



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.109/SR.16

13 April 1962

ENGLISH

ORIGINAL: FRENCH

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 SIXTEENTH MEETING.

Held at Headquarters, New York,
on Friday, 16 March 1962, at 3.50 p.m.

CONTENTS

Southern Rhodesia: General Assembly resolution 1745 (XVI) (continued)
Second report of the Sub-Committee on Petitions (A/AC.109/L.2)
Organization of work (continued)

PRESENT:

<u>Chairman:</u>	Mr. JHA	(India)
<u>Members:</u>	Mr. PLIMSOLL	Australia
	Mr. KOUN WICK	Cambodia
	Mr. WODAJO	Ethiopia
	Mr. RASGOTRA	India
	Mr. ZITO	Italy
	Mr. ANDRIAMAHARO	Madagascar
	Mr. TRAORE	Mali
	Mr. SOLTYSIAK	Poland
	Mr. RIFAI	Syria
	Mr. NGAIZA	Tanganyika
	Mr. Taieb SLIM	Tunisia
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Mr. CROWE	United Kingdom of Great Britain and Northern Ireland
	Mr. BINGHAM)	United States of America
	Mr. BLAKE)	
	Mr. SOSA-RODRIGUEZ	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)

At the invitation of the Chairman, Mr. Nkomo and Mr. Malianga, representatives of the Zimbabwe African Peoples' Union of Southern Rhodesia, took places at the Committee table.

Mr. NKOMO (Zimbabwe African Peoples' Union), continuing his statement, stressed the hopes which the dependent peoples in Africa and elsewhere placed in the Committee. They had taken heart from the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)) and particularly from the following three principles which were enunciated in it:

"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" (paragraph 2);

"Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence" (paragraph 3);

"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" (paragraph 5).

The dependent peoples looked to the Committee for the implementation of those principles. ZAPU accordingly hoped that in its report to the General Assembly the Committee would not confine itself merely to replying to the question put to it but would also contribute to the application of those principles.

ZAPU, which represented 3 million indigenous inhabitants, requested the Committee, through the General Assembly, to call upon the United Kingdom to use the powers it possessed in order to suspend the new Constitution of Southern Rhodesia and institute negotiations for the transfer of all power to the people of Southern Rhodesia.

If the United Kingdom did not take prompt action to that effect, Southern Rhodesia would become another South Africa. The United Kingdom which, in 1910,

/...

(Mr. Nkomo, Zimbabwe African
Peoples' Union)

had made the mistake of handing over 12 million indigenous inhabitants to 2 million white settlers in South Africa and which must now be horrified to realize that it had thereby permitted the brutal domination of a minority over the majority, could not allow itself another such mistake. If it disregarded ZAPU's request, it would be held responsible before world public opinion for having handed over the indigenous inhabitants of Southern Rhodesia to the white minority.

The United Nations was now trying to remedy a situation in South Africa which antedated the birth of the Organization. In Southern Rhodesia it had the power to avert the evil by helping the indigenous inhabitants who fully deserved such help because of the struggle they were waging for their rights.

If no action was taken now it would be useless for the world later on to express sympathy for the indigenous inhabitants and disapproval of the violence committed: it would be too late.

In calling upon the United Kingdom to suspend the measures about to be taken, the indigenous inhabitants were not asking to remain under United Kingdom domination; they refused to be handed over to the white minority and, like all the other peoples in the world, they sought the right to govern themselves.

The United Kingdom was no doubt concerned, and rightly, for the fate of the large British minority; but the future of the white settlers depended precisely on action that must be taken immediately. Southern Rhodesia would be free whatever happened; it was essential to prevent what might happen, if the die-hards in Southern Rhodesia were allowed to impose the new Constitution.

The Declaration of Rights incorporated in that text had originally been proposed by his own party, but it had since been mutilated beyond all recognition. As the former Chief Justice of the Central African Federation had pointed out, that text now contained so many exceptions that it no longer safeguarded anything. Moreover, it only applied to new legislation, whereas Southern Rhodesia already had enough discriminatory laws to make new ones unnecessary.

He noted in passing that the authenticity of the mining concession supposedly granted by King Lobengula to the United Kingdom Government in 1889 could be gauged from the fact that the United Kingdom Secretary of State for Commonwealth Relations

/...

(Mr. Nkomo, Zimbabwe African
Peoples' Union)

had claimed that ZAFU had given its agreement to the new Constitution, which was not the case at all.

Summing up, he wished to stress three points. Firstly, Southern Rhodesia had a population of 3 million, not an electorate of 80,000. Any document drafted without the consent and agreement of the 3 million indigenous inhabitants should be deemed null and void.

Secondly, if the Committee studied the facts outlined in the documents which he had submitted to it, it would see that in matters of education, income and property the indigenous inhabitants of Southern Rhodesia had in fact been denied access to the very benefits that governed the granting of the franchise.

Lastly, he had read in that day's newspapers about Mr. Butler's appointment to a newly-created post, that of Minister in charge of the Central Africa Office. It was to be hoped that the United Kingdom Government, having realized the mistakes made in that region, had appointed Mr. Butler to liquidate both the Federation itself and British imperialism in the three territories comprising the Federation.

He thanked the Committee for having given him the opportunity of submitting those facts to the United Nations.

Mr. WODAJO (Ethiopia) thanked Mr. Nkomo for the eloquent plea for justice and freedom which he had just made on behalf of the 3 million indigenous inhabitants of Southern Rhodesia. The Committee now knew that if the new Constitution was applied, there could be no genuine self-government in that country. He was sure that at the appropriate time the Committee would base some of its recommendations on the evidence presented by the petitioner. He would now like to ask Mr. Nkomo and his colleague two questions, the first of which concerned the party they represented. He would like to receive information on its organization, membership and activities.

/...

Mr. NKOMO (Zimbabwe African Peoples' Union) replied that his party had been banned on three occasions, a fact which had greatly hindered the task of its leaders. In spite of that, one year after the National Democratic Party had been organized in Southern Rhodesia, his party had had over 250,000 paid-up members and well over 300,000 non-paying members - persons from whom the party did not collect membership dues because they could not afford them. The party thus had a total membership in excess of 500,000 and the support of 99.9 per cent of the African population. With regard to organization, ZAPU had local branches, regional committees, provincial committees and a National Executive headed by the President of the party. Great difficulties had been encountered in building up that organization since legislation such as the Law and Order Maintenance Act interfered with the exercise of the citizens' individual rights. Under that Act, an application had to be filed before a public meeting could be held; if permission was granted, the authorities themselves determined where the meeting would be held, its duration, the number of persons allowed on the platform and the questions on which the speakers might speak. The organizers had to provide tables and chairs for the Security Department personnel whose task it was to record the statements. About 100 armed police attended every meeting and they sometimes did not hesitate to provoke trouble in order to have a pretext for intervening. Three weeks earlier, six persons had been shot by police at a political meeting following the arrest of one of the speakers.

A large proportion of the members of his party lived in rural areas, because the towns were European areas where Africans had to justify their presence. It should be stressed that the restrictions and regulations to which he had just referred applied only to his party and not to the European parties.

Mr. WODAJO (Ethiopia) asked the petitioner whether he thought that further violence was to be feared, since there had been incidents of violence in the past and since his party intended to boycott the coming election.

Mr. NKOMO (Zimbabwe African Peoples' Union) replied that he had asked the Committee to act quickly in order to prevent the Constitution from going through precisely because his party feared that a clash between the people and

(Mr. Nkomo, Zimbabwe
African Peoples' Union)

the so-called security forces was inevitable. In almost all cases when there were disturbances, they were provoked by the security forces trying to break up meetings or processions, which were prohibited by law. The prohibitions would no doubt grow more numerous as the election drew nearer.

Mr. RASGOTRA (India) thanked Mr. Nkomo and his colleague for the evidence they had placed before the Committee, which had thus been given facts to which it otherwise would not have had access. He had listened to what Mr. Nkomo had had to say with particular interest and understanding because of the struggle which his own country had known. He wished to ask the petitioner a number of questions: firstly, whether there was a wing of liberal opinion in the community of alien extraction residing in Southern Rhodesia and whether there was any contact between the African parties and the progressive segment of the settler population or any other group of alien extraction.

Mr. NKOMO (Zimbabwe African Peoples' Union) replied that there might be quite a number of liberal-minded persons among the people of foreign extraction in Southern Rhodesia. The population included people of Asian extraction, of European extraction and of mixed blood. The people of Indian extraction had for the most part come to share his party's point of view; there was very little difficulty with regard to them. Among the Europeans, however, ZAPU had very few sympathizers: they could be counted on the fingers of one hand. Some persons of European stock might be afraid to express their views openly. He could point to only two university professors who were in almost constant contact with his party; they were firm supporters of real democracy. As for the others, they were apparently either frightened or passive.

Mr. RASGOTRA (India) asked the petitioner whether ZAPU would be willing to accept European settlers who wished to join the party, whether the party was organized on racial lines or whether liberal-minded Whites would be welcome, and whether ZAPU was making any effort to attract such persons.

Mr. NKOMO (Zimbabwe African Peoples' Union) replied that his party was prepared to accept, without distinction as to race, any person who subscribed to its aims. The party had never thought in terms of race. It was a political party dedicated solely to the advancement of the country.

Mr. RASGOTRA (India) inquired whether or not the Constitution, which the Committee already knew was unacceptable to Mr. Nkomo's party and to the African population, had been promulgated. If it had not, when was it to be promulgated and what were the conditions which must be fulfilled before its promulgation? Assuming that before promulgation the population was consulted by means of a referendum based on universal suffrage, what would be the attitude of Mr. Nkomo's party to such a consultation?

Mr. NKOMO (Zimbabwe African Peoples' Union) replied that certain parts of the Constitution had been promulgated, namely, the sections dealing with the voters' roll, the constituencies and the Constitutional Council. The remainder would not be promulgated until after the election and the formation of a new Government. ZAPU would welcome a referendum on the Constitution, conducted, of course, on the basis of universal suffrage. It would appreciate any effort on the part of the United Kingdom to have such a consultation organized.

Mr. RASGOTRA (India) asked the petitioner whether he thought it would be possible to organize another constitutional conference in which his party would be represented, either to reconsider the present text of the Constitution or to evolve a new one, and, if so, whether he thought it would be desirable for the United Nations to send observers.

Mr. NKOMO (Zimbabwe African Peoples' Union) noted that at the end of their statement the petitioners had asked the Committee to intervene in the matter and request the United Kingdom Government to suspend the present proposal for the new Constitution and to institute negotiations for the drafting of a new text. He and his colleague believed that a solution was still possible if the United Kingdom was prepared to face the problem squarely.

Mr. RASGOTRA (India) said he had been glad to hear the petitioner say that what he wanted for his country was immediate independence on the basis not of minority rule, but of a democratic form of government. Did he consider that self-government should be granted to Southern Rhodesia straightaway, without any special preparation, or did he think that certain special measures might have to be taken first to ensure, for instance, an African majority in the legislature or the executive branch, and to prepare the necessary administrative machinery for independent government?

Mr. NKOMO (Zimbabwe African Peoples' Union) replied that in his party's view the African people in Southern Rhodesia were ready to assume the responsibility of running their country immediately. In fact, the people had been ready to do so all along; perhaps not in the same way as the United Kingdom governed itself, but the countries and the peoples were different. No further preparation was necessary.

Mr. TRAORE (Mali) expressed his appreciation of the clarity and simplicity of Mr. Nkomo's remarks and of the deep conviction behind them.

He asked Mr. Nkomo to explain what he understood by the preventive measures to which he had referred and also to explain between whom the negotiations for a transfer of powers should be conducted.

Mr. NKOMO (Zimbabwe African Peoples' Union) replied that the situation in Southern Rhodesia was tense and might well become dangerous. What he had meant by preventive measures was the Committee's intervention for which he had asked, to persuade the United Kingdom to suspend the new Constitution. That step would prevent a real danger of explosion if the new Constitution was allowed to go through.

With regard to the negotiations, he believed that the United Kingdom had the power and that it was responsible for what was happening in Southern Rhodesia. He and his colleague had appealed to the United Kingdom and still hoped that it would have the good sense to listen to the majority of the people. He regarded his party as the true spokesman of the people and believed that a constitution worked out in negotiations between his party and the United Kingdom

/...

(Mr. Nkomo, Zimbabwe African Peoples' Union)

would be acceptable to the majority of the people and would make it possible for them to elect a truly representative Government. He sincerely hoped that the United Kingdom would have the wisdom to take that course of action. If it failed to do so, his party would be forced to ask the United Nations to arbitrate in the formulation of a constitution that would transfer power to the inhabitants of the country.

Mr. WODAJO (Ethiopia) asked Mr. Nkomo, who in his statement had referred to the "multiracial society" which the white settler Government wished to create in Southern Rhodesia, to describe the multiracial society which his party envisaged for the future of Southern Rhodesia. He also wished to know what Mr. Nkomo thought should be done with the present federal arrangement.

Mr. NKOMO (Zimbabwe African Peoples' Union) said that his country did not wish to be regarded as a multiracial State, but as a non-racial State composed of people from all parts of the world who had chosen to make their home in it. That situation prevailed in many countries in the world, and particularly in Great Britain, which had people of different races but was never regarded as a multiracial State.

With regard to the Federation of Rhodesia and Nyasaland, he recalled that the people of Southern Rhodesia had ceaselessly objected to its creation. His party was profoundly convinced that the Central African Federation must be completely dismantled and replaced by three independent States run by Governments which were responsible to the peoples of those countries. He was opposed to any rearrangement of the Federation on the existing basis since any solution other than the establishment of three independent States would play into the hands of neo-colonialism.

Only when those countries were independent and had representatives of the people could they consider uniting with each other and with other neighbouring countries. That, in the last analysis, was what his party hoped for, and it also represented the real wishes of the people.

He wished to correct an error in the last document he had circulated (Supplement No. 3). The number of African pupils in sixth-year classes (standard 6) should be 11,203, and not 2,196.

The CHAIRMAN thanked Mr. Nkomo on behalf of the Committee.

Mr. Nkomo and Mr. Malianga withdrew.

Mr. MOROZOV (Union of Soviet Socialist Republics) also thanked Mr. Nkomo for his statement and the explanations he had given. He stressed the importance of that detailed statement, which threw additional light on the present situation in Southern Rhodesia and showed the scope and nature of the tasks and decisions which lay before the Committee. The Committee would doubtless study Mr. Nkomo's statement, the replies he had given to questions and the documents he had submitted before setting about the drafting of suitable proposals.

Mr. Morozov pointed out that, notwithstanding the detailed nature of the data given by Mr. Nkomo, certain members of the Committee might wish to raise other questions during the examination of the situation in Southern Rhodesia; he therefore reserved the right to request Mr. Nkomo's assistance if necessary.

Mr. CROWE (United Kingdom) said that Mr. Nkomo's statement and his replies to the questions put to him had contained a number of points which the United Kingdom delegation could not accept. He reserved the right to reply to those points.

Mr. RASGOTRA (India) recalled that Mr. Nkomo had promised to make available to the Committee extracts from the minutes of the Constitutional Conference. He had also submitted a document and three supplements to which he had several times referred in his statement. He asked whether it would be possible to include those documents in the verbatim record of the debates, perhaps in the form of an annex, in order to render the record clearer and more complete.

Mr. WODAJO (Ethiopia) supported the Indian representative's suggestion.

The CHAIRMAN suggested that since the verbatim records of the Committee's debate were merely working documents and not the official records, it would be better if the printed texts officially submitted to the Committee by Mr. Nkomo were circulated as documents.

It was so decided.

/...

SECOND REPORT OF THE SUB-COMMITTEE ON PETITIONS (A/AC.109/L.2)

The CHAIRMAN recalled that he had received a telegram from Mr. Garfield Todd stating that he was prepared to appear before the Committee as former Prime Minister of Southern Rhodesia and present President of the new African Party, if the Committee wished to hear him. He added that he could arrive in New York on Tuesday night, 20 March.

The Sub-Committee on Petitions had considered the communication and submitted a report (A/AC.109/L.2) in which it recommended that the request for a hearing should be granted.

Mr. MOROZOV (Union of Soviet Socialist Republics) supported the Sub-Committee's recommendation.

The CHAIRMAN said that if there were no objections he would consider that the Committee was agreeable to hearing Mr. Garfield Todd. If that were so he thought the Committee might fix the hearing for Wednesday morning.

It was so decided.

Mr. CROWE (United Kingdom) said that he wished to make his usual reservations.

The CHAIRMAN took note of the reservations made by the United Kingdom representative.

ORGANIZATION OF WORK (continued)

The CHAIRMAN recalled that the Committee hoped to be able to hear the petitioners who had asked for a hearing on Wednesday, 21 March. It would be well if representatives who wished to make a statement could do so before Wednesday or Thursday in order to speed up the work, since the Committee hoped to be able to conclude the debate on Southern Rhodesia by Friday.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that his delegation was in favour of any proposal designed to enable the Committee to proceed energetically with its work. He therefore agreed in principle to the Chairman's suggestion that the debate should be concluded on Friday, 23 March, on condition that by that date the Committee had finished the discussion and

/...

adopted proposals which could later be submitted to the General Assembly in the form of recommendations. Those recommendations should relate not only to the question put to the Committee by the General Assembly resolution - whether Southern Rhodesia had attained a full measure of self-government - but also on all the facts which had come to light during the general debate. He pointed out that it was the Committee's task to ensure that Southern Rhodesia achieved complete independence, having regard to all the considerations mentioned in Mr. Nkomo's statements and the documents he had submitted to the Committee.

He suggested that the Committee should endeavour to decide on a definite work programme covering the period up to the time when it was to report to the seventeenth session of the General Assembly. The Committee's work did not consist only of examining the Territories on the list proposed by the representative of Ethiopia, and if the Committee could complete that task in a month or six weeks it should then draw up a general statement on the implementation of the Declaration on the granting of independence.

With regard to the examination of the Territories properly so-called, there were two possible methods: either to group those Territories which had common characteristics and might therefore be the subject of common recommendations, or else hold a general debate, a kind of review of the situation regarding the implementation of the Declaration.

Later on the Committee would have available to it certain documents which were being prepared and doubtless further documents such as oral and written petitions or other sources of information. With the help of that documentation it would be in a position to conduct its debate in a manner which would enable it to draft a satisfactory statement regarding the implementation of the Declaration on the granting of independence and to formulate recommendations on the basis of which the General Assembly would be able to adopt resolutions designed to promote the liquidation of colonialism.

In his opinion the Committee should seriously consider the idea of a debate on the question of Southern Rhodesia at the resumed session of the General Assembly

/...

(Mr. Morozov, USSR)

in June. That would raise procedural difficulties, but if certain delegations continued to assert that the General Assembly would be unable at that time to deal with any other questions than Ruanda-Urundi means must be found to surmount those procedural difficulties. He invited the members of the Committee to reflect on the need for taking steps in time concerning Southern Rhodesia, since under the cover of so-called elections to be held in 1962 measures were in preparation which would be harmful to the people of Southern Rhodesia.

The CHAIRMAN agreed that the question of the organization of the Committee's work was important and suggested that the members of the Committee should confer with a view to reaching a decision on Tuesday, 20 March.

The meeting rose at 5.45 p.m.