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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 FORTY-FIFTH MEETING

Held at Headquarters, New York,
on Tuesday, 8 May 1962, at 11.25 a.m.

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PRESENT:

<u>Chairman:</u>	Mr. JHA	(India)
<u>Rapporteur:</u>	Mr. RIFAI	Syria
<u>Members:</u>	Mr. PLIMSOLL	Australia
	Mr. CALMEROM MEASKETH	Cambodia
	Mr. GEBRE-EGZY	Ethiopia
	Mr. RASGOTRA	India
	Mr. IVELLA	Italy
	Mr. ANDRIAMAHARO	Madagascar
	Mr. SOW	Mali
	Mr. SOLTYSIAK	Poland
	Mr. NGAIZA	Tanganyika
	Mr. Taieb SLIM	Tunisia
	Mr. QBEREMKO	Union of Soviet Socialist Republics
	Mr. CROWE	United Kingdom of Great Britain and Northern Ireland
	Mr. BINGHAM	United States of America
	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

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SOUTHERN RHODESIA (A/AC.109/L.9) (continued)

Mr. CROWE (United Kingdom) said that he would take the present occasion to express to the Committee the pleasure which it had given his Government to receive the Sub-Committee in London and to discuss with it not only the question of Southern Rhodesia but also his Government's general policy in the Territories for which the United Kingdom was responsible. He thought that the visit had been useful from the point of view of both the Sub-Committee and the United Kingdom Government.

He was compelled to say that the Sub-Committee's conclusions as set out in its report (A/AC.109/L.9) were disappointing to his delegation. During the talks in London the United Kingdom Ministers had explained the considerable limitations on the extent of the United Kingdom governmental responsibility for Southern Rhodesian affairs and the very real measure of local autonomy enjoyed by that Territory. Since 1923 the Territory had been entirely responsible for its internal affairs and up to the formation of the Federation of Rhodesia and Nyasaland in 1953 it had enjoyed a measure of responsibility in the external field too. It could negotiate and conclude trade agreements, join certain international organizations and make appropriate representational arrangements with neighbouring countries. That point was vital to the Committee's consideration of the issue.

Although in London the Sub-Committee had appeared to recognize the Territory's very special status, it had also seemed to feel that Southern Rhodesia should be regarded as a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter and that consequently the United Kingdom Government was in duty bound to transmit information on it to the Secretary-General. As his Government's Ministers had made clear, however, it was not possible to transmit information which the United Kingdom Government neither possessed nor had the power to demand. It was therefore difficult to see how a United Nations Committee could demand it.

The United Kingdom Government's reserved powers, to which much reference had been made earlier in the debate, had amounted simply to a power of veto over any Southern Rhodesian legislation within one year of enactment and to the

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fact that certain categories of legislation - relating for example to the Constitution, land apportionment, race relations and United Kingdom international obligations - had to be approved by the United Kingdom Government before they were passed. Those powers had thus been negative and, as such, almost useless and had not enabled the United Kingdom Government to control the activities of the Southern Rhodesian Parliament or Government or to ensure the passage of desirable legislation.

In practice no veto had taken place nor had approval ever been withheld. Legislation which had been thought unsatisfactory in some respects had been allowed to pass because it had usually been less unsatisfactory than the law it had been replacing. Moreover, it would have been a serious matter to have used that exceptional constitutional power when the responsibility for law, order and good government in Southern Rhodesia was not in the hands of the United Kingdom Government.

His delegation had already explained to the Committee the nature of the constitutional safeguards which would replace the reserved powers in question. The Committee should note that there would be a full right to enforce in the courts the very comprehensive Declaration of Rights, which embodied elaborate provisions against discriminatory legislation besides safeguarding the normal rights of free speech and association. The courts would also have the power to declare invalid any legislation which contravened that Declaration. A further safeguard lay in the new Constitutional Council, the composition of which would ensure its objective impartiality; it would advise the legislature if a particular measure was inconsistent in any way with the Declaration of Rights and it could draw attention to existing legislation which it regarded as discriminatory. As his delegation had already pointed out, however, there was very little such legislation left and soon there would be none. The Declaration of Rights constituted a marked advance and the United Kingdom Government regarded the new safeguards as more effective than the old and unused power of veto. It seemed rather cavalier of the Sub-Committee to dismiss the Declaration as "deficient".

Because of the nature of the relationship between the United Kingdom and Southern Rhodesia, the new Constitution had been brought into law by the United Kingdom Parliament at the wish of the Southern Rhodesian Government, without whose consent it could not be abandoned. Even if the powerful and unavoidable

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constitutional convention to the effect that the United Kingdom Parliament did not legislate in such matters without the consent of the local Government was set aside because the new Constitution was alleged to be unsatisfactory, the result of such an unprecedented action would be, at best, to thrust Southern Rhodesia back to the situation under the old Constitution, with a more restricted franchise and no provision for African members in the legislature. If it was said that a completely new Constitution should be drawn up, he would have to ask how it was to be enforced if the present Government and Parliament of Southern Rhodesia, which administered the country, found it unacceptable.

In the circumstances demands of that nature were completely unrealistic and failed to fit the facts of the political realities.

Although it was felt in certain quarters that the new franchise fell short of the ideal, it represented a great stride forward since, whereas there had hitherto been no African members of the legislature, under the new Constitution the Africans would be guaranteed fifteen seats, which could not be taken away without the consent of the Africans themselves, and would have considerable opportunities to influence the "A" roll elections, and in time to dominate them.

Consequently, there was very little difference between his delegation and other members of the Committee regarding the real essentials. The differences related to the speed of the advance. It was basically inherent in the new Constitution that the way was now open for the Africans to win political power. The process could not, however, be rushed if the basic aim was something more than the domination of one racial group by another. Moreover, the Southern Rhodesian Government realized the need to keep pace with the time. Sir Edgar Whitehead, the Prime Minister for Southern Rhodesia, had himself said that white supremacy in the Territory was as dead as the dodo.

The Committee had the United Kingdom Government's assurance that there was nothing retrogressive about the new Constitution. It was in every way consistent with the aims which the United Kingdom had set itself elsewhere in Africa, namely, that people of all races should live side by side in an atmosphere of freedom and mutual trust.

Southern Rhodesia was travelling the same road as the Territories for whose affairs the United Kingdom Government still had, or had had, direct responsibility.

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It was the road which the Committee itself had made clear that it would wish to see Southern Rhodesia take. Just as the United Kingdom Government's Ministers had said that the United Kingdom could not share its responsibilities in the Territories under its administration, so the Southern Rhodesian Government must be allowed to take its own decisions. The latter Government knew that in pursuing the policies of reform to which it had set its hand, it would always enjoy help and guidance from the United Kingdom.

It was a matter of regret to his delegation that the Sub-Committee had declared itself unable to accept the constitutional position as it had been explained by the responsible Ministers in London. It was not for the Sub-Committee or for the Committee itself to accept or reject the present intermediate constitutional status of Southern Rhodesia. That status existed; it was a fact and not something to be accepted or not accepted. The constitutional position in many countries might be curious, but such positions existed - they were the natural consequence of the history and circumstances of those countries.

Furthermore, his Government did not agree that the situation in Southern Rhodesia was one of great urgency and gravity. Nor was there any reason for it to become so, provided all concerned co-operated in making the new constitutional arrangements work. The United Nations could not wish to disturb matters by producing a sense of crisis through its deliberations. It would be doing a greater service to the people of the Territory by calling upon all concerned to work in harmony and in peace, through the existing machinery, towards the common objectives. Only co-operation could produce lasting and beneficial results. His Government therefore saw no justification at all for a discussion of the subject either at the resumed sixteenth session or at a special session of the General Assembly. Any such discussion could only do serious harm and in the long run retard the progress which the peaceful implementation of the new constitutional proposals was designed to bring.

Mr. OBEREMKO (Union of Soviet Socialist Republics) recalled that when the Committee had decided to send a Sub-Committee to London, hopes had been

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expressed that the talks with the United Kingdom Government might lead to a change in that Government's policy towards Southern Rhodesia. His delegation, which had stated that it did not share those hopes, had not raised any objection because the majority in the Committee had been in favour of the proposed visit to London.

The United Kingdom delegation had not acted sincerely in extending the invitation to the Sub-Committee to visit London. At that time the impression had been fostered that the United Kingdom Government was prepared to make concessions, but it had since become clear that it had had no intention of changing its position. Whereas the Sub-Committee had made a sincere effort to inform the United Kingdom Government of the views of the majority of the Committee, that Government, judging by Press reports, had adopted a haughty and condescending attitude towards the members of such a representative organ. Illustrative of that attitude was the ironic tone adopted in an article entitled "Four and Six" which had appeared in The Economist on 21 April 1962.

In point of fact, the visit to London had perhaps been useful after all, if only because it had shown the hopes to which he had referred to be illusory. Despite all the efforts made by the members of the Sub-Committee, no practical results had been achieved in London. Responsibility for the Sub-Committee's failure rested squarely on the United Kingdom Government, which had refused to review its position with regard to Southern Rhodesia despite the insistent appeals of the majority in the Committee. The position now was that the United Kingdom, a colonialist Power, supported by its allies, was openly trying to oppose the will of the overwhelming majority of the members of the Committee as set forth in paragraph 7 of document A/AC.109/L.9.

He could not agree with the United Kingdom representative that the only difference between his delegation and the majority of the Committee related to the speed of developments in Southern Rhodesia. The first question which had to be asked concerned, not the speed, but the direction of the developments in question. Southern Rhodesia was now dominated by a white settler minority. The new Constitution which was being imposed on the people would entrench the powers of the white settlers, who would have fifty seats in the Legislative Council

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while the representatives of the African majority would have only fifteen. The qualifications for the franchise were such that the electorate would be weighted in favour of the colonialists in a proportion of forty to one. A new racist State similar to the Republic of South Africa was in process of creation. Neither the United Nations nor the conscience of mankind could tolerate such a development. It was the duty of the United Nations to take immediate steps to prevent it.

The representatives of the indigenous inhabitants of Southern Rhodesia whom the Committee had heard had called for the abrogation of the new Constitution and for the granting of all rights to the majority of the population. His delegation whole-heartedly supported those demands. If the United Nations did not take appropriate steps now it would be too late to argue at a later stage that it had intended to take action but had failed to do so. Although the Committee had been assured that the new Constitution was a step forward, it was clear from the statements by the petitioners that those assurances were nothing but verbiage designed to mislead not only the Committee but also wider circles. The settlers had made it clear that they regarded that Constitution as final and would resist any changes, if necessary by force. Since they would enjoy an overwhelming majority in all organs of administration, including the Legislative Council, they would be in a position to prevent any amendment of the Constitution.

The United Kingdom representative had asked the United Nations to take no steps other than to call upon the interested parties to work in harmony and peace. It was legitimate to ask, however, how harmony and peace could be expected in the tense situation now prevailing in Southern Rhodesia.

In view of the fact that, in his latest statement, the United Kingdom representative had merely reiterated his Government's old position and had not promised any changes, the "favourable developments" referred to in paragraph 45 of the Sub-Committee's report could not be expected. In the circumstances, it was incumbent upon the Committee to take the appropriate decision to the effect that the question of Southern Rhodesia should be considered by the General Assembly at its resumed sixteenth session or at a special session, as a matter of urgency.

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The Sub-Committee should also take a specific decision in the nature of a draft resolution outlining its position in the matter, for submission to the General Assembly.

His delegation had already had occasion to outline the main points which should be included in such a draft resolution and it was prepared to co-operate with other delegations in drafting the text.

Mr. RASGOTRA (India) agreed with the USSR representative that there had been no change in the attitude of the United Kingdom. The Indian delegation had expected that the United Kingdom Government, following the Sub-Committee's visit to London, would have accepted the fact that the situation not only in Southern Rhodesia but in the whole of Africa had changed and that it would have responded to that change. The statement just made by the United Kingdom representative, which in substance differed in no way from previous United Kingdom statements, had therefore come as a profound disappointment.

It might well be, as the United Kingdom representative had asserted, that in a purely "constitutional" sense there was local autonomy. As, however, it applied only to the few hundred thousand white inhabitants, while the 3 million Africans were not permitted to exercise their rights, it was unrealistic, to say the least, to speak of a good measure of local autonomy prevailing in Southern Rhodesia. As he had said on a previous occasion, any measure or policy which equated the autonomy or independence of the white minority with the slavery of the African majority could never be acceptable to the United Nations.

He could not agree with the United Kingdom representative that the Sub-Committee had been cavalier in its dismissal of the Declaration of Rights. That Declaration had been studied in great detail and had been found wanting, since it perpetuated the racial discrimination which had existed in Southern Rhodesia since the arrival of the Europeans. A declaration which perpetuated the rights of the minority but did not guarantee to the vast majority of the inhabitants the exercise of their natural rights - including the right to vote and the right of government - did not merit serious consideration.

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(Mr. Rasgotra, India)

He failed to see how a Constitution which gave only 25 per cent of the seats in the legislature to the African majority could be regarded as a great stride forward. It might be an advance on what had existed in the early part of the nineteenth century, but it was completely out of tune with the feelings of the African or Asian peoples or of any dependent people. Neither the Southern Rhodesian nor the United Kingdom Government had the right to impose a Constitution in the face of the declared opposition of the African population and political parties. Regardless of what the United Kingdom representative might say, the situation in Southern Rhodesia, where the rights of the majority were being trampled upon by the minority, remained grave and the United Nations was fully entitled to consider the question as a matter of urgency and to make such suggestions and recommendations as it deemed suitable.

The contention that the United Kingdom Government had no responsibilities in Southern Rhodesia was completely unfounded. Indeed, a former Prime Minister of the Territory who had appeared before the Committee had proved that the United Kingdom Government had powers not only of advice but also of intervention; it could grant, withhold the enforcement of, or amend constitutions and it could compel the local Government to amend or withdraw constitutions and to implement new ones. To contend therefore that Southern Rhodesia was not a Non-Self-Governing Territory within the meaning of the Charter was merely to evade the issue.

To say that the new franchise, with its three-tier electoral system, fell short of the ideal was a frank understatement. It was evident that the new Constitution was designed to preserve intact the power of the white settlers; that was not self-government and democracy as those words were understood today.

The Indian delegation took no issue with the United Kingdom Press regarding its treatment of the Committee. It was common knowledge that the Press in the United Kingdom was free to say what it liked in whatever way it pleased. It was, however, a more serious matter when the United Kingdom representative suggested that the Committee had been cavalier in its treatment of certain issues.

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That was a charge which his delegation was not prepared to entertain in respect to the work of the Sub-Committee.

The Indian delegation considered that the Sub-Committee had done extremely useful work and had produced a very balanced and objective report which gave a fair presentation of the views of both the Committee and the United Kingdom Government. With regard to paragraph 45, it felt that the report should be recommended for consideration by the Assembly at the resumed session rather than at a special session, particularly as the resumed session would be opening within a few weeks. Nor was the Indian delegation particularly in favour of adopting a resolution at the present time. A consensus of opinion representing more or less the unanimous views of the Committee had already been formulated; to go beyond that might well lead to divergencies which were better avoided. The time for preparing a draft resolution would come when the question was discussed by the Assembly.

The CHAIRMAN suggested that the Committee should defer its final disposal of the question of Southern Rhodesia until the following day.

It was so decided.

ORGANIZATION OF WORK (continued)

The CHAIRMAN recalled that the Committee had decided that after it had considered the Rhodesias it would take up Nyasaland and then Basutoland, Bechuanaland and Swaziland. As, however, some petitioners from the latter three Territories, whose applications for hearings had been granted by the Committee, were now in New York, he suggested that the Committee might like to consider those Territories before Nyasaland.

It was so decided.

INVITATIONS EXTENDED TO THE COMMITTEE BY THE GOVERNMENTS OF MOROCCO AND ETHIOPIA (A/AC.109/7, A/AC.109/8, A/AC.109/11) (continued)

The CHAIRMAN recalled that the Committee had decided in principle to accept the invitations to visit Morocco and Ethiopia, subject to the approval of the Advisory Committee on Administrative and Budgetary Questions. It was generally

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(The Chairman)

felt that the visits should be made one immediately after the other, which would entail less expense. The Committee could either leave before the resumed session of the General Assembly, returning within a few days of its opening, in which case it would not be possible to devote more than three weeks to the two visits, or it could make the visits after the resumed session. The second alternative would be difficult because of the many other meetings scheduled to be held after the resumed session. He therefore suggested that the Committee might leave on about 22 May.

Mr. PLIMSOLL (Australia) asked what extra expenditure the visit to Addis Ababa would entail.

Mr. PROTITCH (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) said that the additional travel expenses would amount to about \$32,500. Expenditure on subsistence and other items was covered by the estimate given for the visit to Tangier (A/AC.109/8), which had been prepared on the assumption that the Committee would meet there for a period of one month. The total cost of the two visits would therefore be somewhat over \$100,000.

Mr. GEBRE-EGZY (Ethiopia) asked whether at Addis Ababa the Committee would need all the staff mentioned in document A/AC.109/8, since it might be possible to use the staff of the Economic Commission for Africa. He also wondered whether as many as thirty staff members would really be needed.

His delegation would like to know the approximate date of the Committee's visit to Addis Ababa, so that it could inform the Ethiopian Government.

Mr. PROTITCH (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) said that he had been informed that their other commitments would prevent the staff of the Economic Commission for Africa from helping the Committee in its work. The number of staff members required had been carefully calculated and would be examined in detail by the Advisory Committee on Administrative and Budgetary Questions. The estimates of financial implications were only tentative and the actual cost would of course depend on the length of the Committee's stay at Tangier and Addis Ababa.

Mr. OBEREMKO (Union of Soviet Socialist Republics) supported the Chairman's suggestion that the Committee should start meeting in Tangier on 22 May. It was important that the exact date should be fixed, so that the indigenous people in the colonies might be informed of the Committee's visit well in advance, since the main aim of the visit was to establish direct links with the people.

A visit of three weeks appeared to him to be rather short, but further consultations were needed on that point and the matter could be decided on the following day. What was important was to decide forthwith that the Committee would hold its first meeting in Tangier on 22 May.

Mr. SOW (Mali) said that the Committee's visit to Africa should take place as soon as possible and last as long as possible, because it was of great importance to the African populations. His delegation thought that the Committee should spend at least three weeks in Morocco. It agreed that the Committee should meet at Tangier on 22 May and return to Headquarters for the resumed session of the General Assembly.

Mr. Taieb SLIM (Tunisia) and Mr. RASGOTRA (India) said that it would be necessary for them to return to New York in time for the resumed session.

The CHAIRMAN suggested that the Committee should decide to go to Tangier on 22 May and return to New York some time between 7 and 14 June. The exact date of its return could be fixed later and would depend on the progress made at Tangier and Addis Ababa.

Mr. BINGHAM (United States of America) said that it had been his delegation's understanding that a plan of work would be prepared before any definite decision was taken on the subject of the visit to Africa. The Soviet Union representative had said that the indigenous people should be informed so that they could appear before the Committee. For that purpose, however, they would surely have to know what subjects were to be discussed at what place.

The meeting rose at 1.10 p.m.