXXX

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Annex 70

U.K. Foreign Office, *Minute from Secretary of State for the Colonies to the Prime Minister*, FO
371/184529 (5 Nov. 1965)

SECRETEnter
ZPrime MinisterDEFENCE FACILITIES IN THE INDIAN OCEAN

At their 21st Meeting on 12 April the D.O.P. Committee invited me to initiate discussions with the Mauritius and Seychelles Governments about the proposals for U.S./U.K. Defence Facilities in the Indian Ocean set out in OPD(65)68. The Mauritius Government raised various difficulties which were reported to the Committee; but at the end of the Mauritius Constitutional Conference in September agreement was reached with the Premier, Sir Seewoosagur Ramgoolam, and a majority of Ministers present, on terms which the Committee approved at their 41st meeting on 23rd September.

2. The proposals are briefly as follows. The islands of the Chagos Archipelago, a dependency of Mauritius, and the islands of Aldabra, Farquhar and Desroches, part of the Seychelles group, are to be put under direct British administration and made available for U.S. and U.K. defence facilities. Compensation consisting of £3m is to be paid to the Mauritius Government and a civil airfield which is expected to cost about the same amount, constructed in the Seychelles. A further sum is to be paid for compensation and resettlement to the commercial and private interests concerned. H.M.G. and the U.S. Government will each be responsible for the construction of facilities they require, with provision for joint use. The United States Government have agreed to share half the compensation costs up to £10 m. This fact is to be kept secret for Congressional reasons and in order to restrain the local governments from trying to put up the price. A U.S./U.K. agreement covering the use of the facilities is under discussion between officials.

3.

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3. The Seychelles Executive Council have now formally agreed to accept the arrangements proposed in exchange for the compensation offered, Mauritius Ministers have also given their formal approval, subject to official confirmation that we agree to the following points:-

- (a) if the need for the facilities on the Chagos Archipelago disappears, the islands will be returned to Mauritius, and
- (b) the benefit of any minerals or oil discovered in or near the Chagos Archipelago should revert to the Mauritius Government.

The Mauritius Government had previously been told that the Archipelago will remain under British sovereignty and the British Government have taken careful note of these points. I propose to reply to their latest request that it is being further considered but that it has been necessary for the Order in Council to be made.

4. The Governor of Mauritius has also reported that Mr. Koenig and his Parti Mauricien colleagues, who were not opposed in principle to the proposals but considered that the compensation arrangements are inadequate, are now considering their position in the Government. The Governor says that if Parti Mauricien Ministers resign, it will be for local political reasons. Meanwhile they understand that no disclosure may be made of the defence discussions and they have undertaken to consult the Governor before resigning and not to make any public statements before the 12th November.

5. As the Mauritius Council of Ministers has confirmed its agreement to the proposals, it is essential that the arrangements for detachment of these islands should be completed as soon as possible.

6.

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6. From the United Nations point of view the timing is particularly awkward. We are already under attack over Aden and Rhodesia, and whilst it is possible that the arrangements for detachment will be ignored when they become public, it seems more likely that they will be added to the list of 'imperialist' measures for which we are attacked. We shall be accused of creating a new colony in a period of decolonisation and of establishing new military bases when we should be getting out of the old ones. If there were any chance of avoiding publicity until this session of the General Assembly adjourns at Christmas there would be advantage in delaying the Order in Council until then. But to do so would jeopardize the whole plan.

7. The Fourth Committee of the United Nations has now reached the item on Miscellaneous Territories and may well discuss Mauritius and Seychelles next week. If they raise the question of defence arrangements on the Indian Ocean Islands before we have detached them, the Mauritius Government will be under considerable pressure to withdraw their agreement to our proposals. Moreover we should lay ourselves open to an additional charge of dishonesty if we evaded the defence issue in the Fourth Committee and then made the Order in Council immediately afterwards. It is therefore important that we should be able to present the U.N. with a fait accompli.

8. In these circumstances I propose to arrange for an Order in Council to be made on Monday 8th November. A prepared written Parliamentary Question will be tabled on 9th November and answered on 10th November in the terms of the attached draft. Supplementary background guidance has been prepared for use with the press.

9. If we can meet the timetable set out in the previous paragraph

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paragraph we shall have a good chance of completing the operation before discussion in the Fourth Committee reaches the Indian Ocean Islands. We shall then be better placed to meet the criticism which is inevitable at whatever time we detach these islands from Mauritius and Seychelles.

10. I am sending copies of this minute to our colleagues on the Defence and Overseas Policy Committee and to the Minister for Overseas Development.

ANTHONY GREENWOOD

5. 11. 65

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QUESTION

To ask the Secretary of State for the Colonies whether any further approaches have been made to the Mauritius and Seychelles Governments about the use of islands in the Indian Ocean for British and American defence facilities.

ANSWER

Yes. With the agreement of the Governments of Mauritius and Seychelles new arrangements for the administration of certain islands in the Indian Ocean were introduced by Order in Council made on the 8th November. The islands are the Chagos Archipelago, some 1,200 miles north-east of Mauritius, and Aldabra, Farquhar and Desroches in the Western Indian Ocean. Their populations are approximately 1000, 100, 172 and 112 respectively. The Chagos Archipelago was formerly administered by the Government of Mauritius and the other three islands by that of Seychelles. The islands will be called the British Indian Ocean Territory and will be administered by a Commissioner. It is intended that the islands will be available for the construction of defence facilities by the British and United States Governments, but no firm plans have yet been made by either government. Compensation will be paid as appropriate.

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Annex 71

Telegram from the Governor of Mauritius to the Secretary of State for the Colonies, No. 247, FO
371/184529 (5 Nov. 1965)

SECRET

pw 2

INWARD TELEGRAM
TO THE SECRETARY OF STATE FOR THE COLONIES

FROM MAURITIUS (Sir J. Rennie)

Cypher

D. 5th November, 1965
 R. 5th " "

15.30 hrs.

EMERGENCY
SECRET
 No. 247

Your Secret Despatch No. 423 of 6th October.

United Kingdom/U.S. Defence Interests.

Council of Ministers today confirmed agreement to the detachment of Chagos Archipelago on conditions enumerated, on the understanding that

- (1) statement in paragraph 6 of your despatch "H.M.G. have taken careful note of points (vii) and (viii)" means H.M.G. have in fact agreed to them.
- (2) As regards (vii) undertaking to Legislative Assembly excludes
 - (a) sale or transfer by H.M.G. to third party or
 - (b) any payment or financial obligation by Mauritius as condition of return.
- (3) In (viii) "on or near" means within area within which Mauritius would be able to derive benefit but for change of sovereignty. I should be grateful if you would confirm this understanding is agreed.

2. PMSD Ministers dissented and (are now) considering their position in the government. They understand that no disclosure of the matter may be made at this stage and they also understand that if they feel obliged to withdraw from the government they must let me have (resignations) in writing and consult with me about timing of the publication (which they accepted should not be before Friday 12th November).

3. (Within this) Ministers said they were not opposed in principle to the establishment of facilities and detachment of Chagos but considered compensation inadequate, especially the absence of additional (sugar) quota and negotiations should have been pursued and pressed more strongly. They were also dissatisfied with mere assurances about (v) and (vi). They also raised points (1), (2) and (3) in paragraph 1 above.

Copies sent to:-

Cabinet Office	- Mr. F.A.K. Harrison
" "	- Mr. T.W. Hall
Treasury	- Mr. P. Nicholls
Foreign Office	- Mr. G.G. Arthur
" "	- Mr. Moreland
Commonwealth Relations Office	- Mr. J.G. Doubleday
Ministry of Overseas Development	- Mr. I.H. Harris
Ministry of Defence	- Mr. M. Holton
" "	- Mr. P.H. Moberly

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Annex 72

Telegram from the U.K. Foreign Office to the U.K. Mission to the U.N., No. 4310, FO
371/184529 (6 Nov. 1965)

TOP COPY

SECRETFROM FOREIGN OFFICE TO NEW YORK

(United Kingdom Mission to the United Nations)

Cypher/OTP

TRUSTEESHIP DISTRIBUTIONNo. 4310

D. 14.15 '6 November, 1965

6 November, 1965

IMMEDIATESECRET

Addressed to UKM is New York telegram No. 4310 of 6 November.
 Repeated for information to: Washington.

Your telegram No. 2697 [of 28 October]: Indian Ocean Islands.

Seychelles Executive Council have unanimously agreed to detachment proposals. Mauritius Ministers accepted proposals on 5 November subject to certain understandings, which will be taken up with them separately, on the reversion of the Chagos islands, if and when these are no longer needed, and on any future benefits from minerals.

2. In view of possible publicity and consequent pressure on the Mauritius and Seychelles Governments to change their minds, we are proceeding with detachment immediately. We are arranging for an Order in Council to be made on 8 November and for a prepared Parliamentary Question to be tabled on 9 November for written answer on 10 November. Text of this, together with additional guidance will be telegraphed to you as soon as possible.

3. If this operation is complete before Mauritius comes up in the Fourth Committee it seems to us that you will then be better placed to deal with the inevitable criticism. We hope therefore that you will do your best to ensure that discussion of Mauritius and other territories in the Indian Ocean is put off for as long as possible, and at least until 11 November.

4. On the assumption that the timetable in paragraph 2 above is met, we should be grateful for your urgent advice on whether you should volunteer a statement in the Fourth Committee when Mauritius and Seychelles come up for discussion, or whether it would be better to wait until the question of defence facilities is raised by other members of the Committee. You will remember that this is likely since we informed Commonwealth and other interested Governments some time ago that we intended to seek the consent of Mauritius and Seychelles to the detachment of these islands.

5. You should concert tactics with the United States Delegation, on whose support we rely in this matter. We are informing the United States Embassy and asking them to clear our guidance with Washington.

6. If the news leaks from Mauritius before the Order in Council is made and you are tackled on this subject, you should refer for instructions.

uuuuu

SECRET

Annex 73

Telegram from the U.K. Secretary of State for the Colonies to the Governor of Mauritius (No. 267) and the Governor of Seychelles (No. 356), PAC 93/892/01, FO 371/184529 (6 Nov. 1965)

SECRET

pw 2

OUTWARD TELEGRAM**FROM THE SECRETARY OF STATE FOR THE COLONIES****TO SEYCHELLES** (The Rt. Hon. The Earl of Oxford and Asquith)

Cypher

PAC 93/892/01

Sent 6th November, 1965, 03.50 hrs.

PRIORITY
SECRET (AND PERSONAL TO MAURITIUS)
No. 356

24/209

Addressed to Governor Seychelles
Repeated **PRIORITY** to Governor Mauritius **PERSONAL** No. 267

Following from Hall.

(To Seychelles) My telegram No. 355.

(To Mauritius) Your telegram No. 219.

U.K./U.S. Defence Interests.

For planning purposes we are assuming that Order in Council will be made on Monday 8th November and come into effect at once but no (repeat no) publicity will be given until Wednesday 10th November.

2. Order, which will be on general lines of British Antarctic Territories Order in Council, will in addition to detaching islands from Mauritius and Seychelles and constituting them as a separate colony:-

- (a) establish office of Commissioner;
- (b) provide for discharge of functions during vacancy etc. or by deputy; and Official Stamp;
- (c) provide for constitution of offices including the making of appointments;
- (d) empower Commissioner to make laws for the peace, order and good government of the territory subject to usual provisions regarding disallowance, etc.;
- (e) provide for powers of pardon etc.; disposal of land; and establishment of courts which may sit either in territory or elsewhere;
- (f) provide for continuance of existing laws without prejudice to lawmaking powers conferred upon Commissioner, for continuance and determination of court proceedings commenced before the date of the Order; and for the hearing of appeals related to such proceedings and the enforcement of judgments;

/(g)

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- (g) reserve full power to Her Majesty to make laws and to amend and revoke the Order.

3. Legal proceedings, particularly criminal proceedings, arising after date of Order will cause problems and it will be necessary for Commissioner to establish courts to deal with any new cases, and to provide legal sanction for the detention of prisoners, and for the execution of sentences. Early action will also be needed for the review of Mauritius law in its application to Chagos Archipelago so that Seychelles law can be substituted where practicable. If it is necessary for persons convicted of offences in the new territory to serve sentences in Seychelles, presumably it will be necessary for the Seychelles to enact legislation for the execution of those sentences.

4. It is desirable for the vacuum between effective date of new Order and enactment of laws covering matters dealt with in previous paragraph and any others which you may consider necessary to be as short as possible.

5. At a later stage there will be a number of administrative matters requiring attention (e.g. continuance of provision for education in Chagos Archipelago at present provided for Mauritius). In the meantime we hope that both you and Governor of Mauritius will provide for existing arrangements to continue subject to any necessary financial adjustments being made in due course.

6. In addition to the Order in Council Royal Instructions and a Commission will be issued on 10th November. Before assuming duties, Order requires you to take oath of allegiance and the following oath - "I do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors in the office of Commissioner of British Indian Ocean Territory".

7. You will be informed by telegram as soon as Order in Council has been made. Separate telegram on publicity will follow.

(Encryption passed to Ministry of Defence for transmission to Mauritius)

Copies sent to:-

Cabinet Office	- Mr. F.A.K. Harrison
" "	- Mr. T.W. Hall
Foreign Office	- Mr. G.G. Arthur
" "	- Mr. Moreland
Commonwealth Relations Office	- Mr. J.G. Doubleday
Ministry of Overseas Development	- Mr. I.H. Harris
Treasury	- Mr. P. Nicholls
Ministry of Defence	- Mr. M. Holton
" "	- Mr. P.H. Moberly

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Annex 74

United Kingdom, “*The British Indian Ocean Territory Order 1965*” (8 Nov. 1965)

STATUTORY INSTRUMENTS

1965 No. 1920

Overseas Territories

The British Indian Ocean Territory Order 1965

Made 8th November 1965

At the Court at Buckingham Palace, the 8th day of November 1965

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Colonial Boundaries Act 1895, or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order may be cited as the British Indian Ocean Territory Order Citation. 1965.

2. (1) In this Order—

Inter-pretation.

“ the Territory ” means the British Indian Ocean Territory;

“ the Chagos Archipelago ” means the islands mentioned in schedule 2 to this Order;

“ the Aldabra Group ” means the islands as specified in the First Schedule to the Seychelles Letters Patent 1948 and mentioned in schedule 3 to this Order.

(2) The Interpretation Act 1889 shall apply, with the necessary modifications, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to Acts of Parliament of the United Kingdom.

3. As from the date of this Order—

British Indian Ocean Territory to be a separate colony.

(a) the Chagos Archipelago, being islands which immediately before the date of this Order were included in the Dependencies of Mauritius, and

(b) the Farquhar Islands, the Aldabra Group and the Island of Desroches, being islands which immediately before the date of this Order were part of the Colony of Seychelles,

shall together form a separate colony which shall be known as the British Indian Ocean Territory.

4. There shall be a Commissioner for the Territory who shall be appointed by Her Majesty by Commission under Her Majesty's Sign Manual and Signet and shall hold office during Her Majesty's pleasure.

Establishment of office of Commissioner.

APPENDIX B—*continued*

Powers and
duties of
Com-
missioner.

5. The Commissioner shall have such powers and duties as are conferred or imposed upon him by or under this Order or any other law and such other functions as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Order and any other law by which any such powers or duties are conferred or imposed, shall do and execute all things that belong to his office according to such instructions, if any, as Her Majesty may from time to time see fit to give him.

Oaths to be
taken by
Com-
missioner.

6. A person appointed to hold the office of Commissioner shall, before entering upon the duties of that office, take and subscribe the oath of allegiance and the oath for the due execution of his office in the forms set out in Schedule 1 to this Order.

Discharge of
Commission-
er's func-
tions during
vacancy, etc.

7. (1) Whenever the office of Commissioner is vacant or the Commissioner is absent from the Territory or is from any other cause prevented from or incapable of discharging the functions of his office, those functions shall be performed by such persons as Her Majesty may designate by instructions given under Her Sign Manual and Signet or through a Secretary of State.

(2) Before any person enters upon the performance of the functions of the office of Commissioner under this section, he shall take and subscribe the oaths directed by section 6 of this Order to be taken by a person appointed to hold the office of Commissioner.

(3) For the purposes of this section—

- (a) the Commissioner shall not be regarded as absent from the Territory, or as prevented from, or incapable of, discharging the functions of his office, by reason only that he is in the Colony of Seychelles or is in passage between that Colony and the Territory or between one part of the Territory and another; and
- (b) the Commissioner shall not be regarded as absent from the Territory, or as prevented from, or incapable of, discharging the functions of his office at any time when an officer is discharging those functions under section 8 of this Order.

Discharge of
Commission-
er's func-
tions by
deputy.

8. (1) The Commissioner may, by instrument under the Official Stamp of the Territory, authorize a fit and proper person to discharge for and on behalf of the Commissioner on such occasions and subject to such exceptions and conditions as may be specified in that Instrument such of the functions of the office of Commissioner as may be specified in that Instrument.

APPENDIX B—*continued*

(2) The powers and authority of the Commissioner shall not be affected by any authority given to such person under this section otherwise than as Her Majesty may at any time think proper to direct, and such person shall conform to and observe such instructions relating to the discharge by him of any of the functions of the office of Commissioner as the Commissioner may from time to time address to him.

(3) Any authority given under this section may at any time be varied or revoked by Her Majesty by instructions given through a Secretary of State or by the Commissioner by Instruments under the Official Stamp of the Territory.

9. There shall be an Official Stamp for the Territory which the Commissioner shall keep and use for stamping all such documents as may be required to be stamped therewith. Official Stamp.

10. The Commissioner, in the name and on behalf of Her Majesty, may constitute such offices for the Territory, as may lawfully be constituted by Her Majesty and, subject to the provisions of any law for the time being in force in the Territory and to such instructions as may from time to time be given to him by Her Majesty through a Secretary of State, the Commissioner may likewise— Constitution of offices.

(a) make appointments, to be held during Her Majesty's pleasure, to any office so constituted; and

(b) dismiss any person so appointed or take such other disciplinary action in relation to him as the Commissioner may think fit.

11. (1) The Commissioner may make laws for the peace, order and good government of the Territory, and such laws shall be published in such manner as the Commissioner may direct. Power to make laws.

(2) Any laws made by the Commissioner may be disallowed by Her Majesty through a Secretary of State.

(3) Whenever any law has been disallowed by Her Majesty, the Commissioner shall cause notice of such disallowance to be published in such manner as he may direct.

(4) Every law disallowed shall cease to have effect as soon as notice of disallowance is published as aforesaid, and thereupon any enactment amended or repealed by, or in pursuance of, the law disallowed shall have effect as if the law had not been made.

(5) Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act 1889 shall apply to such disallowance as they apply to the repeal of an enactment by an Act of Parliament.

APPENDIX B—*continued*

- Commissioner's powers of pardon, etc. 12. The Commissioner may, in Her Majesty's name and on Her Majesty's behalf—
- (a) grant to any person concerned in or convicted of any offence against the laws of the Territory a pardon, either free or subject to lawful conditions; or
 - (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence imposed on that person for any such offence; or
 - (c) substitute a less severe form of punishment for any punishment imposed by any such sentence; or
 - (d) remit the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence.
- Concurrent appointments. 13. Whenever the substantive holder of any office constituted by or under this Order is on leave of absence pending relinquishment of his office—
- (a) another person may be appointed substantively to that office;
 - (b) that person shall, for the purpose of any functions attaching to that office, be deemed to be the sole holder of that office.
- Disposal of land. 14. Subject to any law for the time being in force in the Territory and to any Instructions from time to time given to the Commissioner by Her Majesty under Her Sign Manual and Signet or through a Secretary of State, the Commissioner, in Her Majesty's name and on Her Majesty's behalf, may make and execute grants and dispositions of any lands or other immovable property within the Territory that may be lawfully granted or disposed of by Her Majesty.
- Existing laws. 15. (1) Except to the extent that they may be repealed, amended or modified by laws made under section 11 of this Order or by other lawful authority, the enactments and rules of law that are in force immediately before the date of this Order in any of the islands comprised in the Territory shall, on and after that date, continue in force therein but shall be applied with such adaptations, modifications and exceptions as are necessary to bring them into conformity with the provisions of this Order.
- (2) In this section „enactments” includes any instruments having the force of law.
- Exercise of jurisdiction by courts. 16. (1) The Commissioner, with the concurrence of the Governor of any other colony, may, by a law made under section 11 of this Order, confer jurisdiction in respect of the Territory upon any court established for that other colony.
- (2) Any such court as is referred to in subsection (1) of this section and any court established for the Territory by a law made under section 11 of this Order may, in accordance with any directions issued from time to time by the Commissioner, sit in the Territory or elsewhere for the purpose of exercising its jurisdiction in respect of the Territory.

APPENDIX B—*continued*

17. (1) Notwithstanding any other provisions of this Order but subject to any law made under section 11 thereof, Judicial
proceedings.

- (a) any proceedings that, immediately before the date of this Order, have been commenced in any court having jurisdiction in any of the islands comprised in the Territory may be continued and determined before that court in accordance with the law that was applicable thereto before that date;
- (b) where, under the law in force in any such island immediately before the date of this Order, an appeal would lie from any judgment of a court having jurisdiction in that island, whether given before that date or given on or after that date in pursuance of paragraph (a) of this subsection, such an appeal shall continue to lie and may be commenced and determined in accordance with the law that was applicable thereto before that date;
- (c) any judgment of a court having jurisdiction in any such island given, but not satisfied or enforced, before the date of this Order, and any judgment of a court given in any such proceedings as are referred to in paragraph (a) or paragraph (b) of this subsection, may be enforced on and after the date of this Order in accordance with the law in force immediately before that date.

(2) In this section "judgment" includes decree, order, conviction, sentence and decision.

18. (1) The Seychelles Letters Patent 1948 as amended by the Seychelles Letters Patent 1955 are amended as follows:—

- (a) the words "and the Farquhar Islands" are omitted from the definition of "the Colony" in Article 1(1);
- (b) in the first schedule the word "Desroches" and the words "Aldabra Group consisting of", including the words specifying the islands comprised in that Group, are omitted.

Amendment
of Seychelles
Letters
Patent 1948
and Mauri-
tius (Con-
stitution)
Order 1964,
etc.

(2) Section 90(1) of the Constitution set out in schedule 2 to the Mauritius (Constitution) Order 1964 is amended by the insertion of the following definition immediately before the definition of "the Gazette":—

"Dependencies" means the islands of Rodrigues and Agalega, and the St. Brandon Group of islands often called Cargados Carajos;"

(3) Section 2(1) of the Seychelles (Legislative Council) Order in Council 1960 as amended by the Seychelles (Legislative Council) (Amendment) Order in Council 1963 is further amended by the deletion from the definition of "the Colony" of the words "as defined in the Seychelles Letters Patent 1948".

APPENDIX B—*continued*

19. There is reserved to Her Majesty full power to make laws from time to time for the peace, order and good government of the British Indian Ocean Territory (including, without prejudice to the generality of the foregoing, laws amending or revoking this Order). ^{Power reserved to Her Majesty.}

(sd) W. G. AGNEW

SCHEDULE I

Section 6

OATH (OR AFFIRMATION) OF ALLEGIANCE

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

OATH (OR AFFIRMATION) FOR THE DUE EXECUTION OF
THE OFFICE OF COMMISSIONER

I,.....do swear (or do solemnly affirm) that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of Commissioner of the British Indian Ocean Territory.

SCHEDULE 2

Section 2(1)

Diego Garcia
Egmont or Six Islands
Péros Banhos

Salomon Islands
Trois Frères, including Danger Island and
Eagle Island

SCHEDULE 3

West Island
Middle Island
South Island

Cocoanut Island
Euphratis and other small Islets.

Note: The British Indian Ocean Territory Order 1965 was amended, as follows, by the British Indian Ocean Territory (Amendment) Order 1968:—

- (a) In the definition of "the Aldabra Group" in section 2(1) the words „, as specified in the First Schedule to the Seychelles Letters Patent 1948 and " were omitted;
- (b) in schedule 2 for the words—
 "Trois Frères, including Danger Island and Eagle Island." there were substituted the words—
 "Three Brothers Islands
 Nelson or Legour Island
 Eagle Islands
 Danger Islands."; and
- (c) in schedule 3 the words "Polymnie Island" were inserted immediately after the words "Cocoanut Island".

Annex 75

Telegram from the U.K. Foreign Office to the U.K. Mission to the U.N., No. 4327 (8 Nov. 1965)

TOP COPY

SECRET

FROM FOREIGN OFFICE TO NEW YORK
(United Kingdom Mission to the United Nations)

Cypher/OTP

No. 4327
8 November, 1965

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D. 13.18 8 November, 1965

Addressed to UKMIS New York telegram No. 4327 of
8 November,
Repeated for information to : Washington [Immediate]

My telegram No. 4310 [of 6 November : Indian Ocean],
paragraph 2.

Following is text of P.Q. and Answer:-

Begins:

Q. To ask the Secretary of State for the Colonies whether any further approaches have been made to the Mauritius and Seychelles Governments about the use of islands in the Indian Ocean for British and American defence facilities.

A. Yes. With the agreement of the Governments of Mauritius and Seychelles new arrangements for the administration of certain islands in the Indian Ocean were introduced by Order in Council made on the 8th November. The islands are the Chagos Archipelago, some 1,200 miles north-east of Mauritius, and Aldabra, Farquhar and Desroches in the Western Indian Ocean. Their populations are approximately 1,000, 100, 172 and 112 respectively. The Chagos Archipelago was formerly administered by the Government of Mauritius and the other three islands by that of Seychelles. The islands will be called the British Indian Ocean Territory and will be administered by a Commissioner. It is intended that the islands will be available for the construction of defence facilities by the British and United States Governments, but no firm plans have yet been made by either Government. Compensation will be paid as appropriate.

Ends.

2. Following is guidance (cleared with Americans) for use in answer to questions from the Press after the P.Q. has been answered.

/Begins:

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SECRET

Foreign Office telegram No. 4327 to UKMIS New York

-2-

Begins:

- (a) Consultation with other Governments. In addition to securing the approval of the Mauritius and Seychelles Governments, Commonwealth and other interested Governments have been informed of these plans at an earlier stage.
- (b) Compensation. Appropriate compensation will be paid to commercial and private interests, as well as to the Governments of Mauritius and Seychelles.
- (c) Facilities in view. Although no firm plans have yet been made either by Her Majesty's Government or by the United States Government for the construction of facilities, possibilities currently being considered are a United States communications station and supporting facilities and a Royal Navy refuelling depot, both on the island of Diego Garcia in the Chagos Archipelago.
- (d) Effect on Bases in Singapore and Aden. None. The only British facility envisaged, a naval refuelling station, is of a quite different order to those in Singapore and Aden.
- (e) First Step towards leaving Singapore and Aden. No connexion whatever. These facilities will be useful in themselves. Any decisions about redeployment of British forces must await the outcome of the Defence Review which is not yet complete.
- (f) Anticipation of the Defence Review Decisions. No. Construction of any new facilities at British expense will of course be subject to the decision of the Defence Review.
- (g) Number of Islands concerned. Islands other than Diego Garcia have been included in view of possible requirements in the long term.
- (h) Choice of Islands. The islands chosen have virtually no permanent inhabitants and are well placed for communications in the Indian Ocean area.
- (j) Cost sharing. In principle each Government will pay for the facilities they require.
- (k) Joint use. There will be provision for joint use.

//(1) Compensation

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SECRET

Foreign Office telegram No. 4327 to UKMIS New York

-3-

- (l) Compensation Costs. Compensation costs are the responsibility of Her Majesty's Government.
- (m) Timing. These arrangements have been under examination for some time. Initial surveys were carried out in the summer of 1964, as was made public at the time.
- (n) Other Islands. We have no plans for making similar arrangements elsewhere.
- (o) Use as Staging-Posts for Ships or Aircraft. This might be possible. We have no firm plans.

Ends.

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Annex 76

Telegram from the U.K. Secretary of State for the Colonies to the Governor of Mauritius, No. 298, FO 371/184529 (8 Nov. 1965)

SECRET

pw2

OUTWARD TELEGRAMFROM THE SECRETARY OF STATE FOR THE COLONIESTO MAURITIUS (Sir J. Rennie)

Cypher

PAC. 93/892/01

Sent 8th November, 1965

15.47 hrs.

IMMEDIATE
SECRET
NO. 298

24/181 (6)

Your telegram No. 247.

U.K./U.S. Defence Interests.

I am glad Council of Ministers have confirmed agreement to detachment of Chagos Archipelago.

2. As already stated in paragraph 6 of my despatch No. 423, the Chagos Archipelago will remain under British sovereignty. The islands are required for defence facilities and there is no intention of permitting prospecting for minerals or oils on or near them. The points set out in your paragraph 1 should not therefore arise but I shall nevertheless give them further consideration in view of your request.

3. I note PMSD Ministers are not opposed in principle to detachment but consider compensation inadequate. For islands some 1,200 miles from Mauritius from which the Mauritius Government has never derived much if any revenue, the payment of £3 million as development aid to Mauritius in addition to direct compensation to landowners and to costs of resettling others cannot, I consider, be regarded as inadequate. With regard to the other points mentioned in your paragraph 3, the U.S. Government has been warned that they will be raised with them and as you are aware some discussions have already been held with officials in London. No firm plans have yet been made for the construction of any defence facilities on these islands and these are matters which can only be decided in detail when such plans are drawn up.

4. I trust that PMSD Ministers will agree that in all the circumstances the present proposals are in the long term interest of Mauritius and that on reconsideration they will feel able to support them. I am disturbed to see from press reports today that despite the undertaking referred to in your paragraph 2 that no disclosures would be made at this stage, PMSD Ministers have given publicity to these proposals.

5. A meeting of the Privy Council was held this morning, 8th November, and an Order in Council entitled the British Indian Ocean Territory Order 1965 (S.I. 1965 No. (to follow)), has been made constituting the "British Indian Ocean Territory" consisting of the Chagos Archipelago and Aldabra, Farquhar and Desroches islands. Copies will be sent to you as soon as prints are available. Because Parliament was prorogued today I cannot inform it until Wednesday, 10th November of the making of this Order. I

shall

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SECRET

shall be grateful therefore if no publicity is given to this until 15.30 hours G.M.T. on Wednesday. I am sending you separately text of my statement.

(Encyphered groups passed to Ministry of Defence (Navy)
for transmission to Mauritius)

Copies sent to:-

Cabinet Office	-	Mr. F. A. K. Harrison
" "	-	Mr. T. W. Hall
Treasury	-	Mr. P. Nicholls
" "	-	Mr. J. A. Patterson
Foreign Office	-	Mr. G. G. Arthur
" "	-	Mr. Moreland
Commonwealth Relations Office	-	Mr. J. G. Doubleday
Ministry of Overseas Development	-	Mr. I. H. Harris
Ministry of Defence	-	Mr. M. Holton
" " "	-	Mr. P. H. Moberly

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Annex 77

Telegram from the U.K. Mission to the U.N. to the U.K. Foreign Office, No. 2837 (8 Nov. 1965)

SECRET**TOP COPY**

FROM NEW YORK TO FOREIGN OFFICE
(United Kingdom Mission to the United Nations)

Cypher/OTP

Lord Caradon

No. 2837

8 November, 1965

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TRUSTEESHIP DISTRIBUTION - NOV 1965

D. 0312 9 November, 1965
R. 0423 9 November, 1965

24/197 - at 11/11/65

Addressed to Foreign Office telegram No. 2837 of

8 November,

Repeated for information Saving to: Washington

For consideration Tuesday morning.

Your telegrams numbers 4327 and 4330: Indian Ocean Islands.

This was not raised when debate on miscellaneous territories opened to-day and Soviet references to bases were in general terms. Speakers tomorrow may pick up Press reports mentioned in your second telegram under reference and once London announcement is out matter seems almost certain to be raised.

2. References in text of announcement to creation of the British Indian Ocean Territory may focus attention on points in Jerrom's letter IRD 140/52/01 of 28 July to Brown. The statement in paragraph 2(h) of first telegram under reference that there are "virtually" no permanent inhabitants may well lead to charges of failure to carry out our Charter obligations to those who are permanent inhabitants. Moreover, our counter-arguments will have to avoid giving ammunition to Argentina which is sure to perceive analogy with Falklands (i.e. we cannot argue that Indian Ocean Territory is not a non-self governing territory in sense of Chapter XI of Charter merely because there were no indigenous inhabitants originally or because only a few of present inhabitants are permanent).

3. In the circumstances best course if you agree might be to say, if we are pressed on this point, that all questions relating to future status of the Islands, applicability or otherwise of Chapter XI, administration, etc. are under consideration and decisions have not yet been taken. This may provoke pressure and even a resolution calling on us to accept Charter obligations for the new territory but so might a declaration that we shall not accept such obligations.

4. If we could say there are (repeat are) no permanent inhabitants many of these difficulties would not arise, but use of "virtually" (see paragraph 2 above) seems to preclude this.

5. In any case any available extra information about numbers of "permanent" inhabitants on each island and their origins would be most useful.

/6. We assume

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1563

SECRET

U.K.Mis. New York telegram No. 2837 to Foreign Office

-2-

6. We assume you do not wish us to say anything about "resettlement" even if this is raised in the Committee, except to refer to paragraph 5(c) of C.R.O. telegram No. W/Circular 61 Saving of 6 July about seeing that the interests of the few local inhabitants are protected.

7. An alternative line may be against the alleged breach of paragraph 6 of resolution 1514(xv) involved in detachment (and this may somewhat direct attention from status of the new territory). This is likely to attract wide support. We would reply that Islands were administered under Mauritius and Seychelles only for convenience and that paragraph 6 is therefor irrelevant.

8. Grateful for reply to points in paragraphs 2 - 5 by noon New York time on 10 November if possible.

ADVANCE COPIES TO:-

F.O. Private Secretary

P.U.S.

Mr. Greenhill

Hd. of U.N. Dept.

C.R.O. Private Secretary

P.U.S.

Mr. Walsh Atkins

Hd. of Defence Dept.

CCCCC

SECRET

Annex 78

Telegram from the U.K. Foreign Office to the U.K. Mission to the U.N., No. 4361 (10 Nov. 1965)

SECRET

TOP COPY

FROM FOREIGN OFFICE TO NEW YORK
(United Kingdom Mission to the United Nations)

Cypher/OTF

TRUSTERSHIP
DISTRIBUTION

No. 4361
10 November, 1965

D. 1711 10 November, 1965.

IMMEDIATE
SECRET
BUILD

Addressed to UKMIS New York telegram No. 4361 of 10 November
Repeated for information to:- Washington [Immediate]

Your telegram No. 2837 [of 8 November].

Indian Ocean Islands.

We recognize that we are in a difficult position as regards references to people at present on the detached Islands since we want to avoid the territory being classes as non-self-governing within the terms of Chapter XI and also do not wish to give an argument to the Argentine over the Falkland Islands and also to some extent to Spain over Gibraltar.

2. Figures of total population are given in Parliamentary Answer (My telegram No. 4327). They can all be classified as Mauritians or Seychellois but we know that a few were born on Diego Garcia and perhaps some of the other Islands and so were their parents before them. We cannot therefore assert that there are no permanent inhabitants however much this would have been to our advantage.

3. In these circumstances we think it would be best to avoid all references to "permanent inhabitants". We are accordingly arranging that in place of the guidance in paragraph 2(h) of our telegram No. 4327 on population the following will be used in answer to questions by the Press in London:-

Begins.

"The total population in all the Islands numbers only about 1,500 persons who, apart from a few officials and estate managers, consist of labourers from Mauritius and Seychelles employed on copra estates, guano extraction, and the turtle industry together with their dependants."

Ends.

/4. If questioned

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Foreign Office telegram No. 4361 to UKMIS New York

-2-

4. If questioned on this subject you should reply accordingly. You can add that we have of course their welfare very much in mind and shall be discussing with the Governments of Mauritius and Seychelles the arrangements that can most suitably be made for them. As stated in the Parliamentary Answer the territory will be administered by a Commissioner and you could say that the detailed arrangements have yet to be made. You could if you think that this would be useful indicate that in presenting reports next year for 1965 on Mauritius and Seychelles we will include a statement of what these arrangements are.

5. You should know that present thinking is that inhabitants would not be removed from all the Islands until they are required for defence purposes but timing will depend on resettlement plans which have yet to be worked out. This may make it difficult to avoid an obligation to report on the territory under Article 73(e). We are most anxious however not to have to do this and are considering the matter further. In the meantime we should wish to avoid any comment on the applicability of Chapter XI. If this is raised in a way which requires some answer you should say that it would be premature to deal with the question until detailed arrangements for the administration of the territory have been worked out. If a resolution is tabled calling on us to accept Charter obligations for the territory you should seek instructions but we hope this can be avoided.

6. Your paragraph 6. We agree; see also paragraph 4. above.

7. Your paragraph 7. We agree. You could also say that the two Governments have been fully consulted about and are in agreement with the new arrangements.

SSSSS

SECRET

Annex 79

Telegram from the U.K. Mission to the U.N. to the U.K. Foreign Office, No. 2971 (16 Nov. 1965)

2
TOP COPY

FROM NEW YORK TO FOREIGN OFFICE
(United Kingdom Mission to the United Nations)

En Clair

TRUSTEESHIP DISTRIBUTION

Lord Caradon

D. 0344 17 November 1965

R. 0440 17 November 1965

No. 2971

16 November 1965

PRIORITYBUILD

Zu/212

Addressed to Foreign Office telegram No. 2971 of 16 November
Repeated for information to: Mauritius Seychelles
and Saving to: Washington

Fourth Committee - British Indian Ocean Territory.

This was raised in today's debate by Tanzania, Cuba, Yugoslavia and in passing by India. Speakers quoted Press reports of the United Kingdom announcement of 10 November and concentrated on

- (a) creation of a new 'colony';
- (b) inadmissibility of detaching land from a colonial Government regardless of compensation ('hash money') paid;
- (c) damage to interests of a minority even if representatives of the majority had been persuaded to agree; and
- (d) violation of Resolution 1514 (xv).

2. In his general winding up statement at conclusion of today's meetings Brown included a short passage in reply to these points immediately after describing outcome of Mauritius Conference. Text is in my immediately following telegram.

Foreign Office please pass Priority to Mauritius 2 and L. Seychelles 1.

[Copy sent to Colonial Office for repetition to Mauritius and Seychelles]

PPPPP

17 NOV
11 12 13
14 15 16
17 18 19
20 21 22
23 24 25
26 27 28
29 30

Annex 80

Despatch from F. D. W. Brown of the U.K. Mission to the U.N. to C. G. Eastwood of the Colonial Office, No. 15119/3/66 (2 Feb. 1966)

CONFIDENTIAL

Mr de Gaulle
Mr Demich
- 1/2
Plus 2

(15119/3/66)

2 February, 1966.

3/2

Thank you for your letter IRD/140/458/01 of 7 January about the Indian Ocean Territory and Article 73 of the Charter.

2. On future action by the Committee of 24 (your paragraph 1) we must certainly expect that the Committee will want a discussion on the issue. We do not know when it will come nor in what form and much will depend on the rest of the Committee's programme and on any further petitions. Although there is no sign at present of this becoming a really major issue at any rate compared with such questions as Rhodesia and Aden, there is every possibility as Lord Caradon told your Secretary of State at the meeting on 20 January, that we shall be faced with serious trouble, and much will depend on how we can present the matter.

3. It is worth noting what has happened in the Fourth Committee so far. Both the Committee discussions and Assembly resolution 2066(XX) dealt with the matter as part of the question of Mauritius. Officially no cognizance was taken of the existence of B.I.O.T. as a separate entity and indeed the resolution simply noted with deep concern that any step to detach the islands "would be" a contravention of resolution 1514 and invited us to take no action which "would" dismember the territory and violate its territorial integrity. Many delegations may not have tumbled to the fait accompli of separation. The question of adding B.I.O.T. to the list of non self-governing territories may not therefore arise immediately so directly as you suggest, and the point at issue may come up initially under either Mauritius or the Seychelles as it has in the past.

4. Secondly the point of attack, or rather warning, has so far been restricted, apart from the general "bases" issue, to the point concerning the territorial integrity of Mauritius and the Seychelles in the context of resolution 1514 and is not yet on the more serious charge of violating Chapter XI of the Charter itself, although this would come and be much more serious if it became apparent that we were doing so. Eventually we shall have to face the issue of whether we regard Chapter XI as applicable, if only when the Committee of 24 comes to report on the transmission of information under Article 73(e) for 1965. If we have not transmitted any information, this will be almost certain to attract comment and we shall be obliged to justify our position. This brings me directly to the point in paragraph 3 of your letter that

/the new

C.G. Eastwood Esq., C.M.G.,
 Colonial Office.

CONFIDENTIAL

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CONFIDENTIAL

- 2 -

the new territory should not be considered as a non-self-governing territory.

5. It is extremely difficult to comment on this point on the basis of the information available - especially that in Jerrom's letter IRD 140/52/01 of 28 July last year, F.O. telegram No. 4361 to which you refer, and your letter under reply - and in particular in the absence of any firm plans about the future of the present inhabitants, the timetable for establishing the defence facilities, and the extent to which some inhabitants may remain after each island has been "militarized". It seems clear however that to begin with a considerable number, and even at the end some, of the present inhabitants will remain, and this of course causes the main difficulty from the point of view of presenting our case here.

6. On the basis of the information available it seems to us difficult to avoid the conclusion that the new territory is a non-self-governing territory under Chapter XI of the Charter, particularly since it has and will or may have a more or less settled population, however small. We cannot disclaim Charter obligations to the inhabitants because they are not indigenous, since this would destroy our case on the Falklands and Gibraltar; nor apparently would the facts substantiate a plea that the inhabitants are not permanent - even if (which is not necessarily the case) Chapter XI of the Charter were confined to permanent populations. Therefore we here feel that, however we may present the issue, the United Nations will consider that it does fall under Chapter XI; it is not in their view so much a question of our deciding whether or not to accept a Charter obligation as of our actually having one whether we like it or not. Openly to refuse to accept our obligations would of course also be in contradiction of the colonial policy which we have not only followed of our own free will, but announced time and time again here, that we proceed by consultation and consent on the basis of the paramountcy of the interests of the people concerned and in accordance with the principle of self-determination. Moreover if I understand it right we have in fact gone as far as we possibly can to safeguard the interests of the people and intend to continue to do so: given that defence facilities were required, we have looked for as unpopulated a set of atolls as we could find, consistent with military requirements, so that the minimum hardship would be caused; in order not to complicate the decolonisation of Mauritius and later the Seychelles, we have created the new territory; and we are now going to pay large compensation to Mauritius and the Seychelles and do the best we can for the inhabitants. We therefore wonder whether, in the light of the point in paragraph 4 above, it is really right to conclude that we cannot so act as to be able to present a fairly reasonable case for the thesis that our actions are consistent with our Charter obligations in respect of the new territory, and more important its people, and really right that we should ourselves deliberately give the Committee just cause for criticising us for a complete breach of the Charter, if that can possibly be avoided.

/7. It may

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- 3 -

7. It may therefore be worth looking again at what would have to be done if we were to accept and try to discharge our Charter obligations. In theory we should have to accept the paramountcy of the interests of the people, develop self-government and free political institutions, and take into account their political aspirations; we should have to act in a manner which could be reconciled with the principle of self-determination (in view not of Chapter XI but rather of our own repeated and unqualified commitments to do so in all our territories); and we should also have to report on the territory. In practice this might not necessarily amount to more than devising some means of associating the present population pending their evacuation, and the final remaining labour force after militarization, with the administration of the islands. We would also have to devise evacuation schemes, as and when the time comes for each individual island, with suitable individual financial inducements to ensure that those who are to stay can be shown to have done so voluntarily. Would not these measures to some extent at least be necessary for the orderly administration of the islands and of the evacuation, quite apart from our Charter obligations, even though they would be difficult? As regards reporting we shall be faced anyhow with having to explain in the Committee of 24 and the Fourth Committee what we are doing in order to answer petitioners and criticisms. Would reporting under Article 73(e) necessarily inflict any further burden or have any wider long-term implication which we could not accept?

8. We fully realise that this course may be either impossible to carry out because of the geographical separation of the islands, or be incompatible with Anglo/American military requirements, and that the acceptance of Article 73 obligations may eventually land us in trouble, and that therefore the conclusion reached in your paragraph 3 may still turn out to be the only one practicable. You may however think in view of the arguments above that it is worth looking at again. It would incidentally to some extent mitigate the difficulty of our attitude in these islands conflicting with our position over the Falkland Islands and Gibraltar - a conflict to which attention has already been drawn in the Fourth Committee.

9. Should this not be possible we entirely agree that it is worth considering what measures might be taken to reduce our vulnerability to criticism. The measures foreshadowed in your paragraph 5(1) and (2) would certainly help us to some extent, by enabling us to show that there was no local ownership of land and that all the inhabitants of the islands were legally either Mauritians or Seychellois. But to give this substance we should have to demonstrate that all these people had the full political and other rights of other Mauritians and Seychellois - including, most important, the right to vote

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and to be represented in their parent legislatures, and to enjoy Mauritius or Seychelles citizenship - in fulfilment (until independence) of our Charter obligations in respect of those two territories. If some special arrangement could be made to enable those on the islands to exercise their votes (by post or proxy) at elections in Mauritius and the Seychelles, this would make the point more obviously valid. Again, if there are any of the inhabitants who are not accepted by Mauritius or the Seychelles as "belongers", would it be possible to consider making them full United Kingdom citizens with voting rights in the United Kingdom? In this way, we could properly claim that although we could not accept any obligations in respect of the Indian Ocean Territory as a territory, we fully accepted our obligations, including Chapter XI obligations, to the people living in the Territory and were actively discharging those obligations. Then - a point already brought out above - it would be highly desirable to avoid any action relating to the evacuation of these people, as and when this becomes necessary, which might smack of compulsion. Our position would be much better here if we could show that the people concerned had voluntarily accepted evacuation and that this was because their interests had been properly looked after in the process.

10. I should add that we are also inclined to think that the measures in your paragraph 5(1) and (2) would be worth taking even if you were able to decide that we should accept our Charter obligations as suggested earlier in this letter. They might help us to justify the eventual evacuation measures and possibly also to dodge demands under Resolution 1514 for progress towards independence. In that case the provisions made for the inhabitants to have some say in the administration of the islands would be a bonus, over and above their rights as Mauritians or Seychellois.

11. Finally the reaction here. Whatever we do we are liable to be faced with serious trouble and, whether we try to show that our actions are consistent with our Charter obligations under Article 73 or not, there will always be those who will accuse us of being in breach of them. Indeed it would not be difficult for our critics to develop the arguable thesis that detachment by itself was a breach of Article 73. Nevertheless we are inclined to think that if we were to accept our Charter obligations in respect of the new territory, or at least not say we were not doing so, the effect of the reaction would probably be mitigated, and that conversely, if we deliberately say we will not do so, it will be increased. In either event what seems to us important from our angle here is that we should have as good a case as we can to explain and that in that explanation it should be clear that we are doing our best for the, admittedly very few, inhabitants concerned.

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12. I am sorry that this is a bleak reply. Whatever you decide we shall of course do our best to defend it here and, such are the vagaries of the people with whom we are dealing, we cannot be certain that our predictions are right.

13. Copies of this letter are being sent to Sam Falle in the Foreign Office and Diggines in the C.R.O.

(F.D.W. Brown)

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Annex 81

U.K. Foreign Office, “*Presentation of British Indian Ocean Territory in the United Nations*”,
IOC (66)136, FO 141/1415 (8 Sept. 1966)

SECRET AND GUARDIOC(66)1368 September, 1966POLITICAL 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

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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

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... 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 this 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

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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(XV) 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 "people" 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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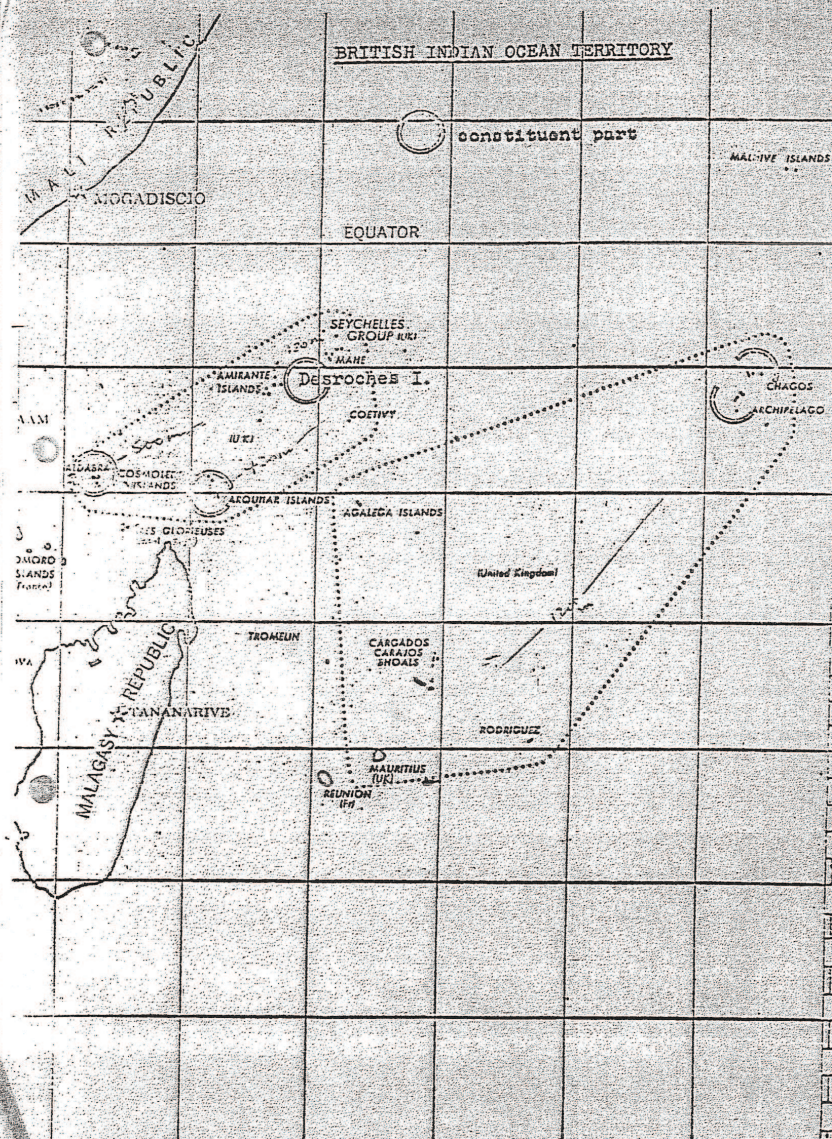
21. The Delegation should avoid any discussion of belonger rights and if pressed about the numbers who have lived there for any length of time the Delegation should say (genuinely) that we do not have available any precise records of the length of stay of individual families. The Delegation should refuse 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 formulæ have been drafted with care and have Ministerial authority. The Delegation should not depart from their wording therefore without seeking further instructions.

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SECRETANNEX BExtract from Mr. Robert Newton's Report 1964DIEGO 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 postscript 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 58 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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RESTRICTEDSTEERING COMMITTEE ON INTERNATIONAL ORGANISATIONSPRESENTATION OF BRITISH INDIAN TERRITORY IN THE
UNITED NATIONSCorrigendum 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, 1966RESTRICTED

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Annex 82

Telegram from the U.K. Mission to the U.N. to the U.K. Foreign Office, No. 1872 (9 Sept. 1966)

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FROM NEW YORK TO FOREIGN OFFICE
(United Kingdom Mission to the United Nations)

En Clair

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Lord Caradon
No. 1872
9 September 1966

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Addressed to Foreign Office telegram No. 1872 of 9 September.
Repeated for information to: Governor Mauritius
Governor Seychelles
Governor St. Helena
and Saving to: Washington

(15) Commonwealth Office telegram No. Brief 55: Committee of 24,
Sub-Committee I - Mauritius, Seychelles and St. Helena.

At today's Sub-Committee meeting, Jouejati (Syria) accused the Administering Power of ambiguity in stating its intentions regarding independence for the three territories. Such progress as took place was forced on the United Kingdom Government by the local inhabitants. United Kingdom tardiness in promoting progress was designed to assure the permanence of the settler minorities and to secure the use of the islands for British strategic purposes contrary to the inhabitants' wishes. The Committee should investigate the grave matter of United States/United Kingdom military plans and the creation of a new colony. The extensive powers of the Governors were indefensible and obsolete. The Committee could not accept that the territories were in any way unready for immediate self-government and independence.

2. Thiam (Mali) said internal constitutional problems were for the local people to settle, not the United Kingdom Government. To make independence conditional upon full agreement by the political parties was a manoeuvre to prolong British exploitation of its colonies. British companies plundered the resources of the territories for profits while their economies slumped. These economies should be diversified. The size of the public debt indicated the extent of their impoverishment while profits continued to flow to the United Kingdom. He quoted the United Kingdom Prime Minister's statements on defence policy East of Suez from paragraph 17 of A/AC 109/L 279/Add.1 and denounced these remarks since all foreign military bases were for aggressive purposes and were contrary to the colonial peoples' right to self-determination and independence. Britain's illegal bases in the area should be dismantled and replaced by schools and hospitals.

3. Brown (United Kingdom) spoke next (text by bag). On Biot, he recalled United Kingdom statement in the Fourth Committee that the new administrative arrangements for certain small islands represented an administrative re-adjustment worked out with the local governments and elected representatives. No decision had yet been reached by the United Kingdom or United States Governments about construction of any facilities anywhere in Biot. He then described at length constitutional and economic developments in the

/three territories,

UKMIS New York telegram No. 1872 to Foreign Office

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three territories, interjecting replies to main points made by Syrian, Mali and (at last meeting) Soviet representatives.

4. Shakhov (U.S.S.R.) in a long tirade, demanded immediate self-determination and independence for all. Whatever the United Kingdom delegation might say, newspaper reports had made it clear that there was an Anglo-American agreement to establish bases in the Indian Ocean. If this was not so, the United Kingdom should let representatives of the Committee investigate on the spot. He recalled the use of Ascension Island for the Stanleyville operation.
5. Malecela (Tanzania, Chairman), recalled discussion of the question of bases in the O.A.U. and at the non-aligned conference, Fourth Committee and General Assembly. The Sub-Committee and the Afro-Asians did not want bases set up in the Indian Ocean and African views on this should be respected. They did not wish to be involved in the nuclear struggle. He asked for an assurance by the United Kingdom and United States Governments that they would not establish any such bases. This assurance would remove much of the disagreement between the Afro-Asians and the Americans and British. It would be a service to the United Nations if such assurance could be given before the matter was taken up in the Fourth Committee. They could not respect the validity of negotiations between a colony and the colonial Power since these could not be on an equal basis. Failing assurances of the kind required, they would continue to press this point, since the reported Anglo/United States plans were a threat to the security of East Africa. On constitutional questions, he regretted that political reform, which was anyway belated, was always initiated by the United Kingdom and not by the people of the territories. The resolution of the Seychelles Legislative Council about continued association with Britain should not carry undue weight since the council was merely advisory.
6. In answer to further Syrian and Tunisian questions about Mauritius electoral system, Brown explained that the 8 special seats were designed to ensure some representation for small communities. The system, which sounded more complicated than it was, had secured general agreement from all the parties concerned.
7. The Syrian representative also asked for more information about United States/United Kingdom negotiations on bases, the nature of the facilities and the names of those in Mauritius and the Seychelles said to be participating in the negotiations.

Foreign Office please pass to Governor Mauritius No.6, Governor Seychelles No.2 and Governor St. Helena No.1.

[Repeated as requested]

SSSSS

Annex 83

Telegram from the U.K. Mission to the U.N. to the U.K. Foreign Office, No. 1877 (12 Sept. 1966)

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FROM NEW YORK TO FOREIGN OFFICE
(United Kingdom Mission to the United Nations)

En Clair

TRUSTEESHIP DISTRIBUTION

Sir R. Jackling

No. 1877

D. 2112 12 September, 1966

12 September, 1966

R. 2112 12 September, 1966

BUILD

Addressed to Foreign Office telegram No. 1877 of 12 September.
Repeated for information to Governor, Mauritius
Governor, Seychelles
Governor, St. Helena
and Saving to Washington

(17) My telegram No. 1872: Committee of 24, Sub-Committee 1 -
Mauritius, Seychelles and St. Helena.

At today's sub-committee meeting Sahli (Tunisia) deplored the United Kingdom's use of armed force to break the Seychelles strike and energetically condemned establishment of military bases in colonies. The United Kingdom Government should be called upon to implement Resolution 1514(XV) immediately, bring the three territories immediately to independence, renounce the dismemberment of Mauritius and Seychelles and the establishment of bases, and authorize the United Nations to send visiting missions to render any necessary assistance.

2. Mtingwa (Tanzania) called for evidence to support the United Kingdom contention that the territories had been uninhabited when first discovered. In any case their present inhabitants were entitled to independence. It was significant that dismemberment of Mauritius and Seychelles had been carried out by United Kingdom a few days before General Assembly Resolution 2066(XX). The United Kingdom had produced complex innovations for the Mauritius electoral system, but the Mauritians refused to be treated as guinea pigs for unprecedented experiments. There was no independent evidence that the people really accepted the variations on Banwell negotiated by Mr. Stonehouse. He was convinced Biot would be used for bases. The United Kingdom might assert that it was uninhabited but it belonged to Mauritius and Seychelles. It would be a first target in any nuclear attack and thus endangered the area. Ascension had been used for an attack on the Congolese liberation movement. He demanded guarantees that the territories' integrity would be respected and no troops stationed in the area. He contrasted United Kingdom refusal to use force against Rhodesia with its audacity in sending destroyers to the Seychelles to quell workers who were merely demanding bread.

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UKMIS New York telegram No. 1877 to Foreign Office

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3. Janevski (Yugoslavia) said events had proved the non-aligned conference to be right in declaring that foreign bases impeded decolonisation. PMSD Ministers resigned and the Mauritius people had demonstrated in protest against British bases in Indian Ocean. The United Kingdom was not entitled to dismember the territories or to use them for military purposes.

4. Kofod (Denmark) said it was encouraging that all in Mauritius had now agreed on an electoral system and most on the need for early independence. Denmark's similar electoral system had long worked well. The sub-committee's recommendations should welcome Mauritius's progress towards independence and should not ignore the special circumstances of Seychelles and St. Helena nor the wishes of their peoples.

5. The Chairman said sub-committee aimed to approve conclusions and recommendations on the three territories by 20 September.

Foreign Office pass Governor Mauritius 7, Governor Seychelles 3, Governor St. Helena 2.

[Repeated as requested.]

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Annex 84

U.N. General Assembly, 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*, U.N. Doc. A/AC.109/L.335 (27 Sept. 1966)

UNITED NATIONS
GENERAL
ASSEMBLY



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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)

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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.

1. 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 future, 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 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"

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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 Mauricien 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 Barwell 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 Chagcs 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 fulfilled 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 51-55 above). His delegation therefore could not support all the conclusions and recommendations of the report.

Annex 85

Government of the United Kingdom and Government of the United States, *Agreed Minute*, FO
93/8/401 (30 Dec. 1966)

CONFIDENTIALAgreed Minute

In the course of discussions leading up to the Exchange of Notes of 30 December 1966, constituting an Agreement between the Governments of the United Kingdom and the United States concerning the use of the islands in the British Indian Ocean Territory for defence purposes the following agreement and understandings were reached:

I With reference to paragraph (2) (a) of the Agreement, the administrative measures referred to are those necessary for modifying or terminating any economic activity then being pursued in the islands, resettling any inhabitants, and otherwise facilitating the availability of the islands for defence purposes.

Where any United States requirement is for land owned by the United Kingdom Government but in the possession of a lessee of that Government and it will be necessary for notice of termination of the lease to be given by or on behalf of that Government to the lessee, there will be adequate notice of the United States requirement for the purpose of enabling the United Kingdom Government to give the lessee six months' notice of the termination of the lease or such less period of notice as may be specified in the lease. This paragraph shall not, however, apply in the circumstances envisaged in paragraph (2) (c) of the Agreement.

II With reference to paragraph (2) (b) of the Agreement, the approval in principle by both Governments before either constructs or installs any facility is required only for construction or installation of major new developments. Such developments would be of the order of an air staging base, a fleet support installation, or a space tracking station. The mutually satisfactory arrangements between appropriate administrative authorities would be sufficient for improvement or reasonable expansion of approved facilities already constructed or installed.

III With reference to paragraph (2)(c) of the Agreement, the types of measures considered appropriate by the British authorities during periods of emergency use by the United States will be indicated to the United States authorities and will be reflected by the latter in any planning for emergency use. In the event of such emergency use of an inhabited island, the implementation of measures taken by the United States authorities to ensure the welfare of any inhabitants may be monitored by British personnel.

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When temporary emergency use is required, the administrative authorities of the two Governments will agree upon the arrangements (if any) regarding such temporary use which may in the circumstances be appropriate.

IV With reference to paragraph (6) of the Agreement, the Governments of the United States and the United Kingdom agree to define the terms and conditions for use in exceptional circumstances by commercial aircraft of military airfields in the Territory, as follows:-

- (i) Such use shall be limited to technical stops by British and United States commercial aircraft only;
- (ii) the United States Government has indicated its agreement to such use following consultation on an expedited basis at the time, provided for in paragraph (6) of the Agreement, for the purpose of making practical arrangements;
- (iii) if, however, a third government should in the view of the United Kingdom make an effective challenge, in pursuance of international instruments relating to civil aviation, to the United Kingdom's action as sovereign power in denying the use of an airfield, then it is agreed that civil use by British and United States commercial aircraft shall be suspended for such time as in the view of the United Kingdom Government the effective challenge is maintained;
- (iv) the above provisions would not preclude the use of military airfields by civil aircraft operated by or on behalf of either Government for governmental purposes, which is covered by the service-level arrangements provided for in paragraph (5) of the Agreement.

V Paragraph 2 (b) (iii) of Annex II to the Agreement does not debar any person who has a civil claim against the United States Government or any person for whose acts or omission that Government is responsible from bringing a civil claim in a British court under British law in any circumstances in which it would otherwise be open for him to do so.

VI In the light of circumstances prevailing in the Territory at the commencement of the Agreement and the use to which it is contemplated the islands will be put, no formal provision has been included to cover the status of the members of the United States Forces and other personnel (except with regard to

/jurisdiction,

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jurisdiction, customs duties, and taxes) and certain defence activities of the United States pursuant to the Agreement. The lack of formal provisions in these respects will not operate to restrict such defence activities of the United States authorities. If at any time during the continuance of the Agreement it appears to the United Kingdom Government or the United States Government necessary, having regard to any change in the use of any development in the circumstances of the islands, to make formal provision for those matters, an Agreement will be concluded containing such of the provisions of the Seychelles Tracking Facility Agreement as appear necessary to the two Governments, with any necessary modifications, and such other provisions as appear necessary to the two Governments.

Chalfont

Nick Bruce

LONDON

30 December 1966

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Annex 86

United Kingdom, *Minute from M. Z. Terry to Mr. Fairclough - Mauritius: Independence Commitment*, FCO 32/268 (14 Feb. 1967)

S E C R E T

19B

Mr. FaircloughMauritius: 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 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 get better treatment for its sugar than if it were already an independent country. In the latter event it seems that it ~~would not~~ 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 as asked 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

and there have
been no recent

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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 dam 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 ~~offer~~^{offer} 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 ~~major~~^{major} issue in the forthcoming election and if the P.M.S.D. have any sense they will continue to put across

/to the people

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S E C R E T

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

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Annex 87

Telegram from the U.K. Mission to the U.N. to the U.K. Foreign Office, No. 60 (21 Apr. 1967)

Mr. Baithoud

This point may be worth noting by you - there is no Charter requirement applicable to Mauritians & Seychelles.
BY BAG SAVING TELEGRAM /iv

NEW YORK (U.K. MISSION TO THE U.N.) TO FOREIGN OFFICE

Telno. 60 Saving 21 April, 1967

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Addressed to Foreign Office telegram No. 60 Saving of 21 April, repeated for information Saving to Governor Mauritius air pawns No. 3, Governor Seychelles No. 3, New Delhi No. 6 and Washington to avoid. No. 165.

My telegram No. 56 Saving: Committee of 24: Sub-committee I - Mauritius, Seychelles, St. Helena.

At yesterday's meeting Diakite (Mali) questioned the assertion that constitutional progress in the territories represented even partial implementation of Resolution 1514. The Charter requirement of respect for territorial integrity had not been observed. The decision of the Mauritius Conference had imposed unnecessary delays and conditions before independence (e.g. elections and a resolution of the new house). The electorate was only a small proportion of the population, the high proportion of persons under age 21 being disenfranchised. The electoral system contained unusual features whose real object seemed to be to distort election results.

2. Miss Sinegiorgis (Ethiopia) said little had been done to implement numerous United Nations resolutions. Delays in holding elections in Mauritius were regrettable and she appealed to the United Kingdom to hold these elections forthwith. There was hardly any political or economic advance in the other two territories. The Deverell report on the Seychelles wrongly excluded independence as a potential final status since the people of Seychelles were anxiously awaiting full independence.

3. Jouejati (Syria) requested more information about the kilowatt output and uses of hydro-electric stations in Mauritius. Why should there be unemployment when a vast development programme could employ everyone? On BIOT he asked if the so-called facilities which had been constructed had the truly free consent of the Mauritian people who owned the islands. Was there wage discrimination between Europeans and indigenous inhabitants?

4. In reply Shaw (United Kingdom) made the following points:-

(a) The need for elections before a decision on independence in Mauritius stemmed from disagreement between Mauritian parties at the 1965 Conference about the desirability of independence and the need for popular consultations on this issue.

/ (b) The delay

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John
Is he confusing 1514 & the Charter, it is there a Charter requirement?
Article 2(4) of

(32)

John
It is in No 2(4): but this depends on a confusion between "state" and "territory" or "people" while we are

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U.K. Mission New York telegram No. 60 Saving to Foreign Office

- 2 -

- (b) The delay in elections resulted mainly from disagreement over the electoral system. On timing of elections he quoted the joint statement of 20 December 1966.
 - (c) On the voting age in Mauritius he recalled that the 1965 Conference had agreed to keep the existing franchise qualifications unchanged. This was thus a decision of the elected leaders in Mauritius. 21 was an accepted minimum age for the franchise in many parts of the world.
 - (d) On possible wage discrimination he pointed out that there were no indigenous peoples, and no such distinction between sections of the population.
 - (e) No decisions had been taken on facilities in BIOT.
5. Diakite repeated his objections to any precondition for independence which looked like a manoeuvre for delay. Independence could have been granted straight after the Conference. The exclusion of voters under 21 favoured the Europeans and thus the PMSD which opposed independence.
6. In reply Shaw again explained the justification for requiring elections in Mauritius before a decision on independence and pointed out that the PMSD derived support for its anti-independence platform from those of African descent as well as from Europeans and others. A resolution by the legislature was a normal democratic procedure when a country was deciding its ultimate status.
7. Ustinov (USSR) supported Mali's points especially on the voting age. The United Kingdom had obviously not decided to abandon its military plans for BIOT and these were causing growing concern in many countries including India.
8. Shaw commented that the voting age was less important than the fact that the people of Mauritius enjoyed a choice of candidates and alternative party policies. It was for the Indian delegation to make known the Indian Government's views.

Lord Caradon

Recd. 22 April

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Annex 88

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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)

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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.

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5. 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

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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 association 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.

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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

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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 Mauritius 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?

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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.

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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 (SPU), 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

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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. Helens 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

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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.

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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).

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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.

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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

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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

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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.

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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

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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

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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.

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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.

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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.

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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

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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.

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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.

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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,

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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

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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.

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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

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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 FMSD 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

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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

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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 89

U.K. Colonial Office, *Minute from A. J. Fairclough of the Colonial Office to a Minister of State, with a Draft Minute appended for signature by the Secretary of State for Commonwealth Affairs addressed to the Foreign Secretary*, FCO 16/226 (22 May 1967)

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Minister of State

RECEIVED IN
ARCHIVES No 56
24 MAY 1970

B.I.O.T.
Anglo-U.S. Defence Agreement
Secret financial arrangements

You are already aware I believe, that there has recently been correspondence with the Americans about what should be said in reply to questions about the existence of a United States contribution towards the costs involved in establishing British Indian Ocean Territory. This has revealed a serious disagreement between ourselves and the Americans on the extent to which the secret American contribution should be concealed. The Americans, it seems, are not now prepared in all circumstances to deny that they have contributed to the cost (up to \$5m. or half the cost whichever is the less) of establishing B.I.O.T.

2. The Americans have from the beginning attached the greatest importance to the maintenance of secrecy about this arrangement and the fact that they now seem to be changing their attitude is not only surprising but must be seriously disturbing for Ministers. The Minister of Defence, whose departmental votes benefit from the American contribution, is directly involved. So too, for reasons I will develop, are the Prime Minister and our Secretary of State.

3. The Secretary of State for Defence has sent the attached minute dated May 12 to the Foreign Secretary. Paragraph one of the note gives the background to the U.S. contribution and refers to some evidence that there may already have been a leakage. The likely consequences of disclosure of the American contribution are set out in paragraph 3 of the note, which in our view provides a fair though not a very full assessment of the more damaging results which may be expected.

4. From the D.T.D. point of view the following considerations need to be borne in mind.

(A) The fact that what amounted to the final acquiescence of Mauritius to the terms of the B.I.O.T. financial settlement occurred at a discussion between the Prime Minister and Sir Seewoosagur Ramgoolam in September 1965. The record of the discussion is attached.

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cc. to
S. of S.'s
Pte. Off.
Sir S.
Garner
Sir A.
Galsworthy
Mr. Trafford
Smith
Gen. McNeill
Mr. K.C.
Christofas
Mr. Fair-
clough

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- (B) The political repercussions in Mauritius of disclosure, which could be very serious indeed. The compensation agreement, although in its early stages negotiated by the M.L.P. and P.M.S.D. leaders when both were in coalition, eventually was the rock on which the alliance was wrecked. It was precisely because they held that compensation was set too low at \$3m. and should have been supplemented by the Americans, that the P.M.S.D. broke with the M.L.P. to go into opposition at the end of 1965.
- (C) The considerable likelihood of a demand for substantial additional compensation following disclosure together with, in all probability, renewed pressure from Mauritius on the Americans for sugar and immigration quotas.

5. In paragraph 4 of his minute the Secretary of State for Defence proposes that the Americans should be urged to agree either to continued secrecy in all circumstances, or to full admission of the facts by both Governments at their own time in voluntary statements to be agreed between them. This represents in effect an ultimatum to the Americans to agree to nothing less than a 100% denial in all conceivable circumstances. If the apparent brutality of this choice forces the Americans to agree unreservedly to secrecy all should be well. But it seems probable that the Americans would be quite unprepared to agree to an cut and out denial and might prefer disclosure.

6. The line taken by the Secretary of State for Defence may well be sound in its assumption that there is no suitable middle course between concealment and truth. If, however, following this uncompromising line leads in the end to disclosure (and this seems likely in view of the American attitude) then we must clearly do all we can to ensure that the adverse effects of disclosure, so far as Mauritius and Seychelles are concerned, are mitigated so far as this is possible.

7. It is extremely difficult to suggest means whereby, if in the end of the day full disclosure is decided upon, the adverse consequences in Mauritius (and to a lesser extent Seychelles) can be avoided. It would in any case be essential that before any disclosure were made something should be said to the Premier of Mauritius Sir Seewoosagur Ramgoolam. Bearing in mind the vehemence with which he, together with

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his ministerial colleagues, argued at the time (in September 1965) for very much larger compensation for the separation from Mauritius of the Chagos Archipelago, and bearing in mind also that the then All-Party Government broke up over the very question of the quantum of compensation, one is forced to the almost inevitable conclusion that the only way of making palatable a disclosure that in fact H.M.G. had been assisted as to 50% by the Americans would be to offer additional compensation. If this were not done, then the Premier would be held up to ridicule in the forthcoming election campaign for having been "gaped" by the British and would again be attacked for having sold Chagos too cheaply in order to secure the agreement of the British Government that Mauritius should proceed to independence.

8. In all the circumstances, and if disclosure is decided upon, the only course which seems likely to avoid a major row with the present Mauritius Government and a major electoral set-back for the Premier and his Party is that he should be approached ahead of any announcement and informed that we have been able to secure agreement to some American contribution to the cost of establishing the British Indian Ocean Territory and that in these circumstances we are glad, in agreement with the Americans, to be able to go somewhat further to meet the representations made by the Premier when the matter was negotiated for a larger quantum of compensation. Since, if there were full disclosure, it would become known that the United States had in fact contributed 50% of the total costs, there is no doubt that the Premier (who very reluctantly accepted £3m. when he thought that Britain was paying in full) would expect this to be at least doubled.

9. As to Seychelles, there would also be difficulties although they would not be likely to be so acute. By way of compensation for the Seychelles island forming part of the British Indian Ocean Territory we offered to build Seychelles an airfield. We had in mind at the time a total cost of £3½m. although no figure was mentioned to Seychelles. We still have not got firm estimates for the cost of building an international airfield in the Seychelles (the report of an M.P.E.W. Survey party is awaited) but the strong probability is that the total cost would be more like double this figure. The Ministry of Defence, who bore all the establishment costs of British Indian Ocean Territory on their Vote (and also received the relief from the American contribution) have so far firmly insisted that their contribution to the cost of the /airfield

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airfield is limited to £5m. Our view has been that they should meet the full costs of building whatever airfield is decided upon but we have refrained from doing battle with them on this pending the receipt of the Survey Party's report and reliable estimates of cost. If the cost of building the fullscale airfield we should like to see constructed is indeed, as we expect, something of the order of £6m. to £7m., then a possible line with unofficial members of the Executive Council in Seychelles would be to say that when we offered to construct an airfield by way of compensation for their agreement to the separation of former Seychelles islands to form part of B.I.O.T., we had envisaged that this could be done at a cost of some £3m. We have now found that the cost is going to be ^{much more} ^{substantially} more than double this. We have however been fortunate in securing an American contribution towards the cost of establishing B.I.O.T., and in view of this will still be able to proceed with the construction of the airfield despite its greatly increased cost.

considerably

10. I am convinced that if we are to avoid strongly adverse reactions in Mauritius and Seychelles, in the event of disclosure, including plausible accusations of bad faith on the part of the British Government also (from Mauritius) on the part of the Prime Minister, we must:-

- (a) inform the two governments in advance of disclosure of the situation, and
- (b) offer increased compensation to them in view of the American contribution taking the form of additional cash to Mauritius and, in the case of Seychelles, continued willingness to build the airfield despite its greatly increased cost.

11. I suggest that the Secretary of State should be invited to comment on the minute of 12 May by the Secretary of State for Defence as in the attached draft.

12. In view of the absence of Sir Arthur Galworthy and Mr. Trafford Smith and of the urgency of the matter I am submitting direct to you. I am sending copies at the same time to Defence Department and to the Secretary of State's Private Office.

(A. J. Fairclough)

Dependent Territories Division
Pacific & Indian Ocean Department
22 May, 1967

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DRAFT MINUTE

(For signature by
the Secretary of
State for
Commonwealth Affairs)

FOREIGN SECRETARY

I am very concerned at the proposal made in paragraph 4 of the minute addressed to you on 12 May by the Secretary of State for Defence about the arrangements for compensation to Mauritius and Seychelles in connection with the establishment of the British Indian Ocean Territory. I foresee acute embarrassment in our relationship with Mauritius (which, depending upon the outcome of the forthcoming election, is likely to become a full member of the Commonwealth) and, to a lesser extent, with Seychelles, if there is disclosure of the 50% American contribution to the establishment costs of British Indian Ocean Territory.

2. My predecessors and I and officials both in the territories and in the then Colonial Office insisted throughout in discussions on the question of compensation that this was a matter between the territories and the British Government. This insistence was in the face of quite understandable demands that, since the United States was to benefit from the British Indian Ocean Territory and since both Mauritius and Seychelles were in considerable need of assistance of various sorts, the Americans should be pressed to contribute. We resisted this strongly and, as the Secretary of State for Defence points out, the Prime Minister himself flatly told the Premier of Mauritius that the

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matter was one between Britain and Mauritius. There is no doubt that the Premier believed that the full amount of the compensation paid to Mauritius was being found by Britain.

3. Subsequently the Premier was vigorously attacked by the present opposition party in Mauritius for having agreed to the separation of Diego Garcia for far too little by way of compensation and the then All-Party Government finally broke up over this point. The critical election which will determine whether or not Mauritius is to become independent is due within the next few months and the question of the amount of compensation for the Chagos Archipelago is likely to be raised by the opposition party as one of the matters on which they will attack the Premier's record. If, particularly at this time therefore, it were to be disclosed that the United States had in fact indirectly met half of the establishment cost of British Indian Ocean Territory, there would be bound to be a major row with the present Mauritius Government which would certainly find such a disclosure extremely embarrassing electorally. It is wellnigh certain that accusations would be made that the British Government and the Prime Minister personally, had deliberately deceived the Mauritius Government in order to secure their agreement to the separation from Mauritius of the Chagos Archipelago at a low level of compensation.

4. For these reasons I should very much prefer to see the line so far of keeping the American contribution to the establishment costs of B.I.O.T. completely secret firmly adhered to. If however the Americans are unwilling to agree to stick to this in all circumstances, then I am inclined to agree with

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the Secretary of State for Defence that half-measures would be liable to get us into even greater complications and that in the circumstances we should try to persuade the Americans to agree to a voluntary disclosure of the arrangements. If however this were to be tolerable from the point of view of our relations with Mauritius and Seychelles, I am convinced that certain actions relating to these territories would be essential.

5. Against the background of pressure at the time on the part of Mauritius for greater compensation, the situation could in my view only be made tolerable, in the circumstances of disclosure, if additional compensation were offered. Since it would become plain that half the costs were being met by the United States, and since Mauritius only agreed with the utmost reluctance to compensation limited to \$3m. when it was thought that Britain was meeting the full amount, I cannot see that anything less than a doubling of the compensation paid to Mauritius would have any chance of avoiding the adverse consequences referred to above.

6. It would be essential that the Governors of the two territories should be authorised to speak to the unofficial members of their governments before any disclosure were made. I envisage that the approaches - which would need to differ as between the two territories - should be on the following lines:-

- (a) Seychelles. Unofficial members of the Executive Council should be reminded of the agreement on the part of the British Government to construct an airfield in Seychelles. At the time that this

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offer was made it was envisaged that the cost of doing so might be of the order of £3m. It now seemed likely - although precise estimates were not yet available - that the cost would be very considerably greater. We had now however been fortunate in securing a 50% American contribution to the establishment costs of British Indian Ocean Territory which was to be announced shortly and were glad to be able to confirm that, despite the greatly increased estimated cost, construction of the airfield would proceed as planned.

- (b) Mauritius. The Premier should be reminded that Britain had not felt able to meet his demand for compensation of the Chagos Archipelago beyond the amount of £3m. agreed in September 1965. At that time we had expected that it would be possible to construct the airfield which we had undertaken to provide by way of compensation for Seychelles for about the same sum. We had however been fortunate in securing United States agreement to a 50% contribution to the establishment costs of British Indian Ocean Territory and this fact was to be announced shortly. At the same time the likely costs of the Seychelles airfield had mounted considerably. In the light of these factors we had been giving further consideration to the situation

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and to the level of compensation and were glad to be able to tell the Premier that in all the circumstances we were now able to increase the amount to £6m.

7. There is a further important consideration which arises and that is the question of possible international reactions if disclosure is decided upon and if, following on this, there are strongly adverse reactions from Mauritius and Seychelles. It has throughout been a central point in our defence of the arrangements made in the establishment of the British Indian Ocean Territory that the separation from Mauritius and Seychelles of the islands now forming part of the Territory was done with the agreement of the Governments of Mauritius and Seychelles. Even so, we met, and have continued to meet *some* ~~strong~~ opposition to the whole enterprise in Commonwealth and foreign countries and in the United Nations. If, following on disclosure, there were strongly adverse reactions in Mauritius and Seychelles, we should be in a much worse position than we have so far in handling matters concerning British Indian Ocean Territory on the international scene. *from 15 gov't of* This is an added reason why in my view action on the lines recommended above would be necessary if disclosure of the American contribution is eventually decided upon.

8. I have not so far consulted the Governors of Mauritius and Seychelles on this matter but I think it essential to do so before any approach to the Americans on the lines of the draft attached to the minute of 12 May by the Secretary of State for Defence is made. Before doing so however, I felt it right to inform my colleagues of my views as to

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U.K. EYES ONLY

the financial implications of disclosure if serious adverse consequences in the territories (particularly Mauritius) and the resulting international embarrassment to Britain and the United States are to be avoided.

9. I have sent copies of this minute to the Prime Minister, the Chancellor of the Exchequer, the Secretary of State for Defence, the Minister of Technology and Sir Burke Trend.

TOP SECRET
U.K. EYES ONLY

Annex 90

U.K. 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.*, OPD(67) (25 May 1967)

SECRET

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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

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SECRET

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SECRET

C O N T E N T S:

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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

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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 Seychelles 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.

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TOP SECRET

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."

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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

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Annex 91

Mauritius Legislative Assembly, *Accession of Mauritius to Independence Within the Commonwealth of Nations* (22 Aug. 1967)

854 Governor's Speech — 22 AUGUST 1967 Statement by Minister 535
Administration of Oath to Members

assistance from international sources, already guaranteed or under negotiation, will enable the voluntary agencies engaged in this work to extend and intensify their activities.

My Ministers are anxious that in an independent Mauritius young people should assume greater responsibilities and should play a more constructive part in the life of the nation. My Ministers will therefore review and strengthen the youth services of the Ministry of Education with a view to providing the youth of the country for full and active participation in the economic and social development of Mauritius.

Honourable Members, I pray that the Blessing of Almighty God may rest upon your counsels.

At 12.30 p.m. the sitting was suspended.

On resuming at 2.12 p.m. with Mr. Speaker in the Chair.

ADMINISTRATION OF OATH TO MEMBERS

The Hon. Simedee Virah Sawmy and the Hon. Loucheimparad Badry made and subscribed the affirmation allowed by law in substitution for the Oath of Allegiance prescribed by Section 49 of the Mauritius Constitution Orders 1966 and 1967, and signed the Roll of Membership.

ELECTION OF DEPUTY SPEAKER

Mr. Speaker, Sir, I beg to move that the Third Member for Port Louis North and Montagne Longue (Mr. P. G. R. Raut) be appointed to the post of Deputy Speaker.

The Hon. Fourth Member for Belle-Rose and Quatre-Bornes (Mr. Forget) rose and seconded.

Mr. Speaker: I declare the hon. Third Member for Port Louis North and Montagne Longue unanimously elected as Deputy Speaker of the House. I offer him my congratulations. (Applause)

Mr. P. G. R. Raut (Third Member for Port Louis North and Montagne Longue): Sir, I am most grateful to the House for their confidence and I thank you, Sir, for your congratulations. I shall do my best to be a devoted servant of the House when I shall sit in the Chair as Deputy Speaker.

ELECTION OF DEPUTY CHAIRMAN OF COMMITTEES

Mr. Raut: Mr. Speaker, Sir, I beg to propose that the Second Member for Placé and Bon Accueil (Mr. R. Gajadhar) be appointed Deputy Chairman of Committees.

The hon. Third Member for Vacoas and Flacé (Mr. Mason) rose and seconded.

Mr. Speaker: I declare the hon. Second Member for Placé and Bon Accueil unanimously elected to the office of Deputy Chairman of Committees. I offer him my congratulations. (Applause)

Mr. R. Gajadhar (Second Member for Placé and Bon Accueil):

Mr. Speaker, Sir, I most sincerely thank the House for the honour it has done to me in electing me as Deputy Chairman of Committees. I trust and pray that with the full collaboration and blessings of the House and by the grace of God I shall prove worthy of the confidence that has been placed in me.

STATEMENT BY MINISTER

The Premier and Minister of Finance (Mr. S. Ramgoolam):

Public Holiday, Saturday 9th September
Mr. Speaker, Sir, I am pleased to inform this Assembly that the Govern-

856 Accession of Mauritius 22 AUGUST 1967 to Independence within the 857

Commonwealth of Nations

ment has decided that Saturday the 9th of September be proclaimed a bank, office and estate holiday on the occasion of the Marathi Festival Ganesh Jayanti and of the death anniversary of Pope Laval.

SUSPENSION OF STANDING ORDER 10 (2)

Sir S. Ramgoolam: Mr. Speaker, Sir, I move that Government business be exempted at this day's sitting from the provisions of paragraph (2) of Standing Order 10.

Mr. Forget rose and seconded.

Question put and agreed to.

ACCESSION OF MAURITIUS TO INDEPENDENCE WITHIN THE COMMONWEALTH OF NATIONS

(2.18 p.m.)

Sir S. Ramgoolam: Mr. Speaker, Sir, I now move the motion standing in my name which reads as follows:—

"That this Assembly requests Her Majesty's Government in the United Kingdom to take the necessary steps to give effect, as soon as practicable this year, to the accession of Mauritius to the Commonwealth of Nations and to transmit to other Commonwealth Governments the wish of Mauritius to be admitted to membership of the Commonwealth on the attainment of independence."

This motion, Sir, which stands in my name is but the expression of the collective will of the people of Mauritius as expressed at the recent general elections that our country should now become an independent state within the Commonwealth and thus take its rightful place among the free nations of the world.

"The Moving Finger writes, and having writ, moves on."

Nothing will change it. This is the inexorable course of history. We are meeting today on an historic and solemn occasion. By our decision today, Sir, we shall put Mauritius on the path of her destiny. It is a day of joy for all patriotic men and women, for on this day we are taking the formal step which will confer on our people freedom and bring them into their heritage.

We give our thanks to God and to the people of Mauritius who have given to the world a shining demonstration of their determination and national unity. They have given us the mandate to go forward with courage and hope in our heart.

Today we will also remember the names of Mauritians who have made their contribution in this great march of the people for the liberation of their country. Men like Remy Ollier, Prosper d'Epina, Sir William Newton, Dagène Laurent, Anatole de Boucherville, Gaston Gélbert, Raoul Rivet and Sir Edgar Laurent himself; they have all participated in the political evolution of Mauritius.

Then we come to the great democrats Anguel, Rozemont and Scerivasen who are not amongst us to see the fulfilment of their valuable work. These illustrious sons of Mauritius have brought history to the feet of our struggling people as offerings to be honoured and cherished. Our heart is full of gratitude for their performances, so replete with sincerity and love for our people. They will know in their graves today that the struggle has not been in vain.

We have come a long way and it has taken us a long time doing it. It is at once the end of a journey and the beginning of another. In that journey

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the utmost was asked of us, especially of those I have just mentioned and the fact that none was found wanting will be registered in the consummation of a great common endeavour — the birth of a Mauritian Nation.

This wonderful band of ours which we love so much will, in a not too distant future, be not only our land but our Fatherland for which let us hope, we shall work and live and die.

It will be a matter of no small wonder to succeeding generations that by the exercise of a diabolical political witchery, by those possessed of it that we should have been kept back from coming into our national inheritance for so long. But our friends and brothers, the common people of Great Britain themselves took also a long time to come into their own inheritance and afterwards they extended their hand of fellowship to us, and it is with their consent and agreement, action and positive help that it will fall to us to direct the future conduct of our affairs by the consciousness of a common destiny. And it would be only fitting, I say, that this day should remain ever memorable in our annals so that generations still unborn would look back on it as one from which to draw a new inspiration to be worthy of those who preceded them.

With independence there will come among the people of this country a sense of regeneration and there will arise in the hearts of our fellow countrymen a fervour and a determination to go forward and build for themselves and for future generations a strong, free, happy and prosperous Mauritius — a Mauritius which will in every way be worthy of the great traditions she had inherited from the past. We must not understate either our achievements, Sir, or our intrinsic potentialities.

ties. Though we live on a small territory we have given ample proof of our ability to be the masters of our own destiny. We have produced men in the past of international calibre — men of profound learning and experience who by their attainments in so many different fields of national endeavour could have been the pride of any country in the world.

These men, Sir, have been the inheritors of a liberal civilisation that has been nurtured by the cultural values of both the East and the West. These men have been dreaming of a Mauritius that had fate decided otherwise, might have achieved a greater measure of political freedom and placed our country alongside those great dominions of the Commonwealth like Canada, Australia and New Zealand which over a century ago achieved their independence from colonial rule.

In fact, Mr. Speaker, Sir, a movement for political freedom has been afoot in this country from the early years of our history. Even during the French occupation of *Île de France* there were movements for self-government which culminated in rebellion, and in 1794 the country became a rebel colony, revolting and disobeying the Central Government of France. For the next few years the colony became virtually independent.

The struggle continued until we came to the nineteenth and twentieth centuries. As far back as 1825 Mauritians had a Council of Government in which members had freedom of debate and an independent vote. In 1885 a Council of Government was established with 8 ex-officio, 9 nominated and 10 elected members and this composition, with very slight changes, continued until 1947.

Commonwealth of Nations

But let me bring back hon. Members to the year 1882 when Sir William Newton and his political friends constituted the famous 17th of July 1882 Sub-Committee to study and report on the changes to be brought about in our Constitution. It would interest the people of Mauritius to know what it said, among other things, on the political affairs of Mauritius: "*Les nations, les communautés qui dédaignent le régime de la liberté, et qui se résignent à la servitude, sont fatalement condamnées à se désagréger et à périr.*"

Chacun de nous pourra travailler d'une façon plus directe et plus utile au bien de notre pays; et Maurice, émancipée, regagnée par l'énergie et le dévouement de ses enfants, prendra au milieu des possessions Britanniques un rang plus digne d'elle et de ses destinées.

Au lieu de nous ingérer à trouver des prétextes pour ne pas sortir de l'état de dépendance ou nous sommes, et de nous laisser effrayer par de vaines fantômes, mettons nous résolument à l'œuvre et le succès ne tardera pas à couronner nos efforts."

At the threshold of independence it is natural that we should place on record the visions of these great men who had a sense of history and could foretell the shape of things to come.

We are about to take a momentous decision that will affect the lives and aspirations not only of Mauritians who went to the polls on August 7th but will affect the destiny of generations yet unborn. Let me also say this much that the great decision we are about to take is also the culmination of a long and painful struggle which began at the very moment Mauritius was granted an elective constitution. It will be remembered, Sir, that this

took place in 1886, but even for a constitution, modest as it was, for a country as advanced as Mauritius was opposed by the forces of reaction in this country. Ever since then there has been a sustained and unyielding agitation to oppose every single move towards greater constitutional freedom for the people of Mauritius, and I am sorry to have to say, that in spite of their other qualities the same people blinded by their obscurantist outlook have been fighting relentlessly against any constitution that would have given the people of this country a say in the management of their affairs. Once again we find them to-day in the forefront of the agitation to oppose Independence by all means.

It is unfortunate, Sir, that some people in Mauritius continue to believe in the superiority of a certain class when two great wars for democracy have levelled all that. In their view those whom they have branded a leavers of wood and drawers of wale should always be relegated to the position of seifs. I am afraid there has not been much change of heart since the time when Sir Henri Leclercq opposed a modest constitutional reform for Mauritius. This is what he said in answer to the liberal movement of Anatole de Boncherville and others:

"*Nous avons finalement les classes inférieures, qui constituent un mélange indéfinissable, ou le sang malgache et africain domine et qui nous fournit nos cuisiniers, cochers, charpentiers, bou chers, portefaix, pêcheurs, bacheliers, boulangers, coupeurs de cannes, charr tiers et marçonn. Ce sont les descendants des esclaves affranchis. En montant ils ne savent ni lire ni écrire. Cette section est la plus nombreuse de la population générale. Comptant de 5 à 55,000 personnes, elle constitue près de la moitié.*"

Commonwealth of Nations

I am afraid sentiments not very dissimilar from those that were expressed by these distinguished Mauritians are also conditioning the minds of those of our fellow Mauritians who do not want to read the writing on the wall. They fear as those before them feared that their vested interests, their feudal privileges and all that they have acquired by virtue of their position of vantage in society will be swept away by the democratic upsurge of the humble people who have toiled and laboured for the development and prosperity of Mauritius.

Perhaps it is human, Sir, to entertain these feelings. It might be said that people who have monopolised political and economic power for over a century should fight to the death before surrendering any of their feudal prerogatives. But it is also right and proper, Sir, that those of us who have been elected by the people of this country to be the guardians of their liberty and of their own birthright should see to it that a powerful minority that has wealth and economic power at its disposal should not forever frustrate the hopes and aspirations of the great mass of the people of Mauritius. Almost half a century ago the thoughts and ideas which I am expressing now were echoed by great Mauritians. Among them I have mentioned the name of the late Abdoie de Boucherville one of the leaders of the liberal movement in politics, and with your permission, Sir, I would like to quote a few lines in which he vindicated the sacred right of people to share political power with the small minority that held the country in the grip of its power. That is what Mr. de Boucherville said :

"Votre pensée, votre idéal, votre loi, c'est de faire en sorte que le grand nombre qui ne possède rien ne soit jamais vaincu par le petit nombre qui possède tout. Vous voulez à dix mille années conserver une

sorte de prédominance morale, sociale et politique sur tous les autres éléments formant une population de 350.000. Lorsque l'on marche en avant, les horizons s'ouvrent, les sommets se dessinent. Lorsqu'on va à reculons, on ignore quelle fosse, quel abîme on a derrière soi."

and finally, Mr. de Boucherville used these words which became almost the slogan of the Independence Party :

"L'Action Libérale préconise une triple alliance, l'alliance du Noir, du Blanc et de l'Asiatique ; alliance monétaire, disant les oligarques, nécessaire et juste disent les patriotes de toutes couleurs, de toutes religions."

The leaders of the liberal movement wanted full autonomy for Mauritius.

Why should people of the upper segment of society be afraid of independence? Freedom has never brought misfortune to any country. We have only to look around us in the African Continent to find the revolutionary changes which have come over in those territories which were under colonial rule. Look at the transformation that has taken place in Kenya, Tanzania, and the Malagasy Republic. Within the space of a decade enormous changes have revolutionised the entire life of the people of these lands.

Their standards of living have considerably increased. They have tapped their national resources which were lying idle for centuries. They have gained access to the great currents of world thoughts and to day they are marching in unison with the rest of the world in the search of a formula for the peace, progress and happiness of all Mankind.

Independence has allowed them to make their full contribution not only to the development of their own country but to the development growth of the entire world. Independence in Mauritius too will mean a fairer opportunity for the people of Mauritius and

Commonwealth of Nations

a better guarantee for democratic progress. Without it we cannot aspire to equality among nations.

Economic difficulties may be encountered even in a colonial territory, and these have happened in this country in the thirties and before that. No one must think here that as a colonial associated territory we can enjoy better advantages than if we were Independent.

In time of stress and economic recession, whether as a colony or an independent country, we would naturally suffer the consequences. But it would not be true to say that we would be in a position of vantage as a vassal state to face our problems. Smaller territories than Mauritius have become independent and there were no pretensions arguments against their attaining sovereignty. We know that in history, whenever there is an upsurge of the masses, there arise political divisionists who attempt to divert the attention of the people to other minor issues in order to hide the true facts of history behind such mass movements. The late President Roosevelt has very aptly described these men belonging to the dark ages when he said :

"There have always been those who do not believe in progress and who attempt to block their forward movement across history and to force them back to servility and suffering."

This, in a sense, is what is taking place in Mauritius today. People here must be realistic and understand the vast winds of change that have swept the gloom and which have witnessed in the last twenty years the independence of one country after another. The countries of Asia and Africa have been liberated by the common consent of those powers which governed these continents and of these peoples.

This vast tide of transformation could not leave us untouched, nor could the historic march of the peoples of the world. We must realise and we must understand that the old world has perished never to return again. It has crumbled into dust and no beating of the breast or signs of the heart can bring it back to life again. Those who oppose progress and the rule of law should realise the social revolution which has taken place in Mauritius and they should understand that we must live in the new world which has just been born in Mauritius. We are dedicated to the liberal and democratic way of life. All Mauritians should accept that, for without it there can never be a modern society in substitution for a cruel, inhuman way of life.

We must not be afraid of independence and dread it like a child without thought and preparation. Mauritius will have a changed status, but we are not severing our close connections with Great Britain and the Commonwealth. On the contrary, Sir, we will develop stronger links on the basis of partnership and mutual respect and friendship, but the relations of master and slave will give way to a new brotherhood and equality and freedom. Indeed, Sir, we are doing more than that. On independence, we are asking the Queen of England to become the Queen of Mauritius. There will be a Governor-General with extensive discretionary powers, more than those which obtain in other independent countries, which by themselves offer adequate guarantee to every section of the Mauritian community. In addition, an independent Mauritius shall come nearer to the other friendly countries specially France with which we have age old cultural and friendly ties. A new vista for international co-operation in all fields of life will open for us. Apart from British eco-

nomic aids and defence agreements, we will get other aids from the various agencies of the United Nations. All these are factors which should weigh in the balance in the assessment of independence. Mauritius will emerge as a nation.

So far, despite our efforts to live as a nation, we have been separated into several ethnic groups by those who wish to drag on their despicable existence. Independence will enable us to think as a nation, for our country will be our hope and our people our first concern. In this atmosphere of freedom and equality, a new spirit and endeavour will seize our people and in this century of hope a new Mauritius is being born, unfettered and friendly, small but with the indomitable spirit to make good with other nations. There would be no prison bars of colonialism, no discrimination between one Mauritian and another, but a united country fulfilling its own destiny.

History has proved, Sir, over and over again that once the inhabitants of a territory are in full control of their destiny, they have been able to achieve unity and to build up a national consciousness. We are all aware of the intense conflict which raged in the provinces of North America before that country got independence. The same pattern was discernible in the other dominions such as Australia and India. "Divide et impera" was the guiding principle of the former imperial rulers. But once alien control had withered away the people of a country could sink their differences and work together for the attainment of a common nation. I have no doubt, Mr. Speaker, that in a like manner we also will benefit from our accession to independence.

I feel in a historic mood, Mr. Speaker, and allow me to quote the

words of another distinguished Mauritian, Mr. Roger Pezzani, who, although bred on the political philosophy of Burke and Gladstone, called himself a conservative in Mauritian politics. Speaking as far back as 1926 and looking at the future of the country, he expressed himself in these words:

"There can be no ally-shillying. I am asking every Hon. Member to realize this is a solemn day for Mauritius: it is a day when we are building up the foundations of the past and when we have to see to it that we should not repeat them because the result in days to come would be the source of an eternal and most legitimate reproach of the growing generation to the men who now have the responsibility of making a decision. They must not think of their own happiness but of that of their children."

I have said, I think, enough in support of my contention that Mauritius should be proud to take her place among the sovereign, independent territories of the world. I make a solemn appeal to Hon. Members sitting opposite to accept the verdict of history and not to be swayed by their emotions and by their imaginary fears. Nobody should think that Mauritius, after independence, will be an island into itself and that it will be cut off from the rest of the world. On the contrary, with the help of its independent status, it will merge within the wider framework of sovereign and interdependent countries and we have every hope that in this new partnership, Mauritius will be in a more advantageous position to deal with all the problems that it has now to face.

We must not allow ourselves to be deluded, Mr. Speaker, by the notion that any substantial advantage will accrue to Mauritius with an association status with Great Britain. I am not going into any details of this matter today. There is a belief in some quarters that association with Great Britain

means the same thing as integration with the United Kingdom. This is altogether incorrect. Association in any form will be a mistaken policy, and I am sure by now a great many of our people have realised that. Some territories in the West Indies have an association status but this gives them no privileges greater than those we are enjoying at present or we might enjoy after independence. For one thing, the citizens of these territories have no automatic entry into the United Kingdom, as the Opposition would have us believe.

We have all read the case of Mauritians who have been declared prohibited immigrants in Great Britain; there is the recent judgment of the High Court, in London, of the case involving six Mauritians to the effect that they could not claim automatic entry into the United Kingdom, which bears testimony to the point I am making. Nor will association take us nearer to the Common Market. We have studied all this and we have realised the problems that are before this country.

Mr. Speaker, Sir, I would not like to take more time of the House and I will now like to conclude, and put this motion in the hands of Hon. Members. As I said earlier on, we are standing today at the threshold of a new era. Mauritius begins today a new chapter of its history. Let us resolve that in our determination to build a better future for ourselves and our children we shall all be inspired by the loftiest principles of patriotism and love for our island home. We have striven for many years now to create a new sense of unity out of our rich diversity and let it be said for the glory of those of us who are fortunate to live at this hour, in the words of the poet:

"Bliss was it in that dawn to be alive".

That we Mauritians whose ancestors came from many lands have been welded together in a wider outward looking unity inspired by a common purpose and common resolve to strive for the happiness and prosperity of our fellow men.

However, Mr. Speaker, Sir, before I sit down, let me tell this to my hon. friends at the Opposition. They will be accountable to History for whatever decision they take to-day. I appeal to them to show a sense of enlightened statesmanship and take the right decision. But should they persist in their endeavour to frustrate the wishes of the people, then my duty to this House and to my country is to declare unequivocally that we shall not be broken by any threat or menace and that by God's grace we will carry out thoroughly our mission and take this country to her rightful destiny.

Mr. Speaker, Sir, I move the motion standing in my name.

Mr. Forget rose and seconded.
(Applause)

(2.55 p.m.)

M. C. G. Duval (First Member for Grand River North West and Port Louis West): M. le président, celui qui a secondé la motion l'a fait d'une façon si discrète que je ne m'en étais pas aperçu et n'eussiez-vous pas fait signe que j'aurais attendu encore que la motion soit secondée.

M. le président, il y a des morts qu'il faut qu'on tue et un de ces morts tenaces qu'il faut tuer régulièrement est celui qui consiste à nous faire croire que des discours à l'Assemblée vont changer ou faire changer le vote des membres élus ou de nos collègues. Sans doute quand les premiers Parlements avaient été convoqués, un orateur vigoureux pouvait par ses discours

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convaincre un membre pas de changer son vote, mais tout simplement de voter d'une façon ou d'une autre. Nous savons parfaitement bien que dans le monde moderne, surtout avec les Parlements ou il y a deux partis, les discours ne peuvent rien changer dans le vote des membres. Aussi, n'essai-je pas par des arguments oratoires ou même par des faits, de charger la conviction de mes collègues de la coalition, mais tout simplement vais-je essayer de convaincre pour la postérité les raisons qui nous empêchent de voter la motion qui vient d'être développée par l'hon. Premier Ministre.

M. le président, c'est mon privilège de parler non seulement en tant que *Leader* de l'Opposition mais aussi en tant que *Leader* du Parti majoritaire à cette Chambre.

An Hon. Member : Wishful thinking !

M. Duval : " *Wishful thinking* " dit un des nouveaux membres. Je répondrai par la pure arithmétique et je me contenterai d'abord d'analyser la motion du Premier, et de voir exactement ce qui est contenu dans cette motion : —

" That this Assembly requests Her Majesty's Government in the United Kingdom to take the necessary steps to give effect, as soon as practicable this year, to the desire of the people of Mauritius to accede to independence within the Commonwealth of Nations... "

Il semblait donc, quoique cela ne soit pas absolument clair, ce qui désire l'autorité de la motion, c'est que cette année, c'est à dire, avant la fin de décembre 1967, le Gouvernement Britannique décide d'accorder l'indépendance à l'île Maurice. Non, " *as soon as practicable this year* " : décembre ou à un moment avant, décembre. Mais, par contre dans le discours du T'horé, je vois ceci :

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" My Ministers attach great importance to the fixing of a date for Independence, in accordance with the declaration by the Prime Secretary of the Commonwealth Conference in 1965... "

Cette déclaration se lit comme ceci : " In consultation with the Government, Her Majesty's Government will be prepared to fix a date and take the necessary steps to declare Mauritius independent, after a period of six months full internal self-government if a resolution asking for this was passed by a simple majority of the new Assembly... "

Ce rapport de la Conférence constitutionnelle de septembre, 1965, avait été agréé non seulement par le Parti Travalliste, mais par les trois partis qui forment aujourd'hui la coalition gouvernementale : le Parti Travalliste, l'Independent Forward Bloc, et le Comité d'Action Musulman. Il semblerait donc qu'il y a contradiction entre le discours du T'horé prononcé au nom du gouvernement et cette motion qui est devant la Chambre aujourd'hui. Je me contenterai de dire, M. le président, et je le dirai de la façon la plus nette et la plus précise, quoique nous n'aurions pas accepté à l'époque ce rapport de la Conférence constitutionnelle, nous avons depuis, inutilement, déclaré que nous acceptions les règles du jeu et que si il y avait à cette Chambre une majorité d'une voix en faveur de l'indépendance, notre parti n'hésiterait pas à trouver la décision légale et constitutionnelle et à accepter la décision de la majorité à cette Chambre. Je ne me dédis point donc et j'accepte que dans les conditions définies par le rapport de Londres, Maurice devrait accéder à l'indépendance dans les six mois suivant l'adoption interne, si une décision était prise par cette Chambre à une simple majorité.

Malheureusement, M. le président, la composition de cette Chambre n'est pas définitive. Je ne voudrais pas

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abuser de votre permission pour faire le procès des élections législatives. Ceci n'est pas mon intention. Il y a d'autres endroits où cela doit se faire et où cela se fera. Mais ce que je dis tout simplement est ceci : que le Premier Ministre lui-même, dans une réunion publique qu'il a tenu ces jours derniers à Rose Belle et qui a été rapportée *in extenso* par les journaux " *Le Congrès* ", " *Le Gernéen* ", et, je crois bien même, " *L'Admence* ", a déclaré qu'il était absolument convaincu que la fraude avait sévi dans certaines circonscriptions électorales et que les résultats de ces circonscriptions ne devaient pas être tenus pour définitifs. Je partage absolument l'opinion du Premier Ministre sur cette question quoique nous soyons pas d'accord avec lui sur ces circonscriptions électorales ou ces fraudes et ces intimidations avaient sévi. Ce n'est d'ailleurs pas à nous de juger. Nous avons les cours de justice et c'est à elles, en temps opportun, de prendre les décisions qu'elles estiment être justes.

Je me contenterai de dire pour le moment, qu'étant donné le fait que les élections dans certaines circonscriptions seraient contestées, une décision à laquelle on arriverait, une décision absolument évidente à laquelle on arriverait aujourd'hui, à l'effet de voter la motion au nom du Premier, c'est-à-dire de demander au gouvernement Britannique de fixer une date pour l'indépendance de Maurice aussitôt que possible, cette décision pourrait bien être renversée par une décision ultérieure de cette Chambre si le peuple en décidait autrement. Il ne faudrait donc pas, M. le président, que les Mauriciens en général attachent plus d'importance qu'il n'en faut à cette décision inviolable à laquelle on va arriver aujourd'hui.

Le premier point c'est que, de toute façon, si cette décision n'était pas ren-

versée durant les prochains six mois, il ne serait pas question de ce côté de cette Chambre de la contester, il ne serait pas question de boycotter, il ne serait pas question de simplement question de co-opération la plus complète. Mais mes collègues et moi-même réfléchissons d'envisager que la décision qui sera prise aujourd'hui est définitive. Telle, M. le président, est la position absolument claire, absolument précise de mes collègues et de moi-même.

Il restait à consigner, pour la postérité, les raisons pour lesquelles nous voterons, M. le président, contre cette motion et les raisons pour lesquelles nous espérons que, dans les mois à venir, cette décision sera renversée par une Assemblée autrement constituée.

M. le président, M. l'hon. Premier Ministre a parlé beaucoup du passé. Nous avons vécu pendant 20 minutes, en 1820, en 1882, en 1960. Le Premier Ministre a déclaré " *to be in a historical mood* " — je répéterai à son intention les propres paroles qu'il a citées d'Anatole de Bonheurville " lorsqu'on va à reculons, on ignore quel fosse, quel abîme on a derrière soi ". Ce n'est pas " à reculons ", M. le président, qu'il nous faut aller mais c'est vers l'avenir, ce n'est pas le passé glorieux sans doute de l'île Maurice qui devrait motiver nos décisions, mais cela doit être plutôt l'avenir de l'île Maurice.

C'est en avant qu'il nous faut regarder et non point en arrière, c'est l'avenir de toute cette jeunesse qui compte sur nous et qui a confiance en nous qu'il nous faut voir. C'est son avenir qui doit guider notre vote et non point l'ambition personnelle et quelquefois sans mesure de certains d'entre nous.

M. l'hon. Premier Ministre a beaucoup parlé mais, qu'à-t-il dit en faveur de cette indépendance qu'il veut nous faire demander aujourd'hui ? Nous

avons entendu parler de la prédominance sociale, morale et politique d'un clan, qui va cesser le jour où l'indépendance sera proclamée. Quel est ce clan ? Quelle est la prédominance politique qui a été présente à Maurice durant les dernières années ? N'est-ce pas celle du Parti Travailleurs qui a vu à chaque élection ses forces s'amoindrir jusqu'à ce qu'il perde même ce rôle qu'il a joué pendant si longtemps, celui de parti majoritaire à la Chambre ? Majorité absolue, majorité relative et aujourd'hui un des partis minoritaires. N'est-ce pas sa prédominance politique qu'on a vue à travers les vingt dernières années ? Est-ce cette prédominance politique que va faire cesser l'indépendance ?

M. le président, nous avons entendu parler de la grande joie du peuple de Maurice, nous avons entendu parler des forces de la réaction qui ont monopolisé le pouvoir économique et politique depuis un siècle, nous avons entendu parler de ces forces de l'unité nationale qui allaient enfin arriver à renverser ces forces de la réaction. Quelle unité nationale, M. le président ? Est-ce que ces élections ont déterminé qu'il y avait une idée nationale décidée à détruire ces forces de la réaction et à fonder de l'avant dans l'obscurité la plus complète dans le but d'avoir du progrès ? Et on nous a aussi dit que le gouvernement ne se laisserait pas menacer, ne serait pas "browbeaten by the threats". Il n'est pas question de menacer, M. le président. Il n'est pas question d'essayer d'opprimer la majorité dans ce qu'elle va décider. Nous sommes si bien conscients du jeu des mortelles que bien avant la date des élections nous avons déclaré être absolument déterminés à nous tenir au verdict du peuple librement exprimé. M. le président, je trouve absolument inconcevable, absolument inutile, absolument injuste envers l'Opposition, les déclarations de l'hon. Premier Mi-

nistre à l'effet que la majorité ne se laisserait pas intimider ni menacer car il n'a été question ni d'intimidation, ni de menaces, non seulement au cours de la campagne électorale, mais même après la campagne électorale. Nous reconnaissons la Constitution, nous reconnaissons les lois de l'île Maurice, nous reconnaissons le droit qu'à la majorité de cette Chambre de décider dans le cadre de ces lois. Il est donc absolument inutile quand on n'est pas menacé de déclarer qu'on ne se laissera pas intimider ou menacer.

M. le président, l'unité nationale qui a présidé à ces élections générales et qui a apparemment décidé que l'île Maurice irait de l'avant vers l'indépendance, je ne prétends pas que cette unité nationale soit absolument essentielle au point de vue politique ou constitutionnel pour que l'indépendance soit accordée à Maurice. Ce n'est simplement qu'une question morale et une question de conscience. Doit-on percevoir un été élu par une majorité précaire, violer les aspirations d'une minorité importante, ou plutôt violer les aspirations de minorités importantes dans le but d'aller de l'avant avec une petite majorité ? Ceci, M. le président, n'est pas du ressort constitutionnel et non point du ressort légal. Ceci est simplement du ressort de la conscience des membres des partis qui forment le gouvernement, des partis de la coalition. Ils devront se poser la question en toute conscience si cela est utile, si cela est sage de se saisir d'une majorité acquise grâce à l'appartenance communautaire majoritaire, à l'appartenance communautaire minoritaire, à l'appartenance sans doute avec beaucoup de loyauté dans les circonscriptions rurales, si avec cet apport, il serait sage de rejeter ainsi le vote des communautés minoritaires et d'aller de l'avant et, cela, dans l'indépendance de l'île Maurice. Qu'une communauté minoritaire s'oppose aux autres c'est humain et simplement par le nom-

bre de vote qu'elle possède est une solution constitutionnelle que les minorités rejettent. Ceci est simplement une question de conscience pour les membres de la coalition qui forme le gouvernement. Quant à nous autres, nous le répétons et l'avons répété, ceux que nous représentons, les 44 pour cent qui, depuis les dernières élections, auraient voté pour le Parti Mauricien Social Démocratique, s'en tiennent, je le répète, je le répète encore dans cette Chambre et en dehors de cette Chambre, à la décision de la majorité, et si cette majorité se manifeste constitutionnellement et légalement dans cette Chambre. Si après les pétitions électorales et après les élections électorales, il était avéré qu'à cette Chambre, à une voix, la majorité se déclarait en faveur de l'indépendance, je ne porte aucun, M. le président, que ceux qui ont opposé cette évolution constitutionnelle s'en tiennent strictement à la loi et à la Constitution et n'opposent aucune objection, ne se servent d'aucun moyen illégal et anticonstitutionnel pour barrer la route à la majorité.

Je n'ai pas encore, M. le président, déclaré pourquoi nous opposons cette évolution constitutionnelle, nous n'avons pas encore déclaré pourquoi 44% de la population jusqu'à l'heure avait décidé de s'opposer à cette évolution constitutionnelle. Je vais le faire à l'instant et j'en ai tout dit.

M. le président, dans tout ce bla-bla, qu'est-ce que nous avons entendu ? Nous n'avons retenu que le passé, que ce qui a été dit par Anacle de Bourcherelle, et lui, je crois que l'hon. Premier Ministre a été inspiré par le "leader" de l'indépendant Forward Bloc (*Langhieri*) et à travers tout ce fatras historique nous avons retenu que la Constitution actuelle — c'est-à-dire il ne faut pas oublier, M. le pré-

sident, et je doute qu'on l'ait suffisamment consigné — que cette Assemblée se réunirait aujourd'hui sous le signe de l'autonomie intérieure complète. Desormais, il n'y a pas un seul ouvrier ou un conseil des ministres et les décisions qu'il prend le conseil des ministres ne sont sujettes à l'approbation de personne. Ce conseil se réunit sous le signe de l'autonomie intérieure complète et il serait faux et injuste et absolument inutile de faire croire à la population que sous ce régime constitutionnel il y aura de la place pour ces forces de la réaction qui veulent monopoliser le pouvoir politique et économique et qui l'ont fait depuis un siècle. Ce serait absolument inutile de faire croire à une population éclairée que ce n'est pas le gouvernement de coalition qui dirige et que ce gouvernement n'a pas toutes les possibilités de prendre les décisions qui conviennent ou qu'il croit convenir au pays, sauf naturellement, celle de déclarer la guerre à la Chine, à l'Afrique ou à la Russie. Quelle est donc la Constitution sous le signe de laquelle nous nous réunissons aujourd'hui ? Un peuple libre, une assemblée législative libre, un conseil des ministres libre, libre dans la définition logique de la liberté et non point dans la définition absolue et stricte de cette liberté qui nous permettrait de prendre notre place aux Nations Unies et de peser de tout notre poids dans la balance internationale avec tout ce que cela comporte de dépenses pour des ambassadeurs inépuissables ou pas.

M. le président, le Parti Mauricien Social Démocratique, seul parti national comme me le rappelle un de mes collègues ou peut-être un de nos adversaires (*Langhieri*) a déclaré au cours de sa campagne électorale de façon absolument nette et précise que ce n'est pas la peur d'une majorité ethnique quelconque qui le poussait

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seraient point discriminatoires, au point de vue communal, religieux ou politique ?

Troisièmement, que l'Opposition dans cette Chambre soit respectée. L'Opposition dans cette Chambre entend jouer son rôle d'Opposition et l'entend jouer dans la mesure et dans toute la mesure prévue par la Constitution, prévue par la loi et prévue par les *Standing Orders*. M. le président, qu'il est de votre privilège d'appliquer. Dans ces conditions la population que nous représentons acceptera le verdict de la majorité. Je crois devoir attirer l'attention de tous mes Collègues sur les risques que prendrait tout Gouvernement qui déciderait de salâner, et de salâner d'une façon définitive, 44% de la population qui ne demandent qu'à coopérer démocratiquement et constitutionnellement avec un gouvernement élu par des élections libres.

M. le président je crois avoir suffisamment parlé, il n'est point nécessaire pour nous, nous ne sommes pas ici en campagne électorale, et il n'est point nécessaire d'avoir recours ni à l'appel à l'émotion, ni...

M. Eoogooa : Radio pirate.

M. Duval : Encore moins aux pirates eux mêmes. Je regrette ne pas pouvoir jusqu'à présent me référer aux membres de cette Chambre selon leur rang dans leur circonscription, car je ne peux pas arriver à savoir qui est le premier, le deuxième ou le troisième membre, mais cela arrivera.

M. Eoogooa : Vous le savez dans quelques mois.

Mr. Speaker : *The hon. Member is now coming to the end of his speech.*

M. Duval : Je me souviens, M. le président, que l'hon. Membre qui vient

de parler sera mon adversaire dans quelque temps dans la circonscription No. 4. Il a donc parfaitement raison de dire que je saurai dans quelques mois, quel va être son statut à cette Chambre ou ailleurs.

M. Président, j'ai terminé. J'ai déjà fait un appel aux collègues de mon parti pour que, au cours de ce débat, et au cours des débats ultérieurs, la plus grande courtoisie et la plus grande politesse règnent de notre côté. Je me suis adressé au Premier Ministre pour lui demander d'obtenir la même chose des collègues de ses partis, et je voudrais espérer, M. le président, que vous n'aurez point à vous plaindre du comportement des membres de l'Opposition qui sauront se conduire de la même façon civilisée avec laquelle ses mandats se sont comportés durant les élections. Merci, M. le président. (Applause)

(3.40 p.m.)

The Minister of Housing, Lands, Town and Country Planning, Mr. A. R. Mohamed (Fourth Member for Port Louis Maritime and Port Louis East):

Sir, after having heard the speech of the hon. Prime Minister which I consider historical and very convincing, I think, any other speech in favour of the motion appears to me very superfluous. I am sorry, I was not here for the full time that the leader of the Opposition spoke, but I was indeed here at the time when he started his speech, and at the time when he stated that he made it quite clear in the opening of his speech that his party is not prepared to accept the arguments and reasons given by the Premier in favour of the country becoming independent. Sir, I for my part would like to make it clear that because I am not in favour of hampering the progress of this country, and also not being in favour of continuing to

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live in slavery, I, without any hesitation, beg to solemnly declare that I am in favour of this motion, and also to declare that the time has come for all of us to vote unanimously in favour of this motion for the purpose of becoming free and respected citizens of an independent and sovereign Mauritian nation. (Applause)

(3.45 p.m.)

Mr. J. E. M. L. Ab-Chen (Third Member for Port Louis Maritime and Port Louis East): Mr. Speaker, the motion of the hon. Premier is in my opinion very much premature...

Mr. Mohamed : On a point of order, Sir, may I draw attention that the orator who is just delivering his speech is, in fact, reading it? I strongly object to it.

M. Speaker : The House should allow me to deal with a question of this nature. But, on an occasion such as this, copious notes are permissible.

Mr. Duval : The hon. Premier himself did refer to very copious notes.

Mr. A. R. Mohamed : The Prime Minister has the right, I suppose.

Mr. Ab-Chen : ... coming soon after the general elections and when certain results of these elections are actually being contested both by the Independence Party and the *Porti Mauricien Social Démocratique*. Sir, I should like to recall that on the very evening of the election's day, assurance was given by His Excellency the Governor in a nation-wide TV and radio broadcast that if there is dissatisfaction with the results of the elections in some constituencies because it is thought there has been irregularity a remedy is provided by the law. I think, therefore, that it would only be fair to all the parties

involved, to all the candidates and, most important of all, to the electorate, that before the question of independence is considered in this House, the final numerical state of the Independence Party and of the P.M.S.D. should be declared definite, and such position cannot be declared definite until all the electoral petitions have been first heard and dealt with.

My second point, Sir, is that at the Constitutional Conference of 1965 one of the points reached by the Secretary of State for the Colonies was that Mauritius could accede to independence only after a period of six months' full internal self-government.

We have only just entered this period of full internal self-government, and undoubtedly the purpose of this interval is to allow for a trial period; in view of the fact that only 54 per cent of the electorate have voted for independence, and I should incidentally like to point out that 54 per cent of the electorate do not necessarily mean 54 per cent of the total population if we bear in mind that out of a population of 750,000 only 271,000 have voted.

I think, therefore, that it would be in the general interest of this country to prolong the trial period of internal self-government instead of shortening it. This would give a golden opportunity to all the communities of this island to learn to live and work together under a new form of Government.

Sir, I have on more than one occasion, stressed in this House that political independence would serve no purpose unless the country has first achieved economic stability, and I should again like to draw the attention of hon. Members to the truth of my statement. I do not believe that it is

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absolutely necessary to obtain independence to improve our economy. In order to raise the standard of living of our countrymen. These things can be achieved if we stop all wastage and all needless and extravagant expenditure. If we all make a honest attempt to work for a better Mauritius. Sir, with or without independence, the immediate big task ahead of all of us, and particularly of the Government is to save the economy of this country. If this urgent task is not acknowledged, and is not tackled, if the minimum want of the people cannot be satisfied, if the ordinary man and woman cannot find a job, and cannot feed himself and his family, if his dignity as a man is thus done away with what will he do with independence? For this reason, Sir, I am of opinion that the present Government should give top priority to the economic problems of Mauritius instead of devoting its energy to pressing for a quicker constitutional change.

Sir, I think that this is the time for moderation, for greater understanding, for co-operation by all sections of the Mauritian community. This is not the time for intimidation and threats of retaliation; the other man's conviction should be respected, the other man should be free to express his opinion, and it is only in an atmosphere of security, peace and harmony that we can all collaborate and work for the well-being of this country, irrespective of its ultimate constitutional destiny. Thank you, Sir.

(3.55 p.m.)

Mr. P. R. Awoonor-Mensah (Second Member for Vaccaas and Floréal): Mr. Speaker, Sir, it is with a sense of great pride and satisfaction that I am standing to do my first patriotic duty in this very august Assembly.

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It is time, Sir, for all true patriots to show, by their sincere deeds, that they can raise their minds high above petty electoral disputes to work sincerely for the good of the new nation which is about to see the day.

It is high time, Sir, for the sons of this country who prize dignity and national self-respect to help putting an immediate stop to this long, biased colonial status which is hampering our economic progress and jeopardising our national dignity.

I consider, Sir, that the true Mauritians sitting in this House must think about the great problems that are facing our country to-day. We must cast aside our petty quarrels and come forward with a true national spirit and set the good example to our people.

Mauritius is lucky, Sir, to have a tremendous amount of goodness, goodwill and enthusiasm among its population, specially among its youth, and the few people who are sitting in this House this afternoon on this very auspicious and historical day have the very great responsibility, I consider, to shape, by their very sincere deeds, the destiny of that population, and this destiny can be shaped only by a very sincere approach to our problems armed with the best possible principles.

It is time for us to think about how to harness that goodness, that goodwill and that enthusiasm into constructive channels which will be conducive to a very bright and independent Mauritius.

We have often heard everywhere, from every party, from every true Mauritian, about the building of a Mauritian nation. But can we build that Mauritian nation without indepen-

dence? Can we shape the future of this country without political freedom? When all the free nations of the world, masters of their own destinies, are going fast ahead towards progress and prosperity, have we the right to waste our precious time by standing idle with our begging hands stretched in vain towards our masters? Do we still have any illusion left after the treatment which was given to our passport? For any one of my colleagues, Sir, who is labouring under that illusion, allow me to quote Ciceró:

"He who through fear of poverty forgoes liberty — liberty which is better than mines of wealth — will remain a slave for ever."

To this, Sir, I will add that it is our bounden duty to break the handcuffs which are enslaving our people even if these handcuffs are made of solid gold.

M. Durval: Malheureusement.

Mr. Mewasingh: It is with this spirit that I have risen, Sir, to thank the hon. Premier for his historical resolution asking for independence. I wholeheartedly support his resolution being confident that nothing less than independence can free our dear country and its people from both political and economical bondage.

(3.58 p.m.)

Mr. S. A. Patten (First Member for Stanley and Rose Hill): Mr. Speaker, Sir, I have been listening very attentively to what my elders have just said about this question of independence.

Before proceeding further, I should like to congratulate the hon. Second Member for Vaccaas and Floréal (Mr. Mewasingh) for his maiden speech.

(Applause)

As a young and newly elected Member of this House, I think it is my

duty to express my opinion on this very important question. In so doing, I am sure I am voicing the opinion of thousands of young people like myself in this country.

As I was saying, other hon. Members have addressed this House already on the question of independence. Some have evoked the good that it can bring to us and others have pointed out the evils that it can bring along with it. But no one can deny the fact that the fundamental basis of a country before it can accede to independence is a sound economy, a stable Government, unity and respect among its people.

It is a pity to note, Sir, that during the electoral campaign some have behaved in an alarming way towards some religious faith and this sort of attitude is deplorable and this happened only before independence. What is going to be the position after independence if this abusive attitude goes on and what is the guarantee that Government can give the people to debar such tendencies as to criticise the religious faith of the people of this island?

It is very well known, Sir, that the financial position of the country is not good not to say precarious and with independence the situation is going to grow worse. We have seen examples in Africa where countries have acceded to independence. We cannot be expected to live on help from different quarters and what guarantee do we have that this help will be coming after independence?

Let me, Sir, *en passant*, clarify with the help of one or two examples, the position now prevailing in Mauritius. The increase in unemployment is alarming. Jobless fathers and mothers are doing all they can to avoid destitution. I have known many

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cases myself where the heads of families have had to sell their furniture to be able to feed their little ones. Recently there was a mother, a Mauritian mother of Tamil origin, who had to sell even her "tally" — this is a golden locket worn by Tamil women as a sign of sacred allegiance to their husbands — she sold that "tally" in order to be able to have one or two weeks' food for her little ones. I know several young men with a School Certificate working as relief workers and trying to secure a job as such which they do not find sometimes. Recently there was a jobless father who came to see me and he told me that he had to give his child *en cadéau* — I stress upon it — he had to give his child *en cadéau* because he could not earn a living for that little one.

Mr. Ringadoo : Perhaps the hon. Member can produce the list.

Mr. Duval : Perhaps the hon. Member would stop interrupting a maiden speech.

Mr. Ringadoo : He is reading.

Mr. Patten : I think, Sir, it is a tradition of this House that a maiden speech should not be interrupted.

Mr. Duval : On a point of order, Sir, may I stress that you will see to it that the tradition that hon. Members making their maiden speech be not interrupted and be allowed to refer to copious notes should be maintained for this side of the House as well as for the other side.

Mr. Patten : Every day, Sir, we can see crowds of people queuing up before Public Assistance Offices or in front of employment exchanges waiting for assistance or a job. The whole

situation, as you might say, is explosive and all responsible parties in this House should make it a duty, Sir, to find a remedy to this state of affairs.

If independence could bring something to alleviate the misery of our people, if independence could bring something for our jobless fathers, if independence could stop mothers from shedding tears, and if independence could bring work for our youngsters, I would be the first one to vote for it, I am sorry I cannot vote for independence, Sir. Thank you.

Mr. R. Gajadhar : (Second Member for Flag and Bon Accueil) : Mr. Speaker, Sir, my first and obvious duty is to congratulate my hon. Friend, the First Member for Stanley and Rose Hill (Mr. Patten) on his maiden speech.

"Equal in all respects and in no way subordinate to one another" is a famous sentence which is embodied in the Statute of Westminster. That is the ultimate constitutional consummation of every country of the Commonwealth as envisaged by the pundits of constitutional reforms. And I see no other idea behind the notion of the hon. Member, the Premier and Minister of Finance, which is before the House today. This motion which is before the House today is not a revolution. It is not the panacea of all our ills. It is simply a free, gradual, cautious constitutional set up which should be the ultimate aim of every country that has carried on under the pattern of the British Government. It is as a result of the famous London Conference where my Friend the leader of the Opposition, and his colleague Mr. Jules Krings, who I must say I am sorry not to see in this House today, took part; I was saying that it was in their presence and that of my Colleagues on this side of the House that Her Majesty's Government

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themselves agreed to give independence to Mauritius subject to an election being held and a simple majority voting a resolution, which is being voted this afternoon. The election has been held and it has been held under the rule of law. It has been held very significantly because it was held in the presence of Commonwealth Observers. Whatever may have been the election, it is here, and today the House constituted is a legally and constitutionally set up one. I do not think any speech from my Friend the Leader of the Opposition can change that.

Mr. Duval : Not a speech but an electoral petition.

Mr. Gajadhar : An electoral petition, Mr. Leader of the Opposition.

Mr. Speaker : The hon. Member must address the Chair.

Mr. Gajadhar : An electoral petition, I am referring not addressing to my Friend, the Leader of the Opposition, has its proper forum. And the Leader of the Opposition must thank this side of the House for having supplied to this country an independent judiciary and my Friend should wait with all his anxiety for the decision of this independent judiciary which on this side of the House we cherish, as well as does the other side of the House.

This being the position, Mr. Speaker, I find it absolutely irrelevant that my Friend should have referred to the constitution of this House and should have referred to what he has called in his mind as the reshumling of this House and securing a majority on his side.

Mr. Duval : You feel uncomfortable.

Mr. Gajadhar : Mr. Speaker, Sir, the election was held normally in this country. It was held with the absolute rights to the citizen whose name appears on the electoral register to vote as he wishes. He has done so. He has done so and I think my friend, the Leader of the Opposition, should have the courage at least momentarily to submit to that decision and if he does so, I do think that the arguments that he has levelled against the proposition of my friend, the hon. Premier, are just flimsy arguments that should be shelved.

Mr. Duval : Does my Friends, the Leader of the *Parti Travailleurs* and the Leader of the *C. A. M.* seem to think differently from what he says?

Mr. Gajadhar : I am referring to what I have heard this afternoon in this House. I am not referring to anything that I do not know.

I am sorry, Mr. Speaker, I am referring to my Friend, the Leader of the Opposition whom I very much like as everybody knows. I think that the Leader of the Opposition who has acquired a sense of maturity which he has shown in his speech this afternoon should realise — he will forgive me to give some advice — that there is a place in this House for him, there is a place in this House for all Members who are backing him, there is also a place in this House for the percentage that he has submitted to this House, but that percentage, Mr. Speaker, should submit to the verdict of the majority representing this side of the House and be content and assured that this House, before the speech of the Leader of the Opposition, has made provisions for the safeguards of the fundamental rights of the people of this country. The Opposition is an offshoot of the British pattern and it certainly has its role to play. This

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House has already accepted the Constitution which Her Majesty's Government has proclaimed to day Mr. Speaker, and in that Constitution if read carefully, my Friend the Leader of the Opposition will see that all his requests to this side of the House have already been accepted. Mr. Speaker, the people of Mauritius should realise that the Constitution that has been promulgated is a Constitution which gives safeguards a great variety, and gives safeguards much more than in any other colony that has been given independence.

An hon. Member : Thanks to whom.

Mr. Gajadur : I think it has been thanks to the constructive collaboration of the Opposition with the Members of the Government at that time. Well, they should remain content by understanding and realising that they should not be as sceptical as they are to-day. Well, my Friend, the hon. Premier thinks to secure independence to this country. I think they should be guided by that very constructive collaboration with which they played their part at the time of the London Conference. They should be guided by that constructive collaboration and admit that Her Majesty's Government has committed themselves in good faith to give independence to this country, subject to the resolution of my Friend being passed.

An hon. Member : Six months.

Mr. Gajadur : This in my submission, that the six months to which my hon. Friend on the other side is referring, has no bearing in the sense that the debate at the London Conference has been published in a sessional paper. There is nothing mandatory about it.

Mr. Davul : What about the simple majority which is going to vote the resolution ?

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Mr. Gajadur : What is the basis of the requirements of Her Majesty's Government ? The basis of the requirements of Her Majesty's Government is to the effect that the resolution should be carried by a simple majority of the House. That is the basic principle of the requirements of Her Majesty's Government. Her Majesty's Government has expressed the desire, as far back as the time at which the London Conference was held, that it would be six months after. I do not think it has any bearing at all on the subject matter at issue. It is not binding because this House which, in the words of the Leader of the Opposition, Mr. Speaker, is supreme today, that this House in his own words, has the fullest autonomy that any Constitution can give. Therefore, in its own supremacy, in its own sovereignty, this House is perfectly entitled to-day to pass this resolution and make the request to Her Majesty's Government. Knowing the power that Her Majesty has had, knowing the concepts of world politics to day, and knowing the absolute desire of Her Majesty's Government to free countries whose people have expressed their decision that they should be free, I am more than certain that Her Majesty's Government will immediately accept the resolution of my Friend to fix the date of Independence for this country.

Mr. Speaker, I am referring to the different aspects of the Constitution. I think that the different aspects of the Constitution are themselves a safeguard to the people of Mauritius. I know of no country where a majority of people have admitted to give as much safeguards as they have given to the minority. But I regret to have to say to the Leader of the Opposition that there is one sentence of his speech which I do not like, and that sentence

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was that it was one community of this country only that seeks independence. I have yet to know whether elected as I was in a constituency where live the different communities of this island, elected by a majority which probably the leader of the Opposition will never achieve in his whole political career, I regret to have to state that he assumes he took it for granted my constituents will never admit that I was elected by only people belonging to my community.

I protest, Mr. Speaker. If he is fair in himself, if he respects himself, if he says as he does say, that he wants to collaborate with everybody in this country, there is one thing in the name of my constituency which I represent wholly, whether he likes it or not today, that he should withdraw the fact that their representatives are only representatives of one section of the population of this country. Mr. Speaker, these are very grave allegations.

Mr. Davul : I must say to the second Member for Fiacg/Bon Accueil that I am not withdrawing anything.

Mr. Gajadur : I think my Friend proposes to perpetuate the slight that he has made to my constituency, and it will take note of it. Mr. Speaker, it is easy for those who want to stop progress in this country to make use of all sorts of manoeuvres. It is easy for anyone to stop progress in this country, to speak of the system of protection of minorities, of validity of rights and so forth and so on, but it is not easy to fool this public of Mauritius which has given a clear proof that they are no more going to be fooled and that they mean to progress in this country to secure their rights, their birthrights which in the words of one of an elder Leader of

India, "Lokmanya" Bal Gangadhar Tilak : "Independence is our birthright" and we propose to take it, Mr. Speaker.

Mr. Speaker, I wish to say before I take my chair that I hope that my Friends of the Opposition will withdraw the conditions that they have laid to prevent independence in this country. They have laid the conditions that we should wait till the Court has established who are the members of this House and who are not the members of this House. I wish that they should realise that what they have said is not serious in itself. I wish they should realise that the only good attitude on such an occasion, is that they should say that they are against independence because it does not suit them. But I regret to have to state Mr. Speaker that here again in this august Assembly, they have come to find ways and means to conceal their proper intentions. (Interruption)

I am sorry to have to state that the percentage of population voting against is something in itself. It is a mechanism of a procedure for the purpose of securing elected members to this House and that is all. It is the number of Members in the House that counts and nothing else.

The question, Mr. Speaker, is that whatever would have been the position of the members of the Opposition, the Members of the Opposition should realise that once they had committed themselves in London, that Her Majesty's Government should commit itself to give independence to this country on the conditions laid down. To day they should have come to this House and voted for it. (Interruption)

I think that my Friend believes in the rule of law, and that he has sub

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initiated it with such a big force. If my Friend believes in proper procedure, my Friend should have realised that the very day the London Conference was over, he knew that the question of independence of the country was no more in the hands of Her Majesty's Government; it was in the hands of the people of Mauritius. Mr. Speaker, on the 7th of August, the people of Mauritius have given their verdict. They have placed Mauritius on the map. They have decided that Mauritius should be given its proper place in the Comity of Nations and I look forward to the day when Her Majesty's Government is going to accept the resolution of my Friend. We will see to it that Mauritius secures her proper place in the Comity of Nations.

Mr. Speaker, before it is down, as I have dealt with the arguments of the Leader of the Opposition, I must also call for his collaboration. I will also say to the Members sitting opposite me that it is no time for bickering, no time not to realise and be practical, that it is no time to continue that state of uncertainty which was obtaining in this country before the elections, now that the people have given their vote, now that everything is settled, now that the idea of uncertainty is over. I ask my Friends of the Opposition and those outside this House to become realistic. I pray that they will realise that uncertainty is over and we should all pool our resources so that this country which is ours, not mine or yours, all of us put together that we should strive together to see to it that Mauritius secures necessary advice, necessary administration, so as it could shape its destiny and carry on in the best interests of all, irrespective of class, colour or creed. Thank you, Mr Speaker.

(4.22 p.m.)

M. G. Ollivry (First Member for Ro-

drigues): Le président, après le discours vigoureux et quelque peu agressif du deuxième député de Flacq et Bon Accueil (M. Gujadhur) je dois tout de même dire que je suis d'accord avec lui pour déclarer que le leader de l'Opposition et les membres qui sont ici de ce côté de la Chambre ont leur place dans cette Assemblée car ce serait vraiment à désespérer si le Leader de l'Opposition, qui est quand même le Leader du parti majoritaire, n'avait pas sa place dans cette auguste assemblée.

M. le président, permettez que je me réfère à quelques points que j'ai notés dans des discours du deuxième député de Flacq et Bon Accueil. Je ne consentirai pas de notes copieuses pour mon "maiden speech" et je me contenterai de parler au pied levé, comme ont dit, pour répondre surtout aux discours du deuxième député de Flacq et Bon Accueil, dirigeant de la puissante entreprise "travalliste" qui se nomme *Fuel*, de ce député qui est venu nous dire qu'il a été élu par toutes les communautés de Flacq et Bon Accueil. Je me permets de lui parler, M. le président, puisque je crois qu'à part mon hon. ami le deuxième député de Rodrigues et moi-même, il ne se trouve à cette Chambre, personne qui puisse se targuer de parler au nom de l'unité de son électoral.

Pour revenir au deuxième député de Flacq et Bon Accueil, dans un discours comme je l'ai dit très vigoureux et quelque peu agressif, il nous a demandé de coopérer à l'occasion de cette année électorale. Je suis certain pour ma part que ceux qui en dehors de cette Chambre l'auraient entendue autrement quelque peu peut-être coopérer avec un collègue aussi agressif.

An Hon Member: Un matamore,

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M. Ollivry: Nous verrons vendredi comment cela se passe.

Dans son discours le deuxième député de Flacq et Bon Accueil nous a parlé du "rule of law". Si le "leader" de l'Opposition a demandé qu'on ne monte pas tant d'empressement à voter cette fameuse motion de l'hon. Premier Ministre, c'est précisément parcequ'on nous croyons dans le "rule of law" et que nous voudrions, par exemple, voir la pétition électorale de l'hon. ministre du logement être décidée par la Cour Suprême, par ce pouvoir judiciaire que nous respectons autant que le deuxième député de Flacq-Bon Accueil. Je le répète: il n'a pas bien compris les propos du leader de l'Opposition, il n'a pas compris que ce que le leader de l'Opposition voulait dire c'est que nous reconnaissons la légalité de cette Chambre, nous reconnaissons que cette Chambre est aujourd'hui légalement constituée mais ce que nous disons, c'est qu'étant donné que l'hon. Premier Ministre lui-même a déclaré qu'il y avait eu des fraudes dans certaines circonscriptions et qu'il y aurait des contestations devant ce pouvoir judiciaire que nous respectons, nous ne devrions pas montrer tant d'empressement. L'ouïquon voudrait en effet nous imposer une motion qui, si la majorité changeait à la faveur des pétitions électorales, pourraient se trouver renversée? Evidemment, l'hon. deuxième député de Flacq et Bon Accueil, qui connaît bien les Britanniques, nous a dit que le gouvernement de Sa Majesté s'empresserait de nous accorder l'indépendance que, M. le Président, l'hon. Premier Ministre a demandée. Ceux qui me connaissent de l'autre côté de la Chambre — et il y en a quelques uns et des plus importants — savent que, pour ma part, je n'ai jamais opposé à l'émancipation des peuples. Ils savent que je collaborais toujours avec le gouverne-

ment issu de la majorité du peuple et ils savent qu'ils pourront coopérer avec moi et avec l'Opposition si, les contestations terminées, cette Chambre acceptait de voter une motion pour l'indépendance. Mais ce que le leader de l'Opposition a dit et ce que le deuxième député de Flacq et Bon Accueil n'a pas semblé ou n'a pas voulu comprendre, c'est que nous devons attendre que les passions soient apaisées, que les pétitions électorales soient étudiées par ce pouvoir judiciaire qu'il respecte, M. le président, autant que nous, afin que la constitution de cette Chambre soit vraiment définitive. Mais le leader de l'Opposition n'a pas dit que cette Chambre n'était pas légalement constituée, je ne crois pas que nous serions venus ici aujourd'hui.

L'hon. député de Flacq et Bon Accueil, comme je le disais, dirige la puissante entreprise travailliste de FUEL...

An Hon Member: Do not forget that Ebrahim Dawood is here.

M. Durai: Ce qui prouve la vanité des choses de ce monde. (Laughter)

M. Ollivry: Il n'a pas, comme a dit le leader de l'Opposition, été élu par les électeurs mais nous a-t-il dit sur un ton quelque peu paternaliste par tous les électeurs qui ont voté pour les députés de Flacq et Bon Accueil.

Pour en revenir donc au discours du deuxième député de Flacq et Bon Accueil, je disais que c'est parcequ'on nous soumet d'accord avec le "rule of law", et parcequ'on nous soumet d'accord avec le "respect" du pouvoir judiciaire, que nous demandons tout simplement à attendre que la constitution de la Chambre soit définitive avant de voter une pareille motion.

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M. Duval : Booleil a compris. Ça c'est exceptionnel.

M. Ollivry : Je suis très heureux que l'hon. ministre de l'éducation ait finalement compris. *(Laughter)*

L'hon. deuxième député de Placé et Bon Accueil nous a également dit que la période de six mois d'autonomie intérieure, — si je l'ai bien compris et si je ne l'ai pas bien compris qu'il me le dise, — n'avait aucune importance puisque c'était contenu dans un "Sessional Paper". Si cette période de six mois d'autonomie intérieure n'a pas d'importance, je me demande si les garanties de cette même indépendance que demande l'hon. Premier Ministre en ont puisque elles sont également contenues dans le même *Sessional Paper* ! Alors pourquoi donc vouloir se presser quand vous avez vous-mêmes accepté à la conférence de Londres qu'il y aurait une période d'autonomie intérieure de six mois ? Est-ce que cet empressement serait suscité par la peur ou bien par le respect du pouvoir judiciaire ?

L'hon. Premier Ministre ne nous a pas convenus des avantages économiques de l'indépendance. Ici je parle en tant que Mauricien de naissance puisque je vendrai plus tard, à en parler en tant que député de Rodrigues et je dirai qu'on n'a pas réussi à me convaincre des avantages économiques qui ressortaient de cette sécession où certains croient voir l'indépendance. On ne m'a pas convenu mais si on a réussi à convaincre la majorité de la population, je suis disposé à accepter ce verdict dans la mesure où le pouvoir judiciaire aua entièrement confirmé la constitution de cette Chambre. L'hon. Premier Ministre nous a parlé de certains pays non loin de nous tels que le Kenya, la Tanzanie mais il ne nous a pas parlé du Congo, de Zanzibar et d'autres pays que nous connaissons bien.

An Hon. Member : Des incertitudes du Congo.

M. Duval : De M. Forte, le met-censeur.

M. Ollivry : Il ne m'a pas convenu des avantages économiques de l'indépendance. Mais si l'on doit accepter l'indépendance, à sa place je me demandais pourquoi on accepterait une intervention britannique dans nos affaires intérieures. Pourquoi accepter en vérité un traité avec la Grande Bretagne qui inclinerait la possibilité pour la Grande Bretagne d'intervenir dans nos affaires intérieures. Est-ce qu'on a tellement peur des fureurs du peuple ? Pourquoi demander et insister que le gouvernement britannique dans son paternalisme vienne nous donner son "aide" dans nos affaires intérieures après l'indépendance ? Nous qui avions réclamé l'association, avions demandé que, l'autonomie intérieure installée, nous continuions à être associés avec la Grande Bretagne. Quand on est associé, il y a certaines choses qu'on doit accepter mais en revanche on pouvait penser recevoir certains avantages économiques. Quand on a donné les Chagos — je dis bien "donné" parce qu'on n'a pas vendu — quand on a accepté que des bases puissent être installées vis à vis de nous amis africains et asiatiques, quand on a accepté que des facilités soient accordées à l'échange aux autorités britanniques, quand on a accepté que le *H. M. S. Mauritius* puisse continuer à disposer de certaines facilités ici, on aurait pu s'attendre à recevoir en retour certains avantages économiques. Avec la solution de l'association, nous aurions accepté de donner à l'Angleterre certains avantages mais nous aurions demandé en revanche certains avantages économiques. Ce que l'hon. Premier Ministre nous

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demande de voter en fin de compte, c'est une forme d'association — l'indépendance n'étant qu'un mot — mais une association avec tous les inconvénients et sans aucun des avantages.

M. le président, nous préférons, nous avons préféré, nous avons demandé au peuple de préférer une association qui comporte certains inconvénients, surtout, mais également des avantages économiques certains.

M. le président, le *leader* de l'Opposition a clairement exprimé la position des membres de ce côté de la Chambre en disant que nous acceptions que la Chambre a été légalement constituée mais qu'à la faveur de certaines élections ou de certaines pétitions électorales la composition de la Chambre pourrait se trouver changée et qu'en conséquence il ne fallait pas montrer tant d'empressement à voter cette motion puisque la motion elle-même pourrait se trouver renversée à la faveur des résultats des élections partielles qui pourraient avoir lieu.

En tant que premier député de Rodrigues, où la campagne électorale a été basée uniquement sur la question de l'indépendance, où les Rodriguais ont voté massivement contre l'indépendance et pour une forme d'association étroite avec la Grande Bretagne, c'est à dire pour maintenir et pour conserver leur statut de citoyens du Royaume Uni et des colonies, en tant que premier député de Rodrigues, je déclare que dans l'éventualité où l'île Maurice deviendrait indépendante, nous nous réservons le droit et la possibilité de demander non pas l'indépendance, M. le Premier Ministre...

M. Walter : Nous vous la donnerons sans difficultés.

M. Ollivry : ... mais que Rodrigues continue à jouir des avantages découlant d'un statut spécial qui la lierait au Royaume Uni. Naturellement l'hon. ministre du travail qui sait bien que là-bas on paye les gens avec du mais,

— mais c'est un principe vraiment "travailleuse" — est disposé à donner à Rodrigues la sécession.

M. Walter : Son indépendance.

(Laughter.)

An Hon. Member : Are we in a circus ?

Mr. Speaker : This is not a happy term to use. Some excitement on the part of Hon. Members seems inevitable in a debate of this kind.

M. Ollivry : Je vous remercie, M. le président. L'hon. ministre du travail sait qu'à Rodrigues, les Rodriguais sont payés avec du maïs.

Mr. Foongora : Interruption.

M. Ollivry : Je n'ai rien compris à ce qu'à dit l'hon. membre mais cela n'a pas d'importance. Le ministre du travail est disposé à accorder à Rodrigues son indépendance ! Voilà qui montre le paternalisme tout naturel dont il fait preuve vis à vis des Rodriguais qui sont encore sous le gouvernement de Maurice et qui expliquent d'ailleurs la sollicitude dont à toujours fait preuve le Gouvernement depuis ces 20 dernières années envers les Rodriguais. M. le Président, je terminerai en répétant que dans l'éventualité où l'île Maurice accèderait à l'indépendance, les Rodriguais se réservent le droit de demander qu'un statut spécial leur soit accordé qui les lierait au Gouvernement du Royaume Uni. Cette initiative, évidemment, je la prends avec l'appui total du P.M.S.D.

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qui représente ici la totalité des habitants de Rodrigues. Au nom du P.M.S.D., donc, je déclare que si cette éventualité se matérialisait, les Rodrigues demanderaient un statut spécial qui les lierait au Royaume Uni.

J'ai terminé, M. le Président, et je vous en remercie.

(4.40 p.m.)

Mr. Y. Mohamed (Third Member for Quarter Militaire and Moka) : Mr. Speaker, Sir, I have to congratulate my Friend the Member for Rodrigues...

An Hon. Member : First Member.

(*Interruption*)

Mr. Speaker : The hon. Member is making his maiden speech, he should not be interrupted.

Mr. Mohamed : That does not worry me in the least. I have known my Friend the hon. Member for Rodrigues for some time and he referred in his maiden speech to those people who have known him. I am one of those people. I must say that these *jeux de scène* are new in him, he must have imported them from Rodrigues. All the same, new habits or adopted things do not last very long and we have seen by the end of his speech all the *jeux de scène* had disappeared. We have heard of the plots by the P. M. S. D. for quite some time in this country, but all their plots have come to nothing, and the people of this country by majority are determined to go to independence. We have heard speeches, remarks, unpleasant as they were, from Members who have been in this Assembly for quite some time, my Friend the First Member for Constituency No. 1 (Mr. Dural) in fact the Leader of the Opposition, and then repetitions of exactly what the Leader of the Opposition had said by

the Third Member for Constituency No. 3, and also speeches from the First Member for Rose Hill and Stanley, and of course the last Member who spoke Mr. Olivry himself. As far as my Friend Mr. Olivry's speech is concerned, we have heard that we should not be afraid. Why are we afraid? Why should a Government party in power be afraid? You can be sure, my dear Friends of the Opposition, that fear does not lie on this side of the House. We have fought the elections in spite of the millions spent by the P. M. S. D. to scare us. We have fought it unafraid, undeterred and we are still ready to fight it undeterred for the independence of this country.

An Hon. Member : *Tu démontre ça !*

Mr. Mohamed : It is not "*ti di, monn' ge*," it is more than you can cope with. We have heard the First Member for Rose Hill say, I think this is the only material point in his speech, that in Africa, the situation after independence is worse. I think I should refer him to the First Member for Rodrigues who has worked in an independent country like Cameroon for years before coming to Mauritius and he has found there that the situation was excellent after independence. The situation in Korya is excellent after independence. During the electoral campaign, Mr. Speaker, we have heard people, with no experience whatsoever, say that political independence should come after economic independence. And those same people have visited countries like Pakistan, India, Kenya which have become politically independent first and economically independent afterwards. This is the case, this will be the case with this country, whether there is co-operation from the other side or not. We are determined to overcome all sorts of obstacles in our way to try to get this country in its

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rightful place in the United Nations and elsewhere where we shall be proud to be.

Mr. Speaker, Sir, it has been said that the composition of this House is not definite. The person who said it in the very beginning must have been speaking surely because he knows the situation on his side. Surely, on this side of the House also the composition is not definite. Electoral petitions will come and we shall be able to see with satisfaction that the seats on the other side will become vacant and the seats will be the same on this side.

(*Interruptions*)

Mr. Mohamed : There are some undistinct words coming from that side but we shall not pay attention to the movement of the beads or whatever the movements may be on the other side.

Mr. Speaker, Sir, the First Member for Constituency No. 1, the Leader of the Opposition has said that he does not hope to change the convictions of this side of the House. As I said from the very beginning, it would have been wishful thinking on his part, and there has been a lot of wishful thinking in him and there is still a lot of wishful thinking in him, and all to no purpose. I can assure him, of that, Mr. Speaker, Sir, he said the reason for his speech was not to change the convictions of this side of the House but that he was speaking for posterity. Rightly so but posterity would have been more grateful to him, posterity would have blessed him had he worked for the independence, for the pride and for the prosperity of this country. He has tried, he and his friends, and those of the Champs side *le Côté de Champs*, they have tried to undermine the interests of the workers, the interests

of the freedom of the workers of this country, they and people of that side have had their independence for ages, but they wanted to deprive us of our independence. When I say us I mean the big majority of this country. I would not have been here and the other Members of this House too, had not the Muslims cooperated and voted for independence. They are trying to fool themselves and they have tried to fool the minority communities, like the Chinese and the Muslims, but fooling does not last. You can fool the people once, twice but not for ever. The Muslims have found out. We have told them we cannot hope for association and a big majority of the Muslims have listened to us and have voted for independence. We did not worry about those few lackeys that you must had from the Muslim community.

Mr. Dural : On a point of order, Sir, I do not think that the hon. Member should address the other Members as "lackeys".

Mr. Speaker : If the hon. Member when he used the word "lackeys" was referring to anybody in this House, he should withdraw it.

Mr. Mohamed : If I had been allowed to carry on, it would have been amply clear to those people who have objected, that I was not referring to any Member of the House here. But if there are any on that side I am afraid...

Mr. Dural : I again object because the hon. Member is coming back with this word "lackeys".

Mr. Mohamed : With your permission, Sir, I shall carry on. I did not at any moment mean to call anybody on the other side of the House "lackey". They took it for themselves.

I shall carry on with my speech by saying, by reaffirming and by telling the people on the other side not to hope for too much because the Mauritians, the minority communities in this country are certainly not on their side. There are certain people who have been elected in certain constituencies and who are even scared to go in those constituencies.

I shall again refer to the speech of the Leader of the Opposition. He has said, Sir: "*le passé ne nous concerne pas, c'est l'avenir qu'il faut voir*". I am in absolute agreement with him on this score. We must look to the future and if we look to the future, we must be looking to the progress of this country, because when we look to the future of our own child, we do not expect our child to go back to childhood but we expect him to become mature as we expect everybody in this country to become mature and quite a few, I am sorry to say, are not mature. On this question that we must not look at the past, they are very quick in saying do not look at the past, forget the past. But Mr. Speaker, we must if we want to build the future and if we want to be careful in preventing the reactionaries from taking from us what we are asking with justice and with full right, we must think always of the past. We must always have the past in our minds because it is the sufferings of our forefathers in the past, the sufferings of the people of this country which have made them sacrifice in order that their descendants one day might fight for the freedom of this country. Those people had that hope that one day the people and their children and grandchildren would fight for independence and we are the grandchildren of those forefathers who had that hope and we will materialise that hope. We will realise it in spite of the millions spent

by the P.M.S.D. The past, Mr. Speaker, we must remember it. Why should not we remember it? Is anybody in this House afraid, or ashamed of our past? On this side of the House, we are not afraid, we are unashamed. On the contrary we shall build on it, whereas on the other side of the House perhaps, I say perhaps, they are ashamed of the past because of what our forefathers underwent.

M. Duval: *Quel imbécile?*

Mr. Y. Mohamed: That is the word to which I now object.

Mr. Speaker: The hon. Member (Mr. Duval) must withdraw the word.

Mr. Duval: Do I understand that the word '*imbécile*' is not parliamentary, Sir?

Mr. Speaker: The word '*idiot*' is not parliamentary.

Mr. Duval: In that case I withdraw the word.

Mr. Y. Mohamed: Now, we have heard again the hon. Member the Leader of the Opposition. I shall not stoop to teach him any lessons. He said and asked this House: "Have we achieved any '*unité nationale*'?—not to use the word in the way he used it in the television. Have we achieved it? Are we going to achieve it?" We are achieving it, we cannot achieve '*unité nationale*' without independence. It is high time, Mr. Speaker, that the people of this country started taking a national consciousness. We are Mauritians, we should think in terms of Mauritians. The hon. Member, the third Member for Port Louis Maritime and Port Louis East (Mr. Ah Chun) has said: "It is high time to co-operate and collaborate with the Government". Mr. Speaker, he should

collaborate, and in this way he will show that in fact he is truly sincere and loyal. We have heard again the Leader of the Opposition say that he respects '*les loyalistes dans les circonstances particulières*'. He referred to '*loyalists*' in the rural constituencies, that is, the constituencies which manifested their desire for independence. Loyalty is the word used by him. So, Mr. Speaker, even the people in the rural constituencies in spite of the fact that they were called recently illiterate by the Leader of the Opposition—if the '*Corneil*' reports his speech correctly, they were called illiterate. We have it here. If the papers of the Opposition report correctly his speeches as they usually do, and make plenty of fuss about it sometimes...

An Hon. Member: *Hindou mon frère!*

Mr. Y. Mohamed: After all, they are loyal. Only yesterday the illiterate people who have been insulted were being asked to vote for the P.M.S.D., and soon afterwards they are called illiterate. What is this attitude? Does one call it a reasonable attitude, an attitude of sincerity on the part of the P.M.S.D.? Yesterday, they were called '*Hindou mon frère*', and then suddenly they are called illiterate people, and to-day in this Assembly they are called loyal. Where are we going to, Mr. Speaker? Therefore, we now know there has been a confession on the part of the Leader of the Opposition who in spite of his true feelings, if he had come to power, I am sure he would not have hesitated for one minute to ask for independence. But, they are reactionaries. We are in power, we are trying to raise the standard of the workers of this country. The Opposition say that independence is not good for the workers of this country, but good only for the capitalist. That is why after years that

a man had worked for the Independence Party which was working towards the independence of this country, suddenly, as a capitalist, he decided to leave this party and defend his wealth, which he can only defend by joining other capitalists. The Leader of the Opposition has said that England is sacrificing some of her liberties and is joining the European Common Market. We know now that this is impossible. De Gaulle refuses. Therefore, England sacrifices some of her liberties. These are his arguments: what is wrong if Mauritians were to accept independence? There is absolutely nothing wrong, but it is certainly good and better for the people of this country to know that they cannot associate themselves with a country that cannot defend itself any more, that is not self-sufficient to supply other countries like Mauritius. It was high time. The Leader of the Opposition is laughing. The Opposition cannot expect us to associate ourselves with a country like England which refuses to accept a passport issued by this country to allow immigrants to England. People have been encouraged by some irresponsible people to leave Mauritius and to go abroad, to go to other countries like Belgium, places like England, and there they have been badly received, and yet they are trying to do more harm to the people of this country. I certainly do not expect and do not wish Mauritians to undergo the same treatment, the same fate as those six persons who have been jailed for weeks in Brixton jail. Therefore, the argument about the British passport which was used during the electoral campaign and which has been referred to in this Assembly this afternoon, is devoid of any merit. Now, Mr. Speaker, independence as I have said is the right thing for this country. We shall see the end because we want to see the end of miseries, the end of poverty,

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and we can only see the end of all these things by voting in favour of independence. The leader of the Opposition has said: 'il prétend ce qui ne arrive, il prétend au mal avec l'indépendance'. Well, I am sorry to say that there has been a lot of 'prétend' in the recent past by the Leader of the Opposition.

Mr. Duval : And none by the Government.

Mr. V. Mohamed : But all have failed, and he has not succeeded in his predictions. Not only all his predictions have failed, but his own party as well. **Mr. Speaker:** Sir, being one of the youngest members of this Assembly, and speaking for a great majority of the young people of this country, it is with pride, glory that I appeal to all Members of the Opposition to revise their decision, and to vote with this side of the House for independence.

(Applause).

At 5.05 p.m., the sitting was suspended.

On resuming at 5.43 p.m., with **Mr. Speaker** in the Chair.

M. C. S. Roussey (Second Member for Rodrigues) : M. le président, c'est avec une très grande joie que je m'adresse à cette Chambre comme un citoyen rodriguis qui vient pour la première fois siéger à cette auguste assemblée, et prendre part à la discussion sur cette motion à l'ordre du jour. Comme vous devez le savoir, le peuple rodriguis a fait clairement ressortir par son vote qu'il était absolument contre l'indépendance, et ce vote a été exprimé d'une façon claire et sans équivoque. Je déplore cependant dans les rangs du gouvernement cette attitude désuète, cette attitude d'indifférence qu'il ont toujours manifestée jusqu'ici à l'égard de cette population

de 20 000 habitants, cette population de notre dépendance qui se trouve à 350 miles d'ici.

Mr. Speaker : The hon. Member is making his maiden speech. So, he will excuse me if I interrupt him, but what he is now saying should be said when we discuss the general Budget. If it is an introduction he can go on along that line.

M. Roussey : Je vous remercie pour votre compréhension, M. le président.

Il est tout à fait clair, comme je le disais, que le peuple de Rodrigues a voté en masse contre l'indépendance, et je suis de l'avis de mon hon. ami, le premier député de Rodrigues, que si dans les six mois à venir le peuple de Maurice se penchait pour l'indépendance, nous, à Rodrigues, nous ne pourrions, vu justement la façon dont nous avons été traités durant ses derniers dix-huit années, que demander au gouvernement de Sa Majesté de rédiger un statut spécial pour cette île. Nous allons voir cependant dans les six mois à venir quelle sera l'attitude du gouvernement envers Rodrigues, envers les problèmes et les difficultés que nous avons à affronter et si le gouvernement montre beaucoup de sympathie, je suis tout à fait disposé à collaborer dans la plus grande mesure que nous pourrions. Le leader veut de le dire tout à l'heure, au début de son discours.

M. le président, je ne voudrais pas garder la Chambre plus longtemps. Beaucoup a été dit en cours des précédents discours, mais je tiens à faire remarquer que la Chambre peut compter sur un jeune que le peuple rodriguis a envoyé aussi pour ouvrir à la prospérité de leur pays. Merci.

(Applause)

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(5.45 p.m.)

Mr. S. Jugnauth (First Member for Grand Baie and Poudre d'Or) : **Mr. Speaker,** Sir, at first, I think I should congratulate the hon. Second Member for Rodrigues (**Mr. Roussey**) for his maiden speech.

I also thank the hon. Member, the Premier and Minister of Finance for bringing in the motion aiming at the independence of Mauritius. As one who has been closely associated with the working class movement for the last two decades or more and who has been associated also with the great majority of the trade union people representing an overwhelming majority of the organised labour force, I can safely say that we cherish the motion as it is most likely to bring in certain economic changes which the working class long awaits. I know that much has been done. I beg leave, Sir, to quote one single item: the Termination of Contracts Ordinance which ensures appropriate security to the workers to the tune of nearly Rs 90 millions. We have also seen the introduction of the old age pension. We may say with due pride that even in some of the independent countries, the old age pension has not yet seen the day.

The compensation law has been amended so much so that it is ensuring a good amount of protection to the working class. While listening to the speeches delivered by hon. Members in this House, I have heard some of them objecting to our country achieving its independence from fear that it will render us economically poor, that it is so even now, and that independence will mean nothing to the working class here. If this country has been rendered poor according to the hon. Members, it is not the fault of the Party in power. When we, through our leaders, were aiming

at the progress of the country, we have seen that an appreciable amount of money has found its way to either Southern or Northern Rhodesia or South Africa much to our distress and disadvantage. Northern Rhodesia or South Africa. Those who are afraid of independence they have been to the length of trumpeting everywhere that the country will not be better off.

I am confident, Sir, as one who has visited many countries and who has seen how after political independence those countries have rapidly moved towards economic independence and to enumerate a few I would name East Africa, Tanzania, India, Pakistan and some other French speaking countries. These countries, Sir, stand as a living testimony to give a denial to those who spoke against independence and I am sure that with the independence of the country, we can attract foreign investors into the country, we can diversify our economy, which would certainly create possibilities of employment.

It is on account of all this that I am for independence. **Mr. Speaker** and I have not the least doubt that all our Colleagues here in this august Assembly will not hesitate in the least to vote this motion standing in the name of the hon. Premier. Thank you.

(Applause)

(5.52 p.m.)

M. J. C. M. Lesage (First Member for Belle Rose and Quatre Bornes) : **M. le président,** il est de tradition pour celui qui parle après les orateurs qui font leur maiden speeches de les féliciter. Aussi je ne manquerais pas à la tradition et je félicite les trois derniers orateurs qui ont précédé. Si cependant les deux derniers orateurs dans l'ordre chronologique, ont prononcé des dis-

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cours empreints de modération et non controversables, nous ne pourrions en dire autant du discours qu'a prononcé le troisième député de Moka—Quartier Militaire. Nous allons donc sérier nos observations sur ce que cet orateur a dit.

Tout d'abord, il a parlé de jeux de scène de Rodrigus. Je ne sais si c'est dans le contexte de la pêche qu'il l'a employé ou tout simplement pour employer la terminologie théâtrale. On pourrait alors lui rétorquer qu'il ferait fortune au gignol, et qu'on pourrait s'attendre à de prestigieuses performances au "matak", de lui. Un conseil d'aine. Il ne doit pas trop flammer contre les capitalistes, placé comme il est, entre le premier membre de Rivière des Anguilles-Souillac et le second membre de Piacq-Bon Accueil.

(Interjections)

M. le président. Il est un troisième aspect de son discours que nous voudrions relever. Avec des tremolos dans la voix, le troisième député de Moka et Quartier Militaire a déclaré que la peur ne se trouvait pas dans leur rang. Or, si notre mémoire ne nous fait pas défaut, c'est ce même hon. Membre qui a déclaré sous serment en cour de justice qu'il avait été "scared stiff" à la suite des menaces qu'une personne avait proférées à son égard, et qu'il en avait été tellement débâclé qu'il n'avait pas pu se rendre dans la circonscription pour aller organiser le transport de ses partisans pour la manifestation le jour de la Fête du Travail.

Mr. Speaker: But it is very far from the subject matter of the motion before us.

M. Lesage: Je vais terminer à son sujet par cette dernière remarque. Je crains fort qu'il n'ait pas suivi avec

attention le discours qu'a prononcé notre Leader. Lorsque notre Leader a prononcé le mot "Hollès", il avait ajouté que c'était le qualificatif dont s'était servi le deuxième membre de Vieux Grand-Pour—Rose Belle à l'égard des volants de sa circonscription.

Mr. Speaker: I do not think that the Leader of the Opposition is in need of a defence in the person of the Member.

M. Duval: C'est parce que je n'ai pas répondu à ce point, M. le président.

M. Lesage: C'est un simple exercice de charité chrétienne.

Mr. Speaker: Let us conform to the practice of Parliament.

M. Lesage: Maintenant je voudrais faire certaines observations sur ce qu'a dit le deuxième député de Piacq-Bon Accueil (Mr. Guichard). Il a fulminé contre ce qu'il a appelé une insinuation de notre Leader quant au vote massif des Hindous pour le parti de l'indépendance. J'apporterai deux témoignages des membres de son propre parti. Avec votre permission, M. le président, je citerai un gros titre du *Mauritius Times*, où le troisième député de Mahbourg et Plaines des Magniens... pardon! Plaines Magnien aurait dit...

M. Duval: Le mot était bon.

M. Lesage: "Hindus deserve congratulations".

"H. Walter: He paid a tribute to the Hindus who had stood as one man behind the Independence Party."

... Il a été également dit dans le Congrès que le troisième membre de

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Mahbourg/Plaine Magnien avait déclaré au meeting de remerciements tenu à la place du marché de Rose Belle que la communauté hindoue avait suivi le mot d'ordre. Quel mot d'ordre? On serait tenté de sentir la intervention de certaines chancelleries appuyées par des faux de Baugale et des messages apocryphes. Ceci dit, à tout seigneur, tout honneur!

Nous voudrions maintenant faire certaines observations sur la motion de l'hon. Premier tel qu'il l'a développée. Sans exagération nous dirons qu'il a débauché certaines personnalités qui ont contribué à l'avancement politique de ce pays. Je ne veux pour exemple, que le Docteur Curé, fondateur du Parti l'Avantiste qui n'a même pu obtenir un "ticket" — pour employer une expression anglo-saxonne — et dont l'activité parlementaire a été passée sous silence. C'est ce qu'on pourrait dire "adding insult to injury". Il a été également question dans ce discours de mouvement de libération, de *gris-gris* politique et autres choses de la même veine. Si nous avons le plus grand respect pour le Premier en tant qu'homme, nous ne pouvons nous empêcher de dire tout haut ce que nous pensons de son action parlementaire capricieuse. Sur les questions de *gris-gris* politique, ses recettes doivent être excellentes à en juger par les prises de position politiques qu'il a prises tout au long de sa carrière politique, se tenant toujours — qu'il nous excuse de le dire — du bon côté du comptoir. C'est toi qu'il s'agit de solliciter, de magie politique pour ne pas parler de magie noire. Il a été également question d'une fraction de *gris-gris* qui se sont toujours opposés au progrès constitutionnel. En 1882, lorsque Sir William Newton commença son agitation pour l'élargissement du cens électoral, il y eut 7,000 Mauriciens qui ont adressé une pétition au Secrétaire d'Etat, faisant cause commune avec l'oligarchie d'alors pour réclamer le *straw quo* et nous croyons reconnaître en bon nombre des membres du gouvernement des descendants de ces gens. Personnellement, nous n'avons pas à baisser la tête. Nous appartenons à une communauté qui a été toujours à la pointe du combat pour l'émancipation politique de cette petite terre.

Eh pour en revenir je vais reprendre ce qu'a dit le dernier orateur qui quoi qu'il ait prononcé un discours empreint de modération et non controversable, il s'est décrit comme ayant été associé étroitement au mouvement des travailleurs. Je considère qu'il a péché lui aussi par omission. Il n'a pas parlé de Manihall Doctor, ce même Manihall Doctor qui fut consulté par les descendants et autres acolytes de ces sept mille qui s'étaient eux aussi, opposés au progrès politique. Et c'est bien à eux maintenant de vouloir nous désigner du doigt. Après avoir fait ces quelques observations, nous voudrions maintenant parler avec réalisme de la situation, du carrefour où notre petit pays est rendu. Comme l'a fait ressortir notre Leader, dans le discours du Premier, personne n'a fait mention du fait que pas un étranger ne siège à cette Chambre, que le Conseil des Ministres est entièrement composé de Mauriciens. Mais on a voulu brüler une étape et agiter ce mot d'indépendance qui semble être un sesame pour certains. Indépendance en grénilles, indépendance quand même. Le deuxième député de Piacq/Bon Accueil (M. Guichard) a parlé de l'indépendance comme d'un "birth-right". Je crains qu'à l'heure actuelle il ne soit en train d'enfoncer une porte ouverte: l'heure est à la décolonisation. Il est cependant deux types de décoloniser: c'est soit en association étroite ou intégrée.

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tion avec la métropole ou l'indépendance tout court. Ici je vais faire une petite parodie : "Some people are born independent, some people achieve independence, some have independence thrust upon them". Et je vais m'expliquer : Lorsque Mahatma Gandhi et Pandit Nehru réclamèrent l'indépendance, on les envoyait pourrir sur la paille des cachots. Lorsque l'hon. Premier réclama l'indépendance, il est fait obéir : Sir Seewoosagar. Voici le problème en quelques mots. Voici le problème tel que nous devons le résoudre. Et tout le reste n'est qu'inflation verbale, avec on sagesse.

Nous allons maintenant développer les deux fers de lance de notre charte politique, de notre manifeste politique, manifeste électoral, à savoir un prix rémunérateur pour nos sucres — je vois que je mets l'eau à la bouillie du deuxième député de Flacq/Bon Accord (M. Gajabharu). Et deuxième ment, des postes pour ces 50,000 chômeurs et demi-chômeurs condamnés à l'inaction ou à l'oisiveté et tout le monde sait que l'oisiveté est l'ovelle du diable, quoiqu'en disent certains. Voici le problème. Tous les pays sous-développés — on pour employer un terme moins offensant, moins injurieux — en voie de développement ont bénéficié du vide d'ex-puissances coloniales, de pays industrialisés, des colonies industrialisées pendant dix ans. On en a fait une expertise, on en a fait un relevé et la conclusion en quelques mots c'est la décadence de la déception. En 1954, le producteur africain avait à produire 14 balles de café pour importer une jeep. En 1962, il lui fallait produire 39 balles de café pour importer la même jeep. Voilà le problème. Il existe encore sans doute certaines possibilités d'industrialisation à Maurice. Ce ne serait plutôt que dans le domaine des industries de transformation. Nous ne pouvons, à nous autres 750,000

personnes, se condanant, s'asphyxiant sur un conflit jeté dans l'Océan Indien pourvue prétextuelle à un prix comitatif. Nous avons en plusieurs tristes expériences, d'ailleurs, celle du sucre, c'est un terrain glissant, celle des cahiers, et celle de la margarine — nous ne sommes pas contre — mais ce ne sont que des palliatifs, et nous avons vu que ceux-là même qui promettent l'industrialisation véritable, ici nous ont fait voir que pour onze industries secondaires on allait pouvoir absorber 1,400 chômeurs. Qu'il de ces 50,000 chômeurs et demi-chômeurs ?

Vont-ils être condamnés à vivre comme des glorieux dans les avenues macabres ? Il n'est pas question pour nous de nous industrialiser. C'est un trisme de parler de production massive, la production industrielle. Nous prenons un exemple : fabriquer 10,000 verres dont le prix nous reviendrait à Re 1, 50,000 ; 75 cs, demi-million ; 50 cs, un million ; 10 cs. A Maurice, nous ne pourrions que fabriquer 10,000 seulement. Ces chiffres ne sont pas des chiffres exacts, c'est simplement pour les besoins de l'argumentation. Ce qui arriverait, nous serions contraint de baisser le tarif domanier à Re 1. Nous allons frapper Re 1, sur le verre américain qui coûte 10 cs pour pouvoir vendre notre verre local à Re 1. Et bien, c'est de l'anthropisme économique ou industriel.

Nous revenons maintenant à la question de passeport britannique. Il est heureux que cette question ait été soulevée dans cette même semaine, et je conserve contre tout espoir qu'il y aura un appel sur cet appel. Nous ne nous malheureusement dire que notre gouvernement ici s'est montré assez ferme vis-à-vis des Britanniques comme l'a fait ressortir notre *Leader*. Qu'est-ce qui ressort de cette triste affaire de passeport, M. le président ? C'est que sur le plan intérieur, il y

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a certaines restrictions. De même qu'il n'est pas permis à un Mauricien de s'établir à Rodrigues sans avoir un permis de séjour, il n'est pas permis à un ressortissant du Commonwealth d'entrer, comme il veut, en Grande Bretagne. Mais sur le plan international, le passeport mauricien est un séisme. Cela a été prouvé amplement. Le passeport britannique est reconnu dans les territoires d'Europe tels la France, la Suisse, l'Italie et la Belgique. En Allemagne, il y a certaines restrictions mais d'ordre d'hygiène seulement. Je n'ai pas le texte sous la main mais la déclaration citée constamment qu'a faite M. Wilson lorsqu'il y a eu des débats sur la question d'adhésion au Marché Commun prouve amplement que le droit de libre circulation de main-d'œuvre en Europe allait s'appliquer non seulement aux Britanniques mais également aux citoyens du Commonwealth.

Mr. Walter : If the hon. Member would give way. This is a very important statement the hon. Member is making. Perhaps he could give us the reference in the speech of the Right Hon. Mr. Harold Wilson. We should be grateful to the hon. Member.

M. Lesage : C'est dommage que nous n'ayons pas le texte mais nous pourrions passer à un autre de nos collègues qui va satisfaire la curiosité de l'hon. troisième membre de l'après-Magnien/Mahébourg (M. Walter), et s'il est quelque un ici qui a adopté une attitude responsable envers les jeunes Mauriciens qui tentaient la grande aventure, c'est bien notre *Leader*. Il a fait une conférence au Plaza pour conseiller aux jeunes mauriciens qui partaient sans bécot pour la Belgique de ne pas se lancer dans une aventure sans retour. Ceci a été dit publiquement. Ceci a été consigné noir sur blanc dans tous les journaux par

les journalistes qui ont bien voulu répondre à son invitation. Et c'est d'autant plus curieux que dans les milieux travaillistes depuis 1956 il y avait un fort courant en faveur de l'intégration. A cette époque, je me rappelle que le journal *Advance* consacrait de nombreuses colonnes à l'intégration citant l'exemple de Malte et nous ne voyons pas pourquoi nous ne pourrions pas faire partie de la Grande Bretagne. On aurait eu quelques *brown Britons* mais l'Angleterre n'échapperait pas au destin commun à toute puissance impérialiste.

Dans la Rome antique il y a eu au moins un Africain empereur à Rome et lorsqu'il nous a été donné de visiter l'Angleterre en 1965 à l'occasion de la conférence constitutionnelle, nous pensions nous trouver à Rome, ville devenue cosmopolite, juste avant la chute de l'Empire Romain. Il y avait à Londres beaucoup plus d'étrangers que d'anglais et c'est normal. Les puissances colonisatrices doivent s'attacher à la réciprocité et non au sens unique. L'Angleterre elle-même est un pays d'émigration. S'il en entre 75,000 à 80,000 ressortissants du Commonwealth, il en sort 100,000 et 150,000 pour aller au Canada, en Amérique du Sud, en Australie, en Nouvelle Zélande et même en Rhodésie. Il appartient donc à ce gouvernement d'employer un langage ferme puisque nous avons l'intention d'avoir notre drapeau, de nous asseoir au premier rang à l'ONU. Pourquoi ne pas négocier à partir d'une position de force vis à vis de la métropole et lui faire comprendre le langage de la raison. Pendant 150 ans la politique coloniale britannique a été celle du "bacon and eggs". L'Angleterre était les œufs et les colonies étaient le bacon. Vous savez très bien que la ponte devient plus coquette, plus élégante, plus agitée après avoir pondu alors que pour produire du bacon, il faut que le

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mauvais animal fasse le sacrifice de sa vie. (*Laughter*)

Ce que nous réclamons aujourd'hui de l'Angleterre c'est bien simple, c'est la politique du "bazon and eggs" dans le sens inverse.

Mr. Foggoon : *Interruption.*

M. Lesage : Nous serons les seuls et l'Angleterre le bazon. C'est tout à fait normal. Le bazon assaisonné au genièvre est excellent, me dit-on.

Ce que nous demandons à l'Angleterre donc c'est la réciprocité pure et simple, le réalisme. Nous avons donné nos sucrés à l'Angleterre, nous avons donné notre sang à l'Angleterre. Je me rappelle alors que j'étais étudiant, que j'avais vu sous toutes les formes de gros placards avec le mot "Together" où il y avait un Ginkgo, un Swahili, un Askan, un Australien, un Néo-Zélandais, un Anzaco et tout le reste. Lorsqu'il s'est agi de défendre la liberté, les Mauriciens n'étaient pas des citoyens de seconde zone. Lorsqu'aujourd'hui nous réclamons l'association à défaut d'intégration, ce gouvernement invoque le racisme foncier des Anglo-Saxons. L'Angleterre, qu'elle le veuille ou non ne peut se passer de la main d'œuvre de couleur. Les trams ne fonctionnent plus et les gens sont vengés. Un peu partout les gens sont vengés. S'insulter et il n'est pas question qu'ils s'en aillent. Ils ont le droit après tout, se prévalant du principe de réciprocité et ne sont pas comme les Anglais qui eux venaient s'installer en conquérants.

Je ne m'excuse pas, M. le président, de prendre le temps de cette Chaire parce que la question qui nous est posée aujourd'hui est une d'une importance extrême. En effet, sans remonter au déluge nous voudrions faire l'histoire des quelques semaines qui ont précédé

la constitution de cette Assemblée. Nous avons, comme je l'ai déjà dit, axé notre politique sur un maître-prix pour nos sucrés et la possibilité pour nos jeunes d'émigrer. C'est été une souppée de sûreté et non une solution de désespoir pour cette île surpeuplée. Nous avions notre politique politique et que disions nous ? "Paix, fraternité, amitié". Mais nous savions également que le communisme est dur à cuire, nous savions que le communisme ne pourrait être terrassé en un seul jour, mais nous nous empressons de dire que plus que jamais nous sommes convaincus que c'est la seule voie à suivre, la voie nationale. Nous n'avons pas l'intention de laisser cet arbre de fraternité et d'amitié que nous avons planté en terre mauricienne dépérir. La sève a monté, l'arbre s'est ramifié, il ne s'agit que d'en cueillir les fruits, dans cinq ans, dans dix ans ou dans quinze ans. Nous ne sommes pas des lâches puisque nous ceux qui se sont portés volontaires, tous ceux qui ont répondu "présent" pour donner l'assaut à la chaudière, au bastion du communisme implanté, nourri, entretenu par certains dans certains coins de l'île Maurice, ceux-là ont été fanchés, et nous leur disons "chapeau".

Aussi ceux-là même qui ont pris des risques, qui ont subi le boycottage social et économique, qui ont fait face à l'initiation et à la violence, ceux-là jamais, au grand jamais, nous ne les abandonnerons, au péril, s'il le faut, de notre sécurité physique, de notre vie même.

Hon. Members of the Opposition :
Heur ! Heur ! (Applause).

M. Lesage : Sans vouloir exagérer encore une fois, lorsque Himmler et Hitler s'appelaient à commettre le pogrom le plus ignoble commisé dans l'histoire — le même Néron eût été de la petite bête à côté de cela — on appelle

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une certaine nuit "La nuit des longs couteaux" à Maurice nous pourrions parler de "La nuit des sabres et des bâtons pointés" pour qualifier le soir qui précède les élections générales.

Mr. Forget : Est-ce le bâton qui a tué Saurabh ?

M. Lesage : Quatre Bornes vous a répondu à ce sujet. Belle Rose plus spécialement.

Sir S. Ramgoolam : *That is why he is here to-day.*

An Hon. Member : *He came in by the window.*

M. Forget : N'oubliez pas "le père de la nation".

M. Lesage : M. le président, je suis heureux qu'un de nos collègues ait rendu hommage au "père de la nation". Si vous me demandez mon sentiment personnel je vous dirai que c'est à vous rendre athlète lorsqu'on songe à cette défaite.

Je continue. Il a été question de pétitions électorales. Tous ont fait les éloges de la séparation des pouvoirs, garantie de l'impartialité du judiciaire à Maurice. Nous ne faisons que souligner à ces affirmations, à ces déclarations parcouru à en raison de dire "lorsque la politique entre au prétoire, la justice en sort". Mais nous savons que nous pouvons compter sur nos cours de justice pour apporter des changements aux résultats des élections.

Il y a un dernier point sur lequel je voudrais insister. C'est l'atmosphère dans laquelle cette consultation s'est déroulée. On aurait pu parler de "fair play" de "cricket" si elle avait été faite selon les règles du jeu. Nous avons des raisons, des preuves, pour

J'ai terminé, M. le président.

Members of the Opposition : *bravo ! (Applause)*

(6.25 p.m.)

The Minister of Education and Cultural Affairs (Mr. S. Boodell) : Mr. Speaker,

the last speaker made some very serious, some impertinent and some sinister statements. He reopened his electoral campaign, this is now dead and buried. He wished us to believe that the verdict of the people should not be accepted by this Assembly. Mr. Speaker, Sir, I am not going to comment on the impertinent aspect of his speech but I am going to comment on some of the arguments he repeated in favour of association and by implication, against independence.

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It is a bit late in the day to reopen the whole debate but I should like to state in as few words as possible, that what the *Parti Mauricien* had offered to the people of Mauritius was something so illusory, so flimsy and devoid of any substance that the people rejected it outright on the 7th August last.

(Interjection)

My friend is so fond of potatoes that I hope he will not forget his experience when he visited the Marketing Board.

Mr. Forget : He is fond of those that were buried.

Mr. Boodell : He likes the smell.

As I stated, we have seen all through that whatever argument had been put forward in favour of association by the *Parti Mauricien* has been proved to be incorrect, not to say untrue.

As far as sugar which was dangled as a lure to the small planter is concerned, it was proved in a debate in this House when the *Parti Mauricien* had chosen to walk out, to resign, that sugar is a commodity which is not attractive to the Common Market. Whatever may be the argument put forward by the *Parti Mauricien* this has been shown time and again, sugar is not a commodity which is attractive to the Common Market. Secondly, the *Parti Mauricien* was banking on the entry of Great Britain into the Common Market which also has been proved to be incorrect because we do not know for certain within what time limit Britain is going to enter the Common Market. Thirdly, the passport which was dangled over the T. V. and which was used as a platform by the *Parti Mauricien* has been proved to be of no use by those who want to emigrate either to Great Britain or to any

country of Europe. Of course, there is the old convention that anyone who travels to some countries in Europe does not need to have a visa. He can stay there for three months after which he must leave the place. As far as emigration is concerned, we have seen that those people who were led to believe that they were going to the land of honey and milk, in Belgium, had to be repatriated at Government expense and one in desperation even committed suicide and the burden of that will be borne by those who misled the people, who misled these young people into leaving everything behind and going to Belgium. These people had to come back denuded of everything and completely in desperation.

Sir, these are grave responsibilities which any responsible party will have to bear if it does not try to tell the truth to the people, specially to the youth for whose sake so much has been written and so many words have been uttered today by the hon. Leader of the Opposition.

We are all on both sides of the House concerned about the future of this country. Independence is not a magic word. There is no magic in it, but we have to weigh the pros and the cons on independence v/s association and then come to the conclusion which is best for us. People in this country are not stupid. Even people who reside in the countryside, although they have been taxed with being illiterate, they know what is good for them and what is bad. People have been given the occasion to judge and they have judged in the proper way. It is after mature consideration and a lot of heart searching that we, on this side of the House, have come to the conclusion that if Mauritius is to solve its grave economic problem, its unemployment problem and so on, there is

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no other way except to go for independence. For some people in this country the door is barred anywhere except on a permit which is limited to a few to go to England. There is no place for them except for those highly qualified, there is no place in South Africa, in Australia or even Asia. People are not attracted, not interested to emigrate to places where they are not welcome, so that we are reduced to the bare fact that the bulk of us must stay here, must live here and die here. If we have to live in this country, we have thought that the best way to do it is to take our destiny in our hands. Let us forget about divisions, let us forget about our different loyalties and create one single loyalty and one single fatherland and let us all behave like Mauritians, in the real sense of the word and that can only be achieved if we have one country, one flag and one objective in front of us and that will be in the interest of the country, of the people and of the rising generation. Sir, it would be idle talk to speak about *parti national*, about Mauritian nation, about the removal of barriers if we do not achieve independence. So far we have been accused in this country to speak of our origin, to speak of our ethnic group, to speak of our religious or communal group. Even in the last census in spite of the efforts made by some people we have been divided into several categories. We have been divided into Hindus, Muslims, General Population, and what is more sinister about it is that while the Hindus have been divided into Travails, Telengas, Marathas, and even into castes — in the last elections posters were put everywhere that such subcategory has so many seeds — while that attempt was being made to divide the Hindus into communities, into sections, some people thought it wise to link together other people to form one community which

is called the general population. There are some people who thought fit to come down and to identify themselves with the dockers and the cane cutters. But the attempt to divide and subdivide the hindu community did not succeed because fortunately people realised to what end this was being done, and they gave a lesson, the community people gave them a lesson which shall not be forgotten and which has made history in this country. Sir, this is the lesson which they learned from the last election. For the future let us create something which shall bring us together and not divide us. With independence, as the hon. Premier puts in his speech, there will be a sense of regeneration, we will find new values. We have confidence in our people. They will have a new sense of loyalty. We all feel that we belong to a certain place, no one will look up to France for inspiration. Some of our Friends will not look up to China, or Formosa, others will not look up to Pakistan, India or to Madagascar. We will look up to our own country. We shall feel that we belong to one country and we have loyalty to one country and we can build a nation; and I hope that the history which is being made to-day will be remembered by posterity and the future generations will thank those of us who made the effort to bring about such a realisation and will condemn those who even at this late hour, even after the verdict of the people, are refusing to accept the lesson of history. Sir, as I stated before, there is no magic in this word independence, but independence is going to open up for us vast possibilities and to release hidden sources of energy. This is an opportunity we want to give our people. We have confidence in our youth to whatever section they belong, because I do not make any distinction between the rural people and the urban people. I am not like those who tell the

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rural people after the elections, you are illiterate because you did not vote for me. I am not going to say to the urban people that you are ungrateful because you voted for a certain party. We have faith in our young people. They are intelligent, they are adaptable. They can learn things easily and I am sure this is the source of our strength. This is going to attract overseas investment, overseas people will come here, will make use of that intelligence and make use of that skill which is still lying untapped and which we are not yet making use of because of political struggle, because of our quarrels among ourselves. I am sure that after embarking on this new venture which is independence, we will be doing it for the good of the country. There is no doubt that as things are in Europe and as the situation in Hong Kong is developing, many overseas investors are looking for places where they can have better security, where they can have better returns for their investments. We have had talks with many people, people who are interested in coming to Mauritius to make investigations, but what they want first is the removal of uncertainty and the establishment of a stable Government. I hope that those who have at heart the interest of this country and especially that of our youths will remember that stability can only come when there is an absence of demonstration of police force and absence of "gaz larmoyante" which we have witnessed in Cote d'Ivoire on so many occasions and in so many other places.

An Hon. Member: Camp Lasears.

Mr. Boolell: We want to have stability and stability means responsible behaviour both by the Government and the Opposition. Both must work towards one objective and that objective should be our service to the country. The Opposition to-day is the

alternative Government of to-morrow. How can we judge whether an Opposition deserves to be the Government of to-morrow? The performance of the Opposition today is tantamount to obstruction. But I must compliment the leader of the Opposition for the very moderate and statesmanlike speech he made, part from certain lapses which are forgivable, because habits cannot be abandoned in a day, and I am sure if he follows along that line the future will be bright for him.

Sir, after this sort of introductory remarks...

Mr. Dorel: What introductory?

Mr. Speaker: The hon. Member might substitute the word exhaustive.

Mr. Boolell: I am not going to take much time of the House, but before I conclude which will take a few minutes at least I should like to take one or two points which have been mentioned, not because I want to pick up a quarrel, far from it, but because I want to put facts in their perspective so that people who will be reading the report of this debate will know exactly what are facts and what are not facts. Sir, to start with I must say that I was not in the least surprised to see the attitude adopted by the *Parti Mauricien Social Démocratique National*. I am not surprised because if the attitude had been otherwise, it would have been a breach of faith towards those people whom they have led to believe that they were going to come out with success in this election. At any rate we are not surprised, we can understand their attitude adopted in this House. They are still hoping against hope to come on this side of the House within some time. They are speaking of electoral petitions. They are speaking about the elections which are not over yet and seats which

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are to be contested, the majority of this side to be shifted to the other side and the balance to be offset so that the Members elected will come on this side of the House and we might perhaps move to the other side. Sir, it is a legitimate hope and we do not grudge it but what is not true is when the leader of the P.M.S.D. said that he represents the majority party in the House as presently constituted. We grant that we are three parties together; we fought the elections under one banner, the Independence Party, so when we went to the elections we were one party. When we returned to this House we turned as one party, but the P.M.S.D. National is composed of so many groups that it is difficult to remember them all. They are, I think, the Tamil United Party, the Hindu Democratic League, the Telegu United Party, the Muslim Democratic League. When we take into account all the different groups which have formed what is called the P.M.S.D.N., we come to the conclusion that the true P.M.S.D. has very few members if we exclude members of the Tamil United Party and Muslim Democratic League.

Sir, I know that the results of the elections have been a great deception to the P.M.S.D. and for obvious reasons after all the noise they made and the confidence they had given not only to the people here but also in England. They had even walked out from the House just to force the elections. They spent a lot of money, used the "Radio Pirate" the emissions of which we heard much to our advantage on Saturday, Sunday and even on Monday, we have identified the voices and the location of all that, they failed. After all that had been done, I can see the disillusion in the face of our friends. Every attempt was made to win the

elections, and every single means was used, and whatever possible means could be utilised was utilised, and in spite of that the people were not in favour of association, with its price of sugar, emigration, and the British passport. I can realise that, but that does not mean that our friends should not accept in a true Mauritian spirit what the people have decided. The leader of the Opposition, and the ex-head of the Opposition had repeated that if there were a referendum, and a majority will vote either way, they would accept the verdict. Now, the referendum was refused and we were given the elections and the results of the elections are known.

Mr. Dorel: But they are contested.

Mr. Boolell: We all know that contesting an election in Court is very easy. It is also easy to repeat in every street corner, in public meetings: "Don't worry, the elections are not over yet," because accounts have to be rendered to those to whom promises have been made. Now, the time has come for you to render account. The members of the Opposition are simply trying to postpone the rendering of the account. It is because they are not in a position to render account that the *Parti Mauricien* is having recourse to all sorts of tactics. But in this House the resolution of independence will to night be voted, and once voted the *Parti Mauricien* will not be morally entitled to say it can only accept it if the election petitions are not decided in their favour. I think, neither legally nor morally they have any ground to sustain such a point of view. As I stated before, if we are all concerned with the interests of the country, of the future of this country, the *Parti Mauricien* should behave like responsible people and accept the verdict of the people once for all, and as this House

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is legally constituted, and as this motion is going to be legally carried, there is no legal or moral ground to make their collaboration conditional. Sir, it is my duty not only to address this Assembly, but also to address myself to the public, and it is good that the public knows the behaviour of our Friends who wish to be the next Government.

M. Dural : *On nous a félicité tout à l'heure.*

Mr. Bootell : Yes, when somebody deserves congratulations, we are going to congratulate him.

Mr. Dural : Not in the same breath.

Mr. Bootell : In the same breath. If he deserves criticisms we are going to do so. Sir, there is one point which struck me in the speech of the Leader of the Opposition. He said that in the event of the majority voting for independence, they will cooperate, provided there is no discrimination. I hope, Sir, he means what he says, and I am not going to state anything further. We have witnessed what is taking place in Curepipe. We hope that the beating of people who did not vote for the *Parti Mauricien* will be stopped, and if need be we will take the initiative of stopping it.

An Hon. Member : The hon. Minister is surely speaking of Montagne Blanche.

Mr. Bootell : I am speaking of Curepipe, Flacourt. I am speaking of the incident which have taken place after the elections and which are still taking place. Let charity begin at Curepipe, and I hope that if the Opposition Members say one thing here in this House, they mean it and they intend to carry it out. I hope we have had enough of this organised violence, premeditated killing, we have had

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enough of it. I am not condemning anyone. I hope that all of us should see that it stops because we have a task ahead of us, and the only way we can justify ourselves in the eyes of the public is by showing by our word, by our deed, by our behaviour that we can work for a Mauritian nation.

Thank you, Sir. *(Applause)*

(6.55 p.m.)

M. L. R. Rhet (First Member for Beau Bassin and Petite Rivière):

M. le président, c'est avec une très grande émotion que je prends la parole aujourd'hui sur la motion de l'honorable Premier. Je me rends compte en prenant la parole que j'ai beaucoup à apprendre, que j'ai beaucoup d'expérience parce que j'aurais pu comme l'honorable Premier, avoir écrit mon discours pour pouvoir venir le lire ici après. J'espère dans l'avenir être mieux équipé pour jouer le rôle qui me revient à cette Chambre.

L'honorable Premier a dit dans son discours qu'aujourd'hui est un "*day of joy*". Je crois que c'est très mal présenter les faits. J'ai eu l'occasion après le dépouillement de circonscriptions on le Parti de l'Indépendance avait obtenu la majorité, et ce qui m'a frappé c'est cette impression de deuil national qui a suivi les élections générales. On aurait pu se croire après "*Carol*". Certains diront que cela était dû au fait que la police ne permettait pas les manifestations après le dépouillement. Il n'y a aucune force au monde à arrêter un débordement spontané de joie. Eh, je dois ajouter que, indirectement, même ceux qui avaient voté pour l'indépendance après un lavage de cerveau, après qu'on leur ait demandé de choisir entre le docteur Ramgoolam et Dural, se sont rendus

compte, le vole exprimé, qu'ils avaient fait une bêtise, avec le résultat que nous avons été tenu d'une consécration générale dans le pays. La joie se serait remarquable parce qu'on ne peut pas arriver à cacher la satisfaction, le contentement que l'on ressent dans les circonstances semblables. Même s'il n'y a pas eu de manifestations populaires, on aurait pu lire sur le visage des gens la satisfaction, le contentement qu'ils éprouvaient; tel n'était pas le cas. Je prendrai aussi pour exemple ce qui s'est passé aujourd'hui. Dans tous les pays qui, à une élection, obtiennent une majorité pour l'indépendance il y a dans un jour comme celui-ci un genre de délire national. Je dois dire que la réunion d'aujourd'hui s'est passée très tranquillement. On n'a vu aucune manifestation, aucune satisfaction, aucun contentement exprimés ici librement, et c'est un point que le Parti de l'Indépendance devrait retenir avant de se lancer dans cette aventure où ils veulent nous entraîner.

Le Premier a parlé des "*great names of past politicians*". Il a cité le nom de Banny Ollier, de Pezzani, de Laurent. Comme ces derniers, j'espère qu'il voudra faire passer les intérêts supérieurs du pays avant les intérêts de son parti. Tous ces hommes ont combattu pour les intérêts supérieurs du pays, et ont fait de leur mieux pour servir leur pays. L'hon. Premier a été à bonne école. Il a eu la chance de recevoir sa formation politique aux côtés des grands hommes de la génération précédente tels que Sir Edgar Laurent et autres. Je crois qu'il devrait bien peser le pour et le contre avant de se lancer dans cette aventure qu'il nous propose, parce que, plus tard, c'est la postérité qui jugera si oui ou non il a fait le bon choix, et il pourrait se faire que son nom ne jouisse pas ultérieurement de la même estime et du même respect que celui de ses prédécesseurs.

L'hon. Premier a aussi parlé d'un "*end of a journey*" et d'un autre voyage qui allait commencer. Il pourrait se faire que cette expérience soit tout bonnement la fin d'un voyage qui n'ait pas de recommencement. C'est pourquoi nous devons bien réfléchir sur la décision que nous avons à prendre.

L'hon. Premier a aussi dit que nous devrions être indépendant et il a cité l'exemple du Canada et celui de l'Australie qui, bien longtemps avant nous, ont obtenu leur indépendance. Je crains que ce soit l'histoire de la grenouille qui voulait devenir aussi grosse que le boeuf, et nous savons tous quel a été le résultat.

On nous a dit que l'indépendance était un "*birth right*", que c'est quelque chose d'inévitable que nous ne devrions pas rejeter, que c'est quelque chose qu'on devrait exiger. Je me permettrais de citer aujourd'hui les paroles de quelqu'un qui a été beaucoup plus actif pour que son pays obtienne l'indépendance que l'ont été ici les membres du Parti de l'Indépendance et l'hon. Premier lui-même. Il s'agit de M. Lee Kuan Yew. Voilà ce qu'il a déclaré — je cite de Renter on date du 18/19 août, 1967 : —

"Singapore's Prime Minister, Lee Kuan Yew said today few Asian and African peoples had fared better independent than under the colonial powers."

Mr. Lee, speaking at a community festival, said it was not possible to assume control automatically of the apparatus of a modern state built up by someone with a superior organizational structure and superior technology.

It was not possible "that when the colonial Governor goes out you can walk in and put things in the picture and inform, and things will go on just as before."

"It is not true," he declared.

Mr. Lee said in many societies the people were quite happy just to sit down under the banyan tree, and contemplate their navel."

"So when there is a famine, they just die quietly."

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A l'île Maurice, les citoyens que nous avons ne sont pas des paresseux qui dorment au soleil en attendant que l'Etat viendra à leur secours. Ce sont des hommes qui veulent travailler pour nourrir leur famille et si, après, la famille vient frapper à leur porte, ils craignent qu'ils ne se contentent pas de se laisser mourir, cela pourrait avoir alors de graves conséquences pour l'avenir de ce pays. Je pense que les membres du Parti de l'Indépendance devraient réfléchir sur ces paroles de M. Lee Kuan Yew, de quelqu'un qui est Premier Ministre dans un pays indépendant depuis de nombreuses années et qui est le Vice-Président de l'Internationale Socialiste auquel appartient aussi le parti travailliste.

M. Bissonnadyal : A-t-il démissionné depuis ?

M. Rivet : Je verrai le renseignement et je vous le communiquerai plus tard.

Et l'hon. Premier a aussi déclaré que '*freedom has not brought any harm to any country*'. Il semblerait que l'hon. Premier n'ait pas lu l'histoire contemporaine. Il ne se rappelle pas ce qui s'est passé à Chypre, il ne se rappelle pas ce qui s'est passé au Ghana et ce qui se passe en ce moment en Nigérie. Je crois que c'est très éduquant. Ces pays ont pourtant le potentiel nécessaire pour devenir indépendants. Malgré tout ce potentiel, ces pays ont à affronter aujourd'hui de très graves problèmes. Ici à Maurice il nous manque ce potentiel. Nous prenons un très grand risque en voulant nous lancer dans l'indépendance.

L'hon. Premier a aussi déclaré que l'Association n'apporterait aucun avantage à l'île Maurice. C'est navrant de voir que les membres du Parti de

l'Indépendance n'ient pas approfondir la question un peu plus. Ils auraient vu que, au moins, l'Association aurait cet avantage pour l'île Maurice, de permettre à la Grande Bretagne de combler notre déficit budgétaire qui a commencé depuis déjà deux ans et qui dans la conjoncture future ne peut aller qu'en augmentant. Telle est la condition qui figure dans le statut d'Association pour les îles sous le Vent. L'Association n'apporterait aucun avantage à l'île Maurice ! Je passe la parole à quelqu'un qui jouit de l'estime de la population dans son ensemble, de tous les milieux officiels et officieux, je veux parler de M. Gray Sauter qui *L'Express* du 12 mai décrit en ces termes :

"On sait qu'il s'occupe de ses fonctions avec une compétence que reconnaissent les collègues d'autres pays puisqu'il fait un des membres du sous-comité qui préparera la voie à l'accord des pays exportateurs intervenu le 6 avril dernier."

L'Express reproduit la conférence donnée par M. Sauter il y a seulement quelques mois et l'espère que nul ici ne vendra contester les compétences de M. Sauter. Voilà ce que *L'Express* déclare ou plutôt voila ce que M. Sauter a déclaré, propos qui a été rapporté par *L'Express* :

"L'île Maurice, associée à la Grande Bretagne, obtiendrait dans la Marche Communale, tout ce qu'on voudrait lui offrir, en termes de manger à deux tables ; celui de l'Association, celui de celui du M. C. Par contre, la Nigérie, pays indépendant, membre du Commonwealth qui vient d'obtenir le statut associé (donc différent) au sein du M. C., n'obtiendrait pas les mêmes avantages."

Je vais citer aussi ce que je prends pour être un commentaire du journal *Advance*, organe du Parti Travailliste, du 13 mai, 1966 :

"L'association pour l'île Maurice d'adhérer au Marché Commun ne peut pas seule mener dans le fait de pouvoir écarter une

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partie de ses succès à un prix raisonnable, mais aussi dans le fait qu'elle pourra bénéficier de l'aide financière pour le développement économique. De 1958 à 1961, la Commission du Marché Commun avait voté une somme totale de 277 millions de dollars à être répartie entre 26 pays d'Afrique et des Indes Occidentales."

Je trouve vraiment très difficile d'accepter, après ce que je viens de citer, les arguments ou plutôt l'absence d'arguments des Membres du Gouvernement au sujet des non-avantages que pourraient avoir notre projet d'Association.

J'avais espéré que les discussions d'aujourd'hui auraient eu lieu dans une atmosphère non pas d'entente, mais une atmosphère qui aurait pu bien augurer pour l'avenir. J'ai constaté avec regret que certains hon. Membres se sont permis de lancer des menaces à l'adresse de l'Opposition. Eh bien ! je ne contenterai de dire ceci. Menacer l'Opposition, c'est menacer aussi le peuple de l'île Maurice parce que l'Opposition est issue du peuple et est la voix du peuple. Dans d'autres pays il y a eu des dirigeants qui ont essayé de museler l'Opposition et qui ont essayé de la liquider pour de bon. Je ne citerai que le cas de Sir Abdoobakar Tawata Balawa, premier ministre de Nigérie, le cas de Lumumba au Congo, et le cas de Nkrumah au Ghana. Ainsi il ne faut pas croire que, puisque aujourd'hui vous avez remporté la majorité, ce peuple va être docile et va vous suivre jusqu'au bout du chemin. Ce peuple réclame de vous des réalisations pour son avenir, pour qu'il puisse vivre dans la dignité, dans la prospérité, et si plus tard vous n'arrivez pas à le faire vous serez les premiers à en subir les conséquences.

Il a été dit et archi-dit que l'indépendance est inévitable et que l'on doit au plus tôt essayer de l'obtenir. Je me permets de souligner ici, M. le Président, que la mort aussi est inévitable, et c'est une raison pour se suicider. Il m'a été rapporté que quelqu'un dont

les écrits reviennent assez souvent dans un de nos quotidiens et qui a vanté les bienfaits de l'indépendance, aurait déclaré qu'après tout l'indépendance, ce n'est qu'un mot, ce n'est qu'une psychopée. Ce qu'il faut, c'est de descendre au fond de l'abîme pour pouvoir en remonter après. En bien ! je considère que cette personne agit d'une façon criminelle. Nous ne sommes pas des animaux qu'on conduit à l'abattoir, des bêtes qu'on va jeter dans un ravin pour le combler et permettre au reste d'atteindre l'autre bord où la situation est meilleure. Nous sommes des êtres humains avec chacun de nous nos aspirations, notre désir de vivre. Nous refusons d'être sacrifiés afin qu'une partie de la population puisse accéder à un avenir meilleur. Cela n'est pas nécessaire d'autant plus que nous autres du Parti Mauricien Social Démocratique nous avons des solutions à proposer aux problèmes de ce pays qui éviteraient une telle hécotombe.

Je voudrais à ce stade faire une analyse de la situation dans le pays et voir quelles sont les possibilités pour l'avenir, quelles sont les chances de ce pays de pouvoir solutionner ses problèmes. Le parti de l'Indépendance a un doigt dans l'engrenage et tôt ou tard il sera écrasé et le pays avec. Je vais citer l'opinion du troisième député de Vieux Grand Port et de Rose Belle (Mr. Bissonnadyal). Quelques temps avant les élections, il a publié un genre de manifeste électoral. Voila ce qu'il nous déclare dedans :

"Des postes que le favoritisme crée et remplit, des bourses d'étude et des délégations à l'étranger qu'il invente et distribue (ceux qui aspirent à rester au pouvoir n'importe où) nous ne pouvons pas nous résigner à accepter sans scrupule au nom de la S.I.L.W.F. par exemple, où de la Banque du Développement, ont mis la société mauricienne dans une situation extrêmement compromettante."

Ca c'est l'opinion d'un des leaders du Parti de l'Indépendance et je voudrais

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savoir aujourd'hui ce qu'il compte faire pour remédier à cet état de choses, pour assainir, le plus tôt possible cette atmosphère que je considère comme étant vraiment empoisonnée. Il y a aussi l'opinion d'un économiste dont les écrits sont très appréciés dans la presse locale. À la veille de l'indépendance il a fait une analyse de la situation locale.

Il s'agit de M. Vayid qui a fait paraître un article il y a quelques jours de cela (journal *Express* du 19 août 1967). Voilà ce que déclare M. Vayid : —

" Il faudra relancer les associations responsables de la planification familiale, leur insinuant un nouvel enthousiasme, implétablement nous les parents et les incompétents qui les ont créés, nous devons et secouer l'opinion publique en la rendant consciente des dangers terribles de notre poussée démographique.

Jusqu'ici, nous avons traité le problème avec un distraitisme navrant et le réprimisme, le fait des influences et les considérations de la population ont été négligés dans la campagne du planning familial."

Précisons ici que M. Vayid n'est pas du bord du P.M.S.D., et qu'il n'a pu être poussé par quelqu'un du P.M.S.D. M. M. Vayid continue plus loin :

" La productivité

L'autre tare qui afflige notre société est le niveau extraordinairement bas de notre productivité. Avec notre main d'œuvre bâtarde par de 26 à 30 pour cent, nous ne pouvons pas généraliser socialement, c'est-à-dire, une liste des fonctionnaires plus préoccupés par les trois p's (Politique, Promotion et Passage outre-meur) que par leurs responsabilités ; des sociétés commerciales traitant leurs méthodes archaïques comme des boucliers, un commerce mineur d'opportunistes, un leadership économique d'opportunisme, un développement nous considérant heureux de n'avoir plus gros déficit budgétaire et que certains entreprises arrivent encore à faire des profits."

" Le chômage

Cinquante mille sans emplois pour une population active de moins de 400,000 est probablement un record mondial... peu en-

visible. Le fait que quatre cinquièmes de nos chômeurs soient des hommes comme le problème davantage.

Si nous devons en croire ces chiffres, environ 13% de la population potentiellement active est sans travail, dont 10% au moins des hommes. Il y a là une invitation à jeter le manche après la cognée et à avouer qu'il n'y a rien à faire.

Mais en regardant nos sans emplois de plus près on arrive à distinguer des pseudo-chômeurs. On a vu des hommes qui ont été sortis de leur emploi, d'univers qui ont été tout de suite réembauchés, des personnes qui de toute manière ne voudraient jamais regagner honnêtement leur vie, etc...

En soustrayant les parasites du nombre officiel de chômeurs nous aurons un chiffre moins effrayant mais éloquent quand même, nous sommes probablement de l'ordre de 25,000, c'est-à-dire plus de 6% de la population active."

Voilà, M. le président, la situation à un moment où nous voyons les partis majoritaires venir demander l'indépendance. Nous savons tous que le doigt est dans l'engrenage et que les partis au pouvoir pourraient difficilement redresser la situation et que nous allons tous vers l'abîme où il y a le népotisme, le favoritisme, le favoritisme. C'est ce qui attend la population de l'île Maurice et c'est pourquoi je pense que nous devrions en tant que Mauriciens bien réfléchir avant de prendre cette décision irrévocable et parce qu'une fois dans l'abîme on ne pourra plus en sortir.

Je m'attendais en arrivant ici aujourd'hui à entendre des arguments valables en faveur de l'indépendance. Je n'ai pas entendu dans des meetings publics des arguments de la part des partis au pouvoir pour établir d'une façon nette et claire comment le pays allait pouvoir survivre après l'indépendance. Je vais me permettre de citer une fois de plus M. Vayid qui dans un second article, déclare qu'il faut un minimum de 650 millions de roupies pour les cinq prochaines années de la-

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pon à pouvoir résoudre les problèmes qui se posent à nous. Et ce chiffre est donné par un économiste. Je m'attendais en arrivant ici à entendre de la part des différents partis de l'Indépendance, des explications pour nous faire voir comment nous allons avoir l'argent nécessaire pour pouvoir redresser notre banque, mais jusqu'à l'heure nous n'avons eu aucun argument qui ait été mis en avant pour prouver que la situation désastreuse où nous nous trouvons pourrait être remédiée dans un avenir pas trop lointain. Nous savons tous que la vague de l'indépendance à l'heure actuelle est une vague qui n'a pas l'ampleur qu'elle avait auparavant. Beaucoup de pays sont revenus sur cette question d'indépendance. Les faits à Maurice sont présentés sous un faux jour.

L'hon. Balany, ministre des travaux a déclaré tout dernièrement dans un meeting public que nous ne pouvons pas avoir de l'aide étrangère parce que nous sommes encore dépendants, mais une fois indépendants nous aurons beaucoup d'aide. Tel n'est pas exactement le cas.

Nous avons profité ces dernières années de l'aide étrangère sur une assez grande échelle, de la Banque Mondiale, de la F.A.O. et cela aurait continué même si nous conservions notre statut actuel. La seule aide additionnelle qui pourrait venir au pays après l'indépendance sont des aides où vous avez des "strings attached" venant de certains pays qui pourraient essayer d'attirer l'île Maurice pour leur propre compte mais là, aussi, je crois que les choses ont changé. On s'est rendu compte que ces aides données généralement à certains pays, en Asie, en Afrique, ont servi à acheter des Cadillac pour des ministres ou à permettre d'ériger de belles constructions à ces derniers et je crois qu'un pays tel que l'Amérique est revenue à

l'heure actuelle sur cette question d'aide étrangère. Au dernier Congrès américain, malgré la demande du Président Johnson, il y a eu des coupures drastiques dans cette aide aux pays étrangers. Donc, je ne vois pas d'où cet argent va venir. A ce stade j'voudrais relever un point qui peut-être n'a pas été suffisamment expliqué.

Aux yeux des partis de l'Indépendance, nous passons aujourd'hui pour être un parti qui est contre la voie d progrès. Eh bien ! Tel n'est pas du tout le cas. Ce que le Parti Maurice demande, c'est une association avec la Grande Bretagne, une association qui du point de vue constitutionnel, ne se fait pas différent de l'indépendance que réclame le parti de l'indépendance.

(Interruption)

Je comprends le désir d'un pays à vouloir diriger ses propres affaires et le P.M.S.D. n'est pas contre cette évolution. Aussi je me dois de préciser qu'avec l'association on aurait été complètement libre de gérer nos propres affaires et que la Grande Bretagne en aucun cas n'aurait pu s'ingérer dans nos affaires intérieures. Les deux seuls domaines dans lesquels l'Angleterre aurait eu son mot à dire, auraient été la représentation étrangère et l'indépendance, et ce après consultation du gouvernement local.

Pour ce qui est de la représentation étrangère, je considère que là encore l'Association aurait un avantage sur l'Indépendance, l'exemple du Haut Commissariat à Londres porte témoignage de ce que je viens de dire. Je n'veux pas ici critiquer le Haut Commissaire et son personnel mais on s'est rendu compte que le Haut Commissariat n'a pas été en mesure de rendre au pays les services qu'on attendait de cette institution. Et je considère que des ambassades mauriciennes dan-

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d'autres pays seraient dans une même position et de pourrions aider le pays. Par contre, les attachés d'Ambassade dans des Ambassades Britanniques pourraient donner plus de poids à une représentation de l'île Maurice à l'étranger et nous aurions beaucoup plus à gagner en ayant recours à ce genre de représentation. Comme je viens de vous dire, il y a...

(Interjection)

Mr. Speaker: What the hon. Member is trying to say is that there is no point in voting this motion because it will create all sorts of difficulties. He is speaking on the motion which is before the House at present and he is entitled to do so.

M. Rivet: Pour répondre aux objections de l'hon. membre qui conteste les avantages de l'Association je citerai les propres paroles de M. Frédéric Lee au moment où se réunissait à Londres une conférence constitutionnelle pour donner aux îles sous le Vent le statut de pays associé. Je me réfère à ce sujet à un article écrit par James Douglas et qui a été publié par le journal *Action* du 7 mai 1965. Cet article a été communiqué à la presse par le B.I.S. et voici ce que M. Lee déclare: "

Sir S. Ramgoolam: Est-ce que c'est "*Action*"?

M. Rivet: C'est le B.I.S. qui a communiqué l'article qui a été publié dans toute la presse locale.

An Hon. Member: Domage que ce ne soit pas le C.I.O.

M. Rivet: Voilà ce que déclare M. Frédéric Lee, alors Secrétaire d'Etat aux Colonies: —

"Tout récemment, le gouvernement anglais a pris une nouvelle initiative en accordant le statut d'association à certains territoires des

Astilles. Ces territoires conservent le droit de régler leurs propres affaires, d'élaborer leur propre constitution et même de se déclarer indépendants, sans avoir à passer par le Parlement Britannique. Mais aussi longtemps que ces pays resteront associés à l'Angleterre, ils bénéficieront de la défense et de la sécurité assurées par la marine et l'armée britanniques.

Voilà les conditions qui ont été proposées pour les Astilles et je suis fier en tant que membre du Parti Mauricien Social Démocrate...

An Hon. Member: National.

M. Rivet: National si vous voulez, d'avoir en 1965 contribué à pouvoir mettre sur pied ce projet d'association, et il est malheureux de constater que ce projet qui a été mis sur pied par le P.M.S.D. va profiter à d'autres territoires pendant que nous autres nous allons vers l'abîme, à moins que les résultats des pétitions électorales n'aient servi à modifier les choses. Venons maintenant à la question d'aide financière. Un article reproduit par le *Maurician* du 4 novembre, 1966, du *Commonwealth To-day* déclare: "Un état associé peut toujours compter sur la Grande Bretagne pour une aide financière et technique."

Le ministre du développement extérieur vient justement de citer un *Development Division* pour les nouveaux territoires associés des Caraïbes. Associes nous autres donc été assurés d'une aide de la Grande Bretagne. Vouloir prétendre que le Parti Mauricien est contre le progrès n'est pas exact. Au contraire l'Association est une forme de décolonisation reconnue par les Nations Unies et avec la gros avantage sur l'indépendance de pouvoir profiter d'une aide de la Grande Bretagne en cas de cyclone, de sécheresse et de pouvoir compter en temps normal sur une aide beaucoup plus importante de la Grande Bretagne. Mais il est une autre question qui est

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encore beaucoup plus importante. C'est la question des avantages à travers le Marché Commun. On va me dire, M. le président, que c'est une utopie de vouloir compter sur l'entrée de la Grande Bretagne dans le Marché Commun. Aussi, je me dois de faire la précision suivante. C'est qu'en 1961 il y a eu une déclaration de principe du Parti Mauricien signée par le président, M. Raymond Devienne, dans laquelle il faisait ressortir que le salut de l'île Maurice se trouvait, avec l'association, dans le Marché Commun. Nous voyons aujourd'hui que les événements sont venus lui donner raison.

(Interjection)

Pour répondre à cette objection je parlerai de M. Johnson qui a dit lors d'un certain congrès, que le Parti Travilliste Anglais allait voter contre l'entrée de l'Angleterre dans le Marché Commun et le lendemain même nous avons vu que le Parlement anglais a en fait voté pour l'admission de l'Angleterre dans le Marché Commun. A l'heure actuelle, si nous examinons les faits de très près, il est impossible pour la Grande Bretagne de ne pas entrer dans le Marché Commun. Elle ne peut pas se permettre un deuxième soulèvement, un deuxième "non". L'Angleterre aura à entrer, coûte que coûte, dans le Marché Commun même en sacrifiant le Commonwealth et si elle sacrifie le Commonwealth, nous courons le risque de perdre les avantages de l'accord signé du Commonwealth.

Voilà les dangers qui nous menacent à l'heure actuelle avec l'indépendance. Nous pouvons perdre ce que nous avons à l'heure actuelle, perdre le prix préférentiel que nous avons pour nos sucres. Avec l'Association on aurait au moins essayé d'avoir, et peut-être que nous aurons eu, de très gros avantages; et je dois dire ici que, du point de vue économique, il est beaucoup mieux pour un pays d'avoir de l'argent

par le circuit normal de sa production, en vendant le sucre à un prix plus avantageux, que de compter sur des prêts étrangers qui n'arrivent pas à être utilisés comme ils devraient l'être. Nous avons l'exemple du Marketing Board, du Family Planning, — comme l'a fait si bien remarquer M. Vayid — où cet argent sert à plaisir aux amis du gouvernement de façon qu'il soit assuré de leurs services aux élections.

An Hon. Member: M. Vayid n'a pas voté contre l'indépendance.

M. Rivet: Nous voyons donc après l'analyse des faits qu'il n'y a aucune chance aucun espoir que le pays puisse survivre avec l'indépendance. A cet effet je dois dire qu'il y a une panique dans toute la population, y compris la communauté hindoue qui a voté pour l'indépendance, qui se demande à l'heure actuelle quel va être son sort dans le futur. La communauté hindoue a subi un lavage de cerveau, avant d'aller aux urnes. Le vote exprimé, il y a eu un revirement et la preuve en est qu'on n'a pas eu aujourd'hui l'explosion de joie et de satisfaction qui aurait dû normalement se produire comme c'est le cas dans tous les pays du monde qui accèdent à l'indépendance. Cela établit sans erreur possible le bien fondé de mes assertions.

Je voudrais avant de terminer, M. le président, faire un appel. Je m'adresse à cette Chambre non pas seulement en qualité de membre de cette assemblée, mais surtout en tant que citoyen de ce pays. Je voudrais faire un appel tout particulier aux membres du Parti de l'indépendance pour qu'ils soient bien le pour et le contre avant de se prononcer sur la motion de l'hon. Premier.

Je suis persuadé que l'hon. Premier ne voudrait pas passer dans l'histoire

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comme étant quelqu'un qui a uni à son pays, quelqu'un dont le nom serait mandité par les générations futures. Car j'espère qu'il désire beaucoup plus les avantages supérieurs du pays que l'ambition de pouvoir être à la tête d'un pays indépendant, de servir une politique de prestige. Je veux espérer que les membres du gouvernement réfléchissent, pèsent bien le pour et le contre avant de se prononcer sur la motion.

(Applause from Opposition Benches)

(7.35 p.m.)

Mr L. Badry (First Member for Mahébourg and Plaine Magnien) Sir, I think this is a unique opportunity for me to address this Assembly. First of all, I have to congratulate the last speaker for his maiden speech.

Everybody knows that I am a trade union officer and since long I am serving the working class of this country. I am in full agreement with the motion presented this morning by the hon. Prime Minister of this country. There will certainly be opposition. The Opposition will remain and there will always be opposition. It has been found out everywhere, history has repeated itself, that people always stick to their doctrines. Those who oppose belong to a certain category of people; they have the right to defend their interests. We cannot do otherwise, we have to allow them to do so but the working class of this country in general are very anxious to achieve independence. Independence is the fundamental right of the working class because the working class needs progress, good living conditions and employment. Just now, an hon. Member pointed out that there is unemployment in this country and that is why he is against independence. Why there is unemployment prevailing at this juncture throughout the country? It is

because the old régime and the old tactics of the capitalist system are still in operation, it is because the distribution of the labour force in this country has not been properly done and the wealth of this country has not been properly distributed. It is also because when the wages order was put into operation there was some sort of obstruction. In the field of agriculture certain works have been abolished only to increase unemployment and unemployment causes great hardship. If we want to get rid of unemployment the only remedy is national independence.

The country must move according to its destiny for the progress and the liberty of mankind. The Opposition will bring forward their tactics but they cannot jeopardise the rights of any citizen in this country; they cannot jeopardise the independence of this country because independence is necessary for the development of the economy and also because we want foreign capitalists, foreign currency to come to this country. And they will only come after independence and not before because the present structure, the present régime forbid them to come with their capital to this country. I am in favour of independence. I know that the Opposition will object and will always object. I know they will always object because in every country, I have read some history, I have never seen in any country that the Opposition is prepared to cooperate with the party claiming independence for the people. It has never been possible but I will say at this time you must show your good will to the majority of this country who are asking for independence because Mauritius is a very small island and we have different communities and cultures. For that purpose I want to make an appeal to the Opposition that it should agree to independence and independence will bring prosperity and dignity to the people.

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I hope that my short contribution to this debate, will be considered worthwhile.

(7.40 p.m.)

The Deputy Speaker (Mr. P. G. R. Raut) (Third Member for Port Louis North and Montagne Longue): Mr. Speaker,

I am not very sure whether according to tradition I should be considered as a new Member and consequently that I should not congratulate the hon. Member who has spoken or as an old Member having already served in this Legislature for 15 years I should congratulate him. I shall, therefore, give myself the benefit of the doubt and therefore I shall congratulate the hon. Member who has just spoken before me for his maiden speech which has been of a very high order.

Sir, after the speech which the hon. Prime Minister made this morning I think almost everything which had to be said has been said. I am not saying that at all to deprecate in any way any other speech which has been made, not even the speech made by my Friend, the Leader of the Opposition. I entirely see his position, he played well for his team and he has done very well but the speech of the hon. Prime Minister was the speech of a man inspired. He is such a great man in our history that the words he spoke, I am sure, will with the passage of time, when passions have cooled down, be accepted as Gospel truth even by those who, today, are opposed to the ideas and sentiments which he has expressed. I think that whatever may be said against the Premier in public is usually quite different from what we hear either at private parties, in drawing rooms or in lunch rooms and cocktail parties, and from the very people who are his opponents. I am not referring to the Members of the House but to the members of the party outside who

tell us that we are blessed by God for the moderation of the man who is at the helm of our country. This, we all know, Sir, is the truth and every hon. Member knows it because he must have heard it on several occasions.

Sir, the main question today before us is to decide whether the members of the Independence Party who were elected on a clear platform and went to the people of this country proposing one main theme namely the independence of our country, are able now to betray their trust. That in my view, goes to the very root and essence of democracy and to the very essence of honesty in dealing. How can one expect that people who have campaigned so hard for something in which they believe or they have come to believe, because, Sir, whatever may be the hesitations which have been entertained in the past and which I know are still being entertained in some parts, independence goes with the course of history. Mauritius will be the 129th independent nation in the world, 129 nations already are independent. Whatever some people may think about it, independence of peoples is the irresistible trend of our times, nothing at all can stop it. Therefore what must we do as intelligent thinking men? Many of the gentlemen opposite are my personal friends. I can even see on either side of the House two sets of members of the same club to which I belong. They are my valued personal friends. I know, Sir, that they all love the country as dearly as we do. What would be the state of this country if the waves of independence are heaving around our shores and around the beaches everywhere and we are left the sole dependant territory, there would be constant agitation in the souls of men who crave after that liberty which cannot be destroyed. If we were to postpone the problem it would prove more acute every

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year. Is it not more courageous, more intelligent to tackle the problem immediately. We must face that problem sooner or later. Postponing it would perpetuate uncertainty, that uncertainty which has prevailed in our country in the last two or three years, that uncertainty which in my view, Sir, has been the cause of most of our ills, we must start grappling with the problem now and bow is the time. To those gentlemen outside, who with their capital, with their brains, with their know-how, with their great ability, have supported and nurtured the F.M.S.D., I make that appeal and I am confident that that appeal is made in the name of the whole party. Is it not better now to get together and work for the economic future and prosperity of Mauritius rather than hanker after the past which my hon. Friend, the Premier said is dead for ever and will never come back. We have in this country brains, we have a high degree of civilisation, we can undertake any task which we have to perform, we have people right down in the masses whose brains have not been made use of, whose intelligence has not been given the chance to flourish. We can use them and I think that we must seize that opportunity and we must not let slip the chance. Some of our Friends, especially the First Member for Beau Bassin and Petite Rivière, have saddened me. He has expressed today a pessimism which I have heard in some circles, it has also been reported to me by the same President of that club I referred to. A member of that club, whose name I shall give privately to the hon. Member, who has a high position in the civil service went to that president and told him. I have fallen into drink at my place we have all gone off our food, so we keep drinking all the time because we have lost confidence in our country, we are now

desperate. Now this is because of the psychosis of fear which has built up especially in a community which is not a minority but which is also one of the majority communities and that psychosis of fear will ruin everything. It was obvious to some of us that it was utterly impossible that Mauritius of all nations in the world, that Mauritius with its past and its potential, Mauritius with people of the community of the First Member for Petite Rivière who, as he said, has been "Une communauté à la pointe du combat pour l'émancipation politique", that Mauritius with such an active community could possibly vote against independence. It was something unthinkable, that a branch of the human race would reject liberty, it was something which has never occurred in any part of the world and could never occur in Mauritius. Sir, we know that that psychosis of fear which made people refuse to face reality would cause such a shock when they would wake up from that dream that they would be as sleepwalkers in a nightmare. We expected that sort of reaction of pessimism in a man otherwise so gifted as the hon. Member who has just spoken.

He apologised because he has not made notes but he defended himself extremely well. But why be so pessimistic, why not trust our fellowmen and I say it in all sincerity that the community referred to by my Friend, the First Member for Petite Rivière and Belle Rose, must understand that the future lies in close harmony with the majority community of this country. We should move together as brothers forgetting things which do not apply here where we have so much in common. Nigeria and Cyprus and other countries are countries which have been poisoned by imper-

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lists. They are divided territories, they are divided into races, cut in two. In many of these countries there is tribalism, they have deliberately been cut into two by the old imperialist powers. Why did they do that? They did that with an aim in view but they did not foresee that their grandsons would liberate those countries. Here in Mauritius do we know of any part of the country where only one community lives? Everybody lives next door to each other. When there is either a death or a birth, a festival or a mourning in one house, does not the Hindu or the Creole or the Muslim go to share the joy or the pain? Can anybody say that he can live without the help of his neighbour, whether he has different religion or not. Whether we are of western or Asiatic descent all of us intermingle with one another so much. No one is completely western or Asiatic. From 1948 in this House or in the other House we were always talking in that breath and we talk in no other (perhaps the party of my learned Friend, Mr. Ollivry, which my learned Friend joined two days before the elections has not done so in the past). Sir, unless the Members oppose do not wish to see that the workers of this country get their due, hundreds of dockers, stevedores, granary people and all these workers get what they deserved, they should read the Speech from the Throne, they should see what Government proposes to do for the workers, what security it proposes to give. If we are allowed to proceed on those lines, then all the ills which have been enumerated by the First Member for Beau Bassin, which he seems to want to perpetuate will gradually disappear if we get an independent Mauritius, if not these ills will go on and become worse every day.

I am sure that the hon. the first Member for Beau Bassin and Petite Rivière did not catch the meaning of that moderation in victory which we showed, he did not understand the sense of it. One did not want to defend. We knew that differences have been fostered so ingeniously with such advanced modern techniques, in fact every modern technique which you read in the last issues of *Constellation*. Everyday like mushrooms all over the island we saw posters artistically designed showing skeletons, showing famine, depicting four headed monsters. They wanted to scare children and they dare talk of brain washing. Indeed, Sir, but when that Friend of mine spoke of mourning, I am sure that after the night will come the day, and I hope and trust that in a few months when the festival of independence will come over Mauritius, everybody will dance in the streets. Members of the Opposition and Members of the Independence Party. This is the wish I make on this first day of the New Assembly.

At 8.00 p.m. the sitting was suspended.

On resuming at 9.30 p.m. with Mr. Speaker in the Chair.

The Minister of Local Government and Co-operative Development (Mr. S. Bissonnigoye) (Third Member for Vieux Grand Port and Rose Belie): Mr. Speaker, Sir, I believe this day is considered as a memorable day because after some one century and a half the country is in a position to vote for independence. This is the due to the labours of the great leaders of the past and present, and I hope nothing will be done to prevent the wish of the majority of people in Mauritius from materializing. But such an occasion has forced us to witness an attitude which will be like a dark spot in our history. A political party which believes that it has at heart the interest of the population at

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large has had the cheek to say that it opposes political evolution! This is the dark spot in our history. Unfortunately such a statement will not receive in the local press the place that it deserves because those who are ruling in this sector of the press, will realise that a statement of this nature is most damaging to the people who believe that they are fighting for the rights of the people in this country. From time to time we have heard that 44 per cent of the voters have voted against independence and that we should not impose on the country the wish of the people who have voted for independence. What is 44 per cent when they themselves emphasize that a majority of members is not a majority? They from time to time refer to their having obtained 44 per cent of the expressed votes. But, the people of Mauritius should know how these forty four per cent of votes have been obtained. It is a shame for those who claim that they are literate, educated and who imposed on the electorate every kind of hurdle in the 23 estates that exist in the country. Almost all of these estates had raised barriers against the candidates of the Independence Party. The 23 estates employ, we believe, something like 60,000 people, that is to say, about 40,000 heads of families and they believe that it is a political strategy to raise barriers to all the entrance roads, asking the help of the police to prevent cars of candidates of the Independence Party from entering those estates. What can be as dark a spot as this in our history? That was not all, Sir. Before the election a paper was fabled in this House showing the names of places where meetings could be held, and we believe that the police authorities had submitted those names to the estates. The schools built on the lands of the estates were refused as meeting places although the names of those places appeared in the

list tabled in this House. I have read, Sir, about a character of Emile Zola: a murderer who passes to be very innocent and even as the saviour of the person he had murdered. It is good that the book be read by those who assume that they understand politics, and that they can be politicians. The spokesmen of the PMSD N have tried from the very beginning this afternoon and in the press to persuade the public that they are innocent. "We are victims," they say, "and the Independence Party has encroached upon our rights and privileges and everything has been wrecked to our detriment." This comedy, Sir, is played to create history because it is believed when certain columns of certain papers will be filled with matter of this character, future historians will draw from these columns material for their history, and then this party will be represented as a very innocent party and the Independence Party represented as having appealed to the emotion of the majority of the population in the country, and because of that trick the Independence Party has got a majority of seats, and that independence will be forced upon the public in this country. Sir, it is of vital importance that this trick be exploded. First of all, we had the appeal to the public: "send cleagues addressed to Mr. de Chazal..."

M. Dural : *Sans casque.*

Mr. Bissondoyal : Shameless people begging at the door of the estate owners, using what they got from them, (and the evidence of it is all the hurdles placed on the road entrances to the estates) come and say that they are victims, that they are honest people, that independence is dragging them down into the abyss, and that they want the people to realize this calamity. But these shameless people have

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contacted members of the Independence Party persuading them to become Prime Ministers, and get the capital they need, the finance they need, and everything they want and even independence (*Applause*).

An Hon. Member : Shame!

Mr. Bissondoyal : It is these people that come here to say that they have a conscience, and they invoke conscience at every turn of the road as if they are speaking in the interest of the public. Sir, it could not be opposed too much because such an attitude is usual in all countries where the vested interests find that it will not have the freedom, the prerogative, the liberty, the privileges they had obtained in the past. We have seen that in every colony, in every territory where they cannot stop the coming of independence, they try to sabotage that independence when it has come. They try to do everything in their power in that sinister pursuit. Sir, speaking of England as a country that has achieved substantial progress, in my view I think that it has achieved that substantial progress because of certain factors.

First of all, the interests of the smaller man are looked after through the co-operative movement, the trade union movement. But all these things could be possible because of the freedom of the country. Africa and Asia have been victims of all these prejudices and things that divide and keep down people and no one at that moment could have felt himself strong enough, wise enough to refer to England as a country enjoying advanced progress. We have only to go back to the days when the co-operative movement started, when the trade union movement started, when the free press started and see what battles were fought and how those battles could be

in the interest of the public. If England had been a colony, there would never have been a co-operative movement, I mean a successful co-operative movement, a successful trade union movement, the situation to bring about a free press and all the other things that come from these movements. But how can we expect a man who accepts to be on bended knees before vested interests to understand the meaning of the co-operative movement, the trade union movement and the free press?

To understand why all these hindrances are being put in the way of independence, we have to investigate. What is the past of every individual that today opposes independence? I am not speaking individually. I am speaking in a spirit to establish a general principle. "*Dis moi qui tu hantes et je te dirai qui tu es*". A man who presents to be dependent on resources presented to him on conditions naturally cannot accept independence. It is incompatible with the mentality of a man who has been all the time bending to be all of a sudden independent and accept independence. But they are clever. They want to explain to the public that independence will bring harm to Mauritius. It is as if because a father of family cannot bring Rs. 1000 to his family every month, the wife, the young daughters and the children must accept refuge in another person's house. This is the upshot of all the arguments that have been used in this House. You have no money, you cannot become independent. A head of family cannot bring in Rs. 1000 at the end of the month, therefore his wife, his young daughters, his children must take refuge at another man's place where that sum can be provided. Educated people can speak in this vein to Mauritians! What is money after all? In a cour-

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try where we can have over 300,000 acres of cultivable land, where we have no experience of any severe drought, can we speak of poverty? Yes, it can be poor if we allow the 88 persons to continue to draw Rs. 22m. and thirty six companies to draw Rs. 40m. of dividend per year and if we allow that state of things to continue. And shameless people will allow that state of things to continue. Then naturally the best part of our countrymen will have to be poor. Then naturally whether we like it or not, we will have to go to the bottom of the abyss. All the arguments have been rested on money. You have no money, but each of your candidate got at least four cars before the election. From where those cars came?

Mr. Walter : 18 in Curepipe.

Mr. Bissondoyal : ... on an average, candidates whose financial resources are known to everybody. This country has no money! This country can command millions of rupees in an election, but this country has no money to enable its population...

Mr. Olivier : What about Mr. Donald Fort?

Mr. Ringuodo : What about the salaried staff?

Mr. Jagasingh : What about the "pieds noirs"?

Mr. Walter : If you were real socialists the British Labour Party would have helped you as well.

Mr. Olivier : You paid his salary.

Mr. Walter : I have got no time to lose with your sort.

Mr. Bissondoyal : Town Councils were using public funds to employ

thousands of people on no other work than to stand and see what is going on. That is an honest way of dealing with the problems of this country! That is an honest way of getting the people to understand democracy, that is an honest way of opposing independence!

Mr. Walter : And on the 7th at six o'clock, they were all dismissed.

Mr. Duval : We are after dinner.

Mr. Bissondoyal : There are certain people in this country who think that because they have at their place a firearm — I am wrong, mistaken, lots of firearms — because they can have lots of money, because they can have some people placed at a high level at their disposal, they can do anything they like in this country.

Mr. Olivier : The Special Mobile Force!

Mr. Bissondoyal : They can do anything they like. There will be casualties if this is to be the fate of the country. But then there will be casualties on both sides.

Sir, at a time when we have made up our minds we have to realise that without independence, the greatest evil in this country cannot be got rid of: the evil of communalism. And how it is born? In all colonies, if you have no communalism, you have tribalism. And who planted these things in all these colonies? Who? Has anyone dared to understand that? More stooges have not a free mind to understand how these things work in colonies. Communalism is a thing that cannot be got rid of if we accept to be dependent on outsiders or even on people who are born in Mauritius but who feel like outsiders. The only way to get rid of communalism is to get an independent Government in an in-

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dependent country and that independent country will give rise to men to take care of itself, men who will think that the country is made up of their countrymen. At present you have people who are not responsible to the country at all but who have so much right, who have so many privileges for appointments, promotions and a lot of other things, that this country cannot hope to breathe in an atmosphere of patriotism. One gentleman has already obtained a privileged position in the Government or in Town Councils and he uses that position to set one man against another and the source of communalism is there. If you find a young Hindu disgruntled because he has not been given what he hopes to have or what he thinks he deserves and that he feels that someone of another community although he does not deserve that has got it, then you create communalism. No one can gain say what I am saying.

No one can gain say what I am saying. This is the source of communalism in this country. And how to get rid of it? You have to give independence to this country. And independence will create an atmosphere. That atmosphere may not be created tomorrow morning but an appropriate atmosphere will be created. Otherwise England too would have been divided into Saxons, Teutons, Danes and what not but because it was independent it could get easily over all these divisions and now in the United Kingdom, you come across but Britishers. Hardly one or two will think that he is a Saxon or of Danish origin or of Scottish origin. All will think in terms of being a Britisher. Why? That was the position in France and in many other countries. But people who do not want to read to understand would not have the mood, the right approach because there are foreigners behind them. They will never understand what has happened. They are living

in 1967 but they are still telling you that they had imbibed from echoes some 40 or 70 years ago and they cannot free themselves from those echoes. They learnt it in the schools, in the churches, in the parties. When they shake hands with people of a higher level, they lose their personality, their self and everything that makes up an individual, a responsible individual, in a responsible society.

Mr. Duval : Dans les parties de chasse.

Mr. Bissondoyal : So many posters coming from South Africa indicate who have been the masters in all these things.

An Hon. Member : Mr. Fort.

Mr. Bissondoyal : Because I know that all these things cannot have come from their brains. There have been masters behind. And they had thought that this would work in this country. I myself at a certain time, had thought that I would come out but with a very narrow majority, seeing around me all the estates shutting all their entrances. We had no right to put up posters, no right of access on the estates. Our friends with a gloomy look, would run away from us with sadness in their hearts.

I stood in 1948, 1953, 1959 and 1963. I never saw such things. It was the first time, in my electoral experience, that I saw such dirty, nasty shameful things worked out by public men, thinking that by brutal force and having at their disposal a few men of authority in this country, they could stop independence.

Sir, they have not lost hope even now, because if they have had the opportunity to come and approach in

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hoping that I could be tempted by a premiership, they must have thought of some worse strategy than this. They thought if they could catch hold of me... the game was up. They were unsuccessful. They thought of knocking at the door of individuals.

M. Lesage : Cessez de vous mettre à vent dans les voiles !

Mr. Bissonnadyal : The hon. Member is ignorant of the plans of his party. He might be right.

(Interruptions)

Mr. Jagatsingh : Shut up !

Hon. Members of the Opposition : You should be ashamed of yourselves. Shut up yourself ! Shame ! Shame !

Mr. Speaker : I must ask hon. Members to observe silence.

(Shouts)

Mr. Dyal : In presence of such disorder we will leave the Chamber.

(Members of the Opposition leave the Chamber)

(10.00 p.m.)

Mr. Bissonnadyal : I have come to the end of my speech and I now resume my seat.

The Minister of Labour (Mr. H. E. Walter, Third Member for Maitbourg and Plaine Magnien) : Mr. Speaker, Sir, it is not the departure of the hon. Members of the Opposition which should stop the debate on a motion of that importance. It is a motion which is the culmination of years of hard and arduous work which has met through its passage difficulties of such texture that only men of courage and determination and leadership have been able to carry through until the end of the day.

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Sir, in this long battle, since the battle cry of freedom has been expressed in Mauritius, many victims have been left on the battle field. The battle cry for freedom never stops and to-day we see that the fruits of the efforts of those who preceded us have well worth their sweat, tears and blood and the long battle I should add, the ordeal of those who were not deterred by a ferocious opposition which knew but only one thing, the conservation of their privileges and the maintenance of their rights, by means fair or foul, provided their interests were safeguarded is to-day seeing the dawn of victory and the twilight of oppression.

Sir, it is a momentous day and it is with a decisive heart that until this late hour of the night people on this side of the House who have believed in the progress and the emancipation of the masses are still keeping the fight, in spite of the provocations that have just taken place in this House. We could guess and we need not have been Cassandra like to have understood that instead of submitting to their defeat and accepting their fate as courageous men who would have embraced independence without justifying the words of Churchill which have proved true : in victory magnanimity, and we have been magnanimous to them but they in defeat should have shown humility instead of defiance.

(Laughter)

What did they show ? I need not comment upon this as it is better left untold.

Sir, this auspicious occasion which has given rise to a spring of pessimism on the opposite side has shown to us throughout the speeches from the opposite side but only one thing : *stern-*

ity. Arguments which have been put forward have in no way, Sir, shown, or proved, convinced or strengthened any reason that could in a way or another make the people of Mauritius believe that there was another alternative to independence. Sir, it is a thousand pities indeed that the hon. Members of the Opposition in spite of their absence—they will read it tomorrow through the objective press that we have—did not do their homework. Had they read the final communiqué of the London Constitutional Conference in 1965, to-day we would have been spared all these inter-
the reasons so elaborately propounded. When the hon. First Member for Beau Bassin-Petite Rivière (Mr. Rivet) spoke, I wondered whether the one who succeeded him should have congratulated him or congratulated Mr. Vayid.

Sir, we see in this debate, from our side a positive attitude while on the other side but a spirit of absolute negation. If only they could show a spirit of abnegation, perhaps we would have understood and pity would have taken the place of what we feel today, this constant obstruction to progress. Sir, economy seems to be the whole platform of their arguments but I would like to know, Sir, whether they have understood that parliamentary democracy is the springboard on which the economy of the country can be properly channelled, organised and can, in the end, lead to that prosperity and welfare which the representatives of the people who have been elected through the secrecy of the ballot box upon a manifesto, a real one and not an hysterical and illusory one, whether those people have understood that no economy can show any progress unless the people can have a means and a way by which they can express their willingness, their free will, their desires in the choice of

their representatives and this Government.

Of course, Sir, parliamentary democracy to certain minds is something of a myth. They do not understand that the majority rule demands that the verdict of the people should be respected because it is expressed by the majority of the House, that the sacred atmosphere which surrounds the debates of the representatives of the people is something that should be cherished and not be treated with such levity as we have seen in their recent walk out.

Sir, a child was asked to describe an elephant or to define it and his answer was, after grave search in his mind, "Well, I cannot define it but if I see an elephant, I will know that it is an elephant." Well, this is parliamentary democracy. If it operates in the way that we, on this side of the House, have tried to show to the people of Mauritius and to the world at large and to the Mother of Parliaments, that we believe in democracy and that we accept what the majority wants, I see no reason why those little apprentices of democracy that we have heard to-night should not have taken the lead from their elders, if elders they have on the other side.

Sir, I was saying a few minutes ago that had they done their homework they would have got the answer, in the communiqué in the Sessional Paper No. 6 of 1965. Sir, we see in it :

"The Secretary of State, at paragraph 20 of page 4, accordingly announced at a Plenary Session of the Conference on Friday, 24th September, 1965, that it was right that Mauritians should be given a place among the sovereign nations of the world."

Then, it goes on to speak about the Electoral Commission and the simple

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majority that is needed at the Assembly. And, further on, what do we see?

"The Secretary of State announced, (and that with an independent position) that the British Government was willing in principle to negotiate with Mauritius on terms of equality and on the basis of a free and open reference agreement which would be signed and come into effect immediately after independence."

So, this part of it dismisses the argument of the Leader of the Opposition that Mauritius will be isolated and completely cut off from any possible chances of defending itself and it goes further that the British Government envisage that such an agreement must provide that, in the event of an external threat to either country, the two governments would consult together to decide what action was necessary for mutual defence. There would also be joint consultation on any request from the Mauritius Government in the event of a threat to the internal security of Mauritius.

Here again, Sir, could we obtain better terms than this with an independent Mauritius than we would have obtained otherwise. They led people to believe that the source of economic assistance would completely dry up once independence was granted, but what do we see further down:

Finally, the Secretary of State underlined the importance attached by Britain to the maintenance of the close and friendly relations which had existed between Britain and Mauritius for over 150 years. The achievement of independence would, in his belief "strengthen rather than weaken these ties of friendship. Mauritius would naturally continue to be eligible for economic assistance from Britain, in the same way as other formerly dependent territories and would still benefit, from the Commonwealth Sugar Agreement."

As far as Britain is concerned we would be in a better position than we are today for many reasons which any fertile imagination can conceive or find if they can think. It means, Sir, that becoming independent, taking our legitimate place in the forum of the sovereign nations of the world we will be recognised by the powerful nations of the world. Our voice would be better heard at that level in that position.

With a colonial status, in the international organisations, we are told "You are but an associate member and you cannot vote". It is not a policy of prestige as the Opposition avers and these words which have been flooding about in the country for months or for years, would find their answer in the words of President John Kennedy when he said "I believe in human dignity as the source of national purpose, in human liberty as the source of national action, in the human heart as the source of national compassion and in the human mind as the source of our invention and our ideals." Let those words sink, let them be recorded by the press so that the absent Members can read tomorrow these expressions of wisdom so that they can find this inspiration so much lacking in them. They would put them on the right road, so that they understand that the time has come for them to accept the free verdict of the electorate as the expression of democracy.

Sir, it is not because a certain percentage, less Rodrigues, believed in the theories and the empty myth expounded by the Opposition during the electoral campaign, where the main issue was one between association and independence that those people should still believe the catalogue of untruths, distorted and presented with such resounding publicity and to have created a persuasive and a persistent myth. Unfortunately, for those who

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propounded the theories, they have started to taste the desintegration of their arguments. We have got, and I need not labour this point, the judgment on the validity of the British passport to emigrate. This document was presented to the public as the magic wand which would have cured all the effects of unemployment and allowed people to emigrate freely to the land of milk and honey. But, Sir, it is the reverse of the medal which is to be feared. This persistent myth and the existing pervasive fear has created a psychosis in a certain section of the community, but when found out to be devoid of all possible human truth, and proved to be a red herring, it is then, Sir, that those protagonists have got to be afraid of the return of the boomerang. We have nothing to lose, we have come forward to the people with clean hands, with a programme that we believe we can realise. Of course, Rome was not built in a day. It will take us time. There will possibly be difficulties ahead but the difficult times can be matched by the resources available, the array of brains that we see on this side, men of experience who have proved their leadership and ability, Sir, our record is there and it speaks for itself. We have not six newspapers to blow our trumpet every morning and mid-day about the possibilities of what can be done, but what we have done, we are proud of it and we have nothing to be ashamed of.

We have we heard throughout the series of speeches from the Opposition? But a series of hypotheses based on false assumptions, in other words, sophistication at its best, incorrect assumptions from false premises. This is all that we have heard. Where is the positive side? I need not go into the details of the speeches

Sir, if we look at what is being spent on Rodrigues, and an unproductive dependency, what do we find? Rs. 3,677,140 per annum. And we hear from this young, keen and eager Second Member for Rodrigues about the treatment that Mauritius has meted out to Rodrigues. They should consider themselves lucky that they have not been treated as Mauritius has been by Britain for 150 years. When one thinks Sir, that we have just built a new hospital in Rodrigues with modern equipment, we have two Government Medical Officers attached to this dependency, we have built two new schools in Rodrigues, scholarships are granted and after all here is the finished product of the work of the socialist Government, the hon. Member himself.

Mr. Speaker: The hon. Member is not present.

Mr. Walter: I know, Sir, but I am addressing him. And today for this field of good acts we only reap ingratitude. We have been told that in Rodrigues payment is effected in maize. Perhaps the hon. First Member for Rodrigues should have explained to the House when, where and how such payments were effected. Or was it the system that existed in the days of his masters?

Mr. Speaker: The system already existed.

Mr. Walter : Sir, I am glad that you make the statement because it confirms that it is only an expression of the capitalist system which this socialist party has tried to destroy. Of course, we are vigilant because there is still much more to be done in that field. I need not go into the programme. We will leave that for further converts and return to the motion.

Sir, I have been attacked by the hon. First Member for Belle Rose and Quatre Bornes in a cheap, ironical way that I said that Hindus should be congratulated. Yes, Sir, they should.

It is a community which has given a lesson to other communities. It has shown to the world at large that communalism is a cancer that it will fight and uproot right from the bottom. This is what I meant when I said that Hindus should be congratulated. They have elected Creoles, Muslims and Hindus. Everybody who came with a touch of communalism was just banned from the realm of their influence. I am being accused. *Les hindous ont obéi au mot d'ordre. Oui. Parce que nous leur avons dit que le communisme n'a pas de place dans une société hétérogène. Ils ont souffert, ils n'ont jamais connu de place au soleil et ce n'est que par la force de leur volonté, de la volonté de leur chef, qu'ils ont réussi à se frayer un chemin. Qui a-lui fait, celui qui se dit être le leader de la communauté de couleur ? Il a réduit en haillons cette communauté, il ne reste plus rien que des bouts, des fragments de cette communauté.*

(Interruptions)

Mr. Speaker : The hon. Minister should abstain from referring to any particular Member.

Mr. Walter : Il n'a jamais songé un seul instant que le but de l'indépendance n'était que la réalisation du

travail de ceux de cette communauté qui ont été assassinés, enfoncés en prison pour la liberté et l'émancipation de la masse. Et aujourd'hui ils se tiennent le produit de cette communauté.

Mr. Speaker : I suppose the reference is to the Leader of the Opposition. He is not here. The best thing is to avoid any reference to him.

Mr. Walter : If physically he is not there, I believe in spirit they must all be there, Sir.

Mr. Speaker : The trouble is that the Standing Orders do not deal with a member in spirit.

Mr. Walter : Sir, the coloured community has been led to believe that they have been resisted in their aspirations and a psychosis of fear has been created and they have followed the path of this persuasive and persistent myth. What do they find to-day, Sir ? That most of their representatives are on the other side of the House. And what should they have been told ? That the Opposition has its say but the Government has its way.

Sir, the Labour Party is not a party composed of one community as the propaganda has led some people to believe. It is a party of all communities. It is a party with an ideology which believes in the uplift of the masses, in the creation of a welfare state, it believes that this country should be shared by one and all. We all know the point about it. I need not make any inroads into that. It is but too well known to the public at large. Everyone of us should feel a sense of pride, should feel that the hour has come for the respect of human dignity. This should be the finest hour of Mauritius.

Sir, independence is our birthright, independence is not achieved without

effort. Independence releases sources of energy so far untapped, it unleashes the powers of human souls kept in economic bondage and slavery. On suddenly seeing the horizon being opened and widened, so that the sun rising for everyone equal shares are offered. I remember the words of Sékou Touré, the President of French Guinea, when de Gaulle visited him in his address to de Gaulle, he said :

"Laissez moi manger mon lapin pourvu que mon peuple et moi-même, nous pouvons respirer librement". This is how I feel today. When one comes and says this country—what have they not done to create in the minds of the public the image of economic ruin, the image of utter poverty, the image of being driven to death. Sir, I need not detain the House any longer. The Lord himself said : "I shall take thee from captivity and give to thee thy liberty". It is in this spirit, Sir, in this liberty, in this prayer that I hope that those who have left—perhaps it is best that they have left the House—so that the motion will be carried unanimously with the Members present.

But before I sit down, Sir, I should like to pay tribute to the hon. Premier and I do not want the public at large to believe that this is a simple administration, a man to whom my loyalty is unswerving, not because he is the Premier, not because he is the Leader of the Labour Party, not because he is the Leader of the Independence Party, but Sir, for the striking example of devotion to duty, loyalty, determination to the achievement of a goal and indefatigable effort towards the emancipation of the mass. It is this tribute that I want to pay before I sit down and let the Members of the Independence Party, of the Labour Party, of the C.A.M., know that the people of this country are grateful to them because of their sense of sincerity, sense of national purpose, and the recognition of human dignity have been the elements which have made them what they are to-day.

The Minister of Agriculture and Natural Resources (Mr. V. Rangadoo) (First Member for Quarter Militaire and Moka) : Sir, the fact that we have a House where the Members of the Opposition are not present makes me believe that there is no need for me to make the speech which I intended to make and to answer some of the points made by them. I am also conscious, Sir, that for the purpose of record and also for the purpose of the public outside, what is being said today is not confined to the four walls of this Assembly. After 150 years of British administration, the Premier was right to say that we have come to the end of a journey. We have seen many things, we have learned many things. We have seen along this period what the British Government has been doing for the political emancipation of the people of Mauritius. We have seen how reactionary vested interests have behaved and in our own time over the last 20 years, we have seen how the vested interests have tried to impede as much as possible any system of reform. I think history will have to keep within its pages that Mauritius has been the one country which has had to undergo Ministerial system for a period of 10 years before independence. This is the longest time any Colony in the British Commonwealth of Nations has had to endure colonialism. This has been the biggest sin of omission on the part of the British Government and we are glad to pay tribute to the socialist Government which has long last in 1965 realised that Mauritius was fit to govern itself. This long delay has been a great sin because it has

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allowed vested interests to divide us. It has allowed vested interests to create havoc between the communities and to create religious and racial hatred. It has been an exploitation of all the bad things which vested interests can exploit in order to divide the people. At this time we must think also of the benefits which British administration over 150 years has given us. The abolition of slavery is the first, because it conferred full status on man and then a series of reforms, ideas which have been brought here, they have given us education, they have brought parliamentary democracy, they have brought the rule of law and now we are fit to continue the journey and it is a new journey as the Premier said this morning. On the 7th of August the will of the people was to implement the decision of a socialist Government in Great Britain to give Mauritius independence. My Friends who are not here and the public outside must know that there is a big misconception about what took place in London. What took place was purely and simply a decision that this country must be independent. There was no decision that the public had to choose between Association and Independence. It is here in black and white, Sir, that the Secretary of State dismissed Association. He considered Association as wished by the *Parli Mauricien*. He came to the conclusion, I am quoting from page 7, Mauritius Constitutional Conference 1965 Report, page 18—

"The proposals for association developed by the *Parli Mauricien* did not rule out the possibility of Mauritius becoming independent. It was inherent in this form of association that the territory itself should be free at any time to amend its own constitution and, by due constitutional process, to move on to full independence."

Given the known strength of the support for independence, however, it was clear that strong pressure for this

would be bound to continue and that in such a state of association neither uncertainty nor the acute political controversy about ultimate status would be dispelled. — and that is why later on the Secretary of State at page 20 says: "his view that it was right that Mauritius should be independent and take her place among the Sovereign Nations of the World". And then he only discussed the *modus operandi* how all this can be implemented. Everywhere it must be a request from the Legislature. This is what is being asked after the elections. Any party other than the Independence Party, if they had won the elections would have had to content themselves with self Government if it did not require independence.

This would have been the result of what took place in London in 1965. The *Parli Mauricien* has been hoodwinking the people in this country by trying to say that by winning the elections they would have got association. That is not the case. Most of those who talk about association and all the benefits do not realise that this was fully debated and that up to now this form of association which has been granted to three or four small islands with a population of less than 15,000 people each, containing more banana trees than people, does not satisfy the resolution of the United Nations that the colonial powers have to decolonise and right now the Committee on decolonisation has been examining whether this form of association or the form of association governing the status of some satisfies the requirements of the United Nations. Sir, true freedom is not merely political, it must also be economic and spiritual. Only then can men grow and fulfil their destiny. I am quoting the words of a man who in our modern times fought for freedom as very few of the

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people have done. I am quoting the words of Fanon, Jawaharlal Nehru. I feel a bit ashamed as a Mauritian that when independence was referred as the birthright of every Mauritian, we only had laughter from the other side of the House. I am also ashamed, Sir, as a Mauritian that there are people who believe that only stomach means something in life. I am ashamed as a Mauritian to hear people talking about some problems which are difficult and set as a barrier to independence.

Then, all the 122 countries of the world would not defeat independence, I cannot for one accept this sort of reason. Independence is what it means. It means the freedom of the individual, it means the freedom of the nation, it means the freedom of a country, and with this sort of thing nobody should play. It is worth fighting for and shedding one's blood. I don't want the public outside to get the impression that we are only considering the spiritual, the moral side of independence. Those who pride themselves of their French culture, should have realised that France in 1789 did not choose fraternity as their first word for their motto. They knew that it is only "*la liberté*", which can bring about equality, and that it is only liberty that can bring about "*fraternité*" among the French people. That is why we have been saying to them that this Mauritian nation, this feeling of belonging to one, this feeling that when we belong to one, we can cope with our problems in a new spirit, is something which can only be achieved after we get the freedom of this place, and we have built this nation. I am sorry that people who have been uttering words like "*liberté, égalité et fraternité*" have not learnt anything about it. Sir, it is true, and the hon. Members of the Opposition who were here until recently, were right in referring to our economic problems of unemployment, our

difficulties and various things, but where they are not correct is that through association or whatever formula they will be able to cope with these problems. Neither their reasoning about our entry into the Common Market — because we have had a full class debate about it — nor their knowledge about what is "*territoire d'outre mer*" and "*département d'outre mer*" is based on reading which is correct, and despite the addition of new members with legal brain, they have not been able to improve anything. Their contention about what the British passport confers is also erroneous because association will continue to allow us to have the same passport that we have, and we know what one hon. Member said when he arrived at Plaisance Airport in 1965 that he was ashamed of having a British passport.

SH S. Ramgoolam: It was a member of the Opposition.

Mr. Rengadoo: Well, what do we offer to the young people? What do we offer to the people of Mauritius regarding the problem which we have now with 780,000 people and in 10 years one million people? Is it just to talk of Pierrette with her pot of milk or is it that we should offer to the youngsters of this country and to the people of this country the hope that with hard work as our ancestors have done, and with even harder work we will be able to meet these problems by galvanising all the energies which we can command in this country, by using all the available resources in this country, by getting as much outside help as we can from friendly countries and from the United Nations Agencies? It is not correct, Sir, it is not correct that we are getting quite a lot already. We are not getting enough, we are not getting from any friendly country be-

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cause we have to deal through the United Kingdom. We are not getting from all the various United Nations Agencies what we should get as an independent country, and as quickly as we need. There have been schemes which have been lying for two or three years because papers got stacked in London. We want to be able to discuss our affairs ourselves in our own right at the United Nations, at the World Bank and with other International Agencies. We want to go quickly about it so that despite the long delay, despite the fact that we are already in a situation which is difficult, we will be able within the shortest possible delay to use all our resources, agricultural, human and other ones, to create a better Mauritius for all the Mauritians to live in. This will require, Sir, the participation of people at all levels. It will require the participation of the young, it will require the participation of the old. It will require the participation of the private sector and the public sector. It will require the co-operation of one and all. Mauritius does not belong to anybody, it belongs to all of us, and we must create the condition. This is what this Government intends to do. We want to create the condition in Mauritius which will allow us to have a society whereby we utilise all our resources in order that we can meet the problems of Mauritians as quickly as possible. As you can see, this is a time of great challenge, it is not a time where we should have timid people, it is not a time where we should have weak people around us. This is a time for great things. The task is great. It will be greater if we don't do anything about what we have to do, and this is not a time for sorry words. As we have come to the end of one journey, we are now set on another one, but it

will be a longer one. Our task will be to build a new Mauritius. We will be able to set aside misery, poverty and unemployment. We can build the future as we have built the past together. We have in Mauritius a common heritage for all of us of all the communists, of all the religions. From the four corners of the world, from France, from Africa, from India and from China we have all come and we have made of this Mauritius a beautiful island as in the words of President Tsiranana it is a "dapsi ter". As the work to make this Mauritius beautiful they were hoping that one day this place would be what we are wishing it to be, a free country. They had the hopes, they had the pledges. It is now the time for us to realise these hopes and to redeem those pledges. We can bring changes through peaceful methods and co-operation. We can face the challenge by working for a socialist pattern of society based on planning and economic growth. We will need hard work, efficiency and a disciplined mind. The genius of the Mauritian people can rise and fulfil its destiny in creating the ideal of a multi-racial, multi-linguistic, multi-cultural society. I have faith in my fellow countrymen. The country expects each one of us to do his duty. We have been fortunate, Sir, to have at the head of this Government one who is a real son of Mauritius, and who has done what he has done over the last twenty five years. I think, we are safe in his hands because he has been the architect of the future of Mauritius, and if there is anybody whom we have identified as the father of the nation, then Sir Seewoosagur Ramgoolam will deserve this title. (Applause)

This is the time when we should think of our country first, and of our legal and petty interests last. This is

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the time for great action, Sir, and my last words will be this. They are the wise words of a wise man: "Arise, awake and stop not until the goal is reached".

(10.55 p.m.)

The Minister of State (Finance) (Mr. J. G. Forget, Fourth Member for Belle Rose and Quatre Bornes): M. le président, comme le dernier orateur je pense que le vide que nous constatons actuellement sur les bancs de l'opposition ne devrait pas nous arrêter dans ce que nous avons à dire. Cependant, je serai très bref, et lorsque je ferai allusion, en passant, à des propos qui sont venus de l'autre côté, je vous donne l'assurance M. le président, je traiterai les absents avec toute la déférence voulue.

Cette motion, comme le premier ministre l'a dit, est l'aboutissement d'une lutte extrêmement longue qui a été menée dans ce pays, tout au cours de son histoire. S'il y a un fait commun à toutes ces luttes, à toutes ces étapes, ce fait commun est qu'il y eut toujours des mauriciens, toujours les mêmes, pour s'opposer à ce que le reste du pays réclamait. Que ce fut pour admettre nos fils aux écoles publiques, le vote des lois syndicales, que ce fut pour donner au peuple le droit de vote, etc... tout au cours de cette longue lutte, des mauriciens s'opposèrent à ce que voulaient les autres. Nous ne pouvions donc pas nous attendre qu'au moment où se joue le dernier acte de notre effort politique, au moment où va se fermer le dernier chapitre de nos lites, nous ne pouvions pas nous attendre — étant donné, comme l'a dit un orateur, ce qui se passait dans d'autres pays, dans des conditions similaires, de voir même l'indépendance du pays être accueillie par cette catégorie de mauriciens qui, au cours de 150 années, s'étaient toujours opposés au progrès, à l'avancement du pays, et à l'émancipation de son peuple.

Nous savons que dans tous les pays, les *vested interests* représentés par l'élément bourgeois n'ont jamais consenti à des mesures qui visaient au progrès de la nation. Un exemple qui peut paraître hors de proportion avec notre petit pays mais qui est encore récent dans notre mémoire, est que nous savons, après la débacle en France en 1940, nous savons de quel côté se sont trouvés les collaborateurs avec l'ennemi.

M. le président, je veux bien me donner la peine de résumer très brièvement d'ailleurs la thèse de l'Opposition, comme je crois qu'on peut la comprendre. En dépit de ce qu'a dit le dernier orateur, que l'association n'était pas en cause dans les débats de ce jour, je veux bien voir ce qu'est la thèse de l'Opposition. Si je l'ai bien comprise, elle se résume à ceci : l'Opposition veut, maintenant, d'une association avec la Grande Bretagne qui puisse nous conduire plus tard au Marché Commun lorsque la Grande Bretagne sera elle-même admise au Marché Commun. L'Opposition ne nous dit pas pourquoi, si nous sommes indépendants, nous ne pourrions pas avantageusement demander la même admission au Marché Commun sans attendre la Grande Bretagne. De plus l'Opposition ne nous apporte aucune preuve que la Grande Bretagne voudrait nous donner l'association, pas plus que les pays constituant le Marché Commun seraient disposés à accepter l'île Maurice ainsi que tous les autres pays qui seraient dans la situation de l'île Maurice, — c'est-à-dire "associés" à la Grande-Bretagne ? Parce que je ne peux pas imaginer notre petit pays comme étant tellement le centre de l'univers qu'on lui ferait des conditions exceptionnelles et favorables pour entrer dans le Marché Commun du moment qu'il serait dans le sillage de la Grande Bretagne. Ce qui fait que la thèse de l'Opposi-

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tion repose sur le fait que la Grande Bretagne, si elle était jamais admise au Marché Commun, ferait passer de trois à quatre les petits satellites qui seraient dans son sillage, c'est-à-dire tous les pays qui pourraient être "associés" avec la Grande Bretagne. L'Opposition s'est gardée d'essayer d'apporter la moindre preuve de cet aspect de la question. Ce qui fait que, d'un côté, avec l'association, l'incertitude contre laquelle les membres de l'Opposition semblaient se battre, cette même incertitude demeurerait plus que jamais avec la formule d'association ; tandis qu'avec la formule d'indépendance, on est gêné d'avoir à le redire, n'importe quelle action peut être prise par un pays indépendant, à n'importe quel moment qui lui semblerait favorable. Évidemment sans tout ramener à une question d'argent comme l'a dit le ministre des Administrations Régionales, il est permis à un parti politique de ne pas perdre de vue complètement ce que j'appelle l'aspect objectif de la question que nous débattons. Mais certainement il ne fallait pas lui donner une importance démesurée, parce que l'autre aspect que j'appellerai l'aspect subjectif n'est pas un aspect que les citoyens d'un pays ont le droit moral de négliger et de faire passer en deuxième si ce n'est pas un cinquième plan. Cet aspect subjectif, M. le président, auquel on n'a pas fait allusion, si je ne suis trompé, on auquel on n'a pas encore fait allusion, c'est l'idée patrie.

Mr. Speaker: I think it was said that this land of ours will finish by being our fatherland.

M. Forget: Mais cela n'a en aucun écho dans le camp opposé. C'était comme si la question de l'indépendance de l'île Maurice, la question de la souveraineté du pays, pouvait être triviale ou décidée sans que l'idée de patrie ne soit à aucun moment évoquée. Peut-

être que chez les Mauriciens qui appartiennent à ce groupe de Mauriciens qui, durant 160 ans, se sont opposés à tout progrès, qui, en 1920, se sont opposés à un rattachement avec leur ancienne mère-patrie, la France, peut-être que cette catégorie de Mauriciens n'a jamais après tout considéré l'île Maurice comme leur patrie ; peut-être sont-ils insensibles au charme de cette île ; peut-être n'ont-ils jamais vu nos plages baignées dans une lumière magnifique ; peut-être n'ont-ils jamais vu notre ciel, bien, nos fleurs étoilées par les nuits d'été ; peut-être n'ont-ils pas leurs morts dans la terre mauricienne ; peut-être s'arrangent-ils pour que leurs fils naissent hors de Maurice, dans une terre étrangère ; peut-être leurs morts reposent-ils dans quelque endroit inconnu ; peut-être n'ont-ils jamais levé les yeux vers nos arbres frémissants dans le vent... Si cela est ainsi, si ces Mauriciens n'ont jamais vibré avec leur pays, si la terre où ils ont grandi leur est complètement indifférente, si cela leur est égal d'appartenir à un pays étranger ou de faire ce que Danton lui ne voulait pas parce qu'il disait qu'on "n'emporte pas la patrie à la semelle de ses souliers" alors je comprends que ces Mauriciens n'aient guère besoin d'invoquer "l'aspect subjectif", guère besoin, à une telle heure, d'évoquer la patrie, guère besoin, à une telle heure, de désirer que cette patrie soit libre plutôt que de demeurer avec ses chaînes.

M. le président, il ne faut pas m'accuser d'avoir été un peu lyrique. Cela aussi à mon sens devait être dit. Que je l'ai mal dit, cela est dû à mon état de santé actuellement et à l'heure qui est un peu tardive. Je condamne l'Opposition, je condamne ces Mauriciens qui, à une telle heure, ont adopté l'habitude qu'ils ont adoptée. Je condamne ces créateurs du communisme et je suis heureux que la commu-

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munauté hindoue n'ait pas ajouté foi à cette infâme comédie de "Hindou, mon frère". Le drame de ce pays vient de ce qu'une certaine petite communauté d'influence malheureusement une section trop nombreuse d'une certaine bourgeoisie d'une autre communauté, le geste d'une autre communauté, le drame de ce pays vient de ce que cette communauté n'a jamais pu se débarrasser de son sentiment anti-hindou. En dépit de la preuve de tolérance que l'hindou nous a donnée, en dépit de la place qu'ils occupent dans ce pays, en dépit de leurs écrivains, de leurs poètes, de leurs professionnels, et de leurs philosophes, cette petite communauté n'a jamais pu se débarrasser de ce sentiment anti-hindou. S'il y a des gens qui ont besoin d'une opinion indépendante, d'une preuve impartiale, je les réfère au livre de Max Paul Fouchet, "Les peuples nus", le chapitre "Le Mirror Tendu". Le drame de ce pays, M. le président, est que cette gangrène a gagné malheureusement une bonne partie d'une classe bourgeoise qui elle-même a influencé par un vrai lavage de cerveau, l'esprit de nombreux et habiles Mauriciens pour les dresser dans un sentiment de haine raciale contre la plus large communauté de ce pays. "Hindou, mon frère !" Et au même moment nous lisons dans un journal sous la plume d'un petit monsieur raciste que c'est lui qui paie les "sarcas" de Lady Ramgoolam. Je m'excuse d'avoir à mentionner cette chose encore, mais c'est pour souligner que le même journaliste n'a jamais dit, lorsqu'il y avait trois Ministres de l'Opposition siégeant dans le Gouvernement, quelles étaient les parties vestimentaires de leurs épouses qu'il payait de ses deniers.

M. le président, je m'associe pour terminer aux paroles qu'a prononcées mon collègue de droite sur les responsabilités qui pèsent sur nous dans cette nouvelle route que nous allons

biensûr commencer vers une nouvelle évolution politique. Je suis absolument d'accord avec lui qu'il y a là une lourde responsabilité. Mais comme j'ai fait confiance que le Mauricien est pourvu de suffisamment de talent pour s'acquiescer d'une telle tâche suscitée par l'octroi de l'indépendance à l'île Maurice.

Comme lui je crois que l'île Maurice est en avance d'avoir à la barre du vaisseau mauricien, à un tel moment, un capitaine aussi averti, aussi dévoué et aussi compétent que Sir Seewoosagar Ramgoolam. (Applause)

(11.15 p.m.)

Sir S. Ramgoolam: I do not think there is anybody else who is going to speak tonight.

There are one or two words which I think, would be necessary that I should say. First of all, with regard to the timing of this resolution which some Members of the Opposition said was premature and that we should have waited before bringing it to the Assembly, on the ground that there might be election petitions and the composition of the House might suffer some changes as a consequence. All that I have done is follow the usual practice by bringing this resolution to the Assembly at the first opportunity as we had already done on another occasion, even while election petitions were pending at the time. The elections were held on one very important issue, the issue of independence, and, therefore, it is only reasonable that we should bring it to the Assembly for its decision at its first meeting. As Shakespeare says: "There is a time for everything"; and to-day is the right time. I know that the path of democratic process is long and arduous and it requires patience, thought and preparations which I fear the Opposition does not seem to possess. It is a thousand pities that in a coun-

minuity in which patience and other essential qualities are absent and good sense and wisdom have been thrown to the four winds, things will never go right. That is what is happening to the Opposition.

I am sorry that they have left the Assembly before the vote has been taken.

Mr. Speaker: I am sorry. They made it quite clear before leaving that they intended to vote against the motion.

Sir S. Ramgoolam: Mr. Speaker, I was...

Mr. Speaker: The position is quite clear.

Sir S. Ramgoolam: But I wish they had stayed to vote as all Opposition do whether they disagree with the policy of the Government, because it is not what man does that counts. It is the playing the game that counts, fair play being the aim and purpose.

In politics, I agree, there are perhaps a lot of things that the Opposition might like to do, but in a democratic world, the only reasonable system is the verdict of the people and the ballot box which, after all decide what people must do. As you have seen, Mr. Spenser, no party has come unscathed in the general elections which took place, which is really a great tribute to the people of our country. A great deal has been said as to the way the people voted. A great deal has been said in the analysis which has followed, but there is one thing which is perfectly clear, that the people of our country has given us the irrevocable direction to go ahead with independence; and they have voted either for the party which was for independence or for the party which was against it. They have done that as one man and they have shown to us that it is for us

now to put their wish into action which I am doing without halting. I think that there is a great deal of misunderstanding in the Opposition and in the country and I feel sorry that we cannot understand each other more than we have been able to do, for political discussions can only give rise to better understanding if we were to argue on the common basis of democracy.

Just now the hon. Second Member for Rodrigues (Mr. Roussely), I do not know whether he had come before to Mauritius or not, but he seems to have a very misguided conception of the policy of this Government. As far as we know, Mr. Speaker, and I think I have been a member of this Government now for just over twenty years, in one Government or another, we have always approached the problems of Rodrigues with sympathy and understanding because we look upon the people of Rodrigues as our own brothers, people who are hard working, people who are economically badly placed as much as we are. I agree that it might have been neglected at the time of the early colonial system but I am sure, Mr. Speaker, for the last twenty years, we have been doing the utmost we can do. No doubt that with the presence of Members from Rodrigues amongst us, we might be able to do more but I must assure the people of Rodrigues that the Mauritius Labour Party was the first party to ask that they be represented in the Assembly. I remember years ago my Friend, the late Mr. Anguillil advocated that Rodrigues should be represented even if not by an elected at least by a nominated member. So it is not we who would like to perpetuate any discrimination or reduce the standard of living of our brothers and sisters in Rodrigues.

We have gradually built up the agriculture and the animal husbandry of

Rodrigues to the extent that to-day the standard of the people of Rodrigues is much better than it used to be a few years ago. We have modernised the schools and built more. We have provided a great deal more for them in this country and we have given them the facilities for travelling between Mauritius and Rodrigues so that this little island is able to communicate with us and live with us as we would like it to be. If we have not been able to achieve more, it is not the fault of this country. In fact the testimony is in the budget of this year, where there is provision of Rs 4,000,000, to ensure that the machineries of the Government and of the economic institutions in Rodrigues work properly to the satisfaction of the people of Rodrigues.

I am sure that after the two hon. Members elected for Rodrigues have worked for some months with us and seen the friendliness and the heart we have put in our work whenever Rodrigues is mentioned, they will understand that there is no gap between them and ourselves, that we look upon the people of Rodrigues as our own brothers, and we would like to see Rodrigues make progress as Mauritius is making.

Some hon. Members, Sir, made the point about association and independence. My hon. Friend, the first Member for Moka—Quartier Militaire (Mr. Kingadoo) who is now on the front bench has rightly quoted the first statement of the Right Hon. the Secretary of State in which it is very clearly laid down: "after careful study of all the factors involved, Her Majesty's government have reached the conclusion that it is right that Mauritius should be independent and take her place among the sovereign nations of the world". Association

has been discarded. If a resolution on independence had been defeated, association would not be the alternative. It would not be automatic association; I think that would have been a subject for fresh discussions and decisions. I do not know what would have been the legal position but I know in politics a formula might be found. Nonetheless the issue was independence and not association...

In fact, Sir, the question of association has already been disposed of, and I do not think it is necessary to go into that, but I would like to deal with one subject which is partly related to association. Some people think that if we were to remain a British colonial territory and if to-morrow Great Britain were to become a member of the Common Market we would enter the Common Market as a matter of course. That is utter nonsense. When I moved a resolution in the last Assembly, when my Friend the ex-Minister for Industry and Commerce, the Third Member for Savanne and Black River, was going on a mission, I said that that was not the case and the country has not been proved to us, that we would have had to apply and I even mentioned the case of countries. So, it is not right that hon. Members of the Opposition should delude themselves with ideas which are erroneous and do not bear examination. Then there is another question related to it: the British passport. The British passport is a valuable passport. The British have worked many years to see that their country is respected, that their ideals are respected, that their ambassadors and chancelleries in all parts of the world are respected. They have done very hard work and they are great diplomats. But facts will be facts, and again I would like to put to this House one or two points on this. The British Prime Minister in May 1967, not long

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ago, analysed this question of the British passport with reference to the Common Market, as to the effect of British membership on the free movement of labour and Commonwealth emigration. First of all, to enter the Common Market with a British passport a Mauritian will have to get entry first into Great Britain, not to any other country. An entry into Great Britain is by a permit. Entry into Great Britain is not automatic, as the *Times* put it in a very big heading "Mauritians Prohibited Immigrants into Great Britain". Well, I do not blame anyone. We have an immigration permit for entry of people in our own country, but we must know what are the facts and not try to delude ourselves with ideas that are not true. To have access to the Common Market we must have a British citizenship and this can be obtained only after we have stayed in Great Britain for five years, if we have obtained first a permit before to enter Great Britain. It is only after five years in Great Britain that we are entitled to British citizenship.

Mr. Speaker : An entry is not automatic. If there is a job available for you, you may obtain entry. But they might enquire about the colour of your skin.

Sir S. Ramgobam : It might not be very relishing to admit it, but it is a fact we all know.

This is exactly what the British Prime Minister said in May 1967, the right of entry into the E.E.C. is a matter for clarification and discussion, possibly by analogy with the position of the emigrant from an independent Commonwealth country with his right to U. K. citizenship after five years residence in the U. K. So, it is not good the *Parti Mauricien* and hon. Members of this House trying to make the

people of Mauritius think otherwise. As an independent country we will continue to have the opportunity to enter Great Britain as immigrants or the Common Market countries after obtaining British citizenship by our stay in Great Britain for five years.

There is another fallacy under which the *Parti Mauricien* is trying to live, it is that we in the Government were against entry into the Common Market. We are not against entering the Common Market, if that is in the interest of Mauritius. I attended the Prime Ministers Conference in 1963 with that purpose. On the other hand if the white people have a prejudice against me as a black man, I also have a prejudice against them as white men. I would not be anxious to join it in that event and be humiliated, but on a basis of partnership and friendliness my country will join it, as we think we might have to do, as an Associate Member and so derive the advantages that might accrue both to the Common Market countries and to Mauritius. But I do not say that I relish the idea of licking the boots of those who do not want us. But if we have to derive material benefits from Common Market on a basis of partnership, on a basis of equality and understanding, as I have just said, the interests of my country will come first.

The hon. Members of the Opposition are supposed to be endowed with great tradition of bearing, common sense and gentleman — like behaviour.

Therefore, the whole idea is based on misunderstanding, because we in the Government think that we will apply for entry into the Common Market as an associated territory but we must not also run away with the idea that we can get automatically all the advantages for our sugar at the price that

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some countries like Réunion are supposed to get for sugar. Even the question of Réunion might have to be revised in a year or so. It is due for discussion again, and I must say that some of the policies of the Common Market which are due for review this year with the applicant countries have not borne the fruits that the applicant countries were expecting from the discussions. I only hope and pray that our sister island Réunion will continue to derive the benefits, and I also hope and pray that when we join the Common Market our association with France and our being in the Indian Ocean with the same economy as Réunion, might influence some members of the Common Market to look at us in a different light. It is on this basis that we might be able to secure things in a different way.

During the debate the hon. First Member for Beau Bassin and Fétive Rivière seems to have trotted out a lot of facts but facts when they are not classified in a orderly manner in the brain of a human being or a computer will not give the right answer. I think he was choked by his facts and was unable to see clearly what conclusions he should have drawn. At one time I thought he was at war with his own future, and despite the legal intervention by some hon. Members on this side he continued more and more to plunge into abyss. I think on an issue like independence, like the Common Market, like the British passport and things which are very dear to us, we should try to argue in a level headed manner and not to delude ourselves that what we have in our mind is the correct answer and there is no other side to the question. It is ridiculous to think that the Prime Minister of Singapore is against independence. I know the Prime Minister personally, I was with him in a conference only last

year, and if there is one man who wants that part of the world to be free, it is the present Prime Minister. I do not know from where the hon. Member got his cue.

Mr. Speaker : Reuter's news. We do not know in what context the Prime Minister of Singapore said these words.

Sir S. Ramgobam : When Reuter makes a statement or any hon. Member makes a statement, it also requires a brain to understand it. A person making a statement does not also supply the brain to the man reading it, because he is not responsible for his birth or quality of his education.

I think, Sir, that the whole thesis of the Opposition does not hold water. Besides, are we severing our links with Great Britain? We are going to be together with Great Britain in the British Commonwealth of Nations, to work together with them for a common purpose, to preserve our economy intact, to make progress and follow a sound policy as accepted by the Commonwealth. We want to live together, fend together so that we can progress together. That is what our policy is.

Apart from what I have said this morning, in moving this resolution of our destiny, we are going to make other friends with whom also we will work together. One hon. gentleman, the hon. First Member for Quatre Bornes and Belle Rose (Mr. Lesage), seemed to have ridiculed the idea that the World wants Mauritius to live in. He said "Le monde a besoin sur l'île Maurice". What the World says is "Le monde a le plaisir de voir un autre pays qui était sous le joug du colonialisme avoir sa liberté." That is what the World says. Other countries would be very glad to see Mauritius free, and they will welcome

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us with both arms. We too will live together with them in freedom. However small it is, all countries have a part to play in the world. If Malia can do that, Barbados can do that, British Guiana can play that part, we also have our place under the sun. It is something that is in the interest of the people, it is their right, and this right it is our intention and desire and the will of the Mauritians to exercise at the earliest opportunity and there is nothing wrong in that. It is in truth, honesty and sincerity that the people of Mauritius have conferred upon us that honour and privilege.

ADJOURNMENT

(11.46 p.m.)

Sir S. Ramgoolam : Sir, I move that this Assembly do now adjourn to Tuesday, the 29th of August, at 11.30 a.m.

Mr. Forget rose and seconded.

Question put and agreed to.

Resolve

"That the Assembly request Her Majesty's Government in the United Kingdom

At 11.47 p.m., the Assembly was, on its rising, adjourned to Tuesday, the 29th of August 1967, at 11.30 a.m.

Mauritius Legislative Assembly

Debates No. 16 of 1967

First Session

Sitting of Tuesday, the 29th of August 1967

The Assembly met in the Assembly Chamber, Government House, Port-Louis, at 11.30 a.m.

(Mr. Speaker in the Chair)

ANNOUNCEMENT

Mr. Speaker : I have to inform the Assembly that I have nominated the following Members to serve on the Committee of Selection under Standing Order 91 (2) :

1. The Hon. S. Bappoo
2. The Hon. K. Gokulsing
3. The Hon. M. P. Kishah
4. The Hon. J. C. M. Lesage
5. The Hon. J. M. Mason
6. The Hon. Y. Mohamed
7. The Hon. E. Ozezerally
8. The Hon. S. H. Ramlingon
9. The Hon. K. Sunasse
10. The Hon. Mabess Teeluck
11. The Hon. J. H. Yhier

I should be grateful if Members of the Committee would find it convenient to meet me in my office after lunch on Tuesday, 5th September, 1967, to proceed with their duty.

PAPERS LAID

The Premier and Minister of Finance (Sir S. Ramgoolam) :

- (a) Statement of Accounts of the General Cyclone and Drought

Debates No. 16 of 1967

First Session

Sitting of Tuesday, the 29th of August 1967

Reserve Fund as at 30th June, 1966. (*In original*)

- (b) Annual Report of the Customs and Excise Department for the year 1966 (No. 25 of 1967).

- (c) Annual Report of the Registrar General's Department for the year 1966 (No. 23 of 1967).

The Minister of Housing, Lands and Town and Country Planning (Mr. A. R. Mohamed) :

Report on the Activities of the Central Housing Authority (1960-65).

The Minister of Education and Cultural Affairs (Mr. S. Boolell) :

The Education (Amendment) Regulations, 1967, being Regulations made by the Governor on the advice of the Minister under section 38 of The Education Ordinance, 1967 (Government Notice No. 61 of 1967).

The Attorney General (Mr. A. H. M. Osman) :

- (a) The Legislative Assembly Elections Rules, 1967, being Rules made by the Judges of the Supreme Court of Mauritius in virtue of the Powers conferred upon them by Regulation 5 of the Legislative Assembly Elections Regulations, 1967 (Government Notice No. 60 of 1967).

Annex 92

U.N. General Assembly, 22nd Session, *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: Agenda Item 23*, U.N. Doc. A/6700/Add.8* (11 Oct. 1967)



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Twenty-second session
Agenda item 23

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

(covering its work during 1967)

Rapporteur: Mr. Mohsen S. ESPANDIARY (Iran)

CHAPTER XIV

MAURITIUS, SEYCHELLES AND ST. HELENA

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* 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.

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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

^{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.

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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.

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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.

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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.

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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 FMSD 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 Barwell 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 FMSD 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

^{5/} Report of the Barwell Commission on the Electoral System, Colonial No. 362, HMSO, 1966.

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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.

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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

^{6/} A/6300/Add.9, chapter XIV.

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

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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 Sugr 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, nes 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 m 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 : quarter Rs.0.5 million. The third quarter figure was Rs.134.6 million, mai total for the first nine months of Rs.182.4 million. As in the past, trade

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

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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.

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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

9/ Colony of Mauritius: A Survey of Employment and Earnings in Large Establishments (No. 1), 28 April 1966.

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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

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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.

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51. During 1966, the Government began to construct a 600-bed hospital at Pamplémousses, 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:

	<u>Schools</u>	<u>Enrolment</u>	<u>Teachers</u>
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.

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During the year, there were over 1,200 students following full-time courses in institutions of higher education overseas.

54. In December 1965, the University of Mauritius (Provisional Council) Ordinance became law. The United Kingdom Government has made an initial pledge of Rs. 3 million from Colonial Development and Welfare funds to finance a development plan for the University. Dr. S.J. Hale of the University of Edinburgh has been appointed Vice-Chancellor. The Premier of Mauritius said in a recent address that steps were being taken towards the establishment of the University where students would be taught and trained in technology and science.

55. Government expenditure on education in the financial year 1964-65 totaled Rs. 28.9 million (an increase of Rs. 0.6 million over the previous year), of which Rs. 26 million was recurrent and Rs. 2.9 million capital expenditure. Education accounted for 12.7 per cent of the Territory's total recurrent expenditure.

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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.

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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 (SFUP) 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 SFUP, initially advocated a rapid, if not immediate, advance to self-government and the early attainment of a status of complete independence.

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schools, two of which provided all-age education, three secondary schools and one selective secondary school. In 1965, there were sixty full-time (fifty-eight in 1964) and six part-time (three in 1964) teachers. Selected young teachers are sent to the United Kingdom to follow a three-year course leading to a certificate in education conferred by the Ministry of Education. More experienced teachers 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 year was estimated at £24,561 (an increase of £1,666 over the previous year), or 10.6 per cent of the Territory's total expenditure.

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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. Sibusrun, Secretary-General, MPPP, accompanied by Mr. Dorghoty.

124. Mr. Sibusrun (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

^{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)).

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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 1967, 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 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, technical 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 Mauritian Government had connived with the United Kingdom to deprive Mauritius of its dependencies; why the United Kingdom had always rejected, without explanation,

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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.

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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 offices 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 had 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 million 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 in 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 the exact size of the bases. The base at Vacoas was used to house the direct

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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.

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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 independence 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 by 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 opinion 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-Committee

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 delay.

147. The United Kingdom Government's policy with regard to Mauritius was to delay independence as much as possible. For several years much had been heard of impending independence, but the United Kingdom Government had found one pretext



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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 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, when 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

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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.

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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 experience. 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

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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 delega-

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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.

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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

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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.

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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 of Tanzania and Yugoslavia.

171. The draft resolution was based on the report of Sub-Committee I (see annex I) and expressed the serious concern felt by the co-sponsors at the fact that, as stated in paragraph 124 of the report, the administering Power had still not implemented General Assembly resolution 1514 (XV) and other relevant resolutions concerning Mauritius, Seychelles and St. Helena. The co-sponsors urged the administering Power to expedite the process of decolonization in those Territories.

172. The representative of Iraq said that he seconded the draft resolution and urged all members of the Special Committee to vote for it. He drew attention to the operative paragraph concerning military bases which the administering Power, in co-operation with the United States, was proposing to establish in Mauritius and Seychelles which constituted a serious threat to the area, to the peace and stability of Africa, Asia and the Middle East and to the national liberation movements operating in those areas.

173. The representative of Poland said that while his delegation supported the draft resolution in general, it regretted that the preambular paragraphs contained no reference to the Sub-Committee's concern that the administering Power was continuing to violate the territorial integrity of the Territories and to the General Assembly resolutions 2066 (XX) and 2232 (XXI) and that the steps being taken in the economic and social sectors to safeguard the interests of the peoples of the Territories were inadequate.

174. At the next meeting, the representative of Ethiopia submitted on behalf of the co-sponsors, an oral revision to the draft resolution (A/AC.109/L.411/Rev.2) in which in operative paragraph 7, the phrase "to dismantle such military installations" was replaced by the phrase "to desist from establishing such military installations". The co-sponsors considered that the revision (A/AC.109/L.411/Rev.2) would make it quite clear that the resolution also applied to existing military bases.

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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,

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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 I 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

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ending 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

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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 installations 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".

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187. The Chairman added that he was deeply disappointed that the Australian representative should have used such an analogy, after all the work that the 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.

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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,

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"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 desist 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.

Annex 93

United Kingdom, *Mauritius Independence Act 1968* (1968)

To be returned to
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1968



Mauritius Independence Act 1968

CHAPTER 8

ARRANGEMENT OF SECTIONS

Section

1. Fully responsible status of Mauritius.
2. Consequential modifications of British Nationality Acts.
3. Retention of citizenship of United Kingdom and Colonies by certain citizens of Mauritius.
4. Consequential modification of other enactments.
5. Interpretation.
6. Short title.

SCHEDULES:

Schedule 1—Legislative powers of Mauritius.

Schedule 2—Amendments not affecting the law of Mauritius.

ELIZABETH II



1968 CHAPTER 8

An Act to make provision for, and in connection with, the attainment by Mauritius of fully responsible status within the Commonwealth. [29th February 1968]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) On and after 12th March 1968 (in this Act referred to as “the appointed day”) Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Mauritius. Fully responsible status of Mauritius.

(2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Mauritius as part of its law; and on and after that day the provisions of Schedule 1 to this Act shall have effect with respect to the legislative powers of Mauritius.

2.—(1) On and after the appointed day the British Nationality Acts 1948 to 1965 shall have effect as if in section 1(3) of the British Nationality Act 1948 (Commonwealth countries having separate citizenship) there were added at the end the words “and Mauritius”. Consequential modifications of British Nationality Acts.
1948 c. 56.

(2) Except as provided by section 3 of this Act, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if he becomes on that day a citizen of Mauritius.

(3) Section 6(2) of the British Nationality Act 1948 (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens) shall not apply

to a woman by virtue of her marriage to a person who on the appointed day ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.

1967 c. 4.

(4) In accordance with section 3(3) of the West Indies Act 1967, it is hereby declared that this and the next following section extend to all associated states.

Retention of
citizenship of
United
Kingdom and
Colonies by
certain
citizens of
Mauritius.

3.—(1) Subject to subsection (5) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act if he, his father or his father's father—

- (a) was born in the United Kingdom or in a colony or an associated state ; or
- (b) is or was a person naturalised in the United Kingdom and Colonies ; or
- (c) was registered as a citizen of the United Kingdom and Colonies ; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.

(2) A person shall not cease to be a citizen of the United Kingdom and Colonies under the said section 2(2) if either—

- (a) he was born in a protectorate or protected state, or
- (b) his father or his father's father was so born and is or at any time was a British subject.

(3) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under the said section 2(2) unless her husband does so.

1948 c. 56.

(4) Subject to subsection (5) of this section, the reference in subsection (1)(b) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (persons given local naturalisation in a colony or protectorate before the commencement of that Act).

(5) In this section—

- (a) references to a colony shall be construed as not including any territory which, on the appointed day, is not a colony for the purposes of the British Nationality Act 1948 as that Act has effect on that day, and accordingly do not include Mauritius, and

- (b) references to a protectorate or protected state shall be construed as not including any territory which, on the appointed day, is not a protectorate or a protected state (as the case may be) for the purposes of that Act as it has effect on that day ;

and subsection (1) of this section shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the Governor or Government of a territory which by virtue of this subsection is excluded from references in this section to a colony, protectorate or protected state.

(6) Part III of the British Nationality Act 1948 (supplemental provisions) as in force at the passing of this Act shall have effect for the purposes of this section as if this section were included in that Act. 1948 c. 56.

4.—(1) Notwithstanding anything in the Interpretation Act 1889, the expression “colony” in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Mauritius. Consequential modification of other enactments. 1889 c. 63.

(2) On and after the appointed day—

- (a) the expression “colony” in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 shall not include Mauritius, and 1955 c. 18.
1955 c. 19.
1957 c. 53.
- (b) in the definitions of “Commonwealth force” in section 225(1) and 223(1) respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in section 135(1) of the said Act of 1957, at the end there shall be added the words “or Mauritius” ;

and no Order in Council made on or after the appointed day under section 1 of the Armed Forces Act 1966 which continues either of the said Acts of 1955 in force for a further period shall extend to Mauritius as part of its law. 1966 c. 45.

(3) On and after the appointed day the provisions specified in Schedule 2 to this Act shall have effect subject to the amendments specified respectively in that Schedule.

(4) Subsection (3) of this section, and Schedule 2 to this Act, shall not extend to Mauritius as part of its law.

5.—(1) In this Act, and in any amendment made by this Act in any other enactment, “Mauritius” means the territories which immediately before the appointed day constitute the Colony of Mauritius. Interpretation.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

6. This Act may be cited as the Mauritius Independence Act Short title. 1968.

SCHEDULES

Section 1.

SCHEDULE 1

LEGISLATIVE POWERS OF MAURITIUS

1865 c. 63.

1. The Colonial Laws Validity Act 1865 shall not apply to any law made on or after the appointed day by the legislature of Mauritius.

2. No law and no provision of any law made on or after the appointed day by that legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and accordingly the powers of that legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Mauritius.

3. The legislature of Mauritius shall have full power to make laws having extra-territorial operation.

4. Without prejudice to the generality of the preceding provisions of this Schedule—

1894 c. 60.

(a) sections 735 and 736 of the Merchant Shipping Act 1894 shall be construed as if references therein to the legislature of a British possession did not include references to the legislature of Mauritius; and

1890 c. 27.

(b) section 4 of the Colonial Courts of Admiralty Act 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause) and so much of section 7 of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty shall cease to have effect in Mauritius.

Section 4.

SCHEDULE 2

AMENDMENTS NOT AFFECTING THE LAW OF MAURITIUS

Diplomatic immunities

1952 c. 10.

1. In section 461 of the Income Tax Act 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)—

(a) in subsection (2), before the words "for any state" there shall be inserted the words "or Mauritius";

(b) in subsection (3), before the words "and 'Agent-General'" there shall be inserted the words "or Mauritius".

1952 c. 18.

2. In section 1(6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952, before the word "and" in the last place where it occurs there shall be inserted the word "Mauritius".

Mauritius Independence Act 1968

CH. 8

5

3. In section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961, before the word "and" in the last place where it occurs there shall be inserted the word "Mauritius". SCH. 2 1961 c. 11.

Financial

4. In section 2(4) of the Import Duties Act 1958, before the words "together with" there shall be inserted the word "Mauritius". 1958 c. 6.

Visiting forces

5. In the Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Mauritius as it applies to forces raised in Dominions within the meaning of the Statute of Westminster 1931. 1933 c. 6. 1931 c. 4 (22 & 23 Geo. 5.).

6. In the Visiting Forces Act 1952— 1952 c. 67.

(a) in paragraph (a) of section 1(1) (countries to which that Act applies) at the end there shall be added the words "Mauritius or";

(b) in section 10(1)(a), the expression "colony" shall not include Mauritius;

and, until express provision with respect to Mauritius is made by an Order in Council under section 8 of that Act (application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Mauritius.

Ships and aircraft

7. In section 427(2) of the Merchant Shipping Act 1894, as set out in section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words "or in any" there shall be inserted the words "or Mauritius". 1894 c. 60. 1949 c. 43.

8. In section 6(2) of the Merchant Shipping Act 1948, at the end of the proviso there shall be added the words "or Mauritius". 1948 c. 44.

9. The Ships and Aircraft (Transfer Restriction) Act 1939 shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Mauritius; and the penal provisions of that Act shall not apply to persons in Mauritius (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships). 1939 c. 70.

10. In the Whaling Industry (Regulation) Act 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Mauritius. 1934 c. 49.

11. In section 2(7)(b) of the Civil Aviation (Licensing) Act 1960, the expression "colony" shall not include Mauritius. 1960 c. 38.

SCH. 2

Commonwealth Institute

1925 ch. xvii.
1958 c. 16.

12. In section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958 (power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) at the end there shall be added the words "and Mauritius".

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Annex 94

Thomas Mensah, *Self-Determination Under United Nations' Auspices: The role of the United Nations in the application of the principle of self-determination for nations and peoples* (1968)

SELF-DETERMINATION UNDER UNITED NATIONS' AUSPICES

(The role of the United Nations in the application of the principle of self-determination for nations and peoples.)

Presented to

THE YALE LAW SCHOOL

IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF THE SCIENCE OF LAW

By

Thomas A. Mensah
August 1963

SELF-DETERMINATION UNDER UNITED NATIONS' AUSPICES

(The role of the United Nations in the application of the principle of self-determination for nations and peoples.)

SHORT OUTLINE

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2. HISTORICAL BACKGROUND
3. DELINEATION OF THE PROBLEMS
4. PAST CLAIMS AND DECISIONS -- TRENDS IN DECISION
5. CONCLUSIONS (APPRAISAL AND RECOMMENDATIONS)

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a. To participate in the control of territory and people.	
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be applied to them too. Those who were planning for the peace of the world, convinced of the ultimate irresistibility of such demands and of their relevance to the success or failure of their plans, finally came round to recognize the principle of self-determination -- no longer as a right of certain "nations" only, no longer as a principle of self-limitation imposed upon themselves by Colonial and other powers, but as a principle of human dignity and of peace, applicable to all peoples: a principle which peace planners could disregard only at their, and the world's, peril.³⁴ It was against this background that the statesmen gathered in San Francisco in 1945, addressed themselves to the task of "saving succeeding generations from the scourge of war" by ensuring -- among other things -- respect for the "right of self-determination of peoples."

ii. THE PRINCIPLE OF SELF-DETERMINATION AT THE SAN FRANCISCO CONFERENCE:

The United Nations Conference on International Organization began with a concept of self-determination which was basically "non-colonial" in character.³⁵ When it ended the principle had become very much associated with the question of colonialism. With the possible exception of the United States, the governments which participated in the Dumbarton Oaks Conversations and in the San Francisco Conference were mainly interested in the situation arising from the past war. Their thoughts

were focused on the past war and its causes; and they thought of the projected organization as a means of preventing a repetition of the abuses of the pre-war period. As far as they were concerned the principle that needed to be emphasized the most was the principle that all states -- big and small --
³⁶ were equal. There was, at this stage, little concern for the rights of "non-state" groups or peoples. In any case, the vital interests of some of these powers were so deeply involved in the colonial area that they considered it prudent
³⁷ to maintain a certain degree of silence on the matter. As a result, the Dumbarton Oaks Proposals did not make any mention of either the principle of self-determination or of dependent peoples. Even the Yalta Agreement which sought to make up for the omission, merely concerned itself with the question of the International Trusteeship System which was
³⁸ designed to replace the old League Mandates System.

By the time the San Francisco Conference convened, however, the "principle of self-determination" had found its way onto the Agenda of the Conference as an Amendment to the Dumbarton Oak Proposals.
³⁹ Similarly, although the question of trusteeship had been raised in neither the original proposals nor in the sponsor's amendments, it was placed on the Conference Agenda with the support of the four sponsoring governments and allocated to Committee 11/4 of the Conference.
⁴⁰

Both questions caused a great deal of controversy in the

commissions, committees and sub-committees of the Conference. The principle of self-determination, in particular, was the subject of some delicate soul-searching. None of the participating governments could openly oppose the inclusion of such a "generally accepted" principle in the Charter; and yet there were a number of participants who were not very happy⁴¹ about the prominence that was being given to this principle. According to the original Dumbarton Oaks Proposals, one of the purposes of the organization was to be: "To develop friendly relations among nations and take other appropriate measures⁴² to strengthen universal peace." To this the Soviet Union proposed, and the other three powers agreed to add the phrase: "Based on respect for the principle of equal rights and self-determination of peoples."⁴³ The reasons for this amendment were nowhere spelled out, nor indeed was any attempt made then to clarify the significance that the principle was expected to have in the overall purposes of the United Nations.⁴⁴ Some indications were, however, given in later discussions within the committees and commissions of the Conference. The first indication was in the text of the Amendment itself: The Amendment clearly did not limit itself to "states" but extended the right of self-determination to "peoples." While there might have been considerable doubt as to what was meant by "peoples", the doubt was, at least partly, cleared by the discussion in the drafting sub-committee. Here the attempt of the Belgian

Delegate to narrow the application of the principle to "states" as such was not successful.⁴⁵ The sub-committee went on to explain that Paragraph 2A Article 1 was intended to "proclaim the equal rights of peoples as such" and consequently their right to self-determination. The equality of rights they were talking about "extends . . . to states, nations and peoples."⁴⁶ In spite of subsequent attempts to qualify this interpretation, this view of the matter was allowed to prevail.⁴⁷ The notion was allowed to gain currency that the United Nations was deeply concerned with all threats to international peace and that the denial of the right of self-determination to some people (not necessarily a state) may present such a threat. At San Francisco therefore, it appears that final -- howbeit oblique -- recognition was given to the new and gradually developing concept of self-determination which applied to all "peoples" no matter where they were or their political status. It appears that the words of the Atlantic Charter had been given their literal meaning.⁴⁸

Nevertheless the application of the principle of self-determination to Colonial peoples and to other dependent peoples had not been raised specifically in the discussions prior to the Conference. The number of amendments which were submitted by the participating states to the Dumbarton Oaks Proposals, all dealt with the International Trusteeship System, and envisaged an arrangement under which the administering

powers would have the discretion to decide which of their dependent territories they would place under the control of the United Nations.⁴⁹ Thus the terms of reference of Committee

II/4 to which was allocated the question of Trusteeship, were simply "to prepare . . . draft provisions or principles and mechanisms of such a system of international Trusteeship for such dependent territories as may by subsequent agreement be placed thereunder."⁵⁰ With this as its terms of reference,

it was not very likely that the Committee would have anything at all to do with the principle of self-determination. It was not until the Governments of the United Kingdom and Australia introduced their proposals on the "Principle of Trusteeship" that the question of self-determination in the "colonial context" was discussed at the Conference. The United Kingdom and Australian proposals related to a Principle of Trusteeship that would apply to all dependent peoples in addition to the "Machinery of Trusteeship" that was to apply only to those territories which would be brought under it by agreement with, and at the discretion of, the powers responsible for their administration.⁵¹

In the discussion of these proposals the principle of self-determination was naturally introduced. At the fourth meeting of Committee II/4 of the Conference, the Soviet Delegate specifically mentioned the principle of self-determination and said that it was relevant to the Trusteeship System⁵² that was being discussed. Other delegates followed this lead

and claimed that the right of self-determination which had been proclaimed in the purposes of the Charter should be made applicable to all peoples -- colonial and non-colonial.⁵³ Although specific mention of the principle was not made in the chapters dealing with the colonial peoples and other dependent peoples (Chapters XI-XIII) the discussions left little doubt that the relevance of the principle to those peoples was recognized.⁵⁴ The colonial powers rejected the assumption that "self-determination" was the same as "independence"; but they did not question the validity of the principle of self-determination itself. For example, the United Kingdom delegate warned " . . . against confusing independence with liberty. What the dependent peoples wanted was an increasing measure of self-government. Independence would come, if at all, by natural development," he added.⁵⁵ The Charter stressed in Chapters XI-XIII, the principle that the interests of the peoples of the non-self-governing and Trust territories were paramount. It proclaimed that among the factors "to be taken into account" by the administering powers in colonial and Trust territories were "the political aspirations of the inhabitants of these territories, . . . the progressive development of their political institutions and their progressive development towards self-government or independence."⁵⁶ Although at a later date different interpretations were to be put on these general proclamations, the impression was not at this time challenged that,

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in Chapters XI to XIII, the Charter of the United Nations was guaranteeing, in some form, the right of the colonial and dependent peoples to exercise self-determination -- even if that exercise was to be in the distant future.⁵⁷

In spite, therefore, of the later attempts to tone down some of the over-enthusiastic statements and sweeping assertions made at the San Francisco Conference,⁵⁸ it appears that the Conference gave recognition and expression to a concept of self-determination which was very different from the concept as it was generally regarded before 1945. By admitting that the principle applied to all "peoples", by recognizing that its denial would lead to a disturbance of international peace, and by linking it so inextricably with the question of human rights, the great powers of the world had clearly accepted that it could not therefore, be limited by geographical, or racial factors. Before long the international community was to declare -- perhaps less convincingly -- that the application of the principle could not be limited by any conditions whatever.⁵⁹ Henceforth the principle of self-determination was to be both a principle for the internal regulation of the state's affairs and of international order and human rights. It is against the background of this "San Francisco Legacy" that we have to examine and appraise the role which the United Nations has played or sought to play in the application of the principle of self-determination.

iii. SELF-DETERMINATION IN THE UNITED NATIONS 1945-1962.

One of the very first resolutions to be passed by the first session of the General Assembly (held in London in 1946) was on the subject of colonial peoples. The resolution on "Non-Self-Governing Peoples" dealt with the measures to be instituted to implement the provisions of the Charter dealing with the peoples "who have not as yet attained a full measure⁶⁰ of self-government." The General Assembly expressed the hope that the realization of the objectives of Chapters XI, XII and XIII of the Charter would make possible the attainment of the political, economic, social and educational aspirations of the non-self-governing peoples. Since then the United Nations has, through its many organs and special agencies, expended great effort and much time to hasten the realization of these objectives. In doing this the United Nations has clearly let it be known that it recognizes that the peoples of these territories are entitled to the right of self-determination. The right of self-determination: the right of "every people to determine how and by whom they will be governed" has been one of the corner stones of the United Nations' activities since 1945.

The United Nations had hardly begun to function when it was called upon to participate in the solution of a dispute in which the principle of self-determination featured very prominently. This was the dispute between the government of

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the Kingdom of the Netherlands and the (as yet) non-sovereign Republic of the United States of Indonesia. The attempts to settle the dispute through negotiation and the "good offices" of friendly government had failed, and open hostilities had broken out between the two parties. The attempts by friendly states to get a cessation of hostilities were not ~~un~~successful, so the matter was brought to the notice of the Security Council.⁶¹ Although the two requests for Security Council action did not specifically mention the principle of self-determination, that principle and the related question of colonialism were much in evidence during the debates.

From the beginning the Netherlands Government challenged the competence of the United Nations in the dispute, since it maintained that the whole matter was within its exclusive domestic jurisdiction.⁶³ This was not accepted, however, and the Council proceeded to assume, at first hesitantly and later more boldly, a direct and significant role in the settlement of the dispute. In the end the Council not only requested, organized and supervised the actual cessation of hostilities, but also set up the "Committee of Good Offices" which participated in and significantly influenced the eventual political settlement.⁶⁴ In the very first years of its life the United Nations Organization had exercised a role in this field which few had envisaged it would or could do effectively.⁶⁵

In all this, however, the competence of the United Nations

was persistently challenged and there were many who maintained that the role of the United Nations in the application of the principle of self-determination was to be limited to that of a mere "enunciator of that principle."⁶⁶ The equally persistent claims of other members that the organization had "a right and a responsibility to ensure that the principle was universally applied" was written off as a mere attempt to endow the organization with powers it did not have and could not exercise.⁶⁷

Nevertheless the United Nations, through its various organs, continued to receive and act on claims in which the principle of self-determination was invoked. Since the Indonesian dispute the United Nations has acted on a great number of claims in which the principle of self-determination has featured very prominently. There have been claims by independent states against other independent states whom they accuse of trying to subvert their independence and sovereignty. Examples of such claims are the Greek claim against its Northern neighbors in 1946, the Czechoslovakian complaint against the Soviet Union in 1946, the claim of the state of Hyderabad against the Indian Union in 1948, the complaint of the Government of Yugoslavia against the Soviet Union and the other Eastern European communist states in 1951, the Iranian complaint against the Soviet Union in 1946, and the complaint by the government of Imre Nagy against Soviet intervention

in the affairs of Hungary in 1956.⁶⁸ There have also been claims by independent states which allege that other states are depriving some people of their right to self-determination. Examples of such claims are the Pakistani claim against India in respect of Kashmir, the Greek claim against the United Kingdom in respect of Cyprus, the Indonesian and Netherlands claims against each other in respect of Dutch New Guinea (West Irian) and the Moroccan claim against France in respect of Mauritania.⁶⁹ The United Nations has also dealt with claims from colonial and other dependent peoples in which the principle of self-determination has been claimed to be relevant. In the disposition of the former Italian colonies the principle of self-determination was raised in the case of Lybia, Eritrea and in some sense in the solution of the Palestine problem.⁷⁰ The principle was claimed to be relevant in the United Nations attempts to unify and guarantee the independence of Korea in the first post-war years; and it was invoked frequently in the controversy about the Problem of Unifying the Ewe people of British and French Togoland between 1948 and 1956.⁷¹ The principle has also been invoked in the solution of the problems relating to the future of the Trust territories of Camerrooms, Ruanda-Urundi and in the dispute over the administration and future of South-West Africa.⁷² Finally the principle of self-determination has been pressed into service in the program of "decolonization" which has become one

of the most important of the United Nations' programs of action especially over the past half decade.⁷³ In the program of decolonization, the principle of self-determination is invoked in addition to the need to maintain "international peace and security," which is one of the principle objectives of the United Nations. The combined principles of self-determination and the maintenance of international peace have been invoked before the United Nations in a number of situations chief among which are the Algerian situation, the question of Angola, the claims of Morocco and Tunisia against France and the question of South-West Africa. This combination of principles was one of the chief props on which the historic "Declaration on the Granting of Independence to Colonial Peoples and Territories" of 1960 was based.⁷⁴

Moreover the United Nations has discussed and taken action on the principle of self-determination even when there have been no concrete claims by any people for that right. On their own motion, various organs of the United Nations have made extensive studies on different aspects of the principle and in relation to different situations. In 1951, the General Assembly in a resolution, requested that the Commission on Human Rights should include an article on "Self-determination" in the Covenant of Human Rights which that Commission was then discussing in draft form.⁷⁵ Since that request, the Commission of Human Rights, the Economic and Social Council, the Third

Committee of the General Assembly and the Plenary Session of the General Assembly have continuously studied and discussed the principle of self-determination from a variety of angles: both in regard to its theoretical contents and in regard to the measures and procedures which the United Nations, "having regard to its limitations in competence and resources" can take with a view to ensuring a wider and more adequate application of the principle.⁷⁶ These studies have related to the principle as it is to be applied to peoples in colonial territories and to independent states. In connection with self-determination for colonial peoples, the General Assembly, with the help of special committees (standing committees or temporary ad hoc committees) has made a number of important studies on the principles and modes of applying the principle in particular situations. Perhaps the most important of these studies have been the studies which were made between 1951 and 1960 on the factors and principles which should guide the Assembly and its members in deciding whether in each case a territory has ceased to be a dependent (non-self-governing) territory and has effectively exercised its right of self-determination. The first of these studies was made in 1951 by the Committee⁷⁷ on Information from Non-Self-Governing Territories in 1951. On the basis of its report, the General Assembly appointed an ad hoc committee to examine the question further. This committee produced a report in 1953 to which was annexed a

Comprehensive List of Factors indicative of the attainment of certain outcomes that were considered to be equivalent to the "full measure of self-government" which the Charter stipulates.⁷⁸ The General Assembly approved this list as a guide for future decision, but asserted that "each concrete case should be considered and decided upon in the light of the particular circumstances of that case and taking into the right of self-determination of peoples."⁷⁹ Again, after three unsuccessful attempts in 1956, 1957 and 1958, the General Assembly appointed another Committee to make a study of the "Principles which should guide members (of the United Nations) in determining whether any territory fell under the designation of non-self-governing territory, and hence was one for which the member in charge had assumed the obligations contained in Chapter XI of the Charter."⁸⁰ This Committee of six member states, submitted its report in 1960. It embodied 12 principles which the General Assembly later⁸¹ approved in the form of a resolution.

The United Nations concern for the principle of self-determination for colonial peoples reached its culmination in the historic declaration of 1960 in which the General Assembly asked for the immediate and unconditional granting of⁸² independence to all colonial peoples and territories. In 1961, and even more revolutionary resolution for the first time set up a United Nations Committee with the express duty

"to supervise and hasten the process of decolonization in consultation and collaboration with the administering authorities."⁸³ The activities of the Committee of Seventeen⁸⁴ as indicated in its report, and the subsequent decision of the General Assembly at its seventeenth session, to enlarge the committee and amplify its terms of reference were all the natural development of the movements that were set in⁸⁵ motion in 1945.

The United Nations, which began as a "mere enunciator" of the principle of self-determination, with no admitted competence or function in its application or the machinery to perform any, has gradually but systematically become the most active international agency directly engaged in applying and⁸⁵ supervising the application of the principle to all peoples. The United Nations is now not only the "midwife" of new states born under the aegis of that principle, but also the physician and nurse to these new juridical infants. It seeks to give all peoples not only the right to exercise self-determination to choose their political systems and associations, but the right to maintain this independence and to maintain also the other rights which have been found to be part of the principle of self-determination; the right to inviolability of territory and of sovereignty over natural wealth and resources. The United Nations has certainly travelled a long way from San Francisco in the same way that San Francisco was a long way⁸⁶ from Versailles and from the days before 1914.

Annex 95

United Kingdom, *The Mauritius Independence Order 1968 and Schedule to the Order: The Constitution of Mauritius* (4 Mar. 1968)

THE MAURITIUS INDEPENDENCE ORDER, 1968

GN No. 54 of 1968

His Excellency the Governor directs the publication, for general information, of the Mauritius Independence Order, 1968.

Le Reduit,
6th March, 1968.

Tom VICKERS,
Deputy Governor.

THE MAURITIUS INDEPENDENCE ORDER 1968

AT THE COURT AT BUCKINGHAM PALACE

The 4th day of March 1968

Present,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

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

(1) This Order may be cited as the Mauritius Independence Order 1968.

(2) This Order shall be published in the Gazette and shall come into force on the day on which it is so published:

Provided that section 4(2) of this Order shall come into force forthwith.

-

2.-(1) In this Order-

"the Constitution" means the Constitution of Mauritius set out in the schedule to this Order;

"the appointed day" means 12th March 1968;

"the existing Assembly" means the Legislative Assembly established by the existing Orders;

"the existing laws" means any Acts of the Parliament of the United Kingdom, Orders of Her Majesty. in Council, Ordinances, rules, regulations, orders or other instruments having effect as part of the law of Mauritius immediately before the appointed day but does not include any Order revoked by- this Order;

"the existing Orders" means the Orders revoked by section 3(i) of this Order.

(2) The provisions of sections 111, 112, 120 and 121 of the Constitution shall apply for the purposes of interpreting sections 1 to 17 of this Order and otherwise in relation thereto as they apply for the purpose of interpreting and in relation to the Constitution. Revocations.

3.-(1) With effect from the appointed day, the Mauritius Constitution Order 1966(a), the Mauritius Constitution (Amendment) Order 1967(b) and the Mauritius Constitution (Amendment No. 2) Order 1967(c) and the Mauritius Constitution (Amendment No. 3) Order 1967(d) are revoked.

(2) The Emergency Powers Order in Council 1939(e), and any Order in Council amending that Order, shall cease to have effect as part of the law of Mauritius on the appointed day:

Provided that if Part 11 of the Emergency Powers Order in Council 1939 is in operation in Mauritius immediately before the appointed day a Proclamation such as is referred to in paragraph (b) of section 19(7) of the, Constitution shall be deemed to have been made on that day and to have been approved by the Assembly within seven days of that day under paragraph (a) of section 19(8) of the Constitution.

4.-(1) Subject to the provisions of this Order, the Constitution shall come into effect in Mauritius on the appointed day.

(2) The Governor (as defined for the purposes of the existing Orders) acting after consultation with the Prime Minister (as so defined) may at any time after the commencement of this subsection exercise any of the powers conferred upon the Governor-General by section 5 of this Order or by the Constitution to such extent as may in his opinion be necessary or expedient to enable the Constitution to function as from the appointed day.

5.-(1) The revocation of the existing Orders shall be without prejudice to the continued operation of any existing laws made, or having effect as if they had been made, under any of those Orders; and any such laws shall have effect on and after the appointee, day as if they had been made in pursuance of the Constitution and shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Mauritius Independence Act 1968 (f) and this Order.

(2) Where any matter that falls to be prescribed or otherwise provided for under the Constitution by Parliament or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section) or is otherwise prescribed or provided for immediately before the appointed day by or under the existing Orders that prescription or provision shall, as from that day, have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Mauritius Independence Act 1968 and this Order) as if it had been made under the Constitution by Parliament or, as the case may require, by the other authority or person.

(3) The Governor-General may, by order published in the Gazette, at any time before 6th September 1968 make such amendments to any existing law (other than the Mauritius Independence Act 1968 or this Order) as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions.

(4) An order made under this section may be amended or revoked by Parliament or, in relation to any existing law affected thereby, by any other authority having power to amend, repeal or revoke that existing law.

(5) It is hereby declared, for the avoidance of doubt, that, save as otherwise provided either expressly or by necessary implication, nothing in this Order shall be construed as affecting the continued operation of any existing law.

(6) The provisions of this section shall be without prejudice to any powers conferred by this Order or any other law upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

6.-(1) Where any office has been established by or under the existing Orders or any existing law and the Constitution establishes a similar or an equivalent office any person who, immediately before the appointed day, holds or is acting in the former office shall, so far as is consistent with the provisions of the Constitution, be deemed to have been appointed on the appointed day to hold or to act in the latter office in accordance with the provisions of the Constitution and to have taken any necessary oaths under the Constitution and, in the case of a person who holds or is acting in the office of a judge of the Supreme Court, to have complied with the requirements of section 79 of the Constitution (which relates to oaths):

Provided that any person who under the existing Orders or any existing law would have been required to vacate his office at the expiration of any period or on the attainment of any age shall vacate his office under the Constitution at the expiration of that period or upon the attainment of that age.

(2) Section 113(1) of the Constitution shall have effect-

- (a) in relation to the person holding the office of Electoral Commissioner immediately before the appointed day as is it permitted him to be appointed to that office on the appointed day for a term expiring on .30th November 1969 or such later date as may be determined by the Judicial and Legal Service Commission; and
- (b) in relation to the person holding the office of Commissioner of Police immediately before the appointed day as if it permitted him to be appointed to that office on the appointed day for a term expiring on such date (not being, earlier than 31st March 1969 or later than 3m September 1969) as may be determined by the Police Service Commission; and those persons shall be deemed to have been appointed as aforesaid and, in relation to them, the reference in section 113 (1) to the specified term shall be construed accordingly.

(3) The provisions of this section shall be without prejudice to any powers conferred by or under the Constitution upon any person or authority to make provision for the abolition of offices and for the removal from office of persons holding or acting in any office.

7.-(1) Until such time as it is otherwise provided under section 39 of the Constitution, the respective boundaries of the twenty constituencies in the Island of Mauritius shall be the same as those prescribed by the Mauritius (Electoral Provisions) Regulation, 1966 (a) for the twenty electoral districts established by those Regulations in pursuance of the Mauritius (Electoral Provisions) Order 1966(b).

(2) If any election of a member of the Assembly is held in any constituency before 1st February 1969, and it is prescribed that any register of electors published before 1st February 1967 is to be used, then no person shall be entitled to vote in that constituency-

(a) in the case of a constituency in the Island of Mauritius, unless, in pursuance of the Mauritius (Electoral Provisions) Order 1966, he has been registered as an elector in the electoral district corresponding to that constituency;

(b) in the case of Rodrigues, unless, in Pursuance Of the Mauritius (Electoral Provisions) Order 11965(a)y he has been registered as an elector in Rodrigues as if Rodrigues had been established as an electoral district for the purposes of that Order.

8. (1) The persons who immediately before the appointed day were members of the existing Assembly shall as from the appointed day be members of the Assembly established by the Constitution as if elected as such in pursuance of section 31(2) of the Constitution and shall hold their seats in that Assembly in accordance with the provisions of the Constitution:

Provided that persons who immediately before the appointed day represented constituencies in the existing Assembly shall so hold their seats as if respectively elected to represent the corresponding constituencies under the Constitution.

(2) Any person who is a member of the Assembly established by the Constitution by virtue of the preceding provisions of this section and who, since he was last elected as a member of the existing Assembly before the appointed day, has taken the oath of allegiance in pursuance of section 49 of the Constitution established by the existing Orders shall be deemed to have complied with the requirements of section 55 of the Constitution (which relates to the oath of allegiance).

(3) The persons who immediately before the appointed day were unreturned candidates at the general election of members of the existing Assembly shall, until the dissolution of the Assembly next following the appointed day, be regarded as unreturned candidates for the purposes of paragraph 5 (7) of Schedule I to the Constitution; and for those purposes anything done in accordance with the provisions of Schedule I to the constitution established by the existing Orders shall be deemed to have been done in accordance with the corresponding provisions of Schedule 1 to the Constitution.

(4) For the purpose of section 57(2) of this Constitution, the Assembly shall be deemed to have had its first sitting after a general election on 22nd August 1967 (being the date on which the existing Assembly first sat after a general election).

9. The rules and orders of the existing Assembly, as those rules and orders were in force immediately before the appointed day, shall, except as may be otherwise provided under section 48 of the Constitution, have effect after the appointed day as if they had been made under that section but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

10. If by virtue of section 10(i) of the Mauritius (Constitution) Order 1966 the person referred to in section 9(i) of the Mauritius (Constitution) Order 1964(a) is immediately before the appointed day holding the office of Speaker of the existing Assembly, then, with effect from the appointed day-

- (a) that person shall be deemed to be a member of the Assembly and to have been elected Speaker of the Assembly under section 32 of the Constitution; and
- (b) the provisions of the Constitution (other than paragraphs (a), (b) and (e) of section 32(3)) shall apply to him accordingly,

until such time as he vacates the office of Speaker under paragraph (c) or (d) of section 32(1) of the Constitution or under section 32(b) of the Constitution or becomes a candidate for election as a member of the Assembly.

11. All proceedings commenced or pending before the Supreme Court, the Court of Civil Appeal or the Court of Criminal Appeal of Mauritius immediately before the appointed day may be carried on before the Supreme Court, the Court of Civil Appeal or the Court of Criminal Appeal, as the case may be, established by the Constitution.

12.-(1) Unless it is otherwise prescribed by Parliament, the Court of Appeal in Court of Appeal may exercise on and after the appointed day such jurisdiction and powers in relation to appeals from the Supreme Court of Seychelles as may be conferred upon it by or in the pursuance of the Seychelles Civil Appeals Order 1967 (b) or of any other law in that behalf for the time being in force in Seychelles.

(2) The provisions of section 81 of the Constitution shall not apply in relation to decisions -of the Court of Appeal given in the exercise of any jurisdiction and powers conferred upon it in relation to appeals from the Supreme Court of Seychelles, and appeals shall lie to Her Majesty in Council from such decisions in accordance with the Seychelles (Appeals to Privy Council) Order 1967 (a) or any other law in that behalf for the time being in force in Seychelles.

(3) The Seychelles Civil Appeals Order 1967 and the Seychelles (Appeals to Privy Council) Order 1967 shall cease to form part of the law of Mauritius with effect from the appointed day.

13.-(1) Until such time as a salary and allowances are prescribed by Parliament, there shall be paid to the holder of any office to which section 108 of the Constitution applies a salary and allowances calculated at the same rate as the salary and allowances paid

immediately before the appointed day to the holder of the office corresponding thereto.

(2) If the person holding the office of Governor immediately before the appointed day becomes Governor-General his terms and conditions of service, other than salary and allowances, as Governor-General shall, until such time as other provisions are made in that behalf, be the same as those attaching to the office of Governor immediately before the appointed day.

14. Any power that, immediately before the appointed day, is vested in a Commission established by any of the existing Orders and that, under that Order, is then delegated to some other person or authority shall be deemed to have been delegated to that person or authority on the appointed day in accordance with the provisions of the Constitution; and any proceedings commenced or pending before any such Commission immediately before the appointed day may be carried on before the appropriate Commission established by the Constitution.

15.-(1) If the Prime Minister so requests, the authorities having power to make appointments in any branch of the public service shall consider whether there are more local candidates suitably qualified for appointment to, or promotion in that branch than there are vacancies in that branch that could appropriately be filled by such local candidates; and those authorities, if satisfied that such is the case, shall, if so requested by the Prime Minister, select officer's in that branch to whom this section applies and whose retirement would in the opinion of those authorities cause vacancies that could appropriately be filled by such suitably qualified local candidates as are available and fit for appointment and inform the Prime Minister of the number of officers so selected; and if the Prime Minister specifies a number of officers to be called upon to retire (not exceeding the number of officers so selected), those authorities shall nominate that number of officers from among the officers so selected and by notice in writing require them to retire from the public service; and any officer who is so required to retire shall retire accordingly.

(2) A notice given under the preceding subsection requiring an officer to retire from the public service shall be not less than six months from the date he receives the notice, at the expiration of which he shall proceed on leave of absence pending retirement:

Provided that, with the agreement of the officer or if the Officer is on leave when it is given, a notice may specify a shorter period.

(3) This section applies to any officer who is the holder of a pensionable office in the public service and is @a, designated Officer for the purposes of the Overseas Service (Mauritius) Agreement 1961.

16.-(1) The provisions of this section shall have effect for the purpose of enabling an officer to whom this section applies or his personal representatives to appeal against any of the following decisions, that is to say:-

- (a) a decision of the appropriate Commission to give such concurrence as is required by subsection (1) or (2) of section 95 of the Constitution in relation to the refusal,

withholding, reduction in amount or suspending of any pensions benefits in respect of such an officer's service as a public officer;

- (b) a decision of any authority to remove such an officer from office if the consequence of the removal is that any pensions benefits cannot be granted in respect of the officer's service as a public officer; or
- (c) a decision of any authority to take some other disciplinary action in relation to such an officer if the consequence of the action is, or in the opinion of the authority might be, to reduce the amount of any pensions benefits that may be granted in respect of the officer's service as a public officer,

(2) Where any such decision as is referred to in the preceding subsection is taken by any authority, the authority shall cause to be delivered to the officer concerned, or to his personal representatives, a written notice of that decision stating the time, not being less than twenty-eight days from the date on which the notice is delivered, within which he, or his personal representatives, may apply to the authority for the case to be referred to an Appeals Board.

(3) If application is duly made within the time stated in the notice, the authority shall notify the Prime Minister in writing of that application and the Prime Minister shall thereupon appoint an Appeals Board consisting of-

- (a) one member selected by the Prime Minister;
- (b) one member selected by an association representative of public officers or a professional body, nominated in either case by the applicant; and
- (c) one member selected by the two other members jointly (or, in default of agreement between those members, by the judicial and Legal Service Commission) who shall be the chairman of the Board.

(4) The Appeals Board shall enquire into the facts of the case, and for that purpose-

- (a) shall, if the applicant so requests in writing, hear the applicant either in person or by a legal representative of his choice, according to the terms of the request, and shall consider any representations that he wishes to make in writing;
- (b) may hear any other person who, in the opinion of the Board, is able to give the Board information on the case, and
- (c) shall have access to, and shall consider, all documents that were available to the authority concerned and shall also consider any further document relating to the case that may be produced by or on behalf of the applicant or the authority.

(6) When the Appeals Board has completed its consideration of the case, then-

- (a) if the decision that is the subject of the reference to the Board is such a decision as is mentioned in paragraph (a) of

subsection (1) of this section, the Board shall advise the appropriate Commission whether the decision should be affirmed, reversed or modified and the Commission shall act in accordance with that advice; and

(b) if the decision that is the subject of the reference to the Board is such a decision as is referred to in paragraph (b) or paragraph (c) of subsection (1) of this section, the Board shall not have power to advise the authority concerned to affirm, reverse or modify the decision but-

(i) where the officer has been removed from office the Board may direct that there shall be granted all or any part of the pensions benefits that, under any law, might have been granted in respect of his service as a public officer if he had retired voluntarily at the date of his removal and may direct that any law with respect to pensions benefits shall in any other respect that the Board may specify have effect as if he had so retired; and

(ii) where some other disciplinary action has been taken in relation to the officer the Board may direct that, on the grant of any pensions benefits under any law in respect of the officer's service as a public officer, those benefits shall be increased by such amount or shall be calculated in such manner as the Board may specify in order to offset all or any part of the reduction in the amount of those benefits that, in the opinion of the Board, would or might otherwise be a consequence of the disciplinary action,

and any direction given by the Board under this paragraph shall be complied with notwithstanding the provisions of any other law.

(6) In this section-

"pensions benefits" has the meaning assigned to that expression in section 94 of the Constitution; and

"legal representative" means a person lawfully in or entitled to be in Mauritius and entitled to practise in Mauritius as a barrister or as an attorney-at-law;

(7) This section applies to an officer who is the holder of a pensionable office in the public service and-

(a) who is a member of Her Majesty's Overseas Civil Service or of Her Majesty's Overseas judiciary;

(b) who has been designated for the purposes of the Overseas Service (Mauritius) Agreement 1961; or

(c) who was selected for appointment to any office in the public service or whose appointment to any such office was approved by a Secretary of State,

17.-(1) Parliament may alter any of the provisions of this Order in the same manner as it may alter any of the provisions of this Constitution not specified in section 47(2) of the Constitution:

Provided that section 6 and section 8(4) and this section may be altered by Parliament only in the same manner as the provisions so specified.

(2) Section 47(4) of the Constitution shall apply for the purpose of construing references in this section to any provision of this Order and to the alteration of any such provision as it applies for the purpose of construing references in section 47 of the Constitution to any provision of the Constitution and to the alteration of any such provision.

W. G. AGNEW.

SCHEDULE TO THE ORDER

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CHAPTER I
THE STATE AND THE CONSTITUTION

1. Mauritius shall be a sovereign democratic State.
2. This Constitution is the supreme law of Mauritius and if any other law is inconsistent with this Constitution, that other law shall, to the extent of the inconsistency, be void.

CHAPTER II

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS
OF THE INDIVIDUAL

3. It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms, namely-

- (a) the right of the individual to life, liberty, security of the person and the protection of the law;

- (a) shall remain in force for such period, not exceeding twelve months, as the Assembly may specify in the resolution;
- (b) may be extended in operation for further periods not exceeding twelve months at a time by a further resolution supported by the votes of a majority of all the members of the Assembly;
- (c) may be revoked at any time by resolution of the Assembly.

CHAPTER III

CITIZIENSHIP

20.-(1) Every person who, having been born in Mauritius, is on 11th March 1968 a citizen of the United Kingdom and Colonies shall become a citizen of Mauritius on 12th March 1968.

(2) Every Person who on the 11th March 1968, is a citizen of the United Kingdom and Colonies-

- (a) having become such a citizen under the British Nationality Act 1948(a) by Virtue of his having been naturalized by the Governor of the former colony of Mauritius as a British subject before that Act came into force; or
- (b) having become such a citizen by virtue of his having been naturalized or registered by the Governor of the former colony of Mauritius under that Act,

shall become a citizen of Mauritius on 12th March 1968.

(3) Every person who, having been born outside Mauritius is on 11th March 1968 a citizen of the United Kingdom and Colonies shall, if his father becomes or would, but for his death have become a citizen of by virtue of subsection (1) or subsection (2) of this section, become a citizen of Mauritius on 12th March 1968.

(4) For the purposes of this section a person shall be regarded as having been born in Mauritius if he was born in the territories which were comprised in the former colony of Mauritius immediately before 8th November 1965 but were not so comprised immediately before 12th March 1968 unless his father was born in the territories which were comprised in the colony of Seychelles immediately before 8th November 1965.

21.-(1) Any woman who, on 12th March 1968 is or has been married to a person-

- (a) who becomes a citizen of Mauritius by virtue of the preceding section; or citizens.
- (b) who, having died before 12th March 1968 would, but for his death, have become a citizen of Mauritius by virtue of that section,

shall be entitled upon making application and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Mauritius.

(2) For the purpose of this section debt charges include interest, sinking fund charges, the repayment or amortisation of debt, and all expenditure in connection with the raising of loans on the security of the revenues of Mauritius or the Consolidated Fund and the service and redemption of debt thereby created.

110.-(1) There shall be a Director of Audit, whose office shall be a public office and who shall be appointed by the public Service Commission, acting after consultation with the Prime Minister and the Leader of the Opposition.

(2) The public, accounts of Mauritius and of all courts of law and all authorities and officers of the Government shall be audited and reported on by the Director of Audit and for that purpose the Director of Audit or any person authorised by him in that behalf shall have access to all books, records, reports and other documents relating to those accounts:

Provided that, if it is so prescribed in the case of any body corporate directly established by law, the accounts of that body corporate shall be audited and reported on by such person as may be prescribed.

(3) The Director of Audit shall submit his reports to the Minister responsible for finance, who shall cause them to be laid before the Assembly.

(4) In the exercise of his functions under this Constitution the Director of Audit shall not be subject to the direction or control of any other person or authority.

CHAPTER XI MISCELLANEOUS

111.-(1) In this Constitution, unless the context otherwise requires-

"the Assembly" means the Legislative Assembly established by this Constitution;

"the Commonwealth" means Mauritius and any country to which section 25 of this Constitution for the time being applies, and includes the dependencies of any such country;

"the Court of Appeal" means the Court of Civil Appeal or the Court of Criminal Appeal;

"disciplined force" means-

- (a) a naval, military or air force;
- (b) the Police Force;
- (c) a fire service established by any law in force in Mauritius;
or
- (d) the Mauritius Prison Service;

"disciplinary law" means a law regulating the discipline-

- (a) of any disciplined force; or

(b) of persons serving prison sentences;

"financial year" means the period of twelve months ending on the thirtieth day of June in any year or such other day as may be prescribed by Parliament;

"the Gazette" means the Government Gazette of Mauritius;

"the Island of Mauritius" includes the small islands, adjacent thereto;

"Local Authority" means the Council of a town, district or village in Mauritius;

"local government officer" means a person holding or acting in any office of emolument in the service of a Local Authority but does not include a person holding or acting in the office of Mayor, Chairman or other member of a Local Authority or Standing Counsel or Attorney Local Authority;

"Mauritius" means the territories which immediately before 12th March 1968 constituted the colony of Mauritius;

"oath" includes affirmation;

"oath of allegiance" means such oath of allegiance as prescribed in schedule 3 to this Constitution;

"Parliament" means the Parliament established by this Constitution;

"the Police Force" means the Mauritius Police Force and includes any other police force established in accordance with such provision as may be prescribed by Parliament;

"prescribed" means prescribed in a law:

Provided that-

(a) in relation to anything that may be prescribed only by Parliament, it means prescribed in any Act of Parliament; and

(b) in relation to anything that may be prescribed only by some other specified person or authority, it means prescribed in an order made by that other person or authority;

"public office" means, subject to the provisions of the next following section, an office of emolument in the public service;

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

"the public service" means the service of the State in a civil capacity in respect of the government of Mauritius;

"Rodrigues" means the Island of Rodrigues.

"session" means the sittings of the Assembly commencing when Parliament first meets after any general election or its prorogation at any time and terminating when Parliament is prorogued or is dissolved without having been prorogued;

"sitting" means a period during which the Assembly is sitting continuously without adjournment, and includes any period during which the Assembly is in committee;

"subordinate court" means any court of law subordinate to the Supreme Court but does not include a court-martial.

(2) Save as otherwise provided in this Constitution, the Interpretation Act 1889(a) shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of the Parliament of the United Kingdom.

112.-(1) In this Constitution, unless the context otherwise requires, the expression "public office"-

(a) shall be construed as including the offices of judges of the Supreme Court, the offices of members of all other courts of law in Mauritius (other than courts-martial), the offices of members of the Police Force and the offices on the Governor-General's personal staff; and

(b) R: A 48/91

(2) For the purposes of this Constitution, a person shall not be considered as holding a public office or a local government office, as the case may be, by reason only that he is in receipt of a pension or other like allowance in respect of service under the Crown or under a Local Authority.

(3) For the purposes of sections 38(3), 88(2) and 90(2) of this Constitution, a person shall not be considered as holding public office or a local government office, as the case may be, by reason only that he is in receipt of fees and allowances by virtue of his membership of a board, council, committee, tribunal or other similar authority (whether incorporated or not).

113.- (R& R: Act 2/82)

114.-(1) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or exercising the functions of that office.

(2) Where power is vested by this Constitution in any person or authority to appoint any person to act in or perform the functions of any office if the holder thereof is himself unable, to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was not unable to perform those functions.

115. (1) Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.

(2) Where a power is conferred by this Constitution upon any person to make any appointment to any office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then, for the purposes of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of the office.

116.-(1) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service and to any power or right to terminate a contract on which a person is employed as a public officer and to determine whether any such contract shall or shall not be renewed:

Provided that-

(a) nothing in this subsection shall be construed as conferring on any person or authority power to require any person, to whom the provisions of section 78(2) to (6) or section 92(2) to (5) apply to retire from the public service; and

(b) any power conferred by any law to permit a person to retire from the public service shall in the case of any public officer who may be removed from office by some person or authority other than a Commission established by this Constitution, vest in the Public Service Commission.

(2) Any provision in this Constitution that vests in any person or authority power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified therein.

117. Any person who has been appointed to any office established by this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed; and the resignation shall take effect, and the office shall accordingly become vacant-

(a) at such time or on such date (if any) as may be specified in the writing; or

(b) when the writing is received by the person or authority to whom it is addressed or by such other person as may be authorised by that person or authority to receive it,

whichever is the later:

Provided that the resignation may be withdrawn before it takes effect if the person or authority to whom the resignation is addressed consents to its withdrawal.

118. (1) Any Commission established by this Constitution may by regulations make provision for regulating and facilitating the performance by the Commission of its functions under this Constitution.

(2) Any decision of any such Commission shall require the concurrence of a majority of all the members thereof and subject as aforesaid, the Commission may act notwithstanding the absence of any member:

Provided that if in any particular case a vote of all the members is taken to decide the question and the votes cast are equally divided the chairman shall have and shall exercise a casting vote

(3) Subject to the provisions of this section, any such Commission may regulate its own procedure.

(4) In the exercise of their functions under this Constitution, no such Commission shall be subject to the direction or control of any other person or authority.

(5) In addition to the functions conferred upon it by or under this Constitution any such Commission shall have such power and other functions (if any) as may be prescribed.

(6) The validity of the transaction of business of any such Commission shall not be affected by the fact that some person who was not entitled to do so took part in the proceedings.

(7) The provisions of subsections (1), (2), (3) and (4) of the section shall apply in relation to a tribunal established for the purposes of section 5(4), 15(4), 18(3), 78(4), 92(4), or 93(4) of this Constitution as they apply in relation to a Commission established by this Constitution, and any such tribunal shall have the same powers as the Supreme Court in respect of the attendance and examination of witnesses (including the administration of oaths and the examination of witnesses abroad) and in respect of the production of documents.

119. No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law or should not perform those functions.

120. Where any power is conferred by this Constitution to make any order, regulation or rule, or to give any direction, the power shall be construed as including the power, exercisable in like manner, to amend or revoke any such order, regulation, etc. rule or direction.

121. Where any person or authority other than the President is directed by this Constitution to exercise any function after consultation with

any other person or authority, that person or authority shall not be obliged to exercise that function in accordance with the advice of that other person or authority.

122. All laws other than Acts of Parliament that make any such provision as is mentioned in section 5 (1) or section 15 (3) of this Constitution or that establish new criminal offences or impose new penalties shall be laid before the Assembly as soon as is practicable after they are made and (without prejudice to any other power than may be vested in the Assembly in relation to any such law) any such law may be revoked by the Assembly by resolution passed within thirty days after it is laid before the Assembly:

Provided that-

- (a) if it is so prescribed by Parliament in relation to any such law, that law shall not be laid before the Assembly during a period of public emergency within the meaning of Chapter 11 of this Constitution;
- (b) in reckoning the period of thirty days after any such law is laid before the Assembly no account shall be taken of any period during which Parliament is dissolved or prorogued or is adjourned for more than four days.

SCHEDULE I TO THE CONSTITUTION

ELECTION OF MEMBERS OF LEGISLATIVE ASSEMBLY

1. -(1) There shall be sixty-two seats in the Assembly for members representing constituencies and accordingly each constituency shall return three members to the Assembly in such manner as may be prescribed, except Rodrigues, which shall so return two members.

(2) Every member returned by a constituency shall be directly elected in accordance with the provisions of this Constitution at a general election held in such manner as may be prescribed.

(3) Every vote cast by an elector at any election shall be given by means of a ballot which, except in so far as may be otherwise prescribed in relation to the casting of votes by electors who are incapacitated by blindness or other physical cause or unable to read or understand any symbols on the ballot paper, shall be taken so as not to disclose how any vote is cast; and no vote cast by any elector at any general election shall be counted unless he cast valid votes for three candidates in the constituency in which he is registered or, in the case of an elector registered in Rodrigues, for two candidates in that constituency.

2.-(1) Every political party in Mauritius, being a lawful association, may, within fourteen days before the day appointed for the nomination of candidates for election at any general election of members of the Assembly, be registered as a party for the purposes of that election and paragraph 5(7) of this schedule by the Electoral Supervisory Commission upon making application in such manner as may be prescribed:

Provided that any two or more political parties may be registered as a party alliance for those purposes, in which case they shall be

Annex 96

The Constitution of the Republic of Mauritius (12 Mar. 1968) (as amended, including by the Constitution of Mauritius (Amendment No. 3) Act of 17 Dec. 1991)

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CHAPTER I – THE STATE AND THE CONSTITUTION

1. The State

Mauritius shall be a sovereign democratic State which shall be known as the Republic of Mauritius.

[S. 1 amended by Act 48 of 1991.]

2. Constitution is supreme law

This Constitution is the supreme law of Mauritius and if any other law is inconsistent with this Constitution, that other law shall, to the extent of the inconsistency, be void.

CHAPTER II – PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF INDIVIDUAL

3. Fundamental rights and freedoms of individual

It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms—

- (a) the right of the individual to life, liberty, security of the person and the protection of the law;
- (b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; and
- (c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation,

and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

4. Protection of right to life

- (1) No person shall be deprived of his life intentionally save in execution of the

charges, the repayment or amortisation of debt, and all expenditure in connection with the raising of loans on the security of the revenues of Mauritius or the Consolidated Fund and the service and redemption of debt thereby created.

110. Director of Audit

(1) There shall be a Director of Audit, whose office shall be a public office and who shall be appointed by the Public Service Commission, acting after consultation with the Prime Minister and the Leader of the Opposition.

(2) The public accounts of Mauritius and of all Courts of law and all authorities and officers of the Government shall be audited and reported on by the Director of Audit and for that purpose the Director of Audit or any person authorised by him in that behalf shall have access to all books, records, reports and other documents relating to those accounts:

Provided that, if it is so prescribed in the case of any body corporate directly established by law, the accounts of that body corporate shall be audited and reported on by such person as may be prescribed.

(3) The Director of Audit shall submit his reports to the Minister responsible for the subject of finance, who shall cause them to be laid before the Assembly.

(4) In the exercise of his functions under this Constitution, the Director of Audit shall not be subject to the direction or control of any other person or authority.

CHAPTER XI – MISCELLANEOUS

111. Interpretation

(1) In this Constitution—

“Assembly” means the National Assembly established by this Constitution;

“Commonwealth” means Mauritius and any country to which section 25 of this Constitution for the time being applies and includes the dependencies of any such country;

“Court of Appeal” means the Court of Civil Appeal or the Court of Criminal Appeal;

“disciplinary law” means a law regulating the discipline—

- (a) of any disciplined force; or
- (b) of persons serving prison sentences;

“disciplined force” means—

- (a) a naval, military or air force;
- (b) the Police Force;
- (c) a fire service established by any law in force in Mauritius; or
- (d) the Mauritius Prison Service;

“financial year” means the period of 12 months ending on 30 June in any year or such other day as may be prescribed by Parliament;

“*Gazette*” means the Government *Gazette* of Mauritius;

“Government” means the Government of the Republic of Mauritius;

“Island of Mauritius” includes the small islands adjacent to the Island of Mauritius;

“Judicial Committee” means the Judicial Committee of the Privy Council established by the Judicial Committee Act 1833 of the United Kingdom as from time to time amended by any Act of Parliament of the United Kingdom;

“local authority” means –

- (a) the Municipal Council of any city or town;
- (b) the District Council of any district;
- (c) the Village Council of any village; or
- (d) any new local authority created under any enactment;

“local government officer” means a person holding or acting in any office of emolument in the service of a local authority but does not include a person holding or acting in the office of Lord Mayor, Mayor, Chairperson, or other member of a local authority or standing Counsel or attorney of a local authority;

“Mauritius” includes—

- (a) the Islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago, including Diego Garcia and any other island comprised in the State of Mauritius;
- (b) the territorial sea and the air space above the territorial sea and the islands specified in paragraph (a);
- (c) the continental shelf; and
- (d) such places or areas as may be designated by regulations made by the Prime Minister, rights over which are or may become exercisable by Mauritius;

“oath” includes affirmation;

“oath of allegiance” means the oath of allegiance prescribed in the Third Schedule;

“Parliament” means the Parliament established by this Constitution;

“Police Force” means the Mauritius Police Force and includes any other police force established in accordance with such provision as may be prescribed by Parliament;

“prescribed” means prescribed in a law:

Provided that—

- (a) in relation to anything that may be prescribed only by Parliament, it means prescribed in any Act of Parliament; and
- (b) in relation to anything that may be prescribed only by some other specified person or authority, it means prescribed in an Order made by that other person or authority;

“President” means the President of the Republic of Mauritius;

“public office” means, subject to section 112, an office of emolument in the public service;

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

“public service” means the service of the State in a civil capacity in respect of the Government of Mauritius;

“Rodrigues” means the Island of Rodrigues;

“session” means the sittings of the Assembly commencing when Parliament first meets after any general election or its prorogation at any time and terminating when Parliament is prorogued or is dissolved without having been prorogued;

“sitting” means a period during which the Assembly is sitting continuously without

adjournment, and includes any period during which the Assembly is in committee;

“State” means the Republic of Mauritius;

“subordinate Court” means any Court of law subordinate to the Supreme Court but does not include a Court martial;

“Vice-President” means the Vice-President of the Republic of Mauritius.

(2) Except as otherwise provided in this Constitution, the Interpretation Act 1889* shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation to it as it applies for the purpose of interpreting and in relation to Acts of the Parliament of the United Kingdom.

[S. 111 amended by Act 2 of 1982; Act 48 of 1991; s. 22 of Act 4 of 2008 w.e.f. 1 July 2008; s. 6 of Act 1 of 2009 w.e.f. 1 July 2009; s. 3 of Act 35 of 2011 w.e.f. 12 Decmener 2011.]

112. References to public office

(1) In this Constitution, “public office”—

- (a) shall be construed as including the offices of Judges of the Supreme Court, the offices of members of all other Courts of law in Mauritius (other than Courts martial), the offices of members of the Police Force and the offices of the President’s personal staff; and
- (b) shall not be construed as including—
 - (i) the office of member of the Assembly or the Rodrigues Regional Assembly or its Chairperson;
 - (ii) any office, appointment to which is restricted to members of the Assembly or the Rodrigues Regional Assembly; or
 - (iii) the office of member of any Commission or tribunal established by this Constitution.

(2) For the purposes of this Constitution, a person shall not be considered as holding a public office or a local government office, as the case may be, by reason only that he is in receipt of a pension or other like allowance in respect of service of the State or under a local authority.

(3) For the purposes of sections 38 (3), 88 (2) and 90 (2), a person shall not be considered as holding a public office or a local government office, as the case may be, by reason only that he is in receipt of fees and allowances by virtue of his membership of a board, council, committee, tribunal or other similar authority (whether incorporated or not).

[S. 112 amended by Act 48 of 1991; s. 3 of Act 32 of 2001 w.e.f. 18 January 2002.]

113. Appointment to certain offices

(1) A suitably qualified person may, irrespective of his age, be appointed to hold the office of Electoral Commissioner, Director of Public Prosecutions, Chief Justice, Senior Puisne Judge, Puisne Judge, Commissioner of Police or Director of Audit for such term, not exceeding 4 years as may be specified in the instrument of appointment and this Constitution shall have effect in relation to any person so appointed as if he would attain the retiring age applicable to that office on the day on which the specified term expires.

(2) Notwithstanding any provision to the contrary in this Constitution, but subject to subsection (3), an appointment made under section 87 or 89 (3) (h) shall be for such term as may be specified in the instrument of appointment.

(3) An appointment to which subsection (2) applies—

* 1889 c 63 (UK).

Annex 97

Samuel A. Bleicher, “The Legal Significance of Re-Citation of General Assembly Resolutions”,
American Journal of International Law, Vol. 63 (1969)

THE LEGAL SIGNIFICANCE OF RE-CITATION OF GENERAL ASSEMBLY RESOLUTIONS

By Samuel A. Bleicher *

In recent years,¹ scholarly attention has increasingly focused on the law-making effect of General Assembly resolutions.² The citation of previous resolutions in later resolutions of the General Assembly is one potentially significant aspect of this question, yet there has been no examination of it in legal literature. Anyone familiar with the Assembly's work knows that the phenomenon is pervasive. 1,149 resolutions, just over half of the 2,247 passed in the first twenty-one sessions of the General Assembly, refer to previous resolutions, and the cited resolutions have been invoked an average of 2.68 times.³ More important from a legal standpoint is the fact that a very few resolutions have been cited much more often than the average. Resolution 1514(XV) was cited in 95 subsequent resolutions in the first six sessions following its passage, and Resolution 217(III) was cited 75 times in its first nineteen years. Seven resolutions have been referred to on more than sixteen occasions since their approval by the General Assembly, and seven have been cited more than twice in each session since passage.⁴ A consideration of the legal relevance of this phenomenon seems worth pursuing, and any such inquiry must begin first of all with an over-all theoretical analysis of General Assembly resolutions as a source of international law.

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¹ Outstanding pioneering efforts are found in Sloan, "The Binding Force of a 'Recommendation' of the General Assembly of the United Nations," 25 *Brit. Yr. Bk. Int. Law* 1 (1948), and Johnson, "The Effect of Resolutions of the General Assembly of the United Nations," 32 *ibid.* 97 (1955-1956).

² *E.g.*, Bailey, "Making International Law in the United Nations," 1967 *Proceedings, American Society Int. Law* 233; Higgins, *The Development of International Law Through the Political Organs of the United Nations* (1963); Asamoah, *The Legal Significance of the Declarations of the General Assembly of the United Nations* (The Hague: Martinus Nijhoff, 1966); and the papers given at the 1965 meeting of the American Society of International Law, 1965 *Proceedings, American Society Int. Law* 108-139.

³ The data used in this article were produced as part of a computerized study of General Assembly resolutions being carried on by the author. See 62 *A.J.I.L.* 143 (1968). A note of thanks is due to Ronald Webster and the staff of the University Computation Center for their assistance in assembling this material.

⁴ An enumeration of the most-cited resolutions, in terms of both total citations and average number of citations per session, appears below.

I. THE LAWMAKING RÔLE OF GENERAL ASSEMBLY RESOLUTIONS

Although the General Assembly is not a legislature in the ordinary sense of the term,⁵ there are two special contexts in which it has generally recognized lawmaking powers. First, the Assembly clearly has legislative authority with respect to most of the *internal* operations of the United Nations. It directs and supervises the work of the Secretary General, the Economic and Social Council, and the Trusteeship Council, as well as the subsidiary organs it has established.⁶ It also approves the budget of the Organization and allocates its expenses,⁷ and it has the power, upon recommendation of the Security Council, to admit new Members⁸ and expel from the Organization Members which have "persistently violated the principles contained in the present Charter."⁹ As a result of its broad powers, the General Assembly is, except in the field of international peace and security, the predominant organ in the United Nations, and its decisions are largely responsible for the tasks and direction that the Organization undertakes.

Second, in relation to the rules of international law which govern the conduct of Member States *outside* the United Nations, it has been pointed out that decisions of the General Assembly which settle legal disputes have a legal significance independent of any formal lawmaking power given by the Charter.¹⁰ The settlement of any dispute, inside or outside the United Nations, constitutes a precedent which enters into the stream of decisions which may ultimately give rise to a rule of international law. The disposition of such disputes in the General Assembly typically hastens this evolution by providing a more extensive expression of state opinion on the dispute at hand and the legal rules which are invoked to justify the conduct of the parties. Thus, for example, the admission of the state of Israel to the United Nations over the objections of several Arab states and the United Kingdom that Israel did not have a defined territory and therefore was not a state, constituted a precedent for the proposition that disputed borders do not deprive an entity of the "defined territory" required for statehood.

⁵ A proposal by the Philippine Delegation at the United Nations Conference on International Organization that the Assembly be given legislative power was defeated overwhelmingly. Doc. 507, II/2/22, 9 U.N.C.I.O. Docs. 70 (1945); cf. Doc. 571, II/2/27, *ibid.* 80-81 (1945).

⁶ U.N. Charter, Arts. 98, 66, 87, and 22, respectively. One authority has suggested that the primary legal significance of General Assembly resolutions arises not from the content of the resolutions themselves, but from the ability of the Assembly, by the "executive" activities of establishing committees of investigation and peace forces, to bring about some compliance with international law. See Skubiszewski, "The General Assembly of the United Nations and Its Power to Influence National Action," 1964 Proceedings, American Society Int. Law 153.

⁷ U. N. Charter, Art. 17.

⁸ U.N. Charter, Art. 4, par. 2.

⁹ U.N. Charter, Art. 6.

¹⁰ This theory of the importance of the practice of the General Assembly and the Security Council is the underlying rationale for the excellent work by Rosalyn Higgins, *The Development of International Law Through the Political Organs of the United Nations* (1963).

The rejection of similar objections to the admission of Kuwait and Mauritania has strengthened this rule.¹¹ But the legal significance of these precedents derives not from the content of the resolutions passed by the General Assembly, but from the fact that on a specific controverted question in a concrete case a particular decision was reached by the community of nations. The resolution admitting Israel to membership says nothing about defined territory as an attribute of statehood, either as a general matter or in relation to Israel specifically.¹² The resolutions admitting Mauritania¹³ and Kuwait¹⁴ similarly make no reference to this matter. The precedent and its legal relevance come from the decision, not from the resolution, and it is equally valuable if the decision is not embodied in a resolution at all, as is the case with the Security Council rule that abstention by a Great Power does not constitute a veto.¹⁵ The mechanism of law-creation involved here is custom, not convention or legislation.

The crucial question remains: Can a General Assembly resolution which announces in abstract form a rule governing state conduct outside of the United Nations have, by virtue of its content, a lawmaking effect? The United Nations Charter makes no allocation of formal prescriptive authority to the General Assembly. It provides only for General Assembly recommendations¹⁶ in such fields as the maintenance of international peace and security and the principles on which it is based, the development and codification of international law, and the settlement of particular disputes among Member States.¹⁷ It might be argued that a state which has voted in favor of a resolution which "recommends" a rule of international law is obliged to act in accordance with that rule because of the expectations it has created. From a jurisprudential perspective, virtually all limitations on the conduct of states are properly justified on the basis of the expectation of others that their conduct will be so limited. Typically these limitations arise out of the universally recognized formality of signing a document containing an expression of these limitations or out of the

¹¹ *Ibid.* 17-20.

¹² Res. 273(III).

¹³ Res. 1631(XIV).

¹⁴ Res. 1872(S-IV).

¹⁵ An eminent authority has recently concluded: "As a practical matter, it would seem extremely unlikely that any major enforcement measures under Chapter VII of the Charter would be taken with all the permanent members abstaining. . . . If such cases do arise in the future, the permanent members must be deemed to be aware of the consequences in the light of the previous interpretation which they originated and which they have applied consistently since the establishment of the United Nations with respect to voluntary abstentions on their part under Article 27, paragraph 3, of the Charter. That practice has been acquiesced in by other Members of the Organization, and can now be considered a firm part of the constitutional law of the United Nations," Stavropoulos, "The Practice of Voluntary Abstention by Permanent Members of the Security Council under Article 27, Paragraph 3, of the Charter of the United Nations," 61 A.J.I.L. 736, at 752 (1967).

¹⁶ Sloan, note 1 above, at 7-14, demonstrates rather convincingly that the word "recommend" was widely used before the drafting of the U.N. Charter to represent a higher degree of obligation than its "natural" meaning would indicate. His analysis leaves the question of its actual significance largely unanswered, however.

¹⁷ U.N. Charter, Arts. 10-14.

previous conduct of the same or other states in similar contexts.¹⁸ The question here is whether there are circumstances in which assent to a prescription in the form of a vote in the General Assembly, either alone or in conjunction with other elements, can create such an expectation.¹⁹

The difficulty is that there is no justifiable basis for any expectation about future conduct if it is clear at the outset that the assertion is not intended to control that conduct. There should be no obstacle to a "change of heart" by a state which finds advantage in altering its view of the law, unless there was initially some reason for others to believe that the asserting party intended to constrain itself by its words.²⁰ While it may be legitimate to expect some continuity in state policy, a vote for a particular General Assembly resolution by itself creates little more basis for a fixed expectation than does a unilateral declaration of intended future behavior by a representative of that state, which in the absence of special circumstances can be altered at will. This conclusion is particularly necessary in light of the emphasis on formalities in international legal doctrine.

However, if some basis is found for a reasonable expectation that a favorable General Assembly vote was thought by the voters to *require* conforming conduct, the difficulty of attributing legal significance to the General Assembly resolution is largely overcome. If, for example, a resolution declares a rule to be pre-existing law and attributes it to a recognized source of international law, a foundation has been established for reliance upon that resolution as a limitation on the freedom of action of at least those who voted for it. A nation's vote for such a resolution is in effect a public statement of adherence to the legal principles embodied in the resolution. Supporting states have thereby declared that an accepted rule of international law requires them to behave in the manner described by the resolution, and they must reasonably foresee that other states will take them at their word. If a state does rely on that assertion, it has a right to legal protection to avoid any injury that might flow from subsequent non-

¹⁸ An excellent analysis of the broad problem is presented in Schachter, "Towards a Theory of International Obligation," 8 Virginia Journal Int. Law 300 (1968).

¹⁹ The problem could be approached as one of estoppel, which is a generally accepted international law doctrine. MacGibbon, "Estoppel in International Law," 7 Int. and Comp. Law Q. 468 (1958). But an examination of the requisites of a "promissory estoppel" leads to the same problem described in the text. The principle underlying estoppel is the foreseeable creation of a reasonable expectation that a party will behave in a manner consistent with its assertions, followed by action by another in reliance upon that expectation which will result in injury to the acting party if the asserting party is permitted to ignore his own assertions. Invoking the doctrine of estoppel raises, but does not answer, the crucial question of how and to what extent a General Assembly vote *creates* the required expectation.

²⁰ This is not to say that votes in the General Assembly cannot be relied upon because they are "politically" motivated. A state which, for whatever reason, openly supported a resolution in which it did not believe, should not be permitted to use that fact as a defense to an obligation built upon its public expression of support for the resolution, any more than a party to a treaty can avoid that obligation by demonstrating an ulterior motive for adherence. "True" motive on the part of the state voting for a resolution is not the missing element here, but reasonable basis for relying upon the public expression embodied in that vote.

compliance by any of those states. Additional justification can be found in the concurrent expression of the same obligation by other states which also proclaim their belief that they are bound by law to conduct themselves in the same manner. This analysis can be better understood through a systematic examination of its operation in relation to the generally accepted sources of international law.²¹

A. *Treaties—The United Nations Charter*

The most obvious way in which a General Assembly resolution can be linked with an unquestionably binding source of law is for it to elaborate in specific terms an obligation found in the United Nations Charter. The legal force of such an elaboration is analogous to the effect given generally to subsequent interpretations of a treaty. It can be argued that, insofar as a resolution deviates from the Charter's "original meaning," *i.e.*, the interpretation reached if one ignores everything subsequent to signature, a later resolution has no binding effect, even on those parties who announced their belief that the resolution did in fact express their Charter obligation.²² The rationale for this emphasis on the original text is summed up in the following statement by Max Huber, which is cited with approval in the commentary to Articles 27 and 28 of the International Law Commission's Draft Articles on the Law of Treaties:

le texte signé est, sauf de rares exceptions, la seule et la plus récente expression de la volonté commune des parties.²³

But it is significant that the Draft Articles provide that, in interpreting a treaty, "there shall be taken into account, together with the context: (a) Any subsequent agreement between the parties regarding the interpretation of the treaty; . . ." ²⁴ The Commission rejected proposals that the draft refer only to subsequent agreements between all the parties.²⁵ The Draft Articles actually exclude constitutive treaties because of their special character ²⁶ which, among other things, calls for an extra degree of latitude in giving effect to the subsequent practice and understandings that develop around such treaties.²⁷ This approach is desirable not only because the

²¹ The analysis that follows was inspired in large part by the oral argument presented by Ernest A. Gross on behalf of Ethiopia and Liberia in the South West Africa Cases, [1966] I.C.J. Rep. 6. The relevant portions are reprinted in Falk and Mendlovitz, *The United Nations* 79 (1966), Vol. III of the *Strategy of World Order* series.

²² See Separate Opinion of Sir Percy Spender, *Certain Expenses of the United Nations*, [1962] I.C.J. Rep. 151, at 184-197.

²³ "The signed text is, with rare exceptions, the sole and most recent expression of the common will of the parties." Huber, 44 *Annuaire de l'Institut de Droit International* 199 (1952).

²⁴ Draft Articles on the Law of Treaties, U.N. Doc. No. A/6309, 61 A.J.I.L. 263 (1967).

²⁵ See comments by Rosenne in 1 I.L.C. Yearbook (1966) 187, par. 25.

²⁶ Art. 4, Draft Articles, note 24 above.

²⁷ The literature on the flexibility that must be permitted when interpreting a constitutive treaty is voluminous. See, for example, *Reparation for Injuries Suffered in the Service of the United Nations*, [1949] I.C.J. Rep. 174; Dissenting Opinion of Judge

survival and effectiveness of the organization are often more important to the parties than their precise obligations under particular treaty provisions, but also because, by contrast with Huber's general statement, the members of an international organization are constantly in a position to elaborate and elucidate their common understanding through the pronouncements of their assemblies. General Assembly resolutions that declare the meaning of the Charter are one method of carrying on that process, and they should be accorded the weight that they deserve as an authoritative expression by the parties to a constitutive treaty of the scope and extent of their obligations under it.

What of the states that abstain or oppose the resolution in question? Abstention can be treated, without any injustice, as an acquiescence in the obligations specified, on the basis that any real objection could have been expressed by a negative vote, which was equally available to the abstaining state. A negative vote cannot in any sense be construed as an approval of the resolution. But that state might still be bound by the interpretation if it was a reasonable choice from among various rational alternatives.²⁸ Since it is obvious that no linguistic expression can be clear in all its aspects and in relation to all its implications and all subsequent events, it must be assumed that a state agreeing to be bound by the terms of a constitutive instrument necessarily accepts the possibility that some of the subsequent interpretations will not be those that the state would have preferred, even though they were interpretations that it might have expected if it could have imagined the context in which they were made. Having chosen to bind itself by the Charter in spite of this awareness, the state must be held to subsequent reasonable interpretations of it. The fact that the particular interpretation which was ultimately adopted was not the one the objecting state had hoped for cannot be accepted as a basis for considering that state free from the effect of the interpretation.

B. Custom

Another source of law from which a General Assembly resolution may draw binding legal effect is customary international law. According to standard definitions²⁹ a customary rule comes into existence only where there are acts of states in conformity with it, coupled with a belief that those acts are required by international law. In this context, General Assembly resolutions purporting to set out a customary rule of international

Jessup in *South West Africa Cases*, [1966] I.C.J. Rep. 6, at 352-353; Pollux, "The Interpretation of the Charter," 23 *Brit. Yr. Bk. Int. Law* 54 (1946); McDougal and Gardner, "The Veto and the Charter: An Interpretation for Survival," 60 *Yale Law J.* 258 (1951); Gordon, "The World Court and the Interpretation of Constitutive Treaties," 59 *A.J.I.L.* 794 (1965).

²⁸ Cf. Engel, "Procedures for De Facto Revision of the Charter," 1965 *Proceedings, American Society Int. Law* 109-111.

²⁹ 1 *Lauterpacht, Oppenheim's International Law* 25-27 (8th ed., 1955); Brierly, *The Law of Nations* 59-62 (6th ed., 1963); see Wolfke, *Custom in Present International Law* 28-42 (1964).

law can serve several functions. First, a resolution declaring that a particular principle is binding as customary law supplies outstanding evidence of one of the requisites for the existence of such a rule: a belief on the part of states that they must behave according to its dictates.³⁰ Together with prior or subsequent conforming conduct, the resolution "creates" a customary law by fulfilling the precondition of recognition.³¹

A second and perhaps equally significant rôle for General Assembly resolutions is the clarification of the "acts" the rule is based upon. The series of phenomena which are the "acts" giving rise to a proscriptive or permissive custom may be susceptible of many interpretations, even when the diplomatic correspondence which usually attends them is taken into consideration. The significance of the custom growing out of the famous "Cutting Incident,"³² for example, has been deprecated by one writer on the ground that the arguments misconstrued or overlooked certain crucial aspects of the factual situation.³³ A communal assessment of the facts of an "incident" and related state conduct could assist in crystallizing the rule.

Third, a resolution can deal with the intricacies and scope of a customary rule in a way that diplomatic correspondence is unlikely to do, because a

³⁰ Bin Cheng, in "United Nations Resolutions on Outer Space: 'Instant' International Customary Law?" 5 *Indian Journal Int. Law* 23 (1965), says (p. 36) that "there need . . . be no usage at all in the sense of repeated practice, provided that the *opinio juris* of the States concerned can be clearly established." He concludes that

"8. Provided that the intention is expressed articulately and without ambiguity, there appears to be no reason why an Assembly resolution may not be used as a means for identifying the existence and contents of a new *opinio juris*." (P. 46.)

³¹ A Memorandum by the Office of Legal Affairs, U.N. Doc. E/CN.4/L.610 (1962), stated that

"3. In United Nations practice, a declaration is a formal and solemn instrument, suitable for rare occasions when principles of great and lasting importance are being enunciated, such as the Declaration on Human Rights. A recommendation is less formal.

"4. Apart from the distinction just indicated, there is probably no difference between a 'recommendation' or a 'declaration' in United Nations practice as far as strict legal principle is concerned. A 'declaration' or a 'recommendation' is adopted by resolution of a United Nations organ. As such it cannot be made binding upon Member States, in the sense that a treaty or convention is binding upon the parties to it, purely by the device of terming it a 'declaration' rather than a 'recommendation'. However, in view of the greater solemnity and significance of a 'declaration', it may be considered to impart, on behalf of the organ adopting it, a strong expectation that Members of the international community will abide by it. Consequently, *in so far as the expectation is gradually justified by State practice*, a declaration may by custom become recognized as laying down rules binding upon States.

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

This concept can be substantially extended by taking into account *past* practice which conforms to the principles set forth in the resolution, as well as subsequent practice.

³² 2 Moore, *Digest of International Law* 231-240 (1906).

³³ See Ebb, *International Business Transactions* 76-78 (1964). It may be that, whatever the actual nature of the facts, it is usually what the states *thought* took place that is crucial. But what happens to the customary rule when in a subsequent case a state points out that "the Emperor has no clothes"? Are either the actual events or the perceived outcomes customary law?

resolution will normally focus on the general principle and its application in future cases, rather than the concrete sets of past events which evoked the diplomatic concern. While the "core" or normal case may be thoroughly covered in diplomatic exchanges, various special situations and ramifications are likely to be left unexplored. An appropriate resolution can fill these gaps.

Fourth, a General Assembly resolution can express a consensus viewpoint. Although diplomatic correspondence often expresses the views of the parties involved in detail, and over a series of several disputes may result in the expression of opinion of a large number of states, such communication often lacks this one important element. A General Assembly resolution cannot merely state the conflicting precedents or views of various states on a particular matter. It must be so drafted that it can win the support of a majority of the Assembly, and in practice much more than a bare majority must be assured before a vote will be called. A resolution and the debate that precedes it can serve to harmonize conflicting views on both the facts and the law in a generally satisfactory way, producing a more valuable expression than the arguments of the parties alone.

States that abstain in the vote on a resolution declaring a rule of customary international law would certainly be considered to be bound by the resulting resolution, not only because they could have cast a negative vote, but also because tacit or presumed acceptance of a custom is an accepted element of this method of law-creation.³⁴ States opposing the resolution would be protected from the application of the custom to them, assuming that they had not by their previous acts either within or outside the United Nations already accepted the custom.³⁵

C. Other Sources

Another basic source of international law is "general principles of law recognized by civilized nations."³⁶ Many of these principles relate primarily to matters of procedural fairness and the equitable behavior of the parties toward one another,³⁷ including such doctrines as "he who asks equity must do equity"³⁸ and *res judicata*.³⁹ It is in the nature of some of these rules that they cannot readily be developed through state practice into customary law, because they serve primarily as guidelines for decision-making by impartial third parties. Whether one conceives of "general principles" as being principles recognized in the municipal law of the major legal systems⁴⁰ or as "particularizations of a common underlying sense

³⁴ Wolfke, note 29 above, at 157-165.

³⁵ See *Fisheries Case (United Kingdom v. Norway)*, [1951] I. C. J. Rep. 138-139.

³⁶ I. C. J. Statute, Art. 38, par. (c).

³⁷ W. Friedmann, *The Changing Structure of International Law* 196-200 (1964).

³⁸ It was in part this doctrine which provided the rationale for the decision in *Diver-sion of Waters from the River Meuse*, [1937] P.C.I.J., Ser. A/B, No. 70, at 24-25, 73-80.

³⁹ *U. N. Administrative Tribunal Case*, [1954] I.C.J. Rep. 47, at 53.

⁴⁰ See Jenks, *The Common Law of Mankind* 106, 120-167 (1958).

of what is just in the circumstances,"⁴¹ one difficulty with their use is the absence of satisfactory evidence of the widespread acceptance of a given rule. A General Assembly resolution stating that a particular doctrine is accepted in every legal system substantially solves this problem by providing a formal expression by the members of the international community that they recognize the existence of the rule in their various legal systems. When such a resolution is supported by an overwhelming proportion of the states represented in the General Assembly, that statement itself demonstrates the general acceptance of the principle involved. The abstention or negative vote of a few states, at least where they were not the major representatives of a particular legal system, would not defeat the legal significance of the resolution for all of the community.

Decisions of the International Court of Justice are not formally binding "except between the parties and in respect of that particular case,"⁴² but a General Assembly resolution formally declaring the belief that an opinion of the Court did in fact articulate a generally accepted legal doctrine that bound all states, whether its origin were treaty, custom, or some other source, would provide a basis for reliance by Member States upon one another's assertions. This rationale would apply with equal force to advisory opinions of the Court. A similar argument, though perhaps slightly less persuasive, can be made with respect to "teachings of the most highly qualified publicists" which are formally adopted by a General Assembly resolution.

In summary, there are several ways in which a resolution, by being linked to one or more of the traditional sources of international law, can serve as a law-creating mechanism. A resolution can interpret the United Nations Charter or other treaty, accelerate the development and clarify the scope of a customary rule, or identify and authenticate a "general principle of law recognized by civilized nations." A resolution tied in this way to a traditional source of international law may reasonably be relied upon as a definitive statement of international law.

II. THE RÔLE OF RE-CITATION

Perhaps the greatest difficulty with the theoretical analysis presented above is the result it reaches. It proves too much to be politically acceptable. There are few states that would happily contemplate the prospect of finding themselves bound by the principles announced even in the General Assembly resolutions which they have supported over the years, let alone those resolutions on which they abstained or cast a negative vote. And it must be admitted that there might be an element of unfair surprise in holding a state, notwithstanding the bad faith inherent in its argument, bound by pronouncements that it believed were meaningless on the basis of the accepted legal doctrine of the time. The prospect of being required to comply with dozens of such resolutions, with sometimes haphazard and

⁴¹ Rosenne, *The International Court of Justice* 423 (1957).

⁴² I.C.J. Statute, Art. 59.

occasionally conflicting language, can be expected to arouse almost universal apprehension.

For legal purposes the argument would be couched in terms of the unreasonableness of the reliance by other states upon a single General Assembly resolution whose significance was not apparent. There are several ways of overcoming this contention. It is widely recognized that the subject matter of a resolution, the language of the title and operative paragraphs, and the comments of governments at the time of passage may separately or together give it special significance.⁴³ This article will focus on another variable that may be able to effectively serve this function: the repeated subsequent citation of a particular resolution by the General Assembly. Continual reference to a resolution which declares that international law requires a given kind of conduct will impress the importance of the resolution upon all states and put them on notice of its potential legal relevance. The phenomenon of re-citation can distinguish significant resolutions from the thousands of others that the Assembly has passed in a period of over twenty years. In addition, the persistent re-citation of a given resolution indicates that it embodies a view of the community which has some continuity, rather than an ephemeral "accident" of General Assembly politics.

In considering the persuasiveness of this proposition, it is perhaps worthwhile to analogize this context to another realm in which re-citation is important: the citation by common-law courts of their previous opinions. The basic elements of similarity are easily seen. While the General Assembly structure mimics that of a legislative organ and while it often performs "legislative" functions, it also serves in a "judicial" capacity, dealing with particular disputes by means of fact-finding, law-formulation, and law-application. In both capacities, the General Assembly often refers to its previous resolutions, whether "legislative" or "judicial" in character. The presence of this phenomenon in the decision-making process of both the common-law courts and the General Assembly grows out of certain similarities in their decision-making process. Both institutions are continually faced with similar if not identical situations upon which antagonistic parties call for a pronouncement. In an effort to persuade the decision-makers to favor their respective positions, each party attempts to relate its preferred result to previous general statements of the same or related institutions.⁴⁴ The elaboration of the decision, in response to these arguments, will naturally make reference to those previous pronouncements which support the decision-maker's result. These general statements may be either "legislative" or "judicial," in terms of their origin, breadth, and

⁴³ See, e.g., Res. 1884 (XVIII) on the placing of weapons of mass destruction in outer space, the comments of Ambassador Stevenson before the First Committee of the General Assembly (reprinted in 49 Dept. of State Bulletin 753-754 (1963)), the statement by Ambassador Fedorenko at the 1244th Plenary Meeting of the General Assembly, Oct. 17, 1963, at which the resolution was approved, and Bin Cheng, note 30 above.

⁴⁴ See Schachter, "Law and the Process of Decision in the Political Organs of the United Nations," 99 Hague Academy, *Recueil des Cours* 171-200 (1958, II).

relation to a concrete case at the time of promulgation. To be worthy of citation, however, they must be of sufficient generality to be relevant to subsequent disputes and at the same time sufficiently precise that they cannot be invoked with equal persuasiveness by both antagonists in the dispute, in which case little is gained by the reference.

It may be argued that an important distinction between re-citation in General Assembly decisions and in common-law court decisions arises out of the fact that courts are bound to follow their previous precedents by the doctrine of *stare decisis*. But although this doctrine may affect the *quantity* of citations, from a realistic jurisprudential point of view it could as well be said that a case is law because it is cited, as that a case is cited because it is law. It is the later decision-maker who chooses to cite a particular previous decision, and *stare decisis*, at least for a court of last resort, has never been properly understood to mean more than an appropriate respect for the wisdom of earlier decisions and a concern for the expectations that they have generated.⁴⁵ On the other hand, the technique of turning to prior decisions for guidance was widespread long before the doctrine of *stare decisis* was articulated,⁴⁶ and its use far transcends the judicial context. The political organs of the United Nations have shown in their debates a deep concern for the significance of their previous decisions and the precedential value of the decision being made.⁴⁷

Another arguable difference between General Assembly decisions and those of a municipal court is the fact that the General Assembly cannot always enforce its decisions, while a municipal court is more often capable of doing so. This difference is not crucial, since a court decision, while binding the parties to a given solution, may not effectively resolve the legal problems which gave rise to the dispute. The same issues may reappear before the court in substantially identical form between different parties and require reconsideration or further elaboration of the legal principles invoked in the earlier decision. Re-citation may also be symptomatic in either case of instances of non-compliance, but that does not by itself deprive a decision of its legal character.⁴⁸

The underlying rationale for differentiating frequently cited General Assembly resolutions is the increased reasonableness of the expectation that principles which have been often reiterated will be followed. Insofar

⁴⁵ See Moschzisker, "Stare Decisis in Courts of Last Resort," 37 Harvard Law Rev. 409 (1924); Cross, "Stare Decisis in Contemporary England," 82 Law Q. Rev. 203 (1966); and the materials collected in Fryer and Orentlicher, *Legal Method and Legal System* 469-503 (1967).

⁴⁶ See, on the development of *stare decisis* in the United States, Kempin, "Precedent and Stare Decisis: The Critical Years, 1800-1850," 3 Am. J. Legal History 28 (1959).

⁴⁷ See, e.g., the Security Council debate on the appointment of a subcommittee on Laos, 14 U.N. Security Council, Official Records, Meetings 847-848 (1959), and the General Assembly debate of the scope of the "important question" provision of Art. 18, 11 U.N. General Assembly, Official Records 1153-1166 (1957), both reprinted in Sohn, *Cases on United Nations Law* (2nd ed., 1967).

⁴⁸ For example, the widely cited and widely disobeyed *Brown v. Board of Education of Topeka*, 347 U. S. 483 (1954), requiring school integration, is the law of the land in the United States as far as lawyers, if not sociologists, are concerned.

as the analogy between court citation of previous decisions and General Assembly citation of previous resolutions is valid, one can conclude that the legal significance of a resolution correlates with subsequent citation in much the same way that the importance of a court decision is indicated by repeated reference to it in later opinions. The degree of expectation which has been generated in any given case will of course depend on a whole range of factors relating to the context of the original approval of the resolution as well as its re-citation. But continual re-citation by the General Assembly of certain principles that are described as binding obligations because of their roots in established sources of international law does serve to reinforce the claim that the particular resolution enunciates legally binding principles.

III. A FORAY INTO EMPIRICISM

Having constructed this theoretical foundation on which to build legal obligations out of certain resolutions of the General Assembly, it is appropriate to examine in some detail those resolutions which have been most cited in subsequent resolutions to see to what extent the practice can be related to the theory. Choosing the most-cited resolutions raises a methodological problem. The most obvious criterion, the gross number of citations, of necessity favors the older resolutions which, though referred to only occasionally in any one session, have over the years accumulated a large number of citations. Thus, of the eleven resolutions which have been cited over a dozen times, four (one third of the total) come from the first four sessions of the General Assembly and none come from the four most recent sessions studied (seventeen through twenty-one). On the other hand, selection on the basis of the most citations per session (including the session of passage) gives an unfair precedence to the more recent resolutions which, though they are cited relatively often now, may not stand the test of time. The reality of this concern is demonstrated by the fact that of the eleven resolutions which were cited an average of more than twice per session, four were passed in the twentieth or twenty-first sessions. It is difficult to believe that all of these resolutions will retain their places on this list by the end of the twenty-fifth or thirtieth session. A sort of *de minimis* rule can be invoked to arbitrarily exclude those resolutions which have been cited fewer than five times, regardless of their high averages, and replace them with the next-highest-ranking resolutions. The tables that follow list the highest-ranking resolutions by each test:⁴⁹

⁴⁹ For convenience, the resolutions are listed here in chronological order:

<i>Highest total citations</i>	<i>Highest average citations</i>	<i>Highest total citations</i>	<i>Highest average citations</i>
65 (13)	217 (3.95)	749 (34)	1904 (2.50)
194 (19)	749 (2.43)	1514 (95)	1956 (1.75)
217 (75)	1514 (13.57)	1654 (24)	1966 (1.50)
302 (17)	1654 (4.00)		2105 (2.50)
393 (16)	1710 (2.00)		[2118 (2.00)]*
449 (20)	1805 (1.60)		[2150 (2.00)]*
513 (16)	1810 (2.40)		[2189 (2.00)]*
614 (13)	1899 (1.50)		

HIGHEST TOTAL CITATIONS

<i>Resolution</i>	<i>No. of cits.</i>
1514(XV)—Colonialism Declaration	95
217(III)—Human Rights Declaration	75
749(VIII)—South West Africa	34
1654(XVI)—Colonialism	24
449(V)—South West Africa	20
194(III)—Palestine	19
302(IV)—Palestine Refugees	17
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513(VI)—Palestine Refugees	16
393(V)—Palestine Refugees	16
614(VII)—Palestine Refugees	13
65(I)—South West Africa	13

HIGHEST AVERAGE CITATIONS

	<i>Cits./session</i>	<i>Total</i>
1514(XV)—Colonialism Declaration	13.57	95
1654(XVI)—Colonialism	4.00	24
217(III)—Human Rights Declaration	3.95	75
2105(XX)—Colonialism	2.50	5
1904(XVIII)—Racial Discrimination Declaration	2.50	10
749(VIII)—South West Africa	2.43	34
1810(XVII)—Colonialism	2.40	12
<hr/>		
1710(XVI)—U. N. Development Decade	2.00	12
[2118(XX)—Scale of Assessments	2.00	4]*
[2150(XXI)—U. N. Administration	2.00	2]*
[2189(XXI)—Colonialism	2.00	2]*
1956(XVIII)—Colonialism	1.75	7
1805(XVII)—South West Africa	1.60	8
1899(XVIII)—South West Africa	1.50	6
1966(XVIII)—Friendly Relations Principles	1.50	6

* Brackets indicate resolutions excluded by the *de minimis* rule of five or more citations.

Perhaps the first question that should be asked about this list of most-cited resolutions is whether the resolutions selected by this process appear to be of particular significance as a group. Examining the ten top-ranking resolutions (those above the broken lines), the answer seems to be a clear affirmative. First, as an indication of the non-random nature of the selection, it is worth noting that although 45% of the 2,247 resolutions⁵⁰ passed by the General Assembly came from the Second (Economic and Financial),

⁵⁰ The proportion of resolutions produced by the various committees of the General Assembly over the first 21 sessions is as follows:

First Committee	7.2%	Sixth Committee	7.7%
Second Committee	11.5%	Ad Hoc Political Committee *	3.0%
Third Committee	11.4%	Special Political Committee	2.2%
Fourth Committee	16.6%	No Committee	10.5%
Fifth Committee	25.7%	Other Committees	4.2%

* After several years of existence as the Ad Hoc Political Committee, this committee was given permanent status as the Special Political Committee.

Fifth (Administrative and Budgetary), and Sixth (Legal) ⁵¹ Committees, none of the resolutions on this list were reported out by those committees. By contrast, four of these ten resolutions were approved without reference to any committee at all. Two came from the Third Committee, two from the Fourth Committee, and one each from the First and *Ad Hoc* Political Committees. Second, these ten resolutions deal with only four subject-matter areas: the Palestine question, the question of South West Africa, human rights, and independence for colonial countries and peoples. These subjects are of course matters that have occupied a major portion of the time and energy of the General Assembly over the years, and all of them are live issues today.

More important for the purposes of this discussion is the extent to which these resolutions concern themselves with the assertion of rules of state behavior. Three of the resolutions are Declarations which lay down explicit rules in a legal format: Resolution 217(III)—An International Bill of Rights (The Universal Declaration of Human Rights); Resolution 1514(XV)—Declaration on the Granting of Independence to Colonial Countries and Peoples; and Resolution 1904(XVIII)—Declaration on the Elimination of All Forms of Racial Discrimination. The two resolutions on the Question of South West Africa ⁵² are devoted to setting out, formally accepting, and urging South Africa to accept, the International Court's Advisory Opinion on the *International Status of South West Africa*.⁵³ The five remaining resolutions cannot be fairly described as being primarily oriented toward the expression of legal principles. But two of these resolutions do refer to and apply juridical principles. Resolution 194(III) resolves that the Holy Places in Palestine "should be protected and free access to them assured, *in accordance with existing rights and historical practice*,"⁵⁴ and that permanently displaced refugees should be compensated for losses "which, *under principles of international law or in equity*, should be made good by the Governments or authorities responsible."⁵⁵ (Emphasis added.) Similarly, Resolution 2105(XX) describes the "dislocation, deportation and transfer of the indigenous inhabitants" as a "policy of violating the *rights* of colonial peoples"⁵⁶ and "Recognizes the *legitimacy* of the struggle by the peoples under colonial rule to exercise their *right to self-determination and independence*. . . ."⁵⁷

⁵¹ The absence of any resolutions from the Sixth Committee on this list is intriguing. Perhaps it can best be explained by the fact that one of its primary responsibilities is the development of the more traditional areas of international law, such as the law of the sea and diplomatic intercourse, by the more traditional means of preparing conventions for formal consideration. As a result it has involved itself in the least controversial rather than the most controversial areas of international law.

⁵² Res. 449(V): Question of South West Africa; Res. 749(VIII): Question of South West Africa.

⁵³ Advisory Opinion on the International Status of South West Africa, [1950] I.C.J. Rep. 128.

⁵⁴ Res. 194(III): Palestine—Progress Report of the United Nations Mediator, par. 7.

⁵⁵ Res. 194(III), par. 11.

⁵⁶ Res. 2105(XX), par. 5.

⁵⁷ *Ibid.*, par. 10.

(Emphasis added.) Significantly, in these statements, as in the resolutions devoted primarily to the expression of legal principles, an effort was made to invoke one or more of the traditional sources of international law, rather than to make bare assertions and give them independent legal force. Of the three remaining resolutions, two—Resolutions 1654(XVI) and 1810(XVII)⁵⁸—are implementing supplements to Resolution 1514(XV), and Resolution 302(IV)—Assistance to Palestine Refugees—bears a similar relation to the portions of Resolution 194(III) dealing with the refugee problem. These resolutions were typically cited in conjunction with those more fundamental resolutions, and their importance is largely derived from the earlier, “lawgiving” pronouncements.

The summary analysis presented above indicates that the resolutions chosen on the basis of either most total citations or highest average citations per session do have a significant legal content. One of the most striking features of the two lists presented above is the fact that despite their opposite statistical biases (one favoring earlier resolutions, the other favoring more recent resolutions), there are four resolutions which rank high on both lists: Resolution 217(III)—the Universal Declaration of Human Rights; Resolution 749(VIII)—Question of South West Africa; Resolution 1514(XV)—Declaration on the Granting of Independence to Colonial Countries and Peoples; and Resolution 1654(XVI)—Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. With respect to these resolutions, a more detailed analysis seems appropriate, dealing with five major questions:

- (1) What principles does the resolution assert?
- (2) Was the resolution when passed intended to express binding rules of law?
- (3) What was understood to be the source of those rules?
- (4) Do the subsequent citations of the resolution invoke it for the legal principles it asserts?
- (5) Based on the argument presented above, can the resolution be considered law today?

The answers to these questions seem most crucial in assessing the ultimate legal meaning of these resolutions.

IV. AN EXAMINATION OF THE MOST-CITED RESOLUTIONS

Resolution 217(III)—The Universal Declaration of Human Rights

The passage of Resolution 217(III) marked the first step in the program of the Commission on Human Rights of the Economic and Social Council. The Declaration was intended as a forerunner of an International Covenant

⁵⁸ Both Res. 1654(XVI) and Res. 1810(XVII) are titled: “The Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.”

of Human Rights being drafted by the Commission at a slower pace.⁵⁹ As such, and because it was not in treaty form, the Declaration was, in the view of one commentator, a "maximum program" of human rights, the scope of which would probably be significantly narrowed in the later covenant.⁶⁰ The Declaration set forth in thirty articles a basic enumeration of civil and political rights, the principles of non-discrimination because of race, religion or nationality, and the rights of participation in the economic, social and cultural benefits of the nation.

The introductory paragraph

Proclaims this Universal Declaration of Human Rights as a common standard of achievement . . . to the end that every individual and every organ of society . . . shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance. . . .⁶¹

Without yet asking about the binding nature of the Declaration, it is apparent that it does not provide even in its language for the immediate vindication of these rights. Instead it calls for recognition and observance "by progressive measures." States are not asked to implement these guarantees within a specific period or even as quickly as possible. The one limitation on state action it does contain, by clear implication, is that the introduction of governmental policies directly antagonistic to these rights would be contrary to the call to progressively incorporate them into national law.

Even this requirement of movement in the direction of these guarantees is watered down by the provisions of Article 29, paragraph 2, which permit their limitation in order to protect the rights of others, and to meet "the just requirements of morality, public order and the general welfare in a democratic society." A provision of this kind necessarily allows governments a significant degree of freedom to curtail human rights in the face of real or perceived threats to the national welfare, and provides a poten-

⁵⁹ Discussion of the program of the Human Rights Commission can be found in articles by Hendrick, 18 Dept. of State Bulletin 195 (1948), and 19 *ibid.* 159 (1948), and by Simsarian, 20 *ibid.* 18 (1949), 21 *ibid.* 3 (1949), 42 A.J.I.L. 879 (1948), 43 *ibid.* 779 (1949), 45 *ibid.* 170 (1951) and 46 *ibid.* 710 (1952). See also Brunson MacChesney, "International Protection of Human Rights in the United Nations," 47 Northwestern U. Law Rev. 198 (1952-1953).

⁶⁰ Kunz, "The United Nations Declaration of Human Rights," 43 A.J.I.L. 316, at 322 (1949). The International Covenants on Human Rights do not seem to bear out that expectation, but they are many years overdue.

⁶¹ The full paragraph is as follows:

"*Proclaims* this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction."

For full text of Declaration see 43 A.J.I.L. Supp. 127 (1949).

tial defense to the claim that a state has violated the provisions of the Universal Declaration.

The legal significance of the Declaration in the minds of those who approved it depends on what kinds of evidence are relied upon in reaching the conclusion. The formal statements made at the time of passage were typified by the statement of Mrs. Franklin Roosevelt, the representative of the United States and the Chairman of the Commission on Human Rights:

In giving our approval to the Declaration today, it is of primary importance that we keep clearly in mind the basic character of the document. It is not a treaty; it is not an international agreement. . . . It is a declaration of basic principles of human rights and freedoms, to be stamped with the approval of the General Assembly by a formal vote of its members, and to serve as a common standard of achievement for all peoples of all nations.⁶²

On the other hand, several representatives indicated an intention to ascribe to the Declaration something more than a "purely optional significance," based on its relationship to the Charter and customary international law.⁶³ Professor Lauterpacht, writing shortly after the passage of the Declaration, felt compelled to attack this aura of legal significance, apparently because he feared that romanticism on this point would tend to weaken the pressure for an indisputably binding covenant of human rights.⁶⁴

Furthermore, the behavior of the Members in drafting and adopting the Declaration indicated a deep concern over its contents which is difficult to explain in terms other than their fear that it would in some way limit their freedom of action. For example, the presence of Article 29, paragraph 2, allowing for emergency situations, suggests that states were afraid to express these human rights in inflexible terms. Probably the most significant indication of this fear was the refusal of eight states to approve the Declaration. The eight abstaining states—the Eastern European states, Saudi Arabia, and the Union of South Africa—apparently felt that there

⁶² Statement by Mrs. Franklin D. Roosevelt, 19 Dept. of State Bulletin 751 (1948). See also 62 A.J.I.L. 918 at 920 (1968).

⁶³ Cf. the statements of the delegates from Belgium, France, Lebanon, and Uruguay, U.N. General Assembly, 3rd Sess., Official Records, Third Comm., pp. 32, 35, 51, 61, 64, 199–200; and *ibid.*, Plenary Meetings, pp. 860, 862, 866, 880, 887, 933–934. For a more detailed treatment, see Sohn, "A Short History of United Nations Documents on Human Rights," Commission To Study the Organization of Peace: The United Nations and Human Rights 60–72 (1968).

⁶⁴ H. Lauterpacht, "The Universal Declaration of Human Rights," 25 Brit. Yr. Bk. Int. Law 354 (1948), at 376:

"At the time when this article is being written it is not yet clear whether the Declaration will become a stepping-stone to a true Bill of Rights—that is what is meant by a covenant and provisions for implementation—or whether it will become a factor in causing the postponement or abandonment of the main instrument for which it was intended to pave the way. For although the Declaration can claim no legal authority and, probably, only inconsiderable moral authority, that circumstance does not deprive it altogether of significance or potential effect. Somewhat paradoxically, the realization of the ineffectiveness of the Declaration *per se* must tend to quicken the pace of less nominal measures for the protection of human rights."

was something to be lost by approving it, something more important than the propaganda benefits to be gained. Andrei Vishinsky, representing the U.S.S.R., said the Declaration "seems to support the view that the conception of sovereignty of governments was outdated."⁶⁵ The delegate from South Africa explained its abstention by saying that the Declaration was being treated as if it created legal obligations for those who approved it.⁶⁶ And while most of the articles were adopted unanimously, there were abstentions, varying in number from two to nine, in eight of the thirty-eight votes taken on the individual articles and preambular paragraphs. On Articles 14 and 20 there were also six and seven negative votes respectively.⁶⁷

Finally, the Members had a foretaste of the way in which the Declaration would be invoked when, even before it was approved by the General Assembly, Chile protested the refusal of the Soviet Union to allow a Russian wife of a member of the Chilean Ambassador's family to emigrate to Chile with her husband. Chile, the United States, and the United Kingdom all invoked the relevant articles of the Declaration, not as a source of law *per se*, but as a statement of fundamental human rights which all states should recognize.⁶⁸ In the context of our present international legal structure, it is not clear that invocation of a universally recognized rule of international law would have had a more persuasive effect. It can hardly be said that when the vote was taken in the General Assembly on the Declaration, the Members were unaware of its potential impact.

While the specific provisions of the Universal Declaration clearly are not drawn from the United Nations Charter itself, the Charter makes several references to human rights, and in Articles 55 and 56 requires the United Nations and Member States to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." The term "human rights" is exactly the kind of phrase that is used in a constitutive document when it is expected that interpretation and elaboration will progress over a period of years: It invokes undefined standards instead of describing the required conduct in factually observable form. A reasonable and generally accepted definition and expansion of that term should result, therefore, in a set of principles which Member States are required by the Charter to promote. An examination of the procedure used in drafting the Universal Declaration reveals that an unexceptionable technique of elaboration was used: The source material for the provisions of the Declaration was the existing human rights provisions in national constitutions. The work of the Human Rights Drafting Committee of the Commission on Human Rights was grounded in an outline draft prepared by the Secretariat with anno-

⁶⁵ U.N. Doc. A/PV.183 (1948).

⁶⁶ U.N. Doc. A/PV.182, at 176 (1948).

⁶⁷ A tabulation of the votes can be found in 1948 Year Book on Human Rights 465.

⁶⁸ See Res. 285(III), and 3 U.N. General Assembly, Official Records, Sixth Comm. 718-781 (1948), reprinted in abridged form in Sohn, Cases and Materials on United Nations Law 670-691 (1st ed., 1956).

tations to the constitutions of the Members of the United Nations.⁶⁹ According to a State Department commentator, the draft "was designed to cover most of the rights commonly contained in constitutions of member states or in drafts of international bills of rights."⁷⁰ It could well be argued that the articles of the Declaration represented an elaboration of the Charter by means of "general principles of law recognized by civilized nations." It would be difficult for any Member State to argue that a definition of the Charter term "human rights" based on the rights guaranteed by Member State constitutions produced an arbitrary or unreasonable interpretation.

It is important to note, moreover, that while certain Eastern European Members abstained when the Universal Declaration of Human Rights was originally adopted, the final paragraph of the Declaration on the Granting of Independence to Colonial Countries and Peoples⁷¹ declares that all states "shall observe faithfully and strictly" the Universal Declaration of Human Rights. Although several Western states abstained on that resolution,⁷² those states favoring the resolution, including the Communist bloc, clearly expressed at that time their belief that the Universal Declaration must be complied with. This prescription was reiterated in similar language in the Declaration on Elimination of All Forms of Racial Discrimination, Resolution 1904(XVIII), which was approved unanimously.

Considering the references to "human rights" in the Charter, the drafting technique, the unanimous approval given to twenty-two of the thirty articles of the Declaration, and its adoption by every group of states but the Eastern European bloc, which originally objected on grounds other than the content of the substantive rights and which later approved it, it seems fair to say that the Universal Declaration does embody principles which are generally recognized in the laws of Member States and can serve as an accepted elaboration of the Charter language.

The Universal Declaration may also have significance from the point of view of customary international law. Admittedly, in 1948 there was no substantial practice of international diplomatic intervention in relation to the treatment which a state meted out to its own citizens, although the customary rules on state responsibility toward aliens contain principles which parallel some of the provisions of the Universal Declaration. But by 1968 a body of customary law may have developed around the Universal Declaration, which requires that states direct their energies toward the promotion of certain policies and the eradication of certain others. While a complete exploration of this possibility is not within the scope of this paper, the

⁶⁹ U.N. Doc. E/CN.4/AC.1/3/Add. 1 (1947).

⁷⁰ Hendrick, "An International Bill of Human Rights," 18 *Dept. of State Bulletin* 195, at 198 (1948).

⁷¹ Res. 1514(XV), par. 7:

"7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity."

⁷² A discussion of Res. 1514(XV) appears below.

examination of citations of the Universal Declaration in the subsequent resolutions of the General Assembly will shed some light on one source of evidence for the proposition that the invocation of the Declaration by states in relation to particular concrete situations and policies has given rise to a custom based on the principles found in the Universal Declaration.

The 75 citations of the Universal Declaration of Human Rights appear in a variety of contexts, from a resolution on interference with radio signals⁷³ to one on the world campaign for literacy.⁷⁴ The Declaration has been cited in every session but the non-voting Nineteenth, and it was cited at least four times in every session (again excluding the Nineteenth) from the Fifteenth Session to the Twenty-First Session.⁷⁵ The major focal points have been declarations and conventions in the field of human rights,⁷⁶ resolutions dealing with colonialism,⁷⁷ and resolutions on conditions in South Africa and South West Africa. Of this last group, four deal with *apartheid* in South Africa,⁷⁸ nine deal with discrimination against people of Indian origin in South Africa,⁷⁹ and six deal with South West Africa.⁸⁰ An example of this kind of citation is paragraph 6 of Resolution 1663(XVI):

6. *Reaffirms* that the racial policies being pursued by the Government of South Africa are a flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights and are totally inconsistent with South Africa's obligations as a member state.

Other citations relating to specific claims of violation of human rights involve the Soviet wives case, discussed above, and the Tibet Question.⁸¹

⁷³ Res. 424(V): Freedom of Information: Interference with Radio Signals.

⁷⁴ Res. 1937(XVIII): World Campaign for Universal Literacy.

⁷⁵ The number of citations in these sessions was as follows:

Session	No. of Citations	Session	No. of Citations
15	10	19	0
16	4	20	10
17	7	21	6
18	4		

⁷⁶ Examples are the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, Res. 2200(XXI); the Declaration on the Rights of the Child, Res. 1386(XIV); the Convention on the Elimination of All Forms of Racial Discrimination, Res. 2106(XX); and the Draft Declaration on the Elimination of Discrimination Against Women, Res. 1921(XVIII).

⁷⁷ Res. 1514(XV): Declaration on the Granting of Independence to Colonial Countries and Peoples; Res. 2022(XX), 2023(XX), 2107(XX), and 2238(XXI), dealing with Rhodesia, Aden, Portuguese Territories, and Oman, respectively; Res. 446(V) and 1538(XV), on information about human rights and the United Nations in non-self-governing territories; and Res. 644(VII) and 2144(XXI) on racial discrimination in non-self-governing territories.

⁷⁸ Res. 721(VIII), 820(IX), 1598(XV), and 1663(XVI). Res. 2144(XXI), although it deals with *apartheid* policies generally, makes specific reference to South Africa, South West Africa, and Rhodesia.

⁷⁹ Res. 265(III), 395(V), 511(VI), 615(VII), 719(VIII), 1179(XII), 1302(XIII), 1597(XV), and 1662(XVI).

⁸⁰ Res. 1142(XII), 1360(XIV), 1565(XV), 1567(XV), 1568(XV), and 2145(XXI).

⁸¹ Res. 1353(XIV), 1723(XVI), and 2079(XX).

In 14 resolutions a specific article of the Universal Declaration was cited, and in four of those resolutions the cited article was quoted either in full or in substantial part.⁸² Six of the 14 citing resolutions (and three of the four quoting resolutions) related to either presentation of a convention for signature and ratification or a Declaration on some specific area of human rights by the General Assembly. Only one of the 14 resolutions was concerned with judging whether the conduct of a specific country or group of countries constituted a violation of the principles of the Universal Declaration: Resolution 285(III)—Violation by the U.S.S.R. of Fundamental Human Rights, Traditional Diplomatic Practices and Other Principles of the Charter. Except for this early case, in which the denial of rights was more directly connected to international relations than normally, no resolution has formally pronounced that the conduct of a specific state was contrary to the provisions of a specific article of the Universal Declaration of Human Rights. While the contexts of these resolutions normally leave little doubt about which articles of the Universal Declaration are involved, condemnations of this kind have refrained from invoking them specifically, and have chosen instead to cite the Declaration generally, often in conjunction with an equally general reference to the Charter.

There can be no question that the Universal Declaration of Human Rights has had a seminal influence on the entire field of human rights from the programs of the United Nations system to the series of declarations and multilateral conventions which have been drafted in the twenty years since it was approved by the General Assembly. Its direct legal significance is not quite so clear. The formal expressions of many of the Member States at the time of its approval and the degree to which its principles expand the pre-existing conventional and customary international law tend to militate against its recognition as a limitation on state conduct with which compliance can reasonably be expected and demanded. On the other hand, the nature of the drafting process and the attitudes taken by the Member States toward that process, the relation of the Declaration to the provisions of the Charter and the constitutions of the Member States, and the repeated invocation of the Declaration both as an inspiration for subsequent pronouncements on human rights and as a measure of the conduct of various states, all indicate that the provisions of the Declaration can be reasonably expected to control, within the stated limits, the scope of state conduct in the field of human rights. Looking back on the multitude of statements of human rights prepared by the General Assembly that have drawn upon the Universal Declaration, as well as its continued invocation in conjunction with Articles 55 and 56 of the United Nations Charter, it seems ever more apparent that the Universal Declaration is in fact an authoritative inter-

⁸² The resolutions, by article cited, are: Art. 1 (Res. 2106(XX)) †; Art. 2 (Res. 446(V)); Art. 4 (Res. 1841(XVII)) *†; Art. 13 (Res. 285(III)); Art. 14(2) (Res. 428(V), 429(V)) †; Art. 15 (Res. 1040(XI)) *†; Art. 16 (Res. 285(III), 1763(XVII), *† 2018(XX)) †; Art. 19 (Res. 424(V), *† 633(VII), 1313(XIII)); Art. 26 (Res. 1779(XVII), 1937(XVIII)).

* resolutions in which the article was quoted.

† resolutions which presented a convention for signature.

pretation of the term "human rights" which appears throughout the Charter. Although the recent completion of the International Covenants on Human Rights may be viewed as an indication that the Member States did not consider the Universal Declaration as expressing a binding obligation, there are sufficient points of difference in both substance and implementing machinery to make the existence of overlapping obligations perfectly plausible.⁸³ And there can be no question that the obligations contained in the United Nations Charter are unaffected by the presentation and signature of the International Covenants.

Furthermore, the repeated invocation of the Declaration as a standard of conduct in specific situations has crystallized a custom that certain approaches to the matter of human rights are unacceptable to the world community. In this context it is important to recall that the Declaration itself does not provide for the immediate implementation of these rights. Instead it calls upon states to pursue a path designed to attain them. The intense and virtually unanimous condemnation of South Africa, which has ignored this injunction and deviated onto a contrary course, has been reinforced by action; it has paid a price in diplomatic isolation and economic sanctions as great as that which is typically imposed for violation of universally accepted principles of international law. The extent to which the Declaration has been responsible for conforming national conduct can never be known, but the willingness of states to impose the traditional international law sanctions upon those states which refuse to conform indicates the earnestness of the community's belief that movement in a direction contrary to the principles spelled out in the Declaration is unlawful.

Resolution 749(VIII)—Question of South West Africa

Resolution 749 was one of a long series of resolutions attempting to bring South West Africa under the effective supervision of the international community. It marked a turning point in the United Nations approach, resulting from the fact that negotiations between South Africa and the *Ad Hoc* Committee on South West Africa, established by Resolution 449(V), on the conditions for United Nations supervision of the Mandate, had completely broken down, and the General Assembly was establishing by Resolution 749(VIII) a Committee on South West Africa to hear petitions and gather information on South West Africa without South Africa's co-operation.⁸⁴ In doing so, the resolution sets out a series of legal propositions which invoke the conclusions of the International Court in its *Advisory Opinion* on the *International Status of South West Africa*⁸⁵ as a basis for

⁸³ The simultaneous existence and effectiveness of several overlapping treaties is not unusual. See, for example, the list of treaties on white slave traffic and on narcotic drugs in the List of Signatures, Ratifications, Accessions, etc. of Multilateral Treaties in Respect of which the Secretary-General Performs Depositary Functions, U.N. Doc. ST/LEG/SER.D/1 (1968).

⁸⁴ A short summary of the history of the negotiations can be found in Sohn, *United Nations Law* 694-699 (1st ed., 1956).

⁸⁵ [1950] I.C.J. Rep. 128; 44 A.J.I.L. 757 (1950).

establishing the Committee on South West Africa and authorizing it to gather data and hear petitions on the situation in South West Africa. The content of these principles, some of which appear in the body of the resolution, some in the preamble, and some in both, can be summarized as follows:

- (1) South West Africa is a Territory under the Mandate assumed by the Union of South Africa;
- (2) The Union of South Africa cannot modify the status of South West Africa without United Nations consent;
- (3) The Union of South Africa is obligated to carry out its duties under Article 22 of the League of Nations Covenant, and to submit information and petitions to the United Nations;
- (4) The International Court of Justice has compulsory jurisdiction over disputes related to the Mandate under Article 7 of the Mandate;
- (5) The United Nations has an obligation to the inhabitants of South West Africa to exercise its supervisory powers on their behalf; and
- (6) The normal way of modifying the status of South West Africa would be to place it under the Trusteeship System.⁸⁰

⁸⁰ The relevant portions of Res. 749(VIII) are the following paragraphs:

"*The General Assembly,*

"*Having accepted, by resolution 449 A (V) of 13 December 1950 and by resolution 570 (VI) of 19 January 1952, the advisory opinion of the International Court of Justice with respect to South West Africa,*

"*Recalling that the advisory opinion of the International Court of Justice with respect to the Territory of South West Africa sets forth, inter alia, that:*

"(a) The Territory of South West Africa is a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,

"(b) The Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

"(c) The Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations to which the annual reports and the petitions are to be submitted;

"*Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, paragraph 1, of the Charter of the United Nations and by article 7 of the Mandate for South West Africa,*

* * * * *

"10. *Considers that without United Nations supervision the inhabitants of the Territory are deprived of the international supervision envisaged by the Covenant of the League of Nations:*

"11. *Believes that it would not fulfill its obligation towards the inhabitants of South West Africa if it were not to assume the supervisory responsibilities with regard to the Territory of South West Africa which were formerly exercised by the League of Nations;*

* * * * *

The language of the resolution, as well as the context of its passage, leaves no doubt that these propositions are intended to express positive legal obligations of South Africa and the United Nations. It is couched in terms of present-tense, unconditional verbs, with liberal use of such phrases as "competence to modify the international status of the Territory of South West Africa" and "obligation to accept the compulsory jurisdiction of the Court."

Resolution 749(VIII) was not the first resolution to concern itself with the conclusions reached by the International Court in this opinion on South West Africa. Five of the propositions set forth above had been previously stated in very similar terms in Resolution 449(V), which was passed immediately after the Court announced its decision. The resolutions are not precisely identical, however, in their statement of the relevant legal principles. The earlier resolution makes slightly more elaborate reference to the substantive duties of the Mandatory toward the inhabitants of South West Africa, noting the obligation to promote to the utmost the "material and moral well-being and social progress of its inhabitants."⁸⁷ More significantly, Resolution 449(V) makes no reference to the fifth item above, the *obligation* of the United Nations to supervise the conduct of the Mandatory Power. This principle was particularly important in light of the General Assembly's more militant approach to supervision of the Mandate. The General Assembly apparently chose to reiterate the conclusions of the International Court of Justice in positive terms, rather than merely to refer to Resolution 449(V), in order to generate support for its broad definition of the authority of the Committee on South West Africa.

B

"The General Assembly,

"Having accepted, by resolution 449 A (V) of 13 December 1950, the advisory opinion of 11 July 1950 of the International Court of Justice concerning South West Africa, inter alia, to the effect that:

"(a) While 'the provisions of Chapter XII of the Charter do not impose on the Union of South Africa a legal obligation to place the Territory under the Trusteeship System', they 'are applicable to the Territory of South West Africa in the sense that they provide a means by which the Territory may be brought under the Trusteeship System',

"(b) '... the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa,' and '... the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations',

* * * * *

"2. Reasserts that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System by means of a Trusteeship Agreement in accordance with the provisions of Chapter XII of the Charter."

⁸⁷ Res. 449(A)(V), seventh preambular paragraph:

"Considering that it is incumbent upon the Government of the Union of South Africa to promote to the utmost in the administration of the Territory the material and moral well-being and social progress of its inhabitants as a sacred trust of civilization, subject to the existing Mandate, and to give effect to the obligations which it assumed under the Mandate."

The source of the legal principles expressed by Resolution 749(VIII) is of course the Advisory Opinion of the International Court, which in turn derived its conclusions from the Covenant of the League of Nations, the United Nations Charter, the Mandate Agreement, and the statements and actions of South Africa. In many respects the resolution's provisions are literal or nearly literal restatements of the Court's opinion. It must be recognized, however, that even what is apparently a bare restatement of the law inevitably introduces variations. The most obvious change found in Resolution 749(VIII) involves the assertion by the General Assembly that the United Nations has an *obligation* to the inhabitants of the Territory to exercise international supervision over the conduct of the Mandatory Power. The Opinion of the International Court discusses the transfer of supervisory powers from the League of Nations to the United Nations, and the "sacred trust" underlying the Mandate System.⁸⁸ But nowhere does it express the view that these supervisory *powers* give rise to supervisory *responsibilities* of the international agency to fully exercise those powers on behalf of the inhabitants of the Mandated Territory. There can be no doubt that the powers were provided with the purpose that they would be exercised, but the General Assembly was elaborating a previously unarticulated principle when it asserted the Organization's duty to act.

Another interpretation appears in the resolution in the guise of a restatement of the Court's Opinion. The resolution "*Reasserts* that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System by means of a Trusteeship Agreement in accordance with the provisions of Chapter XII of the Charter." This very language appears in the Opinion of the International Court.⁸⁹ But it is a gloss of a fuller, and somewhat weaker, expression of the Court's views presented on the previous page of the Opinion:

It is true that, while Members of the League of Nations regarded the Mandates System as the best method for discharging the sacred trust of civilization provided for in Article 22 of the Covenant, the Members of the United Nations considered the International Trusteeship System to be the best method for discharging a similar mission. It is equally true that the Charter has contemplated and regulated only a single system, the International Trusteeship System. It did not contemplate or regulate a co-existing Mandates System. It may thus be concluded that it was expected that the mandatory States would follow the normal course indicated by the Charter, namely, conclude Trusteeship Agreements. The Court is, however, unable to deduce from these general considerations any legal obligation for mandatory States to conclude or to negotiate such agreements. It is not for the Court to pronounce on the political or moral duties which these considerations may involve.

For these reasons, the Court considers that the Charter does not impose on the Union an obligation to place South-West Africa under the Trusteeship System.⁹⁰

⁸⁸ [1950] I.C.J. Rep. 128 at 136-137.

⁸⁹ *Ibid.* at 141.

⁹⁰ *Ibid.* at 140.

The Court's more direct language should properly be read in conjunction with this more elaborate statement of its views. The General Assembly, by choosing the more forceful statement and putting it forward as the Court's determination, is strengthening the decision by merely repeating a selected portion *verbatim*.⁹¹

An examination of the resolutions in which Resolution 749(VIII) has been cited highlights the significance of the fact that the original elaboration of all but one of these legal principles is found in Resolution 449(V). Of the 34 references, 16 are for the purpose of noting the fact that Resolution 749(VIII) authorized the Committee on South West Africa to hear petitions from individuals residing in the Territory.⁹² Six more resolutions refer to Resolution 749(VIII) in relation to its instruction to the Committee to make reports to the General Assembly about conditions in the Territory,⁹³ one more in relation to the composition of the Committee.⁹⁴ Much of the justification for these authorizations of Committee action comes from the one principle found in Resolution 749(VIII) that is not present in Resolution 449(VIII): the *obligation* of the United Nations to exercise its supervisory powers on behalf of the inhabitants of the Territory. By contrast, where the intention in the citing resolution was to reinforce the other principles contained in Resolution 749(VIII), the General Assembly invoked Resolution 449(V), the resolution passed in direct response to the opinion of the International Court. All but 3 of the 20 references to that resolution serve the purpose of drawing attention to the opinion of the International Court and the acceptance of that opinion by the General Assembly. Resolution 904(IX) clearly makes this distinction by invoking Resolution 449(V) on the point of acceptance of the Court opinion and Resolution 749(VIII) on the United Nations supervisory obligation. While six resolutions cite Resolution 749(VIII) for the proposition that the normal way of modifying South West Africa's status would be to place it under the Trusteeship System, all cite Resolution 449(V) as well, and five of those resolutions also make reference to the General Assembly's acceptance of the I.C.J. Advisory Opinion by Resolution 449(V).⁹⁵ The most recent citations of Resolution 749(VIII) were in Resolutions 1702(XVI) (transferring the duties of the Committee on South West Africa to a new United Nations Special Committee for South West Africa), 1703(XVI) (condemning South African violations of the Mandate, in response to petitions heard by the Committee on South West Africa), and 1704(XVI)

⁹¹ Res. 449(V) and 749(VIII) also give the impression that they are repeating the language of previous resolutions in making this statement. But the resolutions passed before the I.C.J. Advisory Opinion have no linguistic similarity to this provision, and they have no normative quality. Instead they simply recommend that South West Africa be placed under the Trusteeship System.

⁹² Res. 935-939, 942(X), 1057-1058(XI), 1138-1139(XII), 1244(XIII), 1356-1358(XIV), 1563(XV), and 1703(XVI).

⁹³ Res. 851(IX), 941(X), 1054(XI), 1140(XII), 1245(XIII), and 1360(XIV).

⁹⁴ Res. 1061(XI).

⁹⁵ Res. 852(IX), 940(X), 1055(XI), 1141(XII), 1246(XIII), and 1359(XIV). All but Res. 940(X) expressly refer to Res. 449(V) as accepting the I.C.J. Opinion.

(dissolving the Committee on South West Africa), passed at the Sixteenth Session of the Assembly. Resolution 449(V) was cited only once after that time, in Resolution 2145(XXI), which terminated the Mandate for South West Africa. The thrust of these resolutions merged into the general call to abolish colonialism enunciated in Resolution 1514(XV).

An evaluation of the legal significance of Resolution 749(VIII) in light of its frequent re-citation must begin with a recognition of the fact that much of the content of the resolution is in fact a repetition of the principles announced in Resolution 449(V). The one rule announced by the resolution which was not found in Resolution 449(V), and the one for which the resolution was most often cited, was that the United Nations had an obligation to exercise its supervisory powers over the conduct of the Mandatory Power. The power and the duty to exercise it were invoked by the international community through the United Nations on numerous occasions over the years, in both the General Assembly and the International Court.⁹⁶ Although South Africa never accepted the proposition, this interpretation of its treaty obligations was almost universally accepted and acted upon by the international community. The exercise of this power by the United Nations in fulfillment of its responsibilities had developed into a fixed expectation on the part of all states, including South Africa. After a few years the regular objection by South Africa was no longer taken seriously. The constant invocation of Resolution 749(VIII) and its overwhelming approval by the General Assembly left no significant doubt that it was considered the law by the international community.

Resolution 1514(XV)—Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution 1514(XV), the most cited resolution of the General Assembly, grew out of a proposal presented to the General Assembly by Nikita Khrushchev, the Premier of the U.S.S.R., in his address to the General Assembly on September 23, 1960. The Soviet draft itself was ultimately voted down, but the 43-nation draft which finally passed by a vote of 89-0, with 9 abstentions, was similar in many respects.⁹⁷ The resolution was never referred to a General Assembly committee. Its substantive provisions, set out in numbered paragraphs in the body of the resolution, can be summarized as follows:

- (1) Colonial rule is unlawful.
- (2) All peoples have the right to determine freely their political status and pursue their economic, social, and cultural development.
- (3) Unpreparedness should not be used as a pretext for delaying independence.

⁹⁶ South West Africa—Voting Procedure, Advisory Opinion, [1955] I.C.J. Rep. 67, 49 A.J.I.L. 565 (1955); Admissibility of Hearings of Petitioners by the Committee on South West Africa, Advisory Opinion, [1956] I.C.J. Rep. 23, 50 A.J.I.L. 954 (1956).

⁹⁷ A summary of the history of Res. 1514(XV) can be found in 1960 U.N. Yearbook 44-50. The nine states abstaining were Australia, Belgium, Dominican Republic, France, Portugal, Spain, Union of South Africa, United Kingdom, and United States.

(4) Forceful measures to maintain colonialism shall cease.

(5) Immediate steps shall be taken to transfer all powers to the indigenous inhabitants.

(6) Disruption of the national unity or territorial integrity of a country is unlawful.⁹⁸

These six paragraphs were followed by a seventh, which makes clear the intention of the drafters that the resolution be considered a declaration of binding rules of law:

7. All states shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.

The language of the resolution is of a normative character throughout. Paragraphs 1 and 6 describe activities which are respectively "contrary to" and "incompatible with" the United Nations Charter. Paragraphs 4 and 5 provide respectively that certain actions "shall cease" and that certain others "shall be taken." Paragraph 2 speaks of "the right to self-determination," and paragraph 3 provides that certain matters "should never serve as a pretext" for delay.

The apparent source of the rules set out in the Declaration is the United Nations Charter itself. Paragraph 2 above can be derived from Article 1, paragraph 2, of the Charter, which describes one of the purposes of the United Nations to be "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples . . .," and Article 55, which also refers to "equal rights and

⁹⁸ The full text of these paragraphs is as follows:

"1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

"2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

"3. Inadequacy of political, economic, social, or educational preparedness should never serve as a pretext for delaying independence.

"4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

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

"6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

"7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity."

self-determination of peoples." Paragraph 3 of the Declaration, insofar as its use of the word "pretext" implies a lack of good faith on the part of the colonial Power, can be linked to Article 2, paragraph 2, of the Charter, which requires good faith fulfillment of Charter obligations. Paragraph 4, which deals with the cessation of repressive measures, can be tied to Article 73, paragraph a, which requires that the colonial Power ensure the "just treatment" and "protection against abuses" of the inhabitants. Paragraph 5, which calls for immediate steps to transfer power to the peoples of the territories, grows out of the requirement of Article 73, paragraph b, that the colonial Power "assist them in the progressive development of their free political institutions." Similarly, paragraph 6 of the Declaration, which attacks the disruption of "the national unity or the territorial integrity of a country," can be derived from Article 73, paragraphs a and b, in their references to "due respect for the culture of the peoples." Paragraph 1 of the Declaration stands essentially as a derivation of a general principle from the specifics of the subsequent paragraphs, stating the conclusion to be drawn from them: Colonialism is unlawful.

There can be no question, of course, that Resolution 1514(XV) does far more than simply restate the norms set forth in the Charter. Goodrich and Hambro report that at the San Francisco Conference a Chinese amendment to the draft of Article 73 that would have obligated colonial Powers "to promote development toward independence or self-government as may be appropriate" was withdrawn after some consideration.⁹⁹ Similarly, they comment that the inclusion of a reference to self-determination in Article 1, paragraph 2, was "not intended to encourage demands for immediate independence or movements for secession."¹⁰⁰ Resolution 1514(XV) was not completely without connection to previous developments under the Charter, however. As early as the Seventh Session, the General Assembly in Resolution 637(VII) called upon all states to "recognize and promote the realization of the right of self-determination of the peoples of Non-Self-Governing and Trust Territories" by ascertaining the wishes of the people "through plebiscites or other democratic means, preferably under the auspices of the United Nations." In part B of that resolution it recommended that colonial Powers "voluntarily include in the information transmitted by them under Article 73 e of the Charter details regarding the extent to which the right of peoples and nations to self-determination is exercised by the peoples of those Territories . . ."; and in part C asked the Economic and Social Council to recommend steps which might be taken by the United Nations "to develop international respect for the right of peoples to self-determination." Resolution 1514(XV), while it marked a major step, was not an unprecedented plunge into an area new to the General Assembly or the United Nations Charter.¹⁰¹

⁹⁹ Goodrich and Hambro, *The Charter of the United Nations, Commentary and Documents* 410 (2d ed., 1949).

¹⁰⁰ *Ibid.* at 95-96.

¹⁰¹ See Sohn, *Cases on United Nations Law* 772-790, 804-812 (1st ed., 1956), for a review of the General Assembly's action in this field.

Subsequent citations of the resolution are ubiquitous; 13%, better than one in eight, of the resolutions passed since December 14, 1960, have made reference to it. Furthermore, these references gave no sign of tapering off in the period through the 21st Session. There were more citations in the 20th Session than any other, and the 21st Session cited it more often than the 17th, 18th, or 19th Sessions.¹⁰² Nine of the 95 citations are found in resolutions dealing with further elaborations of the obligations of colonial Powers and/or machinery to implement the provisions of these resolutions. An additional nine are concerned with human rights problems and programs, and 14 more relate to economic and social programs such as training for indigenous peoples, literacy, economic development, and dissemination of information about the United Nations and its resolutions on colonialism. Most significantly, 63 of the 95 citations occur in resolutions concerned with the progress of a specific colony or group of colonies toward the goals set out in Resolution 1514(XV). This continual re-citation of the resolution, which establishes general rules on the conduct of colonial Powers, in the context of review of the developments in specific colonies has the earmarks of a traditional law-applying process, in which a general standard is used as the basis for judging individual conduct.

On 33 occasions the General Assembly has adverted to a specific paragraph of Resolution 1514(XV) in a subsequent resolution.¹⁰³ Citations by paragraph number appear four times; quotations, five times.¹⁰⁴ The most common type of reference, however, was to refer generally to the resolution in support of a legal proposition which is a virtual quotation of a specific paragraph of Resolution 1514(XV); for example: "5. *Considers* that any attempt to partition the territory or to take any unilateral action, directly or indirectly, preparatory thereto constitutes a violation of the Mandate and of Resolution 1514(XV)."¹⁰⁵ While this type of reference involves neither explicit citation nor quotation of the particular paragraph, the closeness of the paraphrasing typically leaves little doubt as to the

¹⁰² Res. 1514(XV) citations were distributed among the sessions as follows:

<i>Session</i>	<i>Number of Citations</i>	<i>Session</i>	<i>Number of Citations</i>
15	4	19	0
16	19	20	23
17	15	21	18
18	16		

The lack of citations in the 19th Session is of course an outgrowth of the U.N. financing crisis, which prevented voting on any controversial questions.

¹⁰³ Because some resolutions contain more than one such reference, there are only 24 resolutions in which this type of citation occurs.

¹⁰⁴ Explicit reference to a particular paragraph can be found in Res. 1654(XVI) (pars. 4 and 6), 1747(XVI) (par. 5), and 1955(XVIII) (par. 5). Quotation of a specific paragraph is found in Res. 1603(XV) (pars. 1 and 5), 1650(XVI) (par. 4), 1654(XVI) (par. 5), and 1951(XVIII) (par. 5).

¹⁰⁵ Res. 2074(XX), Question of South West Africa, Dec. 17, 1965. Another typical case can be found in Res. 1951(XVIII), Question of Fiji, Dec. 11, 1963, par. 1:

"1. *Affirms* the inalienable right of the people of Fiji to self-determination and national independence in conformity with the provisions of General Assembly Resolution 1514(XV)."

derivation of the statement.¹⁰⁶ In these situations the General Assembly is definitely using Resolution 1514(XV) as a source, not merely for the generalized proposition that colonialism is undesirable, but for the more specific rules of conduct which it sets out.

Of all of the resolutions of the General Assembly, Resolution 1514(XV) seems most closely to approximate a lawmaking act whose content grows out of Article 1, paragraph 2, Article 55, and Article 73 of the United Nations Charter. While none of those provisions called for the abolition of the colonial system, they contained the seeds of its eventual condemnation. The goal of self-determination of peoples, the obligation to promote international economic and social progress, and the duty to assist non-self-governing territories "in the progressive development of free political institutions" forewarned an eventual call for independence. After fifteen years had passed, and given the progress of those who co-operated with those goals, it was not unreasonable for the international community to conclude that those colonial Powers which showed no progress toward these ends were not fully meeting their Charter obligations. By the same token, those who signed the Charter, even if they voted against Resolution 1514(XV), would be hard pressed to honestly affirm that it was not a reasonably foreseeable interpretation of their obligations after the passage of several years.

The language and the circumstances of the passage of Resolution 1514(XV), set out briefly above, indicate that the resolution was intended to set out a binding interpretation of the Charter, and the continual re-citation and other actions of the General Assembly in support of the resolution display the seriousness of the belief. The establishment of a Special Committee on the situation with regard to the implementation of Resolution 1514(XV) by Resolution 1654(XVI)¹⁰⁷ began a process of United Nations investigation into colonial situations and bilateral and multilateral political pressure of an intensity which is not always seen in enforcing universally accepted principles of international law. While one writer has concluded that, at least as of 1964 when he wrote, "The failure of the Organization to impose its will on recalcitrant Members shows the ineffectiveness of resolutions [like Resolution 1514(XV)],"¹⁰⁸ one might suggest that the results achieved by the United Nations in this area compare favorably with those, for example, of the United States

¹⁰⁶ Such paraphrases can be found in the following resolutions:

Par. 2: 1807(XVII), 1913(XVIII), 1949(XVIII), 1951(XVIII), 2012(XX), 2068(XX), 2145(XXI), 2151(XXI), 2183(XXI), 2185(XXI), 2227(XXI), 2228(XXI), 2229(XXI), 2230(XXI), 2238(XXI).

Par. 4: 1807(XVII).

Par. 5: 1596(XV), 1697(XVI), 1807(XVII), 1913(XVIII), 2229(XXI), 2238(XXI) [*Cf.* 1747(XVI), 1760(XVII)].

Par. 6: 2074(XX), 2232(XXI).

¹⁰⁷ See discussion of this resolution below.

¹⁰⁸ Skubiszewski, "The General Assembly of the United Nations and Its Power to Influence National Action," 1964 Proceedings, American Society Int. Law 153, at 157-158.

Government in its efforts to desegregate American schools. Such major social changes are not accomplished overnight. The continual re-citation of the resolution has given rise, along with other factors, to a fixed and universal expectation that the international community considers colonialism unacceptable, and will take steps to terminate existing colonial regimes and to prevent the creation of any new colonial territories. No state could honestly claim that it was unaware of this expectation or that the resolution was merely a "recommendation" with no normative force as an authoritative interpretation of the United Nations Charter, and few colonial Powers have attempted to permanently obstruct decolonization. In short, Resolution 1514(XV) is as much a part of our international law as any of the familiar traditional doctrines.

Resolution 1654(XVI)—The Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution 1654(XVI) was passed by the General Assembly for the purpose of implementing the "objectives and principles" established in Resolution 1514(XV). The item was originally placed on the General Assembly agenda by the Soviet Union with the explanation that, despite the passage of the Declaration on Granting Independence to Colonial Countries and Peoples nine months earlier, 70 million people remained under colonial rule. The Soviet draft resolution called for the establishment of a commission to inquire into the situation and for the complete liquidation of colonialism by the end of 1962. The Assembly ultimately approved a 38-Power draft, without two amendments proposed by the Soviet Union, by a vote of 97-0, with four recorded abstentions.¹⁰⁹ A Nigerian draft resolution calling for the end of colonialism before December 1, 1970, was withdrawn after the passage of the 38-Power draft.¹¹⁰

The content of Resolution 1654(XVI) clearly indicates that it was not designed to announce any principles of law, but to set up machinery to deal with colonialism. Paragraph 1 "*Solemnly reiterates and reaffirms*" Resolution 1514(XV), and paragraph 2 "*Calls upon* States concerned to take action without further delay" to apply the Declaration. The remaining seven paragraphs establish a Special Committee and describe its duties and powers. The purpose of the Committee is "to examine the application of the Declaration, to make suggestions and recommendations on the progress and extent of the implementation of the Declaration" and to make periodic reports to the General Assembly.¹¹¹

Similarly, subsequent references to Resolution 1654(XVI) indicate that it does not have the character of a statement of substantive legal principles.

¹⁰⁹ France, South Africa, Spain, and the United Kingdom. The representative of Portugal announced that its delegation would not participate in the voting on this resolution.

¹¹⁰ A brief discussion of the history of this resolution can be found in 1961 U.N. Yearbook 44-51, 55-56.

¹¹¹ Par. 4.

23 of the 24 citations occurred in conjunction with Resolution 1514(XV).¹¹² The 14 resolutions that focus on specific colonies all draw their general principles from Resolution 1514(XV), and the references to Resolution 1654(XVI) are actually concerned with the reports on those colonies made by the Special Committee.¹¹³ Six of the resolutions citing Resolution 1654(XVI) are concerned with the relationship between the Special Committee and other General Assembly committees.¹¹⁴ Four citing resolutions deal with the general problem of decolonization,¹¹⁵ and in each case the reference to Resolution 1654(XVI) is solely concerned with the activities of the Special Committee, while substantive principles are derived from Resolution 1514(XV) or other sources.

From what has been said, it is clear that Resolution 1654(XVI) does not set forth binding principles of international law, nor was it intended to do so. Its frequent reiteration by the General Assembly does not indicate that the Assembly is invoking it for the principles it contains; on the contrary, it is cited essentially as an adjunct to Resolution 1514(XV). Why then the reiteration? Perhaps because the unwillingness of certain states to accept the principles laid down in Resolution 1514(XV) manifested itself in the form of a refusal by those states to co-operate with the Special Committee established by Resolution 1654(XVI). Thus the action of the General Assembly of re-citing Resolution 1654(XVI) with the purpose of encouraging co-operation with the Special Committee was in effect a means of pressuring recalcitrant states to accept the principles of Resolution 1514(XV). The battle over the Declaration is being fought in part on the issue of co-operation with the Special Committee. Or perhaps it was simply a desire of the draftsmen to cite as many resolutions as possible in their later resolutions, in the hope of exploiting whatever additional moral force might be gained from doing so. Whatever the

¹¹² Only Res. 1846(XVII) cites Res. 1654(XVI) without also referring to Res. 1514(XV). Res. 1846(XVII) is concerned with the Committee on Information from Non-Self-Governing Territories, and simply notes that information gathered by it was forwarded to the Special Committee.

¹¹³ Aden (Res. 1949(XVIII)); Angola (Res. 1819(XVII)); Basutoland, Swasiland, and Bechuanaland (Res. 1817(XVII), 1954(XVIII), 2063(XX)); British Guiana (Res. 1955(XVIII), 2071(XX)); Fiji (Res. 1951(XVIII), 2068(XX)); (Island Colonies) (Res. 2069(XX), 2232(XXI)); Nyasaland (Res. 1818(XVII)); Rhodesia (Res. 1745(XVI)); Zanzibar (Res. 1811(XVI)).

¹¹⁴ Four resolutions deal with relations with the Committee on Information from Non-Self-Governing Territories: Res. 1700(XVI), 1846(XVII), 1847(XVII) and 1970(XVIII). Res. 1702(XVI) covers relations with the Committee on South West Africa, and Res. 2106B(XX) covers relations with the Committee on the Elimination of Racial Discrimination which will be established under the International Convention on the Elimination of All Forms of Racial Discrimination.

¹¹⁵ Res. 1810(XVII): The Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (this resolution enlarged by 7 the membership of the Special Committee to 24); Res. 1956(XVIII): The Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; Res. 2105(XX): Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; and Res. 2189(XXI): Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

motive, it has more to do with the lawmaking character of Resolution 1514(XV) than with any substantive principles that might be gleaned from Resolution 1654(XVI).

V. SOME CONCLUSIONS

Examination of the recognized processes for the creation of international law reveals several means of using General Assembly resolutions as a law-making vehicle. A resolution can serve as an authoritative interpretation of the United Nations Charter, as an expression of the community's belief that certain conduct is required by customary law, or as a determination that certain rules are "general principles of law recognized by civilized nations." The lawmaking character of this type of resolution arises not from the formal powers of the General Assembly, but from the reasonableness of the expectation that states which have collectively expressed the view that the law requires certain conduct will act in accordance with that expression.

In this context, the repeated reference by the General Assembly to certain previous resolutions as a standard by which to judge the behavior of a specific state, or as an expression of principles which should be respected by all states, reinforces the expectation that those principles will in fact be followed. This process of re-citation distinguishes those resolutions which express deeply-held, temporally stable convictions from those which are of only passing or mild concern. The extent of re-citation which is required to solidify a specific principle into a rule of law will depend upon the language of the resolution, the motives that lead to its passage, the contexts in which it is re-cited, and a host of other factors.

When the empirical data on re-citation of resolutions by the General Assembly are examined, the difficulty of the question of whether the frequently cited resolutions have become binding law becomes apparent. Of the four most cited resolutions, one, Resolution 1654(XVI), appears not to have the appropriate content for this purpose, and it is cited only to reaffirm the competence of the United Nations to act through subordinate committees on questions of colonialism. Similarly, Resolution 749(VIII) is not primarily cited for the legal principles it announces. It does establish the principle that the United Nations is *obligated* to act on behalf of the people of South West Africa, but that obligation was certainly not one that a majority of the General Assembly was reluctant to undertake.

Resolutions 217(III) and 1514(XV), on the other hand, do appear to have attained, or at least progressed well down the road toward attaining, the status of accepted principles of international law. The Universal Declaration of Human Rights sets out a series of principles which elaborate and clarify the concept of "human rights" referred to in the Charter, and calls upon all states, as does the Charter, to move toward the implementation of those rights. While South Africa has refused, despite rising pressure, to accept even the ultimate desirability of these principles, and only minimal progress has been achieved in some other states, immediate imple-

mentation is clearly not the crucial test of the obligatory nature of a principle of international law. In fact, some of the traditional enforcement mechanisms of international law have already been invoked in support of the Universal Declaration. Resolution 1514(XV) most explicitly declares that the principles it promulgates are to be "faithfully and strictly" observed. Again, while colonialism has not been eradicated throughout the world in the years since its passage, a great deal of progress has been made in that direction. Substantial energy has been devoted toward its implementation, and there can be little doubt that colonialism is well on its way toward complete and permanent eradication.

Despite these rather positive conclusions about the lawmaking significance of continually re-cited General Assembly resolutions, it is fair to say that the General Assembly has not yet really tried to exercise its quasi-legislative powers. Only recently, in Resolution 1514(XV), has the Assembly formally expressed the view that a resolution must be observed by all Member States, and it has yet to detail in a resolution what it believes to be the source of such an obligation. Similarly, the Assembly has only rarely taken advantage of the opportunity to cite a specific paragraph or article of a lawmaking resolution in connection with a specific case in which a violation is considered to have taken place. And it has never formally expressed the view in a resolution that an earlier resolution being cited stated a binding principle of international law. When and if the General Assembly does begin to exercise its full lawmaking potential, a resolution of the following variety may appear:

The General Assembly,

Convinced that Resolution ——— declares in paragraph — a principle of customary international law which is evidenced by the Case of the ——— and by the ——— Incident,

Recognizing that the recent events involving State X have created a situation which Resolution ———, paragraph —, was intended to govern,

1. *Reaffirms* that Resolution ——— is an accurate and complete expression of the scope and extent of the rule that ——— and that all states are legally bound to conform to that rule as it is there set forth;

2. *Determines* that State X has acted in a manner contrary to the requirements of paragraph — of Resolution ———;

3. *Calls upon* State X to act in accordance with this international principle in the interests of international peace and security, and justice.

It may be that it is impossible in the present world condition for the General Assembly to pass a resolution in this form. If that is the case, the General Assembly will simply continue to legislate by the slower, less precise, and more invisible technique presently being employed. Member States might seriously consider, however, whether this more haphazard process might not in the long run create more dangers of undesirable "legislation" than would frank recognition and careful control of the mechanisms by which the General Assembly creates international law.

Annex 98

Letter from the British High Commission in Port Louis to the Prime Minister of Mauritius (26 June 1972)

CONFIDENTIAL



BRITISH
HIGH COMMISSION
CHAUSSÉE · PORT LOUIS · MAURITIUS

32/1

26 June 1972

Dr the Rt Hon Sir Seewoosagur Ramgoolam Kt MLA
Government House
PORT LOUIS

My dear Prime Minister.

I refer to the meeting in London on 23 February, 1972, between yourself, Sir Harold Walter and Lord Lothian, and to your meeting with Baroness Tweedsmuir on 23 June, 1972, at which the Mauritius Government scheme for the resettlement of the persons displaced from the Chagos Archipelago was discussed.

2. The scheme has been fully appraised in London and I have been authorised to inform you that the British Government are prepared to pay £650,000 (the cost of the scheme) to the Mauritius Government, provided that the Mauritius Government accept such payment in full and final discharge of my Government's undertaking, given at Lancaster House, London, on 23 September, 1965, to meet the cost of resettlement of persons displaced from the Chagos Archipelago since 8 November, 1965, including those at present still in the Chagos Archipelago.

3. Accordingly, I should be most grateful if you would confirm that you are willing to accept the payment of £650,000 in full and final discharge of my Government's undertaking, and to agree that the British Government may state this in public, should the need arise.

4. When replying, perhaps you would indicate the date and manner in which the Mauritius Government wish payment to be made.

Yours Very Sincerely
R. Giddens
R. Giddens

CONFIDENTIAL

Annex 99

Andrés Rigo Sureda, *The Evolution of the right of self-determination: a study of United Nations Practice* (1973)

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THE EVOLUTION OF THE RIGHT OF SELF-DETERMINATION

A study of United Nations Practice

by

A. RIGO SUREDA

Licenciado en Derecho (Madrid); Ph. D. (Cantab.)

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d. French Somaliland.

France transmitted information on this territory from 1946 until 1957, the year in which this information was discontinued because, according to France, French Somaliland by referendum became a Self-Governing Territory.¹ In 1966 the Committee of 24 considered the question of French Somaliland,² and on the basis of its report³ the General Assembly re-affirmed the inalienable right of the people of French Somaliland to self-determination and independence in accordance with resolution 1514(XV).⁴

While Algeria and Oman had never been in the category of Non-Self-Governing Territories, the Cook Islands and French Somaliland at one time or another had belonged to this class of territories. These two last cases show how the General Assembly, on the basis of resolution 1514(XV), has extended its competence to decide whether or not a Non-Self-Governing Territory has exercised self-determination even after the General Assembly itself has admitted that the territory in question is fully self-governing, though not independent,⁵ so that Chapter XI did not apply any longer.⁶

General Assembly on the Dutch territories could be considered to be a precedent for the Cook Islands case, though in resolution 945(X) the General Assembly did not go as far as to affirm its responsibility towards the people of the territories concerned should they wish to change their status in the future.

1. See above p.56 n.76.

2. Mtgs. 438th, 470th and 471st.

3. A/6300/Rev.1. Chapter XII.

4. Resolution 2228(XXI).

5. On the content of self-determination see below Chapter III.

6. In 1967 there was an attempt to re-open the question of Puerto Rico. A proposal in this sense was received by the Committee of 24, but after a short debate the discussion was adjourned sine die. See United Nations Law Reports vol.I (1966-67) p.49(9), and

This development with respect to Non-Self-Governing Territories is in accordance with the claim of the General Assembly to be competent to decide whether or not any territory has exercised self-determination whatever its constitutional status as regards another state -as in the case of Algeria- or whatever the special relationship placing the territory concerned in a position of dependence vis-à-vis another state -as in the case of Oman.

* * *

Thus the General Assembly has gradually built up its competence to decide on the question of whether or not a territory has exercised self-determination or whether or not a territory should exercise it. During the early years of the U.N. the General Assembly developed this competence on the basis of Chapter XI of the Charter. In more recent years, especially since 1960 when the existence of a right to self-determination gained wide acceptance, it has affirmed its competence to declare that a colonial situation exists with respect to self-determination without referring to the provisions of Chapter XI. This assumption of competence has invariably been challenged by the states concerned as an invasion of their domestic jurisdiction or the domestic jurisdiction of -according to them- the Self-Governing Territory or state the status of which is being questioned. States have claimed that the constitutional

U.N.Y.B.(1967) pp.622-23. There was another attempt to re-open this question in 1971 but the item failed to be included in the agenda of the General Assembly (A/8441 and add.1). The same fate occurred in 1967 to a proposal to include the Comoro Archipelago*in the list of territories to which resolution 1514(XV) applied.

* France ceased to transmit information on this territory in 1957. See above p.56 n.76.

relationship between the metropolis and its territories is something that only the metropolis has competence to modify. However, it is doubtful whether states can claim domestic jurisdiction, since these constitutional changes purport to affect the international status of territories with respect of which they have pledged themselves to fulfil certain obligations.⁷ Besides, the General Assembly as well as the Security Council can decide on the status of a particular territory for the purposes of the Charter; this is true in the case of admission of states to U.N. membership and the Security Council also has to determine what is the status of a state as regards Article 32. Hence, there is no reason why the General Assembly cannot decide what is the status of a territory with respect to Chapter XI or Article 1(2). Therefore, though it is true that a state has the competence to define its constitutional relationship with territories under its sovereignty, any implications which follow from this relationship for the international status of the territory affected will depend, so far as the Charter of the U.N. is concerned, not on the decision of the member state but of the General Assembly.⁸

7. See Article 73 of the Charter.

8. See Q. Wright, "Recognition and Self-determination" *P.A.S.I.L.* (1954) pp.32-33 and 69. See also *I.C.J. Reports* (1962) p.163. In favour of the General Assembly's competence O. Schachter argues that "when the practice of states in the United Nations has served by general agreement to rest in the organs the competence to deal definitively with certain questions, then the decisions of the organs in regard to those questions acquire an authoritative juridical status even though these decisions had not been taken by unanimous decision or "general approval". In this way evolutionary growth in regard to fields of competence has an important positive effect on the law-making potentialities of the organs." Schachter considers the right of the General Assembly to determine which territories fall within the scope of Article 73 as an example of this evolutionary growth of

C. The competence of the General Assembly on "non-self-determined" territories and claims of third states.

So far we have considered the competence of the General Assembly to decide the status of a territory as regards the exercise of self-determination vis-à-vis the competence of the state having jurisdiction or controlling, in one way or another, this territory. But the question of competence does not end there since the assumption by the General Assembly of the role described above has unveiled new conflicts of competence, especially with respect to those third states which entertain certain claims in relation to the territory considered by the General Assembly as appropriate for self-determination. These questions of competence can be placed under the three following headings: a) competence to decide on the claim that a plebiscite should be held in a "non-self-determined" territory; b) competence to determine when the Charter prevails over the obligations undertaken in other agreements, and, finally, c) competence to deal with territorial claims.

a. Competence to decide on the claim that a plebiscite should be held in a "non-self-determined" territory.

i. The case of Cyprus.

In 1954 Greece asked the General Assembly to include on the agenda of its ninth session the following item:
"Application, under the auspices of the United Nations, of the principle of equal rights and self-determination of peoples in the case of the population of the island

competence. "Law, Politics and Action in the United Nations" 109 Rec. des Cours (1963) vol.II pp.187-88. See also Castañeda, op.cit. pp.126-127.

of Cyprus". The letter of the Greek Government to the Secretary-General specified that this request was based on Articles 10, 14 and 1(2) of the Charter, and that the Greek Government reserved its right "to refer to Article 35(1) if it considered such a course to be justified by subsequent developments."⁹

The real question was whether Greece could ask for a plebiscite to be held in Cyprus under U.N. auspices without interfering in the internal affairs of the United Kingdom. Greece considered that, although the island of Cyprus was a Non-Self-Governing Territory under British administration, "the freedom of the people of Cyprus was not a matter falling within the domestic jurisdiction of the United Kingdom".¹⁰ A statement along the same lines can be found in the opinion on Cyprus given by Judge Alejandro Alvarez at the request of the Government of Greece: it says that

"Greece has an incontestable right to request that a plebiscite should be held in Cyprus to determine whether that island should belong to Greece or to Turkey."¹¹

The United Kingdom contended that "a discussion of British administration in Cyprus, based upon the avowed objective of transferring sovereignty over that island to another Member of the United Nations was a violation of Article 2(7),"¹² since sovereignty over territory acknowledged internationally by treaty¹³ is a matter falling within the domestic jurisdiction of the state concerned.¹⁴

9. A/2703, August 20, 1954.

10. G.A.O.R. 9th sess. 1st Cttee. 750th mtg. para.31.

11. A/AC.1/814 para.48.

12. G.A.O.R. 9th sess. Gral. Cttee. 93rd mtg. para.22.

13. In the present case the Treaty of Lausanne (Article 20).

14. G.A.O.R. 9th sess. plen. mtg.477th para.119.

The question of competence in this case is remarkably similar to the one described in the case of the Aaland Islands.¹⁵ We have seen how on that occasion a Commission of Jurists found that the decision to organise a plebiscite was within the domestic jurisdiction of the territorial sovereign, except in those cases in which the sovereign was not clearly formed. The representative of Turkey expressed his Government's point of view in a way that recalls the arguments used by the Commission of Jurists¹⁶ in the Aaland Islands question. He stated that

"The Charter, as well as the accepted practice of International Law, had an entirely different set of rules concerning sovereign countries and Non-Self-Governing Territories which constituted a national entity on the one hand, and concerning certain Non-Self-Governing Territories which lacked the characteristics of a nation or of a juridical state organisation on the other."¹⁷

Then he proceeded to apply this distinction to Article 73(b) of the Charter and to the case of Cyprus and maintained that Cyprus fell within the second category: it did not constitute a nation because of the two communities living there; it did not constitute a state because it was a Non-Self-Governing Territory.¹⁸ However, contrary to the Commission of Jurists' conclusion, the Turkish representative did not accept that in the case of Cyprus the Greek claim should be upheld, because,

15. See above pp.29-34.

16. See above pp.31-32.

17. G.A.O.R. 12th sess. 1st Cttee. 928th mtg. para.5. The Turkish representative made it clear that such distinctions had nothing to do with any such situations which might exist in "independent countries whose political status had already been formed." Ibid. para.8.

18. Ibid. para.6-8.

he contended, the General Assembly should take into account "the particular circumstances of each territory and its peoples",¹⁹ and a plebiscite such as was proposed by Greece would be a denial of self-determination for the Turkish Cypriots. Turkey would accept the Greek claim if a separate right of self-determination was recognised to the Turkish minority.²⁰

Therefore, it can be concluded that both the Turkish position and the Greek position supported the General Assembly's competence to decide on a claim that a plebiscite should be held in a Non-Self-Governing Territory, though, of course, the two countries disagreed radically on the merits of the case. Unfortunately, no mention of this issue was made by the General Assembly in the resolutions which it adopted on Cyprus.

ii. The case of West Irian.

In 1961 the Netherlands proposed to the General Assembly a draft resolution²¹ on West Irian²² providing for the establishment of a U.N. Commission for Netherlands New Guinea with, inter alia, the functions of inquiring into the possibility of organising a plebiscite under the supervision of the U.N. to ascertain the wishes of the population about its future and consider the timing of the plebiscite necessary to this end. This draft resolution was not pressed to a vote when another draft with a specific reference to the wishes of the population of West Irian was proposed by a group of states.²³ This second draft resolution failed to obtain the re-

19. This is the wording used in Article 73(b).

20. See G.A.O.R. 12th sess. 1st Cttee. 928th mtg. para.8-9.

21. A/L.354 and Rev.1, Rev.1/Corr.1.

22. The sovereignty of the Netherlands over West Irian was contested by Indonesia. See below p.77.

quired two-thirds majority for its adoption.²⁴

iii. The case of French Somaliland.

In 1965 the Republic of Somalia brought to the attention of the Committee of 24 the colonial situation in French Somaliland.²⁵ The Committee did not consider this question until 1966, and, by then, France had promised the inhabitants a plebiscite in the territory not later than July 1967. Somalia expressed its misgivings on the way that such a consultation would be carried out and asked the U.N. to supervise it. The General Assembly adopted a resolution requesting the Administering Power to make, in consultation with the Secretary General, "appropriate arrangements for a United Nations presence before, and supervision during, the holding of a referendum."²⁶ France did not comply

23. A/L.368.

24. The vote, by roll-call, was 53 to 41, with 9 abstentions. A separate vote had been taken on the last preambular paragraph of this draft resolution; by this paragraph the General Assembly expressed its conviction that "any solution which affects the final destiny of a Non-Self-Governing Territory must be based on the principle of self-determination of peoples in accordance with the Charter of the United Nations". Here the vote was 53 to 36 with 14 abstentions; the paragraph was deleted from the draft resolution since it did not get two-thirds of the votes. It must be noted that on both occasions the affirmative votes were superior to the ones obtained by another draft in which no reference to the wishes of the people was contained. (A/L.367 and Add.1-4; A/L.367/Rev.1). The vote in this case was 41 to 40 with 21 abstentions.

25. A/AC.109/121. The Republic of Somalia did not actually claim French Somaliland; it only asked that France give independence to this territory so that, then, it could decide whether or not it wanted to join the Somali Republic, as did British Somaliland a few days after becoming independent in 1960. The Somali plan included a proposal whereby "The United Nations should, immediately upon the grant of independence to the Territory, assume the administration of the Territo-

with this request, and at the next session the General Assembly, taking into account the circumstances in which the referendum took place, regretted the lack of co-operation of France and maintained that French Somaliland had not yet fully exercised its right to self-determination.²⁷

iv. The case of Gibraltar.

The United Kingdom decided in 1967 to hold a referendum in Gibraltar on September 10th of that year. This move was prompted by the fact that it had not been possible to resume talks with Spain on the future of Gibraltar in spite of the General Assembly's resolution 2231(XXI) asking both countries to negotiate. On September 1st, 1967 the Committee of 24 adopted a resolution declaring that the holding of a referendum in Gibraltar would contradict the provisions of the said resolution 2231 in which a negotiated solution, taking into account the interests of the inhabitants of this territory, was recommended. The plebiscite took place as announced, and in December of the same year the General Assembly confirmed the resolution adopted by the Committee of 24 before the plebiscite took place and declared that the United Kingdom had contravened the resolution of its last session which had recommended further negotiations.²⁸

v. The case of the Spanish Sahara.

The Spanish Sahara is claimed by Mauritania and Morocco

ry for a period of two years so as to allow the formation of a political consensus within the Territory as to its future". Ibid.

26. Resolution 2228(XXI) para.4.

27. Resolution 2356(XXII).

28. Resolution 2353(XXII). See also A/6700/Rev.1. Report of the Special Committee of 24, Chapter X.

to be an integral part of their respective national territories. Spain, on the other hand, has adopted the position that the status of this territory should be determined by its people. The General Assembly, by resolutions 2229(XXI), 2354-II(XXII), 2428(XXIII), 2591(XXIV) and 2711(XXV), has invited the Administering Power, Spain,

"to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination."

So far, this referendum has not taken place.

Thus the General Assembly has been faced with claims that a plebiscite be held in a non-self-determined territory advanced either by the Administering Power or by a third state. The General Assembly was reluctant to intervene in cases such as Cyprus and West Irian and no decision was taken on the question of plebiscites being held in these territories. After 1965 a change in the General Assembly's policy has occurred and it has openly endorsed or disapproved of plebiscites conducted by the administering states themselves, or it has fixed the conditions under which a plebiscite will be considered appropriate for the purposes of the exercise of the right of self-determination by the people of the territory concerned. Unfortunately, there is no recent practice on claims of third states of the Cyprus type,²⁹

29. The claim of Somalia that a plebiscite be held in French Somaliland under U.N. auspices resembles the Greek claim on Cyprus. But in this case by the time the

however, it seems possible to conclude that the General Assembly, because of its competence to decide when a territory has exercised self-determination, could take the initiative and determine that a plebiscite should be held in a particular territory as a condition for recognising that it has exercised self-determination. Hence it could also uphold or dismiss a claim by a third state that a plebiscite should be held in a non-self-determined territory according to its own interpretation of what self-determination means for the territory in question.³⁰

b. The competence of the General Assembly to decide on the applicability of Article 103 of the Charter.

i. The Moroccan and Tunisian questions.

During the discussion of the questions of Tunisia and Morocco it was pointed out by France that the U.N. had not been given competence to revise treaties.³¹ This issue was taken up by other delegates in the general context of the General Assembly's competence to deal with questions relating to these two territories, and it was argued that, since both territories were non-self-governing, the General Assembly could decide on the basis of Article 103 of the Charter whether the treaties by which Tunisia and Morocco became French protectorates were in conformity with the principle of self-determination recognised in the Charter. The Indian delegate put it in the following terms:

General Assembly took any action the colonial Power itself had taken the initiative of holding a plebiscite in this territory.

30. See below Chapter IV, section 2(a).

31. G.A.O.R. 7th sess. plen. mtg. 392nd para.92.

"...the fact remained that when an international treaty was interpreted or applied by a Member State in a manner inconsistent with the Charter, the United Nations was certainly entitled to call the attention of the Member State to that divergence, particularly when international relations and human rights were affected."³²

A counter-argument was put forward by the United Kingdom³³ and by Australia. The latter country's delegate stated that

"In the present case there was no conflict of obligations within the meaning of Article 103; yet even assuming that there were, that fact would not confer competence upon the General Assembly, as Article 103, on a careful reading of the Charter and study of its context, had nothing to do with conferring competence."³⁴

The General Assembly in the resolutions³⁵ adopted on the Tunisian and Moroccan questions expressed the hope that "the parties will continue negotiations on an urgent basis with a view to bringing about self-government...in the light of the relevant provisions of the Charter of the United Nations". In the preamble to these resolutions the General Assembly referred to "the necessity of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples", and considered that the U.N. "should strive towards removing any causes and factors of misunderstanding among Member States."

32. G.A.O.R. 8th sess. 1st Cttee. 653rd mtg. para.4. For other relevant statements see G.A.O.R. 7th sess. 1st Cttee. 538th mtg. para.64; 539th mtg. para.11 and 47; and 543rd mtg. para.69.

33. G.A.O.R. 7th sess. 1st Cttee. 548th mtg. para.25.

34. G.A.O.R. 7th sess. 1st Cttee. 545th mtg. para.32.

35. See resolutions 611 and 612(VII).

ii. The case of Cyprus.

A reference by Greece to Article 103, while maintaining that Cyprus should be able to choose, in full freedom, the administration it desired,³⁶ was taken up by Colombia to imply that the U.N. was competent to decide that particular treaties had been superseded by the Charter. Colombia denied that such a contention could be construed on a reading of the relevant provisions of the Charter.³⁷ The General Assembly recommended a negotiated solution in 1956 and 1959.³⁸

It must be noted that in recent years, though Article 103 has not been mentioned in cases such as the Falkland Islands or Gibraltar, it seems that Argentina and Spain have relied on the proposition that, a right of self-determination having come into existence, the titles on which the United Kingdom bases its sovereignty over those territories should be revised along the lines of the Spanish and Argentinian interpretations of self-determination. The General Assembly has been more eager in these cases than on previous occasions to find that a dispute existed and to recommend negotiations to solve it. In the light of these initiatives it is suggested that the earlier reluctance of the General Assembly to take any steps which could be interpreted as favourable to a revision of certain treaties was due not to a belief of lack of competence to take such an initiative (indeed, Articles 10, 11(2) and 14 can very well cover this competence to determine when Article 103 applies) but to a lack of consolidation of the right of self-determination itself, and hence there was no firm basis

36. G.A.O.R. 9th sess. plen. mtg. 477th para.169.

37. *Ibid.* para.223. See also G.A.O.R. 9th sess. 1st Cttee. 750th mtg. para.73.

38. Resolutions 1013(XI) and 1287(XIII).

on which to claim revision: after 1960 -i.e. General Assembly resolution 1514(XV)- it would be difficult to doubt the basis of self-determination.

c. Territorial claims.

i. West Irian.

When the Charter of Transfer of Sovereignty was signed by the Netherlands and Indonesia in 1949, the dispute over Netherlands New Guinea or West Irian was left to be settled in further negotiations.³⁹ These took place on several occasions but failed to achieve any positive result. Indonesia then brought the question before the U.N. and maintained that negotiations with the Netherlands could only be concerned with the transfer of sovereignty over West Irian to Indonesia. The Netherlands on the other hand opposed this restricted view of the object of eventual negotiations.⁴⁰

As regards competence the Netherlands stated that

"When legal questions concerning sovereignty were discussed, it was easy to loose sight of one aspect of paramount importance. That was that the First Committee was not a court of law dealing with a dispute about a piece of territory, but an organ which, if indeed it had a legitimate interest in the matter, should be primarily concerned with the welfare of the human beings concerned. It was with that in mind that the Netherlands Government's policy had been formulated."⁴¹

Indeed, the Netherlands delegate had stated that the Netherlands administration of West New Guinea was "a peaceful endeavour to create conditions for the self-

39. Article 2.

40. See below pp.143-151 for a more extensive description of these arguments.

41. G.A.O.R. 9th sess. 1st Cttee. 726th mtg. para.64.

determination of a population".⁴² To this last statement Indonesia opposed the contention that West Irian had already exercised self-determination when the Republic of Indonesia proclaimed itself independent in 1945 and, furthermore, the General Assembly was competent to deal with this question because it concerned a Non-Self-Governing Territory.⁴³

The Netherlands opposed a draft resolution in which the General Assembly expressed the hope that the parties would pursue their endeavours with respect to the dispute which existed between them so as to find a solution in conformity with the principles of the Charter.⁴⁴ The reason given by the Netherlands to justify its position was that this paragraph, however harmless it might seem, meant that the General Assembly endorsed the Indonesian position and this was outside the General Assembly's competence.⁴⁵

Although an item on West Irian was on the agenda of the next three General Assembly's sessions, and also on the agenda of the sixteenth session, no initiative was taken by the General Assembly on this question.

ii. Gibraltar.

Before the Committee of 24 Spain claimed in 1964 that Gibraltar was an integral part of its territory and that the only way in which it could exercise self-determination was by being returned to Spain by the United Kingdom. The United Kingdom maintained that it had no doubts about its sovereignty over Gibraltar. The Committee of 24 adopted a consensus on October 16, 1964 whereby it noted that a dispute existed between the

42. Ibid. para.60.

43. See below Chapter III, section 1(a,i).

44. A/C.1/L.110.

45. G.A.O.R. 9th sess. plen. mtg. 509th para.106-108.

United Kingdom and Spain regarding the status of Gibraltar and it invited the two parties to find a negotiated solution to this dispute. The United Kingdom objected to such a consensus because, in the view of the United Kingdom, it exceeded the terms of reference of the Committee, since it was not competent to consider or discuss any dispute concerning sovereignty or territorial claims nor to make recommendations on a dispute.⁴⁶ The United Kingdom representative had already made it known to the Committee, before the consensus was adopted, that his government believed the Committee lacked competence to deal with the Spanish claims. Spain, on the other hand, contended that Gibraltar was a Non-Self-Governing Territory to which resolution 1514(XV) fully applied and, therefore, the Committee of 24 was competent to discuss any problem related to this territory, even if it meant discussing matters concerned with sovereignty.⁴⁷

A way out of the impasse created by the British and Spanish arguments was sought by the representative of Cambodia, who distinguished between two aspects of the question of Gibraltar: one concerned the status of the territory which, in so far as it was a Non-Self-Governing Territory, fell within the competence of the Committee of 24. The other aspect concerned the claim to this territory put forward by Spain. With respect to this second aspect he stated that

"it is true that the Special Committee is perhaps not qualified to deal with the question of sovereignty, but this does not mean that this question should be kept outside the auspices of the Committee...since the territory of Gibraltar is at present non-self-governing, in order to make it possible to implement the right of self-determination

46. A/AC.109/SR.291.

47. A/AC.109/PV.282.

and independence. There is no doubt that this question of sovereignty should be dealt with first of all...Therefore...[Cambodia] hopes to see talks held between the interested Powers and is ready to support any recommendation along these lines."⁴⁸

In the following year objections to the General Assembly's competence to handle the problem of Gibraltar were voiced in the Fourth Committee by Australia. This country's delegate stated after voting in favour of a draft resolution⁴⁹ inviting the United Kingdom and Spain to negotiate on Gibraltar that his vote was "without prejudice to its position that questions of sovereignty over colonial territories were not the concern [of the Committee]".⁵⁰ In 1967 the United Kingdom said (when explaining its vote on a draft resolution on Gibraltar)⁵¹ that it had voted against it because the wording used could be interpreted as an endorsement of the Spanish claim to Gibraltar, and this was not a question to be settled by the Fourth Committee but by the International Court of Justice.⁵²

The General Assembly recognised that a dispute existed on Gibraltar, endorsed the consensus of the Committee of 24 and asked the parties to negotiate. In 1967 it went as far as actually recommending terms of settlement, and in 1968 it fixed a deadline for the settlement of the dispute.⁵³

iii. The Falkland Islands.

The dispute between Argentina and the United Kingdom

48. A/AC.109/PV.213. See also a similar statement by the representative of Venezuela in A/AC.109/PV. 285.

49. That once it was adopted by the General Assembly became resolution 2070(XX).

50. G.A.O.R. 20th sess. 4th Cttee. 1578th mtg. para.49.

51. Resolution 2353(XXII).

52. G.A.O.R. 22nd sess. 4th Cttee. 1754th mtg. para. 58-65.

over the Falkland Islands bears great similarity to the dispute over Gibraltar and the arguments put forward by both parties have run along the same lines. However, it must be noted that the United Kingdom did not object to the competence of the Committees of the General Assembly as it did in the case of Gibraltar. The reason for this different approach is perhaps to be found in the more moderate attitude taken by the claimant state and by the General Assembly itself. The Committee of 24 and the Fourth Committee have adopted several consensus on the Falkland Islands⁵⁴ and the General Assembly passed a resolution on this question in 1965.⁵⁵ All are identical in the sense of declaring that resolution 1514 applies to the territory in question, they note that a dispute exists concerning sovereignty over the Falkland Islands and they finally invite the parties to negotiate.

It is a common feature of the cases reviewed above that the respective Administering Powers at first opposed any claim contesting their sovereignty over a Non-Self-Governing Territory, and argued on the basis of the validity of the title they had to the territory in dispute. Afterwards, since the claimant states argued their cases on the basis of self-determination, the Administering Powers counter-attacked on the same grounds, and in the several years in which the disputes have been on the General Assembly's agenda the arguments used by both parties have relied more and more on different interpretations of what self-determination means for the contested territory. This development has diminished the emphasis placed by the colonial Powers

53. See resolutions 2353(XXII) and 2429(XXIII).

54. See U.N.Y.B. (1964) p.432, (1966) p.659, and U.N. Monthly Chronicle (January 1970) p.124.

55. Resolution 2065(XX).

on the incompetence of the General Assembly to deal with territorial claims, and there has been a marked unwillingness to separate the question of the territorial dispute from the question of self-determination.⁵⁶ As a consequence of these developments in practice it can be concluded that the General Assembly has competence to determine that a state which lays claim to a non-self-determined territory on the basis of the right of self-determination has a locus standi to carry out negotiations on it.

5. The competence of the U.N. organs to decide on the status of a state for the purposes of Article 4 of the Charter and claims to self-determination: the case of Mauritania.

Article 4 of the Charter names the Security Council and the General Assembly as the competent organs to recommend and decide respectively on whether or not an applicant state fulfils the conditions to become a member of the U.N. These organs, in exercising such powers, can actually be placed in the position of deciding between contending claims to self-determination; this was the case when Mauritania became independent and therefore a potential member of the U.N. Before this happened Morocco took the problem of Mauritania to the General Assembly and claimed that this country -within the borders assigned to it by France- had always been an integral part of Moroccan national territory.⁵⁷ The General Assembly took no action⁵⁸ and

56. As it was suggested by some states. See statements by Cambodia and Venezuela mentioned above, and in the case of the Falkland Islands, Turkey expressed a similar opinion. See G.A.O.R. 20th sess. 4th Cttee. 1558th mtg. para.67.

57. A/4445. August 20, 1960.

58. The item was discussed during the sixteenth se-

on November 28, 1960 Mauritania was granted independence by France and it applied for U.N. membership.⁵⁹ Eventually Mauritania was admitted to the U.N.⁶⁰ after some delaying tactics by the Soviet Union in the Security Council. These tactics are best interpreted as manoeuvres in the context of the cold war and not as evidence of doubts on the competence of the U.N. to pass a judgment on the Moroccan claims. Indeed, Morocco itself argued its case before the Security Council as if this organ were a court of law competent to give a final decision on its claims. The Moroccan delegate said that Morocco appeared before the U.N. as

"a plaintiff seeking to gain its rights, which the French Government continues to disregard. We have called upon all the peoples of the world to witness the injustice of which we are victims and which France has sought to perpetuate by its efforts to persuade an international organisation to ratify its act of force."⁶¹

He had earlier stated that

"with the proposal that you should advocate the admission of Mauritania to this world organisation you are being asked to take a decision which... would injure my country by amputating a part of its national territory."⁶²

It is clear that admission of the disputed territory to the U.N. as a member state renders claims, such as those put forward by Morocco, pointless; since if the claimant state thereafter has to settle the dispute in a manner consistent with the dispositions of the Charter, that is to say, peacefully and without recourse to

ssion. See especially G.A.O.R. 16th sess. 1st Cttee. 1109th, 1111th, 1113th and 1118th mtgs.

59. S/4563 and Corr.1.

60. On October 27, 1961.

61. S.C.O.R. 16th yr. 971st mtg. para.140.

force, there is little hope of its being successful. For it is highly improbable that any new state will ever be willing to negotiate on a claim to the whole of its own territory. Thus, the decision of the General Assembly admitting a state to membership is final as regards the status of such a country, especially with respect to claims put forward by other member states.⁶³

6. The case of Southern Rhodesia.⁶⁴

Southern Rhodesia, though a Non-Self-Governing Territory, is dealt with here and not together with other territories falling within this category, because it is the only Non-Self-Governing Territory the situation of which the Security Council has found to be a threat to international peace. This finding of the Security Coun-

62. Ibid. para.95.

63. The admission of Israel to the U.N. is another case in point. Further evidence is provided by the attitude taken by the Philippines and Indonesia towards the creation of Malaysia. It was then contended by these two states that Malaysia was a new state and needed to be admitted to the U.N., therefore it could not automatically take the place of Malaya. The Philippines and Indonesia did not gather much support, but this episode can be viewed as a proof of the significance that these two countries attached to admission to the U.N. with respect to their territorial claims to Sabah and Sarawak. See G.A.O.R. 18th sess. plen. mtg. 1283rd pp.2 and 5.

64. For the consideration of the Rhodesian question at the U.N. see R. Higgins, "International law, Rhodesia and the United Nations" World Today (March 1967) pp. 94-106; J.W. Halderman, "Some legal aspects of sanctions in the Rhodesian case" 17 I.C.L.Q. (1968) pp.672-705; T. Venkatavoradan, The question of Southern Rhodesia Indian Yearbook of International Affairs (1964) pp.112-150; G. Fisher, "Le probleme rhodésien" A.F.D.I. (1965) pp.41-70; M.S. McDougal and W.M. Reisman, "Rhodesia and the United Nations: the lawfulness of international concern" 62 A.J.I.L. (1968) pp.1-19; and J.E.S. Fawcett, "Security Council Resolutions on Rhodesia" B.Y.I.L. (1965-66) pp.103-121. The terms Southern Rhodesia and Rhodesia are used interchangeably.

Annex 100

Republic of Mauritius, *References to the Chagos Archipelago in Annual Statements Made by Mauritius to the United Nations General Assembly (extracts)* (1974-2017)

**REFERENCE TO CHAGOS ARCHIPELAGO IN ANNUAL STATEMENTS
MADE BY MAURITIUS TO THE UNITED NATIONS GENERAL ASSEMBLY**

1974 Statement by Sir Abdul Razack Mohamed at the 29th Session of the United Nations General Assembly (27 September)

Declared a zone of peace by the Assembly three years ago the Indian Ocean is at present the scene of dangerous rivalries. Any decision of the United Kingdom and the United States to extend communications and military facilities on the island of Diego Garcia would constitute a flagrant violation of the United Nations resolution on the subject. May we appeal to those directly concerned, especially the United States of America, to reconsider their present policy which, certainly, far from being conducive to the creation of a zone of peace is rather conducive to the creation of one of tension. Mauritius, therefore, with other countries bordering the Indian Ocean, views with grave concern the activities of the great Powers, which could create an explosive situation. The peoples of the countries of the Indian Ocean must be allowed to live in peace and security. Mauritius will therefore continue to explore with others every possibility of maintaining peace in the area.

1980 Statement by Sir Seewoosagur Ramgoolam, Prime Minister, at the 35th Session of the United Nations General Assembly (9 October)

Here it is necessary for me to emphasize that Mauritius, being in the middle of the Indian Ocean, has already – at the seventeenth ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity [OAU], held at Freetown from 1 to 4 July this year – reaffirmed its claim to Diego Garcia and the Prime Minister of Great Britain in a parliamentary statement has made it known that the island will revert to Mauritius when it is no longer required for the global defence of the West. Our sovereignty having thus been accepted, we should go further than that, and disband the British Indian Ocean Territory and allow Mauritius to come into its natural heritage as before its independence. The United States should make arrangements directly with Mauritius for the continued use of the island for defence purposes. And then, there are the inhabitants of Diego Garcia who are domiciled in Mauritius and for whom better arrangements should be made. It must be the duty of both the United States and Great Britain to discuss with the Mauritius Government how best to give satisfaction to all concerned and at the same time provide better prospects for the islanders.

1982 Statement by Hon. Anerood Jugnauth, Prime Minister, at the 37th Session of the United Nations General Assembly (15 October)

At this juncture I should like to dwell on an issue which affects the vital interests of Mauritius; I mean the Mauritian claim of sovereignty over the Chagos Archipelago, which was excised by the then colonial Power from the territory of

Mauritius in contravention of General Assembly resolutions 1514 (XV) and 2066 (XX). This dismemberment of Mauritian territory, the violation of our territorial integrity, has been made all the more unacceptable by the fact that one of the islands of that very Archipelago, Diego Garcia, is now a full-fledged nuclear base, which poses a constant threat to the security of Mauritius and to that of all the littoral and hinterland States of the Indian Ocean, the very Ocean declared to be a zone of peace by this Assembly in 1971.

I solemnly appeal to the peace-loving Members of the Organization to extend all their support to the legitimate Mauritian claim of sovereignty over the Chagos Archipelago. In helping Mauritius to regain its national heritage, the United Nations will be living up to its own principles and proclaiming loud and clear that it expects its resolutions to be implemented by its Members. As the Diego Garcia issue involves two fundamental principles of the United Nations, namely respect by the administering Power for the territorial integrity of its colony, and the right of peoples to live in peace and security, I venture to say that the return of the archipelago to Mauritius will bring the Organization the respect that is so indispensable to its continued existence.

1983 Statement by Hon. Anerood Jugnauth, Prime Minister, at the 38th Session of the United Nations General Assembly (27 September)

I would like at this juncture to impress upon the Assembly the just and legitimate claim of my country over the Chagos Archipelago, which was excised from our national territory in contravention of General Assembly resolutions. I hope that in our endeavours to recover this part of our national territory by diplomatic and political means we shall continue to enjoy the unstinted support of all peace-loving countries.

1986 Statement by Sir Satcam Boolell QC, Minister of External Affairs and Emigration, at the 41st Session of the United Nations General Assembly (8 October)

In the same context of the objectives of the Declaration we note with satisfaction the renewed unanimous support of the non-aligned Member States as well as the backing of other members of the Assembly for our claim to sovereignty over the Chagos Archipelago, including Diego Garcia. The decolonization of Mauritius will not be complete and its territorial integrity restored until the Chagos Archipelago is returned to Mauritius. Moreover, the continuous expansion of the military base on Diego Garcia has led to increased rival military activity in the Indian Ocean region, thus seriously compromising the objectives of the Declaration of the General Assembly.

1987 Statement by Sir Satcam Boolell QC, Minister of External Affairs and Emigration, at the 42nd Session of the United Nations General Assembly (9 October)

I should like to remind this Assembly in this connection that the Chagos Archipelago, which belonged to Mauritius, was excised from our territory before we obtained independence, in clear violation of the principles of the United Nations. Its inhabitants were coerced into permanent exile to clear the way for a military base in Diego Garcia. The key strategic role now assumed by Diego Garcia has brought the nuclear peril right into the heart of the Indian Ocean region. The loss of Chagos has also meant the denial to the Mauritian people of access to the significant ocean resources around the archipelago. We renew our demand for the rightful restitution of the Chagos Archipelago to the national heritage of Mauritius. We are grateful to the States members of the Organization of African Unity (OAU) and of the Movement of Non-Aligned Countries, as well as to other friendly countries, for their strong and consistent support of our just claim.

1988 Statement by Sir Anerood Jugnauth, Prime Minister, at the 43rd Session of the United Nations General Assembly (12 October)

In clear violation of the principles of the United Nations the island of Diego Garcia, along with the Chagos Archipelago, was detached from Mauritius by Britain prior to our independence in 1968. The island of Diego Garcia was ceded by Britain to the United States of America, which transformed it into a military base. The inhabitants of the island were summarily relocated to Mauritius. The key strategic role now assumed by Diego Garcia has brought the nuclear peril right into the heart of the Indian Ocean. We are determined never to give up our claim over Diego Garcia. With the support of other Indian Ocean States, we shall continue to mobilize international opinion for the restitution of the island to Mauritius. We are thankful to the States members of the Organization of African Unity and the Non-Aligned Movement, as well as other friendly countries, for their continued support of our just claim.

1989 Statement by Sir Satcam Boolell QC, Deputy Prime Minister and Minister of External Affairs and Emigration, at the 44th Session of the United Nations General Assembly (27 September)

As the Assembly is aware, the Government and people of Mauritius have not accepted the fact that an important part and parcel of their territory has been excised by the former colonial Power in contravention of United Nations General Assembly resolutions 1514 (XV) and 2066 (XX). The dismemberment of Mauritian territory constitutes an unacceptable affront to our sovereignty. Mauritius cannot and will not remain silent until Diego Garcia and the Chagos Archipelago, as well as the Tromelin Islands, are returned to us. Our claim is just and legitimate. We have the total support of the Organization of African Unity and the Movement of Non-Aligned Countries.

We appeal to the international community and to all peace-loving countries to assist us in the restoration of our territories. Our islands should not serve as a nuclear base and should not constitute a threat to our own security and to that of all the littoral and hinterland States of the region.

1990 Statement by Hon. Jean-Claude de L'Estrac, Minister of External Affairs, at the 45th Session of the United Nations General Assembly (9 October)

While we are addressing the issue of the Indian Ocean, we wish to reiterate our just and rightful claim to the Chagos Archipelago, including Diego Garcia, and express our deep appreciation of the whole-hearted support of the members of the Non-Aligned Movement and the Organization of African Unity, as well as that of other friendly countries.

1991 Statement by Hon. Paul Bérenger, Minister of External Affairs, at the 46th Session of the United Nations General Assembly (10 October)

The issue of sovereignty brings me to the fact that Mauritius is itself still struggling to regain its sovereignty over the Chagos Archipelago, a cause which I believe should be supported by the Assembly in its entirety, considering the stand taken by the world community in the recent Gulf Crisis on, precisely, an issue of sovereignty. With the advent of the new era to which I have already referred, it should be possible for the past colonial Power to come to terms with the present situation and acknowledge the sovereignty of Mauritius over the Chagos Archipelago. It is also the fervent wish of my Government that nothing should be done by any party concerned to aggravate this issue any further, especially as concerns the extension of territorial waters.

1992 Statement by Hon. Paul Bérenger, Minister of External Affairs, at the 47th Session of the United Nations General Assembly (1 October)

Another issue that is of great importance to us in Mauritius is the need to respect the territorial integrity of nations. I should here like to place once more on record the appreciation of my country to all countries that have consistently expressed their support of our sovereignty over the Chagos Archipelago, including Diego Garcia. We should like to like to inform the Assembly that we have resumed exchanges with the United Kingdom on this issue.

1993 Statement by Dr the Hon. A.S. Kasenally, Minister of External Affairs, at the 48th Session of the United Nations General Assembly (30 September)

In our Indian Ocean region, on an issue of direct concern to us, I am happy to say that meaningful dialogue on the Chagos Archipelago is taking place with the United Kingdom authorities.

1994 Statement by Sir Anerood Jugnauth, Prime Minister, at the 49th Session of the United Nations General Assembly (5 October)

It is also my distinct pleasure to associate myself with all those who have extended a hearty welcome to non-racial democratic South Africa within the fold of the Assembly. The end of apartheid in South Africa also underscores the end of colonialism on the African continent. However, there still remain a few areas where the process is not complete, but I firmly believe that it will not be long before we can boast of a totally free world. In this regard, I should like to say that with respect to the question of the return of the Chagos Archipelago to the sovereignty of Mauritius, we have continued to pursue a positive dialogue with the United Kingdom and that some progress has been registered.

1996 Statement by Dr. the Hon. Navinchandra Ramgoolam, Prime Minister, at the 51st Session of the United Nations General Assembly (10 October)

After this overview of the world situation, allow me to speak of a matter of national interest to us. One of the fundamental principles to which we all subscribe is that of respect for the sovereignty of Member States. Interference in the internal affairs of States and disregard for their national sovereignty has often been a source of tension and conflict. Now that the cold war is behind us and we move towards ever greater economic, commercial and cultural integration, we should be able to find amicable answers to questions of sovereignty. Mauritius has sovereignty disputes regarding the Chagos Archipelago and Tromelin Island with two countries with which we have historically close and friendly ties. These differences were referred to as friendly disputes by Sir Seewoosagur Ramgoolam, architect of our independence and father of our nation. We hope to resolve these differences through quiet diplomacy and dialogue.

1997 Statement by Hon. R. Purryag, Deputy Prime Minister, Minister of Foreign Affairs and International Trade, at the 52nd Session of the United Nations General Assembly (30 September)

This Assembly is by now well aware of the just and legitimate claim of Mauritius for the restoration of its territorial integrity through the return of the Chagos Archipelago, including Diego Garcia, to its national heritage. This Assembly should also note that this issue also hides a tragic human dimension. Before Mauritius acceded to its independence, all of the inhabitants of the Chagos were coerced to leave the land of their birth where they had lived for several generations. The plight of these inhabitants must now be comprehensively addressed.

Likewise, we are still awaiting the return of the island of Tromelin to Mauritius. As we pursue our efforts to recover these territories, we call upon the former colonial powers to expedite this process through dialogue in the spirit of the friendship that characterises our relationships. My government looks forward to an early resolution of these disputes.

1998 Statement by Dr the Hon. Navinchandra Ramgoolam, Prime Minister, at the 53rd Session of the United Nations General Assembly (23 September)

Finally, as on past occasions, we would like to bring up once more before this Assembly our lasting claim on the sovereignty of two territories which were taken from our patrimony: the island of Tromelin and the Chagos Archipelago. We reiterate our call to the former colonial Powers to enter into constructive bilateral dialogue with my Government for the early restoration of those territories to the sovereignty of Mauritius.

Regarding the Chagos Archipelago, this Assembly should also be reminded that some 1,500 inhabitants – the so-called “Illois” – were coerced to leave their homeland to clear the way for a military base. Most of the families, who had lived for generations on these islands, were moved to the main island of Mauritius, victims of the then prevailing cold war. Today, after more than 30 years, they still experience tremendous difficulties adapting to their present conditions. Many yearn to be resettled on these islands. As we are about to commemorate the fiftieth anniversary of this century’s seminal document on human rights, we consider that we owe it to these Illois to fully re-establish their rights, including the right of return.

1999 Statement by Hon. R. Purryag, Deputy Prime Minister, Minister of Foreign Affairs and International Trade, at the 54th Session of the United Nations General Assembly (30 September)

For the majority of small States, the United Nations continues to be the main bulwark against infringements on their sovereignty and territorial integrity. We have consistently drawn the attention of the Assembly to the issue of the Chagos Archipelago, which was detached from Mauritius by the former colonial Power prior to our independence in 1968, and also to the plight of over 2000 people who were forced to leave the land of their birth, where they had lived for generations, for resettlement in Mauritius. This was done in total disregard of the United Nations declaration embodied in resolution 1514 (XV), of 14 December 1960 and resolution 2066 (XX), of 16 December 1965, which prohibit the dismemberment of colonial Territories prior to independence.

Mauritius has repeatedly asked for the return of the Chagos Archipelago, including Diego Garcia, on which a United States military base has been built, and thereby the restoration of its territorial integrity. The over 2,000 displaced Illois people have been facing tremendous difficulties in adapting in mainland Mauritius, in spite of all the efforts that Mauritius has made to assist them in this process.

So far the issue has been discussed within the framework of our friendly relations with the United Kingdom, with a view to arriving at an acceptable solution. Unfortunately, there has not been significant progress. The United Kingdom has been maintaining that the Chagos Archipelago will be returned to Mauritius only

when it is no longer required for defence purposes by the West. While we continue the dialogue for an early resolution of the issue on a bilateral basis, we urge the United Kingdom in the meantime to allow the displaced inhabitants to return to the Chagos Archipelago. At the dawn of the new millennium, when we so strongly uphold universal recognition of and respect for fundamental human rights, the inhabitants of Chagos should not continue to be denied the right to return to the Chagos Archipelago.

2000 Statement by Hon. A.K. Gayan, Minister of Foreign Affairs and Regional Cooperation, at the 55th Session of the United Nations General Assembly (22 September)

I wish to say a few words now about the Chagos Archipelago and the island of Tromelin. Respect for sovereignty and territorial integrity is, under the United Nations system, an acquired and inalienable right of every State, however big or small. We are conscious that the United Nations favours the completion of the process of decolonization.

For a number of years now, we have continuously brought before the General Assembly the question of the Chagos Archipelago, which has always formed part of the State of Mauritius. This Assembly will recall that the Chagos Archipelago, including the island of Diego Garcia, was detached by the colonial Power just before our independence, in violation of General Assembly resolutions 1514 (XV) of December 1960 – the Declaration on the Granting of Independence to Colonial Countries and Peoples – and 2066 (XX) of 16 December 1965, which prohibits the dismemberment of colonial territories prior to the accession of independence. We have all along sought to resolve this issue bilaterally with the United Kingdom through dialogue, but there has been no tangible progress so far. The issue has now reached a critical stage and we are extremely anxious to have meaningful negotiations with the United Kingdom with a view to resolving this matter within the shortest possible time. We also reiterate our demand that, pending a resolution of this issue, the former residents of the Chagos Archipelago and their families, who were forcibly evicted and sent to Mauritius by the colonial Power, be allowed to return to their homeland.

We launch a fresh appeal to the former colonial Power, the United Kingdom, to come forward and engage in serious and purposeful discussions with us towards the early settlement of the Chagos Archipelago question. We wish to stress that Mauritius will never abandon its intention to reunite its territory and to assert its sovereignty over the Chagos Archipelago.

2001 Statement by the Rt. Hon. Sir Anerood Jugnauth, KCMG, PC, QC, Prime Minister, at the 56th Session of the United Nations General Assembly (11 November)

We continue to claim our sovereignty over the Chagos Archipelago which was excised by the United Kingdom from the then Colony of Mauritius in violation of

international law and UN General Assembly Resolution 1514. We are convinced that the time for the United Kingdom to engage in talks for the early retrocession of the Archipelago to Mauritian sovereignty is long overdue inasmuch as problems left over from colonial days cannot remain unresolved.

We are also concerned by the plight of all those Mauritians, commonly known as the Ilois, who were forcibly and in outright violation of their fundamental rights, removed from the islands forming the Archipelago by the then colonial power. We support their legitimate claim for all appropriate remedies.

2002 Statement by the Rt. Hon. Sir Anerood Jugnauth, KCMG, PC, QC, Prime Minister, at the 57th Session of the United Nations General Assembly (13 September)

Mauritius reaffirms its legitimate sovereignty over the Chagos Archipelago, including the island of Diego Garcia, which was detached from the territory of Mauritius by the United Kingdom prior to our independence. We renew our call to the former colonial Power, the United Kingdom, to accelerate discussions with us for an early settlement of this issue.

The persons of Mauritian origin who were displaced from the Chagos Archipelago continue to claim redress for the serious human rights violations that they endured. We support their efforts to seek redress.

2003 Statement by the Rt. Hon. Sir Anerood Jugnauth, KCMG, PC, QC, Prime Minister, at the 58th Session of the United Nations General Assembly (24 September)

Before I conclude, however, Mr President, I renew my appeal to the United Kingdom to take all measures to complete the process of decolonization of Mauritius. For years, Mauritius has consistently reaffirmed its sovereignty over the Chagos Archipelago, including Diego Garcia, here and in all international fora. I sincerely regret that this issue has not been resolved. I therefore reiterate our appeal to the United Kingdom, as a country known for its fair play and for championing human rights, and to our friends in the US to engage in a serious dialogue with Mauritius over the issue of the Chagos Archipelago so that an early solution to this issue may be found.

The removal of the Chagossians under false pretences resulted in gross violations of human rights. Hopefully this aspect of the matter will be resolved through the British Courts shortly.

2004 Statement by Hon. Jaya Krishna Cuttaree, Minister of Foreign Affairs, International Trade and Regional Cooperation, at the 59th Session of the United Nations General Assembly (28 September)

As this august Assembly is aware, Mauritius has always favoured a bilateral approach in our resolve to restore our exercise of sovereignty over the Chagos

Archipelago which, prior to independence from the United Kingdom, was unlawfully detached from our territory, in violation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV), and Assembly resolutions 2066 (XX), 2232 (XXI) and 2357 (XXII). Such bilateral approaches have unfortunately not yielded any result so far and certain recent regrettable unilateral actions by the United Kingdom have not been helpful.

Mr. President,

While we shall continue to favour a settlement of this matter through dialogue, we shall use all avenues open to us in order to exercise our full sovereign rights over the Chagos Archipelago. The Assembly should also note that this issue has a tragic human dimension. Before Mauritius acceded to its independence, all of the inhabitants of the Chagos were forced to leave the land of their birth, where they had lived for several generations. The plight of those inhabitants must now be comprehensively addressed.

2005 Statement by Dr. the Hon. Navinchandra Ramgoolam, Prime Minister, at the 60th Session of the United Nations General Assembly (19 September)

Allow me to reiterate before this Assembly our legitimate sovereignty claim over the Chagos Archipelago, including the Island of Diego Garcia which was detached by the United Kingdom from the territory of Mauritius prior to our independence in violation of United Nations General Assembly Resolution 1514 of 1960 and Resolution 2066 of 1965. The people of the Chagos Archipelago, who were evicted from the islands, are still struggling for their right to return to their birth place. We reiterate our call to the United Kingdom to pursue discussions with us for an early settlement of this issue.

2006 Statement by Dr. the Hon. Navinchandra Ramgoolam, Prime Minister, at the 61st Session of the United Nations General Assembly (22 September)

My delegation wishes to draw the attention of this Assembly that, thirty-eight years after its independence, Mauritius has still not been able to exercise its sovereignty over the Chagos Archipelago, including Diego Garcia. The Archipelago was excised from the territory of Mauritius by the former colonial power to be subsequently used for military purposes behind our back, in total disregard of United Nations General Assembly Resolutions 1514 and 2066. This exercise also involved the shameful displacement of the inhabitants of the Chagos from their homeland, denying them of their fundamental human rights.

International law must prevail, as must respect for the sovereignty of all countries. We therefore call once again on the United Kingdom to pursue constructive dialogue in earnest with my Government with a view to enabling Mauritius to exercise its sovereignty over the Chagos Archipelago.

We view positively the visit jointly organised by the Governments of Mauritius and of the United Kingdom, in April this year, to enable the former inhabitants of the Chagos to visit the Archipelago for the first time since their displacement to pay respects at their relatives' graves on the Archipelago.

2007 Statement by Dr. the Hon. Navinchandra Ramgoolam, Prime Minister, at the 62nd Session of the United Nations General Assembly (28 September)

In 1965 when the Constitutional Conference for the granting of independence to Mauritius was convened, the Chagos Archipelago, amongst many other islands, formed an integral part of the territory of Mauritius and should have remained as such in accordance with the Charter of the United Nations and General Assembly resolutions 1514 of 1960 and 2066 of 1965. Resolution 1514 (1960) states inter alia:

“Any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.”

The excision of the Chagos Archipelago by the colonial power at the time of our independence constitutes a dismemberment of our territory in total disregard of resolutions 1514 of 1960 and 2066 of 1965. Furthermore, it is also a violation of the Charter of the United Nations itself.

We therefore, once again, reiterate our request to the United Kingdom to engage in bilateral dialogue with us as soon as possible with a view to enabling us exercise our sovereignty over the Chagos Archipelago.

Equally, on the question of our sovereignty over Tromelin, we note the progress registered at the recent Mauritius-French joint Commission.

The United Kingdom and France, two permanent members of the United Nations Security Council, are two major and important economic and trade and development partners of Mauritius. We fully appreciate their continued support in the development of our country. We have been striving to reach an amicable agreement on these issues but we cannot – and will not – compromise on our territorial integrity and our sovereignty over those islands.

2008 Statement by H.E. Mr. S. Soborun, Permanent Representative of Mauritius to the UN, at the 63rd Session of the United Nations General Assembly (29 September)

The principles and objectives enshrined in the Charter of the United Nations should continue to guide us in our actions. I would like to bring up once again before the august Assembly our legitimate sovereignty claim regarding the Chagos Archipelago, including Diego Garcia. This archipelago was excised from the territory of Mauritius, by the United Kingdom, prior to our independence in disregard of UN General Assembly resolutions 1514 (XV) of 1960 and 2066 (XX)

of 1965. We have always favoured a settlement of the issue through constructive bilateral dialogue. In that regard, I wish to inform the Assembly that high-level talks are underway.

Government is very sensitive to the aspirations of citizens of Mauritius to return to the islands of their birth in the Chagos Archipelago. I wish to recall here that they were forcibly removed from the Archipelago prior to its excision from Mauritius. Likewise, we urge France to pursue dialogue with Mauritius on the issue of Tromelin. It is our firm conviction that such bilateral dialogue will further consolidate our historical and friendly relations with both the United Kingdom and France.

2009 Statement by Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP, Prime Minister, at the 64th Session of the United Nations General Assembly (25 September)

I take this opportunity to reaffirm the sovereignty of Mauritius over the Chagos Archipelago, including Diego Garcia, which was detached by the United Kingdom from the territory of Mauritius prior to our independence. The dismemberment of the territory of Mauritius was in total disregard of UN General Assembly Resolutions 1514 of 14 December 1960 and 2066 of 16 December 1965.

As President Obama said two days ago from this very rostrum, we must demonstrate that international law is not an empty promise.

We must all abide by it.

We have consistently urged the United Kingdom to engage in a meaningful dialogue with Mauritius for the early return of the Chagos Archipelago. We are pleased to inform the Assembly that two rounds of talks have been held with the United Kingdom this year.

We look forward to these discussions coming to fruition and hope that Mauritius will be able to exercise its sovereignty over the Chagos Archipelago, including Diego Garcia, in the near future.

2010 Statement by Dr. the Hon. Arvin Boolell, Minister of Foreign Affairs, Regional Integration and International Trade, at the 65th Session of the United Nations General Assembly (28 September)

We have in no uncertain terms drawn the attention of this august body every year to the fact that Mauritius has sovereignty over the Chagos Archipelago, including Diego Garcia. The Chagos Archipelago was illegally excised by the United Kingdom from the territory of Mauritius prior to our independence. This dismemberment was done in blatant violation of the UN General Assembly resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965.

We have raised the issue of the sovereignty of Mauritius over the Chagos Archipelago with successive British Governments and initially pursued the matter as a friendly dispute. In view of the lack of progress, we suggested that the issue be addressed in bilateral talks. Although the process of bilateral talks was initiated in January 2009, the issue of our sovereignty over the Chagos Archipelago has yet to be addressed.

We are deeply concerned that the British Government decided on 1 April 2010 to unilaterally declare a marine protected area around the Chagos Archipelago allegedly to protect the marine environment. The unilateral establishment of this marine protected area infringes the sovereignty of Mauritius over the Chagos Archipelago and constitutes a serious impediment to the eventual resettlement in the Archipelago of its former inhabitants and other Mauritians as any economic activity in the protected zone would be precluded. The Government of Mauritius has decided **not to** recognize the existence of the marine protected area.

The illegal excision of the Chagos Archipelago from the territory of Mauritius has indeed a tragic human dimension. All the inhabitants of the Archipelago at that time were forced by the British authorities to leave their homes in the Archipelago abruptly in total disregard of their human rights. Most of them were moved to the main island of Mauritius. The Government of Mauritius is sensitive to and fully supportive of the plight of the displaced inhabitants of the Chagos Archipelago and to their desire to resettle in their birthplace in the Chagos Archipelago.

Mauritius greatly appreciates the unflinching and unanimous support it has consistently received from the African Union and the Non-Aligned Movement for assertion of its sovereignty over the Chagos Archipelago. The last AU Summit held in Kampala last July and the last NAM Summit held in July 2008 in Sharm-el-Sheik reaffirmed that the Chagos Archipelago, including Diego Garcia, forms an integral part of the territory of the Republic of Mauritius. They also called upon the United Kingdom to expeditiously put an end to its **unlawful occupation** of the Chagos Archipelago with a view to enabling Mauritius to effectively exercise its sovereignty over the Archipelago.

We urge the United Kingdom once again to take the necessary steps for the **unconditional** return of the Chagos Archipelago, including Diego Garcia, to Mauritius without further delay.

2011 Statement by Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP, Prime Minister, at the 66th Session of the United Nations General Assembly (24 September)

Allow me, Mr. President, to give as an example, the difficulties which my own country has experienced in resolving a dispute relating to decolonization with the former colonial power, the United Kingdom.

The Chagos Archipelago which is part of Mauritian territory, was excised from Mauritius prior to independence, in disregard of United Nations Resolutions 1514 and 2066 and the principles of international law, and declared as the so-called British Indian Ocean Territory. The United Kingdom has failed to engage in any meaningful discussions, with us on this matter.

When the Government of Mauritius consequently announced, in 2004, that it would refer the dispute to the International Court of Justice, the United Kingdom immediately amended its declaration, under Article 36 of the ICJ Statute, to oust the jurisdiction of the Court with respect to certain disputes with a member or former member of the Commonwealth.

This illustrates the kind of difficulties which a State may have in settling a claim under international law. The States involved in the dispute may refuse to negotiate in good faith and seek to ensure that no international tribunal can determine the law applicable to the dispute.

We call on the United Nations to keep under review the whole issue of settlement of disputes, including by judicial means, and to set standards of conduct for all States with respect to negotiation, conciliation, mediation or other forms of non-judicial and peaceful settlement of disputes or alternatively submission of the dispute to adjudication.

....

Mr President,

The continued unlawful occupation of the Chagos Archipelago by the United Kingdom is a matter of concern for the region. Mauritius welcomes the support of the African Union and of the Non-Aligned Movement for the territorial integrity of our country. The purported declaration of a Marine Protected Area around the Chagos Archipelago by the United Kingdom in breach of the United Nations Convention on the Law of the Sea is another cause for concern. This is why in December 2010 Mauritius commenced arbitration proceedings against the UK under the 1982 Convention on the Law of the Sea.

2012 Statement by Dr. the Hon. Arvin Boolell, GOSK, Minister of Foreign Affairs, Regional Integration and International Trade, at the 67th Session of the United Nations General Assembly (1 October)

Mr. President,

Mauritius very much welcomes the high level meeting on Rule of Law. Development and greater economic prosperity go hand in hand with enhanced

rule of law at both national and international levels. There will be no meaningful Rule of law at international level until and unless all nations and specially the small ones can have avenues for resolving their disputes with other States.

The United Kingdom excised part of Mauritian territory prior to independence and has refused to enter into talks in good faith over this dispute and has ensured that the dispute cannot be determined by the International Court of Justice.

Thus, the decolonization of Africa has not been completed.

At a time when the United Nations debates Rule of law at both national and international levels we urge the international community to work on machinery that enables States, whatever their size or economic power, to have judicial or other peaceful means of resolving disputes.

Rule of law at international level cannot only be normative. There must also be adequate enforcement mechanisms without which there is no meaningful rule of law.

2013 Statement by Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP, Prime Minister, at the 68th Session of the United Nations General Assembly (28 September)

Mr President,

Mauritius reiterates its firm conviction that Rule of Law should prevail in the resolution of disputes, in accordance with the UN Charter.

We believe that the international community has an obligation to ensure that, in line with the principles of the Rule of Law, nations should submit their disputes to conciliation, mediation, adjudication or other peaceful means, both non-judicial and judicial.

The dismemberment of part of our territory, the Chagos Archipelago - prior to independence - by the then colonial power, the United Kingdom, in clear breach of international law, leaves the process of decolonisation not only of Mauritius but of Africa, incomplete.

Yet, the United Kingdom has shown no inclination to engage in any process that would lead to a settlement of this shameful part of its colonial past.

I am confident that the UK and the US would want to be on the right side of history.

States which look to the law and to the rules of the comity of nations for the resolution of disputes should not be frustrated by the lack of avenues under international law for settlement of these disputes.

2014 Statement by H.E. Dr. Milan J.N. Meertarbhan, Permanent Representative of Mauritius to the UN, at the 69th Session of the United Nations General Assembly (30 September)

Mr President,

In the mid 60's, when a wave of decolonisation was sweeping across the world the United Kingdom purported to create a new colony, the so-called BIOT, by carving out part of the territory of Mauritius.

Thus, part of Mauritian territory remains under colonial rule.

As long as part of Mauritian territory remains under colonial rule, decolonisation of Africa will still remain incomplete.

The dismemberment by the United Kingdom of part of the territory of Mauritius prior to independence was and continues to be a blatant breach of international law and total disregard of United Nations resolutions.

Speaking before this Assembly last week President Obama said, there is one vision of the world in which might makes right, but that "America stands for something different. We believe that right makes might – that bigger nations should not be able to bully smaller ones..."

This is why, last year at this very forum, Mauritius urged the United States to be on the right side of history and not to condone illegal acts by maintaining its presence on Diego Garcia under an unlawful arrangement with the UK which does not have a valid title to the island and instead to ensure that in the future, such presence is on the right side of the law.

Both the United States and the United Kingdom should recognise the sovereignty of Mauritius over the Chagos and engage, in good faith, in meaningful discussions with Mauritius over arrangements to be made in this regard.

Following the statements we have heard over the last year in connection with sovereignty and territorial integrity, there should not be a set of standards for one part of the world and a different one for another part of the world. Those who show no respect for fundamental principles across the board lose all moral authority to preach to the rest of the world.

2015 Statement by the Rt. Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC, Prime Minister, at the 70th Session of the United Nations General Assembly (2 October)

Mr President,

Mauritius has always firmly supported the resolution of disputes by peaceful means as inscribed in the Charter of the United Nations.

We believe that, in accordance with resolutions of this Assembly, it is high time to complete the process of decolonisation in Africa.

Mr President,

It is also high time to resolve the situation that prevents Mauritius from effectively exercising its sovereignty over the Chagos Archipelago and the Island of Tromelin that form an integral part of the territory of Mauritius.

The Chagos Archipelago was illegally excised by the United Kingdom from the territory of Mauritius prior to its accession to independence, in breach of international law and resolutions of this Assembly.

In the wake of this illegal excision, the Mauritians who were residing at the time in the Chagos Archipelago were forcibly evicted by the British authorities from the Archipelago in total disregard of human rights. Most of them were moved to the main island of Mauritius.

The Government of Mauritius is fully sensitive to their plight and to their legitimate aspiration, as Mauritian citizens, to resettle in the Archipelago.

Mr President,

Mauritius welcomes the Award of the Arbitral Tribunal delivered on 18 March 2015 against the United Kingdom under the United Nations Convention on the Law of the Sea.

We welcome the Tribunal's decision that the 'marine protected area' purportedly declared by the United Kingdom around the Chagos Archipelago was established in violation of international law.

We also welcome the Tribunal's unanimous recognition that Mauritius has an interest in significant decisions bearing upon the uses of the Archipelago pending its return to the effective control of Mauritius.

This arbitral proceeding was the first occasion on which any international judge or arbitrator has considered the facts and history lying behind Mauritius' entitlement to sovereignty over the Chagos Archipelago.

Mauritius appreciates the fact that two arbitrators have confirmed the opinion that the United Kingdom is not the 'coastal State' in relation to the Chagos Archipelago. This view has not been contradicted by any other judge or arbitrator.

This, no doubt, confirms our stand that the Chagos Archipelago is, and has always been, an integral part of the territory of Mauritius.

Mr President,

The Tribunal underscores United Kingdom's legally binding obligations to Mauritius. These establish, beyond doubt that in international law Mauritius has real, firm and binding rights over the Chagos Archipelago and that the United Kingdom must respect those rights.

The Tribunal recognised that Mauritius has a legal interest in the Chagos Archipelago such that decisions affecting its future use cannot be taken without the involvement of Mauritius.

Mr President,

Despite this clear ruling of the Tribunal, we regret that the United Kingdom appears to be adopting a different approach to the rights of Mauritius. It has recently launched a so-called consultation exercise on purported resettlement of Mauritians of Chagossian origin in the Chagos Archipelago under conditions amounting, again, to a gross violation of their most basic human rights.

Mauritius rejects unreservedly this purported consultation exercise.

We wish to assure the international community that once Mauritius is able to effectively exercise its sovereignty over the Chagos Archipelago, our brothers and sisters of Chagossian origin who resettle in the Archipelago will be able to live in dignity and enjoy their basic human rights as they currently do in Mauritius.

Mr President, considering the Award of the Tribunal, we urge the United States of America which is currently using Diego Garcia for defence purposes to engage in discussions with Mauritius regarding the long term interest of Mauritius in respect of Chagos Archipelago. The more so, after the affirmation by the President of the United States of America when he so convincingly stated in his speech to this

Assembly on Monday: I quote – *“We cannot stand by when the sovereignty and territorial integrity of a nation is flagrantly violated”*. Unquote.

Mr President,

The Government of Mauritius is resolutely committed to pursue all efforts in accordance with international law for the effective exercise by Mauritius of its sovereignty over the Chagos Archipelago, including the possibility of further recourse to judicial or arbitral bodies.

And we urge this Assembly and the international community at large to support Mauritius in its legitimate endeavours.

In this regard, this Assembly has a direct institutional interest in the resolution of this matter.

The Assembly, of course, has historically played a central role in addressing decolonisation, through the exercise of its powers and functions especially in relation to Chapters XI through XIII of the UN Charter.

Under its Resolution 1514(XV) of 14 December 1960 on the granting of independence to colonial countries and peoples, this Assembly declared that any attempt aimed at the disruption of the territorial integrity of such a country is incompatible with the purposes and principles of the UN Charter.

In Resolution 2066 (XX) of 16 December 1965, a resolution dealing specifically with Mauritius, the Assembly drew attention to the duty of the administering power not to dismember the territory and not to violate the territorial integrity of the then colony.

Therefore, this Assembly has the responsibility in helping to complete the historic process of decolonisation which it was so successful in instigating and overseeing in the second half of the last century.

This is why, Mr. President, we are convinced that this Assembly should now establish a mechanism to allow and monitor the full implementation of the UNGA resolutions.

Mr President,

I take this opportunity to express the deep appreciation of Mauritius for the unflinching support it has consistently received from members of the African Union, the Non-Aligned Movement and the Group of 77 and China, and other friendly countries for its sovereignty over the Chagos Archipelago.

2016 Statement by the Rt. Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC, Prime Minister, at the 71st Session of the United Nations General Assembly (23 September)

Mr. President,

The firm belief of Mauritius in the UN Charter and the legitimacy of a fair and just multilateral system is unshakable.

Every nation has a right to peace, justice, rule of law and democracy and every human being to the basic human rights. This is the basis on which the Mauritius Constitution is built. These are also the principles enshrined in the UN Charter.

The full realisation of these principles will not be possible unless decolonisation is completed.

Mr. President,

Forty eight years ago, my country became a free and sovereign nation, an independent country in the eyes of the world. Yet even today, it is unable to exercise its sovereignty over parts of its territory, namely the Chagos Archipelago and Tromelin.

Prior to granting Mauritius its independence on 12 March 1968, the United Kingdom illegally excised on 8 November 1965 the Chagos Archipelago from the territory of Mauritius to purportedly create the so-called 'British Indian Ocean Territory'.

This excision was carried out in violation of international law and United Nations General Assembly Resolutions 1514 of 14 December 1960, 2066 of 16 December 1965, 2232 of 20 December 1966 and 2357 of 19 December 1967.

Mr. President,

UN General Assembly Resolution 1514 stipulates that ***"any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations"***. It clearly prohibits the dismemberment of any colonial territory prior to independence.

In addition to excising this integral part of our territory, the Mauritians living in the Chagos Archipelago were forcibly evicted from their home and moved to the main island of Mauritius in total disregard of their human rights.

The Government of Mauritius is fully sensitive to their plight and their rightful aspiration to resettle in the Chagos Archipelago as per their legitimate right as a citizen of Mauritius. We are determined to resettle those who were forcibly evicted from the Archipelago upon its return to the effective control of Mauritius in full respect of all their rights and dignity.

Mr. President,

My delegation comprises the spokesperson of Mauritians of Chagossian origin. He is the symbol of a whole community whose human rights have been baffled. His presence also testifies that the issue of sovereignty and the right of return of Mauritian Chagossians to their native lands cannot be dissociated.

Mr. President,

Mauritius has consistently protested against the illegal excision of the Chagos Archipelago and has unequivocally maintained that the Chagos Archipelago, including Diego Garcia, forms an integral part of its territory, under both Mauritian law and international law.

Mauritius has also constantly pressed for the completion of its decolonisation process.

Mr. President,

For decades, Mauritius has called on the former colonial power to engage with us in order to find a fair and just solution, but our efforts have remained in vain so far.

Despite the blatant violation of UN Resolution 1514, the United Kingdom maintains that its continued presence in the Chagos Archipelago is lawful. Yet the United Kingdom also tacitly admits the impropriety of its action in dismembering the territory of Mauritius, as evidenced by the undertaking which it has given on various occasions that the Chagos Archipelago will be returned to Mauritius when no longer required for defence purposes.

This undertaking has been held to be legally binding by the Arbitral Tribunal established in the case brought by Mauritius against the United Kingdom under the United Nations Convention on the Law of the Sea to challenge the legality of the 'marine protected area' purportedly established by the United Kingdom around the Chagos Archipelago.

However, the United Kingdom has so far not honoured its undertaking as the criteria on which it relies to contend that the Chagos Archipelago is still required for defence purposes keep changing.

Mr. President,

The Arbitral Tribunal ruled that the creation of the purported 'marine protected area' around the Chagos Archipelago by the United Kingdom was in violation of international law.

Two of the arbitrators found that the excision of the Chagos Archipelago from Mauritius in 1965 showed "a complete disregard for the territorial integrity of Mauritius by the United Kingdom", in violation of the right to self-determination and that the United Kingdom is not the 'coastal State' in relation to the Chagos Archipelago. This finding has not been contradicted by the other members of the Arbitral Tribunal.

Mr. President,

The General Assembly has a direct institutional interest in this matter given the historic and central role it has played in the process of decolonisation throughout the world. The General Assembly has a continued responsibility to complete the process of decolonisation, including that of Mauritius.

This is why at the request of the Government of Mauritius, the General Assembly has included in the agenda of its 71st Session an item entitled "Request for an Advisory Opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965".

Mr. President,

An Advisory Opinion would assist the General Assembly in its work on decolonisation in general and the decolonisation of Mauritius in particular, pursuant to the requirements of the UN Charter and international law.

Mr. President,

I would like to impress on the fact that the decision to have recourse to this action has not been taken in an adversarial mindset. This is not the first time that the Advisory Opinion of the International Court of Justice is being sought on such a subject. In our view, this is a legitimate recourse and it abides by the provisions of the UN Charter and past practice of the United Nations.

Mr. President,

We have noted that the United Kingdom has now expressed the wish to engage in dialogue with Mauritius in order to sort out the matter by June 2017.

Mauritius has always believed in true dialogue. We are acting in good faith and we expect same from our interlocutors.

Mr. President,

We believe that this Assembly has the duty to assist in the completion of the decolonisation process.

Mauritius shares the view that an Advisory Opinion of the International Court of Justice in respect of the Chagos Archipelago will undoubtedly assist the General Assembly in the discharge of this responsibility.

I wish to heartily thank Member States of the African Union, the ACP, the Non-Aligned Group and the Group of 77 countries plus China, amongst others that have openly expressed their support to my country.

I know that when it comes to justice, human dignity and territorial integrity, this Assembly will live up to its mission.

Mr. President, we concur with the UK position of a rule based international system. However, we have to be coherent, not only in what we say but also in what we do.

...

Monsieur le Président,

L'intégrité territoriale est un principe de droit international. Les Nations Unies la reconnaissent ainsi et il est de notre devoir de la faire respecter.

Mr. President,

In concluding, I would like to call on the whole Membership of the United Nations to stand by the right to justice, to show that a better and safer world is only possible if this is compatible with Rule of law and to show commitment to the principles of the Charter.

Thank you for your kind attention.

2017 Statement by Hon. Pravind Kumar Jugnauth, Prime Minister, at the 72nd Session of the United Nations General Assembly (21 September)

Mr. President,

Adherence to international law, safeguard of fundamental human rights and respect for the territorial integrity of countries underpin relations between countries.

In relation to Mauritius, all these principles were flouted when an integral part of its territory, namely the Chagos Archipelago, was excised prior to our independence, in violation of international law, including obligations reflected in UN Resolutions 1514 (XV) of 14 December 1960 and 2066 (XX) of 16 December 1965, and all the inhabitants of the Chagos Archipelago were forcibly evicted.

Our decolonization still remains to be completed, five decades after the adoption of the Declaration on the granting of independence to colonial countries and peoples.

Mr. President,

A crucial role of the International Court of Justice is to provide guidance, through its advisory opinions, to the organs and agencies of our Organization for the fulfilment of their responsibilities.

It is in this spirit that Member States of the Group of African States tabled last June a resolution seeking an Advisory Opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965.

We are very pleased that the resolution was adopted, and indeed by such a resounding majority. That vote demonstrated the great importance that the Member States from across the globe - not just Africa, but also Europe, Asia and the Americas - attach to the need to complete the process of decolonization, as well as the concern they have for the injustices caused to the evicted inhabitants of the Chagos Archipelago. As a matter of fact, this overwhelming vote has renewed their hope that they might finally return to their place of birth.

The UN membership has indeed made it clear that it wishes to see the decolonization process of Mauritius completed, and to that end has turned to the International Court of Justice for guidance. We are hopeful that the Court's Advisory opinion will not only guide the important work of the General Assembly but will also allow Mauritius to move forward, including with an appropriate program in favour of the inhabitants who had been displaced from that part of the Mauritian territory. Many of you had an opportunity, last June, to see an

exhibition on the tragedy surrounding that eviction and to interact with those who were forced to leave in such inhumane conditions.

Mr. President,

We thank the Member States for their support and look forward to their continued support in the completion of our decolonization.

In this regard, we express the hope that as many Member States as possible will contribute to the proceedings which the Court has invited them to participate in.

Mr. President,

Let me take this opportunity to reaffirm that Mauritius does not have any intention of seeking the disruption of the security arrangements currently in place in Diego Garcia, the biggest island of the Chagos Archipelago.

Let me reiterate what successive Mauritian governments have clearly stated: "Mauritius is willing to enter into a long-term renewable lease with the United States to allow these security arrangements to remain in place". In this regard, completing the process of decolonization will enhance security by providing legality and certainty.

Annex 101

Mauritius Legislative Assembly, *Speech from the Throne – Address in Reply: Statement by Hon.
G. Ollivry* (9 Apr. 1974)

dans la loi pour aller se cacher derrière un *writ of certiorari*, un writ qu'on n'est même pas sûr d'obtenir, qui est très difficile à obtenir. C'est le juriste qui devrait faire attention au droit administratif.

Mr. Y. Mohamed : How many times have I seen him condemning past administrators at the Municipality without giving them a chance to defend themselves ?

M. Ollivry : Il ne s'agit pas de condamner les agissements des Municipalités. Il s'agit d'une question de principe. Nous vous donnons le droit de faire appel et vous en tant que juriste, vous dites : « Allez lire Basu ».

M. Duval : En tant que juriste, je déclare que les deux partis ont tort.

L'amendement que propose le premier député de Rodrigues (M. Ollivry) pourrait sauver ce projet de loi. C'est pourquoi le troisième député de Quartier Militaire et Moka (M. Y. Mohamed) devrait au contraire être pour le projet de loi, pour l'amendement et le premier député de Rodrigues (M. Ollivry) contre. Quant à moi, je resterai sur mes positions.

Sir Harold Walter : Sir, there are three points which have been completely overlooked by the last speaker. The first one is the right of appeal. The right of appeal is inherent to it. At any moment if anybody feels that there has been an omission or a commission which makes an inroad in the provision of the law, he can go to Court by way of writ. What is the difficulty in this ? I cannot see the difficulty.

The second thing which no one has dared mention : we are trying to repair a big mistake of the last administration of the Municipality of Port Louis. They

forgot to pass the law and collect the rates for 1972/1973. We have done it now.

The third thing : how are those Commissions going to get the loans from Government ? You have to mortgage everything or go on your knees to the bank to ask for overdrafts.

Mr. Ollivry : Sir, is the hon. Minister speaking on the amendment which is to give a right of appeal to the Municipality which has been suspended ?

Sir Harold Walter : You are right on a point of order because the other one is a point of disorder which...

Clause 2 ordered to stand part of the Bill.

Clause 3 (Appointment of commissions).

Motion made and question proposed « that the clause stand part of the Bill ».

Mr. Ollivry : Sir, I move the amendment as circulated.

Question put on the amendment of the hon. First Member for Rodrigues (Mr. Ollivry).

The Chairman : The Noes have it.

Mr. Ollivry : I move for a division, Sir.

The Chairman : I have put the question on the amendment which has been circulated to hon. Members and I have said that the Noes have it. Will those who support my decision rise in their places.

(Members rose in their places)

Thank you. Now will those who challenge my decision rise in their places.

EXTRACT

263

Public Bill

9 APRIL 1974

Motion

264

(Members rose in their places)

Thank you. The Noes have it.

Amendment defeated.

Clause 3 ordered to stand part of the Bill.

Clauses 4 and 5 ordered to stand part of the Bill.

Clause 6 (Rates and taxes).

Motion made and question proposed :
« that the clause stand part of the Bill ».

Mr. Ah Chuen : Sir, I move according to the amendment which has been circulated.

Amendment agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 (Charges of administration).

Motion made and question proposed :
« that the clause stand part of the Bill. »

Mr. Duval : This morning, the reply of the Minister to a Question which reads thus :

«Whether he will say if the Chairman and Members of the Administrative Commissions of the Municipalities of Port Louis, Beau Bassin-Rose Hill, Quatre Bornes, Curepipe and Vacoas-Phoenix are remunerated. If so, will he give details thereof.»

was : «No». I want again to ask the Minister, specially as regards the Municipality of Vacoas-Phoenix, whether he still maintains that the Chairman is not being remunerated.

Mr. Ah Chuen : Not for the time being. The former President of the Municipality of Vacoas-Phoenix declined.

Clause 7 ordered to stand part of the Bill.

Clauses 8 and 9 ordered to stand part of the Bill.

The title and the enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with Mr. Speaker in the Chair, the Deputy Speaker reported accordingly.

Third Reading

On motion made and seconded the Local Government (Special Provisions) Bill (No. VI of 1974) was read the third time and passed.

MOTION

SPEECH FROM THE THRONE
— ADDRESS IN REPLY

Order read for resuming adjourned debate on the following motion of the hon. Deputy Chairman of Committees (Mr. S. Bhayat) :—

«That an Address be presented to His Excellency the Governor-General in the following terms :—

«We, the Members of the Mauritius Legislative Assembly here assembled, beg leave to offer our thanks to Your Excellency for the Speech which Your Excellency has addressed to us on the occasion of the Opening of the Eighth Session of the Third Legislative Assembly.»

Question again proposed.

M. G. Ollivry (First Member for Rodrigues) : M. le président, les premiers mots de ce discours du trône en matière de politique étrangère couvrent de ridicule ce Gouvernement qui agit comme la

grenouille de la fable qui voulait se faire aussi grosse que le bœuf :

« In pursuance of its policy of détente and peaceful co-existence... » « Its » policy of détente ! Ainsi donc le Gouvernement se croit être devenu le gouvernement des Etats Unis ou de la Russie Soviétique ! C'est le gouvernement de Maurice qui parle de sa politique de détente, comme si l'île Maurice était engagée dans la guerre froide ! A moins, M. le président, que le Premier ministre savait qu'il allait alimenter la guerre froide en vendant Diégo Garcia pour rien et pour des raisons électorales, à moins que le Premier ministre sachant cela, veut maintenant faire une politique de détente puisqu'il a lui-même vendu Diégo Garcia pour en faire une base, alors que la majorité de la population du pays s'est opposée. La politique de détente du Gouvernement ! Il aurait fallu y avoir songé en 1965 quand on a, pour des raisons de stratégie et de tactique électorales, donné Diégo Garcia pour Rs. 40m., alors que la population s'y opposait. Aujourd'hui le Gouvernement, voyant que Diégo Garcia est utilisé comme une base, peut-être nucléaire, ne fait que des protestations très faibles ou pas de protestations tout simplement ; parceque le Gouvernement sait que c'est le Premier ministre lui-même qui a été complice de la vente de Diégo Garcia. Il a donc crée, dans l'océan indien, un foyer de guerre froide. Et aujourd'hui il veut parler de détente, de sa politique de détente ! Depuis quand est-il devenu le Président des Etats Unis ou le Premier ministre de la Russie Soviétique ? Mais à ce sujet il faut rappeler que si l'océan indien est transformé en une zone de confrontation entre les super-puissances, la responsabilité, la plus grande part de cette responsabilité, revient au Premier ministre et à son Gouvernement travailliste.

Sir Harold Walter : Revient à vous !

M. Ollivry : Revient à moi ? Comment ?

Sir Harold Walter : Pour avoir opposé l'indépendance !

M. Ollivry : Quel aveu ! Nous apprenons maintenant du ministre de la santé que, parceque le Parti Mauricien s'était à l'époque opposé à l'indépendance, le Parti Travailliste, avec le ministre de la santé comme membre, a vendu, a donné, une partie du territoire mauricien ! Voilà de quoi ils sont coupables ! Vendre le territoire mauricien tout simplement pour gagner des élections, pour gagner l'indépendance ! Mais quand on a affaire à ce genre de Gouvernement, à ce genre de mentalité, vraiment, M. le président, il faudrait que cela soit su aux Nations Unies où le ministre de la santé se rend de temps en temps : que, pour de basses raisons électorales, vous avez vendu l'île Maurice !

Sir Harold Walter : Ce n'était ni vous, ni à moi : c'était à l'Angleterre ! Elle avait le droit d'extirper !

M. Ollivry : Si c'était à l'Angleterre et que l'Angleterre avait le droit d'extirper, comme vous dites, il ne fallait pas être complice de M. Greenwood ! Il fallait dire aux Anglais : « Extirpez ! » Non seulement vous n'avez pas fait cela, vous avez pris le fric des Anglais...

(Interruption)

Mr. Speaker: I must tell Hon. Member that it is not a shouting match which is taking place.

M. Ollivry : Je vous remercie, M. le président. Je reprends mon discours, mon calme pour répondre.

Ainsi nous apprenons du ministre de la santé que c'était aux Anglais et qu'ils avaient le droit de prendre une partie du territoire; mais alors, pourquoi avoir été complice des Anglais en leur disant : « Prenez » alors qu'il y avait une protestation au Conseil des Ministres à Maurice, alors qu'il y avait des protestations dans la population à Maurice ? Pourquoi avoir accepté l'argent des Britanniques ? Tout simplement parce que le Premier ministre et le Parti Travalliste d'alors savaient que la situation était telle dans le pays qu'il fallait à tout prix céder au chantage, faire plaisir à M. Greenwood ! Voilà la vérité !

Sir Harold Walter : Vous jouissez de l'indépendance, hein ? Et vous aviez voulu l'intégration de l'île Maurice avec la France !

M. Ollivry : L'indépendance est un fait et personne ne songerait à le contester mais seulement quand on compare, M. le président, la situation qui prévalait sur le plan des institutions avant l'indépendance, et ce que ces gens là ont fait de l'indépendance, on peut se demander si on n'avait pas un peu raison d'avoir peur et de craindre la dictature qu'ils allaient imposer dans ce pays.

Sir Harold Walter : Et de dire que votre temps de service comme ministre n'a servi à rien !

M. Ollivry : Oui, vous direz ce que vous voudrez ! Mais vous n'avez qu'à venir, vous n'avez qu'à faire les élections ! Venez poser contre nous, quand vous voulez, là où vous voulez !

Sir Harold Walter : A time will come !

M. Ollivry : Non seulement le Gouvernement...

(Interruptions)

Mr. Speaker : If this sort of thing continues my patience will wear very thin.

M. Ollivry : Non seulement du Gouvernement, du propre aveu du ministre, pour gagner l'indépendance, pour faciliter la tâche du Parti Travalliste, a permis à une partie du territoire de s'en aller et a créé un foyer de la guerre froide dans l'océan indien, non seulement cela, il l'a fait avec la plus grande indécence sans protéger les intérêts de ceux qui s'y trouvaient : les malheureux Ilois. Le Premier ministre lui-même a dit que cette excision de Diégo Garcia du territoire mauricien a été faite sans aucun document pour tenir compte de la réalité, de la nationalité de ces malheureux, de leur sort, de leur reclassement; et ces gens là sont venus, vers les années 1968, essayer de végéter dans les faubourgs de Port Louis. Et rien n'a été fait par le Gouvernement mauricien pour eux. Sans doute le Gouvernement britannique, sous la pression de certains — et qui n'étaient pas membres du Gouvernement d'alors — sous la pression de certains du Parti Mauricien avant la coalition, et de nous-mêmes et des autres après la coalition, a accordé une certaine aide. Et qu'est devenue cette aide ? Qu'a-t-on fait pour ces malheureux ? Est-ce qu'ils ont été reclassés ? Absolument rien n'a été fait pour ces malheureux qui n'ont absolument rien obtenu de la sécurité sociale et de l'assistance publique. Il n'y a aucun document concernant leur reclassement, aucun document concernant leur nationalité; on leur permet de végéter dans les faubourgs de Port Louis, et c'est tout. Pourquoi ? On peut se poser la question. Un Gouvernement qui agit ainsi avec la plus grande désinvolture en permettant la création d'un foyer de tension dans notre océan indien et en permettant à ce que des mauriciens, des Ilois — mais qui ne votent pas nécessairement travailliste — soient traités de la façon dont ils

ont été traités, ce Gouvernement est indigne de rester un jour de plus au pouvoir ! Mais on peut se demander pourquoi ils sont ainsi traités. Ils sont ainsi traités, M. le président, parcequ'ils ne comptent pas ! Parceque pour ceux qui sont au pouvoir, ils ne comptent pas. Ils sont des Ilois. Les Ilois ne comptent pas ! Les Rodriguais ne comptent pas ! Et peut-être même beaucoup de Mauriciens ne comptent pas puisque on a entendu le Premier ministre dire qu'il ne savait pas au juste ce que c'était que le mauricianisme, et le ministre du plan qui dit : « *Qui sa bête qui appelle Mauricien là ?* » Et voilà ! Le Premier ministre qui aurait dû inspirer confiance à la nation mauricienne, qui aurait dû être le promoteur de la nation mauricienne, que le troisième député de Vieux Grand Port et Rose Belle (M. Bissoondoyal) a appelé le père de la nation, celui-là vient vous dire qu'il ne croit pas dans le mauricianisme ! Et son ministre du plan : « *Qui ça bête qui appelle Mauricien là ?* » C'est sans doute parceque les Ilois, les Rodriguais et beaucoup d'autres sont considérés par le Gouvernement comme des « *bêtes* », qu'ils ne comptent pas pour le Gouvernement actuel, qu'ils n'ont absolument aucune espèce d'importance, qu'ils ne comptent pas dans le petit jeu électoral pour des élections qu'ils ne veulent pas faire. C'est pour cela qu'ils ne comptent pas dans le petit jeu électoral de ce Gouvernement, dans le jeu politique de ce Gouvernement. Ainsi donc, le Gouvernement a créé un foyer de tension et vous avez maintenant à rendre compte aux Nations Unies et à vos amis du Tiers Monde, vous qui parlez si souvent sur les tréteaux de l'Organisation de l'Unité Africaine ! Comment rendrez-vous compte à ces gens là de ce que vous avez fait ? Si l'océan Indien n'est pas une zone de paix, que Madame Gandhi aille demander des comptes au Premier ministre ! Que Madame Gandhi qui

s'émeut de ce problème là et, à juste titre, aille demander des comptes au Premier ministre ! Et quant à nous, nous disons que la politique étrangère de l'île Maurice doit tenir compte du fait que nous sommes un petit pays avec une économie vulnérable et que nous avons à tenir compte en politique étrangère de la nécessité de bonnes relations avec tous, sans doute, mais de nos intérêts d'abord et de notre sécurité intérieure. Voilà les considérations qui doivent présider à l'élaboration de notre politique étrangère, — de bonnes relations avec d'autres pays, nos intérêts, notre développement économique et notre sécurité intérieure. Et il n'y a rien dans ce discours du Trône en matière de politique étrangère pour pouvoir inspirer confiance à qui que ce soit, ni aux Mauriciens, ni à ceux qui à l'étranger ont suivi l'évolution de ce parti travailliste, les actes de trahison vis à vis du peuple, de la nation mauricienne dont nous avons eu la confirmation aujourd'hui du ministre de la santé qui nous a dit que c'est parceque on était opposé à l'indépendance qu'ils ont été obligés d'accepter Rs. 40m. et de devenir complices de l'excision d'une partie du territoire mauricien.

M. le président, je voudrais avant de poursuivre mon exposé parler de Rodrigues. Est-ce parceque certains considèrent que les Mauriciens sont des bêtes que les Rodriguais n'ont eu droit à absolument aucun traitement depuis toujours ? On aurait pu penser qu'avec la représentation parlementaire de Rodrigues au Parlement, avec les nombreuses interventions des députés de Rodrigues et d'autres députés pour Rodrigues, que ce Gouvernement allait enfin s'occuper de Rodrigues. Six ans, presque sept ans ont passé et qu'a-t-on fait pour Rodrigues ? Sans doute des missions s'y rendent de temps en temps. Il faut bien y aller, il faut bien aller faire un tour et voir comment c'est

Rodrigues. C'est assez intéressant. On sort de Londres, d'Europe et on sort même de Maurice, on en a souvent entendu parler, on voudrait voir comment c'est et on y va, on va faire un tour à Rodrigues, on revient, les rapports sont déposés et il n'y a aucune suite, aucun *follow-up*. Les années passent, le problème de l'eau est resté sans solution, aucune recherche n'a été faite pour trouver les sources d'eau potable à Rodrigues et les ressources de Rodrigues en eau. Rien. Un filtre avait été donné par l'aide britannique à un certain moment pour filtrer l'eau d'une certaine partie de Rodrigues. Ce filtre a été donné à Plaisance au lieu d'être acheminé sur Rodrigues parceque les avions avaient besoin d'eau potable et jusqu'aujourd'hui rien n'a été fait pour donner à Rodrigues de l'eau filtrée. C'est ainsi que la mortalité infantile est très grande à Rodrigues et ce n'est que si l'enfant dépasse l'âge de quatre ou cinq ans qu'il a une chance de survivre. Mais la mortalité infantile est très grande grâce à la gastro-entérite, grâce à de nombreuses maladies qui proviennent de l'eau polluée. On l'a dit, on l'a répété à plusieurs reprises, le Gouvernement n'a rien fait, le Gouvernement ne fera rien parceque le Gouvernement ne compte pas Rodrigues dans son petit jeu électoral.

Mr. Ringadoo : That is not true.

M. Ollivry : Je sais que le ministre des finances est animé de bonnes intentions vis à vis de Rodrigues mais la route de l'enfer est pavée de bonnes intentions.

Sir Harold Walter : Government also.

M. Ollivry : Quant à lui, il est animé de bonnes intentions vis à vis de Rodrigues mais ainsi que je l'ai dit la route de l'enfer est pavée de bonnes intentions.

Le coût de la vie est très élevé, beaucoup plus élevé qu'à Maurice. Cela a été reconnu par ceux qui y sont allés. Cela a été reconnu par le commissaire Sedgwick. Qu'a-t-on fait ? Les fonctionnaires rodriguais se sont battus pour avoir un COLA suivant le barème établi par Sedgwick. Ils n'ont obtenu absolument rien sauf un 25% du COLA mauricien qui quand on l'analyse de près équivaut à prouver qu'en fait la situation est restée intacte. Je vais vous l'expliquer. La *disturbance allowance* qui est donnée aux fonctionnaires mauriciens comprend environ 15% de COLA. Lorsque vous donnez aux fonctionnaires rodriguais 25% du COLA mauricien, vous ne rétablissez pas la situation. Ce qu'il faut faire c'est donner aux Rodriguais et aux Mauriciens qui se trouvent à Rodrigues un COLA différent basé sur la hausse du coût de la vie et ne pas faire de différence en ce qui concerne le coût de la vie entre les Rodriguais et les Mauriciens à Rodrigues, qui y travaillent. Sans doute il faudra réaménager la *disturbance allowance* qui doit être différente du coût de la vie mais en ce qui concerne le coût de la vie, les Rodriguais et les Mauriciens devraient avoir un COLA qui est supérieur à celui qui est donné à Maurice pour tenir compte de la hausse du coût de la vie qui affecte les Rodriguais et les Mauriciens qui se trouvent à Rodrigues de la même façon.

En vérité, en ce qui concerne Rodrigues il y a un manque d'équipement, il y a un manque de cadres et dès qu'on a un cadre valable qui a un esprit missionnaire et qui veut aider les Rodriguais on le fait partir. Nous avons eu l'exemple de Monsieur Brown qui était en charge de l'agriculture et qui à un moment a voulu mettre de l'ordre dans les services de l'agriculture. Il y a eu un magistrat qui par la suite a disparu dans les circonstances que l'on sait et qui a fait toutes sortes de rapports

Annex 102

Mauritius Legislative Assembly, Committee of Supply, *Consideration of the Appropriation (1974-75) Bill (No. XIX of 1974)* (26 June 1974)

EXTRACT

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Mr. Ringadoo rose and seconded.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

The Road Traffic (Amendment) Bill (No. XXXV of 1974) was considered and agreed to.

On the Assembly resuming with the Deputy Speaker in the Chair, the Deputy Speaker reported accordingly.

Third Reading

On motion made and seconded, the Road Traffic (Amendment) Bill (No. XXXV of 1974) was read the third time and passed.

COMMITTEE OF SUPPLY

(The Deputy Speaker in the Chair)

Consideration of the Appropriation (1974-75) Bill (No. XIX of 1974) was resumed.

Vote 13-1. Ministry of External Affairs, Tourism and Emigration was called.

Mr. Ringadoo : Sir, there is an amendment which has been circulated, and I move accordingly.

M. Ollivry : M. le président, je parle à l'item du ministre des affaires étrangères, du tourisme et de l'émigration pour déplorer, une fois encore, que le Gouvernement mauricien n'ait jamais défini quelle était la politique étrangère du pays, et pour déplorer aussi que les

affaires étrangères soient un secret pour le Parlement — ce domaine est entouré de mystère ! Ainsi, les tractations qui se passent entre le Gouvernement du Royaume Uni...

The Prime Minister : I am very sorry, I don't want to be difficult but I rise on a point of order. This is the general policy. We have discussed external affairs on the debates on the Speech from the Throne, on the second reading of the Appropriation Bill. Everything was discussed and everything was explained beyond limit. That is one. But if the hon. Member were to say under what item he wishes to speak, what is the specific matter he has in mind, I shall be helpful to him. It must be a specific thing; it cannot be a general debate. It must be a specific matter on which we will try and help our Friends. It is no good trying to come with general things which are vague and chaotic in their approach. I have risen on a point of order. The hon. Member says that external affairs are not known. It has been known in the newspapers, in the House and everywhere. I am rising on a point of order and I am explaining why there should be a restraint to a specified aspect of the subject, so that I may be able to be specific and reply to the point of the hon. First Member for Rodrigues.

M. Ollivry : M. le président, je propose que les salaires du ministre des affaires étrangères soient réduits de Rs. 25 ou de Rs. 100. Moi, j'aurais voulu l'enlever. Il n'existe même pas. Le Premier ministre est déjà payé pour cela. Je propose, M. le président...

The Prime Minister : I am always helpful. My Friend can talk on item 1. For the time being it exists. It has not been deleted, has it ? He can speak

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on it, but I would pray and hope at the same time that he will be specific so that I can reply to it.

M. Ollivry : Ainsi, M. le président, des agences de presse étrangères rapportent qu'il y a un accord secret entre le Gouvernement mauricien et le Gouvernement soviétique. Cela est possible. Il est possible que le Gouvernement estime nécessaire d'arriver à un tel accord entre le Gouvernement mauricien et le Gouvernement soviétique. Les agences de presse étrangères rapportent, comme émanant de l'île Maurice, qu'il y a un accord secret entre le Gouvernement mauricien et le Gouvernement soviétique.

The Prime Minister : I can tell my Friend there is no such thing. All agreements that this Government has entered into have been laid on the Table of this Assembly.

(3.10 p.m.)

M. Lesage : M. le président, pour élargir mon champ de tir je vais choisir l'item que vient de choisir celui qui m'a précédé, en y ajoutant 13-1.10, 13-1.16 et 13-1.20. Je crois que cela nous donne une idée de la dimension de notre politique étrangère. Nous sommes membres des Nations Unies, de l'O.U.A., de l'OCAM, et je crois que, ne serait-ce que sous l'item Nations Unies, il est permis de parler sur tous les aspects de cette politique étrangère ou de l'absence de politique étrangère. Je voudrais aviser la Chambre en passant, comme l'a souligné mon Collègue le premier député de Rodrigues (M. Ollivry), que nous avons l'intention de demander la suppression de l'item 13-1.1(1) puisqu'il y a cumul de fonctions. Car ce n'est que suite à la décision du Gou-

vernement, qu'on pourra voir — puisqu'il est entendu que la re-négotiation est une formule diplomatique très en vogue — s'il y aura possibilité de re-négotiation de la Coalition.

Le premier député de Rodrigues a évoqué cette question d'accord russe. Il est évident qu'aujourd'hui l'océan indien entre à nouveau dans l'histoire — il ne s'agit donc pas d'être myope — et cela depuis que la Grande Bretagne a décidé de décrocher à l'est de Suez. Il est tout-à-fait normal qu'un océan de 17 millions de milles carrés fasse l'objet de convoitise de la part des différentes puissances étrangères. En effet, il ne s'agit que de considérer la dimension des puissances qui vont s'affronter pour être en mesure de réaliser les sérieuses inquiétudes pour la paix, qui naissent. Tout d'abord, sans sortir du cadre, nous croyons que c'est une question très pertinente que de se demander à quels mobiles profonds la construction et la mise en service d'une super-flotte soviétique correspondent. Il est un fait troublant, et je résume en substance la déclaration du ministre des affaires étrangères de Tunisie, M. Mohamed Masmoudi, qui, à l'époque de la pénétration soviétique en Méditerranée parlait de myopie européenne. Il s'agit de préciser qu'après avoir franchi les Dardanelles, les Russes ont érodé les prétentions de la sixième flotte à convertir la Méditerranée en *mare nostrum*.

Mais ils se sont aperçus dans le même souffle que pour pouvoir contrôler la Méditerranée, se souvenant sans doute de l'époque de la thalassocratie britannique de Gibraltar à Suez, qu'il fallait avoir un levier logistique dans l'océan indien.

Il ne faut certes pas faire la politique

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Nous ne voudrions pas remonter au déluge, mais qu'il nous soit permis de rappeler, ne serait-ce que le discours qui a été prononcé à l'ONU par notre Premier ministre contre l'Ouganda. On aimerait savoir puisqu'il a eu l'occasion d'aller au sommet de Mogadiscio, s'il a réglé son compte au président Amine.

L'heure est arrivée pour nous de dénoncer ces gens et c'est le seul forum où nous puissions le faire sans acrimonie même si on hausse le ton par fois. Il est bon en effet de rappeler certaines choses. Nous n'avons rien à nous reprocher là-dessus.

Maintenant nous voudrions demander au Premier ministre comment il justifie notre contribution au SARTOC. *Membership fee to South African Regional Tourism Council*. Est-il conséquent avec lui-même ? Par ailleurs, lorsque le Premier ministre va à l'étranger, il fait aussi des déclarations mielleuses. Je me rappelle que cela se passait un peu après l'indépendance. Pendant une visite à l'étranger il avait déclaré que pour les Sud Africains, l'île Maurice était le paradis. Ces derniers y venaient pour regarder la télévision. Il doit se souvenir de tout cela. Et il n'avait peut être pas tort. Aussi nous conseillons une diplomatie prudente, pour ne pas mettre en danger l'approvisionnement de toute une population qui compte 850,000 âmes aujourd'hui, plus même. Nous avons déjà prédit il y a quelque temps que notre pays allait devenir un trottoir pour les querelles idéologiques. Nous aimerions que le Premier ministre fasse une déclaration supplémentaire à celle déjà faite par le ministre des finances en décembre où en septembre 1973 sur cette question qui suscite tant d'inquiétude, je veux parler de l'aéroport du nord.

Mr. Virah Sawmy : Sir, I choose item 13-1.10 — Contribution to United Nations Organisation. I understand that, if my information is correct of course, that some twenty years ago, a resolution was passed in the United Nations which prevented any colonial country to deprive a colony on the verge of independence of any part of its territory. In other words no country could, prior to independence, remove from Mauritius any part of it. If this is true, is not the passing over of Diego to the famous British Indian Ocean Territory in contravention with this resolution and if it is so, does the Minister of External Affairs intend to take the case to the International Court of the Hague and if not I would like to know why.

Secondly, I would like to speak on item 13-1.16 and here I would like to know what contribution this Government gives to the liberation movement of Africa. The Prime Minister, in many speeches we know, has expressed his solidarity for all oppressed people of the world, but I would like to know whether when he makes these statements, he is not only paying lip service to the liberation movement, because we may make beautiful speeches expressing our solidarity when in fact what the freedom fighters in Africa need is help, medicine, guns, etc. I would like to know how much this Government gives to the liberation movement in Africa. The time when people would just listen to good speeches is over. We must know what is done in practice, what concrete help is being offered to our black brothers in Africa. There were quite a lot of accusations of racialism here. But one Minister once accused me of stupidity, because I expressed my solidarity for the black people of Africa. So I think the Prime Minister should look around him before he accuses

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other people of racialism because there are racialists in his Government.

My third point. Sir, I would like to speak on item 13-1.33 (1) General Manager, Mauritius Government Tourist Office. There is an alarming situation which exists in this country. I am not going to make a detailed speech on tourism to show its good side and its bad side, but there is one aspect which worries me a bit. There was a nice beach in Trou-aux-Biches, now the public can no longer go there. Pointe aux Canonniers was a nice place, now there is Club Méditerranée. We hear of hotels in Belle Mare, hotels all over the place. I would like to hear from the Prime Minister what is the policy of Government concerning the protection of Mauritians and the protection of the rights of Mauritians to go to the beaches whenever they want and to prevent hotels from depriving Mauritians from this inherited privilege. And while I am on this topic, I would like also to draw the attention of Government on another point. There are places in Mauritius where owners of campements have the habit of putting barbed wires to prevent people from walking along the beach. Hotel keepers may adopt this practice so that we Mauritians are prevented from enjoying things which are ours.

A last point which I would like to make is on the item concerning membership to South African Regional Tourism Council. Now there has been quite a lot of statements against South Africa and I agree that we should take a very firm stand against South Africa, but there is a contradiction here. We say that we must fight for total political and economic independence and we encourage tourism and the majority of tourists come from South Africa, so that the tourist

economy is dependent on South Africa and we are at the same time member of the South African Regional Tourism Council. The country of Kamuzu Hastings Banda too is a member of this Association. I think the Prime Minister knows that not only the white despots are the enemies of the black people, but there are also some black stooges of the white despots, and if we want to be honest with ourselves, I think this country should withdraw from SARTOC which is a South African controlled organisation. We cannot go on paying again lip service to the liberation of our black brothers in South Africa and at the same cooperating economically. We cannot do something valid on the political level if we are collaborating with South Africa on the economic level.

Thank you, Sir.

(3.45 p.m.)

The Prime Minister: First of all, Sir, with regard to the ceiding of Diego by this Government, I will say actually it is not what my hon. Friends opposite are saying. I will refer them to the Colonial Boundaries Act of 1895 which confers on Her Majesty the Queen, then Queen Victoria, the power to alter the boundaries of colonies by order in Council, or letters patent, with the proviso that the consent of the self governing Colony, shall be required for the alteration of the boundaries thereof.

It is by this that Seychelles and Mauritius were separated. It is by this that Diego was separated from Mauritius. By an Order in Council in 1965, dated the 8th November, Her Majesty the Queen ordered that the British Indian Ocean Territory be constituted consisting of certain islands hitherto included in the

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dependencies of Mauritius and of other territories.

The Government of Mauritius was nevertheless informed, after we had discussed in England, that this had taken place, and we gave our consent to it. It was done like this, but the day it is not required it will revert to Mauritius. But, Mauritius has reserved its mineral rights, fishing rights and landing rights, and certain other things that go to complete, in other words, some of the sovereignty which obtained before on that island. That is the position. Even if we did not want to detach it, I think, from the legal point of view, Great Britain was entitled to make arrangements as she thought fit and proper. This, in principle, was agreed even by the P.M.S.D. who was in the Opposition at the time ; and we had consultations, and this was done in the interest of the Commonwealth, not of Mauritius only. This is all I can say about Diego.

With regard to the liberation movement, it is not lip service. We are contributing, in every way possible, to the liberation movement. Sometimes, there are papers which come here, to make good the amount that we pay.

With regard to tourism and beaches, Government, as far as possible, tries to strike a balance between our own requirements and the use to which we should put some of our beaches so that we can derive not only revenue, but also facilities which give a lot of employment to our own people, and at the same time earn foreign exchange for Mauritius. It is possible that sometimes we may not have discerned properly. That is another matter, but every request is examined very carefully, not by my Ministry. To begin with, it is examined

elsewhere, and it comes before everybody, and Government decides to follow this or that policy.

With regard to people trying to put fences in front of their bungalows at the seaside, if this is reported to the Government, we might look into it. I do not think people can do it. I say, on the spur of the moment, it should not be done.

With regard to SARTOC, we don't mix up politics with tourism in international organisation of this nature. We have not mixed up tourism with politics, and SARTOC is a tourism organisation. It is not mainly composed of South Africa or its representatives. It is not an organisation to include South Africa as such, as I can know, and we form part of it. But, I would like to point out to my Friend that it is not working as he thinks it is working. It is not giving satisfaction to the members themselves. They very rarely do. And as to tourism, we have no grievance against South African concerns. The South Africans who come to Mauritius are well behaved. There have been no incidents with them, and they accept the policies and the rules of conduct in our country. This is a free country : people come, they leave, they take what they want, what they require, and they go. I don't think there has been any complaint against South Africans as such. What we complain of is apartheid and the abuse of the black races which a minority of white Africa is trying to impose. That is what we are against ! We are against the enslavement of the black man. This is not something that is new. My hon. Friend just now spoke about my insincere views. I moved even before we were independent a resolution in this country to sympathise with the black Africans who were shot at Sharpeville !

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And it was passed by this Legislature, even before independence. This is something that we cannot mix up. South African people themselves do not like many of the things their Government does. But, we cannot mix up the South African tourists or the South African people with the policy of the South African Government.

(Interruption)

Well, I don't know. My friend may think so. I don't know who supports and who does not support. South Africans are good tourists. They are well behaved gentlemen and ladies, and I take my hat off to them. They have always behaved well in Mauritius, and I don't think Mauritius has anything against them.

Commerce is international. I don't think it is based on colour or creed or anything of the sort. So, this is the stand on which this Government acts and we are contributing to the liberation movement in many forms, in education as well as by funds and we are satisfied that our Colleagues in O.A.U. are doing their utmost also to do the same thing. And there are no bones about all this.

But, as I said, as regards the Indian Ocean I have given part of it, but there is the other part and we are already trying to see what the Indian Ocean can produce for Mauritius itself. There is a great wealth down the bottom of the sea, wherever our territories are, and I have signed an agreement to the effect that Mauritius has 53,000 square miles of territory beyond the others, to which we have acquired rights, and in which we have the right to explore and exploit the resources that are available. So, we have tried to protect the rights of Mauri-

tius wherever we have been able to do it. But, if my hon. Colleagues on the other side say that we should oppose the great powers in the Indian Ocean, I would say that even great powers cannot oppose each other. They try to talk, they try to cajole one another, they talk at international forums to be able to come to some arrangement. Just now, they are talking in an impasse, but all the same they talk. I personally think, all the sea should be free to every nation. We, in our own life-time, have seen two world wars. The first world war was for the freedom of people and the freedom of nations. The second war also involved the same theme. So, I do not know why we should not say Russia should not come this way, or the United States or any other nation should not come this way. I would like to know how can Russia traverse from one side of the world to the other without going through the Indian Ocean? Or, how can America go from this side to the other? Or how England or Holland or Iran can go from this side to the other unless they go through the Indian Ocean? I think, this is not a pragmatic approach to the problems with which we are faced; and peace and war — although small or big nations may have their say up to a point, — this is decided by big powers, and this is the grievance of smaller nations who seem to be now and again acting as pawns to big powers. We can say in the United Nations what we feel, we certainly say at the O.A.U. what we think, we can say it at O.C.A.M., we can say it at non-aligned meetings, at other international meetings, the W.H.O. the F.A.O. the UNESCO — all these are forums where we can vent the views of a country for peace and happiness, but still war is taking place. There is war in North and South Vietnam.

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fait ? Quand espère-t-on terminer ces travaux ?

M. le président, à l'item de Rodrigues je vois *housing for civil servants*. Il est certain que ce Gouvernement se doit de construire des résidences pour les fonctionnaires à Rodrigues mais la plupart des fonctionnaires habitent dans la région de Port Mathurin. Il n'y a vraiment pas beaucoup d'espace. Est-ce que la solution ne serait pas, au lieu de construire un très grand nombre de petites maisons avec une cour, etc., comme cela se fait d'habitude, est-ce que ce ne serait pas mieux de construire un ou deux immeubles avec un grand nombre d'appartements où les fonctionnaires pourraient occuper ces appartements ? Ce serait une meilleure utilisation des terrains.

Dans Port Mathurin presque toutes les maisons sont des maisons de fonctionnaires. Est-ce que dans le cadre du *planning* et de l'urbanisme on ne devrait pas songer à créer des blocs d'appartements pour les fonctionnaires à Rodrigues et qui feraient une meilleure utilisation de l'espace ?

Je vois qu'on prévoit une somme à l'item 31.4.70. pour l'aéroport. On aurait dû plutôt parler du *air strip* que du *airport*. On a annoncé qu'un avion de vingt places irait à Rodrigues. Est-ce que l'aéroport actuel peut recevoir cet avion ? Quelles sont les améliorations qu'il faudra faire ? Combien de temps faudra-t-il attendre pour que cet avion puisse y aller ? Est-ce que cette somme suffirait pour l'agrandissement éventuel de l'aéroport de Rodrigues ?

(6.35 p.m.)

M. Lesage : M. le président, je choisis

l'item 31.7.7 *New Airport (phase 1)*. Je vois que la somme globale pour ce projet est de Rs 41 millions alors que les crédits qu'on nous demande de voter cette année-ci ne sont que de l'ordre de Rs 2,26 millions. Il est toutes sortes de bruits qui circulent à ce sujet. Nous dirons même qu'il y a un mystère qui entoure la construction de ce nouvel aéroport. En effet, à chaque fois qu'un membre de cette Chambre essaye d'avoir de plus amples détails, le gouvernement répond évasivement. On a l'impression que le projet a été modifié radicalement.

(Interruption)

En effet les avions font beaucoup de bruit !

Nous aimerions avoir quelques renseignements complémentaires sur cet aéroport. Nous voulons bien entendu parler de l'aéroport du Nord. Est-ce que de nouveaux développements se seraient produits suite à la déclaration faite par le ministre des finances en novembre ou en décembre 1973 ? C'est en tout cas notre sentiment intérieur.

Le ministre doit dire s'il y a de nouvelles conditions qui y ont été attachées. Nous avons du reste prédit — on dira que nous avons une bouche de *cabri* — que nous finirions par payer notre aéroport. Nous avons vu les répercussions suite au réajustement des taux. On dit toujours que l'économie socialiste ne connaît pas l'inflation. Cela est possible. Mais ce qui est également vrai c'est qu'elle est injecteuse d'inflation chez les autres. Si on prend une liste des prix, — c'est le conseil que je donne au ministre du commerce et de l'industrie — des marchandises importées de la Chine continentale on verra dans quelle proportion certains produits venant du pays

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donateur ont augmenté en l'espace de deux ans. On a commencé à ressentir les effets presque immédiatement, après la signature de l'accord. Il est certaines gens qui savent bien faire les choses.

J'arrive maintenant à l'item 15.3. — Quatre Bornes, qui avait été tenu hors du circuit de développement car le gouvernement n'y permettait pas l'implantation de nouvelles usines, jusqu'à tout récemment a pourtant ses lettres de noblesse dans l'industrialisation de Maurice. Je veux parler de la sacherie qui se trouve dans ma circonscription. Il y a eu un nouveau projet à partir de la sacherie. D'autres industries vont être mises sur pied grâce à des investissements étrangers. Aussi, pressentant cet accord éventuel entre le Gouvernement et des entrepreneurs libres, nous avons par voie d'interpellations demandé au ministre du commerce et de l'industrie d'alors si les droits des travailleurs seraient sauvegardés. Et avons même fait ressortir que ce serait une occasion unique pour lancer la participation, pas seulement entre les investisseurs et le gouvernement, mais également la possibilité d'une participation des travailleurs aux responsabilités, aux décisions et au capital de l'entreprise. C'était l'occasion rêvée.

On nous a répondu que les intérêts des travailleurs ne seraient pas lésés. Or, nos renseignements sont que tel n'est pas le cas. Il y a eu tout un chambardement dans les structures sans que les travailleurs ne soient consultés. Une fois encore le Gouvernement n'a pas permis aux travailleurs de s'exprimer sur une question qui va affecter leur avenir.

Mr. Ringadoo : Sir, the hon. First Member for Rodrigues (Mr. Ollivry)

raised the question of the amount provided for the resettlement of the *Ilois*. I would like to inform the House that Government intends to have two housing estates, one at Pointe aux Sables and another at Roche Bois and that the *Ilois* will be given all the facilities for pig breeding and mixed farming. The amount of Rs 725,000 we are providing would be for the relief of the *Ilois*.

He raised also the question of housing for civil servants in Rodrigues and suggested that we may perhaps build on a large scale in order to provide a lot of housing facilities for civil servants. As pointed out by the Minister of Economic Planning, Rodrigues will need a lot of infra-structure work before we can have houses which will not be just on the ground floor. I think there is a problem of water and roads will have to be looked into and certain works completed before we can embark on what he has suggested.

He has also raised the question of the air strip. I think the air strip is now being redone. I think it will be tarred and we are sending equipment in order to do extensive work to the air strip in order that the strip may be able to receive a plane larger than the one which is being used at present and that would increase the number of people who can travel to and from Rodrigues.

The hon. First Member for Belle Rose and Quatre Bornes (Mr. Lesage) raised again the question of the new airport. In my reply I informed the House that there were some technical problems which were discussed by technicians on both sides and that was why there has been some delay on account of the nature of the ground and facilities to be provided and the size of the air strip.

Annex 103

Memorandum by the Secretary of State for Foreign and Commonwealth Affairs on the “British Indian Ocean Territory: The Ex-Seychelles Islands”, OPD(75)9, FCO 40/674 (27 Feb. 1975)

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OPD(75)9

27 February 1975

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

BRITISH INDIAN OCEAN TERRITORY: THE EX-SEYCHELLES ISLANDS

Memorandum by the Secretary of State
for Foreign and Commonwealth Affairs

1. BIOT was set up in 1965 for the defence purposes of the United Kingdom and United States Governments. It consists of the ex-Mauritius Chagos group (including Diego Garcia) and, about 1,500 miles away, the three ex-Seychelles islands of Aldabra, Farquhar and Desroches. This paper concerns the last three only. Although joint defence-use surveys were carried out between 1965 and 1968, the islands remain empty except for a Royal Society scientific station on Aldabra and temporary coconut plantations on Farquhar and Desroches. There are now no plans for specific defence uses either by Her Majesty's Government or, as far as we know, by the United States Government.

Money

2. We paid for the islands by building the Seychelles airport out of the £10 million BIOT fund (half of which was secretly provided by the Americans). They now cost us about £50,000 a year net. There is no prospect of an economic return. The sea-bed might be valuable; but Mr Greenwood promised Mauritius at their independence conference that they would have the benefit of any mineral or oil discoveries in or near Chagos. We should probably have to make a similar promise to Seychelles.

Seychelles Considerations

3. A Seychelles Constitutional Conference will be held from 14-27 March. This is likely to result in independence in 1976. The BIOT islands will be an issue. The present leaders of the Seychelles parties agreed to the arrangement in 1965; but the opposition Seychelles Peoples United Party have since consistently demanded their return, partly out of conviction, and partly to gain support from the Liberation Committee of the OAU. The governing Seychelles Democratic Party are less concerned, but do not want to be outflanked. If the SPUP do not get what they want from the Conference, they may use BIOT as a pretext for a walk-out.

A Policy for Her Majesty's Government

4. It is important to secure denial to the Russians of bases in the whole area, including islands still controlled by Seychelles. But it might be possible to secure this by agreement with the Seychelles Government. Otherwise we do not at present have any direct interest in Aldabra, Farquhar and Desroches. Politically they are an embarrassment

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to us in the United Nations and the Organisation for African Unity. Provided that we can get American agreement without undue difficulty, and subject to a guarantee of denial to third countries, the best solution for us might be to return the islands to Seychelles as a major concession in the independence negotiations. An intermediate solution might be some form of lease to Seychelles under which we retained some of the rights we have at present. But although this would preserve our right, at least in theory, to resume the islands if we needed them, it would meanwhile leave us with responsibility without power.

The Attitude of the Americans

5. Our 1966 agreement with the Americans set aside BIOT "to meet the possible defence needs of the two Governments for an indefinitely long period" (initially 50 years). Their first reaction to any proposal for return is almost certain to be adverse. The Indian Ocean is of particular sensitivity to them. They are not happy about our Defence Review reductions there, and could resent what they would regard as a further weakening of HMG's interest in the area. They may argue that, having jointly paid for the islands, we should retain them for contingency use. They will also be worried about any implications for our title to Diego Garcia, including the possibility that Congress might not vote the funds for expansion there if our security of tenure appeared doubtful. To ask them to make up their minds before Congressional action on Diego Garcia is completed in the spring could be counter-productive. On the other hand, we can put it to them that the retention of such unused and undefended islands can have political and military dangers. Moreover, they are going to have to bargain with an independent Seychelles for the retention of their satellite tracking station in Seychelles. United States agreement to the return of the BIOT islands would be a valuable card in these negotiations.

Conclusions

6. I invite my colleagues to agree that:
- (a) Provided United States agreement can be secured without serious repercussions in United States/United Kingdom relations and that we can be assured they will be denied to a hostile power, it would be in our interest to return the islands to Seychelles, outright or possibly by lease, as a major concession at an appropriate moment, subject to suitable arrangements for the Royal Society on Aldabra.
 - (b) We should explore the problem with the Americans at official level now, stressing the relevance to their negotiations on the Tracking Station, in which we would do our best to assist.
 - (c) If, as is likely, the Americans need more time, we should tell them that we will say no more at the Constitutional Conference than that, because of our agreement with the United States Government, we must consult them about any proposal for return, and will do so.
 - (d) Thereafter we should, with the Americans, examine the question further and in depth. Our final decision should only be taken jointly with the Americans and we should make this clear to them in our discussions.
7. Unless I hear to the contrary by mid-day on 4 March, I shall assume my colleagues' agreement with these conclusions.

Foreign and Commonwealth Office

L.J.C.

Annex 104

United Kingdom, “*British Indian Ocean Territory: The Ex-Seychelles Islands*”, FCO 40/686 (22 July 1975)

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TO ENTER BY ...*31. July 1975*... 95Extract from *00 (75) 64* Meeting held *22 July 1975* SECRET

3. BRITISH INDIAN OCEAN TERRITORY: THE EX-SEYCHELLES ISLANDS

The Committee considered a memorandum by the Foreign and Commonwealth Secretary (OPD(75) 23).

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REGISTER No. 51
23 JUL 1975

THE FOREIGN AND COMMONWEALTH SECRETARY said that when the Seychelles Constitutional Conference resumed in January 1976 the Seychelles leaders were certain to raise the future of the three ex-Seychelles islands, Aldabra, Farquhar and Desroches, which now formed part of the British Indian Ocean Territory. A decision was needed on what our policy on the islands should be. There were two courses open, apart from leasing the islands back to Seychelles, which he did not recommend: either to return the islands in exchange for certain undertakings by the Seychelles, about continued free American use of the satellite tracking station, denial of the islands to hostile powers, and British and American access to them; or to retain the islands while making certain undertakings ourselves about returning the islands when no longer needed, reserving oil, mineral and fishing rights to the Seychelles, and various forms of assistance. His strong preference was for the first course. Returning the islands would help the negotiations on independence, whereas their retention could be exploited to our disadvantage by the Opposition party in the Seychelles and would be a potential continuing embarrassment. However the preference of the United States might well be that we should retain the islands. Although he proposed to show the return of the islands as our preferred option in the papers to be discussed at the next Anglo/United States Consultations on the Indian Ocean, he would report back to the Committee if the Americans did not agree.

In discussion it was argued that the consent of the United States Government to the return of the islands was improbable. They were already greatly concerned by the threat of Soviet penetration in the Indian Ocean. They might also fear that, if the islands were returned to the Seychelles, Mauritius might be encouraged to press for the Chagos Archipelago to be handed back to her and that our hold on Diego Garcia would be made less secure. Furthermore it was by no means certain that the Seychelles would press strongly during the independence negotiations for the return of the islands. Too much emphasis therefore

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should not be placed on the options at a. and b. in paragraph 7 of OPD(75) 23 during discussion with the Americans. On the other hand it was pointed out that our interests would be best served if the Seychelles could be persuaded to adopt a posture of non-alignment. Return of the islands, with suitable assurances given by the Seychelles, would be consistent with that objective; and our extensive programme of aid to the Seychelles might be a useful lever in helping us to obtain the assurances we needed. If the islands were retained, we would expect the costs of any consequential commitments undertaken by us to be met by the United States.

THE PRIME MINISTER, summing up the discussion, said that the Committee agreed that in the paper to be given to the Americans as a basis for further discussion at official level the options should be expressed in the order of preference shown in paragraph 7 of OPD(75) 23. The Foreign and Commonwealth Secretary should report further when we had the United States' reaction, so that the Committee could decide finally what line to follow during the resumed Constitutional Conference.

The Committee -

Took note, with approval, of the Prime Minister's summing up of their discussion and invited the Foreign and Commonwealth Secretary to proceed accordingly.

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Annex 105

U.K. Foreign and Commonwealth Office, “*BIOT: The Ex-Seychelles Islands*”, FCO 40/686 (15 Oct. 1975)

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Foreign and Commonwealth Office
London SW1

Telephone 01-

J P Millington Esq
British Embassy
WASHINGTON

Your reference

Our reference

Date 15 October 1975

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BIOT: THE EX-SEYCHELLES ISLANDS

1. May I refer to your letter 4/15 of 22 August in Laurence O'Keeffe's absence in Hong Kong.
2. I enclose four copies of the UK option paper on the ex-Seychelles BIOT islands for the next round of Angle/US consultations on the Indian Ocean. The paper has been approved by Ministers. It does not seek to argue the case fully in respect of the options mentioned. The feeling here is that this is a matter best left for the consultations themselves. I understand that the Americans are, however, well aware that we recognise the decision on the future of the islands is one to be taken jointly with them, and of our belief that handing them back to Seychelles is the course we prefer.
3. We were concerned by the news in your letter under reference that the Americans appear to have done little in preparing their own option paper. You will no doubt do what you can to persuade them to produce their paper in time for us to have a proper look at it before the next round of consultations, which now look like taking place on 6-7 November. At the same time, we do not want to get into a position where we have turned our paper over to the Americans and are waiting for theirs in return. We would prefer therefore that you should not hand over our paper to the Americans until they are ready to give us theirs - you can thus effect an exchange. As a first step, therefore, could you check with the Americans about their paper, saying, if necessary, that you understand ours is on its way.
4. If this does not look as if it will result in our getting the US paper until just before the talks we may have to think again. But I should be grateful if you would first work for an exchange, and consult us before passing our paper to the Americans without an immediate quid pro quo.

cc. Mr Brindley, Cabinet Office
Mr Cornack, Defence Dept.

D F MILTON
Hong Kong & Indian Ocean

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BIOT: THE EX-SEYCHELLES ISLANDS

1. As the United States Government know, a decision on the future of the islands of Aldabra, Desroches and Farquhar will be needed before the resumed Seychelles Constitutional Conference which is due to begin on 19 January 1976. As a contribution to the discussion of this subject during the next round of Anglo/US Consultations on the Indian Ocean, the British Government wish to identify the options which at present appear available. These fall into two broad categories: handing back the islands in exchange for Seychelles undertakings on access for Anglo/US forces should we require it, benefits for the United States and denial to the Soviet Union; and retaining the islands in return for concessions making the decision more palatable to Seychelles opinion.

2. Given the determination of some elements in Seychelles political life and in the OAU and in the United Nations to make an issue of the matter, a solution within the first range, in the British Government's view, is more likely to be negotiable with Seychelles and permit the peaceful transition to independence by June 1976. It might also create less international complications over the maintenance of the rest of BIOT, particularly Diego Garcia. Whatever can be obtained in return, particularly denial of the three islands to hostile powers and, if possible, denial of Seychelles proper to such powers, would be in the general Western interest. We know the Russians are interested in footholds in the area: she has already installed mooring buoys in international waters surrounding the Chagos Archipelago.

3. As a basis for further discussion, therefore, the British Government wish to identify the options in the following order of preference:

- (a) Return of the islands to Seychelles in exchange for agreement on continued free American use of the satellite tracking station; denial of the three islands to hostile powers; denial of Seychelles proper to such powers; and British/American access to the three islands by British and American forces should we require it.

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- (b) Return of the islands in exchange for most of the above concessions.
- (c) Retention of the islands in exchange for:
 - (i) undertakings similar to those given to Mauritius (i.e. right of reversion if and when the islands are no longer required for defence reasons, reservation of benefits of mineral exploration);
 - (ii) generous payment for continued use of the satellite tracking station.
- (d) Leasing the islands back to Seychelles.

4. It may be that payment for the satellite tracking station (see (c)(ii) above) might be desirable even if options (a) and (b) above are successfully negotiated simply in order to provide greater security for the facility. A major objection to (d) above is that the British Government would be retaining sovereignty without power.

5. The British Government is committed to an extensive programme of aid to Seychelles which might be a useful lever in helping to obtain the assurances necessary under options (a) and (b) above.

Hong Kong & Indian Ocean Department
Foreign and Commonwealth Office

15 October 1975

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Annex 106

U.K. House of Commons, *Written Answers: Foreign and Commonwealth Affairs - Indian Ocean*,
FCO 31/3836 (21 Oct. 1975)

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Dr. Gilbert: The review was begun in 1972 and was the first since the Trunk Roads Act 1946. My right hon. Friend has decided, after completing his consultations with the local authority associations this summer, that it is not appropriate to seek legislative time for the major reshaping of the network indicated by the review at a time when local authorities have many other calls on their resources. We do, however, propose to trunk a small number of local authority roads, some still to be built, that properly form part of the national network, and to remove trunk road status from a number of trunk roads whose function has been taken over by other roads. The roads which I am proposing to trunk after further consultation with the local authorities concerned are:

M69/A46. Leicester Ring Road (partly new route).
A46/A15. Proposed relief road for Lincoln.
A52. Nottingham to Grantham.
A140. Coddensham (B1078) to Norwich.
A47/A12. Great Yarmouth.
A15. Lincoln to M180.
New Route. Gatheshead bypass extension.
Scotswold Bridge to A69 and from A69 to A696.
A249. M2 to A2 at Bobbing and to Sheerness.
A21. M25 near Sevenoaks to Hastings.
New Route. Manchester Outer Ring Road, Eastern Section Bredbury-Denton-Middleton to M62.
M602. Salford Docks spur.
A1034. Market Weighton to Cayes.
A354. Dorchester-Weymouth to docks.
A393/A39. Spur to Falmouth.
A585. Spur to Fleetwood.
New Route. Darlington A(M) eastwards to A66.
New Route. Immingham spur.
New Route. Hull, extension of A63 to docks.
A604. Colchester eastern bypass to Harwich.
A15. M180 to A63.

Local Government Expenditure

Mr. Shersby: asked the Secretary of State for the Environment whether he has studied the return of rates published by the Chartered Institute of Public Finance and Accountancy; and what further steps he intends to take to reduce local authority expenditure and the burden on taxpayers in the municipal year 1976-77.

Mr. John Silkin: Yes. I am discussing local authority expenditure and rates with the local authority associations in the course of the rate support grant negotiations.

37 H 47

Council House Heating (Launceston)

Mr. Pardoe asked the Secretary of State for the Environment why his Department has instructed the North Cornwall District Council to install electric ceiling heating in 164 new council houses at Ridgegrove, Launceston; and what evidence he has that this type of heating is the most efficient in terms of cost to the council and the tenants and in terms of the use of energy.

Mr. Armstrong: No such instructions have been given. The decision on the most appropriate form of heating at Ridgegrove, Launceston, as in council housing generally, rests with the local authority.

London

Mr. Jay asked the Secretary of State for the Environment whether he will make a statement about the recommendations of the Layfield Report on the Greater London Development Plan.

Mr. Crosland: I have done so today. Copies have been placed in the Library of the House, and sent to Government Departments, the Greater London Council and London boroughs. They will be available at Her Majesty's Stationery Office from tomorrow.

Parking Fines

Sir George Young asked the Secretary of State for the Environment what has been the effect of the increase in parking fines introduced in September.

Dr. Summerskill: I have been asked to reply.

I assume the hon. Member is referring to the increase in the fixed penalty to £6 on 1st September, when owner liability was also introduced for parking offences dealt with under the fixed penalty system. It is too early to assess the effect of these measures.

FOREIGN AND COMMONWEALTH AFFAIRS

Indian Ocean

Mr. Newens asked the Secretary of State for Foreign and Commonwealth Affairs what is the total number of people previously resident in the Chagos Archipelago who have been evacuated since 1965; and how many now remain.

Government whether we will provide expert advice as to the best way to utilise the generous donation of £650,000 which we made for the purpose of resettlement of the Diego Garcians and other islanders.

10-75

ROBERTS: My hon. friend has quite correctly said in the debate on the Islands in regard to the fact that there is no evidence of these islands beyond a limited area. The decision in the islands for defence on joint Anglo-American defence in the area, those needs today of operation that are mentioned.

SHERIDGE: My hon. friend is right. It is an extremely noble apparently, four of these people are in the area, and that it is an American Consulate in the British area on that I think directly a long

ROBERTS: My hon. friend is right. It is an extremely noble apparently, four of these people are in the area, and that it is an American Consulate in the British area on that I think directly a long

Government whether we will provide expert advice as to the best way to utilise the generous donation of £650,000 which we made for the purpose of resettlement of the Diego Garcians and other islanders.

Mr. Ennals: As the Secretary of State for the Colonies stated in a Written Answer on 10th November 1965, the total population of the Chagos Archipelago at that time was approximately 1,000.

According to Mauritian Government records, 1,151 people returned to Mauritius from the entire Chagos Archipelago between 1965 and 1973.

The only people on the Chagos Archipelago at present are United Kingdom and United States Services personnel.

Mr. Newens asked the Secretary of State for Foreign and Commonwealth Affairs if he will list the inhabited islands of the Chagos Archipelago prior to 1965 giving the population, excluding British or American Service men and their families, in each case and the populations at the present time.

Mr. Ennals: The inhabited islands of the Chagos Archipelago prior to 1965 and until the closure of the copra plantations were Diego Garcia, Peros Banhos and Salomon. According to information available in late 1964, there were 483 people on Diego Garcia, 291 on Peros Banhos and 219 on Salomon. The only people on the Chagos Archipelago at present are United Kingdom and United States Service personnel.

Mr. Newens asked the Secretary of State for Foreign and Commonwealth Affairs if he will list the properties and other rights sold by Chagos Agalega Ltd. in the Indian Ocean to Her Majesty's Government and state the area in each case and the price paid.

Mr. Ennals: Chagos Agalega Company Ltd. did not sell any properties to Her Majesty's Government.

By Instrument of Acquisition in 1967 the Commissioner of the British Indian Ocean Territory acquired on behalf of the Crown for the sum of £660,000 the following islands or groups of islands

- (a) Diego Garcia, 8,700 acres
 - (b) Peros Banhos, 2,900 acres
 - (c) Solomon Islands, 2,000 acres
 - (d) Three Brothers including Sea Cow, approximately 30 acres; Danger, 250 acres; and Eagle Islands, 300 acres
 - (e) Egmont or Six Islands, 638 acres
- with all buildings, constructions, servitudes, easements, rights and interests.

37 H 48

Mr. Newens asked the Secretary of State for Foreign and Commonwealth Affairs what sums have been paid in compensation to the Seychelles and to Mauritius, respectively, for the surrender of sovereignty and other rights over Diego Garcia and other British territories in the Indian Ocean.

Mr. Ennals: Grants amounting to £3 million were provided to Mauritius as compensation for the loss of sovereignty over the Chagos Archipelago. A new international airport was constructed for Seychelles at a cost of about £6½ million as compensation for the loss of sovereignty over Aldabra, Farquhar and Desroches.

Mr. Newens asked the Secretary of State for Foreign and Commonwealth Affairs what was the purpose of depopulating certain British territories in the Indian Ocean.

Mr. Ennals: The British Indian Ocean Territory was formed in 1965 to meet the joint defence needs of the Government of the United Kingdom and the United States. Subsequently, the copra plantations on the Chagos Archipelago were closed down, the contract workers transferred and compensation paid.

Mr. Newens asked the Secretary of State for Foreign and Commonwealth Affairs how much of the total costs of compensation and depopulation incurred as a result of agreements with the United States of America about the future use of British islands in the Indian Ocean, have been met by the United States Government.

Mr. Ennals: The United States Government agreed in 1966 to contribute half of the total cost involved in the establishment of the British Indian Ocean Territory up to a maximum of £5 million.

Mr. Newens asked the Secretary of State for Foreign and Commonwealth Affairs if he will state the total costs incurred in depopulating British islands in the Indian Ocean and compensation for loss of sovereignty, property rights and other possessions.

Mr. Ennals: The total costs incurred in establishing the British Indian Ocean Territory and in resettling the workers

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from the islands of the Chagos Archipelago have to date amounted to about £11.2 million.

Mr. Newens asked the Secretary of State for Foreign and Commonwealth Affairs what compensation was agreed for residents of British territories in the Indian Ocean, who were compelled to leave their homes, following agreements made with the United States Government on the future of these territories; and if the compensation has now been paid to them.

Mr. Ennals: Her Majesty's Government paid £650,000 to the Mauritian Government in 1973 for the resettlement of the workers on the plantations in the Chagos Archipelago transferred to Mauritius. The Mauritian Government acknowledged that this payment was a full and final discharge of Her Majesty's Government's obligations. The Mauritian Government considered that a long-term resettlement plan would serve the interests of those concerned better than cash payments, but they have recently informed us of their difficulties in devising an acceptable plan using the money paid by Her Majesty's Government.

Mr. Newens asked the Secretary of State for Foreign and Commonwealth Affairs if he will list the agreements made between Her Majesty's Government and other Governments since 1964 which affect British owned territories in the Indian Ocean.

Mr. Ennals: There have been two such agreements as follows:

(i) An Exchange of Notes between the United Kingdom Government and the United States Government in December 1966 concerning the availability in defence purposes of the British Indian Ocean Territory, which was presented to Parliament in April 1967 (Cmd 3231).

(ii) An Exchange of Notes between the United Kingdom Government and the United States Government in October 1972 concerning a limited United States naval communications facility on Diego Garcia, British Indian Ocean Territory, which was presented to Parliament in November 1972 (Cmd 5160).

37 K 1

Mr. Trotter asked the Secretary of State for Foreign and Commonwealth Affairs what was the total annual income of the Maldives Islands in 1974; what was the income per head of population; and to what extent was the income derived from the United Kingdom in general and from the Armed Services in particular.

Mr. Rowlands: No reliable statistics are available. The latest figures available are those of the World Bank, which estimated in 1972 that the GNP was US \$10 million, and per capital income US \$100. During the 12 months ended 30th September 1974 wages and allowances of Maldivian employees of RAF Gan totalled £288,796. Over the last three years United Kingdom development aid disbursements averaged £100,000 per annum.

Iceland

Mr. Jopling asked the Secretary of State for Foreign and Commonwealth Affairs if he will give details of all trade preferences which Iceland enjoys with EEC countries.

Mr. Hattersley: Details of the trade arrangements between Iceland and the European Community are contained in the text of the Agreement between the European Economic Community and the Republic of Iceland signed in Brussels on 22nd July 1972 and its associated Protocols (Cmd 5128). With the exception of Protocol 6 the agreement entered into force on 1st April 1973. Protocol 6 has not yet entered into force since the conditions laid down in Article 2 of the Protocol under which it should do so have not yet been met.

Hong Kong

Sir Nigel Fisher asked the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the damage in Hong Kong and the danger of flooding caused by the recent typhoon.

Mr. Ennals: A typhoon passed close to Hong Kong on 14th October. It caused little severe damage but some low-lying areas were flooded and some villages were evacuated. 46 people were injured, mostly by flying objects; of these, 15 were admitted to hospital. Schools and businesses closed and public transport stopped running during the typhoon.

Government has now asked the British expert advice as to the best way to use the generous donation of £650,000 made for the...

Annex 107

United Kingdom, *Anglo/US Consultations on the Indian Ocean: November 1975 - Agenda Item III, Brief No. 4: Future of Aldabra, Farquar and Desroches*, FCO 40/687 (Nov. 1975)

10/US CONSULTATIONS ON THE INDIAN OCEAN: NOVEMBER 1975

AGENDA ITEM III

BRIEF NO 4: Future of Aldabra, Farquar and Desroches

1. UK Ministers have considered this issue since we last met and our options paper, which you will have seen, sets out our agreed order of preferences.

Case for returning the islands

2. As we see it, the arguments in favour of the return of the islands, which is our first preference, are as follows (some of these arguments will be familiar to you from our discussions in May):-

(a) It would virtually assure the peaceful and orderly transition of Seychelles to independence by next June, a matter to which our Ministers attach much importance. Whatever Manham may say privately on the issue, he cannot afford to risk being outflanked in public by René and the chances are that the two of them will present a united front in pressing for "territorial integrity" at the resumed Constitutional Conference in January. In that event, a refusal to return the islands would give rise to a very awkward situation and a real risk that René, at least, might use it as a pretext to walk out of the Conference.

(b) It would remove what would otherwise be a constant source of embarrassment in our relations with an independent Seychelles.

(c) It might actually be counter-productive to keep the islands against the expressed wishes of the Seychelles government who might threaten to offer facilities to a hostile power in the Seychelles proper as a means of bringing pressure to bear on us.

(d) It would be difficult to defend the retention of the islands on the off chance that we might need to use them for defence purposes at some stage. The fact that the islands are populated means that there will be no possibility of using them in the near future. After the outcry over the workers removed from the Chagos Archipelago, it would be extremely difficult politically to do the same thing in the ex-Seychelles islands.

(e) It might be presented as a reassurance to Mauritius that, if and when there was no further defence use for the Chagos

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Archipelago, it too would be handed back.

(f) It might avert the danger of Seychelles and Mauritius making common cause on the BIOT generally in the OAU (whose summit meeting in July 1976 will be held in Mauritius) and in the UN, which have already voiced support for the return of the islands. (President Amin called for the return of the ex-Seychelles islands when he spoke in the plenary debate at the current session of the UN General Assembly and the question may come up again during the Fourth Committee's debate on small dependent territories).

3. The return of the islands might be traded for worthwhile concessions. An undertaking by an independent Seychelles to deny the islands, and even Seychelles proper, to hostile powers would not be a foolproof arrangement but it could afford more hope of denial of Seychelles to the Russians than if there were no such arrangement. Defined access to the islands, if required, by American and British forces would also be a useful concession. As for the tracking station, we think, as stated in our options paper, it might be desirable to pay for it in order to provide greater security for the facility and also to avoid giving Seychelles a pretext for a grievance which could be exploited in other ways. But we see that as a matter for you to negotiate direct with the Seychelles Government.

Case against returning the islands

4. We fully recognise that there are important arguments in favour of retention of the islands. These seems to us to be as follows:-

- (a) The islands already serve a passive defence purpose since they are denied to hostile powers.
- (b) The amputation of parts of the BIOT might encourage Mauritius, supported by the OAU and the Afro-Asian majority in the UN, to press for the return of the Chagos Archipelago. So far, while the Mauritius Government has objected publicly from time to time to the expansion of the facilities on Diego Garcia, their private reaction has been remarkably subdued. Ramgoolam had every opportunity to raise the question of the defence facilities on Diego Garcia and the return of the Chagos Archipelago during his visit to London in September. He said nothing on either matter. However, our High Commissioner

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/In Port Louis

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In Port Louis has recently advised that if the ex-Seychelles islands were returned and the Mauritian opposition parties mounted a strong campaign for the return of the Chagos Archipelago, Ramgoolam would be in a very awkward position. If there were to be an election in 1976 and if he were to conclude that not to press for the return of the Chagos Archipelago would lose him the election, he would undoubtedly do so. It seems certain, however, that there will be trouble anyway from Mauritius and the OAU generally whether we retain the islands or return them.

With the OAU summit meeting taking place in Port Louis in 1976, it seems inevitable that Mauritius will be in the fore front in pressing Indian Ocean issues.

(c) By retaining the islands, while keeping open the possibility of returning them at some later date, we have a useful instrument for restraining Seychelles from offering facilities on Seychelles proper to a hostile power.

(d) Although we might have to make concessions for retaining the islands - right of reversion if and when the islands are no longer required for defence purposes and reservation of the benefit of mineral exploration - these would not be onerous. The future of the tracking situation is, as we have said, a separate matter.

(e) It is arguable that there is a continuing obligation on Seychelles to respect the agreement setting up the BIOT and they received generous compensation for loss of sovereignty. The trouble is that it is all too easy to win sympathy for the claim that we took advantage of the "colonial" status of Seychelles in the 1960's.

Other possible solutions

5. We do not regard leasing the islands back to Seychelles as a starter. We would end up retaining sovereignty without power and it would be a constant source of friction.

6. Another possibility, which has recently been put forward by the SFUP Minister for Education, Simon, is that we should return sovereignty over the islands to Seychelles which would then lease them or make them available to us thereafter. We have not fully considered the possibility but we are not sure that it is a starter. It would depend on the terms on which the islands would be leased back to us, though some sort of lease, even if we never used the islands, might at least ensure denial to others.

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7. Subject to the further views which have been sought from the Governor of Seychelles, we now very much doubt whether Mancham would be prepared to accept our retaining the islands in return for such concessions as mineral, oil, fishing and tourist rights, assistance or defence matters and generous payment for the tracking station. Unless we agree to return the islands it seems, as stated in paragraph 2(a), that there is likely to be a breakdown at the reformed Constitutional Conference and severe damage to our relations with Seychelles.

Conclusion

8. As stated at the beginning, our preference remains that of returning the islands in exchange for all or most of the concessions set out in para. 3(a) of our options paper. We hope you will be able to agree that this is now the right course to follow.

9. On timing, we should be in a position to say what we are going to do by the time of the resumed Constitutional Conference. Ideally, there would be advantage in disposing of the issue in advance of the Conference. That would avoid the risk of subsequent allegations that independence was made conditional upon a decision on the future of the islands. If that decision is to be in favour of returning the islands, there would be presentational advantages in our being seen to do this in response to the expressed wishes of Seychelles and, in particular, of Mancham himself. This is a point which we could look into once a decision has been taken.

10. A copy of the UK options paper is attached.

11. A copy of the US options paper together with some comments is also attached. The paper was received too late to be taken properly into account when preparing the above.

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