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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 TWENTY-THIRD MEETING

Held at Headquarters, New York,
on Monday, 26 March 1962, at 3.30 p.m.

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PRESENT:

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| <u>Chairman:</u> | Mr. JHA | (India) |
| <u>Members:</u> | Mr. PLIMSOLL) | Australia |
| | Mr. HOOD) | |
| | Mr. KOUN WICK | Cambodia |
| | Mr. WODAJO | Ethiopia |
| | Mr. RASGOTRA | India |
| | Mr. THEODOLI | Italy |
| | Mr. ANDRIAMAHARO | Madagascar |
| | Mr. TRAORE) | Mali |
| | Mr. COULIBALY) | |
| | Mr. LEWANDOWSKI | 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. VELAZQUEZ | Uruguay |
| | Mr. SILVA SUCRE | Venezuela |
| | Mr. KREACIC | Yugoslavia |
| <u>Secretariat:</u> | Mr. CHACKO | Secretary of the Committee |

SOUTHERN RHODESIA: GENERAL ASSEMBLY RESOLUTION 1745 (XVI) (A/AC.109/L.4/Rev.1 and Corr.1) (continued)

Mr. WODAJO (Ethiopia) said that a number of delegations had met unofficially that morning in order to consider the procedure which the Committee should follow in future. Their consultations had proved useful but they had not been able to reach any conclusion owing to lack of time. He proposed that the meeting should be suspended in order to enable those who had taken part in the unofficial conversations of that morning to arrive at a solution which could not but facilitate the Committee's work.

It was so decided.

The meeting was suspended at 3.35 p.m. and resumed at 4.55 p.m.

Mr. Taieb SLIM (Tunisia), introducing the draft resolution (A/AC.109/L.4/Rev.1 and Corr.1), said that it was in line with the provisions of General Assembly resolution 1745 (XVI), 1654 (XVI) and 1514 (XV), which were in fact mentioned in the preamble; it had been drafted with due regard to the various statements made before the Committee during the two previous weeks, particularly the statements of the United Kingdom representatives and of the petitioners. His delegation considered that there were good grounds for operative paragraph 1, for it seemed clear that the reply to the question asked by the General Assembly in operative paragraph 1 of resolution 1745 (XVI) was in the negative. Moreover, it seemed that there would be no difficulty about attaining unanimity on that point among the members of the Committee.

Operative paragraph 2 reflected the view, expressed several times during the discussion, that it was essential to take action in order to prevent the situation in Southern Rhodesia from ending in catastrophe. It was obvious that the 1961 Constitution did not give the Africans any opportunity to take part in the management of their country's affairs. Moreover, Mr. Garfield Todd had stated that the 1961 Constitution did not constitute a step forward.

He drew the Committee's attention to the fact that the members of the Committee and the petitioners had agreed during the course of the debate that only the United Kingdom Government could save the situation in Southern Rhodesia,

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(Mr. Taieb Slim, Tunisia)

by exercising the power which it possessed to abrogate the Constitution. The appeal addressed to the United Kingdom in operative paragraph 2 of the draft resolution was designed to safeguard the future of the white and African peoples of Southern Rhodesia by making it possible for a new arrangement to be worked out which would settle the matter satisfactorily.

Operative paragraph 3 made it clear that the Committee would have to intervene to ensure that the 1961 Constitution would not be put into force. Preparations were already being made for the elections which were to be held in September 1962 and it was no good waiting until those elections had taken place; it would then be too late and the General Assembly would once again be faced with a fait accompli.

The Sub-Committee whose establishment was contemplated in operative paragraph 3 of the draft resolution could enter into contact with the United Kingdom Government in order to ascertain what steps the latter proposed to take to put into effect the provisions of operative paragraph 5 of General Assembly resolution 1514 (XV), the implementation of which was again requested in operative paragraph 2 of General Assembly resolution 1654 (XVI). In his delegation's view, once the Good Offices Sub-Committee had been established it should carry out its task as rapidly as possible and report to the Committee before the latter decided upon the final text of its report to the General Assembly and before the opening of the seventeenth session of the General Assembly. That view was reflected in operative paragraph 4 of the draft resolution.

Under operative paragraph 5 the Committee would recommend to the General Assembly that it should propose a date for the accession of Southern Rhodesia to independence. In suggesting the first quarter of 1963, the sponsors of the draft resolution had not lost sight of the fact that a date might be fixed within the next three years for the accession to independence of Northern Rhodesia and Nyasaland. Moreover, as Mr. Garfield Todd had stressed, the educational opportunities available to the people in Southern Rhodesia were greater than in the other Territories and the people of Southern Rhodesia were thus better prepared to manage their own affairs.

(Mr. Taieb Slim, Tunisia)

In brief, operative paragraphs 1 and 5 were drafted especially for the General Assembly; the three other paragraphs had been added in order to take account of the need for arriving at a decision which would prevent the situation in Southern Rhodesia from deteriorating further. After hearing Mr. Garfield Todd's statement, his delegation was apprehensive about the turn which events might take if the white settlers were allowed to put their intentions into practice. The police force had already been reinforced and disturbances were likely to break out; the petitioners had appealed to the United Nations to approach the United Kingdom immediately with the request that it should abrogate the 1961 Constitution and ensure that the rights of the indigenous people were recognized. If that Constitution was put into effect there would be little hope of changing the situation.

His delegation felt that the proposals in paragraphs 2, 3 and 4 of the draft resolution were within the scope of the task which had been entrusted to the Committee in operative paragraph 5 of resolution 1654 (XVI). It hoped that the Committee would adopt draft resolution A/AC.109/L.4/Rev.1.

Mr. COULIBALY (Mali) said that he was sure that the members of the Committee were anxious to carry out the mission which had been entrusted to them and to help the people of Southern Rhodesia, particularly the indigenous inhabitants, to attain independence. It remained for them to find a method which would enable them to solve the problem and prevent the situation in the Territory from becoming more serious. His delegation felt that a distinction should be made between the role of the Special Committee and that of the Committee on Information. The Special Committee had the right to take decisions and it could not remain inactive until the seventeenth session of the General Assembly while the situation in Southern Rhodesia called for immediate action. He therefore thought that action should be taken rapidly and that the measures contemplated in draft resolution A/AC.109/L.4/Rev.1 should be put into effect immediately.

The Malian delegation appealed to the members of the Committee to be objective and to support the draft resolution before them.

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Mr. KREACIC (Yugoslavia) observed that in the general debate every member of the Committee had, directly or indirectly, expressed the opinion that Southern Rhodesia had not attained a full measure of self-government. The Committee had also reached the conclusion that because of the discrimination practised in Southern Rhodesia, the situation in that Territory was extremely grave and might have unfortunate consequences. Furthermore, the debate had established the Administering Power's responsibility in the matter and the need for immediate action to remedy the situation through the implementation of the provisions of General Assembly resolutions 1514 (XV) and 1654 (XVI).

Under General Assembly resolutions 1745 (XVI) and 1654 (XVI) the Special Committee had been entrusted with a twofold task. With regard to action on resolution 1745 (XVI), the reply was clear, in view of the general agreement that the discussion had revealed. With regard to resolution 1654 (XVI), his delegation was of the opinion that it conferred on the Special Committee a peculiar status and role in relation to other United Nations organs, despite the fact that the Committee was merely a subsidiary organ of the General Assembly. In view of the special mandate entrusted to it under resolution 1654 (XVI) and of the dangerous situation prevailing in Southern Rhodesia, the Special Committee should propose immediate steps designed to eliminate the causes of the tension.

The draft resolution (A/AC.109/L.4/Rev.1 and Corr.1) was a positive proposal. His delegation stressed the gravity of the situation in Southern Rhodesia and the need for negotiations between the parties concerned. It would think it useful, for instance, for the Committee and the Administering Power to examine the situation together. In that respect the establishment of the Good Offices Sub-Committee contemplated in operative paragraph 3 would doubtless provide the most satisfactory solution. He hoped that the Administering Power would not object to the establishment of the Sub-Committee and would co-operate fully with that body once it had been set up. The situation in Southern Rhodesia was extremely serious and peace would be threatened in that part of the world unless immediate action was taken. Nothing should be left undone in that respect. He proposed that a report should be submitted to the General Assembly at its resumed sixteenth session, in June 1962.

Mr. LEWANDOWSKI (Poland) said that, after hearing the views of the different members of the Committee, he had gathered the impression that, with the exception of one sole delegation, no one would raise objections to the legitimate requests of the people of Southern Rhodesia. In its desire to take into account the Special Committee's attitude and the requests formulated before the Committee by the representatives of the people of Southern Rhodesia, his delegation was proposing three amendments to the text of draft resolution (A/AC.109/L.4/Rev.1).

He proposed that the text of operative paragraph 3, after the words "Decides to establish a Good Offices Sub-Committee of four members", should be replaced by "entrusted with the task of arranging in an urgent manner a conference with the participation of representatives of the United Kingdom Government and the political parties of the indigenous population of Southern Rhodesia, with a view to conducting free elections on the basis of universal suffrage and to transferring all powers to a provisional African Government". He hoped that the sponsors of the draft resolution would accept that amendment, for it reflected in a more satisfactory manner the points of view expressed during the debate and provided a more precise definition of the task entrusted to the Good Offices Sub-Committee. In operative paragraph 4 the words "before the opening of the seventeenth session" should be replaced by "not later than 1 June 1962", and in operative paragraph 5 the words "which might be in the first quarter of 1963" should be replaced by "but not later than 1 January 1963".

Having heard the representatives of the people of Southern Rhodesia and become acquainted with the situation prevailing in that Territory, the members of the Committee should endeavour to reach a solution which would allow of the implementation of the General Assembly's decisions, in line with the views of the overwhelming majority in the Committee, and would make it possible for action to be taken to prevent an outbreak of disorders in the Territory.

His delegation reserved the right to speak again later in the debate.

The CHAIRMAN asked the Polish representative to submit his amendments to the Secretariat in writing so that they could be circulated to the members of the Committee as a document.

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Mr. WODAJO (Ethiopia) said that like the Tunisian and the Malian representatives and, it would seem, the majority of the Committee, he was convinced that Southern Rhodesia had not attained a full measure of self-government. It was true that the United Kingdom representative had resorted to various legal arguments in an attempt to demonstrate that self-government had already been granted to the people of Southern Rhodesia and could not now be withdrawn. Unfortunately those arguments were based on false premises, since neither the 1923 Constitution, which had denied the African majority any share in the administration of the affairs of the country, nor the 1961 Constitution, which did not safeguard the rights of that majority, could be said to establish anything but a semblance of self-government. Without the participation of the African people there could be no genuine self-government.

Elections in Southern Rhodesia were planned for October 1962. The Tunisian representative was right in thinking that the Committee should not wait until then but should endeavour to persuade the United Kingdom Government not to take any irrevocable decisions on constitutional matters.

It was clear from the foregoing that the Ethiopian delegation was in full agreement with the principles underlying the draft resolution submitted by the delegations of Mali and Tunisia and the recommendations it put forward. In view of the very urgency of the situation, however, he wondered whether it might not be better for the Committee, before adopting a resolution, to establish the Good Offices Sub-Committee referred to in operative paragraph 4 of the draft resolution. The Sub-Committee could report back to the Committee on the results of its attempts at persuasion and the Committee could then draw up its recommendations in final form. He hoped that the Tunisian and Malian delegations would agree to that procedure.

Mr. PLIMSOLL (Australia) observed that the Tunisian and Malian draft resolution raised a number of questions relating to the Committee's methods of work.

The principle of putting a draft resolution to the vote seemed in itself contrary to the decision the Committee had taken at the beginning of its work that it would try to reach decisions not by voting but on the basis of general agreement. He still thought that that was the most appropriate procedure. Once

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the area of agreement had been defined in each case by, say, a statement by the Chairman, the Committee could consider which course it should follow.

Apart from the question of principle, there were certain questions which arose with regard to the substance of the draft resolution. The general debate had brought out certain features of the 1961 Constitution which might be open to criticism, in particular the limitations it placed on the role of the indigenous inhabitants and the fact that it might open the way for the majority of the people to be kept at a status which would be that of a minority. By contrast, the Committee sought the establishment in Southern Rhodesia of a society where all men, regardless of race, colour or religion, would have a part to play.

The United Kingdom's record suggested that its Government could not fail to endorse those objectives and that, aware of the opinion of the Committee and of the people of Southern Rhodesia, it was doubtless seeking, at that very moment the means of achieving them.

It was, however, essential in the interests of everyone, and above all of the indigenous inhabitants, that the changes to be made to the Constitution should be brought about if possible by peaceful means and not disturb the economic structure on which the Territory's future depended. There was a large non-indigenous minority in Southern Rhodesia and the authorities representing it would most certainly be opposed to the course of immediate action which some members wanted the Committee to advocate. It would therefore seem natural that the Committee should discuss with the United Kingdom ways of influencing that attitude and the course of events.

Nevertheless, although the Committee seemed to have reached general agreement on the fact that Southern Rhodesia was not self-governing, that was a very general statement and even an experienced jurist would hesitate to express a firm view on the details. Thus it was not known which powers the United Kingdom retained de jure and de facto in Southern Rhodesia or whether in any case the United Kingdom would be able in fact to take the action desired by many members of the Committee. Doubtless the best that could be hoped was for the United Kingdom to exercise an unofficial influence and seek to allay the often legitimate fears of the various groups in Southern Rhodesia and induce them to agree on a solution.

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In those circumstances the recommendations in operative paragraphs 2 and 5 of the draft resolution were not only premature at the present stage of the discussion but, far from encouraging the United Kingdom to act in the direction desired by the majority of the Committee, they were likely to annoy most of the parties concerned and to rule out any co-operation.

He proposed that instead of adopting that text the Committee, having determined its opinion by general agreement, should get into touch - perhaps through its officers - with the United Kingdom Government in order to inform the latter of its views, to discuss with it the steps which the United Kingdom Government might be prepared to take and, perhaps, to secure its co-operation.

The Australian delegation would have other comments to make on the draft resolution if it was put to the vote but it agreed with the United States representative that it would be advisable first to decide whether the Committee was competent to adopt draft resolutions.

Mr. MOROZOV (Union of Soviet Socialist Republics) observed that the discussions which had taken place that day had raised two kinds of question: one relating to procedure and the other concerning the substance of the matter.

With regard to procedure, the Committee had decided at the beginning of its work to endeavour to reach decisions on the basis of general agreement. That was a good principle and the Soviet Union delegation still supported it. Nevertheless, when agreement was impossible because a minority refused to fulfil its obligations under the Charter, the majority should then be able, in accordance with the Charter, to bring the weight of public opinion which it represented to bear on that minority.

However that might be, in deciding to endeavour to reach general agreement the Committee had not altered the rules of procedure of the General Assembly, rule 162 of which laid down that the rules relating to the procedure of committees of the General Assembly should apply to the procedure of any subsidiary organ, unless the General Assembly or the subsidiary organ decided otherwise.

No such decision having been reached, it was clear that the procedure of the Special Committee continued to be governed by the rules of procedure. Thus draft resolutions could be submitted to the Committee and no delegation could be denied

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the right to ask for a vote. Naturally, if there were agreement a draft resolution could be adopted without a vote by a simple announcement by the Chairman. His delegation wished to make it clear, however, that in theory it reserved the right to resubmit any draft resolution on which the sponsors did not press for a vote, or to submit a draft resolution in its own name even if it were alone in doing so. Other delegations would then merely have to vote in favour of or against the draft resolution.

He hoped he had elucidated the procedural question.

Turning to the substance of the problem, he said that the statement made by the representative of Australia appeared to be inspired by the best intentions but it tended to obscure the fact that a decision must be reached. The observations made by the representative of Australia were obviously quite unfounded. If the United Kingdom representative had made any proposal from which it could be deduced that his Government would modify its attitude without any pressure on the part of the Committee, the Australian representative's attitude would be comprehensible. His statement had been full of inconsistencies. He had claimed to be inspired by feelings of friendship towards the peoples of Southern Rhodesia but had called in question the accuracy of paragraph 1 of the draft resolution. He had endorsed the assertions made by the United Kingdom representative and claimed that the United Kingdom Government was not legally competent to intervene in the affairs of Southern Rhodesia, although it could exercise some influence on the Government of the Territory. The statement had in reality been nothing but an attempt to delay the adoption of a resolution which constituted only the very minimum that could be done to induce the United Kingdom Government to fulfil its obligations under the Charter, and a tissue of legal fictions designed to prove that Southern Rhodesia had achieved self-government.

The United Kingdom representative in his statement had claimed that the best service which the Committee could perform for the African people of Southern Rhodesia and for their leaders, including Mr. Nkomo, was to urge them to work within constitutional means by contesting the forthcoming elections and establishing themselves in the Southern Rhodesian legislature. Such a statement was an insult to the indigenous population, since the new provisions allowed them one representative for 200,000 voters compared with one to 5,000 in the case of

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the Europeans - a proportion of one to forty. In those circumstances the representatives of the people of Southern Rhodesia would have to wage a more difficult campaign than that of Don Quixote against the windmills. The United Kingdom representative had also said that the true facts must be taken into consideration. That argument would be admissible if the United Kingdom delegation had not introduced pseudo-legal considerations whose object was to ensure that Southern Rhodesia should to all intents and purposes remain a colony of the United Kingdom. If the United Kingdom representative had been speaking in his own name it might still be hoped that the Committee would be able to persuade him to change his views, but he had spoken on behalf of Her Majesty's Government. Yet there were still people, such as for example the Australian representative, who expected the members of the Committee to believe that matters would settle themselves. The United Kingdom representative had stated that the Constitution could not be changed and it was claimed that under that system, which was practically indistinguishable from fascism, the indigenous people of Southern Rhodesia would be able to achieve national independence. The Soviet Union delegation would be failing in its duty if it did not draw the Committee's attention to the fallaciousness of the statements made by the United Kingdom and Australian representatives, who were endeavouring to delude the members of the Committee by means of arguments in which they themselves did not believe. The members of the Committee would refuse to display so much credulity in the execution of the task entrusted to them by the General Assembly. If, on the contrary, they reached the inevitable conclusion and accepted the minimum terms laid down in the draft resolution submitted by Tunisia and Mali, with the amendments proposed by the Polish delegation, he thought the United Kingdom delegation would be practically alone in voting against the text, despite the pressure that was being exercised and the attempts that were being made to prevent the Committee from doing its duty. If so representative a body as the Committee resolutely supported the draft resolution, that fact would have to be reckoned with. It would of course be possible to act as South Africa had done, but unless the United Kingdom wished to fly in the face of public opinion and suffer similar ostracism, it would be obliged to accept the Committee's point of view. That result, however, would not be obtained by means of mere recommendations. It was unnecessary to tell the

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representatives of the peoples who had previously been under colonial rule that the colonialist would not yield up their position so easily.

The delegations would have to determine their attitude with regard to the specific proposals laid before them, which had been made in the light of documentation buttressed by facts. The USSR delegation in its statement had suggested a detailed plan which would enable Southern Rhodesia rapidly to throw off the colonialist yoke and become an independent State. Nevertheless, after the exchange of views which had taken place it was prepared to accept the draft resolution submitted by Tunisia and Mali, on condition that the amendments proposed by the Polish delegation were incorporated.

Mr. Taieb SLIM (Tunisia), speaking on a point of order and referring to the statement made at the previous meeting by the United States representative, asked whether the question raised by that representative was still subject to examination by the members of the Committee and if discussion on that subject remained open. He wished to reserve his delegation's right of reply in that connexion.

The CHAIRMAN replied that the discussion was still open.

Mr. Taieb SLIM (Tunisia) reserved his delegation's right of reply on the matter and proposed to avail himself of that right at the next meeting.

Mr. THEODOLI (Italy) drew attention to operative paragraph 4 of General Assembly resolution 1654 (XVI), which requested the Special Committee to make suggestions and recommendations on the progress made and to report to the General Assembly at its seventeenth session. He was surprised that certain members of the Committee appeared to interpret the terms of that paragraph as authorizing them to address a resolution to the Government of a Member State without going through the General Assembly. The Economic and Social Council was authorized by its rules of procedure to make recommendations to Members of the United Nations direct, but in the opinion of the Italian delegation the Special Committee could not make recommendations to Member States except by incorporating them in its report to the General Assembly. The Committee was admittedly not a mere study group; it could formulate suggestions, but that did not mean that it could address itself to a

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Member State without going through the General Assembly, of which it was a subsidiary body. In particular, operative paragraph 2 of the draft resolution submitted by the delegations of Mali and Tunisia requested the United Kingdom Government "to abrogate the Constitution of 6 December 1961 without further delay". In the opinion of the Italian delegation such a recommendation was clearly beyond the Committee's competence. The Italian delegation was aware of the necessity for speed, to which the Tunisian representative had referred, and it considered that contact might be established with the United Kingdom delegation before the seventeenth session. It was, however, convinced that the Committee should refrain from voting on resolutions and should adhere to the system of achieving a consensus of opinion, which in its opinion would be the best procedure.

Mr. RIFAI (Syria) referred to the question raised at the previous meeting by the United States representative. He did not see how the Committee could carry out its task if it did not vote on questions on which unanimity could not be reached. On that subject his delegation shared the views expressed by the Soviet Union delegation; if one member of the Committee considered that a question should be put to the vote, the Committee must comply with his request. Indeed, the question had already been settled in that sense. The Syrian delegation would prefer the system of general agreement, but if agreement could not be reached it did not see how the Committee could do otherwise than put the question under consideration to the vote. He hoped that the United States representative would not press for the adoption of his view.

Mr. PLIMSOLL (Australia) said that no one had contested the right of any member of the Committee to ask for a question to be put to the vote; he had only said that every effort should first be made to reach general agreement. It was of course understood that the rules of procedure of the General Assembly applied to the Committee. The procedure which had been agreed on was the same as that for the United Nations Committee on the Peaceful Uses of Outer Space.

Mr. THEODOLI (Italy) also agreed that the Committee should take a vote if general agreement could not be reached, but it could vote only on recommendations incorporated in the part of its report to the General Assembly which was devoted to Southern Rhodesia, and not on a draft resolution addressed

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to a Member State without going through the General Assembly. The Fourth Committee was authorized to adopt draft resolutions which were subsequently submitted to the General Assembly, but the Committee of Seventeen could not use that procedure.

Mr. MOROZOV (Union of Soviet Socialist Republics) noted that the Australian and Italian representatives recognized the Committee's right to put a draft resolution to the vote; if the agreement of the United States and the United Kingdom delegations could be obtained on that point the question would be settled.

If the United Kingdom representative had proposed an amended version of the draft resolution submitted by the delegations of Mali and Tunisia, a step would have been made towards agreement, but he had refused to consider it. All that the Committee could do, therefore, was to determine its attitude with regard to the draft resolution. If the Italian representative objected to the wording, it was open to him to submit an amendment, which the Committee could examine and either accept or reject. Clearly the United Kingdom delegation feared the adoption of the text, which would probably be supported by the majority of the members of the Committee with the exception of at most three delegations, which might decide to abstain. The object of the procedural debate which had been initiated was precisely to prevent the Committee from adopting a resolution of which the United Kingdom would be obliged to take account, since it expressed the opinion of the majority of Members of the United Nations, unless that Government was ready to undergo a similar ostracism to that applied to South Africa. In any event the members of the Committee would not allow the first results of their work to be nullified as a result of a legal argument.

The meeting rose at 6.35 p.m.