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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 FIFTEENTH MEETING

Held at Headquarters, New York,
on Friday, 16 March 1962, at 11.35 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. PASGOTRA	India
	Mr. ZITO	Italy
	Mr. ANDRIAMAHARO	Madagascar
	Mr. TRAORE	Mali
	Mr. LEWANDOWSKI	Poland
	Mr. RIFAI	Syria
	Mr. NGAIZA	Tanganyika
	Mr. Taieb SLIM	Tunisia
	Mr. OBEREMKO	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. PROTITCH (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) announced that he had had a telephone call from Mr. Paul Mushonga, Deputy National President of the Zimbabwe National Party of Southern Rhodesia, who was in London, stating that in presenting his case he would require the presence of his legal adviser and asking whether the Committee would grant him a hearing on Friday, 23 March, instead of on Wednesday, 21 March.

Mr. TRAORE (Mali) pointed out that all members of the Committee had agreed that an effort should be made to speed up the work and that the debate on Southern Rhodesia should be concluded on Thursday, 22 March, at the latest. For that reason he was not in favour of postponing the hearing of Mr. Mushonga.

Mr. Taieb SLIM (Tunisia) suggested that a telegram should be sent to the petitioner informing him that the Committee could not postpone the hearing until Friday and requesting him, if he was unable to be present on Wednesday, to send a petition in writing.

The CHAIRMAN said that if there was no objection that would be done.

It was so decided.

Mr. BINGHAM (United States of America) said that his delegation shared the concern expressed by other delegations, and particularly those of the African States, with regard to the difficult period that lay ahead in the political evolution of Southern Rhodesia. At the same time it had been encouraged by the statements made by the United Kingdom representative, who had assured the Committee of his Government's continuing concern with the further political development of Southern Rhodesia. His delegation had been much impressed by the balanced presentation made by the Australian representative and the scholarly analysis given by the representative of India, which had made it unnecessary to review some of the historical aspects of the question. He agreed with the Indian representative that the Committee was not at the present stage engaged in a general debate on conditions in Southern Rhodesia but was concerned with the question put by the General Assembly in resolution 1745 (XVI). His delegation had been opposed to the adoption of that resolution because it

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had felt that the contemplated inquiry would not promote the objectives of the United Nations and might, indeed, impede their attainment. It still held to that view. The inquiry was, however, being made and the Committee was obliged to report on the matter to the General Assembly.

As his delegation understood it, the position of the United Kingdom on the question was that, since Southern Rhodesia enjoyed a substantial measure of self-government, the United Kingdom was not in a position to carry out with respect to that Territory all the obligations of an Administering Power under Article 73 of the Charter and in particular the transmission of information. His delegation had no quarrel with those contentions but it did not consider that they enabled the Committee to arrive at a clear answer to the question put by the General Assembly. The reason for the difficulty was clearly that the terminology of Article 73 did not precisely fit the situation in Southern Rhodesia. Obviously the authors of the Charter could not have foreseen and provided for all possible variations in the relationship between metropolitan Powers and overseas Territories. In that connexion it was interesting to note that several delegations, instead of asking the United Kingdom to relinquish its limited authority over Southern Rhodesia, as was usually the case with regard to Administering Powers, had urged the United Kingdom Government not to relinquish its authority under present conditions.

If from a strictly legal point of view there was no clear and agreed answer to the question put in General Assembly resolution 1745 (XVI), there were a number of pertinent and related questions arising out of the situation to which, judging by the debates in the Special Committee and in the Fourth Committee, members would all give the same answers. For example, if it were asked whether the United Kingdom should wash its hands of Southern Rhodesia and grant it independence immediately, all would agree that it should not, and the United Kingdom did not appear to be even considering the possibility of doing so. Again, if it were asked whether the United Kingdom had some continuing responsibility to encourage and help the people of Southern Rhodesia to move towards a form of government that would give each element of the population an equitable share of opportunity and responsibility, he felt sure the answer would be in the affirmative. There might be differences of opinion regarding the degree of that

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responsibility, but there would be no denial that it existed. Yet again, if it were asked whether the present situation in Southern Rhodesia allowed for peaceful change, and in particular whether progress was being made towards the objective of greater African participation in the Government, judging from the statement made by the United Kingdom representative the answer on those counts would be in the affirmative.

In that connexion he emphasized that as a matter of principle the United States attached great importance to the provision of adequate opportunities for men everywhere to achieve political equality. He felt sure that a similar philosophy animated the United Kingdom in discharging its obligations towards the people of Southern Rhodesia. His delegation had noted with interest that when the United Kingdom representative had described the new Constitution as a step in the direction of such African participation he had referred to it as only a beginning and had quoted with evident approval a statement by Sir Edgar Whitehead to the effect that the new Constitution was bound to lead in time to an African majority and that that was something for Europeans to welcome.

He was convinced that all concerned would agree that efforts should be made to work out agreed solutions that would enable all the people of Southern Rhodesia to achieve without violence a free and prosperous future. Such solutions should be based on the freely expressed wishes of the people and should lead to harmonious racial relationships that would permit all elements to play a full part in the political, social and economic life of the country.

Such considerations had been among the major factors which the United States delegation had had in mind when first considering how the Special Committee should approach its task. The general problem that faced many Territories was how the different elements in the population of an area could best arrange to work together to solve common political and economic problems in an era of ever greater interdependence and competition. The situation in Southern Rhodesia was but one part of the broader problem of adjusting relations in a biracial or multiracial society when the area in question became independent after years of rule by one of the races. He felt sure that all members considered that every effort must be made to ensure that change in Southern Rhodesia would be brought about through orderly, constructive and peaceful processes and not by means of violence. Thus a firm foundation might be laid for a society based on

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equal rights and prosperity for all. He thought that the United Kingdom would play a very substantial role in the process of moving towards the achievement of those objectives in Southern Rhodesia. The Committee should endeavour to help the United Kingdom in its task, and it would not help by seeking to interfere and by making specific and detailed recommendations. If victories over the Administering Powers were sought, they might be achieved, but they might prove to be Pyrrhic victories for the objective to which all members were committed.

At the invitation of the Chairman, Mr. Joshua Nkomo, National President of the Zimbabwe African People's Union of Southern Rhodesia, and Mr. Washington Malianga, National Secretary of the Zimbabwe African People's Union of Southern Rhodesia, took places at the Committee table.

Mr. NKOMO (Zimbabwe African People's Union) thanked the Committee for giving him the opportunity of presenting oral evidence and read out a cable received from his party expressing satisfaction at the Committee's decision. A memorandum addressed to the United Nations Organization by the Zimbabwe African People's Union of Southern Rhodesia, together with three supplements, had been circulated to the Committee. The petitioners intended to enlarge on the points raised in those documents and other points which had been raised in the Committee. The answers to some of the questions regarding the purposes of the new Constitution would be found in supplement No. 3, which contained a copy of a memorandum on the Constitution circulated by the United Federal Party, the white settlers ruling party headed by Sir Edgar Whitehead.

The Zimbabwe African People's Union had been formed on 17 December 1961, after the National Democratic Party had been banned by the Southern Rhodesian Government on 9 December 1961. That had not been the only occasion on which African political organizations in Southern Rhodesia had been banned. In February 1959 the Southern Rhodesian African National Congress, which he had led, had been banned by the Government. On that occasion over 1,000 of his colleagues had been arrested and detained with no recourse to any court of law. In any case the courts themselves were used as instruments of colonialism. Ever since that time some of his colleagues in the African National Congress, including two distinguished politicians, Mr. James Chikerema and Mr. George Nyandoro, had remained in detention without trial, for no other reason than that they had pleaded with those who had seized their country to set their people free. That was why the Government had not been able to bring them to public trial.

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He had been born in Southern Rhodesia and had been educated in Southern Rhodesia and South Africa. His father had at one time possessed over 1,000 head of cattle and 2,000 sheep and goats; today he had nothing. Such were the results of the oppressive laws of the white settlers, who still controlled Southern Rhodesia. After leaving school, he had worked as a truck driver and had been paid £5 a month, whereas white people doing similar work had earned £50 a month. When he had asked his employer why that was so, he had been told: "You are a native; that is what you deserve." After some further education he had become a social worker among the railway employees. At that time the 22,000 African employees had earned, between them, one tenth of the total earnings of the 7,000 Europeans. He had felt it his duty to take a post as Organizing Secretary of the African railway employees' association. At that time no African union had been recognized by law in Southern Rhodesia; African workers had not been rated as "employees" and had been unable to use the normal channels of negotiation concerning conditions of work.

The petitioners were stressing the various aspects of wages, education, property etc., because all those factors, which had a direct bearing on the political evolution of the country, had been used by the white settlers ever since 1888 to keep the Territory and its African population under white control. At the same time the white settlers had endeavoured to convince world public opinion that there was no discrimination in the franchise laws.

The colonization of Southern Rhodesia had started in 1888, when the British had extorted concessions from King Lobengula under the pretext of protecting the people from Portuguese colonialism. Yet the Charter which Rhodes had subsequently obtained in England had authorized the British South Africa Company not only to exploit the minerals of the Territory but also to rule the country without the consent of the people.

In 1914 thousands of Africans had fought in the war against Germany. Meanwhile the settlers had changed the laws and given the majority of the seats in the legislature to members elected by the settlers with no reference whatsoever to the African peoples. Thus the "people" who had taken part in the referendum of 1922 had merely been the 12,000 white settlers deciding the fate of over

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2 million Africans without informing them that the status of their country was to be changed. The "self-government" voted for at that time had been the self-government of 12,000 white settlers, but not that of the chiefs and the indigenous people.

In 1925 a commission set up by the settler community had led to the unjust Land Apportionment Act, which had provided a further basis for the exploitation of the Africans, the fertile areas having been declared European while remote areas not previously inhabited had been declared African. Between 1933 and the Second World War the Act had not been applied. During that war the Africans had again fought for what they had believed to be the end of the domination of man by man. Immediately after 1945, however, the white settler Government had decided to implement the Land Apportionment Act and to remove Africans to remote unfertile areas. In their place, large numbers of immigrants from the United Kingdom, Germany and Italy, including Italian prisoners of war, had been allowed to settle on the fertile lands. Thus it was clear that the settler policy was a racist one. He wished to stress that his party was not racist; it was prepared to welcome Italians in the country as ordinary citizens, just as it would welcome anyone else, but it could not allow such people to come as masters and to take everything the indigenous people had had for centuries.

In 1953 the United Kingdom, again without the people's consent, had brought about the federation of the Rhodesias and Nyasaland. The world had been told that it had been done in the interests of economic development in that area, but the truth was that the white settlers in Southern Rhodesia, having successfully run the country at the expense of the African people for thirty years, had felt insecure when such countries as Ghana had appeared on the scene. Fearing that Northern Rhodesia and Nyasaland might become Ghanas on the borders of a white man's country, the Southern Rhodesian politicians had appealed to the United Kingdom for help, and the United Kingdom had responded by instituting the Federation. It had been said that the decision in the two northern Territories had been taken by the British Government as the guardian of the peoples and that the decision in Southern Rhodesia had been taken by the "electorate"; the fact was, however, that the

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entire African population had been and remained opposed to federation, the aim of which was to perpetuate white supremacy. The African organizations of Central Africa were not against the formation of larger units; if they were, they would not have joined in the All-African Peoples' Conference. They believed in the unification of Africa, but they were opposed to the Central African Federation because it was in the nature of another South Africa.

The United Kingdom was said to have a good record in the matter of decolonization. It should not, however, be praised simply for giving back what it had taken in the first place. Moreover, in most cases independence had only been granted after the loss of many lives. The Central African Federation constituted a big problem for the United Nations and particularly for the Special Committee.

In its principles relating to self-government the United Nations attached particular importance to the consent of the people. It was high time that the United Kingdom should ask itself whether it was wise or proper to continue with the Central African Federation without the consent of the people of the three Territories involved. If the reason was that the United Kingdom took no account of the wishes of the 8.5 million indigenous inhabitants, the Committee should be told so without ambiguity.

As he had already indicated, the position of the settlers had hardened after the end of the Second World War. There had been a time when the indigenous inhabitants had believed the settlers and the United Kingdom who had told them that progress was being made towards the stage at which everyone would share in the government of the country, but the enactment of oppressive legislation, the high rate of immigration and the progressive stiffening of the voting qualifications as Africans moved nearer to fulfilling the original qualifications had made it obvious that the settlers meant to dominate Southern Rhodesia for all time.

In 1958 his party, the African National Congress, had decided that a new Constitution based on universal suffrage should be drafted immediately. Sir Edgar Whitehead, feeling himself under pressure, had banned the party in 1959.

The indigenous inhabitants, in their determination to obtain a Government based on the wishes of the people had then formed the National Democratic Party.

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In July 1960 the settlers had become desperate and had provoked disturbances at Salisbury, Bulawayo and elsewhere in Southern Rhodesia in which sixty-three people had been killed, although the official figures given had been only thirteen. Those people had been killed merely for demonstrating against a Government which had been returned without their consent and for calling for a Government which would express the will of the people. Since then, the settler Government had organized a police reserve campaign; every white man and woman in Southern Rhodesia was being taught to handle fire-arms; all the white settlers were armed, while the indigenous inhabitants, with the exception of a few chiefs who were lackeys of the Government, were forbidden by law to carry arms. The settlers had thus armed themselves against the very people who had fought by their side against the Germans in 1914 and 1939 under the impression that they were fighting to put an end to the domination of man by man.

Towards the end of 1960 the United Kingdom had decided to convene a Constitutional Conference. The National Democratic Party, the largest party in the Territory, had not been invited, but it had finally succeeded in obtaining two seats at the Constitutional Conference as against eleven for Sir Edgar Whitehead's party, four for the Dominion Party and two for another party of European settlers. The Conference had been convened in Salisbury in February 1961 under the chairmanship of Mr. Sandys, the Secretary of State for Commonwealth Relations, who had subsequently issued a report to the effect that all the parties, with the exception of the Dominion Party, had agreed to the new Constitution. Speaking as the leader of his party's delegation at the Constitutional Conference, he could assure the Committee that at no time had his party agreed to the new Constitution. The draft Constitution had been discussed article by article and his party, along with others, had agreed to a number of non-controversial provisions such as the need for a National Assembly with a Speaker, and even for a Governor. His party had also introduced the Bill of Rights to the Conference. On the crucial issues of the franchise, representation and land tenure, on the other hand, there had been complete disagreement between his party and the settler parties. His party had advocated universal adult suffrage and the inclusion in the Constitution of provisions concerning the land question which would prevent any Government from

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manipulating that question at a later date. The lack of agreement on those vital points had meant that his party had rejected the constitutional proposals as a whole. As for the Dominion Party, it had not participated in the Conference at all.

The first session of the Constitutional Conference was to have been followed by a second one. After the conclusion of the first session, however, when the European politicians had gone to explain the results to their electors, the African politicians had found themselves banned from addressing political meetings in the reserves. The penalty for violating the ban was imprisonment for a term of up to twenty years. To formulate a new Constitution without reference to the people would have been an outrage to which his organization could not be a party. In view of the fact that Mr. Sandys had grossly and deliberately misrepresented the position taken by the National Democratic Party at the first Constitutional Conference and that African politicians had been banned from addressing meetings in the reserves, his party had decided not to participate in the second Constitutional Conference.

He had heard it argued that the United Kingdom was in a difficult position vis-à-vis the United Nations in that it could not transmit information on Southern Rhodesia because the latter was self-governing. Yet the United Kingdom had powers which had allowed it to grant the settlers their wishes and to promulgate a new Constitution. At the Constitutional Conference, Sir Edgar Whitehead had requested the United Kingdom Government to agree not to legislate for Southern Rhodesia. An explanatory statement on the matter had been made by Mr. Sandys. Should the Committee so desire, he would transmit to it the relevant extract from the minutes of the Conference, which he had not at hand at the moment. After the Conference Mr. Sandys had been asked in the House of Commons by Mr. Marquand, a Labour Member of Parliament, whether he had entered into any commitment to the effect that the United Kingdom Government would not legislate for Southern Rhodesia except at the request of the Government of Southern Rhodesia. Mr. Sandys had replied that no new commitment had been entered into and that he had had no powers to do so. In reply to a supplementary question from Mr. Marquand, Mr. Sandys had stated that whatever the constitutional position had been, nothing he had done had altered it in any way.

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It was therefore perfectly clear that the United Kingdom Government retained the right to legislate for Southern Rhodesia. It could do so, however, only if there was a crisis in that Territory. If in the opinion of the United Kingdom a crisis was a situation in which there were a vast number of dead, and not just sixty-three as in 1960, the United Kingdom should say so. In his view there was a crisis in Southern Rhodesia now, because the United Kingdom Government had given the white settlers a Constitution which might lead to the independence of Southern Rhodesia by 1963 based on European minority rule.

He could not agree with those who argued that the new Constitution was a transitional one. Mr. Sandys himself had told the Conference that that was the final document as far as the United Kingdom was concerned and that the United Kingdom Government was handing over responsibilities to the people of Southern Rhodesia to shape their own future. It might well be asked who were the people of Southern Rhodesia to whom the United Kingdom proposed to hand over the shaping of the future of the Territory. The answer was clearly stated in an explanatory pamphlet issued by the Southern Rhodesian Division of the United Federal Party, entitled "Breakthrough to Nationhood". Replying to the question "Can the new Constitution be changed?", the pamphlet stated "Yes, but only by the Southern Rhodesia Parliament and no one else". That Parliament would consist of sixty-five members, fifty of whom would in any case be Europeans.

The Committee had been told by the United Kingdom representative that the interests of the people would be safeguarded by a Constitutional Council, provision for which had been made under the new Constitution. Under its terms the members of the Constitutional Council would be elected by an electoral college consisting of the Chief Justice of the High Court of Southern Rhodesia acting as Chairman, the Puisne Judges of the High Court, any retired Judges of the High Court - all white men - and the President of the Council of Chiefs, a body created by Sir Edgar Whitehead and staffed by his nominees. It was such a body, purely European in composition except for one black man representing European interests, that would elect the Constitutional Council to which the indigenous inhabitants would have to look for protection.

As for the composition of the Council itself, there would be two Europeans, two Africans, one Asian and one member of the coloured community, and all the other members would be white. That was what multiracialism meant in actual fact.

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Southern Rhodesia had common borders with the Republic of South Africa and with Mozambique. An unholy alliance had been formed between Mr. Salazar, Mr. Verwoed and Sir Roy Welensky, based on military co-operation, allegedly for purposes of internal security but in reality designed to suppress the ever-growing African opposition to oppression. The Committee might well give serious consideration to that fact, which constituted a threat to world peace and security.

To the peoples of Africa, and indeed to all colonized peoples everywhere, the Committee offered the hope of the elimination of oppression of man by man. In the eyes of the people of Southern Rhodesia the most important thing was not the provision of information by the United Kingdom but the implementation of the General Assembly resolution on the granting of independence to colonial countries and peoples. They hoped that in its recommendations to the General Assembly the Committee would not only declare Southern Rhodesia to be non-self-governing, which was obvious, but would recommend steps for the granting of independence to the country and people of Zimbabwe. The situation in Southern Rhodesia was tense and called for immediate action. He was aware that the General Assembly had decided that its resumed session in June would deal only with the question of Ruanda-Urundi, but in view of the urgency of the situation in Southern Rhodesia and of the fact that elections based on white supremacy were to be held in October, he urged the Committee to recommend that the matter should be included in the agenda of the resumed session.

The CHAIRMAN suggested that in view of the lateness of the hour Mr. Nkomo should conclude his statement at the afternoon meeting.

The meeting rose at 1.10 p.m.