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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

SUMMARY RECORD OF THE ELEVENTH MEETING

Held at Headquarters, New York,  
on Tuesday, 13 March 1962, at 11.30 a.m.

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PRESENT:

<u>Chairman:</u>	Mr. JHA	(India)
<u>Members:</u>	Mr. PLIMSOLL	Australia
	Mr. KOUN WICK	Cambodia
	Mr. WODAJO	Ethiopia
	Mr. RASGOTRA	India
	Mr. THEODOLI	Italy
	Mr. ANDRIAMAHARO	Madagascar
	Mr. TRAORE	Mali
	Mr. LEWANDOWSKI	Poland
	Mr. CHEILAQUI )	Syria
	Mr. MANSOURI )	
	Mr. NGAIZA	Tanganyika
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Mr. CROWE	United Kingdom of Great Britain and Northern Ireland
	Mr. BINGHAM	United States of America
	Mr. VELAZQUEZ	Uruguay
	Mr. SILVA-SUCRE	Venezuela
	Mr. PAVICEVIC	Yugoslavia
<u>Secretariat:</u>	Mr. PROTITCH	Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories
	Mr. CHACKO	Secretary of the Committee

SOUTHERN RHODESIA: GENERAL ASSEMBLY RESOLUTION 1745 (XVI) (continued)

Mr. TRAORE (Mali) observed that it was clear from the statement by the United Kingdom representative concerning his Government's colonial policy, together with his last statement relating to the situation in Southern Rhodesia, that the United Kingdom was carrying out a dual policy in Africa - on the one hand a policy of emancipation and on the other a fundamentally colonialist and racist policy. In view of the geographical position of Southern Rhodesia and the fact that it had a large white population in the centre of "Black" Africa, its case constituted one of the fundamental problems of decolonization and deserved serious attention, since such situations were potentially explosive.

Southern Rhodesia had become a British colony in 1888 and, like all colonial Territories, had been exploited from the outset, for in 1889 the country had been handed over to a commercial company, the British South Africa Company. In 1922, however, it had been decided in a referendum, in which the two million indigenous inhabitants of the Territory had not participated, that Southern Rhodesia should be annexed to the Crown as a "self governing colony". Since the African people of the country had not been consulted, that so-called referendum was null and void in the eyes of Africans. What had taken place had been pure and simple annexation in the colonial manner. Similarly in 1953, when the Territory had become part of the Federation of Rhodesia and Nyasaland, the African majority had not had the opportunity to express its views.

The Constitution of 1961, which governed the whole political and economic life of Southern Rhodesia, had been set up following another so-called referendum, in which only 4,500 Africans out of 2,800,000 had taken part. It had set up a Legislative Assembly of sixty-five members, fifty of whom were Europeans and fifteen Africans. There was also a Constitutional Council; its size and the manner in which its members were elected was unknown. Furthermore, there was a Governor's Council consisting of twelve Ministers, all of whom were settlers. The worst feature of the Constitution was the voting qualifications it prescribed. In order to be included in the electoral roll each individual must fulfil certain conditions of income, property, education, residence and citizenship. Furthermore, the establishment of two rolls eliminated the great majority of Africans. The most elementary principle of democracy, universal suffrage, was absent. The political system was illegal, discriminatory and oppressive. General Assembly

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(Mr. Traore, Mali)

resolution 742 (8), and in particular operative paragraph 6, was disregarded. Principle VI annexed to General Assembly resolution 1541 (XV) stated that a Non-Self-Governing Territory could be said to have reached a full measure of self-government by emergence as a sovereign independent State, free association with an independent State or integration with an independent State. None of those conditions had been fulfilled in the case of Southern Rhodesia, which thus remained a colony and was covered by General Assembly resolution 1514 (XV). Southern Rhodesia had not attained a full measure of self-government and he therefore proposed that the Committee's reply to the question formulated in General Assembly resolution 1745 (XVI) should be to that effect.

The peoples of Africa were deeply concerned by the policy of discrimination and oppression which reigned in Southern Rhodesia. The situation threatened to deteriorate into a new Algerian war. Since the promulgation of the 1961 Constitution there had been increased pressure by the settlers for the reinforcement of the principle of white supremacy, despite the increasing dissatisfaction of the African majority of the population. A solution must be found without delay. The first step must be the expression of the popular will through free democratic elections based on universal suffrage. Needless to say, the 1961 Constitution, which had been imposed on the people, had no validity. If the Committee had any doubts on that score it could grant hearings to petitioners from the Rhodesian political parties and reserve the right to send a visiting mission to the Territory.

The main problem to be solved, however, was that of the achievement of independence by Southern Rhodesia in the shortest possible time, preferably in 1963, as requested by the Zymbabgwe party. To that end, he formally proposed that the General Assembly, through the Special Committee, should demand the annulment of the 1961 Constitution on the grounds that it was anti-democratic and racist and request free elections by universal suffrage. Following the elections a freely elected Parliament and Government should be set up and all sovereign power should be transferred to them. When the whole people of Southern Rhodesia had democratically expressed their wishes and had achieved sovereignty, they would be in a position to define their attitude regarding the Federation of Rhodesia and Nyasaland by means of a referendum. Sir Roy Welensky, the Prime Minister of the

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(Mr. Traore, Mali)

Federation; had threatened to proclaim the independence of the Federation and to use force to prevent the secession of Southern Rhodesia and Nyasaland. For that purpose he had at his disposal 20,000 troops and police. If he were to carry out his threats part of the African continent would be plunged into a blood-bath. Steps must be taken with all urgency to prevent such a tragedy. He hoped that the United Kingdom would shoulder its responsibilities and find a wise solution to the problem, regardless of the views of Sir Roy Welensky and others like him. The African countries could not remain indifferent to such a tragedy; the United Nations must seek a just and peaceful solution for the problem of Southern Rhodesia without delay. The first steps towards finding such a solution would be the implementation of General Assembly resolution 1514 (XV).

Mr. NGAIZA (Tanganyika) said that his delegation had already indicated how gravely concerned it was with the issue of Southern Rhodesia. It fully realized the gravity of the situation and therefore wished to approach it with care and with constructive suggestions. Before coming to a conclusion he would like the Committee to consider how many Africans had participated, firstly in the referendum of 1922, secondly in the Legislative Assembly of their own country. As far as his delegation was aware the answer in both cases was that there had been none. Thirdly, there was the question why the United Kingdom had retained the right to disallow certain legislation of a discriminatory nature. The answer was certainly that it had known that it had handed over the power to a few Europeans, leaving the 3 million Africans at the mercy of the European minority, and that it was therefore responsible for those 3 million.

Any hope the Africans might have had that matters might change in their country, as they had in other Territories, had probably been destroyed by the new Constitution, under which the Africans were not guaranteed the fifteen "B" roll seats in the Southern Rhodesian Parliament, although the Europeans were sure of their fifty seats. The situation was aggravated by the fact that the United Kingdom would no longer have the right which it had had since 1923 to veto any discriminatory legislation. Furthermore, even if all the "B" roll seats were held by Africans, the white settlers would still retain an overwhelming majority in Parliament. Clearly the Rhodesian settler Government was determined to perpetuate its domination over the entire population of Southern Rhodesia.

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(Mr. Ngaiza, Tanganyika)

Although the franchise was ostensibly not based on colour, race or creed, it had been manipulated in such a way as to favour the Europeans. There were over 80,000 Europeans on the "A" roll and only about 1,000 Africans. The franchise was therefore discriminatory, and there was no indication that any change was contemplated; indeed under the new Constitution it would be virtually impossible to change it.

The United Kingdom representative had referred to the Declaration of Rights, the object of which he had stated to be that every person in Southern Rhodesia should enjoy the fundamental rights and freedoms of the individual. The delegation of Tanganyika felt, however, that the present Government of Southern Rhodesia did not take that Declaration very seriously. The United Kingdom representative had said that what mattered most was the direction in which things were moving rather than the pace. In the view of his delegation, things in Southern Rhodesia were moving in the wrong direction and if they continued to do so there was a danger of creating another South Africa at a time when all the other African States were achieving their legitimate right of independence.

In view of those considerations his delegation felt that it would be wrong to say that Southern Rhodesia had attained a full measure of self-government.

Mr. MOROZOV (Union of Soviet Socialist Republics) associated himself with the remarks by the representatives of India, Mali and Tanganyika concerning the manner in which the question of Southern Rhodesia should be approached.

Southern Rhodesia had come into existence quite recently, towards the end of the nineteenth century, when the United Kingdom colonialists, through bribery, fraud and force of arms, had succeeded in depriving the Matabele and Mashona people of their independence. Although under the 1888 Agreement with King Lobengula the colonialists had been granted the right to exploit the mineral resources but not to settle in the land, European settlers had immediately begun to infiltrate from South Africa. African resistance had been crushed with much slaughter and their land had been turned into the United Kingdom colony of Southern Rhodesia. Large numbers of Europeans had then begun to settle on the best land in Southern Rhodesia, expropriated from the indigenous inhabitants who had been forced into reserves,

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(Mr. Morozov, USSR)

some of which were infested with the tse-tse fly and others situated in arid zones. Since the last risings by the indigenous inhabitants had been crushed in 1896, the present regime of brutal and merciless repression had been maintained by armed force.

He agreed with the representatives of India and Tanganyika that the terms "constitutional referendum", "elections", etc., were inapplicable to the operations in Southern Rhodesia in 1922 and 1923. The only objective of those operations, as also of the attempt in 1953 to establish a Federation, had been to consolidate the rule of European settlers over the indigenous inhabitants. As the National Democratic Party of Southern Rhodesia had pointed out in its pamphlet issued in London in 1960, the objective behind the discriminatory legislation had been to ensure that Africans should not have representatives in Parliament. Indeed, Africans had never been represented in the Legislative Assembly.

The United Kingdom colonialists had enacted scores of laws, administrative decrees and regulations providing for racial segregation and discrimination against the indigenous inhabitants. The inhuman principles of apartheid permeated every aspect of life in Southern Rhodesia. Since 1949, 82,500 African families had been expelled from the so-called Crown lands and 21,500 had been moved from the Zambezi basin to special areas. It was rumoured that all Africans living on Crown lands or in areas settled by the Europeans would be moved into those special areas in 1962.

Some of the discriminatory acts passed in Southern Rhodesia were listed in the memoranda submitted to the United Nations by representatives of political and public organizations in that Territory. There was the Electoral law, which barred the indigenous inhabitants from sending their representatives to Parliament in general elections. There was the 1959 Preventive Detention Act, under the provisions of which any African could be detained without trial; many African leaders had been arrested under that Act and some of them were still in prison. There was also the 1959 Unlawful Organizations Act, under which the African National Congress and the National Democratic Party had been banned in 1961 in an effort to suppress the genuine patriotic forces struggling for independence. He would also refer to the Law and Order Maintenance Act, under which over 10,000 Africans, including 2,000 women, had been arrested in 1961 for protesting

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(Mr. Morozov, USSR)

against the so-called new Constitution. Reference should also be made to the 1930 Land Apportionment Act, under which the handful of European settlers had seized 53 per cent of the best land in the Territory. Other instances of colonialist legislation were the Native Affairs Act, under which over 5,000 African leaders had been exiled in December 1961, and the Native Education Act, under which educational expenditure amounted to £110 a year for every European school child and only £4 a year for every African school child.

Judging by the petitions received from the indigenous inhabitants of Southern Rhodesia, it could be said that settlers did not regard the Africans as human beings and continued to maintain a strict colour bar. He would add that the pay of Africans amounted to a fraction of that received by Europeans for the same work.

He agreed with the representatives of Mali and India that the situation in Southern Rhodesia had not changed after the introduction of the new Constitution in December 1961. That document reflected the desires of the European settlers and could not be called a genuine constitution, since it had not been drafted by freely elected institutions as provided under principle XI annexed to General Assembly resolution 1541 (XV).

The safeguards in the so-called new Constitution against the enactment of new discriminatory laws, to which the United Kingdom representative had referred, were of no practical significance since not one of the existing discriminatory laws, decrees or regulations had been abrogated. It was clear from one of the documents submitted by the progressive leaders in Southern Rhodesia that new legislation was not necessary for a policy of apartheid: a sufficient number of discriminatory laws were already on the statute-book.

The Declaration of Rights included in the new Constitution benefited the European settlers only. No other interpretation was possible, since the so-called Constitution was itself a very good example of a discriminatory Act. The result of the various property, educational and other qualifications provided in it would be to deprive the indigenous population of the suffrage. Consequently if the rights and freedoms enunciated in the Declaration applied to every inhabitant of Southern Rhodesia, the so-called Constitution itself should have been declared

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(Mr. Morozov, USSR)

illegal. At best, under the new Constitution there would be one African deputy for every 200,000 indigenous electors, whereas for the European population there would be one deputy for every 5,000 electors. That was the essence of the so-called democratic regime which the United Kingdom representative had praised so highly in the Committee. In 1962, however, even the most credulous would not be misled by such manoeuvres.

It was not surprising that the racist document in question had been rejected by the indigenous inhabitants of Southern Rhodesia. The representatives of the indigenous inhabitants regarded the new Constitution as a betrayal of their interests since it was similar to that granted by the United Kingdom to South Africa in 1910, which had been the beginning of the end of African representation and the starting point for the enslavement of the indigenous population in South Africa. He was fully in agreement with that assessment since it was obvious that the regime in Southern Rhodesia was a typical colonial regime imposed by force with the help of the United Kingdom Government. The assertion that Southern Rhodesia was a "self-governing colony" was a mere fiction. Southern Rhodesia was in fact a typical colony, a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter.

In that respect the Committee's reply to the question put to it by the General Assembly in resolution 1745 (XVI) had already taken shape in the minds of many of its members. The nature of that reply was, to all intents and purposes, set out in the fourth and fifth preambular paragraphs of resolution 1745 (XVI). Consequently, if the Committee's task were to consist merely in drafting a reply to the General Assembly's question, there was already a majority in favour of endorsing there and then the view expressed by the representatives of the African and Asian countries, with which his delegation was associating itself. He agreed, however, with the representatives of Mali and Tanganyika that the task of the Committee did not end with giving that formal reply. Since it was already beyond question that Southern Rhodesia was a Non-Self-Governing Territory, the Committee should immediately proceed to consider measures and proposals with a view to the implementation of all the provisions of the Declaration on the granting of independence to colonial countries and peoples in so far as Southern Rhodesia was concerned.

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(Mr. Morozov, USSR)

He did not propose to present at the present stage a comprehensive programme of measures or recommendations which the Committee might submit to the General Assembly with a view to their being implemented in 1962, but his delegation thought that the Committee could and should recommend a number of specific measures for the immediate implementation in Southern Rhodesia of the Declaration on the granting of independence.

Firstly, his delegation whole-heartedly supported the proposal that the so-called 1961 Constitution of Southern Rhodesia should be repealed, since it did not provide for universal suffrage or the establishment of representative organs of government by democratic processes. It was also essential that all discriminatory laws and regulations covered by operative paragraph 2 (a) of General Assembly resolution 1698 (XVI) should be revoked forthwith. New laws, based on democratic principles and on general and universal suffrage, should be enacted and genuinely democratic representative authorities should be established. That was being requested by African organizations in the Territory and by the representatives of African countries in the Committee.

Elections to a Legislative Assembly should be held not later than October 1962 on the basis of universal suffrage and by secret ballot, without any conditions or restrictions. All privileges should be abolished. All political parties, trade unions and other public organizations, as also all individual citizens, should be granted all democratic freedoms. All political detainees should be released immediately and measures of police repression and terror should be discontinued. Full powers should be transferred to the indigenous institutions established as a result of such elections, in accordance with the provisions of the Declaration on the granting of independence.

Urgent measures should be taken to ensure that Southern Rhodesia acceded to total independence not later than 31 December 1962 and that all United Kingdom military and para-military personnel should be withdrawn from the Territory by that date.

The question of a federation or other form of association between Southern Rhodesia and other countries should be settled by the representative authorities of Southern Rhodesia after the Territory had acceded to independence.

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(Mr. Morozov, USSR)

The preliminary proposals he had just outlined had been drafted with due regard for the wishes expressed by the most influential indigenous political parties in Southern Rhodesia. On the basis of those proposals the Committee might adopt specific proposals and recommendations designed to ensure the implementation of the historic Declaration on the granting of independence to colonial countries and peoples.

He supported the view that the Committee as a whole should grant hearings to petitioners and study written petitions received from genuine national organs in Southern Rhodesia. If the hearing of petitioners did not yield sufficient information, the Committee should send a visiting mission to Southern Rhodesia as a matter of urgency.

It was the responsibility of the United Nations in general and of the Committee in particular to take steps that would prevent the emergence of yet another colonial monster in Africa similar to the Republic of South Africa. Despite the statements by the United Kingdom representative in the Committee, the United Kingdom was, in essence, planning the creation of such a monster. The USSR delegation was in duty bound to draw the attention of the African, Asian and Latin American delegations to the situation in Southern Rhodesia and to the urgent need to help the indigenous inhabitants to achieve national liberation and establish a new independent State in Africa as soon as possible.

#### ORGANIZATION OF WORK (continued)

The CHAIRMAN announced that, in accordance with the decision taken at the ninth meeting, he had nominated Uruguay and Yugoslavia to constitute, together with the Committee officers, the Sub-Committee responsible for drawing up a questionnaire. In accordance with another decision taken at the ninth meeting, he had nominated the following seven countries to constitute the Sub-Committee on Petitions: Australia, Ethiopia, India, Madagascar, Poland, Tunisia and Venezuela.

He informed the Committee that a request for a hearing had been received from Mr. Joshua Nkomo and Mr. Washington Maliango of the Zimbabwe African People's Union.

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Mr. WODAJO (Ethiopia) proposed that the request should be referred immediately to the Sub-Committee on Petitions, which should examine to what extent the petitioners were representative and make a recommendation to the Committee. Mr. Nkomo was in fact a well-known nationalist representing one of the most important African organizations in Southern Rhodesia.

Mr. MOROZOV (Union of Soviet Socialist Republics) urged that all requests for a hearing should first be circulated to the Committee. His delegation had not opposed the decision taken by the Committee in the case of the first request which had been discussed, but it had been agreed that that case did not constitute a precedent. No general procedure had yet been laid down for dealing with petitions. In the present case, where at least one of the petitioners was the representative of a well established party, no useful purpose would be served by referring the request to the Sub-Committee on Petitions. There was no doubt that it would be to the Committee's advantage to hear the petitioners and no political, organizational or technical reason should prevent the Committee from hearing them. He hoped that the representative of Ethiopia would not press his proposal, but if it was maintained he would propose an amendment to the effect that the Committee should first hear the petitioners.

Mr. WODAJO (Ethiopia) said that he had been under the impression that the very establishment of a Sub-Committee on Petitions implied that the routine procedure would be to refer petitions to the Sub-Committee. He had not been suggesting that the petitioners should not be heard at a plenary meeting of the Committee. He had not made a formal proposal but had simply wanted to point out that it would save time and effort if all petitions were referred immediately to the Sub-Committee for its recommendations.

Mr. RASGOTRA (India) said that there were two aspects of the discussion on the hearing of petitioners. The first was that the requests should be circulated. That was the normal procedure in the Trusteeship Council and the Fourth Committee and should arouse no objection. The second aspect was the Ethiopian proposal that the Sub-Committee on Petitions should consider requests for hearings in the first instance. That was an eminently sensible suggestion and did not prejudice the right of the full Committee to hear the petitioners if it so decided.

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(Mr. Rasgotra, India)

His delegation had traditionally supported the hearing of petitioners where appropriate and it was aware that Mr. Nkomo and Mr. Malianga were leaders of African opinion of great standing in Southern Rhodesia. It should be borne in mind, however, that the Committee was not at present considering the substantive aspects of Southern Rhodesian affairs; it was simply trying to decide whether that Territory was or was not non-self-governing. Hence it might be useful for the Sub-Committee on Petitions to ascertain whether the petitioners wished to speak on the substantive aspect of conditions in Southern Rhodesia or on the particular constitutional question at present before the Committee. For that reason he would support the Ethiopian suggestion that the matter should be deferred until the Sub-Committee on Petitions had met. Any recommendation the latter might make would be without prejudice to the right of the full Committee to take action directly on a request made to it.

Mr. MOROZOV (Union of Soviet Socialist Republics) recalled that it had been made quite clear at the tenth meeting that no decision had been adopted on the general question of referring petitions or requests for a hearing to the Sub-Committee. That was still the position. He proposed that Mr. Nkomo should be heard at a full meeting of the Committee. He could not agree with the view that members of the Committee could, either individually or jointly, select the subjects on which petitioners should speak. Their statements should not be restricted in any way; they should be free to say anything they thought might be useful.

The CHAIRMAN agreed that there had not yet been a general decision on how requests for hearings were to be dealt with. The representative of the Soviet Union had originally suggested that such requests should automatically be circulated without the Chairman first bringing them to the attention of the Committee. The other procedure - which he had adopted - was for the request to be placed before the Committee, which would decide whether to have it circulated, whether to proceed immediately to a decision or whether to refer it to the Sub-Committee on Petitions.

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(The Chairman)

The Soviet Union representative had now made a specific proposal that the Committee should immediately decide - presumably without circulation of the request - to grant the two petitioners a hearing. There was also the Ethiopian proposal that, without taking any decision of principle, the Committee should refer the request for a hearing to the Sub-Committee on Petitions for its recommendation. In that case the Committee had of course the right finally to decide whether to grant the hearing or not. The matter could be discussed further at the next meeting.

The meeting rose at 1.15 p.m.