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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) (continued)

HEARING OF PETITIONERS (continued)

At the invitation of the Chairman, Mr. W. A. F. Burdett-Coutts, Mr. A. D. Butler, Mr. J. Dombura, Mr. J. M. Gondo and Mr. T. J. Hlazo, representing an independent multiracial group, took places at the Committee table.

1. Mr. ARTEH (Somalia) asked Mr. Hlazo when and how he had come to formulate the philosophy which he was now professing.
2. Mr. HLAZO replied that the philosophy of co-operation between races based on the recognition of an African majority and the need for literacy had been discussed at various meetings of non-racial groups. It had never been the subject of a conference.
3. Mr. ARTEH (Somalia) asked Mr. Butler whether, in view of the comparison he had drawn between his own position and that of the Negroes in the United States of America, he would be content with the status of an ordinary citizen of Southern Rhodesia or whether he would claim any superiority or special privileges.
4. Mr. BUTLER replied that he was an ordinary citizen and was contented with that status.
5. Mr. ARTEH (Somalia) observed that the petitioner had failed to appreciate the significance of his question.
6. He asked Mr. Dombura how many Europeans and how many Africans had taken part in the referendum conducted by Sir Edgar Whitehead's Government.
7. Mr. DOMBURA replied that he did not possess the relevant figures. He could speak only of what had happened in the place where he himself had been on the day in question and could testify to the fact that Africans had been prevented by youths from casting their votes.

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8. Mr. ARTEH (Somalia) asked Mr. Dombura whether he would substantiate or deny the information available to his delegation that hardly any Africans had cast their votes.

9. Mr. DOMBURA replied that many Africans had voted despite the disturbances and the attempts to prevent them from voting. He agreed, however, that the Africans represented a minority among those who had taken part in the referendum.

10. Mr. ARTEH (Somalia) asked Mr. Dombura what had prevented Sir Edgar Whitehead's Government from finding out the views of people in Southern Rhodesia concerning the Constitution.

11. Mr. DOMBURA replied that the Government was aware of the situation. The referendum had been marred by disturbances and voters had had to go to the booths by night in order not to be molested. There was also a certain amount of confusion caused by the fact that the delegations of certain African political parties which had accepted the Constitution in London had turned against it upon their return to Southern Rhodesia.

12. Mr. ARTEH (Somalia) said that he was not satisfied with the reply.

13. He asked Mr. Burdett-Coutts whether his delegation was correct in thinking that the medical services available to the African population in Southern Rhodesia were much inferior to those available to the Europeans.

14. Mr. BURDETT-COUTTS replied in the negative. He did not deny that the Blacks and the Whites still had separate hospitals and clinics. The service available to the former was, however, first class. In Salisbury, in particular, there was a maternity hospital for the Africans, staffed by European doctors, African orderlies and African and white nurses, where the African patients received precisely the same treatment as that available to the Europeans. His doctor friends had told him that that was true of the conditions in most of the country.

15. In his own area, Norton, there was a government-run clinic for the Africans, with a resident European doctor, two African orderlies and a nursing staff. Thus the Africans at Norton enjoyed free medical attention on the spot, whereas the Europeans, who were not allowed to use the clinic, were obliged to go to Salisbury for hospital treatment and to pay for it. In addition to the government clinic, Norton had two general practitioners, one a European and the other an African, who charged for their services. Although the services they provided were not better than those available at the clinic, many Africans preferred to go to them in the belief that a free service could not be good.

16. Generally speaking, he was satisfied that the Africans in Southern Rhodesia enjoyed very good

medical facilities. One of the difficulties with medical services was similar to that experienced in the field of education, in that it was almost impossible to satisfy the need, with the result that African out-patients sometimes had to wait for an hour or two before they were admitted. The magnitude of the problem could be gauged from the fact that hospitals treated 4 million out-patients a year.

17. There were 120 government hospitals and clinics in Southern Rhodesia for the African population and seventeen for the Europeans. On the basis of his personal experience he could say that while an African was certain of getting a place in a hospital at any time, a European needing a routine operation would often have to wait for up to two weeks.

18. Mr. ARTEH (Somalia) observed that despite the explanations given by the petitioner he still felt that the Europeans enjoyed better medical services than the Africans and that the European patients would not go to African hospitals and clinics because the standards in the latter were lower than those to which they were accustomed.

19. He asked Mr. Gondo to amplify his statement at the 1347th meeting to the effect that the Zimbabwe African Peoples Union (ZAPU) had been banned in the interest of law and order and to say whether the amount of violence had increased or decreased since then.

20. Mr. GONDO replied that although the ban had not put an end to arson, and although some guerilla-type operations were still taking place in a few isolated areas, there was less violence than before the ban.

21. Mr. ARTEH (Somalia) asked the petitioner whether he would agree that the educational system in Southern Rhodesia had been designed in such a manner as to slow down the advancement of the indigenous inhabitants.

22. Mr. GONDO replied in the negative. The African people would, of course, benefit if more funds could be made available for education. In most urban areas where the Government had built schools, children received free education up to standard VI. In the rural areas, on the other hand, where the schools were still operated by missionaries, school fees had to be paid. He favoured the establishment in the rural areas of government schools similar to those in the urban areas, so that children could obtain free education up to standard VI.

23. Mr. ARTEH (Somalia) observed that if the Government of Southern Rhodesia had been really sincere it could have improved the educational facilities for Africans. He asked the petitioner whether the school system had been designed expressly to keep Africans in menial work.

24. Mr. GONDO said that shortage of funds had always been the stumbling block. As the Committee had already been told, the funds needed for African education had been raised within the country. He understood that additional aid had now been requested from UNESCO and that it would be forthcoming. It was not the Government's intention to limit the funds available for education deliberately in order to keep the Africans for menial work.

25. Mr. BUTLER asked for permission to amplify the previous reply since he felt that the Somali representative was labouring under a serious misapprehension.

26. Mr. ARTEH (Somalia) observed that he had not addressed his question to Mr. Butler.

27. The CHAIRMAN pointed out that it had been the Committee's practice to allow a petitioner to amplify statements made by another petitioner.

28. U TIN MAUNG (Burma), speaking on a point of order, said that delegations had the right to address their questions to a particular petitioner and were not obliged to listen to statements volunteered by any other petitioner.

29. Mr. MARSCHIK (Austria), speaking on a point of order, said that his delegation would regret such an attitude. Since the Committee wished to obtain as much information as possible on the situation in the Territory, it should not disregard any information which petitioners might volunteer to offer.

30. The CHAIRMAN requested the Somali representative to continue his questions.

31. Mr. ARTEH (Somalia) asked Mr. Gondo whether the Government of Southern Rhodesia was promoting adult education in an attempt to rectify the mistakes of the past.

32. Mr. GONDO replied that persons wishing to further their education could avail themselves of the services provided by a correspondence college and could sit for external examinations. An institute of adult education was about to be opened—or might have already been opened—at the University. The funds available for adult education were, however, limited.

33. Mr. ARTEH (Somalia) asked Mr. Gondo to give him the figures showing expenditure on the education of an African child and a European child.

34. Mr. GONDO replied that he did not know the exact details, since he was not working in education. He was certain, however, that the Committee had some information on the subject since the question had been put on a number of previous occasions.

35. At present there was an unfortunate division, which he was sure would be corrected in the near future, between European education, which was a matter for the Federal authorities, and African education, which was within the competence of the Territorial Government. While it was true that the amount spent on the education of an African child was small compared with that spent on the education of a European child, the Government, despite its limited financial resources, had increased the budget appropriation for African education to a little over £5 million.

36. Mr. ARTEH (Somalia) asked Mr. Gondo what means of mass communication were available to the Government for making important announcements.

37. Mr. GONDO replied that the Government could use its information services, which included the publication of broadsheets. The information would also appear in the country's newspapers and would be broadcast over the radio. Broadcasts in Southern Rhodesia included programmes in several vernacular languages.

38. Mr. ARTEH (Somalia) asked why, in the circumstances, the Government had not used the radio for explaining electoral matters to the people.

39. Mr. GONDO replied that unfortunately the Government had not in the past initiated any information campaign designed to educate the African masses about voting. That was, however, being done now.

40. Mr. ARTEH (Somalia) recalled that Mr. Hlazo had said that the people could be misinformed and influenced. In the circumstances, an impartial Government, really sincere in its desire to explain important matters to the people, should have availed itself of the radio facilities. He asked why the Southern Rhodesian Government had not done so.

41. Mr. BURDETT-COUTTS replied that under the Charter of the Federal Broadcasting Corporation, which was modelled upon that of the British Broadcasting Corporation in the United Kingdom, the broadcasting system could not be used for political purposes. In the circumstances the Government could not explain to the African electorate their duties, rights and obligations or say how they should vote. The matter had been discussed in the Press and, if he was not mistaken, the Prime Minister had announced his intention of having the Charter amended in that respect. The argument for denying the Government those broadcasting facilities was that if they were available the Federal Broadcasting Corporation could be accused of engaging in political propaganda.

42. Mr. ARTEH (Somalia) observed that political campaigns were acceptable and practised in all democratic societies. In the circumstances he did not see why voting procedures could not be explained over the radio or by means of film shows.

43. Mr. EL-SHAFEI (United Arab Republic) said that the replies so far given to questions had not convinced him that there was any possibility of a genuine partnership policy in Southern Rhodesia.

44. According to a government pamphlet dealing with primary education for 1961, there had been a total of 484,299 boys and girls attending primary schools and 4,139 attending secondary schools in that year. That meant that for every 100 children attending primary school there was one attending secondary school. The number of pupils attending mission primary schools was 429,815, whereas there were only 19,000 attending government schools. The number of primary schools run by the missions was 2,531 out of a total of 2,625. Of a total initial enrolment of 113,941, only fifteen pupils had completed their secondary education.

45. It was clear from the number of children who were attending mission schools that the Government had no genuine educational policy. Education was almost entirely left to the missions.

46. Several of the petitioners had stated that ZAPU had been banned and its members placed under restriction, not because of its policy but because of the methods it employed. He would like to know why the African National Congress, the National Democratic Party and ZAPU, all of which had had the same membership and followed the same policy, had been banned.

47. Mr. GONDO replied that, as the representative of the United Arab Republic had himself stated, all three parties had had the same membership and the same leaders and used the same methods, which had been the cause of their being banned.

48. Mr. BUTLER said that he was not sure whether the figures quoted by the representative of the United Arab Republic had referred to 1961 or to an earlier year. According to the most recent figures, which he had obtained from government sources before leaving the Territory, there were 2,829 Africans and 572 Europeans employed in African education in Southern Rhodesia. In the lower primary schools there were

496,267 African pupils and in the higher primary schools 69,379, making a total of 565,646. The number receiving higher education was 11,018, making a combined total of 576,664. There were altogether 2,893 primary schools and 118 post-primary schools, making a total of 3,011.

49. With regard to the question of the mission schools, the missionaries in Central Africa had made a tremendous and very valuable contribution to education. At a comparatively low cost they had founded schools and sent members of their societies from other countries to organize and run them. Locally recruited teachers in the missions, however, were paid by the Government and the majority of mission schools also received government grants. The greater part of the education budget of Southern Rhodesia took the form of assistance to the mission schools. Most of the government schools were in the town areas and the mission schools in the rural areas.

50. He felt that there were certain misconceptions about the attitude of the average European in Southern Rhodesia on the subject of education. What the majority of white men feared was that a great mass of uneducated people might achieve positions of responsibility. It was the earnest desire of the Europeans in the country that all the people should be educated as quickly as possible, since that would be the only way for all sections of the community to live together in peace and happiness.

51. He read out excerpts from an article by Mr. Shamuyarira, who would be heard by the Committee at a subsequent meeting, a man for whom he had the highest regard although he did not always agree with his views. In that article Mr. Shamuyarira stated that one of the country's most serious political problems arose from the shortage of schools and that it was estimated that each year nearly 30,000 school-leavers with a smattering of education roamed the streets without work or houses or any prospect of obtaining them and that many of them found refuge in the national youth movement. He also stated that in his segregated township ideological pressures were strongly pro-nationalist and that when the nationalist movement called a general strike the worker had to choose between his work and social ostracism and intimidation, on the one hand, and his party with no work, no money and a brush with angry police on the other. Furthermore, intimidation was rife in African townships and the intimidators were not apprehended by law-abiding citizens as they used to be.

52. He thought those extracts emphasized the point made by the United Arab Republic representative and explained why it had been necessary to ban the African National Congress, the National Democratic Party and ZAPU.

53. Mr. EL-SHAFEI (United Arab Republic) thanked Mr. Butler for the information he had given on the question of education and explained that his figures had been taken from the Government report for 1961.

54. He asked what was the number of pupils enrolled in secondary schools and the initial enrolment in primary schools.

55. Mr. BURDETT-COUTTS observed that the figures he had from Government sources with regard to education in 1961 did not agree with those given by the representative of the United Arab Republic.

56. He was not in a position to say whether the fact that there had been too few children in secondary schools in the past had been a matter of deliberate policy, but he did not believe so. He pointed out that, owing to the peculiar circumstances of Africa, African children entering the lower primary schools laboured under considerable disadvantages since very often they were unable either to speak English or to read or write in their own language. Owing to the pressure on the schools, fairly stringent standards had been laid down. For that reason a number of children had had to leave school before completing their primary education or had not reached a standard which would have enabled them to go on to a secondary school. It should also be borne in mind that for financial reasons many children were obliged to leave school and go to work after completing their primary education. That was not a result of deliberate policy on the part of the Government or the European community.

57. In comparing the number of mission schools with the number of government schools it should be remembered that in Southern Rhodesia 80 per cent of the population lived in the rural areas. Since the mission schools had been built in those areas and most of the government schools were in the towns, it was inevitable that many more children should attend the mission schools.

58. According to the figures he had for 1960-1961, the number of aided primary schools had been 2,758, with 479,565 pupils. The number of Government primary schools had been 56, with 45,858 pupils—a total of 2,814 schools with 525,423 pupils. The figure for the present year was approximately 600,000. The figures for upper primary schools were 47,671 pupils in aided schools and 12,769 in government schools. The figures for secondary schools in 1961 were 26 aided schools, with an enrolment of 3,563. The total of government secondary schools was 8, with an enrolment of 1,606, making a total of 34 schools, with an enrolment of 5,169. To appreciate the rapid rate of increase the figures for 1961 should be compared with those for 1948, when there had been 4 secondary schools in the whole of Southern Rhodesia, with 327 pupils.

59. In addition to the figures he had quoted there were various technical colleges, correspondence courses and evening classes for pupils who for any reason had been unable to remain at school.

60. He emphasized that a genuine effort was being made to educate the people of Southern Rhodesia and he entirely shared the view expressed by Mr. Butler that rapid educational progress was desired by the great majority of the Europeans in the Territory.

61. Mr. EL-SHAFEI (United Arab Republic) agreed that a genuine effort was being made but expressed the view that it was being made by the missions and not by the Government of the Territory.

62. Mr. Burdett-Coutts had stated that for economic reasons many African children could not complete their primary education, but he had not mentioned the fact that there had been demonstrations of protest and that the Government had responded with brutal police repression, as had been reported in the Press.

63. Mr. Gondo had stated that the African National Congress and the National Democratic Party had been banned because they had resorted to methods similar

to those subsequently employed by ZAPU, but he would point out that there had been no mention of violence until very recently.

64. The ZAPU leaders had stated more than once that their party was non-racialist and that they wished to foster the progress of all races in Southern Rhodesia. In view of that fact, he wondered what was the basic difference between ZAPU and the present petitioners.

65. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples had been informed of a series of repressive laws adopted over the years by the Southern Rhodesian all-white Parliament. They were described in paragraph 51 of the Special Committee's report on Southern Rhodesia (A/5238, chap. II). He would like to know whether the petitioners believed that those laws were justified, and whether the United Federal Party, as part of its electoral programme, was proposing their repeal.

66. Mr. BUTLER said that Southern Rhodesia had had a very peaceful record over a long period of years, but had recently had to introduce a number of new laws to cope with more troubled times. Many of the Acts in question had been copied almost verbatim from laws in force in the United Kingdom and elsewhere. Mr. Burdett-Coutts had referred to a public order Act in force in England which was very similar to Southern Rhodesia's Law and Order (Maintenance) Act. Laws of a similar nature were in force, he thought, in practically every country in the world. Those laws were in no way discriminatory and applied to all Southern Rhodesians irrespective of race: for example, a right-wing European political party had been prosecuted for using illegal methods to further its policies. Under the new Constitution, no laws could be passed which were discriminatory on grounds of race. The new Constitution did not, however, automatically revoke past discriminatory legislation, a fact which members of the Committee had already noted. He would like to give the Committee some information regarding some of the existing Acts which that provision would allow to remain in force. Many of them, the Committee would observe, contained the word "native" in their title; that term was a survival from the past and he himself regretted its use to describe black Rhodesians, since in fact a person could be a native of Southern Rhodesia and be of any racial origin.

67. A large number of laws of a discriminatory nature had been repealed during the last three years. Those included such laws as the Eating Houses Act, the Settlement of Colonial Natives Prohibition Act and the Native Marriages Act; in addition, the Land Apportionment Act had been substantially modified and it was intended that it should be repealed altogether. Under the Tribal Trust Land Administration Bill, which was now being discussed, what used to be Native reserves would become tribal trust land, and thus the traditional communal system of farming would be protected as long as the people in a given area wished to retain it.

68. The Acts which remained in force were not designed to discriminate against Africans but to protect them. The Native Law Courts Act enabled tribal customs to continue with the force of law when that was desired by the people; it was proposed to replace that

Act by new legislation. The Native Wills Act provided for the voluntary registration of wills and thus offered protection to those wishing to take advantage of it. The Native Labour Regulations Act was designed to prevent unscrupulous Europeans from taking advantage of Africans. It would need to be kept in force until some kind of general employment act was introduced. In the same field, there was the Native Juveniles Employment Act, which gave effect to the ILO Conventions concerning the employment of children. The Native Cattle Marketing Act ensured the provision of marketing facilities for produce from Native reserves. As long as it was desired to retain the tribal trust system, some legal provisions of that kind would be required. Similar in intention was the Native Development Fund Act, which made possible the development of community facilities in tribal areas. The Native Beer Act controlled the brewing of beer for public sale, particularly in African townships, and was designed to prevent the sale to Africans of beer that was not properly brewed.

69. Reference had already been made to the Native Land Husbandry Act. At the 1347th meeting Mr. Burdett-Coutts had described the purposes of that Act, which were obviously laudable. Difficulties had, however, arisen in its implementation. The principle difficulty was that many Africans had had the impression that if a person did not stake his claim to a particular piece of ground he would be prevented from returning to it; consequently many people who had taken up employment in industry had returned to stake claims, with the result that the apparent demand was greater than the real need.

70. Mr. EL-SHAFEI (United Arab Republic) thanked the petitioner for his informative answer but noted that he had seemed anxious not to stress certain laws, such as the Native Affairs Act of 1927; he had not said whether that Act was justified or whether the United Federal Party advocated the repeal of the repressive measures mentioned in the Special Committee's report (A/5238, chap. II). Moreover, he found it difficult to believe that Acts such as the Native Affairs Act had been copied from English laws, for it seemed unlikely that a pass system for indigenous people should be in force in England.

71. He would like to turn to another question raised by the petitioners, who claimed that the leaders of ZAPU had originally accepted the new Constitution and subsequently changed their minds. Mr. Nkomo had informed the Special Committee at its 15th meeting that his party had rejected the proposals because its demand for universal adult suffrage and for certain provisions on the land question had not been accepted; he had further stated that following the talks the African leaders had been banned from addressing political meetings in the reserves and thus from explaining the results to their people. If Mr. Nkomo had accepted the Constitution, it was difficult to see why the authorities had taken such action.

72. Mr. GONDO said that, as Mr. Burdett-Coutts had explained at the 1347th meeting, only the Dominion Party had dissociated itself from the final agreement adopted at the Constitutional Conference, and Mr. Nkomo had given further implicit support to that agreement at the press conference following the talks. Moreover, Mr. Sithole, who had been one of the representatives of the National Democratic Party at the Conference, must have been relatively satisfied with the proposals decided upon, since he had proceeded to

enrol about seventy African voters. Only when the President of the party had subsequently decided to reject the Constitution had Mr. Sithole stopped trying to persuade Africans to register.

73. He did not think that the President and other leaders of the party had been restricted until quite recently. In any case, as he had said, the reason for the restriction was the methods adopted by the party and not the ideas they advocated.

74. Mr. EL-SHAFEI (United Arab Republic) said that it was distressing to hear the petitioners discredit Mr. Nkomo and his followers, who had urged the introduction of universal adult suffrage and had insisted on the inclusion of a declaration of rights in the Constitution. Mr. Gondo's answer did not explain why Mr. Nkomo, if he had agreed to the constitutional proposals, had not been given an opportunity to explain them to his people.

75. Mr. Burdett-Coutts had stated his view that a further broadening of the franchise could be obtained under the new Constitution. Under that Constitution, however, the franchise qualifications could only be altered by a two-thirds majority in the Legislative Assembly. He wondered whether Mr. Burdett-Coutts could explain how such a majority was likely to be obtained for a broadening of the franchise.

76. He also noted that amendments to restrict the franchise could be adopted only after approval by the four principal racial groups as the result of a referendum, or with the specific approval of the United Kingdom Government. The same provisions governed amendment of the entrenched clauses of the Constitution. He wondered why the United Kingdom Government was given such right of approval, and how the Southern Rhodesian Government felt regarding such a provision implying the United Kingdom's competence in the Territory's domestic affairs.

77. Mr. BURDETT-COUTTS, replying to the first question, said that it was his belief that if ZAPU or any African party contested the forthcoming elections they would win a substantial number of "B" roll seats and might well obtain two or three seats on the "A" roll. Provided that the party concerned was able to show that it was willing to use peaceful methods to promote its views, a two-thirds majority in favour of an extension of the franchise could probably be obtained by a combination of its votes with the votes of the United Federal Party—or any other party with a similar outlook. It was certainly his personal desire that the franchise should be broadened further in a very short space of time and he was confident that, given conditions of peace and liberty, the majority of the European inhabitants would support such a step.

78. He was not sure that he fully understood the second question, but as far as the Southern Rhodesian Government's feelings regarding the provision for United Kingdom Government approval were concerned, he could not answer since he was not a representative of the Government or even a member of the governing party.

79. Mr. EL-SHAFEI (United Arab Republic) said that, in view of the history of the Territory, it seemed to him unlikely that the franchise qualifications could be broadened under the present Constitution within the foreseeable future.

80. With regard to the point he had raised in his second question, it seemed clear that the United

Kingdom still had a degree of competence with regard to the affairs of Southern Rhodesia and could not exonerate itself from responsibility for the present situation.

81. Mr. SWAI (Tanganyika) said that, in reply to a question regarding the banning of ZAPU, Mr. Butler had tried to give the Committee the impression that the party had been banned because it resorted to violence. He wondered whether Mr. Butler could explain why the African National Congress and the Na-

tional Democratic Party had been banned, since they had not, to the best of his knowledge, indulged in violence.

82. Mr. BUTLER said that he could not accept the premise stated by the Tanganyikan representative. The single organization which had been known under the three titles concerned had practised intimidation since its inception.

The meeting rose at 1.10 p.m.