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**Chairman:** Mr. Guillermo FLORES AVENDAÑO  
(Guatemala).

AGENDA ITEM 56

**Question of Southern Rhodesia: report of the Special Com-  
mittee 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, A/C.4/568, A/C.4/569) (con-  
tinued)**

GENERAL DEBATE (continued)

1. Mr. LORINC (Hungary) said that after listening, at the 1360th meeting, to the typically intransigent speech by the United Kingdom representative he had found no need to change anything in the statement he himself had already prepared. Nevertheless, he hoped that the United Kingdom would modify its attitude in the interests of the indigenous population of Southern Rhodesia and of peace in Africa.

2. To begin with, he summed up the elements of the problem. Firstly, Southern Rhodesia was a Territory with a population of nearly 4 million, including over 200,000 settlers who preferred to forget that Southern Rhodesia was a country situated in Africa and that the great majority of its inhabitants were Africans. Furthermore, in recent years Africa had been undergoing a fundamental change: one after another its peoples had gained independence and those who were still under colonial domination were demanding immediate freedom. The world picture had also fundamentally changed; on the initiative of the Soviet Union, the General Assembly had adopted resolution 1514 (XV), containing a Declaration recognizing the inalienable right of all peoples to independence. Against that background, the General Assembly, at its resumed sixteenth session, had adopted resolution 1747 (XVI) pointing out that Southern Rhodesia was a Non-Self-Governing Territory which therefore fell under the provisions of resolution 1514 (XV) and should accordingly achieve independence without delay. Since then, however, the United Kingdom, on the basis of hypocritical and groundless arguments, had attempted to stop the logical development of history and to prevent the attainment of independence by the people of the Territory. Its arguments were based on the 1923 referendum, as a result of which Southern Rhodesia,

by a two-thirds majority, had become a "self-govern-  
ing colony". It had omitted to mention that in 1923 only the European settlers had voted and that the two-thirds majority had consisted of exactly 8,774 people. Since the indigenous inhabitants had never yet been consulted, the conclusion was obvious that the settlers' Government and the United Kingdom had forfeited the right to speak on behalf of the African population.

3. The petitioners—and by that he meant only the representatives of the Zimbabwe African Peoples Union (ZAPU), those of the Pan-African Socialist Union of Southern Rhodesia (PASU) and the Reverend Michael Scott—had frequently mentioned an "unholy alliance". The Hungarian delegation was convinced that that alliance was one of the causes of the attitude of the United Kingdom and other colonial Powers with regard to the question of Southern Rhodesia. In a communication to the authors of a pamphlet published in the United Kingdom in 1962 under the title, "The Unholy Alliance", Mr. Conor Cruise O'Brien, who was well-known in United Nations circles, stated that the 30,000 or so Europeans of Katanga felt themselves to be backed by the 300,000 or so of the Rhodesias and by more than 3 million in South Africa, and he added that there was little sign that those in control throughout Southern Africa were disposed to accept genuine changes and real political rights for Africans peacefully. The pamphlet in question confirmed that the co-operation of members of the alliance was not only political, but also military; following a secret defence agreement reportedly signed by the Governments of Portugal, South Africa and the Federation of Rhodesia and Nyasaland, joint training exercises had been held in South Africa and in Mozambique. The real reason for the alliance, however, was profit and the exploitation of the indigenous peoples; the monopolies operating in the region were among the most influential monopolies of the major Powers of the North Atlantic Treaty Organization (NATO), and in particular, of the United States; at least fourteen United States companies had interests in Southern Rhodesia. It was clear, therefore, that the votes of the United States on the question of Southern Rhodesia and on that of apartheid in South Africa and South West Africa were dictated not merely by solidarity with its allies but by the interests of its great monopolies. Thus the "unholy alliance", whose purpose was to stifle the struggle of the African peoples for freedom and independence, endangered peace in Africa and the world, since it was prepared to resort to arms to secure its profits. It formed a united front against all the African countries, whether independent or not, and divided Africa in order to continue its domination over those territories where a white settler group was ready to fight for its unjust privileges. Without the moral, constitutional, political and military help of the United Kingdom, neither South Africa nor Southern Rhodesia

could have come into existence; without the active help of NATO none of the African members of the alliance could maintain itself.

4. In the eyes of the United Kingdom, the best solution would therefore be to wash its hands of Rhodesia; in that way it could evade responsibility and keep the profits, thanks to the maintenance of exploitation accomplished through the acceptance of the so-called Constitution of 1961. That was a course of action which the United Nations should not allow the United Kingdom to take. For the sake of those who accepted the United Kingdom representative's postulate that the United Kingdom was hesitating to intervene, not because it was unwilling but because it was legally unable to do so, should read an article in the New Statesman of 19 October 1962, according to which the 1961 Constitution, by allowing the Europeans to block all future progress by the Africans and even to abolish the African constituencies, was the root cause of African anger. If the so-called elections were held while the nationalist leaders were in prison and their party was banned, a situation similar to that formerly existing in Algeria might result and the reputation of the United Kingdom in the United Nations would be seriously undermined, since all the African and Asian countries would be convinced that its liberal pretensions were hypocritical. The New Statesman had added that Mr. R. A. Butler, the United Kingdom Minister responsible for Central African Affairs, had two weapons in his armoury: Southern Rhodesia still depended upon British finance and Her Majesty's Government retained the power to suspend the Constitution.

5. There was another important fact bearing upon the future of Southern Rhodesia which he wished to mention: the performance of the petitioners who had been heard by the Fourth Committee 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 General Assembly resolution 1654 (XVI), had proved that Southern Rhodesia had the statesmen it needed for independent life.

6. He turned to the question of the steps which should be taken to help the peoples of Southern Rhodesia to achieve independence. In that connexion various proposals had been made, particularly at the 1360th meeting by the delegation of Guinea, which had facilitated his delegation's task and showed that there was wide agreement within the Committee regarding the means to be used to achieve a satisfactory solution. In the opinion of the Hungarian delegation, the problem should be approached in the spirit of the Declaration on the granting of independence to colonial countries and peoples, which proclaimed the right of Southern Rhodesia to national independence, and of resolution 1747 (XVI), which established that Southern Rhodesia was a Non-Self-Governing Territory and, as such, was the responsibility of the United Kingdom. The Committee should therefore demand that the United Kingdom should apply General Assembly resolution 1755 (XVII) concerning the cancellation of the arrest of the leaders of ZAPU and the lifting of the ban on ZAPU itself. It should also endorse ZAPU's programme of action as being likely to facilitate the achievement of independence by Southern Rhodesia; to that end it should call for the abrogation of the 1961 Constitution, the drafting of a new constitution to be confirmed by a general election on the basis of

"one man, one vote", and the election of a majority assembly and council of ministers. His delegation would be prepared to support any resolution on those lines.

7. Before those steps were taken, however, the election planned for 14 December 1962 by the Government of Sir Edgar Whitehead must be stopped. As the ZAPU representatives had pointed out, the election not only threatened to perpetuate the so-called Constitution but might lead to bloodshed. He considered that that particular problem should be the subject of a separate resolution. Furthermore, since the United Kingdom Government had done nothing to carry out General Assembly resolution 1755 (XVII), the United Nations should keep a constant watch on the further development of the situation in Southern Rhodesia. The Committee should therefore maintain the question on the agenda of the General Assembly and should instruct the Special Committee to deal with the problem when the General Assembly was not in session.

8. The Hungarian delegation hoped that the question would shortly be settled and that it would soon be able to welcome the representatives of Southern Rhodesia among the Members of the United Nations.

9. Mr. ZIKRIA (Afghanistan) said that his country was resolved to give firm support to all peoples still under the domination of foreign States in their struggle for freedom and independence, for it was convinced that to aspire to independence was the most legitimate right of any people which was historically, ethnically and culturally distinct from the State which dominated it. That conviction, which had been consecrated by the General Assembly in resolution 1541 (XV), was strictly democratic in essence since, as some thinkers had put it, the quintessence of nationhood consisted in the consciousness of a common genius, a feeling which engendered a will for political cohesion. Since, as the General Assembly had recognized, that will was determined by historical, ethnic and cultural factors, it was unjust and intolerable that a people animated by its own national genius should be subjected to the laws of a totally alien authority.

10. In criticizing colonialism, Afghanistan had no intention whatever of showing resentment towards any State or group of States, since colonialism had in reality been caused by the economic and political conditions of bygone centuries, and reconciliation in freedom on the basis of justice and law was now the pledge of a lasting and fruitful peace. But his country could not remain indifferent to the fate of dependent peoples and to the physical and moral suffering of those struggling for their independence. The Afghan delegation was gratified to see that the concerted efforts of the great majority of the States Members of the United Nations on behalf of the liberation of subject peoples were now approaching their conclusion: the colonial system had collapsed under the irresistible pressure of the movement for emancipation and the pace of the democratization of the international community was quickening. Afghanistan would continue the struggle, along with the African-Asian countries, until the entire world was truly free; certain of the justice of its cause, it was convinced that that cause would triumph over force used in the service of selfish interests.

11. On behalf of the Afghan Government and people he welcomed the representatives of Algeria, Burundi,

Jamaica, Rwanda, Trinidad and Tobago and Uganda, the new Members of the United Nations. He was happy to see them take their rightful places in the United Nations and noted that most of them had attained independence without bloodshed, in order and harmony. The example of the Algerian people's long and stirring struggle would certainly inspire the free peoples to preserve their independence and would strengthen the hopes of those struggling to achieve their legitimate aspirations in their turn. He also paid a tribute to the Head of the French State, who had reconciled Algeria with France in justice and freedom, and expressed the hope that other statesmen, drawing inspiration from that example, would render justice to the peoples still under the yoke of colonialism, which had been condemned by history beyond reprieve.

12. All the information available to the Committee showed without the shadow of a doubt that the indigenous inhabitants, who constituted the overwhelming majority of the population of Southern Rhodesia, had been left at the mercy of a white minority ever since the United Kingdom, in 1923, had transferred the administration of the country's internal affairs to the 12,000 settlers of European origin. The United Kingdom Government, conscious of its obligations, had reserved certain powers with a view to safeguarding the indigenous inhabitants' interests from abuses and to ensuring over-all supervision. Unfortunately, however, it seemed that, in practice, the consultations between the Government of Southern Rhodesia and the United Kingdom authorities with regard to the enactment of legislation within the scope of the United Kingdom's reserved powers had not been official in character and that, as a result, those reserved powers had merely theoretical significance. Encouraged by the United Kingdom's indulgence, the Europeans had enacted many discriminatory laws which deprived the 3.5 million indigenous inhabitants of the most elementary human rights and subjected them to degrading economic exploitation.

13. The 1961 Constitution provided for a two-roll electoral system and for franchise qualifications so hard for the majority of the indigenous inhabitants to fulfil that 3.5 million Africans would be represented in the Legislative Assembly by only fifteen members, whereas 250,000 Europeans would have no less than fifty. In the Special Committee, Mr. Nkomo the President of ZAPU, had shown that all the safeguards laid down in that Constitution for the protection of the interests of the African population would be ineffective by reason of that imbalance. An electoral system so devised made it possible to reduce a country's population to slavery. The Afghan delegation shared the nationalists' fears that, in the circumstances, it would take forty or fifty years before the Africans could take over the management of the country's affairs. Moreover, nothing would prevent the European settlers from reshaping the Constitution to their liking in order to create new difficulties for the indigenous inhabitants. South Africa's example gave good grounds for concern. It was therefore ludicrous to claim that Southern Rhodesia had been self-governing since 1923 or that it would become self-governing after the new Constitution had been put into effect. Any self-government there was worked to the advantage of the settlers alone and the people continued to live in a state akin to bondage.

14. The United Kingdom argument that a Territory's status could be determined unilaterally by the administering Power has been rejected by the General Assembly. The controversy on the subject had been ended by the adoption of resolutions 742 (VIII) and 1541 (XV), which laid down the criteria to be applied to colonial territories in the event of a difference of views as to their status between the United Nations and the administering Power. There was not the slightest doubt that Southern Rhodesia did not satisfy any of those criteria and that the administering Power was bound to fulfil the obligations with regard to the indigenous population imposed upon it by Chapter XI of the Charter. It therefore seemed to the Afghan delegation that, far from providing that Southern Rhodesia was self-governing, the fact that the United Kingdom had refrained for forty years from using its reserved powers made the administering Power responsible for the abuses committed by the settler Government. A unilateral decision by a State could not cancel a written agreement to which it had subscribed, and the United Kingdom was not only a signatory to the United Nations Charter but had also participated in its drafting. Legally, therefore, it was not only the right but also the duty of the United Kingdom to intervene in Southern Rhodesia to protect the interests of the indigenous population. In 1953 it had suspended the Constitution of British Guiana and it had taken the same action in 1958 in the case of Malta. Consequently there was nothing to prevent it from taking similar action with regard to Southern Rhodesia, whose new Constitution had been rejected by practically every African.

15. The time for quibbling was over; the wave of liberation sweeping over Africa carried away everything which was not founded on law and equity, as Algeria's example had shown, and when a people's freedom and independence were at stake the human aspect of the problem was paramount. It was that concept that had led the General Assembly to adopt the Declaration on the granting of independence to colonial countries and peoples.

16. The persistence with which the United Kingdom Government maintained that the question of Southern Rhodesia was outside the competence of the United Nations encouraged the Territorial Government to take steps which aggravated the situation alarmingly. The banning of several political parties including, finally, the most influential of them all, and the restriction imposed on many of its leaders and followers, had created an explosive situation threatening peace and security throughout the continent of Africa. That state of affairs called for energetic action on the part of the United Nations. Conscious of the danger, the General Assembly, early in the session, had adopted resolution 1755 (XVII), the implementation of which would, it must be hoped, help to restore a normal political climate. The Afghan delegation believed that the root of the conflict was the European minority's refusal to accept the principle of universal suffrage; the inclusion of that principle in the Constitution could alone ensure—as the nationalist leaders themselves had said—the reconciliation of the two elements of the population, which were not as yet irremediably divided. The General Assembly must therefore recommend that the administering Power should urgently convene a constitutional conference with the participation of representatives of all parties, to draft a constitution which would safeguard the rights of all the inhabitants of

the Territory on the basis of universal adult suffrage, in conformity with the spirit and the letter of the Charter and with the Declaration on the granting of independence to colonial countries and peoples.

17. The Afghan delegation hoped that the United Kingdom, bearing in mind the General Assembly resolutions, would change its attitude and, both in its own interests and in the interests of the white minority, would use all its influence with a view to ensuring that the people of Southern Rhodesia had the right freely to determine their fate.

18. Mr. KHOSLA (India) said that, at the present stage in the consideration of the question of Southern Rhodesia, it was no longer necessary to argue at length that the system of government in Southern Rhodesia and those in charge of it had discredited themselves by their failure to make any real attempt to come to terms with the Africans with a view to establishing a just social, economic and political order. At a time when colonialism was in rapid decline everywhere, the settlers of Southern Rhodesia persisted in denying 3 million Africans all political power and in excluding them from holding any responsible positions in the civil or defence services, generally condemning them to a position of subordination, subjecting them to indignity by numerous discriminatory laws and depriving them of their fundamental liberties by means of such laws as the Vagrancy Act and the Law and Order (Maintenance) Act, the injustice of which had led to the resignation of a Chief Justice of the Federation of Rhodesia and Nyasaland.

19. An advisory committee appointed by the Southern Rhodesian Government to study the development of economic resources in the Territory had recently reported that the problems of urbanization were intensified in the case of the African because of social and legal limitations on his mobility as a wage-earner or business man and the restrictions on his capacity to add to his personal resources or accumulate property. His freedom of action was limited, whether he wished to acquire skill or utilize his knowledge in his productive work, to own property in a specified area or to obtain credit and capital. The Committee's report went on to say that inability to obtain access to a more ample and productive life was the basis of the African's discontent and of his distrust of the European, with his higher standard of life and greater opportunities of advancement. The Archbishop of Salisbury and the Bishops of Gwelo, Bulawayo and Umtali, who could not be described as revolutionaries, had observed that the wages of Africans were inadequate, their housing conditions were often unworthy of human beings and their terms of employment were such that husbands were separated from their wives for long periods. With white supremacy so well established it was not surprising that the wages of European employees were nearly fifteen times those of Africans. According to the report of the advisory committee to which he had referred, it was difficult to ascribe the differences solely to superior ability on the part of the Europeans. Even in the agricultural sphere, the African fared no better. He had no voice in price control, and his grain, sold through official channels, yielded less profit. The Government had spent £5,417,000 on irrigation in European areas as against only £317,000 in African areas; the land irrigated amounted to 38,061 acres in European areas as compared to only

9,000 acres in the African reserves and the Native Purchase Area. With regard to education, the Fourth Committee was aware how little the Government was doing for African children. Some progress had admittedly been made, but unless the African had political power he would not be able to protect himself against discrimination in the economic and social spheres.

20. The Committee was familiar with the professions of the Southern Rhodesian authorities and of the United Federal Party regarding multiracialism. Multiracialism was certainly a laudable aim, but a system did not become multiracial simply because it was described as such. Multiracialism would imply a harmonious development based on the equitable sharing of political powers and on equality of opportunity, since there could be no partnership except among equals. Unfortunately, hardly anything had been done in that direction and the professions of the authorities had remained empty phrases. Southern Rhodesian multiracialism was in fact merely a system designed to perpetuate white supremacy.

21. Sir Edgar Whitehead, who passed as a liberal among the settlers, had shown that his aim was to destroy any effective political organization that the Africans might form. Indeed, The Economist of London had written on 24 February 1962 that the common fate of African parties had been to be outlawed by the authorities as soon as they showed signs of gaining mass support. After the African National Congress, the National Democratic Party had been banned and now the turn of ZAPU had come. The leaders of that party had been imprisoned or their movements restricted; their relatives were being harassed; the party's property had been seized. In the face of such provocations, the temptation to resort to violence in order to be rid of the domination of the racial minority must be, for some, irresistible. His delegation would not commend the use of violence in the struggle for independence, but if such methods tended to increase in the country, the Government of Sir Edgar Whitehead would have only itself to blame. It could expect nothing else when it denied the people any hope of improvement and deprived them of their leaders, who alone could have some moderating influence over them.

22. According to the United Kingdom Government, Southern Rhodesia had become a self-governing territory in 1923 and therefore did not fall within the scope of Chapter XI of the Charter. It therefore denied that the United Nations had competence to deal with the Territory or to ask for information on it; indeed, such information had never been furnished. That argument was untenable both from the constitutional and from the political point of view. There was no need to recall the tragic story of British domination in the Territory, culminating in its annexation on 23 September 1923, followed by the granting, eight days later, of "responsible government". With almost indecent haste the United Kingdom Government had placed the domestic affairs of the country in the hands of a white minority constituting 2 per cent of the total population. Far-reaching powers in certain fields had, however, been reserved to the Secretary of State for the Colonies; he had the power to disallow any Act passed by the Southern Rhodesian legislature within a year and there were a number of subjects on which the legislature could not legislate without the Act in each case being reserved for the

Royal assent, which meant in practice that it had to be approved by the metropolitan Government. In addition, the Southern Rhodesian legislature had no power to amend certain constitutional provisions. It was hard to see how, with such vital limitations on its legislative power, Southern Rhodesia could be regarded as self-governing. The fact that the United Kingdom Government had never exercised its reserved powers did not make them inoperative: a convention could not be created without positive agreement by the parties concerned. Sir Edgar Whitehead appeared to have some apprehension about the possible application of reserved powers, for he had stated on 7 April, at Bulawayo, that in view of the speed with which Africa was moving it was extremely dangerous to leave the reserved powers for another two years, and that he wanted to see them removed that year.

23. The Federal Constitution of 1953 not only had reaffirmed the colonial status of Southern Rhodesia but had also reduced the legislative powers of the colony. The argument the United Kingdom representative had advanced in the Committee during the sixteenth session (1303rd meeting) to the effect that the autonomous status of Southern Rhodesia had been repeatedly recognized in its admission to such organizations as the International Telecommunication Union, the Interim Commission for the International Trade Organization, etc. ignored the fact that Southern Rhodesia had no right to vote in those bodies, and it had no validity in the present context. The fact that the United Kingdom had not seen fit to transmit information on Southern Rhodesia under Article 73 of the Charter did not make it a self-governing territory, any more than the stubborn refusal of Portugal to transmit information on Angola and Mozambique proved that those territories were not colonies. A unilateral action or declaration on the part of the administering Power was not enough to define the constitutional status of a territory and the General Assembly's competence with regard to Southern Rhodesia remained unquestionable. Such competence was derived from the constitutional status of the colony as such and from General Assembly resolutions, including resolution 742 (VIII).

24. During forty years not one Southern Rhodesian African had been considered sufficiently "civilized" to occupy a seat in the legislature or a senior or even intermediate post in the Administration. In such circumstances it was casuistry to speak of "responsible government". The 1961 Constitution in no way altered the position of the Africans or satisfied their legitimate aspirations. The United Kingdom Government's plea that the constitutional proposals had originally been accepted by the African parties at the Constitutional Conference held in London was, at best, only technically correct. It had never been denied that the National Democratic Party had been dissatisfied with the scheme from the beginning. It was also admitted that Mr. Nkomo had repudiated the franchise provisions, in particular, soon after the Conference. It was common knowledge that the scheme had been vigorously denounced by the Africans as soon as it had been made known to them. In view of such general opposition his delegation considered that it had been a serious mistake to draw up a constitution envisaging such a franchise system, since acceptability to the people was an essential condition for the adoption of a constitution. In the referendum on the Constitution, only 6,000 of the

60,000 voters had been Africans. In fact, the African population had never been properly consulted. They had been forbidden to organize meetings outside the reserves. The National Democratic Party had refused to participate in the referendum.

25. Without wishing to examine the 1961 Constitution in detail, he felt it essential to comment on some of its more glaring shortcomings. To begin with, its system of two electoral rolls was morally wrong and politically unsound, for it condemned the Africans to second-class citizenship and prevented the creation of a multiracial society by deepening the gulf between the settlers and the rest of the population. Moreover, the parliamentary representation given to the Africans was too meagre; that was the foremost cause of the present deadlock, as was emphasized in the Manchester Guardian Weekly of 27 September.

26. In addition, the franchise based on income and literacy qualifications was undemocratic and inconsistent with human dignity. In Southern Rhodesia, it would keep the majority of the population out of power in the foreseeable future. The report of the Advisory Commission on the Review of the Constitution of Rhodesia and Nyasaland,<sup>1/</sup> which the United Kingdom Government had unfortunately ignored, had opposed the idea of a franchise based on the educational level of the voters. Sir Edgar Whitehead had expressed his conviction that the Africans might achieve a majority—not in the legislature but on the rolls—within twelve to fifteen years, and on 7 April he had told his own party that under the two electoral rolls envisaged in the Constitution the Parliament would remain for all time in the control of the upper-roll voters.

27. Lastly, the safeguards provided by the Constitution to protect the non-Europeans were illusory. Apart from the fact that the Constitutional Council, as constituted, could not inspire confidence in the Africans, it had purely advisory functions without any compulsive power. If it considered a measure discriminatory and so reported to the Legislative Assembly, the latter could nevertheless adopt the measure immediately by a two-thirds majority, or by a simple majority after six months. Besides, the Government could set aside the Council's objection by certifying urgency. The Secretary of State had in fact recognized the limited functions of the Constitutional Council when he had presented the Bill to the United Kingdom Parliament and he had made it clear that the real safeguard, in his view, was the Declaration of Rights. A member of the House of Commons, however, had pointed out that the Declaration of Rights was limited in scope; there were such exceptions to its operation that it was rather threadbare as a protection to those in danger of being discriminated against. The Declaration of Rights had been condemned in even stronger terms by Sir Frank Soskice, a former Attorney-General of the United Kingdom. Moreover, the Declaration of Rights did not apply to the existing discriminatory legislation.

28. The rigidity of the Constitution would also provide no safeguard for the Africans. In fact, as Mr. Garfield Todd had pointed out when appearing as a petitioner before the Special Committee, the settlers, with fifty out of sixty-five parliamentary seats, could always muster a two-thirds majority. In the past,

<sup>1/</sup> Cmnd. 1148, London, Her Majesty's Stationery Office.

electoral qualifications had been raised to prevent the election of Africans. That could very well happen again.

29. In those circumstances, it was not surprising that the 1961 Constitution had been condemned by all the people of Southern Rhodesia except the settlers and a few so-called moderate Africans. As summed up by a member of the House of Commons, the 1961 Constitution was a fraud.

30. At the 1360th meeting the United Kingdom representative had told how Canada, Australia and New Zealand had become fully independent nations. It was regrettable that a similar development had not taken place in Southern Rhodesia and that the situation in that Territory recalled the situation in South Africa in 1910. He cited a statement made before the House of Commons on 22 June by Mr. John Dugdale, who had expressed his fear that the United Kingdom would make the same mistake in Southern Rhodesia that it had made in South Africa in 1910 and that Southern Rhodesia would go the way of the Union of South Africa. That was a real danger which was being widely recognized in the United Kingdom.

31. In the circumstances, his delegation could not but appeal to the United Kingdom Government to abrogate the 1961 Constitution and to convene a constitutional conference immediately so as to spare Southern Rhodesia the tragic fate of Algeria or Angola. It was to be hoped that the United Kingdom would not shirk its responsibilities and that it would intervene in the Territory; that it had the power to do so was beyond all doubt, since even the 1961 Constitution described Southern Rhodesia as a colony. Unlike the practice in the Dominions, the Governor of Rhodesia continued to be appointed by the Secretary of State in consultation with, but not on the advice of, the Prime Minister of the colony. As Chief Justice Cook had pointed out, the power of the United Kingdom Parliament was in fact absolute and without control. The 1931 Statute of Westminster had provided that an Act of the United Kingdom Parliament passed thereafter would not extend to the Dominions without their express consent, but the Statute of Westminster did not apply to Southern Rhodesia.

32. Several United Kingdom Cabinet Ministers, including Mr. R. A. Butler, had stated that the 1961 Constitution could not be changed, for it would be contrary to tradition and practice to change a text which had been the outcome of negotiations. It was hoped that the United Kingdom would not adopt too rigid an attitude in that regard, particularly in view of the fact that the negotiations in question had not been approved by the mass of the population, the major group to be affected by any settlement in Southern Rhodesia. Moreover, the United Kingdom could not remain disinterested when a breakdown of law and order in the Territory was threatened. The United Kingdom had already, in cases of emergency, suspended or revoked constitutions granting internal self-government to various colonies, among them Malta, British Guiana and Grenada. At all events, article 22 of the Order in Council granting the 1961 Constitution was sufficient in itself to enable the United Kingdom Government to intervene immediately, before the Southern Rhodesian Government ordered elections, which would seriously worsen the situation.

33. At the 1360th meeting the United Kingdom representative had contended that his country was not an

administering Power in regard to Southern Rhodesia. That view was untenable. The United Nations Charter imposed upon the General Assembly certain duties in regard to colonial territories, and those territories, whatever their stage of development, remained colonies until they became independent. The fact that a colonial Power had little to do with the day-to-day administration of a colony did not mean that the colonial Power ceased to be the administering Power vis-à-vis the United Nations. The United Kingdom representative had himself admitted that Southern Rhodesia was neither sovereign nor independent. That being so, the Assembly could not shirk its obligations under the Charter. Whatever arrangements the United Kingdom might have with Southern Rhodesia, it could not be absolved of its international obligations as an administering Power; that was in fact safeguarded in article 32 of the 1961 Constitution.

34. His delegation once again urged the United Kingdom Government to annul the Constitution of December 1961 immediately and to convene a constitutional conference to draw up a new constitution which would adequately ensure the rights of the majority of the Southern Rhodesian population, in conformity with the United Nations Charter and General Assembly resolution 1514 (XV). It further urged the United Kingdom Government to secure the restoration of all the rights of the non-European population, the removal of all restrictions on the exercise of political rights, the release of all political prisoners and the granting of a general amnesty.

35. The problem was one of great difficulty and complexity and the threats made by Sir Roy Welensky were indicative of the risks. Notwithstanding the United Kingdom's financial interests in the Territory and its ties with the settlers, it would have to reverse its policy. A wrong turn on its part could precipitate a racial war and cause irreparable damage to the United Kingdom's prestige and long-term interests in Africa. It was important that it should act without delay, for the situation was rapidly deteriorating, as was pointed out in the report of the Advisory Commission on the Review of the Constitution of Rhodesia and Nyasaland.

36. In conclusion, he thanked the petitioners who had undertaken the arduous task of enlightening the Committee on the events in Southern Rhodesia. He hoped that before long they would be able to work together to build their country on the basis of equality, liberty and fraternity and that, thanks to them, Southern Rhodesia would become a worthy Member of the United Nations. He also wished to pay a tribute to Sir Hugh Foot, who had recently, and suddenly, resigned his position as a member of the United Kingdom delegation. Sir Hugh Foot had the courage of his convictions. Mr. Khosla said that although he had often found himself at variance with Sir Hugh, he admired the ability, breadth of outlook, sincerity and human approach of his former colleague.

37. Mr. BAYONA (Colombia) said that the information given by the petitioners and the arguments used by representatives who had already spoken in the debate suggested two conclusions: firstly, the situation in Southern Rhodesia was serious, and might deteriorate unless a fair solution was found to the problem existing in the Territory; secondly, as the General Assembly had recognized in resolution 1747 (XVI), Southern Rhodesia was a Non-Self-Governing

Territory within the meaning of Chapter XI of the Charter, and as the administering Power the United Kingdom was responsible for it until its accession to complete independence.

38. The Colombian delegation deplored the obstacles which Southern Rhodesia was encountering on the road to independence. The anti-democratic and discriminatory decisions taken by the Southern Rhodesian Government were likely to destroy the foundations on which all modern States should be based.

39. His delegation was firmly resolved to support any step designed to ensure the implementation of the provisions of General Assembly resolution 1514 (XV); it should be understood, however, that the benefit of those provisions should extend not only to nations which were struggling for independence but also to those which, after enjoying freedom, had fallen into the clutches of despotism and tyranny.

40. Southern Rhodesia must be given a constitution adequately reflecting the aspirations of the various sections of public opinion, and a Government fairly organized with the participation of all racial groups in the Territory. All racial discrimination must disappear in Southern Rhodesia, and the Territory must be guided to complete independence with due recognition of the rights of all who made up its population and had contributed in one way or another to its development.

41. His delegation thought that the solution of the problem existing in Southern Rhodesia depended on the goodwill of the United Kingdom Government, whose duty it was to make representations to the authorities of the Territory. For that reason, his delegation, disregarding for the moment the resolutions adopted by the General Assembly, preferred to take a stand transcending any considerations of a constitutional nature. It placed its confidence in the United Kingdom Government, and called upon it to intervene in Southern Rhodesia to help the Territory to obtain complete independence, in accordance with democratic principles and respect for human rights.

42. After the extremely important statement which the United Kingdom Minister of State for Foreign Affairs had made at the 1360th meeting, his delegation would refrain from making any suggestions as to the possible contents of the draft resolution to be submitted. It would rely in that connexion on the good judgement of the delegations which were taking part in drafting the text, and it hoped that in view of the goodwill displayed by the United Kingdom representative in his statement, it would be possible to produce a draft resolution which would be supported by all the parties concerned, thus guaranteeing its full implementation.

43. Mr. HAMDANI (Pakistan) paid a tribute to Sir Hugh Foot and associated himself with the delegations which had already expressed their regret at the sudden departure of a colleague who had made such a constructive contribution to the work of the Committee and associated bodies. His delegation requested the United Kingdom representative to convey its feelings to Sir Hugh Foot, with its best wishes for his future career.

44. He thanked the petitioners for their information and for the spirit of co-operation they had generally displayed. His delegation had been particularly glad to hear the representatives of the so-called multi-

racial group explain their views on the explosive situation in Southern Rhodesia.

45. He briefly reviewed the history of the problem of Southern Rhodesia in the United Nations, from the adoption of resolution 1745 (XVI) at the first part of the General Assembly's sixteenth session to the adoption of resolution 1747 (XVI) at the resumed sixteenth session. In the latter resolution, the administering Power had been requested to convene another constitutional conference for the purpose of formulating a new constitution to replace the Constitution of December 1961. Mr. Nkomo had told the Special Committee that the 1961 Constitution provided for an electoral system under which Africans would never be able to obtain a majority in the Legislative Assembly. He had also expressed the fear that the ending of the right of veto previously enjoyed by the United Kingdom Government in Southern Rhodesia would enable the white minority Government to amend the Constitution to the detriment of the African population.

46. The United Kingdom Government maintained that while universal franchise was the ultimate goal, the time was not yet ripe to introduce it in the Territory. As to the new Constitution, the United Kingdom delegation had drawn attention to the Declaration of Rights which was an integral part of it and was designed to prevent discrimination of any kind. The Pakistan delegation, for its part, agreed with Mr. Garfield Todd's views on the Declaration, which were set forth in the first four sentences of chapter II, paragraph 48, of document A/5238.

47. Furthermore, as could be seen from chapter II, paragraph 4, of the same document, in 1923 the Southern Rhodesian Government had been granted full powers of internal legislation, except with regard to legislation affecting the interests of the indigenous population. The Pakistan delegation contended that the United Kingdom Government could not abdicate its responsibilities without the consent of the indigenous population.

48. Since the United Kingdom delegation had itself admitted that Southern Rhodesia was neither sovereign nor independent, the Pakistan delegation was firmly convinced that the Territory was non-self-governing within the meaning of Chapter XI of the Charter. In fact, neither the 1923 Constitution nor the 1961 Constitution conferred full self-government on Southern Rhodesia. In addition, the Constitution of December 1961 had been promulgated after the adoption of General Assembly resolution 1514 (XV), of which the United Kingdom Government had had full knowledge, and the effect of the Constitution would be to strengthen the authority of the European settlers, who formed only a minority of the population of the Territory. The 1961 Constitution was unacceptable to the indigenous population, who represented over 90 per cent of the population of the Territory and had expressed their views in a nation-wide referendum, which had not been recognized by the Southern Rhodesian Government.

49. Although the situation in Southern Rhodesia had already been dangerously explosive, because of the domination of the African majority by a white minority and because of the discriminatory electoral system, the Southern Rhodesian Government had just adopted additional repressive legislation making it an offence to oppose the proposed elections by passive resistance or by other means. It was under that legislation that ZAPU had been banned.

50. According to a press release recently distributed by the Office of Rhodesia and Nyasaland Affairs at Washington, Sir Edgar Whitehead had stated during a Press conference held on 20 September that ZAPU had been banned not because of its opinions or objectives but because its members were resorting to arson and intimidation to achieve their aims. In a broadcast on 24 September, again Sir Edgar Whitehead had said that the banning of ZAPU had had nothing to do with the political opinions held by that party, but had been due to the fact that ZAPU had not been prepared to abide by the laws of Southern Rhodesia or to allow any disagreement with its views. At the same time, however, the Prime Minister of Southern Rhodesia had stated, rather surprisingly, that the banning of ZAPU had created a political vacuum, which should be filled through positive action by people of goodwill of all races. The Pakistan delegation, for its part, was inclined to believe the petitioner Mr. Dumbutshena, who had told the Committee that ZAPU believed in non-violence and was doing everything possible to achieve its aims by non-violence.

51. It had been said recently in the British Press that Sir Edgar Whitehead should be told immediately that the United Kingdom would use its special powers unless the restrictions on African leaders were lifted and a new constitution conference was called. The cause of all the difficulties was the 1961 Constitution, which gave Africans only fifteen of the sixty-five seats in the Legislative Assembly; and if the Government of Sir Edgar Whitehead was allowed to hold its so-called elections, the Algerian experience might be repeated in Southern Rhodesia. Instead of using its powers to intervene in the Territory, however, the United Kingdom Government seemed to have been trying recently to strengthen the position of the white racists in Southern Rhodesia, in particular by granting Sir Edgar Whitehead's Government a substantial loan, a considerable part of which had gone to finance the police force used to oppress the African masses.

52. The United Kingdom Government was entirely responsible for the decisions taken in 1923, 1953 and 1961. Since 1923, the Europeans had taken their supremacy for granted, and for forty years the United Kingdom Government and the Southern Rhodesian Government had not taken any concrete measures to prepare the indigenous people for their political responsibilities and for participation in government.

53. The United Kingdom representative had said at the 1360th meeting that no new decision had been taken and that no new fact justified a further change in the existing constitutional relationship between the United Kingdom and Southern Rhodesia. He had added that if such a question should arise at any time, consultations would naturally be held between the Government of the United Kingdom and that of Southern Rhodesia. He had affirmed that the 1961 Constitution represented substantial progress and was a first step in the direction of full African participation in the Government of Southern Rhodesia. The Pakistan delegation would like to know whether further measures in the same direction were contemplated, and whether the 1961 Constitution mentioned a date by which the Constitution would be revised or liberalized. It wondered whether the United Kingdom Government had at any time given an undertaking that it would take such measures.

54. In view of the past achievements of the United Kingdom in the field of decolonization, the Pakistan delegation hoped that the United Kingdom Government would respond to the appeal made to it by the General Assembly in resolutions 1747 (XVI) and 1755 (XVII).

55. His delegation fully supported the suggestion made by the Brazilian representative at the 1355th meeting that a competent person should be requested to offer his good offices to help the parties concerned to find a satisfactory solution to the problem of Southern Rhodesia.

56. His delegation reserved the right to speak again in the debate, if necessary.

The meeting rose at 1 p.m.