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Chairman: Mr. Guillermo FLORES AVENDAÑO
(Guatemala).

AGENDA ITEM 56

Question of Southern Rhodesia: report of the Special Committee established under General Assembly resolution 1654 (XVI) (A/5238, chap. II; A/C.4/560, A/C.4/561, A/C.4/564, A/C.4/565) (continued)

GENERAL DEBATE (continued)

1. Mr. CUEVAS CANCINO (Mexico) considered that in the question of Southern Rhodesia the fundamental problem related to the responsibility of the United Kingdom. Hitherto, the administering Power had claimed that it lacked the legal capacity to intervene and had cited as a pretext the competence of the Southern Rhodesian Government, the powers vested in the Federation of Rhodesia and Nyasaland, the autonomous character of the colony, the independence of its courts and the practice of the past forty years. In the face of so complex a situation, the members of the Committee must either admit that the British system of public law was such that only an expert could possibly understand it, or else invoke the provisions of General Assembly resolution 1654 (XVI) and affirm the competence of the United Nations to deal with a Non-Self-Governing Territory.

2. One of the main problems in international affairs was to determine to what extent the domestic activities of a State affected the international community. In that connexion, he pointed out that the problem was not restricted to the purely colonial context; for example, the United Nations was concerning itself with the policy of apartheid in South Africa. The community of nations was obliged to take violations of an international character into account and to consider on what basis it should judge them, for certain acts of States, by reason of their very importance, were felt beyond the national boundaries. From that point of view, the problem raised by the situation in Southern Rhodesia made it imperative that the United Nations should define its attitude.

3. The United Nations was an organization of sovereign States, and it was inconceivable that it should take on a supranational character. All States had not

only the right but indeed the obligation to solve their domestic problems and to determine whether they wished to receive assistance from the community of nations. There were, however, limits beyond which the domestic administration of States could not go: on matters which, as opposed to those covered by Article 2, paragraph 7, of the Charter, affected the international community, States were prohibited from acting. In the opinion of his delegation, Article 74 of the Charter implied the acceptance of certain obligations, and the fact of membership of the United Nations imposed on any Member State the obligation to avoid prejudicing the interests of the other Member States. If that principle was disregarded, co-existence between States inevitably became fraught with complications.

4. Before the United Nations Charter had come into being, racial discrimination and the refusal to grant political rights to a majority of the population had been considered to be domestic issues with which the Governments concerned, and only those Governments, were competent to deal. Now, however, in view of the obligations assumed under the Charter, such acts were deemed to be violations of human rights. It followed that acts by a State which might constitute violations of its international obligations should be judged by the United Nations in the light of the provisions of the Charter.

5. If those general principles were applied to the case of Southern Rhodesia, it became clear that there was no reason to become entangled in the web of pragmatic principles which the United Kingdom affirmed, but that, on the contrary, the answer lay in the United Kingdom Government's obligation to prevent the establishment in Southern Rhodesia of a régime contrary to the purposes and principles of the United Nations, and that Government should be called upon to account for the manner in which it had fulfilled the obligations that it had assumed since 1945 in respect of that Territory. It was a fact that the United Kingdom Government had never relinquished the conduct of Southern Rhodesia's external affairs; it continued to represent the interests of Southern Rhodesia and to assume and execute that country's international obligations. The Constitutions of Southern Rhodesia and of the Federation certainly implied that the fulfilment of those obligations was to a considerable extent entrusted to the Governments of the Territories composing the Federation, but that was merely an internal convention, whereas at the international level, the main, if not the sole, responsibility rested with the United Kingdom. As an example, he referred to the Agreement concluded in November 1954 between the United Kingdom Government and the Portuguese Government concerning the adjustment of frontiers in the Lake Nyasa region. It appeared from that Agreement that if the inhabitants of Southern Rhodesia violated the new frontiers, the Portuguese Government would inform the Foreign Office direct—

not the Prime Minister of Southern Rhodesia. He doubted whether in such a case the United Kingdom Government would take refuge in the argument that Southern Rhodesia was self-governing. His delegation considered that in that respect there was no difference between the obligations laid down in the Charter and those arising from the Anglo-Portuguese Agreement of 1954. It followed that the United Kingdom Government was not justified in holding that the United Nations lacked jurisdiction and in adducing the argument of Southern Rhodesia's self-governing status in order to justify the violation of a multilateral treaty to which it was a party.

6. The United Nations was therefore basing itself on a concrete obligation, namely, the obligation to respect the international norms to the validity of which the United Kingdom Government had subscribed. That obligation was indubitably of an international character, as was clearly stated in principle III of General Assembly resolution 1541 (XV). The Mexican delegation consequently considered that the argument based on the self-governing status of the Southern Rhodesian Government was not valid and that the responsibility of the United Kingdom Government was undeniable and manifest.

7. Since the United Kingdom had thus been shown to be under an international obligation, it was incumbent on the United Kingdom Government to take the necessary steps to ensure that the decisions taken by the organs of the United Nations in pursuance of Article 73 of the Charter were implemented in Southern Rhodesia. His delegation was of the opinion, however, that the administering Power should be allowed the utmost freedom in determining the steps to be taken to put those resolutions into effect. The aim was to achieve the elimination of all types of racial discrimination and other practices stemming from an outmoded colonialism, while leaving the United Kingdom the widest possible latitude, within the framework of the provisions of the Charter, to correct a harmful situation and bring it into conformity with the current evolution of mankind.

8. The Mexican delegation would be prepared to support moderate resolutions which, while modifying as little as possible the traditions that the United Kingdom so scrupulously observed, would nevertheless ensure that the decisions of the General Assembly were implemented. To allow the administering Power such freedom of action would not be a sign of weakness, but rather the reverse, and he hoped that the United Kingdom would live up to its liberal traditions and do its utmost to bring about the full acceptance by Southern Rhodesia of the principles of self-determination and independence.

9. Mr. GREN (Union of Soviet Socialist Republics) observed that the attitude taken by the Soviet Union in discussing colonial questions was always based on principle, and that in putting forward its views, the Soviet Union had no intention of starting a quarrel with any Power, for example, with the United Kingdom. The foreign policy of the Soviet Union was founded upon definite principles by which his delegation was guided in seeking solutions to the questions on the agenda.

10. The Committee had heard a great many petitioners. Some of them, who were genuine representatives of the indigenous population, had drawn a tragic picture of the situation and submitted a well-con-

sidered programme designed to remedy it; the Committee had seen that they were determined to defend the legitimate aspirations of the people they represented and that they deserved its respect and gratitude. The other group of petitioners, on the other hand, had obviously come not to seek the support of the United Nations but, as the representative of Congo (Leopoldville) had rightly pointed out, as agents of the Government of Southern Rhodesia and upholders of the racist doctrine of white domination. Their own evidence had confirmed how urgent it was for the United Nations to take action to satisfy the legitimate claims of the population of Southern Rhodesia.

11. The situation in the Territory, which had been examined three times by the General Assembly and by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, established under resolution 1654 (XVI), remained very tense and threatened not only the existence of the indigenous population but the peace and security of the whole of Africa. Despite the resolutions of the General Assembly, the United Kingdom had taken no steps to ensure the immediate application to Southern Rhodesia of the Declaration on the granting of independence to colonial countries and peoples. On the contrary, it had secured the adoption by the so-called Parliament of Southern Rhodesia of laws which had made it possible to launch an open offensive for the purpose of liquidating the nationalist forces of the Territory and crushing the liberation movement. Those laws had been the signal for the outbreak of a veritable colonial war similar to those in Algeria, Kenya, Angola and Mozambique. After banning the Zimbabwe African Peoples Union (ZAPU) and arresting a great number of patriots, the racist Government of Southern Rhodesia, aided and abetted by the United Kingdom, was disregarding the United Nations resolutions and endeavouring to maintain its reign of terror with the help of bayonets.

12. Arbitrary rule, exploitation and racial discrimination were rife in Southern Rhodesia. The indigenous population had no political rights; out of 3,600,000 Africans, only 2,000 had the right to vote and there was not one single indigenous representative in either the Rhodesian Parliament or the Government. There were various discriminatory laws which deprived the population of the most elementary rights, and racial discrimination was to be found in every aspect of life. Education was free and compulsory for Europeans; for Africans it was optional and had to be paid for and they had no opportunity of obtaining secondary or higher education. In the economic field the position of the indigenous inhabitants was extremely difficult; 53 per cent of the best land was monopolized by the colonialists, who thus owned 111.2 hectares per head as compared with only 6.8 hectares of land, much of it infertile, owned by Africans. No African could buy or rent land in the areas inhabited by Europeans; owing to that fact, together with over-population and lack of equipment, the people in the Native reserves were unable to produce even the minimum they needed. There was discrimination also in the matter of wages; the monthly wage of an African was fifteen to twenty times less than that of a European. At the same time international monopolies continued pitilessly to exploit the population and the wealth of Southern Rhodesia and they were seeking to maintain their position. He

cited a number of such monopolies and added that their interests were a decisive factor in the policy of the United Kingdom with regard to Southern Rhodesia.

13. That was not all, however. The racialists of Southern Rhodesia were trying to establish a common front with the Portuguese racialists in order to preserve white domination in that part of Africa. They hoped that by establishing a confederation they would be able to increase the influx of white settlers into the area, so as to build a sort of barrier against the decolonization of southern Africa. The plan to establish a military base of the North Atlantic Treaty Organization (NATO) near Salisbury also deserved the attention of the General Assembly. The African countries, supported by the socialist and other peace-loving countries, desired on the contrary that Africa should become an atom-free zone. The Government of Southern Rhodesia was not isolated in its activities; they formed part of the general plan of the colonialist Powers, who were using NATO as an instrument of their policy in Africa and, with the help of British, American and other monopolies, were in fact pursuing one single end—the preservation and even the extension of their domination.

14. In seeking to find a practical solution of the problems which faced it, the Committee should bear in mind the correlation of the phenomena accompanying the liquidation of colonialism. The representatives of the colonialist Powers disguised their determination to pillage the colonies under fine words about morality and humanitarianism. They should be judged not by those words but by their actions. It was clear that without the support of the colonialist Powers the Government of Southern Rhodesia would be unable for long to resist the pressure of the national liberation movement.

15. In the opinion of the USSR delegation the situation in Southern Rhodesia was critical and the interests not only of the indigenous population but of other African peoples were threatened. The efforts of the United Kingdom to maintain its domination in Southern Rhodesia must be brought to an end once and for all, and all States Members of the United Nations should force it to implement the provisions of the Declaration on the granting of independence to colonial countries and peoples in that Territory and to grant the legitimate demands of the African population at the earliest possible date. Unless the United Nations took vigorous action the colonialists would succeed in carrying out their plans, which imperilled the peace and independence of peoples. Hence it was essential that the General Assembly should first require the United Kingdom to raise the ban on the African political parties, abrogate the discriminatory laws which violated the rights of the indigenous population, secure the immediate and unconditional liberation of Mr. Nkomo, the President of ZAPU, and of the other political leaders who were under detention and implement without delay General Assembly resolution 1747 (XVI), which called for the abrogation of the 1961 Constitution and the formulation of a new constitution guaranteeing the transfer of power to the indigenous population on the basis of "one man, one vote".

16. For the implementation of the General Assembly Declaration in Southern Rhodesia, general elections on the basis of universal suffrage must be held with a view to the establishment of national institutions to which all power would be transferred without delay and an independent African State of Zimbabwe must

be set up. Since it was impossible to rely upon the colonial authorities for the strict implementation of the United Nations resolutions, the USSR delegation considered that the United Nations should send a group of observers from African countries to Southern Rhodesia to supervise the preparation and holding of the elections and the implementation of the General Assembly resolutions. That task might reasonably be entrusted to the Special Committee established under General Assembly resolution 1654 (XVI). The question of Southern Rhodesia should remain on the agenda of the seventeenth session of the General Assembly and the Committee should resume its consideration of the question in the light of the information provided by the group of observers with regard to the implementation of the decisions of the General Assembly.

17. Mr. BIYOU DI (Congo, Brazzaville) said that the Special Committee's report on Southern Rhodesia (A/5238, chap. II), as also the statements of the petitioners, had acquainted the Fourth Committee with the explosive situation in Southern Rhodesia, and the Congolese delegation thought it essential that the oppressed people of the Territory should be supported in their struggle.

18. The Congolese delegation repudiated the assertions of the United Kingdom that Southern Rhodesia was self-governing, since the African population had not taken part in the 1923 referendum, and it denounced the 1961 Constitution, which it regarded as a means of preventing the expression of the aspirations of the African people and transforming Southern Rhodesia into another South Africa. His delegation also repudiated the alleged reasons for the banning of ZAPU and the detention of its leaders. The indigenous population rightly refused to be handed over to the white minority; they demanded freedom and the right to govern themselves. The white settlers were trying to preserve their interests and to impose on the country a mediaeval system which could not endure, for no one could stop the wind of freedom which was sweeping over Africa. The Congolese delegation therefore appealed to the United Kingdom, which was still responsible for Southern Rhodesia, to use its influence and experience to persuade those who were deafened by copper and blinded by gold to see reason. It whole-heartedly supported those Rhodesians who were struggling for liberty and in particular paid a tribute to Mr. Nkomo and his comrades, who had been deprived of their freedom.

19. Several delegations had asked ZAPU not to resort to violence in its struggle for independence, and the replies of the petitioners representing that party had been reassuring. However, it was in the first place for the United Kingdom to prevent a catastrophe by bringing about the formulation of a new constitution which would give the majority of the population its due share of influence. It was no longer tolerable that a handful of white settlers should tyrannize more than 3 million Rhodesians and should own 50 per cent of the land; it was intolerable that the electoral regulations should give less than 5 per cent of the adult African population the right to vote and that a minority of Whites should arm themselves to the teeth against a people which asked only to be allowed to live in peace. The United Kingdom still possessed a moral and legal right to intervene in Southern Rhodesia, and it had a duty to take a firm stand in support of the Africans. The United Kingdom, which had

shown itself ready to give men freedom, could not but give freedom to Southern Rhodesia and to the tiny fraction of the people of its former empire who were still under the colonial yoke. One petitioner had quoted the words of an old African woman who had said that although the white settlers were unjust, the Africans knew that they had in England a Queen who was just and who would return their liberty to them. The Congolese delegation endorsed those words, which were in the nature of an appeal, and it dared to hope that that appeal would be heard by the United Kingdom and by those who were stubbornly trying to maintain the supremacy of the minority by all means.

20. The Congolese delegation rejected the arguments of the petitioners of the multiracial group and gave its support to the pleas of the nationalist petitioners, who had proved to the Committee that there were Africans in Southern Rhodesia capable of taking over the reins of government. The United Nations must find a solution which would satisfy the aspirations of the Rhodesian people, the ban on ZAPU must be lifted, and the United Kingdom must restore political rights to the majority. His delegation would support any reasonable decision on the question of Southern Rhodesia.

21. Mr. DORSINVILLE (Haiti) said that his delegation, which had always taken a keen interest in colonial matters, had given careful attention to the problem of Southern Rhodesia. It was a sign of the times that it had been possible for the destiny of a Non-Self-Governing Territory to be considered by the Committee as a result of the pressure of the African-Asian group, which included so many States devoted to the cause of decolonization. It was good that that should be so and that heed was now being given to the warnings repeatedly uttered in the past by older Member States which had also thrown off the colonial yoke and whose opinions too often had tended to be neglected.

22. The Haitian delegation had already had occasion to recall a situation in 1955 which had been similar to that with which the Committee was now faced after hearing the petitioners. A multiracial group of petitioners from Tanganyika had claimed at the Trusteeship Council's fifteenth session that there could be no question for a long time—at any rate, not for some twenty-five years—of the 8 million indigenous inhabitants of Tanganyika taking the conduct of their affairs into their own hands. In the case of Southern Rhodesia, one of the European petitioners had spoken of fifteen years. The multiracial group from Tanganyika had claimed that no privileges existed in that Territory. The Southern Rhodesian group had not dared to go so far; it had even acknowledged that a party of the extreme right, the Rhodesian Front, was even less conciliatory than the United Federal Party, but it had asked for patience and for acceptance of the 1961 Constitution, which deprived the United Kingdom of the possibility of intervening. In addition, it had represented as a great concession the granting of fifteen seats to an indigenous population of 3.5 million. The European petitioners, who had represented themselves as liberals, accepted that Constitution, which would ensure the perpetuation of European domination and would permit them, as members of the Assembly that would emerge from elections held at a time when the most important nationalist party was proscribed, to tell the indigenous inhabitants that the European extremists could be persuaded to

release their grip only gradually. The European petitioners should be told that the moment had come for Africans to be given their place in the sun and that they should join the Africans in telling the European minority that the time for intimidation had passed. Only then would it be possible to believe in their sincerity.

23. It was distressing for the Haitian delegation to see 3.5 million men denied the right to govern their own affairs and to see the economic interests of one class given priority over the inalienable rights of the indigenous peoples. It was not the first time the claim was being made that the transfer of political power would lead to chaos. The question was who would be responsible for that chaos. The Haitian delegation considered that the policy now being followed by the Southern Rhodesian Government would be primarily responsible for any catastrophe which might ensue.

24. Other petitioners opposed to the multiracial group—whose members the Haitian delegation regarded as the representatives of interests linked with the authorities and as defenders of a policy which was the negation of democracy and was incompatible with the Charter—had fortunately made short work of that group's allegations. It was the duty of the United Nations to call upon the Power which was still answerable to it to intervene while there was yet time in order to ensure the political, economic, social and educational advancement of the indigenous population, their just treatment and their protection against abuses. Article 73 of the Charter invited the administering Power to develop self-government and to assist the peoples in the progressive development of their free political institutions. It was impossible to conclude, after what had been said by the petitioners of the multiracial group as well as by the representatives of the nationalist parties, that those requirements of the Charter had been observed; on the contrary, the ruling class had been allowed to try to perpetuate its privileges by preparing for elections which, by means of a unique electoral system, were so devised that they would serve the exclusive interests of the privileged class.

25. It was fallacious to argue that the United Kingdom could not intervene in the internal affairs of the Territory. Although under the 1961 Constitution, it had certainly shown a desire to abandon certain of its privileges and its rights, there was reason to ask what was the validity of constitutional clauses that were in opposition to obligations set forth in the Charter. The task of the United Kingdom had not yet been completed. In the view of the delegation of Haiti, the United Kingdom's responsibilities before the United Nations were in no way ended by the 1961 Constitution, because that instrument sanctioned abuses which were in violation of the Charter and of the non-self-governing status of Southern Rhodesia as affirmed by resolution 1747 (XVI) of 28 June 1962.

26. The subjection of 3.5 million inhabitants to a European minority could no longer be tolerated, and the General Assembly could not remain indifferent to the perpetuation of racial distinctions. It must renew its recommendations of June 1962 in order to prevent an aggravation of the iniquitous political measures taken against the indigenous population of Southern Rhodesia.

27. Mr. PUREVJAL (Mongolia) said that the situation in Southern Rhodesia was the result of the colonialist policies of the United Kingdom Government, which was attempting to evade the implementation of the Declaration on the granting of independence to colonial countries and peoples. To perpetuate their domination of Africa, the United Kingdom colonizers had created the so-called Federation of Rhodesia and Nyasaland, against the wishes of the indigenous population. The Africans were opposed to the Federation, which was based on white domination, and they were struggling for the independence of the Rhodesias and of Nyasaland. However, the governing circles in the United Kingdom were unwilling to heed the legitimate aspirations of the Africans; they were anxious to establish in the heart of Africa a racialist State similar to South Africa where the most reactionary elements would be in control. It was well known that the policies of Sir Roy Welensky and of Sir Edgar Whitehead were those of the ruling circles in the United Kingdom. In Southern Rhodesia, 3.6 million Africans enjoyed no rights and were subjected to discrimination in every sphere of social life. The petitioners representing ZAPU had described the oppression suffered by the African population. The 1961 Constitution prevented the overwhelming majority of the people from taking part in the government of the country.

28. The Special Committee established under General Assembly resolution 1654 (XVI) had decided that Southern Rhodesia was still a United Kingdom colony. In June 1962, the General Assembly, after examining that Committee's report (A/5124), had rejected the United Kingdom's assertion that Southern Rhodesia was a self-governing territory and had unmasked the manoeuvres of the colonialists who were striving to perpetuate the rule of 250,000 Whites over 3.6 million Africans by means of a Constitution which the Africans rejected. By resolution 1747 (XVI) of 28 June 1962, the General Assembly had requested the United Kingdom Government to undertake the convening of a constitutional conference in which there would be full participation of representatives of all political parties for the purpose of formulating a constitution which would ensure the rights of the majority of the people, to repeal all laws which sanctioned discrimination and to restore freedom of political activity.

29. Although several months had already elapsed, the United Kingdom Government had done nothing to implement resolution 1747 (XVI), and the Rhodesian authorities were intensifying their attacks on the African population. They had recently banned ZAPU and carried out mass arrests of that party's leaders and active members. On 29 August 1962 The New York Times had stated that were Mr. Nkomo's party to be banned once again, no African national movement could be born from its ashes. The Mongolian delegation was therefore pleased that the General Assembly had drawn the attention of world public opinion to such a grave situation and that, on the initiative of the African-Asian countries, it had adopted resolution 1755 (XVII) calling for an end to high-handed actions. The General Assembly had rightly requested the United Kingdom Government to inform it regarding the implementation of the resolution.

30. Efforts were none the less being made in certain quarters to give credence to the argument that Southern Rhodesia was no longer the concern of the United

Kingdom Government, which, if such quarters were to be believed, was no longer able to control the situation in that Territory. The United Kingdom was seeking to evade a responsibility to the United Nations which, however, had been recognized by some of that country's own representatives. Thus, on 27 February 1962, Sir Hugh Foot had stated in the Special Committee (2nd meeting) that no one had ever disputed that the administering Powers were responsible for the countries under their administration. The Mongolian delegation hoped that the States members of the Commonwealth would use their influence with the United Kingdom so that the latter would enforce United Nations decisions and satisfy the legitimate aspirations of the indigenous inhabitants. According to Article 73 of the Charter, the States Members of the United Nations which administered Non-Self-Governing Territories recognized the principle that the interests of the inhabitants of those Territories were paramount and accepted as a sacred trust the obligation to develop self-government and to take due account of their political aspirations. The United Kingdom policy towards Southern Rhodesia ran counter to the provisions of that Article and to the Declaration on the granting of independence to colonial countries and peoples.

31. It was clear that the United Kingdom policy was determined in the first place by the interests of the United Kingdom monopolies exploiting the wealth of Southern Rhodesia. The statements by the ZAPU petitioners had been instructive in that respect. They had also demonstrated that the colonialist régime in Southern Rhodesia was maintained solely by violence and terror and that both the Federal and the Territorial authorities were strengthening their military might with a view to crushing the African movement for national liberation. The high-handed actions of the Rhodesian authorities and their protectors in London thus created a situation fraught with serious consequences not only for Southern Rhodesia but for Africa as a whole, as had been rightly stressed in resolution 1755 (XVII).

32. The Mongolian delegation, which had been one of the initiators of resolution 1747 (XVI), denounced the criminal attitude of the Southern Rhodesia colonialists and gave its whole-hearted support to the struggle being waged by the oppressed African people for their freedom and independence. Since the United Kingdom Government was not heeding the provisions of that resolution, the General Assembly should take effective steps to ensure that the United Kingdom did take the necessary action to give effect to the resolutions concerning Southern Rhodesia. It would be helpful in that regard if the General Assembly kept the question of Southern Rhodesia on its agenda and instructed the Special Committee to set up a sub-committee to study the implementation of United Nations decisions on the spot.

33. The Mongolian delegation would support any constructive proposal designed to give effect to the legitimate aspirations of the African people in the Territory. It was of the opinion that the United Kingdom Government should satisfy the demands of the Africans in Southern Rhodesia and transfer power to the people of the Territory without delay. To that end it was necessary to repeal the 1961 Constitution, lift the ban on ZAPU and release all its leaders and all political prisoners, convene a constitutional conference at which all African political parties would be

represented, and draw up a new constitution by which all the rights of the African people would be safeguarded. It was also imperative to hold elections in the Territory on a basis of universal suffrage, to transfer all powers to popularly elected organs, to recognize the independence of the Territory and to provide for the economic needs of the indigenous inhabitants. It was only in that manner that the General Assembly resolutions could be carried out and that the African people's aspirations, as expressed in the petitioners' statements, could be satisfied.

34. Mr. AGUIRRE (Uruguay) said that his delegation, which had already spoken on the situation in Southern Rhodesia in the Special Committee (17th meeting) and at the resumed sixteenth session of the General Assembly (1113th plenary meeting), regretted that it had to speak again on the same question in view of the fact that the situation in the Territory, far from having improved after the adoption of resolution 1747 (XVI) on 28 June 1962, had seriously deteriorated. Since that date, the administering Power had failed to take any of the steps requested by the United Nations. For example, the rights of the African population had not been restored, the December 1961 Constitution had not been suspended, and no new constitutional conference had been convened. On the contrary, the administering Power had allowed a further curtailment of the African people's rights, as could be seen from the ban on ZAPU, the restrictions placed on many of its leaders and the recent amendments to the Unlawful Organizations Act and the Law and Order (Maintenance) Act. Furthermore, the Government of Southern Rhodesia was left free to bring forward the election date in order to put the 1961 Constitution into effect all the sooner.

35. The United Kingdom Government claimed that Southern Rhodesia was an independent country and that it had no right to intervene to amend that Territory's legislation. Under the 1923 Constitution, however, the United Kingdom Government had retained reserved powers with regard to the laws affecting the indigenous inhabitants, even though it had never actually made use of its veto power. In any case, after the adoption of General Assembly resolution 1747 (XVI), the United Kingdom could no longer uphold that view. The 1923 Constitution was still in force, and the amendments complained of could not have been adopted had the United Kingdom Government intervened. It had been stated in certain quarters that the United Kingdom Government would not have had the necessary force to impose its point of view upon Southern Rhodesia. In his delegation's opinion, however, it would have been possible for the United Kingdom, even without resort to force, to have brought moral pressure to bear, thereby adding a new chapter to the history of the enfranchisement of peoples to which the United Kingdom had already contributed so much.

36. His delegation had already stated in the General Assembly (1113th plenary meeting) that a sovereign Government should represent a country's population and political organization in their entirety rather than only a fraction of the population. In the event of a transfer of powers, it was to such a sovereign Government that they should be handed over. It was therefore unacceptable that power in Southern Rhodesia should be transferred to a minority which had established a constitutional system designed to protect its privileged situation. Such a transfer of power

could not be regarded as the granting of independence in harmony with the principles of the United Nations Charter.

37. Those who were in favour of the 1961 Constitution and felt that it would, if put into effect, be a means of improving the situation in Southern Rhodesia stressed, in support of their stand, that that instrument embodied a Declaration of Rights. Unfortunately, however, the scope of that Declaration was limited, and the 1961 Constitution did not provide satisfactory safeguards for the representation of the indigenous inhabitants, since the majority of the people of Southern Rhodesia would be represented by a tiny minority in Parliament.

38. The solution lay in applying the provisions of General Assembly resolution 1747 (XVI), which recommended the convening of a new constitutional conference for the purpose of formulating a constitution which would ensure the rights of the majority of the people. The United Kingdom's reserved powers concerning certain laws could have both a moral and a practical effect if they were put to use, but that would be merely an interim solution. The best course was to prevent the application of a Constitution that was opposed by the majority of the people and failed to safeguard democratic rights such as the right to vote and the equality of the electorate. The United Nations must prevent the emergence in Southern Rhodesia of a situation similar to that in South Africa, for the implementation of the 1961 Constitution would result in perpetuating the domination of a white minority over an African majority. His delegation was very concerned at such a prospect, and that was why it urged the United Nations to request the administering Power to enter into negotiations with a view to the drafting of a new constitution.

39. Both in his statement and in his replies to questions before the Committee, the petitioner, Mr. Dumbutshena, one of the representatives of ZAPU, had said that if his party came to power it would recognize the same rights for Europeans remaining in the country as for Zimbabwe citizens. The Uruguayan delegation had been pleased to hear that statement. It had not been impressed by the accusations of violence made against the African nationalists. It knew that recourse to violence was born of repression and was the only possible course left when normal means of expression could no longer be employed. But the majority, once in power, should not persecute the minority, for true democracy meant recognizing not only the rights of the majority but also those of the minority. It was that type of democracy which the Uruguayan delegation hoped to see established in the new countries.

Mr. Nabavi (Iran), Vice-Chairman, took the Chair.

40. Mr. VALENCIA (Ecuador) said that his delegation's position—expressed at the resumed sixteenth session of the General Assembly (1114th plenary meeting) and also in the Fourth Committee (1336th meeting) during the recent discussion which had culminated in the adoption of resolution 1755 (XVII)—had been strengthened by the statements of the petitioners who had appeared before the Committee and by the views expressed in the course of the debate. Given the grave events which had occurred in Southern Rhodesia, his delegation believed it necessary to stress a number of important points.

41. The General Assembly, in its resolution 1747 (XVI), had recognized that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the United Nations Charter. The correctness of that standpoint had been confirmed by the discussions held in the Special Committee and by that Committee's report on the question (A/5124). In those circumstances, the United Kingdom's contention that the Territory was self-governing represented an indefensible position. The United Kingdom, as administering Power, was bound to recognize the primacy of the interests of Southern Rhodesia's indigenous inhabitants, whose welfare it should protect. Moreover, the United Kingdom remained responsible to the United Nations for the Territory's administration, and the right of veto retained by it under the 1923 Constitution of Southern Rhodesia was tantamount to implicit recognition of that responsibility.

42. The anti-democratic Constitution of 6 December 1961 had aggravated the situation in the Territory. A referendum on that Constitution among the African population had shown that 400,000 persons were opposed to it, while a referendum among the white population had produced only 41,000 votes in its favour. That should have convinced the United Kingdom Government of the danger of imposing a constitution which was not accepted by the population, and should have sufficed to bring about United Kingdom intervention with a view to preventing happenings which, if repeated, might endanger the maintenance of peace in Africa.

43. If the 1961 Constitution were implemented, political power might well pass into the hands of the Territory's white minority, to the detriment of the aspirations of the indigenous majority. It was inconceivable that public order would remain undisturbed in the Territory if, out of the sixty-five parliamentary seats contemplated in the 1961 Constitution, fifty went to the European minority and only fifteen to the African majority. It was therefore not surprising that the parties which were truly African and represented the nationalist ideal should urge the population not to register on the electoral rolls; participation by the Africans in a popular vote would, in fact, merely serve to legalize a state of things which those parties considered unjust.

44. In addition, implementation of the 1961 Constitution would set the seal on the policy of racial segregation at present operating in the Territory. For the differences established by that Constitution between various categories of electors were based on nothing else but latent racial segregation. The same was true of the appended laws designed to implement that constitutional system. If the United Nations were to tolerate the entry into force of the 1961 Constitution in Southern Rhodesia, practices reminiscent of apartheid, which was categorically condemned by the international community, would soon appear in the Territory.

45. Thus, in the present state of things, the implementation of the 1961 Constitution would provoke an irresistible reaction from the African population which would endanger peace in the dark continent.

46. The petitioners from the independent multiracial group had asserted that implementation of the 1961 Constitution would in the long run enable the African majority to accede to power. For its part, his dele-

gation did not believe that a Parliament in which the white minority held two thirds of the seats would accept a constitutional reform favourable to the African majority, particularly in view of the fact that the white minority in power enjoyed privileges derived from many years of colonial domination.

47. The white minority's efforts to maintain its domination over the African population had disturbed public order and created an atmosphere of acute bitterness. The Southern Rhodesian Government, far from taking immediate steps to satisfy the majority's legitimate aspirations, had suppressed the opposition parties' freedom of action. The banning of the parties opposed to the policy of Sir Edgar Whitehead's Government showed that he, with the support of the United Kingdom Government, wished to perpetuate the existing situation in defiance of the rights of the African population.

48. The banning of ZAPU could not lead to a restoration of public order. The petitioners from the multiracial group had themselves recognized the importance of that party, which at the present time undeniably represented the nationalist feelings of the African masses so mercilessly exploited for many years. Now that it was banned, ZAPU would be compelled to go underground and resort to violence—its only remaining means of opposing a dictatorial Government which was strengthening its position every day. The latest bloodshed which had occurred in the Territory, the attempts on lives and the arson might conceivably be laid at the door of opposition parties which, persecuted by an implacable Government, were reacting desperately, but that wave of violence had its source in the Government's anti-democratic measures. If those measures remained in force, or if further anti-democratic measures were added to them, the feeling of instability would increase and outrages would multiply.

49. At the root of the present situation was the attitude of the white settlers, who refused to adapt themselves to the new facts of life. Accustomed to privileges of all kinds and to the advantage of a cheap labour force, they were averse to recognizing the rights to which the indigenous population aspired. No one would think of denying the contribution which the white settlers had made to the prosperity of Southern Rhodesia, but that contribution could not justify the continuation of the oppressive colonial system under which the indigenous population was suffering. The only means of safeguarding peace and the common good in Southern Rhodesia was to establish a régime which would grant equal rights to the white settlers and to the African population; such a régime would of course have to guarantee that the white settlers could continue to make the same contribution as in the past, in an atmosphere of confidence and security.

50. On the basis of all those considerations, his delegation had reached the following conclusions, which it would like to outline to the Committee.

51. It was indispensable to recognize the right of the entire population of Southern Rhodesia to self-determination. That was a fundamental, inalienable right recognized both by the Charter of the United Nations and by the Declaration on the granting of independence to colonial countries and peoples. For Southern Rhodesia, the right to choose its own destiny implicitly included the right to withdraw from the Federation of Rhodesia and Nyasaland.

52. It was the duty of the United Kingdom Government, with which the responsibility for Southern Rhodesia's future clearly rested, to take action to prevent an already serious situation from degenerating into chaos and disturbing the peace of Africa. The United Kingdom Government had authority to do so under the 1923 Constitution. His delegation was certain that the United Kingdom would once again show itself worthy of its great past and would permit another colonial people to gain independence.

53. The United Nations was competent to consider the problem of Southern Rhodesia. Since the latter was a Non-Self-Governing Territory, the United Nations was entitled to know what was happening there and to recommend such measures as it thought best with a view to ensuring the installation of a truly democratic and popular régime in that country. Action by the United Nations could not in any event be regarded as interference in the domestic affairs of Southern Rhodesia.

54. If the situation in the Territory continued to deteriorate, it would be the duty of the United Nations to intervene in order to keep the peace and to defend the rights of the African population. The United Nations should therefore reaffirm the conclusions contained in General Assembly resolution 1747 (XVI), in the hope that the United Kingdom Government would not remain deaf to its urgings. The United Kingdom authorities had unfortunately failed to understand that it was the duty of the United Nations to bring its powers of persuasion and conciliation to bear upon the United Kingdom and Southern Rhodesian Governments. Thus, the Minister responsible for Central African Affairs had stated that the United Kingdom could not ignore the claims of the European population of Rhodesia, which had been settled there for many years, and that it had a duty to protect the rights of that minority against any policy of discrimination. He had said, at the same time, that the United Nations did not seem to realize that that was the objective of the United Kingdom's policy. In that connexion it was sufficient to point out that United Nations intervention could not possibly be directed in any way against the white minority. The United Nations must defend the rights of both racial groups, without establishing discrimination against either of them. That did not mean, however, that the United Nations could agree to continuance of the existing practices, which had the effect of permitting a minority group to dominate 3 million Africans.

55. It was urgently necessary to proclaim a general amnesty in Southern Rhodesia, to release political prisoners and to revoke the bans imposed on political parties. It was essential to convene, at the same time, a new constitutional conference which would be attended by the best-qualified representatives of both racial groups, i.e., of the Government and of the Opposition. The conference should draw up a new constitutional instrument firmly based on democratic principles. In that connexion, he wished to stress certain points of particular importance. Firstly, the new Constitution should establish a truly representa-

tive Parliament. Secondly, it should increase the size of the electorate by doing away with the discriminatory system under which there were first-class and second-class voters, by abolishing the distinction based on the voter's economic status and educational level, and by introducing the system envisaged in resolution 1747 (XVI), i.e., universal suffrage. Thirdly, steps must also be taken to provide adequate safeguards for human rights and, in particular, to ensure freedom of action for political parties, freedom of association and freedom of thought. The laws which flagrantly violated human rights, especially the Law and Order (Maintenance) Act, must be annulled. It was also essential to institute a system under which all persons enjoyed the same working conditions; the two racial groups must have the same opportunities for advancement and must receive equal pay for equal work. The labour contract system, from which only the white population benefited, must be abolished. Since the Constitutional Council provided for in the 1961 Constitution did not adequately guarantee protection for the people's rights, the new constitution should not provide for the establishment of such a body. Fourthly, action must also be taken to introduce a satisfactory system of land tenure; the first step in that direction should be the abrogation of the Land Apportionment Act, which perpetuated an intolerable system of racial discrimination by reserving the best land for the white population. Fifthly, an over-all programme of educational development should be drawn up, such as to abolish the inequality which now existed between white and black children both with regard to curricula and with regard to annual educational appropriations, which amounted to £5 million for 40,000 white schoolchildren as compared with £2 million for 500,000 African schoolchildren. He wished to state, in connexion with the question of education, that it would be absurd to argue that the African majority could not be permitted to participate in the Government, or that Southern Rhodesia could not be given its independence, until the mass of the African population had attained a high level of education. That would be contrary to operative paragraph 5 of General Assembly resolution 1514 (XV). Moreover, the example of the newly independent African countries showed that, even where the population had not attained a very high level of education, chaos and anarchy did not result.

56. His delegation would support any draft resolution that took account of the foregoing considerations. It would thus be remaining faithful to Ecuador's anti-colonialist tradition and demonstrating its sympathy for the peoples fighting for freedom.

57. He concluded by endorsing the Brazilian representative's proposal that the Secretary-General of the United Nations should be asked to offer his good offices to the parties concerned, with a view to helping them find a solution in keeping with the aspirations of the people of Southern Rhodesia and with the principles of the Charter.

The meeting rose at 1 p.m.