THE IMPACT OF RECENT PRIVY COUNCIL DECISIONS ON THE DEATH PENALTY

by

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DELAY

A useful starting point for a discussion on the topic of this paper is the Privy Council decision in ***Earl Pratt and Ivan Morgan v. the Attorney General of Jamaica et al (1993) 30 JLR 473.*** In that case, which came before a special panel of seven Law Lords (Lords Griffiths, Lane, Ackner, Goff of Chieveley, Lowry, Slynn of Hadley, and Woolf) the Privy Council reversed the majority decision ***Riley et al v. The Attorney General of Jamaica (1983) 1 AC 719*** which had held the delayed execution of the appellants for between six and seven years, even if it could be described as 'inhuman and degrading', could not escape the "unambiguous prohibition imposed by the words in S.17(2)" (of the Jamaican Constitution).

Section 17(2) of the Constitution, it will be recalled, states "Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorizes the infliction of any description of punishment which was lawful in Jamaica immediately before the appointed day".

Their Lordships in Pratt and Morgan, unanimously held that the construction of Section 17(2) adopted by the minority in Riley et al was to be preferred. They agreed that the purpose of Section 17(2) was to preserve all descriptions of punishment lawful immediately before independence and to prevent them from being attacked under Section 17(1) as inhuman and degrading forms of punishment or treatment. "thus, as hanging was the description of punishment for murder provided by Jamaica law immediately before independence, the death sentence for murder cannot be held to be an inhuman description of punishment for murder" (p.485). Further their Lordships continued:-

> *"Section 17(2) does not address the question of delay and is not dealing with the problem that arises from delay in carrying out the sentence. The primary purpose of the Constitution was to entrench and enhance pre-existing rights and freedom, not to curtail them. Before independence the law would have protected a Jamaica Citizen from being executed after an unconscionable delay, and their Lordships are unwilling to adopt a construction that results in depriving Jamaican citizens of that protection".*

That delay in Pratt and Morgan was unconscionable can hardly be doubted. They had been convicted some fourteen (14) years before the date which had been scheduled for their execution. Nor were they the only condemned men in that situation. Evidence was presented to their Lordships that there were at the time of the hearing twenty three (23) prisoners in death row who had been awaiting execution for more than ten (10) years and eighty two (82) prisoners who had been awaiting execution for more than five (5) years.

After much soul-searching their Lordships insisted (p.488):-

> *".....a state that wishes to retain capital punishment must accept the responsibility of ensuring that execution follows as swiftly as practicable after sentence, allowing a reasonable time for appeal and consideration of reprieve. It is part of the human condition that a condemned man will take every opportunity to save his life through use of the appellate procedure. If the appellate procedure enables the prisoner to prolong the appellate hearing over a period of years, the fault is to be attributed to the appellate system that permits such delay and not to the prisoner who takes advantage of it...."*

The Court then went on to consider whether to include a period of time to enable condemned persons who have exhausted domestic judicial procedures to appeal to international human rights associations which Jamaica had signed and ratified, namely UNHRC and the IACHR. They stated (p.489):-

> *".....Their Lordships wish to say nothing to discourage Jamaica from continuing its membership of these bodies and from benefiting from the wisdom of their deliberations. It is reasonable to allow some period of delay for the decisions of these bodies in individual cases but it should not be very prolonged...."*

Finally they concluded (p.490):-

> *"These considerations lead their Lordships to the conclusion that in any case in which execution is to take place more than five years after sentence there will be strong grounds for believing that the delay is such as to constitute inhuman or degrading punishment or other treatment..."*

The result of the Pratt and Morgan decision, it is conservatively estimated, was the commutation of the sentences of over 200 condemned persons throughout the

Caribbean. In Jamaica alone the Pratt and Morgan decision accounted for about 100 or more commutations. The Caribbean states lost no time in streamlining their procedures, particularly those relating to the time it took for court reporters to produce transcripts of murder (now capital murder) trial so as to meet the Privy Council's estimation that the time for the domestic appeal to be heard should be in general not exceeding twelve (12) months from the date of conviction and that further appeals to the JCPC should not, at the worst, exceed another twelve (12) months. As might be expected the years immediately following Pratt and Morgan are replete with cases resulting from the efforts of the Caribbean Governments to restrictively interpret the meaning and effect of that decision, on the one hand, and on the other, the efforts of defence counsel, both in the Caribbean and in London, to place the broadest and most liberal interpretation on it.

It is unnecessary for the purpose of this discussion to refer to the several cases which the JCPC has had to resolve in this context the decisions sometimes falling on one side of the line and at others, on the other side. An illustration of a case that fell on the side of a liberal interpretation is the case of ***Lincoln Anthony Guerra v Cipriani Baptiste et al P.C. Appeal No. 11/95 – 6/11/95.*** In that case the appellant had been convicted along with Brian Wallen of two particularly brutal murders on the 18th of May 1989. Their appeals to the Trinidadian Court of Appeal were unduly protracted due to the delay in providing the appellants with the transcript of the trial and were heard on the 12th of October 1993 and dismissed on the 25th of November 1993. A petition for leave to appeal to the Privy Council was dismissed on the 21st of March 1994 and their lawyers on the same day appealed to both the UNHRC and the IACHR complaining of a violation of their constitutional rights. Notwithstanding these last appeals the Advisory Committee on the Power of Pardon met on the 23rd of March and recommended that the law should take its course. On the next day warrants were read to the condemned men at 1440 hours for their execution 0700 hours on the 25th of March 1994.

Very early the morning of the scheduled execution the appellants' attorneys found a judge of the Court of Appeal (Hosein J.A.) who, while dismissing the application for a stay, granted leave to appeal to the Privy Council from his order and a stay of execution for 48 hours pending an appeal to the Privy Council. Under the protection of a stay of execution provided by the Privy Council itself, a constitutional motion was filed in the Trinidadian Supreme Court and dismissed there and in the Court of Appeal and eventually came before the Privy Council on the 27th of June 1995. By this time Brian Wallen had died in prison.

Among the issues which were raised before the Privy Council were (1) whether the lapse of only four (4) years and ten (10) months between conviction and scheduled execution had the effect that the execution would have been in breach of his constitutional rights, and (2) whether the giving of only seventeen (17) hours notice to the appellant of his impending execution was in breach of his constitutional rights. Their Lordships held in relation to the first issue that they had no doubt that it was equally true of Trinidad and Tobago as it was of Jamaica that at common law the judges would have had the power to stay a long delayed execution as not being in accordance with the due process of law and that such execution, if not stayed, would constitute cruel and usual punishment. Their Lordships accordingly concluded that the principles stated in Pratt and Morgan were as applicable in Trinidad and Tobago as they were in Jamaica, "*the only difference (which is of no importance) being that in Jamaica such would constitute inhuman punishment, whereas in Trinidad and Tobago it would constitute cruel and unusual punishment*".

As to the precise period of delay, their Lordships referred to the conclusion they had drawn in Pratt and Morgan page 490 and stated:-

> *"It is to be observed that this period was not specified as a time limit. Its function was to enable the Jamaican authorities to deal expeditiously with the substantial number of prisoners who had spent many years on death row, without having to deal with all such prisoners individually following constitutional proceedings. It follows that the period of five years was not intended to provide a limit, or a yardstick, by reference to which individual cases should be considered in constitutional proceedings. With great respect to the Court of Appeal in the present case, they erred in so regarding it..... Bearing in mind that the unjustified period of delay runs into years, and has led to a lapse of time since sentence of death was imposed far in excess of the target period twelve (12) months and two (2) years and indeed close to the period (five years) from which it may be inferred, without detailed examination of the particular case, that there has been such delay as will render the condemned man's execution unlawful, their Lordships had no doubt that to execute the appellant after such a lapse of time would constitute cruel and unusual punishment contrary to his rights under sections 4(a) and 5(2)(b) of the Constitution."*

As to the issue of the failure to give the condemned man sufficient notice of execution the Privy Council had no hesitation in overruling the Court of Appeal and upholding the decision of Davis J. at first instance :-

"Their Lordships are of the opinion that justice and humanity require that a man under the sentence of death should be given reasonable notice of the time of his execution. Such notice is required to enable a man to arrange his affairs, to be visited by members of his intimate family before he dies, and to received spiritual advice and comfort to enable him to compose himself, as best he can, to face his ultimate ordeal.... The giving of reasonable notice to a condemned man of his impending execution has another distinct purpose to perform, which is to provide him with a reasonable opportunity to obtain legal advise and to have resort to the courts for such relief as may be at that time be open to him. The most important form which such relief may take in the circumstances is an order staying his execution. If the condemned man is not given reasonable notice of his execution he may be deprived of the opportunity to seek such relief, with effect that his right not to be deprived of his life except by due process may be infringed, contrary to section 4(a) of the Constitution...."

The Court found that there was a settled practice that a period of at least four clear days' notice (including a weekend) and that such period should constitute reasonable time and "should be regarded as applicable as such to the latter purpose as to the former."

THE RIGHT TO PETITION INTERNATIONAL HUMAN RIGHTS BODIES

The Privy Council in Guerra's case had declined to decide the question as to whether the failure of the State to adopt a procedure which permitted the appellant to make representations to the UNHRC constituted a breach of the appellant's constitutional rights but the issue was bound to come up again before long. In 1997 both the Jamaican and the Trinidad and Tobago Governments, being concerned at the length of time it was taking for petitions to the UNHRC and the IACHR to be disposed of and their possible effect upon the ability to dispose of capital cases within the five year stipulation of the Privy Council, published "INSTRUCTIONS RELATING TO APPLICATIONS FROM PERSONS UNDER SENTENCE OF DEATH" (As it was entitled by the Trinidad and Tobago Government). These instructions purported to place severe limits upon the time within which the International Human Rights bodies could take to dispose of the petitions of the condemned men. There was not, however, any reasonable prospect that these bodies could dispose of the petitions within the times stipulated and on

the 26th of May 1998 Trinidad and Tobago denounced the American Convention on Human Rights to take effect on the 26th of May 1999.

On the 31st of March 1998, after publication of the Instructions, Darrin Roger Thomas, a murder convict who had exhausted his domestic appeals on the 11th of March 1998 when the Privy Council dismissed his application for special leave, lodged a petition with the Inter-American Commission on Human Rights. On the 1st of May 1998 the latest time provided by the Instructions for its response, the Commission had not yet sought the government's response to Thomas' complaints and, accordingly, the Advisory Committee met in June and on the 25th of June a warrant was read for Thomas' execution. Similarly in the case of Hanif Hilaire, the appellant had exhausted his domestic remedies on the 6th of November 1997 and immediately thereafter petitioned the Commission. By the 11th of June 1998, the deadline under the Instructions, the Commission had not performed its function and on the 9th of July a warrant was read for Hilaire's execution. These warrants ignored orders from the IACHR requiring the Government of Trinidad and Tobago to refrain from carrying out the death sentences pending its determination of the petitions.

Both men filed motions for constitutional relief. Their applications were rejected separately at first instance as well as in the Court of Appeal and were jointly heard by the Privy Council on appeal therefrom. In relation to the validity of the Instructions the Court recognized that the Government's case did not rest upon the validity of the Instructions but on the absence of any legal basis for the appellants' claim to be entitled to proceed with their applications to the Commission and to have them determined before sentence of death is carried out. A majority of them, nevertheless, said:-

> *"Their Lordships are satisfied that the instructions are unlawful. This is not because they are calculated to put Trinidad and Tobago in breach of the International Covenant of the Convention, for these had not been incorporated into and did not form part of the law of Trinidad and Tobago. But they are unlawful because they are disproportionate .....In their Lordship's view.....the appellant's claim does not infringe the principle which the government invoke. The right for which they contend is not the particular right to petition the Commission or even to complete the particular process which they initiated when they lodged their petitions.* ***It is the general right accorded to all litigants not to have the outcome of any pending appellate or other legal process pre-empted by executive action.***

This general right is not created by the Convention; it is accorded by the common law and affirmed by section 4(a) of the Constitution....."

It was a majority decision with Lord Browne-Wilkinson, Lord Slynn and Lord Millett in support and Lord Goff and Lord Hobhouse dissenting. The result was inconclusive, however, as it only resulted in the appellants' executions being stayed until their petitions were finally disposed of and the rulings of the Commission and the IACHR had been considered by the relevant authorities. It was particularly unsatisfactory as it was a virtual certainty that any ruling that the death penalty be commuted would be rejected by the local mercy committee.

PRISON CONDITIONS

Another complaint which had been raised in the Constitutional Court by the appellants namely, the degrading and appalling conditions in which they are kept while they are awaiting execution was dismissed by the Privy Council. A majority of their Lordships held that the prison conditions were completely unacceptable in a civilized society but were not prepared to hold that they amounted to cruel and unusual treatment.

Lord Steyn, on the other hand, dissented from this majority decision, and himself would have upheld the trial judge's decision (Jamadar, J.) that the unlawful behaviour of the prison authorities towards the condemned men amounted to cruel and unusual treatment over a prolonged period and the only effective redress would be to quash the sentence of death (***Darrin Roger Thomas and Hanif Hilaire v. Cipriani Baptiste et al – Privy Council Appeal No. 60/98 – 17/3/99).***

In a case from the Bahamas later that year a majority of the board hearing the appeal (Lords Hoffman and Hobhouse of Woodborough and Mr. Justice Henry) inched forward somewhat on the possible effect of sub-human prison conditions. They said :-

"Their Lordships would certainly accept that the question of whether the treatment of the prisoner has been such as to render his execution an inhuman punishment must be looked at in the round,taking into account all matters which would make the totality of his punishment something more than "the straightforward death penalty". But the principle is that matters to be taken into account must have been an aggravation of the punishment of death. There must be, as de la Bastide C.J. said, a nexus between the matters

Complained of and the sentence of death. ..... There appears to their Lordships that there is no such nexus in the present cases..... ....."

Lord Steyn, consistent with his position in Thomas v. Baptiste strongly dissented:-

"The two appellants seek in the first place commutation of the death sentences imposed on them by reason of the prolonged periods for which they have been held on death row in the Bahamas, coupled with the conditions to which they have been subjected during these periods. In fundamental and comprehensive disagreement with all the constituent parts of the reasoning of the majority. I would advise Her Majesty that both appeals should succeed on this primary issue..... .....If the state superimposes upon the inevitable consequences of the death sentence further unnecessary physical or mental agony and suffering that treatment, if substantial and prolonged, may be a paradigm of inhuman conduct: see Ireland v. United Kingdom."

This time Lord Steyn was not alone in his dissent. He found a powerful ally in Lord Cooke of Thorndon who said:-

"Self-evidently every human being has a natural right not to be subjected to inhuman treatment. A right inherent in the concept of civilization, it is recognized rather than created by international human rights instruments such as the Universal Declaration of Human Rights, the international Covenant on Civil and Political Rights, and the European Convention for the Protection of Human Rights and Freedoms..... ....A duty of governments and courts in every civilized state must be to exercise vigilance to guard against violation of this fundamental right..... ...If I venture to state these considerations dogmatically, it is only because they seem dictated by the very idea of civilization.

It is because of these considerations, and because the present appellants have been kept for many years in "appalling conditions... completely unacceptable in a civilized society", that I would join with Lord Steyn in humbly advising Her Majesty to allow these appeals and commute the sentences of the appellants to life imprisonment."

As we shall see the issue was to be the subject of further comments, by their Lordships in the case of Neville Lewis et al.

FAIR HEARING IN THE EXERCISE OF MERCY

The Constitution of the Commonwealth of the Bahamas provides (Section 9 2(1)) that a person who is convicted of murder shall have his case considered by the Advisory Committee on the Prerogative of Mercy. However, the Bahamas Constitution provides further that in the exercise of the prerogative of mercy the Governor-General is bound to act on the advise of the relevant minister.

Thomas Reckley, was convicted of murder and sentenced to death on the 7th November 1990 and following the dismissal of his appeal, his petition for leave to appeal to the Privy Council was dismissed on 12th March 1992. On May 8, 1992 his lawyers wrote to the Advisory Committee drawing their attention to certain features of the petitioner's case. No acknowledgement or reply was ever received.

On May 26, 1995 a warrant was read to the petitioner for his execution on the 30th of May 1995 thereby prompting a constitutional motion on the ground, *inter alia,* that the petitioner had not been afforded the right to see the judge's report and other material placed by the minister before the Advisory Committee and to make representations to the Committee. The motion was denied at first instance and before the Court of Appeal and came before the Privy Council and was heard by a panel comprising Lord Keith of Kinkel, Lord Goff, Lord Browne-Wilkinson, Lord Hoffman and Sir Michael Hardie Boys.

In a judgment delivered by Lord Goff, the Court resisted powerful arguments referring to flood of recent authorities both in England and elsewhere in the Commonwealth which tended to recognize that the exercise of a prerogative power was not ipso facto immune from judicial review (*see* ***Council of Civil Service Unions vs Minister for the Civil Service (1985 AC 374; Reg. Vs Secretary of State for the Home Department, Ex parte Bentley (1994) O.B. 349; Burt vs Governor General (1992) 3 NZ LR 672 (New Zealand) and Reg. Vs Secretary of State for the Home Department, Ex parte Doody (1994) 1 AC 531***. They sought to make an untenable distinction between the afore-cited decisions and the issue of review ability of the prerogative of mercy in a death sentence case. Further, Lord Goff relied very strongly on the judgment of Lord Diplock in ***deFreitas vs Benny (1976) AC 239*** relating to similar provisions in the Trinidad and Tobago Constitution in which Lord Diplock stated that the fact that the Constitution required the Governor General to exercise the prerogative on the advise of a minister of government "serves to emphasise the personal nature of the

discretion exercised by the designated minister in tending his advice". The minister while obliged to consult with the Advisory Committee had no obligation to act in accordance with their advice.

Thus their Lordships concluded, somewhat irrationally, referring to the section of the Constitution that established the Advisory Committee:-

> *"On the face of this provision therefore, there is (apart from the trial judge's report) no obligation on the minister to place any particular information before the Advisory Committee in death sentence cases. It was the submission of the respondents that these provisions reflected the essential nature of the exercise of the prerogative of mercy in death sentence cases, namely that this is a personal discretion vested in the minister to depart from the law, as a matter of grace."*

This decision contained the seeds of its own demise. Firstly the Jamaican Constitution provides that the Governor-General is bound to act on the advise of the local Privy Council (advisory committee on prerogative of mercy). Consequently, the exercise of the prerogative of mercy could hardly be said the exercise of a personal discretion of the Governor-General or of a minister.

More importantly, why should a distinction as to the reviewability of a decision depend upon whether the object of the exercise is someone under sentence of death or someone sentenced to life imprisonment? Indeed, on the face of it, the principle of fairness would seem to be of greater importance in relation to someone under sentence of death than someone in any other situation.

NEVILLE LEWIS

The case of ***Neville Lewis et al v. the Attorney General of Jamaica et al (2000) 3 WLR 178*** was inevitable after Reckley (2). It resulted from the issue of death warrants for the execution of the six appellants, they having exhausted their domestic remedies including petitions to the Privy Council. All of them had also petitioned the UNHRC and/or the IACHR complaining of breaches of their human rights.

It was not as obvious then as it is now that Reckley (2) could not be sustained and the initial motion filed in Neville Lewis' behalf neglected to include a complaint as the denial of natural justice. This motion was eventually amended to include the issue of natural justice.

The motions of all six appellants were denied by the Constitutional Court and the Court of Appeal and were jointly heard by the Privy Council, the main ground of appeal in all the cases being the absence of procedural fairness in the exercise of the prerogative of mercy.

As might be expected the appellants were at pains to demonstrate to the Court the differences in the constitutional provisions between Jamaica on the one hand and the Bahamas and Trinidad and Tobago on the other. The Court, however, was not minded to maintain the artificial distinctions which had hitherto characterized their decisions. They said :-

> *"..... their Lordships do not consider that the differences justify a distinction being drawn in this regard between the three countries. The position of each with respect to the right to make representations on a mercy petition should be the same. Their Lordships are accordingly compelled to consider whether they should follow these two cases (Reckley(No.2) and deFrietas). They should do so unless they are satisfied that the principle laid down was wrong....."*

Later they said:-

> *"Whatever the practice of the Home Secretary in England and Wales and before the death penalty was abolished in 1965, the insistence of the courts on the observance of the rules of natural justice, of 'fair play in action' has in recent years been marked even before, but particularly since decisions like* ***Council of the Civil Service Unions v. Minister for the Civil Service (1985) AC 374 (see e.g. Lloyd v. McMahon (1987) AC 625, 702-3; Reg. v. Secretary of State for the Home Department, Ex parte Fayed (1998) 1 WLR 763)*** *though the long citation of authority for such a self-evident statement is not necessary.*
>
> *On the face of it there are compelling reasons why a body which is required to consider a petition of mercy should be required to receive the representations of a man condemned to die and why he should have an opportunity in doing so to see and comment on the other material which is before that body. This is the last chance and in so far as it is possible to ensure that proper procedural standards are maintained that should be done...."*

Still further on, they continued:-

> *"Although on the merits there is no legal right to mercy there is not the clear cut distinction as to procedural matters between mercy and legal rights which Lord Diplock's aphorism that mercy begins where legal rights end might indicate.*
>
> *Is the fact that an exercise of the prerogative is involved per se a conclusive reason for excluding judicial review? Plainly not. Although in some areas the exercise of the prerogative may be beyond review such a treaty making and declaring war, there are many areas in which the exercise of the prerogative is subject to judicial review. Some are a long way from the present case, but* ***Reg. v. Secretary of State for the Home Department, Ex parte Bentley (1994) QOB 349****, though it does not raise the same issue as the present case, is an example of questioning of the exercise of the prerogative in an area which is not so far distant....."*

The Court by a majority (Lord Hoffman dissenting) accordingly held that the procedures followed in the process of considering the condemned man's petition were open to judicial review. It is necessary to give the condemned man adequate notice of the date when the Jamaican Privy Council will consider his case so that his advisers can prepare representations before the decision is taken.

When the report of the international human rights bodies become available, it should be considered and if the Jamaican Privy Council did not accept it they should explain why.

The representations made on behalf of the condemned men should normally be in writing unless the J.P.C. developed a practice of oral hearings and their Lordships did not see, in the present cases, any need for an oral hearing.

As to the right to petition international human rights bodies, the Jamaican Court of Appeal in Lewis' case had already upheld the decision of the Privy Council in Thomas v. Baptiste, and the judgment of Lord Slynn of Hadley had only to quote, with approval, the judgment of Forte JA. equating section 20 of the Jamaican Constitution with section 4(a) of the Trinidad and Tobago Constitution. Forte, JA., in particular, referred to the phrase 'protection of law' in section 20 and stated:-

> *"In my view the protection of law gives to the citizens the very right to the due process of law that is specifically declared in section 4(a) of the*

Trinidad and Tobago Constitutions. You cannot have protection of the law, unless you enjoy 'due process of law' – and if protection of law does not involve the right to the due process law, then a provision for protection of the law would be of no effect. In my opinion the two terms are synonymous....."

While acknowledging that it had been over-optimistic as to the time within which the international human rights bodies could deal with petitions the Privy Coucil recognized that Jamaica had withdrawn from the protocol of the UNHRC and considered that there was no reason to alter the five (5) year period laid down in Pratt's case. At all events their Lordships stated that "*Execution consequent upon Jamaican Privy Council's decision without consideration of the Inter-American Commission report would be unlawful*".

As to the allegations by the appellants as to prison conditions which had been rejected by the Constitutional Court which heard the motions of the six appellants their Lordships expressed their dissatisfaction as to how these allegations had been treated. They said (p.1813):-

".....Their Lordships are not satisfied that without a further investigation these matters were properly taken into account.

It is obviously impossible for this Board to resolve the conflict as to what happened in the prison in these six cases. Their Lordships are however disturbed by the fact that these issues were decided on affidavit evidence without any investigation of the allegations in depth or challenge to the affidavit evidence.

Accordingly, whilst they are not prepared to say that these allegations are such that there was a violation of section 17 of the Constitution they consider that these are serious matters which ought to have been investigated to see whether (a) they were made out and (b) whether they were such as to aggravate the punishment of the death sentence so as to amount to inhuman and degrading treatment in light of the Board's judgment in ***Higgs vs Minister of National Security (2000) 2 AC 228 and Thomas v Baptiste [2000] 2 AC 1"***

The impact of the recent Privy Council decisions on the death penalty in the Caribbean has not been to prevent or curtail the implementation of the death penalty but they have made it clear that governments which do so must ensure that

every "i" is dotted and every "t" is crossed before it is carried out. Caribbean Governments, it must be said, have not generally demonstrated any particular inclination to recognize, much less respect the humanity of the murderers on death row. Indeed, the conditions existing in our prisons suggests that this insensitivity may well extend far beyond the prisoners on death row. The lessons imparted the Privy Council in this respect, one hopes, therefore, will not be entirely lost on these sovereign nations.

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