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at 10.30 a.m.
New York

SUMMARY RECORD OF THE 27th MEETING

Chairman: Mr. AL-SAID (Oman)

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REQUESTS FOR HEARINGS

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The meeting was called to order at 10.55 a.m.

AGENDA ITEM 92: QUESTION OF SOUTHERN RHODESIA: REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (A/32/23/Add.1, A/32/57, A/32/61, A/32/63, A/32/92, A/32/98, A/32/109/Rev.1, A/32/115, A/32/235, A/32/259 and A/32/266; S/12393, S/12395)

1. Mr. GLAIEL (Syrian Arab Republic), speaking as Rapporteur of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, introduced chapter VII of the report of the Special Committee relating to Southern Rhodesia (A/32/23/Add.1). Pursuant to General Assembly resolutions 31/143 and 31/154 A and B, the Special Committee had considered the question of Southern Rhodesia in detail. In so doing, it had taken into consideration the relevant decisions of the Security Council and had been greatly assisted by the information contained in the working paper prepared by the Secretariat (A/32/23/Add.1, annex). The question of Southern Rhodesia had also been considered at the International Conference in Support of the Peoples of Zimbabwe and Namibia, held at Maputo, which had been organized by the Special Committee in co-operation with the United Nations Council for Namibia pursuant to General Assembly resolution 31/145.

2. The representative of the United Kingdom, as the administering Power, had participated in the Special Committee's debate on the question of Southern Rhodesia, and representatives of the Zimbabwe national liberation movement had also contributed by making statements highlighting the latest developments. The Special Committee had been unanimous in rejecting the unjust methods and discriminatory policy practised by the illegal minority racist régime and that attitude had been reflected in the adoption, without objection, of two resolutions, one dealing with the general aspects of the problem and one dealing with the specific question of sanctions (A/32/23/Add.1, paras. 16 and 17).

3. On behalf of the Special Committee, he expressed the hope that the chapter of the report relating to Southern Rhodesia would be approved and that its recommendations would be adopted.

4. Mr. RICHARD (United Kingdom)* said that, as during the previous year, intensive negotiations over the Rhodesian problem had been going on elsewhere while the General Assembly had been in session. It was again hard for his delegation to risk a prophecy on what was likely to happen in the coming weeks and months, precisely because negotiations were still in course.

5. As the representative of the administering Power, he therefore proposed to give the Committee its annual account of the main events affecting Southern Rhodesia, and of the actions taken by the United Kingdom Government. He would have to refer, inevitably and rightly, to the British proposals for a settlement, which

* This statement has been given full coverage in the summary record in accordance with the decision taken by the Committee during the meeting.

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had been circulated to all Member States as documents S/12393 and S/12395. But he thought it useful to put into perspective the efforts his Government had made in connexion with those proposals; to explain them to a larger group than the membership of the Security Council; and to correct various misconceptions which, if not corrected, might be damaging to the chances of promoting an internationally acceptable solution.

6. He would not go into detail over events which had occurred prior to April, since a full account had been given to the Special Committee of 24 on 10 April. In that month, Mr. Owen had visited southern Africa to discuss a new approach with all the interested parties in order to try and reach agreement on the independence constitution and on arrangements for a brief transitional period, during which elections would be held. On 11 May, after further discussions with Mr. Cyrus Vance, the United States Secretary of State, Mr. Owen had announced the establishment of a joint Anglo-American consultative group to visit southern Africa to pursue the initiative in further intensive discussions.

7. The group, which was headed by Mr. John Graham, Deputy Under-Secretary at the Foreign and Commonwealth Office, and included the United States Ambassador to Zambia, had visited southern Africa in May and again in July for discussions with the "widest possible spectrum of opinion", including representatives of the main nationalist groupings, and the Rhodesia Front, officials of the front-line States and South Africa. The consultations had centred on the possible contents of an independence constitution; on the democratic electoral process needed to bring about transition to majority rule by 1978; and on the measures necessary to support the future economy of an independent Zimbabwe, in particular, how to retain in that country the skills and commitment of the white population. It had been accepted by the United Kingdom and United States Governments that violence would be likely to continue until the nationalists were confident that the Rhodesia Front would hand over power.

8. Explaining British policy to the Commonwealth Heads of Government meeting in London on 9 June, Mr. Owen had stated that for the United Kingdom Government independence in 1978 was an absolute essential for it was its judgement that failure to make that date will mean the inevitability of a violent transfer to majority rule. A prolonged period of violence, he had explained, would do immense material and human damage to the country and would jeopardize, perhaps beyond retrieval, the longer term prospects for peace and racial harmony in southern Africa. Mr. Owen had stated that the new strategy would enable the United Kingdom, in keeping with its legal responsibility for Southern Rhodesia, to maintain over-all control over the drafting of the constitution, and to listen to all sides and form a judgement of the form of constitution most acceptable to all the people of Zimbabwe. It would also ensure that no one group would have an absolute veto.

9. With regard to the future constitution, Mr. Owen had said that the United Kingdom had only three pre-conditions: that it should provide for a democratically elected Government; that the franchise should be the widest possible on the basis of universal adult suffrage; and that there should be, in the shape of a bill of

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rights and an independent judiciary, protection for basic human rights. Recognizing the fears of white Rhodesians over law and order, particularly in the transitional period, Mr. Owen had added that the constitution would have to provide for a caretaker Government to supervise fair and full elections and maintain law and order in the transitional period.

10. Bishop Muzorewa, the leader of the united African National Council, and the Reverend Ndabaningi Sithole had both expressed support for the new initiative. Mr. Nkomo, speaking for the Patriotic Front on 5 July, had said that the Front was unwilling to discuss a constitution until negotiations for the handover of power had been completed.

11. Mr. Smith, however, had said in Salisbury on 18 July that he did not believe that there would be a successful outcome to the negotiations, and had announced that a general election would be held on 31 August to seek the electorate's support for an internal settlement. His objective was a new constitution, if not agreed with the United Kingdom Government, then agreed internally before the end of 1977. He envisaged the creation of a broad-based Government, incorporating those black Rhodesians who were prepared to work peacefully and constitutionally with the Government in order to establish a base from which it would be possible to draw up a future constitution.

12. On the issue of an internal settlement, Mr. Owen had said in the House of Commons on 25 July that, as often espoused, it did not satisfy the prime commitment to fair elections, and it would allow a continuation of the armed struggle, in which case it would be difficult to hold elections in the present climate, but that in order to survive, any Government in Zimbabwe, either black or white, needed to have recognition by the international community and to exclude any nationalist leaders from a fair electoral process would be a recipe for continued strife. Mr. Owen had further said in the House of Commons on 25 July that the Anglo-American consultative group was close to producing proposals which, although not consensus, were proposals on which it was possible to reach some measure of agreement.

13. Further examination of the proposals had taken place when Mr. Owen had visited Washington on 23-24 July for talks with Mr. Vance and President Carter. Following further detailed discussions between United Kingdom and United States officials, Mr. Owen and Mr. Vance had met again in London on 12 August to discuss the proposals. They had later been joined by Mr. R. F. Botha, the South African Foreign Minister, who had visited the United Kingdom on 12-13 August. Discussions on Southern Rhodesia had also been held on 13 August with President Nyerere of the United Republic of Tanzania, and other meetings had been held during that month with Rhodesian nationalist leaders and others most directly concerned with the problem of Southern Rhodesia.

14. On 25 August, Mr. Owen had begun a second tour of African capitals, accompanied by Ambassador Andrew Young of the United States. After visiting Lagos, where they had met the Nigerian Head of State, General Obasanjo, Mr. Owen and Ambassador Young had travelled to Lusaka where they had had separate meetings with the Presidents

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of the front-line States and with Mr. Nkomo and Mr. Mugabe of the Patriotic Front on 27 August. On 29 August they had met Mr. Vorster and Mr. Botha in Pretoria. After further discussions with President Nyerere in Dar es Salaam on 30 August, Mr. Owen and Ambassador Young had held meetings with Kenyan Ministers and representatives of the Organization of African Unity (OAU) in Nairobi on 30 and 31 August, before travelling to Salisbury for meetings with Mr. Smith, Bishop Muzorewa and the Reverend Ndabaningi Sithole on 1 September.

15. On 1 September, details of the United Kingdom proposals for a settlement, which had the full support of the United States Government, had been published simultaneously in London, Washington, and Salisbury. The appointment of the Resident Commissioner-designate for Southern Rhodesia, Field-Marshal Lord Carver, had also been announced on the same day. Much of the content of the proposals would have emerged from what he had said about the processes which had led up to their publication.

16. Some members of the Committee would recall that 12 months earlier he personally had been seeking a settlement in his capacity as Chairman of the Geneva Conference. That Conference had been concerned to establish a transitional period, leading towards independence, during which the various parties would all share power. The Conference had been adjourned and had not been reconvened after it had concluded that there was no possibility of achieving agreement between the differing nationalist leaders and Mr. Smith over the structure and complexion of the transitional Government. One of the major changes of policy accordingly decided upon by Mr. Owen in the spring had been that the United Kingdom would take the considerable step of accepting responsibility for the direct administration of Southern Rhodesia during the period of transition.

17. The starting points for the proposals, as he hoped he had made clear, were that there should be no independence before majority rule, and that independence had to reflect the true aspirations of the people. The proposals as conceived were consistent with those two principles, and were based on the following elements: first, there had to be a return to legality following the surrender of power by the illegal régime, which meant that, at a point that he would explain later, the illegal régime would have to give way to a Resident Commissioner who, under Her Majesty's Government, would be the legal Government of Southern Rhodesia for the transitional period; second, orderly and peaceful transition to independence in the course of 1978; third, free and impartial conduct of elections on the basis of universal adult suffrage; fourth, the establishment by the United Kingdom Government of a transitional administration to conduct the elections for an independence Government; fifth, a United Nations presence, including a United Nations force during the transitional period; sixth, an independence constitution providing for a democratically elected Government, the abolition of discrimination, the protection of individual rights in accordance with the Universal Declaration of Human Rights, and the independence of the judiciary; and seventh, a development fund to revive the country's economy.

18. Members of the Committee would have realized that it was easier to group

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together on paper the first three of those elements, namely a return to legality, orderly and peaceful transition to independence, and free elections, than to create the conditions in which they would be made real on the ground. The nationalists would not believe that there could be an orderly transition and free elections if a return to legality left the illegal régime's defence and security forces just as they were. Mr. Owen had therefore made it clear that the new forces of Zimbabwe had to be based on those of the liberation movement. At the same time, many nationalists themselves, not to mention many whites, found it hard to accept that orderly transition and free elections could be assured if the process took place the other way round. They would certainly reject the suggestion that power should simply be transferred to the Patriotic Front - a claim which incidentally disregarded the United Nations call for the administering Power to assume its authority.

19. His Government thought it essential, therefore, to secure the agreement of all concerned to a cease-fire closely associated with the transformation of existing forces into a new Zimbabwe national army, based on the forces of the Patriotic Front but including acceptable elements of the present Rhodesian forces. That force would be under the control of the Resident Commissioner, would owe its eventual loyalty exclusively to the future Government of Zimbabwe, and would obviously involve the disbandment of some units of the Rhodesian forces which were held in particular mistrust by the nationalists. With a cease-fire agreed on that basis, law and order should not need to occupy the formative Zimbabwe National Army, but could revert to the normal responsibility of the police who, under a new Commissioner, would likewise be under the Resident Commissioner's control for the transitional period.

20. That, in outline, was one half of the essential position to be secured before a transitional period could start. What it amounted to was that all concerned had to be sure that there would be safe enough conditions for peaceful transition to enable them to drop their armed guard.

21. The other necessity before the transitional period could start was to find common political ground on the constitutional basis for the future. Again, people were not going to lay down their arms on either side unless they were sure that the political conditions existing at that time would allow them free and adequate expression. That was why a British team, separate from Lord Carver's party and led by a senior official, Mr. Graham, was conducting discussions with all of the parties on the independence constitution and political requirements. In theory, that should present fewer difficulties than the cease-fire and the military discussions. Most leaders in and outside Zimbabwe were agreed on the need for fair and free elections as well as on the need for independence. Even Mr. Smith had had to concede the principle of universal adult suffrage. In practice there would be severe problems if some of those involved or interested continued to be reluctant to accept the implications of a free political process culminating in free elections.

22. When, and only when, those essentials had been agreed, would it be possible under the present proposals to start the transitional period. At that point, the illegal régime would go. The British Resident Commissioner would be installed as such with the full authority of the administering Power, and the transition to

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independence, involving, as it would, free elections and the completion of an independence constitution, would then begin. It was for that transitional period that his Government wished to ask the Security Council to authorize the Secretary-General to install a United Nations presence, including a United Nations force. It had not had it in mind to ask the United Nations to install a presence which might find itself in conflict with one or other of the parties. It would, however, seek full United Nations assistance in the circumstances which it was working to create. In other words, where all the parties had agreed on the process of transition, where United Nations observation and presence would be a reassurance to all concerned.

23. He commended to all who had not yet studied them the texts in documents S/12393 and S/12395. He also wished to pay tribute to the interest and energetic support of the United States Government -- and not least his friend and colleague Ambassador Young -- and to the help and understanding received from the Presidents of the front-line States and other African States, and to the Secretary-General's representative, General Prem Chand.

24. Against that background, he wished to say a word about two matters which he knew were in the minds of many -- first, the United Kingdom attitude towards sanctions and, second, the Zimbabwe Development Fund. His Government's position on sanctions was straightforward and clear. It wanted them continued at their full present rigour, so long as there was an illegality against which to impose them. His Government would continue to enforce them within its own jurisdiction. It hoped that all other Governments would do likewise. It would continue to bring to the notice of the Security Council Committee any violations of which it became aware. It looked to all other Governments to do the same. Sanctions had been an important feature, though unfortunately not a decisive one, in bringing the illegal régime to a sense of reality, and they should be continued. On the other hand, his Government did not favour the extension of the sanctions in respect of Southern Rhodesia to South Africa at the present stage, as various countries had from time to time demanded. The South African Government had publicly stated its preference for an internationally acceptable solution. If, on the other hand, matters should so develop as to require an extension of sanctions or constraints to South Africa in the context of its Rhodesian policy, that would have to be considered and carefully judged at the time.

25. Secondly, he wished to refer to the Development Fund to revive the country's economy. When it had first been announced, it had attracted critical comments from some quarters. Some people, for instance, had suggested that it was a device to preserve or buy out the interests of the white minority. That was not how it had been conceived and it was not how his Government saw it. In the future Zimbabwe there would be an economy which was reasonably prosperous, but a combination of the political deterioration, the sanctions brought to bear against the illegal régime and the slump in world trade had distorted and damaged that economy. It could prove that the efforts of all concerned might bring about a politically independent Zimbabwe, which was beset by severe economic difficulties attributable to various causes, of which the past policies of the whites was only one. Some whites could

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perhaps avoid that by leaving: the black majority could not. In any case, Zimbabwe would need all its people. His Government did not want it to be crippled by an exodus. The simple objective of the Fund was that independence should not be mocked by grossly unfavourable economic conditions. That was an integral part of the negotiated settlement and should underpin it. The Fund was therefore designed for the prosperity of the people of Zimbabwe as a whole, the vast majority of whom were of African and not European stock. There would be much to discuss with Zimbabwe over the application of the Fund. The inescapable fact was that a fund would be needed. The independent Government of Zimbabwe would determine its own economic and social priorities and work out its own plan. The Fund would be directed to that end and that was indeed the only way it could operate.

26. The new proposals conformed to principles which his Government had consistently applied and would continue to apply to any possible settlement. His Government had also borne in mind another point. It was not enough to get rid of the minority régime and then arrange early independence, although both those things were urgent and essential. The United Nations resolutions required not only the administering Power but all States Members of the United Nations to work for the achievement of independence in accordance with the aspirations of the majority of the population. The United Kingdom's experience of decolonization -- and it had had to have more than most -- led his Government to wish to meet the national aspirations of the majority and to try to ensure also that the emerging country would have a Government based on free elections and thus representative of the political wishes of the majority. That was not simply because it was used to elections. The point was that there was a danger in meeting the aspiration to independence without providing the continuing means of domestic political choice. To do otherwise could at worst sow the seeds of civil conflict which, as was known from other countries, could cost the newly independent country all too dear. The administering Power could not, and should not, presume to decide what political answers were to be given by the people of the country after independence. But it had a real responsibility (which his Government had, almost without exception, been able to discharge in its other colonies) to ensure that at independence power and legality was transferred to a Government which the people themselves had chosen.

27. In Southern Rhodesia, the pre-conditions for discharging that responsibility had simply not existed. Everyone was aware that past elections had been confined to all intents and purposes to the white minority of the population, and, in recent years, the illegal character of the régime and the consequent isolation of that society had produced an abnormal political climate, so that even the apparently overwhelming support given to Mr. Smith might not reflect accurately what the white minority really thought on some of the basic issues.

28. The absence of elections had not simply prevented the black majority from having a proper say in the destiny of the country. It had also meant that the majority had not been able to select its own leaders, or to prove clearly who it supported. The frustration of the black population, confronted with a situation in which the peaceful path to change through the ballot-box had seemed irrevocably blocked, had inevitably led to the armed struggle currently taking place. Those who

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had taken up arms had established an undeniable claim to a voice in the drawing up of the terms of an eventual settlement. But neither they nor anyone else could know exactly what degree of popular support they would have in more normal, non-violent political conditions, particularly as their forces might include supporters of other nationalist leaders within Southern Rhodesia. It was no secret that there were disputes in consequence over who genuinely spoke for the majority in that country. He would be giving no secrets away if he also said frankly that more than one African Head of State was apprehensive of civil war, and that the United Kingdom had been severely handicapped in its efforts by disunity among some of the nationalist leaders concerned. It was obvious that the illegal régime would continue to seek to exploit such disputes.

29. He would proceed to give a brief account of the negotiations which Lord Carver and the Secretary-General's representative, General Prem Chand, had been, and indeed were still, conducting on the basis of Security Council resolution 415 (1977). In almost all cases, the meetings which Lord Carver had held had been attended by General Prem Chand. Lord Carver had gone first to Dar es Salaam, where he had held meetings on 31 October with President Nyerere of the United Republic of Tanzania, and later with Mr. Nkomo and Mr. Mugabe, the leaders of the Patriotic Front. From there, he had gone to Salisbury where he had held separate discussions with the régime's senior military commanders and civilian officials, with Bishop Muzorewa and his team, with the Reverend Ndabaningi Sithole and his team, and with Mr. Chinamano. Just before leaving Salisbury on 6 November, Lord Carver had seen Mr. Ian Smith and his colleagues.

30. In explaining his approach to the military and associated arrangements considered necessary to effect the transition to majority rule, as envisaged in Security Council resolution 415 (1977), Lord Carver had told the parties that he could not expect them to agree to a cease-fire until they had a clear idea of the political arrangements proposed for the transition period. He had therefore begun by setting out the Anglo-American proposals for the transitional arrangements. Questions relating to the independence constitution had been covered by a second team, led by Mr. John Graham, which had visited Salisbury at the same time; a meeting for the same purpose with the Patriotic Front had not been acceptable to the latter. Having seen all the parties, Lord Carver had made a statement to the effect that he had found agreement on many of the basic points at issue, but disagreement in such important areas as the composition of the armed forces during the transition, and the extensive powers which had been envisaged for the Resident Commissioner during the few months before independence. His talks had served to identify specific problems encountered by various members of the parties, and to enable him to clear up a number of misapprehensions.

31. After leaving Salisbury, Lord Carver had gone on to brief the Presidents of two other front-line States -- President Khama of Botswana in Gaborone and President Kaunda of Zambia in Lusaka -- on the outcome of his first round of discussions. He had also flown to Lagos to inform General Obasanjo of Nigeria. After returning to London, Lord Carver had had intensive and detailed discussions with Mr. Owen and his officials as well as with United States officials. Even as

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he spoke, news was awaited of whether a further meeting between Lord Carver and the Patriotic Front could be arranged. His Government was continuing to work urgently on the elaboration of its proposals and remained in touch with the various parties.

32. Since the end of the latest round of talks, there had been a good deal of comment in various quarters about the "failure" of the proposals, or about putting carts before horses. He was sure that members of the Committee, as experienced diplomats, would recognize that any interested party who disliked any aspect of negotiations was likely to be tempted to give added weight to his position by a suggestion that his objections were equivalent to their failure. Both Mr. Smith and some nationalist leaders had done that and had used the press to spread their message. He was sure that the Committee would be guided by the facts rather than by negotiating postures.

33. Typically, in that context, Mr. Smith had used the alleged failure of the Anglo-American proposals as the basis of what could prove to be a new factor -- the announcement he had made on 24 November. Lest there be any doubt, he could give an assurance that his Government had not been aware in advance of Mr. Smith's announcement, much less had it been a party to it.

34. His Government's fundamental principle was that independence for Zimbabwe must involve a genuine transfer of power to a government representing the majority of the people of Southern Rhodesia following elections on the basis of universal adult suffrage. The elections had to be conducted in a manner which was demonstrably free and fair, and all peoples and parties who intended to live in a future Zimbabwe had to be free to participate if they wished to do so, whether they were at present living inside or outside Southern Rhodesia. It was very important for Zimbabwe that its new Government should win wide acceptance in the world and that the world should not cast doubt on the validity of the result. Much would therefore depend on the circumstances in which the elections were to be held. Mr. Smith's statement was in general terms. Until there were more details about what he had in mind it was difficult to say whether those talks could lead to a satisfactory settlement.

35. His Government's reaction remained cautious, until it knew the details. It had too long an experience of negotiating with Mr. Smith to be capable of much spontaneous enthusiasm. Mr. Smith's statement looked like a step forward. It remained to be seen whether he had unequivocally accepted the principle of one man -- or perhaps, one person -- one vote. His acceptance of the principle of majority rule was contingent on the working out of measures to meet his requirement of retaining white confidence. The small print might therefore need careful examination. But clearly any elections, which could only be held on the basis of universal adult suffrage, had to be demonstrably free and fair, and in his Government's view all who intended to live in Zimbabwe, whether at present in the country or outside, had to be free to take part, whether as voters or as direct participants. That free ascertainment of the will of the majority was the key to world acceptance of the new Government which would emerge. Until details were known as to what the general terms of Mr. Smith's announcement were meant to involve, it was not possible to say whether his new ideas would help towards a general settlement. The small print had

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to be seen first. He emphasized, however, that a settlement which was to last also had to bring an end to hostilities. Any scheme put forward by Mr. Smith would have to take that into account, or risk failure.

36. When the details were known, and in examining any other proposals that might emerge, the same test would be applied to see if they measured up to the principles underlying the proposals to which he had referred to earlier. His Government did not have, so to speak, pride of authorship where its proposals were concerned. It did, however, consider that they were sound and right and that the principles on which they were based were vital both to the proposals and also as a standard by which any other suggestions should be judged. That was the basis on which it continued to work.

37. With regard to the status of the proposals, it had been made clear, particularly to Mr. Smith, that they had to be taken as a whole, even if any particular detail could be subject to examination. Only the people of Zimbabwe could agree on and put into effect what they felt to be workable. The United Kingdom was confident that the acceptance of those proposals by all concerned would provide a basis for a sound and workable solution. In the last resort, it was not a question of what the United Kingdom wanted: it was a question of what the people of Zimbabwe wanted. The determining factor remained the realization of the aspirations of the people of the country as a whole.

38. Despite setbacks and some disappointments, he believed that real progress had been made since the Committee had met in 1976. At the opening of the Geneva Conference, he had said that the concern was no longer whether there would be majority rule in Southern Rhodesia, but when and how. It could now be added that the concern was no longer whether there should be free elections on a basis of universal adult suffrage, but rather when and how. He believed that the questions when and how would be answered soon.

39. If the Anglo-American proposals were accepted, then there would be an independent Zimbabwe, with a Government freely chosen by the majority of its people, before the Committee met the following year. It was hoped that good sense could still prevail and that a peaceful settlement along those lines would emerge soon. His Government's own determination to press on until it had an internationally acceptable settlement was not in question. It remained convinced that its own proposals represented the best way forward.

40. Mr. KANGAI* (Observer, Patriotic Front) thanked the Committee for giving him an opportunity to apprise it of the situation in Zimbabwe. He also thanked the Chairman for the way he had handled meetings and for the support his country was giving to the liberation movement. He was happy to see the new members, Viet Nam and Djibouti; Viet Nam's experience of the struggle against colonialism and imperialism would be a great contribution to the Committee, and the independence of Djibouti showed once more that the African people were determined to be masters in their own land.

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41. In the early 1960s, the people of Zimbabwe had resorted to armed struggle as the only method that would topple the colonial racist régime. They had done so because they had exhausted all other forms of struggle - mass rallies, economic boycott and civil disobedience - without achieving anything. Instead they had been imprisoned, exploited and shot by the settler régime.

42. Militarily, the liberation movement had the upper hand over the enemy. It operated on all fronts of the country. That had stretched the enemy forces, forcing Smith to call up his territorial soldiers and recruit mercenaries. Two thirds of the country was under military operation. The rebel economy was being disrupted and the emigration rate had grown to about 1,700 a month. Cells within the cities were being expanded, although most of the fighting was in the countryside.

43. Armed struggle was paying dividends. It had forced Ian Smith to go to Geneva the previous year and had forced the enemy to accept majority rule in principle. The nationalist forces had vowed to wage the armed struggle until a peoples' Government was established in Zimbabwe.

44. The struggle was not a racial one; it was not a black-white confrontation. The fight was against a system under which a few people, regardless of the colour of their skin, enjoyed political, economic and social power at the expense of the majority. It was a struggle between the exploited and the exploiters. The nationalists did not shoot white or black civilians, they attacked the Rhodesian colonial army, army posts, police and farmers who were military reservists and who used their farms as intelligence posts for the enemy. If the United Kingdom and Smith handed over power to a few black puppets who would continue to exploit the black majority the way Smith was doing, the revolution would continue.

45. The Geneva Conference and other conferences before it had been convened because of the armed struggle. The current United Kingdom proposals were intended to disarm the nationalists and give Ian Smith a breathing space. That was what had happened during the southern Africa détente of 1974. The United Kingdom and the United States would like to maintain their economic and cultural interests by installing a puppet régime in Zimbabwe. That was the main objective of the United Kingdom proposals. The nationalists did not accept direct United States involvement in the decolonization of Southern Rhodesia for the following reasons.

46. The United States had no constitutional responsibility over Southern Rhodesia. It might advise or consult the United Kingdom but it should not be a sponsor or a co-chairman of any decolonization conference. Any settlement had to be between the United Kingdom Government and the Patriotic Front, the adversaries in the present armed conflict. The United States was a beneficiary of the status quo in Southern Rhodesia and, as such, was incapable of producing a formula for an independent Zimbabwe that would be unfavourable to corporate United States interests. Everyone was aware that United States multinational companies traded with the Smith régime despite United Nations economic sanctions. Mobil Oil had supplied oil to Southern Rhodesia for years and was still doing so. The United States had not abided by the

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Maputo Declaration, which called for the closure of Southern Rhodesian offices such as the one operating in Washington, D.C. It had stepped in on the eve of France's defeat in Viet Nam, and everyone knew how the Vietnamese people had suffered. The Patriotic Front believed that the United States would like to replace the United Kingdom in exploiting the people of Zimbabwe. Moreover, its involvement internationalized the conflict in Zimbabwe, in particular, and in southern Africa in general. Other major Powers would also want to be involved and that would lead to conflict between the super-Powers.

47. The liberation movement rejected the following key elements of the current United Kingdom proposals for a settlement in Zimbabwe. According to the proposals, during the transitional period the Resident Commissioner appointed by the United Kingdom Government would be vested with responsibility for all executive and legislative functions. It appeared that the liberation movement had fought the illegal régime for 12 years simply to transfer power to an all-powerful colonial administration. The Resident Commissioner-designate had been appointed without any consultation with the people of Zimbabwe. The Smith régime should surrender power to the people of Zimbabwe, not to the United Kingdom. The transitional administration had to have the confidence of the people and therefore had to be acceptable to the liberation movement and have its full participation.

48. According to the White Paper put out by the United Kingdom Government, the primary responsibility for the maintenance of law and order during the transitional period would lie with the (existing) police forces. The police, many of whom were paramilitary, had played a critical role in enforcing the repressive legislation and emergency regulations. They were well versed in intimidation and torture and were bitter enemies of the liberation movement. It would be naive to imagine that they would not use that position to ensure that a future government was not composed of those who had suffered at their hands in the past. If the people of Zimbabwe were to have confidence in the transitional arrangements, the existing forces of the illegal régime would have to be dissolved and replaced by forces of the liberation movement.

49. Three possible roles for the United Nations Zimbabwe Force were set out in the proposals: the supervision of the cease-fire; support for the civil power; and liaison with the existing Rhodesian armed forces and with the forces of the Liberation Armies. In fact, the use of the word "Zimbabwe" was a misnomer since the Force was supposed to be in operation during the transitional period and the civil power would be the Resident Commissioner. While the liberation movement had high regard for the United Nations in such areas as fighting disease and hunger, and promoting education, it believed that the United Nations had performed negatively in areas relating to peace-keeping. In that connexion, he referred to the crises in the Congo, Cyprus, Korea and the Middle East. Why would Zimbabwe be an exception? The United Nations was making an important and continuing contribution to the struggle of the people of Zimbabwe. However, if a United Nations force was to operate in the situation envisaged under the existing proposals, it might find that it was acting for the civil power, the United Kingdom, through its Resident Commissioner and against the people of Zimbabwe. The people of Zimbabwe felt that they should be their own peace-keepers.

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(Mr. Kangai, Observer, Patriotic Front)

50. The Zimbabwe Development Fund, a key element of the White Paper, had originally been described as a method of "buying out the whites". It was now presented in a different form. Nowhere was it stated explicitly that the Fund would be based on the priorities and plans of the Government of Zimbabwe itself. Indeed, there were explicit commitments to the role of external private investment, references to commercial capital flows, especially in the extractive, processing and manufacturing industries, and it was stated that the Fund would also facilitate action to encourage commercial trade and private investment flows to Zimbabwe. The Fund therefore appeared to be determining in advance the character of Zimbabwe's economic development and seemed intended to give an unborn State a loan that would take a long time to pay back. It was a way of injecting capital into Zimbabwe for the profit of invisible masters.

51. For those reasons, the liberation movement regarded the current proposals as another attempt by the imperialists to frustrate the people's revolution and it reaffirmed armed struggle as the only way to salvation. It was willing to negotiate but would continue to fight until total power was surrendered to it, and it called upon the African States, the socialist States and the Scandinavian countries to support the liberation war until final victory. There could be no cease-fire until the liberation movement knew what role it would play in the transitional government - and it should participate fully in that government - and until the enemy forces were dismantled. Law and order should be maintained by the people's forces during the transitional period and economic sanctions should be intensified rather than lifted.

52. Since the intensification of the armed struggle in Zimbabwe, the minority régime had resorted to terror and torture of innocent civilians. Hundreds of thousands of civilians had been placed in concentration camps with a dusk-to-dawn curfew and curfew breakers were punished by death. The inmates of those camps knew that if they did not make it to the gates by 6 p.m. they dared not go in. Instead, they escaped across the borders to the friendly neighbouring States.

53. As a result, there were thousands of refugees in Mozambique, Zambia, Botswana and the United Republic of Tanzania. The Smith régime pursued those defenceless Zimbabweans and killed them in cold blood. In 1976, Smith's terrorist forces had killed over 1,000 refugees at Nyadzonya in Mozambique and just recently, the Smith forces had killed several refugees and wounded many more, mainly old women and children at refugee camps in Mozambique. Such acts of aggression against African States and Zimbabwean refugees were supported by some Western countries, which supplied the Smith régime with oil, weapons and manpower. He strongly denounced those countries and called upon the United Nations to take firm measures against them.

54. The defenceless refugees needed food, clothing, medical supplies, educational facilities, ambulances and mobile clinics. Zimbabwe institutes, designed to help to give the people a formal as well as a technical education, were being established. He appealed to the United Nations specialized agencies to look into the situation seriously.

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(Mr. Kangai, Observer, Patriotic Front)

55. Ian Smith's announcement to the world that he was going to have an internal settlement with certain individuals in Zimbabwe was designed to provoke a civil war. The so-called internal settlement was aimed at putting puppets in power who would continue to exploit the people the way Smith was doing. The Rhodesian army, which had killed so many Zimbabweans, was supposed to remain intact and "maintain" law and order for those puppets. How could people who called themselves revolutionaries and fathers of the revolution go to the extent of appeasing Ian Smith and his terrorist forces. Smith, his supporters abroad and those puppets should know that anybody who stood in the way of the people's revolution would be crushed. No deal which bypassed the revolutionary forces would last long. There would be no solution in Zimbabwe until total power was surrendered to the patriotic fighting forces, which were prepared to continue the armed struggle until Smith and his stooges were crushed once and for all.

56. At the invitation of the Chairman, the Reverend Michael Scott (International League for Human Rights) took a seat at the petitioners' table.

57. The Reverend Michael SCOTT* (International League for Human Rights) said that much had been heard recently in the United Kingdom from Mr. Ian Smith about the need to "preserve standards". The most respectable newspapers in both the United Kingdom and the United States referred to him as the Prime Minister of Southern Rhodesia. A great deal had also been said in the United Kingdom and many other countries about the deterioration of standards in public life - about permissiveness and misbehaviour of the young. An era of violence had opened and the causes of the spreading armed robberies, kidnappings and piracy were denounced from platforms and pulpits.

58. Yet the leader of a people numbering about the population of a small town in Europe or America could defy the United Nations. With what arms he had been able to acquire from his fellow law-breaker in South Africa, he had rebuffed all the emissaries that had been sent to him. He had brought his own people and millions of others with whom they had to live to the brink of civil war, and there had already been many thousands of casualties. Those whom the Queen of the United Kingdom and the colonies had reprieved, on the recommendation of the Privy Council, the self-proclaimed Prime Minister had ordered to be executed.

59. Those who resisted and who were dispossessed and deprived of their lands and liberties were called terrorists or guerrillas. Those matters were well known, and nothing would be gained by over-simplifying them. Mr. Smith had once served in the Royal Air Force in the fight against nazism; now his best friend, politically, was Mr. Vorster who had been interned as a Nazi supporter. An attempt had been made, in a book entitled The Great White Hoax, to clear away the propaganda and come to grips with some of the realities.

* This statement has been given full coverage in the summary record in accordance with the decision taken by the Committee during the meeting.

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(The Reverend Michael Scott)

60. The most serious task confronting the Committee was to make sure that the United Nations, which had been brought into existence over 30 years earlier in order to resist the most highly organized and widespread tyranny the world had ever known, was not brought to nought.

61. During those 30 years there had been growing up, in spite of all warnings and debates, a form of racial tyranny in southern Africa which could only be explained by the active or passive collusion of the great Powers - and some small Powers - and by powerful vested interests in the unbridled exploitation of the great wealth of southern Africa, and in the good life enjoyed by the few at the expense of the misery and subordination of the many. It was impossible to look at the facts and figures in reports of innumerable organizations without seeing that fabulous profits were being made by certain companies, including some 500 in the United Kingdom, while the rest of the developing world was approaching famine conditions for want of capital and development. An article in the Tribune of 1 April 1977 had stated that only one group of British exporters, the diamond merchants, had managed to "grab" the golden opportunities supposedly opened up by the Common Market. It had always been a mystery to him why the world monopoly in diamonds by De Beers of South Africa had never been challenged in the courts of countries which had the powers to do so. Even the illicit trade in the buying and selling of diamonds seemed to be controlled by the monopoly. Every country in the world, including the USSR, had to sell its diamonds through De Beers.

62. Referring to the use and abuse of the law as an instrument of deceit and treachery and even, as he would argue, of liberation, he said that many advocates of law and order in the United Kingdom were people who wanted more suppression, who were dangerously looking backwards as they went forward, refusing to face the future. If the battle against corruption and against the powerful industrial interests that were supporting the superstructure of apartheid, erected on an increasingly dangerous ebb and flow of migrant labour that was voiceless and voteless, was to be left to small bands of freedom fighters like the Patriotic Front, then the outcome was going to be something which, like the victory of nazism, one did not care to contemplate. Africa, the world and the United Nations must use all the legal powers and constitutional procedures available to prevent that disaster. The creeping paralysis of corruption in southern Africa must be stopped. The African people were a generous, good-natured and virile people, but if the rule over them was corrupt and brutish, and was intent on setting race against race, no one could tell what the future would bring.

63. He then referred to the case of Didymus Mutasa and his dependants, a test case which had started more than five years previously when, under the European Convention on Human Rights, it had come before the European Commission of Human Rights in Strasbourg. He would supply copies of the relevant documents, including copies of the Council's opinion, the application to the Council, and the reasons given for the rejection of Mr. Mutasa's application, reasons which had ignored the status of Africans living in exile in Europe.

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64. Didymus Mutasa had been the director of a very successful farming co-operative. After the unilateral declaration of independence, Mr. Smith had driven the Tangwena people from their traditional lands, known as "unalienated lands", where they had been living under a special treaty with the Crown. Didymus Mutasa believed that it was because he and his co-workers on the farm had helped the Tangwena with clothing and food when they had been driven away that he himself had been arrested. He had been held without trial in solitary confinement for a year and for a further year in Salisbury prison. Under pressure from some non-governmental organizations, he had been allowed to leave Salisbury to take up a bursary at a college in Birmingham and had taken his wife and three children with him. After successfully completing a scientific course, Mutasa had been told by the United Kingdom Immigration Department that his permit would expire when he ceased to be a student and that he would have to leave the country unless he could obtain work that could not be done by someone living locally, although by that time he had two children who had been born in England. He had applied to the Law Society for legal aid and had been refused.

65. Through solicitors, he had then made an application to the European Commission of Human Rights, which had rejected both his application and his complaint about being denied legal aid and being hindered in making his application to the Council of Europe. The Commission had stated that the fact that he had made an application meant that he had not been prevented from doing so, but had added that Southern Rhodesia was not listed as one of the countries to which the European Convention on Human Rights applied and that a question of foreign jurisdiction was involved.

66. If international law was to become an instrument of liberation and orderly development, the case should be taken over by the United Kingdom Government and made a case of Regina versus Ian Smith rather than a case of Mutasa and his dependants against the Crown and Government of the United Kingdom. Alternatively, Member States could take it to the International Court of Justice and claim indemnities payable through the take-over of Southern Rhodesia's external assets from the profits to be derived from a strictly enforced programme of sanctions. That would penalize those companies and their subsidiaries which continued to violate sanctions. The case must proceed; if necessary, the cost would be borne from personal savings and with the help of American and British friends, to whom Mutasa and his people had been good friends. However, it would surely be seemly that it should become a case of the United Kingdom or the United Nations versus an illegal régime which had made nonsense of the Crown as the fulcrum of the British judicial system and constitutional law. The "statement of understanding" with the United Nations High Commissioner for Refugees appeared to make Rhodesian Africans stateless persons for they could not be recognized as refugees under the mandate of UNHCR. If they were to be assisted, it had to be through subsidiary funds and with the approval of the United Kingdom.

67. He urged that an inquiry should be made into the understanding between the United Kingdom and the United Nations High Commissioner for Refugees and into the question of "collusion" by successive United Kingdom Governments with the southern Africa conspiracy against democracy. He also urged that there should be a judicial inquiry into all the constitutional and legal aspects of the situation which had been brought about by the fact that African people and organizations had been forced

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to negotiate, and perhaps accept, the terms dictated by one who had rejected mediation by the United Kingdom and the United States and who continued to hold military and political power over those who had appealed to the United Nations and been forced to fight with whatever weapons they could lay hands on for their lands, rights and liberties. He seriously commended those suggestions to the Committee. The African people of Zimbabwe had suffered immense damage through the misrule of Mr. Smith. Up to the end of 1976, 280 persons were reported to have been executed without any recourse to appeals to the Privy Council.

68. Respecting the rule of law, the United Kingdom itself could take the matter to the International Court of Justice and claim indemnities for the losses sustained by the African people and, by imposing a more vigorous programme of sanctions and, if necessary, by invoking Article 94 of the Charter, could induce other States to do the same - not that many other States needed any inducing. Alternatively, other interested States could take that action. Any State willing to undertake such action to secure reparations for the African people of those territories would be assured of co-operation with a view to establishing the authority of the United Nations.

69. He had two positive requests to make. The first was that the United Nations should appoint or nominate counsel qualified to appear before the English High Court. Such counsel would observe and assist in the conduct of the case of Didymus Mutasa versus the Attorney-General in the Queen's Bench Division, in so far as it concerned the status of Rhodesian Africans in relation to United Nations agencies, including the mandate of the United Nations High Commissioner for Refugees, and should seek to clarify the anomalies apparent in the statement of understanding. That would serve the interests of the United Kingdom and the United Nations by determining the obligations that were owed to the people of Zimbabwe and resolving the problems of indemnities.

70. The second request was that the serious charges that had been made on the whole question of "collusion" - active or passive - in the matter of Southern Rhodesia and the South African connexion by successive Governments should be referred to a competent United Nations committee of investigation. To what extent were other Powers involved in sanctions-breaking, for instance, through the establishment of companies in Switzerland for the sole purpose of breaking sanctions? There had been allegations that a right-wing faction existed in the British Secret Intelligence Service. That allegation had been made by none other than Sir Harold Wilson himself when he had resigned after having been in charge of the Intelligence Service. The allegation had been repeated subsequently in the Observer. It might be that Mr. Wilson's unconventional decisions had been influenced by conflicting information given to him at the time of the unilateral declaration of independence, when he had assured Mr. Ian Smith that there would be no resort to armed force. It had been said that he had been influenced by misinformation that there would probably be non-co-operation and mutiny on the part of officers and men stationed in Aden at the time if they were ordered to move against Rhodesians of their own kith and kin. There had been charges in the British press that factions existed within the intelligence system and civil services, which were under the influence of South Africa, on the one hand, and of

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zionism, on the other, and that those influences had had a corrupting effect on the administration, the economy and the press. Sir Harold Wilson's resignation Honours List had been viewed as giving some semblance of credibility to those charges.

71. There had been incidents, such as the attempt to discredit leading politicians, with a view to breaking the Labour-Liberal pact that kept the Government in power, allegations made publicly about the private life of Members of Parliament, including Mr. Jeremy Thorpe, who had resigned as leader of the Liberal Party. On the other side, there were criticisms made in the United Kingdom and in the United States of the power of ex-Waffen SS Nazis in NATO in a book by George Stein published by Cornell University Press. There had been other incidents, one of which had been brought to his attention recently. A correspondent of a famous English newspaper had carried out an investigation into the private interests and dealings of Members of Parliament, which had led to the arrest and conviction of a former Cabinet Minister. Copies of the reporter's private correspondence had been sent to him (the Reverend Michael Scott) with a view to undermining the reporter's credibility. He had shown the copies to the reporter, who had told him that he had also been attacked in the street.

72. In connexion with the growth of South African propaganda, a study entitled The Great White Hoax had recently been published. The matters to which it referred might not all directly concern the Committee, but they had influenced policies which had been pursued in the United Nations, and might have persuaded other States to cast their negative votes and vetoes to prevent sanctions from being extended. There was a list of 500 United Kingdom companies reported to have subsidiaries in southern Africa and documents relating to them could be made available to a competent inquiry by the United Nations.

73. When the prestige of the United Nations was being undermined by a small group of deluded racial fanatics, no trouble was too great to investigate the source of and find an explanation for the influence and power of such people, particularly as they affected United Kingdom and United States policies in southern Africa. The arms supplied by NATO Powers to South Africa and Southern Rhodesia should alone warrant such an inquiry.

74. Finally, communications were now difficult with the people in Zimbabwe, who had asked him to act for them in the case before the High Court. They were now supporters of the Patriotic Front and Mr. Mugabe. The Rhodesian Air Force had carried out extensive raids, 100 miles across the Mozambique border at Tembue and other places against refugee camps in the forests and many casualties were reported, including women and children.

75. The case instituted by Didymus Mutasa had been proposed by Mr. Mugabe and other leaders, in the belief, several years earlier, that every constitutional means should be used if their country was to be saved from the havoc of war. They still believed that constitutional means should be used if they were open to them. The case of Didymus Mutasa was not chosen because of his exceptional importance, but because it afforded a test case of so much that had happened to hundreds of thousands of African people, some of whom were no longer alive or able to appear

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before any court in the world. Perhaps now, because of all the difficulties placed in the way of justice so long deferred, the case should be taken over by the United Kingdom Government; it should then result in an indictment of Mr. Ian Smith and his followers for treason and indemnities for all the damage they had done to United Kingdom nationals under his rule.

76. When the question of Southern Rhodesia was next dealt with by the Security Council he asked that Mr. Mugabe and other leaders who had a following in Southern Rhodesia should be invited to appear before the Security Council or its Committee on sanctions, so that it could hear from them directly about recent developments in the country, and so that those leaders could state their own case in the United Nations where it could be heard by all nations.

77. The Reverend Michael Scott withdrew.

78. At the invitation of the Chairman, Mr. Bernard Rivers (The Haslemere Group) took a place at the petitioners' table.

79. Mr. RIVERS (The Haslemere Group)* said that, as a British economist working in London and New York as a free-lance researcher on third world issues, he had over the past three years devoted a considerable proportion of his time to investigating how Southern Rhodesia obtained its oil supplies. Much of the work had been done in conjunction with a colleague, Mr. Martin Bailey. He and Mr. Bailey had recently served as consultants to the Commonwealth Working Group on Sanctions. The organization he represented was an ad hoc coalition of people in the United Kingdom who did research and published occasional reports on Western economic involvement in the third world.

80. Twelve years earlier, Ian Smith's minority white régime had illegally and unilaterally declared independence in Southern Rhodesia. That action had been condemned by virtually every nation in the world and an economic embargo had been imposed by the Security Council. The then Prime Minister of the United Kingdom, Harold Wilson, had declared at the time that the rebellion would be over "within weeks, rather than months". Mr. Wilson's confident prediction had been made on the assumption that sanctions especially oil sanctions, would be effectively implemented. That had not, however, been the case. The oil was still flowing and the Smith régime was still in power. It was his belief that that would not have been the case if the West had acted more firmly. The West, it was true, had enforced sanctions to a considerable degree but it had apparently not been willing to enforce them to an extent that might conflict with its wider political and economic interests. He was forced to that conclusion by the fact that the West had yet to confront in a decisive way the two main forces responsible for keeping the Smith régime in power - namely, the South African Government and five multinational oil companies.

* This statement has been given full coverage in the summary record in accordance with the decision taken by the Committee during the meeting.

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81. Southern Rhodesia was a land-locked country; given current political realities, much of its trade with the outside world was naturally conducted via South Africa. Sanctions against Southern Rhodesia would therefore be fully effective only when South Africa, and companies based there, were forced to co-operate. When people claimed that sanctions against Southern Rhodesia could not work, he was often reminded of the little boy who had tried to inflate a balloon which had had a large hole in one side. The boy had failed, naturally, but that did not mean that balloons could never be inflated. Until all of the permanent members of the Security Council confronted the fact that South Africa ignored the mandatory sanctions resolutions adopted in 1966 and 1968, those resolutions would continue, in many ways, to be as ineffective as the balloon with a hole in one side. The question now to be faced was whether the Security Council would act to seal that hole.

82. The most vivid illustration of the way in which South Africa had defied United Nations sanctions was provided by the continued flow of oil to Southern Rhodesia. Southern Rhodesia had no oil of its own, and its only refinery had been out of action since 1965. It therefore had to import the entire range of refined oil products, namely, fuels (such as petrol and aviation fuels) and non-fuel oil products (such as lubricants). Those products could only come from oil refineries in South Africa. South Africa had to import all of the crude oil used by those refineries and most of that crude oil came from Iran. Three of the four South African oil refineries were wholly owned by Western companies. One was owned by Mobil (an American company); another was owned by Caltex (also an American company); and the third was jointly owned by Shell (a Dutch-British company) and British Petroleum (a British Government-controlled company). The majority shareholding in the fourth South African oil refinery was owned by SASOL, a South African Government corporation, while minority shareholdings were owned by the National Iranian Oil Company and the French Government-controlled company "Total", which also operated the refinery.

83. Oil was absolutely vital to the economic and military survival of the Smith régime. Yet the details of how and by whom it had been supplied had, until recently, been a closely-guarded secret. Then, in June 1976, a report entitled The Oil Conspiracy had been published in New York by the Center for Social Action of the United Church of Christ. The report, of which he had been the principal author, had been based on 17 secret documents which had been obtained by a third party from Mobil's South African and Southern Rhodesian subsidiaries.

84. The Oil Conspiracy explained how most or all of the oil which Southern Rhodesia had obtained since its unilateral declaration of independence had been deliberately supplied in defiance of United Nations sanctions by the South African subsidiaries of Mobil, Caltex, Total, Shell and British Petroleum (BP). The South African subsidiaries of those five oil companies had not been selling the oil directly to Southern Rhodesia. They had sold it via other intermediary companies in South Africa, which were not oil companies themselves. Mobil had called the scheme a "paper-chase". Its purpose had been to minimize the chances that the role of the five oil companies would be detected. Under the scheme, the South African

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subsidiaries of the five oil companies would sell oil products to a South African company, knowing that the oil would then be passed on to other intermediary companies, which would eventually sell it to the required recipient in Southern Rhodesia. Thus, the South African subsidiaries of the five oil companies could always claim that they had made no sales to Southern Rhodesia, although indirectly they had in fact been providing most of its needs. Even if it had somehow been discovered that certain oil products had found their way to Southern Rhodesia from the South African refineries owned by the five oil companies, the scheme would still have been safe - as long as nobody could have proved that there had been any intention on the part of the oil companies for their products to reach Southern Rhodesia. But the documents reproduced in The Oil Conspiracy revealed that it had indeed been their intention that the oil should reach Southern Rhodesia.

85. The Oil Conspiracy had concluded, first, that the South African subsidiaries of the five Western oil companies had, via intermediaries, provided virtually all of Southern Rhodesia's oil requirements since the unilateral declaration of independence; second, that until 1976, when Mozambique had closed its border with Southern Rhodesia, most of the oil had gone from South Africa to Mozambique by sea and then by rail to Southern Rhodesia and that, since the border had been closed, most of it had gone by road and rail directly from South Africa to Southern Rhodesia; and third, that the involvement of the South African subsidiaries of the five oil companies had been deliberate and conscious and that in no sense had they been unwittingly selling to South African companies without realizing that those companies were reselling to Southern Rhodesia.

86. The information contained in The Oil Conspiracy applied mostly to the period prior to the closure of Mozambique's border with Southern Rhodesia in March 1976. Since then, the Haslemere Group had acquired considerable further information which applied to 1977 and was of the greatest importance. He had communicated that information privately to the Security Council Committee on sanctions on 20 October 1977 and now wished to release the information publicly, albeit in a much condensed form.

87. The main facts were, first, that the South African subsidiaries of all five of the oil companies concerned, Shell British Petroleum, Total, Mobil and Caltex, were still supplying oil to Southern Rhodesia. Secondly, on paper the South African subsidiaries of the five Western oil companies might well, as before, be selling the oil to Southern Rhodesia via intermediary South African companies. In physical terms, however, the supply operation was more blatant. Much of the oil was being transported by the oil companies to a storage depot at Messina, 10 miles south of the Southern Rhodesia-South Africa border. It was then sent across the Beit Bridge border point into Southern Rhodesia by road and rail by all five of the oil companies. In the case of road transport, the oil was carried in unmarked trucks often belonging to the oil companies themselves; there was a secret colour-coding system, under which the Mobil trucks were grey, the Total trucks were beige, and so on. Thirdly, the five Western oil companies in South Africa co-operated extremely closely on many matters. On the last Thursday of each month they came together in what was known as an "Industry Meeting", at which they discussed

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matters of mutual concern including the sale of oil to Southern Rhodesia. Those meetings were presided over by the South African subsidiary of British Petroleum. Fourthly, in the case of at least one of the five oil companies, and probably several of them, the parent company had for some time been kept fully informed of the way in which its South African subsidiary supplied Southern Rhodesia. Fifthly, ships belonging to one or more of the parent oil companies sometimes carried crude oil to South Africa. The oil was purchased from certain Middle East countries which were members of OPEC and which had in recent years attempted to enforce an oil embargo against South Africa. Indeed, some of the documents relating to those sales of oil to South Africa actually had printed on them in large letters the words "Not for delivery to South Africa", or some similar expression. Clearly, one or more of the parent oil companies were deliberately undermining the stated policy of various Middle Eastern members of OPEC, by not informing those countries that their oil was being taken to South Africa.

88. It was clear that the scheme under which the South African subsidiaries of the five Western oil companies supplied Southern Rhodesia continued to operate as smoothly as ever, and that the conspiracy which existed between those companies and the South African Government to keep the flow going was even more explicit than had hitherto been thought to be the case.

89. None of the oil companies concerned had ever denied the allegations first made in The Oil Conspiracy, let alone disproved them. The parent companies had instead claimed that they could not discover whether the allegations were valid. They claimed that South African legislation made it impossible for the parent companies to find out if their South African subsidiaries were providing oil for the Smith régime, or to stop it if it was happening. By those arguments, they were in effect saying that they had lost control of their subsidiaries, even though they still received the profits from their operations. Clearly, any Western-owned company in South Africa served two masters - its parent company, and the South African Government. When the policies of the two masters diverged, it would appear, from the stand taken by the oil companies, that the South African Government had its way. That point should be given serious consideration by those who still believed that Western companies could be a strong influence for progress within South Africa.

90. One of the most remarkable aspects of the whole story was the fact that when oil was supplied to Southern Rhodesia by the South African subsidiaries of Western oil companies, no national law was being broken. The South African subsidiaries were answerable to South African law, which did not prohibit trade with Southern Rhodesia. United Nations sanctions resolutions were currently constructed in such a way as to mean that Member States were not obliged to make parent companies legally liable for any sanctions-breaking activities by their South African subsidiaries, even when those subsidiaries were wholly owned by them.

91. A number of extremely important revelations and political developments had taken place since the publication of The Oil Conspiracy. First, the United Kingdom-based multinational corporation Lonrho had revealed that it, too, had gathered considerable evidence confirming and amplifying the allegations made in The Oil

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Conspiracy. That evidence, most of which was as yet unpublished, formed the basis of a breach-of-contract lawsuit which Lonrho had filed against the five oil companies. Secondly, the Zambian Government had instituted its own lawsuit against the five oil companies. It was claiming damages of some \$6.4 billion, possibly a world record figure. The oil companies were accused, among other things, of having deprived Zambia of oil in the mid-1960s so as to build up stocks in Southern Rhodesia and had thus damaged Zambia's economy. Thirdly, the United Kingdom Government had established an official inquiry to investigate the allegations, first made in The Oil Conspiracy, that Shell and British Petroleum (the United Kingdom's two largest oil companies) had been involved in supplying oil to Southern Rhodesia. Fourthly, the five oil companies and the Governments of the countries in which they were based (the United States, the United Kingdom, France and the Netherlands) had been strongly criticized in several intergovernmental conferences during 1977. Those conferences included the summit meeting of OAU, the Commonwealth Conference, the Afro-Arab summit meeting, and the United Nations Conference at Maputo. Finally, the Organization of African Unity was sending a seven-nation ministerial mission to OPEC countries asking them to seek to ensure that their oil was not supplied to Southern Rhodesia or South Africa.

92. The oil which had been imported by the Smith régime had been the key ingredient which had enabled that régime to defy the world for 12 years. The oil had not only provided the life-blood for the régime's economy; it had also fuelled the jets, the helicopters and the armoured cars which had just invaded Mozambique. That oil had been provided, via South African subsidiaries, by oil companies based in the United Kingdom, the United States, France and the Netherlands. Virtually all of the information which had been obtained and published concerning the flow of oil had been unearthed by a few individuals working for non-governmental organizations which sought to support the struggle for liberation of the people of Zimbabwe. He was forced to ask why that crucial information had not emerged until those few individuals had started investigating, and what had happened to the information-gathering services of those very Western countries in which the oil companies were based. Had they investigated that key issue, and, if not, why not?

93. Furthermore, he wondered why the Western Governments in question had done nothing to stop the flow of oil during the 17 months since the facts had first been published. The first reason given for the delay had been that those Governments had had to carry out their own inquiries. They had now had over a year for such inquiries, which should surely be sufficient. Then they had said that no action should be taken against South Africa or the oil companies while the "delicate negotiations" involved in the Anglo-American settlement initiative had been taking place. The logic of that particular argument was doubtful and, even if it could be accepted for the time being, it must surely be agreed by all that the Anglo-American initiative had failed. Ian Smith had made that perfectly clear in his statement reported in the press on Friday, 25 November. It was, therefore, a particularly appropriate moment to recall the words used before the Committee on 28 October 1977 by the representative of the United States. Explaining why the United States had not at that time supported renewed international pressure on the Smith régime, the representative had said that if the negotiations stalled

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or failed, that would be the time for an increase in pressure on the Smith régime and that the United States would then be prepared to take those steps and participate in those measures which might be necessary to secure the full co-operation by all parties in the implementation of the settlement proposal (A/C.4/32/SR.9, para. 39). The United States representative had not specified what those "steps" and "measures" might be. It was to be hoped that members of the Committee would find out during the course of the current debate.

94. In that context, it was also of interest to refer to the statement made by the Minister for Foreign Affairs of Zambia in the General Assembly on 10 October 1977 (A/32/PV.27), in which he had said:

"Our question to the United Kingdom and the United States is, therefore, simply this: what decisive action are the two countries and their Western allies willing and ready to take if Smith and his henchmen refuse to give up power as envisaged in the proposals? The /United Kingdom/ white paper is silent on this vital question ... One thing we are sure of: /Smith/ will procrastinate and prevaricate. Indeed, Smith's trick in this, as always, will be to buy time, and thus to perpetuate his illegal régime.

"The success of the Anglo-American proposals will depend on the willingness of the United States and the United Kingdom to take decisive enforcement measures. We urge them, together with their Western allies, to seal off the oil lines in order to immobilize both the military and civil machines which have sustained the Smith régime this long. The Western multinational oil companies must be prevented from continuing their oil supplies to South Africa, directly or indirectly."

95. In brief, then, the situation facing the United Nations as 1977 approached its end was the following: after over a decade of inaction, and possibly of ignorance, the United Kingdom, the United States and their Western allies now know how oil reached the Smith régime; they knew that without that oil, the régime was finished; they must surely accept that the Anglo-American initiative had failed; they knew that they had promised substantial action against Smith and Vorster in the event of such a failure; and they knew that if they still did nothing, particularly with regard to the flow of oil, then the rest of the world might well conclude that they were simply too fearful of alienating the oil companies and harming their economic interests in South Africa.

96. What measures, then, should those Western nations take if and when they decided to halt the flow of oil? The answer was clear. They should support two proposals referred to in an interim report released on 18 November 1977 by the Security Council Committee on sanctions (S/12450). The first proposal, which had been put forward by India and was aimed at ensuring that oil sold by the South African subsidiaries of Western oil companies did not find its way to Southern Rhodesia, was that the Security Council, acting under Chapter VII of the United Nations Charter, should decide that all Member States should extend their national sanctions legislation so that it applied not just to the parent oil companies but also to the South African subsidiaries of those companies and rendered the parent companies legally liable for any sanctions-breaking activities by those subsidiaries. The second proposal, put forward by Benin, was that the Security

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Council should impose an oil embargo against South Africa until the South African Government provided reliable and verifiable guarantees that oil was no longer being passed on to Southern Rhodesia.

97. The two proposals were virtually identical to those recommended on 19 October 1977 by the Commonwealth Committee on Southern Africa, of which all Commonwealth countries were members. According to press reports, certain reservations had been made by the United Kingdom with regard to the first proposal, but the second proposal had been supported by every Commonwealth country. The fact that the United Kingdom had supported that proposal had hardly been noticed at the United Nations, despite its very considerable significance.

98. At first sight it might appear that either proposal on its own would be sufficient to stop oil from reaching Southern Rhodesia via South Africa. For various technical reasons, however, it would be most effective to implement both proposals. On 20 October 1977, when appearing for the second time before the Security Council Committee on sanctions, he had given a relatively detailed analysis of the two proposals. Copies of his statement could be provided.

99. When those proposals had been debated in the Security Council Committee on sanctions, they had received considerable support from the non-Western members of the Committee, but the five Western members had not taken a position either for or against them. According to The New York Times of 23 November 1977, the five Western countries had felt that the time had not been right to vote on such an extension of sanctions, because of the ongoing Anglo-American settlement initiative. He agreed with the view of those who had said that there was no inherent logic in that argument. Furthermore, the Security Council had earlier resolved, in resolution 409 (1977), that it would meet not later than 11 November 1977 to consider the application of further mandatory sanctions against Southern Rhodesia. That meeting had not yet taken place. Now that Ian Smith had apparently sabotaged the Anglo-American settlement initiative, the Western countries' arguments for delaying action over further sanctions no longer seemed to apply.

100. There had been press reports suggesting that the Security Council would meet during the month of December to discuss the interim report of the Security Council Committee on sanctions. The five Western members might yet again seek to delay action by urging the Council to do little more than note the existence of the report. Time alone would tell.

101. In conclusion, he said that, if sanctions against Southern Rhodesia were ever to have any meaning, the South African loop-hole that he had described must be sealed by the Security Council. If the West decided to oppose such action, then sanctions against Southern Rhodesia would never be as effective as they could and should be; they would be like the balloon with the hole in its side. The coming weeks, and the expected Security Council debate on sanctions, could well be decisive. At stake was not only the question of whether the minority white régime was to be forced to give up its illegal political and military power; at stake also was the whole future credibility of firm non-military action by the Security Council acting under Chapter VII of the United Nations Charter.

102. Mr. Rivers withdrew.

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103. Mr. ESFANDIARY (Iran), speaking in exercise of the right of reply, said that his delegation reserved the right to reply at a later stage to the allegations made by the petitioner from the Haslemere Group that Iran was involved in the supply of oil to South Africa.

104. Mr. SEKYI (Ghana) proposed that the statements made by the representative of the Popular Front, the petitioner from the International League for Human Rights and the petitioner from the Haslemere Group should be reproduced in full in the record of the meeting.

105. Mr. BENTINCK (Netherlands) supported that proposal and proposed further that the statement made by the United Kingdom representative should also be reproduced in extenso in the record of the meeting.

106. The CHAIRMAN reminded the Committee of the financial implications of the proposals, and said that if he heard no objection, he would take it that the Committee agreed to those proposals.

107. It was so decided.

REQUESTS FOR HEARINGS

108. The CHAIRMAN informed the Committee that he had received two communications containing requests for hearings concerning Southern Rhodesia. He suggested that, in accordance with the usual practice, they should be circulated as Committee documents and considered at a subsequent meeting.

The meeting rose at 1.20 p.m.