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Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

(Covering the period from 20 February to 19 September 1962)

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LETTER OF TRANSMITTAL

New York, 20 September 1962

Sir,

I have the honour to transmit to you the report to the General Assembly of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, established under General Assembly resolution 1654 (XVI), of 27 November 1961. This report covers the work of the Special Committee during the period from 20 February to 19 September 1962.

Accept, Sir, etc.

(Signed) Chandra Shekhar JHA
Chairman

His Excellency U Thant,
Acting Secretary-General,
United Nations,
New York

CHAPTER I

ESTABLISHMENT AND ORGANIZATION OF THE SPECIAL COMMITTEE

A. DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

1. The victory of the United Nations in the Second World War, which was fought in the name of freedom for all men, gave new hope of freedom and independence to millions of peoples who, for centuries, had been living under foreign rule. The establishment of the United Nations coincided with this period of intense political activity among colonial peoples everywhere, who renewed their just demand for freedom and redoubled their efforts to attain their legitimate aspirations.

2. The Charter of the United Nations, signed in San Francisco on 26 June 1945, gave further encouragement to the colonial peoples seeking their independence. The preamble of the Charter reaffirmed "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small" and proclaimed the determination "to promote social progress and

better standards of life in larger freedom". Among the declared purposes of the United Nations contained in Article 1 of the Charter were the development of "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" and "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".

3. Under the Charter of the United Nations, Members responsible for the administration of territories whose peoples had not yet attained a full measure of self-government accepted certain obligations. In Article 73, Members administering such territories recognized "the principle that the interests of the inhabitants of these territories are paramount" and accepted "as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories". The Administering

Members also undertook, among other things, "to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses" and "to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions".

4. The international trusteeship system established under Chapters XII and XIII of the Charter laid down among its basic objectives the promotion of "the political, economic, social, and educational advancement of the inhabitants" of the territories that may be placed under the trusteeship system, and "their progressive development towards self-government or independence".

5. During the first fifteen years of the United Nations, a great number of Trust and Non-Self-Governing Territories attained independence and became Members of the Organization.

6. Even though considerable areas and large numbers of peoples had attained their independence and had taken their rightful place among the community of nations, many countries and peoples still remained under colonial rule, and the world community was seriously concerned about them. It was felt that their progress towards complete emancipation was too slow: a feeling which prompted the General Assembly to adopt various resolutions urging the administering Powers to expedite the process of decolonization. In some of these resolutions (558 (VI) and 752 (VIII)) the General Assembly called on the Administering Authorities of Trust Territories to fix time-tables and targets for the attainment of independence by certain Trust Territories and, in respect of the remaining Trust Territories, to formulate early successive intermediate targets and dates in the fields of political, economic, social and educational development so as to create, as soon as possible, favourable conditions for the attainment of self-government or independence.

7. In this climate of upsurge for freedom among colonial peoples, coupled with the anxiety of the United Nations to see the inevitable transformation from dependence to independence effected in a peaceful and orderly manner, the General Assembly, on the proposal of the Union of Soviet Socialist Republics contained in a statement of Mr. Khrushchev, Chairman of the Council of Ministers of the USSR, made in the General Assembly on 23 September 1960 at the 869th plenary meeting, and in a letter of the same date,¹ included on the agenda of its fifteenth session an item entitled "Declaration on the granting of independence to colonial countries and peoples". The memorandum accompanying the letter urged the immediate independence of all colonial countries and peoples. Following a long and momentous debate in the plenary meetings, a draft resolution embodying a Declaration, sponsored by forty-three African and Asian States, was adopted by the General Assembly on 14 December 1960. The text of the resolution (1514 (XV)) is as follows:

"The General Assembly,

"Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and

of nations large and small and to promote social progress and better standards of life in larger freedom,

"Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

"Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

"Aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

"Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

"Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations,

"Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

"Affirming that peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law,

"Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

"Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence,

"Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

"Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

"And to this end

"Declares that:

"1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

"2. All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

"3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

"4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease

¹ *Official Records of the General Assembly, Fifteenth Session, Annexes, agenda item 87, document A/4501.*

in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

"5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

"6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

"7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity."

8. The adoption of this resolution by the General Assembly was regarded as a most constructive achievement and a landmark in the efforts of the United Nations towards the realization of the purposes and objectives of the Charter. The Declaration embodied in the resolution was a declaration of faith, an inspiration to the peoples who were still under colonial rule and an expression of the universal desire to expedite the process of the liberation of colonial peoples.

B. ESTABLISHMENT OF THE SPECIAL COMMITTEE

9. A year after the adoption by the General Assembly of the historic Declaration on the granting of independence to colonial countries and peoples, the USSR brought to the attention of the Assembly the situation with regard to the implementation of the Declaration. The General Assembly, after considering the question, adopted, on 27 November 1961 (1066th plenary meeting), resolution 1654 (XVI) sponsored by thirty-eight African and Asian States, by 97 votes to none, with 4 abstentions. The text of the resolution is as follows:

"The General Assembly,

"Recalling the Declaration on the granting of independence to colonial countries and peoples contained in its resolution 1514 (XV) of 14 December 1960,

"Bearing in mind the purposes and principles of that Declaration,

"Recalling in particular paragraph 5 of the Declaration providing that:

"Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom";

"Noting with regret that, with a few exceptions, the provisions contained in the aforementioned paragraph of the Declaration have not been carried out,

"Noting that, contrary to the provisions of paragraph 4 of the Declaration, armed action and repressive measures continue to be taken in certain areas with increasing ruthlessness against dependent peoples, depriving them of their prerogative to exercise peacefully and freely their right to complete independence,

"Deeply concerned that, contrary to the provisions of paragraph 6 of the Declaration, acts aimed at the partial or total disruption of national unity and territorial integrity are still being carried out in certain countries in the process of decolonization,

"Convinced that further delay in the application of the Declaration is a continuing source of international conflict and disharmony, seriously impedes international co-operation, and is creating an increasingly dangerous situation in many parts of the world which threaten international peace and security,

"Emphasizing that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence,

"1. Solemnly reiterates and reaffirms the objectives and principles enshrined in the Declaration on the granting of independence to colonial countries and peoples contained in its resolution 1514 (XV) of 14 December 1960;

"2. Calls upon States concerned to take action without further delay with a view to the faithful application and implementation of the Declaration;

"3. Decides to establish a Special Committee of seventeen members to be nominated by the President of the General Assembly at the present session;

"4. Requests the Special Committee to examine the application of the Declaration, to make suggestions and recommendations on the progress and extent of the implementation of the Declaration, and to report to the General Assembly at its seventeenth session;

"5. Directs the Special Committee to carry out its task by employment of all means which it will have at its disposal within the framework of the procedures and modalities which it shall adopt for the proper discharge of its functions;

"6. Authorizes the Special Committee to meet elsewhere than at United Nations Headquarters, whenever and wherever such meetings may be required for the effective discharge of its functions, in consultation with the appropriate authorities;

"7. Invites the authorities concerned to afford the Special Committee their fullest co-operation in carrying out its tasks;

"8. Requests the Trusteeship Council, the Committee on Information from Non-Self-Governing Territories and the specialized agencies concerned to assist the Special Committee in its work within their respective fields;

"9. Requests the Secretary-General to provide the Special Committee with all the facilities and the personnel necessary for the implementation of the present resolution."

10. At the 1094th plenary meeting, on 23 January 1962, the President of the General Assembly announced that, in accordance with operative paragraph 3 of resolution 1654 (XVI), he had nominated the following seventeen countries to be members of the Special Committee:

Australia, Cambodia, Ethiopia, India, Italy, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia,

Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Yugoslavia.

C. OPENING MEETING OF THE SPECIAL COMMITTEE AND ELECTION OF OFFICERS

11. The first meeting of the Special Committee was held at the Headquarters of the United Nations in New York on 20 February 1962. It was opened by the President of the General Assembly, who stated that it gave him genuine pleasure to preside over the first meeting of the Special Committee established under General Assembly resolution 1654 (XVI). He added that the importance of the occasion was also underlined by the presence of the Acting Secretary-General.

12. The President went on to state that the recent attainment of independence by a number of new States and their entry into the United Nations had greatly facilitated the adoption of the General Assembly's historic Declaration on the granting of independence to colonial countries and peoples. Since then, the need for nations which were still under colonial administration to accede to sovereignty had become increasingly urgent. At the same time, it was most desirable that their progress towards sovereignty should proceed along sound and peaceful lines, without upheavals that might provoke resentment and distrust. Accordingly, the Assembly had considered it necessary to ensure the speedy attainment of independence by the nations in question, and had set up the Special Committee for that purpose. The Special Committee's task, which was clearly defined in resolution 1654 (XVI), was a challenging one, which should be carried out without passion and in full co-operation with the administering Powers. He had every hope that, thanks to such co-operation, the Committee would be able to make a significant contribution towards hastening the complete decolonization of the dependent peoples.

13. The Acting Secretary-General said that he was very happy to welcome those present to the first meeting of the Special Committee. The work of the Special Committee in furthering the objectives of the United Nations Charter was of great importance. Although their task was by no means an easy one, he was sure that the members of the Committee, conscious of the heavy responsibilities entrusted to them, would conduct their discussions in a spirit of co-operation, for there was complete unanimity as to the objective in view, namely, the well-being of the inhabitants of the territories concerned.

14. After these statements, the Special Committee elected the following officers by acclamation: Mr. C. S. Jha (India), *Chairman*, Mr. Sori Coulibaly (Mali), *Vice-Chairman*, and Mr. Najmuddine Rifai (Syria), *Rapporteur*.

D. METHODS OF WORK AND PROCEDURE

Introduction

15. Paragraph 5 of General Assembly resolution 1654 (XVI) directed the Special Committee "to carry out its task by employment of all means which it will have at its disposal within the framework of the procedures and modalities which it shall adopt for the proper discharge of its functions". The Special Committee held a general discussion of its methods of work and procedure at its first six meetings. At the 6th

meeting, the Chairman made a statement² summing up the views expressed by the members of the Special Committee. In the context of that statement, further discussions of those questions took place at the 7th and 8th meetings, during which explanations and reservations were made. The general observations by members, together with their additional explanations and reservations, are given in the following paragraphs.

Observations by members of the Special Committee

16. The representative of the United States said that a committee such as the present one could perform a most constructive role and it was important to decide how best it could approach its task.

17. In paragraph 4 of resolution 1654 (XVI) the General Assembly requested the Special Committee to examine the application of the Declaration on the granting of independence to colonial countries and peoples, to make suggestions and recommendations on the progress and extent of the implementation of that Declaration, and to report to the General Assembly at its seventeenth session. In order to examine the implementation of the Declaration, the Committee would need to obtain as much relevant information as possible. He understood that the Secretariat has a considerable amount of such information at its disposal, information culled from standard reference works and information that could be found in earlier reports of such bodies as the Trusteeship Council, the Committee on Information from Non-Self-Governing Territories, the Committee on South West Africa and the various regional economic commissions. The current reports on conditions in Non-Self-Governing Territories submitted by administering Powers would also be useful. In that connexion, his delegation welcomed the recent decision of the United Kingdom to submit political information on the territories under its administration,³ as was already being done by the Netherlands, Australia and his own country. The administering Powers might also be requested to provide information on specific questions.

18. The Committee could usefully draw on the experience of Member States regarding problems connected with accession to independence and such matters as the mechanics of self-determination. The States which had attained independence since the Second World War might be asked for their views regarding the processes which could usefully be applied in the remaining dependent territories. The experience of the administering Powers in that regard would also be useful.

19. With regard to the suggestions and recommendations to be made by the Committee, he felt that the most constructive approach would be for such suggestions to relate to types of situation rather than to individual cases. The problem varied: some of the remaining dependent territories were large, while others were very small; among the large territories, some were nearing independence—and in such cases it might be appropriate not to interfere—whereas in others it seemed that little or no progress was being made. Hence the approach to the different cases should vary. There was also the question of material assets and of the availability of trained personnel, able to take over the tasks of administration and the maintenance

² A/AC.109/1.

³ See *Official Records of the General Assembly, Sixteenth Session, Plenary Meetings*, 1017th meeting.

of law and order. The question of political stability had also to be taken into account. There were differences with regard to the composition of the populations of the territories, in some of which there were large indigenous or non-indigenous minorities. Practical steps could be taken to advance the progress towards independence, and the Committee's main task should be to discuss what measures were appropriate in particular types of situations.

20. There were also special problems relating to territories which constituted small enclaves within another country or territory. Other questions which might profitably be discussed were the usefulness of target dates, the question of the provision of indigenous police forces and other necessary personnel, the question of ensuring the viability of a newly independent State, and that of the geographical units to be used as a basis for popular consultations. Another problem concerned the procedure for deciding the constitutional form to be taken by a newly independent State.

21. It had been the view of the United States delegation over a number of years that no United Nations Committee should undertake to hear petitioners against the wishes of the administering Power if the latter had been co-operating with the United Nations. Similarly, his delegation felt that a visiting mission should not be sent to a territory if there was opposition from the administering Power concerned. In the opinion of his delegation that view was clearly reflected in resolution 1654 (XVI).

22. It was also worth recalling that it was under Article 87 of the Charter, which concerned Trust Territories, that the General Assembly was entitled to accept and examine petitions and provide for periodic visits to such territories. Article 73, which applied to the Non-Self-Governing Territories, included no provision for the hearing of petitioners or the dispatch of visiting missions. It was common knowledge that the omission had been deliberate and not accidental. Although he agreed that the climate of thought on those matters had changed since 1945, it was obvious that no United Nations resolution could amend the Charter. Neither the legal obligations of Member States under the Charter nor the powers of the General Assembly and its Committees could be augmented by a simple resolution. His delegation was not inflexibly opposed to the idea of the Special Committee obtaining information from individuals or by way of on-the-spot inquiries. Those matters should be considered as the occasion arose and the agreement of the administering Power—at least where the latter had been co-operating with the United Nations—was an essential part of the process. He agreed with other members in principle that it might be desirable to concentrate on certain areas, bearing in mind the view that the ultimate recommendations of the Committee should deal with types of situations rather than with individual territories.

23. On the basis of its studies the Committee should be able to produce a report of historic significance, which would make an important contribution towards the rapid implementation of resolution 1514 (XV).

24. As far as the procedure of the Committee was concerned, he felt that it would be a mistake for it to engage in controversy and to take decisions on the basis of small majorities. The precedent set in the Committee on the Peaceful Uses of Outer Space, in which it had been decided that the aim should be to

achieve agreement without voting, might usefully be followed. He was naturally not proposing that unanimity should be required for all decisions.

25. The representative of the United Kingdom recalled the conditions under which his Government had accepted the invitation from the President of the General Assembly to participate in the work of the Committee. The United Kingdom Government had given full co-operation to the Committee on Information from Non-Self-Governing Territories and saw no need for any other committee; nevertheless, it was willing to co-operate with the Special Committee, subject to the understanding that it could not accept any form of intervention in the administration of the territories for which it was responsible and that, if there were any attempts so to intervene, the United Kingdom Government would be bound to withdraw its co-operation. He reserved the position of his Government with regard to the consideration of territories individually, which he believed should be by category or area. He also expressed his Government's reservations on the hearing of petitioners and the dispatch of visiting missions, which he believed should not be done without the consent of the administering Power.

26. He wished the Committee to give sympathetic understanding to four propositions in which his Government believed. The first of these was that the United Kingdom exercised sole responsibility for carrying out the advance towards self-government and independence in the territories which it administered. The second was that there was no question in his Government's mind about the general policy to be followed in accordance with the Charter. That was not simply to confer independence without other considerations, but to confer independence on free and stable governments which were able to exercise that independence to the best advantage of the people concerned. The third principle was that this policy was being carried out by his Government with as much speed as circumstances permitted. The fourth principle was that his Government regarded preparation for self-government as all-important. It had taught the principles of good order, equal justice and representative government. He considered that if the Committee failed to pay attention to the question of practical steps in preparation for self-government, it would be doing a grave disservice to the peoples concerned. Independence should be attained rapidly, but administering Powers also had the responsibility of giving the best possible start in independence to the peoples concerned.

27. The representative of Mali said that his delegation would be animated by a spirit of co-operation in approaching the heavy task of decolonization entrusted to the Special Committee by the General Assembly. Mali was deeply engaged in the anti-colonialist and anti-imperialist struggle and, although it would make no concessions where colonialism was concerned, it felt that mere abuse of colonialism would serve no useful purpose and that there was need for definite, practical and constructive steps likely to lead to its liquidation. The adoption of resolution 1514 (XV) had inspired hope all over the world, and particularly in Africa and Asia. The peoples of those Continents, who were still suffering under colonialist oppression, must not be disappointed.

28. The first stage of decolonization was the attainment of political independence, followed by the abolition of under-development, poverty and under-employ-

ment. The first step must be to put into practice the right of peoples to self-determination, in accordance with the Charter. In that connexion he drew attention to paragraphs 3 and 5 of resolution 1514 (XV). In accordance with those provisions, the members of the Committee must acquaint themselves with the degree of implementation of that resolution achieved in each of the territories still under foreign domination.

29. Resolution 1654 (XVI) gave the Committee clear and precise instructions. It was the Committee's duty to set about specific and urgent tasks without further delay. Paragraph 5 of the resolution directed the Committee to carry out its task by employment of all means at its disposal. Since the Special Committee had been established by the General Assembly, it could employ the methods used by other Assembly Committees and by the Trusteeship Council.

30. His delegation considered that, in the interest of understanding, it would be well for the Committee at the end of each debate to reach a consensus of opinion. The right to vote would still be exercised with regard to questions of procedure.

31. He felt that the Secretariat was in a position to place at the Committee's disposal a quantity of data concerning the various dependent territories. It would be unreasonable for the Committee to set about its work in an abstract manner, and it would be particularly difficult to lay down general principles applicable to all dependent territories. There were varying situations, and certain territories, such as Angola, Mozambique, Kenya and Southern Rhodesia, constituted a serious threat to international peace and security. His delegation therefore suggested that, after deciding on its method of work, the Committee should draw up a list of priorities.

32. The first work to be undertaken was the investigation of the political situation in the various territories. The Committee should request the Secretariat to circulate all the information it possessed in that respect. The Committee should also call upon the assistance of the specialized agencies, in accordance with paragraph 8 of resolution 1654 (XVI). In addition, the Committee would have available to it the information to be supplied by the administering Powers themselves, in accordance with paragraph 7 of the resolution. Furthermore, the hearing of petitioners had proved a useful source of information both in the Fourth Committee and in the Trusteeship Council. His delegation therefore proposed that the Committee should adopt that system, on the understanding that it should first be verified that the petitioners were genuinely representative of the territories in question. He also urged the sending of visiting missions, in accordance with the practice followed by the Trusteeship Council. The Committee might also draft a questionnaire to be sent to the administering Powers.

33. The Committee's field of action was vast, but his delegation considered that it should begin its work by examining the situation in the dependent territories of Africa. In that part of the continent there were a number of crucial problems which should be solved without delay. In this delegation's view the most effective approach would be to establish a vertical rather than a horizontal programme for the examination of the problem of the still dependent territories, i.e., to establish priorities rather than to seek solutions which would be applicable in all cases and which would place important questions such as those of Angola, Mozam-

bique, the other Portuguese possessions and Southern Rhodesia on the same level as questions such as that of the American Virgin Islands, the importance of which was only relative.

34. One of the most urgent cases was that of Angola and the other Portuguese colonies. The General Assembly had set up a Committee to deal with that subject, but the Special Committee might ask the Chairman of the other Committee for his opinion of the progress being made in that colony. The situation in Kenya and that in Southern Rhodesia were no less tense than that in Angola. The Committee should proceed without delay to the hearing of petitioners from those territories while reserving the right to dispatch a visiting mission there. The dispatch of a mission to Southern Rhodesia appeared to be particularly desirable in the light of the resolution recently adopted by the General Assembly (1745 (XVI)), which had requested the Special Committee to consider whether the Territory of Southern Rhodesia had attained a full measure of self-government. Subsequently the Committee could, on the basis of the information it had gathered, study the implementation of adequate measures of decolonization. Those urgent needs should not cause the Committee to overlook another alarming situation, that of so-called British Guiana, which seriously threatened international peace and security. He hoped that the negotiations scheduled to take place in London in May 1962 would lead to the independence of that Territory.

35. In conclusion, he urged that the Special Committee should immediately take up the specific, serious and urgent cases which threatened international peace and security, in the light of General Assembly resolutions 1514 (XV) and 1654 (XVI). The awakening of the colonized peoples and their yearning for freedom and independence were incontestable facts which constituted one of the outstanding phenomena of the day. The historic Asian-African conference at Bandung in April 1955 had sounded the tocsin of colonialism. He appealed to those administering Powers which were behind the times, like Portugal, and to those which were seeking a fresh form of colonial domination, to show good will and a spirit of co-operation, so that all might work together to bring about the end of the shameful oppression of some peoples by others. In its desire to ensure the full and objective implementation of the resolutions that had been unanimously adopted by the General Assembly, Mali would do its utmost to that end.

36. With regard to the statement made by the Chairman at the 6th meeting, the representative of Mali stated that the references to consent by the administering Power to the dispatch of visiting missions should not be regarded as conferring a right of veto.

37. The representative of the Soviet Union stated that the General Assembly had entrusted the Committee with an extremely responsible and worthy task, that of assisting in the implementation of the Declaration on the granting of independence to colonial countries and peoples. In adopting that Declaration, the General Assembly had solemnly proclaimed the necessity of bringing colonialism in all its forms and manifestations to a speedy and unconditional end. As the Chairman of the Council of Ministers of the USSR had stated, the main task was to ensure that the will of the peoples was put into effect, that the demands made in the Declaration did not remain a dead letter, and that the elimination of the colonial régime in any

particular country became a reality and was not frustrated by the maintenance of a disguised form of colonialism. It should not be difficult to find common ground on which all members of the Committee could agree regarding the Committee's task and the methods to be used, provided they were guided by the Declaration and by General Assembly resolution 1654 (XVI). It was stated in paragraph 5 of the Declaration that all powers should be transferred to the peoples "in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence". Hence, all types of colonial territories without exception were within the competence of the Committee and the task before the Committee was one of enormous dimensions, for there were still some eighty-eight territories under colonial domination, with a total population of roughly 70 million.

38. Resolution 1654 (XVI) requested the Special Committee to examine the application of the Declaration, to make suggestions and recommendations on the progress and extent of the implementation of the Declaration, and to report to the Assembly at its seventeenth session. Thus it had not much time in which to accomplish the urgent tasks awaiting it. If the Committee tried to include all the dependent territories in its report, it was likely to be submerged in a mass of detail and to fail to submit recommendations concerning the most important of those territories. For the purpose of implementing the Declaration, it was necessary for the Committee to consider the most important political questions connected with the termination of the colonial régimes. Therefore it would be reasonable to agree with the proposal of the representative of Mali that priority should be given to countries of the African continent, in which there were still twenty-seven colonial and Trust Territories, with a population of over 50 million. Lack of agreement concerning those territories, in many of which there were acute political problems, was likely to lead to serious conflict of international significance, as had been seen in the case of Angola and Ruanda-Urundi.

39. The Committee's ultimate objective had been clearly defined in the General Assembly's resolutions. It was to co-operate in the steps to be taken for the transfer of all powers to the colonial peoples, so that they might enjoy complete independence and freedom. Sometimes the need for a cautious, gradual approach was being emphasized. The United Kingdom representative had stressed the responsibility of his Government for developments in the territories under United Kingdom administration and the consequent heavy burden laid upon that Government. One of the Committee's tasks was surely to make that burden lighter by leading those territories to complete independence.

40. The Committee should endeavour to ensure that, in all the territories falling within its purview, steps should immediately be taken for the granting of independence. It was the Committee's duty to ensure that the Declaration should not remain a dead letter and to prevent any possible attempts to obstruct the implementation of the General Assembly's decisions. In that connexion, it should be borne in mind that the relevant resolutions emphasized that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence. Moreover, the territories must be granted true independence, not a fictitious form of independence concealing new forms of colonial domination and oppression. It was necessary

to point out that, in their efforts to continue to exercise pressure on a territory which had attained independence and to maintain their position in a new guise, the colonial Powers frequently endeavoured to leave their armed forces in the territory and to establish or retain military bases there. Before granting independence, they tried to impose treaties and agreements restricting the sovereignty of the future independent State. It was therefore essential for the Committee to call upon the administering Powers to liquidate their military bases in Trust and Non-Self-Governing Territories, to withdraw all their armed forces from them and not to conclude, before the proclamation of independence, any treaties or agreements which would in any way limit the sovereignty of the future State.

41. It was for the Special Committee to determine what was necessary for the implementation of the Declaration and to decide on the best methods of work. One of the most useful methods would be to send to the various territories special working groups or visiting missions, as the representative of Mali had suggested, which should complete their work as soon as possible and submit reports to the Committee; another important method would be the consideration of written petitions and the hearing of petitioners on matters connected with the implementation of the Declaration. Those sources would supplement the information obtained from the Administering Members and from the United Nations organs that were called upon, in resolution 1654 (XVI), to assist the Committee. Further, different bodies organized by the General Assembly on certain territories, such as the Sub-Committee on the Situation in Angola, might be requested to inform the Special Committee of their programme of work and target dates so that it might state its own views on the matters concerned and each could help the other in the fulfilment of their missions.

42. In putting forward those suggestions, the Soviet Union delegation confidently assumed that all Member States which had voted in favour of the Declaration, and all those which had not objected to it, would co-operate with the Committee in its efforts to implement the Declaration. It would be an advantage if the Committee could reach decisions commanding general agreement, but if that were to be achieved members would have to refrain from laying down prior conditions. The only basis for discussion was in fact the Declaration and other General Assembly resolutions. That was already an area of agreement; any other course was likely to lead to controversy. If individual members of the Committee were not guided by the Declaration and the General Assembly resolutions but obstructed their implementation, that would prove that in voting for the Declaration they had not really intended it to be implemented. The delegation of the Soviet Union would oppose any such manoeuvres and would urge the Committee to take practical action to implement the Declaration. The effectiveness of the Committee's work would be measured by the extent to which it assisted the process of liberating the dependent peoples from the colonial yoke and eliminated the last vestiges of colonialism in Africa, Asia, Latin America and the Pacific. The Soviet Union delegation hoped that the Committee would be able to submit recommendations for the complete liquidation of colonialism to the General Assembly at its seventeenth session.

43. With regard to the statement made by the Chairman at the 6th meeting, the representative of the

Soviet Union stated that, while it was desirable to obtain the consent of the administering Powers before hearing petitioners and sending out visiting missions, it should be understood that that procedure would not be tantamount to giving the administering Powers the right of veto. He felt that the Special Committee would do well to follow the procedures indicated by the Chairman, taking into account the comments made by representatives, particularly the observations of the representative of Poland.

44. The representative of Cambodia said that his country's point of view on colonialism had been made clear at the sessions of the General Assembly and at the conferences held at Bandung and Belgrade: namely, that the Powers which still maintained their rule over other peoples should be persuaded to grant them full independence. The representative of the United Kingdom had mentioned the many territories formerly under United Kingdom administration which had become independent and had said that his Government was taking steps to speed up the emancipation of the territories still under its administration. The United Kingdom was to be congratulated on its liberal colonial policy; the spirit of co-operation shown by its representative augured well for the Committee's work.

45. With regard to the Committee's method of work, his delegation thought that the competent United Nations organs should first collect all the information available on the various Non-Self-Governing Territories in order to have the fullest possible documentation on political, constitutional, economic and social conditions. The Committee could then consider and study those documents, giving priority to those relating to territories which were already advanced and fit for independence. On the basis of such a study, the Committee could ascertain in what circumstances any given territory could accede to independence as rapidly as possible and, if necessary, it could fix a target date for the granting of independence, in agreement with the administering Power concerned. His delegation, which represented a newly independent country, was prepared to co-operate whole-heartedly and to use its own experience in assisting the subject territories to recover their sovereignty in peace and dignity.

46. His delegation was confident that it would not be long before all the dependent peoples were free and every form of colonialism would disappear from the face of the earth. As Prince Norodom Sihanouk, the Chief of State of Cambodia, had said at the Belgrade conference, the struggle against the survival of colonialism would be all the more effective if it was waged in the certainty that final victory was close at hand and that nothing would be gained by bitterness or hatred.

47. The representative of Tanganyika stressed the importance of the Committee's deliberations. It had been encouraging to note that the three major Powers had agreed on the objective, for only if the great Powers co-operated fully and were willing to abide by the consensus of opinion in the Committee could its findings and recommendations have full meaning and serve the required purpose. In the war against the exploitation of man by man, against rule without consent, against degradation on the pretext that some peoples were less endowed mentally than others, ultimate victory was already assured. Nevertheless, there was a need for the Special Committee because the great Powers were somewhat divided in their approach even though they agreed on the objective. The United States repre-

sentative had approved of the Committee; the United Kingdom representative, while pledging himself to co-operate with the Committee, had indicated that his country would have preferred to be left alone to liquidate its colonial empire, in view of what it had already achieved in that matter. The representative of the Soviet Union had spoken as strongly as ever against colonialism, stressing that unpreparedness should not be used as an excuse for delay.

48. He agreed that the Committee should give the colonial territories in Africa priority in its work. His delegation was not in favour of pressing for immediate independence for all territories, regardless of whether or not that was likely to lead to chaos. At the same time, his delegation did not support the attitude of the United Kingdom, which wanted to take its own time in the matter of granting independence; indeed, his country's own independence would be incomplete as long as others were still subjected to humiliation on the African continent.

49. He thought that the representative of the United Kingdom, which was at the moment the largest colonial Power, had presented a formidable list of achievements. It was true that the United Kingdom had been a champion of decolonization in cases where the population had been mainly African, as in Nigeria and Ghana, or where Europeans had formed the majority, as in New Zealand and Australia, but in colonies with a mixed population the United Kingdom had little to be proud of. For instance, in Kenya the constitutional changes had not been introduced until after the Mau Mau disturbances; in Nyasaland Mr. Hastings Banda had succeeded after a state of emergency involving much loss of life; in Northern Rhodesia bloodshed had been necessary to convince the United Kingdom that the African population were opposed to the Constitution; in Southern Rhodesia the representative of the United Kingdom Government had recently expressed satisfaction that the Constitutional Council and the courts were sufficient to safeguard the interests of the African, while for the European a two-thirds majority was an additional safeguard. The Committee would no doubt have little to say about territories such as Uganda, Trinidad and British Guiana, where the future had been clearly marked out.

50. He had, however, been perturbed by the United Kingdom threat to withdraw its co-operation if the Committee showed signs of "intervention". It would be useful if the United Kingdom representative would define the meaning of that word. If the United Kingdom had promised to give information, it must be aware that such information would be discussed and criticized. It would be unfortunate if, in so doing, the Committee would be going beyond what the United Kingdom could tolerate; he hoped that that situation would never arise. His Government was prepared to go a long way to co-operate with the Committee. All members were agreed on a clear and well-defined principle of decolonization, and as long as that principle was kept in mind any difficulties could easily be solved. All members fully realized the difficult situation facing the colonial Powers such as the United Kingdom.

51. He fully supported the suggestion of the United States representative that all possible information should be obtained from all available sources. He agreed that the Administering Authorities should be asked to give all the information they had; the experience of the colonial Powers and of the ex-colonial peoples should

be placed at the Committee's disposal. He also agreed that each territory should be studied individually in all its aspects.

52. He hoped that the Committee and the administering Powers would not adopt a paternalistic attitude. If its intentions were genuine, it should be willing to hear people from the territories express their views. Objections to such a procedure might be raised in certain quarters; it might even be called a violation of the Charter of the United Nations. For that reason he would not call such people petitioners. The important thing was that they should be consulted about their future; the colonial Powers did not necessarily know best. If there were difficulties to be overcome before independence, the dependent peoples would be the first to be convinced of the need for delay. The recent discussions on Ruanda-Urundi had shown the desirability of such consultation. As the representative of a recently independent country, he stressed that there was no greater danger to co-operation between the Administering Authority and the colonized people than secrecy on the part of the former concerning its plans. That was a particularly strong grievance in the case of the Southern Rhodesian Africans.

53. The former Prime Minister of Tanganyika had asked the United Nations to be the judge in colonial matters and had appealed to the colonial Powers to treat their possessions as Trust Territories. If that were done by all the colonial Powers, they would find the Committee co-operative and the opponents of colonialism would willingly assist in reaching an amicable solution to the satisfaction of all. As he had said in discussing the question of Angola, peace and colonialism were rapidly becoming incompatible.

54. With regard to the statement made by the Chairman at the 6th meeting, the representative of Tanganyika stated that his delegation accepted that as a guide without its amounting to a ruling. He appealed to all administering Powers to give the Committee full co-operation in connexion with the hearing of petitioners and the dispatch of visiting groups.

55. The representative of India said that his delegation felt that the establishment of the Committee was of historic significance, for it showed that the end of the colonial era was in sight. The United Nations had a profound interest in the eradication of colonialism since the conditions for lasting peace would not prevail until that had been achieved. It was therefore extremely important for the Committee to function effectively. There appeared to be some differences of opinion on the Committee's specific functions. Since the objective was identical for all concerned, the Committee would have to reconcile those different views, which were not in essential conflict. The Committee represented all points of view, those of the colonial Powers as well as those of former colonies; it had to be assumed that they all had the same ultimate aim, although their views on methods might differ. He agreed that advantage should be taken of the rules of procedure of similar committees, for the Committee could find many precedents in the work of the General Assembly and its Committees.

56. He endorsed the suggestion that the Committee might decide to consider written or oral petitions. It would not, however, be bound to hear every petitioner; it might perhaps set up a small committee to screen the petitions. It had also been suggested that the Committee should not undertake a horizontal study of a large number of territories. His delegation agreed with that view;

a programme of priorities should be established and studies of selected territories could be carried out. It seemed to be generally agreed that priority should be given to territories in Africa, which had suffered from colonialism at its worst. The oppression and denial of freedom in Angola and the other Portuguese colonies in Africa constituted one of the most serious challenges to the United Nations. The Committee should devote its efforts to remedying such situations. The suggestion that the Committee might send visiting missions to some of the territories also met with his delegation's approval. No mission would be successful without the co-operation of all concerned, including the administering Powers, and he hoped that that co-operation would be forthcoming.

57. His delegation agreed with the United States representative that it would be advantageous for the Special Committee to arrive at decisions by recording the consensus of opinion. The Committee should as a rule hold open meetings, but it should reserve the right to hold closed meetings should circumstances warrant it. As for the records of the meetings, he would advocate the use of verbatim records with official summary records prepared subsequently by the Secretariat, as was the practice in the Trusteeship Council.

58. His delegation was not prompted by any preconceived notions, nor did it wish to cause embarrassment to any country. Its sole desire was to ensure constructive co-operation and to hasten the implementation of the purposes set out in the Declaration on the granting of independence to colonial countries and peoples.

59. With regard to the statement made by the Chairman at the 6th meeting, the representative of India agreed that, on the question of petitioners, the Special Committee should be able to act without the consent of the administering Power but should spare no effort in trying to obtain the latter's co-operation. He also stated that, although the Special Committee might send visiting missions, their success depended on the active co-operation of the administering Power concerned.

60. The representative of Yugoslavia said that the texts of the basic documents of the Committee's work, General Assembly resolutions 1514 (XV) and 1654 (XVI), were so clear that they left little room for differences of interpretation. The United Kingdom representative had spoken of the responsibility of the administering Powers, and particularly of the United Kingdom, with regard to territories under their administration. Although all members did not share the United Kingdom representative's conception of the absolute responsibility of the Administering Members, they all recognized the special responsibility of the colonialist Powers. That responsibility had increased as a result of the adoption of resolutions 1514 (XV) and 1654 (XVI), for besides being administering Powers they were Members of the United Nations and were bound to comply with the provisions of the resolutions of the General Assembly. In that connexion he drew attention to resolution 1514 (XV), paragraph 5 and resolution 1654 (XVI), paragraph 2.

61. Apart from the responsibility of the administering Powers, there was also the responsibility of the United Nations. In adopting the Declaration on the granting of independence to colonial countries and peoples, the Assembly had assumed a definite obligation towards the peoples of the dependent territories. Lastly, there was the responsibility of the Special Com-

mittee and of each of its members, as defined in paragraphs 4 and 5 of resolution 1654 (XVI). In his delegation's view it would be erroneous, and even dangerous, to ignore or underestimate any of the responsibilities he had mentioned, which were of the highest importance for the achievement of the purposes outlined in the Declaration.

62. He agreed that constructive co-operation in the Committee would be an important condition for its success. He had particularly in mind the co-operation of the Administering Members, both those represented on the Committee and those which were not represented there. He hoped that the Committee would be able to count on their co-operation; in particular, he hoped for the co-operation of the United Kingdom, the greatest colonialist Power in the world today. In the light of the achievements enumerated by the United Kingdom representative, the Committee was entitled to expect more constructive co-operation from that delegation than from certain other colonialist Powers. The basis of such co-operation could only be the spirit and letter of the two relevant General Assembly resolutions, coupled with the determination of all members of the Committee to make concerted efforts with a view to the strict application of the purposes set forth in those resolutions.

63. With regard to the methods and programme of work to be adopted, he agreed with the United States representative, who had mentioned a number of sources of information which might be useful to the Committee. His delegation also supported the suggestion that the Committee should hear petitioners. Moreover, visiting missions might in special cases render useful service. His delegation agreed with the opinion expressed by various speakers that it would be a mistake to attack all the problems at once and to treat all dependent territories on a footing of equality from the point of view of the importance and urgency of their problems. The Committee should draw up a list of priorities and in his view the first priority should be given to "Black" Africa, more especially to the Portuguese territories and to Southern Rhodesia, in connexion with which the General Assembly had recently adopted a resolution (1745 (XVI)).

64. His delegation was ready to give the utmost co-operation and to make constructive efforts which would assist the Committee in carrying out its task as speedily as possible and enable it to present a useful report to the General Assembly at its seventeenth session.

65. With regard to the statement made by the Chairman at the 6th meeting, the representative of Yugoslavia explained that, with regard to visiting missions, the reference in the Chairman's statement to the need for securing the co-operation of the administering Powers concerned merely meant that the Committee would like to have the assistance of those authorities and did not confer any kind of veto power upon the administering Powers.

66. The representative of Poland stressed that the general views of his delegation on colonial problems had been expounded in the General Assembly, particularly during the debates on the Declaration on the granting of independence to colonial countries and peoples and on the implementation of that Declaration. He would like to think that there was universal agreement on the principal objective, which was to bring about the independence of all dependent territories as rapidly as possible, but he felt that it was right to be realistic regard-

ing the obstacles which had existed in the past and would doubtless continue to exist. The differences of approach to the question of implementing the General Assembly's decision sprang from the basic differences of policy and interest between the colonial Powers and the colonized peoples. It should be recalled that in the past independence had often been won only after a struggle and at the cost of many lives.

67. If the Committee was agreed on the need to bring about the peaceful implementation of the Assembly's Declaration, it must propose concrete measures to the Assembly for facilitating the process, always bearing in mind that the prime consideration must be the interests of the peoples concerned. Both the Declaration and resolution 1654 (XVI) provided the Committee with clear and precise terms of reference; there was no need to discuss whether or not, in a particular territory, immediate steps should be taken to transfer powers to the people, since the Assembly had already passed judgement on that issue. The question was how best to implement the Assembly's decision. The United States representative had rightly observed that there were marked differences between the problems in different territories. For that reason it would not be useful to discuss all the territories at once, but the Committee should, rather, decide what specific measures were called for in the case of specific territories. A general debate on abstract problems concerning the methods of transferring powers would serve no useful purpose.

68. Certain differences of approach had already become evident in the Committee. He agreed with the representative of Tanganyika that it would be helpful if the United Kingdom would abandon its paternalistic attitude toward the territories still under its administration; that attitude seemed to underlie the United Kingdom representative's statement at a previous meeting, in which he had spoken of preparing people for self-government and teaching them principles which had proved of value to the British people. What suited some people did not necessarily suit others, and history had shown that the newly emerging States did not necessarily adopt the systems prevailing in the former metropolitan countries. That was to be expected since they were faced with different problems, including economic and other problems which had been created by the policies of the colonial Powers.

69. He agreed that a list of priorities should be established and that consideration should first be given to the African territories. It was in Africa that the largest remaining dependent territories were to be found; a colonial war was being waged in Angola, and an equally dangerous situation might well arise in Southern Rhodesia. The Committee might begin immediately by considering the situation in Angola, Mozambique, Kenya, Southern Rhodesia and Ruanda-Urundi. He accepted the list of priorities proposed by the representative of Ethiopia, on condition that the Committee could amend it if necessary. By adopting the list forthwith the Committee would be able to embark immediately upon the real task before it. If it worked diligently the Committee might hope to submit the final results of its work to the General Assembly at its seventeenth session and thus belie the somewhat pessimistic prediction of one of the representatives, who seemed to expect the Committee to sit for another ten years or so, or even to become a permanent Committee.

70. In regard to the question of information, the representative of Poland stressed that the possible

sources of information were numerous. Resolution 1654 (XVI) made it clear that the Committee might use all methods available; as other representatives had said, it could profitably make use of practices which had been adopted in the Trusteeship Council and other bodies.

71. First there was the material already at the disposal of the Secretariat; in that connexion, it would clearly be an advantage if the territories were considered one by one, since otherwise the work of the Committee would be held up until the Secretariat had collected information on all the dependent territories.

72. Secondly, the help of the Trusteeship Council would be useful, though such help as well should be requested in connexion with each specific territory that the Committee was considering. Other bodies, such as the Sub-Committee on the Situation in Angola, could usefully be invited to co-operate with the Committee as suggested by the Soviet Union representative.

73. Thirdly, the information which could be obtained from administering Powers was extremely important, but that did not mean that the Committee could afford to postpone its work until such information was made available to it. In that connexion, he saw little profit in the proposal that all the States which had recently acceded to independence should be approached for their views. Such States were represented in the Committee and their experience would naturally be of value when specific territories were discussed.

74. Fourthly, he agreed with the representative of Tanganyika that the Committee should make use of any information available to it from representatives of various political groups in the dependent territories. If there was general agreement, he did not think that there would be any procedural difficulty about inviting and hearing petitioners from those territories, which the Committee wanted to investigate thoroughly.

75. Fifthly, his delegation strongly supported the suggestion that visiting missions should be sent to gather information on particular territories, since that method had proved useful in the past practice of the United Nations. He supported the view of the representative of Yugoslavia that it must be clearly understood that the administering Power had no right of veto with respect to the sending of visiting groups by the Committee.

76. He agreed that the procedure of the Committee should be modelled on the procedure of the General Assembly's Main Committees especially that of the Fourth Committee. As the representative of the United States had said, many of the problems before the Committee had already arisen in the Fourth Committee. He agreed also that every effort should be made to reach a consensus of opinion, though, naturally, each delegation would have the right to call for a vote if it disagreed with the general view or if it felt that the Powers immediately concerned were demanding unacceptable conditions. The Committee must not be afraid to admit to disagreements if they did in fact exist. Finally, he agreed with the representative of India that the Committee should be provided with verbatim records, as was the practice in the Trusteeship Council.

77. With regard to the statement made by the Chairman at the meeting, the representative of Poland felt that it should be made clear that the Special Committee was entitled not only to hear petitioners but also to ask them to speak on matters which it wanted to investigate

thoroughly. He also agreed that it must be clearly understood that the administering Power had no right of veto with respect to the sending of visiting missions.

78. The representative of Ethiopia hoped that the harmony which existed in the Committee would continue. His delegation's views with regard to the implementation of the Declaration on the granting of independence to colonial countries and peoples were determined by three basic considerations. First, it was determined by his country's history, which in the last hundred years had been one of constant struggle against the forces of colonialism, which twice in a generation had attacked his nation. If today independence was a reality, it was not achieved without great struggle, loss of precious human lives and destruction of property. It was not surprising, therefore, that his country's views on the problems before the Committee should be determined by its experience, by its historical heritage in the African continent.

79. The second essential consideration arose from his country's obligations under the Charter of the United Nations. The primary task of the United Nations, was the maintenance of international peace and security, and implicit in this was the duty of the Organization, and of each Member State, to remove the cause of the threat to peace. And in this regard the continued existence of colonialism was a threat to international peace and security. The history of the past decade was replete with examples of full-scale wars, armed struggles and endless heavy sacrifices which had their origin in the system of colonialism. His delegation could not therefore agree with the criticism levelled against some Member States that they had departed from the original purposes of the United Nations and had turned it into an instrument for the supervision of the liquidation of colonialism. His delegation took it as a maxim that indeed colonialism should be liquidated.

80. Thirdly, his delegation believed that Chapter XI of the Charter embodied the obligations of the international community towards the dependent territories and peoples and was an international convention on the policies that should be followed in advancing dependent territories to self-government and independence. His delegation believed that it had a responsibility to assist those Member States which had obligations towards dependent territories, as outlined in the Charter.

81. His delegation believed that by General Assembly resolution 1514 (XV) mankind had declared colonialism to be morally and legally indefensible. Mankind and history had pronounced themselves on the moral and legal values of colonialism, and their verdict was indeed incontestable and irreversible. His delegation did not view its role in the Special Committee as being that of a champion of an already triumphant cause. To reopen the question anew and show why colonialism as a system was morally and legally indefensible would be a setback to human progress. The Committee's essential role and function were to carry further and implement the moral and legal values of mankind as manifested in the Charter and in resolution 1514 (XV).

82. Turning to the specific mandate of the Special Committee as outlined in paragraph 4 of resolution 1654 (XVI), he said that that mandate was very positive, inasmuch as the Committee was to formulate precise suggestions on the granting of independence to the last remaining dependent territories in the world. That mandate should be viewed also in the context of Chapter XI of the Charter and Assembly resolution 1514 (XV),

which contained principles that had been unanimously accepted by all Members of the Organization. Because of that unanimity on the principles concerned with the mandate of the Committee, he believed that a similar attitude of unanimity should guide and prevail in the deliberations of the Committee and that unless there was a request by a member, voting by division should be avoided as much as possible. He explained that by unanimity he meant a consensus of views. He added, however, that members should retain the right to insist that a vote be taken on any particular point, when necessary.

83. In view of the short time available to the Special Committee, it could not be expected to undertake a case by case study of all the dependent territories. He believed that the Committee should immediately take up as a matter of high priority the problems of the larger dependent territories, especially those in which the people themselves had risen against the colonial system. Those dependent territories were very well known and had already shown serious manifestations of a will to emancipate themselves which, if suppressed, would cause a threat to international peace and security. That should not be construed, however, as neglecting the smaller dependent territories; it simply meant giving immediate attention to the urgent matters. Among the territories to which his delegation attached great importance were Kenya, Mozambique, Angola, Zanzibar, South West Africa, the Rhodesias, Bechuanaland, Swaziland and Basutoland; and possibly Ruanda-Urundi.

84. In explaining why he had not included any of the West African territories, he said that since there were not a great many settlers there, the Africans of West Africa had been able to acquire their independence with—and he used the word cautiously—relative ease. On the other hand, in East Africa there were many settlers, who, unfortunately, had not seen fit to grant to Africans the right to manage their own affairs. As a result, the granting of self-government in that part of Africa had not really been to the Africans but mostly to the settlers. Lately there had been trends such as those in Kenya, where the privileged position of the settlers was dwindling fast. But in other territories, such as the Rhodesias, the picture was different, and he believed it was the duty of the Committee to give urgent consideration to them. His list of territories was therefore based on considerations of urgency and importance. Moreover, as he came from that part of Africa, he had a special attachment to it. He believed that the Special Committee should hear petitioners. However, he felt that effective ways should be devised to avoid being overwhelmed by innumerable petitioners.

85. He also believed that the use of visiting missions should be accepted as a matter of principle which, if the circumstances arose, the Special Committee should be prepared to implement. It was the sincere hope of his Government that the authorities concerned would co-operate in the application of this method of implementing the resolution.

86. With regard to information concerning the various territories, the delegation of Ethiopia believed that the Special Committee should use the information which was already available, but that, in addition, questionnaires should be sent out. To avoid being tied down by a mass of information, the questionnaire should be brief and should be directed to the essential questions already stated in the Declaration, namely, the constitu-

tional progress of the peoples concerned—whether there was, for example, one vote to one man, and what the chances were for the territory to become independent as early as possible. He thought the Committee should be careful not to enter into a discussion of how a particular territory should accede to independence. Each territory had its own way. The test was when the people wanted it, and when they asked for it. That was their right, and when they asked for it, so far as his delegation was concerned, there was no need for further discussion about it.

87. Referring to the statement by the representative of the United Kingdom in which he had emphasized the sole obligation of the United Kingdom with respect to the territories under its jurisdiction, he said that while he accepted that point, it must be amended to include the obligations of all countries as members of the international community towards dependent territories and their peoples. The sacred trust of civilization, which was embodied in the United Nations Charter, entitled all countries to take part in the emancipation of those territories. He could not, therefore, agree that other countries had no responsibility whatsoever, that the territories in question were the exclusive concern of the United Kingdom and that the United Kingdom's co-operation was extended to the Committee on that basis. If that was the case, he would be compelled to assert his point of view on the interpretation of the Charter and the various relevant documents on the subject.

88. That point was of particular importance to his delegation, because there was a case in history which he was afraid might repeat itself elsewhere. There was a particular territory of Africa on the southern tip which had been granted independence. The independence enjoyed by that territory was the independence of the settlers and not the independence of the people themselves. Independence, in the Rhodesias for example, must mean independence for the Africans, for the simple reason that "one man, one vote" meant that every African could vote. This was the practice in all parts of the world and he did not see why it should not take place in the Rhodesias, in Nyasaland, in Kenya—in fact, everywhere in Africa.

89. The representative of Tunisia said that he would not speak of colonialism in general, which had been condemned in General Assembly resolution 1514 (XV). It was now a matter of implementing that resolution, which, as was noted in the preamble of resolution 1654 (XVI), had not been applied satisfactorily. The Special Committee, established specifically to remedy that state of affairs, would not be able to work successfully unless it first defined its objectives, its tasks and its methods. The Committee's objectives were clearly stated in paragraph 5 of resolution 1514 (XV). Thus all the territories which were still dependent, whether Trust Territories, Non-Self-Governing Territories or others which had not yet acceded to independence, were within its competence. It would perhaps be useful, for the sake of clarity, to draw up a list of all those territories.

90. The whole task of the Committee was set out in paragraph 4 of resolution 1654 (XVI). In view of the little time the Committee had in which to accomplish that task, it was incumbent upon it to organize its methods of work as soon as possible, paragraph 5 of the resolution allowing it full latitude in that respect. Suggestions had already been made as to the various means that could be employed. It would no doubt be useful

for the Committee to draw up a list forthwith of all the means available to it, with the idea of using whichever were most suitable in each particular case. For information the Committee could draw on all the available sources, such as the documentation of the United Nations or of the specialized agencies or, as the United States representative had suggested, the experience of newly independent Member States or, again, the documents of the various African conferences. That did not mean that the Committee should transform itself into a mere information committee. It knew what data it needed, and it should embark forthwith upon the study of certain territories, chosen in order of urgency from the list to be prepared. On some particular problems it would be necessary to hear petitioners, and visiting missions could also supply valuable information. With regard to voting procedure, he agreed with the United States representative that it would be desirable to seek unanimous agreement and where possible to avoid taking a formal vote. But it remained the right of every delegation to ask for a vote on some occasions.

91. Above all, it was important to decide first of all whether the Committee would deal with dependent countries in general defining general principles and various types of situations each of which would require a different method, or whether, on the contrary, it would take up the most explosive situations immediately, in order to avoid the upheavals they might bring about. In the latter case, the Committee should certainly begin with the African countries, since that was where the delay in decolonization had created the most tragic situations. It was the Committee's duty to endeavour to prevent violent explosions and to save the peoples who had for so long been subject to foreign domination from further suffering. It was to be hoped that the former links forged by colonialism could rapidly evolve into a new kind of relationship. It was in that hope that President Habib Bourguiba had proposed, on 15 March 1958, that a round-table conference on decolonization should be held. The Special Committee should be imbued with that spirit.

92. The representative of Australia said that his country was participating in the Committee's work both as an Administering Member and as a Member of the United Nations and it therefore had obligations in each of these categories. He hoped that in its work the Committee would not split up into categories of Administering Members on the one hand and non-administering Members on the other but would work as one entity with a common objective. Australia had played a large part in inserting in the Charter the provisions directed towards bringing dependent countries to complete independence. Australia desired to co-operate as a member of the Committee in carrying out its objectives, and hoped that its procedures would develop in a way in which members could feel they were working together and not against one another. He did not think any member of the Committee would question that certain responsibilities devolved upon Administering Members which they could not abdicate. Administering Members might be unable to accept certain recommendations, but they were under an obligation to give them full and careful consideration. Australia's experience hitherto had been that, if an Administering Member were prepared to co-operate with a United Nations body and take full account of the views of other Members, it was possible to work to the advantage of everyone. It should be possible for the Committee to produce for the seventeenth session of the

Assembly a historic document indicating what had been done, what was being done, and what could be done. In some territories the difficulties arose not between the administering Power and the indigenous inhabitants, but between indigenous inhabitants themselves. The United Nations could not be indifferent to the outcome of negotiations in such circumstances but the role it could usefully play needed careful consideration. Regarding the Committee's procedure, he agreed with the outline given at a previous meeting by the representative of the United States. The Committee should be ready to use whatever sources of information were available and applicable in the situations it was to consider. Regarding the hearing of petitioners and the dispatch of visiting missions, his delegation felt that the Committee should not rule out any possible source of information. However, there was no need to take an immediate decision *in vacuo* concerning the particular sources of information it would use in any particular case. That question could be decided as the occasion arose. The Committee should also use the existing machinery of the United Nations where available and should as far as possible avoid duplicating what other bodies were doing. For example, the Assembly had established two committees specifically to deal with Portuguese territories (the Sub-Committee on the Situation in Angola and the Special Committee on Territories under Portuguese Administration). Perhaps the most useful role the Committee could play in respect of those territories would be to ascertain what progress was being made by the two bodies concerned and to take account of what they were doing. He agreed that the procedure for arriving at decisions could usefully be modelled on the procedure used in the Committee on the Peaceful Uses of Outer Space. That did not mean that votes would never be taken, but it did mean that the Committee should always endeavour to reach a consensus of opinion. On almost every issue, there would be some countries which for some reason or another took a special position and that fact must be recognized. In the colonial field, as in other matters, it was not simply a matter of counting heads but of enlisting support as far as possible of those countries whose actions were an essential part of giving effect to the decisions of the Committee. The Australian Government could go along with the consensus outlined by the Chairman of the Committee. This was, of course, a consensus and not a decision intended to be something that everyone was bound to accept in every word. It represented a form of words which allowed each member to maintain his position and yet allowed the Committee full freedom to act as it saw fit, as it went along. Some members believed that the Committee had a right to do things, although it might not be desirable for it to do them. Others might take the view that it might be desirable for the Committee to act in a certain way although it might not have an absolute legal right to do so. His delegation hoped that the Committee could deal with these problems as they arose without trying to lay down decisions in advance. It also seemed premature at the present stage to adopt any firm list of territories or an order of priorities. The aim should be to get a maximum area of agreement to make possible progress in a pragmatic way.

93. The representative of Madagascar said that his country, which had been under colonial domination until some three years earlier, was at present develop-

ing in complete independence and on excellent terms with France, the former administering Power. It had taken part in a number of conferences in Africa, the most important of which had been those at Monrovia⁴ and Lagos.⁵ On every occasion it had proclaimed the watchword of the African and Malagasy Union which was "Africa for the Africans". In September 1961, it had held a conference at Tananarive in which twelve Heads of State had participated.⁶ The outcome of the conference had been a charter and declarations, the most important of which related to decolonization. In the eyes of his country and of the other members of the Union, the problem of decolonization should be dealt with by means of negotiation, reconciliation, arbitration or any other peaceful means in accordance with the Charter.

94. His delegation agreed with the suggestion that had been made regarding the methods of work to be followed by the Committee. In particular, he associated himself with the view that priority should be given to Africa and that the Committee should concentrate its efforts on the decolonization of that Continent. His delegation was glad to note that the United Kingdom had agreed to provide the Committee with complete information on the territories remaining under its administration. That information would be closely studied together with other information obtained by the Committee from different sources.

95. He agreed that the Committee should without delay draw up a list of countries to which it should for the time being confine its investigation. Such a list was particularly necessary since, as the representative of Mali had rightly pointed out, the Committee should not undertake its work with any preconceived ideas. Every country had its own particular characteristics and should be studied with care and good will. In that connexion, he expressed agreement with the remarks made by the representative of Yugoslavia with regard to the various forms of responsibility: the responsibility of the administering Powers, the responsibility of the United Nations and the responsibility of the Special Committee.

96. With regard to the proposal that visiting missions should be dispatched to the various territories, he agreed that the suggestion should be borne in mind but felt that the Committee should exercise prudence and should decide on each case individually, as the representative of Australia had suggested.

97. In conclusion, he was convinced that the Committee would be of service to humanity by abolishing colonialism in all its forms and that it would be able to appear before the seventeenth session of the General Assembly, conscious that it had carried out the provisions of the Declaration on the granting of independence to colonial countries and peoples and of General Assembly resolution 1654 (XVI).

98. The representative of Venezuela recalled that his country's policy on colonial questions had been clearly defined during the debate in the General Assembly at its sixteenth session which had resulted in the adoption of resolution 1654 (XVI). Venezuela

was anti-colonialist, for historical reasons and because of the nature of the Latin-American people who, having been under colonial rule until the nineteenth century, appreciated to the full the benefits of independence. His delegation did not think that, in the process of decolonization, one single target date could be set for all dependent territories. The date for the independence of each territory should be decided in relation to the particular circumstances which would enable it to accede to independence in conditions which would ensure its stability and viability as an independent State.

99. With regard to the organization of the Committee's work, it had of course to be based on resolutions 1514 (XV) and 1654 (XVI) and the relevant provisions of the United Nations Charter. The Committee had been set up for a specific purpose: namely, to promote the independence of those peoples which had not yet attained full sovereignty; in other words, to put an end to colonialism in all its forms. The Committee's method of work would have to be established with that specific purpose in mind. It had been encouraging to note that all the previous speakers, the representatives of the administering Powers, those of the recently independent countries and those of the socialist countries, had manifested a sincere desire to co-operate in fulfilling the Committee's task.

100. In his delegation's view there were two fundamental questions to decide in relation to the organization of work: the sources of information and the procedure. The sources of information should include all information available to the Secretariat from the Trusteeship Council, the Committee on Information from Non-Self-Governing Territories, the Sub-Committee on the Situation in Angola and those of the specialized agencies which dealt with colonial territories; information received direct from the administering Powers; information supplied by persons or groups such as "petitioners", in cases in which the Committee might see fit to request such information; and information which might be collected by visiting missions appointed by the Committee in accordance with the provisions of the two basic resolutions and the relevant provisions of the Charter.

101. With regard to procedure, the Committee should first ask the Secretariat for all information available to it, in summarized form, including information submitted direct by the administering Powers. The Committee should not wait for the information to be collected before embarking on its work but should begin immediately to study the most urgent colonial problems, that is, the problems in areas where there were explosive situations which might threaten international peace and security or where the conditions of the colonized peoples were the most precarious, meriting immediate attention. He agreed that a list of priorities should be established, but it should be flexible: the Committee could decide upon the first case to be dealt with, and when that had been completed decide upon the second, and so on. He agreed that the Committee should begin with the African Continent and determine in due course which African territory required first consideration. With regard to the procedure for debate, it would be simplest to adopt the same rules of procedure as those used in other General Assembly committees, with any changes that might be appropriate. He agreed that ideally there should be no need for the Committee to take votes but that

⁴ Conference of the Heads of African and Malagasy States, 8 to 12 May 1961.

⁵ Conference of the Heads of African and Malagasy States, 25 to 30 January 1962.

⁶ Conference of the African and Malagasy Union, 6 to 12 September 1961.

its decisions should be adopted by agreement among the members.

102. With regard to the statement made by the Chairman at the 6th meeting, the representative of Venezuela said that that statement should be used as a guide for the work of the Committee. He thought that the hearing of petitioners and the sending of visiting missions were two necessary sources of information. He was not, however, in favour of departing formally from the clear-cut provisions of the Charter and felt that it would be possible to avoid difficulties if the administering Powers, in a spirit of co-operation, agreed to the use of those two sources of information whenever the Committee decided to resort to them.

103. The representative of Uruguay said that his delegation was fully aware of the importance of the Committee's task, particularly in view of the fact that the hopes of some hundred million people were centred upon it. The Committee had a solemn duty to serve those people honestly in accordance with resolution 1054 (XVI). He was glad to note that that appeared to be the unanimous feeling of the Committee. His delegation had stated its view on the general problem of colonialism during the debates of the General Assembly. Nevertheless, since the representatives of the United Kingdom and Poland had touched on the matter incidentally, he wished to state that, as between two possible concepts of colonial enterprise, he would favour the kind which had an authentic sense of mission. He agreed with the representative of Poland that colonization was not justified by the fact of having transplanted institutions from the metropolitan country, even if those included the principle of representative government.

104. From the exchange of views which had taken place, it seemed that there was unanimous agreement on the objectives. The terms of reference were quite clear: the Committee was to implement a General Assembly resolution, and the limits of its competence were settled by the wording of that resolution, whose faithful servant it must be. Under paragraph 5 of that resolution, the Committee enjoyed wide powers to decide on the means it should use to discharge its functions. His delegation felt that any means which would promote the ultimate purpose should be used, the Committee selecting the most appropriate method for each particular case.

105. It was not essential for the Committee to obtain complete information on all the dependent territories before beginning its work. If there was sufficient information available on a particular territory, including information from the administering Power, there was no reason why the Committee should not consider that territory. It would of course be useful to obtain complete information on all territories in order to classify the types of territories, but it should be possible to carry out a preliminary and approximate classification as the basic data such as area, population, economic development, education and political advancement became available.

106. The first matter to be decided was the order of priority. He did not wish to discuss whether certain situations were a threat to international peace and security, for that was a matter within the competence of other organs and introduced a controversial element which should be avoided in the Committee. The elementary feeling of human sympathy would prompt the Committee to give priority to those territories where violence and unrest were rife. His country, which had

come into being long before the existence of Chapter IX of the Charter, had had to struggle to attain independence and was anxious to smooth the path for its brothers in Africa.

107. He agreed with the suggestions that the Committee should aim to achieve agreement without voting. His delegation reserved the right, however, to express reservations where necessary, or even to request a vote.

108. The representative of Syria noted with pleasure that the Committee was anxious to press on with its work. He hoped the administering Powers would give it full support, for it would only be successful if the colonial Powers co-operated in good faith. Some of those Powers had been in the habit of turning a deaf ear to General Assembly decisions. There had been cases where United Nations Commissions had been refused access to a territory; he hoped that that experience would not be repeated. It was important to find a solution to the problems of the Portuguese territories and South West Africa. He agreed that priority should be given to territories in Africa and that a time-table should be drawn up; it should, however, be a flexible one. He pledged his delegation's co-operation in the great work of promoting the emancipation of all the peoples of the world.

109. The representative of Italy said that the Committee was a permanent body whose work would not be completed when it submitted its report to the General Assembly at its seventeenth session: colonialism would not disappear so quickly. He felt that an orderly and constructive approach was necessary and that before discussing the question of priorities the Committee should undertake some preparatory work. The Committee should not mark time but on the other hand it should avoid undue haste.

110. With regard to sources of information, he agreed with the members who had expressed the view that every source should be utilized. Naturally the information in the possession of the United Nations, and especially that to be supplied by the Administering Members, should come first. In that connexion he felt that the promise by the United Kingdom to transmit political and constitutional information was very important since the greater part of the territories which the Committee would have to consider were administered by the United Kingdom. The Committee would also have access to the reports of the Trusteeship Council and the specialized agencies. Other information could come from petitioners or visiting missions. Indeed, no source of information should be excluded *a priori*. He did not think, however, that a lengthy discussion of the principles involved would be helpful; the idea should be accepted and applied in the light of the conditions peculiar to each individual territory.

111. With regard to the question of procedure, he pointed out that the Committee should endeavour to obtain a consensus of opinion wherever possible. He thought that the provisions of Chapters XI, XII and XIII of the United Nations Charter should provide the guiding principles of the Committee's work: in his view the achievement of political independence, fundamental though it was, was not the only and ultimate goal. Accession to independence should not lead to political and economic isolation or to an outbreak of disorders; the Committee should bring happiness and not anarchy to the countries with whose independence it was concerned.

Decisions

112. At its 8th meeting, on 5 March 1962, the Special Committee agreed that, with the explanations and reservations as contained in the records of its 7th and 8th meetings, the statement made by the Chairman at the 6th meeting, on 1 March 1962, summing up the views of the members of the Committee, would form the basis of the Committee's future work. The main points agreed upon are described below.

(a) *Rules of procedure.* The Special Committee should follow the rules laid down in the rules of procedure of the General Assembly. All members of the Committee agreed that it should endeavour to conduct its work in such a way that it would be able to reach agreement without need for voting. It was understood, however, that voting procedures would be resorted to whenever any member felt that that procedure was necessary in any particular case.

(b) *Collection of information.* Information relevant to the task of the Committee regarding territories coming under the Committee's consideration should be collected and necessary documentation prepared by the Secretariat in a precise and clear form. In order to assist in the submission of information by the Administering Authorities, the Special Committee should instruct a Sub-Committee to draw up a questionnaire that should be addressed to such authorities.

(c) *Written petitions and hearing of petitioners.* As additional and supplementary means of acquiring information on territories, the Special Committee might hear petitioners and receive written petitions. It was understood that petitioners would be heard at the discretion of the Committee and not as a matter of course and that the Committee would have the discretion to screen petitions. Suitable machinery should be established for the purpose of screening petitions.

(d) *Visiting groups.* The sending out of visiting groups to various territories was suggested as one of the means to be employed by the Committee under paragraph 5 of the basic resolution 1654 (XVI). The Committee agreed to consider this matter, if necessary, in respect of particular territories and concrete situations at the appropriate time. The Committee at the same time recognized the limitations to this procedure and the need for securing the co-operation of the administering Powers concerned.

(e) *Method of examination of territories.* The Special Committee agreed that in its examination of the application of the Declaration in respect of Trust and Non-Self-Governing Territories and all other territories which have not yet attained independence, priority should be given to the territories in Africa. It was further agreed that an order of priorities should be drawn up in regard to the territories to be considered by the Committee.

(f) *Relations with other United Nations bodies.* The Special Committee took note of paragraph 8 of General Assembly resolution 1654 (XVI) which requested the Trusteeship Council, the Committee on Information from Non-Self-Governing Territories and the specialized agencies concerned to assist the Special Committee in its work within their respective fields, and agreed to request them for such assistance as might be necessary in the course of the performance of its task. It was also agreed that suitable liaison should be established with other bodies such as the Sub-

Committee on the Situation in Angola, the Special Committee on Territories under Portuguese Administration and the Special Committee for South West Africa. The Chairman was authorized to get in touch with the Chairman of the other Committees with a view to ensuring necessary co-ordination.

E. SUB-COMMITTEE ON THE QUESTIONNAIRE

113. The Special Committee, at its 8th meeting, on 5 March 1962, decided that a sub-committee should draft a questionnaire to be addressed to the administering Powers. The matter was further discussed by the Committee at its 9th meeting, on 7 March 1962, when it decided that the Sub-Committee should be composed of India (Chairman), Mali, Syria and two other members to be nominated by the Chairman. At its 11th meeting, on 13 March 1962, the Chairman informed the Special Committee that he had nominated Uruguay and Yugoslavia. The Sub-Committee held four meetings and formulated the text of a draft questionnaire, which it recommended to the Special Committee for consideration and adoption. The draft questionnaire was considered by the Special Committee at its 27th meeting, on 29 March 1962. At the same meeting, the Special Committee adopted⁷ the draft questionnaire with certain amendments.

114. The questionnaire provided that the Secretary-General, in transmitting it to the administering Powers, would indicate the dates by which the replies should be submitted and that those dates would be established by the Chairman of the Special Committee on the basis of the Committee's programme of work.

115. On that basis, the questionnaire was addressed to the following Administering Authorities: United Kingdom of Great Britain and Northern Ireland, Portugal and South Africa. Up to the time of the drafting of the present report, no replies had been received from any of these Authorities. The Government of the United Kingdom had provided the United Nations with certain information, including information on political and constitutional developments, on the territories for which it was responsible. However, such information had not been furnished on the basis of the Special Committee's questionnaire.

F. SUB-COMMITTEE ON PETITIONS

Establishment of the Sub-Committee

116. At its 8th meeting, on 5 March 1962, the Special Committee agreed that suitable machinery should be established to deal with petitions. The Special Committee further considered that matter at its 9th meeting, on 7 March 1962 when it decided to establish a Sub-Committee on Petitions, the composition to be left to the Chairman to determine after consultations with the members of the Committee. Accordingly, at its 11th meeting, on 13 March 1962, the Chairman stated that he had appointed the following seven member countries to constitute the Sub-Committee on Petitions: Australia, Ethiopia, India, Madagascar, Poland, Tunisia, Venezuela.

Procedure concerning requests for hearings and written petitions

117. The Special Committee discussed at its 11th and 12th meetings the question of procedure con-

⁷ A/AC.109/6.

cerning requests for hearings and written petitions. At the conclusion of the discussion (12th meeting), the Chairman summarized the points of agreement on the subject. Stressing that his suggestion was without prejudice to the right of the Committee to decide otherwise in any particular case for exceptional reasons, he proposed the following wording:

"All petitions, either for oral hearings or otherwise, should be examined by the Sub-Committee on Petitions in the first instance. After such examination the Sub-Committee will submit its report to the Committee, which will have the final authority to take decisions.

"Secondly, copies of all petitions for oral hearings should at the same time as they are circulated to the members of the Sub-Committee also be circulated to other members of the Committee, in both cases in the language in which the petition is submitted.

"Thirdly, with regard to other petitions, the Sub-Committee on Petitions should examine the matter of procedure, having regard to the observations made by the members of the Committee this morning and this afternoon, and make suitable recommendations to the Committee for adoption."

Work of the Sub-Committee

118. *Election of officers.* At its first meeting, on 14 March 1962, the Sub-Committee elected the following officers by acclamation: Mr. Kifle Wodajo (Ethiopia), *Chairman*; and Mr. Ignacio Silva Sucre (Venezuela), *Vice-Chairman*.

119. *Meetings of the Sub-Committee.* During the period covered by the present report, the Sub-Committee held twenty-five meetings and submitted twenty-three reports⁸ to the Special Committee. Those reports dealt with the Sub-Committee's consideration of 109 written communications, which included forty-seven requests for hearings.

120. The Sub-Committee also considered the question of procedure concerning the handling of written petitions and requests for hearings on which it was called upon to make recommendations to the Special Committee. It had before it a working paper on a subject prepared by the Secretariat at the request of the Sub-Committee. Discussion of that working paper was opened with a statement by the representative of Poland in which he expressed the view, *inter alia*, that the Sub-Committee should consider only those communications concerning territories referred to in paragraph 5 of the Declaration on the granting of independence to colonial countries and peoples, namely, Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence. The Sub-Committee was not able to complete its consideration of that question and to make recommendations to the Special Committee.

G. RECORDS OF THE SPECIAL COMMITTEE

121. At its 8th meeting, the Special Committee decided to request the Secretary-General to provide it with verbatim records of its proceedings. In this connexion, reference was made to operative paragraph 9 of General Assembly resolution 1654 (XVI), which

⁸ A/AC.109/L.1 to L.3, A/AC.109/L.7, A/AC.109/L.10, A/AC.109/L.15 to L.26, A/AC.109/L.29, A/AC.109/L.30, A/AC.109/L.32, A/AC.109/L.33, A/AC.109/L.35 and A/AC.109/L.36.

requested the Secretary-General "to provide the Special Committee with all the facilities and the personnel necessary for the implementation of the present resolution".

122. The Under-Secretary for Trusteeship and Non-Self-Governing Territories informed the Special Committee at its 9th meeting that, in response to the desire expressed by it, the Secretary-General had decided, for the time being and as an exception to the existing rules, to provide the Committee with verbatim records in English and French for working purposes, whenever the Security Council was not meeting. However, as in the case of other General Assembly Committees, summary records would be the official records of the Special Committee.

123. The Special Committee found that verbatim records of its proceedings were useful and greatly facilitated its work. The Committee therefore hoped that that arrangement would continue.

H. PROGRAMME OF WORK

124. At the 5th meeting, on 1 March 1962, the representative of Ethiopia proposed that the Special Committee should first consider territories in Africa and that it should begin its work with the Rhodesias, Mozambique, Zanzibar, Kenya, Basutoland, Bechuanaland, Swaziland, Angola, South West Africa and Ruanda-Urundi.⁹ He also proposed that, after completing that list, the Committee could take up other territories, for example, the Pacific Islands. The representative of Mali proposed the addition of Portuguese Guinea to the list proposed by the representative of Ethiopia.

125. At its 8th meeting, on 5 March, the Special Committee agreed that the territories in Africa should be given priority consideration. It was also agreed at the same meeting that the territories of Southern Rhodesia, Northern Rhodesia and Nyasaland, which form the Federation of Rhodesia and Nyasaland, should be considered first, and that the Committee should later decide the order in which to consider the other African territories. In deciding to give priority to African territories, it was understood that, if circumstances warranted, subsequent additions or alterations in the order of priorities could be made.

126. The Special Committee began consideration of the Territory of Southern Rhodesia at its 9th meeting, on 7 March 1962. At its 20th meeting, on 23 March 1962, the Special Committee decided that, on completion of the consideration of Southern Rhodesia, the Committee should consider the remaining territories in the following order: Northern Rhodesia; Nyasaland; Basutoland, Bechuanaland and Swaziland; Mozambique and all other Portuguese territories in Africa, except Angola; Angola; Kenya, Zanzibar; and South West Africa.

127. The Special Committee at its 85th meeting, on 25 July 1962, decided that priority consideration should be given to the question of British Guiana.

I. RELATIONS WITH THE TRUSTEESHIP COUNCIL, OTHER COMMITTEES AND THE SPECIALIZED AGENCIES

128. As stated in paragraph 112 (f) above, the Special Committee at its 8th meeting authorized the Chairman to contact the Chairmen of other United

⁹ A/AC.109/2.

Nations bodies concerned with Trust and Non-Self-Governing Territories or other territories which have not yet become independent, with a view to ensuring necessary co-ordination.

Special Committee on Territories under Portuguese Administration

129. The Special Committee received a communication dated 2 May 1962¹⁰ from the Chairman of the Special Committee on Territories under Portuguese Administration stating that that Committee was collecting information on conditions prevailing in territories under Portuguese administration in order to formulate, in accordance with resolution 1699 (XVI) its observations, conclusions and recommendations for the consideration of the Special Committee and the General Assembly. It was anticipated that the report of the Special Committee on Territories under Portuguese Administration would be ready for submission to the Special Committee by mid-July. At its 80th meeting, the Chairman of the Special Committee on Territories under Portuguese Administration informed the Special Committee that he expected that the report on those territories would be completed by the end of July and that he would forward an advance copy as soon as it was available.

130. By a letter dated 9 August 1962,¹¹ the Chairman of the Special Committee on Territories under Portuguese Administration transmitted to the Special Committee a mimeographed copy of that Committee's report to the General Assembly.¹²

Committee on Information from Non-Self-Governing Territories

131. By a letter dated 19 June 1962¹³ the Chairman of the Committee on Information from Non-Self-Governing Territories transmitted to the Special Committee an advance copy of the Committee's report to the General Assembly at its seventeenth session.¹⁴

Trusteeship Council

132. By a letter dated 20 July 1962¹⁵ the President of the Trusteeship Council informed the Chairman of the Special Committee that the Council at its twenty-ninth session had examined conditions in the Trust Territory of the Pacific Islands under United States administration, and the Trust Territories of Nauru and New Guinea under Australian administration and that its conclusions and recommendations, as well as the observations of the members representing their individual opinion only, were contained in its report to the Security Council¹⁶ (for the Trust Territory of the Pacific Islands) and in its report to the General Assembly (for Nauru and New Guinea).¹⁷

Special Committee for South West Africa

133. By a letter dated 3 August 1962¹⁸ the Chairman of the Special Committee for South West Africa transmitted the report of the Chairman and the Vice-Chairman on their visit to South Africa and South West Africa.¹⁹ By a letter dated 4 September 1962,²⁰ the Chairman of the Special Committee for South West Africa transmitted a mimeographed copy of that Committee's report to the General Assembly.²¹

J. MEETINGS HELD IN AFRICA

134. By paragraph 6 of its resolution 1654 (XVI) the General Assembly authorized the Special Committee to meet elsewhere than at United Nations Headquarters, whenever and wherever such meetings might be required for the effective discharge of its functions, in consultation with the appropriate authorities. Availing itself of this provision, the Government of Morocco, by a letter dated 19 April 1962,²² extended an invitation to the Committee to meet in Tangier and offered all necessary facilities. During the consideration of this invitation, a majority of the members expressed the view that a visit by the Committee to Africa would bring it into closer contact with the territories of Africa which were on its agenda and with their peoples, thus placing it in a more favourable position to get a realistic view of the nature of the problems besetting dependent peoples in their progress towards self-government and independence. Such a visit would also lighten the financial burden assumed by petitioners who might wish to appear before it and enable those who would otherwise have found it impossible to travel to New York to apprise the Committee of their views. In addition, the meetings in Africa would have a psychological impact on the African peoples who placed so much hope on the work of the Committee.

135. Subsequently, the Governments of Ethiopia²³ and Tanganyika²⁴ also invited the Committee to meet in Addis Ababa and Dar es Salaam, respectively. The Special Committee at its 47th meeting, on 9 May 1962, decided to hold meetings in Tangier, Addis Ababa and Dar es Salaam for a period of three weeks, beginning in Tangier on 21 May 1962.

136. The members of the Special Committee and the secretariat arrived in Tangier on 20 May 1962. The following representatives were present at the meetings held in Africa: Mr. Sori Coulibaly (Mali) as *Acting Chairman*, Mr. Najmuddine Rifai (Syria) as *Rapporteur*, Sir James Plimsoll and Mr. Warwick Mayne-Wilson (Australia), Mr. Caimeron Measketh (Cambodia), Mr. Kifle Wodajo (Ethiopia), Mr. Natwar Singh (India), Mr. Vincenzo Tornetta (Italy), Mr. Remi Andriamaharo (Madagascar), Mr. Kazimierz Smiganowski (Poland), Mr. A. Z. Nsilo Swai (Tanganyika), Mr. Mahmoud Mestiri (Tunisia), Mr. V. I. Oberemko and Mr. V. S. Polyakov (USSR),

¹⁰ A/AC.109/10.

¹¹ A/AC.109/23 and Add.1.

¹² Subsequently issued in printed form. See *Official Records of the General Assembly, Seventeenth Session, Annexes*, addendum to agenda item 54 (document A/5160 and Add.1 and 2).

¹³ A/AC.109/18.

¹⁴ *Official Records of the General Assembly, Seventeenth Session, Supplement No. 15 (A/5215)*.

¹⁵ A/AC.109/19.

¹⁶ *Official Records of the Security Council, Seventeenth Year, Special Supplement No. 1*.

¹⁷ *Official Records of the General Assembly, Seventeenth Session, Supplement No. 4 (A/5204)*.

¹⁸ A/AC.109/22 (Subsequently issued in printed form. See *Official Records of the General Assembly, Seventeenth Session, Supplement No. 12 (A/5212)*, Part II, pp. 3 and 4).

¹⁹ A/AC.110/2. *Ibid.*, pp. 3 to 8.

²⁰ A/AC.109/25.

²¹ Subsequently issued in printed form. See *Official Records of the General Assembly, Seventeenth Session, Supplement No. 12 (A/5212)*.

²² A/AC.109/8.

²³ A/AC.109/11.

²⁴ A/AC.109/12.

Mr. J. A. Sankey (United Kingdom), Mr. Robert O. Blake (United States), Mr. Ignacio Silva Sucre (Venezuela), Mr. Sreten Ilić (Yugoslavia). As the Chairman, Mr. C. S. Jha, was unable to accompany the Committee, Mr. Sori Coulibaly presided over its meetings. The Special Committee was accompanied by a secretariat composed of Mr. M. E. Chacko, Secretary of the Committee, Mr. D. S. Chalyan, Mr. W. T. Mashler and Mr. Y. B. Turkson, Political Affairs Officers, and an additional administrative and technical staff of twenty-four.

137. The Special Committee met at the Palacio del Marchán, Tangier, from 21 to 25 May, at Africa Hall in Addis Ababa from 30 May to 1 June, and at the Msimbazi Community Centre in Dar es Salaam from 5 to 8 June. During its stay in Africa, the Special Committee held eighteen plenary meetings; the Sub-Committee on Petitions held seven meetings. The Committee heard seventeen groups of petitioners concerning the territories of Northern Rhodesia, Southern Rhodesia, Bechuanaland, Zanzibar, Kenya, Mozambique and South West Africa. Another petitioner presented evidence concerning dependent territories in southern Africa in general. The Special Committee also completed its consideration of the territories of Basutoland, Bechuanaland, Swaziland and Nyasaland and adopted conclusions and recommendations concerning them,²⁵ adopted an appeal concerning political prisoners in Zanzibar, addressed to the United Kingdom as administering Power.²⁶

138. During its stay in Morocco the Special Committee was received by His Majesty King Hassan II. His Majesty said that it was a great honour for Morocco to have been the meeting place of the Special Committee. It was also a fitting honour as Morocco, under the late King Mohammed V, had been the first African country to show the way in the fight for liberation. Speaking of colonial problems, His Majesty said that the attainment of formal independence was not enough, and that, in order to give real meaning to independence, it was necessary to go through a phase of decolonization. Decolonization meant the ending of all forms of dependence, including dependence on former administering Powers for civil servants. One of the great problems faced by the newly independent African States was the lack of well-organized administrative cadres. For this reason, Morocco had proposed to the United Nations Educational, Scientific and Cultural Organization (UNESCO) the creation of a pool of African civil servants and cadres to be trained in a common institute. His Majesty suggested that the United Nations might assist UNESCO in implementing the proposed programme.

139. While in Ethiopia the Special Committee was received by His Majesty, Emperor Haile Selassie. The Emperor stressed the importance and significance of the work carried out by the Special Committee under the aegis of the United Nations. His Majesty declared that his country had fought colonialism from its earliest days and that it was dedicated to its complete eradication from Africa and the world at large. The Committee's work had already evoked an affirmative response from colonial peoples, who were following its labours with eagerness and who had paid tribute to it at the recent Emergency Conference of the Pan-African Freedom Movement of East and Central

Africa. The Emperor affirmed his own and his Government's sustained support for the Committee's endeavours.

140. In Tanganyika, Mr. Kambona, Minister for Home Affairs, who opened the Committee's first meeting in that country, stated that the establishment of the Special Committee was a milestone in the struggle against colonialism. The people of Tanganyika were solidly behind the Declaration. The patience of Africa's peoples, who had suffered the indignities of the colonial system more than the peoples of any other continent, was exhausted and they were ready to give their lives for freedom and equality. It was essential for world peace and security that the scourge of colonialism should be wiped out and the United Nations should concentrate on practical steps to that end.

141. The Special Committee's visit to Africa was of great value, both in terms of the experience gained by the Committee and the psychological effect on dependent as well as independent nations in that Continent. Its meetings were followed with enthusiasm and profound interest and served to enhance the hopes placed in its work and to reinforce the confidence of the peoples of Africa in the United Nations.

142. The Special Committee wishes to express its appreciation to the Governments of Morocco, Ethiopia, and Tanganyika for their initiative in extending invitations to it, thus making possible the series of meetings in Africa, and extends its sincere thanks for the assistance and hospitality extended to it during its stay in Africa.

K. CONSIDERATION OF INDIVIDUAL TERRITORIES

143. During the period covered by the present report, the Special Committee considered the following territories:

<i>Territory</i>	<i>Meetings</i>
Southern Rhodesia	9th, 11th, 13th to 26th, 37th, 44th, 45th, 47th to 49th, 53rd, 71st and 107th.
Northern Rhodesia	28th to 43rd, 52nd, 53rd, 65th, 66th and 71st.
Nyasaland	61st to 64th and 70th.
Basutoland, Bechuanaland and Swaziland	49th to 51st, 57th to 60th, 64th, 69th and 70th.
Zanzibar	55th, 56th, 67th, 69th to 78th and 104th to 106th.
Mozambique	66th, 68th, 71st, 85th, 88th and 91st to 99th.
British Guiana	81st to 85th, 89th and 90th.
South West Africa	63rd, 71st, 95th, 96th, 99th to 103rd and 115th.
Kenya	61st, 68th, 71st, 99th, 106th to 110th and 115th.
Angola	113th and 114th.

144. Details of the Special Committee's consideration of each of the above territories and its conclusions and recommendations thereon are given in the separate chapters which follow. These territories include all those listed in paragraphs 126 and 127 above, except the Portuguese territories in Africa (other than Mozambique and Angola) which the Committee was not able to consider because of lack of time. It proposes to consider them as a matter of priority during its next series of meetings.

²⁵ See chap. IV and V below.

²⁶ See chap. VI below.

145. At the 2nd meeting of the Special Committee the representative of the United Kingdom surveyed recent constitutional progress in the advance of British colonial territories to self-government and independence. Subsequently this survey, together with a "Calendar of Constitutional Advance" covering the past twenty months, was incorporated in a letter dated 4 September 1962, addressed to the Chairman by the representative of the United Kingdom.²⁷ At its 116th meeting the Committee decided to reproduce that document as an annex to its report.²⁸

L. FUTURE WORK

146. The General Assembly, in resolution 1654 (XVI) establishing the Special Committee, directed it to carry out its task by the employment of all means at its disposal within the framework of the procedures and modalities which it might adopt for the proper discharge of its functions. The procedures and modalities which the Special Committee adopted in accordance with this directive are described in paragraph 112 above.

147. The Special Committee agreed that it should consider sending out visiting groups, if necessary, in respect of particular territories and concrete situations at the appropriate time. The Committee sent a six-member sub-committee to London to discuss with the United Kingdom Government the question of Southern Rhodesia. This visit proved to be a useful experiment in methods of talks and negotiation on behalf of the Special Committee with an administering Power. The Special Committee proposes to use these methods in future, whenever practicable and necessary.

148. The Special Committee, on the basis of its experience so far, is satisfied that the methods and procedures it has followed are most appropriate and effective in the discharge of its functions.

Consideration of territories

149. Since 20 February 1962, when the Special Committee began its work, it has held 117 meetings and examined the implementation in twelve territories of the Declaration on the granting of independence to colonial countries and peoples, including eleven territories in Africa to which it had decided to give priority consideration. In deciding to give priority consideration to the African territories, the Special Committee has had in mind that it is in Africa that the largest number of people are still living under colonialism, that it is in Africa that the largest colonial territories still exist and that it is in Africa where some of the most difficult problems are encountered. It also believes that its emphasis on Africa at the outset of its work has been in keeping with the urgent demands of the problems existing in the African colonies and the need for taking appropriate and urgent measures to avoid greater difficulties in the future.

150. The Special Committee feels that the wisdom of this decision has been amply borne out by the results of its work. By devoting a number of meetings to a thorough examination of the situation in each of the territories and by providing a forum for representatives of political parties of those territories and for

others to present their views, the Committee feels that it has been able to focus world opinion on the state of affairs in those territories and in that way to hasten the implementation of the Declaration. Furthermore, through its observations and recommendations on each of the territories, the Committee has provided the administering Powers with specific lines of action, based on the Declaration itself and the basic objectives of the Charter of the United Nations, which will materially assist in hastening the end of colonial rule in the territories concerned.

151. The Special Committee recognizes that it has by no means completed the task entrusted to it by the General Assembly and that there are many more territories concerning which the implementation of the Declaration remains to be considered. The Declaration applies to Trust and Non-Self-Governing Territories and all other territories which have not yet attained independence. The Special Committee having decided to give priority consideration to the territories in Africa, did not find it necessary at the outset of its work to embark on the preparation of a complete list of all the territories coming within the scope of its work, although the drawing up of such a list may be necessary in the future.

Relations with other United Nations bodies

152. The Special Committee is charged with the task of examining the implementation of the Declaration in respect of all dependent territories including Trust and Non-Self-Governing Territories or other territories which have not yet attained independence. In addition to the Trusteeship Council, one of the principal organs of the United Nations, four other bodies established by the General Assembly are also concerned with territories coming within the scope of the Special Committee's work. These are (1) the Committee on Information from Non-Self-Governing Territories; (2) the Sub-Committee on the Situation in Angola; (3) the Special Committee on Territories under Portuguese Administration; and (4) the Special Committee for South West Africa. Where a number of committees are working in closely related fields there are always problems of co-ordination. There is also a danger of duplication and consequently of a wastage of effort and funds. In the introduction to his annual report, the Acting Secretary-General has drawn attention to this situation in the following words which will no doubt receive the serious consideration of the General Assembly:

"... in the field of Non-Self-Governing Territories, some four committees and special committees are dealing with matters that might usefully be combined, thus relieving the concerned delegations of otherwise added burdens and at the same time reducing costs and staff requirements. It may perhaps be possible to concentrate all the work in this field under the Special Committee which was set up pursuant to resolution 1654 (XVI)".²⁹

M. APPROVAL OF THE REPORT

153. The present report as a whole was adopted by the Special Committee at its 117th meeting, on 19 September 1962.

²⁷ A/AC.109/26.

²⁸ See annex I below.

²⁹ Official Records of the General Assembly, Seventeenth Session, Supplement No. 1A, p. 4.

CHAPTER II

SOUTHERN RHODESIA

A. INFORMATION ON THE TERRITORY*

General

1. Southern Rhodesia is situated in southern central Africa; it is bounded on the north and north-west by Northern Rhodesia, on the south west by Bechuanaland, on the south by the Republic of South Africa, and on the east and north-east by Mozambique.

2. The Territory is landlocked and lies entirely within the tropics. More than 21 per cent of the total area is estimated to be over 4,000 feet above sea level. A central plateau, known as the High Veld, traverses the country in a north-easterly direction; on either side of the main plateau is the Middle Veld, which lies between 2,000 and 4,000 feet above sea level; the Low Veld, below 2,000 feet, comprises a narrow strip in the Zambesi Valley and a broader tract in the basin of the Limpopo and Sabi rivers. The area of Southern Rhodesia is 150,333 square miles.

3. At the end of 1959 the total population was estimated at 3,034,800, comprising approximately 2,800,000 Africans, 219,000 Europeans and 15,800 of other races. Of the European population, 155,000 were resident in the main towns.

*Government**(a) Present status*

4. The extension of British influence to Southern Rhodesia dates from 1888, when a treaty was signed by Lobengula, King of the Matabele, pledging not to cede territory without the permission of the British High Commissioner at the Cape. Later in the same year Lobengula granted to British representatives a concession over the minerals in his kingdom. This led to the formation of the British South Africa Company which was granted a Royal Charter in 1889. Administration of the Territory by the British South Africa Company continued until 1923, when Southern Rhodesia was annexed to the British Crown after a referendum among Europeans living in the Territory. The Government of Southern Rhodesia was then given full powers of internal legislation, with the exception that legislation affecting the interests of the indigenous population, constitutional amendments and certain other matters required the approval of the United Kingdom Government. In 1953 Southern Rhodesia became part of the Federation of Rhodesia and Nyasaland without proper consultation of the African population.

5. While the United Kingdom remains ultimately responsible for the Federation's external affairs and defence, the Federal Government is responsible for the implementation of treaties and agreements affecting the Federation, and for such other external relations as the United Kingdom may entrust to it. The Federal Government is also given responsibility for external affairs and defence, the regulation of commerce and industry, immigration, health, European education, and European agriculture. The Territorial Government of Southern Rhodesia is jointly responsible with the Federal Government for concurrent subjects, on which both may make laws; examples of these are broadcasting,

roads and industrial development. The Territorial Government remains solely responsible for all matters for which the Federal Government is not given responsibility and which are not concurrent; these include African administration, education and agriculture; local government and housing; police and internal security; industrial relations, mining and irrigation.

(b) Constitution

6. In December 1961 a new Constitution for Southern Rhodesia³⁰ was granted, the central provisions of which were due to come into effect concurrently with the holding of elections in October 1962.³¹

7. The main features of the new Constitution are as follows:

(a) The abolition of the reserve powers held by the United Kingdom Government;

(b) The enlargement of Legislative Assembly from 50 to 65 members;

(c) A new franchise system providing for "A" and "B" rolls of voters;

(d) The inclusion of a Declaration of Rights;

(e) The creation of a Constitutional Commission with the advisory function of examining legislation for inconsistency with the Declaration of Rights;

(f) The creation of a Board of Trustees responsible for Tribal lands;

(g) The granting to the legislature a general power to amend the constitution with the exceptions that (i) the provisions relating to the position and powers of the Governor may be amended only by the United Kingdom Government; and (ii) the specially entrenched provisions (such as the sections containing the Declaration of Rights and establishing the Constitutional Commission) may be amended only after approval in a referendum by a majority of those voting in each of the four principal racial groups or by an address through the Governor to the Queen for assent.

8. The new Constitution provides for a Governor to be appointed after consultation with the Prime Minister of Southern Rhodesia, and for a Governor's Council consisting of the Prime Minister and eleven other Ministers. The Governor is to act within his own discretion in certain instances such as the appointment of the Prime Minister and the dissolution of the Legislative Assembly but in all other matters he is to act on the advice of the Governor's Council.

9. The Legislative Assembly will be enlarged from 50 to 65 members. Of these, 50 will be elected from constituencies composed mainly of "A" roll voters, and 15 from electoral districts composed mainly of "B" roll voters.

(c) Electoral system

10. Under the previous Constitution there was a common roll for all races, the qualifications for which were based on citizenship, residence, age, income or property and education. Provision was made for entry

³⁰ *The Southern Rhodesia (Constitution) Order in Council, 1961* (London, H.M. Stationery Office).

³¹ At the 1109th plenary meeting of the General Assembly the representative of the United Kingdom announced that the elections would not be held before March or April, 1963.

* Section A of the present chapter is based on information compiled by the Secretariat from published sources.

to the roll either as "ordinary" voters or as "special" voters, the latter being limited to 20 per cent of the former. This system has been replaced by the establishment of an "A" and a "B" roll, the qualifications for which compare with those for ordinary and special voters under the previous system. Chiefs and headmen now qualify for the "A" roll, and the conditions governing income and property qualifications for inclusion in the "B" roll have been liberalized.

[For the full text of the franchise qualifications, as set out in the Second Schedule of the Constitution of Southern Rhodesia 1961, see *Official Records of the General Assembly, Sixteenth Session, Annexes*, agenda item 97, document A/5124, annex I, *Appendix*.]

11. Under the new system the Territory is divided into 50 electoral constituencies each containing approximately the same number of "A" roll voters and 15 electoral districts each containing approximately the same number of "B" roll voters. Both "A" and "B" roll voters may be enrolled and vote in either a district or a constituency, depending on their place of residence, although provision is made to limit the effect of "B" roll votes in constituencies and "A" roll votes in districts.

Political parties

12. The main African political party in Southern Rhodesia until late 1961 was the National Democratic Party (NDP) formed after the banning of the African National Congress in January 1960 and led by Mr. Joshua Nkomo. It demanded majority rule for Africans, universal franchise, and an end to the European-dominated Federation of Rhodesia and Nyasaland. The party encouraged European membership, though few associated themselves with it. At the National Democratic Party's congress, meeting in Bulawayo in October 1961, it was declared that the party would take no part in elections under the 1961 constitution, as less than 5 per cent of the adult African population would be eligible to vote under the new franchise regulations. The party's leadership claimed a paid-up membership of 250,000. This party was banned in December 1961 and was reconstituted as the Zimbabwe African Peoples Union (ZAPU) under the leadership of Mr. Joshua Nkomo.

13. Another party is the Zimbabwe National Party, formed in 1961 by ex-members of the National Democratic Party, who broke away because of dissatisfaction with the leadership. The Zimbabwe National Party is also opposed to the 1961 constitution and calls for complete independence for Southern Rhodesia in 1963.

14. Of the several predominantly European political parties, the United Federal Party and the Dominion Party³² are the largest and most influential. The United Federal Party under the leadership of the Prime Minister, Sir Edgar Whitehead, advocates the continuance of Federation. The party is multiracial in principle and recognizes that Africans must, over the years, play an increasing part in the affairs of the country. It held seventeen seats in the Legislative Assembly.

15. The Southern Rhodesia Dominion Party favours the complete secession of the Territory from the Federation of Rhodesia and Nyasaland, leaving the way open to possible union with South Africa. It stands for territorial segregation, strongly opposing all forms

of social and political race integration. The Dominion Party held twelve seats in the Legislative Assembly.³³

16. In August 1961 Mr. Garfield Todd, a former Prime Minister of Southern Rhodesia, announced the formation of the New Africa Party, which he described as "a European political organization to help African aspirations". The aims of the New Africa Party are the formation at once of an African-European Government, the extension of the present franchise qualifications, abolition of the colour bar, and the complete removal of the Land Apportionment Act.

17. Other European parties include the Confederate Party, the Republican Party of Rhodesia, and the New Rhodesia Party.³⁴ These three right-wing parties, which are opposed to any form of race integration, stand for perpetual white supremacy and favour either independence within the Commonwealth or joining South Africa.³⁵

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

18. The Special Committee considered the question of Southern Rhodesia at its 9th to 11th, 13th to 26th, 37th, 44th, 45th, 47th to 49th, 53rd and 71st meetings held during the periods 7 to 29 March and 30 April to 16 May and on 8 June 1962.

Hearing of petitioners

19. The Special Committee heard the following petitioners concerning Southern Rhodesia:

(a) Mr. Joshua Nkomo, National President of the Zimbabwe African Peoples Union (ZAPU), accompanied by Mr. Washington Malianga (15th and 16th meetings).

(b) Mr. Garfield Todd, Chairman of the New Africa Party (17th and 18th meetings).

(c) Mr. Paul Mushonga, National Deputy President of the Zimbabwe National Party (18th meeting).

(d) Mr. B. S. Madlela, representing ZAPU (71st meeting).

20. The Special Committee had before it supplementary information presented by the Zimbabwe African Peoples Party (ZAPU)³⁶ and the Zimbabwe Nationalist Party.³⁷

21. The Special Committee also had before it the following four written petitions:

<i>Petitioner</i>	<i>Document no.</i>
(a) Mr. Agrippa Mukahlera, Deputy National Secretary, the Zimbabwe African Peoples Party (ZAPU)	A/AC.109/PET.1

³³ In 1962 the Rhodesian Front was formed from members of the Dominion Party, the Reform Party and the Southern Rhodesia Association. Its policy towards the Federation of Rhodesia and Nyasaland is that the Federation cannot continue in its present form, but that the constituent territories should co-operate to preserve those aspects of the association which are of mutual benefit. It opposes compulsory integration of the different races and supports the provision of separate facilities and amenities for the different races to enable them to preserve their customs and way of life.

³⁴ These three parties are no longer in existence.

³⁵ Another party, the Central Africa Party, which was formed in 1958 is a small group with members from all races. It recommends the widening of the present franchise and advocates a gradual approach to independence through parliamentary means.

³⁶ A/AC.109/4.

³⁷ A/AC.109/5.

³² Now merged into the Rhodesian Front (see foot-note below).

<i>Petitioner</i>	<i>Document No.</i>
(b) Mr. A. M. Murashiki, General Secretary, Rhodesian African Students Association (India).....	A/AC.109/PET.2
(c) Mr. R. D. Palmer, President, Central Africa Party.....	A/AC.109/PET.3
(d) Southern Rhodesia Students Union	A/AC.109/PET.4

22. Mr. Nkomo said that he intended to enlarge on the points raised in his party's memorandum³⁸ and other points which had been raised in the Committee.

23. The Zimbabwe African Peoples Union had been formed on 17 December 1961, after the National Democratic Party had been banned by the Southern Rhodesian Government on 9 December 1961. Previously, in February 1959, the Southern Rhodesian African National Congress, which he had led, had also been banned by the Government. On that occasion over 1,000 of his colleagues had been arrested and detained with no recourse to any court of law, which, in any case were used as instruments of colonialism. Ever since that time some of his colleagues, including two distinguished politicians, Mr. James Chikerema and Mr. George Nyandoro, had remained in detention without trial, for no other reason than that they had pleaded with those who had seized their country to set their people free.

24. He had been born in Southern Rhodesia and had been educated in Southern Rhodesia and South Africa. His father had at one time possessed over 1,000 head of cattle and 2,000 sheep and goats; today he had nothing. Such were the results of the oppressive laws of the white settlers, who still controlled Southern Rhodesia. After leaving school, he had worked as a truck driver and had been paid £3 a month, whereas white people doing similar work had earned £50 a month. After some further education he had become a social worker among the railway employees. At that time the 22,000 African employees had earned, between them, one tenth of the total earnings of the 7,000 Europeans. He had felt it his duty to take a post as organizing secretary of the African Railway Employees' Association. At that time no African union had been recognized by law in Southern Rhodesia; African workers had not been rated as "employees" and had been unable to use the normal channels of negotiation concerning conditions of work.

25. He wished to stress the various aspects of wages, education, property and other factors which had a direct bearing on the political evolution of the country, because all those factors had been used by the white settlers ever since 1888 to keep the Territory and its African population under white control. At the same time the white settlers had endeavoured to convince world public opinion that there was no discrimination in the franchise laws. The colonization of Southern Rhodesia had started in 1883, when the British had extorted concessions from King Lobengula under the pretext of protecting the people from Portuguese colonialism. Yet the Charter which Cecil Rhodes had subsequently obtained in England had authorized the British South Africa Company not only to exploit the minerals of the Territory but also to rule the country without the consent of the people. In 1914 thousands of Africans had fought in the war against Germany. Meanwhile the settlers had changed the laws and given the majority of the seats in the legislature to members elected by the

settlers with no reference whatsoever to the African people. Thus the "people" who had taken part in the referendum of 1922 had merely been the 12,000 white settlers deciding the fate of over 2 million Africans without informing them that the status of their country was to be changed. The "self-government" voted for at that time had been the self-government of 12,000 white settlers, but not that of the indigenous people and their chiefs.

26. In 1925 a commission set up by the settler community had led to the unjust Land Apportionment Act, which had provided a further basis for the exploitation of the Africans, the fertile areas having been declared European, while remote areas not previously inhabited had been declared African. Between 1933 and the Second World War the Act had not been applied. During that war the Africans had again fought for what they had believed to be the end of the domination of man by man. Immediately after 1945, however, the white-settler Government had decided to implement the Land Apportionment Act and to remove Africans to remote unfertile areas. In their place large numbers of immigrants from the United Kingdom, Germany and Italy, including Italian prisoners of war, had been allowed to settle on the fertile lands. Thus it was clear that the settler policy was a racist one. He wished to stress that his party was not racist; it was prepared to welcome Italians in the country as ordinary citizens, just as it would welcome anyone else, but it could not allow such people to come as masters and to take everything the indigenous people had had for centuries.

27. In 1953 the United Kingdom, again without the peoples' consent, had brought about the Federation of Rhodesia and Nyasaland. The world had been told that it had been done in the interests of economic development in that area, but the truth was that the white settlers in Southern Rhodesia, having successfully run the country at the expense of the African people for thirty years, had felt insecure when such countries as Ghana had appeared on the scene. Fearing that Northern Rhodesia and Nyasaland might become Ghanas on the borders of a white man's country, the Southern Rhodesian politicians had appealed to the United Kingdom for help, and the United Kingdom had responded by instituting the Federation. It had been said that the decision in the two northern Territories had been taken by the British Government as the guardian of the peoples and that the decision in Southern Rhodesia had been taken by the "electorate"; the fact was, however, that the entire African population had been and remained opposed to federation, the aim of which was to perpetuate white supremacy. The African organizations of Central Africa were not against the formation of larger units; if they were, they would not have joined the All-African Peoples' Conference. They believed in the unification of Africa, but they were opposed to the Central African Federation because it was in the nature of another South Africa.

28. Mr. Nkomo went on to say that the United Nations attached particular importance to the consent of the people. It was high time that the United Kingdom should ask itself whether it was wise or proper to continue with the Central African Federation without the consent of the people of the three Territories involved. If the reason was that the United Kingdom took no account of the wishes of the 8.5 million indigenous inhabitants, the Committee should be told so without ambiguity.

³⁸ A/AC.109/4.

29. As he had already indicated, the position of the settlers had hardened after the end of the Second World War. There had been a time when the indigenous inhabitants had believed the settlers and the United Kingdom, who had told them that progress was being made towards the stage at which everyone would share in the government of the country, but the enactment of oppressive legislation, the high rate of immigration and the progressive stiffening of the voting qualifications as Africans moved nearer to fulfilling the original qualifications had made it obvious that the settlers meant to dominate Southern Rhodesia for all time. In 1958 his party, the African National Congress, had decided that a new Constitution based on universal suffrage should be drafted immediately. Sir Edgar Whitehead, feeling himself under pressure, had banned the party in 1959. The indigenous inhabitants, in their determination to obtain a Government based on the wishes of the people had then formed the National Democratic Party. In July 1960 the settlers had become desperate and had provoked disturbances at Salisbury, Bulawayo and elsewhere in Southern Rhodesia in which sixty-three people had been killed, although the official figures given had been only thirteen. Those people had been killed merely for demonstrating against a Government which had been returned without their consent and for calling for a Government which would express the will of the people. Since then, the settler Government had organized a police reserve campaign; every white man and woman in Southern Rhodesia was being taught to handle fire-arms; all the white settlers were armed, while the indigenous inhabitants, with the exception of a few chiefs who were lackeys of the Government, were forbidden by law to carry arms. The settlers had thus armed themselves against the very people who had fought by their side against the Germans in 1914 and 1939 under the impression that they were fighting to put an end to the domination of man by man.

30. Towards the end of 1960 the United Kingdom had decided to convene a Constitutional Conference. The National Democratic Party, the largest party in the Territory, had not been invited, but it had finally succeeded in obtaining two seats at the Constitutional Conference as against eleven for Sir Edgar Whitehead's party, four for the Dominion Party and two for another party of European settlers. The Conference had been convened in Salisbury in February 1961 under the chairmanship of Mr. Duncan Sandys, the Secretary of State for Commonwealth Relations, who had subsequently issued a report to the effect that all the parties, with the exception of the Dominion Party, had agreed to the new Constitution. Speaking as the leader of his party's delegation at the Constitutional Conference, Mr. Nkomo assured the Committee that at no time had his party agreed to the new Constitution. The draft Constitution had been discussed article by article and his party, along with others, had agreed to a number of non-controversial provisions such as the need for a National Assembly with a Speaker, and even for a Governor. His party had also introduced the Bill of Rights to the Conference. On the crucial issues of the franchise, representation and land tenure, on the other hand, there had been complete disagreement between his party and the settler parties. His party had advocated universal adult suffrage and the inclusion in the Constitution of provisions concerning the land question which would prevent any Government from manipulating that question at a later date. The lack of agreement on those vital points had meant that his party had rejected the con-

stitutional proposals as a whole. As for the Dominion Party, it had not participated in the Conference at all. The first session of the Constitutional Conference was to be followed by a second one. After the conclusion of the first session, however, when the European politicians had gone to explain the results to their electors, the African politicians had found themselves banned from addressing political meetings in the reserves. The penalty for violating the ban was imprisonment for a term of up to twenty years. To formulate a new Constitution without reference to the people would have been an outrage to which his organization could not be a party. In view of the fact that Mr. Sandys had grossly and deliberately misrepresented the position taken by the National Democratic Party at the first Constitutional Conference and that African politicians had been banned from addressing meetings in the reserves, his party had decided not to participate in the second Constitutional Conference.

31. He had heard it argued that the United Kingdom was in a difficult position vis-à-vis the United Nations in that it could not transmit information on Southern Rhodesia because the latter was self-governing. Yet the United Kingdom had powers which had allowed it to grant the settlers their wishes and to promulgate a new Constitution. At the Constitutional Conference Sir Edgar Whitehead had requested the United Kingdom Government to agree not to legislate for Southern Rhodesia. After the Conference Mr. Sandys had been asked in the House of Commons by Mr. Marquand, a Labour Party Member of Parliament, whether he had entered into any commitment to the effect that the United Kingdom Government would not legislate for Southern Rhodesia except at the request of the Government of Southern Rhodesia. Mr. Sandys had replied that no new commitment had been entered into and that he had had no powers to do so. In reply to a supplementary question from Mr. Marquand, Mr. Sandys had stated that whatever the constitutional position had been, nothing he had done had altered it in any way. It was therefore perfectly clear that the United Kingdom Government retained the right to legislate for Southern Rhodesia. It could do so, however, only if there was a crisis in that Territory. If, in the opinion of the United Kingdom, a crisis was a situation in which there were a vast number of dead, and not just sixty-three as in 1960, the United Kingdom should say so. In his view there was a crisis in Southern Rhodesia now, because the United Kingdom Government had given the white settlers a Constitution which might lead to the independence of Southern Rhodesia by 1963, based on European minority rule.

32. He could not agree with those who argued that the new Constitution was a transitional one. Mr. Sandys himself had told the Conference that that was the final document as far as the United Kingdom was concerned and that the United Kingdom Government was handing over responsibilities to the people of Southern Rhodesia to shape their own future. It might well be asked who were the people of Southern Rhodesia to whom the United Kingdom proposed to hand over the shaping of the future of the Territory. The answer was clearly stated in an explanatory pamphlet issued by the Southern Rhodesian Division of the United Federal Party, entitled *Breakthrough to Nationhood*.³⁹ Replying to the question "Can the new Constitution be changed?", the pamphlet stated "Yes, but only by the Southern

³⁹ See A/AC.109/4.

Rhodesia Parliament and no one else". That Parliament would consist of sixty-five members, fifty of whom would in any case be Europeans.

33. He noted that the Committee had been told by the United Kingdom representative that the interests of the people would be safeguarded by a Constitutional Council, provision for which had been made under the new Constitution. Under its terms the members of the Constitutional Council would be elected by an electoral college consisting of the Chief Justice of the High Court of Southern Rhodesia acting as Chairman, the puisne judges of the High Court, any retired judges of the High Court—all white men—and the President of the Council of Chiefs, a body created by Sir Edgar Whitehead and led by his nominees. It was such a body, purely white in composition except for one black man representing white interests, that would elect the Constitutional Council, to which the indigenous inhabitants would have to look for protection. As for the composition of the Council itself, although provision had been made for two Europeans, two Africans, one Asian and one member of the coloured community, all the other members would be white. That was what multiracialism meant in actual fact.

34. Mr. Nkomo pointed out that Southern Rhodesia had common borders with the Republic of South Africa and with Mozambique and that an unholy alliance had been formed between Mr. Salazar, Mr. Verwoerd and Sir Roy Welensky, based on military co-operation, allegedly for purposes of internal security but in reality designed to suppress the ever-growing African opposition to oppression. The Committee might well give serious consideration to that fact, which constituted a threat to world peace and security. To the peoples of Africa, and indeed to all colonized peoples everywhere, the Committee offered the hope of the elimination of oppression of man by man. In the eyes of the people of Southern Rhodesia the most important thing was not the provision of information by the United Kingdom but the implementation of the General Assembly resolution on the granting of independence to colonial countries and peoples. They hoped that in its recommendations to the General Assembly the Committee would not only declare Southern Rhodesia to be non-self-governing, which was obvious, but would recommend steps for the granting of independence to the country and people of Zimbabwe. The situation in Southern Rhodesia was tense and called for immediate action. In view of the urgency of the situation in Southern Rhodesia and of the fact that elections based on white supremacy were to be held in October, he urged the Committee to recommend that the matter should be included in the agenda of the resumed sixteenth session of the General Assembly.

35. The Zimbabwe African Peoples Union (ZAPU), which represented 3 million indigenous inhabitants, requested the General Assembly, through the Special Committee, to call upon the United Kingdom to use the powers it possessed in order to suspend the new Constitution of Southern Rhodesia and institute negotiations for the transfer of all power to the people of Southern Rhodesia. If the United Kingdom did not take prompt action to that effect, Southern Rhodesia would become another South Africa. The United Kingdom which, in 1910, had made the mistake of handing over 12 million indigenous inhabitants to 2 million white settlers in South Africa and which must now be horrified to realize that it had thereby permitted the

brutal domination of a minority over the majority, could not allow itself another such mistake. If it disregarded the request of ZAPU, it would be held responsible before world public opinion for having handed over the indigenous inhabitants of Southern Rhodesia to the white minority.

36. The United Nations was now trying to remedy a situation in South Africa which antedated the birth of the Organization. In Southern Rhodesia it had the power to avert the evil by helping the indigenous inhabitants who fully deserved such help because of the struggle they were waging for their rights. If no action was taken now it would be useless for the world later on to express sympathy for the indigenous inhabitants and disapproval of the violence committed: it would be too late.

37. In calling upon the United Kingdom to suspend the measures about to be taken, the indigenous inhabitants were not asking to remain under United Kingdom domination; they refused to be handed over to the white minority and, like all the other peoples in the world, they sought the right to govern themselves. The United Kingdom was no doubt concerned, and rightly, for the fate of the large British minority; but the future of the white settlers depended precisely on action that must be taken immediately. Southern Rhodesia would be free whatever happened; it was essential to prevent what might happen, if the die-hards in Southern Rhodesia were allowed to impose the new Constitution.

38. The Declaration of Rights incorporated in that text had originally been proposed by his own party, but it had since been mutilated beyond all recognition. As the former Chief Justice of the Central African Federation had pointed out, that text now contained so many exceptions that it no longer safeguarded anything. Moreover, it only applied to new legislation, whereas Southern Rhodesia already had enough discriminatory laws to make new ones unnecessary.

39. Summing up, he wished to stress three points. First, Southern Rhodesia had a population of 3 million, not an electorate of 80,000. Any document drafted without the consent and agreement of the 3 million indigenous inhabitants should be deemed null and void. Secondly, if the Committee studied the facts outlined in the documentation which he had submitted to it,⁴⁰ it would see that in matters of education, income and property the indigenous inhabitants of Southern Rhodesia had in fact been denied access to the very benefits that governed the granting of the franchise. Lastly, he had read in that day's newspapers about Mr. R. A. Butler's appointment to a newly-created post, that of Secretary of State in charge of the Central African Office. It was to be hoped that the United Kingdom Government, having realized the mistakes made in that region, had appointed Mr. Butler to liquidate both the Federation itself and British imperialism in the three territories comprising the Federation.

40. Mr. Garfield Todd (New African Party) believed that all members of the Special Committee were agreed on the following points: firstly, the United Kingdom should not wash its hands of Southern Rhodesia nor grant it independence immediately, an eventuality which the United Kingdom did not appear to be even considering. Secondly, the United Kingdom had a continuing responsibility to encourage and help the people of Southern Rhodesia to move towards a

⁴⁰ A/AC.109/4.

form of government that would give each element of the population an equitable share of opportunity and responsibility. There might be differences of opinion regarding the degree of the United Kingdom's responsibility, but there would be no denial that it existed. Finally, to judge from the statement made by the United Kingdom representative, the present situation in Southern Rhodesia did allow for peaceful change and progress was being made towards the objective of greater African participation in the Government. In addressing the Committee, he would endeavour, through the intermediary of the United Nations, to induce the United Kingdom to adopt the attitude which, according to the representative of the United States, it had already adopted, to assume the responsibilities which, according to the representative of the United States, were generally attributed to it, and to use those powers which, as the United Kingdom representative had apparently admitted, his Government still retained.

41. He admitted that he was a prejudiced witness. Arriving in Southern Rhodesia as a missionary in 1934, he had become representative and then Prime Minister within the Central African Federation. He had had to resign in 1957 because of opposition to his plan to raise the wages of Africans and grant them the right to vote. Mr. Nkomo, on the other hand, had found great difficulty in educating himself, had suffered from racial discrimination on the labour market and had been maltreated by the police; his party had been banned and the Southern Rhodesian authorities had made him suffer deeply in thousands of other ways. It was natural that Mr. Nkomo's views of certain aspects of the problem of Southern Rhodesia should differ from his own. He himself had suffered less directly. However, concerned as he was for the dangers facing his country, he did not want the United Kingdom to abdicate the role it had to play in the future of Southern Rhodesia. The Committee seemed to be generally agreed upon that role and recognized that, while Southern Rhodesia enjoyed a certain autonomy, that autonomy was far from being complete.

42. Tracing briefly the constitutional history of Southern Rhodesia, he recalled that the 1923 Constitution, while granting the Government of Southern Rhodesia a certain autonomy, considerably restricted its legislative powers, certain types of law being held over for Her Majesty's pleasure. No doubt, the then Prime Minister of Southern Rhodesia, now Lord Malvern, who was to be commended for his sense of justice, had been able to assert that the United Kingdom Government had never vetoed any of the laws adopted by the Parliament of Southern Rhodesia. However, such an assertion disregarded the fact that bills were sent to Parliament only when they had been discussed at length with a representative of the United Kingdom Government and had been approved by him.

43. Mr. Todd said further that in July 1960 the difficulties of the régime had led to a crisis accompanied by riots. After he had vainly requested Lord Home to convene a constitutional conference, he and Mr. Nkomo had sent a letter to Lord Home requesting him to suspend the Constitution of Southern Rhodesia. In that letter, they had pointed out that although the Constitution which the country needed was bound over the long term to serve the enlightened interests of the settlers, it would be opposed by them at first and the United Kingdom Government, in consultation with the Federal Government, should therefore send additional

security forces to Rhodesia. Wrongly interpreted at the time, that letter had been the subject of protests in Parliament, where it had been proposed that he should be impeached for high treason, or even hanged. A Constitutional Conference had been convened and although the Prime Minister had not originally intended to invite to it delegates from the African nationalist movement, Mr. Nkomo had succeeded, not without great difficulty, in taking part in it. Mr. Todd had not attended the conference and he was therefore not in a position to deal with the differences of opinion between Mr. Nkomo and Sir Edgar Whitehead. Nevertheless, he believed that certain things regarding the Constitution approved by the conference were quite clear. It was clear that the main reason for the conference, so far as Sir Edgar Whitehead was concerned, had been to get rid of the United Kingdom; that the National Democratic Party (NDP) had wanted universal suffrage; and that the existence of two rolls, "A" and "B", giving 220,000 white people fifty seats and 2.5 million African people fifteen seats, could only be an interim measure. It was, of course, for the NDP to say to what extent it had accepted the provisions of the Constitution. In any event, the African nationalists could not have much confidence in such a Constitution, for at least two reasons. First, Sir Edgar Whitehead had announced that the measure in question was a final measure and, secondly, Sir Roy Welensky had sent his congratulations to the conference, saying that the arrangements adopted were better than what he could have expected. Thus, the Southern Rhodesian Government had achieved a great victory over the United Kingdom, in the sense that all the powers previously reserved to Her Majesty's Government had passed into the hands of a white electorate. While it was true that the Prime Minister of Southern Rhodesia had said that the new Constitution was bound to lead in time to an African majority, he had not said in what length of time. Moreover, rather recently, the Prime Minister of the Federation had said that it would take about 200 years for Africans to be equated with Whites. Apart from those two rather paradoxical statements, there was another statement which had been made by a member of the Southern Rhodesia Cabinet, to the effect that if and when Africans obtained similar educational facilities to whites they would eventually put an end to the latter's rule. However, that Minister had added that that would require the Government of Southern Rhodesia to spend £50 million on African education, instead of £4 million as at present, and that such a thing could not happen in the foreseeable future.

44. After indicating that he had cited those facts in order to illustrate an attitude of mind, Mr. Todd said that Southern Rhodesia could not be considered in isolation from the Federation, which in its turn was not self-governing. In 1958, Sir Roy Wolensky had stated that he would get dominion status for the Federation, something that would have happened but for Mr. Hastings Banda. By 1960, after the proclamation of an emergency in Southern Rhodesia and the sending of reinforcements to Nyasaland, the idea of dominion status had died. Subsequently, a call for independence by the Federation had not proved any more successful, and it might be that the United Kingdom would now have to dismember the Federation it had created.

45. Turning to the 1961 Constitution, he said that whereas the United Kingdom seemingly considered it a means of maintaining its influence and power in

Southern Rhodesia, the Whites of that country considered it a means of giving them control of their own affairs, in which they included the destiny of 2.5 million African people. Unfortunately, the Constitution lacked one essential virtue which even the Monckton Commission of 1960⁴¹ had agreed was indispensable, namely, acceptability to the people. It was customary among the white people of Southern Rhodesia to say that Africans did not understand politics. While it was true that they were not familiar with the party system, they did concern themselves with problems connected with schooling, land and employment, matters that were the blood and bones of politics. Actually, as the Monckton Commission had repeatedly emphasized, the great problem in Southern Rhodesia was the division that existed between 220,000 Whites and 2.5 million Blacks.

46. The 1961 Constitution provided a two-roll electoral system similar to that adopted by the Federal Government in 1957 and which the Monckton Commission had later described as a death-blow to the hopes for the success of the Federation. When only 500 Africans had gone to the polls, it had been said that the Africans were not interested; the truth had been simply that they had not been prepared to be second-class citizens. On the other hand, when a more enlightened electoral act had been passed in Nyasaland, 110,000 Africans had registered on the "B" roll in one month—in spite of its two-roll system—electing twenty representatives, as against the eight representatives elected on the "A" roll.

47. Mr. Todd stated further that the Government of Southern Rhodesia had wanted the Africans to register, but despite a special tour by the Prime Minister to commend the new Constitution to the Africans and pressures exerted through civil servants and employers of Africans, it had failed. He asked whether in view of that failure the United Kingdom, together with the Government of Southern Rhodesia and representatives of all the people of the country, would now devise a new electoral measure or whether the United Kingdom would admit that it had given up most of its power in Rhodesia, and that it had done so at the most critical time in the country's history.

48. Mr. Todd said that Africans were not confident about the provision of a Declaration of Rights and a Constitutional Council in place of the reserved powers hitherto held by the Crown. The Declaration of Rights was no substitute for the vote and could not be accepted as such by the Africans. Furthermore, the Declaration did not give any protection against the repressive laws already on the statute books, namely the Unlawful Organizations Act, the Vagrancy Act, the Preventive Detention Act, and the Law and Order (Maintenance) Act. The Declaration was a worthless substitute for the United Kingdom's reserved powers which might have been used to protect the African people. He believed that the withdrawal of British influence from the affairs of Southern Rhodesia at this critical stage would turn that country into a scene of tragic happenings. He also believed that it was the duty of the United Kingdom to find a constitution that would be acceptable to the people. Only the United Kingdom could assist the white electorate to make the necessary changes. The white voters, the white settlers, were not evil people; they had made a magnificent contribution to the develop-

ment of Central Africa. In earlier days privilege had come to them easily. Now, when they were confronted by an awakening people who outnumbered them twelve to one, they had to adjust themselves to the new conditions. They were only human and could not easily divest themselves of privilege. In conclusion Mr. Todd stated that if the United Kingdom would not act today, the United Nations would have to act tomorrow.

49. Mr. Mushonga (Zimbabwe National Party) said that the situation in Southern Rhodesia was explosive in the highest degree and the responsibility for it rested with the United Kingdom. For seventy-five years, the Africans, who were the rightful owners of the land, had been appealing to the British Government to transfer its powers to them peacefully. The only reply the United Kingdom had made to those appeals had been armed repression, and in 1961 it had finally imposed a Constitution making Southern Rhodesia a white-settler State, similar to the one which had existed in South Africa since 1910. Deprived of all legal means of regaining their natural rights, the Africans were now, as a last resort, appealing to the United Nations to avert the bloodshed which would be the logical outcome of such a situation.

50. He briefly reviewed the history of British colonialism in his country which had begun in 1888 with a mining concession allegedly granted by King Lobengula to Charles Dunell Rudd. On the strength of that concession, the authenticity of which had been seriously challenged, the British Government had granted a charter for the formation of the British South Africa Company, which it was worth noting, recognized the inviolability of the laws, customs and sovereignty of the Rhodesian people and the fact that the interests of the indigenous peoples prevailed over those of the settlers. The status of a protectorate was therefore implicit in the charter. In 1893, however, a British army led by Starr Leander Jameson had invaded the country from South Africa with the avowed intention of taking the land from the Africans. From that day onwards, the Africans had been strangers in their own country. Then, in 1923, without consulting the Africans, the British Government had annexed Southern Rhodesia outright. A thirty-member Parliament, consisting exclusively of white settlers, had been formed with the British Government retaining final control of all matters affecting the interests of the Africans and control of foreign affairs. The Africans had been prevented from voting or running for office because their right to do so had always been made subject to conditions which were virtually impossible to fulfil. Thus, before 1923, they had been unable either to vote or to hold office because they were not British subjects. After the annexation which had made them British subjects without their consent, the Africans, to qualify as voters, had had to prove that they had received a certain amount of education and that they held property or earned a regular wage, the amount of which was successfully raised in order to ensure that they would be unable to qualify. In 1956 a Commission had been appointed to devise a system of representation under which the Government would remain "in the hands of civilized, responsible persons", in other words, the white people. It had of course refused to consider the establishment of a common roll based on adult suffrage because the overwhelming majority of the voters would then have been Africans. It had, in fact, recommended something very like the

⁴¹ See *Report of the Advisory Commission on the Review of the Constitution of Rhodesia and Nyasaland* (London, H.M. Stationery Office), Cmnd. 1148.

present system, where the electorate consisted of 74,000 British white settlers and 4,000 Africans, half of whom were lower-roll voters. Lastly, in 1961, determined to keep power in their hands, the settlers, assisted by the United Kingdom Government, had instituted a new system, again a two-roll system, under which, of the sixty-five members of the Legislative Assembly, fifty would be Europeans and the settler minority would continue to dominate the electorate. The 1961 Constitution sought in fact to make Southern Rhodesia permanently a white State by granting independence to the white settlers by devious means, as had been done in South Africa in 1910.

51. Mr. Mushonga added that the Parliament, which was the tool of the settler oligarchy, had passed a number of repressive laws, including the following:

(1) The Native Affairs Act, 1927, which made it a punishable offence for an African to criticize any organ or official of the Government, or even any white person; that Act restricted the freedom of movement of the Africans by means of a pass system and made it possible to evict them from their lands and to demolish their homes without granting them any right to compensation;

(2) The Land Apportionment Act, 1930 (revised in 1941), which divided the country into African and European areas, Africans being forbidden to reside in the latter unless employed by Europeans;

(3) The Public Order Act, 1955, which was one of the laws that had been used to suppress the African National Congress in 1959;

(4) The Preventive Detention Act, 1959, which enabled the Government to detain any of its African opponents without trial and without charges; it was under that Act that Members of the African National Congress had been imprisoned for almost three years;

(5) The Unlawful Organizations Act, 1959, which enabled the Government to ban any organization and confiscate its property;

(6) The Law and Order (Maintenance) Act, 1961, which enabled the Government to dispense with the rule of law and to impose penalties ranging up to twenty years' imprisonment for political offences;

(7) The Vagrancy Act, 1959, intended in principle to provide penalties for vagrancy; in practice it enabled the authorities to cause the dismissal of any undesirable person from his employment and then to arrest him on the pretext that he had no means of subsistence.

52. Mr. Mushonga stated further that political oppression was accompanied by shameless economic exploitation. Not only were African wages deliberately kept below subsistence level (they were about £24 per annum on the farms and £78 in towns), while European wages were above £800 per annum, but certain work was reserved for Europeans only, even to the extent of importing them from abroad, if necessary, at government expense. Moreover, African farm labourers were excluded from the definition of a worker, so that they were not permitted to organize themselves into trade unions. One of the chief aims of colonization was, and had always been, to rob the Africans of their land. At the time of the Jameson expedition in 1893, those taking part had been authorized in advance by the British South Africa Company to mark out farms and mining claims as conquered territory, and to divide the "loot" of the expedition. Later, the Land Apportionment Act, of 1930 (revised in 1941), which

had divided the territory into European land and African land, had allocated to the 200,000 white settlers 52 per cent of the land, including the most fertile areas, while over 3 million Africans had been crowded into generally dry and unproductive land. Later still, the Land Husbandry Act, 1951, had been enacted to dispossess Africans of what little land they had in the native reserves, and also of the cattle which was their traditional form of wealth. The Africans who lost their land through the implementation of that Act were arrested for vagrancy and sent to camps where they worked in such inhuman conditions that the police had no difficulty in recruiting them for work at starvation wages on white settler farms. That was a disguised form of forced labour. Theoretically, forced labour was prohibited, but the Southern Rhodesian Government had in fact legalized it. The labour which the Africans had to provide, at equally low wages, on public works programmes for as long as the Government wished to keep them, should also be considered forced labour. Mention should also be made of the unscrupulous Government-licensed recruiters who sold cheap labour to the farmers. The contract signed by the recruiter with the farmer, often unknown to the worker whom it concerned, bound the worker in fact for one or more years. All deserters were pursued and sent back to their employers. Thus the system constituted a modern form of slavery. The whole economy was based on that cheap labour, but only the Europeans profited from it and they intended to retain that privilege.

53. The same inequality prevailed in education. For Europeans there was free and compulsory education up to the age of fifteen, but not for Africans. The Government spent over £5 million for 40,000 European schoolchildren and only £2 million for over 500,000 African children. Consequently, as the statistics showed, of the 114,000 African schoolchildren enrolled in the first year, less than 20 per cent completed six years of schooling and only fifteen completed their secondary school education. When the education-starved children demonstrated in protest, the Government responded by firing on them and setting police dogs on them. The African was discriminated against from the cradle to the grave, in hospitals, residential areas, schools, cinemas and even graveyards.

54. Speaking of the legal status of Southern Rhodesia, Mr. Mushonga said that he would cite the facts which seemed to him to prove that Southern Rhodesia had not yet attained independence. First, unlike the countries which had been granted fully responsible status within the Commonwealth, Southern Rhodesia was still a colony. It was described as a colony both in the 1961 Constitution and in Halsbury's *The Laws of England*.⁴² Furthermore, the United Kingdom Government had not abdicated responsibility for Southern Rhodesia as it had done in the case of the other members of the Commonwealth. The Queen was represented in Southern Rhodesia not by a Governor-General as in the countries which were full members of the Commonwealth, but by a Governor who was a direct agent of the Crown and not its representative to a sovereign Government. Although the Legislature of Southern Rhodesia had the power to make laws for the internal government of the country, the United Kingdom retained the right to disallow certain categories of laws, and Her Majesty in Council retained

⁴² Halsbury, *The Laws of England*, Butterworth & Co. (Publishers) Ltd., London 1953 (third edition), vol. 5, para. 1263.

the right to amend the Constitution. Southern Rhodesia had no power to declare war, or to conclude treaties independently of the United Kingdom Government, and it had no independent status in international law. The existence of the Federation of Rhodesia and Nyasaland also limited the legislative and executive authority of Southern Rhodesia. Lastly, Southern Rhodesia had no legal competence to secede from the Commonwealth. Therefore, whatever progress Southern Rhodesia had made towards independence and whatever powers and privileges had been granted to it by the United Kingdom Government, it did not possess full autonomy, either in internal or in external affairs, and could not be said to be independent.

55. From all the foregoing, as well as from the repressive measures taken by the Government to deprive the Africans of the franchise, freedom of speech, freedom of political expression and freedom of movement, Mr. Mushonga drew the following conclusions. First, Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Article 73 of the United Nations Charter. Secondly, the United Kingdom had flagrantly violated Article 73 of the Charter. It had refused to recognize that the interests of the inhabitants of Southern Rhodesia were paramount or to accept as a sacred trust the obligation to promote their well-being to the utmost, within the system of international peace and security established by the Charter. It had refused to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses. It had refused to develop the self-government of the peoples of Southern Rhodesia, to take due account of their political aspirations and to assist them in the progressive development of their free political institutions. It had neglected or refused to transmit regularly to the Secretary-General for information purposes statistical and other information of a technical nature relating to economic, social and educational conditions in the Territory. Thirdly, the British had embarked on a campaign of terror. Millions of pounds' worth of armaments had been sent to Southern Rhodesia, with the result that every British settler, man and woman, was armed with the same modern weapons as the forces of the North Atlantic Treaty Organization (NATO). Hundreds of people had already been murdered. The prisons were overflowing with political prisoners whose only crime had been to demand the restoration of their country. A military alliance had been formed between Verwoerd, Salazar and Sir Edgar Whitehead.

56. Mr. Mushonga said that he could not guarantee that the African people would continue to restrain their anger in the face of British brutality, provocation and militarism. Unless British colonialism was liquidated immediately in Southern Rhodesia, the situation would become so critical that it would threaten not only the security of the people of Southern Rhodesia but international peace. He suggested that the Committee should recommend the General Assembly to consider urgently the question of Southern Rhodesia, in view of the projected general elections, and demand the United Kingdom to suspend the present Constitution and conduct elections with universal adult suffrage. If the United Kingdom should refuse to comply with the demands of the General Assembly, the United Nations should take over the administration of Southern Rhodesia and organize free elections.

57. Mr. Madlela (Zimbabwe African Peoples Union) said that, of the three Territories in the Central African Federation still suffering under British colonialism, Southern Rhodesia was the worst afflicted. The purpose of the Federation was to extend the influence of the settlers in Southern Rhodesia throughout Central Africa, and to ensure that the Whites should continue to rule the large African majorities. A pseudo-democratic system had been established on the basis of a largely white-oriented franchise. That was why the Federation had been rejected from the outset by the indigenous African peoples. But the United Kingdom had paid no heed to their determined opposition, and it was his organization's hope that the Committee would try to impress upon the United Kingdom that continuation of the Federation would amount to the perpetuation of tyranny and colonialism.

58. Colonialism in Southern Rhodesia dated back to the 1923 Constitution, under which the United Kingdom had granted self-government to the 12,000 Whites and with it the power to rule the 1.5 million indigenous Africans. Thirty-nine years later, the United Kingdom was still persisting in the same disastrous course: in 1961, it had approved a Constitution under which complete political power was vested in the white minority of 84,000 voters, while the 3 million Africans were to be represented by a maximum of fifteen out of sixty-five legislators, who in practice need not necessarily all be Africans. Throughout those thirty-nine years, the African people had laboured under tyrannical and often inhuman treatment. That was inevitable, for minority rule could only protect its selfish interests by the use of force. The Government of Southern Rhodesia was based on force; arms and ammunition were controlled in such a way as to ensure that only whites had access to them, but the lack of arms had not deterred the Africans from claiming openly and with determination their right to rule themselves. The Government's reply to such peaceful demonstrations had been to bring up heavily armed police who would provoke a breach of the peace in order to create a pretext for violence. Government of that kind was nothing less than dictatorship, and the people of Southern Rhodesia called upon the freedom-loving people of the world to support them in ridding their country of the scourge of white domination. His people would not rest until they were free, but the Government appeared to be equally determined to maintain white supremacy. The situation was therefore explosive for Africa and the world.

59. Mr. Madlela said further that the battle was not between Africans and Europeans but between democracy and dictatorship. The Africans of Southern Rhodesia were prepared to live and let live, but they would never tolerate colonialism and government by minority. His organization therefore requested the Committee to bring pressure to bear on the Government of the United Kingdom to suspend the existing Constitution and convene a new constitutional conference. Nothing less than a Constitution based on universal adult suffrage would be acceptable to the people of Southern Rhodesia. The existing Constitution did not appear racist on paper, but in practice it continued to entrench white domination. He asked all members of the Committee to give their strongest support to the African case. There was still time to negotiate a peaceful solution but if the United Kingdom insisted on imposing its Constitution, it would do so over the

dead bodies of the African people. It must be made publicly clear to the United Kingdom that Southern Rhodesia was not part of that country and had endured enough of its murderous system of government. It had been said that Africans did not understand parliamentary procedure; but if the settlers had failed to teach them in the seventy years of their rule, it was time they gave way to the Africans and allowed them to determine their own future.

60. History showed that colonialism had never been to the advantage of the colonized, Mr. Madlela continued. Colonialism was based on ruthless economic exploitation and had been responsible for the extermination of indigenous peoples in all countries that had been colonized. The United Kingdom was preparing a massacre of his people too, as could be seen from Mr. Butler's support of the Southern Rhodesian Government's action in putting down "intimidation" by the Africans. Indeed, his country had been turned into a military State, for the Government was obtaining all kinds of weapons from the United Kingdom and forming a military alliance with other oppressors like Mr. Verwoerd and Mr. Salazar. Concentration camps had been built to house thousands of political prisoners, while outside the prisons the people went hungry, with no land to till and no work in the towns. Of the 31 million acres of farm land held by Europeans, 29.5 million acres were lying fallow. The Government's money was being used to build up the police force and the army, and there were no schools for the Africans. Every European had been drafted into the army and advised by the Government to buy firearms.

61. In conclusion Mr. Madlela said that the United Kingdom must not be allowed once again to impose a constitution on the African people as it had done in 1923; he therefore renewed his appeal to the Committee to give all its support to Southern Rhodesia's case.

Observations by members of the Special Committee

62. The representative of the United Kingdom recalled that in the Fourth Committee (1303rd meeting) his delegation had confirmed the view of his Government that the question of Southern Rhodesia was outside the competence of the United Nations and, after summarizing the constitutional position in Southern Rhodesia, had explained why no information on Southern Rhodesia had ever been transmitted to the United Nations. He would not therefore revert to those questions. He noted that the Special Committee had been instructed by General Assembly resolution 1745 (XVI) to examine the question whether the territory of Southern Rhodesia had attained a full measure of self-government and said that he would speak on the facts of the constitutional position in Southern Rhodesia without prejudice to the basic question of competence. He stated that Southern Rhodesia had been self-governing in respect of its internal affairs since 1923, when, by referendum, the electors of the Territory had chosen the alternative of "responsible government" in preference to incorporation in the Union of South Africa. Under the Constitution of 1923, all executive powers had been transferred to elected Ministers responsible to the Legislative Assembly. In respect of Southern Rhodesia's internal affairs, the only power retained by the United Kingdom Government was the power to disallow certain categories of laws, including laws affecting the interests of the African population. That

power had in fact never been exercised. The United Kingdom had not retained any power to legislate with respect to Southern Rhodesia's internal affairs and, consequently, United Kingdom Ministers had not been answerable since 1923 to their Parliament for Southern Rhodesia's internal affairs. Her Majesty's Government had, however, retained responsibility for Southern Rhodesia's external relations and, since 1953, ultimate responsibility for the external relations of the Federation of Southern Rhodesia, Northern Rhodesia and Nyasaland, established in that year. The establishment of the Federation of Rhodesia and Nyasaland had not entailed any changes in the 1923 Constitution of Southern Rhodesia, except in so far as the division of functions between the Southern Rhodesian Government and the Government of the Federation was concerned.

63. The representative of the United Kingdom went on to say that the 1923 Constitution had been revised under The Southern Rhodesia (Constitution) Order in Council, 1961. In the new Constitution, which produced many of the provisions of the 1923 Constitution, the power formerly retained by the United Kingdom Government, but never exercised by it, to disallow certain categories of legislation had been replaced by more effective safeguards against legislation of a discriminatory nature. The first of those safeguards was the Declaration of Rights, which was intended to ensure that every person in Southern Rhodesia enjoyed the fundamental rights and freedoms of the individual, namely, the right, irrespective of race, tribe, place of origin, political opinion, colour or creed to the following:

- (a) Life, liberty, security of the person, the enjoyment of property and the protection of the law;
- (b) Freedom of conscience, of expression, and of assembly and association;
- (c) Respect for his private and family life.

In addition to those fundamental principles, the Declaration included a number of detailed provisions for putting them into effect, in particular provisions against discriminatory legislation which, for reasons of race, colour or creed, would subject anyone to special restrictions or deprive him of advantages accorded to others.

64. He also stated that the implementation of the Declaration of Rights was in turn safeguarded by the creation of a Constitutional Council which would examine all bills, other than money bills, passed by the Legislative Assembly and submit a report to the Governor, within thirty days, stating whether any of the provisions were inconsistent with the Declaration of Rights. The Council consisted of a Chairman and eleven members who must be drawn from all communities in Southern Rhodesia, so that it could not be dominated by persons of one colour, race or creed. The Chairman must be a retired judge or advocate of at least fifteen years' standing and the members would be elected by secret ballot by an electoral college consisting at first election of the Chief Judge and puisne judges of the High Court, and the President of the Council of Chiefs. The functions of the Council were advisory only, but legislative provisions on which it gave an adverse opinion could only be adopted by a two-thirds majority of the total membership of the Legislative Assembly, or by a simple majority after a delay of six months. In addition, any person who considered that a law contravened the Declaration of Rights could apply to

the Council for a legal aid certificate enabling him to bring the matter before the courts, including proceedings by way of appeal, at public expense. Furthermore, the Southern Rhodesian Government had already put in hand a systematic review of all legislation at present in force, with a view to repealing those provisions which could be considered to be of a discriminatory nature. He added that the provisions relating to the Declaration of Rights and to the Constitutional Council were entrenched clauses of the Constitution and could not be altered without:

(a) The agreement of a two-thirds majority of the Legislative Assembly, and

(b) Either the agreement of each of the four principal racial communities recorded by majority vote in a separate referendum, or the specific approval of the United Kingdom Government.

65. Referring to the electoral arrangements under the new constitution, the representative of the United Kingdom said that the Legislative Assembly would consist of sixty-five members, of whom fifty would be elected from constituencies covering the whole country and fifteen from electoral districts, likewise covering the whole country. Voters would register on two rolls: those with higher qualifications would be on the "A" roll and those with lower qualifications on the "B" roll. The qualifications were not based on colour or race but, with certain exceptions which benefited Africans only, on financial and educational qualifications which applied to all the inhabitants of Southern Rhodesia. In each constituency and district both "A" roll and "B" roll voters would vote. There were, however, provisions to ensure that voters on either of the rolls did not swamp those on the other roll by weight of numbers: for instance, if the number of "A" roll votes cast in an electoral district amount to more than 25 per cent of the "B" roll votes cast, then the "A" roll votes would be proportionately reduced in value to 25 per cent of the "B" roll votes cast; in the case of the constituencies the procedure would work the other way round. He added that the franchise qualifications could be changed only by a two-thirds majority vote of the total membership of the Legislative Assembly, and even then such changes could only be for the purpose of extending the franchise. No restrictive amendments could be adopted except as the result of a referendum of the four principal racial communities, in which Africans over twenty-one years of age who had completed a course of primary education would be able to vote, or with the specific approval of the United Kingdom Government.

66. In conclusion the representative of the United Kingdom said that it was thus clear that Southern Rhodesia had attained a very large measure of self-government. It was true that the United Kingdom Government still retained ultimate responsibility for the external affairs and defence of the Federation, but, apart from the restrictions on the rights of the Legislative Assembly to amend certain basic clauses of the Constitution, Southern Rhodesia was completely autonomous in regard to its internal affairs. Complicated and changing as was the position in the Federation of Rhodesia and Nyasaland, he hoped that the analysis of the constitutional position which he had given would help the Committee to find the right answer to the question referred to it, namely, whether the Territory of Southern Rhodesia had attained a full measure of self-government.

67. The representative of India said that the reason why the United Kingdom attached so much importance to maintaining its grasp on Southern Rhodesia was perhaps to be found in the fact that the area was well adapted for the residence of Europeans who were there for very practical material reasons. In this connexion he noted that in his statement the United Kingdom representative had used such words as "referendum", "electors" and "self-government" in a way which was difficult to understand. He believed that a referendum was a process involving the submission of an issue to the direct vote of all the people on the basis of universal suffrage; however, it must be assumed that the so-called referendum of 1922 had been confined to the adult European population which comprised no more than 2 per cent of the total population of the Territory. Similarly, the United Kingdom representative had informed the Committee that under the Constitution which had come into force on 1 October 1923 all executive powers had been transferred from officials of the British South Africa Company to "elected" Southern Rhodesian Ministers responsible to the Legislative Assembly. He had not, however, stated the number of electors in relation to the total population. The representative character of the régime in Southern Rhodesia, as also in the Federation, was well brought out by a recent comment by Sir Roy Welensky, the Prime Minister of the Federation, concerning the hostility of African independent States towards "our South African and Portuguese neighbours".

68. With reference to the constitutional position he said the non-self-governing status of Southern Rhodesia might appear self-evident. The necessity for examination of the question arose from the fact that the United Kingdom Government had not at any time transmitted information under Article 73 e of the United Nations Charter concerning Southern Rhodesia, as it had done in respect of its other Non-Self-Governing Territories. Unilateral action in that respect by administering Powers had not been accepted by the United Nations as adequate grounds for determining the political or constitutional status of a Non-Self-Governing Territory. The fact that the United Kingdom Government did not transmit information concerning Southern Rhodesia did not make that Territory any more self-governing than the Portuguese territories on which the Government of Portugal had refused to transmit information. Similarly, there were territories under French administration on which no information was transmitted. Nevertheless, they remained Non-Self-Governing Territories, and the General Assembly retained the right to take up those cases for consideration as appropriate. The question of competence had been raised in the Fourth Committee on several occasions over the years by the colonial Powers, but it had been settled by General Assembly resolution 742 (VIII) which set out the "Factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government". The matter had also been dealt with in many more recent General Assembly resolutions. He therefore hoped that the United Kingdom representative would not revert to the matter during the present debate.

69. He then examined the constitutional position of Southern Rhodesia in the light of the statutory provisions made by the United Kingdom Parliament and the statements made by the United Kingdom represen-

tative. The three principal stages to be considered were the Southern Rhodesian Constitution of 1923, the Federal Constitution introduced in 1953 and the Southern Rhodesian Constitution of November 1961. A report presented to the United Kingdom Parliament in October 1960 showed that in 1923, and afterwards, the true status of Southern Rhodesia had been that of a colony. Southern Rhodesia was described in the report as a self-governing colony—which, incidentally, was a contradiction in terms—within the British Commonwealth. It was also stated in this report that “immediately before federation, Southern Rhodesia was, in fact, in the final stage through which the older dominions passed on their way to dominion status, or full membership of the Commonwealth as it is now called”. He noted that, as the United Kingdom representative had himself pointed out, Southern Rhodesia’s status had not undergone a change with the promulgation of the Federal Constitution. If Southern Rhodesia or the Federation had really been self-governing there would have been no occasion for the recent debates in the United Kingdom Parliament on their constitutional status or the qualifications of voters and representation in the legislature, which were undoubtedly internal affairs. Furthermore, under the Southern Rhodesian Constitution the United Kingdom Government, with the full consent of the European community of Southern Rhodesia, reserved to itself very extensive powers, both for the protection of the interests of the indigenous inhabitants and for purposes of general control. The limitations on the authority of the Colony’s Government clearly showed that the Constitution of 1923 had not conferred upon Southern Rhodesia what was described in Chapter XI of the United Nations Charter as “a full measure of self-government”.

70. The representative of India said further that the Federal Constitution of 1953 reaffirmed the colonial status of Southern Rhodesia and the fact that the sovereignty over that Territory continued to be vested in the Crown. The Colony and, to a certain extent, the two Protectorates (Northern Rhodesia and Nyasaland), might be considered to enjoy responsible government in certain matters of government and administration, but that was not self-government. In that connexion he recalled that when the Trusteeship Council had discussed the case of Western Samoa, members had clearly expressed the view that self-government could not be said to exist unless legislative powers were based on universal adult suffrage. Nor could it be argued that the Federal Constitution had advanced Southern Rhodesia towards self-government, as could be seen from the report presented by the Prime Minister of the United Kingdom to Parliament in October 1960, where it was stated that since federation the power of the Legislature to make laws had been subject not only to the provisions of the Constitution of Southern Rhodesia but also the limitations on legislative powers imposed by the Federal Constitution. It was further stated that Southern Rhodesia no longer dealt directly with other countries, the Federal Government having assumed responsibility for external affairs, which did not, however, include matters between the Colony and the United Kingdom. *Inter alia*, the Governor-General was appointed on the advice of the United Kingdom Government and not of the Federal Government, the Secretary of State could disallow any law of the Federal Legislature or disapprove of subordinate legislation to which the African Affairs Board had objected, the Governor-General was required to

reserve bills with respect to certain electoral matters, bills of which the African Affairs Board requested reservations and bills to amend the Constitution, and the royal assent to bills so reserved was granted or withheld on the advice of United Kingdom Ministers. Moreover, the Federal Legislature lacked general power to pass legislation with extra-territorial effect, though the United Kingdom Government had undertaken to remove that limitation. The legislative power of the Federation was still limited by the Colonial Laws Validity Act, 1865, so that any Federal law which conflicted with any Act of the United Kingdom Parliament or with any order or regulation made under the authority of such Act was void and inoperative, and in the field of external affairs the authority of the Federation must in all cases be supported by an authorization or entrustment by the United Kingdom Government.

71. With reference to the claim made by the United Kingdom representative in the Fourth Committee (1303rd meeting) that the special autonomous status of Southern Rhodesia had been repeatedly recognized internationally, the representative of India presumed that he had been referring to the entrustment to the Government of the Colony by the United Kingdom Government of the power to make certain arrangements, such as the authority to negotiate trade agreements, and to participate in certain international organizations. The Territory’s participation in the World Meteorological Organization and the World Health Organization was, however, without vote, and its participation in the activities of the International Labour Organisation, the Food and Agriculture Organization of the United Nations and the International Civil Aviation Organization was to be through the United Kingdom Government. The delegation of authority to Southern Rhodesia had involved no change in the Territory’s constitutional status, and prior consultation between the Government of Southern Rhodesia and the United Kingdom Government had been called for before Southern Rhodesia had entered into any commitments with respect even to participation in the General Agreement on Tariffs and Trade (GATT) and the conclusion of trade agreements. Since the promulgation of the Federal Constitution the delegation of authority to Southern Rhodesia had ceased in favour of the Federation itself, thus placing a further limitation on the Territory’s Government. The argument of international recognition of the autonomous status of Southern Rhodesia had therefore little validity; in fact, a number of Non-Self-Governing Territories participated in the activities of international organizations without prejudice to or augmentation of their true constitutional status. From all points of view, therefore, Southern Rhodesia, after the promulgation of the Federal Constitution in 1953, had remained a Non-Self-Governing Territory on which information should have been transmitted under Article 73 e of the Charter.

72. Referring to the 1961 Constitution, the representative of India said that while it reproduced many of the provisions of the former Constitution, it eliminated all the reserved powers formerly vested in the United Kingdom Government. Yet, under the new Constitution Southern Rhodesia would not be empowered to amend the Constitution with respect to the position of the sovereign and the Governor, and the right of the United Kingdom Government to safeguard the position regarding international obligations. The international obligations of the United Kingdom

with respect to the indigenous population were embodied in treaties made by the United Kingdom Government with local chiefs and rulers in the late nineteenth century; their fulfilment could not be surrendered to the Government of Southern Rhodesia, which had adopted attitudes and policies prejudicial to those obligations. Under Chapter XI of the United Nations Charter, the United Kingdom Government was committed to the principle that the rights and interests of the indigenous inhabitants were paramount, and it was to be hoped that that commitment would be honourably discharged. The Declaration of Rights included in the new Constitution and the provision for a Constitutional Council were intended as substitutes for the safeguards provided by the reserved powers enumerated in the earlier Constitution, but those provisions seemed utterly inadequate to safeguard the paramount interests of the vast majority of the indigenous inhabitants, who were placed at the mercy of a minority Government of European settlers. Therefore, it could not be claimed that, because of the Constitution of 1961, Southern Rhodesia had become fully self-governing. The phrase "a full measure of self-government" could only be construed to mean independence. Even if the unrepresentative character of the régime were disregarded, Southern Rhodesia's present status seemed to be no different from that of the transitional status of self-government of Ghana or Nigeria before independence. If the administering Power had found it possible to transmit information on those Territories for the period before independence, it was difficult to understand why Southern Rhodesia should be treated differently. He presumed that the 1961 Constitution, which had been given to Southern Rhodesia by the United Kingdom Government, could be withdrawn or could be revoked, as the Constitution of Malta had been. In the case of Malta the United Kingdom had ceased to transmit information under Article 73 e of the Charter on the grounds that Malta had become self-governing, but in 1959 transmission of information had been resumed. Self-government which was subject to revocation was not self-government at all.

73. In any case, the representative of India continued, whatever measure of self-government existed in Southern Rhodesia was largely in the hands of the section of the population which was of alien extraction. The Declaration of Rights included in the Constitution, which had been referred to at length by the United Kingdom representative, did not confer on the people of Southern Rhodesia all the fundamental human rights enshrined in the Universal Declaration of Human Rights. It did not include the all-important political rights enumerated in article 21 of the Universal Declaration, in that it did not ensure free political activity for the African, as was evident from the fact that one of the largest political parties and its leaders had been placed under restrictions of all kinds; universal and equal suffrage was denied; and the division of the electors into "A" and "B" categories was evidence of unequal treatment. Even with regard to property rights, the Declaration of Rights merely seemed to perpetuate the exclusive rights of alien settlers acquired in the remote past by devious means.

74. Furthermore, it was clear that Southern Rhodesia did not fulfil any of the three criteria laid down in Principle VI of the list of principles annexed to General Assembly resolution 1541 (XV). At no time

had it "emerged as a sovereign independent State", nor did the definitions of "free association" and "integration" given in Principles VII, VIII and IX of that resolution apply to it. The fact of overriding importance, however, was that the new Constitution had not received the approval of the masses in the Territory. The referendum to which it had been submitted had been virtually a European referendum, the African population having had little part in it. The Constitution had been overwhelmingly rejected in the popular consultations organized by the African political parties in the Territory.

75. His delegation had no desire to criticize or to find fault; it simply wanted to make a constructive contribution to the matters before the Committee. It appreciated the enlightened attitude of the United Kingdom Government to such matters and was critical not so much of that Government's policies as of the present situation in Southern Rhodesia, in the development of which the United Kingdom Government had perhaps played a more passive role than circumstances had warranted.

76. Reverting to the list of "Factors indicative of the attainment of independence or of other separate systems of self-government," annexed to General Assembly resolution 742 (VIII), he said that, since Southern Rhodesia had not attained independence, the first part of that list would not be relevant; nor was the third part relevant, since the United Kingdom did not appear to claim that the Territory was an integral part of the metropolitan country in the same sense that the Portuguese claimed Angola to be part of Portugal. The relevant factors would appear to be those in the second part, and when applied to Southern Rhodesia they showed that the Territory had not attained a separate system of self-government. For instance, the opinion of the population had not been "freely expressed by informed and democratic processes as to the status or change in status" of the Territory. The indigenous population had little voice in the working of their Government, although considerations of geography, ethnology, culture, race and language set the Territory apart from the United Kingdom. With regard to international status, the Territory had very little power to enter freely into direct relations with other Governments, and the indigenous inhabitants of the Territory had hardly any say in the matter. The Territory would certainly not be eligible for membership in the United Nations. The Legislature did not appear to be "lawfully constituted in a manner receiving the free consent of the population"; nor was the selection of members of the executive branch subject to the consent of the indigenous population. The "participation of the population in the government" was extremely limited and utterly ineffective; the 280,000 Europeans dominated it in complete disregard of the rights and wishes of the 3 million Africans. The Territory might be regarded as possessing a degree of autonomy in economic, social and cultural affairs, but there was little freedom from economic pressure by a minority group which had acquired a privileged economic status prejudicial to the general economic interest of the people of the Territory.

77. In conclusion the representative of India said that the claim that Southern Rhodesia possessed a full measure of self-government did not, therefore, stand the test of those factors. The twelve Principles annexed to resolution 1541 (XV) were largely based

on those factors, and their application to the case of Southern Rhodesia led to the same conclusion. Consequently, his delegation was firmly convinced that Southern Rhodesia was a Non-Self-Governing Territory and that the Committee's answer to the General Assembly's request should be in that sense.

78. The representative of Mali observed that it was clear from the statement of the United Kingdom representative, that the United Kingdom was carrying out a dual policy in Africa—on the one hand a policy of emancipation and on the other a fundamentally colonialist and racist policy. In view of the geographical position of Southern Rhodesia and the fact that it had a large white population in the centre of "Black" Africa, its case constituted one of the fundamental problems of decolonization and deserved serious attention, since such situations were potentially explosive.

79. Reviewing the history of Southern Rhodesia, he said that, like all colonial territories, it had been exploited from the outset, having been handed over to a commercial company, the British South Africa Company. In 1922, however, it had been decided in a referendum, in which the two million indigenous inhabitants of the Territory had not participated, that Southern Rhodesia should be annexed to the Crown as a "self-governing colony". Since the African people of the country had not been consulted, that so-called referendum was null and void in the eyes of Africans. What had taken place had been pure and simple annexation in the colonial manner. Similarly in 1953, when the Territory had become part of the Federation of Rhodesia and Nyasaland, the African majority had not had the opportunity to express its views. In addition, the Constitution of 1961, which governed the whole political and economic life of Southern Rhodesia had been set up following another so-called referendum, in which only 4,500 Africans out of 2,800,000 had taken part. It had set up a Legislative Assembly of sixty-five members, fifty of whom were Europeans and fifteen Africans. There was also a Constitutional Council; its size and the manner in which its members were elected was unknown. Furthermore, there was a Governor's Council consisting of twelve Ministers, all of whom were settlers. The worst feature of the Constitution was the voting qualifications it prescribed. In order to be included in the electoral roll, each individual must fulfil certain conditions of income, property, education, residence and citizenship. Furthermore, the establishment of two rolls eliminated the great majority of Africans. The most elementary principle of democracy, universal suffrage, was absent. The political system was illegal, discriminatory and oppressive. General Assembly resolution 742 (VIII), and in particular its paragraph 6, was disregarded. Principle VI annexed to General Assembly resolution 1541 (XV) stated that a Non-Self-Governing Territory could be said to have reached a full measure of self-government by (a) emergence as a sovereign independent State, (b) free association with an independent State, (c) or integration with an independent State. None of those conditions had been fulfilled in the case of Southern Rhodesia, which thus remained a colony and was covered by General Assembly resolution 1514 (XV). Southern Rhodesia had not attained a full measure of self-government and the Committee's reply to the question formulated in General Assembly resolution 1745 (XVI) should be to that effect.

80. The representative of Mali said further that the peoples of Africa were deeply concerned by the policy of discrimination and oppression which reigned in Southern Rhodesia, where the situation threatened to deteriorate into a new Algerian war. Since the promulgation of the 1961 Constitution there had been increased pressure by the settlers for the reinforcement of the principle of white supremacy, despite the increasing dissatisfaction of the African majority of the population. A solution must be found without delay. The first step must be the expression of the popular will through free democratic elections based on universal suffrage. Needless to say, the 1961 Constitution, which had been imposed on the people, had no validity.

81. The main problem to be solved, he believed, was that of the achievement of independence by Southern Rhodesia in the shortest possible time, preferably in 1963, as requested by the Zimbabwe African Peoples Union. To that end, the Special Committee should demand the annulment of the 1961 Constitution on the grounds that it was anti-democratic and racist and request free elections by universal suffrage. Following the elections, a freely elected Parliament and Government should be set up and all sovereign power should be transferred to them. When the whole people of Southern Rhodesia had democratically expressed their wishes and had achieved sovereignty, they would be in a position to define their attitude regarding the Federation of Rhodesia and Nyasaland by means of a referendum. Sir Roy Welensky, the Prime Minister of the Federation, had threatened to proclaim the independence of the Federation and to use force to prevent the secession of Southern Rhodesia and Nyasaland. For that purpose he had at his disposal 20,000 troops and police. If he were to carry out his threats, part of the African continent would be plunged into a blood-bath. Steps must be taken with all urgency to prevent such a tragedy. He hoped that the United Kingdom would shoulder its responsibilities and find a wise solution to the problem, regardless of the views of Sir Roy Welensky and others like him. The African countries could not remain indifferent to such a tragedy; the United Nations must seek a just and peaceful solution for the problem of Southern Rhodesia without delay. The first steps towards finding such a solution would be the implementation of General Assembly resolution 1514 (XV).

82. The representative of Tanganyika said that his delegation was gravely concerned about the issue of Southern Rhodesia. It fully realized the gravity of the situation and therefore wished to approach it with care and with constructive suggestions. Before coming to a conclusion he would like the Committee to consider how many Africans had participated, first, in the referendum of 1922, and secondly, in the Legislative Assembly of their own country. As far as his delegation was aware, the answer in both cases was that there had been none. The third question was why the United Kingdom had retained the right to disallow certain legislation of a discriminatory nature. The answer was certainly that it had known that it had handed over the power to a few Europeans, leaving the 3 million Africans at the mercy of the European minority, and that it was therefore responsible for those 3 million.

83. Any hope the Africans might have had that matters might change in their country, as they had in other territories, had probably been destroyed by the

new Constitution, under which the Africans were not guaranteed the fifteen "B" roll seats in the Southern Rhodesian Parliament, although the Europeans were sure of their fifty seats. The situation was aggravated by the fact that the United Kingdom would no longer have the right, which it had had since 1923, to veto any discriminatory legislation. Furthermore, even if all the "B" roll seats were held by Africans, the white settlers would still retain an overwhelming majority in Parliament. Clearly, the Rhodesian settler Government was determined to perpetuate its domination over the entire population of Southern Rhodesia. Although the franchise was ostensibly not based on colour, race or creed, it had been manipulated in such a way as to favour the Europeans. There were over 80,000 Europeans on the "A" roll and only about 1,000 Africans. The franchise was therefore discriminatory, and there was no indication that any change was contemplated; indeed, under the new Constitution it would be virtually impossible to change it. So far as the Declaration of Rights was concerned, his delegation felt that the present Government of Southern Rhodesia did not take that Declaration very seriously. The United Kingdom representative had said that what mattered most was the direction in which things were moving, rather than the pace. In the view of his delegation, things in Southern Rhodesia were moving in the wrong direction and if they continued to do so there was a danger of creating another South Africa at a time when all the other African States were achieving their legitimate right of independence. In view of those considerations his delegation felt that it would be wrong to say that Southern Rhodesia had attained a full measure of self-government.

84. The representative of the Soviet Union said that what is called Southern Rhodesia had come into existence as a colony towards the end of the nineteenth century, when the United Kingdom colonialists led by Cecil Rhodes, through bribery, deceitful colonial diplomacy, fraud and force of arms, had succeeded in depriving the Matabele and Mashona people of their independence and sovereignty. Although under the 1888 Agreement imposed on King Lobengula by deceit the colonialists had been granted the right to exploit the mineral resources but not to settle in the land, European settlers had immediately begun to infiltrate from Southern Africa. African resistance had been crushed with much slaughter (3,000 according to the British) and their land had been turned into the United Kingdom colony called Southern Rhodesia. Large numbers of Europeans had then begun to settle on the best land in Southern Rhodesia, expropriated from the indigenous inhabitants, who had been forced into reserves infested with the tsetse fly and situated in arid zones. Since the last risings by the indigenous inhabitants had been crushed in 1896, the present régime of brutal and merciless repression by a small European minority of the masses of African population had been maintained by armed force. He agreed with the representatives of India and Tanganyika that such terms as "constitutional referendum" and "elections", were merely empty words as applied to the operations in Southern Rhodesia in 1922 and 1923. The only objective of those operations, as also of the attempt in 1953 to establish a Federation, had been to consolidate the rule of European settlers over the indigenous inhabitants. As the National Democratic Party of Southern Rhodesia had pointed out in its pamphlet issued in London in 1960, the objective behind the discrimina-

tory legislation had been to ensure that Africans should not have representatives in Parliament. Indeed, Africans had never been represented in the Legislative Assembly, since the English colonialists had occupied Southern Rhodesia in 1890. They had enacted scores of laws, administrative decrees and regulations providing for racial segregation and discrimination against the indigenous inhabitants in all areas of life. The inhuman principles of *apartheid* permeated every aspect of life in Southern Rhodesia. Since 1949, 82,500 African families had been expelled from the so-called Crown lands and 29,000 had been moved from the Zambezi basin to special areas. It was expected that all Africans living on Crown lands or in areas settled by the Europeans would be moved into those special areas in 1962.

85. The representative of the Soviet Union went on to say that some of the discriminatory acts passed in Southern Rhodesia were listed in the memoranda⁴³ submitted to the United Nations by representatives of political and public organizations in that Territory. There was the Electoral Act, which barred the indigenous inhabitants from sending their representatives to Parliament in general elections. There was the Preventive Detention Act of 1959, under the provisions of which any African could be detained without trial; many African leaders had been arrested under that Act and some of them were still in prison. There was also the Unlawful Organizations Act of 1959, under which the African National Congress and the National Democratic Party had been banned in 1961 with intent to suppress the genuine patriotic forces struggling for independence. He would also refer to the Law and Order (Maintenance) Act, under which over 10,000 Africans, including 2,000 women, had been arrested in 1961 for protesting against the so-called new Constitution. Reference should also be made to the Land Apportionment Act, 1930, under which the handful of European settlers had seized 53 per cent of the best land in the Territory. Other instances of colonialist legislation were the Native Affairs Act, under which over 5,000 African leaders had been exiled in December 1961, and the Native Education Act, under which educational expenditure amounted to £110 a year for every European school child and only £4 a year for every African school child. Judging from the petitions received from the indigenous inhabitants of Southern Rhodesia, it could be said that settlers did not regard the Africans as human beings and continued to maintain a strict colour bar. He would add that the pay of Africans amounted to a fraction of that received by Europeans for the same work.

86. He agreed that the situation in Southern Rhodesia had not changed after the introduction of the new Constitution in December 1961. That document reflected the desires of the European settlers and could not be called a genuine constitution, since it had not been drafted by freely elected institutions as provided under Principle XI annexed to General Assembly resolution 1541 (XV). The safeguards in the so-called new Constitution against the enactment of new discriminatory laws, to which the United Kingdom representative had referred, were of no practical significance since not one of the existing discriminatory laws, decrees or regulations had been abrogated. It was clear from one of the documents submitted by the progressive leaders in Southern Rhodesia that new legisla-

⁴³ A/AC.109/4 and 5.

tion was not necessary to apply a policy of *apartheid*: a sufficient number of discriminatory laws were already on the statute book. The Declaration of Rights included in the new constitution benefited the European settlers only. No other interpretation was possible, since the so-called Constitution was itself a very good example of a discriminatory Act. The result of the various property, educational and other qualifications provided in it would be to deprive the indigenous population of the suffrage. Consequently if the rights and freedoms enunciated in the Declaration applied to every inhabitant of Southern Rhodesia, the so-called Constitution itself should have been declared illegal. At best, under the new constitution there would be one African deputy for every 200,000 indigenous electors, whereas for the European population there would be one deputy for every 5,000 electors. In other words, there was a proportion of 1 to 40 against the indigenous population. That was the essence of the so-called democratic régime which the United Kingdom representative had praised so highly in the Committee. In 1962, however, even the most credulous would not be misled by such manoeuvres. It was not surprising that the racist document in question had been rejected by the indigenous inhabitants of Southern Rhodesia. The representatives of the indigenous inhabitants regarded the new constitution as a betrayal of their interests since it was similar to that granted by the United Kingdom to South Africa in 1910, which had been the beginning of the end of African representation and the starting point for the enslavement of the indigenous population in South Africa. He was fully in agreement with that assessment, since it was obvious that the régime in Southern Rhodesia was a typical colonial régime imposed by force with the help of the United Kingdom Government. The assertion that Southern Rhodesia was a "self-governing colony" and that the United Kingdom had no responsibility for its affairs was a mere fiction. Southern Rhodesia was in fact a typical colony, a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter. In that respect the Committee's reply to the question put to it by the General Assembly in resolution 1745 (XVI) had already taken shape in the minds of many of its members. There was already a majority in favour of endorsing there and then the view expressed by the representatives of the African and Asian countries, with which his delegation was associating itself. But the task of the Committee did not end with giving that formal reply. Since it was already beyond question that Southern Rhodesia was a Non-Self-Governing Territory, the Committee should immediately proceed to consider measures and proposals with a view to the implementation of all the provisions of the Declaration on the granting of independence to colonial countries and peoples in so far as Southern Rhodesia was concerned.

87. He did not propose to introduce at the present stage a comprehensive programme of measures or recommendations which the Committee might submit to the General Assembly with a view to their being implemented in 1962, the representative of the USSR continued, but his delegation thought that the Committee could and should recommend a number of specific measures for the immediate implementation in Southern Rhodesia of the Declaration on the granting of independence. First, his delegation wholeheartedly supported the proposal that the so-called 1961 Constitution of Southern Rhodesia should be repealed, since

it did not provide for universal suffrage or the establishment of representative organs of government by democratic processes. It was also essential that all discriminatory laws and regulations covered by paragraph 2, sub-paragraph (a), of General Assembly resolution 1698 (XVI) should be revoked forthwith. New laws, based on democratic principles and on general and universal suffrage in accordance with the principle "one man, one vote," should be enacted, and genuinely democratic representative authorities should be established. That was being requested by African organizations in the Territory and by the representatives of African countries in the Committee. Elections to a Legislative Assembly should be held not later than October 1962 on the basis of universal suffrage and by secret ballot, without any conditions or restrictions. All privileges should be abolished. All political parties, trade unions and other public organizations, as also all individual citizens, should be granted all democratic freedoms. All political detainees should be released immediately, and measures of police repression and terror should be discontinued. Full powers should be transferred to the indigenous institutions established as a result of such elections, in accordance with the provisions of the Declaration on the granting of independence. Urgent measures should be taken to ensure that Southern Rhodesia acceded to total independence not later than 31 December 1962 and that all United Kingdom military and paramilitary personnel should be withdrawn from the Territory by that date. Finally, the question of a federation or any other form of association between Southern Rhodesia and other countries should be settled by the population and by the representative authorities of Southern Rhodesia after the Territory had acceded to independence.

88. The representative of the Soviet Union said that in drafting the preliminary proposals due account had been taken of the wishes expressed by the most influential indigenous political parties in Southern Rhodesia. On the basis of those proposals the Committee might adopt specific proposals and recommendations designed to ensure the implementation in Southern Rhodesia of the historic Declaration on the granting of independence to colonial countries and peoples. In conclusion, he stated that it was the responsibility of the United Nations in general and of the Committee in particular to take steps that would prevent the emergence of yet another colonial monster in Africa similar to the Republic of South Africa. Despite the statements by the United Kingdom representative in the Committee, the United Kingdom was, in essence, planning the creation of such a monster. His delegation was in duty bound to draw the attention of the African, Asian and Latin American delegations to the situation in Southern Rhodesia and to the urgent need to help the indigenous inhabitants to achieve national liberation and establish a new independent State in Africa as soon as possible.

89. The representative of Ethiopia said that in deciding to take up the question of Southern Rhodesia at the very outset of its work, the Committee had naturally been prompted by the urgency and complexity of the problems now prevailing in that part of Africa. The General Assembly, by its resolution 1745 (XVI), had asked the Committee to consider whether the Territory of Southern Rhodesia had attained a full measure of self-government. In order to find the

answer the Committee should consider the views of all the parties concerned: the United Kingdom, which was responsible for the Territory, and the indigenous inhabitants, who constituted over 92 per cent of the population. Furthermore, it was essential to go into the present constitutional position and the trend of the situation in Southern Rhodesia.

90. He then referred to the statement of the representative of the United Kingdom in the Fourth Committee (1303rd meeting) in which that representative had made two declarations of principle: first, that Southern Rhodesia had attained a full measure of self-government as envisaged in Chapter XI of the Charter; secondly, that in consequence the United Kingdom Government was not responsible for essentially domestic matters in Southern Rhodesia. The corollary of that declaration was that the United Kingdom could not, and would not, give information concerning Southern Rhodesia under the terms of Article 73 e of the Charter. That conclusion was seemingly based on the premise that Southern Rhodesia was self-governing. In the view of the delegation of Ethiopia that premise was far from being proved. A simple declaration by any Government could not make a colony or other dependent territory either self-governing or independent; otherwise the United Nations would have accepted the Portuguese claim that its colonies were overseas provinces.

91. In 1922 the so-called electors, who constituted the entire white population of the Territory, had numbered 13,000, either employees of the British South Africa Company, which had then had extensive concession rights for the exploitation of minerals in the Territory, or farmers attracted by the fertility of the soil and the relatively healthy climate of the highlands. The indigenous African people of the Territory, numbering over 2 million, had not been consulted and had had no part in the actual process of "self-determination" which had created the self-governing status of Southern Rhodesia. As a result, a Legislature of thirty elected members had been established with power to enact laws in domestic affairs, except in such areas as vitally touched the interests of the African population. That restrictive qualification, although undoubtedly a benefit for the African population, had detracted from the logic of the so-called self-government. As might have been expected, no African had ever been elected to the Parliament or to any Civil Service post in Southern Rhodesia. The successive Parliaments had been elected by a white electorate—or a virtually white electorate, if the 2,000 Africans who had voted in the last so-called election were taken into account. The African majority had been totally excluded from higher and responsible posts in the administration and the judiciary. Needless to say, such a system perpetuated the interests of the ruling minority. There were in Rhodesia such laws as the Land Apportionment Act of 1930, under which over 53 per cent of the best land had been sold to white settlers, and the Law and Order (Maintenance) Act, under which, according to the estimates of Mr. Joshua Nkomo and his party, over 10,000 Africans, including 2,000 women had been arrested in 1961 alone for protesting against the system. In the intervening years, up to the promulgation of the new Constitution in December 1961, some constitutional changes, which had not affected the basic and essential character of the Constitution of 1923, had taken place. In 1953, against the wishes and in some cases against

the active peaceful opposition of the African population, federation had been foisted upon the African population in an attempt to extend the rule of the white minority to the other two Territories, in which there were far fewer Europeans in proportion to the Africans than in Southern Rhodesia. Federation had not essentially affected the characteristics of the Southern Rhodesian Constitution.

92. The constitutional proposals of 1961 were yet another attempt to construct a legal fiction of self-government, the representative of Ethiopia continued. There was to be a Parliament of sixty-five members elected through a dual roll system. Fifty of the sixty-five seats were to be filled by the electorate registered on the "A" roll, which was based on a number of highly selective qualifications, and it could not even be assumed that Africans would fill the fifteen remaining seats. In the first place, the franchise qualification for the "B" roll was above the economic and educational level of the average African; the Africans themselves estimated that not more than 13,000 of them would qualify. Moreover, since it was estimated that only 80,000 of the 240,000 white settlers were registered on the "A" roll, the remaining 160,000 would presumably be registered on the "B" roll. The outcome was not difficult to forecast; possibly no Africans might be elected to the legislature or, for the sake of appearances, the white settlers might perhaps tolerate the election of one or two willing African accomplices. There was one point that must be emphasized: the Africans had never been consulted in the determination of their political status. In fact, the history of the African nationalist parties showed that there had been active opposition to the false status of "self-government" and particularly to the imposition of the federal system. Those parties demanded a true system of government based on universal adult suffrage and independence through self-determination; they, and in particular the Zimbabwe African Peoples Union, were urging the Africans not to participate in the coming elections.

93. Turning to the constitutional situation in Southern Rhodesia, he believed that this should be judged in the light of the provisions of Chapter XI of the Charter and the progressive interpretation of that Chapter, and particularly the principles enunciated in General Assembly resolution 742 (VIII) and 1514 (XV). The obligations assumed by all Member States who were responsible for Non-Self-Governing Territories would end only when the peoples of those Territories had attained a full measure of self-government. Those obligations had been accepted by the United Kingdom Government in respect of the indigenous inhabitants of Southern Rhodesia. The United Kingdom Government was under an obligation to promote the economic and social interests of the indigenous inhabitants of the Territory and to advance them to a full measure of self-government, which was independence. The United Nations in the process of its evolution had given a dynamic and progressive interpretation of Chapter XI of the Charter. The list of factors contained in the annex to General Assembly resolution 742 (VIII) referred to the "effective participation of the population in the government of the Territory". Such questions as "Is there an adequate and appropriate electoral and representative system?" and "Is this electoral system conducted without direct or indirect interference from a foreign Government?" must be answered before a dependent territory could be said to

have attained a full measure of self-government. The criterion established in the same resolution as indicative of self-government in respect of economic, social and cultural jurisdiction was also very specific. He asked the members of the Committee to consider whether the requirements of that resolution had been fulfilled in the case of Southern Rhodesia. Lastly, there was the Declaration on the granting of independence to colonial countries and peoples, which marked a further step in the dynamic evolution of the principles of Chapter XI of the Charter.

94. He also stated that a further problem arose from the refusal of the United Kingdom Government to transmit information on Southern Rhodesia on the grounds that it was a self-governing Territory. The refusal of an administering Power to provide information did not constitute *prima facie* evidence that the territory in question was self-governing. Moreover, the practice of the United Kingdom Government in that respect had been inconsistent; it had continued to provide information on the Gold Coast and Nigeria after they had attained internal self-government through a representative Legislature and Government.

95. In the view of his delegation the conclusion was clear: Southern Rhodesia had not attained a full measure of self-government but was still a dependent territory in regard to which the United Kingdom had obligations under Chapter XI of the Charter. The obligations of the administering Power towards the 3 million Africans would continue to exist until such time as the 3 million Africans had equal rights and were in a position to take governmental power in the Territory.

96. The representative of Australia said that one of the principal questions over which the discussion on Southern Rhodesia had ranged concerned the powers of the United Kingdom Government in respect of Southern Rhodesia, which was the question specifically referred to the Special Committee by the General Assembly. The discussion of that question had inevitably entailed some consideration of related matters, particularly of the nature and degree of democratic government in Southern Rhodesia. He thought all members of the Committee agreed that Southern Rhodesia had a peculiar constitutional status, although they had not been able to agree on how that status should be defined. The Territory was neither completely independent of nor completely subject to the United Kingdom. The United Kingdom representative, both in the Fourth Committee and in the Special Committee, had described it in various ways. He had said that the Territory had attained a considerable degree of self-government, that it had "responsible" government, that it was entirely responsible for its internal affairs and that, though not independent, it had been self-governing in internal affairs and completely responsible for its own economic, social and educational policies. What he had said had given the Committee a general picture of the constitutional and political arrangements and status of the Territory, but it was still not easy to give a generally acceptable juridical term for that status.

97. He recalled that the United Kingdom representative had stated that his Government had transferred certain powers irrevocably to the Rhodesian authorities; nevertheless some representatives had questioned whether in law the United Kingdom had irrevocably surrendered the powers in question. Whatever the

juridical position might be, however, in fact the United Kingdom could not take back those powers unless the local authorities agreed; there was even a question of how far it could exert some of the powers it had retained, if the local authorities resisted. The United Kingdom, and therefore the members of the Committee, were faced not merely with the legal situation but with the practical question whether and to what extent the administering Power could assert itself against the wishes of the local authorities. That was admittedly an odd state of affairs, but it was not unique and was particularly true of very small political entities. Possibly, as the process of decolonization continued, more and more such anomalous States would appear. In the case of Southern Rhodesia, however, he did not think that the anomaly would continue to exist. A time would come when the Territory, either alone or in association with some other entity, would be completely independent. Its present anomalous status was partly due to the fact that it had achieved self-government so long ago, before the establishment of the United Nations and before some of the current doctrines had taken full effect. Others had also been conscious of the borderline status of the Rhodesias; for instance, when the Bandung Conference had been convened, the Prime Ministers of Burma, Ceylon, India, Indonesia and Pakistan had invited the Central African Federation to take part. That did not mean that they had recognized the Central African Federation as an independent State, but it did indicate an awareness of the fact that the Rhodesias were moving towards independence though not yet independent.

98. Turning to other aspects of the situation in the Rhodesias, he emphasized that the idea of a multi-racial Federation was a worthy one. However it was going to be achieved, the United Nations objective must be to have States with a general multiracial society and form of government in various parts of Africa, where there were large communities of different races. Whether or not the Federation survived and prospered, it should be recognized that those who had conceived it, in many cases at least, had had good and worthy motives. The second point he wished to make in that connexion was that none of the responsible leaders of any of the races in the Rhodesias asserted a doctrine of permanent or inherent racial superiority. Even if there were doubts of the sincerity of some of those who said they envisaged racial equality, the fact that they should say publicly that they were not supporters of a doctrine of racial superiority represented an advance. If the leaders of any major responsible group in Southern Rhodesia were advocates of such a doctrine, the scope for achieving a peaceful evolution of the Rhodesias would be immensely reduced.

99. With regard to the constitutional arrangements in Southern Rhodesia, he felt that consideration should be given not only to the relationships established on paper but to the motives behind the legislation and the way in which it was being applied. To begin with he would say that it was unwise to be too dogmatic about specific machinery. There was a tendency in discussing such matters to go beyond the question of decolonization itself and impinge upon wider questions of human rights. In connexion with colonial problems it was not simply a matter of the relationship between one State and another, or between one people and another, but of problems that concerned the world as a whole in the field of human rights.

For example, the representative of India had quoted article 21 of the Universal Declaration of Human Rights. India was entitled to do so because that country applied universal adult suffrage, as did Australia. In respect to the Rhodesias, however, the question was how to apply it and the extent to which an outside body was wise at the present stage in trying to be too specific in that field. Many Members of the United Nations did not apply universal adult suffrage; indeed, during the debate on Cuba in the First Committee (1237th meeting) at the sixteenth session of the General Assembly it had been argued by at least one important Asian country that there was nothing in the Charter that required free elections in any Member State. He was not suggesting that universal adult suffrage was not desirable; he was simply pointing out that the form of suffrage in a country could not be prescribed in a simple clear-cut manner and that not only the mechanics but also the motives behind some forms of suffrage should be taken into consideration. As he understood it, there were those who maintained that the form of suffrage that was being applied in the Rhodesias was designed to limit the role of the African population, while those who advocated the present form of suffrage did so on the grounds that it would smooth the transition to universal suffrage. There was, however, nothing inherently wrong in weighted voting. In the United States and Australia, for instance, each State had an equal number of representatives in the Senate, regardless of the size of its population, and the rural districts had a greater proportion of seats in the Legislature than their population would entitle them to compared with the urban districts. In a number of States Members of the United Nations minorities were given assured seats in the Legislature to guard against the possibility of their having no seats at all. Australia believed in universal adult suffrage and considered it to be desirable in all countries, but he would not be prepared automatically to rule out all weighted voting or voting by groups, particularly in transitional stages.

100. Another important fact that must be faced was that in Southern Rhodesia there were real fears in all elements of the population—among the indigenous inhabitants, among the Europeans and among the Asians. The Europeans feared that the African majority would strip them of all they had and deprive them of effective rights. The Africans, on the other hand, felt that they had already been deprived too long of the opportunities for advancement and expression which were basic human rights; they feared that the present dominant European elements intended to keep them in a subordinate position both politically and socially and that the provisions in the Constitution which gave a parliamentary majority to Europeans would be used to block future amendments to the Constitution for the purpose of increasing the African vote. All those fears and emotions, rational or irrational, justified or unjustified, must be taken into account. If there was to be peaceful evolution, it must be recognized that there were a number of races in Southern Rhodesia, that they varied in size, in skill and in capital, and that if they could all work together they could do more for the common good than if they split apart. Peaceful evolution on a just basis would be in the interest of all, just as violence and destruction and permanent bitterness would be against that interest. If it were held that Article 73 of the Charter applied to Southern Rhodesia, it must be recognized that it spoke of the

inhabitants of the Territory, i.e. all who were permanent residents, irrespective of race.

101. The representative of Australia said further that the constitutional amendments and developments being proposed or put into effect were transitional. The general admission that there was no such thing as inherent racial superiority meant that a Constitution giving a special position to any race could not be regarded as permanent. The object was presumably to gain time. If time were gained, all those concerned should use it to think of the next step. They should use it so that the new constitutional and other processes became known and accepted throughout the Territory.

102. Much had been said about the need to educate the people of the Territory in self-government and in new constitutional forms. In that connexion he observed that it was not merely a question of educating the African people in Southern Rhodesia but equally, and perhaps even more, of getting the European community accustomed to the workings of new constitutional forms. If the Africans, the Europeans and the Asians in the Rhodesias could come to know one another, not only politically but socially and through economic and other co-operation, some of the fears to which he had referred might be set at rest.

103. He did not feel called upon at present to take a position regarding any of the constitutional or other arrangements in Southern Rhodesia or any of the moves being made by the political leaders. Australia shared with the other members of the Committee the objective of complete independence for all countries, with full equality of opportunity for everyone in all fields, regardless of race. As far as Southern Rhodesia was concerned a basic problem was that there were at least three authorities involved: the United Kingdom, the Federation and Southern Rhodesia. He agreed with the Monckton Commission that the Federation could continue only if it could enlist the willing support of its inhabitants. He did not think that the Special Committee was called upon to express an opinion on the future of the Federation, which would be decided by events in the Rhodesias and Nyasaland. As far as Southern Rhodesia was concerned, if there was to be peaceful evolution there must be a steady movement towards a form of government and a form of society which would enable all, regardless of race, to play a full and equal part. There was some evidence of progress in that direction, but he felt sure all members of the Committee were aware of the need for speed. In the world of today social processes had been accelerated to a degree that would have been inconceivable two generations earlier, so that the time available in Africa today was much less than might have been envisaged at the beginning of the century. It was to be hoped that all parties in Southern Rhodesia were conscious of the need for rapid evolution and the impossibility of standing still or of opposing the general trend throughout the world towards self-government for all, regardless of race.

104. In conclusion the representative of Australia said that the United Kingdom had delegated considerable autonomy to the Southern Rhodesian authorities and regarded that transfer as being irrevocable, in many respects at least. In any event there were clear limits to the extent to which the United Kingdom Government could impose any course on Southern Rhodesia. The United Kingdom Government had been making

efforts to bring together various parties in the Federation and in Southern Rhodesia in order to quicken the rate of change, to influence the nature of the change and in various ways to smooth the development. Thus it had been and was trying to influence development and it deserved recognition of that fact, and encouragement and support.

105. The representative of the United States said that his delegation shared the concern expressed by other delegations, and particularly those of the African States, with regard to the difficult period that lay ahead in the political evolution of Southern Rhodesia. At the same time it had been encouraged by the statements made by the representative of the United Kingdom, who had assured the Committee of his Government's continuing concern with the further political development of Southern Rhodesia. His delegation had been much impressed by the balanced presentation made by the Australian representative and the scholarly analysis given by the representative of India, which had made it unnecessary to review some of the historical aspects of the question. He agreed with the Indian representative that the Committee was not at the present stage engaged in a general debate on conditions in Southern Rhodesia but was concerned with the question put by the General Assembly in resolution 1745 (XVI). His delegation had been opposed to the adoption of that resolution because it had felt that the contemplated inquiry would not promote the objectives of the United Nations and might, indeed, impede their attainment. It still held to that view. The inquiry was, however, being made and the Committee was obliged to report on the matter to the General Assembly.

106. As his delegation understood it, the position of the United Kingdom on the question was that, since Southern Rhodesia enjoyed a substantial measure of self-government, the United Kingdom was not in a position to carry out with respect to that Territory all the obligations of an administering Power under Article 73 of the Charter, and in particular the transmission of information. His delegation had no quarrel with those contentions but it did not consider that they enabled the Committee to arrive at a clear answer to the question put by the General Assembly. The reason for the difficulty was clearly that the terminology of Article 73 did not precisely fit the situation in Southern Rhodesia. Obviously the authors of the Charter could not have foreseen and provided for all possible variations in the relationship between metropolitan Powers and overseas territories. In that connexion it was interesting to note that several delegations, instead of asking the United Kingdom to relinquish its limited authority over Southern Rhodesia, as was usually the case with regard to administering Powers, had urged the United Kingdom Government not to relinquish its authority under present conditions. If from a strictly legal point of view there was no clear and agreed answer to the question put in General Assembly resolution 1745 (XVI), there were a number of pertinent and related questions arising out of the situation to which, judging by the debates in the Special Committee and in the Fourth Committee, members would all give the same answers. For instance, if it were asked whether the United Kingdom should wash its hands of Southern Rhodesia and grant it independence immediately, all would agree that it should not, and the United Kingdom did not appear to be

even considering the possibility of doing so. Again, if it were asked whether the United Kingdom had some continuing responsibility to encourage and help the people of Southern Rhodesia to move towards a form of government that would give each element of the population an equitable share of opportunity and responsibility, he felt sure the answer would be in the affirmative. There might be differences of opinion regarding the degree of that responsibility, but there would be no denial that it existed. Yet again, if the question were asked whether the present situation in Southern Rhodesia allowed for peaceful change, and in particular whether progress was being made towards the objective of greater African participation in the Government, the answer on those counts, judging from the statement made by the United Kingdom representative, would be in the affirmative.

107. In that connexion he emphasized that as a matter of principle the United States attached great importance to the provision of adequate opportunities for men everywhere to achieve political equality. He felt sure that a similar philosophy animated the United Kingdom in discharging its obligations towards the people of Southern Rhodesia. His delegation had noted with interest that, when the United Kingdom representative had described the new Constitution as a step in the direction of such African participation, he had referred to it as only a beginning and had quoted with evident approval a statement by Sir Edgar Whitehead to the effect that the new Constitution was bound to lead in time to an African majority and that that was something for Europeans to welcome.

108. He was convinced that all concerned would agree that efforts should be made to work out agreed solutions that would enable all the people of Southern Rhodesia to achieve without violence a free and prosperous future. Such solutions should be based on the freely expressed wishes of the people and should lead to harmonious racial relationships that would permit all elements to play a full part in the political, social and economic life of the country.

109. Such considerations had been among the major factors which the United States delegation had had in mind when first considering how the Special Committee should approach its task. The general problem that presented itself in many territories was how the different elements in the population of an area could best arrange to work together to solve common political and economic problems in an era of ever greater interdependence and competition. The situation in Southern Rhodesia was but one part of the broader problem of adjusting relations in a biracial or multi-racial society when the area in question became interdependent after years of rule by one of the races. He felt sure that all members considered that every effort must be made to ensure that change in Southern Rhodesia would be brought about through orderly, constructive and peaceful processes and not by means of violence. Thus a firm foundation might be laid for a society based on equal rights and prosperity for all. He thought that the United Kingdom would play a very substantial role in the process of moving towards the achievement of those objectives in Southern Rhodesia. The Committee should endeavour to help the United Kingdom in its task, and it would not help by seeking to interfere and by making specific and detailed recommendations. If victories over the administering Powers were sought, they might be won, but they

might prove to be Pyrrhic victories in regard to the objective to which all members were committed.

110. The representative of Tunisia agreed that the United Kingdom deserved praise for the liberalism it had shown with regard to most of its former territories, and that the United Kingdom had been the first colonial Power to recognize the need to free 600 million people from imperial domination. The Tunisian delegation only regretted that the United Kingdom Government had not applied that wise policy to the rest of its Empire. Today the United Kingdom was faced, particularly in Africa, with a second category of colonial territories, territories in which the usual pattern of colonialism was complicated by the problems resulting from the presence of a large number of settlers. Particularly, in Southern Rhodesia, the United Kingdom's colonial policy aimed both at exploiting the wealth of the country through a system of direct domination and at peopling it with European settlers favoured by law and defended against the indigenous people by protective measures, and even by the armed forces and the police. In that connexion Mr. Nkomo had made a most valuable and moving statement, one which, he was sure, would help members of the Committee to understand the situation and would open their eyes to the evils resulting from the system of direct rule by the settlers. Broadly speaking, that particular type of colonialism was nothing new to the people of Tunisia and North Africa. Because they had suffered from it, they could understand the sufferings and efforts of the people of Southern Rhodesia.

111. He agreed with Mr. Nkomo that the situation could not be improved by amending the Constitution or by preparing another. As several representatives had rightly said, the new Constitution was only an instrument of domination that might well strengthen the white settlers' position, which was in many ways similar to that in South Africa. The Tunisian delegation thought the Committee should reject the argument that the Constitution, if amended, could be a step towards self-determination. The United Kingdom Government should be asked to renounce its present methods entirely and to give its policy a completely new direction, with clearly stated aims consistent with the Declaration on the granting of independence to colonial countries and peoples and the resolution (1654 (XVI)) on the implementation of that Declaration. The time had come for the United Kingdom Government to adapt itself to the realities of Africa and to recognize the legitimate rights of the people of Southern Rhodesia. His delegation had no hesitation in rejecting the multi-racial system of government which was simply a means to ensure the concealed domination of the white settlers. That was the system which the French had tried to apply in Tunisia and Morocco, under the name of co-sovereignty, and in Algeria, under the slogan "French Algeria". But that experiment had failed everywhere. Mr. Nkomo had shown that racialism and discrimination were practised by the settlers, not by the indigenous inhabitants of Southern Rhodesia, who were ready to welcome immigrants from Europe or Asia wishing to become citizens and active members of the nation. He hoped that those immigrants would be able to create an atmosphere of fruitful co-operation, and would stop putting their private interests before those of the community and claiming to belong to a

superior race with a mission to impose its will on the majority.

112. The facts being as they were, the Committee should give a negative answer to the question whether the Territory of Southern Rhodesia had attained a full measure of self-government. It should also reply that for that very reason resolution 1654 (XVI) applied to Southern Rhodesia. The Tunisian delegation thought the Committee should carefully examine the following points in preparing its recommendations to the General Assembly at its seventeenth session: (1) the 1961 Constitution had been prepared without the consent of the Africans and had been imposed upon them; (2) the Constitution was rejected by them and did not meet their legitimate aspirations; (3) it could not lead to the formation of any democratic system of government; (4) the Committee should ask the United Kingdom Government to use its powers to suspend the implementation of the Constitution; (5) the Committee should appeal to the United Kingdom to institute negotiations with the true representatives of the people of Southern Rhodesia in order to prepare for the transfer of powers to a provisional Government before the holding of general elections based on universal franchise; (6) the Committee should consider any measures necessary to provide the people of Southern Rhodesia with any help they might need in the period of transition; (7) an early date should be fixed for the independence of Southern Rhodesia: either at the end of 1962 or the beginning of 1963.

113. The representative of Yugoslavia, after recalling that his delegation had been one of the sponsors of resolution 1745 (XVI), pointed out that the General Assembly had given lengthy consideration to the meaning of self-government and had adopted two extremely important resolutions on the question, namely, resolutions 742 (VIII) and 1541 (XV). In paragraph 6 of the former resolution, it was stated that a territory could become fully self-governing through the attainment of independence, but that self-government could also be achieved by association with another State or group of States, if that was done freely. No one would venture to claim that Southern Rhodesia had attained independence; nor had self-government by association been achieved, since it was a question of association with two British protectorates and since it had not been entered into freely by the people of Southern Rhodesia. In paragraph 8 of the same resolution, the General Assembly put forward as a further criterion of whether a territory was self-governing that the people should have attained a full measure of self-government. He pointed out in that connexion that the indigenous population, comprising 92 per cent of the inhabitants of Southern Rhodesia, had no means at all of freely determining their status or of governing themselves. According to the second part (section A) of the annex to resolution 742 (VIII), the factors indicative of the attainment of other separate systems of self-government included the opinion of the population of the territory, freely expressed, and the freedom of choosing between several possibilities. A study of the situation in Southern Rhodesia showed that those two factors were completely lacking. Section C, paragraph 1, second sub-paragraph, of the same part of the annex, defined the legislature in a self-governing territory as characterized by the enactment of laws for the territory by an indigenous body whether fully elected by free and democratic processes or lawfully constituted in

a manner receiving the free consent of the population. The Legislative Assembly of Southern Rhodesia did not conform to that definition in any respect. Paragraph 2 of the same section of the annex referred to a further factor—the effective participation of the population in the government of the Territory through an adequate and appropriate electoral and representative system, conducted without direct or indirect interference from a foreign Government. Again, that description did not apply to Southern Rhodesia. The same could be said of the factor of economic, social and cultural jurisdiction, which was the subject of paragraph 3 of that section. Certainly, the people of Southern Rhodesia did not enjoy the degree of autonomy as illustrated—to quote a passage from that paragraph—by freedom from economic pressure exercised by a foreign minority group which, by virtue of the help of a foreign Power, had acquired a privileged economic status. One need only read the Land Apportionment Act to see to what extent such economic pressure was exerted. Lastly, even a cursory study of the Constitution of Southern Rhodesia and of a large number of statutes—the Southern Rhodesia Electoral Act, the Unlawful Organizations Act, the Land Apportionment Act, the Law and Order (Maintenance) Act, the Native Education Act, among others—showed that the people of Southern Rhodesia were far from having attained full, or even partial, self-government. It was clear from all those legislative instruments and from documents which had been presented to the Committee that such terms as “elections”, “electors”, “electorate”, “referendum”, “elected representatives”, “self-government”, and “responsible government”, referred exclusively, or almost exclusively, to the settlers. That fact was equally apparent from the moving account given by Mr. Nkomo, who had described with an uncommon sense of responsibility the true situation in his country. It was to be hoped that that account would have the effect of overcoming the doubts and reservations which some representatives had expressed.

114. For the reasons he had stated, his delegation would reply in the negative to the question put to the Committee in resolution 1745 (XVI). The view of his delegation was that:

(1) Southern Rhodesia had not attained self-government but was a colony, as stated, incidentally, in the opening article of its Constitution;

(2) The United Kingdom should respect the obligations deriving from the provisions of Chapter XI of the Charter;

(3) The United Kingdom Government should protect the indigenous population of the Territory as required by the Charter and the Declaration on the granting of independence to colonial countries and peoples;

(4) The Committee should make positive recommendations, for the attention of the General Assembly, concerning the situation in Southern Rhodesia.

His delegation believed that it was the Committee's duty, under the terms of resolution 1514 (XV), to recommend to the United Kingdom Government that it should abrogate the Constitution of Southern Rhodesia, annul all the legislative instruments which discriminated against the indigenous population, and promulgate a new electoral law based on universal suffrage, in order to ensure that the people of Southern Rhodesia had complete freedom and the right to establish for themselves whatever form of government they thought best, and freely to decide their own future. His delegation

was firmly convinced that that was the only way to ensure the peaceful progress of Southern Rhodesia towards independence, and it joined Mr. Nkomo in hoping that the United Kingdom would repair as soon as possible the errors it had committed in the past. That hope was based on the policy applied by the United Kingdom in other territories and on the statement the United Kingdom representative had made concerning his country's general policy on the question of decolonization.

115. The representative of Uruguay thought that the question whether the Territory of Southern Rhodesia had attained a full measure of self-government could be answered on the basis of the facts before the Committee. With regard to the policy of the administering Power, his delegation agreed with the Australian delegation that the United Kingdom's policy, if its goal was in fact the establishment of a multiracial society, was a noble and worthy one. The idea of a society in which all races lived in harmony and equality was in conformity with the United Nations Charter and with natural law; the fact that it was doubtless sometimes being used as a cloak for domination of the Africans by Europeans did not detract from its intrinsic truth. Moreover, those who were somewhat sceptical of the sincerity of that objective should trust the British people's sense of history and should hope that the errors of the past would not be repeated. The existence in Southern Rhodesia of a large minority of white settlers was a factor whose importance must not be underestimated. Leaving aside more recent examples, there were many instances in the history of the former Spanish colonies in America in which the settlers had enjoyed *de facto* sovereignty, socially, economically and even politically, and in which attempts made by the administering Power to improve the lot of the indigenous inhabitants had met with resistance from the settlers, who had constituted an oligarchy determined to defend its own interests and privileges. In such cases, it could hardly be asserted *a priori* that the Governments of colonial Powers were always responsible for acts committed by their nationals.

116. Relations between the United Kingdom and Rhodesia, or the Central African Federation, were complex, but the Committee could answer the question before it without having to subject them to close scrutiny. In the first place, General Assembly resolution 742 (VIII) stated that the manner in which a territory could become fully self-governing was primarily through the attainment of independence. However, even if it were assumed that the Territory of Rhodesia had attained independence through a full transfer of powers, it would still not be in the position envisaged by resolution 742 (VIII), by the Declaration on the granting of independence to colonial countries and peoples, or by the United Nations Charter. Even if a transfer of powers had taken place, there would be the question who had been vested with those powers. The concept of sovereignty was a matter, not only of the State in the sense of the established power, but of the State as a complete political whole comprising both the people and the Government. Strictly speaking, therefore, sovereignty existed only if the people itself—and not a limited category of it or a minority—really held the power. An analysis of the Constitution of Southern Rhodesia and of the statements made before the Committee sufficed to show that, even if a hypothetical sovereignty had been transferred to Southern Rhode-

sia, the real power lay in the hands of the established executive and not of the people, i.e. the Africans who made up 92 per cent of the population. The restrictions on the right to vote, the existence of discriminatory laws and the unequal representation of electors registered on the two electoral rolls all testified to the fact that the territory of Southern Rhodesia did not enjoy full autonomy.

117. He agreed that opinions might differ as to the constitutional system best suited to a given country. A number of systems were compatible with democratic principles, provided that any departure from the formula "One man, one vote; one vote, one representative" was based on rational grounds and not on such factors as colour. It was not enough to declare on paper that all men were equal; equality was not actually achieved unless means, opportunities and resources were available to all. His delegation hoped that the Committee's work would make it possible to work out a formula which would enable the rightful claimants to Southern Rhodesian sovereignty to regain their rights by peaceful means.

118. The representative of Cambodia regretted to have to disagree with the United Kingdom representative, who had endeavoured to prove that Southern Rhodesia was a self-governing Territory and that the United Kingdom and the Government of the Territory were therefore under no obligation to transmit information in accordance with Article 73 e of the Charter. Under the electoral act in force in the Territory, the voting qualifications were designed to favour the white settlers to the detriment of the African population. The latter for all practical purposes played no part in the Legislative Assembly, which could not be regarded as a self-governing Assembly or as the outcome of a free and democratic vote. In any event, the present electoral system was disliked by the African population of the Territory and was clearly of a discriminatory nature. The Declaration of Rights included in the 1961 Constitution, which was ostensibly designed to ensure the enjoyment of fundamental rights and individual freedom by the inhabitants of the Territory, in reality guaranteed the exercise of those rights and freedoms only to the white settlers. The participation of Africans in the Constitutional Council was more theoretical than real. Needless to say, the executive power was in the hands of a small minority of white settlers, to the detriment of the interests of the vast majority of the population. Apart from the fact that indigenous participation in the Government of the Territory was ineffective, the choice of members of the Government was not subject to the approval of the population as a whole.

119. Similarly, in the political, educational, social and agricultural spheres, the small European population was in a far more favourable position than the African population. The Land Apportionment Act, for instance, enabled the European settlers to seize the most fertile land in Southern Rhodesia and to relegate the Africans to infertile and uncultivated areas.

120. In view of all those facts his delegation was obliged to state that Southern Rhodesia had not attained a full measure of self-government and that its present status was not in accordance with the criteria laid down in Principle VI, annexed to General Assembly resolution 1541 (XV). Nor could he agree that the Territory had achieved a form of separate self-government, since the factors defined in the annex

to General Assembly resolution 742 (VIII) were not present.

121. His delegation was unable to understand the principle of multiracial sovereignty. A country which belonged to Africans should be governed and led by Africans. The system of co-sovereignty set up in Southern Rhodesia operated entirely to the benefit of the European settlers. Since it was the Special Committee's duty to examine the application of the Declaration on the granting of independence to colonial countries and peoples and to make suggestions and recommendations on the progress and extent of its implementation, his delegation would vote in favour of any proposal or recommendation designed to replace the present discriminatory laws and regulations in Southern Rhodesia by new laws allowing for the participation of the African population in the government of the Territory and preparing them for complete independence.

122. In conclusion he appealed to the United Kingdom and to the present leaders of Southern Rhodesia to take steps without delay to improve the situation of the indigenous population. If the present state of affairs were not remedied, it would inevitably lead to a situation similar to that in another State bordering on Southern Rhodesia, where white supremacy had been imposed in defiance of humanitarian principles, or even to another Algeria.

123. The representative of Madagascar felt that there was virtually complete agreement among the members of the Committee on a number of points. First, Southern Rhodesia could not be regarded as a Self-Governing Territory. Secondly, the 1961 Constitution was inadequate, since it did not enable the indigenous population to participate in the government of the Territory. In his delegation's view it should be immediately abrogated. Thirdly, as the United States representative had rightly pointed out, the United Kingdom continued to be responsible for Southern Rhodesia and for its progress towards a form of government which would give equal rights, opportunities and responsibilities to all sections of the population. Fourthly, it could be anticipated that the United Kingdom would continue to carry out its task with success. The Committee could not, however, accept Sir Roy Welensky's assertion that at least 200 years would be needed for Africans to become the equal of Whites. The rate of political progress in Southern Rhodesia was inadequate and should be expedited. His delegation requested the Committee to draw the appropriate conclusions from those considerations and to transmit them to the General Assembly.

124. The representative of Venezuela said that the Special Committee had a twofold task in regard to Southern Rhodesia: first, in order to reply to the question which the General Assembly had put to it in resolution 1745 (XVI), it had to decide whether the Territory of Southern Rhodesia had attained a full measure of self-government. Even if the facts given by the petitioners did not in themselves constitute a reply to that question, the question could be answered by even a perfunctory comparison of the political situation in Southern Rhodesia with the list of "factors indicative of the attainment of other separate systems of self-government" given in the second part of the annex to General Assembly resolution 742 (VIII). The first fact to be noted was that the population of the Territory had not been able freely to express their opinion, by democratic processes, as to the political status

which they desired. As regards the freedom of the population to choose between several possibilities, including independence, the association with Northern Rhodesia and Nyasaland seemed to be far from satisfactory to the inhabitants of Southern Rhodesia. Without wishing to press the comparison further, he pointed out that while a certain segment of the population was already enjoying an indispensable measure of internal self-government, that segment in fact consisted only of the settlers of European origin, or 8 per cent of the population, and their relative self-government served only to accentuate still further the differences which divided them from the indigenous population, who were the historical owners of the land. Southern Rhodesia thus gave the impression of a country torn between two factions, divided not only by ethnic differences but also by the system governing the composition of Parliament, the existence of two electoral rolls, the restrictions placed on the right to vote, the absence of African officials from the higher ranks of the civil service and the inequality of opportunity for economic and cultural advancement. Admittedly, in view of the development of the Territory in the past, the present situation could be regarded as a transitional phase which should ultimately lead to complete self-government. While the hour of self-determination seemed to be approaching for the white European minority, however, the progress made by the African population was almost imperceptible. For all those reasons, his delegation would reply in the negative to the question which the General Assembly had asked in resolution 1745 (XVI).

125. The second part of the Committee's task was more general. As requested in resolution 1654 (XVI), the Committee was to examine the application of the Declaration on the granting of independence to colonial countries and peoples and to make suggestions and recommendations on the progress and extent of the implementation of the Declaration. In his delegation's view, the Committee should base itself on resolution 1654 (XVI), and in particular on its paragraph 4, in recommending to the General Assembly the measures which it considered most likely to remedy the existing situation in Southern Rhodesia in the interests of the inhabitants of that country, and of the prestige of the United Nations as well.

126. The representative of Poland recalled that one of the reasons why the Committee had decided to give the highest priority to the consideration of Southern Rhodesia was that the General Assembly had requested it in resolution 1745 (XVI) to consider whether the Territory had attained a full measure of self-government. Referring to the list of factors indicative of the attainment of self-government given in the second part of the annex to resolution 742 (VIII), he observed, in the first place, that the population of Southern Rhodesia had not been in a position either freely to express their opinion by informed and democratic processes as to the status, or change of status, which they desired, or to choose freely on the basis of the right of self-determination, between several possibilities, including independence. An analysis of other factors—the nature and measure of control or interference by the Government of another State in respect of the internal government, the enactment of laws by an indigenous body, the selection of members of the executive branch of the Government by the competent authority in the Territory receiving consent of

the indigenous population, the establishment of courts of law and the selection of judges, and the effective participation of the population in the Government of the Territory through an adequate and appropriate electoral and representative system—revealed that there was in fact intervention by the Government of another State in the legislative affairs of the Territory, for the exclusive benefit of the white settlers.

127. He stated further that in the past, contrary to the provisions of the United Nations Charter and in disregard of the fundamental human rights of the majority of the population, the white settlers had arrogated all privileges to themselves, in particular occupying all the seats in the legislative body. Under the pretence of remedying that state of affairs, the new Constitution, which had been imposed on the population by the United Kingdom Government, merely perpetuated it: on the one hand it assured the European population of at least 50 of the 65 seats in the Legislative Assembly and on the other it was obviously intended to deprive the Africans of the right to vote by subordinating the exercise of that right to conditions which it was impossible for them to fulfil. For example, to qualify as a voter, an African had to prove that he had a minimum income of £120 per annum. In 1960, however, while the white settlers earned an average wage of £1,209 per annum, African wage earners, who were subject to discrimination of all kinds, earned only £87. The other qualifications were no less unjust.

128. With regard to the claim that relative self-government had been granted to Southern Rhodesia, he stated that this was enjoyed only by the white settlers, who constituted less than 10 per cent of the population and denied any rights to the indigenous population. The Special Committee should therefore not hesitate to declare, in reply to resolution 1745 (XVI), that Southern Rhodesia was a Non-Self-Governing Territory in the sense defined by the Charter and the General Assembly resolutions.

129. The General Assembly had also asked the Committee to recommend specific measures which could bring independence to the Trust Territories, the Non-Self-Governing Territories and other territories which had not yet attained independence. In order to do so, the Committee should base itself not only on the facts presented by the petitioners but also on the specific proposals made by Mr. Nkomo in his capacity as representative of the population of Southern Rhodesia. He had asked:

(1) That the United Kingdom Government should immediately abrogate the new racist Constitution of 1961;

(2) That no federal or local election should be held in that Territory under the existing electoral system;

(3) That new elections to the Legislative Assembly should be organized on the principle of "one adult, one vote" without distinction as to race, creed, colour, immovable property, income or education; those free elections would make it possible to form a truly representative assembly and establish a representative government;

(4) That the Bill of Rights included in the 1961 Constitution and all racial and discriminatory laws should be repealed;

(5) That the Central African Federation should be liquidated and the establishment of any new federation

left to the decision of the population of the territories concerned;

(6) That all African political organizations and parties should be able to enjoy democratic freedoms and that all political prisoners should be released immediately.

The Polish delegation, which was opposed to the exploitation of the majority of the population by a handful of white settlers and to every kind of discrimination and slavery, supported those requests by the people of Southern Rhodesia.

130. In conclusion he recalled that the Acting Secretary-General, on the occasion of the thirteenth anniversary of the proclamation of the Universal Declaration of Human Rights, had said that the defence of peace in the world should be based on the recognition of the inherent dignity of all human beings and on the equality of all members of the human family. In Southern Rhodesia, where human rights were openly violated, peace was also at stake. The Committee must therefore submit to the General Assembly, as soon as possible and perhaps even at its resumed sixteenth session in June 1962, recommendations which would ensure the implementation of resolutions 1514 (XV) and 1654 (XVI) for the benefit of the great majority of the population of Southern Rhodesia.

131. The representative of Syria said that the duty of the Special Committee was twofold: it must decide whether Southern Rhodesia was or was not self-governing and it must also examine the situation in that country with a view to making appropriate recommendations on the steps to be taken in order to lead it to independence. The claim made by the United Kingdom representative that Southern Rhodesia enjoyed self-governing status had not stood the test of the thorough and well-documented examination given to it by the representative of India and others. The Syrian delegation had consistently rejected the position that the status of a colonial territory could be determined unilaterally by the administering Power. The controversy regarding that question, which had continued for a number of years, had been finally resolved by the adoption of General Assembly resolutions 742 (VIII) and 1541 (XV). In that connexion he recalled that the United Kingdom had been instrumental in the formulation of Principle VI of the set of principles continued in the annex of the latter resolution. Furthermore, since Southern Rhodesia was federated with two Territories whose non-self-governing status was not in doubt, it could not logically be considered in isolation from the federal structure of which it was an integral part and which by no stretch of the imagination could be said to be self-governing.

132. He went on to say that, irrespective of the legal arguments involved, Southern Rhodesia presented a grave human situation, in which the overwhelming majority of the people, the indigenous inhabitants of the Territory, were never consulted and continued to have no voice regarding the fate of their country. From the statement made by Mr. Nkomo and from other sources of information, the members of the Committee had been able to ascertain that in spite of Southern Rhodesia's status of a so-called self-governing colony the African population was in fact deprived of the most elementary political and human rights and was economically completely dominated by the white settlers. The African population had tried by various means to obtain from the Government such political rights as

should be normally due to a nation of 3 million people in its own homeland. Above all they were asking for the right to vote. Apparently, however, there seemed to be no intention on the part of either Sir Roy Welensky or Sir Edgar Whitehead to respond to their pleas; if anything, there would appear to be a growing tendency towards the perpetuation of the *status quo*. In those circumstances, the African leaders had appealed for protection to the United Kingdom Government, which had more than once publicly expressed sympathy with the African population. Expressions of sympathy, however, were not enough; vigorous action would be required to remedy the situation. Yet both in the Fourth Committee and in the Special Committee the United Kingdom representative had maintained that his Government had no power to intervene in the internal affairs of Southern Rhodesia, which, according to him, enjoyed full internal self-government. The African population had now turned to the United Nations as a last resort. His delegation held that it was the sacred duty of the United Nations to respond to that appeal and to press for a solution of the problem in order to forestall the tragic consequences that would ensue unless a reasonable solution were found. Both Mr. Nkomo and Mr. Garfield Todd had expressed the opinion that, in spite of what had been said to the contrary, the United Kingdom Government had the power to change matters. Both had maintained that the only way out of the impasse was such a change in the Constitution of Southern Rhodesia as would enable the population of the country to participate fully in its political life. He trusted that the United Kingdom Government would not hesitate to use its power in order to remove those elements of the present Constitution which deprived the overwhelming majority of the people of its rights.

133. While aware that the circumstances governing constitutional changes varied according to the powers vested in the Governor or in the legislative bodies in various territories, his delegation could not refrain from drawing certain comparisons which appeared to it to be relevant. For instance, the Constitution granted in 1953 to British Guiana, which at that time had been considered a territory with an advanced degree of self-government, had been revoked some six months later when the United Kingdom Government had found that the result of the elections held in the Territory reflected "a dangerous crisis both in public order and in economic affairs". The Colonial Office had not hesitated not only to suspend the Constitution but to send naval and military forces to Georgetown "in order to preserve peace and the safety of all classes". An even more recent example was the suspension in 1958 of the Constitution of Malta following the breakdown of talks and disagreement between the British and Maltese Governments over the amount of financial assistance to be given to Malta during the financial year 1958-1959. Thus, when local circumstances had made it necessary for the United Kingdom Government to take energetic action, it had not been reluctant to do so. Undoubtedly there had never been more valid reason for changes in, or the revocation of, a constitution than was presented by Southern Rhodesia. As Mr. Garfield Todd had told the Committee, the Monckton Commission had recommended that for a constitution to be workable it must have the support of the African population. The leaders of two African parties and a former Prime Minister of Southern Rhodesia had assured the Committee that the African

population was resolutely opposed to the Constitution of 1961. Hence it was the Committee's duty to call for its suspension and for the preparation of a new Constitution which would take all legitimate interests into account and would above all secure the right of vote to any citizen, regardless of his status, colour or creed.

134. In conclusion, the representative of Syria said that the situation in Southern Rhodesia was very grave. The mood of the vast majority of the population was one of frustration and despair. Such a mood was fraught with dire consequences to peace in Africa and to the harmonious political evolution of the Territory. It was in the interests not only of the African population but of the white settlers themselves that that situation should change. The white settlers could not be impervious to the lessons of recent history. The European immigrants who had made Southern Rhodesia their home must remember that they might be tolerated as equal citizens but no longer as masters. If they were unable to rise above their narrow and selfish interest, the United Nations, in co-operation with the administering Power, should help them to do so and thus secure a happier future for all the inhabitants of the Territory.

135. The representative of the United Kingdom repeated that his delegation did not accept the competence of the United Nations in regard to the matter under discussion. The resolutions adopted by the General Assembly in the past, from which the representative of India had deduced that the question of competence had been settled, did no more than assert the competence of the United Nations. His Government did not accept that those assertions were binding.

136. He then referred to the argument that, since the United Kingdom had continued to transmit information on the Gold Coast even after it had achieved internal self-government, that could also be done in the case of Southern Rhodesia. He did not agree that the two cases were parallel. The United Kingdom had in certain cases continued to transmit information on territories after they had achieved internal self-government, because the Governments of those territories had raised no objection when asked to supply such information and because it had seemed natural to continue to transmit information up to the attainment of full independence. Had the local authorities refused to supply the information, the United Kingdom would have been unable to transmit it to the United Nations. The case of Southern Rhodesia was quite different; it had enjoyed full internal self-government for many years before the Charter had been signed; hence the question whether information should continue to be supplied after the attainment of self-government had not arisen. The decision not to include Southern Rhodesia among the Territories in respect of which the United Kingdom proposed to transmit information had not been challenged in 1946, or subsequently, until the current session of the General Assembly.

137. With reference to the statement by the representative of the Soviet Union he said that the criticisms of that representative had shown little regard for reality; for example, he had stated that 29,000 people had been transferred from Zambesi to certain special regions. That figure was wrong; moreover, a great dam had been built on the Zambesi River, which would bring enormous benefits to the country, and the people concerned had had to be resettled, even as other peoples would have to be resettled in projects in which the

Soviet Union itself was closely interested. He asked whether the Soviet Union representative would have preferred that those people had been left to drown.

138. He then referred to a statement by Mr. Nkomo which called into question the good faith of the Secretary of State for Commonwealth Relations. In a speech in the House of Commons the Secretary of State had referred to a phrase in paragraph 18 of the report of the Constitutional Conference which read as follows: "Nevertheless, while maintaining their respective positions, all groups (with the exception of the representatives of the Dominion Party) considered that the scheme outlined below should be introduced".⁴⁴ That phrase had been chosen by the representatives of the National Democratic Party (NDP) themselves. In their original draft the sentence had included the further phrase "and that it should be given a fair trial". The Secretary of State had suggested the deletion of that final phrase in order to make matters easier for the representatives of NDP. The Secretary of State had realized that NDP was not entirely satisfied; they had made it clear from the beginning that they wanted "one man, one vote." What NDP did agree to was that "it would be a good thing, not having been able to get what it wanted, for this scheme to be introduced." In a speech made shortly after the end of the Conference, however, Mr. Nkomo had welcomed certain parts of the report and claimed that they would be a stepping-stone to the ultimate goal, but he had also appeared to repudiate the passage on franchise and representation. That proved effectively that there had been agreement. The Secretary of State had emphasized that the representatives of the National Democratic Party were naturally entitled to change their minds, especially since pressure had undoubtedly been brought to bear on them by their followers, but he had protested against the implication of bad faith on his part. He had also quoted a letter from Mr. Silundika, Secretary-General of NDP, and a statement by Mr. Mawema, founder of that Party, both of which confirmed that Mr. Nkomo had accepted the constitutional proposals.

139. The representative of the United Kingdom then said that it had become apparent during the debate that some members of the Committee were puzzled about the precise constitutional status of Southern Rhodesia and its relationship with the United Kingdom. Some of the difficulty arose from terminology. One example of that difficulty was the comment made by the representatives of India and Mali that the expression "Southern Rhodesia is a self-governing colony" was a contradiction in terms. The phrase "self-governing colony" was well known to students of British constitutional history and had played an important part in the evolution of several States now Members of the United Nations. In British constitutional usage the normal description applied to such Territories as Canada, Australia and New Zealand, at the time when they had enjoyed responsible government but not independence, had been "self-governing colony". It had been only in 1907 that Canada, Australia and New Zealand had been named "self-governing Dominions". The term "self-governing colony" therefore had a meaning and, as the representative of India had himself noted, Southern Rhodesia immediately before the establishment of the Federation of Rhodesia and

⁴⁴ See *Report of the Southern Rhodesian Constitutional Conference*, Salisbury, Southern Rhodesia, February, 1961 (London, H.M. Stationery Office), Cmnd. 1291, p. 6.

Nyasaland had been in the final stage through which the older Dominions had passed on their way to Dominion status. What had caused Southern Rhodesia's status to become anomalous was that instead of taking the final step to full independence it had remained in the "twilight zone" between dependence and independence. He thought he had said enough to demonstrate that Southern Rhodesia's status had not, as some speakers had implied, been specially created to remove it from the ambit of the Charter.

140. It was relevant to note that for several years Newfoundland had enjoyed a status of self-government, but not independence, comparable with that of Southern Rhodesia today. Southern Rhodesia's membership of the international organizations was a recognition of its special status, and he could not agree with the representative of India that its participation in the work of any of the international bodies was subject to the authority of the United Kingdom Government. A further consequence, and a very important one, derived from the fact that Southern Rhodesia's status as a self-governing colony was comparable to that enjoyed by the self-governing Dominions in an earlier stage of their development. There was no written British Constitution; precedent and convention played a very important role. From the middle of the nineteenth century there had been a convention against Parliament legislating for the self-governing colonies without their consent and that the same convention applied to Southern Rhodesia. From a strictly legal point of view it would be possible for Parliament to revoke the Statute of Westminster or any of the later Acts which recognized the independence of the more recent members of the Commonwealth. Such action was, however, unthinkable in practice. The powers of the United Kingdom in respect of Southern Rhodesia were genuinely restricted in a way that was not true of the Non-Self-Governing Territories for whose administration it was responsible, including Malta and British Guiana, to which the representative of Syria had referred at a previous meeting. It might be asked how in that case it came about that Parliament had recently enacted a new Constitution for Southern Rhodesia. In reply he quoted from a statement made in Parliament by the responsible Minister on 8 November 1961, in which he had explained that under the former Constitution the Crown had reserved to itself full power to revoke, alter or amend only twelve of the sixty-four Sections and that the remaining Sections could be amended only by the Legislature of Southern Rhodesia. It would not, therefore, have been practicable to introduce the far-reaching changes which the United Kingdom and the Southern Rhodesians desired by way of further amendment to the existing constitutional document, and the Government of Southern Rhodesia had therefore requested that a new Constitution should be contained as a whole in a new document.

141. Several delegations had criticized the decision made in 1923 to give the predominately European electorate the choice between full internal self-government and incorporation with the Union of South Africa, without taking into account the wishes of the indigenous population. The attitudes of the various parties concerned would probably be different today, but the fact remained that to grant extensive powers of self-government to those who had been at the time most organized and best able to exercise such powers had been generally held by the standards of the time to be a progressive

and liberal move. Whether or not it would be so regarded today was an academic question; the fact which he hoped he had demonstrated was that the delegation of powers which had taken place had been real, substantial and for practical purposes irrevocable. That was the situation which must be dealt with at the present time. He hoped that the Committee would resist the temptation to disregard political realities and to advocate measures which were impracticable in the light of the facts. The considerations he had advanced were not legal points; they were basic elements of the British system of government and could not be simply put aside.

142. He felt that much of the criticism of the new Constitution was misplaced. If the criticisms now being made had been made five or even three years earlier, they would have been more understandable. At that time the Legislature had been wholly European, the electorate almost entirely European and there had been no sign of any change in prospect. There had been a considerable body of discriminatory legislation and no check on the introduction of further discriminatory measures except for a technical power of veto by the United Kingdom Government which had never been effective and was not likely ever to be so. The present situation was very different. As the Secretary of State for Commonwealth Relations had said in the House of Commons, the outstanding feature of the new Constitution was that it provided far-reaching advancement for the Africans with the full consent of the Europeans. Incidentally, the white electors had voted two to one in favour of extending the franchise. Indeed, the new Constitution made it certain that power would be transferred steadily to African hands because more Africans would qualify for the vote as they acquired more education and a better economic status. The franchise could not be altered to the detriment of Africans except after a referendum in which African voters would have a veto. Even the less important constitutional provisions, which did not require a referendum, must still be passed by a two-thirds majority of the Legislative Assembly. The Africans had a virtual guarantee of fifteen "B" roll seats. If all those who were qualified registered and exercised their vote they should secure additional "A" roll seats at the first general election and more at subsequent elections. By their influence on the other "A" roll seats, they should moreover be able to prevent the election to those seats of European candidates likely to support constitutional amendments detrimental to African interests.

143. He stated that the consultations which had taken place between the United Kingdom Government and the Southern Rhodesian Government before any legislation concerning the United Kingdom reserved powers had been enacted by the Southern Rhodesian Government had been of an entirely informal nature. They were designed to give the reserved powers some technical meaning short of the purely negative exercise of the veto, which would be an extreme step difficult to justify in view of the constitutional position. The main point, however, was not whether the reserved powers had any value but the fact that the safeguards which replaced them were much more effective. In fact, criticism of existing discriminatory legislation was in itself a judgement of how effective the reserved powers had been in practice. To claim that such legislation flouted the Declaration of Rights suggested that the latter was a better safeguard against similar legislation

being enacted in future. The Declaration of Rights did not apply in retrospect, because of the chaotic state of uncertainty that might arise during the period before the Courts could rule on whether or not legislation was consistent with the Declaration. In the meantime the Southern Rhodesian Government itself was making considerable strides in systematically reviewing all legislation and removing discriminatory features. The Declaration of Rights in Southern Rhodesia was closely modelled on those of Nigeria and Sierra Leone. It enabled the common man, regardless of race, colour or creed, to appeal to an independent judiciary and even to the Privy Council, the highest Court of the Commonwealth. Such a procedure was more valuable than a veto which might be subject to extraneous political pressures. The new Declaration of Rights applied not only to legislation—as had been the case with the British Government's earlier reserved powers—but also to statutory instruments and even to executive action. Moreover, provision was made under the new Constitution for financing litigation brought by a private person who considered himself aggrieved but could not afford to take his case to court.

144. The representative of the United Kingdom then appealed to those members of the Committee who had the interests of all the peoples of Southern Rhodesia at heart to ponder carefully on the conclusions which should be drawn from the debate. The first of them related to the question asked by the General Assembly in resolution 1745 (XVI). He hoped that he had been able to show that Southern Rhodesia was neither completely dependent nor fully independent. The interests of historical accuracy would not be served by attempts to twist the complex facts of the constitutional status of Southern Rhodesia in order to make them conform either with the factors annexed to General Assembly resolution 742 (VIII) or with the principles annexed to General Assembly resolution 1541 (XV). He therefore suggested, as the United States representative had already done, that the Committee should report to the General Assembly that it had been unable to give a clear affirmative or negative answer to the question put to it in resolution 1745 (XVI).

145. He then referred to suggestions by some members that in its report to the General Assembly the Committee should not confine itself to answering the question in resolution 1745 (XVI) but should also touch on the substance of some of the matters which had been discussed in the course of the debate, such as the provisions of the new Constitution. He did not pretend that the new Constitution marked the attainment of equal rights for all in every field. He was, however, convinced that it represented a major advance along the path leading to that goal and away from the policies of white supremacy. The leaders of Southern Rhodesia were not advocates of racial supremacy. Despite the fear voiced by the Tanganyikan representative that things in Southern Rhodesia were moving in the wrong direction and that, if they continued to do so, there was a danger of creating another South Africa, the new Constitution was clearly and most emphatically a move away from any policies of *apartheid*. It marked the beginning of a trend which would surely lead to the Africans playing a leading role in the Government of Southern Rhodesia. Hasty and ill-considered action or decisions by the Special Committee, or by the General Assembly on the basis of conclusions formulated by the Committee, might delay or even reverse that trend.

146. He urged most strongly that what was vitally necessary was for all the African political parties to encourage their supporters to enrol as voters in the largest possible numbers, contest the election, and win as many seats as possible. He realized that that was asking them to accept far less than what they considered to be their rights, but it did not mean asking them to sacrifice any of their principles. There seemed to be no good reason for abandoning in Southern Rhodesia a method which had been proved effective in Tanganyika and other territories formerly under United Kingdom administration, where the local political leaders had contested the elections and had then used their seats in the legislature as a stepping stone to achieve a wider franchise and larger African representation. The best service which the Committee could perform for the African people of Southern Rhodesia and for their leaders, including Mr. Nkomo, was to urge them to work within the constitutional framework, by contesting the forthcoming elections and establishing themselves in the Southern Rhodesian Legislature. The stage would then be set for the next act. Unless the African leaders took that decision, the future would be dark and fraught with danger. Although it was easy to talk of patience being exhausted and of force being the only answer, a glance at the territories formerly under United Kingdom administration, such as Tanganyika, Nigeria and Sierra Leone, showed their history to have been one of negotiation, compromise and, above all, patience. Their story disproved the Marxist theory that colonial rule must end in bloodshed. There was already sufficient violence in the world to make all reasonable men unwilling to do anything that might add to it.

147. In conclusion he said that it would be deplorable if, by any ill-considered recommendation, the Committee were to harden opinion and attitudes in Southern Rhodesia and impede the peaceful development of that country. The Committee should refrain from adopting extreme and impractical recommendations, the non-fulfilment of which would shatter expectations and might easily lead to violence. It should always bear in mind the fact that it was the task of the United Nations to foster the growth of freedom and peace, and it should be careful to do nothing which might impede or endanger constitutional progress in Southern Rhodesia.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

148. At its 26th meeting, on 29 March 1962, the Special Committee established a Sub-Committee on Southern Rhodesia, composed of the members of the Bureau (India, Mali and Syria) and of Tanganyika, Tunisia and Venezuela, to establish contact immediately with the United Kingdom Government in London for the purpose of discussing, in the light of the Committee's views, future steps in regard to Southern Rhodesia and report to the Committee as soon as possible.

149. The report of the Sub-Committee on Southern Rhodesia⁴⁵ was formally submitted to the Special Committee at its 37th meeting. This report was discussed by the Special Committee at its 44th, 45th and 47th to 49th meetings.

150. At its 49th meeting, on 11 May 1962, the Special Committee adopted a resolution⁴⁶ in which it, *inter*

⁴⁵ See *Official Records of the General Assembly, Sixteenth Session, Annexes*, agenda item 97, document A/5124, annex I.

⁴⁶ *Ibid.*, document A/5124, annex II.

alia, endorsed the report of the Sub-Committee on Southern Rhodesia, particularly the recommendation contained in its paragraph 45. In this paragraph the Sub-Committee stated that, in view of the grave and potentially explosive situation in Southern Rhodesia and in the absence of favourable developments, the situation in Southern Rhodesia should be considered by the General Assembly at its resumed sixteenth session or at a special session, as a matter of urgency. The Special Committee also approved a draft resolution⁴⁷ which it recommended to the General Assembly for consideration.

151. At its 53rd meeting, on 16 May 1962, the Special Committee decided that its report concerning the question of Southern Rhodesia should be transmitted to the Secretary-General with the request that it should be circulated to all Members of the United Nations. In accordance with this request, the report was circulated by the Secretary-General on 21 May 1962.

D. ACTION TAKEN BY THE GENERAL ASSEMBLY AT ITS RESUMED SIXTEENTH SESSION

152. The General Assembly at its resumed sixteenth session, held during the period from 7 to 28 June 1962, considered the report of the Special Committee under an agenda item entitled "The question of Southern Rhodesia". At its 1121st plenary meeting, on 28 June 1962, the General Assembly adopted resolution 1747 (XVI), on the question of Southern Rhodesia.

E. FURTHER CONSIDERATION BY THE SPECIAL COMMITTEE

153. The Special Committee at its 107th meeting, on 12 September 1962, took note of General Assembly resolution 1747 (XVI), and in particular of its paragraph 3.

154. At the same meeting it heard the following two petitioners concerning Southern Rhodesia:

(a) Mr. E. J. M. Zvobgo, representing the Zimbabwe African Peoples Union (ZAPU);

(b) The Reverend Michael Scott, representing the Africa Bureau.

155. Mr. Zvobgo said that he was grateful for being allowed to appear before a United Nations committee where the dispossessed, oppressed and exploited could obtain a hearing. He wished to expose the deadly nature of recent events in Southern Rhodesia and to show the reasons for his party's doubts of the possibility of a peaceful solution. Members of the United Nations were already familiar with the history of Southern Rhodesia and with the oppressive laws imposed by the white settlers which deprived non-Whites of freedom of expression and association, of the right to participate in the government of their country and even of the right to life—for the police were now permitted to open fire on demonstrators. All those laws, it should be remembered, had required the approval of the United Kingdom Government before coming into force. During the General Assembly debate in June, the United Kingdom representative had not contested the facts but had sought to mislead the Assembly by suggesting that the record of Sir Edgar Whitehead showed that there was no basis for the fear that the Southern Rhodesian Government was reactionary. The actual

fact was that the white minority in Southern Rhodesia was following in the footsteps of Franco, Salazar and Verwoerd, and looking back to the dark ages. Sir Patrick Dean had also disputed the use of the words "explosive" and "abnormal" by the African-Asian and socialist countries to describe the situation in Southern Rhodesia. However, recent events had surely justified the use of those adjectives.

156. Despite General Assembly resolution 1747 (XVI), the United Kingdom Government had made no move towards negotiations; no new constitutional conference was being arranged, no discriminatory legislation had been repealed and no attempt had been made to establish the rule of law. As soon as the Assembly resolution had been adopted, ZAPU had offered to negotiate on the basis of its provisions, and Mr. Nkomo, the leader of ZAPU, had made it clear that it was for the United Kingdom to decide whether a solution was to be reached by negotiation, by the bringing about of a complete economic breakdown or by bloody revolution. Despite that warning, the United Kingdom and the white settlers had continued their plans to create another South Africa in Southern Rhodesia. Upon Mr. Nkomo's triumphant return from New York, the white police and army had been alerted, and new instructions had been given, making ordinary policemen *de facto* magistrates; if a policeman listening to a political speech decided that it contravened the law, he could arrest the speaker and shut him up in a police camp. Mr. Takawira and Mr. Danha had been arrested in that manner, and hundreds of other persons were now under arrest for criticizing white tyranny and for demanding the return of the country to the people to whom it belonged. Shootings and the terrorization of women had been reported in *The New York Times*. Furthermore, all public meetings had been banned and new repressive measures had been rushed through Parliament. Protest against those measures had been voiced by church leaders, lawyers and the black *bourgeoisie*, and the former Chief Justice of the Federation had stated that Southern Rhodesia could now be called a police State. There had been an upheaval within the United Federal Party: Sir Roy Welensky had disagreed publicly with Sir Edgar Whitehead, and an African member of Sir Roy's Cabinet had resigned from the Cabinet and from the party.

157. Under the 1923 Constitution, which was still in effect, the United Kingdom could veto any law which discriminated against Africans; it could therefore legally veto the new measures if it wished. The measures were amendments to two of the most rigorous laws ever devised by British settlers. The first law was entitled "Unlawful Organizations Act, 1959", and its purpose had been to ban the African National Congress, which had set out to achieve self-government for the African majority. The leaders of the Congress had been arrested and were still being detained in camps without trial. The Congress had been succeeded by the National Democratic Party, which had had the same goals, and which in turn had been banned in 1961. It was then that ZAPU had been founded to carry on the struggle. The new amendment was designed to make it impossible, once ZAPU was banned, to found a new organization pursuing the goals of African rule and the abolition of social and economic discrimination. It provided that if the Governor was of the opinion that an organization was related, in any one of a number of ways, to an unlawful organ-

⁴⁷ *Ibid.*, document A/5124, annex III.

ization, he could declare it to be an unlawful organization by proclamation. The second measure was an amendment to the Law and Order (Maintenance) Act of 1960; it prohibited all gatherings of twelve or more persons, and also provided that any person who, without lawful excuse, the proof whereof lay on him, remained at or near or watched "any premises or place" was liable to up to ten years' imprisonment. A person could also receive a long gaol sentence for saying or doing anything likely to engender feelings of hostility towards the police or to expose it to ridicule.

158. Those laws had been passed by the white settlers and approved by the United Kingdom only a few weeks after the General Assembly had warned that country against continuing to follow a road which would lead to certain disaster. Every day there were news reports which indicated the explosive nature of the situation in Southern Rhodesia. The African people's demands were (1) the complete transfer of political power to them and out of the hands of the white minority; (2) guarantees for the individual rights of all minorities; (3) economic and social justice. The United Kingdom and the white settlers must be prepared to face another Algeria unless they gave in to those just demands.

159. His party appealed to the General Assembly to take the following action: (a) to establish a special committee on Southern Rhodesia; (b) to send a team of investigators to determine whether or not slavery in the neo-colonial form existed; (c) to determine the degree to which the Africans had been robbed of their land; (d) to show the extent of the economic involvement of foreign Powers and private financiers. It also asked the General Assembly to pass another resolution drawing the attention of the United Kingdom to its resolution 1747 (XVI), adopted in June 1962, to which so far it had paid no heed, and to persuade those countries which had established relations with Sir Roy Welensky's Government, such as the United States, Canada and Nigeria, to break off such relations as soon as possible, since the recognition of a Government established on the principle of colonialism was tantamount to approval of colonialism.

160. The Reverend Michael Scott said that with regard to the two Southern Rhodesian laws to which reference had been made, he believed that it was still technically possible for the United Kingdom to veto the new amendments at the present stage. He noted, however, that at present there was a considerable difference of opinion regarding the Federation even in the Government party in the United Kingdom.

161. The links between Salazar's Portugal, Verwoerd's South Africa and the Central African Federation of Sir Roy Welensky were not generally recognized, but they were only too real and could have the most serious consequences for Africa as a whole. Those links had been clearly revealed in a pamphlet entitled *The Unholy Alliance*, published by the Anti-Apartheid Movement, the Council for Freedom in Portugal and its Colonies and the Movement for Colonial Freedom.⁴⁸ In an article in that pamphlet, Mr. Conor Cruise O'Brien had pointed out that the alliance in question included even Katanga where the 30,000 or so Europeans of Katanga felt themselves to be backed by the 300,000 or so Whites in the Rhodesias and by

more than 3,000,000 in South Africa. Mr. O'Brien had gone on to say that there was little sign that those in control throughout southern Africa were disposed to accept peacefully genuine change and real political rights for Africans. It was very likely, however, that further efforts would be made to deceive Western opinion along the lines of Rhodesian "partnership" and Portuguese "no-colour-bar". He had concluded by saying that although Mr. Verwoerd's régime was generally abhorred outside South Africa, relatively few people had much fault to find with the régime in Rhodesia, although the underlying realities in both cases were similar and it was clear that Sir Roy Welensky differed from Mr. Verwoerd on tactics rather than on principle.

162. The recent evidence of an arms build-up in the Portuguese Territories and South Africa only served to heighten the general apprehension concerning the future of the Central African Federation. That the same apprehension was felt even in conservative circles was indicated by an article, published in *The Observer* on 13 May 1962, by Mr. Humphrey Berkeley, a conservative member of Parliament who had recently returned from an inspection tour in Central Africa. Mr. Berkeley had said that three solutions were being put forward to meet the need for change in Central Africa. The first suggestion was that the present Federal boundaries should remain intact and that the Federation should be granted full independence, thus allowing the Federal Government a free hand in settling its territorial problems. The second proposal involved the division of Northern Rhodesia into three parts and the creation of an inner federation of Southern Rhodesia and the rich part of Northern Rhodesia, with Barotseland, the Northern Province and Nyasaland loosely associated with it. A third idea involved extensive juggling with Federal and territorial powers, so that African leaders would see the advantages of association. It was doubtful, however, whether that idea could be made acceptable to both Africans and Europeans. Mr. Berkeley had rejected all those proposals and had concluded that the only way out of the difficulties which threatened to engulf Central Africa in chaos and violence was the immediate and unconditional dissolution of the Federation.

163. He then quoted at length from a press statement released by the Africa Bureau on 22 August 1962, expressing the belief that: (1) the Central African Federation could not continue in anything like its present form; (2) the secession of Nyasaland provided by itself no answer to the problems of Central Africa; and (3) any external attempt to yoke Northern and Southern Rhodesia together politically—especially so long as Southern Rhodesia was dominated by a white minority—was bound to fail and to cause new bitterness. The Africa Bureau then urged the United Kingdom Government to take the following steps: (a) to acknowledge forthwith the right of each of the three Territories to break its constitutional link with the Federation, and to declare that none of them should become an independent sovereign State unless it had a representative constitution and a majority of its inhabitants desired independence; and (b) immediately thereafter to appoint a commission to examine the continuing economic problems of the three Territories, including in particular the optimum economic association, such as fiscal redistribution, central banking and common currency, and the sharing of common services,

⁴⁸ Rosalynne Ainslie, *The Unholy Alliance, Salazar—Verwoerd—Welensky*.

such as power, airways, communications, higher education and banking.

164. Personally he was convinced that the Central African Federation, as at present constituted, would cease to exist before the end of 1963. The main difficulties were to be found in Southern Rhodesia, whose policies represented the greatest obstacle to the peaceful progress of the Territories towards independence. Its Government would have to learn to accept the African majority and to respect the rights of all races. It must realize, as the Africa Bureau had pointed out, that it could not join Northern and Southern Rhodesia together against the wishes of the African people. The Federation, which had been established in 1953 by an Order in Council, was not indissoluble; its Constitution provided for amendments, and those amendments could be made only by the United Kingdom. Even at that late date reason might prevail and a solution be possible. To bring it about, however, there would have to be close co-operation between the

United Nations and the United Kingdom; otherwise, the drift towards violence would continue. In that connexion he quoted from a letter from the Zimbabwe African Peoples Union, requesting him to inform the Special Committee that the situation in Southern Rhodesia was deteriorating and that in order to prevent bloodshed the United Nations should intervene and urge the United Kingdom Government to suspend the Constitution of 6 December 1961. That letter also urged the United Nations to study carefully the bills and amendments now before the Parliament of Southern Rhodesia and to decide whether such bills could be passed by any democratically elected legislature.

165. In conclusion the Reverend Scott expressed the hope that the United Nations would appoint a special committee which would keep the situation in Southern Rhodesia, and in the Federation in general, under constant review and to which the people of that area could bring their problems for a solution by peaceful and rational means.

CHAPTER III

NORTHERN RHODESIA

A. INFORMATION ON THE TERRITORY*

General

1. Northern Rhodesia is situated in the southern part of Central Africa and is bounded on the north by the Congo (Leopoldville), on the east by Tanganyika and Nyasaland, and on the south-east by Mozambique, on the west by Angola, and on the south by Southern Rhodesia.

2. The greater part of Northern Rhodesia is a plateau between 3,000 and 4,000 feet above sea-level, which is broken by the valleys of the Upper Zambezi and its major tributaries. The Copperbelt, which is the fourth largest source of copper in the world, lies in the Western Province, on the Congo (Leopoldville) border. Including 3,000 square miles of inland water, the total area is 288,130 square miles.

3. The estimated population of Northern Rhodesia at 30 June 1960 was 2,426,300. Of these, some 2,300,000 are African, about 77,000 are Europeans and 11,000 others are mainly Asians.

Government

(a) Present status

4. Northern Rhodesia is a British protectorate forming part of the Federation of Rhodesia and Nyasaland. Up to 1924 Northern Rhodesia was administered by the British South Africa Company, which had been granted a Royal Charter in 1889. Before 1889 the whole of the Territory had been vaguely included in the Charter, but in that year the Barotseland-North-Western Rhodesia Order in Council placed the Company's administration of the western portion of the Territory on a firm basis. This was followed by the North-Eastern Rhodesia Order in Council of 1900. In 1911 the two portions of the Territory were amalgamated under the designation of Northern Rhodesia. The administration of the Company continued until 1924,

when the administration of the Territory was assumed by the British Crown and Northern Rhodesia became a protectorate of the United Kingdom.

(b) Constitution

5. In 1954 the principle of collective responsibility for government decisions amongst the members of the Executive Council was established. There were then four unofficial members of the Council with ministerial portfolios, and the Legislative Council consisted of twenty-six members of whom four were African. Under the present Constitution, which was introduced in 1959 and which is still in force, both the Executive Council and the Legislative Council were enlarged. The members of the Executive Council were styled Ministers, and six members of the Legislative Council, two of them African, were appointed Ministers, outnumbering the four officials in the Executive Council. For the Legislative Council a new electoral system with a two-roll qualitative franchise was introduced. The Council was enlarged to thirty members, of whom twenty-two are elected in geographical constituencies, each returning one member. The effect of the introduction of a lower roll to the franchise was to ensure that, although only two seats were reserved by race for Africans, at least six other Africans would be elected in practice. New electoral arrangements are expected to come into force before the end of 1962.⁴⁹

6. The main features of the 1959 Constitution are described below.

(i) The Governor

7. The Governor is appointed by the British Government and is the Queen's Representative and also the head of the Executive in the Territory. In the exercise of his executive powers, he acts on the advice of the Executive Council. In certain circumstances he is authorized to act without consulting them, or to act against their advice, but this is rare, and in such cases special procedures are required, including the dispatch of an immediate report to the British Govern-

* Section A of the present chapter is based on information supplied by the administering Power and information compiled by the Secretariat from published sources.

⁴⁹ See paragraphs 14 to 22 below.

ment. Similarly, the Governor's assent is required—and normally given—for laws enacted by the Legislative Council.

(ii) *Executive Council*

8. The Executive Council consists of six Ministers appointed by the Governor, together with four holders of important official posts, namely, the Chief Secretary, the Attorney-General, the Minister of Finance and the Minister of Native Affairs. It sits under the chairmanship of the Governor.

(iii) *Legislative Council*

9. The Northern Rhodesia Legislature is uni-cameral and consists of a Legislative Council of thirty members under the chairmanship of a Speaker.⁵⁰ There are four *ex officio* members, four nominated members and twenty-two elected members. The maximum term of office is five years. Its present membership comprises twenty Europeans, nine Africans and one Asian.

(c) *Electoral system*

10. Under the 1959 Constitution, members of the Legislative Council are elected in single-member constituencies on a two-roll qualitative franchise including voters of all races.⁵¹ The Territory is divided into eighteen constituencies, in twelve of which the value of votes cast by voters on the lower roll is limited to one-third of the votes cast on the higher tier. In the remaining six constituencies, the value of votes on both rolls is equal. The whole Territory is also divided into four constituencies; the area of two of these corresponds with the area of the twelve mentioned above, and the other two with the remaining six; the former are reserved for African members and the latter for European members. Thus, for the areas in which the lower roll votes predominate, there are at least two European members and, for the areas in which the higher roll votes predominate, there are at least two African representatives. The results of the last elections, held in March 1959, were as follows:

Party	Number of seats
United Federal Party.....	13 (11 European, 2 African)
Northern Rhodesia Liberal Party	5 (2 European, 3 African)
African National Congress.....	2 (African)
Dominion Party.....	1 (European)
Independent	1 (African)

(d) *The judiciary*

11. The High Court of Northern Rhodesia consists of the Chief Justice and four puisne Judges. The Chief Justice and two puisne judges sit at Lusaka (to hear cases arising in the Central Province) and go on circuit for cases arising in the Eastern Province and Barotseland. Two puisne judges sit at Ndolo to hear cases arising in the Western and North Western Provinces; they go on circuit to try cases arising in the Northern and Luapula Provinces.

(e) *Local government*

12. In rural areas the local government is mainly in the hands of "Native authorities" whose position and authority is to a large extent based on local custom. Each Native authority normally has a representative council, whose membership is also prescribed by local

custom. These authorities have power to make orders and rules on such matters as agriculture, forestry, game conservation and the levying of local rates and fees. The structure and organization of these authorities vary considerably according to the local traditional institutions.

13. In urban areas the main local authorities are the municipal councils (including one city council) which are responsible for the main municipalities, township management boards, which operate in the smaller centres of population, and African township management boards, which operate in the African townships located near the larger towns. Municipal councils have elected majorities, and one third of the councillors are elected each year on a franchise deriving from the ownership or occupation of ratable property. They have power to levy rates, borrow money, enact by-laws, manage housing schemes, and administer other services, such as those concerning roads, water, electricity, parks, fire brigades, street cleaning, public housing, sanitation, and town planning. Township management boards normally have nominated members and may not enact by-laws or borrow money from outside government sources; in other respects, however, their powers are similar to those of municipal councils.

(f) *Recent constitutional proposals*

14. To prepare the ground for a constitutional conference in London, informal talks on the Constitution were held in September 1960 in Northern Rhodesia. When the Constitutional Conference was convened in London in December 1960, the principal political parties could not agree on the major issues affecting the balance of power in Northern Rhodesia. Both the Dominion Party and the United Federal Party were unwilling to consider the demands of the United National Independence Party and the African National Congress for universal suffrage and an African majority in both the Legislative and Executive Councils. The Constitutional Conference ended in February 1961 without any agreement.

15. Consequently, in February 1961 the United Kingdom Government made public its constitutional plan for Northern Rhodesia,⁵² which provided for an enlarged Legislative Council of forty-five elected members, which was to be composed of fifteen members elected by voters on the upper roll, fifteen members elected by voters on the lower roll, and fifteen national seats in which candidates would have to obtain some measure of support from both rolls. In the national constituencies it was suggested that, in order to qualify for election, candidates should obtain the same prescribed minimum percentage of the votes cast on each roll, and that the voting power of the two rolls should be equalized by averaging the percentage of votes cast on each roll secured by each candidate. In addition to the elected members there would be up to six official members and one or two nominated members. Franchise qualifications on the lower roll were to be extended to include about 70,000 of the 2,300,000 Africans, and a minor modification was suggested to allow between 1,500 to 2,000 additional African voters to become eligible for the upper roll, on which there would be some 24,000 of the 77,000 Europeans. The Executive Council would remain advisory to the Gov-

⁵⁰ See *The Northern Rhodesia (Legislative Council) Order in Council, 1959* (London, H.M. Stationery Office, 1960).

⁵¹ Details of the franchise qualifications under the new Constitution are set out in para. 16 below.

⁵² *Colonial Office, Northern Rhodesia, Statement by the Secretary of State for the Colonies on Proposals for Constitutional Change* (London, H.M. Stationery Office, 1961), Cmnd. 1301.

ernor and would consist under the present responsibilities of the Territorial Government of three or four official members and six unofficial members, the latter to include at least two African and at least two non-African members of the Legislative Council. The Secretary of State for the Colonies requested the Governor of Northern Rhodesia to make recommendations especially on three basic issues: (a) the precise number of elected members of the Legislative Council and the delimitation of the constituencies from which they should be returned, (b) the way in which legislative members should be returned in national constituencies, and (c) the revised qualifications for the franchise.

16. Under the proposed franchise qualifications (which were subsequently incorporated in the new Constitution),⁵³ a voter in order to qualify for either roll must be a citizen of the United Kingdom and Colonies, or of the Federation, or be a British protected person by virtue of his connexion with Northern Rhodesia; he must have attained the age of twenty-one years; have been resident in the Federation for a continuous period of two years; and he must be able to complete in writing the prescribed registration form in English, or, in the case of the lower roll in any one of eight prescribed languages. Additional qualifications for the higher and lower rolls, as set out in Schedule 3 of the new Constitution, are the following:

"Additional qualifications for voters registered under the higher franchise"

"1. Subject to paragraphs 3 to 8⁵⁴ of this schedule, the additional qualifications required for registration as a voter under the higher franchise are that the person applying therefor either—

"(a) Has an income qualification of not less than seven hundred and twenty pounds;

"(b) Has a property qualification of not less than fifteen hundred pounds;

"(c) Has completed a full course of primary education of the prescribed standard or possesses any prescribed alternative educational qualifications, and in either case has either—

"(i) An income qualification of not less than four hundred and eighty pounds; or

"(ii) A property qualification of not less than one thousand pounds;

"(d) Has completed the first four years of a course of secondary education of the prescribed standard or possesses any prescribed alternative educational qualifications and in either case has either—

"(i) An income qualification of not less than three hundred pounds; or

"(ii) A property qualification of not less than five hundred pounds;

"(e) Is a Chief;

"(f) Is a Tribal Councillor;

"(g) Is a member of a Native Authority or a member of a Native Court;

"(h) Is a member of a Municipal Council or a member of a Township Management Board or a member of an Area Housing Board;

"(i) Is a minister of religion;

"(j) Is a member of a prescribed religious body or order who has attended the first two years of a course of secondary education of the prescribed standard or possesses any prescribed alternative educational qualification;

"(k) Is a university graduate;

"(l) Is the holder of a Certificate of Honour or a decoration for gallantry or other award from Her Majesty;

"(m) Is the holder of a letter of exemption issued under the African Exemption Ordinance before 1 July 1961;

"(n) Is a pensioner;

"(o) Has an income qualification of not less than three hundred pounds and has been in the service of the same employer or in the service of the same firm or business for a continuous period of ten years immediately preceding the date of his application for registration as a voter;

"Provided that service under the Government of Northern Rhodesia, the Government of the Federation or a Native Authority shall be regarded as service under the same employer; or

"(p) Is the wife of a person who for the time being possesses any of the qualifications specified in the foregoing sub-paragraphs of this paragraph."

"Additional qualifications for voters registered under the lower franchise"

"2. Subject to paragraphs 3 to 8⁵⁴ of this schedule, the additional qualifications required for registration as a voter under the lower franchise are that the person applying therefor either—

"(a) Has an income qualification of not less than one hundred and twenty pounds;

"(b) Has a property qualification of not less than two hundred and fifty pounds;

"(c) Is the wife of a person who for the time being possesses either of the qualifications specified in sub-paragraph (a) or sub-paragraph (b) of this paragraph;

"(d) Is a Tribal Councillor;

"(e) Is a member of a Native Authority or a member of a Native Court;

"(f) Is a member of a Municipal Council or a member of a Township Management Board or a member of an Area Housing Board;

"(g) Is a Headman;

"(h) Is a pensioner;

"(i) Is an ex-serviceman;

"(j) Is a person who has been registered as an Individual or Peasant Farmer or as an Improved Farmer for the two years immediately preceding his application for registration as a voter;

"(k) Is a member of a prescribed religious body or order;

"(l) Is the holder of a Certificate of Honour or a decoration for gallantry or other award from Her Majesty;

"(m) Is the holder of a letter of exemption issued under the African Exemption Ordinance before 1 July 1961; or

"(n) Is the wife of a person who, for the time being, possesses any of the qualifications specified in

⁵³ *The Northern Rhodesia (Constitution) Order in Council 1962* (London, H.M. Stationery Office).

⁵⁴ These paragraphs concern interpretation and are not reproduced here.

sub-paragraphs (d) to (m), inclusive, of this paragraph.'

17. Sir Roy Welensky, the Federal Prime Minister, and the United Federal Party rejected the February proposals, of those of the Ministers in the Northern Rhodesian Government who belonged to the United Federal Party resigned.

18. The Governor's recommendations were published in June 1961 in a White Paper.⁵⁵ Concerning the first two issues the Governor considered that the number of elected members should total forty-five, as suggested by the United Kingdom Government, and that they should be composed of three groups of fifteen. The fifteen members returned by the upper and lower rolls respectively should be elected in single-member constituencies covering the whole of the Territory. For the third group of national members he suggested an arrangement of seven double-member constituencies combined with a separate single-member constituency. The Governor came to the conclusion that the equalization of the two rolls by averaging the percentage of votes cast on each roll, as outlined by the constitutional plan, should be made the basis for electing national members of the Legislative Council. The Governor proposed, however, that the minimum support required by candidates for national seats should be expressed as 12.5 per cent or 400 of the European voters (whichever is less), and 12.5 per cent or 400 of the African voters (whichever is less), rather than the same prescribed minimum percentage of the votes cast on each roll proposed in February. Thus, in his opinion, all candidates standing for election in national seats would find it necessary, if they wished to be elected, to direct their appeal to voters of other races as well as their own; and any prospective candidate who limited himself to appealing to voters of a single race would find it impossible to succeed. The Governor suggested that in order to allay anxieties about a possible wide disparity between the numbers of elected African and European members, consideration should be given to providing that three or four of the national constituencies should each be obliged to return one African and one European member. In double-member constituencies each voter should be entitled to cast as many votes as there were seats to be filled from the constituency. Regarding the qualifications of voters the Governor was in favour of maintaining a qualified franchise and could not recommend an increase of voters beyond the figures given by the plan.

19. The Governor's recommendations were made after his talks with the leaders of the principal political parties in the Territory. While he was unable to put forward his recommendations on the basis of any degree of substantial agreement between the political parties, the Governor hoped that they might command a wide degree of acceptance in Northern Rhodesia.

20. Immediately following the announcement of the Governor's proposals, serious disturbances broke out in Northern Rhodesia owing to African dissatisfaction with the proposals. Leaders of the United National Independence Party and the Liberal Party met in London with the Secretary of State for the Colonies. In September 1961 it was announced that the United Kingdom Government would be prepared to consider representations within the area where divergencies of

view on the constitutional proposals still persisted. This was generally understood as referring to the question of qualifications for national seats. In October the United National Independence Party announced that it would boycott elections unless: (a) Asians and Euro-Africans were placed on the upper roll instead of on a roll of their own and (b) the minimum percentage required for elections to national seats were reduced to 5 per cent, instead of 12.5 per cent, and the alternative of 400 votes were abolished. In November the Governor of Northern Rhodesia announced that violence had ceased and discussions with the political parties had been resumed.

21. Following discussions between the Secretary of State for Colonies and the major political parties, the United Kingdom Government, on 28 February 1962, announced two changes in the constitutional proposals. The first change was the abolition of the alternative of 400 votes as a qualification for national seats. It was explained that this qualification would have required an African candidate to obtain the votes of one in eight European voters, whereas a European candidate would need the support of only one in twenty-five African voters.

22. The second modification proposed was the reduction of the 12.5 per cent qualification to 10 per cent. This might work to the advantage of African candidates who would require fewer European votes than under the June 1961 formula. A European candidate, on the other hand, might require a substantially higher number of African votes under the 10 per cent formula than under the previous 400 minimum. If candidates of both races in a national constituency failed to obtain the qualifying minimum percentage of votes, another election would be held. If the minimum votes were still not reached, the particular national seat would become void. Elections based on the new constitutional proposals were expected to be held late in 1962.

Political parties

23. There are five major political parties in Northern Rhodesia: the African National Congress, the United National Independence Party (UNIP), the Liberal Party, the United Federal Party and the Dominion Party.

24. The African National Congress was founded in 1948 under Mr. Harry Nkumbula's leadership, and in 1953 Mr. Kenneth Kaunda became its Secretary-General. In 1958 Mr. Kaunda, opposing the introduction of the 1959 constitution, broke from the Congress and formed the Zambia African National Congress to boycott the new Constitution. During the 1959 emergency in the Federation, the Zambia African National Congress was banned.

25. As a result of another split in the African National Congress in 1959, the United National Independence Party was formed with Mr. Mainza Chona as President; it adopted as its policy to work for the breaking up of the Federation by lawful means. Early in 1960 Mr. Kaunda was elected President of UNIP, and Mr. Chona became its Vice-President. It has become the largest and most powerful African movement in the Territory.

26. The United Federal Party in Northern Rhodesia is a section of the United Federal Party under the leadership of Mr. John Roberts. Its policy is identical with that of the United Federal Party in the Federation.

⁵⁵ Colonial Office, *Northern Rhodesia, Proposals for Constitutional Change* (London, H.M. Stationery Office, 1961), Cmnd. 1423.

27. The Liberal Party was founded in October 1960 by Sir John Moffat, who led the Northern Rhodesia section out of the Central Africa Party in the Federation. The Liberal Party advocates secession from the Federation and the establishment of a High Commission for the three Territories on lines of the East Africa High Commission for the administration of certain matters of common interest.

28. The Dominion Party in Northern Rhodesia is a section of the Federal Dominion Party, which was founded in 1958. In October 1960 the Rhodesia Reformed Party was founded by Mr. John Gaunt with the aim of amending the Northern Rhodesian and Federal constitutions "to ensure that Government remains in the hands of 'responsible persons' regardless of race".

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

29. The Special Committee considered Northern Rhodesia at its 28th to 43rd, 52nd, 53rd, 65th, 66th and 71st meetings, on 17 April to 4 May, 16 May, 5 and 8 June 1962.

Hearing of petitioners

30. The Special Committee heard the following petitioners concerning Northern Rhodesia:

(a) Mr. Kenneth Kaunda, President of the United National Independence Party (UNIP) (28th to 33rd meetings);

(b) Sir Stewart Gore-Browne (29th to 32nd meetings);

(c) Mr. T. L. Desai (29th to 32nd meetings);

(d) Mr. A. N. L. Wina (29th to 32nd meetings);

(e) The Reverend Michael Scott, representing the World Peace Brigade. The Reverend Scott was accompanied by Mr. Bill Sutherland and Mr. Suresh Ram (65th meeting);

(f) Mr. Jaiprahash Narayan, representing the World Peace Brigade. Mr. Narayan was accompanied by Mr. Bill Sutherland, Mr. Suresh Ram and the Reverend Michael Scott (66th meeting);

(g) Mr. Robert Makasa, representing UNIP (71st meeting).

31. The Special Committee had before it supplementary information presented by UNIP.⁵⁶

32. The Special Committee also had before it the two following written petitions:

<i>Petitioner</i>	<i>Document No.</i>
The International Confederation of Free Trade Unions	A/AC.109/PET.5
The Northern Rhodesia Asian Association	A/AC.109/PET.6

33. Mr. Kaunda stated that in 1922 the Duke of Devonshire, of the Colonial Office, had declared that the interests of the indigenous inhabitants were paramount—which meant that, in the event of a conflict between the interests of the immigrants and those of the local people, the interests of the latter should always prevail. The declaration had been taken very seriously by the African population, who had always

believed it to be the right policy for any administering Power.

34. Certain petitions from European settlers to the Secretary of State for the Colonies in 1928 had stated, however, that the British colonists thought that the first duty of the British Empire was to further the interests of its subjects of British race, the interests of its other subjects taking second place; that the British settlers considered it incompatible with justice to give priority to Native interests; and that it seemed contrary to natural law to subordinate the interests of civilized Britons to the development of alien races, who had not yet been shown to be capable of substantial further advancement. Such had been the attitude of the European settlers, and it was still the attitude of the majority of the European community.

35. In 1935 the poll tax paid by Africans had been increased. The workers in the Copperbelt had asked for a wage increase. The request had been met by bullets; six workers had been killed and twenty-two had been seriously wounded.

36. In 1937 there had been talk of the amalgamation of Northern Rhodesia and Southern Rhodesia. A Royal Commission had found that in Southern Rhodesia the policy was one of "parallel development"—in other words the same policy, thinly veiled, as that followed in South Africa and known as *apartheid*. In Northern Rhodesia the official policy had still been to give priority to Native interests, and the Commission had recommended that the idea of an amalgamation should be abandoned, until experience of the two systems had been gained and the best one could be applied to both Territories.

37. When the war broke out, Rhodesian troops had gone to fight for the defence of Western democracy; they had been greatly surprised to find that, despite the common sufferings and dangers, the black soldiers were the victims of racial discrimination of the worst type—the conditions of service and even the uniforms were different—in defiance of the principles for which the African soldiers had been supposed to take up arms. While the troops recruited in that way had been fighting side by side with the British troops, the African miners in the Copperbelt had been struggling once again to obtain a wage increase, and once again, had been falling under the bullets of their British masters. During the events of 1940 seventeen workers had been killed and sixty-three had been seriously wounded.

38. At the end of the war the system of racial discrimination had become even more pronounced. Not unnaturally, the Africans had mobilized their political forces and organized themselves into political groups.

39. In 1949 the nationalist organizations had seen a danger of amalgamation being imposed through the back door and had reacted by calling together, in 1951, 1952 and 1953, big conferences of the Chiefs and their peoples, conducted by popularly elected African leaders, in order to demonstrate the hostility of the Africans to any form of federation between the two Rhodesias and Nyasaland. The Government and general public of the United Kingdom had been told in very clear terms that federation was against the interests of the Africans and would not be accepted by them in any form. But in 1953 federation had been imposed on Northern Rhodesia, despite the formally expressed will of its inhabitants. Assurances had been given in both the House of Commons and the House

⁵⁶ A/AC.109/9. This information consisted of statistics concerning the racial composition of the police force and the number of Europeans in the Regular Army.

of Lords that the Federal Government would not interfere with the political advance of Northern Rhodesia.

40. Under what had been given the high-sounding but misleading name of partnership between the races the inhabitants of Northern Rhodesia lived in four watertight compartments. The European had his own residential area with nicely paved roads and large bungalows. The Asian, who was mainly a trader, was a second class citizen and had his own residential area. The offspring of black and white, the Eurafrican, also had his own area in which to reside. Finally, there was the compound, where the native African had to live and where the systems of sanitation were out-dated. The places of work were the only common meeting places between the white man, who was the boss, and the African, who was the servant.

41. Hospitals followed the same pattern. There were European hospitals and African hospitals, and there had been times when an ambulance sent to the scene of an accident had returned empty when it had been found that the victim was an African. In the schools, too, instances of segregation abounded.

42. Also from the legal point of view the African Native was in a position of inferiority, and every African was treated as a potential criminal until he had proved his innocence. Police raids, for instance, were often carried out in the locations where Africans lived, but never in the other areas. On such occasions an African had to be able to produce an identity certificate and, if necessary, a marriage certificate, as well as a visitor's pass, if he was visiting in someone's home at the time of the raid.

43. The same discrimination prevailed in respect to work, and it frequently happened that the workers in a single industry had two labour organizations, one for Europeans and one for Africans. That situation existed not only in private enterprise but also within the local, territorial and federal administrations. In the copper mining industry, which was the economic mainstay of the entire Federation, the European Mine Workers Union, whose members were mainly from South Africa, refused to recognize the right of African workers to be given training as miners, with the result that the Copperbelt Technical Foundation had remained closed to African natives. The mining companies and the Territorial Government, however, were trying to persuade the white miners to change their attitude.

44. Discrimination between the races also led to inequality of wages. In 1957 the copper mining industry had paid an average wage of £189 to the African worker, as against £1,310 to his white counterpart. Since that industry set the standard for wages throughout the country, the inequality was to be found in all sectors, particularly agriculture.

45. Mr. Kaunda stated further that there were two political systems, urban local government and rural local government. The latter was supposed to be in the hands of African chiefs and their councillors, guided by the district commissioners and the provincial commissioners. In fact, however, those chiefs no longer had any real power and could be deposed or replaced by the Governor on the recommendation of a commissioner. The district commissioners had the right to prosecute, especially in political cases, and it was they who, as magistrates, judged and imprisoned. It was no wonder that there had been so much persecution of these political parties, whose programmes were op-

posed to the colonial policies and laws of the Federation.

46. Although the population of the Territory was overwhelmingly African, all the municipal councils in the cities and the township management boards were predominantly white.

47. The activities of his party, which had branches all over the country, were hindered by the existence of the so-called Society Ordinance and the need for obtaining "public meeting permits" before it could hold any meetings in the open. Although the law was not discriminatory in theory, it did discriminate against the indigenous inhabitants in practice, since their public meetings, being attended by large crowds, had to be held in the open, whereas the meetings attended by the Europeans, who were few in number, could be held indoors and thus did not require permits from the regulating officers. Consequently, the indigenous inhabitants were deprived of freedom of association and freedom of speech. Nor did they enjoy freedom of movement; there were certain areas in the country which he and his colleagues were not allowed to visit. The penalty for violating that ban was imprisonment for a term not exceeding six months or a fine not exceeding £10. The presence of the police at public meetings was altogether unwarranted, since the African leaders had repeatedly demonstrated their ability to control their followers.

48. In 1958 the Governor had banned the political meetings of the Zambia African National Congress throughout the country, Mr. Kaunda continued. As a leader of the people he had deemed it incumbent on him to defy the ban, with the result that he had been arrested. After three months in enforced residence he had been rearrested and sentenced to nine months' imprisonment. As the Zambia African National Congress had been banned by the authorities, his friends had formed the United National Independence Party, whose leader he had been invited to become upon his release from prison in January 1960.

49. Although it had been made clear to him that it had been the intention of the United Kingdom Government to offer Northern Rhodesia a Constitution similar to that of Nyasaland, pressure from Salisbury, Sir Roy Welensky and interested people in London had caused the United Kingdom Government to vacillate a great deal, with the result that in June 1961 it had announced a Constitution far removed from the original scheme, which had given his party some hope of a clear African majority.

50. Under the new proposals the limited franchise was to continue. The Legislative Council would consist of fifteen lower-roll members, fifteen upper-roll members and fifteen "national" members. Northern Rhodesia, with a population of 3 million, would have a total electorate of approximately only 100,000 persons. Of the fifteen "national" members of the proposed Legislative Council, one would be elected by the Asian community; Asians would not be allowed to vote for the other national candidates. Of the remaining fourteen members, who would come from seven double-member national constituencies, four would be white, four black, and the other six could be either white or black. The division of the electorate into upper and lower rolls did not apply in the case of the national seats. On the other hand, a successful candidate must obtain at least 12.5 per cent of the vote, or 400 votes—whichever was less—cast by electors of the opposite

race. Thus, despite the high-sounding declarations that a non-racial society would be created in Northern Rhodesia and that the new Constitution would help the people towards the formation of such a society, the Constitution was a racial document.

51. Furthermore, the requirement for certain minimum support from the electorate of the opposite race in effect operated in favour of the European candidates. Given the expected size of the electorate, to which he had already referred, a national constituency would consist of approximately 10,000 African voters and approximately 3,500 white voters. To be elected, a European candidate for a national seat would need 400 African votes, or only 4 per cent of the African electorate, whereas an African candidate, in view of the small number of European voters, would require the votes of the full 12.5 per cent of the white electorate. For that reason his party had rejected the proposals, whereas the United Federal Party, after rejecting the February proposals, had accepted the June Constitution, which gave it a built-in majority.

52. No self-respecting African nationalist leader could remain passive while the rights of his people were trampled on by the white extremists. He had therefore issued a call for non-violent action and had given the lead by burning his identity certificate in public. That was one of the documents which Africans were supposed to carry under the pass system in force in Northern Rhodesia. His followers had followed his example. Since his party had not wanted the situation to get out of hand, it had confined its campaign to the four Western provinces. The authorities had reacted by sending large numbers of police assisted by the so-called Security Forces—Sir Roy Welensky's soldiers from Salisbury—into those areas. The police and the soldiers had ill-treated the people, burned their villages and stolen their possessions. Although fifty indigenous inhabitants had been shot dead by the so-called Security Forces and over 2,500 had been imprisoned, not a single policeman or soldier had been killed, despite the fact that the Security Forces had often been outnumbered by his followers, and at their mercy. That was a clear indication of the discipline of his followers.

53. The account of the events between July and October 1961, which the Government of Northern Rhodesia had issued, had not even been signed. He still insisted that if the United Kingdom Government or the Northern Rhodesian Government had nothing to hide, they should send an independent commission of inquiry to look into the disturbances and establish who the guilty parties had been. As long as that was not done, he would keep on saying that the authorities had something to hide.

54. Recently some minor amendments had been made to the 1961 Constitution, but it was no less discriminatory than before. Nevertheless, his party had announced that it was prepared to participate in the forthcoming election, provided that five conditions were met: first, that the Federal Review Conference should be postponed until after the elections; secondly, that all political prisoners should be released; thirdly, that the Commission to delimit the constituencies should be independent and should be led by a judge from the United Kingdom; fourthly, that the elections should be held earlier than October; fifthly, that the ban on all political parties and leaders should be lifted.

55. As long as the Federation remained in being, the people of Northern Rhodesia would encounter diffi-

culties. Despite the fact that under the terms of the Federal Constitution the Federal authorities were not allowed to interfere in any way in the constitutional development of Northern Rhodesia, Sir Roy Welensky had been planning to act unconstitutionally towards Northern Rhodesia. The white population under his leadership was becoming increasingly interested in partitioning Northern Rhodesia and annexing its most highly developed areas to Southern Rhodesia with a view to eventual union with the Republic of South Africa. Such a plan would be unacceptable to the African people of Northern Rhodesia, who would sacrifice their lives rather than accept partition.

56. In the light of that evidence and of Sir Roy Welensky's plans and intrigues, he had no alternative but to request the Committee to make strong representations to the United Kingdom Government to the effect that the Federation should be dissolved immediately. There could be no compromise on that point, for the continued existence of the Federation would create chaos in the country, cause suffering to more people and render stability impossible.

57. Under the present arrangement, funds which could have been spent on social services for the population were being spent on the police and the armed forces. Thus in 1961-1962 the Government of Northern Rhodesia had spent £3,424,302—or about 20 per cent of total government expenditure—on the police, and £3,196,777 on African education. According to government statistics for 1960, only about half the African children of school age were actually attending school. Only 266,101 children could get education for six years, only 16,435 could hope to complete eight years at school and only 250 could ever hope to complete secondary education. Higher education was the responsibility of the Federal Government. He would point out in that connexion that the Government's appropriations for armaments amounted to £8 million, or 15 per cent of total expenditure.

58. The Rhodesian army consisted of two sections. One of them, 6,000 strong, was all white, and the other consisted of African units with white officers. The Royal Rhodesian Air Force was composed entirely of white men. In addition to those forces, Sir Roy Welensky was in a position to mobilize the Territorials, a force of white men between the ages of eighteen and fifty.

59. With the exception of a short common border with Tanganyika and Nyasaland, Northern Rhodesia was entirely surrounded by hostile territory. In the circumstances, the United Kingdom Government should assure the Committee that, in the event that Sir Roy Welensky might send his troops to attack the people of Northern Rhodesia, the United Kingdom would send its own troops to protect the African people and the liberal element among the whites in Northern Rhodesia. It was possible that Sir Roy Welensky might try to prevent the implementation of the new Constitution before the elections, which would probably take place in August, September or October 1962.

60. Northern Rhodesia should be granted immediate independence. The people of Northern Rhodesia were quite ready to rule themselves, despite the fact that the United Kingdom Government had done so little to train them for that task. The United Kingdom Government had failed to discharge its responsibilities towards the African people whom it claimed to protect. In the circumstances the people of Northern Rhodesia could

no longer trust the United Kingdom to continue as the protecting Power.

61. Under the United Kingdom laws at present in force in Northern Rhodesia, a man was treated according to the colour of his skin. In the independent State of Zambia there would be one law for all, since the people did not intend to remove one form of oppression only to replace it by another. They subscribed to all the principles of the United Nations, one of which was the condemnation of oppression. His party was ready to consider incorporating a bill of rights into the Northern Rhodesian declaration of independence, so that all the minority groups in the country, whether black, brown or white, should feel that their future was assured. They need not fear that, once their capital and their knowledge were no longer necessary, they would be expelled from the country.

62. If an African majority emerged in the forthcoming elections, the people would demand immediate national independence Mr. Kaunda said in conclusion. If, as he feared, the Constitution proved unworkable and the indigenous inhabitants failed to secure the required majority, they would ask the United Nations to call upon the United Kingdom Government to grant a Constitution that would ensure immediate majority rule leading to national independence at an early date. He therefore requested the Committee to bring their demand for immediate self-determination and national independence before the General Assembly.

63. Sir Stewart Gore-Browne said that he had little to add to Mr. Kaunda's account of the events of recent years in the Territory. His only claim to speak before the Committee was that he had been in the country for a long time and that for a number of years he had been part and parcel of the governing body, though not a member of the Government and in fact frequently in opposition to it. For part of the time he had represented settlers and for the greater part of the time he had been an unofficial representative of African interests in the Legislative Council; in that capacity he had travelled extensively in the Territory and had been in close touch with the African people.

64. He wished to correct a very common error about Northern Rhodesia. Sir Roy Welensky, Sir Edgar Whitehead and others had been trying to convince the United Kingdom Government and the British people that the three million Africans in Northern Rhodesia wanted nothing better than what was called "partnership" and that all the trouble was due to agitators. The real truth was far different. From the time when he had first visited Northern Rhodesia, in 1911, he had found that the people had a deep-rooted mistrust of the Government of Southern Rhodesia. That had also been the experience of the Bledisloe Commission of 1938. It was therefore unfair to claim that all that was necessary was to put the agitators in gaol and to enforce law and order and avoid intimidation.

65. Another point which he wished to make referred to the question of partition. The plan, which had been put forward about the end of the First World War, had been to add the Copper Belt and the settled farming areas to Southern Rhodesia and to join Northern Rhodesia and Nyasaland. Northern Rhodesia, even with the addition of Nyasaland, would be unable to exist without its one source of income, the Copper Belt. There was a European political party in Northern Rhodesia which supported the idea of partition and there had been indications that the United

Kingdom Government regarded it with favour. He therefore felt it necessary to make clear that partition would not work.

66. Forty years earlier Northern Rhodesia had been a peaceful and happy country and on the whole race relations had been very good. That situation had continued after the Imperial Government had taken over in 1924 and most of the white people had looked forward to obtaining responsible government on the same lines as Southern Rhodesia. In 1926, however, Lord Passfield, the Labour Party's first Colonial Secretary, had proclaimed that in the event of a clash between the interests of the Africans and those of the settlers, the interests of the Africans would be paramount. That announcement had caused consternation among the white settlers, and as a result virtually all of them had decided to support amalgamation with Southern Rhodesia.

67. The idea of federation had been suggested to Sir Roy Welensky in 1946 by the then Secretary of State for the Colonies. Sir Roy had been favourably impressed and in due course had converted Sir Godfrey Huggins, then Prime Minister of Southern Rhodesia, to the idea of federation, Sir Stewart Gore-Browne continued. At first he himself and many others had felt that a federation might be devised which would have the advantage of amalgamation without its disadvantages, one of the principal ones of which was that Southern Rhodesia would want a considerable share of the profits from the copper mines and of labour from Northern Rhodesia. Another major disadvantage was the different attitudes in the two Territories towards the Africans.

68. As far as the Africans were concerned, disapproval of federation was practically unanimous all over the country and from that time on he had therefore spoken and voted against it. Between then and the time at which federation had been approved by the United Kingdom Parliament, Northern Rhodesia had not been consulted on the subject. There had been no referendum as there had been in Southern Rhodesia. The people of Northern Rhodesia strongly opposed being linked to a country of which their distrust was, in the words used by the Monckton Commission, almost pathological. The Constitution had been forced upon the people of Northern Rhodesia and in the event of any further action of the kind he could not say what the consequences would be.

69. Mr. Desai said that he was a British subject and that he had been living with his wife and family in Northern Rhodesia for the last twenty-eight years and had invested all his wealth there. He felt very strongly about the degradation to which the majority of the inhabitants of Northern Rhodesia, including Africans, Asians and moderate Europeans, were subjected under the settler Government, and he wished to appeal to the Committee and through it to world opinion, to help the people to rid themselves of the brutal system of minority rule.

70. There was a danger that colonialism, though discredited as a political philosophy, might be maintained in a different guise. Indeed, he had reason to believe that there was an unholy alliance between a financial group in the ruling party of the United Kingdom and the Rhodesian Federal Government, the intention being to hand over effective powers in Northern Rhodesia to the Federal Government. Thus the fears of the inhabitants were twofold: fear of the administering Power and fear of the Federal Govern-

ment which aspired to supplant it. Over eight million Central Africans regarded the Federation as an imposed alien institution; only 3 per cent—those with vested interests in the present political system—gave it any loyalty. The Federation had not brought Northern Rhodesia the viable agricultural system and the secondary industries it needed; it had brought political hatred and economic recession, which would intensify unless the Territory seceded. That step would ensure industrial prosperity and the relative political stability which was impossible under the rule of an alien minority.

71. If power was not transferred to the African majority very soon, there was every possibility that frustrated and desperate African discontent might become uncontrollable, and the result would be chaos, revolt, bloodshed and economic ruin. If, however, power was transferred to the people, the majority of Zambians had no doubt that a mature and representative political party such as UNIP, of Northern Rhodesia, with leaders of Mr. Kaunda's stature, and with branches in every village and hamlet, would soon be able to bring stability to the country and ensure security and progress.

72. The Northern Rhodesian Constitution recently announced by the United Kingdom was completely racist. Although many of the Asians in the Territory were British subjects, they had been allocated one special seat and had been debarred from voting for the "national" seats. That was in line with the general position of Asians under the Federal Government. Asians had been forced to become traders, for there was no employment open to them in the Government, in the mines or on the railways, simply because of the colour of their skin. Moreover, each racial group had its own schools, and Asians had no facilities for secondary education. There were also separate residential areas for Asians, and the Government would still not allow a residence in a predominantly white area to be sold to an Asian.

73. Mr. Wina said that he had been born in Northern Rhodesia and was proud of being a Northern Rhodesian. Northern Rhodesia represented a crucial point in the problem of the domination by a European minority group of millions of local inhabitants, for it constituted, as it were, a barrier preventing the freedom movements from passing southwards from the Congo and Tanganyika. To the east and west, in Mozambique and Angola, other freedom movements were seething. In that central situation, Northern Rhodesia still hoped to be able to solve its problems without violence, but he felt it his duty to say that the mood of the people of that Territory had reached a point of no return, and it could not remain unchanged for much longer.

74. To most of the minority white group, coming as they did from South Africa, the only pattern of life to which they had been accustomed had been that of the Blacks as slaves and the Whites as masters. Following the imposition of federation in 1953, there had been various attempts to consolidate white power, one of which had been the law for the control of inter-territorial peoples, passed in 1958. Under that law, the African leaders of the three Territories of the Federation had been prohibited from going from one Territory to the others. Another method was the Public Order Law controlling the holding of public meetings. Before a permit for a meeting could be obtained, an assurance

had to be given to the District Commissioner that nothing embarrassing to the local administration would be said. The Emergency Powers Act gave the Governor power to arrest anyone on the suspicion that he might be a threat to law and order. Under the Societies Law controlling the formation of political clubs, the Registrar of societies could declare a society disbanded if he suspected that its political activities were threatening the established system of white domination. Under the Riots Damage Act, some Africans had been expected to pay damages simply because they lived in an area where damage might have been done to European property by an African political meeting or by dissatisfied elements.

75. Besides the statutory provisions that were designed to consolidate European power, there had been various political activities, including the acceleration of European immigration. Assistance had been given to white immigrants from all over the world and Sir Roy Welensky had been optimistic enough to hope that they might outnumber the Africans within five years. Between 1951 and 1959 the European population in Northern Rhodesia had increased from about 7,000 to about 33,000. Some of the immigrants had obtained work on the railways, where Africans were not allowed to drive a locomotive engine; some had obtained employment in the mines, where discrimination still prevented Africans from doing skilled work, and others had become postal clerks—work which many Africans could perform if they were given the opportunity to do so.

76. Another political action had been the 1957 agreement between the Federal Government and the United Kingdom Government under which the responsibility for internal affairs of the whole area was to be transferred to the Federal Government; that had been tantamount to declaring the Central African Federation independent. Lastly, there had been the 1958 Constitution for Northern Rhodesia, which had granted even more power and responsibility to the local white settlers. All those political acts, combined with the legal provisions, placed the African in a hopeless position unless he resorted to desperate measures.

77. The social and economic aspects of the white domination also deserved mention because they proved that the aim was not merely political domination but also the economic exploitation of the African masses. Copper, together with other minerals, accounted for more than 50 per cent of the country's net domestic product and about 90 per cent of the total exports. Despite that prosperity, however, 71 per cent of the population of Northern Rhodesia were still living at subsistence level. The secondary industries had been channelled away from Northern Rhodesia to Southern Rhodesia, and even the mining industry had failed to provide a sizable market for local material. Whereas the European population constituted roughly 3 per cent of the population of the Territory, it accounted for 15 per cent of the total labour force in the mining industry. Moreover, while 50 per cent of the Europeans earned over \$3,000 a year, only 3 per cent of the Africans earned more than \$600 per year.

78. The educational system was even worse, Mr. Wina continued. In 1944 only forty-nine students in the whole of Northern Rhodesia had been enrolled in the only African secondary school in the country. By 1960 only 0.9 per cent of the few pupils attending school had had a chance of getting a secondary educa-

tion. The Triennial Survey, 1958-1960, of the Northern Rhodesian Ministry of African Education revealed that in 1960 approximately 60 per cent of the children of school age had obtained places in school and that for the other 40 per cent there had been no room. Of the 60 per cent, only 16 per cent could hope to have six years of education; facilities were available for the rest only for four years. Only two or three out of every hundred could ever hope to obtain a university education. On the other hand, the ratio of European children to teachers in Northern Rhodesia compared very favourably with the ratio in England, Australia or New Zealand.

79. As far as health was concerned, the Monckton Report of 1960 stated that there were thirteen Government hospitals for fewer than 73,000 persons of European descent and seventeen hospitals for over 3 million Africans. That represented 10.3 beds per thousand Europeans and about 3.5 beds for the same number of Africans. That figure was particularly distressing in the light of the fact that the incidence of disease among Africans was far greater than among Europeans.

80. The Reverend Michael Scott said that the World Peace Brigade intended to organize a freedom march in support of a proposed national strike in Northern Rhodesia protesting against the inadequate constitutional forms of expression provided for Africans under the Northern Rhodesian Constitution and the Federal Constitution of Rhodesia and Nyasaland. On the arrival of the Brigade in Tanganyika, Mr. Kawawa and Mr. Kaunda had made a joint declaration welcoming its support and declaring that such direct action might prove to be the key to the liberation of Central and Southern Africa. For the purpose of co-ordinating the efforts of various organizations, "Africa Freedom Action" had been formed, with the participation of the Pan-African Freedom Movement for East and Central Africa (PAFMECA), the Tanganyika African Union, UNIP and the World Peace Brigade. When the United Kingdom Government had made known its proposals for the Constitution of Northern Rhodesia, however, Mr. Kaunda and his party had decided that every possible concession of constitutional rights should be fully utilized and that, subject to the fulfilment of five conditions, of which the Committee was aware, his party should take part in the election campaign; it had been further decided that the proposed march should be held in readiness, in case it proved impossible for his party to achieve its aim of independence by means of the proposed Constitution. Meanwhile a conference of the Freedom Co-ordinating Council of PAFMECA had been convened, and a mass rally had been held at Mbeya (Tanganyika), near the frontier of Northern Rhodesia, on 13 and 14 May 1962.

81. Most of the African parties in the three Territories in the Federation of Rhodesia and Nyasaland were opposed to the Federation, and Nyasaland, which now had an African territorial government, was demanding secession from the Federation. The United Nations was therefore confronted with an extremely complex problem in Central Africa which might have very serious repercussions on the peace and security of a large section of the whole continent. Events in Algeria and in the Congo had illustrated, too, what waste, destruction and suffering could be caused by political breakdowns and the failure to find adequate constitutional means of solving problems of conflicting interests and national ambitions. A similar failure in

Central Africa might prove even more disastrous for world peace. It was in view of that danger that the World Peace Brigade had decided to call attention to the struggle in Northern Rhodesia. Peaceful resistance to injustice, tyranny and deprivation of rights was part of the struggle for peace, for an outbreak of violence in Central Africa could lead to the intervention of either or both sides in the power struggle between the so-called East and West. The maximum resistance must therefore be offered to any policy which would lead to frustration and violence between contending groups and interests.

82. No constitution could ever be acceptable to the African people of Northern Rhodesia if it denied the ordinary democratic principle of majority rule. The Brigade believed that non-violent resistance to existing injustices constituted the foundation for a future of interracial co-operation in Northern Rhodesia. At present, there were grounds for anxiety because die-hard forces were still striving to retain domination. Use was being made of administrative power to discriminate against UNIP, and that party cited many cases of subsidized violence; in a recent case it was alleged that seven people had been killed, that no official inquiry had been held and that the criminals had been allowed to go free. It was widely believed that they had come from Katanga. He himself had spoken to people from Northern Rhodesia who claimed that they had been beaten and tortured for no other offence than that of political activities. The United Nations should press for the investigation of such charges by a commission of enquiry such as that undertaken by Justice Devlin in Nyasaland.

83. It was to be hoped that the United Nations could induce the powerful industrial and economic interests in Central Africa to make a drastic reappraisal of their position. About 100 industrial corporations formed an integrated network which covered the whole of Central and Southern Africa. Those corporations assisted each other under mutual assistance programmes and they were co-ordinated by means of interlocking directorships. The only answer would be for some measure of international control over such potentially anti-democratic economic influences, to be exercised by means of a United Nations agency. Otherwise violence would take over where law founded on justice ended. In addition, joint economic planning by the African nations should be encouraged as much as possible.

84. In conclusion, the Reverend Michael Scott suggested that the United Nations might usefully consider the possibility of applying the principles of regional planning to the industrial development of those mineral-rich areas; at the same time, it should help the people of those Territories to understand the magnitude of the task of reconstruction and to choose the political forms and instruments by which they could plan their own future to accord with their immense potentialities. How could the necessary industrial development be undertaken to eliminate the evils of migrant labour, make provision for the expansion of skills and the permanent settlement of population, and establish the sense of security which would attract the capital necessary for these undertakings? The United Kingdom Government should be urged to institute a judicial inquiry into alleged past abuses in the administration of justice. With regard to the body of experts announced by Mr. Butler, the latter should be urged

to appoint experts capable of commanding the confidence of the people concerned, as had been the case in various other United Kingdom territories where rapid constitutional progress had been made. What was at stake was the whole future of constitutional progress in Africa. The task was nothing less than that of finding an economic, social and political alternative to *apartheid*; it would call for the maximum understanding and co-operation on the part of all concerned without too much regard for considerations of prestige and power politics. The alternative was the prospect of mounting tension culminating in a reign of violence and a repetition of the destruction, waste and misery from which Africa had already suffered too much.

85. Mr. Narayan said that, as one of the three co-chairmen of the World Peace Brigade, he associated himself with the statement made at the previous meeting by the Reverend Michael Scott. The aims of the Special Committee and the Brigade were similar, and the Brigade's activities were helping the Committee in its work. Since the peoples of the world should join forces to help those who were suffering under colonial rule or racial or other injustice, he had taken part in a recent PAFMECA rally, where he had been impressed by the sincere humanity of such leaders as Mr. Kenneth Kaunda and Mr. Julius Nyerere. Mr. Kaunda was a man of peace who was trying to exhaust every constitutional possibility: he hoped Mr. Kaunda would not find it necessary to take positive action to secure for the people of Northern Rhodesia the democratic rights set forth in the Charter. If that hope was disappointed, the Brigade had pledged itself to support Mr. Kaunda in his non-violent action. Volunteers from all continents, of whom he would be one, would join in a freedom march, starting somewhere in Tanganyika, crossing the Northern Rhodesian border and moving towards Lusaka. They were prepared to face any action which the Federal or Territorial Government might take to stop them, but they fervently hoped that such a non-violent confrontation would not be necessary and that the United Kingdom Government would accept the just demands of the Northern Rhodesian people and the Committee's recommendations.

86. The October elections were to be held under a constitution which was fit for a museum and was biased in favour of the white-settler minority. It was not clear whether they would result in an African majority. If they did not, the Northern Rhodesian people would have to carry on their struggle by other peaceful and non-violent means. As a follower of Mahatma Gandhi, he believed that ends must be consistent with means and he wished to emphasize the importance of peaceful means in the settlement of international disputes. World peace could not be achieved by means which denied peace.

87. In conclusion, he said that the destiny of Africa might be to create the first truly human society, in which everyone would enjoy equal rights without distinction of colour, faith or of any other kind. That was a task of world importance, since every right-minded person now believed in one world: but it was only by peaceful and non-violent means that the African leaders and peoples could create the multi-racial society of equality and justice of which they spoke.

88. Mr. Makasa (United National Independence Party) thanked the Committee for the opportunity to present additional important information relating to the

party's campaign in favour of independence for Northern Rhodesia and the dissolution of the Federation. He recalled with gratitude the sympathetic hearing which that Committee had given to Mr. Kaunda, the National President of UNIP, and the immediate steps it had taken to bring to the attention of the United Kingdom Government the five conditions which would make it possible for UNIP to consider participation in the forthcoming elections. Since the Committee was at Dar es Salaam, his party would be able to add to the record details of the intimidation and brutally instigated by settlers and powerful economic interests in the mistaken idea that continued white domination would protect their interests. Mr. Kaunda had already described in some detail the intimidation and repression to which the Africans in Northern Rhodesia had been subjected during the past year. For that he had been called an "unmitigated liar" by Sir Roy Welensky and others. However, there were men present in the Committee room who had been tortured, deprived of their property, driven from their homes and denied the elementary human rights—men such as Mr. Henry Kachinga, Mr. Francis Mwenya and Mr. Lucian Chibwe, all officials of UNIP. Mr. Victor Ng'andu, from the Chinsali area to which Mr. Kaunda had been denied access when investigating charges of intimidation in the Northern Province, was also present and prepared to tell the Committee of past and present repression.

89. With regard to developments in Northern Rhodesia since the end of April 1962, when Mr. Kaunda had appeared before the Committee, and since Mr. Butler's visit to the Territory, it appeared that there would be no Federal Review before the territorial elections, despite Mr. Butler's assurance that Mr. Kaunda need have "no special anxiety" so far as his conditions for considering participation in those elections were concerned. As regards the particular conditions advocated by the Special Committee, there was a promise of an impartial delimitation commission. On the question of the non-nomination of members to "national" seats, there were disturbing rumours of a second election for those seats alone if they were not filled. With regard to the other three conditions there was great cause for worry: there appeared to be no hope for the release of political prisoners, and the atmosphere of intimidation continued in many areas as well as definite restrictions on movement and political activity. As recently as April, seven people had been murdered as suspected UNIP members, but the authorities had remained strangely silent, and it did not appear that the murderers would ever be brought to justice.

90. Mr. Makasa went on to say that UNIP appealed to the Committee for help to avoid a catastrophe. It was making every last effort to use constitutional means to achieve its aims but could foresee clearly that the settler-dominated Governments intended to create conditions that would lead to an emergency, if it appeared that UNIP was going to win a true African majority. It could be expected that the campaign of intimidation would be stepped up to the point where the authorities would be virtually waging war against the Africans—either directly or through fellow-Africans who had been bought by the powerful economic interests with whom the authorities were conspiring. Under the guise of emergency regulations to maintain "law and order", they would make one last desperate attempt to turn back the clock of history. His party would like to have addressed that appeal to the United Kingdom Government, but Mr. Butler was on record as having

stated that he would be behind the Government if they had to take any steps to put down intimidation. But it might be asked whether Mr. Butler would stand behind the 8.5 million Africans of Central Africa in their efforts to stamp out intimidation by the settler Governments themselves. If not, it might perhaps be willing to delegate some of its responsibility in Central Africa to the United Nations.

Observations by members of the Special Committee

91. The representative of the United Kingdom wished to make it clear that there was no question of the United Kingdom Government attempting to establish any form of association in Central Africa which was not acceptable to the peoples concerned. Any solution of the problems in the Federation and its constituent Territories would have to obtain general acceptance. The United Kingdom Government remained bound by the preamble to the Federal Constitution, which provided that Northern Rhodesia and Nyasaland would continue to enjoy separate Governments for so long as their respective peoples so desired, those Governments remaining responsible, subject to the ultimate authority of the United Kingdom Government, for the control of land in those Territories and for the political advancement of their peoples.

92. With regard to the question of racial discrimination, the United Kingdom Government had never claimed that relations between the races in Northern Rhodesia were perfect. Such a situation was beyond the power of government action, since racial harmony depended upon the attitude of the members of each community. The abolition of discrimination was, however, the declared objective of government policy and the Government of Northern Rhodesia had taken prompt administrative and legislative action whenever it had felt that such action would help towards that objective.

93. The most striking example of such action had been the Race Relations Ordinance of 1960, which made it unlawful to practise racial discrimination in such places as tearooms, cafés, restaurants and hotel dining rooms, and which provided sanctions against persons practising such discrimination. It also provided for the establishment of a Central Race Relations Advisory Committee and District Race Relations Committees, of which some sixteen were now in being. The functions of the Central Committee were to recommend to the Government action for improving race relations and measures for removing or remedying complaints or grievances, while it was the duty of the District Committees to take action to foster good relations between various races in their districts and to promote reconciliation between parties involved in disputes on racial matters. The Ordinance also provided for the establishment of Race Relations Boards, which were empowered to investigate complaints in connexion with racial discrimination passed to them by the District Committees when the latter were unable to reconcile the parties concerned and to impose sanctions in cases where the Ordinance had been contravened.

94. The Ordinance had found general acceptance among all members of the community. Very few complaints regarding racial discrimination had been received in 1961, and in no case had it been necessary to impose the sanctions provided for under the Ordinance. Furthermore, laws which might have discrimi-

natory provisions had been systematically reviewed and repealed as opportunity permitted.

95. It had been alleged that social life in Northern Rhodesia was organized in water-tight compartments on a rigid and deliberate basis of segregation. There had admittedly been some segregation, for historical reasons, but it was no longer true that an African could not live in a European area except in the domestic service of a European. Africans, like everyone else, were entitled to find their own accommodation in any area. The Government was constantly seeking ways of breaking down the separation of the races.

96. In the field of administration it was the policy of the Northern Rhodesian Government that all posts in the Civil Service should be open to all inhabitants of the Territory, regardless of race, colour or creed. One of the tasks of the Public Service Commission set up in January 1961 was to ensure that promotions and appointments were made on a non-racial basis from local persons with the necessary qualifications. In the past the number of Africans in the higher level of the Civil Service had been limited by the smaller number of qualified candidates, but that position was now changing, as more and more educational and training facilities became available to Africans. A training section had been set up to give special attention to the training of local personnel, and a College of Further Education was expected to open in Lusaka in 1963. Meanwhile, increasing use was being made of the University College of Rhodesia and Nyasaland for degree and diploma courses in public administration. All those facts showed that the Northern Rhodesian Government was pursuing an active policy of Africanization.

97. With regard to allegations of discrimination in the copper mining industry, agreements had now been concluded between the companies and employee organizations which clearly established that entry to all posts was governed by the ability, qualifications and experience of the applicant. Certain questions remained to be settled, however, and a commission of inquiry had been appointed by the Northern Rhodesian Government to examine all issues still in dispute in the copper mining industry.

98. The purpose of the Northern Rhodesian Constitutional Conference held in London in December 1960 had been to find an agreed basis for the next phase of constitutional advancement in Northern Rhodesia. The solution to be sought had both to meet the natural aspirations of the peoples of the Territory and to provide for the maintenance of a stable government and an efficient and developing administration. At the opening stage of the Conference there had been a wide divergence of views between the parties represented there and the first object of the United Kingdom Government had been to reconcile them as far as possible. Mr. Macleod, the Minister responsible for Northern Rhodesia at that time, had therefore taken the initiative in setting forth the lines on which the United Kingdom Government felt that a solution should emerge.

99. When no general agreement had proved possible on those lines, the United Kingdom Government had decided to place concrete proposals before the Conference for the next phase of constitutional advance. Those proposals had provided for an enlarged Legislative Council of forty-five elected members, fifteen from upper-roll seats, fifteen from lower-

roll seats and fifteen from national seats, and for an enlargement of the franchise to bring up to 70,000 Africans onto the lower roll and between 2,500 and 3,000 onto the upper roll, on which there would be some 24,000 Europeans. In the case of the national seats, both rolls would vote together and candidates, in order to qualify, would have to obtain a prescribed minimum percentage of the votes cast on each roll, after which the voting power of the two rolls would be equalized by averaging the percentage of votes cast on each roll for each candidate. In addition to the elected members, there would be up to six official members, while the Governor would retain general powers to add to the Council such number of nominated members as the United Kingdom Government might from time to time direct. It was essential that the Governor should retain such power to extend the use of nomination in order to ensure that the government of the Territory could be maintained in abnormal circumstances, but the power would be used sparingly and only in the last resort. It was not envisaged that more than one or two such members would be appointed. Normally, control of the Legislature by the Government would be maintained by those unofficial members of the Legislature who were appointed to the Executive Council, together with any non-officials appointed as Parliamentary Secretaries and sitting on the Government side of the Legislative Council. The Executive Council would consist of three or four officials and six non-officials, of whom at least two would be non-official African members of the Legislative Council.

100. Although those proposals had not fully met the views of any of the parties at the Conference, there been general acceptance of the main features, such as the size of the Legislature and the franchise. Disagreement had centred on the proposals for the fifteen national members. In June 1961 the basis of the minimum percentage required was changed from a straight percentage of the votes on each roll to a percentage of 12.5 or a numerical alternative of 400 of the votes of each race, whichever was the less. Candidates would also have to obtain at least 20 per cent of the votes cast on one or other of the rolls. Fourteen of the national seats would be elected in that way, while the fifteenth would be elected by the Asian community and by those members of the coloured community who did not opt to be classed as Africans or Europeans for the purpose of voting in the other national seats.

101. African opinion had felt very strongly that the new proposals were unfairly biased in favour of the European parties. In his statement of 28 February 1962, announcing the United Kingdom Government's decision on the matter, the new Minister, Mr. Reginald Maudling, had admitted that there were legitimate grounds for the complaint that the practical effect of the numerical alternative was that African candidates would be required to obtain the support of one in eight of the European voters, whereas Europeans would only need the support of about one in twenty-five of the African voters. It was felt that it would be more in accordance with the purpose of the proposals if candidates were required to obtain the same minimum proportion of the votes, and the numerical alternative had therefore been abolished and the minimum percentage reduced to 10 per cent. No other changes had been proposed.

102. The franchise arrangements were admittedly complex, but so was the political situation in Northern Rhodesia. Members of the Committee might wonder why universal adult suffrage could not be introduced immediately. Mr. Macleod's remarks at the opening of the 1961 Conference were the best commentary on that point. After explaining that the pattern of democratic evolution everywhere had been to relate political advancement to social responsibility and to proceed to universal suffrage by the gradual road of qualified franchise, Mr. Macleod had said that it would be wise in Northern Rhodesia to follow the same road and that it would not be in the interest of the Territory's development for the Conference to consider the principle of universal franchise; an extension of the franchise was, however, essential, in order to allow greater representation of African opinion in particular. The United Kingdom Government felt that the franchise arrangements now agreed on were those most suited to the present degree of constitutional advancement in Northern Rhodesia, although they were only stages on the road to universal suffrage and not the final solution. They had already come into force, or would shortly do so, and would provide the framework within which the forthcoming general elections would be fought.

103. The elections would be held at the earliest practicable moment, as soon as the delimitation of constituencies, the registration of voters and the preparation of the necessary legal instruments had been completed. Those were complex procedures, however, and it was doubtful whether they could be completed before autumn 1962. All political parties would enjoy freedom to conduct their election campaigns, subject only to the normal considerations of the maintenance of law and order.

104. No persons were imprisoned in Northern Rhodesia without trial and there were no political prisoners. Any members of political parties who were imprisoned were there as a result of conviction on criminal charges. The description which the Committee had heard of the membership figures and detailed organization of one of the political parties in Northern Rhodesia did not suggest that freedom of political activity was seriously restricted. Moreover, it should be remembered that few opposition parties anywhere were fully satisfied with all the actions of the Government in power. The accusations of interference and oppression that had been made before the Committee were part of the armoury of every political party.

105. The representative of India stated that the only lasting solution to colonial problems lay in the granting of constitutions which were acceptable to, and not imposed upon, the dependent peoples. Yet in Northern Rhodesia all the constitutional reforms had failed to take the wishes of the vast majority of the people into account. The United Kingdom Government should immediately grant universal adult franchise to the people of Northern Rhodesia and declare its intention to grant them complete freedom and independence. After independence had been attained, it would be for the African people to decide whether they wanted to enter any federation.

106. Appalling conditions now prevailed in Northern Rhodesia: in violation of the provisions of the Universal Declaration of Human Rights, the will of the African people in Northern Rhodesia was denied expression, there was no universal and equal suffrage

for the non-Whites, the electoral system made a mockery of democracy, people were grouped into upper and lower categories, and fundamental political liberties, such as freedom of speech, of assembly or of movement, were not always available to the Africans and their leaders. Even in the field of welfare the record of the administering Power had not been particularly enlightened or progressive.

107. Sir Roy Welensky, the Federal Prime Minister, had stated as recently as 31 March 1962 that he was not prepared to accept a solution leading to the disappearance of everything which he and his United Federal Party had built in Central Africa. The edifice in question rested, however, on the exploitation of millions of Africans by a handful of Whites. The thesis of white domination was totally unacceptable to all civilized peoples and completely abhorrent to the Indian delegation.

108. He appreciated the difficulties of the United Kingdom Government, which had ultimate authority for what was happening in the Central African Federation, and its anxiety to obtain a solution that would broaden the area of agreement and would ultimately lead to the attainment of independence by Northern Rhodesia. However, the latest constitutional reforms were thoroughly inadequate and inappropriate. The indigenous inhabitants of Northern Rhodesia should participate fully in the government of their country, if there was to be peace in the area. The presence of 70,000 African voters on the lower roll out of a population of 3 million could not be described as a constitutional revolution. The property, income and educational qualifications for the franchise even on the lower roll were too high for the vast majority of the African people.

109. The new Constitution had been rejected both by Sir Roy Welensky and—for entirely different reasons—by the Africans. Although Mr. Kaunda felt that it could only lead to a political stalemate and would not provide the stable government of which Northern Rhodesia was greatly in need, he had none the less indicated his willingness to accept that totally unworkable and racist document, provided that the five highly reasonable conditions which he had enumerated previously in the Committee⁵⁷ were fulfilled. Mr. Kaunda had told the Committee that once an African Government was established in Northern Rhodesia, it would ask for immediate independence and would draw up a fresh constitution, based on universal adult suffrage.

110. His delegation welcomed the assurance given by the United Kingdom representative that there was no question of attempting to establish any form of association which did not obtain the acceptance of the people concerned. That clearly meant that the Central African Federation would not continue to be imposed on the African people of Northern Rhodesia against their wishes. He hoped that steps would be taken in the immediate future to dissolve the Federation, which was opposed by the African people in all the three constituent Territories.

111. He also welcomed the United Kingdom representative's statement that the delimitation commission would be headed by a judge and would consist of independent members. He hoped that the judge would come from the United Kingdom, as Mr. Kaunda had

requested, and that the announcement that political parties would enjoy freedom to conduct their election campaigns would prove true in practice, and that all political prisoners would be released.

112. The new Constitution was obviously an interim and transitional measure and should not be used as a pretext for delaying independence. Immediate steps should be taken for the attainment of independence by Northern Rhodesia at an early date. Among the penultimate steps to be taken for the early transfer of power within one year should be the calling of a constitutional conference with the participation of all the leaders of all political parties in Northern Rhodesia, who should be charged with the framing of a constitution under which Northern Rhodesia would attain independence in accordance with the principles and purposes of the United Nations Charter and General Assembly resolution 1514 (XV).

113. The representative of Mali stated that the inhuman and retrograde features of classic colonialism still reigned in Northern Rhodesia. Under the new constitutional plan proposed by the United Kingdom Government, there would be only 70,000 votes and fifteen seats for the 3 million Africans, the same number as for the white voters who formed one twenty-sixth of the African population. The acceptance and implementation of the Constitution would perpetuate the principle of white supremacy in Northern Rhodesia, in violation of the most elementary principles of democracy, including universal adult suffrage, the equality of men, non-discrimination and respect for the will of the people. Nevertheless, his delegation supported the five conditions laid down by Mr. Kaunda for the participation of his party in the forthcoming elections.

114. Sir Roy Welensky had threatened to maintain the Federation of Rhodesia and Nyasaland by force or to proclaim a Central African Republic, which would be a second South Africa. The civilized anti-colonialist States, and in particular the African States, would not tolerate such an anachronism and such provocation. Mr. Duncan Sandys had stated that the Federation would not be viable, if it was not in accordance with the wishes of all the inhabitants. His delegation had taken note of the statement of the United Kingdom representative that there was no question of the United Kingdom Government attempting to establish in Central Africa any form of association which did not obtain the acceptance of the peoples concerned, that his Government was not committed to any particular solution, but that it was seeking a solution that could obtain general acceptance.

115. His delegation considered that a further constitutional conference should be convened with the effective participation of the African political parties in the Territory. That conference should endorse the democratic principle of universal adult suffrage and abrogate all racial laws. Fresh elections could then be held in Northern Rhodesia on the basis of "one man, one vote" and, if possible under United Nations supervision. All sovereign powers should be transferred to the new Parliament and Government.

116. The representative of the Soviet Union stated that after studying the information at its disposal, the Committee could not but conclude that the United Kingdom had so far done nothing to implement the Declaration on the granting of independence to colonial countries and peoples. The petitioners' statements had,

⁵⁷ See para. 54 above.

in particular, demolished the claims of the British colonialists that they were endeavouring to apply in Central Africa a policy based on co-operation between the races. The Africans had separate and inferior hospitals and schools, could be arbitrarily arrested, were barred from higher positions in industry and agriculture and were paid lower wages than white men doing the same work. Those facts, which had been mentioned in the petitioners' statements bore witness not to association but to racial discrimination which reigned everywhere and in every form. The principal aim of the new Constitution was to ensure the domination of 73,000 Europeans over the 3 million Africans living in Northern Rhodesia. For that purpose the British colonialists had invented a complicated procedure under the provisions of which only 70,000 of the 3 million Africans could take part in the forthcoming elections, whereas all the 73,000 Europeans would be able to vote. The new Constitution was designed to prevent the emergence of an African majority in the Legislative Council. For example, in order to be elected to a national seat, an African must obtain at least 10 per cent of the votes of the European electorate; again, registration on the upper roll was subject to property and educational qualifications which no African could fulfil. Another alarming feature was the power vested in the Governor of Northern Rhodesia to fill national seats remaining vacant. Mr. Kaunda's proposals thus assumed particular importance. Mr. Kaunda has asked, *inter alia*, that the United Kingdom authorities should not nominate members to any national seats which might remain vacant after the elections and had indicated that his party rejected the new Constitution and would prove that it was unworkable by participating in the elections, provided that the administering Power accepted his five conditions. It was unfortunate that the United Kingdom representative had not expressed readiness to accept the conditions laid down by Mr. Kaunda for taking part in the elections. His delegation whole-heartedly supported the United National Independence Party's proposals.

117. The petitioners had expressed the African's dissatisfaction with the Federation of Rhodesia and Nyasaland and had asked that it should be brought to an end. His delegation fully supported that request. Unfortunately, Sir Roy Welensky, with the support of the ruling circles in the United Kingdom, clearly disregarded the wishes of the majority of the people of the three countries and was ready to engage in every kind of manoeuvre in order to maintain the Federation. In February 1962 he had even said he was prepared to use force to that end. He had recruited all-white forces, was spending £8 million a year on armaments and was buying military helicopters and ground-to-ground rockets. In the light of those facts, the Committee should give serious attention to the petitioners' warnings and should prepare to protect the African population of Northern Rhodesia against the threat presented by the Federal Government's military forces. First and foremost, it should demand the withdrawal of the Federal troops. The colonialists were contemplating the partitioning of Northern Rhodesia, the richest part of which would be attached to Southern Rhodesia and subsequently annexed to the Republic of South Africa. Furthermore, in the course of secret talks, Sir Roy Welensky had discussed with Mr. Tshombé the union of Katanga with Northern Rhodesia. In the meantime the Federal authorities were sending arms to Mr. Tshombé's forces through

Northern Rhodesia and were allowing them the use of airfields in Northern Rhodesia. In February 1962 a meeting had been arranged between Mr. Salazar and Sir Roy Welensky with the support of London and Washington. The two leaders had concluded an agreement according to which the Central African Federation would undertake to purchase United Kingdom and United States weapons for the Portuguese forces in Angola, since the Western Great Powers were reluctant to supply them openly to Portugal. They had also contemplated the establishment of a confederation between the Central African Federation and the Portuguese colonies in Africa. It was their hope that that confederation, thanks to close co-operation with the Republic of South Africa and a policy of large-scale white immigration into the area, would make it possible to maintain white domination in that part of Africa.

118. That vast conspiracy was backed by enormous economic and political forces. Northern Rhodesia's copper production, which in 1960 had been the second largest in the capitalist world, coming after that of the United States, was in the hands of two big monopolies: the Anglo-American Corporation of Southern Africa and the Rhodesian Selection Trust, which was in turn controlled by the American Metal Climax. Those companies were controlled by major United States and United Kingdom financial groups and had representatives in parliamentary and government circles in the metropolitan countries. He would mention, *inter alia*, Captain Charles Waterhouse, a former Under-Secretary in the United Kingdom Government, Sir Charles Hambro, a Director of the Bank of England, and Lord Salisbury, one of the pillars of the right wing of the Conservative Party. There was no doubt that the United Kingdom Government was endeavouring to protect in every way the interests of the British companies in Northern Rhodesia. The foreign monopolies, for their part, were giving Sir Roy Welensky's Government all possible support and the mining groups were paying that Government millions of pounds a year. The Rhodesian people's fight for independence was therefore part of the African peoples' struggle for the expulsion from the continent of the colonialists. It was incumbent on the United Nations to serve the cause of justice by helping the people of Northern Rhodesia against colonial slavery. The Committee must take steps to promote the implementation with regard to Northern Rhodesia of the Declaration on the granting of independence to colonial countries and peoples.

119. In its draft resolution⁵⁸ his delegation was proposing that the Committee should urge the United Kingdom Government to accept the five conditions laid down by UNIP for its participation in the forthcoming elections. It was also proposing that the administering Power should be invited to secure the withdrawal of all armed forces of the so-called Federal Government from Northern Rhodesia and to prevent any interference by that Government in the preparations for and conduct of the legislative elections. The Federation of Rhodesia and Nyasaland should be dissolved immediately. The draft resolution provided that the question of whether Northern Rhodesia was to enter into any federation or any relationship of any other kind with other countries could be decided only by the people and representative bodies of Northern Rhodesia, after it had attained independence. The

⁵⁸ A/AC.109/L.8 (see para. 186 below).

question should be left on the agenda of the Committee, which should take it up again in order to formulate its final recommendations, taking into account the steps which had been taken for the implementation of the resolution.

120. The representative of Yugoslavia said that despite claims of "partnership" Northern Rhodesia presented a picture of racial discrimination and lack of freedom. The racially discriminatory franchise provisions of the Constitution, the protection afforded to the rights and interests of the white minority to the detriment of those of the African majority and the discriminatory restrictions on the political, economic, social and educational activities and opportunities of the Africans were so obvious that it was hardly necessary to present evidence. Illustrative of the situation was the fact that under the new Constitution only 70,000 of the 3 million Africans would qualify for the franchise in the forthcoming elections, as against 25,000 of the 75,000 Whites.

121. His delegation welcomed the steps taken in 1960 against racial discrimination in tea rooms, cafés and restaurants, but those measures could not compensate for or remove racial restrictions and discrimination in the political and other fields.

122. Responsibility for the situation in Northern Rhodesia rested with the United Kingdom, which had both the duty and the practical means of ensuring the fulfilment of the aims enunciated in Chapter XI of the Charter and the implementation of the provisions of the Declaration on the granting of independence to colonial countries and peoples. Northern Rhodesia was one of the Territories most nearly ready for independence. The Committee's recommendations should be based upon the request that universal suffrage and all other civil and political rights should be granted to the people of Northern Rhodesia within a short and specified period of time and upon the request for immediate independence.

123. He welcomed the United Kingdom representative's assurances concerning the establishment of an impartial commission for the delimitation of constituencies and freedom of the electoral campaign. That representative however did not furnish a clear and complete answer to Mr. Kaunda's very moderate requests. Neither did he have anything to say about Mr. Kaunda's justified concern that Sir Roy Welensky might resort to armed force in order to impose unconstitutional solutions. The Committee should recommend firm safeguards in that respect.

124. In general his delegation shared Mr. Kaunda's well-founded doubts and reservations concerning the likelihood that the Africans might achieve their justified aspirations in the forthcoming elections, and it subscribed to the emphasis Mr. Kaunda laid on self-determination. The African people and their leaders had clearly and categorically rejected the imposed Central African Federation. Any attempt to preserve the Federation in its present form represented a threat to peace throughout the African continent. In that connexion, he had welcomed the United Kingdom representative's statement that his Government had no intention of establishing any form of association which did not obtain the acceptance of the peoples concerned. Indeed, the question of the future relations of the three Territories should be decided freely by the people, after the attainment of independence.

125. He considered that any attempt to preserve the existing privileges and rights of the white minority through a solution based on the partitioning of Northern Rhodesia, and on an imposed association between parts of that Territory and parts of other African countries, would be dangerous and would be incompatible with operative paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples and with the purposes and principles of the United Nations.

126. The representative of Italy stated that, although the situation in Northern Rhodesia appeared to be difficult, serious and complex, it was by no means hopeless. On the contrary, Mr. Kaunda's testimony had led his delegation to believe that the leadership of UNIP was fully aware of the need to proceed with caution.

127. The existence of the Federation and the principle of Africanization were the two constituent elements of the problem of Northern Rhodesia. On the former there was no fundamental opposition between the points of view of UNIP and the administering Power. Mr. Kaunda and his colleagues had told the Committee that the majority of the people of Northern Rhodesia were opposed to the concept of Federation, and the United Kingdom representative had stressed that there was no question in the mind of the United Kingdom Government of attempting to establish any form of association which did not obtain the acceptance of the people concerned. The United Kingdom Government had taken and continued to take measures with the object of ensuring that the will of the people could be freely expressed.

128. With reference to Mr. Kaunda's conditions as a whole, the United Kingdom representative had indicated a substantial measure of agreement by his Government and had not ruled out the acceptance as a matter of fact of points which had not been accepted as a matter of principle. The Italian delegation was confident that in the months to come a practical solution would be found to the minor problems on which there was still disagreement.

129. With regard to Africanization, the United Kingdom representative, while admitting that relations between the races in Northern Rhodesia were not perfect, had indicated that abolition of discrimination was the declared objective of United Kingdom government policy. Mr. Kaunda, for his part, had clearly stated that his party was committed to a policy of broadening the existing framework rather than of breaking it by violence.

130. The danger lay in the possibility that an attempt might be made to impose decisions by force rather than by the will of the people, as expressed by their democratically elected representatives. He was confident, however, that the United Kingdom Government would continue to pursue liberal policies and would prevent any attempt to maintain the Federation at all costs.

131. It was not for his delegation or even for the Committee to express any views on the future of the Federation. The Committee could not take a stand based on the political wishes of a single Northern Rhodesian party, however important or representative. It could and should, however, express its firm belief that the only acceptable solution was one which came from the freely expressed will of the people.

132. The representative of Cambodia observed that the United Kingdom had not yet taken the necessary steps for the transfer of powers to the people of Northern Rhodesia, according to the provisions of paragraph 5 of General Assembly resolution 1514 (XV), and that Northern Rhodesia suffered from racial discrimination in the political as well as in the cultural and social fields. Fundamental freedoms, in particular freedom of expression, of movement and of association, had been denied to certain African political parties.

133. The new Constitution of Northern Rhodesia did not institute universal suffrage and prevented indigenous Africans from competing on an equal footing with the white settlers for seats in the Legislative Council. Out of 77,000 Whites, 23,000 would be able to vote; while, out of 3 million Africans, only some 70,000 would be able to do so. The same discrimination could be seen in the qualifications demanded for exercising the right to vote.

134. Northern Rhodesia had been included in the Central African Federation against the will of the vast majority of the Northern Rhodesian population, which had not even been consulted; and most of the political parties had accordingly boycotted the recent federal elections.

135. In those circumstances Mr. Kaunda had shown a praiseworthy spirit of conciliation in stating that his party was prepared to participate in the forthcoming elections in Northern Rhodesia, subject, however, to the fulfilment of certain conditions by the administering Power, in order to ensure a free exercise of the right to vote. Those conditions were normal guarantees that were provided for in the constitutional and electoral laws of every democratic country, and it was to be hoped that it would be possible to comply with the conditions stipulated by Mr. Kaunda.

136. He considered that a new constitutional conference should be convened after the forthcoming elections, with the participation of all leaders of political parties in Northern Rhodesia, in order to draw up a new constitution, acceptable to the entire population, to enable the Territory to gain its independence as soon as possible.

137. It would be for Northern Rhodesia, once it became independent, to determine its own political destiny, and in particular to decide whether or not it would belong to a federation like the Central African Federation or to any other association with one or more States. It was reassuring to hear the United Kingdom representative say that Northern Rhodesia would not be forced to join the Federation against its wishes.

138. The representative of the United States, referring to the question of whether Northern Rhodesia should belong to the Central African Federation, stated that no form of association could or should survive, if it was not founded on the freely given support of the majority of the people concerned. The representative of the United Kingdom had emphasized that there was no question of attempting to establish any form of association that did not obtain the acceptance of the peoples concerned, and that any solution to be sought should be one that could obtain general acceptance.

139. The attitude of the United States delegation to the situation in Northern Rhodesia was guided by the principle stated in the American Declaration of Independence that "all men are created equal", and

the principle stated by President Kennedy when he had told the General Assembly at its sixteenth session (1013th plenary meeting) that his country intended to be a participant, and not merely an observer, in the peaceful, expeditious movement of nations from the status of colonies to the partnership of equals, and that that continuing tide of self-determination which ran so strong had the sympathy and support of the United States of America.

140. It was encouraging that Mr. Kaunda had decided to participate in the forthcoming elections, and that the United Kingdom Government seemed willing to work out mutually acceptable solutions in problem areas, in connexion with the conditions laid down by Mr. Kaunda for his participation. It was also essential that there should be no interference from any quarter in the conduct of the elections.

141. It was inevitable and right that the vast majority of the people would be able, within a relatively short time, to choose their own political destiny on the basis, as Mr. Kaunda put it, of "one man, one vote, one value". The Government of the United Kingdom and the people of Northern Rhodesia bore the primary responsibility in that historic process and deserved the Committee's encouragement and help.

142. His delegation stressed that all the people of Northern Rhodesia must enjoy a full measure of self-determination and must be allowed and encouraged to exercise that right effectively and at an early date. It applauded the decision of the principal parties in Northern Rhodesia to participate in the forthcoming elections and hoped that the conditions which had been laid down for that participation, and which were essential to the effectiveness of the elections, would be put into effect by the authorities in Northern Rhodesia.

143. In conclusion he said that the United States was convinced that the existing constitutional arrangements, however imperfect they might be, would soon lead to a fuller exercise of political, economic and human rights for all the people of Northern Rhodesia.

144. The representative of Poland said that the statements made by Mr. Kaunda and his colleagues revealed an appalling situation. In a country of approximately 3 million inhabitants, the power remained in the hands of a white minority of 75,000. There was one European settler to every twenty-six Africans; yet of the 4,300 key personnel in the country's economy only 130 were Africans. Moreover, all the highest administrative posts were held by the Whites, and a number of skilled occupations, in the copper industry, the railways and elsewhere, were closed to Africans. The education of the indigenous population had been greatly neglected by the Government of Northern Rhodesia. Although it had a large copper-mining industry, Northern Rhodesia was a country where 71 per cent of the population lived at subsistence level. Despite the principles which had been proclaimed, Sir Roy Welensky's Government based its policy on racial discrimination. While there were 23,000 qualified voters out of a total of 75,000 white settlers, there were only 70,000 African voters among a population of almost 3 million. That situation flouted the principle of representative government, the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples, and was the more distressing in that the new constitutional arrangements post-dated General Assembly resolution 1654 (XVI), which called upon the

administering Powers to take action without further delay with a view to the faithful application of the Declaration on the granting of independence.

145. The great majority of the population was opposed to the new Constitution, as well as to the Federation, which had been imposed upon them by the most ignoble measures of humiliation and racist brutality.

146. In elaborating the new Constitution, and particularly the electoral system, the British Parliament had made no distinction as to race, creed or colour, but it had made distinctions based on property, income and education, thus safeguarding the privileges of the Whites. It was claimed that that electoral system was the best suited to the present degree of constitutional advancement in the Territory. The petitioners, however, had given evidence that the indigenous population could no longer tolerate the exploitation to which they were subjected. His delegation recommended that the administering Power should take the following steps: first, the existing electoral arrangements should be replaced by universal suffrage before the forthcoming elections; secondly, the members of the Legislative Council should be elected on the basis of direct, equal and universal suffrage. Thirdly, the question of Northern Rhodesia's membership in the Federation should be decided freely by the entire population of the Territory, and that implied that the present Federation should be abolished, that Northern Rhodesia should be granted independence, and that all armed forces of the Federal Government should be withdrawn. Fourthly, all political prisoners should be released immediately and unconditionally under an amnesty; and fifthly, all necessary measures and appropriate legislative action should be taken to guarantee complete freedom of movement, of expression, of assembly and of activity for all African political parties and their leaders.

147. The representative of Venezuela stated that the petitioners had presented a complete account of the situation in Northern Rhodesia caused by the unjust and discriminatory policy of the white population to the detriment of the indigenous inhabitants of the Territory. The only difference between the situation prevailing in Northern Rhodesia and that in Southern Rhodesia was that the privileges of the smaller white minority in the former were even more blatant. The white minority enjoyed health, educational and other public services which were not available to the African majority. Participation of the indigenous inhabitants in the administration of the Territory was confined to a small number of local posts. That state of inequality was enshrined in the new Constitution, the complex franchise provisions of which granted voting rights to only 100,000 persons out of a population of 3 million. Moreover, the leaders of the African parties did not seem to enjoy sufficient freedom of movement to enable them to conduct their campaigns in a manner consonant with the requirements of representative democracy. His delegation regarded the conditions set by Mr. Kaunda for participation of UNIP in the elections as sensible and thought that the United Kingdom should give them consideration.

148. For economic, cultural and sometimes even numerical reasons there was always a dominant ethnic group in multiracial societies. That situation engendered serious internal conflicts. Multiracial societies did not easily lend themselves to the enactment of laws, and it would be preferable to avoid the use of the term

"multiracial" altogether and to think exclusively in terms of human beings.

149. He pointed out that the United Kingdom representative had stated that his Government would not establish any association that was not fully acceptable to the populations concerned. That was a most important statement. The common features necessary for bringing societies together and assuring their cohesion seemed to be absent in the Central African Federation, which consisted of territories at different levels of economic development and of different political status. Moreover, the emergence of powerful nationalist feelings in each of the three Territories was an obstacle to the establishment of a common Government.

150. His delegation felt that the parties concerned should resume negotiations with a view to solving the urgent problems confronting the people of Northern Rhodesia. He welcomed the attitude adopted by the United Kingdom Government and hoped that agreement would be reached before October 1962, so that the forthcoming elections could be held peacefully to the greater benefit of that part of Africa.

151. The representative of Ethiopia said that not only in Southern and Northern Rhodesia and Nyasaland but throughout the East African territories under British colonial rule, any constitutional advances had always been initiated by the European settlers to advance their own interests and for the purpose of perpetuating the political and economic power which they had acquired through their unique position in the colonial system. In so doing, they had introduced the concept of what he would call "legal mathematics", namely, a system of weighted votes which ensured that the European vote would always outweigh the combined African and Asian vote. All this ignored the fact that the African inhabitants constituted the overwhelming majority in all those territories.

152. The argument that the pattern of democratic evolution had always been one of gradual progress from a qualified franchise to universal suffrage was too broad to be applied to specific situations. The political leaders of the white settlers in East Africa had espoused the idea of home rule based on a qualified franchise because it would give legality to the position of political power which they had acquired under the colonial system. The African and Asian inhabitants of the territories, however, could not accept the general proposition of "gradual franchise", because they interpreted it as a gradual concession of political power to the European settlers and because they knew that such power would sooner or later be used against them. The hope had been expressed that in Northern Rhodesia the process of political change based on a highly qualified franchise which had been set in motion would help to increase African participation in the affairs of the Territorial Government. Unfortunately, however, it could also lead to the virtual surrender of power to the European settlers behind the smoke screen of such soothing slogans as "multiracial society" and "partnership".

153. The case of Northern Rhodesia differed from that of Southern Rhodesia in one essential respect. The United Kingdom representative had strongly maintained that his Government could not be held responsible for what happened in Southern Rhodesia, since that country had been left free to determine its own political future—a reference to the so-called plebiscite of 1923, from which all Africans, though they

constituted the great majority of the population, had been excluded. In the case of Northern Rhodesia, however, the United Kingdom Government did not disclaim its responsibility for the administration of the Territory and it could therefore be held responsible for all its obligations under Chapter XI of the Charter and General Assembly resolution 1514 (XV), which called for the immediate transfer of all powers to the peoples of dependent territories without any conditions or reservations and without distinction as to race, creed or colour.

154. Northern Rhodesia came into contact with Britain in the last decade of the nineteenth century, when a British company under Cecil Rhodes, through special arrangements with the British Government, was given authority to administer the Territory. The company's rule of the Territory was transferred to the British Colonial Office in 1924. In the nineteen-twenties the principle according to which the interests of the Natives were paramount, which Mr. Kaunda had called "our Magna Carta", was declared to be the official policy of the United Kingdom Government in Northern Rhodesia. In accordance with that policy, when the interests of the African people came into conflict with that of the immigrant races, the interest of the Africans should prevail.

155. The end result of the franchise qualifications written into the proposed new Constitution would be to balance the value of the European vote with that of the non-European vote. On behalf of the African people Mr. Kaunda had made it clear to the Committee that the proposed Constitution fell far short of their demand for self-determination based on democratic principles and that they would be unable to obtain a majority in the Legislature, since it would be impossible for Africans to obtain the requisite 10 per cent of the votes cast in the fourteen national constituencies on the predominantly European roll. Nevertheless, Mr. Kaunda's party had agreed to contest the elections in order to test the validity of the system. At the same time, Mr. Kaunda had put forward certain conditions in order to ensure fair play, even under such a basically unjust Constitution.

156. It was for the Committee to judge whether the proposed constitutional arrangements were commensurate with the obligations of the United Kingdom Government to assist the people of the Territory in "the progressive development of free institutions", and whether the Constitution allowed of the self-determination called for in General Assembly resolution 1514 (XV). The Ethiopian delegation considered that the Committee should recommend to the General Assembly that Northern Rhodesia was ready for independence; that the new Constitution did not meet the requirements of resolution 1514 (XV) and should be made to conform to those requirements; and that the guarantees requested by the representatives of the African people, particularly regarding the delimitation of the electoral constituencies, should be granted forthwith.

157. The representative of Tunisia said that the Committee's main task was not to give technical advice on the constitutional arrangements in territories still under colonial domination, but to decide whether the necessary steps had been taken to transfer effective power to the representatives of the people. The petitioners had already demonstrated how anti-democratic and racist the new Constitution was. It was being imposed upon the people of Northern Rhodesia. The

argument that it represented a compromise between the attitudes of all the political parties in the Territory was unconvincing, since parties of such unequal importance could not be placed on a footing of equality. The anti-democratic nature of the Constitution was apparent in the distribution of seats, the dual roll—the Europeans on the upper roll and the Africans on the lower roll—and the restricted franchise, under which only 75,000 Africans would be able to vote. One of the most disquieting features was that no account had been taken of the Declaration contained in General Assembly resolution 1514 (XV).

158. Mr. Kaunda had repeatedly told the Committee that his party did not accept the Constitution which he had denounced in unequivocal terms. However, in a laudable spirit of moderation and conciliation characteristic of those who believed in the triumph of their cause, Mr. Kaunda's party had decided to participate in the elections, if five very reasonable conditions were fulfilled. Unfortunately the United Kingdom Government had not shown the same spirit of conciliation and moderation and had accepted only one of those five conditions, namely the appointment of an impartial commission for the delimitation of the electoral constituencies; even there the United Kingdom representative had not explicitly agreed to the participation of Africans in the work of the delimitation commission. With regard to the other conditions, the representative of the United Kingdom had not said that the right of the Governor of the Territory to nominate members of the Legislative Council would not be used in the case of any "rational" seats which were not filled. On the matter of an amnesty for political prisoners, the United Kingdom Government merely denied that such prisoners existed. The Tunisian delegation was therefore inclined to agree with Mr. Kaunda's suggestion that the Committee should send one or two of its members to inquire into the matter on the spot.

159. The United Kingdom representative's statement that his Government would not establish any form of association unacceptable to the peoples concerned was reassuring for the future, but not for the present. No reassurance had been given regarding the danger inherent in Sir Roy Welensky's right to form an army by mobilizing all Europeans between the ages of eighteen and fifty. Finally, the United Kingdom Government had refused to advance the date of the elections, which would not be held until the autumn.

160. The Territory was unquestionably ready for immediate independence, the representative of Tunisia continued. The only way for the United Kingdom to overcome the difficulties created by the new Constitution was to accept immediately the five conditions laid down by Mr. Kaunda's United National Independence Party, thus enabling it to take part in the elections. If that were done, either the operation would be successful and the Legislative Council would have an African majority which could negotiate the date for the independence of the Territory, or the Constitution would prove unworkable, in which case immediate thought would have to be given to other ways of bringing the Territory to independence.

161. The representative of Australia reiterated his agreement with the Monckton Commission's view that the Federation could continue only if it could enlist the willing support of its inhabitants. The United Kingdom Government had no intention of trying to estab-

lish any form of association which was not acceptable to the peoples concerned. There was no need for the Committee to take a position regarding the future of the Federation; nothing could keep three Territories together if their peoples did not want such an arrangement, though there were obviously advantages in association and co-operation among States in Africa, as was being increasingly realized throughout the African continent.

162. He had been impressed by Mr. Kaunda's references to the desirability of non-violence and of constitutional evolution, as also his emphasis on the need for continued participation by non-Africans in the life and development of Northern Rhodesia. It was clear that there was already a basis for interracial co-operation in the Territory, even if such co-operation had not developed nearly far enough and discrimination still existed in one form or another.

163. The essential aims of the United Nations with regard to Northern Rhodesia should be firstly, to ensure equal opportunity for everyone in the Territory, regardless of race, colour or religion, to play an equal role in political, economic and social life, and secondly, to bring about the effective exercise of the right of self-determination on that basis. The United Kingdom's proposals for achieving those aims had been set out in various statements. It was not necessary for the Committee to endorse any specific policy on the part of the administering Power. The United Kingdom representative had himself stressed that the franchise system immediately envisaged was not a final solution but a stage on the road to universal suffrage. The United Kingdom was undoubtedly right in trying to bring the various groups together to work out agreed solutions. There were of course conflicts of opinion inside Northern Rhodesia. Differences existed not only between the various communities but within each community: the fact that African opinion was not monolithic had been evidenced by the message the Chairman of the Special Committee had received from Mr. Nkumbula of the African National Congress. Mr. Kaunda had made no attempt to conceal the fact that there were differences of opinion within his own party. The United Nations should not therefore give its support to one particular party or leader, as Mr. Kaunda would doubtless agree.

164. He welcomed Mr. Kaunda's statement that he intended to participate in the forthcoming elections despite his disagreement with the course being followed. He was sure that the United Kingdom Government would give careful consideration to the conditions which Mr. Kaunda wished to see fulfilled and would at least go a long way towards satisfying them. The elections were a first step along the road towards the complete transfer of powers to the people.

165. Events in Northern Rhodesia appeared to be moving in the right direction. The most useful role the Committee could perform at the moment was that of drawing attention to the problems and to the views of its members, on the subject, and of making the people of the Territory conscious that the eyes of the world were on events there.

166. The representative of Syria stated that the small minority in Northern Rhodesia represented the main obstacle to the emancipation of the overwhelming majority of the population and it was seeking to perpetuate its domination by every means, including the threat of force. It was not easy to dislodge a privileged

minority from its entrenched positions, but in the present day and age there were no alternatives to equality and freedom and any system which sought to impose other conditions was bound to be swept aside by the hurricane of change, rather than by the wind of change. It was therefore the duty of the responsible authorities to act with determination and without undue delay in order to forestall the tragic consequences which might result from the blindness of narrow interest and the shortsightedness of those who thought that the present situation could go on indefinitely.

167. The documents relating to conditions in Northern Rhodesia and the statements of the petitioners had revealed the existence, in law and in practice, of a deplorable state of injustice and inequality in the Territory, where the Africans were the victims of racial discrimination practised in every field, and where they were treated as second-class citizens in their own country. Even when the law was carefully formulated to avoid any apparent sign of racial discrimination, it was applied in a discriminatory manner because it was susceptible of discrimination.

168. It was difficult to claim that discrimination was disappearing in Northern Rhodesia and that it was Government policy to work for its total elimination, when the people of the Territory were offered a Constitution which was basically racist in approach although disguised by the ideal of "partnership".

169. The United Nations must find little satisfaction in a system of government which gave 70,000 inhabitants powers which were utterly disproportionate to their number, equating them with 3 million indigenous inhabitants. Such differentiation between citizens of the same territory was not only unjust, it was totally repugnant to the ideas of democracy which the United Nations was under an obligation to uphold. Nor could it be justified by the argument that the system took into account the social responsibility and educational attainments of the citizens of Northern Rhodesia, for General Assembly resolution 1514 (XV) laid down the principle that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence—or, it might be added, for establishing different rolls of voters and a very limited franchise. The reason behind the introduction of the new Constitution, with its complex franchise arrangements, was the desire to maintain the privileges of the white minority and, at best, to safeguard some of the interests of that minority. But in the context of the world of today it appeared rather unrealistic to expect constitutions not enlisting the support of the overwhelming majority of the people to succeed. The fact was that the people of Northern Rhodesia did not accept that Constitution, nor did they accept the federation with Southern Rhodesia and Nyasaland which had been imposed upon them since 1953. If it was the avowed policy of the United Kingdom Government to respect the paramountcy of native interest, then it would logically follow that nothing should be done which ran counter to the aspirations of the overwhelming majority of the people of Northern Rhodesia.

170. The United Kingdom Government could have met the aspirations of the people of the Territory and at the same time provided for the maintenance of stable government and an efficient and developing administration by a constitution based on the principle of equality and universal suffrage, a constitution which

was completely non-racial and based on equality between all citizens irrespective of race, colour or creed. If the minorities harboured any fears regarding their future, then the constitution could provide certain guarantees for them, without sacrificing the rights of the majority or impairing the cohesion of the State. Mr. Kaunda had made it clear that his party would not oppose the inclusion of such guarantees.

171. Mr. Kaunda and his party had already given proof of their moderation by agreeing to participate in the forthcoming elections in Northern Rhodesia, although they considered the Constitution to be racist and unworkable. The Syrian delegation whole-heartedly supported the conditions which Mr. Kaunda's party had laid down for its participation in the elections. In his intervention the United Kingdom representative had made certain statements which might be construed as an acceptance of some of those conditions, and the Syrian delegation hoped that the United Kingdom Government would find it possible to accept them all. The Africans were seeking a majority in the Legislative Council as a step forward towards the speedy attainment of their independence. With the proposed franchise it was doubtful that the Africans of the Territory could obtain a majority in the Legislative Council. Nevertheless, in a spirit of co-operation, they had decided to give the Constitution a try. If the election results proved that these fears had been justified, the administering Power should adopt a simpler and more straightforward approach in pursuit of its declared objective of universal franchise and independence for Northern Rhodesia.

172. The statements made by the petitioners had clearly shown that the Central African Federation had been forced on the people and continued to be opposed by them. His delegation was happy to note, however, that the United Kingdom representative had stated that his Government was not committed *a priori* to any particular solution of the problem of the Federation, and that any solution should be one that could obtain general acceptance. The best solution would be to dissolve the Federation without delay, as requested by the overwhelming majority of the people of Northern Rhodesia. Once the Territory had become independent, the people could in full freedom weigh the advantages of any association with neighbouring territories and reach whatever decision they felt to be in the interests of the country.

173. The representative of Tanganyika observed that the Africans had for many years had neither the opportunity to participate in the running of their country nor even the right to vote. The principle that the interests of the Africans were paramount had been proclaimed on two occasions, but it had never actually been applied. In order to perpetuate the rule of the Whites over the Blacks the Federation now headed by Sir Roy Welensky had been established, despite the unanimous opposition of the whole country and without a popular consultation of any sort.

174. The manner in which the seats in the Legislative Council were allocated (fifteen upper-roll seats, fifteen lower-roll seats and fifteen "national" seats) was not only racist but also discriminatory, for the settlers were practically certain to win the fifteen "national" seats. Furthermore, the franchise qualifications were such that only 70,000 Africans out of a total population of 3 million would be able to vote. It was to Mr. Kaunda's credit that his party was

willing, for the good of the country, to participate in the forthcoming elections.

175. His delegation had been glad to hear that the United Kingdom Government would not establish any form of association which did not win the acceptance of the peoples concerned, and that the political parties would enjoy the requisite freedom to conduct their electoral campaigns. Much remained to be done, however, and his delegation would like to formulate the following recommendations:

(1) Immediately after the elections a constitutional conference should be convened to take steps as would conform with paragraph 5 of General Assembly resolution 1514 (XV);

(2) The minimum conditions laid down by Mr. Kaunda should be fulfilled before the elections, notably the condition that any "national" seats remaining vacant should be filled by means of by-elections and not by nomination; the removal of the Federal Government's military forces; if that was not practical, a guarantee should be given by the United Kingdom that Africans would be protected against any intimidation by the Federal military forces during the electoral campaign;

(3) The United Kingdom should see to it that no attempts to disrupt national unity were allowed in the country;

(4) Account should be taken of the wishes of the people, the majority of whom rejected the existing Federation;

(5) The United Kingdom Government should keep its promise not to encourage the partitioning of Northern Rhodesia.

176. The representative of Madagascar recalled that, according to the testimony of Sir Stewart Gore-Browne, the Federation of Rhodesia and Nyasaland had been established without any consultation of the people of Northern Rhodesia, either black or white. Nine years later only 3 per cent of the population were in favour of the Federation. His delegation had noted with satisfaction the United Kingdom representative's statement that his Government had no intention of imposing a solution and that it was anxious that the solution finally adopted should obtain general acceptance.

177. The indigenous inhabitants of Northern Rhodesia were ready to assume the management of their country at once, but it would be necessary to prepare the white population, in its own interests, to let the inevitable change take place in an atmosphere of order and calm. Mr. Kaunda had emphasized that he had no intention of driving out the Whites and that he would make every effort to establish a democratic régime based on respect for the individual. Accordingly, it was for the Whites to decide their own future in Northern Rhodesia. The essential thing was to draw up an equitable Constitution and to lay the foundations for harmony between the various sectors of the population. The example of Madagascar proved that that was entirely possible.

178. Mr. Kaunda's decision to participate in the forthcoming elections did not signify that he accepted the new Constitution, much less the Federation, but it offered one more proof of his moderation and conciliatory spirit. It was to be hoped that the United Kingdom Government would regard as both reasonable and necessary the conditions set by Mr. Kaunda for

his participation, that it would put the desired measures into effect and that, if the results of the elections were unfavourable to Mr. Kaunda, it would nevertheless set to work to prepare the way for self-determination, which would put an end to the Federation and enable Northern Rhodesia to decide its own future.

179. The representative of the United Kingdom, in reply, stated that four main propositions had emerged from the statements made in the course of the debate.

180. The first proposition was that the form of the future relationship between the Federation of Rhodesia and Nyasaland and its constituent Territories should be a matter for the inhabitants of the Territories themselves to decide. The United Kingdom delegation had already given undertakings, which were on record, indicating its agreement on that point.

181. The second proposition was that all forms of racial discrimination in the Territory should be abolished. His delegation subscribed to that view. The abolition of discrimination was the declared objective of government policy, and the Government of Northern Rhodesia had been prompt to take administrative and legislative action towards that objective.

182. The third proposition was that universal adult suffrage should be introduced as soon as possible. That, again, was the eventual aim of government policy. Although, in the view of the United Kingdom Government, the franchise arrangements now in force were those most suited to the present degree of advancement of the Territory, it was understood that they were only stages on the road to universal suffrage, and not the final solution.

183. The fourth proposition was that the United Kingdom should take steps to ensure that the situation in the Territory was such that the forthcoming elections could take place without intimidation or outside interference. His Government had already given the assurance that all political parties would enjoy freedom to conduct their election campaigns, subject only to the normal considerations of law and order. The Delimitation Commission would have a judge or a former judge as its Chairman and would be unbiased. The elections would be held as soon as the necessary preparatory work had been completed. Again, it was not envisaged that more than one or two members would be appointed by the Governor by virtue of his powers. Finally, the United Kingdom Government did not at present have in mind the calling of a federal review conference.

184. These facts clearly demonstrated that the conditions under which the elections would be held would be such that all parties could participate in the elections without reservation. No one in the Committee had challenged the holding of the elections later in 1962 as the essential next step, and nothing should be done to interfere with or delay the holding of these elections. Nor should the Committee prejudge the results of the elections or the decisions which the Government assuming office thereafter might wish to take on the future of the Territory; the elected Government of Northern Rhodesia would undoubtedly have its own views on the next step forward.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

185. In the course of the discussion on Northern Rhodesia two draft resolutions were submitted to the

Special Committee, one by the Union of Soviet Socialist Republics⁵⁹ and the other jointly by Cambodia, Ethiopia, India, Madagascar, Tanganyika, Tunisia and Yugoslavia.⁶⁰

186. The text of the draft resolution submitted by the Soviet Union read as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having considered the question of Northern Rhodesia,

"Having heard statements by petitioners,

"Noting with regret that the Government of the United Kingdom has not yet taken immediate steps to transfer all powers to the people of Northern Rhodesia as required by paragraph 5 of resolution 1514 (XV),

"Noting that in Northern Rhodesia the practice of racial discrimination and segregation is widespread, that there are laws and ordinances in force which provide for discrimination on grounds of race and that the new Constitution for Northern Rhodesia is racist and anti-democratic in nature and does not grant equal rights to all inhabitants of Northern Rhodesia,

"Recognizing that a tense situation has arisen in Northern Rhodesia as a result of attempts by the United Kingdom colonial authorities and the Federal Government to preserve and secure the supremacy of the white minority—inter alia, by imposing the so-called Federation of Rhodesia and Nyasaland on the African peoples in order to prevent the peoples of Northern Rhodesia, Southern Rhodesia and Nyasaland from exercising their right to self-determination and national independence,

"Being guided by the provisions of the Declaration on the granting of independence to colonial countries and peoples and General Assembly resolution 1654 (XVI),

"1. Confirms the inalienable right of the people of Northern Rhodesia to self-determination and national independence and supports the demand of the African political parties of Northern Rhodesia that Northern Rhodesia should be granted independence immediately;

"2. Recommends the administering Power to take steps immediately to apply the provisions of the Declaration on the granting of independence to colonial countries and peoples in Northern Rhodesia, to carry out democratic reforms, including the introduction of universal and equal suffrage, and to repeal all laws, ordinances or regulations which, directly or indirectly, sanction any policy or practice based on racial discrimination;

"3. Takes note of the statements made by the President of the United National Independence Party of Northern Rhodesia at the 29th and 31st meetings of the Committee on the willingness of his party to take part in the forthcoming legislative elections if, and only if, the administering Power complies with the following conditions:

⁵⁹ A/AC.109/L.8.

⁶⁰ A/AC.109/L.11 and Add.1. (The purpose of document A/AC.109/L.11/Add.1 was to add Tunisia to the list of sponsors of the draft resolution.)

"(a) The immediate appointment of an independent and impartial commission to delimit the electoral constituencies;

"(b) No nomination of members to any 'national seats' in the Legislative Council which may be left vacant;

"(c) An amnesty for and the immediate release of all political prisoners, the lifting of all bans and limitations on the activities of the African political parties, and measures to ensure complete freedom of activity for all African political parties and their leaders;

"(d) No conference on the question of federation until Northern Rhodesia has a representative Government and a majority in the Legislative Council which genuinely represents the people of the country;

"(e) The legislative elections not to be held in October 1962, but considerably earlier;

"4. *Urges* the Government of the United Kingdom to comply fully with all the conditions listed in paragraph 3 above as a prerequisite for the forthcoming legislative elections;

"5. *Invites* the administering Power to secure the withdrawal of all armed forces of the so-called Federal Government from Northern Rhodesia and to prevent any interference by that Government in the preparations for and conduct of the legislative elections;

"6. *Recommends* the General Assembly to fix the earliest possible date, which must not, in any event, be later than 31 December 1962, for Northern Rhodesia to become an independent African State;

"7. *Considers* that the question of whether Northern Rhodesia is to enter into any federation or any relationship of any other kind with other countries can be decided only by the people and representative bodies of Northern Rhodesia, after it has been granted independence;

"8. *Invites* the administering Power to report to the Special Committee on the measures taken by it to carry out this resolution in good time before the Special Committee prepares its final recommendations on the question of Northern Rhodesia for the seventeenth session of the General Assembly."

187. The text of the seven-Power draft resolution read as follows:

"The Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having considered the situation in Northern Rhodesia in the context of the purposes and principles embodied in resolution 1514 (XV),

"Having examined the application of said resolution in the territory of Northern Rhodesia under the administration of the United Kingdom,

"Aware of the fact that the Administering Authority proposes to introduce a new constitution in Northern Rhodesia as embodied in the announcement made by the United Kingdom Government on 28 February 1962 and that elections under the new constitution are intended to be held in October 1962,

"Noting with regret the absence of political liberties for the non-European people in Northern Rhodesia and the fact that the Government of the

United Kingdom has not yet taken immediate steps to transfer all powers to the people of Northern Rhodesia as required by paragraph 5 of resolution 1514 (XV),

"Being guided by the provisions of the Declaration on the granting of independence to colonial countries and peoples and of General Assembly resolution 1654 (XVI),

"Having considered further the evidence submitted by the petitioners,

"1. *Confirms* the inalienable right of the people of Northern Rhodesia to self-determination and national independence and supports the demand of the African political parties of Northern Rhodesia that Northern Rhodesia should be granted independence immediately;

"2. *Concludes* that

"(a) The proposed constitution of 28 February 1962 which was announced for adoption after resolution 1514 (XV) on 14 December 1960 by the General Assembly, does not conform to the principles embodied in operative paragraph 5 of that resolution, particularly in respect of franchise qualifications;

"(b) The franchise qualifications embodied in the constitution are discriminatory and prejudicial to the interests of the indigenous people since they exclude the enrolment of the vast majority of the indigenous people on the electoral rolls;

"(c) The inclusion of Northern Rhodesia in the Central African Federation was imposed contrary to the wishes of the indigenous people who form the overwhelming majority of the people of Northern Rhodesia;

"(d) The situation in Northern Rhodesia is such that governmental powers are wielded by a small minority to the detriment of the rights and interests of the overwhelming indigenous majority;

"(e) The question of whether Northern Rhodesia is to enter into any federation or any relationship of any kind with other countries can be decided only by the people and representative bodies of Northern Rhodesia;

"3. *Call upon* the Administering Authority:

"(a) To take immediate steps to apply the provisions of the Declaration on the granting of independence to colonial countries and peoples in Northern Rhodesia for the transfer of power to the people of Northern Rhodesia in accordance with universal suffrage;

"(b) To repeal all laws, ordinances and regulations which directly or indirectly sanction any policy or practice based on racial discrimination;

"4. *Urges* the Government of the United Kingdom to comply fully with all the following conditions as a prerequisite for the forthcoming legislative elections:

"(a) Release of all political prisoners and detainees;

"(b) Complete freedom of movement and political activity of political parties;

"(c) Delimitation of constituencies by an impartial commission;

"(d) Guarantees that elections will be held in an atmosphere free of any intimidation or pressure and, to that end, withdrawal or reduction to the very

minimum of the armed forces of the Federation from Northern Rhodesia;

"5. *Affirms* that the territorial integrity of Northern Rhodesia should be respected in accordance with operative paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples."

188. The Special Committee, at its 43rd meeting, appointed a Drafting Sub-Committee composed of the representatives of Syria (Chairman), Ethiopia, India, Tanganyika, Tunisia, the Union of Soviet Socialist Republics, the United States of America and Venezuela. The representative of the United Kingdom was invited to attend the meetings of the Drafting Sub-Committee as an observer.

189. The Drafting Sub-Committee, in its report,⁶¹ recommended draft conclusions and recommendations concerning Northern Rhodesia for adoption by the Special Committee. The recommendations included a draft resolution for adoption by the General Assembly.

190. In the course of the deliberations of the Drafting Sub-Committee, the representative of the United States submitted the following substitute draft containing conclusions and recommendations:

"(a) Recognizing that the proposed new Constitution for Northern Rhodesia represents an improvement over its predecessors, the Committee expresses the view that this Constitution still falls short of the final aims of the Declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)) and must be regarded merely as a transitional step in the direction of the agreed objective of universal adult suffrage and self-determination on that basis, to be achieved at the earliest practicable date;

"(b) The Committee has been impressed by the high sense of responsibility shown by the African political leaders and welcomed their decision to participate in the elections. With regard to the conditions posed by Mr. Kaunda for participation in the forthcoming elections, the Committee notes that the United Kingdom Government has announced measures which should meet some of the points raised and expresses the view that the remaining questions raised can be settled on a mutually satisfactory basis, so that there will be maximum participation in the elections;

"(c) The Committee expresses the view that it is essential that there should be no interference from outside with the orderly conduct of the elections;

"(d) While the question of the Federation of Rhodesia and Nyasaland was not formally before the Committee, the Committee expresses the view that any continuing association between Northern Rhodesia and the neighbouring Territories must be founded on the freely given support of the majority of the people concerned, and the Committee notes that the representative of the United Kingdom expressed a similar view;

"(e) The Committee expresses the view that the territorial integrity of Northern Rhodesia should be preserved;

"(f) The Committee notes the progress made in eliminating racial discrimination in Northern Rhodesia and expresses the view that strenuous efforts must be made to press forward vigorously to the

end that all forms of racial discrimination will be abolished promptly."

The Drafting Sub-Committee rejected this substitute draft but agreed to include it as a minority report.

191. The Special Committee, at its 52nd meeting, considered the report⁶¹ of the Drafting Sub-Committee. The Special Committee, by a roll-call vote of 12 to 4, approved the conclusions and recommendations contained in paragraphs 11 to 23 of the Drafting Sub-Committee's report which are set out in paragraphs 193 to 205 below. The voting was as follows:

In favour: Cambodia, Ethiopia, India, Mali, Poland, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: Australia, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: None.

192. At the same meeting, the Special Committee, by a roll-call vote of 11 to 3, with 2 abstentions, rejected the draft conclusions and recommendations which had been originally submitted by the United States to the Drafting Sub-Committee.⁶² The voting was as follows:

In favour: Australia, Italy, United States of America.

Against: Cambodia, Ethiopia, Mali, Poland, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Abstaining: India, United Kingdom of Great Britain and Northern Ireland.

Conclusions

The form of future relations between the Federation of Rhodesia and Nyasaland and Northern Rhodesia

193. The Special Committee believes that the Federation of Rhodesia and Nyasaland was imposed on the 3 million African people who by far form the vast majority of the inhabitants of the Territory. In view of the strong opposition of the vast majority of Africans against the Federation as constituted at present, it is the view of the Committee that immediate steps should be taken to end the Federation. However, no federal review conference should be called until a majority African representative government has been formed in Northern Rhodesia. Furthermore, the Special Committee believes that any future association of the three component parts should be left for the decision of the inhabitants of the future independent African States. The Special Committee notes the assurance of the United Kingdom Government that there is no question in its mind of attempting to establish any form of association which does not obtain the consent of the people.

194. The Special Committee expresses deep concern on the alleged plans to partition Northern Rhodesia with the aim of joining its rich copper mines with Southern Rhodesia and possibly with the Republic of South Africa. The Special Committee is strongly opposed to any attempts to disrupt the territorial integrity of Northern Rhodesia. In this connexion, the Special Committee notes the assurance of the United Kingdom Government that it is not committed to any particular solution of the problems in the Federation and its constituent Territories, but

⁶¹ A/AC.109/L.14.

⁶² See para. 190 above.

that any solution to be sought should be one that can obtain general acceptance.

195. The Special Committee is greatly disturbed by the recent statement attributed to Sir Roy Welensky to the effect that he would use force, if necessary, to maintain the Federation of the Rhodesias and Nyasaland. The Special Committee notes with great concern statements attributed to Sir Roy Welensky on his relations with Tshombé on the possibility of eventual union. The Special Committee wishes to emphasize that the United Kingdom Government should guarantee and protect the people of Northern Rhodesia against any possible interference by the armed forces of the Federal Government.

The new Constitution

196. With regard to the new constitutional proposals, the Special Committee considers that they do not conform to paragraph 5 of General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples. The Special Committee therefore considers that immediate steps should be taken to implement the objectives of resolution 1514 (XV).

197. There is general agreement that the new Constitution is basically undemocratic and discriminatory. The present distribution of seats which will in effect give 70,000 non-Africans 15 seats, the same as for the 3 million Africans, with another 14 out of 15 seats to be contested in double-member constituencies, is discriminatory and contrary to the fundamental principles of self-determination. Although the Government of the United Kingdom stated to the Committee that it was not envisaged that more than one or two such members would be appointed, nevertheless the Special Committee considers that the Governor should not make nominations to fill any vacant "national seats".

198. The franchise qualifications are discriminatory and do not satisfy the principle of universal adult suffrage because the property, educational and other qualifications make it impossible for the vast majority of the African population to qualify as voters. Although the United Kingdom delegation has stated that "these qualified franchise arrangements represent a stage in the road to universal suffrage and not the final solution", nevertheless the Committee recommends that it is necessary to apply immediately in the Territory the principle of "one man, one vote".

199. The Special Committee is impressed by the high sense of responsibility shown by the African political leaders by their decision to participate in the elections despite the serious defects and shortcomings of the Constitution. The Committee expresses itself in favour of the five points advanced by the political leaders of UNIP as *sine qua non* for their participation in the forthcoming elections.

200. The Special Committee notes the assurances given by the United Kingdom Government that a delimitation commission headed by a British judge will be appointed, that the elections will be held at the earliest practicable moment and that the freedom of expression of the will of the electorate will not be thwarted.

Conditions in the Territory

201. The Special Committee takes note of the attempts made to end discrimination in some public places by the passage of the Race Relations Ordinance

of 1960. However, the Committee notes that racial discrimination continues to be wide-spread in the Territory. There is discrimination in housing, education, employment, social conditions and in other fields. The Committee urges the administering Power to repeal all regulations, provisions and legislation existing in the Territory, which directly or indirectly sanction any policy or practice based on racial discrimination.

202. While some meagre improvements might have been made in the employment of Africans in copper mining industries, the Special Committee is of the view that there are still a very large number of categories of work which are not in practice open to African workers. Furthermore, the Committee notes with regret the disparities between the salaries of African and European workers and considers that this form of racial discrimination, in the matter of salaries, should be ended forthwith. The Special Committee also considers the disparity between the average income of the African and that of the European as discriminatory and unjustified.

Recommendations

203. The Special Committee reiterates in conclusion the importance and necessity of the immediate implementation of resolution 1514 (XV) and therefore recommends to the General Assembly, as a matter of urgency, the fixing of a date for the independence of Northern Rhodesia in accordance with the wishes of the indigenous population.

204. The Special Committee requests the Acting Secretary-General to forward its report to the administering Power and urges that Power to implement the following five conditions prior to the forthcoming elections:

- (1) Release of all political prisoners and detainees;
- (2) Complete freedom of movement and political activity of political parties;
- (3) Delimitation of the constituencies by an impartial commission;
- (4) Guarantees that the elections will be held in an atmosphere free of any intimidation or pressure and to that end the withdrawal of the armed forces of the Federation from Northern Rhodesia;
- (5) No nomination of members to any "national seats" in the Legislative Council which may be left vacant.

205. The Special Committee, having considered two draft resolutions, one submitted by the Union of Soviet Socialist Republics⁶³ on 24 April 1962 and the other by Cambodia, Ethiopia, India, Madagascar, Tanganyika, Tunisia and Yugoslavia⁶⁴ on 4 May 1962, recommends for adoption by the General Assembly, as a matter of urgency, the following text:

*"Draft resolution submitted to the General Assembly
The General Assembly,*

"Having considered the situation in Northern Rhodesia in the context of the purposes and principles embodied in General Assembly resolution 1514 (XV) of 14 December 1960,

"Having examined the application of said resolution in the Territory of Northern Rhodesia under the administration of the United Kingdom of Great Britain and Northern Ireland,

⁶³ A/AC.109/L.8.

⁶⁴ A/AC.109/L.11.

"*Aware of the fact that the administering Power proposes to introduce a new constitution in Northern Rhodesia as embodied in the announcement made by the United Kingdom Government on 28 February 1962 and that elections under the new Constitution are intended to be held in October 1962,*

"*Noting with regret the absence of political liberties for the non-European people in Northern Rhodesia and the fact that the Government of the United Kingdom has not yet taken immediate steps to transfer all powers to the people of Northern Rhodesia as required by paragraph 5 of resolution 1514 (XV),*

"*Being guided by the provisions of the Declaration on the granting of independence to colonial countries and peoples and of General Assembly resolution 1654 (XVI) of 27 November 1961,*

"*Having considered further the evidence submitted by the petitioners,*

"1. *Confirms* the inalienable right of the people of Northern Rhodesia to self-determination and national independence and supports the demand of the African political parties of Northern Rhodesia that Northern Rhodesia should be granted independence immediately;

"2. *Concludes*

"(a) That the proposed Constitution of 28 February 1962, which was announced after the adoption by the General Assembly of resolution 1514 (XV), of 14 December 1960, does not conform to the principles embodied in paragraph 5 of that resolution, particularly in respect of franchise qualifications;

"(b) That the franchise qualifications embodied in the constitution are discriminatory and prejudicial to the interests of the indigenous people since they exclude the enrolment of the vast majority of the indigenous people on the electoral rolls;

"(c) That the inclusion of Northern Rhodesia in the Central African Federation was imposed contrary to the wishes of the indigenous people who form the overwhelming majority of Northern Rhodesia;

"(d) That the situation in Northern Rhodesia is such that governmental powers are wielded by a

small minority to the detriment of the rights and interests of the overwhelming indigenous majority;

"(e) That the question of whether Northern Rhodesia is to enter into any federation or any relationship of any kind with other countries can be decided only by the people and representative bodies of Northern Rhodesia;

"3. *Requests* the administering Power:

"(a) To take immediate steps to apply the provisions of the Declaration on the granting of independence to colonial countries and peoples in Northern Rhodesia for the transfer of power to the people of Northern Rhodesia in accordance with universal suffrage;

"(b) To repeal all laws, ordinances and regulations which directly or indirectly sanction any policy or practice based on racial discrimination;

"4. *Urges* the Government of the United Kingdom of Great Britain and Northern Ireland to comply fully with all the following conditions as a prerequisite for the forthcoming legislative elections:

"(a) Release of all political prisoners and detainees;

"(b) Complete freedom of movement and political activity of political parties;

"(c) Delimitation of constituencies by an impartial commission;

"(d) Guarantees that elections will be held in an atmosphere free of any intimidation or pressure and, to that end, withdrawal of the federal armed forces from Northern Rhodesia;

"(e) No nomination of members should be done to any 'national seats' in the Legislative Council which may be left vacant;

"5. *Affirms* that the territorial integrity of Northern Rhodesia should be respected in accordance with paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples."

206. By letter dated 18 June 1962, the Secretary-General transmitted to the Government of the United Kingdom the conclusions and recommendations on Northern Rhodesia adopted by the Special Committee.

CHAPTER IV

NYASALAND

A. INFORMATION ON THE TERRITORY*

General

1. Nyasaland is situated in Central Africa and is bounded on the north and east by Tanganyika, on the east, west and south by Mozambique, and on the west by Northern Rhodesia. It is approximately 520 miles in length and varies in width from 50 to 100 miles. Its main geographical feature is the deep depression, forming part of the Great Rift Valley, which traverses Nyasaland from end to end. The greater part of this depression is occupied by Lake Nyasa, about 1,500

feet above sea level, and the remainder by the Shire River Valley, only 200 to 300 feet above sea level. There are high plateaux on either side, and the southern highlands are dominated by the Mlanje Mountains, rising to some 10,000 feet. The total area of Nyasaland is 46,066 square miles, one-fifth of which is lake water.

2. The estimated population of Nyasaland at 31 December 1960 was 2,862,700, according to the following break-down:

Africans	2,840,000
Asians and others	13,200
Europeans	9,500
	<hr/>
	2,862,700

* Section A of the present chapter is based on information supplied by the administering Power and information compiled by the Secretariat from published sources.

The population density of Nyasaland, about sixty persons to the square mile, is one of the highest in Africa.

Government

(a) Present status

3. Nyasaland was proclaimed a British protectorate in 1891. In 1907 the control of the Territory was transferred from the British Foreign Office to the Colonial Office, and Executive and Legislative Councils were set up. In 1953 it became part of the Federation of Rhodesia and Nyasaland.

4. The protectorate status of Nyasaland and Northern Rhodesia is specifically recognized in the Federal Constitution, the preamble of which states that they shall continue to enjoy separate governments for so long as their respective peoples so desire. Subject to the ultimate authority of the United Kingdom Government, the Governments of Nyasaland and Northern Rhodesia remain responsible for the control of land in their respective territories and for promoting the local and territorial political advancement of their peoples. The Territorial Governments are also responsible for all subjects for which the Federal Government is not given responsibility.

(b) Constitution

5. The present Constitution of Nyasaland is based on the recommendations of a Constitutional Conference which took place in July and August 1960, and which was attended by representatives of the major political parties of the Territory. At that time, the Legislative Council had thirteen elected or nominated non-official members, and twelve official members (i.e. civil servants). Of the non-official members seven were African representatives nominated by the Governor. The Executive Council consisted of the Governor, who presided, four non-official members, including two Africans, nominated by the Governor, and five official members.

6. The report of the Constitutional Conference recommended a plan for a new Constitution based on the following general principles:

(a) The composition of the Legislature should have regard to the fact that there is an African majority in the country, whilst providing for the vital contribution which the non-African communities make to the country's progress and prosperity;

(b) African representation in the Legislature should be obtained by direct elections, based on a reasonable and broad franchise, suited to the present conditions of the country;

(c) Although the Executive Council should remain advisory to the Governor, the members of the Council should be directly associated with the administration of the Government, possibly on the basis of a ministerial system.

7. The main provisions of the Constitution agreed upon by the 1960 Conference are described below.

(i) The Governor

8. The Governor is the head of the Territory's administration. In the exercise of his powers, he is advised by the Executive Council and normally acts in accordance with the advice he receives.

(ii) Executive Council

9. The Executive Council is the chief executive body of the Territory. It consists of ten Ministers, of

whom seven are elected members of the Legislative Council and three are civil servants. All the elected members belong to, or are supported by, the Malawi Congress Party. The three civil servants hold the portfolios of Chief Secretary and Ministers of Justice and Finance.

10. Under the Constitution, up to three Parliamentary Secretaries may also be appointed. They are not members of the Executive Council but are associated with the administration of government departments. The United Kingdom has stated that these provisions are intended to give elected African members experience in those government departments whose ministers are still civil servants.

(iii) Legislative Council

11. The Legislative Council passes laws, with the Governor's assent, on all matters within the competence of the local government and controls its budget. The Council has a maximum tenure of five years. It consists of thirty-one members under the chairmanship of a Speaker. Twenty-eight of its members are elected, and three are *ex officio* members. Of the twenty-eight elected members, twenty-two belong to the Malawi Congress Party, five to the United Federal Party, and one is without party affiliation.

(c) Electoral system

12. Under the franchise arrangements agreed to at the 1960 Conference, the elected members of the Legislative Council are elected in single-member constituencies, twenty by voters on an electoral roll with lower qualifications and eight by voters on an electoral roll with higher qualifications. All voters on both rolls must be at least twenty-one years of age, have resided in Nyasaland for two years prior to registration and be British subjects, or British protected persons by virtue of connexion with Nyasaland. For registration on the lower roll a voter must be literate in English and have an annual income of £120, or own property of a value of £250; or be literate in either English or a local language and be a taxpayer; or hold a certain office or position, such as chief, village headman, master farmer, pensioner or ex-serviceman. To qualify for the higher roll a voter must have an annual income of £270; or own property of a value of £1500; or have completed his primary education and have an income of £480, or own property of a value of £1,000; or have successfully completed his secondary education to the standard achieved after four years of the course, and have an income of £300, or property of a value of £500; or be a university graduate. A general election under the new Constitution was held on 15 August 1961. The number of voters registered on the lower roll was 106,000 and on the higher roll 4,000.

(d) The judiciary

13. The High Court of Nyasaland consists of a Chief Justice and two puisne judges, and deals with all cases involving serious offences. For less serious offences there are magistrates' courts. Appeals from subordinate courts in civil and criminal matters lie to the High Court, and from the High Court to the Federal Supreme Court. Appeals in criminal matters to the High Court may be on matters of fact as well as matters of law.

14. There are also African courts, which are constituted in accordance with local law or custom and are presided over by chiefs assisted by assessors. Their

jurisdiction is limited to cases where all the parties are African and the defendant is within the jurisdiction of the court concerned.

(e) *Local government*

15. The basic unit of local government is the Native Authority Council. These councils are generally responsible for the welfare of the inhabitants of their area, and have certain responsibilities in connexion with maintenance of public order and the administration of justice. The Chief of the area, who is an *ex officio* member of the council, is normally chairman, and the councillors themselves are either hereditary or selected in accordance with public opinion in their area.

16. In eleven of the eighteen districts into which Nyasaland is divided, district councils have been established. The district councils control their own finances, levy rates and taxes and make by-laws on such matters as agriculture, education, veterinary services and water supplies, and have thus largely taken over the financial and legislative responsibilities of the Native Authority Councils in their area. Under legislation which comes into effect on 30 June 1962, all councillors on district councils who have held office for six months or more will vacate their seats, which will then be contested by elections on a basis of universal adult suffrage.

17. The towns of Blantyre-Limbe, Zomba, Lilongwe and Salima have town councils established under the Townships Ordinance. These councils maintain roads, markets and other services, and may make by-laws on a wide variety of subjects. They may levy rates in order to raise revenue. In fourteen other rural population centres, rural area boards have been set up with more restricted powers and duties. At present, the majority of members of the town councils and rural area boards are appointed by the Government.

Political parties

18. The first African political party to be formed in Nyasaland was the Nyasaland African Congress, which was founded in 1943. In 1953 it received the express support of the Nyasaland Chiefs Union in its opposition to federation and its demands for self-government within the Commonwealth. In July 1958 Mr. Hastings Banda returned to Nyasaland as President-General of the party, and the policy of non-cooperation with the Government, which had been its programme since 1953, was intensified. Following the disturbances in 1959, the party was banned.

19. The Malawi Congress Party was formed in 1959 by a group of supporters of the African National Congress. On his release from prison in 1960, Mr. Banda became its President-General. The party has continued its opposition to the Federation and described its programme as nationalist, democratic, socialist and dedicated to promoting the cause of Pan-Africanism.

20. The United Federal Party of Nyasaland is a section of the federal party. In Nyasaland, it is led by Mr. M. H. Blackwood.

21. The Christian Social-Democratic Party⁶⁵ was formed in October 1960 under the leadership of Mr. Chester Katsonga, a former branch chairman of the banned Nyasaland African Congress. It is a non-

racial party and advocates majority rule and justice for all.

22. The National Liberation Democratic Party was founded in December 1960 by Mr. Clement K. Kumbikano, former President of the Central African Party.⁶⁶ It is also a non-racial party and tries to win the support of liberal and democratic elements of all races in Nyasaland.

23. The Congress Liberation Party was formed in 1958 by Mr. T. D. T. Banda, who had been President-General of the Nyasaland African Congress during 1957-1958. His party advocates universal adult suffrage, self-government for Nyasaland as a free State within the Commonwealth, the abolition of the colour bar, non-violence and respect for the authority of Chiefs.

24. The Asian Convention represents the Asian minority and co-operates with the Malawi Congress to end European domination and break up the Federation. It is led by Mr. A. Sattar Socranie.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

25. The Special Committee considered Nyasaland at its 61st to 64th and 70th meetings, held in Addis Ababa and Dar es Salaam on 30 and 31 May, 1 and 7 June 1962.

26. The Special Committee received and circulated a written petition concerning Nyasaland from Mr. George M. Chilambe.⁶⁷

Observations by members of the Special Committee

27. The representative of the United Kingdom referred to the fact that the Malawi Congress Party, led by Mr. Hastings Banda, had won a majority of seats in the elections of August 1961, and now held seven out of ten Ministries in the Nyasaland Government. Mr. Butler, the United Kingdom Minister responsible for Central African Affairs, had visited Nyasaland and agreed with Mr. Banda that the latter should go to London in June or July 1962 for discussions on Nyasaland's future. Apart from the well-known views of his Government on the Committee's competence to discuss individual Territories, it would be particularly inappropriate for the Committee to embark on any detailed discussion of Nyasaland at such a moment. He therefore did not propose to make a statement on Nyasaland at the present juncture.

28. The representative of the Soviet Union said that the situation in Nyasaland, the third African territory forced into the Central African Federation against the wishes of the inhabitants, differed little from that in the other two. Despite the unanimous demand of all African parties for universal adult suffrage, Nyasaland's so-called "New Constitution" laid down stringent income, property and educational qualifications specially devised to restrict the size of the African electorate. As a result of those machinations, each African returned to the Legislative Council represented over 123,000 persons, whereas each member elected on the upper roll represented only 800 persons. Such was the nature of representative democracy as practised by the United Kingdom colonialists. Furthermore, full powers in the Territory were in the

⁶⁵ Both the Christian Social Democratic Party and the National Liberation Democratic Party have since been disbanded.

⁶⁶ A federal party.

⁶⁷ A/AC.109/PET.41.

British Governor's hands. The Executive Council, instead of functioning as a Cabinet, merely acted in the capacity of adviser to the Governor, and the Legislative Council could not enact laws without his assent.

29. He considered that Nyasaland's most acute problem was that of federation with the Rhodesias. The colonialists had both economic and political grounds for including Nyasaland in the Central African Federation. Nyasaland acted as a pool of cheap labour for Southern Rhodesia's processing industries, while its agriculture and natural resources brought substantial profits to foreign companies. Politically there was the fear that Nyasaland's withdrawal would make it impossible for Sir Roy Welensky to retain his hold over Northern Rhodesia for any length of time, which would lead to the loss of the rich copper mines owned by the European monopolies.

30. By contrast, he noted, all Nyasaland's African leaders and political parties had, from the very beginning, been opposed to the Federation which they rightly regarded as repeating the pattern that had led to the establishment of the racist Republic of South Africa. The Nyasaland people's deep-rooted opposition had led to demonstrations of protest in March 1959, but neither the shooting of the Africans nor the proclamation of a state of emergency and the arrest of Mr. Banda and his supporters had succeeded in suppressing the movement for withdrawal from the Federation and independence for Nyasaland. The elections of August 1961—in which the Malawi Congress Party, whose electoral programme had included withdrawal from the Federation, had won 99 per cent of the votes—had, to all intents and purposes, turned into a referendum on Nyasaland's continued membership in the Federation. As Mr. Banda had said in March 1962, the Federation was dead, and everybody knew it. African political parties opposed the Federation because it subjected the country to the domination of the European minority. Moreover, as had been pointed out in a memorandum issued by the Congress Liberation Party, Nyasaland was being subjected to economic discrimination within the Federation. The Africans realized that Federal funds went to areas with larger European settler communities.

31. The colonialist arguments that Nyasaland could not be independent because of its weak economy, lack of trained cadres, and other circumstances, were wholly unsound. In addition to being far from true, those arguments ran counter to the provision in the Declaration on the granting of independence to colonial countries and peoples that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence. As Mr. Banda had said on 13 February 1962, there was no doubt that Nyasaland could succeed as an independent country, but it would need help. The United Kingdom colonial authorities were, however, still doing their best to keep Nyasaland in the hateful Federation, in defiance of the wishes and aspirations of the majority of the people. The first crack in the Federal structure would occur in Nyasaland.

32. The administering Power had not taken any steps to implement the Declaration on the granting of independence to colonial countries and peoples. Power in Nyasaland was still in the hands of the United Kingdom colonial administration, and universal adult suffrage had not been introduced. The United Kingdom had not explained the final aim of the

constitutional conference scheduled for July 1962 and had not indicated when it would grant independence to Nyasaland. The Special Committee was in duty bound to take specific and effective decisions designed to bring nearer the attainment of independence by Nyasaland, and must support the African political parties' position at the forthcoming constitutional conference and uphold the Nyasaland people's inalienable right to self-determination and independence. His delegation considered that Nyasaland must be granted independence not later than 31 December 1962. The question of federation or association between Nyasaland and other territories could be settled only by the people of Nyasaland after they had become independent.

33. The representative of Syria stated that unlike Northern and Southern Rhodesia, Nyasaland appeared to be moving smoothly towards the desired objective. The 1960 Constitutional Conference had resulted in a unanimous agreement on a new Constitution, which had subsequently been implemented to the satisfaction of all concerned.

34. It was not his intention for the time being to point out all the defects of the new Constitution, such as the limited franchise, the continued presence of *ex officio* and nominated members on the Executive Council, or the fact that the latter had purely advisory functions, all of which showed that the Constitution left much to be desired so far as the Declaration on the granting of independence to colonial countries and peoples was concerned. The Constitution, which had been accepted by the people of Nyasaland in a spirit of compromise, was a stage in Nyasaland's evolution towards self-government and independence.

35. In the circumstances he felt that the Committee should take note of the will of the people and avoid making any recommendations which might hinder their plans for attaining their national objectives. He hoped that the proposed discussions between Mr. Butler and Mr. Hastings Banda would be imbued with the spirit in which the 1960 Conference had been held. On that occasion the Secretary of State for the Colonies in the United Kingdom Government had said that the task of the Conference was to seek a pattern for the orderly evolution of Nyasaland's political institutions on a democratic basis, in a form which would fulfil the aspirations of the people of Nyasaland.

36. That Nyasaland was ready for independence was beyond doubt. The next constitutional step should take the Territory to full independence, in conformity with the wishes of the people and the principles embodied in the United Nations Charter and the Declaration on the granting of independence to colonial countries and peoples. It would lie with the people of Nyasaland to determine their country's relationship with the Federation, and no pressure should be brought to bear upon them to accept an association which they had rejected in the past and still seemed to regard as detrimental to their interests.

37. The representative of Mali noted that a meeting was to take place shortly between Mr. Banda, leader of the majority party, and the United Kingdom Government to discuss the future of the Territory. The colonial régime imposed on Nyasaland was one of oppression, obscurantism, exploitation, humiliation and deprivation of democratic freedoms.

38. Nevertheless, the new electoral system and the establishment of an elected Legislative Council and an

Executive Council constituted a step forward. Those reforms had been accepted by the African populations as transitional measures, designed to lead them rapidly to independence in an orderly manner and in co-operation with the United Kingdom Government. They should therefore be understood as such and be quickly replaced by genuine, democratically elected institutions; all the powers now vested in the United Kingdom Government should be transferred without delay to a Government chosen by the people of Nyasaland.

39. The United Kingdom Government should be asked to convene a conference forthwith with the democratically elected representatives of the populations of the Territory to agree upon the date and make arrangements for independence; both the date and the arrangements must satisfy the aspirations of the African populations, who demanded immediate independence so that they could begin the economic, political and social decolonization of their country.

40. The matter of a possible federation of the Rhodesias and Nyasaland should be left to the discretion of the peoples of the three countries: it was for democratically elected Governments to determine, in complete independence, the desirable forms of association or co-operation. As things stood, the Federation was a neo-colonialist device imposed on the African peoples in order to maintain white supremacy, and should therefore be abandoned.

41. The representative of Yugoslavia said that his delegation noted with satisfaction the recent developments in Nyasaland, which had been brought about by the persistent struggle of the people and their political leaders. Nyasaland's present Constitution still left much to be desired since the Legislative Council still included *ex officio* and nominated members, the Executive Council was still an advisory body, and the franchise qualifications were far from being compatible with universal adult suffrage.

42. The United Kingdom should transfer all powers to the Government formed after the August 1961 elections, in which the Malawi Congress Party had won an absolute majority, and should take all other steps to implement the Declaration on the granting of independence to colonial countries and peoples in its entirety.

43. With regard to the Federation which had been imposed on the African people he believed that the United Kingdom should take all necessary steps to prevent any unconstitutional action aimed at maintaining the present Federation. The future relations between Nyasaland and other African States must be decided by the people after they had attained complete independence. He hoped that the forthcoming constitutional conference in London would fulfil the African people's expectations and set a date for independence. The Committee should give full support to the people of Nyasaland in order to enable them to attain independence in the shortest possible time.

44. The representative of Tunisia noted with satisfaction that the Territory was advancing towards complete emancipation. He would not stress the shortcomings of that Constitution; he would rather point out that, with determined goodwill on the part of the United Kingdom authorities, a solution could be found reflecting the wishes of the African populations and the nationalist majorities. In that respect the result of the elections of August 1961 were very significant:

despite a franchise that was still restricted, and to a certain extent discriminatory, the Nyasa people had voted almost unanimously for the nationalist platform and had elected to the Legislative Council men who had thereafter proceeded steadfastly to advocate the total emancipation of the Territory, both from Sir Roy Welensky's Federation and from colonial protection by the United Kingdom. The 1960 Constitution was far from perfect and should have been modified in some ways, but for the time being he preferred to stress the transitional nature of the 1960 Constitution in the hope that the next stage would establish Nyasaland's complete independence. Substantial progress had been made in Nyasaland towards the goal set in the Declaration on the granting of independence to colonial countries and peoples and the effective transfer of all powers to the representatives of the African population would certainly be the next step, which must surely be the outcome of the talks between Mr. Banda and Mr. Butler. A first decisive blow would thus have been struck at Sir Roy Welensky's Federation.

45. The representative of Cambodia welcomed the United Kingdom representative's statement that a constitutional conference would take place shortly to consider the future situation of Nyasaland, and he hoped that it would result in the granting of complete independence, which the people so eagerly awaited. Unlike the other territories considered by the Committee, Nyasaland had a Constitution which allowed certain categories of Africans to play an important part in public life, and more particularly in the work of the Legislative Council. The present Constitution did not include all the elements necessary for the whole population to enjoy the rights that an independent State conferred upon its citizens, but he did not doubt that the forthcoming conference would fill all the gaps in the present Constitution, and that Nyasaland would be granted a new constitution in conformity with the aspirations of the people and worthy of an independent and sovereign State. In so doing, the United Kingdom would have fulfilled its duty as administering Power and implemented the Declaration on the granting of independence to colonial countries and peoples.

46. The representative of India said that since Mr. Hastings Banda had decided to put Nyasaland's new Constitution to the test, he would not describe its shortcomings, limitations and inadequacies, such as the existence of restrictive franchise qualifications. Nor would he speak of the sufferings and sacrifices of the people of Nyasaland, thanks to which events in the Territory had taken a positive and hopeful turn. Nor would he go into the history of the Territory and its opposition to the Federation. It was the sincere hope of his delegation that the forthcoming constitutional talks between Mr. Butler and Mr. Banda would yield fully satisfactory results, and that Nyasaland would become an independent and sovereign State at the earliest possible date.

47. The representative of Italy agreed that at the present stage it would be wise to await the outcome of the forthcoming important constitutional developments in Nyasaland, where the prevailing political atmosphere gave good grounds for confidence that the situation would be greatly improved by decisions to be taken in the near future. He was reasonably confident that further constitutional advances would soon be made, particularly in the direction of a wider fran-

chise, and that the Territory would become fully independent in the very near future.

48. The question of whether there should be any form of association between Nyasaland and other territories would have to be decided by the peoples concerned. The continuation of the present Federation could not be imposed, and he saw no reason to question the stand which the United Kingdom had taken on that subject. It would probably be in the interest of the people of Nyasaland that some form of association with neighbouring territories should continue or be established after Nyasaland's independence, and there were now powerful trends in Africa towards possible forms of association which might eventually cover the whole continent. Since that was a matter for the Africans themselves, the Committee could only express its hopes that such trends would quicken the pace of political, economic and social advancement of the Territories concerned.

49. The representative of Madagascar said that the case of Nyasaland showed not only the uselessness of the so-called Federation, but also the real threat it presented to all African development and progress, which was the only guarantee of independence unmarred by disturbances. He was happy to note that, thanks to the valiant resistance of the Nyasaland leaders and the good sense of the people, thanks also to the understanding of the country's white minority and the goodwill of the United Kingdom, which had recognized its true responsibilities in that part of Africa, Nyasaland could be considered as a model solution to the problem of indigenous control of government, control which was in no instance detrimental to the interests of the settlers who agreed to co-operate.

50. Events in that Territory showed that the policy of the United Kingdom had clearly been directed towards Nyasaland's development and was designed to make it an African State. The latest measures it had taken, although not yet entirely to the Committee's satisfaction, none the less constituted a step forward and confirmed the United Kingdom's goodwill. What the Africans in Nyasaland needed was the immediate banishment of the bogey of a Federation which was of advantage neither to the Africans nor to the Whites. The United Kingdom must rid the country of it forthwith, otherwise the Africans themselves would mercilessly sweep it away. He also invited the United Kingdom to take the necessary steps forthwith for the transfer of power in Nyasaland, in preparation for that country's independence.

51. The representative of Australia said that the problems of Nyasaland were easier to solve than those of the other Territories in the Federation. Much had been done to prepare the Territory for self-determination and to unravel its constitutional problems. All countries hoped that the people of Nyasaland would soon enjoy self-determination and manage their own affairs.

52. He noted that one of the chief safeguards of the rights of the people of Nyasaland was the preamble to the Federal Constitution, which provided that Northern Rhodesia and Nyasaland should continue under the special protection of the United Kingdom Government and should enjoy separate forms of government for as long as that was the wish of their peoples. Any decision on the future relationship between Nyasaland and the Rhodesias must be based on that provision.

53. At the 1960 Constitutional Conference all parties had agreed that immediate steps should be taken to expedite constitutional development. In the 1961 elections the Malawi Congress had won a large majority in both the Legislative and Executive Councils. In addition, it had recently been announced that Mr. Butler and Mr. Hastings Banda were to meet again to discuss the future of Nyasaland. Thus there were good grounds for optimism on political and constitutional matters, though the economic situation and the prospects were not good.

54. There was a general desire in the Territory for independence and wide-spread repugnance for the Federation as it now exists, whatever the cost of the separation. Mr. Butler acknowledged that Mr. Banda and his party were against Nyasaland's remaining in the Federation and had decided to set up a group to examine the consequences of withdrawal from the Federation and any acceptable alternative forms of association. Both sides were taking an admirably practical attitude to the problem and were building up confidence and understanding. In the circumstances, there was no initiative which the Committee could usefully take at present. The problem would be settled by direct negotiations between Mr. Banda, whose position was strengthened both by the massive support of his people and by his exceptional personal qualities, and the Government of the United Kingdom.

55. The representative of Poland stated that under the pressure of the national liberation movement some progress had recently been made in the constitutional development of Nyasaland but only after a bitter struggle. Although these recent political developments were welcome, General Assembly resolutions 1514 (XV) and 1654 (XVI) had not yet been fully implemented in Nyasaland. The Governor still had absolute authority: all laws passed by the Legislative Council must have his assent, and he controlled the budget. The Executive Council was merely an advisory body, and the Governor was not bound to follow its advice. The complicated electoral law, based on financial, educational and other qualifications, was undemocratic, since it disenfranchised many Africans and placed the small European minority of less than 10,000 in a privileged position at the expense of nearly 3 million Africans. On the other hand, the Constitution of the Federation of Rhodesia and Nyasaland which was imposed upon the African people retained certain powers, such as direction of foreign affairs, control of the armed forces and of the economy, and many other important matters, exclusively in the hands of the Federal legislature dominated by European settlers.

56. Hence the people of Nyasaland were opposed to the Federation, politically and economically. The Territory had been used as a source of supply of exportable cheap labour for the Rhodesias, which kept down the wages of Africans in the Federation and hampered their economic and social advance. The average earning by Africans in Nyasaland, compared with the same in both Southern and Northern Rhodesia, was the lowest one; it was in 1961 in Northern Rhodesia £119 per annum, in Southern Rhodesia £84, and in Nyasaland only £51. In the same year the average European earnings were £1,464, £1,117, and £1,185, respectively. Racial relations in Nyasaland had deteriorated with the introduction of the Southern Rhodesian policy of racial discrimination, and the Federal police and armed forces had been used to suppress

the national liberation movement and perpetuate the domination and exploitation of the people by the settlers. That was why Mr. Banda had said recently that under no circumstances would he support any kind of association—even economic—between Nyasaland and the Rhodesias, and that there was no doubt Nyasaland would succeed as an independent nation.

57. He believed that the administering Power was entirely responsible for what had happened and was still happening, and he fully supported the legitimate national aspirations of the people of Nyasaland. The Committee should request the United Kingdom to give effect to resolution 1514 (XV) and should ask the General Assembly to demand the immediate granting of independence to Nyasaland. The question of any federation between Nyasaland and other African countries must be decided by the people of Nyasaland themselves.

58. The representative of Venezuela stated that Nyasaland's problems were much easier to solve than those of the other members of the Federation, and much more had been done to implement General Assembly resolutions 1514 (XV) 1654 (XVI). Nyasaland had now repudiated its links with the Federation, and even the United Kingdom Government now seemed to give little support to the Federation. Nyasaland's development towards self-determination was satisfactory, particularly since the adoption of the new Constitution and the 1961 elections. He hoped that the coming talks between representatives of the Governments of Nyasaland and the United Kingdom would bring the Territory to full self-government. The Committee should simply encourage both sides to achieve that end as soon as possible.

59. The representative of Ethiopia said that United Kingdom colonial administration in the East African Territories followed a unique pattern. Constitutional advance or any apparent forward step towards independence in East Africa had always been initiated by the European settlers who enjoyed tremendous wealth and political influence, and was designed to perpetuate the favoured status of those settlers under the colonial system. This had been achieved by a system based on "weighted votes", a built-in device to ensure that the European vote should always outweigh the combined African and Asian vote, despite the fact that the African inhabitants constituted the great majority of the population in each of the East African Territories. The difference in Nyasaland was that the European settlers were fewer than in the other territories and, although wielding political and economic power grossly disproportionate to their numbers, could not expect to have the last word, as could the settlers in the other two Territories.

60. The introduction of the new Constitution in Nyasaland and the subsequent elections had been presented as a great step forward, and the United Kingdom representative had even suggested that events in that Territory pointed the way to future developments in the Rhodesias. But the European settlers in Nyasaland were pitifully outnumbered by the Africans, which was not the case in the Rhodesias, and furthermore the Africans of Nyasaland were well organized under the able leadership of the Malawi Congress Party and Mr. Hastings Banda. Those two realities had forced the United Kingdom Government to give Nyasaland a Constitution which ensured Africans a majority in both the Legislative and the Executive Councils.

61. The Malawi Congress Party demanded nothing short of complete independence and was using its newly won majority to demand just and democratic representation of the African people. Both those demands were in conformity with General Assembly resolution 1514 (XV), and his delegation could not but support them as also the policy of Mr. Banda and his party with regard to the imposed Federation. The Federation was not the result of the same economic and political imperatives which were today impelling other African countries to unite and co-operate, but was part of a manoeuvre to extend to Northern Rhodesia, and more particularly to Nyasaland, the great political and military power of the settlers of Southern Rhodesia, thereby making it impossible for the African peoples to work for their independence. But it was well known that the African nationalist leaders in those Territories were enthusiastic advocates of African unity and co-operation, provided such unity was based on popular consent and made to serve the interests of the African people.

62. The representative of the United States said that all delegations agreed that the people of Nyasaland had an undeniable right to achieve independence and to decide whether the country was to belong to any federation or association, and he was happy to note that responsible Ministers in the United Kingdom had recently made it clear that they shared that view. He was also happy to note that fourteen of the sixteen delegations present had expressed satisfaction with the recent political advances. The present situation in Nyasaland illustrated the advantages of rapid and peaceful political development, and he urged all colonial Powers to adopt the same method of peaceful change.

63. The United States delegation was glad that the report of the working group containing draft conclusions and recommendations on Nyasaland welcomed the forthcoming conference in London; it shared the hope expressed in that text that the conference would lead to rapid constitutional advancement in the direction desired by Mr. Banda and the people of Nyasaland. It was unfortunate, however, that the report tended to emphasize the negative aspects and gave little recognition to the rapid and positive constitutional development which had taken place in Nyasaland. Both Mr. Banda and the United Kingdom Government deserved encouragement and praise for their recent actions.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

64. At its 64th meeting, on 1 June 1962, the Special Committee decided to appoint an informal working group composed of the representative of Syria, as Chairman, and the representatives of Ethiopia, India, the Union of Soviet Socialist Republics and the United States, to prepare draft conclusions and recommendations concerning Nyasaland for consideration by the Special Committee.

65. The working group presented its report containing draft conclusions and recommendations⁶⁸ to the Special Committee at its 70th meeting, on 7 June 1962. At the same meeting the Special Committee adopted the draft conclusions and recommendations proposed by the working group, which are set out in paragraphs 67 and 68 below, by a roll-call vote of 11 to 1, with 3 abstentions. The voting was as follows:

⁶⁸ A/AC.109/16.

In favour: Cambodia, Ethiopia, India, Mali, Poland, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Italy, United States of America.

66. The representative of the United Kingdom stated that he had cast a negative vote because, in the view of his delegation, it was inappropriate for the Committee to adopt conclusions and recommendations on Nyasaland only a few days before the elected leader of the Territory, Mr. Banda, was to take part in talks with the United Kingdom Government. In casting this vote, his delegation was not expressing any views on the substance of the conclusions and recommendations.

Conclusions and recommendations

67. The Special Committee of Seventeen, in the light of its consideration of the situation in Nyasaland and guided by the principles of the Declaration on the granting of independence to colonial countries and peoples, has reached the following conclusions and recommendations:

(1) It notes that, at the Constitutional Conference held in 1960, the basic demand of the political parties in Nyasaland was and still is immediate accession to independence and that they accepted the present Constitution, in the absence of a better alternative, only as a purely interim and compromise measure;

(2) It affirms the inalienable right of the people of Nyasaland to self-determination and national in-

dependence and supports the demand of the overwhelming majority of the population of Nyasaland for dissolution of the Federation with Rhodesia and for the granting of complete independence to Nyasaland;

(3) It notes with regret that the administering Power has not yet taken steps towards the implementation of resolution 1514 (XV) of the General Assembly containing the Declaration on the granting of independence to colonial countries and peoples, and in particular has failed to carry out paragraph 5 of that Declaration, which states that immediate steps should be taken to transfer all powers to the people of Trust and Non-Self-Governing Territories without conditions or reservations;

(4) It welcomes the decision of Mr. Hastings Banda and the United Kingdom Government to hold talks in June or early July on constitutional advancement and expresses the hope that those talks will lead to the establishment of the date of Nyasaland's accession to independence in accordance with the wishes of the people and the Declaration on the granting of independence to colonial countries and peoples.

68. The Special Committee requests the Acting Secretary-General to transmit these conclusions and recommendations to the United Kingdom Government immediately and urges that Government to take the necessary measures for their implementation.

69. By letter dated 18 June 1962, the Secretary-General transmitted to the United Kingdom Government the conclusions and recommendations on Nyasaland adopted by the Special Committee.

CHAPTER V

BASUTOLAND, BECHUANALAND AND SWAZILAND

A. INFORMATION ON THE TERRITORIES*

I. GENERAL

1. The High Commission Territories, comprising the Colony of Basutoland and the Protectorates of Bechuanaland and Swaziland, were administered by the United Kingdom through the Commonwealth Relations Office until November 1961, when the responsibility for the conduct of relations with the Territories was transferred to the Secretary of State for the Colonies.

2. The administration of the three Territories is governed by various Orders in Council and proclamations, one of which is the Basutoland, Bechuanaland Protectorate and Swaziland (Office of High Commissioner) Order in Council, 1959, as amended in 1960. Under the terms of this Order, the Territories are administered by a High Commissioner. Other provisions of the Order empower the High Commissioner to appoint a Resident Commissioner for each of the Territories to administer the Government of the Territory, subject to his direction and instructions, to constitute and appoint judicial and other officers, and to dismiss or suspend from the exercise of his office any person holding any office under the High Commissioner or in the Government of any of the Territories.

3. The present staff of the High Commissioner's Office, which is located in the Republic of South Africa,⁶⁹ consists of the High Commissioner himself, the Chief Secretary, the Administrative Secretary, the Secretary for Finance, three Assistant Secretaries, the Attorney-General and Legal Adviser, and the Private Secretary to the High Commissioner.

4. Other officers responsible for matters concerning all three Territories include the Chief Justice and a puisne judge, both of whom are resident in Basutoland. The Judiciary of each Territory is headed by the Chief Justice, who generally confines his activities to the Court of Appeal for the High Commission Territories, criminal review cases, the supervision of the work of the subordinate courts and the administrative side of the Judiciary. The Chief Justice visits the Bechuanaland Protectorate and Swaziland quarterly to handle civil matters and applications, this being in addition to the normal criminal and civil sessions. The Court of Appeal for Basutoland, the Bechuanaland Protectorate and Swaziland consists of the Chief Justice, who, *ex officio*, is the President, the puisne judge, who is a justice of appeal *ex officio*, and two nominated justices of appeal.

* Section A of the present chapter is based on information supplied by the administering Power and information compiled by the Secretariat from published sources.

⁶⁹ According to the High Commission Territories, Royal Instructions, 1959, the High Commissioner is required to maintain Headquarters Offices in Cape Town and Pretoria.

5. The South Africa Act of 1909, which established the Union of South Africa, included provision for procedures to be brought into use if at some future date agreement should be reached for the transfer of the three High Commission Territories to the Union. The Act empowered the King in Council, on addresses from both Houses of the Union Parliament, to transfer the administration of these Territories to the Union, subject to certain conditions designed for the protection of native rights. The 1961 South African Republican Constitution incorporates similar provisions.

6. The South African Government has, since 1909, several times expressed its desire for the High Commission Territories to be transferred to the Union, the last occasion being in 1956. During the passage of the 1909 South Africa Bill, the United Kingdom Government pledged itself that transfer should not take place until the inhabitants of the Territories had been consulted and the United Kingdom Parliament given the opportunity of expressing its views. These pledges have been consistently reiterated by subsequent Governments, and in doing so in 1954, the United Kingdom Government declared that there could be no question of its agreeing at that time to the transfer of the Territories. It was confirmed in 1959 that there had been no change in this policy.

II. BASUTOLAND

General

7. The Colony of Basutoland comprises an area of 11,716 square miles, of which about one-quarter, in the west, is lowland country varying in height above sea level from 5,000 to 6,000 feet, the remaining three-quarters being highlands rising to 11,425 feet in the Drakensberg Range, which forms the eastern boundary with Natal. In the centre is a high plateau varying from 9,000 to 10,500 feet, where South Africa's two largest rivers, the Orange and the Tugela, and the tributaries of the Caledon, have their source. The seat of Government is at Maseru, which is situated in the western lowlands.

8. The African population of Basutoland at the 1956 census was 638,857, plus 1,926 Europeans and 891 others. The principal occupations of the indigenous inhabitants are agricultural and stock farming. Non-Africans may not own land or permanently settle in Basutoland. Basutos seek work in the Republic of South Africa, mostly in the gold mines. The 1956 census showed 154,782 absentees (in addition to the 638,857 enumerated in the Territory). The bulk of the general trade in the Territory is carried on by Europeans and a few Indians. At present non-indigenous persons are being granted licences for new trading stations only in exceptional circumstances, for, since the war, an increasing number of Basutos have engaged in trading activities.

Government

(a) Present status

9. The Basutos came into prominence as a nation in 1818 when Moshoeshoe, a chief in the north, gathered remnants of clans that had been scattered by Zulu and Matabele raids. In 1868, Moshoeshoe and his tribe were recognized as British subjects and Basutoland as a British territory. The country was annexed to the Cape of Good Hope by an Act of the Cape Legislature, No. 12 of 1871. Difficulties between the

Cape Colony Government and the Basuto led to the decision that the United Kingdom should undertake the administration. The Order in Council brought into force in March 1884 defined the boundaries of the Territory and restored it to direct control of the Queen through the High Commissioner for South Africa (now styled the High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland).

(b) Constitutional development

10. Basutoland is an African territory without European settlers or landowners. Before the introduction of constitutional reforms in March 1960, the Territory was governed under a loose-knit system by which the British administration was combined with a hereditary chieftainship. The Basuto owe allegiance to a single Paramount Chief under whom there is a hierarchy of chiefs and headmen.

11. The head of the administration of Basutoland is the High Commissioner, who is also responsible for the Bechuanaland Protectorate and Swaziland. He is appointed by the United Kingdom Government, and a Resident Commissioner in Basutoland is directly responsible to him. The Resident Commissioner is assisted by a Government Secretary, who is also Deputy Resident Commissioner, the heads of the various government departments and nine District Commissioners, each in charge of a district. The District Commissioners work in close co-operation with the Principal and Ward Chiefs in their districts, and the Resident Commissioner with the Paramount Chief. The heads of the government departments and the subordinate departmental officers work with and through the Chieftainship.

12. It has been the practice for many years past for the High Commissioner, in the exercise of his legislative powers respecting domestic matters, to consult the Basutoland Council. The latter was formally established in 1910 as an advisory body, consisting of the Resident Commissioner as President, with the Paramount Chief as Chief Councillor, and ninety-nine Basuto members, of which ninety-four were nominated by the Paramount Chief and five by the Resident Commissioner. The Council evolved gradually, and an elected element was introduced: the members are elected by the District Councils, which were constituted in 1943 as advisory and consultative bodies in all districts, most members being popularly elected.

13. In September 1955 the Basutoland Council adopted a resolution requesting an advance in constitutional status. In May 1956 the Secretary of State for Commonwealth Relations invited the Council to submit detailed recommendations.

14. In November and December 1958 a delegation from the Council went to London for discussions with the United Kingdom Government on the Report on Constitutional Reform and Chieftainship Affairs, which had been unanimously approved by the Council in July of that year. The Orders in Council to give legal effect to this Agreement were promulgated in September 1959 and brought into operation in March 1960.

(c) Constitution of 1959

15. The new Constitution provides for the establishment of an Executive Council and a Legislative Council known as the Basutoland National Council; the recognition of the special position and importance of the Paramount Chief and the Chieftainship, designed to integrate the Chieftainship more satisfactorily into the

emerging pattern of modern Basuto society; and the reorganization of local government.

(i) *Executive Council*

16. The Executive Council comprises eight members: three members chosen by the Legislative Council from amongst their number, the Government Secretary, the Finance Secretary, the Assistant Attorney-General (the Attorney-General for Basutoland, being Attorney-General also for the Bechuanaland Protectorate and Swaziland, is not normally resident in the Territory), one member of the Legislative Council nominated by the Paramount Chief, and the Resident Commissioner who acts as chairman. The Executive Council in practice acts as the Cabinet of the Government of Basutoland. Its recommendations, though formally only "advice" to the High Commissioner and to the Paramount Chief, cannot be disregarded except under special circumstances requiring special procedures, and the members observe the rule of collective responsibility in their relationship both to the High Commissioner and to the Legislative Council. A full ministerial system has not yet been established, but in practice members have assumed responsibility for particular departments or activities of government. The High Commissioner has the right to decide not to consult the Council on the grounds of triviality, urgency or secrecy. The Resident Commissioner has the right not to consult the Council on grounds of triviality or urgency, but he does not have the same right on the grounds of secrecy, except on the express authority of the High Commissioner, given in writing in every instance. Moreover, the High Commissioner, or the Resident Commissioner, is required to consult with the Council in every case which relates to the allocation of any right to occupy or use land in Basutoland for public purposes.

17. The Paramount Chief may decide not to consult the Executive Council on grounds of triviality or urgency, or if he is required or permitted by law to consult any person or persons instead of the Council. He is also empowered to refer its recommendations back to the Council for action at its next meeting, at which any decision reached on that matter is final.

(ii) *Legislative Council (Basutoland National Council)*

18. The Legislature is uni-cameral and consists of the Basutoland National Council, which is made up of eighty members. The largest group in the Council consists of forty members who are elected by the nine District Councils, sitting as electoral colleges for that purpose, from among their own members. The electoral colleges consist of the elected members of the District Councils. The remainder of the members of the Council are twenty-two principal and ward chiefs, fourteen members nominated by the Paramount Chief and four officials who are the Government Secretary, the Finance Secretary, the Assistant Attorney-General and the Commissioner for Local Government.

19. The Basutoland National Council has power to legislate for all persons in Basutoland in respect of all matters, except those which are reserved to the High Commissioner. These include external affairs and defence, internal security, currency, customs and excise, posts and telegraphs and the public service.

20. All Council bills require Royal assent before they become law. In addition, the bills are presented to the Paramount Chief for the signification of his consent by signature, before they are presented to the

High Commissioner for assent. The Paramount Chief has certain powers of suspension: he can (a) ask the High Commissioner to reserve a bill for Her Majesty's pleasure on the score of discrimination, in which case the High Commissioner would be obliged to take this action, and (b) ask him to return bills passed by the Council, in which case such bills may not be resubmitted in the same form until six months have elapsed.

21. The High Commissioner is required to reserve for the signification of Her Majesty's pleasure any bill: (a) affecting the Constitution; (b) relating to privileges or immunities of the Basutoland National Council or its members; (c) involving discrimination against or in favour of any particular community, if so requested by the Paramount Chief; (d) relating to entry into, and residence in, Basutoland; and (e) varying the qualifications or disqualifications for voters in elections for District Councils.

(iii) *Local government*

22. The primary organs of local government are the District Councils, each consisting of at least fifteen members, elected by secret ballot on a common roll without regard to race, sex, colour or religion, every adult having one vote. Special provision is made for proxy voting for Basutos living in South Africa. Each member represents approximately 2,000 electors. In addition to the elected members, all the Principal and Ward Chiefs are members of their respective District Councils. Each council elects both a titular president and a working chairman, operates on a committee system, employs its own paid staff and has its own treasury. The responsibilities of the District Councils include public health, transport, communications, markets, the imposition and collection of rates and taxes, and the issue of certain licences.

(iv) *The Chieftainship*

23. The land in Basutoland and all rights in respect thereof are legally vested in the Paramount Chief in trust for the Basuto Nation. The position of Paramount Chief is filled after a person has been chosen and presented by the College of Chiefs and duly recognized by the High Commissioner. The Paramount Chief exercises his powers with the assistance of a College of Chiefs.

24. The College of Chiefs consists of all the Principal and Ward Chiefs, the Paramount Chief being the titular President. The College performs the following main functions: the presentation for recognition by the High Commissioner of a person as the Paramount Chief; the recommendation for recognition by the Paramount Chief of chiefs and headmen; adjudication upon cases of misconduct, inefficiency or absenteeism of any chief or headman and disputes concerning succession to Chieftdoms; and the definition or adjustment of the boundaries of the area of jurisdiction of a principal or ward chief. The day-to-day work of the College is done by a Standing Committee, consisting of four elected members and a Chairman appointed by the Paramount Chief after consultation with the Resident Commissioner. The Standing Committee functions as an administrative tribunal. The Paramount Chief is obliged to act on the advice of the College or the Standing Committee, though he is empowered to refer any matter back for reconsideration.

(d) *The judiciary*

25. The principal court of the Territory is the High Court, headed by the Chief Justice. The High Court

exercises original jurisdiction in both civil and criminal matters. It is the practice for four assessors to sit with the presiding Judge in criminal trials, but in civil cases the Judge normally sits alone in cases involving only law, other than Native law and custom. Where Native law and custom is involved, the Judge sits with four assessors, or with two African assessors only, depending on the character of the case.

26. The High Court also hears appeals from the subordinate courts. The subordinate courts are presided over by magistrates and hear cases of lesser importance in both civil and criminal matters.

27. There is also a system of Basuto courts to administer Basuto customary law, and appeals from these courts lie to the Judicial Commissioner's Court and from there to the High Court.

28. Appeals from the High Court lie, in certain circumstances, to the Court of Appeal in the three High Commission Territories. The circumstances for which the appeal lies to this Court and the Court rules governing the appeal are the subject of local legislation.

(e) Elections

29. Elections under the present Constitution were held in January 1960 to elect 162 members of the nine District Councils.⁷⁰ There were four political parties in the field, namely, the Basutoland Congress Party, the Basutoland National Party, the Marema Tlou Party and the Basutoland Progressive Association. Members of other smaller parties either stood as independents or supported one of the parties already mentioned. Subsequently, the deputy leader of the Congress Party and other members broke away from his party and formed another group named the Freedom Party. A feature of the election was the large number of candidates who stood as independents and were successful. Of the nine District Councils, the Basutoland Congress Party had an over-all majority in three, but many of the independents supported that party in their District Councils.

30. Taking into account the chiefs and members nominated by the Paramount Chief, as well as those elected by the District Councils sitting as electoral colleges, the strength of the parties in the National Council is as follows:

Basutoland Congress Party.....	27
Basutoland National Party	25
Independents	14
Marema Tlou Party	8
Basutoland Freedom Party	2

31. The National Council elected three of its members to sit on the Executive Council. They were Chief S. S. Matete, Mr. B. M. Khaketla (Deputy Leader of the Basutoland Congress Party) and Mr. M. Lepolesa (nominated by the Paramount Chief to the National Council).

Political parties

32. Founded in 1952 as the Basutoland African Congress, the Basutoland Congress Party (BCP) demands full democratic government and universal suffrage. Discussions were in progress during 1961 to settle on and publish a detailed independence manifesto which would place emphasis upon direct universal suffrage, executive responsibility, and the authority

⁷⁰ For details of the franchise qualifications see para. 22 above.

of the chiefs, particularly the Paramount Chief, whose power BCP wishes to define as that of a constitutional monarch. The party is aware of the need for industrial development, and looks both to the United Kingdom Government and to the United Nations for the economic support which would establish some degree of economic independence for Basutoland. It strongly opposes integration with the Republic of South Africa.

33. Towards the end of 1960, dissension within the leadership of BCP came into the open, and on 29 December B. M. Khaketla, its Deputy President and a member of the Basutoland Executive Council, resigned from the party. In April 1961, he launched the Basutoland Freedom Party (BFP) together with other former members of BCP who had resigned or been expelled. In a manifesto the leaders of the new party strongly attacked BCP for having antagonized the chiefs, attempted to dictate how party members should worship, and stifled independent thought. The manifesto promised that the new party would try to "inspire the confidence of overseas financiers and technicians, whose money and skills are needed so urgently by the Basuto people".

34. Formed in 1959 by Chief Leabua Jonathan to defend the traditional way of life, the Basuto National Party (BNP) has attacked the Basutoland Congress Party for alienating the chiefs from the popular struggle and pursuing too extreme and impatient a policy.

35. The Marema Tlou Party was founded by Chief Ceephephe Samuel Matete in 1957 "to unite chiefs and commoners".

III. BECHUANALAND

General

36. The mean altitude of the Protectorate is 3,000 feet. The Kalahari desert, consisting of undulating sandhills with stretches of grass and woodlands, covers much of the south and west. In the north-west the land is watered by the Okavango and Chobe rivers, the former widening into a delta and in seasons of heavy rainfall flooding Lake Ngami and the Makarikari salt lake. Regional differences of climate, soil, vegetation and incidence of population are considerable. The eastern region has the most favourable rainfall and the most suitable agricultural land. Water is a limiting factor everywhere. The Territory's boundaries are with the Republic of South Africa, South West Africa and Southern Rhodesia. Although it occupies an area of some 275,000 square miles, the total population is little over 300,000. The last census, taken in 1956, showed a population of about 300,000 Africans, 3,177 Europeans and 929 others. The population is not evenly distributed, the bulk of the people living in the eastern part of the Protectorate, with one fairly large tribe occupying the north-western corner. The central, western and southern areas, consisting of the Kalahari Desert, are extremely sparsely populated.

37. The Bechuana tribes tend to live in large villages or towns. The main tribal groups are the Barolong, the Bamangwato, the Batawana, the Bakhatla, the Bakwena, the Bangwaketsi, the Bamalete and the Batlokwa. The tribesmen are pastoral and traditionally little concerned with agriculture. Trade and the limited industries presently existing provide employment for the majority of Europeans who are not farmers, and for a substantial proportion of African wage earners.

Government is the largest single employer of labour in the Territory. Many adult males migrate to work for part of the year in neighbouring territories, particularly in the mines of the Republic of South Africa.

38. The seat of the Protectorate's Administration is Mafeking, across the border in the Cape Province of the Republic of South Africa.

Government

(a) Present status

39. The whole of Bechuanaland became a British Protectorate in 1885. Its southern part, including Mafeking, was later incorporated in the Cape Colony, which is now part of the Republic of South Africa. In 1891, by an Order in Council, the then High Commissioner for South Africa was authorized to exercise jurisdiction in the Territory.

(b) Constitutional development

40. The Protectorate comprises Crown Lands (103,500 square miles), five areas of European farms,⁷¹ including those areas originally granted in perpetuity in 1895 (5,000 square miles) and eight tribal reserves (113,500 square miles). It is divided into administrative districts under District Commissioners who, together with the heads of the various government departments are responsible to the Resident Commissioner. The latter administers the Territory under the directions and instructions of the High Commissioner.

41. The African areas are administered by "indirect rule", the tribal chief, or Native Authority, having powers and rights established by Proclamation, and acting with the advice of the District Commissioners and technical officers of the Protectorate Government. Native treasuries with certain powers of raising and spending money were first established in all reserves in 1938. The establishment of partly elected district and tribal advisory councils, to assist the chiefs and subordinate Native Authorities, is being encouraged.

42. Two Advisory Councils representing, respectively, the European and African inhabitants of the Protectorate were created in 1920, and these Councils have been consulted on major items of government policy. The composition of the African Advisory Council was similar to that of its successor, the African Council, which is described in paragraph 50 below. The European Advisory Council met twice a year under the presidency of the Resident Commissioner. It was made up of eight members, elected to represent the interests of the European inhabitants in the eight electoral areas into which the Protectorate was divided.

43. In 1950 a Joint Advisory Council was established; it consists of eight members of the African Advisory Council elected by that Council, the eight members of the European Advisory Council and seven Government officials. The Joint Advisory Council was consulted on all important matters affecting both African and European inhabitants.

44. The Joint Advisory Council passed a resolution in April 1958 to the effect that "in the opinion of this Council the time has come when a Legislative Council should be formed and empowered to assist in the Government of the Territory". In April 1959 it was announced that the Secretary of State for Commonwealth Relations was prepared to consider proposals for the establishment of a Legislative Council.

⁷¹ Included in this area are a number of farms on which Africans have been settled.

45. A Constitutional Committee, consisting of four European and four African unofficial members of the Joint Advisory Council, and four government officials, was appointed to assist the Resident Commissioner in the formulation of proposals. The Committee's report, which was unanimously endorsed by the Joint Advisory Council, was published in November 1959. After its publication the Resident Commissioner and the High Commissioner recommended certain modifications, which were endorsed by the Constitutional Committee. In July 1960 the Secretary of State announced his approval of the proposed Constitution.

(c) Constitution of 1960

46. The new Constitution was promulgated in December 1960 and brought into operation in May 1961. It provides for the establishment of an Executive Council, a Legislative Council and an African Council.

(i) The Executive Council

47. The Executive Council, which sits under the chairmanship of the Resident Commissioner, acts in practice as the Cabinet of the Government of the Bechuanaland Protectorate. Its recommendations, although formally only "advice" to the High Commissioner, cannot be disregarded, except under certain circumstances requiring special procedures, and its members observe the rule of collective responsibility in their relationship both to the High Commissioner and to the Legislative Council.

48. The Executive Council consists of ten members, including four unofficial members, two official members and the holders of the offices of Government Secretary, Finance Secretary, and Assistant Attorney-General, besides the Resident Commissioner himself. Although a ministerial system has not yet been introduced, each member assumes responsibility for a particular department or activity of the Government.

(ii) The Legislative Council

49. The Legislative Council has power to legislate for the affairs of the Protectorate generally, subject to certain reserved powers remaining with the High Commissioner. It has a majority of elected members, who make up twenty-one of the Council's thirty-five members. Of these, ten are Africans elected by the African Council, ten are Europeans elected by secret ballot by Europeans organized in ten constituencies, and one is an Asian elected by Asians throughout the Protectorate by postal vote.

(iii) African Council

50. The African Council replaces the former African Advisory Council, whose composition it closely follows. It consists of the Chiefs of the eight principal tribes as permanent *ex officio* members, and thirty-two other members elected by tribal or district councils for thirteen divisions in the Protectorate, with the Resident Commissioner as President and not more than seven other officials. The method of election or appointment varies, but in each division at least some of the members were elected in the 1961 elections and the elective principle is rapidly being extended. The Resident Commissioner may consult the African Council on a range of matters affecting Africans only, such as matters affecting chiefs, African Courts, customary law and tribal organization. The African Council is required to meet at least once a year. When it is acting as an electoral college only, none of the official members takes part. The first elections under the new

Constitution were held in 1961. They did not take place on party lines, as at that time no political parties in the Protectorate were sufficiently organized to participate.

(d) *The judiciary*

51. The principal court of the Territory is the High Court, headed by the Chief Justice. This court is a Superior Court of Record, having original jurisdiction in both civil and criminal matters. The presiding Judge generally sits with four assessors (two administrative officers and two Africans) who act in an advisory capacity, except in civil cases involving only law, other than African law and custom. There are also subordinate courts, presided over by magistrates with limited powers in civil and criminal matters. The High Court hears appeals from these courts, and appeals from the High Court's decisions lie to the Court of Appeal, which hears appeals from all three High Commission Territories.

52. There are also African courts administering African customary law; appeals from their decisions lie to the subordinate courts.

(e) *Local government*

53. Local government in the Protectorate is mainly carried out through the tribal authorities. In 1957 the principle was generally adopted that each authority should include a representative council, properly constituted to represent the people of the area. Each of these local administrations has its own treasury and certain powers of taxation and expenditure, which are controlled through finance committees.

Political parties

54. There were two political parties in the Protectorate during 1961, namely, the Bechuanaland Protectorate Federal Party and the Bechuanaland Peoples Party. The former was founded in 1959 by Mr. Leetile Disang Raditladi, a member of the Chiefs' House of Bamangwato, together with representatives of eight tribes. The party announced that it aimed to work for the unity of these tribes with the ultimate objective of building a federal form of democratic African administration; it advocates economic interdependence among the tribes, political, social and economic emancipation of the people, and the formation of trade unions and co-operatives.

55. The Bechuanaland Peoples Party was founded in December 1960; its President is Mr. Kgaleman T. Motsete. The party aimed to "mobilize and organize the political consciousness of the people of Bechuanaland" and to "inculcate a sense of national unity and solidarity among the diverse and tribally divided inhabitants of Bechuanaland". Detailed objectives included the abolition of all discrimination on grounds of colour, caste, creed or class; the protection of rights of citizenship of Bechuanaland nationals against "foreigners and immigrants", and of the integrity and security of the Territory; and the promotion of education for Bechuanalanders. Membership was open to "all persons from eighteen years of age, irrespective of sex, race, colour or creed". While welcoming the 1960 Constitution for the Protectorate, the party planned to campaign for further democratization in the near future.

56. It has been reported that Seretse Khama, Secretary to the Bamangwato tribe, was forming a new political party to be known as the Bechuanaland Demo-

cratic Party which would be pledged to fight racial discrimination as well as to work for recognition of the fact that the nation was made up of both African and non-African communities. The party's aims were to get an African majority in the Legislative Council by 1965, self-government by 1969, and independence after that.

IV. SWAZILAND

General

57. Swaziland, the smallest of the three High Commission Territories, with a total area of 6,705 square miles, is divisible into four geographical regions running from north to south. These are the broken mountainous high veld in the west, with an average altitude of over 4,000 feet, and suitable for afforestation; the middle veld, which is mostly mixed farming country, about 2,000 feet lower; the low veld with an average altitude of 1,500 feet; and the Lubombo Plateau, an escarpment rising to about 2,500 feet along the whole length of the eastern low veld, traversed by the gorges of the Ngwavuma, the Usutu and the Mbuluzi which, together with the Komati in the north-west, are the most important rivers. The last two regions provide good grazing and are highly fertile, though the rainfall is low.

58. The Territory, which is surrounded by the Republic of South Africa and Portuguese East Africa, is the home of the Swazi people, a composite people of various clans, who have their own tribal institutions and system of government. The 1956 census showed the population to be 240,511. This figure includes 11,728 Swazi who were temporarily employed outside the Territory and 3,470 foreign Africans temporarily employed in Swaziland. The Africans comprised 97 per cent of the population, Europeans 2.4 per cent and others 0.6 per cent. At the end of 1960, the population was estimated at 273,000, of which 261,500 were Swazis, 9,700 Europeans and 1,800 of other origin.

59. The distribution of land ownership in Swaziland is as follows:

	<i>Per cent</i>
Swazi Nation	51
Individual (Europeans)	38
Colonial Development Corporation	5
Individual (non-Europeans)	4
Crown land	2

Government

(a) *Present status*

60. The Swaziland Order in Council of 1903 established the relationship between the United Kingdom and the Swazis and placed the administration under the Governor of the Transvaal. The Swaziland Order in Council of 1906 authorized the High Commissioner for South Africa to take over the control of the Territory.

(b) *Constitution*

61. The head of the administration of Swaziland is the High Commissioner, and a Resident Commissioner in Swaziland is directly responsible to him. Close contact is maintained between the administration under the Resident Commissioner and the Ngwenyama and his counsellors, who are consulted by the Resident Commissioner on all matters concerning the African population.

62. The focus of the Swazi system is the Ngwenyama, or Paramount Chief. The Ngwenyama is advised by his kinsmen and chosen counsellors. Constitutionally he cannot take decisions without the approval of two formally constituted councils. The smaller of the two councils, the Liqoqo, consists of the more important of the Ngwenyama's kinsmen and a number of chosen advisers. The larger council is known as the Libandla (Swazi National Council), which is a general council, representative of the nation. It is made up of all the chiefs and important people, and of able persons of whatever rank who have been co-opted into it. The council can co-opt any man of superior intelligence, even if he should be of humble origin. At its widest extension it is a council of all the adult males of good standing in the nation. It represents the people and their opinion and is the intermediary between the Paramount Chief and the people when he wishes to communicate with them. The Libandla deals with purely national matters which are brought to it by the Liqoqo and rarely takes the initiative, although it has the power to do so. It is recognized by the Swazi as the final body from which approval for any contemplated act or legislation by the Ngwenyama should be obtained.

63. The European Advisory Council was established in 1921 but not given statutory recognition until 1949, for the purpose of advising the administration on matters affecting the European residents of Swaziland. This Council is elected by the European population and usually meets twice a year.

(c) *Constitutional development*

64. At a special meeting of the European Council, held in January 1960, a memorandum to the Secretary of State for Commonwealth Relations was presented, requesting, *inter alia*, the creation of a multiracial Legislative Council in which both European and Swazi interests would be represented, with a view to promoting better understanding between the groups. This was followed in April 1960 by a speech by the Paramount Chief, in which he proposed that the Swazi National Council and the European Advisory Council should meet together and form a Legislative Council.

65. In response to the European Advisory Council's memorandum, the Secretary of State charged the Resident Commissioner with the task of examining the problem of setting up legislative and executive councils. The first formal meetings to discuss the constitutional issue were held by the Resident Commissioner in October, first with the Constitutional Committee of the European Advisory Council and members of the European Community, and later with the Swazi National Council. The first joint meeting of all groups was held in November 1960.

66. Subsequently a Swaziland Constitutional Committee, representing all the political forces in the Territory, was set up by the Paramount Chief. However, the representatives of the Swazi National Council (who were also leaders of the Swaziland Progressive Party) withdrew from the Committee at an early stage following disagreement with the traditional members.

67. The Constitutional Committee issued its report in March 1962. It recommended that there should be a Legislative Council, in addition to the Speaker consisting of four official members, twelve unofficial members, elected by the Swazi National Council serving as an electoral college, and twelve unofficial European

members, elected on a common roll consisting of Europeans and Eurafricans.

68. The Committee recommended the creation of an Executive Council to consist of the Governor, three *ex officio* members, one official and four nominated members, these last to be appointed by the Governor and chosen from among the unofficial members of the Legislative Council. The Paramount Chief was to receive all documents prepared for the Executive Council, and its minutes, and he could submit matters for advice to the Executive Council and request it to reconsider its advice. All Council bills were to be presented to the Paramount Chief for his consent.

69. The Committee also recommended that there should be a British Governor, directly responsible to the Colonial Office, in place of a Resident Commissioner. It advocated a bill of rights and made recommendations on local government and land.

70. The Secretary of State for the Colonies reserved his position on these recommendations, but welcomed the general purport and objectives of the report. He rejected the proposal for a Governor for the present, questioned a number of other proposals and asked for more information on the nature and composition of the Swazi National Council, proposed to serve as an electoral college.

(d) *The judiciary*

71. There is a High Court for the Territory, presided over by the Chief Justice, who is also the Chief Justice of Basutoland and Bechuanaland. This Court exercises original jurisdiction in both civil and criminal matters and hears appeals from the subordinate courts, presided over by magistrates. The subordinate courts have powers to hear cases of lesser importance in both civil and criminal matters. Appeals against the High Court's decisions lie to the Court of Appeal for the High Commission Territories.

72. There are also Swazi courts, administering Swazi customary law, from which appeals lie in criminal cases to the Higher Swazi Court of Appeal, thence to a judicial commissioner, and from him in certain cases to the High Court. In civil cases, appeals against the decisions of the Higher Swazi Court of Appeal go directly to the High Court, if allowed.

(e) *Local government*

73. There are five proclaimed townships, in each of which there is an Urban Area Advisory Committee which, under the chairmanship of the District Commissioner, advises him on the administration and welfare of the township and surrounding European areas. These Committees consist of up to five elected members and certain Government officials. There are, in addition, African advisory committees, which advise the District Commissioner on the needs of the African population. The possibility of granting municipal status to two of the townships is now being considered.

74. Outside the urban areas, local government of the Swazi people is carried on mainly through the Chiefs advised by their own Councils, the Liqoqo and the Libandla.

Political parties

75. The main political party is the Swaziland Progressive Party. Formed in 1929 as the Swaziland Progressive Association, it was reorganized as the Swaziland Progressive Party early in 1960, when it

published a manifesto of objectives. Its aims included the full democratic enfranchisement of the Swazi people, complete racial integration in every walk of life, the outlawing of racial discrimination, self-determination for the Swazi, an uncompromising opposition to integration with the Republic of South Africa, and redistribution of land in Swaziland.

76. There are two other political parties, the Swaziland Democratic Party and the Mbandzeni Party.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

77. The Special Committee considered the question of Basutoland, Bechuanaland and Swaziland at its 49th to 51st, 57th to 60th, 64th, 69th and 70th meetings held in New York, Tangier, Addis Ababa and Dar es Salaam on 11, 14, 23 to 25 May, 1 and 7 June 1962.

Hearing of petitioners

78. The Special Committee heard the following petitioners concerning Basutoland, Bechuanaland and Swaziland:

(a) Mr. Ntsu Mokhehle, National President of the Basutoland Congress Party. Mr. Mokhehle was accompanied by Mr. G. R. Ramorebeli (49th to 51st meetings).

(b) Mr. J. J. Nquku, President of the Swaziland Progressive Party (50th and 51st meetings).

(c) Mr. P. Matante, Vice President of the Bechuanaland Peoples Party (50th, 51st and 69th meetings).

79. The Special Committee had before it a cable from the Paramount Chief of Basutoland⁷² and a letter from the Secretary-General of the Basutoland Congress Party forwarding the 1952 Manifesto of the party.⁷³

80. The Special Committee also had before it a petition from the Basutoland National Party.⁷⁴

81. Mr. Mokhehle (Basutoland Congress Party) said that the people of Basutoland desired immediate and complete independence. This desire was shared not only by the 43,000 adult members of his party but also by thousands of villagers who supported it, commoners and chiefs alike. It had been voiced also by the leaders of the Basutoland Freedom Party and the Marema Tlou Party, and by the Paramount Chief himself, who, while on a visit to the United States early in 1962, had called for independence early in 1963. As the Committee could see from the letter dated 13 April 1962 from Mr. G. C. Manyeli and Mr. E. T. Tan, writing on behalf of the Basutoland National Party, also that party expressed the wish to see Basutoland free of United Kingdom rule, although the solution it advocated was the establishment of a trusteeship.

82. The United Kingdom's indifference towards the United Nations Charter and the resolutions of the General Assembly, in particular resolutions 1514 (XV) and 1654 (XVI), seriously threatened Basutoland's aspirations. That was why his party was requesting the General Assembly to promote the early attainment of independence by Basutoland, pursuant to resolution 1514 (XV).

83. Until 1960 Basutoland had been ruled by the United Kingdom Resident Commissioners and by feudal Chiefs, represented in the Basutoland National Council. The members of that Council had been subservient to United Kingdom officials, with the result that oppression, exploitation and discrimination based on colour had been the rule.

84. His party had been formed in 1952. In its manifesto⁷⁵ it demanded immediate self-government and, to that end, that full legislative and administrative powers, now exercised by the High Commissioner, the Resident Commissioner and the Paramount Chief, should be transferred to the Basutoland National Council, the constitution of which should be amended. It called for the replacement of Europeans by Africans in the Civil Service and for an end to all discriminatory laws and practices. It pledged opposition to the incorporation of Basutoland within the Union of South Africa and demanded a guarantee that the promise made to South Africa to that effect in 1910 by the United Kingdom would be withdrawn.

85. In 1958 a delegation of the Basutoland National Council, consisting of five Chiefs, had been chosen to attend constitutional talks in London with five United Kingdom representatives. The common people, who had been excluded from representation on the delegation, had collected £400 in two weeks in order to send the President of the Basutoland Congress Party to London for purposes of lobbying.

86. As a result of the 1958 constitutional talks, Basutoland had been granted a constitution full of contradictions. Where the people had demanded a national council with a majority of elected members, they had been given one consisting of forty nominated members and forty elected members. The recommendations of the London talks had been accepted by the old National Council. The Basutoland Congress Party, though disapproving of the new Constitution, had decided to give it a trial.

87. However, in the Legislative Council established under the new Constitution in 1960, the forty nominated members and the eight elected members not belonging to the Congress Party, seven of whom had been Chiefs, had been gathered together into an anti-Congress Party bloc, and it was that unstable alliance of minorities which occupied the Government benches in the Legislature at the present time. The Executive Council was similarly dominated by officials and nominees of the Chiefs. The result was that the United Kingdom officials and the Chiefs, besides being the administrators both nationally and locally, made the laws and decided the policies of the Government. Those circumstances, together with the non-responsible nature of the Executive in relation to the Legislative, were a source of great irritation to the Basuto. They also contravened the provision in article 21 of the Universal Declaration of Human Rights that the basis of the authority of government should be the will of the people.

88. In local government the Constitution was democratic and progressive and his party had obtained a clear majority in seven out of nine districts in the 1960 elections. There were, however, some serious limitations to the powers of the Councils: their financial estimates, the establishment of subordinate councils and the adoption of by-laws were all subject to the

⁷² A/AC.109/14.

⁷³ A/AC.109/27.

⁷⁴ A/AC.109/PET.7.

⁷⁵ For the complete text of this manifesto, see A/AC.109/27.

approval of the Executive Council. The result was constant friction between the District Councils, which represented the wishes of the people, and the Executive Council, which controlled the armed police. If it were not for the popular movement's commitment to non-violent methods, there would have been more serious upheavals. By reducing the financial estimates of District Councils, by refusing applications for the establishment of village councils, by failing to authorize by-laws which had been referred to and accepted by the electorate and by encouraging chiefs to force their subjects to sign petitions against the District Councils, the British officials and the Chiefs undermined the Constitution which they themselves had created. They did so because they had been taken by surprise by the successes of the Basutoland Congress Party, which challenged their privileged position, and because they were determined to cripple the democratic administration being initiated in the villages by the District Councils and to recapture the limited powers which had been conferred upon those Councils. The United Kingdom hoped thus to create frustration and chaos in order to justify its continued rule over Basutoland; that attitude was incompatible with the provisions of the United Nations Charter and of General Assembly resolution 1514 (XV).

89. With regard to the economic situation, Basutoland was an under-developed country with a low level of living. Its people's only source of livelihood was agriculture, and the Chiefs monopolized the right to allocate the land, of which only 950,000 acres were arable. The agricultural potential was reduced by such factors as unplanned human habitations scattered about the agricultural land, unscientific methods of cultivation and the continued absence from home of intelligent and able-bodied young men who worked in the mines in South Africa.

90. Nearly 200,000 Basutos had been forced by hunger to seek work on farms in South Africa or in the manufacturing and mining industries run by the British in the Rhodesias and in South Africa, under contracts which made them slaves in all but name. Many died or returned home ill or permanently disabled.

91. In Basutoland itself workers were paid an over-all average of £2.10s. a month, or an average of £4 for adult men. Trade unions were authorized, but there was no labour law establishing proper machinery for settling labour disputes, and striking workers were arrested as anti-white rioters. The whole economic system in Basutoland was designed to maintain the supply of cheap labour for the farms, mining and manufacturing industries in South Africa and the Rhodesias.

92. Turning to the educational situation, he said that though literacy was high in Basutoland, the general standard of education was very low. Many children left school while in standard 3 or 4; from the age of fifteen they loitered on the streets and were arrested and imprisoned as vagrants. At the age of twenty they were forced by economic pressure to seek work in South Africa. The number of pupils in secondary schools was low. There were no technical schools or colleges, merely a few trade and craft schools. Moreover, economic considerations made it difficult for children to complete their secondary school education or to go on to universities. The situation in the field of education would only be remedied if the Basuto governed themselves.

93. Furthermore, the United Kingdom had not helped a single Basuto to study abroad under scholarships offered by States Members of the United Nations, the reason being that its plans would be undermined if the purposes of the scholarships were achieved. In 1961 the Basutoland Congress Party had succeeded in sending thirty-two students abroad under the scheme and it was now organizing scholarships for students from Swaziland and Bechuanaland.

94. The argument that Basutoland would be unable to fend for itself economically without United Kingdom assistance was incorrect, for the Basuto lived on what they produced from the soil or by their labour, as government statistics showed. Although crop production was admittedly still low, there was no doubt that in a free Basutoland production would be much higher. The fruit and livestock industries, which offered considerable possibilities of development, had been sadly neglected by the authorities. There was no doubt that, with government interest and assistance, Basutoland could derive a sizable income from its agricultural and livestock industries. Nor had the country's mineral resources yet been thoroughly surveyed. Diamond deposits had been found and diamond mining was beginning, but a thorough survey would show that the country possessed all kinds of other mineral deposits.

95. The country's apparent poverty was in fact entirely due to the management of its natural and human resources by the United Kingdom authorities. Thirty-eight per cent of the current expenditure was met from United Kingdom funds, but a good part of that percentage went into the salaries, pensions and other social services of the British themselves. With careful handling of the national assets by a national government the 38 per cent could unquestionably be reduced and the national income increased many times over. Independence was the key to the country's economic development.

96. Turning to the historical and political considerations, Mr. Mokhehle stressed that Basutoland was not a conquered nation, and the United Kingdom had no claim, by right of conquest or by treaty, to ownership of the land or government of the people. Since 1842, the time of the first association between the British and the Basuto, the latter had never compromised on the question of who owned the land and Territory of Basutoland. They had always regarded their association with the British as an alliance and had consistently resisted the efforts of any foreigners to acquire land rights and of the United Kingdom authorities to impose their own direct administration.

97. The Basuto's demand for immediate independence was based on the following considerations: first, the British had usurped the powers of the Basuto by their unilateral Proclamation of 1868, which the Basuto had never accepted. Secondly, during the war of 1881-1883, the British had resorted to force in an attempt to maintain the powers they had usurped. Thirdly, the 1881-1883 hostilities had annulled any treaties or agreements which might have existed previously between the British and the Basuto. Fourthly, in 1884, the Basuto had accepted British protection on the basis of Moshoeshe's pronouncement of 1862, which the British had likewise accepted. Fifthly, the instructions of the British Government to its first Resident Commissioners showed that the British had clearly understood that their authority was recognized

by the Basuto only as a means of leading them towards self-government. After seventy years, however, the British had not succeeded in the task; their presence was therefore merely an obstruction and they should consequently transfer all the powers of government to the Basuto. Sixthly, the British had betrayed the trust of the Basuto when they had annexed Basutoland to their Cape Colony in 1871 despite the expressed opposition of the Basuto, thus precipitating the war of 1881-1883 in which many Basuto had been killed. Later, in 1910, the British had secretly included a clause in the South African Union Act providing for the incorporation of Basutoland in the Union of South Africa.

98. The United Kingdom, with its enormous financial commitments in the Republic of South Africa, could not simultaneously serve those interests and the cause of the political independence of Basutoland.

99. Moreover, British rule was not morally justified. The way in which the British had dealt with the repeated demands of the Basuto, and their attitude towards the provisions of the United Nations Charter and the Universal Declaration of Human Rights disqualified them. Their presence in Basutoland was merely a means of entrenching themselves politically and economically. They were subjecting the Basuto to repressive measures, using tear gas against them and torturing political prisoners, all actions contrary to the rules of justice and humanity, the principles of the United Nations Charter, the Universal Declaration of Human Rights, and to the provisions of paragraph 4 of General Assembly resolution 1514 (XV). Finally, the British had no moral right to guide the Basuto in view of the inhuman racial discrimination they practised in social and judicial matters.

100. For those reasons, on behalf of his countrymen, he requested the United Nations to urge the British to enter negotiations with a view to granting immediate independence to the Basuto, which they deserved as a nation and to which they were entitled as human beings.

101. Mr. Nquku (Swaziland Progressive Party) recalled the history of Swaziland from the first contacts between the Swazi and Europeans in 1845, when the Boers, escaping from British rule, had requested permission from the King to graze their stock, and had been assigned certain areas of land. The Boers had regarded that gesture as a concession of the land. But in fact none of the Swazi kings had ever alienated land; the land had not been given away but only leased.

102. After the arrival of the British, quarrels among the Boers and the British about the alleged concessions led to the establishment of the European Council to advise the King, which had done so much to aggravate the suffering of the Swazi up to the present time. Ultimately, in 1894, South Africa was given dictatorial powers over Swaziland, and the deputation sent to Great Britain by the Swazi to protest against the injustice done to them had failed to obtain redress.

103. Following the Boer War during which the Swazi, hoping for the return of their land, had supported the British, responsibility for the administration of Swaziland had been taken over by the British. However, they had refused to pay rent and taxes on the alleged concessions, and that had done much to shake the confidence of the Swazi in the justice and honesty of the British. The racial situation had

been so aggravated that the Swazi were still suspicious of any move by the Europeans and there was no mutual trust today between the Swazi and the Europeans.

104. In 1907, to protest against the proclamation on the partition of the concessions, which had left the Swazi only one-third of their land and had awarded one-third to the British Crown and one-third to the European concession-holders, the Swazi had sent a deputation to London. But His Majesty's Government had refused to listen.

105. In 1909, when the Union Act had been signed between the Boers and His Majesty's Government, the British had committed the Swazis, without their consent, to the incorporation of Swaziland into the Union of South Africa. The Swazi territory surrounding the town of Namahacha had been ceded to the Portuguese by the United Kingdom Government in exchange for a sum of money, without the consent of the Swazis. All those arbitrary acts constituted a betrayal of Swazi interests by the so-called "protecting" Power.

106. In 1956 King Sobhuza had petitioned the United Kingdom Government, demanding reversion to him of all mineral rights. The United Kingdom Government had refused, although in Basutoland and Bechuanaland agreements on mineral rights had been concluded with the Paramount Chief of the country.

107. In Swaziland there were currently 250,000 Swazis and about 10,000 Whites. The Swazis owned only half the land and even to obtain that, they had had to keep sending deputations to London. The Swazis were overcrowded on their land, were suffering from famine, and had no hope of getting redress. The unfair distribution of land was at the root of the Swazi's misfortunes. They had been given land that was impenetrable, inaccessible and unfit for human habitation.

108. The administration of the Territory was based on the outmoded system of indirect rule. All the key posts were held by Europeans, most of them nationals of the Republic of South Africa. No African held an executive post and those who could were excluded from any participation in national affairs. The United Kingdom Government still intended to recruit inexperienced young Europeans from overseas to occupy administrative posts, thus denying Swazis the right to be trained for such posts.

109. The United Kingdom Government, like that of other colonialist countries, maintained that Africa and the Africans were not yet ready for independence. But the Swazi people claimed the right to decide who was brought into the country to work in the Government, in order that the people might be able to receive training for a secure future, a stable government and a peaceful transfer of powers. They also demanded the implementation of a policy of Africanization in the Civil Service.

110. In 1960 a constitutional committee had been appointed by the Protectorate Government and the King of the Swazis. Its dealings, which had been secret, had lasted a year and its findings had not been published until March 1962. They were contained in a report which the Swazi people considered absurd and valueless, for it tended to strengthen the economic and political privileges of the Europeans to the detriment of the Swazi people's rights, while ignoring completely their desire for independence and for a new social order.

111. Swaziland was a rich country and its industrial potential was tremendous. But only the Europeans enjoyed its wealth; they monopolized its economic power, while the poverty-stricken Swazis were employed as the hewers of wood and drawers of water, being exploited to the point of starvation.

112. Racial discrimination had inspired such laws as the General Immigration Law and the African Immigration Law, as well as the establishment of a Native affairs department, disguised as the "Department of Swazi Affairs", which dealt exclusively with the affairs of the indigenous inhabitants, whereas in truth there should be one policy embracing all residents regardless of colour or race. In the matter of education, the official reports continued to show the Swazi people as backward and incapable of progress, whereas in fact it was the British system of domination, discrimination and exploitation which prevented the Swazis from gaining opportunities for primary, secondary, technical and professional education. Although schools were provided in the urban and rural areas where the Swazis lived, nothing was done for the children of indigenous inhabitants living in European-owned farm areas. Only half of the school-age children in Swaziland had the chance of an education. For European children, education was free and compulsory, for Swazi children it was neither. The United Kingdom Government spent an average of £75 a year on the education of each European child but only £28 for each coloured child and £5 for each African child.

113. The health services were woefully inadequate, while exorbitant sums were spent on roads and transport.

114. To sum up, the Swazi people claimed the restoration of their land together with its minerals. They demanded an international investigation by the United Nations to study the situation, to verify the charges made against the administering Power, and to examine the question of Swaziland's borders as they were determined by past treaties and agreements. A plebiscite should be organized in order to ascertain the wishes of the people, and a date should be set for the achievement of independence. As for the United Kingdom proposal to establish a constitution that was unacceptable to the Swazi people, he requested the Committee to adopt a resolution inviting the United Kingdom Government to renounce the plan. He was ready to give members of the Committee copies of two documents containing his party's counter-proposals. As the dignity and human rights of the Swazi people had been shamelessly violated, the situation must be corrected and brought into line with the principles of the United Nations Declaration and the Atlantic Charter.

115. Mr. Matante (Bechuanaland Peoples Party) stated that Bechuanaland, a so-called protectorate, had been under British rule for seventy-three years and was administered by a High Commissioner whose official residence was in South Africa. Since 1871 three kings of Bechuanaland had petitioned the United Kingdom Government for protection against the depredations of the Boers, but without result. Conflict between the Boers and the British had led to the protectorate system, proclaimed in 1885, and in 1891 the United Kingdom Government had begun to appoint a High Commissioner. In 1962 that antiquated system was still being followed, and the policy of *apartheid* was being practised. From a geographical point of view the country was particularly favourable to the

settlement of Europeans and, out of a total area of 275,000 square miles, only 102,000 square miles was allotted to Africans. The Europeans paid a poll tax which entitled them to vote, while the Africans who paid a hut tax had no right to vote. To crown it all, 16,000 square miles of land allocated to Africans had been leased to investors of the Colonial Development Corporation for cattle-rearing.

116. It was significant that Bechuanaland had never had a High Commissioner living in the country. All the High Commissioners had resided in South Africa. It had always appeared certain that the United Kingdom Government would one day hand over Bechuanaland to the settlers in South Africa. That prospect had continually hampered the Territory's development, as the main concern of the Administration had been to ensure that it did not become a charge on the United Kingdom taxpayer. Consequently, Bechuanaland had become a mere reservoir of cheap labour for South African settlers.

117. The present constitution maintained discrimination, since it provided direct elections for white and Asian settlers, but provided only indirect suffrage in general for the Africans. The franchise qualifications for Africans also differed from those for Whites. Africans required a longer residence and the women did not have the right to vote. The Bechuanaland Peoples Party was demanding universal adult suffrage.

118. The new Legislative Council consisted of thirty-six members. Seven appointed officials, three *ex officio* members, two appointed non-official members and ten elected members represented a population of 3,000 European settlers. One Asian represented a population of 200 Asians. The Africans, numbering 335,000, were represented by two appointed non-official members and ten elected members. The Executive Council consisted of three *ex-officio* members, all white, two white official members, two white appointed members and two appointed Africans. Thus, in an overwhelmingly African territory, the European minority had a two-thirds majority in the Executive and Legislative Councils, which enabled the white settlers to control the entire nation.

119. Political parties had only recently been established, as the Government had for many years suppressed all political activity. The Bechuanaland Protectorate Federal Party, formed in 1959, had been almost immediately paralysed by the appointment of its leader to an administrative post. The Bechuanaland Peoples Party, which he himself represented, had been formed in 1960, and although it had a following of 50 per cent of the population it was not represented in the Legislative Council. This was because the Administration was hampering its activities and had established within the Legislative Council a new party, the Bechuanaland Democratic Party, which was supported by the entire administrative machinery.

120. In the matter of education, the primary schools were still tribal schools, and fees were imposed, owing to insufficient government aid. There were only three secondary schools, one vocational training school and one teacher training school. There were very few scholarships for Africans, and they were accompanied by humiliating and discriminatory provisions. Moreover, since 1958 South Africa had refused to receive students from Bechuanaland. Consequently, the Territory had virtually no trained doctors, lawyers or any members of the liberal professions.

121. The same discrimination was to be observed in public health administration. There were no more than five government hospitals, with fewer than ten white doctors and no African doctors. The wards and the treatment were separate for white people and Africans, and the Africans had to pay a fee for every consultation. There were no tuberculosis hospitals. Malnutrition existed throughout the country, owing to forced labour and low wages.

122. Seventy-five per cent of the national income was derived from cattle rearing. Periods of drought and epidemics of foot-and-mouth disease had reduced the country to poverty. Nevertheless, the Territory had extensive mineral resources which would enable the country to industrialize rapidly.

123. Co-operative societies and agricultural co-operatives were not being encouraged, because of the presence of a large number of European farmers and traders in the Territory. All kinds of methods were used to prevent Africans from engaging in trade; they were only allowed to sell their cattle to white buyers, at a price fixed by a company, some of whose directors were members of the Legislative Council.

124. The Africans were faced with segregation on all sides, whether it was for railway travel, hotel accommodation, eating in a restaurant or using the postal service. Similarly, when a white person was in arrears with payment of his taxes, he was usually simply summoned to explain the reasons for the delay, whereas an African was usually given a prison sentence. There were prisons—extremely costly ones—for Africans, but not for white people, to whose crimes the Administration usually closed its eyes.

125. The people of Bechuanaland considered that the United Kingdom Government could no longer "protect" them or ensure respect for their rights without exploitation, discrimination and colonial domination. They hoped that an investigating committee could be appointed to promote a change in the constitutional status and to fix a date for the country's independence.

126. The people of Bechuanaland therefore appealed to the United Nations to use its influence with the United Kingdom Government and the settler administration for the immediate abrogation of the existing Constitution and the convening of a constitutional conference, in which the whole people of Bechuanaland would be represented, for the purpose of drafting a constitution instituting universal suffrage. They also demanded the immediate abrogation of the privilege of dual citizenship, enjoyed by white South Africans in Bechuanaland.

127. Having been granted a further hearing by the Special Committee, Mr. Matante appeared before it at its 69th meeting, in Dar es Salaam. Mr. Matante recalled that, in his earlier statement before the Special Committee, he had made clear the undemocratic conditions which had prevailed in Bechuanaland during seventy-six years of colonial oppression and had explained the manner in which Bechuanaland had become a British Protectorate in 1885. The United Kingdom Government had pledged that it would not interfere in the Government of the Bechuana Principality. The people of Bechuanaland had always been firmly opposed to dictatorship by their protectors, and he requested the Committee to examine carefully the relationship which had existed between his people and the United Kingdom Government since the Berlin Conference of 1884. During the years of the Joint Advisory Council,

the people of Bechuanaland had urged the establishment of a legislative body, but the United Kingdom Government had procrastinated in order to introduce its so-called "Constitution", which was in fact nothing but a fraud. In addition, soon after Bechuanaland had been proclaimed a protectorate, the British had handed over large portions of the country to the South African Government for reasons of political expediency. The present Legislative Council, dominated by colonial officials and white settlers, was still encouraging South African merchants to lease and buy land in the Territory for mining purposes. Thus the British, besides denying self-government and self-determination to Bechuanaland, encouraged new forms of colonialism and foreign exploitation of the Territory's resources.

128. He again requested the Special Committee to recommend to the General Assembly that the so-called Constitution should be immediately annulled and that the United Kingdom Government should be compelled to convene a constitutional conference and give independence to Bechuanaland without delay. The peoples of Basutoland, Bechuanaland and Swaziland were well aware of the problems facing them as a result of economic and geographical factors and would deal with those problems as soon as independence was obtained. It was possible that, if the people so decided, the three Territories, once independent, would form some kind of union. Bechuanaland, for its part, intended to apply to the United Nations for immediate technical assistance as soon as it became independent.

129. The United Kingdom Government should not impede the freedom and immediate independence of Bechuanaland. Under the terms of the agreements reached with the former kings of Bechuanaland, the United Kingdom Government had no authority to set the pace for the country's transition to self-rule, that matter had already been decided by the people.

Observations by members of the Special Committee

130. The representative of the United Kingdom stated that his Government had become associated with the High Commission Territories because the people of the Territories had asked for protection against more powerful neighbours. In 1909, at the time of the formation of the Union of South Africa, the African chiefs concerned had asked that the three Territories should be excluded from the Union. The facts of geography and of economic life made it inevitable that the Territories were closely linked with South Africa in many ways. For example, there had been a customs union between the Territories and South Africa for over fifty years. In addition, a large number of inhabitants of the Territories found employment in South Africa and valued their freedom to move easily across the borders. The existence of such links between the Territories and their powerful neighbour did not mean that the United Kingdom supported the South African system of Government or South Africa's policy on racial matters, which was repugnant to the United Kingdom. Politically, the Territories were completely independent of South Africa, and in 1954 Sir Winston Churchill had made a pledge in the House of Commons that the Territories would not be transferred to South Africa until their inhabitants had been consulted.

131. So far as political progress was concerned, the situation was one of rapid development. The present Constitution of Basutoland closely reflected proposals

which had been put forward by the Basutos themselves in 1958, and under it there were forty elected members in the Basutoland National Council and three elected members in the Executive Council. The elected members of the latter Council were responsible for education and health, works and commerce, and local government. Eighteen months after the introduction of that Constitution, a Constitutional Commission had been set up to formulate proposals for its improvement. In particular, the Commission had been asked to consider the responsibilities of the United Kingdom Government for Basutoland and the introduction of responsible government. Both Mr. Mokhehle and Mr. Ramorebeli, who had appeared before the Special Committee, were members of the Constitutional Commission, and could therefore ensure that their views were given due consideration. The Commission's recommendations were being keenly awaited by the United Kingdom Government.

132. Turning to Bechuanaland, he outlined the provisions of the 1960 Constitution and informed the Special Committee that African members of the Executive Council were now associated with the departments of social services and natural resources. The Constitution, being based on the principle of racial parity, was of an essentially transitional nature, and the United Kingdom Government would always be ready to consider proposals for further progress when opinion in the Territory generally was agreed as to what steps should be taken.

133. Work on the new Swaziland Constitution was still in progress. The Constitutional Committee established by the Resident Commissioner had completed its work at the end of 1961, and its report had been published in March 1962, together with the United Kingdom Government's comments. The United Kingdom Government would formulate final proposals in the light of the reactions of the general public in Swaziland to the report.

134. Many problems arose and complicated the task of constitutional reform, one of the most important being the question of the place of the chiefs in the newly emerging patterns of African society. The United Kingdom Government was aware of the urgency of such problems and was making every effort to resolve them, in consultation with the peoples of the Territories.

135. He then turned to the matters of migrant labour and racial discrimination. It was no secret that about 140,000 Basutos, as well as a certain number of inhabitants of the other two Territories, found employment in South Africa, principally in the mines. There was nothing remarkable or sinister in the fact that a highly industrialized country attracted workers from neighbouring countries. It was clearly not for the United Kingdom to prevent such a voluntary movement; its duties were, first, to protect the welfare of the workers concerned, and, secondly, to develop the economies of the Territories to the maximum. With regard to the first point, very stringent regulations had been established to control the recruitment of workers by outside employers and to ensure that those seeking work understood the nature of the contracts being offered. There was an Agent for the three Territories in Johannesburg; he was responsible for ensuring the welfare of all inhabitants of the Territories who were working in South Africa. On the economic side, the United Kingdom was doing its utmost to develop the economies of the Territories and had given them ex-

tensive financial assistance: grants-in-aid for the three-year period 1960-1963 totalled about £7 million, while assistance amounting to over £13 million had been provided under the Colonial Development and Welfare Acts.

136. His Government was utterly opposed to racial discrimination in all Territories under its administration. Every attempt was being made to eliminate it by legal and administrative measures, and in Basutoland and Bechuanaland committees had recently been appointed to ascertain whether any existing legislation contained discriminatory provisions. In Swaziland a Proclamation had been issued in February 1962 making discrimination illegal in such places as banks, bars and shops. With regard to the civil service, it was the declared policy of the United Kingdom Government to appoint expatriates only when qualified indigenous candidates were not available, and a Special Commissioner had recently visited the Territories to review the conditions of all civil servants and to examine the question of distinctions on grounds of race.

137. The facts which he had presented showed that real progress was being made in the three Territories in all fields. The United Kingdom Government had no illusions about the extent of its responsibilities and the need for swift progress, but with the co-operation of the peoples of the Territories it would bring the task before it to a successful conclusion.

138. The representative of the Soviet Union said that all the information the Committee had received indicated that the United Kingdom Government had not yet taken any measures to implement the Declaration on the granting of independence to colonial countries and peoples. Immediate steps had not been taken to transfer power to the peoples of Basutoland, Swaziland and Bechuanaland. The High Commissioner still had absolute authority over the African population, although he did not even reside in the Territories. In Bechuanaland a small white minority, in typical colonial fashion, had seized two-thirds of the seats in the Legislative Council and was seeking to prevent any change in the Territory's status. In Basutoland, although the Congress Party had won thirty-two out of forty elected seats, the administering Power had created a coalition of nominated members—colonial officials and tribal chiefs—thereby transforming the true majority party into a minority. In any event, the 1960 elections in that Territory had not been democratic; numerous obstacles had been placed in the way of the Africans, women had in practice been deprived of the right to vote, and there had been many other abuses, notably the participation of South Africans who were temporarily in Basutoland.

139. Neither the 1959 Basutoland Constitution, nor the 1960 Bechuanaland Constitution nor the 1962 constitutional proposals for Swaziland did anything to meet the requirements of the Declaration, particularly as regards the transfer of power, and had been denounced by the petitioners. The new so-called constitutions left the colonial régime substantially unchanged, and the people were still excluded from management of their own affairs. Absolute powers were vested in the High Commissioner, who was answerable to no one in the Territories for his actions.

140. In direct violation of the Declaration, all the key posts in the administrations of all three Territories were held by Europeans; inexperienced youths were

recruited from the United Kingdom, while officials gave positions to their relatives and friends, and everything possible was done to exclude Africans from the administration.

141. As the petitioners had told the Committee, the whole economic system in Basutoland was designed for one purpose: to starve the Africans into selling their labour for practically nothing to European settlers and foreign companies in South Africa and the Rhodesias. As a result of hunger and unemployment, one quarter of the population of Basutoland was forced to seek work outside the Territory, and they lived and worked in nightmarish conditions. The tribal chiefs and the colonial officials helped to impose terms of employment on the Africans which in effect made them slaves. The situation of agricultural workers was even worse; lured by the South African slave owners from their native territory, they were forced to work extremely hard for over twelve hours a day in return for a shilling or two. In Swaziland the Africans were similarly exploited, often to the point of starvation.

142. The realities of existence for Africans in the Territories were poverty and little or no medical care or education. Secondary and higher education was, of course, almost out of the question because of its high cost. In Basutoland, moreover, there were no technical schools and colleges, and the administering Power had done everything possible to close down a technical school built by the Basutos themselves. In the past seven years the United Kingdom had not made it possible for a single Basuto to receive any United Nations scholarships. In Swaziland it provided free and compulsory education for European children, while Africans had to pay; expenditure per European pupil was £75 a year, but only £5 per African pupil. That was a blatant instance of racial discrimination. Indeed, the petitioners had shown that racial discrimination and segregation were to be found in every sphere of life in the Territories, for example, in hospitals, hotels, cinemas.

143. A particularly acute problem was that of land, on which Africans depended for their livelihood. In Swaziland and Bechuanaland the Whites owned half of the land, including the best parts; and in many places they did not work it or even live there. Meanwhile the Africans lacked land and went hungry.

144. The indigenous inhabitants had rightly concluded that the only means by which their position could be improved and their countries developed economically was the liquidation of the colonial régime. The colonialists had taken over the Territories by deceit, bribery and brute force, and it was essential that the indigenous inhabitants should regain their freedom. The petitioners had demanded immediate independence and the Basutoland Congress Party had put forward specific plans for the economic, social and cultural development of the country after independence. The United Kingdom, however, had been and was still indifferent to the needs of the indigenous peoples. The Africans of Basutoland became poorer and poorer, while the Anglo-American company appropriated more and more diamond mines, and colonial officials and merchants robbed the country.

145. The peoples of the Territories would no longer tolerate colonial enslavement and demanded immediate independence with one voice. It was the duty of the United Nations to support their just demands. The

Special Committee must take a definite decision on the question, taking into account the following points. First, the United Kingdom was doing nothing to implement the Declaration in the three Territories under discussion while concealing its flagrant disregard for the United Nations under a hypocritical guise of co-operation. Secondly, the Constitutions established or proposed for the three Territories had been drawn up against the will of the people and must immediately be abrogated; all powers must be transferred to the people, and in particular, direct universal suffrage must be introduced, democratically elected organs must be set up, the colonial Administration must be liquidated and all political prisoners must be freed forthwith. Thirdly, the Committee should recommend that a date in 1962 be set for independence in the three Territories. Fourthly, the administering Power should be called upon to return all alienated lands to the indigenous inhabitants, irrespective of when or under what pretext they had been appropriated. Finally, the Committee must bear in mind the situation with respect to South Africa. In 1909, under the Act establishing the Union of South Africa, the Crown had been given full power to transfer those Territories to the Union. Since then, South Africa had never given up hope of annexing them, with the blessing of the United Kingdom, and the 1961 Constitution of the Republic of South Africa contained special provisions for that purpose. The racist South African Government must not be allowed to achieve its end. Basutoland, Bechuanaland and Swaziland must become islands of freedom in a part of the world where the inhuman doctrines of *apartheid* still prevailed. The application of the Declaration in the three Territories would help the indigenous people of South Africa to win their freedom and set up their own independent African State.

146. The representative of Australia considered that there were several reasons why the Territories had lagged behind the rest of Africa in their development towards self-determination. The preparation of other African Territories for independence had made heavy demands on the attention and resources of the United Kingdom Government. The security and welfare of the Territories depended largely on the goodwill of South Africa and the movement of labour to that country, and it was not clear how they could maintain their independence unless they came to a working agreement with their neighbours. All three, especially Bechuanaland, had very limited economic resources. Thus the comparative neglect of the Territories in the past was understandable, though regrettable, and he was glad that measures were currently being taken to expedite change in the Territories. The changes might fall short of what some members of the Committee hoped for, but it could be dangerous to impose a Western European form of government, or a common constitutional, social and economic pattern, on each of the three Territories. Development should always be based on the wishes of the people, and he was glad that the United Kingdom representative had laid stress on the need for consultation between them and the administering Power. The process would have to be slow, and the shape which a country finally took was often very different from what had been in the minds of those who had started the process of development. The representative of the Soviet Union had objected that the administering Power was giving much importance to the chiefs; yet the chiefs existed, their authority was based on tradition, and it would be an

impertinence for any outsider to change the social structure abruptly.

147. If constitutional change could be carried out gradually and with the consent of the people, it was likely to be peaceful and lasting. He pointed out that it had generally been United Kingdom policy to encourage peoples to develop a system of responsible and democratic government.

148. Although a country should not be denied independence because of economic difficulties, it was important to give careful thought before independence to the serious economic problems of the three Territories, to the problem of the movement of labour to South Africa, and to the Territories' future security and relations with their neighbours. They must begin their independence with reasonable prospects of survival, growth, happiness and welfare.

149. The representative of Australia concluded by stating that the United Kingdom had greatly increased the amount of attention and resources it was devoting to the Territories. He suggested that the Committee should simply ask the United Kingdom Government to take note of what had been said in the Committee, to press on with all possible speed towards self-determination and to consider all possibilities of increasing the flow of economic assistance to the Territories and developing their resources in the interests of the indigenous peoples.

150. The representative of Yugoslavia said that the new Constitutions of Basutoland, Bechuanaland and Swaziland had introduced no changes of substance but had merely given a new form to the old system. By its persistent efforts to preserve the tribal system, the administering Power was preventing their political development and advancement towards self-government. Moreover, despite the fact that eighteen months had already elapsed since the adoption of the Declaration on the granting of independence to colonial countries and peoples, the United Kingdom had not yet taken a single step towards its implementation.

151. The Universal Declaration of Human Rights was not being respected and the indigenous inhabitants were being subjected to racial discrimination and deprived of their basic civil and political rights.

152. The administering Power had failed to develop the economic activities on which the three Territories could base an independent existence. They remained dependent on the United Kingdom and, particularly, on the Republic of South Africa which surrounded them on almost every side, and their peoples feared being left at South Africa's mercy. The United Nations as a whole was bound to be seriously concerned about such a possibility, which had indeed been visualized in the South Africa Act of 1909.

153. The salient feature of the situation in Basutoland was the administering Power's efforts to perpetuate the exclusive powers of British officials and of the nominated and elected chiefs. He also noted the restrictive franchise qualifications, and the control exercised by the Executive Council over the democratic and progressive District Councils and the fact that large numbers of Basutos were forced by hunger and unemployment to seek work in South Africa, where many of them died.

154. He noted that in Swaziland, the few white settlers owned half of the land, but there was not a single African in an executive post, and was not sur-

prised that racial discrimination was rampant. The new Constitution was unacceptable to the people and the petitioner had appealed to the United Nations to take steps that would prevent its enactment.

155. An identical situation prevailed in Bechuanaland, which had long been a reservoir of cheap labour of the South African settlers and British investors. The franchise qualifications for the Legislative Council—on which the white minority had a two-thirds majority—limited the Africans living under chiefs to participating in indirect elections by show of hands. There was wide-spread racial discrimination and the Africans were deprived of their fair share of the land and subjected to insults, frustrations and indignities.

156. The situation in the High Commission Territories gave grounds for serious concern and his delegation supported the requests put forward by the petitioners who had appeared before the Committee.

157. The representative of Mali stated that the reforms introduced or contemplated in Basutoland were clearly inadequate and did not meet the legitimate aspirations of the African peoples so far as their inalienable right to independence and their deep-rooted conviction of the equality of races were concerned. In keeping with the overriding concern of the administering Power to maintain colonial rule and the supremacy of the white race, all powers were concentrated in the hands of the High Commissioner and everything was left to his discretion. The best cultivable land and trade were in the hands of Europeans, and the Basuto were obliged to emigrate to South Africa where they were exploited and subjected to racial discrimination by a reactionary and immoral régime.

158. His delegation suggested that the Committee should recommend the General Assembly to request the United Kingdom Government to take immediately the necessary steps to grant independence to Basutoland, namely, to transfer powers to the representatives of the Basuto people, democratically elected on the basis of universal adult suffrage without racial discrimination. To that end, the United Kingdom Government must immediately call a conference, in which representatives of the African nationalist parties would participate, to make practical arrangements for the transfer of powers.

159. While Bechuanaland and Swaziland might theoretically be protectorates, the form of their administration and the lot of their indigenous inhabitants were absolutely identical with those found in Basutoland. The petitioners from the three Territories complained of the same anomalies, the same dire consequences of an imposed colonial administration, such as obscurantism in education and the training of cadres, discrimination in appointments to senior posts and social injustices. However, in Swaziland the situation was further aggravated by the fact that half the land—the more fertile half—was in the hands of a tiny minority of Europeans and could not therefore be used to grow crops needed for African consumption, which accounted for the frequent famines.

160. The peoples of Bechuanaland and Swaziland were aware that the situation could not change until they themselves took over their countries' affairs. And if it was remembered that their Territories were surrounded on all sides by the Republic of South Africa, whose Government had on several occasions shown a desire to annex them, the alarm and impatience of the peoples of the three Territories seemed justified.

Unfortunately, other than making periodic statements, the United Kingdom Government did not appear to be taking any very practical steps to guarantee the Territories in question against the South African claims.

161. For all those reasons, his delegation regarded the claim to self-government put forward by the peoples of Bechuanaland and Swaziland as absolutely justified; they must be allowed freely to choose the system of government they desired and the forms of association which suited them. The United Kingdom was in duty bound to implement General Assembly resolution 1514 (XV), and the Committee should recommend the Assembly to ask the United Kingdom Government to convene a conference immediately in which the democratically elected representatives of the peoples of Bechuanaland and Swaziland would take part, to decide on the arrangements for transferring all the powers which it now held.

162. The representative of Cambodia noted that the Constitutions of those three Territories were almost identical: all three were governed by the same High Commissioner, who, incidentally, resided in the Republic of South Africa; their Constitutions had been imposed on them without their consent and could not be described as democratic, as was confirmed by the discriminatory nature of the electoral system which made voting dependent on certain conditions which many Africans could not fulfil. Those conditions were a weapon used by the administering Power to limit the number of African candidates, the better to impose its will on the Councils.

163. The Africans were the ones to suffer the consequences of that hocus pocus: numerous discriminatory measures, monopolization of the land by the British and South Africans, while the indigenous inhabitants were plundered of their own country's riches. Education was free only for British children; African children had to pay school fees which their parents could not afford, for they earned merely a pittance.

164. His delegation would therefore be in favour of any solution designed to replace the Constitutions now in force in the three Territories by new Constitutions which would meet the desires of the people and place them on a footing of equality with all the free peoples of the world.

165. The representative of Venezuela stated that there could be no doubt that certain features of the situation in those Territories were incompatible with the United Nations Charter and the Universal Declaration of Human Rights, in particular, the existence of racial discrimination and the absence of a just and egalitarian electoral system. This could lead to conflicts and constitute a threat to international peace and security.

166. The fact that so many of the inhabitants could be induced to seek employment in the mines of South Africa, where their living conditions differed little from those of slaves, was an indication of the people's desperate economic situation. What was needed was an energetic programme of technical and financial assistance designed to raise levels of living, and in that respect the United Nations had an important part to play. It was highly desirable that the Committee should include in its recommendations to the General Assembly suggestions of an economic nature.

167. The representative of Tunisia thought that there could be no doubt that the accession of the three

Territories to independence could be an important factor in bringing about the definitive decolonization of that part of Africa. He said that there was not as yet any indication as to when the three Territories would become independent although their inhabitants were fully prepared for immediate independence, as the recent constitutional talks had shown. The aspirations of the people had not evoked from the United Kingdom Government the response which they warranted.

168. He noted that although some progress had been made in Basutoland, the 1960 Constitution was fundamentally undemocratic and did not genuinely confer governmental responsibility upon those elected by the people. The situation was far from consistent with the Declaration on the granting of independence and the provision relating to the transfer of powers. The time had come to establish universal direct suffrage, to separate the elected representatives and the customary chiefs into different administrative bodies with different powers, to form a government which would really have executive power and would be responsible to the Legislative Council and, finally, to grant complete self-government to Basutoland immediately.

169. In Bechuanaland almost no attempt was made to disguise the fact that full powers were in the hands of the European population. In Swaziland, no progress had been made as regards the Constitution, and, unfortunately, the United Kingdom representative had contributed nothing new in his statement.

170. It was particularly disturbing that the United Kingdom representative had stressed the fact that the three Territories were closely dependent on the Republic of South Africa in economic and social matters. The economic situation would have been much better if the United Kingdom Government, instead of waiting to cede the Territories to South Africa, had made a serious effort to promote their economic development. To make up for the shortcomings of its economic policy, the United Kingdom Government should introduce rapid and radical reforms. Furthermore, it should pay the requisite compensation to the European settlers to enable them to hand over the fertile lands of these Territories to the indigenous inhabitants.

171. He requested the United Kingdom Government to state without ambiguity that the three Territories would become independent within the shortest possible time. Once that principle had been accepted, the United Kingdom Government, with the aid of the United Nations and in close consultation with the qualified elected representatives of the inhabitants, should work out the form in which those Territories were to accede to independence. A federation of the three Territories might enable them to face the dangers that might come from some of their neighbours, while at the same time they retained their national personalities.

172. The representative of Italy stated that the three Territories shared many common features. As regards race relations and racial discrimination, the future in the three Territories appeared to be more hopeful than in the Rhodesias. Although there were grievances, he had been encouraged to hear that the United Kingdom's policy was firmly against all forms of discrimination.

173. The main problems related to constitutional progress and to the need for the transformation of certain features of the tribal structure, which were not in keeping with modern evolutionary society.

174. Basutoland seemed to have reached the most advanced stage of political evolution; he was pleased to hear that the present electoral law was generally acceptable and did not discriminate on grounds of race, sex or religion. He hoped that the Constitutional Commission which included representatives of the various political parties would be able to present its recommendations concerning the introduction of responsible African government in the shortest possible time.

175. Bechuanaland was at a less advanced stage; the present phase was clearly a transitional one, and further change should be made as soon as possible. He suggested the establishment of a constitutional commission similar to that existing in Basutoland.

176. Political advancement in Swaziland was still at a preliminary stage. He hoped for speedy progress, so that it could keep pace with the other two Territories.

177. Constitutional advancement could not be isolated from social and economic realities, especially since the basic objective was independence and responsible participation in international life. Additional information would be very useful on such matters as the evolution of the tribal structure, the system of land tenure and the economic prospects of the three Territories.

178. The method of constitutional progress adopted in the three Territories seemed to be the right one, since it was based on step-by-step consultations with the local population. Many delicate problems were involved, but it was important to bear in mind the urgency of their solution; the requirements of speedy progress needed to be reconciled with those of an orderly and harmonious transition. He hoped that the administering Power would find it possible to set up a time-table for future progress.

179. While all developments in the Territories must be in accord with the wishes of the local population, he felt that it was necessary for links to be maintained or established between them, as well as with South Africa, although the Territories must certainly be completely independent of that Republic. It might also be extremely helpful for some permanent links to be established with other independent African States, with a view to ensuring political security and economic viability. The people of the three Territories deserved the most sympathetic assistance from the United Nations and from the African States. However, it was perhaps not for the Committee to indicate particular solutions, and he had full confidence in the wisdom and statesmanship of the free African States.

180. The representative of Syria stated that while the three Territories had been under United Kingdom control for over seventy years, it was clear that very little progress had been made in any field. The peoples of the High Commission Territories were passionately eager to be the masters of their homeland; unfortunately, through the negligence of the administering Power, they would go forward into independence insufficiently prepared to face the complex realities of the modern world. Lack of preparedness, however, could not justify any delay in the granting of independence but must rather serve as an incentive to the administering Power to improve the existing state of affairs as rapidly as possible.

181. A particularly grave problem in all the Territories was the astounding disparity in the ownership of land between the small white minority and the indigenous population, especially in Swaziland; the United

Kingdom Government could not simply maintain that no solution was possible, for the problem was closely linked with the future of those Territories after independence.

182. The Territories had suffered a long and distressing association with the Union of South Africa which, ever since its foundation in 1909, had been seeking to gain control over them, provision for which had been made in its Constitution. The United Kingdom Government had thus far refused to allow that to happen, and he welcomed the United Kingdom's assurances on this matter, although there was no guarantee that that policy would never change in the future.

183. It was true that in many ways the Territories were dependent on the Republic of South Africa, for which they served as a source of cheap labour; but he could not agree that the existing relationship was dictated by the facts of geography and economic life. Any relationship should be based on the principles of equality and mutual benefit, and as he could only conclude that the present relations were detrimental to the vital interests of the Territories, efforts must be made to place them on a more equitable footing or to terminate them altogether, if that was the wish of the people.

184. In Basutoland the 1960 Constitution fell lamentably short of responsible government, the whole emphasis being placed on the retention of power in the hands of the chiefs and the conservative elements in the Territory. The Constitutional Commission's terms of reference and its composition ensured that the views of the United Kingdom and of the chiefs would invariably predominate over the views of the majority of the people who wanted independence. Steps should be taken without delay to prepare a new constitution in conformity with those wishes.

185. In Bechuanaland the Constitutional Committee responsible for framing the present Constitution had been composed of a majority of Europeans and a minority of nominated Africans. It was therefore not surprising that it had been opposed by the Africans, and the composition of both the Legislative and the Executive Councils now showed their misgivings to have been only too well founded. In an overwhelmingly African Territory, the European minority had a two-thirds majority representation in the Legislature, and it was in the hands of that white minority that the whole future of the Territory lay. Immediate steps should be taken to draw up a constitution based on universal adult suffrage and majority rule.

186. In Swaziland the same general pattern prevailed. Although there was an overwhelming majority of Africans, all key posts were held by people of European origin, mostly South Africans. That was a serious situation, and immediate steps should be taken to remedy it. The terms of the new Constitution were as yet unknown, but, in view of the manner in which it had been prepared, it was unlikely to concord with the aspirations of the people.

187. The constitutional and political situation in the High Commission Territories was thus far from satisfactory. The peoples of those Territories were not satisfied with a system of government based on an alliance between some chieftains and the direct colonial administration, and there would be no end to popular agitation until their wishes were met.

188. The Special Committee was in duty bound to advise the General Assembly that the administering Power had so far done very little to set those Territories on the road to independence. The transfer of power to the peoples was a natural and inevitable process, and it was to be hoped that the United Kingdom would collaborate with the United Nations in assisting the Territories to achieve their independence in peace and without rancour.

189. The representative of Ethiopia said that the salient feature of the administering Power's policy in the High Commission Territories was the use being made of traditional African institutions, particularly the chieftaincy, in an attempt to uphold the interests of the settlers and other outside interests even after independence.

190. While there was much merit in the arguments which had been adduced concerning the major role played by traditional institutions in the independent African countries and the lack of wisdom of implanting foreign political institutions which had no roots in African society, it should be remembered that the independent African countries were constantly adapting their traditional institutions to new conditions and that, at the same time, they remained receptive to ideas which had their origins elsewhere. By contrast, the United Kingdom's increasing reliance on the traditional institutions in the High Commission Territories and the exclusion of the elected leaders from power were motivated by other considerations, particularly by the desire to transfer power to persons who could be trusted to protect existing vested interests. The administering Power was largely responsible for the conflict between the traditional institutions and the political parties in the three Territories.

191. Although, under the provisions of the Charter and of General Assembly resolution 1514 (XV), the United Kingdom was in duty bound to promote the independence of the three Territories, the present constitutional arrangements fell far short of the people's expectations.

192. In Basutoland powers were being gradually transferred from the Resident Commissioner to the Paramount Chief, but the number of elected members of the legislature remained quite inadequate. The United Kingdom Government should enter into negotiations with the true representative of the people with a view to determining the ways and means of transferring powers to the latter.

193. In Swaziland the Africans were largely represented indirectly by their chiefs, while the European settlers and foreign companies with extensive estates in the Territory wielded great political influence. There was no effective participation by the representatives of the people in the political life of the country, and the colonialists were making use of the Swazi people's loyalty to their King to promote their own interests. Moreover, there was discrimination against Africans in the local civil service, and it should be put to an end.

194. Nor did the Constitution of Bechuanaland provide for true popular representation, since the ten African members of the legislature were either tribal chiefs sitting *ex officio* or were elected by tribal Councils. The present Constitution should be replaced by one providing for elections based on universal suffrage. A constitutional conference at which the whole people would be represented should be convened for that purpose.

195. He reiterated his conviction that no valid political solution could be found without effective consultations with the people themselves.

196. The representative of India said that his delegation had been deeply disappointed by the United Kingdom representative's statement, which did not suggest that any real changes or reforms based on the wishes and aspirations of the peoples were being introduced in the three Territories. It was fantastic to claim that the facts presented showed that real progress was being made in the three Territories in all fields, since the United Kingdom's record in those Territories was much worse than elsewhere.

197. The three petitioners, who represented the peoples of the Territories, had described the oppression, discrimination and degradation there, which he had thought were things of the past. Hundreds of thousands of Africans lived in disgraceful conditions, without education or proper medical care. Their wages were lower than those of white workers, and many of them were forced to work themselves to death in the mines of South Africa. He noted with satisfaction that the United Kingdom Government was now enacting laws to end racial discrimination in the Territories, but such laws must be vigorously and effectively enforced, if they were to be of any use.

198. Basutoland was entirely surrounded by South Africa, and its economy had been deliberately tied up with that of its powerful neighbour. It had considerable water resources, which could have brought prosperity to its indigenous people if they had been developed for their benefit. The 1960 Constitution provided for an Executive Council and for a Legislative Council, but both bodies were unrepresentative and restrictive and did not meet the demands of the people. The Executive Council was made up of four British officials, two elected members and two members nominated by the Paramount Chief. The National Council had forty nominated and forty indirectly elected members and had very limited powers of legislation. Only thirty women had participated in the elections, and it was alarming to note that South African nationals had voted.

199. In spite of United Kingdom financial assistance, the level of living was very low, and nearly 200,000 Basutos had been forced by hunger and unemployment to seek work in South Africa and the Rhodesias. The Territory had no technical schools, only twelve medical practitioners, two graduates in commerce and one in economics, and one veterinary surgeon. Moreover, the laws against racial discrimination were not fully enforced.

200. In Swaziland 10,000 Whites owned half the land and most of the Territory's considerable wealth, while the indigenous people were very poor. No constitutional progress had been made. The government was based on an outmoded system of indirect rule, and no African held an executive post. There were no schools on the farms owned by Europeans, and the annual public expenditure on education was £75 for each European child and £5 for each African child.

201. Conditions were no better in Bechuanaland, where 16,000 square miles had been leased to British investors for cattle ranching, against the wishes of the indigenous people. The Europeans held two-thirds of the seats in the Legislative Council, while the Executive Council had only two African members, both nominated.

202. What was happening in the three Territories was contrary to the Universal Declaration of Human Rights, to the Charter of the United Nations and to General Assembly resolutions 1514 (XV) and 1654 (XVI). He hoped that the United Kingdom would comply with the demands of the peoples of the Territories by granting them constitutions based on universal adult suffrage. The Territories could not remain colonies for an indefinite period. They had to regain freedom, and the United Kingdom Government had a role to plan in that process.

203. The representative of Poland said that the petitioners had given a convincing picture of the way in which the people of the three Territories were humiliated, exploited, degraded and deprived of their land and human rights. The United Kingdom Government had done nothing to implement General Assembly resolution 1514 (XV) in those Territories. Even in Basutoland, where there had been some signs of constitutional advance, there was no responsible African government; four of the eight members of the Executive Council were British officials, while the Legislative Council was a most undemocratic body with forty nominated and forty elected members; and the electoral law disenfranchised a large part of the population.

204. In Bechuanaland the 3,000 Europeans were represented by a two-thirds majority in the Legislative Council, and they controlled the country's resources, finances and future.

205. All key posts in the Government of Swaziland were held by white settlers, mostly nationals of racist South Africa. That was a violation of the principle of representative government and of the Declaration on the granting of independence to colonial countries and peoples. There was racial discrimination in every walk of life, and the large Swazi majority held less than half the land, much of which was infertile.

206. Since the administering Power was not interested in providing work for the indigenous peoples of the three Territories, many of them were forced by hunger to work as slaves in farms, factories and mines owned by the British in the Rhodesias and South Africa. They were not allowed to form trade unions, and many of them died in the mines or returned disabled by mine diseases. Little attention, if any, had been paid to the agricultural and industrial development of the Territories, and there had been no adequate survey of minerals. Trade was in the hands of white settlers, mostly South Africans, and a group of Cape Town businessmen had recently concluded an agreement with the United Kingdom Government to invest at least £500,000 in new industries in Basutoland.

207. In the civil service of the three Territories, there were clear-cut differences between the races in salaries, housing and conditions of service. Virtually all members of the senior staff were Europeans. There were also wide and discriminatory differences in public expenditure on the education of the children of the indigenous inhabitants, since the Europeans did not want educated Africans but cheap labourers. Even the hospital wards were segregated.

208. The economic backwardness of the Territories was due to the administering Power's deliberate policy towards their natural and human resources. The petitioners had asked that the Territories should be freed from all the burdens of colonial rule which had been

imposed upon them and which were holding up their development, but the colonialists refused because of the economic, political and other advantages which they derived from them.

209. The United Kingdom had not indicated the steps it intended to take to implement General Assembly resolution 1514 (XV) in the Territories. He realized that the difficult conditions prevailing in the Territories were the cumulative result of long colonial rule. During those years there had been enough time to consider a solution of the problems and to satisfy the legitimate demands and aspirations of the Africans.

210. The representative of Poland concluded by stating that the South African Government looked forward to the time when the Territories would be absorbed into the Republic. That might endanger peace in the area. He noted that it was the United Kingdom's policy that the Territories should remain politically independent of South Africa, and he took this to mean that the United Kingdom Government intended to grant the Territories full independence after consulting their people by means of universal adult suffrage. He strongly supported the request put before the Committee by the petitioners from Basutoland, Bechuanaland and Swaziland for freedom and immediate independence. The Committee should make such recommendations to the General Assembly as would ensure the full implementation of General Assembly resolution 1514 (XV) and the transfer of power to the elected representatives of the indigenous peoples, without further delay. The administering Power should also take steps to replace the present Constitutions with new ones worked out in consultation with the entire indigenous population.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

211. At its 64th meeting, on 1 June 1962, the Special Committee decided to establish an informal working group, composed of the representative of Mali (as Chairman) and the representatives of Cambodia, Italy, Poland and Tunisia, to prepare draft conclusions and recommendations concerning Basutoland, Bechuanaland and Swaziland for consideration by the Special Committee.

212. The working group presented its report, containing a draft resolution on Basutoland, Bechuanaland and Swaziland, to the Special Committee at its 70th meeting, on 7 June 1962. In the working group, the representative of Italy had submitted a draft text of recommendations concerning the three Territories. That text read as follows:

"1. The Committee of Seventeen has noted with regret the fact that Basutoland, Bechuanaland and Swaziland have lagged behind many other territories of Africa in their development, particularly in the political and constitutional fields.

"2. Believing that the objective must be self-determination and independence based on the freely expressed will of the people, the Committee urges the Administering Authority to press on with all speed with all necessary measures to bring this about. In particular, the Committee stresses the urgent need for advancing the creation and development of progressive political institutions which will reflect both the culture and the traditions of the people and the needs of a modern democratic State. The

Committee also stresses the need urgently to eliminate all remaining forms of racial discrimination.

"3. The Committee has noted the serious economic problems which are likely to persist, in varying degrees, in the three Territories, including the need of large numbers of the population to find employment in other African territories. In addition, programmes of economic development are clearly called for. While noting the financial and other assistance already being provided by the Administering Authority, the Committee believes that considerably more is required. It urges the Administering Authority to examine the possibility of increasing the flow of assistance either from itself or from other sources, including international institutions.

"4. The Committee is aware of the peculiar problems presented by the geographical position of the Territories.

"5. The Committee has noted the declared policy of the Administering Authority that, from a political point of view, these Territories are completely independent of South Africa and that the United Kingdom Government 'are pledged not to transfer these Territories until their inhabitants have been consulted'. The Committee urges the United Kingdom Government to retain responsibility for these Territories until a solution is found in accordance with the wishes of the peoples of these Territories themselves.

"6. The Committee recognizes that these Territories may wish to associate themselves with larger economic or political groupings, in accordance with the freely expressed wishes of the populations themselves."

The draft text of recommendations submitted by Italy was rejected by the working group.

213. The draft resolution submitted by the working group⁷⁶ was considered by the Special Committee at its 70th meeting. This draft resolution, with certain oral amendments proposed by the representative of Mali, was adopted by the Special Committee by a roll-call vote of 12 to 4. The voting was as follows:

In favour: Cambodia, Ethiopia, India, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Venezuela and Yugoslavia.

Against: Australia, Italy, United Kingdom of Great Britain and Northern Ireland and United States of America.

214. The draft resolution reads as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having considered the question of Basutoland, Bechuanaland and Swaziland,

"Having heard the statement by the representative of the United Kingdom and those of the petitioners from those Territories,

"Noting that the administering Power has not yet implemented the General Assembly Declaration on the granting of independence to these Territories and has not taken steps to transfer all powers to the peoples of Basutoland, Bechuanaland and Swaziland,

"Noting that the constitutional provisions now contemplated for these Territories and the electoral legislation in force are discriminatory, do not meet the wishes of the peoples and are not consistent with the General Assembly Declaration of 14 December 1960,

"Deploping the particularly alarming economic and social situation prevailing in the High Commission Territories after several decades of the colonial régime,

"Expressing its profound concern at the declared intention of the Government of the Republic of South Africa to annex these Territories, and condemning any attempt to jeopardize the right of the peoples of these Territories to establish their own independent States,

"Taking note of the statement made by the administering Power to the effect that these Territories are politically completely independent of South Africa and that the United Kingdom adheres to this policy, and that there is no question of Her Majesty's Government agreeing at this stage to the transfer of Basutoland, Bechuanaland and Swaziland to the Republic of South Africa,

"Recommends the General Assembly:

1. *To reaffirm the inalienable right of the peoples of Basutoland, Bechuanaland and Swaziland to self-determination and independence;*

2. *To invite the administering Power immediately to suspend the present constitutional provisions and to proceed without further delay to hold elections in the three Territories on the basis of direct universal adult suffrage;*

3. *To invite further the United Kingdom Government to abrogate the present constitutional provisions and to convene immediately a constitutional conference with the participation of the democratically elected political leaders of Basutoland, Bechuanaland and Swaziland, with a view to setting, in accordance with their wishes, the date on which each of the three Territories concerned will attain its independence;*

4. *To make a serious effort to provide economic, financial and technical assistance through United Nations programmes of technical co-operation and the specialized agencies, in order to remedy the deplorable economic and social situation of the three Territories;*

5. *To urge the administering Power to take immediate steps to return to the indigenous inhabitants all the land taken from them, whatever the form of, or pretext for, such alienation;*

6. *To declare solemnly that any attempt to annex Basutoland, Bechuanaland or Swaziland, or to encroach upon their territorial integrity in any way, will be regarded by the United Nations as an act of aggression violating the Charter of the United Nations."*

⁷⁶ A/AC.109/15.

CHAPTER VI

ZANZIBAR

A. INFORMATION ON THE TERRITORY*

General

1. The Protectorate of Zanzibar comprises the islands of Zanzibar and Pemba, the islets within their territorial waters and the small and uninhabited Latham Island. Zanzibar, which is the largest coralline island off the East African coast is separated from the mainland by a channel 22½ miles wide at its narrowest part. Pemba lies about 25 miles north-east of Zanzibar. Both islands are low, the highest point being only 390 feet above sea level. The area of Zanzibar island is 640 square miles, and that of Pemba 380 square miles.

2. The estimated population of the Protectorate of Zanzibar is 300,000, made up as follows:

Africans	230,000
Arabs	47,000
Asians	18,000
Somalis and others	4,500
Europeans	500
TOTAL 300,000	

3. The capital is Zanzibar, which in 1958 had a population of 57,923. The towns are Wote, Chake Chake and Mkoani, all in Pemba, with populations of 7,507, 7,167 and 1,977, respectively. The population is almost exclusively Moslem, with some Christians, Hindus and others. The languages spoken are Swahili, Arabic, Gujarati and English.

4. The economy is based on agricultural and marine products. Cloves are by far the most important crop, with coconuts second. Industry is limited to the processing of clove oil and coconut oil, the manufacture of soap and the manufacture and processing of coconut fibre.

*Government**(a) Present status*

5. From early times Zanzibar has had close ties with India and the countries bordering the Persian Gulf and the Red Sea. Beginning in the seventh century, there was large-scale immigration by Arabs and Persians from Shiraz. In the first decade of the sixteenth century the Portuguese became dominant on the East African coast, and Zanzibar and Pemba were made tributary to Portugal. In 1698 the northern part of the East African coast, including Zanzibar and Pemba, passed from the hands of the Portuguese to the hands of the Arabs of Muscat and Oman. Seyyid Said bin Sultan, ruler of Muscat and Oman, transferred his capital to Zanzibar in 1822. By the end of his reign, in 1856, Zanzibar had become, both politically and commercially, the principal town in East Africa. In 1861 Zanzibar became politically separate from Muscat and Oman. In 1886 Britain, France and Germany recognized the sovereignty of the Sultan of Zanzibar over the islands of the coast (including Zanzibar and Pemba) and a ten-mile wide strip on the mainland. Administration of the strip eventually passed

to the Government of Kenya, which pays an annuity of £16,000 to the Zanzibar Government. In 1890, Zanzibar and Pemba were placed under British protection by the Sultan and formally proclaimed a British Protectorate.

6. The present Sultan of Zanzibar, Seyyid Sir Abdulla bin Khalifa, rules as a constitutional monarch. Until 1956 there was an Executive Council, presided over by the Sultan and consisting of, in addition, the British Resident, the Heir Apparent and a number of *ex officio* and official members. Apart from its executive functions, this Council contained features of a Privy Council, and it was considered more in keeping with the position of the Sultan as a constitutional monarch, and with the development of the Executive Council, that a separate Privy Council should be set up, presided over by the Sultan, while the Executive Council should be presided over by the British Resident. Accordingly, under the 1956 Constitution, a Privy Council was established, consisting of the Sultan, the British Resident, the Heir Apparent, the Civil Secretary and the Attorney-General, while the Executive Council consisted of the British Resident, seven official and three representative members (increased to five in 1959). At the same time, the Legislative Council was re-formed to include four *ex officio* members, nine official members, six representative members elected by common-roll franchise and six other members appointed by the Sultan.

(b) Constitution

7. In 1960 Sir Hilary Blood was appointed Constitutional Commissioner to make recommendations for further constitutional advance. The present Constitution is based in the main on his proposals and came into effect later in 1960. It provides for an Executive Council consisting of five elected ministers (one of whom is designated Chief Minister) and three official members, under the chairmanship of the British Resident. The Legislative Council consists of twenty-three elected members (originally 22)⁷⁷ three official members and up to five appointed members, under the presidency of a Speaker, appointed from outside the Legislature.

(i) Executive Council

8. The Executive Council as the chief executive body of Zanzibar is responsible for the direction of the government and administration. The Sultan, acting on the advice of the British Resident, appoints as Chief Minister that member of the Legislative Council who is able to command a majority. The remaining ministers are appointed by the Sultan on the advice of the British Resident, after the latter has consulted the Chief Minister.

(ii) Legislative Council

9. The Zanzibar Legislature is uni-cameral and consists of a Legislative Council, presided over by a Speaker. The maximum tenure of office is three years. All members of the Legislative Council except the three official members, namely, the Civil Secretary, the Attorney-General and the Financial Secretary, and the five appointed members (two on the advice of the Chief

* Section A of the present chapter is based on information supplied by the administering Power and information compiled by the Secretariat from published sources.

⁷⁷ See para. 12 below.

Minister and one on the advice of the Leader of the Opposition) are elected. The Legislative Council may deal with all types of legislation, except that it may legislate on certain subjects (such as money bills, public service matters and external affairs) only on the recommendation of the British Resident. All the elected members of the Legislature are indigenous.

(c) *Electoral system*

10. The members of the Legislative Council are elected in single-member constituencies. Electors must be Zanzibar subjects of a minimum age of twenty-one and normally resident in the Territory. There is a literacy and a property qualification. Persons over thirty need not be literate to qualify.

11. The first elections under the new Constitution took place on 17 January 1961, and the results were as follows:

Party	Number of seats	Number of votes cast
Afro-Shirazi Party	10	36,707
Zanzibar Nationalist Party	9	32,706
Zanzibar and Pemba Peoples Party	3	15,541
TOTAL	22	84,954

12. Attempts by both of the major parties to form a coalition government with the smaller Zanzibar and Pemba Peoples Party failed, and neither party was able to muster a majority among elected members of the Legislative Council. Arrangements were therefore made to hold fresh elections with the number of constituencies increased from 22 to 23. The results of the second elections held on 1 June 1961, were as follows:

Party	Number of seats	Number of votes cast
Afro-Shirazi Party	10	45,172
Zanzibar Nationalist Party	10	31,681
Zanzibar and Pemba Peoples Party	3	12,411
TOTAL	23	89,264

13. A coalition government was formed by the Zanzibar Nationalist Party and the Zanzibar and Pemba Peoples Party with Sheikh Mohamed Shamite as Chief Minister, while the other four ministers were drawn from the Zanzibar Nationalist Party.

(d) *The judiciary*

14. There are two systems of jurisdiction in operation in Zanzibar, represented by the High Court and the Zanzibar Court. The jurisdiction of the High Court is confined principally to British subjects. In practice, this dual jurisdiction make little difference, since the same members of the judiciary preside over both Courts. In addition to these two Courts, there are subordinate and juvenile courts, presided over by resident magistrates or district officials. There are also a number of Cadi Courts; these have no criminal jurisdiction, and their civil jurisdiction is principally concerned with matters relating to Moslems of the Ibathi or Shafei sects. Finally, there are the Mudirial Courts, in which the Mudir (local district officer) is empowered to try minor offences, occurring within his Mudirai (sub-district).

15. The judiciary consists of a Chief Justice, a judge, three resident magistrates, a senior cadi and a number of other cadis. All are local inhabitants, except for the Chief Justice and the judge.

(e) *Local government*

16. In 1958 the Local Government Decree provided for the establishment of a system of local government by means of local Councils. The objective is to give greater responsibilities to local Councils than previously, including the passing of by-laws for the safety and well-being of the inhabitants of the local council area. Membership of such Councils normally includes both elected and nominated members as well as *ex officio* members such as the local Sheha (Headman) and public health officer. There are six such Councils (two in Zanzibar Island and four in Pemba). Councils are established when the people in the area have expressed their agreement thereto, and the actual area included is also settled in consultation with the people. The revenues of the Councils consist mainly of licences, rents and royalties, together with any rates which they may decide to levy.

17. The most important local government body is the Zanzibar Township Council, which is the successor of the Town Board, originally formed in 1933. Since 1955 the Council has elected its own chairman from among the non-official members.

(f) *Recent developments*

18. The elections in June 1961 were accompanied and followed by disturbances, resulting from tensions which have come to a head in recent years with the closer association of local political parties with the Government of the Protectorate.

19. On 5 June 1961 the Under-Secretary of State for the Colonies made a statement in the United Kingdom House of Commons on these disturbances. They started, he said, with a number of sudden isolated incidents at polling stations in Zanzibar town, but the situation quickly deteriorated. The British Resident declared a state of emergency on 1 June and imposed a curfew, and the police were reinforced by units of the Kenya Police and of the King's African Rifles, also from Kenya.

20. On 13 June 1961 the Secretary of State for the Colonies made a further statement, in which he said that a Commission of Inquiry was being set up. He informed the House that there had been 66 deaths and that 320 persons were injured.

21. The Commission of Inquiry was appointed in July 1961; its terms of reference were to inquire into the causes of and the steps taken to deal with the disturbances which took place between the two main political groups, the Afro-Shirazi Party and the Zanzibar Nationalist Party, during and following the election of 1 June 1961.

22. In its report the Commission did not accept the view that the disturbances were primarily racial in character, or that they were the result of a premeditated plot. It thought that one of the major contributory causes lay in the inflammatory political propaganda—both written and spoken—to which the people of Zanzibar had been exposed over the past three or four years. The "wind of change" and the impact of party politics had also played a considerable part. Blame for the disturbances, the Commission considered, could be fairly evenly distributed between the Afro-Shirazi Party and the Zanzibar Nationalist Party, for the former had appealed to the electorate on a racial basis and the latter had introduced religion into the controversy. There was no evidence that the leader of either party had indulged in violent speeches, but other speakers at meetings of

both parties had done so. The effect of the spoken word, said the report, in a country where the first elections took place as recently as 1957, "is liable to have an authority that can be dangerously used". Violent articles published in political party newspapers were also considered to have "played a considerable part in fanning the flame".

23. The violence of the disturbances and the large number of deaths owed much, the Commission thought, to the attitude of the youth wings of both parties and also to the general hooligan element in the population, and to the "paying off of old scores".

24. In November 1961 a sessional paper, containing a "General Statement of the Aims and Policies of His Highness's Government", was published by the Zanzibar Government and laid before the Legislative Council. The statement expressed the hope that a constitutional conference could be held early in 1962, presided over by the Secretary of State for the Colonies. The Government emphasized that a major aim of its policy was "the earliest possible attainment of complete independence by Zanzibar".

25. In March and April 1962 a conference on the future constitution of Zanzibar was held in London, under the chairmanship of the Secretary of State for the Colonies. The Conference ended on 7 April without the detailed prospect of any constitutional advance because of the failure of the Government and the opposition parties to agree.

26. The Afro-Shirazi Party, representing the Opposition and holding ten of the twenty-three seats in the Legislature, demanded fresh elections before internal self-government. The party wanted the franchise to be extended and the minimum age for voters to be reduced from 21 years to 18 years; it also wanted the constituency boundaries to be redrawn. The United Kingdom Government agreed to the extension of the franchise by the removal of qualifications tied to means and educational attainment, but rejected the proposal that the minimum age should be 18. It agreed to the appointment of a commission to consider the size of the Legislature and the delimitation of constituencies, but considered it premature to fix a date for the holding of elections. The Colonial Secretary told the Zanzibar representatives that full independence was still the aim for the Territory; whether it would be possible to make any advances towards that goal, however, depended on the people of Zanzibar.

Political parties

27. The Afro-Shirazi Party (ASP) was formed in 1957 from a coalition of the Africa Association (a social organization for migrant workers) and the Shirazi Association (a tribal group laying claim to Persian origin). Under the leadership of Mr. Abeid Karume, the party which represented the African and Shirazi people won five of the six elected seats in the election of July 1957.

28. The Zanzibar Nationalist Party (ZNP) was founded in December 1955 with the support of a section of the African farmers of Zanzibar and a number of Arab intellectuals. Its president is Mr. Ali Muhsin. In 1957 it asked for self-government.

29. In the elections of 1957, although ZNP polled some 30 per cent of the votes, as compared to 33 per cent for ASP, it won none of the six seats in the Legislative Council. After the elections, the party devoted itself to a rigorous campaign on organization,

forming a women's section and adopting the policy of equal rights for women.

30. The manifesto issued by ZNP for the general election of January 1961 described the Party as "a mass liberation movement of the people... which received form and impetus from conscientious and planned organization born of an ideology... of non-racialism, an ideology which has resulted in the unbreakable unity of peasant, worker and intellectual, an ideology of human freedom and dignity, of social justice, of national patriotism, ... of political and social equality and of the dignity of labour". The ZNP is in favour of an East African federation, provided that it is formed "free from outside interference", by democratically elected governments.

31. The Zanzibar and Pemba Peoples Party (ZPPP) was formed in December 1959, when Mr. Tajo, one of its leaders and a member of the Legislative Council, left ASP with a group of young Africans. The ZPPP favoured the maintenance of British administration until 1963, mainly because it believed that immediate independence would favour continued domination by the more sophisticated Arab ruling class. Its leader is Mr. Mohamed Shamte.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

32. The Special Committee considered the question of Zanzibar at its 55th and 56th meetings, held in Tangier on 22 May 1962, at its 67th and 69th to 71st meetings, held in Dar es Salaam from 6 to 8 June 1962, and at its 72nd to 78th meetings, held from 9 to 17 July 1962, and 104th to 106th meetings, held from 10 to 11 September 1962, at the United Nations Headquarters in New York.

Hearing of petitioners

33. The Special Committee heard the following petitioners concerning Zanzibar:

(a) Mr. Ali Muhsin, Minister for Education and Welfare of Zanzibar and Leader of ZNP. He was accompanied by Mr. Mohamed Maamiry (55th and 56th meetings);

(b) Mr. K. A. Amer, General Secretary of the Zanzibar Federation of Progressive Trade Unions (67th meeting);

(c) Mr. Abdulla Kassim Hanga, representative of ASP. He was accompanied by two other representatives, Mr. Saleh Sadalla and Mr. Aboud Jumbe (69th meeting);

(d) Mr. Mohamed Shamte, Chief Minister of Zanzibar and representative of ZPPP, as well as Mr. Juma Alley, Minister for Agriculture, and Mr. Ali Muhsin, Minister for Education and Welfare, both representing ZNP. They were accompanied by Mr. Manlidi Mshangama, Assistant Minister (70th meeting);

(e) Mr. Muhamed Mfaume and Mr. Abdulla Kassim Hanga, representing the Zanzibar and Pemba Federation of Labour and accompanied by Mr. Diria Hassan (71st meeting). Mr. Hanga had appeared before the Committee at its 69th meeting on behalf of ASP;

(f) Mr. Othman Shariff, Leader of the opposition in the Legislative Council and Deputy Leader of ASP. He was accompanied by Mr. A. A. Karume (76th meeting);

(g) Mr. Ali Muhsin, Minister for Education and Welfare and Leader of ZNP (77th meeting). Mr. Ali Muhsin had appeared previously before the Committee at its 55th, 56th and 70th meetings.

34. The Special Committee had before it supplementary information presented to it in the following communications:

(a) Memorandum, submitted by Mr. Ali Muhsin on behalf of the elected Ministers and the Alliance of the Zanzibar Nationalist and Zanzibar Pemba Peoples Parties.⁷⁸

(b) Supplementary statement, presented to the Special Committee on 17 July 1962 by Mr. Othman Shariff, Leader of the Opposition in the Legislative Council and Deputy Leader of the Afro-Shirazi Party.⁷⁹

(c) Letter, dated 13 September 1962, from Mr. Othman Shariff enclosing the observations of the Afro-Shirazi Party on further developments since July 1962.⁸⁰

35. The Special Committee also had before it the following five written petitions:

<i>Petitioner</i>	<i>Document No.</i>
1. Mr. A. K. Msangi, President of the Zanzibar and Pemba Federation of Labour	A/AC.109/PET.8
2. Mr. Masoud Juma	A/AC.109/PET.9
3. The Secretary of the Zanzibar Dockers	A/AC.109/PET.10
4. The Zanzibar Nationalist Party ..	A/AC.109/PET.11
5. On behalf of the Youths and People of Zanzibar	A/AC.109/PET.12

36. Mr. Muhsin explained that he was speaking on behalf of the elected Ministers in the Zanzibar Government, the Zanzibar Nationalist Party (ZNP) and the Zanzibar and Pemba Peoples Party (ZPPP); the latter party was in an alliance with ZNP, and the Chief Minister was a member of it.

37. The struggle for independence for Zanzibar had begun in 1955 with the formation of ZNP. Before that date there had been no genuine political parties, but merely associations representing racial, religious or tribal groups. Begun as a small group of peasants and intellectuals, ZNP had gradually grown into a fully-fledged political party, having as its first objective the introduction of an electoral system not based on racial divisions. Common-rol elections had been held in Zanzibar in 1957 to fill the six elective seats in the Legislative Council. Five seats had been won by ASP, a party formed as a result of the combination of two racial associations, with the assistance of the British Administration. The part played by the Administration was borne out by the claim, which had been made in the report of the supervisor of the elections, that it was the Administration's endeavours that had saved Zanzibar from "one-party rule of a dangerously familiar type". The remaining seat had been won by the Muslim Association; ZNP, still only two years old, had won no seats. Following the elections, support for the party had increased, and by 1961 it had had 120 branches in Zanzibar and Pemba, the branches also serving as centres for literacy campaigns and welfare centres. The party formed a pyramidal structure based on village groups. A women's section had been formed, and at

least 50 per cent of the members were women. The youth section of the party was also strong, and it was prominent in the campaign against illiteracy. The Federation of Progressive Trade Unions was allied with ZNP.

38. The aims of the party were many, but its primary objectives were to fight for immediate independence, to combat racialism, tribalism and religious separatism, to abolish all forms of discrimination and exploitation, to raise living standards and to promote healthy trade unionism and the co-operative movement and, finally, to uphold the Universal Declaration of Human Rights and to co-operate with the United Nations and the specialized agencies.

39. About 1959 a group within ASP dissatisfied with the policy of the leaders, had broken away and formed ZPPP. Three parties had thus contested the elections held in 1961 under a new Constitution based on the recommendations of Sir Hilary Blood. That Constitution had increased the membership of the Legislative Council to thirty, with twenty-two elected members. Women had been given the right to vote, and the minimum age for voting had been reduced from twenty-five to twenty-one. Two qualifications had been retained: an income qualification of 4 shillings and 6 pence a day (which might be in kind) and a literacy qualification, literacy being understood as the ability to read English, Swahili, or Arabic; people over thirty had been exempted from the latter qualification. Thirty-two per cent of the total population had been registered as voters.

40. In the elections ZNP had obtained nine seats, ASP ten, and ZPPP three. Thus no single party had had a majority; the ZPPP had decided to form a coalition with ZNP but one of the three members of the former party had joined the ASP and a deadlock had thus resulted between the two sides. An all-party caretaker Government had been formed on the understanding that new elections would be held within six months. In the subsequent elections, the number of seats had been increased to twenty-three to avoid the risk of another stalemate.

41. During the elections supporters of ASP had provoked disturbances resulting in the death of sixty-seven supporters of the two allied parties; in addition, 300 people had been injured and 6,000 rendered homeless. The supporters of the allied parties had been urged not to retaliate, since that might be used as a pretext for suspending the Constitution. The allied parties had obtained thirteen seats, and ASP ten.

42. The allied parties had then formed a Government. Soon after its formation, that Government had petitioned the United Kingdom Government for arrangements to grant immediate independence to Zanzibar. It had then invited the Opposition to consult with it regarding steps to be taken in that direction, and twelve meetings had been held, under the chairmanship of the British Resident, between representatives of the Government and the Opposition. A large measure of agreement had been reached on constitutional matters. However, the Opposition had insisted that new elections should be held before any further constitutional steps were taken, on the grounds that independence had not been an issue in the previous elections and that in those elections the franchise had not been wide enough. The Government parties, although they had long been the chief advocates of universal adult suffrage, had been unable to agree that

⁷⁸ A/AC.109/13—see paragraph 45 below.

⁷⁹ A/AC.109/20—see paragraph 84 below.

⁸⁰ A/AC.109/29—see paragraph 152 below.

independence should be made conditional on the holding of fresh elections. They had argued that independence had in fact been an issue since 1957, and that the holding of further elections before tempers had had time to cool might give rise to further disturbances; it had been their view that the elections should be held after independence and preferably in 1964. Otherwise, the achievement of immediate independence might be jeopardized. With regard to the extension of the franchise, they had considered that the limitations which had been placed on the franchise by the United Kingdom, in the face of the opposition of the ZNP were academic for practical purposes since an adequate cross-section of the population was represented. The percentage of registered voters had compared well with other countries, such as Tanganyika, where the electorate which had brought the present Government to power had consisted of only 10 per cent of the population. The limitations to the franchise in Zanzibar compared favourably with those in such highly democratic countries as the United States and Switzerland; the present franchise gave adequate representation to the population as a whole.

43. In March 1962 a Constitutional Conference, at which both the Government and the Opposition had been represented, had been held in London. The Government representatives had asked that the discussions should begin with the points of agreement; it had wanted the United Kingdom to agree to the proposal, accepted by both the Government and the Opposition, that Zanzibar should become independent in September 1962. However, Lord Perth, the Chairman, had insisted that the points of disagreement should be discussed first. A deadlock had been reached on the question of elections prior to independence, and the United Kingdom Secretary of State for the Colonies had given the representatives of the two sides forty-eight hours in which to reach agreement. In a spirit of co-operation the Government had offered the Opposition three out of eight portfolios in the Council of Ministers; however, the Opposition had been unwilling to accept the idea of a coalition Government; consequently, the Colonial Secretary had closed the conference.

44. The Zanzibar Government, after acquiring independence, wished to work with the other independent States of East Africa towards the establishment of an East African Federation. The delaying of independence for Zanzibar would hinder progress towards that goal. In addition, it would preserve an outpost of colonialism in East Africa, which would be against the interests of the other independent States in the region; it would perpetuate anti-British feelings in Zanzibar; it would breed frustration among the inhabitants and lead to disturbances of the peace; it would mean losing an opportunity to establish parliamentary democracy in ideal conditions, with a Government commanding a working majority and with a strong Opposition; finally, it might force the people to use other means than constitutional means to attain their rights. It seemed absurd that the United Kingdom, which in general decried the tendency toward one-party rule, should demand that the people of Zanzibar should agree on all subjects. He begged the Committee to recommend that the United Kingdom should be asked to reconsider its views on constitutional development in Zanzibar, and that the country should be granted internal self-government immediately, and full independence be-

fore the end of 1962. He would further beseech the Committee to recommend that the members of ZNP, currently in custody without trial, including the General Secretary of the Party, should be released forthwith.

45. He submitted to the Committee a memorandum setting forth Zanzibar's case for independence.⁸¹

46. Mr. Amer said that the people of Zanzibar, and more particularly the workers, were losing patience with the situation created by British colonialism in his country. Since the recent elections, which had resulted in the death of over seventy people, the United Kingdom had intensified its desperate attempt to delay the independence so ardently desired by all his fellow-countrymen. In fact it was no exaggeration to say that the British colonialists were transforming his country into a police State; seventeen people were already being detained without trial, including the General Secretary of ZNP, and people were being subjected to arbitrary search by police and troops. With regard to his country's economic situation, he stressed that the workers had never enjoyed reasonable living standards and, after seventy years of oppressive British rule, had finally abandoned hope of any improvement. The Zanzibar Federation of Progressive Trade Unions, which represented the overwhelming majority of workers in Zanzibar, looked to the Special Committee to support that Territory in its just struggle to wrest its independence from the United Kingdom, which had turned a deaf ear to repeated appeals. The two parties, ZNP and ZPPP which together formed the Government of Zanzibar, demanded independence before the end of 1962. His Federation, which supported those parties and their policies, urged the Committee to press that demand; there was a grave danger that, if independence were not granted soon, the people might have recourse to other means than peaceful means in the struggle for their rights. The fact was, that the British colonialists would stop at nothing to prevent ZNP from playing its rightful part in the future independent State of Zanzibar; it hoped to oust a party well known for its uncompromising anti-colonialist and anti-imperialist attitude and substitute other elements which could be relied upon to look after its interests.

47. Another problem facing Zanzibar was the presence there of a United States rocket base, which had been imposed upon the people against their will. The United States was using its centres in Zanzibar to penetrate political movements which were genuinely representative of the people; he could produce witnesses who had been approached by agents of that Government and urged to conspire against his Federation and ZNP. But when members of those organizations had said as much in the Press, they had been tried and fined. That was typical of the difficulties the colonialists placed in the way of political activity; the members of ZNP were not allowed to speak in public or to travel freely, and the General Secretary of the party had spoken the truth when he had described the situation in Zanzibar as not much different from that prevailing in Germany under Hitler. The situation was indeed intolerable when the British Resident could detain political leaders at his discretion under so-called emergency powers.

48. He therefore urged the Committee to call upon the United States to stop interfering in Zanzibar's in-

⁸¹ A/AC.109/13.

ternal affairs, and to recommend that the United Kingdom should grant Zanzibar its independence before the end of 1962.

49. Mr. Hanga said that the main demand of ASP was for complete independence in 1962, preceded by a general election on the basis of universal adult suffrage. Zanzibar could only have an administration which enjoyed the confidence of the people if its legislative body was elected by the entire adult population. He therefore urged the United Nations to recommend the holding of a general election not later than July 1962. Except in the case of Tanganyika, it had always been recognized that a general election was a prerequisite for the granting of independence, if such an election was demanded by the Opposition. The other party, ZNP, argued that an election would endanger peace and security, and the Colonial Office of the United Kingdom naively accepted that argument. It was clear that no successful coalition between ASP and ZNP would be possible.

50. Since the formation of ASP, no effort had been spared by the British imperialists to undermine and, if possible, break up that party and thus perpetuate the exploitation and domination of the many by the few. The resounding victory of ASP in the 1957 elections, in which it had won five seats out of six, had been followed by a series of manoeuvres by ZNP and the British authorities; the wealthy supporters of ZNP, who owned more than eighty per cent of the land, had evicted the ASP supporters who declined to go along with their wishes. Their tactics had also led to the founding of the Zanzibar and Pemba Peoples Party and the so-called Federation of Progressive Trade Unions. Although ASP had won ten seats in the January 1961 elections as against nine by ZNP and three by ZPPP, it had been prevented from forming a government by the British Resident in Zanzibar, who had placed his own interpretation on the Constitution. The Resident had also decided to create an additional seat and had provided ZNP with a safe extra seat by giving Stone Town two seats instead of one.

51. In the second general election, held in June 1961, ASP had polled 49.9 per cent of the votes cast, as against 48.7 per cent polled by ZNP and ZPPP together. Thus, even with the present severely limited franchise, it was clear that ASP represented the majority of the people in the Protectorate. The present Government was using every pretext to avoid holding another general election and was thereby deliberately delaying the independence of Zanzibar; its reason for such tactics was its knowledge that a general election held under universal adult franchise would put an end to its power. Although ZNP claimed to be fighting for "national liberation", it had opposed, in the Legislature, ASP's demand for an end to the state of emergency and the withdrawal of British troops. Indeed, ZNP had even suggested that foreign forces should be retained on the island after independence. His party urged the United Nations to request the United Kingdom Government to end the state of emergency and to withdraw its troops immediately.

52. Mr. Shamte said that the elected Ministers of Zanzibar and the two parties which now formed the Government, namely, ZNP and ZPPP fully agreed with the evidence which Mr. Muhsin had given at Tangier. The petitioners wished, however, to refute the allegations made by members of ASP at the pre-

vious meeting and to give the Committee a true picture of the issues involved, so that it might reach a just and impartial decision.

53. Mr. Alley asked the Committee to request the United Kingdom Government to grant Zanzibar its independence as soon as possible in 1962.

54. In 1960, the United Kingdom Government had appointed a Constitutional Commission consisting of one man, Sir Hilary Blood, who had said in his report that it was fortunate that the Sultan, the people of Zanzibar and the United Kingdom Government all agreed that Zanzibar should have a constitutional monarchy, self-government within the Commonwealth and parliamentary democracy. When the Legislature had debated the report, the leader of ASP had said that the right of every adult to cast a vote did not automatically make a country democratic and that democracy meant not only having a vote but knowing how to use it. He had suggested that universal franchise would lead to totalitarian government and that full independence for Zanzibar at the present stage would be dangerous. The Nationalist Party, on the other hand, had wanted an immediate end to British rule.

55. Ever since its foundation in 1956, ZNP had advocated a common electoral roll including all subjects of the Sultan over 21 years of age. Thus, when members of ASP had called for universal franchise at the Constitutional Conference in London, they had simply been following the lead of ZNP.

56. The United Kingdom claimed that it was anxious to see parliamentary government on the Westminster model established in Zanzibar, but it was refusing to grant independence to a lawfully elected Government with a working majority on the grounds that the parties could not compose their differences. That was an absurd excuse for delaying independence, since democracy implied a strong and effective Opposition.

57. The elected Government of Zanzibar had not been consulted about the establishment of a United States base in the Territory, nor about the continuance of the state of emergency, which the British Resident was exploiting to the Government's embarrassment.

58. In 1961 the United Kingdom authorities had arrested two members of his party (ZNP) and had had to release them four months later because there was no evidence against them. Other party members were being detained in an attempt to destroy the party, and Zanzibar was becoming a police State. The troops brought in after the disturbances of June 1961 had served their purpose and were harassing the people, searching their houses and creating tension.

59. His party had no quarrel with the Afro-Shirazi Party as such; the two parties had a long tradition of association and friendship, and their differences should not be exploited for the benefit of the imperialists.

60. In his second statement to the Special Committee, Mr. Muhsin said that ASP claimed that ZNP was conspiring to delay independence and was the party of the rich, while ASP was the party of the oppressed. That was not true, and there were more rich men in the leadership of ASP than in that of ZNP. He also reiterated his demand for independence in 1962.

61. Mr. Mfaume said that the Zanzibar and Pemba Federation of Labour (ZPFL), which had been formed in July 1959, comprised nine affiliated unions and had a total membership of about 30,000. The federation supported ASP because it was a working-class party

that drew its strength mainly from the rural areas and from Ng'ambo, which were predominantly occupied by Africans and the working class of other races. Almost all of the supporters of ZNP were from Stone Town, the area occupied predominantly by capitalists, big landlords and business magnates. Unlike ASP, ZNP backed and was backed by the privileged class.

62. The Afro-Shirazi Party, on the other hand, was a movement campaigning for national liberation, and as such it was faced with strong opposition from the two Zanzibar colonial groups, whose privileges depended on the *status quo*. To redress the grievances of the people and to improve the lot of the poor, there was only one solution—to give the people the right to participate in a free election on the basis of universal adult suffrage. His organization therefore appealed to the Committee to recommend the immediate granting of independence, preceded by a general election.

63. Mr. Mfaume said in conclusion that ZNP, together with the colonial imperialists, was conspiring to delay independence until 1964 in the hope that by then it might succeed in breaking the alliance between ASP and his organization, ZPFL. Certain vested interests had worked hard to divide ZPFL so that they could continue to exploit the workers and, at the same time, weaken the alliance between the labour movement and ASP. Those efforts had resulted in the formation of a reactionary and bogus organization sponsored and supported by ZNP, the so-called "Federation of Progressive Trade Unions" which had a negligible following. Nevertheless, the Government, that is to say, ZNP, was giving it substantial help in order to maintain its existence, although it was not recognized by the All-African Trade Union Federation or by any of the East African trade union organizations.

64. Mr. Hanga reaffirmed that ZPFL was the only organization which really represented the Zanzibar labour movement, and as such was leading the fight for the emancipation of the working class.

65. He wished to draw the Committee's attention to the fact that many would-be students from Zanzibar were prevented by the administering Power from taking up scholarships abroad, mostly in the Soviet Union and other socialist countries; young people in Zanzibar were thus effectively prevented from pursuing their studies in the only way open to them. That was an intolerable situation, for a passport was a right, not a privilege. That was one more reason why his party and ZPFL demanded a general election in July, followed by complete independence in September. The right of self-determination, which was affirmed by international law, could be democratically implemented only on the basis of a free expression of the popular will in a general election without any restrictions on the franchise. Only then would a Government with a clear majority be elected which would be responsible for its actions and answerable to the people, in whom lay ultimate political sovereignty.

66. Mr. Shariff recalled that spokesmen of ZNP had argued that elections of June 1961 should be accepted as a basis for the granting of immediate independence to Zanzibar. His party, ASP, was also in favour of immediate independence, but it insisted that there must be proper elections first, because the 1961 elections had not been consistent with full independence but had been held under a constitution making only a limited advance in the direction of local self-government. The Legislative and Executive Councils were only

partly democratic because British officials sat *ex officio* in both, and the Legislative Council had some designated members, while the administering Power retained extensive control.

67. The elections of June 1961 had not been held for the express purpose of setting up the government and political institutions in which sovereign powers would be vested. Moreover, they had been held under inequitable provisions and did not reflect the wishes of the people of Zanzibar as a whole. The faulty delimitation of constituencies had weighted the results against his party, and the poorer people had been disenfranchised. That was why his party held only a minority of seats in the Legislative Council, even though it had obtained a majority of the popular vote.

68. At the Constitutional Conference, held in March 1962, the administering Power had announced its decision to appoint a new independent Delimitation Commission, which would consider and make recommendations concerning the number of elected members in the Legislative Council and the new delimitation of constituencies on the basis of the population. It had also been agreed in principle that the literacy and income restrictions should be abolished and the suffrage extended to all inhabitants, of both sexes, aged twenty-one or above. Both leading parties in Zanzibar had agreed to those electoral reforms. But it was clear that the results of new elections would not be the same as those of the 1961 elections, if there were universal suffrage and a new delimitation of constituencies.

69. It had been suggested that it would be unnecessary to consult the people before independence if his party would accept minority status in a coalition Government, but his party refused, because a coalition set up after the inequitable elections of June 1961 would be no substitute for consulting the whole people of Zanzibar on the national leadership they wanted after independence. Nor would a weak coalition, set up as a temporary expedient under a colonial régime, give the country stable and effective government, and its disintegration would cause much greater problems than the holding of proper elections before independence.

70. The Nationalist Party had argued that the holding of elections would lead to a repetition of the disorders of June 1961, for which it blamed ASP. Yet the report of the official Commission of Enquiry had exonerated that Party from all responsibility for the disorders, and there was no reason to fear that they would be repeated, particularly since the authorities would take more stringent precautions to ensure law and order. In any case, it was illogical for ZNP to express such fears concerning elections before independence, while expressing its willingness to have elections later, when the responsibility and control of the United Kingdom authorities would have ended.

71. On behalf of the majority of the people of Zanzibar, he urged the Committee to persuade the administering Power to agree to a general election and independence before the end of 1962. Such an election need not delay independence; it was the only sensible way to break the present deadlock and to ensure that Zanzibar attained independence under a Government freely chosen for that purpose by all its inhabitants, Mr. Shariff concluded.

72. In his third statement to the Special Committee, Mr. Muhsin said that he wished to answer certain allegations.

73. He recalled that the representative of the United Kingdom had said that there were no political prisoners in Zanzibar and that the fourteen people now in detention had planned acts of violence and were being held in the interests of public order and to avoid communal strife; yet the British Resident had alleged that the arrests had been made because those concerned had plotted to burn public buildings, in order to bring pressure on the administering Power to grant independence. That did not constitute evidence of communal or party strife, particularly since all the buildings concerned were in mainly Nationalist areas. The United Kingdom representative had also alleged that the so-called "Action Group of Youth's Own Union" had plotted arson and other violence; yet only three of the persons in custody were members of that Union, which was affiliated to ZNP; the others were full members of the party.

74. At the Constitutional Conference the administering Power had refused independence on the grounds that Zanzibar was evenly and deeply divided. At a regular meeting of ZNP, the General Secretary had then appointed a committee of workers to organize an enrolment campaign, in order to persuade members of ASP to join the Nationalist Party and to prove to the United Kingdom that the overwhelming majority demanded independence. On the next day all members of that committee had been arrested, and it had been alleged that they had tried to set fire to the Post Office. There had been no damage; none of those arrested had been seen in action or tried for attempted arson, although the authorities claimed to have reliable evidence against them.

75. The General Secretary of the party, Mr. Babu, had been sentenced to fifteen months' imprisonment on a charge of sedition after he had published an article criticizing the high-handedness of the police. By convicting Mr. Babu on such a charge, the administering Power seemed to have admitted that he was right. The arrests had increased tension, and he urged the United Kingdom to release the prisoners immediately for the sake of peace and harmony.

76. One argument for holding a new election was that ASP had not gained a majority in the Legislative Council, although it had polled more votes than the Nationalist Party. Yet in any democratic election with one-member constituencies, the number of seats secured by any party bore no relation to the number of votes in its favour. In fact ASP had obtained only one per cent more votes than the ZNP, although three Nationalist candidates had withdrawn after the voting had begun in order to avoid bloodshed, because Nationalist voters had been attacked by supporters of ASP. Nor was it true that ZNP had a very small majority in the Legislative Council; it held thirteen seats, while ASP held ten.

77. It was not true that some constituencies had been weighted. For geographical and administrative reasons it was impossible to have an equal population in each constituency, but the constituencies for the last election had been delimited by a caretaker government composed of two members of ASP and two members of the ZNP-ZPPP alliance.

78. It was also untrue that ASP relied on support from the poor, who had been largely disenfranchised because of the income qualification. In fact both parties relied on the same type of population, and past experience showed that with a wider franchise ASP had

polled less votes. At the last election the electorate had amounted to 32 per cent of the population. The representative of Tanganyika had said that was a very low proportion, but Tanganyika had become independent with an electorate of less than 10 per cent. At the election in June 1961, the number of people precluded from registration because of illiteracy was 4.5 per cent, and because of income, 1.2 per cent.

79. Mr. Muhsin went on to say that ASP had always demanded universal adult suffrage. At first, ASP had objected to the holding of any elections. Then, when ZNP had demanded universal adult suffrage and immediate independence, the leader of ASP had said in the Legislative Council that the franchise did not automatically make a country democratic and that universal franchise would be "a dangerous leap" and would lead to totalitarian government.

80. He declared that ASP was a creation of the administering Power and had always obstructed moves for independence. It had precipitated the riots at the election of June 1961, and its demand for another election was designed to bring about a similar situation and to give the administering Power a further excuse for delaying independence.

81. The leader of ASP had asked whether elections would not be still more dangerous after independence, since ZNP objected to the holding of elections while the administering Power was still responsible for law and order. Members of ZNP were not afraid of dying for their country, but they feared that, if an election was held now, it would lead to disturbances which would delay independence indefinitely. It was dangerous in any country to hold elections too often, because all elections aroused people's feelings. That was why the Constitution provided for elections every three years. When two elections had been held in 1961, massacres had taken place.

82. The present Government had been legally and constitutionally elected, and it had a mandate until June 1964. The Afro-Shirazi Party had not objected to the election through any of the legal channels open to it, nor had it lodged any petitions alleging irregularities.

83. Zanzibar looked not to the past, but to the future, which must be based on international understanding, the principles of the United Nations and the Universal Declaration of Human Rights. Its freely elected Government had an inalienable right to ensure Zanzibar's independence and to hold elections in June 1964 or earlier. Lastly, he agreed with the representative of the United Kingdom that the Committee should do nothing to cause the risk of renewed bloodshed.⁸²

84. On 17 July 1962 Mr. Othman Shariff presented to the Special Committee a written statement in reply to certain points raised by Mr. Ali Muhsin at the 77th meeting.⁸³

Observations by members of the Special Committee

85. The representative of the United Kingdom said that the Executive Council of Zanzibar, which was responsible for the direction of the Government and the administration, consisted of a Zanzibari Chief Minister, four other Zanzibari-elected Ministers and three *ex officio* members, meeting under the chairmanship of the British Resident. The Legislature was composed

⁸² See para. 91 below.

⁸³ A/AC.109/20.

of a Speaker, twenty-three elected members, five appointed members and three *ex officio* members. Thus, both Legislature and Executive had elected majorities.

86. At the most recent elections, held in June 1961, the Zanzibar Nationalist Party and the Afro-Shirazi Party had each won ten seats, while the Zanzibar and Pemba Peoples Party had won three; it was that close balance between the two main parties that had created the major obstacle to political advancement. After the elections a coalition Government had been formed by ZNP and ZPPP; that Government was still in office, with ASP forming the Opposition.

87. In September 1961 the Legislative Council had unanimously passed a motion requesting the Zanzibar Government to take immediate action to consider measures necessary to acquire independence, and inviting the Opposition to join with the Government in negotiating a mutually acceptable solution. Joint discussions had accordingly taken place under the chairmanship of the British Resident, at which there had appeared to be a large measure of agreement between the Government and the Opposition. The United Kingdom Government had therefore invited representatives of the Government and opposition parties to attend a Constitutional Conference in London. At that Conference the two main parties had been unable to reach agreement on four issues: the franchise; the number of elected seats in the Legislative Council, and consequently the number of constituencies; the timing of the next elections; and the possibility of forming a coalition Government.

88. The United Kingdom Government had consequently had to inform the Conference that further constitutional progress must depend on the ability of the various parties to resolve their differences, and that failing such agreement it would not be possible to secure a stable government for the period of internal self-government leading up to independence. Despite prolonged discussion between the parties, disagreement had persisted and the United Kingdom Government had therefore been unable to set a date, either for internal self-government or for independence. At the same time it had reaffirmed that full independence was the aim.

89. The British Resident was now endeavouring to initiate new discussions with the leaders of the Government and opposition parties with the object of bringing the two sides together and thus making possible further constitutional progress. The resolution of those problems must come from within Zanzibar and could not be imposed from outside. In that connexion he regarded the action taken by the Special Committee at Dar es Salaam as both ill-conceived and ill-considered; it appeared that a vote had been taken a mere hour after the presentation of a Soviet draft, in the absence of a written text. The appeal authorized by that vote completely disregarded the security requirements in Zanzibar, where serious loss of life and damage to property had taken place; the administering Power had been obliged to take exceptional action to keep the peace and thus to make constitutional advance once more possible, and it had surely been wrong for the Committee to jump to such a hasty and dangerous decision.

90. The civil disturbances which had marred the elections of June 1961 had sprung from tension between the two main political groups; in the course of those disturbances, sixty-eight people had been killed

and ninety-one seriously injured, and army units from the East African mainland territories had been brought in to assist the Zanzibar police in restoring order. Subsequently, a Commission of Enquiry had been appointed and had reached the following main conclusions: first, that the responsibility for the disturbances must rest evenly between ASP and ZNP; secondly, that the inhabitants had been predisposed to violence by the irresponsibility of the Press and the inflammatory speeches of politicians on both sides; thirdly, that the savagery of the disturbances owed much to the violent attitude of the political youth movements and to criminal and hooligan elements, as well as to "paying off old scores". The Commission had also found that ASP had made its appeal to the electorate on a racial basis, while ZNP had introduced religion into the controversy.

91. Tension between the two political groups had continued since those disturbances, and it had therefore been necessary to maintain the state of emergency and to retain in Zanzibar a small force of less than 200 British troops. Moreover, since the conclusion of the London Conference a number of further incidents of violence, mainly attempts to set fire to public buildings, had occurred in Zanzibar, and the British Resident had decided that a few people, believed to be planning further such violence, should be detained. In a statement issued at the time the British Resident had said that the authorities had reliable information that a group known as the "Action Group of Youth's Own Union" had been plotting arson and other violence; the activities of a few persons must therefore be controlled, both to protect the public and to remove an obstacle to further constitutional advancement. The fourteen people now in detention were not political prisoners but were detained solely in the interests of public order; moreover, the detention orders were kept under constant review. He emphasized that if there had to be a choice between temporary detention of a few and the likelihood of the death of many, there could be no doubt of the right decision. In the circumstances, it had been essential to take every possible step to prevent violence, and he expressed the hope that the Committee would do nothing to cause the risk of renewed bloodshed.

92. He reiterated that his Government's aim in Zanzibar was self-government, to be followed by full and complete independence; progress towards that goal was impeded solely by disagreement between the main parties on a programme of rapid constitutional advancement. The United Kingdom had laboured and would continue to labour to keep the peace and to remove the disagreements. The British Resident was pursuing his strenuous efforts to bring the parties together so that Zanzibar should not lag behind on the road to independence, which had already been trodden by so many African Territories under United Kingdom administration. In conclusion the representative of the United Kingdom said that he hoped that the Committee would soundly judge the obstacles and dangers which still existed, and that it would help rather hinder his Government in its task.

93. The representative of the Soviet Union briefly reviewed the political history of Zanzibar, emphasizing the fact that before the British had seized the island, it had been an independent, flourishing community with a sound and viable economy exercising wide cultural and political influence throughout East Africa. Under British colonial rule, the natural wealth of Zanzibar, which was the world's main producer and exporter

of cloves, had been exploited for the benefit of British firms, and nothing had been done to develop its economy. As a single-crop country, with a one-sided economy (which was characteristic of all the colonial and former colonial countries and territories), Zanzibar was at the mercy of price fluctuations on the world market with the result that when the price of cloves had fallen sharply in 1959-1960, it had been plunged into a serious economic crisis followed by a sharp rise in unemployment. In the public health and educational sectors, the record of the administering Power was also deplorable: only 25 per cent of school-age children could attend primary schools; only 3 per cent had an opportunity to go on to secondary education; the wages of teachers were extremely low; and there was no higher education available to the population. Moreover, the United Kingdom, in violation of General Assembly resolution 1696 (XVI), was preventing students of Zanzibar from accepting fellowships offered by other countries, including the Soviet Union. The Secretary of the Zanzibar and Pemba Federation of Labour had rightly said that the United Kingdom was preventing the majority of the population from acquiring an education.

94. The people of Zanzibar naturally did not want any longer to tolerate the colonial régime and was seeking independence for their country. General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples had given new impetus to the growing movement in Zanzibar for political emancipation. The United Kingdom had reacted by impeding the implementation of that resolution, creating a state of emergency in order to justify bringing in troops, suppressing the political parties which openly opposed continued British colonial rule and imprisoning political leaders without trial and often without specifying the charges against them.

95. The administering Power had not yet transferred all powers to the people of Zanzibar, as requested by the General Assembly in resolution 1514 (XV). The Territory was administered by a British Resident who wielded virtually absolute power. The internal affairs, finance and other departments of government were still in the hands of British officials. The so-called parliamentary democracy recommended by the Constitutional Commission appointed by the United Kingdom in 1960 existed in name only. The present Legislative Council had been elected not by universal suffrage, but by those voters who satisfied certain restrictive educational and property requirements in respect of eligibility, which had the effect of disenfranchising 40 per cent, or 60,000, of the potential electorate which altogether comprised 150,000 people.

96. The United Kingdom colonial administration in Zanzibar, determined to crush the national liberation movement, was encouraging clashes between various national groups, exploiting differences among political parties and restricting political activity inimical to its interests with the aim of postponing the granting of independence to Zanzibar. It was noteworthy that there existed no friction between the main sectors of population before the election of 1957. The disturbances in connexion with the 1961 elections had been the result of a systematic campaign by the administering Power to incite one group of population against another, which had provided a pretext for bringing in troops and illegally detaining political prisoners. The two main political parties of the Territory, ZNP and ASP had

confirmed that fact and had demanded the abrogation of the emergency, an amnesty for political prisoners and immediate independence. In that connexion, he recalled that the Committee had adopted a decision on 8 June 1962⁸⁴ appealing to the United Kingdom to free them and end the state of emergency in Zanzibar. Notwithstanding repeated assurances of its willingness to co-operate with the Committee, the United Kingdom Government had opposed that decision and had not carried it out, thus ignoring the will of this important body of the General Assembly.

97. The Committee, bearing in mind the fact that the representatives of the two main parties in Zanzibar had requested independence before the end of 1962, should make a recommendation to the administering Power to the effect that Zanzibar receive independence not later than 31 December 1962. It should further recommend that immediate steps be taken to institute democratic reforms, in particular, universal suffrage based on equality of rights, and to hold on this basis elections to the legislative body. It should call for the withdrawal of the United Kingdom troops from the Territory, an end to the state of emergency and an amnesty for political prisoners, in accordance with the Committee's decision of 8 June 1962.

98. The representative of Italy said that the rivalry between the political parties in Zanzibar was nothing out of the way in a parliamentary democracy. What had poisoned the political struggle was the exploitation of racial and religious factors, that had added to ideological antagonism a hatred which bred violence. The Special Committee, which spoke for a world organization inspired by the principles of non-discrimination and complete equality among all human beings, should give the problem close attention.

99. At the Conference held in London the political parties had failed to reach agreement. That failure had merely increased the tension, with the result that, in order to avert further violence, the administering Power had had to proceed with even greater caution. In circumstances of such delicacy, the Committee must be acutely conscious of its responsibilities and must avoid making any gesture or any recommendation that might make matters worse. His delegation did not see fit to make any suggestions at that stage, although such suggestions as might be made by other delegations with more experience and a closer knowledge of the facts would certainly be most useful to the Committee. However, if the matter could be discussed without prejudice or controversy, it should be possible to evolve some ideas and proposals that might encourage the political forces at work to strive once again for the calm which must prevail if the problems confronting Zanzibar were to be solved.

100. As to self-determination and independence, there seemed to be no dispute, and the Committee appeared to be of one mind. The long history and age-old tradition of the Sultanate of Zanzibar entitled that territory, which had been independent in the past, to resume its previous role. The Committee's task was, not so much to call for an independence, with which no one quarrelled in principle, as to see that that independence was attained under such conditions that the peoples concerned could be sure of a happy future.

101. The representative of India recalled that, on its tour of Africa, the Committee had had the opportunity

⁸⁴ A/AC.109/17.

to secure detailed information with regard to the political situation in Zanzibar. After hearing representatives of the parties concerned, the Committee had made an appeal to the United Kingdom Government to end the emergency and release all political prisoners. The United Kingdom representative had called that action ill-conceived and ill-considered. The Indian delegation, which had supported the appeal, did not agree; on the contrary, it took the view that the Committee had been well advised in taking that action. That appeal in no way implied that the administering Power should surrender its responsibility with regard to law and order; it had merely been asked to restore normal conditions of life in the Territory, for in the absence of those conditions there could be no hope for free political activity or progress in terms of General Assembly resolution 1514 (XV).

102. He went on to review constitutional developments in Zanzibar under United Kingdom administration. In the words of the ZNP leader, under the present régime "Zanzibar has a responsible Government but does not have full internal self-government". Referring to the discussions that had been held between the political parties under the chairmanship of the British Resident, and later at the Constitutional Conference in London, which had ended on 7 April 1962, he said that although the parties had reached agreement on some points, their differences regarding the date for fresh elections had not been resolved. The United Kingdom Government had reaffirmed that full independence was still the aim for Zanzibar, but had stated that in the absence of agreement among the political parties no further advance could be made in that direction.

103. In the Indian delegation's view, those two issues must not be mixed. Differences between political parties were characteristic of the democratic system; democracy fed on variety. However, it was known from experience that all too frequently the colonial Powers skilfully aggravated such differences or used them as a pretext for postponing the attainment of independence by the peoples concerned. The United Kingdom Government seemed to have made up its mind to do nothing to implement General Assembly resolution 1514 (XV) unless the two major parties in Zanzibar agreed on each and every one of their remaining differences. However, the two parties in question were agreed on the most important matter, namely Zanzibar's independence. They had reaffirmed their loyalty to the Sultan; they had also reached agreement on certain other points; and it was reasonable to hope that in the relaxed atmosphere of New York, the representatives of the two major political parties would be able to clear the way for the formation of a national coalition Government. Once such a Government had been established, the date of independence and the date for holding elections could be worked out and a new constitution could be formulated; for there was no reason why the Territory's march to independence should go slowly. Every effort should be made to transfer power to the people of Zanzibar as soon as possible; that people had shown that they possessed the necessary maturity and the leaders they needed to achieve freedom and independence without delay.

104. The representative of Cambodia said that the main consideration was the implementation of General Assembly resolution 1514 (XV). The Special Committee should therefore recommend to the Assembly to set

a time limit for the granting of independence to the people of Zanzibar. Domestic problems would be a matter for the new independent State. However, the Committee should give what assistance it could in creating favourable conditions for the attainment of independence. From that standpoint it was desirable that the Zanzibar political parties accept the necessity of forming a national coalition to receive the sovereignty of their country when it was transferred. Meanwhile, studies could be undertaken on a new constitution under which the country would be administered by the people's representatives elected by universal suffrage. In making that approach, the Committee would merely be complying with the principles set forth in the Declaration on the granting of independence to colonial countries and peoples. It was true that the problem of law and order was a matter of some concern and should receive the Committee's full attention, but that was not an adequate reason for delaying the granting of independence to a people who unequivocally demanded it.

105. The representative of Tanganyika said that the administering Power, at the end of the constitutional talks held in London in March 1962, while reaffirming that its aim continued to be internal self-government in Zanzibar to be followed by complete independence, had stated that it would be wrong to fix dates for the achievement of that aim and had implied that it could not be implemented because the political parties of Zanzibar appeared incapable of agreeing on every issue. His delegation categorically rejected that implication. All political parties in Zanzibar, while they differed on the means, were agreed that the end to be sought was full and complete independence in 1962. The administering Power itself had encouraged the formation of an opposition in the Territory and that Opposition was a *fait accompli*. The United Kingdom could not, in the circumstances, simply watch the various political factions as they vied for power, but must do everything in its power to hasten the attainment and consolidation of full independence. The United Kingdom had done little to break the political deadlock; it appeared to be prepared to see the people of Zanzibar suffer on account of the differences between the political parties, in disregard of the injunction in the Declaration that all powers should be transferred to the people.

106. The problem could be solved only by returning full sovereign power to the people of Zanzibar, and by letting them decide which group or groups of popularly-elected representatives should lead them, and which party should negotiate with the administering Power for full and immediate independence. Since the political parties could not agree among themselves, the people must be allowed to express their will, and that will could best be expressed at the ballot boxes where they would be asked to cast their votes on the single issue of immediate independence.

107. The principal argument advanced against new general elections was the possibility of disorder. Surely, the administering Power, acting through the Resident and the Executive Council, could discharge its responsibility of maintaining law and order in a Territory with a relatively small population and where racial harmony had been little affected by the disturbances set off during the elections of June 1961. According to the most recent proposals of the administering Power, the franchise was to be extended to an additional 60,000

voters, and the Delimitation Commission would presumably recommend a number of additional seats in the Legislative Council. That expanded electorate should be permitted to vote and to elect the representatives who would occupy those additional seats. If, as it had asserted, the coalition Government enjoyed the confidence of the people, it should have no objection to new general elections, especially since it had proclaimed its determination to lead the people to independence. The voters should be the judges, for all political power derived from their consent. The possibility of tensions and disturbances was merely a pretext for postponing independence.

108. Regarding the possibility of forming a national coalition Government, he recalled that the two main parties had made numerous attempts to co-operate. The first such attempt had been in December 1958 with the formation of a united front under the banner of the Joint Freedom Committee. That attempt failed, and the two parties had tried again unsuccessfully to form a coalition after the election of January 1961, in which they had each won an equal number of seats. The third attempt had been made after the election of June 1961, when it might have been possible to form a strong coalition between ZNP and ASP. However, for reasons better known to themselves the ZNP had formed an alliance with ZPPP to form the coalition Government which was still in power. A fourth unsuccessful attempt had been made in London during the constitutional talks. The fifth and last attempt had recently been made, when the British Resident had tried to form a coalition Government in which ASP and ZNP would each hold four ministries, and ZPPP one. However, ASP had rejected that formula and had demanded that the ministries be equally divided between itself and the alliance of ZNP and ZPPP, with the additional proviso that the date of the next election should be announced. The question as to which party should furnish the Head of Government had also once again proved insoluble.

109. His delegation was not particularly optimistic about the result of the latest efforts to bring the two sides together. He wanted Zanzibar to attain independence in 1962, but only a Government with a national mandate based on universal adult suffrage could guarantee the successful emergence of an independent Zanzibar capable of playing its significant role in African affairs. No makeshift arrangement would do; what was needed was an election based on universal adult suffrage, after which attempts to form a coalition Government would stand a better chance of success.

110. The United Kingdom Government had stated that further advance towards independence must depend on the success of the political leaders and people of Zanzibar in reducing the differences and tensions which divided them. Since the political leaders had failed to resolve their differences, there was no alternative but to let the people resolve them by choosing a Government which would bring a dynamic modern State and abolish all the remnants of feudalism and colonialism. His delegation therefore urged the administering Power to ensure that Zanzibar achieved independence in 1962 through a general election based on universal adult suffrage.

111. The representative of Mali recalled that when the Special Committee had addressed its urgent appeal to the United Kingdom Government to free the political prisoners in Zanzibar, the United Kingdom representative had characterized it as "ill-advised and ill-considered"; but the Committee had acted in full awareness of its heavy responsibilities and in the hope of finding a constructive solution.

ered"; but the Committee had acted in full awareness of its heavy responsibilities and in the hope of finding a constructive solution.

112. All the political parties in Zanzibar were demanding complete and immediate independence. Yet at the conclusion of the Constitutional Conference the United Kingdom Government had stated that while independence was still the aim for Zanzibar, further advance towards that goal must depend on the efforts of the political leaders and people of Zanzibar to reduce the tensions and differences which divided them. The United Kingdom representative in the Special Committee had recently reaffirmed those views. The administering Power was prepared to grant independence to Zanzibar, but only on certain conditions, although General Assembly resolution 1514 (XV) stipulated that independence should never be made subject to conditions or reservations.

113. As a democratic State of long standing, the United Kingdom should be aware that in every country of the world there were differences of opinion between political parties. But the parties in Zanzibar were united in demanding immediate and unconditional independence. However, it appeared that certain elementary principles of democracy such as universal adult suffrage and the fair delimitation of electoral constituencies had not been adhered to in the last election; the assurances which the United Kingdom Government had given in respect of future elections were satisfactory, but the representative nature of the present Government was none the less open to question. Fresh elections should be held either before or after independence, in accordance with the wishes of the parties, but in neither case should it constitute a pretext for delaying independence. The Afro-Shirazi Party, which represented a majority of the electorate, was demanding elections before independence so that sovereign powers might be transferred to democratically-elected representatives. His delegation whole-heartedly supported that proposal. The Zanzibar Nationalist Party and the Zanzibar and Pemba Peoples Party were opposed to such a course, because they feared that an election now might lead to further bloodshed. His delegation was sympathetic to that argument, but was afraid that further disturbances might occur anyway if elections were not held soon.

114. The election would naturally be organized by the three parties concerned, and his delegation appealed to them as fellow Africans to settle their internal differences and devote themselves to the supreme goal of independence. He hoped that they would form a national coalition Government as soon as possible, which would then organize elections on a democratic basis, before December 1962 or after independence. His delegation would prefer the former course, since sovereign powers should not be transferred to one group or party but to the Zanzibar people, in accordance with resolution 1514 (XV), paragraph 5.

115. He urged the United Kingdom not to use internal differences in Zanzibar as a pretext for postponing independence, to respond to the Committee's appeal for the liberation of political prisoners, and to show its usual realism by taking the necessary practical steps.

116. The representative of the United States noted that all political parties in Zanzibar and all members of the Committee, including the United Kingdom, agreed that Zanzibar should become independent in the very

near future. He hoped the United Kingdom would persist in its efforts to bring the main political parties together, as neither the people of Zanzibar nor the administering Power could profit from the present stalemate. The leaders of Zanzibar and Pemba should certainly be able to achieve a national reconciliation.

117. The main difference between the parties was that ZNP wanted independence immediately and ASP did not want independence until new elections had been held on the basis of universal adult suffrage. That was an internal affair; the Special Committee had not been asked by the parties to arbitrate, nor had it any right to do so. The Committee could only note the desire of the Zanzibar people for independence and welcome the administering Power's statement that it intended to give Zanzibar its independence as soon as the disagreements between the main political parties could be resolved.

118. The representative of Poland said that although the indigenous people were resolutely opposed to the colonial régime, the administering Power was trying to prolong its domination by dividing the inhabitants into groups and exploiting racial feelings, in order to prevent the consolidation of the national liberation forces and to delay independence. The petitioners' testimony showed that the administering Power had transformed the country into a police state. Members of political parties had been arbitrarily arrested, and many were still held without trial. The troops brought in after the disturbances of June 1961 were harassing the people, searching their houses and creating tension and, as the petitioners had said, it was intolerable that the British Resident could detain political leaders at his discretion under emergency powers. Moreover, the administering Power had completely disregarded the appeal to release all political prisoners and to end the state of emergency, an appeal that the Special Committee had addressed to it on 8 June 1962, after thorough examination of the evidence submitted by political leaders and representatives of trade unions.

119. Zanzibar's economy was still backward and lopsided. The clove and coconut industries, which accounted for 95 per cent of exports, determined the level of imports, revenue and expenditure. The rate of growth of Zanzibar's economy was far slower than that of the mainland territories, such as Tanganyika or Kenya, and its level of new investment was negligible, representing no more than one per cent of Zanzibar's national income. For many years Zanzibar's natural wealth had been exploited for the benefit of foreign firms, mostly British.

120. Zanzibar had an ancient civilization and had been a sovereign and independent country before it became a British Protectorate; yet after seventy-two years of United Kingdom administration, it had still not attained self-government. The British Resident still had effective power and control over Zanzibar. The key posts in the Government and Civil Service were still held by the British. Owing to the restrictions in the electoral system, such as literacy, property or means qualifications, many people had been disenfranchised in the 1961 elections. The right of self-determination should be democratically implemented and ASP had rightly asked that new general elections should be held early on the basis of universal adult suffrage. He supported the request of the two main parties in Zanzibar—ZNP and ASP—to urge the United Kingdom to grant independence to Zanzibar before the end of 1962.

The administering Power should therefore speed up the holding of general elections and thus assure a free expression of the popular will. He asked for the withdrawal of all British troops from the Territory, for an end to the state of emergency and for the release of all political prisoners.

121. The representative of Ethiopia was glad to note that, despite the racially mixed composition of the Zanzibar population and the fact that each of the two leading political parties drew its support from one of the two main ethnic groups, there was nevertheless harmony among the people. The petitioners' statements had been conciliatory. While the main obstacle to independence was serious, he felt that it could be surmounted by the political parties.

122. He was also glad to note that the policy of the United Kingdom Government was to grant independence to Zanzibar. His delegation fully agreed that Zanzibar's independence should be hastened by establishing the equality of individuals before the law. There was only one way of ascertaining who really represented the majority of the people and who should therefore form the Government, and that was by holding elections on the basis of "one man, one vote". The United Kingdom Government itself had taken various steps to bring about such equality, but the process had not been completed and the situation was still serious with regard to the Legislative Council, on which the power of the Territorial Government was based. It was therefore absolutely necessary to hold elections on the basis of universal adult suffrage and thereby settle the controversy among the parties.

123. The representative of Australia recalled that the Committee, at its 71st meeting, held at Dar es Salaam, had adopted the text of an appeal regarding Zanzibar.⁸⁵ The item on the agenda at that meeting had been the hearing of petitioners, and no delegation had had any reason to suppose that a draft resolution would be put forward on any subject—least of all on Zanzibar. Nevertheless, such a draft resolution had been introduced and a vote had been sought almost immediately. He had then drawn attention to rule 121 of the rules of procedure which stated that, as a general rule, no proposal should be discussed or put to the vote unless copies of it had been circulated not later than the day preceding the meeting; the United States representative had also asked for time to consult his Government. But, apart from such procedural matters, there had been no general debate on Zanzibar and no statement by the administering Power. The appeal called for the termination of the state of emergency and the release of political prisoners; some delegations, including his own, had not been clear at that stage regarding the terms of the state of emergency and what would happen if it was terminated. Indeed, it had appeared from the statements of the petitioners that there was a *prima facie* case for the United Kingdom Government's action—an impression which had not been dispelled by the evidence and statements heard by the Committee since its return to New York.

124. It was clear that, as a result of the conferences in London and of other processes which had been at work in Zanzibar itself, most of the difficulties had either been settled or were open to settlement. For example, there was general agreement on the franchise

⁸⁵ A/AC.109/17.

to be applied at the next elections. It was also clear that most of the differences among the parties were not so much differences relating to policies—although such differences naturally existed—as differences concerning personalities, and the question as to who was to exercise power. It was true that there were also certain racial tensions, but it was his impression that they were not of such a nature as to prevent either the emergence of a nation or the peaceful and constructive functioning of a political system. Those differences were now taking the practical form of disagreement over the composition of a cabinet and over the date of the elections.

125. He declared that the United Kingdom Government was not asking that there should be no divergences between the parties, for divergences were the essence of democratic political activity. But the United Kingdom was faced with the practical problem of deciding to whom it could hand over power.

126. There were certain general principles involved. In the first place, the Government must be based substantially on the majority of the people. In the second place, particularly in a society where there were several racial groups, it was necessary that all groups should feel reasonably confident that they would be treated justly in the Government and in their everyday relations. It was true that there was a racial feeling in Zanzibar, some of it based on history going back over a long period, but there were many countries with far more clear-cut racial divisions. The lesson to be drawn was that the various parties had to reach some understanding as to how power was to be exercised and what the attitudes of the various parties were going to be towards the different population groups in Zanzibar. One much-discussed possibility was the formation of a coalition Government—but that was only one element in the whole picture. It was most necessary that the already existing co-operation should be developed and that outsiders should not stir up the feelings of one group against another inside Zanzibar. It would be dreadful if waning racial passions were to be rekindled at the very moment Zanzibar was about to become independent.

127. Owing to its geographical position, Zanzibar was inevitably linked with Tanganyika, and there was a strong probability that it would continue to enjoy close co-operation with Tanganyika and other African States under a federation or association similar to the proposed East African Association. The knowledge that some form of association was inevitable over the long term should not, however, serve as a reason for delaying Zanzibar's independence.

128. In any event, it was the considered view of the Australian delegation that those outside Africa had no right to tell the African States how to work out their arrangements. In particular, the Committee was not in a position to choose between the various political parties in Zanzibar: it could indicate some of the principles which it regarded as applicable to the political situation, but it was primarily the responsibility of the parties themselves to agree on the practical measures which would enable the United Kingdom to relinquish its protectorate. The Committee could not, for instance, choose between the possibilities of new elections and either a coalition Government or an understanding between the parties concerning the conduct of government. The problem

at that stage was not primarily a conflict between national elements in Zanzibar and a colonial Power, but a difference of opinion among the national movements in Zanzibar itself. The Committee could not make a final judgement regarding the practical arrangements under discussion. It had a responsibility not to exacerbate the differences or to arouse passions. It should take heart from the statements of the various representatives of the United Kingdom dealing with the problem to the effect that the United Kingdom wanted self-government for Zanzibar, to be followed by complete independence.

129. The representative of Yugoslavia said that the Committee's function was to recommend appropriate measures for overcoming the obstacles which continued to impede the emergence of Zanzibar as an independent State. Zanzibar, beyond all doubt, was ready for independence. Despite the differences between the two major parties, they were equally determined to end the Territory's colonial status and had jointly adopted measures requesting the administering Power to grant it independence at the earliest date. The issues on which they were divided should in no case serve as a pretext for delaying the achievement of that goal.

130. The present Government and Legislative Council were the result of elections held in June 1961 on the basis of a Constitution and an Electoral Law which were unsatisfactory. The literacy and property qualifications for voting under the Electoral Law had deprived large numbers from exercising their right to vote. Moreover, there were still three *ex officio* British officials in the Executive Council; in the Legislative Council there was the same number of *ex officio* members, and five appointed members, apart from the twenty-three elected representatives. Thus the present Government could not be said to be representative. However, a measure of progress had been made towards remedying the situation during the Constitutional Conference held in London in the spring of 1962: the literacy and property qualifications for voting were to be removed, and an impartial commission had been established to delimit the voting constituencies. On the other hand, while the differences between the parties had thus been considerably narrowed, they remained divided on the holding of new elections, and efforts to create a national coalition Government had failed.

131. In the opinion of the Yugoslav delegation, the political stalemate could be resolved by renewed efforts on the part of both political parties to establish a coalition or caretaker Government for the holding of new elections on the basis of universal suffrage and for determining the date of Zanzibar's independence. The Committee should endeavour to bring the representatives of those parties together in New York. If its efforts failed, the only alternative was to enable the people of Zanzibar to express their will through a general election on the basis of universal suffrage for the purpose of producing a representative Government. Full powers of internal self-government should be transferred to that Government, and the date for Zanzibar's independence should be fixed as soon as possible, and should in no event be later than 1962. The Yugoslav delegation also shared the views expressed by the representative of Mali with respect to a positive response by the

United Kingdom to the Committee's appeal for the release of political prisoners.

132. The representative of Syria pointed out that the obstacles to Zanzibar's independence arose from internal differences which had been exploited in the past, and might continue in future to be exploited by external interests. The Territory had actually made significant constitutional progress, and while it did not yet enjoy self-government, it had the administering Power's assurance that its purpose was to lead it to independence without delay, provided agreement was reached among the political leaders regarding the practical steps to be taken for the achievement of that goal.

133. The political parties of Zanzibar were divided on specific issues: the Afro-Shirazi Party, which formed the Opposition in the Legislative Council, insisted that, prior to independence, new elections should be held in the Territory because the June 1961 elections had been conducted on the basis of a limited franchise and independence had not been the basic issue. On the other side, the Government, consisting of representatives of the Zanzibar Nationalist Party and the Zanzibar and Pemba Peoples Party, was opposed to new elections on the grounds that they might create disorders similar to those which had characterized the voting in June 1961 and further delay independence. It was inclined to accept a coalition and had made certain proposals to that effect, which had been rejected by the Opposition. Those differences had blocked Zanzibar's progressive development towards independence. In other words, the dissensions between Zanzibar's political leaders were hindering the Territory's liberation from colonial rule.

134. In the opinion of the Syrian delegation, it was inconceivable that a political party or leader should subordinate the basic goal of independence to any condition, however legitimate it might be. Since all parties were agreed on the urgency of independence, they should reconcile their differences and work exclusively towards that objective. Indeed, however desirable it might be to ensure genuinely democratic elections, democracy was inextricably linked with the attainment of freedom, and freedom should come first. While the Syrian delegation did not seek to propose solutions to a problem which was solely the concern of the people of Zanzibar, it had attempted to bring the opposing parties together. Although its efforts had failed so far, it still hoped that a compromise could be found which would pave the way for Zanzibar's independence by the end of 1962.

135. The United Kingdom, as the administering Power, had made no serious effort to break the political deadlock. Yet it would bear a heavy responsibility if it allowed the present situation to drift and it continued to abide by the policy that unless the political parties settled their differences, the Territory would not be granted independence. The United Kingdom should make a more sustained effort than had been made at the last Constitutional Conference in London. A definite date for independence should be fixed without delay.

136. The representative of Madagascar affirmed his country's interest in the future of Zanzibar and pointed out that, under the British protectorate, it had been permitted to develop a transitional form of democracy resembling to some extent parliamentary

government as practised in the United Kingdom. While much still remained to be done, Zanzibar's transition to independence would be facilitated by the United Kingdom's contribution.

137. The Constitutional Conference in London had clearly brought to light the differences dividing the political parties in Zanzibar and the reservations of the administering Power concerning the Territory's immediate accession to independence. While his delegation had always been confident that the United Kingdom Government would find a way to a peaceful solution of its colonial problems, it felt that it would be utopian to wait indefinitely for a coalition Government to be formed in Zanzibar before granting it complete independence. Indeed, one of the elements of democracy was the existence of an Opposition to government by the majority. However, in the absence of agreement between those groups in Zanzibar, and since all parties were agreed on the principle of independence, his delegation proposed that the question of independence should be put to the people in a referendum under international supervision, in the same way as France had done in the territories formerly under its rule. Thus, either the people would choose to accept the existing political situation and immediately accede to independence, or they would be compelled to wait for new elections and independence under a new Government.

138. The representative of Uruguay said that the problem of Zanzibar was less simple than it seemed at first sight. It was true that the administering Power and the spokesmen of public opinion agreed on the main aims, particularly on the essential aim, which was independence: but the administering Power seemed unable to bring a solution of the problem any nearer so long as there were still differences of opinion between the two main political parties in the Territory. The two parties had not been able to agree on the question of whether independence should be granted immediately or only after the adoption of certain measures, including a new election. The Uruguayan delegation would not express an opinion on those specific problems, since eventually they would have to be solved by those concerned. However, his delegation thought it important not to forget the main goal, confirmed in General Assembly resolution 1514 (XV), which was independence. The Special Committee should try to bring about agreement and understanding between the two main political parties in Zanzibar and help the country to recover its dignity as a sovereign State.

139. The representative of Venezuela recalled that the Special Committee, after hearing a number of petitions concerning Zanzibar while in Tangier and Dar es Salaam had addressed an appeal to the administering Power, to which the Venezuelan delegation had subscribed. The hearings of petitioners and the documents made available to the Committee showed that the problem of Zanzibar arose mainly from the continuing disagreement between the two main political parties. What alarmed his delegation was that the disagreement did not seem to be political—both parties wanted independence and agreed to universal adult suffrage—but religious or racial. The United Kingdom's role was essentially that of arbitrator between the two sides. He hoped that both parties would eventually reach an agreement whereby a government of national integration capable of leading

Zanzibar could be formed. Otherwise a new election with universal suffrage should be held, so as to enable the people of Zanzibar to choose their rulers.

140. The representative of the United Kingdom, in reply, said that Mr. Muhsin and Mr. Shariff had made very able speeches. However, Mr. Muhsin had argued that arson was less criminal when it was carried out for political motives. Violence was violence, whether the motive was political or otherwise, and exceptional measures must be taken against it. The British Resident had taken action not for political purposes but for reasons of public security. The measures taken—the declaration of a state of emergency and the detention of certain persons—were under constant review, and the British Resident hoped to end them as soon as possible in order to promote constitutional progress and to enable Zanzibar to achieve independence.

141. He had been impressed by the political maturity of the petitioners and hoped that the leaders of the political parties of Zanzibar would reach agreement, so that their country could go forward to independence. Similar problems had arisen in other East African territories, such as Tanganyika, which had already become independent, and Uganda, which was to become independent on 9 October. In Kenya the principle of independence was agreed upon, and it remained only to reconcile the differences between the two main parties. That was also true of Zanzibar, and the United Kingdom would continue to try to enable the Territory to achieve self-government and then independence. Zanzibar presented a special problem because its people was made up of two elements: the Arab element and the African element. He hoped that those two great peoples would forget their temporary disagreements and give the world an example of peaceful and genuine coexistence.

142. The final aim was the establishment of an East African federation, in which Zanzibar would play its full part. He hoped the Committee would lighten the task of the political leaders of the two parties of Zanzibar and would enable the Territory to become independent, united and prosperous.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

Appeal concerning political prisoners and the state of emergency in Zanzibar

143. At the 71st meeting of the Special Committee, held in Dar es Salaam on 8 June 1962, the Soviet Union submitted a draft resolution⁸⁶ which read as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Noting the statements by the leaders of the various political parties in Zanzibar,

"Being guided by the principles of the Declaration on the granting of independence to colonial countries and peoples,

"Urges the Administering Authority, pending a final decision on the matter, to release the political prisoners of all parties and to terminate the state of emergency."

144. The representatives of Australia and the United States expressed their opposition to the Committee's

taking up the draft resolution at such short notice. The Polish representative said that he supported the draft resolution, which was fully in accordance with the Universal Declaration of Human Rights and as well as with the Committee's mandate. It was not a new proposal since the same matter had been raised during the Committee's meeting held earlier in Tangier. He pointed out that all the Zanzibar petitioners had called for the release of political prisoners and for an end to the state of emergency in the Territory.

145. Following informal consultations, the Acting Chairman informed the Committee that the representative of the Soviet Union had agreed not to press his proposal on the understanding that the Acting Chairman would make an appeal to the administering Power, on the Committee's behalf, to release the political prisoners and to end the state of emergency.

146. After an exchange of views in the Special Committee, the Acting Chairman proposed that the Committee should adopt the following text:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having been informed that, in spite of resolution 1514 (XV), adopted on 14 December 1960 by the United Nations General Assembly, many political prisoners are still being arbitrarily held in custody in the prisons of Zanzibar,

"Being moved by this situation which jeopardizes the rapid implementation of the Declaration on the granting of independence to colonial countries and peoples,

"The Committee, notwithstanding any subsequent recommendations and decisions it may make, urgently appeals to the administering Power to release all the political prisoners arbitrarily held in custody in Zanzibar and to end the state of emergency in this Territory."

147. The representatives of Australia and the United States stated that they would be unable to take a position on the substance of the matter at such short notice. The representative of the United Kingdom said that the proposal was introduced without notice and that therefore he was opposed to it being put to the vote immediately. He would vote against the proposed text irrespective of the substance of the matter.

148. The text proposed by the Acting Chairman was adopted by the Special Committee by a roll-call vote of 11 to 1. The voting was as follows:

In favour: Cambodia, Ethiopia, India, Mali, Poland, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United Kingdom of Great Britain and Northern Ireland.

Not participating: Australia, Italy, United States of America.

149. By a letter dated 18 June 1962, the Secretary-General transmitted to the administering Power the appeal adopted by the Special Committee.

Conclusions and recommendations

150. At the end of the general discussion on Zanzibar, at the 78th meeting of the Special Committee, the representative of Ethiopia proposed that further consideration of Zanzibar should be postponed in order

⁸⁶A/AC.109/17.

to enable the leaders of the political parties of Zanzibar to reconcile their differences and to arrive at an agreed solution. He also proposed that if they did not succeed, the Special Committee should resume consideration of Zanzibar at its next series of meetings in September. This proposal was accepted by the Special Committee.

151. At its 104th meeting, on 10 September 1962, the representative of the United Kingdom informed the Special Committee that since its decision to postpone consideration of the question of Zanzibar, there had been certain new developments. First, the efforts made by the United Kingdom, and particularly by the Governor of Zanzibar, to persuade the two main parties to form a coalition Government had been unsuccessful. All hope was not lost, as it was still possible to go ahead on the basis of an agreement concerning the country's Constitution; that was what had happened in the case of Jamaica and Trinidad, which had just gained their independence. Secondly, the tension which had existed in Zanzibar during the previous year had materially decreased. There were no political prisoners in Zanzibar, and only a few people whose freedom of movement was still restricted. Thirdly, the gap between positions in regard to the franchise and the delimitation of constituencies had been reduced. At the London Conference, the opposition had requested an extension of the franchise through abolition of the qualifications relating to income and literacy; it had been possible to reach agreement on that issue, but not on the other demand of the opposition—a reduction of the voting age to eighteen years. The Delimitation Commission had recommended the establishment of thirty-one constituencies, each of which would elect a deputy; all the parties had accepted that solution, and the arrangement proposed gave seventeen constituencies to Zanzibar and fourteen to Pemba. The only question outstanding was therefore the timing of the elections. However, it should be noted that in any case the elections would be held by June 1964, and that the agreement which had been reached on the other issues showed that conciliation between the different parties was possible.

152. By a letter dated 13 September 1962,⁸⁷ Mr. Othman Shariff submitted to the Special Committee, on behalf of the Afro-Shirazi Party, that party's observations on further developments concerning Zanzibar since July 1962. It stated that developments in the last few months had only confirmed the position of the party that independence should be granted to Zanzibar in the near future and that independence should be preceded by elections on the basis of universal adult franchise. It added that the party was

not prepared to compromise in any way on those matters of principle.

153. At the 105th meeting, the representative of Ethiopia introduced a draft resolution on Zanzibar jointly sponsored by Ethiopia, India, Mali, Syria, Tanganyika, Tunisia and Yugoslavia.⁸⁸ At its 106th meeting, the Special Committee adopted the seven-Power draft resolution without a vote.

154. The text of the draft resolution adopted by the Special Committee read as follows:

*"Draft resolution for the consideration of
the General Assembly*

"The General Assembly,

"Having considered the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on the situation in Zanzibar,

"Having considered the views of the petitioners submitted to the Special Committee,

"Taking note of the statements made by the representative of the administering Power before the Special Committee,

"Guided by the provisions of the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) and by resolution 1654 (XVI),

"1. Takes note with satisfaction of the political achievements of the people of Zanzibar;

"2. Takes note further of the declared policy of the administering Power with respect to the independence of Zanzibar;

"3. Requests the administering Power to take immediate steps for the implementation in Zanzibar of the provisions of the Declaration on the granting of independence to colonial countries and peoples, and all concerned, to make arrangements for the holding of elections on the basis of universal adult suffrage;

"4. Appeals to all the people of Zanzibar to achieve national unity, having in view the independence of Zanzibar at the earliest time;

"5. Requests the administering Power to make every effort, including the promotion of harmony and unity among the political elements of Zanzibar, to bring that Territory into independence at the earliest date in accordance with the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV)."

⁸⁷ A/AC.109/29.

⁸⁸ A/AC.109/L.34.

CHAPTER VII

BRITISH GUIANA

A. INFORMATION ON THE TERRITORY*

General

1. British Guiana, which has been administered by the United Kingdom since 1814, is situated on the

* Section A of the present chapter is based on information supplied by the administering Power and information compiled by the Secretariat from published sources.

north-east coast of the South American continent, between Venezuela, Brazil and Surinam. There are many large rivers, three of which, the Essequibo, Demerara and Berbice, have given their names to the counties (formerly settlements) into which the Territory is divided. The coastal plain, 270 miles long and 10 to 40 miles wide, is largely below high-tide level

and has to be protected from inundation by an elaborate system of sea defences and drainage canals. Nearly 90 per cent of the population live in this area, where the main crops—sugar cane, rice and coconuts—are grown. The coastal plain rises inland to a plateau topped by mountains in the south and west. This area is covered by dense equatorial forest, which occupies more than four-fifths of the country and is not easily accessible, even by river.

2. The estimated population of British Guiana at 31 December 1960 was 575,270, made up as follows: East Indians, 279,460; persons of African descent, 190,380; Mixed, 66,180; Amerindians, 22,860; Chinese, 3,550; Europeans, 12,840.

GOVERNMENT

(a) *Constitutional development*

3. The present Constitution of British Guiana is based on the recommendations of the Constitutional Conference which was held in London in March 1960, and which was attended by representatives of the major political parties in the Legislature, including Mr. Cheddi Jagan, the present Premier. At that time there already was a majority of elected members in the Legislative and Executive Councils; the former had fourteen elected members, six nominated members and three *ex officio* members, while the latter consisted of the Governor, who presided, five elected members and three *ex officio* members. The elected members of the Executive Council, as also the *ex officio* members, were each given responsibility over one or more government departments and thus had a considerable responsibility for supervising the administration of the country, as well as a full share in policy-making.

4. When the Conference opened, the Secretary of State for the Colonies stressed the need for an orderly and progressive transfer of responsibility and power to the Ministers of British Guiana. The Conference agreed to the introduction in August 1961 of a new Constitution giving full internal self-government; defence and external affairs would remain the responsibility of the United Kingdom Government, but powers would be delegated to the Ministers of British Guiana to enable them to negotiate and conclude trade agreements with other countries. The Conference also discussed the question of independence and agreed on the following formula for independence:

"Her Majesty's Government accept the principle of independence for British Guiana. On the assumption that constitutional changes are introduced as a result of this Conference, then if at any time not earlier than two years after the first General Election held under the new Constitution or upon it being decided that the West Indies Federation should attain independence, whichever period is the shorter, both Houses of the British Guiana Legislature pass resolutions asking Her Majesty's Government in the United Kingdom to grant independence to British Guiana, Her Majesty's Government will early thereafter call a further Conference to consider when it would be practicable to implement this request. Provided that the new situation caused by the decision that the West Indies Federation should attain independence would not be regarded as giving grounds for considering any change in the then operative British Guiana Constitution until it had been in effect for not less than one year."

5. The British Guiana Constitutional Conference of 1960 agreed that an independence conference would be called whenever the British Guiana Legislature so wished, but not before August 1962. In October 1961, however, both Houses of the British Guiana Legislature passed a resolution asking the United Kingdom to fix a date during 1962 for independence. This request was considered, and the United Kingdom agreed to advance the earlier time-table and to hold the independence conference in May 1962. The main purpose of that Conference was to fix the date for the Territory's independence, and work out the details of the Independence Constitution.

6. The Chairman of the Committee on Information from Non-Self-Governing Territories, by a letter dated 19 June 1962,⁸⁹ transmitted to the Chairman of the Special Committee a copy of his Committee's report to the General Assembly at its sixteenth session.⁹⁰ Paragraph 44 of that report contained a statement concerning British Guiana by the representative of the United Kingdom, which read as follows:

"The representative of the United Kingdom informed the Committee that the constitutional conference on British Guiana which was to have been held in May 1962 had been postponed and that a commission, including distinguished representatives of Ghana and India, would soon begin an inquiry into the February disturbances. He also informed the Committee that his Government was holding discussions with the British Guiana Government to enable the conference to have before it a formulation of local ideas for an independence constitution, and that the two Governments were also undertaking a joint examination of financial matters. He added that, provided these preparatory steps were completed in time, the conference would be held in July."

(b) *Constitution*

(i) *Council of Ministers*

7. The Constitution which was worked out at the 1960 Constitutional Conference and which is now in force provides for a Council of Ministers consisting of a Premier and up to nine other Ministers. The Governor is no longer a member. This Council is collectively responsible to the Legislature of British Guiana for the direction and control of the Government of the Territory. The Governor appoints as Premier that member of the Legislative Assembly who can command a majority, and appoints the remaining Ministers on the Premier's advice. The Council of Ministers holds office until the Premier loses control of the Legislative Assembly and may have their appointments revoked only on the advice of the Premier, or if they cease to be members of the Legislature. The Governor assents or refuses his assent to bills in accordance with the advice of the Ministers. He must, however, reserve for the signification of Her Majesty's pleasure those bills which in his opinion affect defence, external affairs or the Royal Prerogative, or are inconsistent with the Constitution. All Ministers holding office at present are Guianese.

8. The control of police, formerly reserved to the Governor, is now the sole responsibility of a British Guiana minister. The only matters for which local

⁸⁹ A/AC.109/18.

⁹⁰ Official Records of the General Assembly, Seventeenth Session, Supplement No. 15 (A/5215).

ministers have no executive responsibility are defence and external affairs, except trade relations which have been delegated to the British Guiana elected Government.

(ii) *Legislature*

9. The British Guiana Legislature is bicameral, consisting of a Senate and a Legislative Assembly. The sessions of the two Chambers are co-terminous and their maximum life is four years; dissolution of the Legislative Assembly automatically dissolves the Senate. The Senate has thirteen members all of whom are appointed by the Governor; eight are appointed in accordance with the Premier's advice, three after consultation with leaders of the Opposition parties in the Legislative Assembly, and the remaining two by the Governor in his discretion. The Senate reviews legislation passed by the Legislative Assembly and may itself introduce any bill other than a money bill. Money bills received by the Senate but not approved by it within a month may be passed without its assent; the Senate has no power to amend money bills. Other bills may be passed without the Senate's assent, if they are not approved by the Senate within six months. The Legislative Assembly may reject amendments proposed by the Senate.

10. The Legislative Assembly consists of thirty-five members elected in thirty-five single-member constituencies by universal adult suffrage. The Assembly may be prorogued at any time by the Governor acting on ministerial advice. The Governor's powers to dissolve the Legislature are exercised in accordance with the conventions applying to the exercise of the power of dissolution by the Queen in the United Kingdom. The Legislative Assembly may deal with any type of legislation, and reviews all bills amended by the Senate.

11. All members of the Legislature are indigenous Guianese, except for one nominated member of the Senate.

(iii) *Bill of rights*

12. The Constitution contains a Bill of Rights on the lines of that incorporated in the Constitution of the Federation of Nigeria.

(c) *Electoral system*

13. The electoral system is based on universal adult suffrage, which was introduced in 1953. A total of thirty-five members of the Legislative Assembly are elected in single-member constituencies, the candidate polling the largest number of votes winning the seat. The electors must be British subjects of a minimum age of twenty-one who are either permanently domiciled in British Guiana or have been resident there for two years or more and who, under the local law, are entitled to be registered in a particular electoral district.

14. The first general election was held in 1953, when the Peoples Progressive Party won eighteen of the twenty-four seats; the National Democratic Party won two seats and the remainder were won by independent candidates. At the second general election in 1957, the Peoples Progressive Party won nine of the fourteen elective seats; a faction of the Peoples Progressive Party won three and the United Democratic Party and the National Labour Front won one seat each. The last general election, held in August 1961, was contested by three main political parties. The Peoples Progressive Party won twenty seats and polled 42.6

per cent of the votes cast, the Peoples National Congress won eleven seats and polled 41 per cent of the votes, and the United Force Party won four seats and polled 16.4 per cent of the votes. A total of 88.5 per cent of the 240,000 eligible voters went to the polls.

(d) *The judiciary*

15. The Constitution provides that there shall be a Supreme Court for British Guiana, whose composition, jurisdiction and powers are laid down in the Supreme Court Ordinance. The Supreme Court consists of a Chief Justice, appointed by the Governor after consultation with the Premier, and not less than two or more than four puisne judges, appointed on the advice of the Judicial Service Commission. The Judicial Service Commission consists of the Chief Justice as Chairman, the Chairman of the Public Service Commission, the Senior Puisne Judge, and one other member who may be a judge, either retired or still in office. Judges of the Supreme Court hold office until they reach the age of sixty-two, and may only be removed from office through disability to discharge their judicial functions, or for bad behaviour. The question of removal must in such cases be referred to a tribunal consisting of a chairman and not less than two members, all of whom must hold or have held high judicial office. If the Commission concludes that there is no case against the judge in question its decision is final. Otherwise, if the Commission so requests, its report must be submitted to the Judicial Committee of the Privy Council in the United Kingdom, which advises whether or not the judge concerned should be removed from office. The Judicial Committee's decision is final.

16. The right of appeal lies from the Supreme Court to the West Indies Court of Appeal, and from thence to the Judicial Committee of the United Kingdom Privy Council. All judges in British Guiana are Guianese or West Indian.

(e) *Local government*

17. British Guiana is divided into four counties. The counties are divided into nine administrative districts, which in effect co-ordinate local organs of the central Government and do not form part of the local government structure. The district commissioners in charge of each district provide advice for the local government authorities. Local government authorities can be grouped into four categories. Nearly 90 per cent of the Territory's population live in the first two of these.

(i) *Municipalities of Georgetown and New Amsterdam*

18. Georgetown is administered by a Mayor and a Town Council. Nine councillors are elected for each of the nine wards of the city, and three are nominated by the Governor on the advice of his ministers. Councillors normally hold office for two years; the Mayor may hold office for two consecutive terms, but not longer. The municipal administration includes a Medical Officer of Health concerned with the questions of public hygiene in the city, a City Engineer and a City Treasurer. New Amsterdam has a similar administration; it is administered by a Mayor and a Town Council, to which one councillor is elected for each of the six wards of the city, and three additional councillors are nominated by the Governor on the advice of his ministers. Like Georgetown, the city maintains its own Health Department and operates its own electricity works.

(ii) *Rural coastal areas*

19. The central authority of this part of the administration is the Local Government Board, consisting of the Commissioner of Local Government and the Director of Medical Services (who are civil servants), the President of the Village Chairman's Conference, and seven other persons appointed by the Governor on the advice of his ministers. The affairs of village and country districts are under the immediate direction of their own local authorities—the village councils, consisting of elected councillors, and country districts, whose members are appointed by the Local Government Board. It depends on local initiative whether a local authority is classed as a village council or a country district; the only major difference between them lies in their composition. Both exercise the normal local government functions, maintenance of roads and irrigation works, and provision of drinking water, sanitation, markets, abattoirs and cemeteries. Outside the statutory machinery for management and consultation, local authorities have formed voluntary associations for discussing their affairs. The first Village Chairman's Conference, which is now named The British Guiana Association of Local Authorities, took place nearly sixty years ago, and conferences of that kind are now an annual feature, providing an opportunity for village representatives to meet and decide on means of improving the administration of the villages generally. Within the six administrative districts in the coastal region, groups of local authorities have been formed which meet quarterly. District commissioners (who are civil servants) attend and address these meetings, reviewing the main events of the preceding quarter and explaining and discussing the Government's policy.

(iii) *Inland towns and settlements*

20. These places have the same local government organization as the rural coastal areas, though geographically far more scattered, and less advanced.

POLITICAL PARTIES

21. There are three main political parties in British Guiana; the Peoples Progressive Party, led by Mr. Cheddi Jagan; the Peoples National Congress, led by Mr. L. F. Burnham; and the United Force Party, led by Mr. Peter d'Guaiar.

B. CONSIDERATION OF THE QUESTION OF BRITISH GUIANA BY THE GENERAL ASSEMBLY AT ITS SIXTEENTH SESSION

22. At its 1252nd meeting, on 18 December 1961, the Fourth Committee of the General Assembly heard a statement by the Premier of British Guiana, Mr. Cheddi Jagan; at its 1254th and 1255th meetings, on 19 December 1961, the Fourth Committee considered a joint draft resolution⁹¹ submitted by Cuba, Ghana, Guinea, India, Indonesia, Iraq, Liberia, Libya, Mali, Morocco, Nigeria, Syria, Tunisia, United Arab Republic and Yugoslavia, which proposed that the General Assembly should: (1) request the Governments of the United Kingdom and British Guiana to resume negotiations immediately with a view to reaching

agreement on the date of independence for British Guiana, bearing in mind the wishes of the people of British Guiana as expressed by their Parliament; and (2) request the Special Committee to consider the question of the independence of British Guiana at the earliest possible stage of its operation and report to the General Assembly at its seventeenth session.

23. At its 1302nd meeting, on 22 February 1962, the Fourth Committee was informed by the representative of the United Kingdom that his Government had informed the Premier of British Guiana that it was willing to hold a constitutional conference in May 1962, "to discuss the date and the arrangements to be made for the achievement of independence of British Guiana."

24. At the same meeting, the sponsors of the draft resolution suggested that, accordingly, the Committee might wish to consider the discussion of the matter concluded. The sponsors were not withdrawing the draft resolution, but asking that it should be put to a vote. Subsequently, the sponsors suggested that the Committee should consider the discussion on British Guiana as concluded.

25. The Committee took note of the United Kingdom's statement that a date had been set for a constitutional conference on British Guiana, and considered that the discussion of the question of British Guiana was concluded for that session of the General Assembly.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

26. At its 81st meeting, on 20 July 1962, the Special Committee, on the recommendation of its Sub-Committee on Petitions, decided to grant requests for hearings concerning British Guiana from Mr. Felix Cummings who wished to make a statement on behalf of the Peoples Progressive Party, and from Mr. Cheddi Jagan, Premier of British Guiana. The petitioners had requested the Special Committee to give priority to the question of British Guiana and to treat it as a matter of urgency.

27. At the same meeting the Special Committee heard a statement by Mr. Felix Cummings on behalf of the Peoples Progressive Party.

28. Mr. Cheddi Jagan made a statement to the Special Committee at its 82nd meeting, on 23 July 1962, and answered questions put to him at its 83rd and 84th meetings, on 24 and 25 July 1962.

29. At the 85th meeting, on 25 July 1962, the representative of the United Kingdom made a statement in reply to Mr. Jagan's observations.

30. At the same meeting, the Special Committee decided that priority consideration should be given to the question of British Guiana.

31. At its 89th and 90th meetings, on 30 July 1962, the Special Committee considered a joint draft resolution, sponsored by Cambodia, Ethiopia, India, Mali, and Yugoslavia.⁹² Tanganyika subsequently joined the sponsors of the draft resolution.⁹³

32. The Special Committee received and circulated as petitions the following communications concerning British Guiana:

⁹¹ See *Official Records of the General Assembly, Sixteenth Session, Annexes*, agenda items 39, 40, 41, 42, 43 and 44, document A/C.4/L.728.

⁹² A/AC.109/L.28.

⁹³ A/AC.109/L.28/Add.1.

<i>Petitioner</i>	<i>Document No.</i>
Mr. Felix Cummings	A/AC.109/PET.14
Mr. Chedri Jagan, Premier of British Guiana	A/AC.109/PET.17
Mr. Peter d'Aguiar, Leader of the United Force Party ..	A/AC.109/PET.19 and Add.1
The Secretary, No. 58-61 Group of the Peoples Progressive Party	A/AC.109/PET.20
The International Law Asso- ciation of Trinidad and Tobago	A/AC.109/PET.32
Miss Eileen Cox	A/AC.109/PET.33

Hearing of Petitioners

33. Mr. Cummings, Peoples Progressive Party, stated that it had been necessary to bring the question of British Guiana's independence before the United Nations because of the intransigent attitude of the United Kingdom, which had completely disregarded the wishes of the Guianese people for the past nine years. He recalled that immediately after the riots which took place in February 1962, he had asked Sir Hugh Foot for information about the Conference which was to be held in May and was told that there was no change in the date. Subsequently Sir Hugh had made a statement to that effect in the Fourth Committee. If the February riots had not been regarded as justifying the postponement of the Conference at that time, it was hard to see how the United Kingdom could now use a report on the same disturbances as a pretext for a further postponement. In asking the Committee to await the publication of the report of the Commission of Inquiry, the United Kingdom seemed to imply that, if the report contained certain unfavourable recommendations, it would serve as a pretext for not granting independence to the Territory speedily. The fact that the disturbances had taken place was an argument in favour of granting independence as soon as possible, because if the country had been independent, the elected authorities of British Guiana would have had the means of ensuring the prompt enforcement of the law. As it was, since the country was a colony, the authorities had had to await the pleasure of Her Majesty's Governor before the disturbances could be repressed, and the city of Georgetown had in the meantime been devastated.

34. The United Kingdom's calculated attempt to delay independence could lead only to frustration and more violence. After making assertions to the contrary, the United Kingdom Government had come to the conclusion that there was some connexion between independence and the riots, and it was now willing to take decisions on the basis of events which had not yet occurred and might never occur. Yet, even assuming that there was a connexion between the disturbances and independence, he wondered how the United Kingdom Government would justify having delayed the country's independence if the report of the Commission of Inquiry, when published, contained nothing which affected British Guiana's right to freedom. The United Kingdom Government's decision contradicted its own expressed desire for a speedy end to colonialism. It was a mockery of the principles of free elections, representative government and democracy. Peter d'Aguiar, the pro-fascist minority leader, was also in favour of postponing the Constitutional Conference, and his request had apparently been granted. Since the postponement of the Conference had been announced, Mr. d'Aguiar, who had led the mobs on 16 February, had

been emboldened to say that the Premier must be deposed.

35. The question of British Guiana was extremely serious and he urged the Committee to send a sub-committee to the country without delay to see the situation for itself.

36. Mr. Jagan said that he had not come to argue the case for his country's independence, for in the present day and age that was no longer the issue. But the Special Committee had become the focus for the aspirations of all peoples that were still struggling to be free, and he had come to explain to the Committee the efforts now being made to subvert the national movement in his country and to divide the people against themselves.

37. The social and economic conditions in his country were such that, unless immediate steps were taken to improve them, an unscrupulous minority might take advantage of them to provoke further unrest and violence. Since 1957 his Government had made strenuous efforts to obtain assistance from abroad in order to implement its development programme, which was aimed at creating employment opportunities and raising the standard of living; those efforts had not, however, met with much success. It was against that background that his Government had proposed an austerity budget designed to mobilize internal savings for development purposes. The budget had been met with opposition and violence, provoked by a small group whose privileged position was threatened by the fiscal measures proposed; using the budget as an excuse, that group had attempted to overthrow the Government, with assistance from outside.

38. He cited several instances of periods in the history of his country when intense economic distress had led to tension and disturbances. In nearly every case, the riots had taken the form of interracial strife; but such disturbances were always closely linked with economic stress, and his country's history had otherwise been singularly free of racial tension.

39. Since the beginning of British rule in 1814 the colonial system had prevailed, in which wealth had been shared among a few local residents and the greater part of it sent out of the country; the resulting poverty and backwardness had been fully documented by various inquiries conducted over the past twenty years. Conditions in the field of education were equally bad.

40. When he had entered the political arena in the mid-nineteen-forties British Guiana's economy had been in a state of total imbalance. Save for the bauxite mining industry, there had been no attempt at industrialization in his country. Even agriculture, in a predominantly agricultural country, had been badly served; an FAO expert who had visited British Guiana in the early nineteen-fifties had reported that credit agencies, banks and insurance companies were hardly giving any credit to the agricultural sector. The post-war Royal Commission had reported that practically all well-drained land was reserved for sugar-planting, while the areas devoted to rice and pasture were badly drained. The people had naturally suffered as a result of all that exploitation, backwardness and poverty. In 1946, a world-famous malariologist, had drawn attention to the chronic malaria among British Guiana's school-children, the low birth rates and high death rates, and the high infant mortality in the country.

41. It was against that background that his party had won the election of 1953; it had immediately em-

barked on a programme of social and economic reforms which had threatened the position of the privileged few and sought to put an end to colonial rule. After only four-and-a-half months the Constitution had been suspended and his Government removed from office. Since then there had been one long campaign aimed at destroying his party and delaying the independence. After the suspension of the Constitution an interim puppet Government had been installed. In 1955 that Government had instigated a split in his party, the better to maintain control; out of that split had developed the racial tension which bedevilled his country today. Despite the split and the gerrymandering of constituencies, his party had won the elections in 1957 and 1961. The efforts of reactionary elements in February 1962 to bring down the Government by force had failed, as had all attempts to destroy the Peoples Progressive Party; but those elements had not given up hope, and every devious means was today being used to that end.

42. After his party had won the elections in 1957, the Government had immediately set about looking for funds for development; in August 1958 he had suggested to the Colonial Office that the \$91 million development programme which had been started and was planned for continuation until 1960 should be expanded to an amount of \$200 million; but that proposal had been rejected, and instead it had been decided that the plan should be reviewed in the summer of 1959.

43. Efforts had been made to obtain development capital from other sources. An attempt to borrow £6 million from the Swiss Bank in London had been brought to nothing by the refusal of the United Kingdom Government to guarantee the loan. However, that Government had subsequently approved his request for permission to make a direct appeal to the International Bank for Reconstruction and Development. Discussions with various United States Government agencies had also been held in the same year (1958), and early in 1959 United States Government officials had visited British Guiana. But no definite commitment had been made in response to his Government's application for economic assistance.

44. In the summer of 1959 the current five-year development programme had been approved in London. That programme had been limited to \$BWI 110 million on the advice that British Guiana could not afford a larger programme at the prevailing rate of interest—although the Colonial Office admitted that British Guiana needed a larger development programme. He had not challenged these assumptions about the future rate of economic growth in the long term, but instead had argued on the basis of a lower rate of interest for a bigger development programme. He had then been told that the United Kingdom Government could not reduce the interest rates for Treasury loans, since they were determined by Act of Parliament.

45. His talks held in 1959 with officials of the World Bank and United States Government agencies had yielded little result. Later in the same year he had visited the Federal Republic of Germany and Italy for discussions on economic assistance. But it was not until 1961 that those many attempts to secure aid had yielded the first tangible result, in the form of a small loan from the World Bank of about \$BWI 2.25 million—granted on the condition that it should be used only for credit to private individuals or co-operative societies. After he had paid a further visit

to the United States and Canada in search of economic aid, the United States Government had decided to send a team to investigate the feasibility of certain development projects; the report of that mission was now awaited.

46. It could therefore be seen that, apart from technical assistance, his efforts to secure economic aid had so far yielded little substantial result. It was against that background that the 1962 budget had been introduced. Unemployment was already wide-spread and, faced with the possibility of further deterioration in that field, he had immediately taken steps to mobilize internal savings. When it had become clear that expenditure in 1962 would be much higher than in 1961, he had sought the advice of Mr. Nicolas Calder, a world-famous tax expert, and requested his assistance through the United Nations; most of Mr. Calder's recommendations had been included in the 1962 budget proposals. But certain business interests, on which the burden of taxation was likely to fall most heavily, had led an organized attack against the budget and used it as an excuse for an attempt to overthrow the Government. Sections of the working classes, who themselves would have benefited indirectly from the fiscal measures proposed, had been used by the organizers of the disturbances. When the Government had announced that some of the budget proposals were to be withdrawn or modified, it had become clear that the attack on the budget was merely a cover for a more serious attempt to overthrow the Government by force and violence, for the attack had then been transferred to the Government itself. The overthrow was to be achieved in part by the creation of chaos—through the closing down of communal facilities and paralysis of the Government's transport system. In that way those who were opposed to the Government and who had lost three successive elections, had hoped to bring about a suspension of the Constitution, as in 1953, and the removal of the Government from office.

47. There was also some indication of groups outside the country which might have encouraged or influenced those who had started the disturbances. The United Kingdom Government maintained that the independence talks should await the report of the Commission of Inquiry—whose terms of reference did not even include the question of independence. But the disturbances could not be used as an argument to delay independence; otherwise, a disgruntled opposition could at any time provoke disorders and so halt, indefinitely, a country's march to freedom. Yet because of their recent success in securing postponement of the independence conference, the hostile groups inside and outside the country were now convinced that independence could be indefinitely delayed by further disorders. Only a clear and categorical statement fixing a date for independence could now deter those groups from further efforts to that end.

48. Independence was even more urgently necessary from the economic standpoint, since only an independent country could raise the funds so badly needed for development, Mr. Jagan continued. From any angle, therefore, the case for immediate independence was strong.

49. The forces of reaction were nevertheless trying to win over international opinion by a propaganda campaign misrepresenting the objectives of his Government. Such attacks were based, not on what the

Government was currently doing, but on what it was alleged that it would do after independence.

50. Because of that campaign, he wished to place before the Special Committee his plans for British Guiana. He was fighting for the political liberation of his country, as well as for the social justice and economic emancipation without which political freedom might be meaningless. His aim was to create a society in which the country's wealth was distributed fairly amongst all. He proposed to do that by adopting an economic system in which both State and private enterprise would work together within the framework of a national development plan. Guiana was a big country, and there was plenty of room for State and private enterprises to exist side by side; nevertheless, the latter could not retain its old dominance, nor could his Government perpetuate a society dominated by the urge for private profit and by individual greed, colonialism and imperialism. In Guiana, as in most under-developed countries, the State must play a dynamic role in the development. When he had first entered the political arena a decade earlier, he had spoken of economic planning and of the need for industrialization and land reform, he was glad to see that those views, once regarded as heretical, were now being accepted in many under-developed countries.

51. Regarding his political views, he believed in parliamentary government and free elections, and in the achievement of his objectives through persuasion and by peaceful means. He reiterated that his Government would not confiscate private property, seize savings or suppress democratic freedoms. His Government, whose freedom had been taken away, undertook to honour what it said and what it had written into the Constitution. The Constitution of independent Guiana would contain a Bill of Rights to protect democratic freedoms, and he quoted, as evidence, the Preamble to that Constitution.

52. In external relations, independent Guiana would pursue a policy of non-alignment. It would support dependent and exploited peoples everywhere in their struggle for freedom; it would oppose racial discrimination wherever it occurred; it would work for peace and international co-operation; and it would support the United Nations, wherein lay the surest hope of small nations and, indeed, the future of the world.

53. The people of British Guiana looked to the Special Committee to strengthen their hands in their struggle for freedom against the powerful forces currently working against them both inside and outside the country. Nevertheless, his people did not cherish any ill-will towards the British; his hope had always been that, when the old colonial relationship between his country and the United Kingdom came to an end, the two countries would enter into a new relationship as equal partners in the commonwealth of nations in peace and friendship, and not in enmity, to which they were now perilously near.

54. In 1953 his country had what the United Kingdom Government had recognized to be the most advanced Constitution in the British Caribbean, and indeed in the British Empire. Since that time, many African States had become free; Trinidad and Jamaica would be free in August 1962, and there was absolutely no reason why his country should not achieve its freedom in the course of the same year. He therefore formally invited the Special Committee to use all the powers of the United Nations, first to request the

United Kingdom Government to hold the deferred constitutional talks immediately, and secondly to fix a date for independence in 1962. He invited the Special Committee to visit his country forthwith, should it desire to do so.

Observations by members of the Special Committee

55. The representative of the United Kingdom said he welcomed the assurances given by the Premier of British Guiana on his future policy, and particularly the pledge he had given regarding the maintenance of personal freedom and parliamentary government. There were, however, several subjects on which the United Kingdom delegation could not agree with him. In particular, it wished that he could have recognized the importance and impartiality of the Commission of Inquiry. It was true that he had originally been anxious for a local commission or, failing that, a United Nations body, but after hearing the views of the United Kingdom Government, he had agreed to the establishment of the Commission, the composition of which he himself had approved after consultation with Mr. Nehru and Mr. Nkrumah. As the Commission had been set up, it would have been better not to ask the Special Committee to take a decision a week or two before the Commission's report was published. As the Premier had stated, the functions of the Commission were, of course, limited by its terms of reference, but the February disturbances were complex and involved all sorts of factors—political, social and economic—affecting the whole life of the community of British Guiana.

56. He was sorry Mr. Jagan had seen fit to say that the British troops sent to British Guiana had not been used to the full effect and that, as a result, lives had been lost which need not have been lost. Before making such serious allegations, he should have awaited the publication of the impartial report of the three judges.

57. The question whether British Guiana should proceed through self-government to independence was not in dispute. Jamaica and Trinidad would very shortly achieve independence. Could it seriously be suggested that the British Government favoured the establishment of those new States and opposed independence for British Guiana?

58. Another question which was clearly outside the Committee's terms of reference was that of the economic needs of British Guiana. The Premier had spoken as if no one were aware of the poverty which existed in his country. It was true that the situation of the poorer people in the West Indies had been utterly deplorable. Great advances had, however, been made in some territories thanks to the capital they had succeeded in attracting. That was the key to the development of new countries.

59. He called the Committee's attention to the assistance which the United Kingdom had given and was still giving the Territory for the purpose of development. In the period between the end of the Second World War and 1960, a sum of about £10 million had been allotted in grants for economic and social development and research. In 1958 the United Kingdom had granted British Guiana a special loan of £5.5 million, while throughout that period the Colonial Development Corporation had entered into commitments with the Territory totalling £3.3 million. The United Kingdom had promised British Guiana grants totalling £4.85

million during the period 1960-1964, as well as an Exchequer loan of £8 million. In addition, British Guiana had raised loans on the London Market during the past ten years; in 1956, for example, it had raised a loan of some £3.5 million. The assistance provided during that period thus amounted to over £20 million, a sum which directly belied the assertions that the United Kingdom was not anxious to help British Guiana. That assistance was admittedly inadequate in view of the enormous needs of the Territory and it was to be hoped that the Premier would succeed in supplementing it with aid from other sources.

60. A third matter which was not in dispute was the need for a constitutional conference. An affirmative decision had been given on that question once and for all, but the United Kingdom considered that it had an obligation to ensure that the Territory was ready to go forward in the best possible manner before convening the Conference. There were plenty of people always ready to give the administering Power advice, but the fact remained that the latter had an absolute obligation to ensure that the Territory had the best possible start from every point of view, that of the majority, the minority and the whole community.

61. It had originally been intended that a conference should be held in May 1962. It had subsequently been postponed until July, if all the preparations could be completed by then. July was drawing to a close and the Premier himself had just stated that he had not yet presented his constitutional proposals to the legislature. It was always desirable that the terms of the Constitution should command the support of both the Government and the opposition of a country. That had been achieved in Jamaica and at a later stage in Trinidad. The United Kingdom had hoped that events would follow the same course in British Guiana, but despite the Premier's efforts, it must be noted that no agreement had so far been reached, apparently because of the perpetuation of the state of emergency. It was particularly important in a territory such as British Guiana, that there should be no basic disagreement on the terms of the Constitution. It was to be hoped that agreement would soon be achieved.

62. The question of public security was still a source of concern. At the time of the February disorders, the United Kingdom Government had been able to meet the Premier's appeal and to send troops without delay. It might not be so simple on another occasion. Nor would anyone dispute the fact that an impartial force to maintain order in the event of civil disturbances could not be trained in a matter of a few weeks.

63. Thus, the Committee was not discussing self-government or independence, nor the economic situation of British Guiana, nor the need for a conference to determine the conditions under which the Territory would accede to independence. It was in fact discussing the period necessary for the organization of the Conference, in other words, two-and-a-half months at most. The Conference certainly could not be held in July. It seemed logical to hold it after the Commonwealth Prime Ministers' Conference; and whatever the Committee's reasons for haste, it could not reach any sound conclusions without hearing the report of the Commission of Inquiry. The best time would therefore be after the Prime Ministers' Conference.

64. The United Kingdom, which had done a great deal to assist British Guiana, must have a say in the

matter and could not permit the date of the Conference to be dictated to it. It was surely not unreasonable that the United Kingdom Government should suggest postponement of the Conference on British Guiana for slightly more than two months. In any event, the Committee did not have sufficient information to arrive at any valid conclusions and would do well to await publication of the report of the Commission of Inquiry, which should be ready by the middle of August.

65. It was apparent that all concerned wished to see the Conference take place as soon as possible. However, it was essential that it should not be held prematurely; there was no question that it should take place after the Conference of Commonwealth Prime Ministers, after the report of the Commission of Inquiry was published, and after the two Governments had completed their consultations in an atmosphere of confidence and co-operation. It would be unreasonable for the United Nations to attempt to impose a precise time-table on the United Kingdom Government.

66. He concluded by expressing the hope that the Premier of British Guiana would be able to cope with the difficult task that lay before him and would lead his country to independence in peace, unity and stability.

67. The representative of Cambodia, in introducing the draft resolution on behalf of the sponsors, said that it embodied the ideas contained in the draft resolution⁹⁴ which had been submitted to the Fourth Committee of the General Assembly at its 1252nd meeting on 18 December 1961 but which had not been put to the vote because the Constitutional Conference had been scheduled for May 1962. He added that account had been taken of the wishes expressed almost a year before by the people of British Guiana for their country's independence, and the fact that the administering Power had stated that it was not opposed to granting that independence had also been duly considered. He hoped that the proposal, which was couched in moderate terms and contained no criticism, would hasten the granting of independence to British Guiana.

68. The representative of the Soviet Union stated that the draft resolution was essentially consistent with the just demands voiced in the Committee by the Premier of British Guiana. The Committee must take action to assist British Guiana in gaining independence not later than the end of 1962 and must expose the efforts being made by the British and American monopolies to delay practical measures to that effect in the hope of transferring power to puppets of the monopolies and of thus maintaining colonial domination.

69. Premier Jagan's Government had been in office since 1960 and had during several elections repeatedly demonstrated that it commanded popular support. In the last elections, in August 1961, in conditions that were unfavourable to the Government party, Mr. Jagan was again brought to power. Yet the United Kingdom Government, disregarding the request of the Parliament of British Guiana for independence in 1962 as well as its own commitment, had resorted to various pretexts in order to delay the calling of a constitutional conference. Not until January 1962, after Mr. Jagan had appealed to the United Nations for assistance, had the United Kingdom Government pro-

⁹⁴ See *Official Records of the General Assembly, Sixteenth Session, Annexes*, agenda items 39, 40, 41, 42, 43 and 44, document A/C.4/L.728.

mise to hold a constitutional conference in May 1962. However, that promise had proved to be merely a manoeuvre designed to prevent the Fourth Committee of the General Assembly from voting on the fifteen-Power draft resolution concerning the granting of independence to British Guiana. In February 1962 agents of the British and American monopolies had instigated disorders in the capital of British Guiana in an effort to overthrow the Jagan Government. Although the disorders had not achieved their purpose, the United Kingdom Government had used them as a pretext for breaking its promise to hold the Constitutional Conference in May. It was necessary to stress that the United Kingdom Government had not only resorted to a deception of the people and Government of British Guiana, but it had also deceived the United Nations since it had declared more than once that those events would not be used as a pretext for postponing the date of the Constitutional Conference. The United Kingdom Government's statement that the Conference might be convened at the end of September 1962 gave no guarantee that this period would not be used for new provocations, all the more so since all reports indicated that the United Kingdom was making every effort to create tension in British Guiana and fan hostility between the African and Indian populations. There was no basis for the United Kingdom's contention that the Constitutional Conference could not be held until a report was received from the Commission appointed to investigate the February disorders. The postponement of the Conference had been condemned not only by Mr. Jagan but also by Mr. Burnham, the leader of the Peoples National Congress. It was supported only by the United Force Party which was an instrument of the United Kingdom and United States monopolies and had instigated the recent disorders. Mr. Jagan had indicated the extent to which those monopolies controlled the economy of British Guiana, whose Government was not even allowed access to the figures showing foreign companies' earnings and the sums they transferred from the country. Many of those companies failed to pay taxes or were actually exempt from taxation. It was clear that British Guiana would not be able to develop its economy and raise its people's living standards unless it was granted immediate independence.

70. The efforts of the United Kingdom Government to prevent implementation of the Declaration must be condemned, and the Committee should recommend the immediate convening of a constitutional conference with a view to setting a date for the granting of independence as soon as possible but not later than at the end of 1962.

71. The representative of Uruguay said that, without prejudice to the reservations which he had made with respect to the procedures which the Committee should adopt in order to give expression to its conclusions and recommendations, his delegation supported the draft resolution under consideration, inasmuch as this appeal on behalf of the independence of British Guiana was of particular significance for the Latin American countries. He recalled that long before the adoption of the resolution on the granting of independence to colonial countries, the American States had, on more than one occasion, emphatically proclaimed the end of colonialism in America, and he quoted resolution XXXIII of the Ninth International Conference of American States (Bogotá, 1948), and resolu-

tions XCVI and XCVII of the Tenth Inter-American Conference (Caracas, 1954). Lastly, he expressed his satisfaction with the spirit of moderation and constructive feeling shown by the sponsors of the draft.

72. The representative of Australia said that there was no great divergence of opinion in the Committee on basic questions, and the only difficulty was how the United Kingdom and British Guiana should proceed in giving effect to the principle of self-determination. The United Kingdom had been categorical in its assurances that its objective was to afford the people of British Guiana the full exercise of their rights of self-determination. It was not seeking to maintain an entrenched position but, on the contrary, was very anxious to hand power over to the people of the Territory. The difficulties arose mainly from the disagreement between the different political and ethnic groups; unfortunately the political divergences seemed in many fields to coincide with ethnic divergencies, and the people of the Territory should bend all their efforts to remedying the situation. The other difficulties were of an economic nature. All those problems could be solved, provided that the population and their leaders approached them in a spirit of compromise. He had been pleased to observe that in many respects Mr. Jagan recognized the need to afford the Government the widest possible support and to co-operate with other countries. In the view of his delegation, the objectives of British Guiana should be as follows.

73. First, to create and to maintain national unity and, in particular, to foster solidarity between the rural and the urban sectors of the population, and between the various groups of Indian, African or other origin. Secondly, to co-operate with the other States of South America, with the territories of the West Indies and with the other countries of the Commonwealth. Thirdly, to ensure economic stability and expansion. That was a task of some magnitude, in which British Guiana would have to seek the assistance of other countries and pursue a policy which, it was to be hoped, would facilitate the co-operation of the countries of the Western Hemisphere and other friendly countries.

74. His delegation agreed with most of the contents of the draft resolution, which provided for measures similar to those outlined by the representative of the United Kingdom. However, he objected to the use of the word "immediately". The United Kingdom had stated that it would hold a conference after the meeting of Commonwealth Prime Ministers in September, and had indicated that it would be very difficult to act before then. It had to be recognized realistically that the United Kingdom had a number of practical problems to contend with, quite apart from the matter of the report of the Commission of Inquiry. Nevertheless, the United Kingdom Government did not contemplate a long delay and the spirit of the resolution would surely be complied with if the United Kingdom resumed negotiations and convened the conference as soon as possible.

75. The representative of Tunisia said that in itself the question of British Guiana did not pose any major problem, since the United Kingdom Government had agreed in principle to the holding of a constitutional conference and to independence. The chief merit of the draft resolution lay precisely in the forthright language used with reference to the Government of the administering Power.

76. His delegation fully appreciated the gravity of the situation created by the events at Georgetown and the importance of the report to be made by the tripartite commission responsible for investigating those events. However, it did not feel that the solution was to delay the independence of the people of British Guiana. In any case, it was hard to see how the postponement of the constitutional conference could help to solve the internal problems of the Territory. Accordingly, without wishing to prejudge the results of the tripartite commission's work, his delegation considered that the Constitutional Conference should be held as soon as possible, so that an early date could be set for independence. It would therefore support the draft resolution advocating independence for the Territory before the end of the year, in accordance with the wishes of the people as expressed through their Parliament.

77. The representative of Venezuela pointed out that his country had always supported the cause of independence in the United Nations and had collaborated actively in the decolonization process. It did so even more willingly in the present instance, since the country concerned was its immediate neighbour. He therefore hoped that British Guiana would become independent as soon as possible and in the best possible circumstances. However, he pointed out that a problem bearing on the frontier and territorial claims existed between his country and British Guiana. Venezuela considered the arbitral award of 1899 unjust and damaging to its interests. In that connexion, he asked the members of the Committee to refer to his memorandum of 14 February 1962⁹⁵ and to the statement he had made in the Fourth Committee on 22 February 1962.⁹⁶ In the latter document, his Government had stated that it felt bound to request that its just claims should be considered and that the injustice committed should be rectified. It had gone on to state that it hoped to achieve that end through friendly negotiations between the parties concerned. His Government was now endeavouring to settle the matter by negotiations with the United Kingdom but if, for unforeseen reasons, a settlement was not achieved before independence, Venezuela—which had never made its support for British Guiana's independence contingent upon a solution of the problem—would submit its claims to the independent Government of that country. It hoped that a solution would serve to strengthen co-operation between the two countries, particularly as regards the development of the border areas. If the problem was not solved, relations between the two countries would suffer. It was therefore to be hoped that a settlement could be reached to the satisfaction of both parties.

78. The representative of Poland said that his delegation was basically in agreement with the aims of the draft resolution and would vote in favour of it. However, this draft resolution, being similar to that which was submitted by fifteen Member States already in December 1961, did not reflect the unilateral breach of promise that had been given in the meantime both to the people of British Guiana and to the United Nations by the British Government to the effect that in May 1962 a conference would be held in London to fix a date of independence for the Territory. That conference had subsequently been postponed by

the administering Power until July, and recently again until "after the Commonwealth Prime Ministers' Conference in September". He expressed his disappointment at that policy of procrastination violating General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples. It was evidently clear that the continuous postponement of the constitutional conference was based on purely political grounds. In fact, the similarity of views of the reactionary United Force Party, which instigated the February disorders, and the views of the administering Power was self-explanatory. Any prolongation of the constitutional talks could only encourage new disturbances, create racial tensions, further encourage the division among the people of the Territory and the overthrow of the elected Government. He said that only immediate constitutional talks and the fixing of a date of independence not later than the end of 1962 could bring a speedy end to these efforts being made inside and outside British Guiana.

79. The representative of the United Kingdom, in reply, stated that the Soviet Union had made a number of false allegations. For example, he had referred to economic repression, whereas the United Kingdom had made over £20 million available for the development of British Guiana. Furthermore, he had accused the United Kingdom of provoking internal and racial divisions and of having sought to transfer power to puppets. He strongly rejected all those charges. It was regrettable that the representative of the Soviet Union had accused the United Kingdom of having engaged in manoeuvres and intrigues designed to delay Guiana's independence indefinitely, but the charge was false.

80. The United Kingdom was not disputing the proposal that a constitutional conference should be convened. He shared the views expressed concerning economic problems and felt there was no need to revert to questions of self-government and independence on which everyone agreed. But all those questions should not serve as pretexts for indulging in propaganda and cold war tactics.

81. The representative of the Soviet Union in reply, said that he had been glad to hear the United Kingdom representative say that agreement was possible. His delegation believed that the Committee should adopt the draft resolution in the interest of British Guiana's independence. He noted that his delegation's position was supported by the majority of the Committee, which favoured independence for British Guiana before the end of 1962. If the United Kingdom representative was prepared to give formal assurance that his Government would sincerely endeavour to implement the draft resolution, agreement was very near. He hoped that the patience, calm and common sense of all the members of the Committee would make it possible to reach such agreement.

82. The representative of the United States referred to the charge made by the representative of the Soviet Union that the United States had been involved in the February disturbances in British Guiana. It was significant that Mr. Jagan himself, in his statement, had not made or even implied such a charge. The Committee would therefore reject it because it was not based on any evidence whatsoever.

83. With regard to the draft resolution, his delegation associated itself with the remarks of the Australian representative. Although it had no quarrel with the main substance, it considered that the Committee

⁹⁵ *Ibid.*, document A/C.4/536.

⁹⁶ *Ibid.*, Sixteenth Session, Fourth Committee, 1302nd meeting, paras. 24 to 35.

had no authority to address itself directly to the administering Power and should confine itself to reporting to the General Assembly. The Assembly had not intended the Committee to serve as an action group by adopting resolutions which the Assembly might or might not necessarily later approve. Moreover, the Committee did not yet have before it the report of the tripartite Commission of Inquiry. Finally, in view of the statements of the United Kingdom representative and the assurances he had given, the resolution seemed unnecessary.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

84. At its 90th meeting, on 30 July 1962, the Special Committee adopted, without objection, the joint draft resolution sponsored by Cambodia, Ethiopia, India, Mali, Tanganyika and Yugoslavia.⁹⁷ The resolution read as follows:

"The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Having considered the question of British Guiana,

"Bearing in mind the principles embodied in General Assembly resolution 1514 (XV) of 14 December 1960,

⁹⁷ A/AC.109/L.28 and Add.1.

"Having noted the statements of the Premier of British Guiana, Mr. Cheddi Jagan, made before the Fourth Committee on 18 December 1961⁹⁸ and before the Special Committee on 23 July 1962,⁹⁹

"Noting that both Houses of Parliament of British Guiana in November 1961 approved that the British Government fix a date for independence in 1962,

"Taking into account the policy commitment of the Government of the United Kingdom to hold a constitutional conference for the independence of British Guiana,

"1. Requests the Government of the United Kingdom and the Government of British Guiana to resume negotiations immediately with a view to reaching agreement on the date of independence for British Guiana, in accordance with the wishes of the people of British Guiana as expressed by their Parliament;

"2. Requests the Secretary-General to transmit this resolution to the Administering Authority."

85. By letter dated 1 August 1962, the Secretary-General transmitted to the United Kingdom Government the text of the resolution on British Guiana adopted by the Special Committee.

⁹⁸ Official Records of the General Assembly, Sixteenth Session, Fourth Committee, 1252nd meeting.

⁹⁹ A/AC.109/SR.82.

CHAPTER VIII

MOZAMBIQUE

A. INFORMATION ON THE TERRITORY

General

1. Mozambique is situated on the east coast of Africa, south of the Equator. It is bounded on the north by Tanganyika, on the west by Lake Nyasa, Nyasaland, Northern Rhodesia, Southern Rhodesia, the Transvaal (South Africa) and Swaziland, on the south by Natal, and on the east by the Indian Ocean. Its coast line is approximately 1,250 miles long, and its total area is 297,654 square miles.

2. Physically Mozambique is divided roughly into coastal lowlands which make up almost half of the total area; the rest of the Territory consists of a central plateau varying between 500 and 2,000 feet in height and a high plateau on the Rhodesian border and in the north-west part of the Territory.

3. In 1959 Mozambique had an estimated population of 6,371,000, made up of 169,000 classified as *civilizados* and 6,202,000 classified as *não-civilizados*. Those classified as *civilizados* include all aliens and Portuguese citizens of European, Chinese, Indian background as well as *mestiços* and assimilated Africans.

4. Additional information concerning Mozambique is set out in the Report of the Special Committee on Territories under Portuguese Administration.¹⁰⁰

¹⁰⁰ Official Records of the General Assembly, Seventeenth Session, Annexes, addendum to agenda item 54 (documents A/5160 and Add.1 and 2).

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

5. The Special Committee considered Mozambique at its 66th, 68th, 69th, 71st, 85th, 88th, and 91st to 99th meetings, held at Dar es Salaam and in New York, from 6 to 8 June 1962, on 25, 27 and 31 July and from 2 to 10 August 1962.

6. The Special Committee had before it a mimeographed copy of the report of the Special Committee on Territories under Portuguese Administration which was transmitted to it by the Chairman of that Committee by letter dated 9 August 1962.¹⁰¹

Hearing of petitioners

7. The Special Committee heard the following petitioners concerning Mozambique:

(a) Mr. D. M. Kunnumbara and Mr. G. S. Zandemela representing the Mozambique African National Union (MANU). They were accompanied by Mr. S. M. Makaba (66th Meeting).

(b) Mr. J. Baltazar, President of the União Nacional Africana de Moçambique Independente (UNAMI) (African National Union of Independent Mozambique) (68th meeting);

(c) Mr. U. Simango, representing the União Democrática Nacional de Moçambique (UDENAMO) (National Democratic Union of Mozambique) (69th meeting);

¹⁰¹ A/AC.109/23 and Add.1.

(d) Mr. E. C. Mondlane (71st Meeting).

8. Mr. Kunnumbara said that the Mozambique African National Union (MANU) which now had 11,000 paid-up members and thousands of supporters in Tanganyika, Kenya, Zanzibar, Uganda and Nyasaland, as well as in Mozambique itself, had been established with a view to raising the living standards and self-respect of the people of Mozambique and to secure the liberation of the Territory from Portuguese colonial administration before the end of 1963. The Union's national headquarters were at Dar es Salaam.

9. Mozambique had experienced over four-and-a-half centuries of Portuguese rule. Known at first as *Moçambique Colonia de Niassa*, it had been renamed *Colonia de Moçambique* at the end of the nineteenth century after the United Kingdom had set up the colony of Nyasaland in Malawi, because the Portuguese had feared that any similarity of names would have encouraged United Kingdom claims to Mozambique itself. In 1951 the status of the Territory had been changed to that of an overseas province, and it had become *provincia de Moçambique*. By that subterfuge the Portuguese had sought to avoid having to submit reports to the United Nations on developments in the Territory in order to be able to exploit it more freely.

10. The African people of Mozambique were being deliberately kept in a state of ignorance, and the Roman Catholic Missions, which had a monopoly of education for the so-called "uncivilized" Africans, provided rudimentary education to only a small number of persons; 99.7 per cent of the Africans were barred from lay schools. Under the agreement of 7 May 1940 between the Portuguese Government and the Holy See, education in Mission schools must conform to the doctrines enunciated in the Portuguese Constitution, and their curricula were determined by local Portuguese authorities. African geography, history and culture were either ignored or distorted, and children were made to study Portuguese history and geography.

11. The African people of Mozambique were deprived of all their fundamental freedoms and barred from establishing political parties, trade unions and co-operative and other societies, since all such organizations in the so-called Overseas Provinces were regarded as subversive by the Portuguese authorities. As part of a deliberate policy, obstacles were being placed in the way of African participation in commerce and industry, and Africans were not allowed to own shops or businesses. They were forbidden to listen to broadcasting stations situated outside Mozambique or to read newspapers and magazines other than the Portuguese Government-controlled *Brado Africano*. Gatherings of three or more Africans were prohibited.

12. Through a department called *Administração Concelho*, the Portuguese Government organized the supply of forced labour for mines in South Africa and the Rhodesias, and sisal and sugar farms in Mozambique itself. Under that system, labourers were recruited in the villages by African recruiting agents upon the instructions of the local *chefe de posto* (district officer), who was often bribed by prospective employers to make sure that the necessary number of recruits were available.

13. Although the Portuguese had been in Mozambique for 456 years, they had done nothing to improve the health of its inhabitants, except for building a small number of hospitals in the larger towns. As

a result, Africans living in the northern part of Mozambique often walked across the border into Tanganyika's Southern Province in search of medical care. The Portuguese authorities had done virtually nothing to improve the sanitation or water supply, except in the areas mainly inhabited by the whites, and the African villagers often had to fetch their water from several miles away.

14. Roads in Mozambique were bad, and the equipment for improving them was often lacking. Road-building was done by unpaid African labour as "national service". The bad condition of the roads resulted in transport and trade difficulties. Telecommunications were also poor in many parts of the Territory.

15. In order to prevent the development and awakening of the Africans and suppress their demands for independence, the Portuguese authorities were resorting to the most oppressive measures. He knew of five instances during the last two years of Africans having been shot, beaten to death, arrested or deported to an unknown destination for having taken part in peaceful demonstrations of protest against a ban on a social association called the Mozambique Africans' Association (*Associação dos Africanos de Moçambique*), for demanding higher wages, for having celebrated Tanganyika's Independence Day or being in possession of goods from Tanganyika, or merely on suspicion of having given moral support to the spread of African nationalism. The number of victims ran into hundreds.

16. A Goan member of his group, Mr. Plácido José Severo Viegas, who had arrived at Dar es Salaam on 3 May 1962, had spent a year in prison, where he had been tortured. As Mr. Viegas had worked for the *Policia internacional de Defesa do Estado (PIDE)* for some time, he was acquainted with the manner in which PIDE treated Africans. He was also in possession of information concerning the treatment of prisoners in Mozambique, forced labour and Government corruption. Another member of the group, Mr. Ismael Kassam Lala, an Indian businessman, who had arrived at Dar es Salaam on the same day as Mr. Viegas, also was aware of those matters.

17. After more than four-and-a-half centuries of Portuguese colonial rule, the people of Mozambique had the lowest standard of living in Africa, whereas other colonial Powers had developed their colonies in a remarkable manner in forty to eighty years. The reason for that state of affairs was to be sought in Portugal's own poverty and the fact that only one quarter of the taxes levied in Mozambique were being used to develop the Territory.

18. The Portuguese Government, which was claiming that it had abolished the colour bar and that Africans were enjoying the same basic rights as the Portuguese had, in effect, merely introduced a culture bar which excluded all but 3 per cent of the Africans, the so-called *assimilados*.

19. As a result of Portuguese oppression and bad living conditions, more than 450,000 Africans had emigrated to the neighbouring Territories in the past forty years; in Tanganyika alone there were now well over 60,000. All of them wanted to return home but were afraid to do so.

20. Mozambique which, historically and geographically, was part and parcel of Africa and whose population was overwhelmingly African (Europeans num-

bering less than 1 per cent of the total) could not be regarded as a province of Portugal. Its people wanted immediate independence.

21. Mr. Zandemela (MANU) said that he had been working as a nurse near Praia. He had been arrested on 20 March 1962, upon his return from Angola, and accused of having attended a dance near Praia on 9 December 1961, Tanganyika's Independence Day, although in actual fact he had not been present. Nor had the dance been held in honour of Tanganyika's Independence Day; it was a custom in that area to hold dances on Saturdays and Sundays. The organizer of the dance and several of the persons present had been arrested one week after the dance. For eight days they had been beaten every morning, afternoon and night; as a result of the flogging, the organizer of the dance had subsequently died at the Lourenço Marques hospital. After his arrest, he himself had also been beaten and forced to confess that he had gone to the dance. After having been detained for two weeks at the local police headquarters, he had been moved to the prison at Lourenço Marques, where he had suffered from lack of food and inability to lie down and sleep. In Lourenço Marques prison he had met a fellow-prisoner who had promised to save him. The man had kept his promise. After his release from prison, he had gone to that man's home where he had lived until transport had been arranged. To escape arrest he had had to cross the border on foot. Once inside Tanganyika he had experienced some difficulties explaining his case to the police and customs officials. His photograph had been taken. He had been afraid that he had fallen into the hands of Portuguese Government agents and that he would be sent back to Mozambique. He had even planned to walk all the way to Ruanda-Urundi, but his fears had proved groundless and he had arrived at Dar es Salaam on 17 May 1962.

22. Mr. Baltazar (UNAMI) said that it was urgent for the United Nations to take coercive measures against the Portuguese, who were enslaving the African population of Mozambique. In particular, Portugal should take back from Mozambique the 5,000 European women who had been sent there to propagate a multiracial species. The new tactics of the Portuguese were to encourage mass immigration by European women into Mozambique, which already had large numbers of people of mixed blood, since the Portuguese had violated many indigenous women. That was sufficient comment on multiracialism. His organization also denounced the criminal way in which the Portuguese had deprived his people of their human rights in order to gain control of their wealth.

23. Since the Portuguese would never abandon their cruel methods of administration and colonial expansion, he hoped the Committee would help to ensure self-determination for the African people of Mozambique, the independence of the Territory under a democratic African Government, an opportunity for all political organizations to return freely to Mozambique, and the withdrawal of all troops, so that Mozambique might be spared the massacres and tortures inflicted on the people of Angola.

24. Mr. Simango said that his organization, Mozambique National Democratic Union (UDENAMO) which represented the interests of the 6.5 million indigenous Africans in Mozambique, wished to inform the Committee that five centuries of Portuguese colonial rule over Mozambique had meant economic exploitation,

political suppression and social degradation for the African people of that vast area.

25. In a desperate bid to consolidate Portuguese supremacy in Mozambique, the Salazar régime had unleashed an unprecedented reign of terror; more than 5,000 troops had been posted along the frontiers of Nyasaland and the Rhodesias in 1959 after a state of emergency had been proclaimed in those neighbouring Territories. The troops had been instructed to shoot on sight anyone from the Federation suspected of sympathizing with the national liberation movements there. Consequently hundreds of Africans had been shot, although those facts were concealed from the outside world. Early in 1960, the number of Portuguese troops had been increased to over 9,000, exclusive of local troops and members of the *Policia internacional de Defesa do Estado* (PIDE), the Portuguese Gestapo.

26. It was thus clearly obvious that the Salazar régime was indifferent to the interests of the 6.5 million Africans who constituted the overwhelming majority of the Mozambique population. Speaking on their behalf, UDENAMO therefore categorically rejected the view that Mozambique was an overseas province of Portugal, denounced as a diabolical fabrication the Portuguese Government's claim that Africans enjoyed the same rights as Portuguese citizens, strongly condemned the economic, political and social evils to which the African people had been ruthlessly subjected under Portuguese rule, and vehemently deplored the dark and savage record of Portuguese colonialism. It demanded the immediate withdrawal of all Portuguese and foreign armed forces and their replacement, where necessary for the maintenance of peace and security, by African troops under United Nations supervision, the removal of all military and communications bases inimical to the interests of the African people, and the granting of complete independence to Mozambique, on the basis of "one man, one vote," not later than December 1962.

27. In the event of refusal by the Portuguese Government to accede to those demands before January 1963, UDENAMO urged that the United Nations should institute sanctions against Portugal and adopt a resolution stating that the liberation of Mozambique was a matter for the independent African States. In addition, Portugal should be expelled from the United Nations.

28. Because of the prevailing situation UDENAMO was obliged to operate outside Mozambique. Through the good offices of the independent African States, however, it was able to operate on African soil and to maintain close links with its agents in Mozambique, who continued to operate at great personal risk under conditions of almost insurmountable hardship.

29. Throughout Mozambique fresh contingents of troops could be seen arriving daily as if war were on; there were already 40,000 soldiers there, and they had orders to shoot any Africans suspected of being engaged in political activity. Portuguese soldiers regularly violated and killed African women.

30. The Committee must realize that the imperialist and colonialist Governments of Salazar, Verwoerd and Welensky had formed a secret alliance to arrest and kill Africans in the countries they were illegitimately governing. His organization could quote numerous well-authenticated cases where Africans had been arrested in South Africa and Southern Rhodesia and handed over to the Portuguese, among them Mr. Siguake, Director of External Affairs for UDENAMO. His

organization challenged Mr. Welensky and Mr. Verwoerd to deny the existence of a secret plot against Mozambicans working in the Federation and South Africa. It was little wonder that the African majority in Nyasaland and the Rhodesias was against the continuation of the Federation.

31. Mr. Simango went on to say that UDENAMO appealed to the United Nations, all independent African States and all democratic and freedom-loving countries to take steps with a view to achieving the immediate release of Mr. Siguake and other Mozambican political prisoners.

32. His organization reaffirmed its intention of solving the conflict between the African inhabitants of Mozambique and the Portuguese colonial régime by peaceful means. Nevertheless, it was determined to use all possible methods, including direct action, to satisfy the legitimate aspirations of the people, and the responsibility for any fighting would rest squarely with the Portuguese Government. Nothing less than a formal and solemn acknowledgement by the Portuguese Government of the Mozambican people's right to self-determination and independence would satisfy UDENAMO. Furthermore, negotiations must take place between a union of all Mozambican nationalist forces and the Portuguese Government to consider practical steps towards independence, including guarantees of self-determination.

33. Meanwhile, UDENAMO looked to the United Nations for help in the intensive training of administrative cadres and the provision of educational assistance. Mr. Simango said in conclusion that UDENAMO hoped that, in the light of General Assembly resolution 1514 (XV), the United Nations would force Portugal to recognize the rights of the Africans in Mozambique and, if necessary, apply economic and diplomatic sanctions.

34. Mr. Mondlane said that he was a native Mozambican who had been educated in Mozambique and had lived most of his life in that country. He had studied at universities in Portugal and in the United States and had served for four years in the United Nations Secretariat. In 1961 he had spent three months in Mozambique and had then been approached by many people there with the request that he should put their case to the United Nations.

35. On his most recent visit to Mozambique, he had found the conditions of the people even worse than when he had left his country in 1950, and he had become convinced that something drastic must be done to help the people. As was well known, the economic life of Mozambique was based on slave labour; there were laws making it easy for Europeans to exploit the African labourer and preventing any black Mozambican from establishing any enterprise. Able-bodied African men were required to prove that they were gainfully employed; otherwise they were obliged to sign contracts with farming, industrial or commercial establishments, owned nearly always by expatriates, or were arrested and sent to work camps where they received no pay. The criteria for gainful employment were based solely on European standards of productivity. When an African worker was forced by poverty to seek employment in the mines, farms and factories of neighbouring countries, he was not permitted to take his family with him; he could not stay more than twenty-four months; 50 per cent of his meagre wage was kept back and repaid to him, without interest, on his return

to his country; and he was not protected by any social security scheme. Mozambican workers also suffered under an arrangement whereby a number of concessionary companies dealing in various cash crops made enormous profits by forcing Africans to plant such crops against their will.

36. The educational policies of Portugal were designed to keep the Africans subservient to the Europeans. Until recently there had been no schools for Africans, but subsequently two separate school systems had been established, one for the children of Europeans, Asians and assimilated Africans, and the other for the majority of indigenous people. For the former group education was compulsory up to the age of 14, and schools were maintained by the Government in every community; for the rest education was in the hands of the Roman Catholic Missions, which were very poorly subsidized. Only about 0.7 per cent of children in the latter group were able to attend school. In more than 400 years of colonial rule Mozambique had produced two African high school graduates, three Roman Catholic priests, and millions of slaves. Although Portugal claimed to have introduced educational reforms in its colonies, it was unlikely that any genuine changes would occur until every citizen had a vote.

37. It was sometimes said that Portuguese colonies could not enjoy political representation so long as Portugal was not a democracy. However, his concern was simply that Mozambique should not remain subject to a foreign Power. The people of Mozambique wished to have an opportunity to organize a Government which would enable them to progress economically, educationally and socially, and such a Government would be possible only if it was directly responsible to the Mozambican people.

Observations by members of the Special Committee

38. The representative of Ethiopia reminded the Committee that General Assembly resolution 1654 (XVI) required it to examine whether resolution 1514 (XV) had been implemented by the administering Power in Mozambique. In other words, its primary task was to ascertain whether specific steps had been taken to transfer power to the people of Mozambique. From Portugal's point of view Mozambique was one of its provinces, and the structure of the Government was exactly the same as that of Angola. The entire African population was excluded from participation in the Government, whereas the European population had been doubled, as a matter of deliberate policy, between 1945 and 1950.

39. In education, the same philosophy of discrimination applied: there were Portuguese citizens and civilized and assimilated Africans. Although the statistics compiled by the United Nations Secretariat were not detailed enough to show what was spent on the European population as compared to the African population, there was no doubt that the latter stood at a disadvantage.

40. Economic conditions were no better. In practice all the large estates were still in the hands of non-Africans, as witness the statistical fact that the land cultivated by 6.5 million Africans was estimated at between 450,000 and 500,000 hectares, while that of non-Africans covered 1.5 million hectares. Labourers' wages were completely inadequate, and the Africans were still being exploited.

41. There were two causes for the ills from which Mozambique suffered: the concept that Mozambique was part of Portugal, and the concept of civilized and assimilated Africans. The first concept had no foundation whatsoever in history, or in the wish of the people. The second concept was even more tragic inasmuch as it assumed that the African had no culture, no civilization, and could therefore be assimilated easily. The truth was that the so-called assimilated Africans numbered no more than 10,000. That concept had done more than any other to create a militant nationalist movement.

42. In the light of that tragic situation, which might explode at any time, the Committee should recommend the immediate implementation of all the provisions of General Assembly resolution 1514 (XV)—in other words, the immediate transfer of power to the nationalists of Mozambique.

43. The representative of the Soviet Union said that in spite of the attempts made by the Portuguese colonialists to conceal the truth and in spite of the military and police terror that reigned in Mozambique, world public opinion was aware of the tragic and intolerable situation of the inhabitants of that Territory, who were deprived of all rights and were suffering cruel exploitation, hunger and disease. Those facts had been reported in the Press. Furthermore, the petitioners whom the Committee had heard had given the members detailed information about the brutal measures of repression to which the colonialists had recourse in combating the national liberation movement and maintaining their rule over the 6 million inhabitants of Mozambique.

44. In 450 years the colonialists had done nothing to develop Mozambique. The indigenous inhabitants had never had the right to vote and had always been prevented from participating in the administration of their country. The Portuguese Governor-General, appointed for four years by the Minister of Overseas Territories, had legislative and executive authority. Upon the expiry of his term of office, he returned to Portugal a wealthy man, after having exploited the riches of the colony.

45. The division of Africans into categories according to which people in different categories had different rights before the law was a refined form of racism. The indigenous population was deprived of the rights which the European population normally had. For example, no Portuguese citizen could be put in prison for non-fulfilment of his financial obligations, and he could not be obliged to work out the equivalent in terms of actual work for his debts. But according to article 146 of the Constitution, the colonial authorities could oblige an indigenous inhabitant to repay his debts in terms of work. The indigenous inhabitants did not even have such an elementary freedom as that of movement; in order to make a trip to adjacent areas it was necessary to have a special permit.

46. One of the most blatant examples of slavery which confirmed the existence not only of racial discrimination, but also of a certain type of slavery, was the system of forced labour. Under existing legislation, all Africans were considered to be unemployed if they could prove that they had permanent employment: and all these "unemployed", including women, children and the aged, were subject to "mobilization" for work on road construction or on plantations. The conditions of forced labour were worse than normal slavery. Under

slavery "the natives" were purchased like animals and it was in the interests of their owners to keep them in good health, but in this case the Government did not sell them but lent them out, so that employers did not even have to worry about the state of health of their manpower since it could be replaced at will. What was more, the Portuguese Government had undertaken to export 100,000 indigenous inhabitants each year to South Africa and the Federation of Rhodesia and Nyasaland. This provided Portuguese authorities with a revenue of £7 for each worker, plus half of his salary. In 1959 the transaction had brought Portugal an income of 66 million escudos. At present more than 600,000 Mozambicans were working abroad in that way under appalling conditions; they died by the thousand, while the Portuguese Government grew rich. That shameful practice even revolted the Portuguese themselves, and UDENAMO, which was composed of lawyers, doctors and other Portuguese intellectuals, had asked Salazar to put an end to the system of forced labour, which was the height of criminal racialism. As a further example of racial discrimination, the Mozambicans were divided into two groups: uncivilized natives and assimilated natives. In order to achieve the status of *assimilado*, an African had to speak Portuguese fluently, meet certain property-owning requirements, live in European style, have completed his military service, etc. Thus between 1917 and 1957 only 5,000 Mozambicans out of 6 million had acquired Portuguese citizenship. As for the "uncivilized" natives, who represented over 99.9 per cent of the population, they were completely subject to the will of the Portuguese colonialists, who used their unlimited authority to arrest Africans quite arbitrarily and inflict various penalties on them, including corporal punishment. Racial discrimination was rife everywhere. The restaurants were reserved for the Whites, and the municipal hospitals had wards from which Africans were barred. A curfew was imposed in towns between 6 p.m. and 6 a.m. That measure also proved lucrative since offenders, after being arrested and beaten, were fined £3, or forty-five days of forced labour. In education the utmost was done to prevent indigenous inhabitants from obtaining instruction. According to data furnished by UNESCO, 97 per cent of the inhabitants were illiterate. Primary schools were run by the Churches, and their pupils did not even know how to read after five years of attendance. The teachers in those schools lacked the requisite qualifications and were incapable of teaching anything but the catechism. The pupils spent most of their time working in the fields. Yet even that rudimentary education was available only to 3 per cent of the Africans. According to information published in 1959 in the American weekly magazine *The Nation*, only fifty Africans out of a total of 3,000 pupils attended secondary school. As for higher education, the same publication indicated that the only Mozambican admitted to a university had won that right in a lottery.

47. As for wages, the difference between those of the Whites and the natives was striking. Whereas African workers only earned between 250 and 260 escudos a month, the European earned between six and seven thousand. Finally, in the villages the indigenous inhabitants were practically deprived of medical care.

48. Mozambique's economy was mainly agricultural. Vast tracts of land belonged to Portuguese companies or were exploited by the colonial administration. The indigenous inhabitants were only left with tiny plots

of land which they cultivated with rudimentary tools. In 1956 the non-indigenous inhabitants held three times as much land as the Africans. Large areas were let out on concession to various companies: 62,000 square miles to the Mozambic Company and 80,000 square miles to the Zambesi Company. The large Portuguese plantations were managed on feudal lines—the planters administered justice, levied taxes and the like. In defiance of their obligations under the Charter, the Portuguese colonialists condemned the indigenous inhabitants to inhuman living conditions and sought by all possible means to maintain the hateful colonial régime.

49. The structure of Mozambique's foreign trade was typically colonial. Agricultural products constituted 90 per cent of the exports, the remainder of which consisted of industrial and mineral production, including radio-active minerals (50,000 tons in 1952). As to the destination of those exports, Portugal took most of the sugar, while the United Kingdom received the cotton, and the United States imported the radio-active minerals, as well as some sisal and tea. The capital invested in the Mozambique economy was not only of Portuguese, but also of British and American origin. This was one of the reasons why Portugal adopted such an insolent attitude towards the United Nations, relying on the assistance of its allies in the North Atlantic Treaty Organization (NATO). Mozambique constituted a vast reservoir of raw materials for the large foreign monopolies. Iron, wolfram, copper, gold, silver and a number of other minerals ensured the support of the Salazar régime by the large foreign monopolies. Ruthless exploitation of Mozambique's natural resources brought wealth to British, Belgian, West German and American companies. The Gulf Oil Corporation for one, which belonged to the Mellon monopoly, had obtained a concession for carrying out surveys of coal and oil deposits. The area of the concession constituted over 15 per cent of the whole area of the Colony, entitling the company to build, *inter alia*, roads and airports. The other monopolies exploiting the Territory included the Société minéralogique du Zambèse (Belgium) and the Central Sugar Estates (United Kingdom).

50. Mozambique was therefore of considerable strategic importance to the NATO countries, who were seeking to turn it into an advance stronghold. In December 1961 the largest air base in Africa, equipped to receive the biggest jet aircraft, was to start operating at Beira. Other military bases were to be installed in other parts of Mozambique. Portugal received arms and munitions from NATO for the armed forces it maintained in the Territory. That was the main reason why that Western European under-developed country had succeeded in maintaining its colonies up to the present time. Nevertheless, despite the ruthless methods of repression that the Portuguese colonialists employed against the movement of national liberation in Mozambique, the movement still existed and was growing. At Dar es Salaam the Committee had heard the representatives of a Mozambique party. In its memorandum, the Mozambique African National Union (MANU) stated that the political and trade union movement in Mozambique was outlawed by the Portuguese, who used all possible means to repress it; Africans were forbidden to form political parties, trade unions or co-operatives. According to a representative of MANU, more than a hundred Africans had been killed and hundreds had been wounded on 27 April 1960 for

having protested against that ban. According to the MANU memorandum, Africans were forbidden to listen to foreign radio broadcasts and to form gatherings of more than three persons. The only newspaper allowed was managed by the Portuguese, and any person who read another paper ran the risk of exile. Those barbarous institutions were abhorrent to the people of Mozambique, who demanded independence and freedom.

51. At the Pan-African Conference held at Addis Ababa in February 1962,¹⁰² the MANU representative had stated that the Mozambicans demanded immediate and complete independence for their country. That representative had called upon the independent States of Africa and all other freedom-loving countries to follow Tanganyika's example and break off diplomatic relations with Portugal, if it failed to comply with that demand, and to close their ports to Portuguese shipping and prevent their own ships from docking in Portuguese harbours, to deny aircraft belonging to Portuguese companies or to the Portuguese Government transit rights on their territory, to ask their trade unions to refuse to load or unload cargoes travelling from or to Portugal or its colonies, and to demand Portugal's expulsion from the United Nations.

52. Another party, the National Democratic Union of Mozambique (UDENAMO) also demanded the immediate liquidation of Portuguese colonialism and the granting of complete independence to the Territory not later than December 1962. In its memorandum, that party called for the liquidation of all military bases in Mozambique and the immediate withdrawal of all Portuguese armed forces, including the civil militia of the Portuguese Gestapo. Should the Portuguese fail to respect those demands before January 1963, UDENAMO would ask the Member States of the United Nations to apply economic, diplomatic and political sanctions against Portugal and to adopt a resolution recommending that the independent African States should freely decide what action should be taken for the immediate liquidation of Portuguese colonialism in Mozambique. The party had also demanded the exclusion of Portugal from membership of the United Nations.

53. The demands for sanctions against Portugal were inspired by the fact that the Portuguese colonialists were maintaining their domination over Mozambique by military force. According to the memorandum of UDENAMO, submitted to the Special Committee on 5 June 1962, reinforcements were constantly arriving for the Portuguese troops stationed in Mozambique which already numbered 40,000. The Portuguese colonialists were attempting by force to repress the struggle for national liberation; UDENAMO therefore requested the United Nations to take without delay effective measures for assisting the people of Mozambique.

54. In the view of his delegation, the Special Committee's task was to adopt measures which would halt the action of the Portuguese colonialists and ensure the application of the Declaration on the granting of independence to colonial countries and peoples. The Committee must confirm the inalienable right of the people of Mozambique to self-determination and complete freedom. It must support the demands of the Mozambique political parties for the granting of independence to that country before the end of 1962. The Portuguese

¹⁰² Pan-African Freedom Movement of East and Central Africa.

Government must be requested to abandon its policy of police repression and terror. It must grant amnesty to prisoners and lift all restrictions on the activities of African political parties. It must withdraw from Mozambique all its military and paramilitary forces, liquidate its military bases and, in conformity with the Assembly's Declaration, take steps to transfer all powers to the people. The Portuguese Government must be warned that if it did not fulfil those recommendations, the General Assembly must inform the Security Council and invite it to consider the application of sanctions against Portugal in accordance with the United Nations Charter. The Special Committee should condemn Portugal's action in Mozambique and invite all countries not to assist Portugal in any way, particularly with armaments and munitions. Such measures, which should be adopted immediately in order to allow Mozambique to attain independence, were based on General Assembly resolution 1514 (XV), on other United Nations resolutions regarding the abolition of colonialism, and on the proposals of the main Mozambique parties. They were the minimum measures which were essential to ensure that the Territory could become a really independent State without delay.

55. The representative of Madagascar said that if the United Nations was to remain faithful to the aims and ideals which had inspired its creation, it could not accept the continuation of a situation such as that in Mozambique. The heart of the matter was the very way in which Portugal was continuing its occupation of the Territory. Portugal claimed that Mozambique and Angola were provinces of Portugal and it had often stated its final aim of assimilating those two Territories to continental Portugal. But in some five centuries Portugal had achieved in that respect only insignificant results. How could it be hoped that in the years to come such a mistaken policy would achieve better results?

56. Even more serious was the way in which Portugal refused to recognize one of the basic principles of the United Nations: the right of peoples to self-determination. In spite of the repeatedly asserted wishes of the United Nations, Portugal had refused to change its policy in Angola and Mozambique and to state solemnly that it recognized the right of the peoples of those two Territories to decide freely on their destiny. The Committee must therefore require Portugal, if it wished to remain a Member of the United Nations, to change its policy immediately and to state that it intended to lead the peoples under its administration to independence. The Malagasy delegation was ready to associate itself with any measure which the United Nations might take, within the limits of the Charter, to secure for the people of Mozambique their fundamental right to self-determination.

57. The representative of Cambodia said that he would have preferred to study the report of the Special Committee on Territories under Portuguese Administration before giving his definite views on the question. The question of Mozambique, and in a general way the question of all the Territories administered by Portugal, had been dealt with on several occasions both by the Committee on Information from Non-Self-Governing Territories and by the Fourth Committee. Those questions had been made the subject of numerous resolutions, the application of which had been thwarted on each occasion by Portugal's refusal to consider them. The matter which the Committee must settle was

Portugal's failure to observe Chapter XI of the Charter and the General Assembly resolutions concerning the Territories administered by Portugal. That question came up every year for consideration by the General Assembly and was again included in the provisional agenda of the seventeenth session. The Committee must therefore request the highest authority of the United Nations to settle the matter once and for all. The almost general disapproval of the Member States might cause a recalcitrant Government to reflect. For its part, Cambodia entirely concurred in that view.

58. The Committee could not accept the argument which presented Mozambique as a province of Portugal. Otherwise it would be too easy for any country to transform all its colonies into parts of the metropolitan territory. The indigenous population of Mozambique was 6,200,000 out of a total of 6,370,000. The quasi-totality of the African population had neither the right to vote, nor the right to participate in the administration of the Territory. The distinction between "civilized" and "uncivilized", a flagrant manifestation of racial discrimination, fell within the scope of General Assembly resolution 1698 (XVI). The Committee must insist upon respect for the right of all people to self-determination, the universal and effective respect for human rights and fundamental freedoms, without distinction as to race, sex, language or religion. It must affirm once again that an end must be put to all military action and all measures of repression directed against the dependent peoples, so that they would be able to exercise their right to complete independence, on the full understanding that the lack of preparation in political, economic or social matters or education should never be permitted as a pretext for delaying independence. Those were the principles to be observed in the settlement of the question of Mozambique. With respect to the situation in that country the Committee could usefully refer to the report of the Special Committee on Territories under Portuguese Administration,¹⁰³ the second and third parts of which dealt with Mozambique. The Committee would do well not to take any decision with respect to Mozambique until it had examined that report, since it was normal to bear in mind that, in its resolution 1699 (XVI), the General Assembly had requested the Special Committee on Territories under Portuguese Administration to submit the result of its work to the body which the Assembly would designate to help in carrying out resolution 1514 (XV).

59. The representative of Poland said that the General Assembly had recognized Mozambique to be a Non-Self-Governing Territory within the meaning of General Assembly resolution 1514 (XV), and that Portugal was therefore bound to carry out the provisions of that resolution in the Territory. Instead, Portugal continued to flout the United Nations resolutions and openly declared its intention to remain for ever master of its "overseas provinces". Portugal's decision to integrate its colonies had been taken as recently as 1951, only a few years before Portugal's admission to the United Nations, and had been officially excused by the necessity of not offending an increasingly anti-colonialist world public opinion. But in the erroneous belief that the national liberation movement would stop at the borders of its colonies, Portugal was defying all the rules of logic by calling Mozambique an integral

¹⁰³ *Official Records of the General Assembly, Seventeenth Session, Annexes, addendum to agenda item 54 (documents A/5160 and Add.1 and 2).*

part of Portugal; like Angola, Mozambique was ethnically, culturally, historically and geographically independent of Portugal and was of course a colony. Under the 1951 Constitution, the African population in Mozambique was deprived of its elementary civil and political rights; supreme legislative and executive power was vested in the Governor-General and his subordinates, who also had considerable powers. The Legislative Council was an advisory body only; of its twenty-four members, only two were African—both nominated—representing more than six million Africans, as against some 113,000 non-Africans. The indigenous inhabitants thus had no part in administering their country.

60. Under the guise of common Portuguese citizenship, the colonizers had established in Mozambique a régime of cruel oppression and racial discrimination, in which the indigenous inhabitants were regarded not as human beings but as "non-civilized". The Portuguese Government claimed to have introduced reforms and to have repealed the *Estatuto dos Indígenas*, but the legislation in force restricted the political rights of the Africans, continued the native tax and imposed literacy and income conditions that made a mockery of the electoral system, since the overwhelming majority of the indigenous inhabitants were illiterate and too poorly paid to qualify for the vote.

61. All the petitioners had reaffirmed the continued existence of forced labour and other forms of racial discrimination; despite repeated declarations of its illegality, the contracted labour system was widely used in Mozambique. All active Africans of working age were presumed to be "idle" unless they could prove the contrary and therefore subject to recruitment by the Government for six months' labour, and the State was also empowered under the Portuguese Constitution to exact compulsory labour from indigenous persons under a penal sentence, or in discharge of fiscal obligations. Such a provision was entirely discriminatory and of course incompatible with the Portuguese Government's claim that all inhabitants of the Territory enjoyed equal rights. There were several other ways by which a Portuguese Administrator could furnish labour to private and non-government enterprises, such as the recruitment of "volunteers" brought in by the chieftains and Administration police after raids on African homesteads.

62. In December 1961 the economic pressure upon the Africans had been artificially increased by the introduction of new taxes, the non-payment of which was punishable by imprisonment: Africans were thereby compelled to seek employment with private firms, mostly Portuguese planters and other foreign enterprises. Both personal taxation and the necessity to prove occupation involved migratory-wage employment or some other form of withdrawal from the African homestead, and petitioners had indicated that over half a million Africans were obliged to work beyond the borders of the Territories, mostly in South Africa and in the Federation of Rhodesia and Nyasaland.

63. There was an agreement between the Portuguese and South African Governments under which the latter guaranteed that 47.5 per cent of South Africa sea-borne industrial traffic would go through the port of Lourenço Marques; in return, the Portuguese sent 100,000 Africans to work in South African mines and farms every year. The South Africans allowed the Portuguese to maintain tax collecting posts within South Africa and

to deliver half of the recruits' wages to the Portuguese authorities when the labourers returned to Mozambique. Such workers lived in appalling conditions and were dying by the thousands; since 1917 more than 81,000 Mozambique workers had died while working on the Rand. On the other hand, it was evident from a declaration addressed to the Special Committee on the Territories under Portuguese Administration¹⁰⁴ that remittances from Africans working in South African and Rhodesian mines accounted for a large proportion of the imbalance in the Territory's trade with Portugal.

64. In economic affairs, too, the interests of the indigenous inhabitants were neglected. More than half the cultivable land, including the richest areas, was reserved for a small European minority, and Africans could be forcibly removed from land which was coveted by a colonialist. Since the entire economy was controlled by Lisbon, the greater proportion of Mozambique's trade went to Portugal to help the latter to meet its pressing need for foreign currency; while prices for raw materials and foodstuffs were kept below world levels officially, and commodities such as cotton and sugar were sold exclusively to Portugal, imports into Mozambique were subject to protective policies designed to maintain the market for metropolitan Portuguese manufacturers.

65. Recent legislation was designed to bring about closer economic integration of Mozambique and the other Territories with Portugal through the establishment of a common market, and to strengthen the colonial relationship by large-scale settlement of the Territories by people from metropolitan areas. The main aim of that common market was to ensure the continuation of existing trade relations with Portugal, while the aim of the settlement programmes was to help Portugal to perpetuate its occupation, the representative of Poland continued.

66. Four hundred and fifty years of colonial rule in Mozambique had shown that Portugal was not interested in developing the Territory except for its own purposes; for instance, there was no railway system connecting the different sections of the Territory with each other, but there were railways connecting it with South Africa and Southern Rhodesia. In the rural areas there were few roads, no means of transportation and no running water; no measures had been taken to help Africans develop their own lands, for their role was to supply agricultural labour, and their participation in economic life remained dependent on their attainment of a so-called higher social level.

67. Social services for Africans hardly existed. African children were denied adequate educational opportunities; over 97 per cent of the population over fifteen years of age was illiterate, a state of affairs which the colonizers were deliberately seeking to perpetuate in order to subjugate them more effectively. The public health situation was shocking; a desperate shortage of doctors combined with high infant mortality forced many people in the northern part of the Territory to cross the border and seek help in the hospitals of Tanganyika. Many more facts could be adduced to show the grim results of the so-called civilizing mission of Portugal in Mozambique.

68. The Africans of Mozambique were deprived of fundamental freedoms and barred from all political

¹⁰⁴ A/AC.108/11.

activity. But despite the repressive measures of the Portuguese colonists against the Mozambique population, the early years after the Second World War had seen a considerable growth in political awareness. In recent years, political parties had been formed which were actively working for independence, and the Special Committee had had an opportunity in Dar es Salaam of hearing leaders and members of two of those parties. All of them had asked the United Nations to help them to attain immediate independence. Portugal had responded to those signs of growing national consciousness by strengthening its security measures, arresting political leaders and increasing its armed forces. New bases were being built in strategic places, and in 1961 a Governor-General with both civil and military authority had been appointed. Such measures had induced even greater fear than before, and hopes for a peaceful solution were fading. Portugal denied the very existence of an African demand for independence, which it considered to be an expression of external foreign influence; in the desperate attempt to perpetuate its colonial domination, the Portuguese Government was trying to convince its allies, particularly the United States, that Portugal was the last bulwark in Africa against communism, and sought to make its participation in NATO conditional upon NATO support of its policies in Africa. That explained how Portugal, one of the most under-developed countries in Europe, was able to ignore the will of the Africans and to reject United Nations resolutions. Events in Angola made it clear that so long as Portugal could obtain arms from NATO Powers, they would be used against African national liberation movements; that was why the petitioners had advocated the complete withdrawal from Mozambique of all Western-manufactured armaments already supplied to Portugal and a complete embargo on further armament deliveries to Portugal by its NATO allies and by the racist Government of South Africa and Southern Rhodesia. Adoption of such measures, as well as the withdrawal of Portuguese troops and the liquidation of military bases, might spare Mozambique the massacres inflicted upon the people of Angola.

69. The Special Committee must ensure that immediate effect was given in Mozambique to all the provisions of General Assembly resolution 1514 (XV). It was no longer a question of wider African participation in the Portuguese Administration, but of the transfer of all powers immediately to the Africans; independence should be granted in 1962 as requested by the political parties of the Territory. The administering Power should also be urged to free all political prisoners and to permit the free organization of political parties and trade unions, so that the people could choose their own representatives on the basis of universal adult suffrage. It was also necessary to recommend the immediate repeal of all legislation which directly or indirectly sanctioned the practice of forced labour and racial discrimination; an end should also be put to the influx into the Territory of metropolitan settlers. In view of the stubborn attitude of the Portuguese Government, his delegation endorsed the view already expressed by other members that it might be necessary to recommend coercive measures against Portugal, as envisaged in the Charter. Only by adopting such recommendations would the United Nations discharge its moral duties towards the African people and mankind as a whole.

70. The representative of India said that although Portugal's colonial policies had been severely condemned in the United Nations, that country not only continued to ignore the resolutions of the General Assembly, but through statements made in 1961 by its representatives in the Security Council¹⁰⁵ had made it plain that it intended to remain in Africa and regarded those resolutions as illegal. Moreover, Portugal persisted in upholding the fiction that her overseas territories were provinces of the metropolitan State, although that claim had been specifically rejected in General Assembly resolution 1542 (XV), which laid down that the territories under Portuguese administration were Non-Self-Governing Territories within the meaning of the Charter and that Portugal was obliged to transmit information concerning those territories.

71. Portugal's attitude towards its African colonies had undergone hardly any change in the last 450 years. Nothing had been done to further the development of Mozambique in the interest of the indigenous population, who had no rights of any kind, electorally or administratively, and continued to be ruled by an all-powerful Portuguese Governor-General, appointed by the Government in Portugal. There was no freedom of speech or expression, and the population continued to be classified as "civilized" or "uncivilized". During the hearings of petitioners in Dar es Salaam, the Committee had been distressed to learn of the atrocities that the people of Mozambique were suffering at the hands of the Portuguese authorities, of the policy of slave labour and of the ruthless attempts made to stamp out nationalist activities. It was clear to his delegation that the so-called reforms instituted by Portugal in its territories were nothing but a semblance; indeed, it would be hard to find such barbarous conditions in any other African colony.

72. It was obvious that the Portuguese authorities were living in a fool's paradise, oblivious not only of the United Nations Charter, General Assembly resolution 1514 (XV) and of the Universal Declaration of Human Rights, and of the forward-looking policies adopted by the United Kingdom and France, but also of the significance of the nationalist movements for independence in Mozambique and elsewhere. It would be unwise to attempt to impede that irreversible historical process by granting moral, military or financial assistance to Portugal. The efforts of the patriots in Mozambique would be eased if Portugal did not receive support from certain quarters. Moreover that situation placed a further strain on international relations when a world-wide effort was required on behalf of peace. The attitudes of most Member States, particularly those of Africa and Asia, had been reasonable and constructive. It had become necessary to help the people of Mozambique achieve freedom and independence, the main obstacle to which was Portugal's intransigence. The United Nations should take up the challenge of Portuguese colonialism and, in particular, those Member States that entertained specially close relationships with Portugal through military and other alliances should persuade their ally to observe the Principles and Purposes of the United Nations.

73. If Portugal continued to defy the United Nations, to ignore the rightful demands of the people of Mozambique and to resist peaceful change, then a violent upheaval seemed inevitable. In order to avoid a holo-

¹⁰⁵ *Official Records of the Security Council, Sixteenth Year, 945th and 956th meetings.*

caust. Portugal should agree to grant Mozambique independence at an early date. His delegation considered that immediate steps should be taken to lift the ban on political parties, to introduce elected assemblies at local and national levels based on universal adult suffrage, and to release all political prisoners, as a prelude to far-reaching reforms. The choice was Portugal's, but her friends should assist her in making it.

74. The representative of Yugoslavia said that when the Portuguese Territories had first come under consideration the exposure of the ruthless methods adopted by Portugal towards the African populations had horrified the world. The measures recently introduced by Portugal in the face of universal criticism and increasing resistance merely served to cloak the increasing terror and oppression.

75. By adopting resolution 1542 (XV) and by placing the Portuguese Territories within the scope of the obligations imposed by Chapter XI of the Charter, specially Article 73e, the United Nations had established its right to discuss the question of Mozambique and the other Portuguese Territories. That decision, though belated, was important for it rejected the claim that Mozambique was an integral part of Portugal. It was for the Committee to seek ways and means of carrying out in Mozambique the Declaration on the granting of independence to colonial countries and peoples, in the light of the wishes of the people of that Territory, as expressed by the petitioners whom the Committee and the Special Committee on Territories under Portuguese Administration had heard in the course of their travels. In the light of those pleas, to which it was impossible to turn a deaf ear, his delegation would analyse briefly the situation and position of the population of Mozambique with a view to recommending the steps that should be taken to assist them in achieving independence.

76. The petitioners had made it clear that there was a complete absence of fundamental human, political and civil rights. That had been confirmed by all who had visited Portuguese Territories or studied Portugal's policy. As further evidence of the situation in Mozambique, he proposed to quote from authors who could not be accused of partiality. Thus John Hatch stated in his book *Africa Today—and Tomorrow*¹⁰⁶ that in Mozambique, as in Portugal, there was a façade of representative institutions, accompanied by Press censorship and a secret police system; civil liberties and rights were non-existent, and political ideas and parties were suppressed.

77. Referring to the "identity", or single legal status of all Portuguese citizens both in Portugal and in the "overseas provinces", George W. Shepherd, Jr. stated in *The Politics of African Nationalism*¹⁰⁷ that the policy of identity was theoretical and not translated into practice. The mass of Africans lived in a state of serfdom and did not have the same political rights as the Europeans; they were forced to work for the lowest rates of pay in Africa. In connexion with the highly centralized administration of the "overseas provinces", which were ruled by a Governor-General supported by the Minister for Overseas Provinces in Lisbon, who consulted the legislative councils only if they so desired,

the same author stated that the African peoples were disenfranchized through the *assimilado* system. All the power was in the hands of the Portuguese administrators under the so-called *chefes de posto*, who had both judicial and executive authority. The result was the most completely authoritarian rule in Africa, even if compared with that imposed by the Republic of South Africa.

78. The privileges of the *assimilados* amounted to social acceptance in the European community, freedom from the tax and labour laws imposed on Natives, the right to trial in a court of Portuguese law and the right to vote. In 1959 the population of Mozambique had been estimated at 6,371,000, divided into 6,202,050 *não-civilizados* ("uncivilized") and 169,380 *civilizados* ("civilized") inhabitants (the latter including aliens and Portuguese citizens of European, Chinese or Indian background, *mestiços* and assimilated Africans). Since the fifteenth century, the Portuguese régime had produced only 4,353 *assimilados* altogether; the Portuguese feared the ambitions of the *assimilados* and had given no encouragement to that category.

79. According to *Portuguese Africa* by James Duffy,¹⁰⁸ the *indígena* was defined by a 1954 statute as a person of Negro race too backward to be governed by the same laws as the Portuguese citizens. They were the Africans who had no rights and provided cheap labour.

80. In Mozambique, an African who wished to visit another village would have to travel forty or sixty miles to get permission to leave his village, which would only be granted on condition that he had paid his poll-tax and a contribution in labour corresponding to five shillings' worth or thirty days' work on the road. In order to go to work in a town or in the South African gold mines, he required a pass which was only granted after he had paid his taxes. That policy ensured that local entrepreneurs were adequately supplied with cheap slave labour.

81. Under the so-called *shibalo* system, most of the male African population of Mozambique was subject to conscription for forced labour for six months in each year. Under a convention concluded between Portugal, South Africa and the Federation of Rhodesia and Nyasaland, the Portuguese Government supplied South Africa and the Federation with 75,000 to 100,000 Africans every year to work in the mines. The Africans were transported under police escort, and working conditions were so poor that many of them died. The Portuguese Government received £7 for each worker provided under the convention. It should also be noted that 47.5 per cent of exports from the industrial area of South Africa passed through the port of Lourenço Marques in Mozambique.

82. In *Portugal's African "wards"*,¹⁰⁹ Marvin Harris wrote that an "apartheid-like" system existed in the Portuguese territories which constituted a more severe colour bar in many ways than that in South Africa. It was not surprising that the Portuguese Minister for Overseas Territories had stated in 1959 that Portugal and South Africa were "accomplishing a parallel task" in their territories and should work together.

¹⁰⁶ John Hatch, *Africa Today—and Tomorrow*, New York, Frederick A. Preager (rev. ed., 1962), p. 232.

¹⁰⁷ George W. Shepherd, Jr., *The Politics of African Nationalism*, New York, Frederick A. Preager, 1962, pp. 107 and 108.

¹⁰⁸ James Duffy, *Portuguese Africa*, Cambridge, Mass., Harvard University Press, 1959, p. 291.

¹⁰⁹ Marvin Harris, *Portugal's African "wards"; a first-hand report on labor and education in Moçambique* (American Committee on Africa, *Africa Today* pamphlets, 2), New York 1958, 36 pp.

83. The operation of Mozambique's mineral and agricultural resources was the worst kind of exploitation.

84. The United Nations must determine to bring the sufferings of the people of Mozambique to an end and enable them to live in freedom. In the view of his delegation, the Committee should recommend the following to the General Assembly: immediate action to compel Portugal to respect the right of self-determination of the people of Mozambique; the termination forthwith of all racial, economic, social, political and other discriminatory measures and of oppression of every kind; a total amnesty for political prisoners; freedom for political parties to organize; the return of political leaders from abroad; safeguards for the expression of opinion; the immediate transfer of all power to the people of Mozambique in accordance with the Declaration, and negotiations with representatives of the people of Mozambique with a view to implementing the Declaration and granting independence to Mozambique in accordance with the wishes of its people.

85. The representative of Mali said it was intolerable that Portugal, a country of only 92,000 square kilometres which was led by a fascist dictator, should rule 12 million Africans. The 6.5 million inhabitants of Mozambique, occupying a territory eight-and-one-half times as large as Portugal, lived under the most cruel colonial oppression and were denied all civil and human rights. The 4,554 Africans—0.3 per cent of the total African population—who were classified as *assimilados* were not eligible to sit in the Legislative Council, and it was only under the pressure of the nationalist movements that the Portuguese had recently adopted a reform programme enabling two African village chiefs to take seats in the Council.

86. The Portuguese authorities conscripted young Africans to work in the mines in the Transvaal and Southern Rhodesia; approximately three-fourths of the African labourers in the Transvaal came from Mozambique, and working conditions in the mines were so poor that they had resulted in the death of 80,000 African miners between 1902 and 1940. The existence of a system of forced labour had been confirmed by Mr. Marcelo Caetano, a former Portuguese Colonial Minister, and by such writers as Basil Davidson and John Gunther. Under agreements signed with South Africa and Southern Rhodesia, Portugal annually provided each of those countries with 100,000 African workers from Mozambique, for which it received \$6 a head; in addition, South Africa guaranteed that 47.5 per cent of maritime traffic originating in the Johannesburg and Pretoria areas passed through the port of Lourenço Marques in Mozambique. A further example of economic exploitation of the African population was the use of the police to supervise work on the Mozambique cotton plantations. Inasmuch as Portugal itself had one of the lowest standards of living in Europe, it was not surprising that such conditions existed in Mozambique and that 99 per cent of the indigenous population was still illiterate after 500 years of Portugal's "civilizing mission".

87. The wind of change was shaking the whole of Africa and without doubt Mozambique would ultimately gain independence in spite of the racist alliance between Portugal, South Africa and Southern Rhodesia. It was incontestable, further, that they were supplying arms to Mr. Tshombé to help Katanga's secession. Portugal must recognize the people's right to self-determination and independence, in accordance with the Declaration,

and must end its repressive measures, hold free elections and transfer sovereignty to the representatives of the people. Unless Portugal's NATO allies withheld their support from that country, they would be acting as its accomplices and would be condemned as such. If Portugal failed to abide by the principles of the Declaration, it should be subjected to the sanctions as provided in Article 41 of the Charter.

88. The representative of Venezuela said he would have preferred to await the publication of the report of the Special Committee on Territories under Portuguese Administration before speaking in the debate.

89. Portuguese domination of Mozambique dated back to 1493. Spain and Portugal had at that time been the two principal colonial Powers, but whereas Spain had liquidated its colonial empire at the end of the nineteenth century, Portugal wished to retain its African colonies at all costs. The political status of Mozambique had been rather vague until 1942, when the Mozambique Company had ceased to exist and the area had become a direct dependency of Portugal. The Portuguese Government had modified the political status of Mozambique in 1951, making it one of its overseas provinces; in other words, it had incorporated it, seemingly on a footing of equality, in the metropolitan territory. But that change of status had not affected the *de facto* situation. In fact, over 6 million Africans were still subject to shameful racial discrimination: the population was divided into the categories of "civilized" (the white minority) and "uncivilized" (the African masses). The executive power was exercised by a Governor-General who was appointed by Lisbon and was assisted by a council of twenty-four members, of whose members only two were Africans, representing 6 million inhabitants, whereas the twenty-two other members represented a European minority of less than 120,000. There was obviously no question of universal suffrage: the right to vote was granted only to persons who could read and write Portuguese and could pay a tax of 200 escudos, requirements which ruled out the great majority of the inhabitants. Employment opportunities were very limited, and a large number of workers left Mozambique to work in the South African mines. Agriculture was in the hands of a minority owning 60 per cent of the cultivated land. Social security was virtually non-existent. The situation in Mozambique was thus in flagrant contradiction with the principles of the United Nations Charter and the Universal Declaration of Human Rights.

90. He hoped that the Portuguese Government would co-operate with the United Nations in the solution of that grave problem. The Venezuelan delegation might have further observations to make after the publication of the report of the Special Committee on Territories under Portuguese Administration.

91. The representative of Syria said that his delegation had already expressed its views in the Fourth Committee and in the General Assembly on the intolerable rule to which Mozambique was being subjected. The deplorable situation in that Territory was well known; it was one of repression, economic exploitation and complete denial of elementary human rights. It was impossible to believe the Portuguese Government's claim that its policy in Mozambique was inspired by the principles of Christianity, racial tolerance and human idealism. The point at issue was not, in fact, whether Portugal was actually applying those principles, but, as Mr. James Duffy had said, whether

the people of Mozambique were happy to remain within the Portuguese orbit, whether Portugal could convert Angola, Guinea and Mozambique into overseas provinces and whether it could convince 11 million Africans that they were Portuguese and not Africans. That was plainly impossible, and his delegation reiterated its call to the Portuguese Government to heed the lesson of history.

92. The United Nations could not tolerate the subjugation of one people by another. The Special Committee, which had been established to ensure the implementation of the principles embodied in resolution 1514 (XV), must make recommendations to the General Assembly that would pave the way for the complete liberation of Mozambique. It should be possible to obtain the honest and sincere co-operation of Portugal, but in the absence of such co-operation, the United Nations must ensure that the most effective measures were taken to attain the objectives of the Charter and the Declaration on the granting of independence to colonial countries and peoples.

93. The representative of the United States said that his delegation considered the Portuguese overseas territories to be Non-Self-Governing Territories within the meaning of Article 73 of the Charter and hoped that Portugal would co-operate with the United Nations in carrying out an accelerated programme of economic and social development leading to political self-determination for the people of Mozambique and the other Portuguese territories. At the same time, his delegation was concerned at the tendency in the United Nations to emphasize the negative aspects of the situation and overlook the positive elements. In September 1961, less than five months after the General Assembly had urged Portugal to introduce reforms in Angola, the Portugal Government had announced a series of reforms applicable to its African territories. It had unfortunately been difficult to evaluate the effect and extent of those reforms, and he hoped that the Portuguese Government would provide the United Nations with information in that regard. During the past year the Portuguese Government had co-operated fully with the commission set up by the International Labour Organisation to investigate labour conditions in Angola and had taken steps to comply with the commission's suggestions by instituting reforms in the Labour Code which were applicable to all Portuguese territories. Moreover, the World Health Organization had, at the request of the Portuguese Government, assigned a team of experts to survey health services and sanitation in Mozambique and other African territories. His delegation hoped that the Portuguese Government would co-operate with the United Nations in the same constructive manner in all respects and that the Special Committee would take account of all positive steps taken towards the ultimate goal of self-determination for the people of Mozambique.

94. The representative of Tanganyika said that his delegation had first-hand knowledge, as his country was an immediate neighbour of Mozambique, of the misery, oppression and bloodshed which Portuguese colonialism had brought to that Territory. The time had come for all peace-loving States to tell Portugal that it should cease exploiting the people of Mozambique and allow them to exercise their fundamental human right to freedom and self-determination. His delegation appealed to Portugal's allies to use their influence towards that end and to refrain from supplying Portugal with military assistance which it was

using in Mozambique in a manner that threatened peace and security in Africa. When in 1776 the American colonies had taken up arms against Great Britain to obtain their freedom, the régime under which they had lived had been extremely liberal compared with that imposed on the people of Mozambique. The latter might well take it upon themselves to follow that historical precedent.

95. The representative of Italy said that his delegation would have preferred to await the publication of the report of the Special Committee on Territories under Portuguese administration before it expressed its views on the subject.

96. On 30 January 1962 the Italian delegation had voted in favour of resolution 1742 (XVI) concerning the situation in Angola. The principles, suggestions and ideas contained in that document still reflected the policy of the Italian Government with regard to the African territories under Portuguese administration. Despite the unilateral measures adopted a few years before by the Portuguese Government, Mozambique remained a Non-Self-Governing Territory and, as such, entitled to attain independence in the shortest possible time and to receive from the administering Power all the political, economic and cultural assistance necessary to prepare the African population for that ultimate goal: independence.

97. His delegation was deeply concerned that the Portuguese Government had so far shown no intention of co-operating with the United Nations in the implementation of the many resolutions that had been passed by the General Assembly and other United Nations bodies. It considered, however, that the Committee of Seventeen, which was a technical body set up to study practical ways and means of attaining that goal, should make a last attempt to secure the co-operation of the Portuguese Government. It should refrain from hasty decisions that might preclude the use of the only peaceful means that were open to it and that would leave violence as the only alternative. The Italian delegation, moreover, could not refrain from pointing out a very clear reference to the allies of Portugal and therefore to NATO contained in the draft resolution. It considered that it was in the interest of peace and security of the world as a whole that no attempt should be made to undermine NATO that the Special Committee should avoid to be dragged into a debate outside the scope of its work.

98. The representative of the United Kingdom thought it would be unwise for the Committee to proceed to a conclusion at the present stage. The Special Committee on Territories under Portuguese Administration was still continuing its work and had not yet announced its findings.

99. The attitude of the United Kingdom delegation towards the territories administered by Portugal had by no means been a negative one. In the Fourth Committee, in particular, the United Kingdom had urged the Portuguese Government to follow its example and to provide the United Nations with full information on the African territories which it administered. During the debate in the General Assembly which had preceded the adoption of resolution 1742 (XVI), the United Kingdom delegation, while affirming that the actual timing of self-determination was the responsibility of Portugal alone, had made it plain that the policy of the United Kingdom Government was to bring peoples to self-government and independence; it

had also reminded the Portuguese Government of the success achieved by that policy, in the hope that Portugal might agree to reconsider some of its methods.

100. Two policies were now in question: some delegations wanted immediate independence for Mozambique, regardless of whether any machinery existed which could operate the services of government; others preferred what might be described as the policy of the good start. The United Kingdom delegation was in favour of the latter policy and believed it was the obligation of the Committee as well as of the administering Powers to see that each territory attained independence in the best possible conditions. In supporting a demand for immediate independence, the delegations would not be serving the interests of the people. They should consider whether it would not be better to proceed along the path which had been clearly traced at the sixteenth session of the General Assembly, rather than to destroy the work which had already been done.

101. The representative of Australia said that his delegation had always considered that the General Assembly could not do less than urge Portugal to bring its policies into line with the current process of self-determination of peoples. The Assembly had already acted accordingly and could do so again. His delegation would take its decisions in the light of all the material available to it and in this connexion he believed that it was the duty of the Special Committee to wait until the report of the Special Committee on Territories under Portuguese Administration was before it.

102. The representative of Uruguay recalled that his delegation had been among those which had decided to postpone their statements in the general debate until the report of the Special Committee on Territories under Portuguese Administration had been circulated, or, at least, until the conclusions and recommendations in that report were known, and it still considered that position a sound one, although if the views of the majority of the Committee appeared to be different, his delegation would not press that point of view.

103. Concerning the substance of the matter, he said that although he had not been in complete agreement with the observations made during the general debate, the case was, in his opinion, a very clear one: if Mozambique was a Non-Self-Governing Territory as the General Assembly had already declared it to be, the provisions of resolution 1514 (XV) should be applied to Mozambique just as to any other Territory.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

104. At the 96th meeting, on 8 August 1962, the representative of Ethiopia introduced a draft resolution for consideration by the General Assembly, jointly sponsored by Cambodia, Ethiopia, India, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, the Union of Soviet Socialist Republics and Yugoslavia.¹¹⁰

105. The Special Committee discussed the joint draft resolution at its 97th to 99th meetings, on 9 and 10 August 1962. In the course of the discussion, the representatives of Uruguay and Venezuela made certain reservations concerning the draft resolution.

106. The representative of Uruguay said that, subject to some reservations concerning certain paragraphs

of the preamble of the draft resolution, his delegation was in agreement with the proposed objectives and, in particular, with the unequivocal recognition of the right of the people of Mozambique to self-determination and independence. Nevertheless, he made reservations with respect to paragraphs 6, 7 and 8 and, in connexion with the last paragraph, he said that it involved certain affirmations of principle and a certain interpretation of the Charter on which he was unable to comment without more detailed consideration and without specific instructions from his Government. He said that the principles implicit in those paragraphs might lead to unpredictable consequences which in the future might be applied in other cases, not connected with the colonial question, and that that might be a source of concern to the smaller countries, since the smaller countries considered that certainty with respect to the scope of rules, juridical security, was a keystone of their own security. He said that his delegation would therefore abstain from voting on those paragraphs, and that since they constituted the most important of the draft resolution, it would also abstain from voting on it as a whole.

107. The representative of Venezuela, referring to the draft resolution, said that he did not think that the sponsors really meant that the economic life of Mozambique was "based on forced labour", as stated in the fourth preambular paragraph. In a given economic situation, manpower might be the preponderant factor but in no case could it be an exclusive factor. Further, his delegation had certain hesitations regarding the power of the General Assembly to impose sanctions under Article 41 of the Charter. That power rested with the Security Council. It was doubtful whether the Assembly, even by means of a recommendation, could enter into a field of competence reserved for the Security Council. In requesting nations not to supply arms to Portugal, as in paragraph 6, the Assembly would be imposing a measure of the kind contemplated in Article 41 of the Charter. The Assembly might deplore the supply of arms to Portugal, as stated in the fifth preambular paragraph, but it must not take measures of doubtful legality even in attempting to put an end to a regrettable situation. Operative paragraph 8 in effect gave directions to the Security Council. It might be argued that the Council was free not to follow them; but Venezuela, as a member of the Security Council, was bound to reserve its position both on paragraph 8 and on the final paragraph of the preamble. He requested a separate vote on the concluding words of that last paragraph: "and is a serious threat to peace and security in Africa", the final phrase of operative paragraph 6: "to terminate the supply of arms to Portugal," and operative paragraph 8. During those separate votes his delegation would abstain but would vote in favour of the draft resolution as a whole.

108. At its 99th meeting, the Special Committee voted on the joint draft resolution as follows:

The first five preambular paragraphs were adopted by 13 votes to none, with 4 abstentions.

In the sixth preambular paragraph the words "and is a serious threat to peace and security in Africa" were adopted by 11 votes to 4, with 2 abstentions.

The sixth preambular paragraph, as a whole, was adopted by 13 votes to none, with 4 abstentions.

In paragraph 1 the word "immediate" was adopted by 13 votes to 3, with 1 abstention.

¹¹⁰ A/AC.109/L.31 and Corr.1.

Paragraphs 1 to 5 were adopted by 14 votes to none, with 3 abstentions.

In paragraph 6 the words "to terminate the supply of arms to Portugal" were adopted by 11 votes to 4, with 2 abstentions.

Paragraph 6, as a whole, was adopted by 12 votes to 4, with 1 abstention.

Paragraph 7 was adopted by 12 votes to 4, with 1 abstention.

Paragraph 8 was adopted by 11 votes to 4, with 2 abstentions.

The draft resolution, as a whole, was adopted by a roll-call vote of 12 to 4, with 1 abstention. The voting was as follows:

In favour: Cambodia, Ethiopia, India, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Australia, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Uruguay.

109. The draft resolution adopted by the Special Committee read as follows:

"Draft resolution submitted to the General Assembly

"The General Assembly,

"Having considered the situation in Mozambique,

"Bearing in mind the principles embodied in General Assembly resolution 1514 (XV),

"Having studied the evidence presented by the petitioners,

"Noting that in the Territory of Mozambique the indigenous population is denied all fundamental rights and freedoms, that racial discrimination is in fact widely practised, that the economic life of Mozambique is based on forced labour,

"Deploring the armed action being taken by Portugal for the suppression of the people of Mozambique and the use in this process of arms supplied to Portugal by certain Member States,

"Convinced that the continued refusal of Portugal, despite General Assembly resolution 1542 (XV) declaring Mozambique a Non-Self-Governing Terri-

tory, to implement the provisions of the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV), as well as General Assembly resolutions 1654 (XVI) and 1699 (XVI), is a challenge to the United Nations and world opinion and is a serious threat to peace and security in Africa,

"1. Solemnly reaffirms the inalienable right of the people of Mozambique to self-determination and independence and supports their demand for immediate independence;

"2. Deeply deprecates the repressive measures against the people of Mozambique and the denial to them of human rights and fundamental freedoms;

"3. Calls upon the Portuguese authorities to desist forthwith from armed action and repressive measures against the people of Mozambique;

"4. Urges the Government of Portugal

"(a) to release all political prisoners immediately;

"(b) to lift immediately the ban on political parties; and

"(c) to undertake without further delay extensive political, economic and social measures that would ensure the creation of freely elected and representative political institutions and transfer of power to the people of Mozambique.

"5. Requests Member States to use their influence to secure the compliance of Portugal with the present resolution;

"6. Requests all Member States to deny Portugal any support or assistance which may be used by it for the suppression of the people of Mozambique and, in particular, to terminate the supply of arms to Portugal;

"7. Reminds the Government of Portugal that her continued non-implementation of the resolutions of the General Assembly is inconsistent with her membership in the United Nations;

"8. Requests the Security Council, in the event of Portugal's refusal to implement this and the previous resolutions of the General Assembly, to take appropriate measures, including sanctions if necessary, to secure Portugal's compliance with this resolution."

CHAPTER IX

SOUTH WEST AFRICA

A. INFORMATION ON THE TERRITORY*

General

1. South West Africa which embraces an area of approximately 318,000 square miles, is bounded on the west by the Atlantic Ocean, on the south by the Republic of South Africa, on the east by the Republic of South Africa and Bechuanaland, and on the north by Angola and Northern Rhodesia.

2. The entire coastal strip is known as the Namib desert; the central section is a plateau varying in altitude from 2,000 to 6,000 feet, interspersed with

mountain ranges up to 8,000 feet; the eastern section consists of sandy stretches, forming part of the Kalahari desert but fairly well covered with trees, shrubs and grasses. Both in the central and eastern sections the vegetation which is sparse in the south, becomes gradually denser, with good grasslands in the centre, studded with trees, until in the north-eastern section the country becomes well timbered. Rainfall increases from nil in the Namib desert to an annual average of 600 millimetres in the north-east.

3. According to the first results of the 1960 population census, the population of the Territory, as of 6 September 1960, totalled 525,064, of which 427,980 were classified as "Bantu", 73,154 as "Whites" and 23,930 as "Coloureds". These figures represented an increase of 18 per cent for the "Bantu" population,

* For more detailed information, see the report of the Committee on South West Africa to the sixteenth session of the General Assembly, *Official Records of the General Assembly, Sixteenth Session, Supplement No. 12 (A/4957)*.

39 per cent for the "Coloureds" and 46 per cent for the "Whites" over those recorded in the 1951 census. According to the 1960 census, about half the total population, numbering 260,200, almost all of whom were "Natives", lived in the northern areas outside the "Police Zone", comprising less than one quarter of the land area of the Territory. The rest of the population including 168,142 "Natives", 72,801 "Whites" and 23,921 "Coloureds" lived in the Police Zone.¹¹¹ About half of the "Natives" within the Police Zone live on European farms; the remainder live in urban areas and in Native reserves or other rural areas.

Government

(a) *Present status*

4. The status of South West Africa (a German colony prior to the First World War) as confirmed by the International Court of Justice in its advisory opinion of 11 July 1950¹¹² is "a territory under the international Mandate assumed by the Union of South Africa on December 17th, 1920" and the South African Government "continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South-West Africa as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations, to which the annual reports and the petitions are to be submitted . . ."

5. The South African Government has consistently refused to recognize the authority of the United Nations on the grounds that the Mandate in respect of South West Africa has lapsed, and it has stated that while South Africa would continue to administer the Territory in the spirit of the trust originally accepted, the South African Government has no international commitments as the result of the demise of the League of Nations.

6. On 4 November 1960, Ethiopia and Liberia filed concurrent applications in the International Court of Justice, instituting contentious proceedings against South Africa relating to the interpretation and application of the Mandate for South West Africa. The case is at present pending before the International Court.

7. According to the former Committee on South West Africa,¹¹³ the status of the Territory was affected, at least indirectly, by the transformation of the Union of South Africa into a republic on 31 May 1961. The Committee noted that the South African Government's decision to withdraw its application for continued membership in the Commonwealth after South Africa became a republic had resulted in the breaking of the last constitutional link with the British Crown, upon whom the Mandate for South-West Africa had been conferred, to be exercised on its behalf by the Government of the Union of South Africa.

(b) *Constitution*

8. The Mandate for South West Africa was published in the first volume of the laws of the Territory

as an "Act of the League of Nations". By stipulating that the Mandatory should have full power of administration and legislation over the Territory subject to the Mandate as an integral portion of South Africa, and by permitting the Mandatory to apply the laws of South Africa to the Territory, subject to such local modifications as circumstances might require, Article 2 of the Mandate provided the framework for the Constitution of the Territory. All references to the Mandate were, however, subsequently deleted from the Constitution by the South West Africa Affairs Amendment Act, 1949.

9. Under the Constitution, which is set forth in a series of Acts of the South African Parliament, supreme legislative authority over the Territory has been reserved to the South African Parliament, and supreme administrative authority to the State President (formerly Governor-General). Subject to this overriding reservation, the Constitution provides for a complex distribution of legislative and administrative authority between the South African Government and the Territorial Administration.

10. The South African Parliament, in which only the European community of the Territory has been represented since 1949, retains reserved legislative power in respect of the following matters: Native affairs, civil aviation, railways and harbours, the Public Service, the Constitution, jurisdiction and procedure of the courts of justice, posts, telegraphs and telephones, the military organization or the police force, movements and operations of the South African defence force, immigration, customs and excise duties and currency and banking. The State President also has the power to make laws with respect to these matters and, by delegation from him, the Administrator of the Territory. Legislative authority on all other matters has been delegated by the South African Parliament to the territorial Legislative Assembly.

11. Subject to the direction of the State President, the Administrator of the Territory is responsible for carrying out the administration of the Territory with regard to all matters outside the competence of the Territorial Legislature with the sole exception, since 1 April 1955, of Native affairs or any matters specifically affecting Natives, including the imposition of taxation upon the persons, land, habitations or earnings of Natives for which the South African Minister of Bantu Administration and Development, assisted by an advisory Native Affairs Commission, is responsible. The Administrator is a member of the Native Affairs Commission, and in that capacity the Minister has delegated certain functions and powers to him. In September 1961 the member for Windhoek in the South African House of Assembly was appointed Deputy Minister for South West Africa to advise the South African Prime Minister on South West African affairs.

12. In most matters over which legislative authority has been retained by South Africa, the administrative services of the Territory are integrated with those of South Africa.

13. Administrative authority with respect to matters within the competence of the Legislative Assembly is vested in the Administrator-in-Executive Committee.

14. The former Committee on South West Africa noted further that without expressly incorporating the Territory into South Africa, the South African Government had carried out a series of acts of political and

¹¹¹ The "Police Zone" is an administrative boundary originally established by the German administration, when it denoted the limit of police operations. The area south of the Police Zone is referred to as the area "within the Police Zone" or merely the "Police Zone". European settlement is limited to the area within the Police Zone.

¹¹² *International Status of South-West Africa, Advisory Opinions: I.C.J. Reports 1950*, p. 128.

¹¹³ *Official Records of the General Assembly, Sixteenth Session, Supplement No. 12 (A/4957)*, paras. 95-97.

administrative integration, of which the representation granted to the European Community in the South African Parliament and the transfer in 1955 of responsibility for Native Affairs to the South African Department of Bantu Administration and Development were the most striking. These acts, the Committee considered, constituted a unilateral process of incorporating the Territory into South Africa.

(c) *Electoral system*

15. Representation in all organs of government as well as the franchise is restricted exclusively to Europeans; non-Europeans are prohibited by law from being candidates for election or from voting in the elections.

16. Since 1950, as provided in the South West Africa Affairs Amendment Act, 1949, the European Community has been represented in the two Houses of the South African Parliament. Six members, required to be nationals of European descent, sit in the House of Assembly, and four members, also required to be of European descent, sit in the Senate. The six members of the House of Assembly are elected by the European electorate of the Territory. Two of the four Senators are elected by the territorial Legislative Assembly and the six members of the House of Assembly sitting jointly, the other two Senators are nominated by the State President, one of them being selected "mainly on the ground of his thorough acquaintance, by reason of his official experience or otherwise, with the reasonable wants and wishes of the coloured races of the Territory".

17. The territorial Legislative Assembly is composed of eighteen South African nationals elected every five years by the European electorate in the Territory and required to be of European descent. The Executive Committee consists of four South African nationals of European descent, elected by the Legislative Assembly from among its own members or otherwise, with the Administrator as Chairman.

(d) *Local government and administration*

18. For administrative purposes the Territory is divided into two broad areas: (a) the Police Zone which is the area of European settlement and in which about one-third of the Native population lives. Within the Police Zone there are seventeen Native reserves covering a total area of 5,841,166 hectares, while some 37,868,124 hectares have been reserved for European settlement; (b) the northern areas outside the Police Zone which are closed to European settlement and in which the majority of the Native population lives. Native reserves outside of the Police Zone cover some 14,583,323 hectares.

19. Local administration in the rural areas of the Police Zone is carried out by district magistrates, who serve as the local government authority. They exercise both administrative and judicial functions and also hold the title of Native Commissioners. In urban areas of the Police Zone the local government authority is either one of the seventeen Municipal Councils, composed and elected by Europeans, or one of the eleven Village Management Boards, also composed of Europeans appointed by the Administrator.

20. As far as Native administration is concerned, apart from the Administrator, the Chief Bantu Affairs Commissioner, stationed in Windhoek, is the chief executive officer of the South African Department of Bantu Administration and Development in the Terri-

tory. On the district and local level, Natives are administered under his direct control by the twenty-eight Municipal Councils and Village Management Boards, and elsewhere by Bantu Affairs or Native Commissioners, the District Magistrates serving in that capacity within the Police Zone. In the seventeen Native reserves within the Police Zone, local administration is under the control of departmental officials, or, in the smaller reserves, of the station commander of the nearest police post, who are responsible to the District Magistrate, and who operate through Native Chiefs and headmen.

21. In urban areas of the Police Zone, regarded as "European" areas, Natives are required, with few exceptions, to reside in Native "locations" or villages, which according to present policy must be separated from the European residential areas by a buffer strip of at least 500 yards. Native Boards possessing advisory functions have been established, consisting of elected or nominated Native residents. In the seventeen Native reserves of the Police Zone, Native participation in the administration, while greater than that in the general government of the Territory, is limited to the functions exercised by Native headmen and Native Advisory Boards and to the expression of their views at annual general meetings of the residents held in the reserves.

22. In the areas outside the Police Zone, the Natives continue to govern themselves under tribal law and custom, subject to general control and supervision of the Bantu Affairs Commissioners.

23. The travel, residence and general movement of the non-European population, and more particularly the Native population, is controlled by means of the "pass" system. Under existing legislation, Natives from the northern areas are not allowed into the Police Zone without a permit. In practice, permits are normally issued only to male Natives who enter the Police Zone on labour contracts. While in the Police Zone they must always carry their permits and must return to their homes at the expiration of the contract (now limited to a period of eighteen months).

24. Whether resident or not, no Native within the Police Zone, unless exempted, may go without a pass, beyond the confines of the location, reserve, farm or place where he resides or is employed and he may not without a pass travel within, nor leave, the Police Zone, nor buy a railway ticket. Except in his own reserve, a Native who has obtained a pass to travel must secure permission to remain in a reserve within forty-eight hours of entry.

25. Within urban areas, male Natives, unless exempted, must be employed, possess a permit to seek work, or have a visitor's permit, or a licence to work as a casual labourer or independent contractor. Natives who have obtained permits to seek work but who do not find employment within a specified period must normally leave the area. Native women, unless permanent residents, are not allowed into an urban area without permission. In most urban areas curfew regulations prohibit Natives from being in any public place during the night hours (usually 9 p.m. to 4 a.m.) without a permit.

26. Europeans, on the other hand, are free to travel, to enter and to leave, or to visit and reside in any area of the Police Zone, except the Native reserves and locations (and except in two large diamond areas which are closed to anyone without a permit). They are also free to immigrate, emigrate or travel, without restric-

tion or permit between the Territory and South Africa, whereas the borders of the Territory are closed to non-Europeans except on individual permit.

Political parties and elections

(a) European political parties

27. There are three European political parties active in the Territory: the Nationalist Party of South West Africa, which controls the Government; the United National South West Party (UNSWP), which is the Opposition in the Territory; and a third party, the South West Party (SWP), which was formed a few months before the 1961 territorial elections.

28. The Nationalist Party, which is a branch of the governing Nationalist Party of South Africa, is a firm advocate of the *apartheid* policy. It maintains that the Mandate has lapsed, and its leaders have pressed for closer integration of the Territory with South Africa. Recognizing that the Mandate remains in force, UNSWP, however, wants it to be terminated and the Territory's independence to be recognized. It further considers that the increasing application of the *apartheid* measures to South West Africa has done a tremendous amount of harm to race relations and believes that the policy of complete separation is doomed by the dependence of Europeans and the State on Native labour. The party advocates the return of control over Native Affairs to South West Africa, the removal of those *apartheid* measures which have embittered racial relations, and representation, by Europeans initially, of the non-European population in the Government. Also SWP has criticized the Government's *apartheid* policy which it believes has built up a whole wall of racial feelings and irritated international opinion.

29. In 1960 the South African Senate was reduced from ninety to fifty-four members, but South West Africa retained representation by four Senators. Two members of the reconstituted Senate were elected from South West Africa on 26 October 1962. Both were supporters of the Nationalist Party and were returned unopposed. Subsequently, the then Governor-General nominated two Senators, one of them on the ground of his "thorough acquaintance with the reasonable wants and wishes of the coloured races of the Territory".

30. A general election for the territorial Legislative Assembly was held on 10 March 1961; it was contested only by the three European parties. Prior to the elections, the Nationalist Party had held sixteen seats, and UNSWP two seats. The South West Party, which had been organized a few months before the election, formed an alliance with UNSWP during the election.

31. The Nationalist Party maintained its appeal with the European electorate, retaining sixteen out of the eighteen seats in the Legislative Assembly. Two seats were won by UNSWP, which had contested sixteen, but SWP was unsuccessful. Unofficial results gave 19,360 votes for the Nationalist Party candidates; 11,314 for the UNSWP candidates; and 1,902 for the SWP candidates. The Executive Committee, under the chairmanship of the Administrator, continued to be composed entirely of Nationalist members.

32. General elections for the South African House of Assembly were held on 18 October 1961. The six seats reserved for the European Community of South West Africa were all won by Nationalist Party candidates by a total of 9,927 votes, as against 6,856 cast for opposition candidates.

(b) African political organizations

33. There are two main predominantly African political organizations in the territory: the South West Peoples Organization (SWAPO) and the South West Africa National Union (SWANU). A third organization, the South West Africa United National Independence Organization (SWAUNIO) was formed in mid-1961.

34. The aims of the three organizations are not basically dissimilar. Each is opposed to the policy of *apartheid* and its consequences of racial and even tribal separation, lack of political rights for Africans and inequalities of economic, social and educational opportunities and the restrictions on movement and residence. They seek the removal of the South African administration from the Territory and the aid and protection of the United Nations in preparing the Territory and its peoples for independence as soon as possible. Both SWAPO and SWANU joined the Pan-Africanist Congress of South Africa, the African National Congress of South Africa and the South African Indian Congress to form the South African United Front.

35. During recent years a considerable number of the leaders and members of SWAPO and SWANU have been dismissed from their jobs, removed from urban areas and sent to remote areas of the Territory, and a number of them have escaped from the Territory to become political exiles abroad. The police have also raided Native urban residential areas ("locations") and reserves in search of evidence of political activity, and in order to clear urban areas of "passless" Natives.

B. ACTION TAKEN BY THE GENERAL ASSEMBLY AT ITS SIXTEENTH SESSION

36. At its sixteenth session the General Assembly adopted four resolutions concerning South West Africa. In resolution 1702 (XVI) the Assembly, *inter alia*, after having noted with increasing disquiet the progressive deterioration of the situation in South West Africa as a result of the ruthless intensification of the policy of *apartheid*, and having considered that the Government of South Africa had persistently failed in its international obligations in the administration of the Territory of South West Africa on behalf of the international community, proclaimed the inalienable right of the people of South West Africa to independence and sovereignty. The Assembly established a United Nations Special Committee for South West Africa whose task would be to achieve, in consultation with the Mandatory Power: a visit to the Territory before 1 May 1962; the evacuation of all South African military forces from the Territory; the release of political prisoners; the repeal of all laws and regulations confining the indigenous inhabitants to reserves, and denying them all freedom of movement and association, and all other laws and regulations which established and maintained the intolerable system of *apartheid*; preparations for general elections to the Legislative Assembly based on universal adult suffrage under the supervision of the United Nations and advice and assistance to the resulting government; the co-ordination of economic and social assistance; and the return to the Territory of indigenous inhabitants without risk of imprisonment, detention or punishment of any kind because of their political activities in or outside the Territory. The Special Committee was also charged with the tasks of the former Committee on South West Africa regarding the examination of petitions, the

examination of reports and information on the Territory and the preparation of reports to the General Assembly concerning the Territory. By the same resolution the Assembly called the attention of the Security Council to the situation in respect of South West Africa which if allowed to continue would, in the Assembly's view, endanger international peace and security. The Special Committee was also requested to keep the Security Council, the Secretary-General and the Committee of Seventeen informed of its activities, and of any difficulties which it might encounter.

37. In resolution 1703 (XVI), which concerned petitions relating to the Territory, the Assembly, *inter alia*, urgently called on the South African Government and the Administration of South West Africa immediately to desist from further acts of force in the Mandated Territory designed either to suppress African political movements or to enforce *apartheid* measures, to refrain from vexatious prosecutions of Africans on political grounds and to ensure the free exercise of political rights and freedom of expression to all sections of the population.

38. By resolution 1704 (XVI) the Assembly decided to dissolve the former Committee on South West Africa, established in 1954.

39. Finally, by resolution 1705 (XVI), the Assembly established a special educational and training programme for South West Africa.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

40. The Special Committee considered the question of South West Africa at its 63rd, 71st, 95th, 96th, 99th, 100th to 103rd and 115th meetings, held on 31 May, 8 June, 7, 8 and 10 August, 4 to 7 and 18 September 1962.

41. The Special Committee had before it the report of the Chairman and Vice-Chairman of the Special Committee for South West Africa on their visit to South Africa and South West Africa.¹¹⁴ This report was transmitted to the Special Committee by the Chairman of the Special Committee for South West Africa by letter dated 3 August 1962.¹¹⁵ The Special Committee also had before it the report of the Special Committee for South West Africa to the General Assembly,¹¹⁶ an advance copy of which was transmitted to it by letter dated 4 September 1962 from the Acting Chairman of the Special Committee for South West Africa.¹¹⁷

Hearing of petitioners

42. The Special Committee heard the following petitioners concerning South West Africa:

(a) Mr. Philip Kgosana, Mr. K. G. Mofoka and Mr. Moses Smith, representing the Pan-Africanist Congress of South Africa (63rd meeting);

(b) Mr. Peter Mueshihange, representing the South West Africa Peoples Organization (SWAPO) (71st meeting);

(c) Mr. M. Kerina, Chairman of SWAPO (95th and 96th meetings);

(d) Mr. J. Kozonguizi, President of South West Africa National Union (SWANU) (95th and 96th meetings);

(e) The Reverend Markus Kooper (96th meeting);

(f) The Reverend Michael Scott (101st meeting);

(g) Mr. Jacob Kuhangwa, National Secretary of SWAPO (103rd meeting).

43. The Special Committee received and circulated as petitions the following communications concerning South West Africa:

<i>Petitioner</i>	<i>Document No.</i>
Mr. M. Kerina, Chairman of SWAPO	A/AC.109/PET.22
Mr. J. Kozonguizi, President of SWANU	A/AC.109/PET.27
The Reverend Markus Kooper	A/AC.109/PET.28
The Reverend Michael Scott	A/AC.109/PET.29
Mr. S. Nujoma, President of SWAPO	A/AC.109/PET.30
Mr. Jacob Kuhangwa, National Secretary of SWAPO	A/AC.109/PET.31

44. Mr. Kgosana (Pan-Africanist Congress) said he proposed to show that South West Africa had been virtually integrated into the Republic of South Africa and that conditions in the Territory constituted a flagrant violation of a sacred trust. The South African Government had originally proclaimed its desire to annex the Territory in 1946 and, by Act of Parliament, began to administer it as a fifth province of the Republic of South Africa in 1949. In 1954 the ruling Nationalist Party had adopted a resolution "terminating" the Mandate and declaring the Territory to be part of the Union of South Africa, and South West Africa had even taken part in the referendum on the establishment of the Republic of South Africa. The South West African Legislative Assembly was elected by an all-white electorate and, finally, there was a Minister for South West African affairs in Mr. Verwoerd's Cabinet. In short, the South African régime had taken firm root in South West Africa. Under the Mandate it was the duty of South Africa to further the social, economic and political development of the indigenous inhabitants and to report on the progress made, but it had stubbornly refused to do so, and conditions in South West Africa were deteriorating steadily. There was not a single secondary school for Africans in the Territory, let alone technical institutes or universities, and the very few elementary schools—most of them farm schools built to supply farmers with child labour—were under the strict control of the Bantu Education Department at Pretoria. It was important to understand the implications of Bantu education in South West Africa. The aims of the Bantu Education Act of 1953 were, according to Mr. Verwoerd, to ensure that Native education was consistent with the State policy of *apartheid*; to relate Bantu education as closely as possible to the traditional Native way of life, that is to say, the primitive, tribal way of life; and to train the Bantu only to fill his rightful place in a tribal society, without producing a single educated native who might agitate for freedom and independence. Mr. Verwoerd himself had said: "There is no place for him (the African) in the European community above the level of certain forms of labour." The ultimate aim of Bantu education was in fact to instil into the African a permanent fear of the white settler and a permanent acceptance of his inferior status.

¹¹⁴ A/AC.110/2. Subsequently printed. See *Official Records of the General Assembly, Seventeenth Session, Supplement No. 12 (A/5212)*, Part II, pp. 3-8.

¹¹⁵ A/AC.109/22. *Ibid.*, pp. 3 and 4.

¹¹⁶ *Official Records of the General Assembly, Seventeenth Session, Supplement No. 12 (A/5212)*.

¹¹⁷ A/AC.109/25.

45. In South West Africa, he continued, the indigenous inhabitants were progressively being deprived of their land rights as more and more of the fertile land was handed over to the European settlers. The white farmers received substantial assistance from public funds to improve their farms, whereas the Africans were pushed into the Native Reserves or forced to provide cheap labour on the European farms. Nor were conditions in the other sectors any better. Although the Territory had considerable economic resources, including a diamond-mining industry that earned more than £40 million a year in foreign exchange—most of which went to the Republic of South Africa—a lucrative fishing industry and substantial strategic materials, the people who laboured most—the Africans—had to be content with a meagre average wage of £8 per month.

46. He then explained that South West Africa was divided into two main regions: the Police Zone in the south and the Native Reserves in the north. In the Police Zone, which included Windhoek, Walvis Bay and Luderitz Bay and the native township of Katutura, racial relationships were an exact reproduction of those prevailing in the big cities of the Republic of South Africa, being based on *apartheid*. A tense and explosive situation was rapidly building up there, particularly in the area of Windhoek, where eleven Africans had been killed and about fifty wounded in riots on 7 April 1959. In the northern region of South West Africa there was great human misery. The inhabitants were almost without water; there were hardly any schools or hospitals; and the people were completely cut off from civilization. Many inhabitants were not even aware that South West Africa was a Trust Territory.

47. Mr. Kgosana went on to say that all attempts by the United Nations to obtain a reasonable settlement of the South West African problem had been rejected with the utmost contempt by the Government of South Africa, which had even stationed military forces in the Territory in violation of the Mandate. Yet the Committee had to persevere in its efforts to ensure that fundamental human rights were respected in South West Africa. The indigenous inhabitants needed education as a preparation for the task of running the country, and the United Nations could help by organizing a special scheme for training the people of South West Africa in the higher forms of administration. At present, because of the South African Job Reservation Act, not a single African was permitted even to drive a locomotive, let alone become a railway manager. South West Africa needed indigenous economists, engineers, doctors, lawyers and technicians, and the United Nations should start a programme for training people in such professions. Further, the United Nations had to take rigorous action and grant independence to the people of South West Africa, for at present, under the *apartheid* system, they were on the road of no return.

48. Mr. Mofoka said that he was presenting his petition because, as a member of the Pan-Africanist Congress of South Africa, it was his duty to do everything possible to promote the formation of a Federation of Southern Africa as a first step towards a United States of Africa. Africa was for the Africans and, in accordance with the democratic principle of majority rule, the Africans should also rule in South West Africa. The settler régime might claim that the Africans were not ready to govern themselves but, if so, it was the fault of that régime, which had neglected its duty

by failing to train the Africans in the art of self-government and should therefore be deprived of the Trusteeship immediately.

49. The people of South West Africa were victims of the inhuman policy of *apartheid*, the ideology of a racial domination imposed by superior power and conquest, which had already led to the extermination of the Hottentots and the Bushmen. Others might sometimes be brutal because they failed to live up to their own ideals, but the practitioners of *apartheid* were brutal because their philosophy glorified ruthlessness and domination by force and rejected the concepts of charity, the dignity of the individual and the equality of man. The policy of *apartheid* was not only completely impracticable; it had already proved a failure, as evidenced by the hundreds of thousands of Africans who lived in the towns, driven there by the dreadful conditions prevailing in the African reserves. The Africans had always eagerly desired to have land, but in South West Africa they were permitted to occupy only 15 per cent of the total area and in the north, the region of the reserves, only 5.5 per cent. The reserves themselves, situated in semi-desert areas, were little more than slave-breeding kraals whose inhabitants were subject to all the diseases of poverty and malnutrition: they were permitted to own only a limited number of cattle and given a minimum education, and were eventually forced to move to the urban areas in search of a better living. The reality of *apartheid* was also belied by the fact that industry was based on Native labour—that being the main reason why the Africans had never been given enough land to live on—and by the vast numbers of Africans working in the mines or on the European-owned farms. Finally, *apartheid* had been made impossible by the disintegration of the old African way of life. Capitalism had shattered the former tribal bonds, and the Africans, particularly in the urban areas, no longer thought of themselves as members of a tribe but as a Nation.

50. In other words, he continued, *apartheid* was merely a synonym for white supremacy, which the settler régime was endeavouring to maintain by conditioning the indigenous people of South West Africa to accept an inferior status unquestioningly, and by training them for serfdom. The main methods used were the Bantu Education Act, the purpose of which was to direct the African from civilization and condition him for life in a backward, tribalized community, and the Bantu Authorities Act, which aimed at re-establishing tribalism in an industrial society. Under the latter Act, the Africans living in the reserves were to be uprooted and resettled according to their ethnic groups, while those living in the towns were to be sorted out into their old clans and tribes, each under a Government-appointed chief. The purpose of the South African Government was not, as it claimed, to give the Africans self-government in their own areas but to obtain an abundance of cheap labour by condemning them to perpetual servitude. As Mr. Verwoerd had once said: "If the Native in South Africa is being taught to expect that he will live his adult life under a policy of equal rights, he is making a mistake."

51. In conclusion he appealed to the Committee to assist the people of South West Africa to achieve their goal of independence within the shortest possible time.

52. Mr. Smith (Pan-Africanist Congress), after reviewing briefly the history of South West Africa and recalling the refusal of the Government of South Africa

to transfer its Mandate over the Territory to the United Nations, said that Mr. Verwoerd's Government was now speaking of partitioning the Territory, as he had done in the case of the Transkei. The rich and fertile southern part of the country was to be occupied by the Government, with only the arid northern part left to the Africans. With that purpose in mind, the South African Government was attempting to coerce certain African chiefs by promising them self-government if they accepted its plans, or threatening them with banishment and replacement by Government stooges if they refused. It was obvious that the South African Government had no intention of abiding by the principles of the Trusteeship System or the Charter of the United Nations, and the situation in South West Africa would inevitably continue to deteriorate, unless the United Nations took strong action.

53. He pointed out that from the administrative point of view the Africans were entirely without rights. They had no voting rights or voice in the Government and they were not permitted to work in the administration of the country. They were denied any possibility of social and cultural development and, in the rural areas, they were herded into concentration camps known as Native reserves, which were merely a source of labour for the European-owned mines and farms.

54. The administration of the country was theoretically in the hands of the Administrator of South West Africa and the South West African Legislative Assembly, whose decisions were, however, subject to endorsement by the South African Parliament. In 1954 certain of the Administrator's duties had been transferred to the South African Minister of Native Affairs, who had been made Minister of South West African Affairs as well under Act No. 56, which also required the Territory to make financial contributions to the treasury of South Africa. In many ways an even more important person than the Administrator was the Chief Native Commissioner, who was not only a member of the South West African Legislative Assembly, but also Chairman of the Land Tax Board, the Diamond Board, the Tender Board and the European Farming Interest Board, Director of Internal Revenue and of Prisons and, finally, Executive Member of the South West African Native Labour Association, which was an agency for the recruitment of African labour.

55. *Apartheid*, he continued, was applied as rigorously in South West Africa as in the Republic of South Africa. It was presented by the Government of South Africa to the Whites as their only hope of survival and was designed to keep the African in perpetual tutelage by preventing him from acquiring even the minimum education that was so necessary today. Indeed, in South West Africa the Government had succeeded in keeping the mass of Africans illiterate and there were so far only two African graduates from that country. The founders of *apartheid*, which was the philosophy of racial superiority, were all members of the South African *Broederbond*, an organization which had had close connexions with the Nazis during the Second World War, and they were strongly supported by the Dutch Reformed Church of South Africa, which had a strong foothold in South West Africa and preached racial segregation from the pulpit. The situation with regard to education had been very clearly stated by one of Mr. Verwoerd's puppet missionaries at Okahandja, a certain Dr. Vedder, who had once said that "educating an African is just like ordering

a white man in South West Africa to cut his throat with his own knife. African ignorance ensures the perpetuation of white supremacy". Education was therefore the privilege of the Whites alone. In the few schools opened for Africans, Afrikaans had been made the official language, so that the African could understand his master but talk with no one else. There was not a single university for Africans in the Territory, and they were not permitted to take up scholarships in other countries. The two training schools at Okahandja were used purely for brainwashing purposes. Under the South African Bantu Education Act of 1953, which also applied to South West Africa, Africans were not permitted to study scientific subjects—not even mathematics—and were restricted to manual crafts and agricultural work. African students, trainees and teachers in South West Africa were also prohibited from joining any political or educational organization.

56. Labour conditions were equally bad. Africans were divided into "urban natives"—those living in sites near the European towns—and "rural natives", or those living in the reserves. The former were employed mainly as office cleaners and messengers; under the Job Reservation Act they were disbarred from most of the better jobs, which were reserved strictly for the Europeans. The "rural natives" were recruited for work on the farms and in the mines. Many of those who were recruited for work in the mines by the South West African Native Labour Association were sent to work in the gold mines in South Africa. Africans from the reserves were forced to sign labour contracts of nine to eighteen months' duration before they could be employed and, under the Master and Servant Act, no African could leave his place of employment until his contract had expired. An African found without work was arrested, charged under the Vagrancy Code and imprisoned for periods ranging from three to six months. Other restrictive laws were the Native Urban Area Proclamation and the Native Labour Regulations, under which Africans were forbidden to seek work outside the area in which they lived or to live in an area unless they were registered and employed there. Furthermore, despite the fact that the employment of young people under the age of sixteen was prohibited by Act No. 26 of 1924, it was well known that many boys below that age were put to work in the mines. From the labour point of view, in fact, the Africans were regarded as part of the country's natural resources. Since 1890 the wage of an African miner had risen by only five shillings a month (from sixty-three to sixty-eight shillings) and in 1959 the average monthly earnings, in cash and kind, of an African family of six were only 180 shillings. Outside the mines labourers were classified into three groups: class A (heavy industry) earning sixty shillings a month; class B (domestic service) forty shillings; and class C (farms) about thirty shillings. Nor were Africans allowed to strike or form trade unions. Another way of obtaining cheap labour which the Government resorted to daily was by arresting Africans for some trivial offence under the Pass Laws or Liquor Regulations, have them summarily sentenced to prison by a Native Commissioner and then rent them out to farmers, for whom they had to work twelve hours a day for the paltry wage of sixpence. The South African Government was in fact openly flouting the provisions of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery.

57. He went on to say that there were abundant examples of the callous treatment accorded Africans in South West Africa. One tribe, the Bergdamaras, which had been living near Windhoek since 1906, had been unrooted and resettled in a dry and barren region more than two hundred miles away on the grounds that their traditional area was needed for government development. Similarly, in 1959 the Africans living in the Katutura Location outside Windhoek, which was within walking distance of their work and where they paid rents of three shillings and sixpence a month, had been moved to a new location situated far from their place of employment where the rents were fixed at forty shillings a month. A Commission had been appointed to investigate their protests but it had reported that they had no genuine grounds for refusing to be moved, and when they had gone to the Superintendent's office to complain, the police had opened fire on them, killing eleven and wounding fifty.

58. Health and medical conditions were equally bad. The population of South West Africa was decreasing daily because of the inadequate medical supplies, hospitals and clinics, and the Government was doing practically nothing to alleviate the situation. The locations were unhygienic slums where there was only one water-tap for every two hundred families. Of the twelve State-owned hospitals, only five were for Africans and even those, being situated near the towns, were virtually inaccessible for the Africans living in the reserves. Births and deaths in the reserves were not reported.

59. Among the things most resented by Africans were the Pass Laws and the Pass Book, which every year led to Sharpevilles and Langas in South West Africa as well as in South Africa. The Pass Book—a ninety-six page document—was particularly odious; it was used as a symbol of slavery and its purpose was to check and regulate the movement of every African, who was compelled, under pain of imprisonment, to carry it with him every moment of his life. Even then he could not escape arrest, since there were so many regulations and taxes applicable to Africans, that it was almost impossible not to infringe one or other of them at any given time. The Pass Laws in South West Africa, for instance, covered such items as the Poll Tax, the Travelling Pass, the Six-day Special Pass for those working on a contract basis, the Night Special for those who had to remain in town after 10 p.m. for a specific purpose, the Lodge Pass stating that an African was permitted to live in a certain location, the Location Visitors Pass and the Trek Pass testifying that an African family moving from one place to another was doing so with the consent of the Superintendent concerned.

60. The two main political parties in South West Africa, SWANU and SWAPO, were both non-racial. Their objectives were the removal of all racial discriminatory practices, the grouping of the people of the Territory into one political unit and the attainment of independence for South West Africa through the United Nations. Since 1960 they had been forced to operate from outside the Territory, since Africans were not allowed to organize politically; those of their members who had remained had been thrown into prison or banished.

61. After warning those European Powers which were supplying arms to South Africa that they would have to answer to the Africans when the latter took

over, he appealed to all States Members of the United Nations, and particularly the African nations, to do their utmost to achieve a settlement of the problem of South West Africa by the beginning of 1963 and to expel the Republic of South Africa from the United Nations until such time as the Government of that country was in the hands of the African majority.

62. Mr. Mueshihange (SWAPO) said that the status of South West Africa in international law was that of a Territory under the Mandate assumed by the South African Government in 1920. That Government, however, had refused to recognize the supervisory authority of the United Nations over South West Africa. The basic aims of SWAPO, established in April 1959, were the establishment of a free, democratic government, nation-wide political organization of all South West African peoples, and reconstruction of the economic, educational and social foundation on which independence would be built. His organization stood for complete independence under an African Government not later than 1963. To ensure conditions of peace and security, SWAPO advocated a transitional period during which a United Nations Commission, to be composed of independent African States, would act in an advisory capacity to the new Government. The party believed in Pan-Africanism, the union of African States and positive neutrality; it further advocated the review of all artificial boundaries created by the colonialists in Africa. It also proposed measures to destroy the unholy alliance between the Central African Federation and the Governments of South Africa and Portugal. Those three fascist States had dedicated themselves to preserving white supremacy at all costs. The reality of the unholy alliance could be proved by the fact that South Africa and Portugal had held joint manoeuvres, and that the United Kingdom Government allowed South African troops to pass through Bechuanaland to South West Africa.

63. It must be understood, he said, that the African people were giving the imperialists their last chance to quit Africa without bloodshed. Moreover, once that had been achieved, his people were determined to prevent the emergence of neo-colonialism and to defend their new-found national sovereignty against indirect political or economic control by the former colonial Powers. In that connexion, it was clear that the United States was ousting those Powers from the lucrative African markets and influencing their national affairs.

64. In conclusion he said that SWAPO's demands were clear and unequivocal: immediate independence for South West Africa; preparations for immediate general elections based on universal adult suffrage to be held under United Nations supervision; full United Nations support for a new Government and help from the specialized agencies in training South West Africans for independence; evacuation of all South African military and police forces; disarming of all armed Europeans; release of all political detainees; abolition of all discriminatory laws and regulations; the complete liquidation of the South West African Native Labour Association; restoration of individual rights; and freedom of movement and political organization.

65. Mr. Kerina (SWAPO) said that, since the adoption of General Assembly resolution 1514 (XV), the South African Government had accelerated the process of militarization and disintegration in South West Africa. The implementation of resolution 1702

(XVI), which had been a practical first step towards direct United Nations intervention in South West Africa, had been sabotaged by South Africa and the imperialist countries. If the South African Government was not forced out of South West Africa without delay, it would soon be too late for United Nations intervention to be effective, and the people of South West Africa would be forced into a racial war. The people of the Territory were not interested in political or social reforms or in persuading the South African Government to abide by the Mandate; what they wanted was complete national independence.

66. While his people subscribed whole-heartedly to the ideals and principles of the United Nations, they were well aware of the Organization's weaknesses and of the lengths to which the imperialist Powers were prepared to go in using the United Nations as an instrument to uphold their interests. It was a waste of time for the United Nations to attempt to persuade South Africa to relax its tyrannical rule over the people of South West Africa; the only course for the United Nations was immediate physical intervention in the territory.

67. He went on to say that the events connected with the recent visit to South Africa and South West Africa by the Chairman and Vice-Chairman of the Special Committee for South West Africa showed how the South African Government and the forces of imperialism had united against the people of South West Africa and demonstrated the futility of further diplomatic action by the United Nations. South Africa had agreed to receive the United Nations mission only because it had been subjected to great pressure and feared possible United Nations intervention in South West Africa. A statement issued on 30 April 1962 by the South African Department of Information had made it clear that the South African Government had no intention of altering its legal position with regard to South West Africa. The imperialist Powers in the United Nations, aided by certain strategically placed members of the Secretariat, had taken advantage of the South West Africa mission to create confusion and make misleading and libellous assertions. They had made every effort to prevent the issuance of the report of the Chairman and Vice-Chairman of the Special Committee for South West Africa, which made it clear that the South African Government was determined to maintain its occupation of the Territory indefinitely and, if necessary, by force. Paragraph 42, sub-paragraphs (c) and (e), and paragraph 43 of that report¹¹⁸ stated that the South African Government had shown no intention of preparing the territory for self-government or independence, that General Assembly resolution 1702 (XVI) could apparently be implemented only by the use of force or other measures of compulsion under the Charter, and that the Special Committee for South West Africa might therefore wish to draw the General Assembly's attention to the possible necessity of imposing sanctions to enforce compliance with its decisions by South Africa. Accordingly, he wished to propose that the Committee of Seventeen should urge the General Assembly to dissolve the Special Committee for South West Africa and appoint three United Nations High Commissioners, preferably two Africans and one Asian, to ensure implementation of resolution 1702 (XVI), and that it

should further urge the General Assembly to establish a United Nations police force for South West Africa, through the machinery of the Security Council, to enable the High Commissioners to carry out their functions.

68. Mr. Kozonguizi (SWANU) pointed out that, since the United Nations had first taken up the question of South West Africa, he and the preceding speaker had had time to complete their education from the elementary stage to the university and beyond. The activities of the United Nations during that period, in the course of which great numbers of petitions had been heard, could be divided into three parts. First, resolutions had been adopted, in the form of declarations stating the position of the United Nations and condemning the South African Administration, appeals to the South African authorities to take various courses of action, investigations conducted by specially appointed bodies, and attempts at negotiation. Secondly, the United Nations had made various endeavours to implement its resolutions through such investigations and negotiations and by seeking advisory opinions from the International Court of Justice. Thirdly, the United Nations had succeeded in alerting world opinion to conditions in South West Africa, to the extent that even the white population of the territory had begun to give some thought to its future; for instance, the leader of the white Opposition, the United Party, Percy Niehaus, had come out in favour of African representation in the Territory's Legislative Assembly, and another lawyer, Israel Goldblatt, had stated, in his pamphlet *The conflict between the United Nations and the Union of South Africa in regard to South West Africa*, that Africans should be allowed to share in political responsibility in South West Africa under the Trusteeship system. A United States research worker, Edward Munger, had also reported the existence of a "German-Herero-Jewish" liberal group.

69. The position of the only investigatory team which the United Nations had sent to the Territory lately was confusing. The petitioners, for their part, felt very strongly that the United Nations should take action by condemning the South African Administration again for neglecting its duties and obligations under the Mandate and by recommending drastic action along the lines suggested in the report of the Chairman and Vice-Chairman.¹¹⁹ He himself felt that nothing short of physical intervention by the United Nations in South West Africa could prove effective. The conclusions and recommendations of the Chairman and Vice-Chairman complemented and reinforced the submissions of SWANU, which he represented and one of whose main objectives was self-determination. His party held that political decisions should be taken by the people of the Territory, and that for that purpose, when the South African Administration was withdrawn, representatives should be elected to participate in a constitutional convention which might be held under the auspices of the United Nations, and which would decide on the form of government, the manner of administering the Territory and of maintaining peace and security (both possibly with the help of the United Nations), and questions relating to economic development and technical assistance.

70. All the evidence presented by the petitioners over the last fifteen years, he continued, pointed to a

¹¹⁸ See *Official Records of the General Assembly, Seventeenth Session, Supplement No. 12 (A/5212)*, part II, p. 7.

¹¹⁹ *Ibid.*, para. 43.

record of appalling conditions in the Territory, attributable to gross neglect by the administering Power. South Africa had attempted to reply to the petitioners by alleging that they represented only themselves. But that was true only of those who, according to South Africa, purported to represent the people of South West Africa. For example, the few Chiefs in Ovamboland who had supported the South African Government had admitted to the Chairman and Vice-Chairman that, in doing so, they did not have the support of their own followers. Again, the Katutura Advisory Board, which opposed the boycott by SWANU, and other groups, of municipal places of entertainment, represented only a small group of government employees of no particular political allegiance, and their campaign had failed completely. Three groups, the South West Africa Coloured Council, the South West Africa Coloured Organization and the South West Africa Coloured Teachers Association, had admitted that they were self-appointed; their leaders were settlers from South Africa.

71. The fourth element involved was the mysterious joint communiqué, the content of which had been nullified by the report of the Mission. In connexion with the statement that the Chairman and the Vice-Chairman had "heard no allegations that there was a threat to international peace and security within South West Africa...", it should be pointed out that the incidents that might represent such a threat usually occurred on the provocation and sometimes on the initiative of the South African officials, who had, however, been under strict orders to adopt a lenient attitude and allow Africans every kind of freedom, even including the temporary abandonment of certain *apartheid* restrictions, while the Mission was in the Territory. As soon as it had departed, the situation had returned to "normal"; several Africans who had contacted the Mission had been dismissed, and the forcible removal of people from their homes had been resumed. It was clear that troops would not have been stationed in the Territory while the Mission was there, nor would the South West African authorities have invited the visitors to inspect military bases. The important point was that South West Africa was not excluded from the military preparations of the South African Government, which were confirmed by recent statements made by the Minister of Defence Mr. Fouché and by the fact that the 1962 defence budget totalled £50 million, compared to £35,750,000 in 1961.

72. He went on to say that the South African position in opposing the demands of the people of South West Africa for intervention by the United Nations, to be followed by independence, was characterized by both negative and positive action. On the negative side, the South African Government had defied all United Nations resolutions and ignored all advice, overtures or offers of good offices from any quarters, including its friends. South Africa's positive action included measures to intensify white domination and *apartheid* in South West Africa, to consolidate its position in that territory and to consummate the latter's virtual annexation. Towards that end, various laws had been passed, including the South-West Africa Affairs Amendment Act (1949) allowing white representatives from South West Africa to sit in the all-white South African Parliament. In that connexion, it was hard to understand how representatives from South West Africa could have any power of legislation in South Africa, unless the former was deemed to be part

and parcel of the latter. Other legislation included the Suppression of Communism Act (1950), in connexion with which it was interesting to note that even persons who were notoriously anti-Communist had been banned under the Act; the Public Safety Act (1953) and the Criminal Law Amendment Act (1953). All those acts, which had been passed in South Africa, also applied to South West Africa. Repression under the Native Administration Act of 1927 had been intensified, with the forcible removal of Africans to specially constructed locations, the deportation of Africans—described as "repatriation" by the South African Government—to Ovamboland and other reserves, and the introduction of a special squad to round up runaway Ovambos. Those acts of repression had reached their climax with the massacre of twelve persons on Human Rights Day, 1959, followed by the infamous Sharpeville massacre in the Republic of South Africa. Charges of public violence against fifteen people, including leaders of his party, had been dismissed in 1961, confirming the guilt of officialdom. Chief Hosea Kutako of the Hereros and Chief Samuel Witbooi of the Namas were being sued for "libel" in connexion with a petition they had sent to the United Nations. On 7 August 1962 twenty-five persons, including executive members of his party, had appeared in court in Windhoek in connexion with representations and peaceful demonstrations that had been organized in protest against the forcible removal of African families from Damara 1 to Katutura Location and the destruction of the former location. All those instances clearly showed that the authority of the United Nations made no impression on the South African Government, which had demonstrated its determination to remain in South West Africa.

73. He further stated that in 1960 the South African Government had refused the Committee on South West Africa permission to enter the Territory or even to go to South Africa. Subsequently it had invited the Chairman and the Vice-Chairman of the new Special Committee for South West Africa to visit the Territory under the impression that it was the desire of the Committee to conduct discussions aimed at finding a way out of the present impasse without requiring the Republic to compromise its juridical position or to discuss paragraph 2, sub-paragraphs (b) to (h), of resolution 1702 (XVI). Since there was clearly a basic difference between the views of the South African Government and those of the United Nations, as expressed in the objectives set for the Special Committee for South West Africa by the General Assembly in resolution 1702 (XVI), his party found it difficult to understand how the Special Committee could have accepted such an invitation in the first place. It considered that events had indicated that there was no room for further negotiations with the South African Government and that, in the struggle for liberation, the choice lay only between the constitutional approach and the use of force. Again, events in other parts of Africa showed that that view was the only realistic one. Conditions in South West Africa remained appalling, and the petitioners were beginning to lose patience on noting that almost thirty African countries had been admitted to the United Nations as independent States, and that in almost every other dependent territory in Africa, except for those forming a part of the "unholy alliance" of Mr. Verwoerd, Sir Roy Welensky and Mr. Salazar, independence had already been promised or was under discussion. In view of those examples, South Africa should not be allowed to continue flouting the United

Nations, but should be forced to abandon its intransigence and submit to a higher standard of morality.

74. The Reverend Markus Kooper said that the problem of South West Africa was just as urgent as the Congo problem. For sixteen years the United Nations had exhaustively discussed the situation in the Territory and had passed many resolutions requesting the co-operation of the Government of South Africa. That co-operation had been refused. All the South African Government wanted was to annex the Territory outright and to intensify the application of its *apartheid* policy. It refused to acknowledge that the United Nations was the legal successor to the League of Nations, a fact confirmed by an advisory opinion of the International Court of Justice.

75. After tracing the history of the 1958 Good Offices Committee and recalling the activities of the Committee on South West Africa, he stressed that the basic objective of General Assembly resolution 1702 (XVI) was to terminate the South African Government's administration of the Territory. That resolution should be implemented immediately, before the South African Government finalized its *apartheid* programme in South West Africa. Realizing the full meaning of that resolution, the South African Government, with its usual slyness, had invited the Chairman and Vice-Chairman of the Special Committee for South West Africa to visit the Territory, while stating that the invitation should not be construed as an acceptance of United Nations jurisdiction over the Territory. Its real intention had been to prevent the implementation of resolution 1702 (XVI) and to delay indefinitely the work of the Special Committee. In an effort to prolong its colonial rule over South West Africa, the South African Government had prepared and issued the so-called Pretoria joint communiqué, allegedly approved by the United Nations officials. In that communiqué the Government seemed to recognize the importance of resolution 1702 (XVI) and the likelihood that the United Nations might try to enter the Territory by force. In fact, the time for terminating the Mandate had come long since. The South African Government must not be allowed to continue playing its scandalous tricks on the United Nations at the cost of the helpless inhabitants of South West Africa. The only way in which the United Nations could prevent that was to secure the immediate and complete implementation of resolution 1702 (XVI).

76. The Reverend Kooper went on to say that the invitation extended to the Chairman and Vice-Chairman of the Special Committee had been a premeditated affair. Matters had been so engineered that the political climate had appeared calm during their visit. In fact, the situation in South West Africa was now twice as bad, twice as tense, and twice as explosive as it had been in 1961. Despite the allegations of the Pretoria communiqué, it would undoubtedly continue to be a serious threat to international peace and security. Once the South African Government had effected the removal of the so-called small reserves in the South to Ovamboland, the partition plan envisaged in the report of the 1958 Good Offices Committee would be fully implemented despite any protests which might be raised in the United Nations. The people of South West Africa could not be blamed if they turned their backs on the United Nations in desperation. It was the responsibility of the United Nations to intervene, before it was too late, to restore racial tolerance and peace. The people

of Hoachanas had been under continual harassment since 1956. Hoachanas was no longer a reserve in the usual sense, but a permanent slave camp. It alone was enough to warrant a United Nations presence in South West Africa.

77. In conclusion he appealed again to the United Nations for the immediate implementation of resolution 1702 (XVI) and the immediate evacuation of the troops stationed at Walvis Bay.

78. The Reverend Michael Scott said that the people of South West Africa still looked with faith to the United Nations, which alone was capable of liberating them. He had been asked to convey that faith to the United Nations by Chief Hosea Kutako in a letter requesting him to speak on behalf of the Chief's people. They wished to continue to fight against oppression through the United Nations. However, human patience was not unlimited, and any delay by the United Nations in settling the question might have serious consequences.

79. Referring to the mission of the Chairman and Vice-Chairman of the Special Committee for South West Africa, he said that the South African Government had succeeded in placing that Committee in a very difficult position. The former Good Offices Committee had similarly been the victim of a pretence at negotiation. It was to be hoped that the episode would reveal to the United Nations and the world the unscrupulous character of a régime which did not hesitate to use such methods in order to set the efforts of the Organization at naught. The time had come to face the situation, if the very existence of the United Nations was not to be endangered. It was now not only the question of South West Africa that had to be faced, but that of defiance by the South African régime, which was threatening to engulf South West Africa. It was also a question of the kindred régimes founded on white domination which surrounded and protected the system in force in South West Africa and which were beginning to assume the form of a solid bloc or axis that was likely to become as serious a menace to Africa as nazism had been to Europe, and eventually a threat to peace. It was not a question of whether a programme of mass extermination of Africans was being applied, or whether there were military establishments which constituted a threat to international peace and security. What was at issue was the policy of *apartheid* and its true character and extent, the direction in which that policy was logically leading, and the effects it was having on the health and well-being of the people.

80. When Africans saw a great organization like the United Nations faltering in the face of threats from the forces which had held them for so long in bondage, it was not surprising that they had a growing sense of despair and that their thoughts were turning towards violent remedies, however ineffectual such remedies might be against an unprincipled system in which what was right for one section of the community was criminal for another, a system which was reinforced by a defence budget of £60 million a year. If it came to a fight, the South African Government knew that it would have the advantage; the inhabitants could expect no help from their neighbours. On either flank there was the iron rule of the Portuguese, who had shown themselves ruthless in their resistance to legitimate African ambitions. In the north there was the Congo, where powerful interests had encouraged

the secession of Katanga in the name of self-determination and had defied the United Nations. In the north there was also the Central African Federation, where the franchise was based on a system which gave the white minority a permanent majority in the Federal Parliament. All that was viewed by the Africans as an evil which had been developing under the influence of one of the most highly organized industrial systems in the world, a system consisting of a whole complex of organizations enjoying government protection, whether in the United Kingdom or in Africa. The unholy alliance, which seemed to have been emerging during the whole period of South African defiance of the United Nations, was now a threat to the hard-won independence of the African States and to the very existence of the United Nations. It had been protected by great Powers, particularly the United Kingdom. For years the debates in the United Nations had thwarted all attempts to deal effectively and without the use of violence with the problem of the defiance of such States as South Africa, Portugal and Belgium, which, while professing faith in the United Nations, in practice encouraged the enemies of the Africans, for instance, by permitting the transport of arms through British territory to assist the secessionists in Katanga.

81. The evil which had to be fought, he continued, was derived from nazism; it was a State system which was based on legal forms of tyranny and segregation in the fields of housing, education and social relations, and which made ordinary human behaviour and democratic ways of life crimes against the State. The United Nations must take the measure of the menace before it was itself destroyed by it. The United Kingdom must be warned that the encouragement it had been giving to Sir Roy Welensky, in the belief that his system was a bastion against the threat of communism, was merely breeding a racial hatred which might destroy everything of value in both Africans and Whites. The situation in South Africa demanded determination by the United Nations in dealing with South Africa's defiance of the civilized standards of international morality. Enough evidence had been collected to make any further commission of inquiry unnecessary: the time had come for action, and it was essential that it should be well planned and effective. One of the effects of such action in South West Africa would be to establish the jurisdiction of the United Nations over the Territory and to accord the inhabitants the protection which had been denied them and which was their right, without prejudice to the opinion of the International Court of Justice, which had been requested two years before. Such an inordinate delay was damaging to the prestige of the Court and to the effective operation of international law, which most countries desired.

82. He then read out passages from communications he had been sent by individuals and from a statement by Chief Samuel Witbooi and Chief Hosea Kutako showing that, in accordance with the policy of *apartheid*, Africans were being forced to move from their present residential areas to new locations, that the restrictions on the movement of Africans were being intensified; that the Government was trying to create "Bantustans" and was offering money for that purpose to all the Native reserves in South West Africa, and that Africans who did not accept the offer risked deportation. The inhabitants also complained that the health services had not improved in any way, that education had become worse and that Africans

were paid starvation wages. There was hunger in the Territory, and the situation had deteriorated as a result of the drought and foot-and-mouth disease; the Government gave financial assistance to European farmers but did nothing for Africans. Last'y, a new Act had been passed in South Africa which, under the guise of combating communism, reduced the liberty of the citizen to a degree not surpassed by the most extreme dictatorship of the Left or the Right, and laid down penalties ranging from five years' imprisonment to death for the new crime of "sabotage". He had a list of some 102 persons who had been proscribed under that Act, which had been described by the International Commission of Jurists, as similar to the totalitarian legislation of the Nazis.

83. In his view, the United Nations must now face the full implications of the situation and, despite the failure of every previous effort, must resolutely take constructive measures to assist the inhabitants of that part of Africa. Only a programme of sanctions could compel the South African Government to adopt a more realistic policy. Economic sanctions might take three forms: a boycott of South African goods by consumers; government boycotts; and a refusal to sell to South Africa. To be effective, those measures must receive unanimous support. Since, unfortunately, that was unlikely, some form of United Nations enforcement was necessary. He suggested a blockade of South African ports, which he considered the most effective, quickest, and least painful way to force the South African Government to meet its responsibilities towards South West Africa and towards its own population. After reviewing the situation, the Security Council might decide to call upon the nations of the world to supply the naval units required to carry out that operation. By preventing merchant ships and tankers from entering South African ports, the blockade would very rapidly cripple the South African economy, thus forcing the South African Government to come to terms with the United Nations. A blockade of ports would limit the suffering inflicted on the working people, largely African, whereas a programme of gradual economic sanctions would give the Government time to prepare to withstand a siege, while allowing it to intensify the policy of *apartheid* and to suppress dissident opinion. The use of the blockade would also limit the period during which world trade would be disrupted by the application of sanctions. The attempts to secure sanctions made by certain African and Asian countries had not resulted in unanimous action by such countries, and certain countries, notably Japan and Iran, had even increased their trade with South Africa. There would thus have to be some authority external to Governments to ensure the effective and general application of sanctions. As long as an active political conscience about South Africa did not exist in all countries, a voluntary consumer boycott could have only a moral effect and, under present conditions, it could not break the power of the South African Government.

84. He pointed out that a voluntary government boycott was difficult to envisage without United Nations co-operation. South Africa's chief trading partners were likely to fear competition from less scrupulous countries and hence would probably refuse to take part unless they could be sure that no one would supplant them. South African gold would almost certainly continue to be bought, and it was difficult to

predict how long South Africa could survive a boycott of its exports other than gold. South Africa, however, was compelled to import certain strategic materials such as petrol and fuel oil, without which its economy would be halted in six months. A blockade would prevent the importation of those materials and would also enforce a boycott of South African exports. Such a blockade should be short and of definable duration, so as to limit the disruption of world trade. Two problems involved in the application of a blockade required further study. The South African Government would certainly be tempted to use the Mozambique port of Lourenço Marques, with the support of the Portuguese authorities. The volume of goods entering that port would therefore have to be subject to inspection. Any attempt to evade the blockade of South African ports in that way might lead to the extension of the blockade to that port. Then again, part of the trade of the Rhodesias and the High Commission Territories at present passed through South African ports. It would be necessary to find a means of diverting their trade to other ports until the South African blockade had achieved the anticipated results. It was conceivable that those two problems might prove a serious stumbling block. If so, it might be better to have a limited embargo on petrol and oil.

85. In conclusion, the Reverend Michael Scott urged the United Nations to come seriously to grips with the whole complex of problems which, in his opinion, included that of Central Africa and contained the seeds of a great human tragedy. Time was running short and, in the case in question, was not on the side of peace. Unless measures were taken, not only by the African and Asian countries but by all the Members of the Organization acting together, the threat to world peace would grow until no action short of military intervention would be of any avail. If the United Nations was unable to act effectively in the matter, or was prevented from doing so because of division among its Members, history would pass it by. Some people thought that the bankruptcy of the United Nations would serve their interests, and they rejoiced when United Nations representatives met with difficulties in South West Africa; but it would be an even greater victory for the bigots of *apartheid* if the peoples of the African countries and the petitioners allowed themselves to indulge in futile recrimination, losing sight of African history. There were many voluntary organizations that would try to play their part in any plan of collective measures for the establishment of a United Nations administration in a country which had never belonged to South Africa. They were already considering measures involving voluntary sanctions, and the World Peace Brigade was exploring the possibility of concerted international action, so that South West Africa could be placed under the authority of the United Nations. However, it was unlikely that that those measures would be effective unless the United Nations—both the Eastern and the Western countries—managed to agree on collective measures in order to deal with a situation which was a growing menace to the Organization's very existence. He asked that a sanctions committee be set up to prepare a plan, similar to that which he himself had described, for submission to the Security Council.

86. Mr. Kuhangua (SWAPO) said that he was afraid that the inaction of the United Nations with regard to the situation in South West Africa would

do much harm to its prestige in the world. After sixteen years of speeches and resolutions on South West Africa, the United Nations, far from giving serious consideration to helping the population of the Territory, appeared to regard it as a pawn on the chess-board of international politics. The Chairman of the Special Committee for South West Africa, by publishing a joint press communiqué with Mr. Verwoerd, had taken part in a manoeuvre designed to destroy the very basis of the case brought before the International Court of Justice by the Governments of Ethiopia and Liberia. In addition, many people who had agreed to make statements to the Chairman of that Committee were afraid that he might take it upon himself, on the basis of that mockery of a consultation, to draft conclusions that would exonerate the South African Government, advise against any United Nations intervention and thus delay the independence of South West Africa.

87. However, the barbarism raging in South West Africa was not an isolated phenomenon, and even the most selfish Governments should understand that by refusing to defend justice and dignity anywhere in the world they were endangering their own existence. Perhaps people were waiting until the sufferings and massacres reached proportions large enough to merit the attention of the Security Council. Meanwhile, however, the Government was continuing to carry out mass removals of entire population groups against their will, the police were continuing to disperse peaceful demonstrations by using tear-gas and the Hoachanas Reserve, which the Chairman and Vice-Chairman of the Special Committee had not deigned to visit, was deprived of all means of subsistence and was in an almost continual crisis. The country was in a state of silent war, and the Government had to use its armed forces to maintain order—in other words, to maintain white domination.

88. He had just returned from an extensive journey through Africa and Europe during which he had talked to South West Africans in exile. In Tanganyika, he had taken part in the creation of the Union of South West African Workers in Exile, which had already applied for membership in the international labour movement and which should enable the oppressed to make their voice heard in their country and abroad. In the Republic of the Congo (Leopoldville), he had talked to members of the Provisional Government of the Republic of Angola, headed by Mr. Holden Roberto, and with leaders of the National Liberation Army of Angola and of the General League of Angolan Workers. Since they were facing common problems, the representatives of SWAPO and of the National Liberation Front of Angola had signed a joint declaration calling for strong military collaboration against the Portuguese colonizers in Angola and the South African exploiters in South West Africa. By doing so, they wanted to announce to the international community their intention of forming in the future a Federation of the Independent States of Angola, Bechuanaland and South West Africa, under a central government which would eventually become part of the Federal States of Africa. The existing boundaries were a creation of the imperialists and should be destroyed in order to build a new civilization. So long as it was governed by South Africa, South West Africa was neither a territory nor a nation—it was an artificial creation, an international balancing act which

could not endure, whatever the views of the South African Government on the subject.

Observations by members of the Special Committee

89. The representative of Ethiopia recalled that South West Africa, which had been under consideration in the United Nations since 1946, was the only African Mandated Territory which was still denied its independence. Moreover, the Mandatory Power was in fact proceeding with plans to annex the Territory in defiance of the Mandate, the Charter and the many resolutions which the General Assembly had adopted on that question. The former Committee on South West Africa had submitted at least seven annual reports and, in addition, two special reports which had been presented within the last three years. Those reports were based on facts and the realities prevailing in the Territory. The Mandatory Power had never disagreed with certain conclusions of that Committee: South Africa had consistently held the policy of *apartheid* to be a basis for its administration and had categorically refused to alter that policy; it also did not deny the division of the Territory into zones (Police Zone, Native reserves and locations, etc.).

90. The main concern of the United Nations was the implementation of General Assembly resolution 1702 (XVI). The report of the Chairman and Vice-Chairman of the Special Committee for South West Africa¹²⁰ who had visited South West Africa, should dispel any doubts that might have existed regarding conditions in the Territory. According to paragraph 42 of that report, the South African authorities were not prepared to consider any changes in the basic laws and regulations relating to *apartheid*. They had no plans to institute any reforms or relent from their present policies and methods in the administration of the Territory and were not developing the Territory and its people for self-government or independence.

91. He pointed out that the situation in South West Africa was deteriorating rapidly, and at the present date almost all the provisions of the Mandate including those bearing on forced labour and the establishment of military bases and fortifications were being violated. Labour legislation and conditions of labour conformed neither to the principles embodied in the Mandate nor to the standards set up by the International Labour Organisation. The policy of *apartheid* had become the basic instrument for South Africa to deprive the indigenous people of economic, political and social rights. The efforts of the United Nations to persuade the Government of South Africa at least to facilitate the education of the indigenous inhabitants had been equally fruitless. General Assembly resolution 1705 (XVI) provided for the institution of a programme of scholarships for study abroad for the inhabitants of South West Africa, but those scholarships had not been utilized, since, as the Chairman and Vice-Chairman of the Special Committee for South West Africa had noted, the South African authorities feared that the students would be too young to benefit from such studies and might be exposed to communist influences. The real motives of the South African authorities were well known: it was evident that the more the inhabitants of the Territory were educated, the greater would be their opposition to the *apartheid* policy.

92. It was very clear that South Africa had once again defied the resolutions of the General Assembly by refusing to co-operate with the Special Committee for South West Africa and, in particular, by preventing the implementation of paragraph 2, sub-paragraphs (a) to (h), of resolution 1702 (XVI). His delegation was convinced that the situation in South West Africa must be remedied without delay and that the South African Government should be made to respect the "rule of law" and its international obligations. South West Africa could not be kept outside the scope of the historic Declaration on the granting of independence to colonial countries and peoples. The indigenous inhabitants of South West Africa who had suffered for so many decades and were still suffering under the *apartheid* policy could not remain in that condition indefinitely but must taste the fruit of independence for themselves. South Africa should be made to respect its international obligations. Member States should be prepared collectively to take more effective and resolute measures and to put everything in its proper perspective. His delegation endorsed the conclusions and recommendations contained in the report of the Chairman and Vice-Chairman of the Special Committee for South West Africa, with reservations in regard to paragraph 43 relating to the possible revocation of the Mandate—that part of the question had, it believed, to be studied in greater detail before a definite recommendation could be made.

93. The representative of Mali felt that the application of resolution 1514 (XV) to South West Africa should not give rise to much controversy within the Committee: since the earliest days of the United Nations, delegations had had ample opportunity of stating opinions on the situation in that Territory; moreover, the Special Committee for South West Africa had transmitted to the Committee of Seventeen a report, the conclusions of which were edifying and in line with the views that the members of the latter Committee had already formed while listening to the petitioners. It emerged from that report that the administration of South West Africa had been and continued to be characterized by vigorous application of the policy of *apartheid*, and that the South African Government had no intention of amending its method of administering the Territory. On the contrary—to make its position one of open defiance, that Government had stated that it refused to examine the provisions of resolution 1702 (XVI). It desired purely and simply to annex the Territory against the wishes of the Africans.

94. The United Nations must therefore assume its responsibilities to the full, since the administration of the Territory had been entrusted to South Africa by the international community. Admittedly, the liberation of a people depended, in the first instance, on the efforts made by that people itself. But the United Nations could second those efforts, in the first place by considering the possibility of withdrawing the Mandate which had been conferred on the South African Government. Such a step would, moreover, be in line with the oft-expressed wishes of the responsible leaders of the Territory's population. Once the Territory had been freed from the tyranny of the South African Government, the United Nations should take steps to enable that population to manage its own affairs. Failing such a solution, the population would have no alternative but to resort to violence, appealing

¹²⁰ *Ibid.*

for the solidarity of all justice-loving peoples that were prepared to aid it. Such a situation would obviously represent a threat to peace, which would not be desirable. He therefore considered that the Committee should recommend the Assembly to exert firm pressure on the South African Government by all the means provided for under the Charter. His delegation was ready to support any plan which would allow the population of South West Africa to make practical progress towards fulfilment of its legitimate aspirations.

95. The representative of the Soviet Union stated that the reason for the lack of progress on the question of South West Africa during the past sixteen years lay in the refusal of the South African Government to discharge its obligations despite all the efforts and appeals made by the United Nations, and its obstinate pursuit of a policy contrary to the Charter, the Declaration on the granting of independence to colonial countries and peoples and General Assembly resolution 1702 (XVI), which prescribed measures for the independence of that Territory. What was more, the Republic of South Africa was preparing to annex South West Africa, despite its international status.

96. The South African colonialists had recently added to their arsenal of repressive measures the so-called Sabotage Act, under which any demonstration or protest against racial segregation or any demand for improvements in the living and working conditions of the people could be deemed an act of sabotage punishable by sentences ranging from five years' imprisonment to the death penalty. The new law also prescribed "civil death". Nor was that an isolated occurrence: such actions by South Africa were linked to the attempts of other colonial Powers, particularly the United Kingdom and Portugal, as well as the racist Government of the Federation of Rhodesia and Nyasaland, to break the wave of national liberation which was sweeping the whole of the African continent. In the hope of making southern Africa a bastion of racism, and on the false pretext that it felt itself threatened, the South African Government was intensifying its military preparations. Already supplied with modern equipment by its allies, including the United Kingdom, the United States and Western Germany, it was planning also to establish an armaments industry of its own; it was increasing the strength of the army, extending the period of military service, and arming the white civilian population. The whole purpose of such measures was, of course, to prepare for aggression, not only against the African people of the Republic of South Africa, but against Bechuanaland and Swaziland and against the peoples of Rhodesia, Mozambique, Angola and also the Congo.

97. At the same time, while a number of independent African States, as a counter-measure to the colonialist policy of the racists in South West Africa, had banned trade with the Republic of South Africa and were refusing to allow its ships to enter their ports and its aircraft to fly over their territories, the great Western Powers, whose selfish interests were bound up with those of the large companies and the economic monopolies, were giving the South African Government economic and commercial assistance that impeded the struggle for independence being waged by the peoples of South West Africa and other colonies.

98. He asserted that the United Nations must denounce such collusion and must support the liberation

movement and help the people of South West Africa to obtain their independence. The Soviet delegation proposed that the Special Committee, bearing in mind the Declaration on the granting of independence to colonial countries and peoples, should recommend three measures to the General Assembly. First, the Mandate over South West Africa, given to the Republic of South Africa, must be revoked immediately. Secondly, all administrative functions must be vested for a time in a special commission composed of representatives of independent African States with a view to the urgent adoption of such measures as were necessary for the attainment of independence by South West Africa. Such an arrangement would be better than the establishment of a trusteeship system. The power of decision should lie with the people and political organizations of South West Africa, which were carrying on the struggle for national liberation. No one but the representatives of the indigenous inhabitants could express the wishes of the people of the Territory. Those representatives, who had been heard by the United Nations as petitioners, already constituted the nucleus of a national government, and the United Nations could therefore legitimately give them assistance, in view of the policy of the South African Government. Thirdly, the General Assembly should appeal urgently to States Members of the United Nations to refrain from giving any help to the South African Government.

99. In conclusion, he said that the observations and suggestions made by the Reverend Michael Scott¹²¹ were deserving of the Committee's attention, and his delegation would study them with care.

100. The representative of India recalled that the South African Government for the past sixteen years had ignored the United Nations Charter, the Universal Declaration of Human Rights and the General Assembly resolutions relating to South West Africa. That Government had made a mockery of its international obligations and was treating the Mandated Territory as a private reserve where the indigenous inhabitants were exploited by the white minority. His Government had not only categorically condemned that attitude, but had broken off trade relations, and later diplomatic relations, with South Africa. Had similar action been taken by other countries, the South African Government would no doubt have paid greater heed to the resolutions of the United Nations. But for the trade relations which some great Powers maintained with South Africa, the latter would perhaps not dare to persist in its programme of ruthless repression, its immoral policy of *apartheid*, its total denial to the non-white population of any representation, and its system of legalized tyranny which made any democratic action punishable.

101. The United Nations must therefore act with all speed. The Report of the Special Committee for South West Africa made it clear that the only solution was the granting of independence to the people of South West Africa at the earliest date. The United Nations must demand that it should be allowed to perform its legitimate supervisory functions in the Mandated Territory. His delegation hoped against hope that the South African Government would at least decide to acknowledge its responsibilities to the United Nations and to the international community by permitting a United Nations commission to go to South West Africa. The commission would hear the representatives of the people and, with the co-operation of the

¹²¹ See paras. 83 to 85 above.

de facto authorities and perhaps of the South African Government, might recommend to the General Assembly the method of ascertaining the will of the people which would best facilitate the Territory's accession to independence. The profound changes that had taken place in Africa and in world opinion in recent times witnessed to the urgency of granting the people of South West Africa, without delay, the independence that was their rightful destiny, as it was of the other peoples of Africa. The Republic of South Africa knew that it could not indefinitely prevent the consummation of that destiny, and it still had the opportunity, by making radical changes in its policy, to help the Territory and to establish good-neighbourly relations with a free South West Africa. The idea of sending a United Nations commission to South West Africa was not a formal proposal. However, it was consistent with the conclusions and recommendations made by the Special Committee for South West Africa, which his delegation fully supported.

102. The representative of Yugoslavia recalled that more than forty years had elapsed since the administration of South West Africa had been handed over to the South African Government under the mandate system of the League of Nations. Yet far from fulfilling its sacred mission, that Government had allowed the situation of the indigenous population to worsen, had prevented them from progressing and exposed them to the most brutal form of racial discrimination, which was tantamount to an attempt to exterminate them in the name of civilization. Despite all the efforts of the United Nations, the South African Government was continuing flagrantly to violate the provisions of the Charter, as well as numerous resolutions of the General Assembly. It was therefore necessary for the Organization to take decisive action if it wished to maintain its authority and prestige. The situation in the Territory was becoming more and more explosive and was a matter of deep concern to those who had in mind the aims of the Organization and the maintenance and preservation of international peace and security. The moment for making appeals to the South African Government had passed. The time had come to provide the legal and political grounds on which decisive action could be undertaken to end the sufferings of the people of South West Africa in the light of resolution 1702 (XVI) and of the conclusions of the Special Committee for South West Africa. His delegation supported those conclusions, as well as the claims of the petitioners, and asked the Committee to lay before the General Assembly a concrete recommendation, bearing in mind the persistent defiance of the resolutions of the Assembly by the South African Government and the latter's constant refusal to co-operate.

103. The representative of Poland said that the evidence gathered by the Special Committee for South West Africa, as well as the statements by petitioners, confirmed once again that the South African Government's administration of the Mandated Territory violated every principle of the Charter and of the Universal Declaration of Human Rights, as well as the provisions of the resolutions of the General Assembly, particularly the Declaration on the granting of independence to colonial countries and peoples. The interests of the indigenous inhabitants were completely subordinated to those of the Mandatory Power, in other words, those of a small minority of white settlers. South West Africa continued to be governed by South Africa, whose

policy of *apartheid* and white supremacy was based on the fascist notion of racial superiority. The Africans were denied the most fundamental civic and political rights and were deprived of freedom of movement and expression, whereas the white minority had arrogated exclusive and absolute powers to themselves, reducing the indigenous population to slavery in their own country. The economic and social progress of the Africans was neglected and the Government stubbornly refused to co-operate with United Nations specialized agencies or accept their assistance. Many Africans were being detained, or even expelled, for their political activities. The intensification of the policy of *apartheid* and the introduction of the Sabotage Act resulted in the deepening of the tense and explosive situation in the Territory and had made the tension worse. The petitioners had not hidden the fact that the patience of the people who were suffering the indignities and tyranny of the colonial rule was exhausted and that they were ready to give their lives for freedom and independence. The Polish people, who during their history had to struggle for independence and had experienced the cruelties of Nazi occupation during the Second World War, fully supported the national aspirations of the population who were being oppressed by the South African racialists.

104. He declared that the United Nations, as the heir of the League of Nations, had the duty to ensure that the Mandated Territory would be liberated from the South African administration and achieve sovereignty and independence within the shortest possible time; the fact that the question had been brought before the International Court of Justice should not be an obstacle to liberation, since General Assembly resolution 1514 (XV) should apply to that Territory, as it did to all others. Despite many years of efforts to persuade the Mandatory Power to co-operate in seeking a negotiated settlement, the United Nations had been unable to induce the South African Government to comply with its obligations under the Mandate and the Charter. The reason for that failure was well-known: the racist Government of South Africa, the colonial régime of the Federation of Rhodesia and Nyasaland, and the Portuguese Government, together with British, American and Belgian companies, had formed an unholy alliance by which the colonialists hoped to retain the industrial empire that they had built up in that part of Africa. The statements of the Reverend Michael Scott had furnished evidence that some one hundred industrial corporations were making enormous profits and controlled assets amounting to some \$5,000 million, and that they formed a bloc able to influence their respective Governments. The problem of South West Africa was therefore closely linked with those of Katanga, Angola, Southern Rhodesia and other parts of Africa. That was why he agreed that the decision taken by the United Kingdom in respect of Northern and Southern Rhodesia and the Federation would have a direct bearing on the problem of South West Africa and on developments in South Africa. It should be remembered that the preamble of the Mandate showed that both the United Kingdom and South Africa were responsible before the international community for the administration of the Territory. All the information accumulated by the United Nations in recent years had proved that urgent and effective measures must be taken to put an end to the situation created by the obstinacy of the Mandatory Power,

supported directly or indirectly by other colonial Powers. The Committee should urge the immediate revocation of the Mandate and entrust the temporary administration of the Territory to a United Nations commission composed of African States, which would be responsible for applying the provisions of resolution 1702 (XVI) with a view to the implementation of the Declaration on the granting of independence to colonial countries and peoples, in collaboration with representatives of indigenous inhabitants, and with the assistance of all other Member States and of all United Nations organs. Any opposition by the South African Government to the transferring of powers to the United Nations commission appointed by the General Assembly should be regarded as a direct challenge to the United Nations and dealt with by the Security Council.

105. The representative of the United States said that by alleging that the United States Government had supported the South African Republic, in particular by the supply of arms, the Soviet representative had once again introduced cold war charges into the debate. He entirely rejected those charges, which were wholly unjustified, did not serve the purposes of the Committee and were of no help to the people of South West Africa.

106. As the problem of South West Africa had been discussed at length in various United Nations bodies ever since the founding of the Organization, he would confine himself to recalling that he had stated in the Fourth Committee in 1961 (1101st meeting) that the policy of *apartheid* was repugnant to his Government and that it was particularly deplorable that such a policy should be exercised in an area such as South West Africa, where the Administering Authority had international obligations even though it refused to recognize those obligations.

107. It was clear from the report of the Special Committee for South West Africa and from other sources that the policy of *apartheid* continued to be applied. The views of his delegation had not varied in that connexion. It remained deeply distressed at the failure of the South African Government to recognize its international obligations with regard to the Territory or the right of the people of South West Africa to determine their political future. The question was, what could the Committee do to help the people of South West Africa realize their aspirations? It was necessary to consider first of all the avenues of possible activity. The United States delegation still considered that the proceedings brought by Ethiopia and Liberia in the International Court of Justice represented a constructive endeavour, despite the slowness of the procedure; the Committee and the General Assembly should take no action which might jeopardize those proceedings or detract from their usefulness. Thus his delegation emphatically agreed with the recent statement of the Ethiopian representative that any move toward cancellation of the Mandate should be given the most careful consideration.

108. The possibility of resorting to persuasion and of seeking contacts with the South African Government should also not be disregarded. His delegation had found it encouraging that the South African Government should have invited the Chairman and Vice-Chairman of the Special Committee for South West Africa to visit the Territory, even though on a limited basis. That was the first gesture which the South African Government had made in a long time toward

recognizing, at least in a *de facto* manner, the legitimate interest of the United Nations in the affairs of the Territory. Although it could not be said that the South African Government had been much influenced so far by the opinion of the great majority of Member States, the invitation at least suggested that it did have an interest in that opinion: otherwise it would not have made that effort to clear up what it considered to be certain misconceptions about the situation in the Territory. Many circumstances surrounding the publication of the press release, now referred to as the "alleged joint communiqué", were unclear. One fact, however, which seemed to be frequently overlooked, was certain: the Vice-Chairman of the Committee for South West Africa continued to affirm that the communiqué had been issued with his approval and that it represented his views. While quite understanding that the communiqué in question had not been authorized by the Special Committee for South West Africa, the United States delegation considered that that document, which contained the conclusions reached by the Vice-Chairman of that Committee and the South African Government, was of considerable interest and that the Committee of Seventeen could not ignore it. Its last sentence, according to which other matters had been raised and had been noted for further consideration, was worth bearing in mind. The Committee might conclude from it that the South African Government was prepared to continue with representatives of the United Nations the dialogue which had been inaugurated by the invitation addressed to the Chairman and Vice-Chairman of the Special Committee for South West Africa. His delegation felt that the Committee should warmly welcome any indication of co-operation on the part of the South African Government, and take it as a point of departure for its future work.

109. The representative of Cambodia said it was clearly apparent that the Republic of South Africa had always refused to regard South West Africa as a Territory whose administration had been entrusted to it by the international community, and that it had always practised there the policy of *apartheid*, which had raised racial discrimination to the level of an institution. The United Nations had spared no effort to ensure that the fundamental principles of the Charter were observed in South West Africa, and at its sixteenth session the General Assembly had adopted four resolutions on that subject. But no attention had been paid to any of them. At the most, the Chairman and Vice-Chairman of the Special Committee for South West Africa had been permitted to visit the Territory, albeit in circumstances which were not very satisfactory. The findings which they had made on the spot were deplorable. There had been no change in the behaviour of the South African Government, and—what was more—that Government had stated its unwillingness to permit any interference by the United Nations, and its firm intention to continue its policy of *apartheid*.

110. The question of South West Africa went far beyond the purview of the Committee of Seventeen alone. What was involved was not merely the granting of independence to a colonial country, but also of the official practice of racial discrimination, defiance of the action taken by the international community, and a threat to the very existence of the Organization. In those circumstances, he thought, as did also the representative of Mali, that the United Nations should at once assume its full responsibilities and intervene energetically.

cally. The Committee of Seventeen for its part, should submit to the General Assembly the following recommendations: South West Africa should juridically be considered a Territory under international Mandate; that Mandate should be withdrawn from the Republic of South Africa, because the latter's actions were not in conformity with the principles of the Charter and the Declaration on the granting of independence to colonial countries and peoples; and the necessary steps should be taken to enable the indigenous inhabitants to manage their own affairs. It was however for the General Assembly and the Security Council, in full exercise of their rights and with all the means at their disposal, to take the final action in the matter.

111. The representative of Uruguay, after recalling that his delegation had always taken an active part in the search for a solution of the problem of South West Africa, said that he would confine himself to analysing the new factors briefly and considering new steps which the Organization might take.

112. Any hopes that might have arisen from the South African Government's willingness to receive the Chairman and Vice-Chairman of the Special Committee for South West Africa had been dashed by the findings of those two United Nations representatives, as well as by the many depositions made by petitioners. As the Chairman and Vice-Chairman had pointed out in their report, not only was no change in the policy of *apartheid* observable, but there were very clear indications that that policy was being intensified. Similarly, the South African Government continued to ignore the advisory opinion of the International Court of Justice, that the juridical status of South West Africa was that of a Territory subject to the international Mandate assumed by South Africa and that the South African Government remained bound by the international obligations set forth in Article 22 of the Covenant of the League of Nations and in the Mandate, as well as by the obligation to transmit petitions from the Territory's inhabitants. Moreover, the South African Government, instead of administering the Territory in such a way as to promote the cultural, social and economic development of the indigenous population and to prepare it for independence, had unilaterally taken a series of political and administrative measures which would lead to annexation of the Territory.

113. His delegation therefore thought that the recommendations and conclusions in the reports which had been submitted to the Committee were perfectly well founded and that they indicated the path which the United Nations ought to follow.

114. The representative of Syria recalled that throughout the years the United Nations had failed to make any dent in the position of South Africa with respect to the status and future of South West Africa, and that there had been practically no change in the policy of the South African Government. As the Special Committee for South West Africa had stated in its report, the Chairman and Vice-Chairman of that Committee had seen enough evidence to confirm the previous conclusions of the General Assembly on the situation in the Territory. Likewise, the petitioners who had appeared before the Committee of Seventeen had described South Africa's persistent efforts to make the Territory into a country where liberty would be reserved for the white population alone. Moreover, it was obvious that the South African Government was moving in the direction of out-and-out annexation.

115. In view of the failure of the United Nations to secure respect for the Mandate and the Charter through persuasion and moral pressure, the Organization should now resort to other means, open to it under the Charter, of ensuring that the South African Government fulfilled its obligations. Consequently, his delegation unreservedly endorsed paragraph 82 of the report of the Special Committee for South West Africa.¹²²

116. The representative of Australia recalled that the case of South West Africa was unique of its kind. While the Committee of Seventeen was empowered under its terms of reference to discuss the means of implementing General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples, in the case of South West Africa the legal complexities were such that nobody could say exactly what path should be followed. Essentially, as the United States representative had pointed out, the case was one which was *sub judice*, and that was an aspect of the question which even the Committee of Seventeen could not overlook.

117. He also pointed out that the report of the Special Committee for South West Africa had been submitted at a late stage and that, moreover, it was difficult to add anything to it. For his delegation, it was largely a legal situation; and until that situation had been clarified, his Government felt that it had to reserve its position—not with respect to the indisputable facts, on which it had never hesitated to express its opinion, but with respect to what the Committee of Seventeen ought to do.

118. The report of the Special Committee for South West Africa said nothing definite about the Pretoria communiqué, and it might be asked why the Committee of Seventeen should not take cognizance of that document. In conclusion he said that the Committee's real duty was to do everything possible to prevent the United Nations from losing interest in the developments concerning South West Africa. For that purpose, he proposed that the Committee should take note of the report of the Special Committee for South West Africa—noting, especially, that it was a report addressed to the General Assembly and not to the Committee of Seventeen. The latter could endorse that report so far as its substance was concerned, but the main requirement was to avoid casting away any chance of continuing the contacts which had been established.

D. ACTION TAKEN BY THE SPECIAL COMMITTEE

119. At the 115th meeting of the Special Committee, on 18 September 1962, the Chairman, on the suggestion of the representative of Ethiopia, introduced a draft text of conclusions and recommendations on the question of South West Africa, representing the views of the majority of its members. At the same meeting, the Special Committee approved that draft without a vote.

120. The representative of Italy stated that the question of application of sanctions was a complex and controversial question which should not have been raised in the Special Committee's conclusions and recommendations, particularly as it was already mentioned in the report of the Special Committee for South West Africa to which those conclusions and recommendations referred. While his delegation would not propose

¹²² See *Official Records of the General Assembly, Seventeenth Session, Supplement No. 12, (A/5212) part IV, chap. II, p. 15.*

a formal amendment, it asked that its reservations should be mentioned in the report.

Conclusions and recommendations

121. The following text represents the views of the majority of the members of the Special Committee.

122. The question of South West Africa has been discussed in the United Nations ever since its inception. The facts of the situation in South West Africa are well known: the subjection of the indigenous people of South West Africa to racial discrimination embodied in the system of laws and regulations based on *apartheid*, the suppression of the civil liberties of the indigenous people, the domination of the indigenous people by the white minority, the lack of any representation or voice for the African people of South West Africa in the Government and administration of South West Africa, and the virtual annexation of the Territory by South Africa. The Special Committee emphatically reiterates the view repeatedly expressed in the United Nations and embodied in the several resolutions of the United Nations relating to South West Africa that the virtual annexation of South West Africa, and the extension of the system of administration based on *apartheid* and domination of the people by the white minority from inside and by the racist Government of South Africa from outside, are totally illegal and immoral and in violation of the Mandate of the League of Nations undertaken by South Africa, and of the Charter of the United Nations. The policy of South Africa in regard to South West Africa stands condemned.

123. The United Nations has for long laboured to bring to the people of South West Africa justice, dig-

nity, freedom and civil liberties. It has tried to persuade South Africa to see reason, to place the Territory of South West Africa under United Nations trusteeship, which would lead to the independence of South West Africa in accordance with the freely expressed wishes of the people. All the efforts of the United Nations have however foundered on the rock of South Africa's intransigence and defiance of the United Nations and world public opinion. As stated in the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)), the process of liberation is irreversible and inevitable, and South Africa's intransigence cannot in the nature of things stand in the way of freedom and independence of the people of South West Africa. The winds of change which are blowing so strongly in Africa have not failed to penetrate into South West Africa. The Special Committee firmly believes that the result of the continued intransigence of South Africa must inevitably be the building up of a dangerous situation fraught with the gravest consequences.

124. The Special Committee generally endorses the conclusions and recommendations contained in paragraphs 78 to 82 of the report of the Special Committee for South West Africa.¹²³ It believes that the time has come for the United Nations to take urgent, positive action, including the possibility of sanctions against South Africa, to prevent the annexation of South West Africa by South Africa and to ensure the emergence of South West Africa into independence at the earliest date in accordance with the freely expressed wishes of the people.

¹²³ *Ibid.*

CHAPTER X

KENYA

A. INFORMATION ON THE TERRITORY*

General

1. Situated on the east coast of Africa and on the equator, Kenya is bounded on the north by Ethiopia and the Sudan, on the west by Uganda, on the south by Tanganyika, and on the east by Somalia and the Indian Ocean.

2. The area of Kenya is 224,960 square miles, including 5,171 square miles of inland water. There are four main geographic regions: an arid thorn-bush covered plain, with a small nomadic population, in the north-east; low, arid land, including Lake Rudolf and a mountainous area, in the north-west; a dry, almost uninhabited stretch of land in the south-east; and, a plateau rising to 10,000 feet above sea level in the south-west, where 85 per cent of the population live and nearly all the economic production is concentrated. This plateau is cut by the Great Rift Valley, thirty to forty miles wide and 2,000 to 3,000 feet lower than the land on either side.

3. The Territory is divided into six provinces (Rift Valley, Central, Nyanza, Coast, Southern and Northern Frontier) and the Nairobi extra-provincial district.

A ten-mile wide coastal strip extending from the Tanganyika border to Kipini, together with the Lamu Archipelago islands, forms the Protectorate, which comprises the mainland dominions of the Sultan of Zanzibar, to whom Kenya pays £16,000 annually.

4. The population of Kenya at 1 July 1960 was estimated at 6,550,000, made up as follows:

Africans	6,263,300
Indians and Pakistanis	174,300
Europeans	67,700
Arabs	38,600
Others	6,100

Government

(a) *Present status*

5. In 1887 the mainland territories of the Sultan of Zanzibar became a British protectorate. In the same year the British East Africa Company was granted a concession over other areas of the mainland, which in 1895 also became a British protectorate. The territory outside the mainland dominions of the Sultan of Zanzibar was proclaimed a colony in 1920.

(b) *Constitution*

6. The present Constitution of Kenya derives from the agreement reached at the Constitutional Conference,

* Section A of the present chapter is based on information supplied by the administering Power and information compiled by the Secretariat from published sources.

which was held at Lancaster House in London in January and February 1960 and which was attended by representatives of the major political parties in the Legislature. At that time the Territory already had a majority of elected members in the Legislative Council and in the Council of Ministers; the former had ninety-one members (excluding the Speaker), of whom thirty-six were elected by constituencies and twelve by the Legislative Council itself (sitting as an Electoral College), as well as thirty-seven nominated members and six *ex officio* members. The Council of Ministers had sixteen members, of whom eight were elected, one was nominated and seven were *ex officio* members. Each of the elected members of the Council of Ministers, as also the *ex officio* members, had responsibility over one or more government departments and thus played a considerable role in the administration of the country and shared in policy making as well.

7. The main features of the present Constitution are described below.

(i) *Governor*

8. The head of the administration of Kenya is the Governor who is the Queen's representative, appointed on the advice of the Colonial Secretary in London. In the exercise of his executive powers in the ordinary internal affairs of the Territory the Governor normally acts on the advice of his ministers. His assent is required for laws passed by the Legislative Council and is normally given.

(ii) *Council of Ministers*

9. At the 1960 Conference it was agreed that the Council of Ministers should consist of twelve ministers. A number of modifications have been made since, the latest as a result of the agreement at the Constitutional Conference of February to April 1962 that a National Government should be formed. The Council of Ministers now consists of sixteen ministers, the Governor (who normally presides) and the Deputy Governor.

(iii) *Legislative Council*

10. The Kenya Legislature makes laws for all the internal affairs of Kenya. Bills are passed by the Legislative Council and then submitted for the Governor's assent. The Legislative Council consists (apart from the Speaker) of the following members: (a) the *ex officio* members, or those members of the Council of Ministers who are not otherwise members of the Legislative Council (at present the Minister for Defence and the Minister for Legal Affairs); (b) sixty-five elected members; and (c) such nominated members as the Governor may appoint in pursuance of instructions given by Her Majesty through a Secretary of State. The elected members are in turn divided into: (a) fifty-three constituency members; and (b) twelve national members.

11. Each of the fifty-three constituency members is elected by voters registered on a common roll. Ten seats are reserved for European candidates, eight for Asian candidates (of whom three must be Moslem and five non-Moslem), and two for Arab candidates. The national members are elected by the constituency members sitting as an electoral college. Of the twelve seats held by national members, four are reserved for African candidates, four for Europeans, one for a Moslem Asian, two for non-Moslem Asians and one for an Arab.

(c) *Electoral system*

12. The constituency members are elected in single-member constituencies. Electors must be British subjects or British protected persons of the age of 21 years or more. There are certain residential qualifications, and in addition electors who are under the age of 40 and are not holders of one or other of certain offices must possess certain literacy or property qualifications. In order to ensure that candidates for the reserved seats command effective and genuine support within their own communities there must be primary elections for those seats among the electors in the respective communities. In the ordinary way each candidate must obtain 25 per cent of the total valid votes cast at the primary election in order to qualify for the general election.

13. The last elections took place in three phases between January and March 1961, and yielded the following results:

	<i>Seats</i>
Kenya African National Union (KANU)	19
Kenya African Democratic Union (KADU)	15
New Kenya Party	7
Kenya Coalition	3
Independents and other parties	21

(d) *The judiciary*

14. The Supreme Court of Kenya has full civil and criminal jurisdiction. It consists of the Chief Justice and ten puisne judges. It sits in Nairobi, Mombasa and Kisumu continuously throughout the year, and criminal sessions are held monthly at Nairobi and every two months at Mombasa and Kisumu. Circuit sessions are held in other towns as necessary. Appeals from the Supreme Court lie to the Court of Appeal for East Africa. In addition, there are magistrates' courts, Moslem subordinate courts and African courts.

(e) *Council of State*

15. The Council of State was inaugurated in June 1958 to protect racial or religious communities against harmful discriminatory legislation. Its function is to report on such legislation, and it possesses powers to delay it. It can also report upon subordinate legislation which it considers to be discriminatory so that, if necessary, it may be annulled. It consists of a Chairman and ten members nominated by the Governor. Members are not chosen in accordance with any principle of sectional representation; its present membership is four Europeans, three Africans, two Asians and one Arab.

(f) *Local government*

16. There are six municipal authorities established in Kenya; the City of Nairobi and the towns of Nakuru, Eldoret and Mombasa are administered by municipal councils, while Kisumu and Kitale are administered by municipal boards. The municipal councils have both elected and nominated Asian and African members, and the Mombasa Municipal Council includes Arab members. Electoral franchise is based on ownership or occupation of property or on residence and income qualification. Revenues are derived from rates and charges for services, such as water. With the exception of Nairobi, which is authorized to make stock issues, the municipal authorities raise their loans mainly from the local government loans authority. In addition to the municipalities, there are a number of county, rural

and urban district councils, with considerable powers in their own areas.

(g) Constitutional developments

17. After the Legislative Council elections in February 1961 it proved difficult to form a government, since KANU, which had gained the largest number of seats, refused to accept office. KANU declared that it would not participate in the government unless Mr. Jomo Kenyatta was released immediately. Eventually KADU agreed to participate in the government and accepted three ministries; Mr. Ronald Ngala became Leader of Government Business and Minister of Education. In September 1961 constitutional talks were opened in Nairobi under the chairmanship of the Governor. The talks had as their basis a memorandum prepared by a joint KADU-KANU committee, containing agreement on a number of matters, including a programme for advance to independence. In the course of the talks, however, disagreements between the two parties emerged, and in October the meetings were adjourned.

18. At the end of November 1961, the Secretary of State for the Colonies, Mr. Reginald Maudling, visited Kenya and had talks with representatives of all political, religious and racial groups. At the conclusion of these talks he announced the United Kingdom Government's decision to hold a constitutional conference on Kenya in London.

19. The Constitutional Conference opened in London on 14 February 1962 under the chairmanship of Mr. Maudling, Secretary of State for the Colonies. All the elected members of the Legislative Council participated; in addition, delegations were received on behalf of the Masai people and the people of the Northern Frontier District.

20. The framework of the new Constitution agreed upon at the Conference would provide for a bicameral legislature. The Lower House would be elected by universal adult suffrage and based on single-member constituencies containing approximately equal numbers of voters. The Upper House would consist of one member from each of the existing Districts; these would be selected by a method to be determined later. It was agreed that there should be a strong and effective Central Government which would be responsible for a very wide range of activities, including external affairs, defence, international trade, customs, major economic development and the raising of development funds from overseas. It was also agreed that there should be the maximum possible decentralization of the powers of government to effective authorities capable of a life and significance of their own, entrenched in the Constitution and drawing their being and power from the Constitution and not from the Central Government. To this end, six Regional Assemblies would be established, based on the existing provincial boundaries. The members of the Regional Assemblies should be elected by the Districts, each District returning an equal number of members, and the franchise would be the same as that for local government elections.

21. While the Conference felt that a detailed list of the distribution of functions between the Central Government and the Regions would have to be determined later, it agreed on a distribution in the fields of agricultural land, education, local government and public health. With regard to agricultural land, the Conference agreed that land outside the so-called Sched-

uled Areas (the White Highlands) would be vested in the appropriate tribal authorities and would be the exclusive responsibility of the Assembly in each Region. The Constitution would establish a Central Land Board with the sole responsibility for the formulation and implementation of settlement schemes within the Scheduled Areas.

22. The Conference also agreed to form a National Government in order to increase national confidence and unity, to continue good government in "these crucial times", and to settle the details of the Constitution. Subsequently a coalition Government was formed. Mr. Ngala (KADU) and Mr. Kenyatta (KANU) became Ministers of State, and each of the two parties was allotted six ministries in the Council of State.

Political parties

23. The Kenya African National Union (KANU) was formed in 1960 under the leadership of Mr. James Gichuru as President and Mr. Tom Mboya as Secretary General. Mr. Mboya had previously been associated with the Kenya Independence Movement which had been formed in 1959 as a result of the failure of an attempt to organize an interracial political party, the Kenya National Party.

24. In December 1960 KANU published a manifesto, the main points of which were as follows: immediate independence for Kenya and the release of Mr. Kenyatta; a guarantee that the fundamental rights of the individual would be respected and that modern civilized standards would be maintained, although not necessarily those of Western civilization; guarantees of employment and of certain standards of wages and conditions of work; an assurance that the means of production, distribution and exchange would be "under the best obtainable system"; equality of opportunity and of education and social services for people of all races; land reform and resettlement but not "at the cost of the high standard of agriculture already attained and which must continue"; compensation for property on land which may be appropriated for resettlement; an expansion of education; Africanization of the civil service; and, in foreign affairs, a policy of non-alignment with military or power blocs, and the removal of foreign military bases in Kenya. The party has a strong country-wide organization with particular support among the Kikuyu and Luo tribes. Its present leader is Mr. Kenyatta who assumed this position in 1961 following his release.

25. The Kenya African Democratic Union (KADU) was formed in 1960 under the leadership of Mr. Ronald Ngala who earlier that year had led the common front formed by the Kenya National Party and the Kenya Independence Movement at the Constitutional Conference. The party resulted from the merging of a number of minority groups and draws most of its support from the Baluhya, Masai, Nandi and other smaller tribes.

26. In its manifesto for the 1961 elections KADU advocated the building of a "welfare democratic state". It called for the release of all detained and restricted persons and abolition of foreign bases in Kenya. It proposed comprehensive free health services and eight years' compulsory free education, and promised full employment, higher standards of living, and rapid industrialization. On the question of land, it stated that privately-owned land which was undeveloped or underdeveloped should be acquired by the Government and

given to landless Africans. The basic freedoms of religion, conscience, speech, movement and association were to be guaranteed. The party gave qualified approval for an East African federation, if this should correspond with the wishes of the people after they have achieved full self-government.

27. The New Kenya Party grew out of the New Kenya Group which aimed at developing the Territory on a liberal non-racial basis. In 1960, under the leadership of Mr. Michael Blundell, it constituted itself as a party to fight the elections. The party's election manifesto visualized a planned, phased approach to independence on the basis of a coalition government. It suggested three phases of responsible government. The first included the appointment of a Chief Minister from among the members of the Legislative Council, while the second and third would involve the gradual withdrawal of reserved powers held by the Governor on behalf of the British Government, leading to complete independence, which would be granted only after a written constitution had been generally accepted. It expressed support for the idea of an East African federation on the lines proposed by Mr. Julius Nyerere of Tanganyika, made a guarded appeal for the retention of British military bases, and called on the British Government to accept responsibility for the negotiation of assurances against unjust expropriation of property. The party declared its faith in private enterprise and opposed nationalization or collectivization of land, industry or commerce.

28. The Kenya Coalition was formed by Sir Ferdinand Cavendish-Bentinck after his resignation in March 1958 from the office of Speaker of the Kenya Legislative Council. For the 1961 elections the Kenya Coalition had the support of the United Party, and together they opposed Mr. Blundell's New Kenya Party which stood for a more liberal approach to African aspirations. In its manifesto the Coalition declared itself in favour of the following aims: orderly and planned transition to responsible government; security from violence and intimidation by the maintenance of adequate security forces; the restoration of financial stability through various measures, including the safeguarding of land titles and the effective underwriting of land and property values; a "sound" educational policy, with no "forcing" of racial integration, and with acceleration of universal primary education for Africans and improved facilities for technical training. The basis of the party's policy, it was stated, was to ensure that the Europeans of Kenya may be assured of such conditions as will enable them to play their part in the development of the country. Its leader in the Legislative Council is Mr. L. A. M. Welwood.

29. The United Party was formed in August 1959 under the leadership of Mr. Briggs by the Progressive Local Government Party and a group of European elected members of the Legislative Council. The Party announced in a statement of policy that nationhood for Kenya was a long way off; that the Territory should remain under the control of the British Government for a considerable time to come; that no racial group should be dominant in the Legislative Council; that local authorities should enjoy greater power; and that the different racial groups should pursue a policy of separate development. The party entered into an electoral alliance with the Kenya Coalition for the 1961 elections.

30. The Kenya Indian Congress was formed soon after the introduction of the Legislative Council in 1906. It has a long history of opposition to communal electoral rolls, having for some years boycotted the Legislative Council in protest. In the 1961 elections it won three of the ten Asian reserved seats.

31. The Kenya Freedom Party was formed in February 1960 by a group of Asians who opposed the principle of racially reserved seats in the Kenya Legislature and advocated a policy of co-operation with African nationalists. The party's president, Mr. Chanan Singh, is a former secretary of the Kenya Indian Congress, who resigned from the Congress in January 1960 because he did not consider it sufficiently sympathetic to African advance. The party programme advocates immediate independence for Kenya, universal franchise, social integration of all sections of the population, and dissolution of all State-supported racial and communal institutions. In the 1961 elections it won two of the ten Asian reserved seats.

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

32. The Special Committee considered Kenya at its 61st, 68th, 71st, 99th, 106th to 110th and 115th meetings, on 30 May, 6 and 8 June, 10 August, 11 to 14 and 18 September 1962.

Hearing of petitioners

33. The Special Committee heard the following petitioners concerning Kenya:

(a) Mr. Sammy Maina. Mr. Maina was accompanied by Mr. Munyui Kahuha and Mr. Livingstone Mudidi (61st meeting);

(b) Mr. E. O. Agar, National Assistant Secretary of the Kenya African National Union (KANU) (68th meeting);

(c) Mr. Sereney, representing the Kenya African Democratic Union (KADU) (71st meeting).

34. Mr. Maina said that in explaining his country's problems to the Committee he would put aside his political credentials and speak as a private citizen of a country still labouring under British colonial domination. Kenya's independence was years overdue. The United Kingdom, realizing that independence could not be indefinitely delayed, had resorted to its traditional method of "divide and rule", and had set about instigating regionalism and separation in Kenya. He urged the Committee to recommend the immediate granting of independence, and stressed that any further delay might result in the fragmentation of Kenya and the creation of five or six new Katangas.

35. He pointed out that the United Kingdom maintained military bases in Kenya against the express will of the inhabitants. The continued presence of those bases was intolerable, for it was likely to jeopardize his country's future by involving it in bloc tensions, and so poisoning its relations with States with which it had no quarrel. Furthermore, his countrymen suspected the United Kingdom of keeping nuclear weapons at those bases, one of which was situated no more than ten miles from Nairobi. It was also generally recognized that every independent country was reasonably entitled to maintain a small domestic army—but the United Kingdom discouraged the formation of such an army on the grounds that its own army was adequate

to afford the people all the "protection" they required. Kenya had had enough of such protection, and he asked the Committee to urge the United Kingdom to remove its military bases forthwith. Another problem deliberately created by the colonialists was the border dispute with Somalia. The United Kingdom was giving some support to the Somali position and was sending a commission to look into the matter. It should be noted that the British had not thought of surrendering that section of Kenya until it had become clear that the Territory would soon become independent. The Committee should warn the United Kingdom to stop promoting such disputes, lest Kenya became a new Congo.

36. Turning to economic matters, he wished to draw the Committee's attention to the fact that most of the profits derived from Kenya's natural wealth were going to the United States, the United Kingdom and other countries whose representatives in the Committee had tried to prevent his testimony from being heard. Political independence alone was not sufficient; the new forms assumed by colonialism today were in some ways more dangerous than the old forms, though he believed that Kenya would succeed in frustrating neo-colonialist schemes. In Kenya the British refrained from encouraging the economic development and industrialization of the Territory, and continued to take its raw materials to the United Kingdom to be manufactured and then sold back to the Kenyans.

37. In conclusion he pointed out that as long as the colonial Powers could rely on support in the United Nations, the peoples of Africa could not hope to obtain their independence.

38. Mr. Agar (KANU) said that, while Kenya still faced many serious problems, conditions there had improved considerably. However, the country had not yet achieved self-government. Under the influence of a few European settlers, British rule had become so oppressive and racial discrimination so intolerable that in 1952 the Africans had taken up arms in the so-called Mau Mau rebellion. His organization had been outlawed and thousands of Africans had died. Many had been killed in detention camps, for instance at Hola, where eleven had been beaten to death and many others injured, by order of a European officer. The British Governor still had some emergency powers and about 100 people were still detained.

39. In order to protect the privileges of the European settlers, the administering Power was resorting to all kinds of tricks to delay independence. Africans had been held without trial in 1960 and 1961, and the administration and police had systematically intimidated members of KANU. Thousands of Africans had been dismissed from plantations owned by Europeans for joining KANU, and in some cases District Officers had deprived farm labourers of their voting cards. Between 1952 and 1960, Africans had not been allowed to form country-wide political organizations, but in 1960 all prominent African nationalists had joined KANU, and the whole country had supported the party. The settlers, with the help of the Government, had formed and financed the Kenya African Democratic Union (KADU) which had found a following among a few nomadic and less enlightened tribes. The KADU plan for a federal type of government was the work of European settlers who hoped to keep the fertile Kenya Highlands. In spite of the reservation of twenty-four seats for non-African minorities, par-

tially demarcated constituencies and other circumstances, KANU had won the last election with a programme calling for the immediate release of Jomo Kenyatta and independence for Kenya in 1961. The party had agreed to form a Government on condition that Kenyatta was freed from all restrictions, particularly since the Government's principal witness against Kenyatta had confessed that he had been bribed by the Kenya Government to give false evidence at the trial in 1952-1953. The Governor had refused to release Kenyatta, had called upon Mr. R. G. Ngala, the leader of KADU, to form a minority Government and had nominated fifteen members to the Legislature to support it. Yet KADU had obtained only 16.4 per cent of the votes cast in the election, against KANU's 67.4 per cent. In August 1961 the administering Power had been forced to release Kenyatta, and he had been elected president of KANU. At a conference in London, a new Constitution had been drafted, and KANU had agreed to share ministerial posts equally with KADU, in order to hasten preparations for new elections. Although KANU wanted elections not later than October 1962 and independence by the end of the year, KADU Ministers, with the support of some British Members of Parliament who had large farms in Kenya, were trying to delay both the elections and independence. Because of the delay, the economic situation was deteriorating, unemployment had reached dangerous proportions, the plan for a Federation of East Africa was being thwarted, and the people of Kenya were becoming very angry. The United Nations could help by strengthening the hand of the Kenya African leaders in the negotiations for independence.

40. He also stated that the administering Power and the Somali Republic were encouraging a handful of Somali nationals in the Northern Province to demand secession from Kenya before the country became independent. The United Kingdom should stop supporting that dangerous plan, which might lead to bloodshed. Furthermore the United Kingdom had ignored the Africans' protests against the establishment of foreign military bases and had set up a large base at Kahawa. It was even rumoured that the United Kingdom, in co-operation with the NATO Powers, was storing nuclear weapons in Kenya. This party could not allow any bases in Kenya after independence, and it urged the United Kingdom to remove them at once.

41. The people of Kenya condemned colonial rule anywhere in Africa, he continued. In particular, the United Nations should take effective steps to liberate the Africans of Angola and Mozambique from the Portuguese fascist régime. Moreover the Federation of Rhodesia and Nyasaland, which had been created to perpetuate European domination against the Africans' will, should be broken up. Each Territory should be allowed to hold free general elections with universal adult franchise and should then be granted full independence, and the complex and outdated constitutions devised for the Rhodesias should be abandoned. The United Nations should act quickly to end racial persecution in South Africa and the South African Government's defiance of its authority in South West Africa. The United Nations should also extend its programmes of economic aid to former colonies, since full freedom for Africa must mean economic and cultural freedom.

42. Mr. Sereney said that he spoke as a member of the Executive of the Kenya African Democratic Union (KADU) and as a member of the Kenya Legis-

lature. One of his purposes in appearing before the Committee was to refute the absurd allegations regarding KADU made before the Committee at Addis Ababa by Mr. Maina.¹²⁴ From 1952, when the state of emergency had been declared, until 1960, no political activity had been permitted in Kenya. At the end of that time KANU had been formed, but when it had become apparent that its founders were more concerned to secure key positions than to ensure that a proper cross-section of the population was represented, KADU had been founded as a rival party. After the elections of 1961, KADU had participated in the Government until the Lancaster House Conference, following which KADU and KANU had formed a coalition Government. That Government was currently working out the details of the constitution for an independent Kenya.

43. The people of Kenya appreciated the role played by the United Nations in championing the cause of the oppressed peoples, particularly in the Congo and in Angola. He had not come to plead for independence for Kenya since the Africans now had the destiny of their country in their hands, and any delay in the achievement of independence would be the fault of the Kenya people themselves. The main dispute between KADU and KANU concerned the very important matter of the structure of an independent Kenya. There were a number of ways in which Members of the United Nations could assist Kenya. First, they could refrain from taking sides on Kenya's internal political matters. Secondly, they could assist in education. Many nations had already provided facilities for African students; India had been the first to offer such facilities, and Pakistan, the United States and the socialist countries had followed suit. Unfortunately, the United Kingdom Government had obstructed the acceptance of offers of training facilities made by the socialist countries. He himself had submitted a motion calling for the removal of restrictions on the acceptance of such offers. Kenya was urgently in need of teachers, doctors, scientists, engineers and similar skilled personnel. Another way in which other countries could help Kenya would be by means of economic aid. All aid to which no strings were attached would be accepted, provided it was used to improve the economy and not to enrich the farmers. He also appealed to the great Powers not to involve Kenya in East-West quarrels. This party was opposed to alignment with any existing Power bloc, and to the presence of military bases on Kenyan soil. He was confident that it would be possible for the evacuation of the Kahawa base to be negotiated with the United Kingdom Government.

44. In conclusion he said that once the Constitution had been worked out, general elections would be held and the party winning a majority would form a Government and make arrangements with the United Kingdom Government for Kenya's accession to independence. The first task of an independent Kenya would be to eradicate the vestiges of economic imperialism and to put an end to poverty.

Observations by members of the Special Committee

45. The representative of the United Kingdom said that his Government, generally speaking, had followed the same main policy and the same system of administration throughout Africa. It had created separate governments in each of the territories under its administration, so that the people should gain experience

in the management of their own affairs and so that the transition from bureaucracy to democracy could take place as quickly as possible by progressive and natural stages. With the people, the United Kingdom had worked out systems of representative government and established parliaments in every territory. It had created public services owing allegiance not to party or tribe but to all the people. It had established impartial courts. It had created local security forces, so that when the countries attained independence they had their own means of maintaining law and order. It had given special attention to the problems of education. On the economic side, its aid to and investment in developing countries since the war had amounted to £3,000 million. While the United Kingdom recognized the value of diversity, its main purpose had been to overcome racial, sectional and tribal differences, and to foster a true national patriotism. The Committee had often heard the old catch-phrase "divide and rule", but the record showed that the purpose of the United Kingdom had been to unite and set free. No territory showed that policy and purpose more clearly than Kenya.

46. The general pattern for the development of United Kingdom territories in East Africa had been set by Tanganyika, which had proceeded confidently on the road to racial equality and had been the first to attain independence. In Uganda important advances had been made, and full independence was to be achieved on 9 October 1962. As regards Zanzibar, the Committee had been able to observe that the purpose was to proceed rapidly through self-government to independence. With relation to Kenya, three important events had taken place—the 1960 Conference, the 1962 Conference and the recent visit of Mr. Maudling.

47. The 1960 Conference had achieved the following results: first, a decisive move had been made towards universal adult suffrage; secondly, for the first time, Kenya was to have an African elected majority in the Legislative Council; thirdly, it was decided that the Council of Ministers was to have an unofficial majority and the African unofficial members would be equal in number to the unofficial members of all the other races put together; lastly, the Constitution was to include a provision for a bill of rights, which would give legally enforceable protection to the fundamental rights of the individual against the State. At the conclusion of the 1960 Conference it had been clear that in Kenya the Africans were to play a predominant part in governing the country, while at the same time the members of other races would make a vital contribution.

48. A general election had taken place early in 1961 and although KANU had secured a greater number of elected seats than KADU, the former had refused to participate in the formation of a Government until Mr. Kenyatta had been unconditionally released from restriction. The latter party, however, had agreed to participate in the Government, and, with the support of members of other parties in the Legislative Council, KADU had secured a working majority. There had followed a period of joint discussions under the chairmanship of the Governor, in an endeavour to find common ground among the parties for further political and constitutional advance. Those discussions had led to the Conference held in London in early 1962.

49. One of the greatest problems in Kenya was the fear that any one particular tribal group or political party might come to dominate the country. Much of the work of the 1962 Conference had been concerned

¹²⁴ See paras. 34 to 37 above.

with such problems as where and to what extent the powers of the Central Government might be limited by establishing, under the Constitution, regional entities with rights and powers of their own. In a new context, it was the old problem of the balance of power between the regions and the centre.

50. The 1962 Conference had achieved very substantial results. It had reached agreement on the following points: (1) an impartial and independent judiciary; (2) a bill of rights embodied in the Constitution; (3) a Parliament consisting of two chambers, the Lower House being elected by universal adult suffrage on single-member constituencies and the Upper House consisting of one member from each of the existing Districts; (4) a strong, effective Executive, headed by a Prime Minister, normally the person commanding the majority in the Lower House; (5) maximum possible decentralization of powers of government to effective regional authorities; and (6) a public service independent of political control. Scarcely less important than those far-reaching conclusions was the decision reached to form a coalition or national Government to continue good government in the crucial time ahead and to settle, in discussion with the United Kingdom Government, the details of the Constitution based on the framework on which agreement had already been reached.

51. The third important development had been the visit of Mr. Maudling, then Secretary of State for the Colonies, to Kenya in July 1962. When he had left Nairobi on 10 July, he had issued a public statement dealing with the main matters which had been discussed with the Kenya leaders. He had confirmed that the next step in the constitutional development of Kenya was to be the introduction of a new Constitution and the holding of nation-wide elections as soon as possible. As regards the completion of the Constitution within the framework already accepted at the 1962 Conference, he had expressed the hope of seeing agreement reached on all outstanding points, but stated that in any case where that could not be obtained, the United Kingdom Government would have to take the necessary decision to enable constitutional drafting to be completed, Mr. Maudling's statement had gone on to deal with education, health, labour, the public service and land policy. In those matters, the constitutional problem of the allocation of authority between the centre and the regions had been dealt with by close consultation, and in cases where full agreement could not be reached, it had been necessary for the Secretary of State for the Colonies, as arbiter, to indicate the course to be followed.

52. The representative of the United Kingdom went on to say that the report of the 1962 Conference had called for the appointment of five commissions: an Economic Commission to examine the whole issue of public expenditure and public service establishment; a Fiscal Commission to examine means of developing new sources of revenue; a Commission to delimit the new constituencies; a Commission to delimit the boundaries of the new regions; and lastly, a Commission to report on public opinion in the Northern Frontier District of Kenya regarding the future of that area. In the Kenya Coastal Strip, an investigation had already been carried out by a Commission appointed for that purpose, and, following a conference in London, the matter would be finally settled in further consultation with the Sultan of Zanzibar. The United Kingdom had

already provided substantial financial aid to Kenya to help the country to overcome its economic and financial problems. The United Kingdom was also deeply concerned with such problems as public order and the over-all necessity to restore confidence and regain the momentum of progress.

53. In conclusion, he said that the United Kingdom's attitude contrasted with that of others who spoke about an immediate transfer of power without regard to economic and financial difficulties, questions of public security, and racial or tribal tensions. They did not care to whom authority was handed over or what prospect there was of stable government or increasing prosperity. By careful, thorough and painstaking negotiations the United Kingdom was striving to ensure that Kenya, as well as the other territories for which it had responsibilities, made a good start with good prospects of peace and progress. Constructive advances could not be achieved without difficulties. The way in which such difficulties had been surmounted by the process of consultation augured well. He was confident that the Committee would wish the people of Kenya well in their endeavour, with the help and encouragement of the United Kingdom, to reach the end of the road along which they had already made such substantial and welcome headway.

54. The representative of the Soviet Union said that the Committee had been right in deciding to discuss the situation in Kenya despite the objection of the administering Power that such a discussion would not be opportune. The representative of the administering Power had failed to indicate when it intended to implement the provisions of General Assembly resolution 1514 (XV) by granting Kenya its independence. Yet Kenya was one of the largest remaining colonies.

55. Summarizing Kenya's history, he recalled that the Whites who had settled there at the turn of the century, when the colony had been officially incorporated into the British Empire, were largely South Africans with their typical attitude towards the indigenous inhabitants. They had taken the best lands from the Africans, and the disproportion between the extent of the lands now occupied by Europeans and that occupied by Africans was so great that there was a saying to the effect that when the Europeans had come they had had the Bible and the Africans had had the land, whereas now it was the other way round: the Africans had the Bible and the Europeans had the Africans' land. That was the policy which the settlers had sought to present as a civilizing mission of which only Europeans were capable. Yet the question of land was vital for the very subsistence of the African population, and it was inevitable that they should put an end sooner or later to a situation in which they were barred from owning land in that part of the country which had the best climate and the most fertile soil.

56. The statements of the petitioners had indicated that labour conditions for Africans were extremely unfavourable, that the indigenous inhabitants lived in poverty and that they were victims of racial discrimination in every field, including education, public health and wages. They had also testified that the country's entire economy was still controlled by United Kingdom monopolies. The petitioners had been unanimous in calling for immediate independence and the end of colonial rule.

57. So far as the political situation was concerned, he continued, Kenya remained a typical colony run by

a British Governor whose freedom of action was in no way limited by the existence of a Council of Ministers and a Legislative Council, since those bodies were merely advisory. The number of European members in the Legislative Council was entirely out of proportion to the size of the European population of the Territory. Elections had so far been held under a system of restricted suffrage entailing property qualifications, the purpose of which was to exclude large numbers of Africans from voting. The agreement on a new Constitution reached in April 1962 ignored a number of vital matters and, most important of all, failed to set a date for the granting of independence. Yet the petitioners heard by the Committee had categorically demanded independence in 1962. The representative of KANU, which was in favour of immediate independence, had said that the other major party, KADU, had also adopted that slogan but that some of its leaders had been influenced by Europeans who sought to convince them that, with the granting of independence, the larger tribes would impose their rule on the smaller ones. Yet at the Addis Ababa conference¹²⁵ the KADU representatives themselves had stated that their party too was in favour of independence for all of East and Central Africa in 1962. It was obvious that the administering Power was trying to pit one political party against another and stir up inter-tribal friction so that it would have a pretext for refusing to grant independence. That was apparent even from statements made by United Kingdom officials, such as that by the Governor criticizing KANU and describing the political parties in Kenya as tribal groupings. Representatives of KANU had protested against what they had described as attempts by the administering Power to create a split within the ranks of their party itself. Thus it was not difficult to see why the administering Power had tried to prevent the Africans from setting up political organizations on a territory-wide basis and had encouraged them to form groupings along tribal lines instead.

58. His delegation supported the demands made by the representatives of the indigenous inhabitants and accordingly deemed it essential that the Committee should call upon the administering Power to hold general elections as soon as possible for the establishment of a legislative assembly and a democratic national government with a view to the immediate granting of independence. United Kingdom representatives in the United Nations were in the habit of saying that it was the policy of their Government to grant independence to the various colonies at the earliest possible date. Some former colonial Governors even claimed that all their efforts had been directed towards the emancipation of the colonies in which they had served and seemed to imply that they had even been in opposition to the higher authorities in their desire to accelerate the process. History showed, however, that the colonialists had never given up any colonies of their own volition, and that the peoples of those colonies had had to fight for their freedom. Their leaders, including Mr. Kenyatta, the Kenya nationalist leader, had been imprisoned by the colonialist authorities. In Kenya a campaign of repression had been waged from 1952 until 1955, in which thousands of Africans had been killed, many thousands more had been sent to concentration camps, whole tribes had been deported and all African

political organizations had been outlawed. Those were the methods which the colonialists had used to repress the national liberation movement. Now they were resorting to other stratagems, including the sowing of dissension among the tribes and political parties. The tactic of the administering Power was to argue that, because the various parties had differences of opinion regarding certain matters, it could not support one against another and was unable to grant independence. Yet in the United Kingdom itself there were parties which were in opposition to each other and to the Government. His delegation considered that divergencies among political parties could not be used as a pretext for delaying independence.

59. He pointed out that one of the demands made by the political parties in Kenya was the dismantling of military bases in the Territory and the withdrawal of all foreign troops. The petitioners had told the Committee that those bases constituted a grave threat to the country in that they might involve it in disputes between other countries or groups of countries. They had also voiced the suspicion that the United Kingdom was accumulating stocks of nuclear weapons in Kenya. In their opinion, the bases had been set up with the assistance of NATO, not for defence purposes but to help check the national liberation movement in Kenya and neighbouring territories, as demonstrated by the use of those bases in the campaign against the Africans which had begun in 1952. Furthermore, it had been noted by *The Times* of London that strategic forces were stationed in Kenya almost exclusively for the purpose of repelling the threat to the United Kingdom's oil deposits in the Middle East, and a United States General had said that rockets launched from Kenya could have the same effect as rockets launched from the United Kingdom. *The Daily Express* had reported that, in accordance with the decision of the United Kingdom to store nuclear weapons at its airfields in Aden, Cyprus, East Africa and elsewhere, jet bombers would fly continually between the United Kingdom and those arsenals so that the Russians should not know where the bombs were. That decision totally disregarded the interests of the inhabitants of such countries as Kenya, who would, of course, be the victims of the disaster which would occur if a bomber carrying nuclear weapons should crash there.

60. In conclusion he said that the granting of independence, the restoration of land to the Africans and the elimination of military bases constituted the principal demands of the indigenous inhabitants of Kenya. His delegation fully supported those demands and considered that the Committee should formulate the following recommendations to the General Assembly: (a) the Assembly should confirm the inalienable right of the people of Kenya to self-determination and independence and support their demand for immediate independence; (b) the administering Power should proceed forthwith to take steps to implement the provisions of General Assembly resolution 1514 (XV); (c) all foreign military bases should be dismantled and all foreign troops withdrawn so that Kenya could accede to unqualified independence; (d) all lands alienated from Africans for any reason and in any manner should be returned to them. In short, it was the duty of the Committee to insist that the United Kingdom should implement the provisions of the historic Declaration on the granting of independence to colonial countries and peoples.

¹²⁵ Pan-African Freedom Movement of East and Central Africa, Addis Ababa, 2 and 3 February 1962.

61. The representative of Poland recalled that during its meetings in Africa, the Committee had heard petitioners from Kenya, who had complained of the injustices inflicted on them by the colonial Power and had described their struggle for independence. In defiance of General Assembly resolutions 1514 (XV) and 1654 (XVI), the United Kingdom was continuing to administer Kenya as a dependent territory. The United Kingdom representative had endeavoured to prove that for the past twenty years, at least, his Government's policy had been to grant independence to its colonial territories or to prepare them for it; but that was at variance with historical fact. In Kenya where the United Kingdom representative said his Government had tried to give the people the best possible start to independence, that Government had applied its traditional colonial policy of dividing the people, of splitting the national movement in order to delay the granting of independence. Over the past sixty years the goal pursued by the United Kingdom in Kenya, as in most of its African colonies, had been the supremacy and prosperity of the white settlers, little regard being had for the welfare of the Africans, who made up 97 per cent of the colony's population. That policy utterly ignored the United Kingdom Government's own undertaking in its declaration of 1923 and its obligations under Article 73 of the Charter, that the interests of the majority of the people of Kenya must be held as paramount.

62. The first thing that the United Kingdom had done on seizing Kenya had been to deprive the Africans of their land by declaring it Crown property. A policy of segregation had then been applied to the ownership of land, so that the large fertile area of 16,700 square miles known as the White Highlands had been allocated for exclusive ownership by Europeans, while the Africans had been forced to live in special reservations where the land is suitable neither for crop-growing nor cattle-breeding. The area reserved for Africans' ownership totalled 4,300 square miles. When it is recalled that three-fifths of Kenya's total area cannot be farmed, and that Africans outnumber Europeans by 150 to one—the disproportion of the allocation becomes obvious. A well-known writer, commenting on the White Highlands, said that it was a kind of *apartheid* in reverse, a reserve for the privileged non-Natives. Another writer had remarked that one of the most aggravating factors about land problems in Kenya had been the vacillating policy of the United Kingdom Government, which had resulted in many Africans living in a constant state of insecurity as regards land tenure, and in dislocation following the dispossession of Africans; when gold had been discovered on the Kavirondo African Reserve, that area had been immediately excluded from the Reserve without compensation. Although the land tenure law had been recently amended along "deracialization" lines, the white settlers still owned most of the farms on which the country's economy depended. One of the most acute problems at present was the resettlement of the 150,000 dispossessed African families.

63. A policy of racial segregation had been applied in every sphere of activity, the representative of Poland continued. The Europeans had adequate school facilities, but there were not enough primary schools for even half the African children, and even fewer Africans could attend intermediate and secondary schools. Most of the senior posts in the civil service were filled by Europeans, and in the lower grades Europeans were

paid more than Africans for the same work. The United Kingdom Government and the white settlers were resisting Africanization in all fields and the recruitment of civil servants was affected by political considerations. Africans who had graduated from universities in socialist countries were not recruited for the Kenya civil service, and Africans with degrees from universities in the United Kingdom were given preference over graduates from Asian universities. Furthermore, Africans had had no political rights for several decades, when their interests had allegedly been represented in the Legislative Council by two nominated Europeans. The first African to sit on the white settlers Legislative Council had been nominated by the British Authorities only after the Second World War. The struggle of the people of Kenya to free themselves from that system of exploitation and discrimination had intensified in the early nineteen-fifties, and they had demanded the restitution of their land, the granting of political rights and the abolition of colonial rule. The administering Power had replied by proclaiming a state of emergency, dissolving political parties and detaining their leaders, including Jomo Kenyatta, the leader of the Kenya national liberation movement. Under the pretext of combating the Mau Mau, thousands of Africans had been killed or driven from their land. The trial of Jomo Kenyatta had been a scandalous manifestation of colonial high-handedness, and, as was clear from George Delf's book, *Jomo Kenyatta: Towards Truth about "The Light of Kenya"*¹²⁶ and as was revealed by Mr. Rawson Macharia, 'he chief witness for the prosecution, all the charges against Mr. Kenyatta were crude fabrications. This colonial terror had impelled the Africans to organize partisan detachments and self-defence units, which the colonialists had branded Mau Mau. Even the Corfield Report, and official account of the origins and growth of the movement published in 1960, admitted that the colonial Government's inability to maintain law and order sprang from its obsession with the freedoms and with democratic rights for the Africans in Kenya.

64. Realizing that the independence movement could not be put down by force, the administering Power had terminated the state of emergency late in 1959 and started negotiations with the African leaders. A new Constitution drawn up in 1960 had come into force after the elections of February 1961. That Constitution did not meet the legitimate demands of the two main political parties, KANU and KADU, which had won thirty out of the thirty-three open seats in the Legislative Council. It was not in harmony with General Assembly resolution 1514 (XV), for the British Governor retained absolute power over the administration of the Territory, the Council of Ministers and the Legislative Council were merely advisory bodies and franchise was severely restricted by literacy, property and other qualifications. In addition, it gave the white settlers privileged representation in the Legislative Council, a provision unacceptable in a democratic community.

65. Although at the Kenya Constitutional Conference, held in London from February to April 1962, agreement had been reached on a number of problems, including universal adult suffrage, no date had been set for new elections and the achievement of independence, and the white settlers were taking advantage of

¹²⁶ George Delf, *Jomo Kenyatta: Towards Truth about "The Light of Kenya"*, London, Victor Gollancz Ltd., 1961.

the delay to harm the Africans economically and politically. Newspaper comment in the United Kingdom had deplored the policy of encouraging divisions and tribal and regional loyalties, followed by the administering Power and the Europeans in Kenya. It had often been alleged that the United Kingdom's withdrawal from Kenya would produce chaos and dislocate the economy; but experience of decolonization had shown that—in the absence of interests whose roots were abroad—newly independent countries could accomplish, in more difficult conditions, what the colonial Power, despite its large resources and superior technical efficiency, had shown itself incapable of achieving. In any event, in refusing to give independence to Kenya, the United Kingdom was denying what the United Nations had recognized as a fundamental human right.

66. In conclusion he said that immediate elections based on universal adult suffrage, followed by independence, were the key to the solution of all Kenya's problems. The Special Committee should request the administering Power to implement General Assembly resolution 1514 (XV) without further delay. It should also, as requested by both KANU and KADU, ask for all military bases to be dismantled. That was a reasonable demand, for troops from those bases had been used to suppress African national liberation movements in Kenya, the Federation of Rhodesia and Nyasaland, and the Middle East. The Committee should also request the administering Power to release all political prisoners.

67. The representative of Cambodia took note of the statements made by the United Kingdom representative regarding Kenya, the political progress achieved by the whole population of that Territory, and noted that it had been possible to form a coalition Government with the leaders of the principal political parties. He wished, however, to stress the need to grant Kenya independence as soon as possible. Paragraph 5 of General Assembly resolution 1514 (XV) laid on Member States the duty to take immediate steps to transfer all powers to the peoples of dependent territories without any conditions or reservations, in accordance with their freely expressed will and desire. The representatives of the Kenya political parties had repeatedly called for the implementation of that paragraph.

68. He did not underestimate the advantages of adequate preparation for independence, but the Committee should set a date for its achievement. The next stage was to be the promulgation of a new constitution and the holding of fresh elections. He did not feel that the United Nations should intervene in that process, but it was essential that the stage of full independence should be reached as soon as possible.

69. He strongly urged the administering Power to fix the date for independence itself, in consultation with the qualified representatives of the people of Kenya. Once the main points had been agreed upon by both sides and the dates set for the different stages, all that would be needed would be mutual good will and respect for decisions agreed upon, and a new Member State would soon join the United Nations family.

70. The representative of Yugoslavia said that, among the Non-Self-Governing Territories remaining in Africa, Kenya was one of the best prepared for independence. Its society was multiracial, with all the problems inherent in that type of society, and in addition, as was the case in almost all colonies, the settlers and their protectors wanted to maintain their privileges.

71. He described the evolution of the Territory since 1887, when the Sultan of Zanzibar had given a British commercial company, the British East Africa Association, a concession for the major part of the Kenya of today. The construction, between 1895 and 1899, of the railroad between Mombasa and Uganda had resulted in a mass arrival of settlers and, as early as 1897, Lord Delamere had foreseen the colonization of the Highlands, which were particularly fertile, by the Whites. The main influx of settlers had been after 1905 and the good land had been seized from the Africans and leased to the Europeans for periods which could be as long as 999 years. It could therefore be said that there had been practically a white monopoly. Since that time, despite the desperate struggle by the people of Kenya, there had been little change in the situation, and the Africans had been obliged to work the poorest land.

72. Up to 1951 the Whites had been continually strengthening their position. In 1951 and 1952, however, there had been the first signs of open rebellion and it had been necessary to declare a state of emergency. Measures had been taken to suppress the revolt, but it had influenced developments from 1952 to 1959. In 1954 a new Constitution had altered the composition of the Legislative Council, which was then to consist of eight *ex officio* members, eight nominated members, twenty-one elected members and seven "representative members". However, the twenty-one elected members had included fourteen Europeans, six Indians and one Arab; there had been six African "representative members" in the Council, but they had all been appointed by the Governor. The 1954 Constitution had provided for equal representation of the European and the Non-European element, although Kenya had 6 million Africans and at most 65,000 Europeans. It had established a Council of Ministers, with six *ex officio* members, two nominated members and six members who were not *ex officio*—three Europeans, two Asians and only one African. In 1957, Africans had been allowed to vote for the first time, but on the basis of restricted suffrage, limited to persons who met certain property and literacy requirements.

73. The summary of the historical evolution of Kenya showed that its people had been obliged to fight stubbornly to reconquer their rights, step by step. That fight had been sufficiently long for them to have gained the experience necessary for self-government.

74. He recalled that the first elections in which the Africans had taken part on the basis of restricted suffrage, had given only eight seats to them. The people had therefore continued to demand universal adult suffrage, direct elections and a majority in the Government. Their persistent efforts had led, among other things, to the convening of the Lancaster House Conference in 1960, the new Constitution of 1961, the liberation of Jomo Kenyatta and the Constitutional Conference held in London in February 1962, which had resulted in the adoption of new constitutional measures and the formation of a coalition Government.

75. The Territory of Kenya had reached the stage at which a final decision was inevitable: a decision which would satisfy the legitimate aspirations of a people which was sufficiently mature to accede to independence. It was therefore regrettable that the administering Power had not yet fixed a date for the next elections. The administering Power claimed that the situation

in Kenya was very uncertain and asked the Special Committee to refrain from any action which might obstruct the Territory's advancement. However, it was hardly to be thought that the Committee, whose task was precisely to recommend measures to ensure the earliest possible implementation of the Declaration on the granting of independence to colonial countries and peoples, would do anything that might prevent Kenya from continuing its progress and gaining independence.

76. Undoubtedly the existing difficulties and the differences between the two principal political parties must not be underestimated. However, as several States represented on the Committee could testify, such difficulties were often encountered on the road to independence. Moreover, the two main parties realized the need for joint action to accelerate the progress towards independence and their differences should not be used as a pretext to delay measures for the full and complete implementation of the Declaration.

77. The Committee must therefore recommend that the General Assembly should urge the administering Power to take immediate measures to implement all the provisions of the Declaration and, in particular, immediately to hold elections which would enable Kenya to gain independence as soon as possible. The people of Kenya and their political leaders, who would devote all their efforts to the country's development, could be relied upon to resolve existing difficulties.

78. The representative of Mali said that Kenya had been and still was a "colony for settlement," that is to say, a territory whose fine climate and rich soil attracted large numbers of white settlers. Provided that a settler was a white man, he was welcomed by the administering Power, with the result that the "White Highlands", the most fertile part of Kenya, had become an exclusively European reserve, and the Africans had been left to live in poverty in the rest of the Territory, which comprised the non-arable four-fifths of its area. The aim of the white settlers there, as in other dependent territories, was to exploit the country's wealth. By seizing all the arable land, they ensured themselves a plentiful labour supply from among the poor and landless Africans; and all their actions had the approval of the administering Power.

79. In Kenya, the administering Power had applied the well-known colonialist policy of "divide and rule". It had encouraged tribal divisions at the expense of political organizations. The people's courageous struggle for their independence from 1952 onwards had been misrepresented as Mau Mau activity, but in spite of all the obstacles placed in their path, the people had succeeded in creating political parties and trade union organizations. The arrests of such patriots as Kenyatta had merely strengthened the nationalists' determination to fight on for liberation, thanks to which some political, social and institutional progress had been made. No thanks were due to the administering Power for those concessions, which had been wrested from it.

80. It was clear from the petitioners' statements and the documents before the Committee that Kenya was quite ready for independence. The administering Power's insistence on agreement between the two main political parties was merely a pretext for delaying it. It should be invited to make all necessary arrangements for immediate elections on the basis of universal adult suffrage and "one man, one vote,"

without discrimination of any kind, and all powers should be transferred to the Government thus elected. The administering Power's delay and reluctance to do so was contrary to General Assembly resolution 1514 (XV). In addition, a definite date should be set for independence, and the administering Power should be invited to evacuate all the military bases in the Territory immediately after independence. The petitioners had voiced their anxiety about those bases, which they felt were a threat to their security. In any event, the existence of the bases, contrary to the wishes of the people of Kenya could not be countenanced by a sovereign and independent State.

81. The representative of India recalled that the Indian Government and people had always taken a very close interest in the Kenyan people's courageous fight for freedom. After great sacrifices and years of suffering, the day was drawing near when Kenya would be a free and sovereign State.

82. It was sometimes said that a territory should not be given its independence, until the different political groups there had settled their differences. Unity was of course desirable, but there was no warrant for making it the *sine qua non* of independence. Moreover, the differences of opinion among the principal political parties in Kenya were not beyond solution and should not be used as a pretext for postponing independence. The description of Kenya's advance towards complete independence given by the representative of the United Kingdom was satisfactory in many respects; however, progress should be continued at a good pace. The United Kingdom representative had said that, according to Edmund Burke, to form a free government, to temper together the opposite elements of liberty and restraint in one consistent work, required much thought. He wished to recall a more celebrated text which said that "Except the Lord build the house, they labour in vain that build it". In other words, nothing lasting could be built without good will.

83. Kenya was headed by political leaders who had gained maturity through experience, and the Committee would not presume to tell them how they should behave. The Committee could only convey to the people of Kenya all its wishes for their success and ask the administering Power to implement the Declaration contained in General Assembly resolution 1514 (XV).

84. The representative of Ethiopia recalled that, according to the statement made by the representative of the United Kingdom, the essential purpose of the United Kingdom's policy with regard to its African territories was to guide the indigenous population towards independence by progressive and natural stages. Defenders of British policy in Africa maintained that the United Kingdom was doing everything possible to ensure the progressive evolution of the dependent peoples towards self-government and independence. They forgot that it had taken those peoples long years of struggle and much suffering and sacrifice to free themselves from the chains of slavery and that, wherever independence movements threatened to win the day, the United Kingdom, under the cloak of constitutional reforms, had done its utmost to maintain the primacy of the interests of a few white settlers rather than satisfy the just demands of the vast majority of the indigenous inhabitants. That was still the case today, whether in Kenya or in the Rhodesias.

85. From the time of the establishment of the British Protectorate over Kenya in 1895, nationalist movements in that country had spared no efforts to pave the way for its eventual liberation. Since the times were not in favour of nationalist movements in colonial Africa, the liberation movement in Kenya remained inarticulate until after the Second World War. The first political organization, known as Kenya African Union, was formed in 1943. Three years later Mr. Jomo Kenyatta returned to Kenya from Europe and became the President of the Union. In 1952, when the nationalist insurrection broke out, the Kenya African Union was banned and its leaders including Mr. Kenyatta were imprisoned.

86. Those developments led the British Government to introduce certain constitutional reforms in Kenya and, in 1954, the so-called "Lyttelton Constitution" was introduced. However, as the representative of the United Kingdom had stated, the "turning point in the history of Kenya" did not come about until 1960, exactly sixty-five years after the establishment of the Protectorate. The representative of Ethiopia agreed that the Constitutional Conferences held in London in 1960 and 1962 had been a step forward in the constitutional development of Kenya, since they had resulted in an agreement on the general principles of a constitution for independent Kenya. The fact that the present provisional arrangements were working fairly satisfactorily was a testimony to the political maturity of the African leaders. In the circumstances, it was to be wondered why Kenya was still without a constitution. That fact was attributed to differences of opinion which were said to exist among the African leaders over the nature and limits of central and regional powers, and over the procedure for revising the Constitution. But those differences were not in themselves a sufficient reason for delaying Kenya's independence. On the contrary, the only way of eliminating them was to accept the principle that in the final analysis it was for the people of Kenya to decide what kind of Government they wanted. A solution to the constitutional problem might perhaps best be facilitated by organizing elections as soon as possible.

87. His delegation believed that the United Kingdom Government should implement without further delay the principles established at the London Conferences. It was likewise vitally important that the unity and territorial integrity of Kenya should not be violated. It was the earnest desire of everyone to see a united Kenya emerge into independence.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

88. At its 115th meeting, on 18 September 1962, the Special Committee adopted without a vote a draft resolution on Kenya,¹²⁷ jointly sponsored by Ethiopia, Madagascar,¹²⁸ Mali, Tanganyika and Tunisia. The draft resolution which was submitted to the General Assembly for its consideration read as follows:

"Draft resolution submitted to the General Assembly

"The General Assembly,

"Having considered the situation in Kenya,

"Bearing in mind the principles embodied in resolution 1514 (XV), of 14 December 1960,

"Having taken note of the statement made by the delegation of the United Kingdom of Great Britain and Northern Ireland on 10 August 1962, at the 99th meeting of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Bearing in mind the declared policy of the United Kingdom Government to lead the people of Kenya to full independence,

"Having studied the evidence of the petitioners,

"Noting further the negotiations which have taken place between the political parties concerned and the administering Power,

"1. Affirms the validity, with respect to Kenya, of the provisions of the Declaration on the granting of independence to colonial countries and peoples contained in resolution 1514 (XV);

"2. Affirms further the inalienable right of the people of Kenya to freedom and independence; and urges the administering Power to make every effort to organize national elections without further delay on the basis of universal adult suffrage;

"3. Requests the administering Power and all concerned to make every effort, including the promotion of harmony and unity among the people of Kenya, to bring the territory to independence at the earliest date in accordance with the Declaration on the granting of independence to colonial countries and peoples;

"4. Expresses the hope that Kenya will become an independent and sovereign State and join the community of nations in the shortest possible time."

¹²⁷ A/AC.109/L.38.

¹²⁸ By an oral amendment Madagascar was added to the list of sponsors of the draft resolution.

CHAPTER XI

ANGOLA

A. INFORMATION ON THE TERRITORY

1. Angola is situated on the south-west Atlantic coast of Africa. Except for the Cabinda Enclave which is administered as part of it,¹²⁹ Angola lies to the south of the Congo River and is bordered by the Re-

public of the Congo (Leopoldville), Northern Rhodesia, and the Territory of South West Africa. Its total area is estimated at 481,351 square miles (1,246,700 square kilometres).

2. Angola belongs mainly to the north-western portion of the Southern Africa plateau. The coast is fringed by a plain which in the north has a width of 150 miles (240 kilometres) or more, but narrows till it practically disappears near 17° south latitude. Behind it the land rises in steep escarpments to the plateau.

¹²⁹ The Cabinda Enclave, which is one of the thirteen districts of Angola, lies to the north of the Congo River and has an area of about 3,000 square miles (8,000 sq. km.). It is bordered on the north and north-west by the Congo (Brazzaville) and south and south-east by the Congo (Leopoldville).

3. The total population of Angola according to the last census, in 1960, was 4,832,677. In 1959, the latest date for which an ethnic break-down of the population is available, the non-African population totalled 255,394, made up of 208,541 Europeans and 46,853 *mestiços*.

4. Additional information concerning Angola is set out in the Report of the Sub-Committee on Angola to the General Assembly¹³⁰ at its sixteenth session and in the report of the Special Committee on Territories under Portuguese Administration.¹³¹

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

5. The Special Committee considered Angola at its 113th and 114th meetings, on 17 and 18 September 1962. It had before it the report of the Special Committee on Territories under Portuguese Administration.¹³¹

Observations by members of the Special Committee

6. The representative of Mali said that the situation in Angola was a cause of concern owing to the brutality engaged in there by the Portuguese colonizers. The facts had several times been brought to the attention of the United Nations, but the General Assembly's resolutions had been rejected by Portugal, and the Angolan people seemed to have no recourse but to violence in order to attain their right to independence. The situation was a threat to world peace, and the Committee could not therefore remain inactive.

7. The delegations of Cambodia, Ethiopia, India, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, the USSR and Yugoslavia had agreed on a draft resolution¹³² reflecting the opinion of the majority. Paragraph 1 reaffirmed the right of the people of Angola to independence; paragraph 2 condemned the colonial war waged by Portugal against the people of Angola; while paragraphs 3 and 4 contained the conclusions which the Committee was to adopt with regard to Portugal. Paragraphs 5 and 6 called upon the Member States to use their influence with a view to securing Portugal's compliance with the resolution, and to refuse Portugal any support and assistance, which it might employ for purposes of repression against the people of Angola. Paragraph 7 reminded the Portuguese Government that its refusal to implement the resolutions of the General Assembly was incompatible with membership in the United Nations. Paragraph 8 requested the Security Council, in the event that Portugal persisted in refusing to implement the previous General Assembly and Security Council resolutions, to take appropriate measures, including the adoption of sanctions. He expressed the hope that the draft resolution would be adopted unanimously.

8. The representative of Ethiopia said that the position of his delegation with regard to Portugal's unvarying colonial policy was too well known to need repeating in connexion with Angola. All he had already said about Mozambique applied equally to Angola.

9. With regard to the draft resolution of which his delegation was one of the sponsors he said that it

was almost identical with the text that had been adopted in regard to Mozambique; it called upon Member States to take steps with the aim of preventing arms supplied to Portugal from being used against the people of Angola. Some delegations had expressed misgivings about the paragraphs relating to the supply of arms, but such misgivings were groundless; it was a frank appeal to Portugal's allies in the West to ensure that the weapons were not used against the Angolan people. He did not doubt that the implementation of paragraph 8 would be difficult, but the sponsors had felt that it was incumbent on them to recommend action by the Security Council.

10. The representative of Yugoslavia said that the situation in Angola before the people had been driven to open revolt had been even worse than in Mozambique. Merciless oppression, ruthless exploitation and deprivation of human dignity had faced the people of Angola with the choice between extermination and taking up arms to defend their rights. They could not have done otherwise than fight. When the first open fighting had broken out, Portugal had put down the uprising with such ferocity that it had shocked world public opinion. The African States had then brought the question of Angola before the United Nations, where it had been discussed by both the General Assembly and the Security Council.

11. The wretched situation of the indigenous population was well known and could no longer be ignored. It was surprising that Powers which had subscribed to the Declaration on the granting of independence to colonial countries and peoples should have supplied arms to Portugal to shed the blood of innocent Africans. The statement made by Mr. Adriano Moreira, the Portuguese Minister for Overseas Provinces, on 18 June 1961 left no doubt about the real situation. He had told the new Governor-General of Angola that he must smash terrorism by every means at his disposal and show that when a territory was declared Portuguese, all the consequences must be endured.

12. In different resolutions, the Assembly and the Council had called upon Portugal to put an end to such a policy and to comply with its obligations under the Charter. Faced with the strong reaction of world opinion, Portugal had been forced to proclaim "reforms", under the cover of which new troops had been sent to Angola.

13. Because of the threat which the Portuguese policy constituted, the General Assembly had requested the Sub-Committee on Angola to continue its work. It was regrettable that the Sub-Committee's report was not yet available. The Assembly had also established the Special Committee on Territories under Portuguese Administration, which had done its work most conscientiously. Its report¹³³ contained ample evidence of Portugal's complete failure to comply with the resolutions of the General Assembly and showed that the "reforms" it had introduced were mere formal changes which left the situation exactly as it had been before. The Special Committee stated in its report that the reforms not only did not meet the basic aspirations of the people but had not brought about any significant change in political, economic, social and educational conditions.¹³⁴

¹³⁰ *Official Records of the General Assembly, Sixteenth Session, Supplement No. 16 (A/4978).*

¹³¹ *Ibid.*, *Seventeenth Session, Annexes, addendum to agenda item 54* (documents A/5160 and Add.1 and 2).

¹³² A/AC.109/L.37.

¹³³ *Official Records of the General Assembly, Seventeenth Session, Annexes, addendum to agenda item 54* (documents A/5160 and Add.1 and 2).

¹³⁴ *Ibid.*, para. 407.

14. The Special Committee recommended¹³⁵ in its report, *inter alia*, that assistance and the supply of arms to Portugal should be discontinued immediately; that Portugal should cease armed action against Angola, refrain forthwith from carrying on repressive measures and withdraw all military and other forces; that it should recognize the right of the peoples of its territories to independence; that it must recognize the historic and irreversible evolution of the African continent and the world and grant immediate independence to all the territories under its administration; and that it should grant an unconditional political amnesty and create conditions for allowing the free functioning of political parties, which would prepare the way for negotiations with them for the transfer of power to freely elected and representative political institutions of the people in accordance with resolution 1514 (XV). Lastly, the Special Committee recommended that talks should begin immediately between Portugal and accredited representatives of the political groups existing inside or outside the Territory. The Yugoslav delegation fully supported those recommendations. As Portugal's continued refusal to comply with the resolutions of the General Assembly and the Security Council had created a situation which was a threat to international peace and security, the Security Council must be asked to consider the application of further measures, including sanctions, to secure Portugal's compliance. That was one of the principal aims of the eleven-Power draft resolution of which his delegation had been one of the sponsors.

15. The representative of the Soviet Union said that he would not expatiate on the situation in Angola, which was too well known to need further description. As the report of the Special Committee on Territories under Portuguese Administration indicated, the inhabitants of those territories lived in a state of tension and insecurity. There were two main reasons for that: first, they were dissatisfied with the deteriorating conditions in the colonies, which had forced them into an open struggle against the Portuguese colonialists, and secondly, Portugal was continuing to suppress political discontent by force.

16. The peoples of the Portuguese colonies would have won their independence long ago if Portugal had not been supported by imperialist Powers, such as the United States, the United Kingdom, the Federal Republic of Germany and other NATO countries. The Special Committee had recognized that the military and other supplies sent to Portugal by those Powers had been used against the peoples of the Portuguese colonies and would continue to be so used, whatever assurances Portugal might give to the contrary.

17. There had been no improvement in the living conditions of the indigenous inhabitants of the Portuguese territories in recent years, while there had been increased exploitation of the mineral and agricultural resources of those territories. As the major part of the exports went not only to Portugal but to those Powers which were supplying Portugal with arms, it was clear that NATO support for Portugal had an economic as well as a political aspect. In addition, there were economic repercussions in the African countries bordering on the Portuguese territories, which found it difficult to provide employment for the refugees from those territories.

¹³⁵ *Ibid.*, paras. 440 to 449.

18. There had been some talk of reforms in the Portuguese territories, but the situation had not really changed. The statements made by the petitioners from Angola in the Special Committee on Territories under Portuguese Administration showed that the people of Angola had no rights; they had to work fourteen hours a day and endure insults in silence, and they could not participate in elections or in the government. The Special Committee's conclusions that the reforms did not meet the basic aspirations of the people or significantly change their political, economic, social and educational conditions showed that they provided no real solution.

19. The indigenous peoples of the Portuguese territories could not be satisfied with anything less than immediate and complete independence. As the Special Committee had recommended, Portugal's allies must discontinue their assistance and place a complete embargo on further sales and supplies of weapons. Portugal would then be unable to use them against dependent peoples. He endorsed the Special Committee's appeal to Portugal to cease armed action in Angola and to withdraw all its military and other forces. That was not the first time that such an appeal had been made to Portugal, which, however, continued to ignore both the appeals and the Declaration on the granting of independence to colonial countries and peoples, as well as other resolutions adopted by the General Assembly and the Security Council. Such conduct was incompatible with membership in the United Nations; the next step must be to request the Security Council to take appropriate measures, including sanctions, to secure Portugal's compliance, as provided in paragraph 8 of the eleven-Power draft resolution. That draft resolution also reflected the other conclusions reached by the Special Committee; the best way to put an end to the problem once and for all would be to adopt it.

20. The representative of India said that the situation in Angola, which was one of the most important, as well as one of the most tragic, colonial issues facing the United Nations, was explosive. A great deal was known both about the barbarous and tyrannical policies of the Portuguese in Angola and about the valiant struggle of the Angolan patriots. He himself had drawn attention, in the statement he had made at the 92nd meeting,¹³⁶ to the Portuguese authorities' disregard of the Charter, the Universal Declaration of Human Rights, General Assembly resolution 1514 (XV) and of the forward-looking colonial policies followed by the United Kingdom and France. He quoted a passage from the statement made by the permanent representative of India at the 1096th meeting of the General Assembly, as representing the views of his delegation. The passage read as follows:

"The problem of Angola is not merely one of the freedom of the people of a single country in Africa. Even if it were possible to treat it as an isolated problem, the problem itself would be grave enough. It has, however, much broader aspects and is involved not only with the great movement of the disappearance of colonialism in our time; it even goes to the roots of the Charter of the United Nations as a whole. The process of the liberation of peoples from domination and alien subjugation is an irresistible and irreversible process of history. Wisdom demands that that process should be assisted

¹³⁶ See chap. VIII, paras. 70 to 73, above.

to full consummation. There could be no graver folly than to place obstacles in the way of that process. Barring Portugal, and perhaps one or two other countries, no one here will accept that any particular provision of the Charter or the spirit of it as a whole are designed to perpetuate Portuguese colonialism. It is, therefore, clear that not only to meet the requirement of international understanding and goodwill, which are basic to the solutions of the critical problems of war and peace which face the world today, but also to meet the need for the continued effectiveness of the United Nations, Portuguese colonialism—which typifies that system in its most vicious and virulent form and of which Angola is the worst example—has to go. The question is whether the United Nations can assist in bringing about its dissolution and disappearance peacefully and with sufficient rapidity. For go it must; and if Portugal persists in blocking the doors of peaceful change, and if the United Nations, or more importantly Portugal's powerful friends, cannot persuade it to see the error of its ways, the inexorable processes of history, of change through violence, revolution and war, are likely to take over. If Angolan freedom should have to come that way it will have been won in desperate conflict and bitterness, with resultant upheaval and disruption all round, which would be tragic indeed.”¹³⁷

21. However, Portugal had made no effort to comply with General Assembly resolution 1742 (XVI) and had made not the slightest concession. It was therefore imperative for the Special Committee to recommend appropriate action; that was why the sponsors had decided to submit their draft resolution, which he trusted would receive overwhelming support. If Portugal continued to flout the resolutions of the United Nations and to disregard the writing on the wall, a tragic ending was almost inevitable. The choice was Portugal's; he trusted that its friends would succeed in persuading it to make the right decision.

22. The representative of Poland said that at the fifteenth and sixteenth sessions of the General Assembly the Polish delegation had expressed its views on the conditions under which the Angolan people lived and condemned the colonial war being waged by the Portuguese Government to put down the national uprising in Angola. It had repeatedly deplored the stubborn attitude of the Portuguese authorities towards the legitimate aspirations of the Angolans for freedom and independence. At the General Assembly's sixteenth session, Poland and Bulgaria had submitted a joint draft resolution¹³⁸ proposing the use of stronger measures against Portugal in accordance with Articles 41 and 42 of the United Nations Charter. The representative of Poland had argued at that time that the failure to take decisive action as soon as colonial conflicts arose had tragic consequences. Had the United Nations acted more decisively without giving way to mild compromises, which shied away from any action of colonialism, the loss of many lives could have been avoided. The Assembly, however, had preferred to appeal for the co-operation of the Portuguese Government and had adopted resolution 1742 (XVI) which, *inter alia*, deprecated Portugal's repressive measures against the

people of Angola and the denial to them of human rights and fundamental freedoms, and called upon the Portuguese Government to desist forthwith from such measures.

23. The draft resolution now before the Special Committee of which Poland was one of the sponsors, was based on the experience gained by the United Nations in dealing with Portugal, as well as on the report of the Special Committee on Territories under Portuguese Administration.¹³⁹ Analysis of that report showed clearly that the Portuguese Government was deliberately continuing to violate its obligations under the Charter and to disregard the resolutions of the Security Council and the General Assembly. According to Portuguese press reports, new contingents had been sent to Angola “on a mission of sovereignty” in January and February 1962; naval forces dispatched to the colonial war had been reinforced by three patrol boats and the settlers' militia, theoretically disbanded, had been reorganized as the “Territorial Civil Defence Force”. Repressive measures against Africans accused of nationalist activities had also been intensified.

24. The Special Committee on Territories under Portuguese Administration stated its conclusions,¹⁴⁰ confirmed by the testimony of petitioners, that military equipment supplied by members of NATO had been extensively used by the Portuguese forces in the repression of the Angolan people. The Western Powers had given Portugal such assistance, not only because Portugal itself was a NATO base for atomic weapons and missiles, but also in order to safeguard their investments in Angola and the surrounding area. The Federal Republic of Germany, Japan and Anglo-American interests were investing large amounts of capital in Angola, and just as *Union minière* protected Tshombé in Katanga, the shareholders of the Angola Diamond and Mozambique Gulf Oil companies continued to defend the colonial policy of Salazar in order to protect their vested interests.

25. In Angola, as in many other Portuguese territories, absolute power was vested in the Governor-General, who was advised by a legislative and a government council composed predominantly, if not entirely, of Portuguese settlers or appointed officials. The indigenous population had no civil or political rights. The so-called reforms of September 1961 had brought about no real changes in conditions. Despite the repeal of the Native Statute, there had been no genuine extension of the franchise to Africans, since almost the entire indigenous population, being illiterate, were unable to meet the requirement of literacy in Portuguese or to pay, owing to the low wages paid to Africans, the minimum tax of 200 escudos. As was pointed out in the Special Committee's report, the new distinction in rights between urban and rural populations differed little from the earlier division of the people into “civilized” and “non-civilized”. The report also confirmed that forced labour continued to be practised in all territories under Portuguese administration. The alleged reforms were no more than part of the process of the integration of the Portuguese colonies in Africa into the Portuguese nation—a development in which the Africans were not interested, since they did not want to become Portuguese but asked for immediate independence.

¹³⁷ See *Official Records of the General Assembly, Sixteenth Session, Plenary Meetings*, 1096th meeting, para. 16.

¹³⁸ *Ibid.*, *Sixteenth Session, Annexes*, agenda item 27, document A/L.383.

¹³⁹ *Ibid.*, *Seventeenth Session, Annexes*, addendum to agenda item 54 (documents A/5160 and Add.1 and 2).

¹⁴⁰ *Ibid.*, para. 439.

26. The events in Angola had increased political awareness in other Portuguese colonies and heightened tensions, and his delegation supported the conclusion of the Special Committee on Territories under Portuguese Administration that the situation represented a serious threat to international peace and security. By adopting the draft resolution before it, requesting *inter alia* the Security Council to apply sanctions against Portugal to secure its compliance with the recommendations of the United Nations, the Committee would be fulfilling its duty and satisfying the wishes of the Angolan people.

27. The representative of Tanganyika said that the draft resolution of which his delegation was one of the sponsors could not be described as emotional or non-factual. The Portuguese Government was waging a merciless war against the indigenous people of Angola with the help of arms supplied by NATO Powers; it was openly flouting the resolutions of the Security Council and the General Assembly and ignoring its obligations under the Charter. The Special Committee on Territories under Portuguese Administration had come to the conclusion that the situation in Angola could not be remedied by mere reforms but only by the transfer of power to the Angolan people. Portugal, however, had refused to heed the aspirations of the Angolans or resolution 1514 (XV).

28. According to the report of the Special Committee on Territories under Portuguese Administration, Portugal's attitude had driven the Angolan people to embark on a legitimate struggle in which they had history on their side, and the Portuguese Government's alliance with the racist Governments of Verwoerd and Welensky would be of no avail.

29. Tanganyika urged those States which were friendly to Portugal to use their influence to persuade Portugal to recognize the Angolans' right to immediate independence, and to refrain from supplying Portugal with military equipment which was in fact being used to suppress the Angolan people, as the report of the Committee on Territories under Portuguese Administration confirmed. That report, which had been before the Committee of Seventeen for several weeks, unequivocally condemned Portuguese colonialism in Angola and recommended that talks should begin immediately between Portugal and the representatives of the population. It stated its conviction that the situation constituted a serious threat to international peace and security. He hoped that with those conclusions before it the Committee would have no hesitation in supporting the draft resolution.

30. The Portuguese colonies were under the control of a Government led by a dictator who was prepared to indulge in genocide in order to maintain the *status quo*. The Second World War had started as a result of the rise to power of a dictator whose régime had indulged in mass murder, and the United Nations should do all in its power to prevent the repetition of that hideous chapter in human history.

31. The representative of Uruguay said that the reservations which his delegation had expressed during the consideration of the question of Mozambique held good with regard to the present question. His delegation believed that it would have been preferable to await the report of the Sub-Committee on Angola before taking up the matter. Uruguay shared the views expressed in the preamble and in the first five operative paragraphs of the draft resolution, particularly the

reaffirmation of the right of the Angolan people to immediate independence. With regard to paragraphs 6, 7, and 8, while his delegation agreed that the situation in Angola was very grave and called for effective action, it felt bound to reiterate the reservations of principle expressed with regard to the corresponding paragraphs in the resolution on Mozambique. However, he was conscious of the urgent need for measures to solve the problem of Angola and, subject to the reservations expressed and to the final instructions of his Government, would support the draft resolution in this instance, with the hope that those views would be useful to the General Assembly.

32. The representative of Australia said that his delegation was unable to support the draft resolution, although it appreciated the reasons which had led many members of the Committee to sponsor it and shared the general concern at the situation in Angola. Australia's general approach had been made clear at the General Assembly's sixteenth session, and he reiterated his delegation's view that the basic principle should be the right of the Angolan people to self-determination. The Portuguese Government had hitherto declined to treat Angola as a Non-Self-Governing Territory. In the light of common sense it would seem unwise for the Portuguese to maintain that position.

33. While there were, therefore, elements in the draft resolution with which his delegation was in agreement, there were others which it was unable to support for reasons explained elsewhere. Furthermore, his delegation did not feel that the question of Angola had been fully debated, as was desirable before a draft resolution was voted on. Again, the General Assembly had appointed a Sub-Committee to inquire into conditions in Angola and it seemed inappropriate for the Committee of Seventeen to formulate conclusions of its own before the Sub-Committee's report was available. There would be full opportunity for discussion of the question of Angola at the seventeenth session of the General Assembly, and the Australian delegation did not feel that the adoption of the eleven-Power draft resolution in the circumstances which he had outlined, would help to bring about a satisfactory solution.

34. The representative of Venezuela said that his delegation could not agree with the statement in the sixth preambular paragraph of the eleven-Power draft resolution to the effect that the economic life of Angola was based on forced labour. He recalled that he had made the same observation when discussing the draft resolution on Mozambique and on that occasion the representative of Ethiopia had agreed to revise that resolution in the light of his observation. As in the case of Mozambique, he considered that one of the bases of the economic life of Angola was forced labour, but it was certainly not the only one. If the sponsors would be willing to revise the sixth preambular paragraph accordingly, his delegation would find it easier to vote for at least that part of their draft resolution.

35. For the same reasons which his delegation had advanced when discussing the draft resolution on Mozambique, he requested a separate vote on the final phrase in paragraph 6 of the eleven-Power draft resolution, reading as follows: "...and, in particular, to terminate the supply of arms to Portugal", as well as on paragraph 8 as a whole.

36. The representative of Italy said that his delegation had certain reservations concerning the eleven-

Power draft resolution. Although the Special Committee had been meeting for several months, it had not found time to discuss the very important question of Angola and had no evidence to substantiate the accuracy of the statements contained in the draft resolution. The Special Committee had heard no petitioners from the Territory and had not even seen the report of the Sub-Committee on the Situation in Angola, which was still in the course of preparation. The reference to forced labour in the sixth preambular paragraph was not confirmed by the 1962 report of the ILO Commission. He also pointed out that the general provisions of the draft resolution reproduced almost word for word the text of the one on Mozambique, on some points of which his delegation had had to express its disagreement. For both procedural and substantive reasons, therefore, he was unable to support the draft resolution on Angola.

37. He wished to emphasize, however, that his Government still fully supported General Assembly resolution 1742 (XVI) concerning the situation in Angola, favoured the speedy development of that Territory towards self-determination and independence and would support any measure which would hasten that process socially, economically and politically.

38. The representative of the United Kingdom fully agreed with the Australian representative that the draft resolution was unlikely to be in the best interests of the people of Angola. He again wished to make it perfectly clear, however, that his delegation's position with regard to the Portuguese territories in Africa was a positive and not a negative one. First, it had strongly urged that information should be supplied to the United Nations on conditions in the Portuguese territories. Secondly, it had constantly emphasized the need for practical steps towards self-government in those territories. Thirdly, it fully and unreservedly supported the principle of self-determination. That position could be readily confirmed by the statements made by his delegation in the Fourth Committee and plenary meetings of the General Assembly and in the Special Committee.

39. With respect to the reference to forced labour in the sixth preambular paragraph of the draft resolution, he agreed with the Italian representative that the Special Committee ought not to disregard the 1962 report of the ILO Commission, which had recognized that Portugal was committed to a policy of abolishing forced labour and had already taken substantial steps in that direction.

40. In conclusion, he considered it ill-advised for the Special Committee to make recommendations to the General Assembly on Angola when the Sub-Committee on the Situation in Angola had not yet submitted its report.

41. The representative of the United States said that it seemed hardly appropriate for the Special Committee to attempt to deal with the important and serious problem of Angola at almost its last meeting and after such a very brief discussion. He noted that the latest report of the Sub-Committee on the Situation in Angola had not even been received. The eleven-Power draft resolution went far beyond the terms of the resolutions on Angola which had been adopted by the Security Council and the General Assembly after extensive debate. Moreover, it suffered from some of the same flaws which had marred the draft resolution previously adopted by the Special Committee on Mozambique. The draft resolution would not be effective in furthering the objective which all desired to promote, namely,

the realization of the aspirations of the people of Angola to self-determination.

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

42. At the 113th meeting, on 17 September 1962, the representative of Mali introduced a draft resolution¹⁴¹ for the consideration of the General Assembly jointly sponsored by Cambodia, Ethiopia, India, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, the Union of Soviet Socialist Republics and Yugoslavia. Subsequently, the sixth preambular paragraph of the draft resolution was revised by the sponsors by the addition of the words "to a large extent" before the words "based on forced labour".

43. At the 114th meeting, the Special Committee voted on the draft resolution, as revised, as follows:

The words "...and, in particular, to terminate the supply of arms, to Portugal" in paragraph 6 were adopted by 11 votes to 4, with 2 abstentions.

Paragraph 8 was adopted by 11 votes to 4, with 2 abstentions.

The draft resolution as a whole, as revised, was adopted by a roll-call vote of 13 to 3, with 1 abstention.

The voting was as follows:

In favour: Cambodia, Ethiopia, India, Madagascar, Mali, Poland, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: Australia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Italy.

44. The draft resolution adopted by the Special Committee read as follows:

"Draft resolution submitted to the General Assembly

"The General Assembly,

"Having considered the critical situation in Angola,

"Having considered the report of the Special Committee on Territories under Portuguese Administration,¹⁴² established under General Assembly resolution 1699 (XVI),

"Resolutely condemning the mass extermination of the indigenous population of Angola and other severe repressive measures being used by the Portuguese colonial authorities against the people of Angola,

"Deploing the armed action being taken by Portugal for the suppression of the people of Angola and the use in this process of arms supplied to Portugal by certain Member States,

"Noting that in the Territory of Angola, as in other Portuguese colonies, the indigenous population is denied all fundamental rights and freedoms, that racial discrimination is in fact widely practised and that the economic life of Angola is to a large extent based on forced labour,

"Convinced that the colonial war being carried on by the Government of Portugal in Angola, the violation by that Government of the Security Council resolution of 9 June 1961,¹⁴³ its refusal to implement the provisions of the Declaration on the granting of

¹⁴¹ A/AC.109/L.37.

¹⁴² Official Records of the General Assembly, Seventeenth Session, Annexes, addendum to agenda item 54 (documents A/5160 and Add.1 and 2).

¹⁴³ Official Records of the Security Council, Sixteenth Year, Supplement for April, May and June 1961, document S/4835.

independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960, and its refusal to implement Assembly resolutions 1542 (XV) of 15 December 1960, 1603 (XV) of 20 April 1961, 1654 (XVI) of 27 November 1961 and 1742 (XVI) of 30 January 1962, constitute a source of international conflict and tension as well as a serious threat to world peace and security.

"Bearing in mind the principles embodied in General Assembly resolution 1514 (XV),

"1. *Solemnly reaffirms* the inalienable right of the people of Angola to self-determination and independence, and supports their demand for immediate independence;

"2. *Condemns* the colonial war being carried on by Portugal against the people of Angola and demands that the Government of Portugal put an end to it immediately;

"3. *Again calls upon* the Portuguese authorities to desist forthwith from armed action and repressive measures against the people of Angola;

"4. *Urges* the Government of Portugal, without any further delay:

- (a) To release all political prisoners;
- (b) To lift the ban on political parties;

(c) To undertake extensive political, economic and social measures that would ensure the creation of freely elected and representative political institutions and transfer of power to the people of Angola in accordance with the Declaration on the granting of independence to colonial countries and peoples;

"5. *Requests* Member States to use their influence to secure the compliance of Portugal with the present resolution;

"6. *Requests* all Member States to deny Portugal any support or assistance which may be used by it for the suppression of the people of Angola, and in particular to terminate the supply of arms to Portugal;

"7. *Reminds* the Government of Portugal that its continued non-implementation of the resolutions of the General Assembly and the Security Council is inconsistent with its membership in the United Nations;

"8. *Requests* the Security Council, in the event of Portugal's continuing refusal to implement the present resolution and the previous resolutions of the General Assembly and of the Security Council, to take appropriate measures, including sanctions, to secure Portugal's compliance with the present resolution."

CHAPTER XII

GENERAL PETITIONS AND PETITIONS RELATING TO OTHER TERRITORIES

A. PETITION RELATING TO TERRITORIES IN SOUTHERN AFRICA

1. At its 71st meeting, held in Dar es Salaam on 8 June 1962, the Special Committee heard Miss Frene Ginwalla as a petitioner, who spoke on the territories of Southern Africa.

2. Miss Ginwalla said that she wished to submit to the Committee the proposition that events in all the territories of Southern Africa were interrelated and that the forces opposed to the independence of Africa had formed an alliance for the preservation of white domination. The main partners in the alliance were the Governments of South Africa, the Federation of Rhodesia and Nyasaland, and Portugal. Those Governments had the support of powerful vested interests whose vast profits were secured by the exploitation of the Africans and which were therefore determined to keep the existing Governments in power. While she did not wish to digress into matters outside the Committee's purview, there were three respects in which the South African question was directly relevant to the Committee's deliberations: first, since South West Africa was considered to be part of South Africa, the people of the Mandated Territory suffered all the iniquities of *apartheid*; secondly, South Africa was the leader of the alliance to which she had referred; and thirdly, the territories of Southern Africa served as a reservoir of cheap labour for South Africa, and had become impoverished as a consequence.

3. She would submit a written memorandum¹⁴⁴ to the Committee as soon as possible, giving information about the alliance and setting out certain facts relevant

to each of the territories involved. Reference would be made in it to the agreements under which the colonial Governments exported labour to South Africa, where the living conditions of the recruits directly violated the Conventions and Recommendations of the ILO. The Portuguese supplied the South African Chamber of Mines with 100,000 recruits annually in return for the South African Government's guarantee that 47.5 per cent of the sea-borne traffic to the Reef would go through Lourenço Marques, as well as an additional 340,000 cases of citrus. That arrangement illustrated the power of the mining companies in Southern Africa. The colonial Governments received payments for the registration and engagement of the recruits. In addition, the absence for long periods of large numbers of adult males simplified the colonial Government's so-called problems of maintenance of law and order. It also disguised in some measure the fact that the colonial Powers had done nothing to develop their dependencies. The absence of up to 50 per cent of the men from the Territories concerned had had disastrous effects on agriculture and had made the High Commission Territories in particular completely dependent economically on South Africa. In the latter connexion, it should be remembered that that country had always assumed that the High Commission Territories would eventually become a part of the Republic of South Africa, and had included them in the proposed Bantustan schemes.

4. The petitioner went on to say that her memorandum would also give details regarding the military build-up in South Africa. South Africa was spending vast sums on armaments, jet fighters and bombers, and rockets, with the object of intimidating the population, and of fighting against the United Nations if necessary

¹⁴⁴ A/AC.109/21.

to maintain the "territorial integrity" of the Republic—which was considered to include South West Africa. There was also a strong possibility of the forcible annexation of the High Commission Territories, since South Africa could not afford to have prosperous independent African States almost within its borders. Sir Roy Welensky and the Portuguese were also encouraged in their intransigence by the military strength of their ally.

5. She also stated that the various vested interests which influenced the decisions of the alliance were closely interlinked and that in her memorandum she would submit details regarding one particular company—the British South Africa Company. It was such companies which provided the chief connecting link with the metropolitan Governments, and it was they which were able to offset the losses to the colonial Powers of their defeats elsewhere; for example, Portuguese losses of iron ore in Goa would be more than compensated by the development of Angolan iron mines and railways recently announced by the firm of Krupps and the Anglo-American combine. She also pointed out that a recent loan to the Portuguese Government by an Angolan Company controlled by the Anglo-American combine at 1 per cent interest conveniently covered the increase in the Portuguese budget occasioned by the Angolan uprising. The role played by Union minière in Katanga was well known to the Committee. United Kingdom Ministers had openly admitted that they were prevented from supporting sanctions against South Africa, even in respect of South West Africa, because of British investments in the Republic, and the role played in the United Kingdom by the Central Africa lobby, headed by Lord Salisbury of the British South Africa Company and Captain Waterhouse of Tanganyika Concessions, was notorious.

6. To sum up, she said that there was an alliance between Portugal, South Africa and the Central African Federation to co-ordinate resistance to African advance. There were powerful inter-connected financial interests in all the areas concerned, strong enough to influence the metropolitan Governments and economic combines in Europe and America. A tremendous military build-up was taking place, with arms supplied by NATO countries and particularly by the United Kingdom and France. Finally, economic development in the area had been negligible. The peoples of Southern Africa did not have the financial and military resources of their opponents and they therefore counted on the aid of the rest of the world and of the United Nations.

B. PETITIONS RELATING TO SINGAPORE

7. The Special Committee, at its 79th meeting, had before it two petitions,¹⁴⁵ one from nineteen members of the Legislative Assembly of Singapore, the other from five political parties of Singapore. The petitioners stated that the United Kingdom proposed shortly to transfer sovereignty over Singapore to the Federation of Malaya and expressed deep concern that that transfer would take place otherwise than through the free expression of the wishes of the people of Singapore and contrary to the spirit and letter of General Assembly resolution 1514 (XV), of 14 December 1960. They appealed to the United Nations through the Special Committee to send an observer to Singapore to ascertain the exact facts and to judge whether it

was a matter for intervention by the United Nations. A memorandum attached to the petition set out the details of their case. The petitioners also requested advice as to whether the Special Committee required a representative to fly to New York to give further explanations.

8. At the same meeting, the Special Committee, by 10 votes to 2, with 5 abstentions, decided to take no cognizance of the substance of the petitions. At its 80th meeting, the Special Committee decided that, in communicating that decision to the petitioners, they should also be informed that, if any petitioner wished to appear before it personally, it would be necessary to make a formal request for a hearing, which request would be considered in accordance with established procedures. The Special Committee also decided to transmit to the petitioners the records of its 79th and 80th meetings at which the matter was discussed. The petitioners were duly informed of the Committee's decision.

9. Subsequently, the Special Committee received a request for hearings¹⁴⁶ from Mr. Lee Siew Choh, Mr. Wee Soo Bee, Mr. S. Woodhull, Mr. Lim Hook Siew and Mr. David Marshall on behalf of nineteen Opposition members of the Legislative Assembly and the Council of Joint Action, representing five political parties of Singapore. It also received a communication from Mr. Lee Kuan Yew, Prime Minister of Singapore¹⁴⁷ stating that a hearing should be granted to representatives of the Singapore Government if a hearing was granted to representatives of the Opposition. The Prime Minister's communication also contained detailed comments on the memorandum of the petitioners representing the Opposition. At its 85th meeting, the Special Committee, on the recommendation of the Sub-Committee on Petitions, decided to grant these requests for hearings. The statements of the petitioners are summarized in paragraphs 17 to 48 below. In connexion with these matters certain observations were made by some of the Committee's members.

10. The representative of the Soviet Union said that he was in favour of a full debate in the Committee on the question of Singapore and considered it necessary to hear petitioners from that Territory. He said that everything should be done to ensure that the provisions of the Declaration were implemented in full in Singapore. The people of Singapore should be given an opportunity to express themselves freely on the future of their country. Meanwhile, it was clear that the administering Power was using the proposed referendum as a means of imposing its own will on the people of Singapore. It was to be noted that the so-called referendum made no provision for an alternative to a separate independence for Singapore and thus was in evident contradiction with the Declaration on the granting of independence to colonial countries and peoples. The administering Power tried to give the impression that there were no parties or political organizations in the Territory that favoured the independence of Singapore as a separate State, that Singapore was allegedly not viable as an independent State. In reality there were political forces in Singapore that advocated the creation of a separate and independent State of Singapore if it were not possible to ensure the merger of Singapore with the Federation of Malaya on equal terms.

¹⁴⁶ A/AC.109/PET.16/Add.2.

¹⁴⁷ A/AC.109/PET.18 and Add.1.

¹⁴⁵ A/AC.109/PET.16 and Add.1.

11. Contrary to the wishes of the peoples of Singapore and in violation of the Declaration and other resolutions of the General Assembly, the administering Power was preparing, under the guise of a referendum, a huge forgery in order to keep its colonial position in Singapore and preserve its military bases there. It was trying to preclude the emergence of Singapore as an independent State and instead to impose upon the people of Singapore a merger with the Federation of Malaya on an unfavourable, unequal basis, depriving the people even of the right to say "no" to the government proposals during the forthcoming fake referendum.

12. In conclusion the representative of the Soviet Union urged the Committee not to remain passive when it had an opportunity of taking effective action. He said that it was the duty of the Committee to prevent the administering Power from carrying its selfish colonial plans in Singapore into effect and to take measures to secure the implementation in Singapore of the provisions of resolution 1514 (XV) which called for the granting of independence to all colonies.

13. The representative of Italy said that there were some points that were not clear in the statements made by the petitioners from Singapore. They had spoken at great length about the independence of Singapore as though it was an alternative to a merger with the Federation of Malaya. The Italian representative did not believe that this was a good way of presenting the problem and thought it would be more accurate to speak of independence through merger as opposed to the independence of Singapore within its present boundaries. He had the impression that the idea of independence within the present boundaries was not very popular in the territory and did not have a great deal of support in public opinion.

14. The representative of Poland stated that there could be no doubt that Singapore, being a Non-Self-Governing Territory came within the scope of work of the Special Committee. It was clear from the evidence given by the petitioners representing various political parties and members of the Legislative Assembly of Singapore, that the intended transfer of sovereignty over Singapore to the Federation of Malaya would not take place in accordance with the provisions of the Declaration on the granting of independence to colonial countries and peoples. Two of the three proposals of the alleged referendum, as admitted by the Prime Minister of Singapore himself, had not even been made public and were still unknown, and none of the proposals gave to the people of Singapore the democratic right of dissent. The three proposals to be put before the Singapore voters would leave no alternative to them, and they would have no choice but to vote in favour of the proposed merger with the Federation of Malaya. That was contrary to the principle of self-determination. The petitioners rightly requested that in case the people did not want a merger, they should be given the alternative of voting for independence. Such an alternative was the more justified, because under the proposed merger none of Singapore's inhabitants would become citizens of the Federation by such a merger. Thus, in fact, under the Federation laws almost 75 per cent of the population of Singapore would have a separate, discriminatory status and would not enjoy the same rights as the citizens of the Federation.

15. Under all these circumstances the proposed merger and the referendum in its present form, appeared to be a smoke-screen to cover the real intention of the administering Power, the United Kingdom, to maintain

its domination over Singapore and to preserve its military bases in a neo-colonial form. The representative of Poland concluded by saying that in order to discharge its mandate the Special Committee should take up the question of Singapore, have a full debate and make recommendations in conformity with the Declaration contained in General Assembly resolution 1514 (XV).

16. According to the decision taken at its 85th meeting, the Special Committee heard the following petitioners:

(a) *Petitioners representing nineteen Opposition members of the Legislative Assembly and five political parties of Singapore:*

Mr. Lee Siew Choh (86th meeting);

Mr. S. Woodhull (86th and 91st meetings);

Mr. David Marshall (89th and 91st meetings);

Messrs. Lim Hook Siew and Wee Soo Bee, replying to questions (86th and 91st meetings).

(b) *Petitioners representing the Government of Singapore:*

Mr. Lee Kuan Yew, Prime Minister (86th and 87th meetings);

Mr. Goh Keng Swee, Finance Minister (87th meeting).

17. Mr. Lee Choh, speaking on behalf of the Opposition legislators in the Legislative Assembly and the Council on Joint Action, comprising five political parties, namely, the Barisan Sosialis, the Worker's Party, the Liberal Socialist Party, the Rakyat Party and the United Democratic Party, said that the United Kingdom was proposing to transfer its sovereignty over the Colony of Singapore to the Federation of Malaya in a manner not in accordance with the freely expressed will and desire of the people as enunciated in General Assembly resolution 1514 (XV). Singapore, though a separate entity from the mainland of Malaya, had at all times sought to become integrated with Malaya. For military and economic reasons the United Kingdom had kept Singapore separate from the Federation of Malaya, and was now seeking to transfer sovereignty over Singapore to the Federation of Malaya without ensuring that the people of Singapore had the opportunity freely to express their wishes concerning the terms of the transfer. The official terms for the transfer of sovereignty were contained in Command Paper 33 of 1961.¹⁴⁸ They stipulated that Singapore citizens would retain their citizenship and would not become citizens of the Federation. Singapore would be represented in the Federal Parliament by only fifteen representatives, when in fact it should be entitled to a minimum of twenty-five on the basis of its population. The main objection to those proposals was that Singapore citizens would have a separate citizenship and would not be fully integrated with the Federation of Malaya. Singapore would become more or less an appendage of the Federation, whereas its population wanted to become Federal citizens with the right to proportional representation.

18. The Government of Singapore proposed to submit those proposals to the people by a referendum. Originally, the Government had indicated its intention of placing the constitutional proposals before the people for acceptance or rejection, but the referendum bill had

¹⁴⁸ *Memorandum Setting out Heads of Agreement for a Merger between the Federation of Malaya and Singapore*, (Singapore, Government Printer), 1961.

been amended in such a way that the electorate would be compelled to choose one of the following alternatives: (a) the constitutional arrangements set out in Command Paper 33; (b) complete and unconditional merger as a State on an equal basis with the other eleven States in accordance with the constitutional documents of the Federation; (c) entry into Malaysia on terms no less favourable than those for the Borneo territories. Only alternative (a) was clear. Alternative (b) would mean, according to the Government, that more than half of the citizens of Singapore would not qualify for citizenship in the Federation. As for alternative (c), the terms fixed for Borneo were not yet known. In fact, the last two alternatives were merely a façade. The Government claimed that alternative (b) was what the Opposition parties were advocating. Actually, those parties had proposed a fourth alternative which the Government had rejected.

19. The referendum bill compelled the voter to vote but refused him the democratic right to register dissent. The electorate could not reject the three alternatives, for an "ambiguous" vote was to be construed as a vote in favour of alternative (a). Nor could the voter abstain, for a blank ballot paper was also to be deemed a vote in favour of alternative (a). A voter could reject alternative (a) only by voting for either (b) or (c), even though he might not be in favour of them. Moreover, under the referendum bill, the Government had the right not to reveal the number of blanks and "ambiguous" votes cast and could declare them together with the votes polled in favour of alternative (a).

20. He concluded by appealing to the Special Committee to ensure that the spirit and substance of General Assembly resolution 1514 (XV) were respected. During the transfer of sovereignty account must be taken of the freely expressed wishes of the people of Singapore. The petitioners wanted an honest and democratic referendum, and they would then bow to the verdict of the majority.

21. Mr. Woodhull said that Singapore's new Constitution had entered into effect in June 1959, when the Peoples Action Party (PAP), which had won forty-three of the fifty-one seats in the Legislative Assembly, had come to power. Subsequently, however, the PAP Government had become a minority government, and it now held only twenty-five seats. Seventeen of its members had crossed the floor, and PAP candidates had lost the two by-elections held since 1959. That development was due to the fact that PAP, which at first had been violently anti-colonialist, had turned around completely and had ended by accepting Singapore's colonial status. However, it was not a question of domestic politics but the transfer of sovereignty over Singapore to the Federation of Malaya that the petitioners were bringing up before the Special Committee. The question was whether the people of Singapore were able freely to express their will. Almost the whole population wanted Singapore to join the Federation of Malaya on fair terms. He was not complaining about the principle of integration, but the terms of integration as set forth in Command Paper 33. The referendum bill had been changed without regard for the views of the Opposition parties, which wanted a genuine merger with all citizens of Singapore becoming citizens of the Federation of Malaya and having equitable representation in the Federal Parliament. He also criticized the alternatives open to the electors and the provisions of the referendum bill, which denied the people the right to dissent. The transfer of sovereignty proposed by the

United Kingdom did not take account of the wishes of the people, and he asked the Committee of Seventeen to ensure that the spirit of resolution 1514 (XV) was respected and that the people of Singapore would be allowed to decide their own future freely.

22. Mr. Lee Kuan Yew drew attention to the written comments he had submitted¹⁴⁹ and stated that Singapore was dependent on the Federation of Malaya for its water supply and its trade. All political parties, nationalist or communist, had always condemned the British for the separation of Singapore from the rest of Malaya. In 1957 Mr. Woodhull himself had stated in the Press that the only way for Singapore to achieve independence was to become part of an independent Federation of Malaya.

23. Under the Singapore Constitution internal security was under the over-all control of an Internal Security Council which was composed of three representatives of the United Kingdom, three representatives of the Singapore Government and one representative of the Federation Government. The combined votes of the representatives of Singapore and the Federation could overrule that of the United Kingdom representatives: the Federation of Malaya thus had the casting vote. Those arrangements confirmed the fact that the destinies of the two Territories were closely interwoven, and that the Federation of Malaya should have a decisive say in the internal security of Singapore. There were 624,000 voters on the island, 284,000 of whom had been born in the Territory and would automatically acquire Singapore citizenship. Those 284,000 people would automatically have acquired Federation citizenship, just as the inhabitants of Penang and Malacca had done, if the United Kingdom had not separated Singapore from the Federation in 1945 in the hope that the Straits of Singapore would prevent Malayan nationalism from spreading to their military bases. The 340,000 voters who had not been born in Singapore had acquired their citizenship under the Singapore Citizenship Ordinance, passed in 1957. Most of them were immigrants from China, India, Indonesia and the Commonwealth countries, including the Federation of Malaya, as was the case with Mr. Lee Siew Choh. That Ordinance allowed the acquisition of citizenship in circumstances where the corresponding provisions of Malayan legislation did not. First, citizens of Commonwealth countries were required to have resided only two years in Singapore, and knowledge of the Malay language was not necessary. Secondly, immigrants from China, India, Indonesia and other non-Commonwealth countries had to have resided in the Territory for eight years, but in their case, too, no language qualification was required. In the Federation, on the other hand, an elementary knowledge of Malay was indispensable.

24. He recalled that seventeen of those who had signed that document had been elected under the banner of the party in power, but that they had been expelled or had resigned from that party in June and July 1961. The basic aim of the party in power had always been the unification of Singapore and the Federation of Malaya. After his election Mr. Lee Siew Choh had signed a statement pledging himself to withdraw from the Legislative Assembly if he should resign or be expelled from PAP, but though he had been expelled from the party, he had not kept his word. In any event, Mr. Lee Kuan Yew continued, he agreed with the petitioners' view that the United Kingdom Government had separated Singapore from the Federation in order

¹⁴⁹ A/AC.109/PET.18 and Add.1.

to keep its control over that island for military and economic purposes. His Government's position on the United Kingdom's military bases in Singapore was, paradoxically, more radical than that of the petitioners. Mr. Woodhull, who had slurred over the question of the future of the bases, was the adviser to the Singapore Naval Labour Union and was known to be a strong advocate of indefinite maintenance of the bases. His position might thus be influenced by political considerations; the petitioners were just as aware of the problem as was the Government, but their approach was dictated by opportunism. His Government considered it unhealthy that one third of the Singapore economy should be dependent upon foreign military bases. If for any reason those bases ceased to be of use to the United Kingdom, 50,000 families would lose their livelihood. The Government therefore believed that they should be reduced gradually over a fifteen- or twenty-year period, so that the workers might be reabsorbed into the new industries that would undoubtedly grow up after Malaysia was established. It was clear from the petitioners' statements that if they could not obtain a merger on their own terms, they would wish simply to preserve the *status quo*, with only minor alterations. His Government, on the other hand, believed that the sovereign rights of the United Kingdom over its bases should be transformed into treaty rights, to be negotiated between the United Kingdom Government and the new Government of the Federation of Malaysia.

25. He repudiated as absurd the petitioners' insinuations that there was some kind of plot afoot between the United Kingdom and the Federation Government. As to the suggestion that his Government was a minority Government, or that it no longer represented the wishes of the people, he pointed out that PAP was the oldest and most stable party in Singapore; it had grown up with the people during a period when South East Asia was undergoing far-reaching and revolutionary changes. His party understood that it could only achieve its aims—an independent, democratic, non-communist and socialist Malaya and Malaysia—with the support of the people. That was why the Government was offering them a choice as to the terms on which a merger was to take place, although it was constitutionally entitled to carry out the merger without further ado, since Command Paper 33 had been adopted by thirty-three votes to none.

26. He pointed out that the seven members who did not belong to PAP but who supported the Government over the issue of reunification, had suggested a third alternative; that the merger should take place on terms no less favourable than those accorded to the Borneo Territories. Those terms were to be published later and submitted to referendum, not in haste, as the petitioners had suggested, but after everyone had had time to consider the full implications of the three alternatives. The petitioners claimed that all they sought was "an honest referendum" and the presence of a United Nations observer, which might "deter a major act of perfidy being perpetrated against our people". They had admitted that the matter was one of internal politics, so that they could not very well ask for more. Yet in their statements before the Committee they had dwelt on the substance of the argument between themselves and the Government and had thus attempted to involve the United Nations in the internal politics of Singapore. In pressing their claims for a complete and unconditional merger on an equal basis, they had said that their main objection to the Government proposal was that citizens of Singapore would not become citizens

of the Federation of Malaya. If Singapore had gone into the Federation of Malaya in 1945, it would have done so on the same terms as Penang and Malacca, where only persons born in those Territories had automatically become citizens of the Federation. Citizenship had always been a restricted right in the Federation, and a "complete and unconditional merger on an equal basis with the other eleven States" must necessarily mean that Singapore would join the Federation on the same terms as those enjoyed by Penang and Malacca. If necessary, an impartial tribunal could be appointed to interpret the constitutional documents of the Federation of Malaya, and say what exactly was meant by a "complete merger on an equal basis". What it did not mean was the automatic conversion of Singapore citizens into Federal citizens, for that would in effect be to ask that the laxer citizenship laws of Singapore should be considered as equivalent to the stricter laws of the Federation of Malaya. That was a condition which was completely unacceptable to the Federation Government, as had been made quite clear in the course of a correspondence between himself and the Prime Minister of the Federation. If Singapore had entered the Federation in 1945, about 284,000 of the 624,000 citizens—that was, those born in Singapore—would automatically have qualified for Federation citizenship. The remaining 340,000, who had not been born in Singapore, would have had to apply for citizenship under the laws of the Federation, which required a residential qualification and a knowledge of the Malay language. Judging from the experience of other States in the Federation only one third would have succeeded. Thus if the merger were to take place on the same terms as those enjoyed by Penang, 200,000 immigrants already enjoying Singapore citizenship would lose it. Such a course was naturally unacceptable to his Government. On the other hand, the claim that all Singapore citizens should automatically become Federation citizens, and thereby increase Singapore's representation in the Federal Government to twenty-five seats, was equally unacceptable to the Federal Government. To seek a merger on either basis would, therefore, be unrealistic. However, a fair compromise had been reached and it had been agreed that all present Singapore citizens should keep their citizenship rights and become Federal nationals, provided that was not then put forward as a reason for an increase in the number of representatives for Singapore. His Government had estimated that if the merger took place on the analogy of Penang, Singapore would be entitled to nineteen seats in the Federal Parliament; the Federal Government, for its part, had considered that Singapore should be given no more than twelve seats if the stricter citizenship laws of the other States in the Federation were applied. Finally, it had been agreed that Singapore, in addition to keeping more than three quarters of its revenue for the discharge of its domestic responsibilities, should be entitled to fifteen seats in the Central Parliament of the new Federation. In that way, nobody in Singapore would lose what he already had, and the fifteen seats would represent all the 624,000 citizens of Singapore.

27. With regard to the complaint that the Singapore Government had refused to submit the suggested fourth alternative to the people, he said that the Federal Government would not and could not be expected to extend concessions to Singapore which it had not accorded to immigrant residents in its own Territories.

28. He went on to say that Mr. David Marshall had called for a full merger in the Legislative Assembly of Singapore on 23 November 1961 during the debate on

Command Paper 33. To remove any misunderstanding as to when he and his party had begun to believe in a merger, he had quoted the platform adopted by the Workers Party on its formation in December 1957, the first sentence of which read: "The basis and framework of all policy must be recognition of the fact that Singapore is geographically, ethnically and economically part of Malaya and the only healthy ultimate solution is integration with Malaya on an equal basis with other States...". He had gone on to say that there could be no real unity between the Federation and Singapore if they pursued different policies in education and labour and that PAP erred when it said that the people of Singapore would not accept that the whole of Malaya should be in control of their education and labour policy: if the people of Singapore were asked "Do you want unconditional merger complete or do you want the PAP White Paper?", 90 per cent would vote for unconditional and complete merger. It was therefore difficult to understand how the petitioners could now pretend that that was not what they had been asking for. The first two alternatives offered to the voters in the proposed referendum were (a) the constitutional arrangements set out in Command Paper 33 of 1961, giving Singapore autonomy in education and labour; and (b) a complete and unconditional merger as a State on an equal basis with the other eleven States, in accordance with the constitutional documents of the Federation of Malaya. The constitutional documents referred to were the Federation of Malaya Agreement of 1948, the Federation of Malaya Amendment Agreement of 1952, the Constitution of the Federation of Malaya of 1957 and the nine national laws of the nine Malay sultanates. They had been specifically mentioned when he had proposed the adoption, in the Singapore Legislative Assembly, of the issues to be posed in the referendum. None of those documents offered any precedent or justification for the demand that Singapore citizens should automatically become Federal citizens. Some of the petitioners had said that alternative (b) was vague. In fact, however, nothing could be clearer than the constitutional documents, and an impartial judicial tribunal would have no difficulty in deciding how a person became a national of the Federation of Malaya and how he acquired his franchise rights. On the other hand, the third alternative, "(c) to enter Malaysia on terms no less favourable than the terms for the Borneo territories" was vague, since the North Borneo terms had not yet been put into the form of a White Paper. That would be done, however, before the referendum was held.

29. He also pointed out that under alternative (a)—the merger proposals contained in Command Paper 33—all Singapore citizens would retain all their existing political rights, including the right of franchise in State elections. They would also acquire the new right of electing fifteen members of the Federal Parliament, which would make Singapore the State with the second highest representation after Perak, with its nineteen representatives. The fact that nobody in Singapore would lose anything and that there would be no distinction between Singapore citizens and Federal citizens was clearly stated in paragraph 14 of Command Paper 33, which read:

"All Singapore citizens will keep their citizenship and automatically become nationals of the larger Federation. Citizens of the present Federation will similarly become nationals of the larger Federation. Nationals of the larger Federation, whether Singapore citizens or the Federation citizens, will as na-

tionals have equal rights, carry the same passport, enjoy the same protection and be subject to the equal duties and responsibilities under the Constitution of the larger Federation. Singapore citizens will continue to enjoy their State rights and privileges within Singapore.

"Singapore citizens will vote in Singapore for their representatives to the new Federation Parliament and the citizens of the present Federation of Malaya will vote in the present Federation for their representatives to the same new Federation Parliament."

That meant that all the fundamental rights in the Constitution would be the same for all nationals, whether Singapore citizens or Federation citizens. The allegation made by the petitioner, Mr. Lim Hook Siew, that a Singapore citizen would be an alien in the Federation of Malaya, was thus completely without foundation. The only right which he would not share was the right to vote in the Federation in Malaya, but then nor would a Malayan be entitled to vote in Singapore. Even then, however, if he wished to reside in Kuala Lumpur, he could qualify for the vote if he could pass the national language test. It was equally ridiculous to suggest, as the petitioners had done, that Singapore would be under the trusteeship of the Federation of Malaya, since it would have the second largest representation of any state in the Federation Parliament.

30. The petitioners had alleged that the people of Singapore would be compelled to choose an alternative which meant that citizens of Singapore would end up by having neither Singapore nor Federal citizenship. That was completely untrue. The constitutional documents mentioned in alternative (b) would apply equally to Singapore. It was because they realized they had made a mistake that the petitioners were now asking for a fourth alternative—alternative (d)—which meant a merger with one special condition, namely, the automatic conversion of Singapore citizenship into Federation citizenship, which was something that had never been granted to any member States of the present Federation of Malaya. That was something that neither he nor members of the Opposition had been able to obtain, and to offer such an alternative would be to offer the people something which was not available. That, in any case, was not the only condition which the petitioners wanted. They also wanted an immediate general election to a Parliament in which Singapore would have twenty-five seats. That had been stated in a broadcast over Radio Singapore on 9 July 1962 by one of the petitioners, Mr. Lee Siew Choh. They knew that those conditions would not be accepted. That was the logic of people who were intent upon frustrating the merger, which they knew to be inevitable, for as long as possible, because, for their own political purposes, they wished Singapore to continue as a colony so that they could form part of an anti-colonial movement. Once Singapore became independent within the Federation of Malaysia they would no longer be fighting the British for independence but would have to contend with a popularly elected government.

31. It was paradoxical that the Committee should have before it a petition from an opposition group which for purely internal political purposes wanted colonialism to remain, while the duly elected and constitutional Government of Singapore wanted immediate independence through a merger. There was indeed a striking analogy with the case of British Guiana, recently before the Committee, which had quite rightly dismissed a petition from a minority group in that coun-

try asking for the preservation of the *status quo* instead of independence.

32. In conclusion, he wished to protest strongly against the false sense of emergency which the petitioners had created and against the misrepresentation of facts by which they had been enabled to obtain a hearing from the Committee.

33. Mr. Goh Keng Swee said that the purpose of the memorandum¹⁵⁰ submitted by the nineteen petitioners was to involve the United Nations in the losing struggle against the merger of Singapore and the Federation of Malaya. The real issue was not whether the people wanted merger but what form it should take. The Government had decided to hold a referendum so that the people should feel that they had been given a choice and not missed anything by not entering a full and unconditional merger. The anti-national left had now taken the stand that all three alternatives of the referendum were unacceptable and that the electorate should be able to reject all of them. The Government had agreed to submit the National Referendum Bill to a Select Committee of the Legislative Assembly, which had heard members of the public, including trade union representatives, and the Bill had been adopted by the Legislative Assembly after long debate. In its original form, the Bill had contained no provisions concerning blank votes or the destruction or defacing of ballot papers. However, the Opposition had introduced an amendment making it legal to destroy or deface ballot papers, and the Government had thought it necessary to take special measures to prevent the destruction of the democratic process. The Opposition had also moved an amendment under which blank votes would be counted as votes against merger. Since the Opposition hoped to confuse the people by persuading them to cast blank votes, the Government had thought it fair to assume that a blank vote was a sign of uncertainty and should be taken to mean that the voter accepted the decision of the elected representatives in the Legislative Assembly. In any case, the proportion of blank or spoiled votes was usually not more than 0.01 per cent in Singapore.

34. Mr. Lee Kuan Yew in a second statement added that it was not true to say that the merger would transfer sovereignty over Singapore from the United Kingdom to the Federation of Malaya. Sovereignty over Singapore and over Brunei, Sarawak and North Borneo would be transferred to the new Federation of Malaysia when its first Parliament met. With regard to tearing and defacing ballot papers, this had been illegal for the past ten years, as was also the case in the United Kingdom. The Opposition had tried to make such a practice lawful in order to pervert the democratic process by which it would have been unmasked. The petitioners' memorandum also suggested that there was a severe and abhorrent penalty for not voting, yet in fact the only penalty was that the voter must pay \$5 Malayan (\$US1.75) to have his name restored to the electoral register. The petitioners said they wanted only an honest referendum, and they would get it.

35. The Government of Singapore had been elected by universal franchise and had a mandate until August 1964. It had complete authority over everything except defence, external affairs and internal security. It was fully entitled to enter a Federation of Malaysia, which was the inevitable and logical consequence of the liquidation of colonialism and would be the successor State

in the Territories formerly governed from Singapore by the United Kingdom. Although the Government was not required by the Constitution to hold a referendum, it had introduced the National Referendum Bill, which had been debated at length in the Legislative Assembly and on the radio. The petitioners did not allege that the Government would illegally or unfairly manipulate the referendum. Their only purpose was to involve an international organization in a party quarrel, he concluded.

36. Mr. Marshall stated that Singapore's 1.7 million inhabitants wished only to live as free men. They objected to the military base because they would all be destroyed in any war involving the great Powers. After he had failed to obtain full self-government and dominion status for the island in 1956, it had been given a Constitution under the Singapore (Constitution) Order in Council, 1958, but it was still administered by the United Kingdom Colonial Office, and its foreign affairs and defence were entirely the responsibility of the United Kingdom Government. The Constitution entitled the United Kingdom to occupy and control all bases and installations in Singapore, and the bases and their staff enjoyed diplomatic immunity. The Government of Singapore was responsible for trade and cultural relations with other countries, but only with the assent of the United Kingdom Government. Section 74 of the Constitution enabled the United Kingdom Government, whenever it was of the opinion that the discharge of its responsibilities for defence or external affairs so required, to force the Government of Singapore to take or not to take any action, and any bill introduced in the Assembly could be reserved for the signification of Her Majesty's pleasure. The United Kingdom Government could also suspend the Constitution.

37. He stated further that the internal security of Singapore was in the hands of a Council, which was not responsible to the Government or people of Singapore. It consisted of the United Kingdom Commissioner as Chairman, two other United Kingdom officials, the Prime Minister of Singapore, two other members of his Government and one member appointed by the Federation of Malaya. Its functions included maintaining the efficiency of all organs of the Government of Singapore concerned with internal security and ensuring equal access by the Governments of the United Kingdom and of Singapore to the services of those organs. The Government of Singapore had to give immediate effect to the decisions of the Council. If the Chairman of the Council, who was the United Kingdom High Commissioner, was satisfied that the Government of Singapore had failed to do so, he could require the *Yang di-Pertuan Negara* (Head of State) to make an order giving effect to the decision in question. The Council could decide whether any matter related to the internal security of Singapore, and its decision could not be questioned in any court. The United Kingdom High Commissioner must be provided with copies of the agenda of the Cabinet, a list of all matters discussed which were not on the agenda and a statement of Cabinet decisions and conclusions relating to matters which, in the opinion of the Prime Minister, either affected the responsibilities of the Government of the United Kingdom for defence and external affairs or were matters which the High Commissioner might wish to raise before the Internal Security Council, together with all Order papers laid before the Cabinet and relating to such matters,

¹⁵⁰ A/AC.109/PET.16.

although such documents were not available to the Singapore Legislative Assembly. The Legislative Assembly had no power to make any major amendments in the Constitution, and even minor amendments required a two-thirds majority of all elected Assemblymen.

38. Although Singapore had adult suffrage and a freely elected Legislature, it was in fact a colony of the United Kingdom with limited internal self-government. The United Kingdom had wide powers, and could even imprison the citizens without trial. Singapore was struggling to end its colonial status, but the United Kingdom Government had promised only to review the present Constitution in 1963.

39. Singapore, he continued, was the main port for the Federation of Malaya, and its people were of the same ethnic groups, though not in the same proportions. In the Federation the Malays were in a majority, and they rightly considered that they were the indigenous people. On the other hand, 75 per cent of the inhabitants of Singapore were Chinese and about 12 per cent were Malays. The Federation of Malaya had become independent in 1957, and Singapore, which was economically, ethnically and geographically part of Malaya, wanted a merger with the Federation. Although Singapore was one of the wealthiest cities in Asia, with a *per caput* income four times as great as that in the Federation, it sought no advantages, but simply common rights and common responsibilities. However, if the population of Singapore were added to that of the Federation, the Malays would cease to be a majority and would be equal in number with the Chinese. Naturally the Malays were alarmed by the possibility that what they considered an alien element might have an equal position with them in their own homeland. The Prime Minister of the Federation of Malaya, addressing his own Parliament on 16 October 1961, had said that he viewed with some nervousness the prospect of a merger with Singapore, because the Chinese in Singapore had strong ties with China and were inclined towards Chinese chauvinism. The Prime Minister had also said that many people in Singapore were inclined towards communism; that they were more active and articulate than the real Malaysians in Singapore and must not be allowed to control the country's political and social structure; and that the form of association between the Federation and Singapore must provide for the protection of the interests of the people in the Federation. The United Kingdom was aware that the Federation of Malaya was a staunch ally of the West. On the other hand, it was sensitive to pressure exerted by the United Nations in order to obtain the granting of independence to colonial territories. It would be glad to find a way out, but feared that, on account of its Chinese majority, Singapore might become a communist outpost, a view which was shared by the Federation of Malaya. Moreover, they wished to retain their military and economic interests in Singapore. Consequently, they had hit upon the idea of transferring Singapore to the Federation of Malaya. He was ready to fight the British but not the Malays. Friction in Malaya would not be merely a local tragedy, but would extend to all Asia, for Malaya was one of the pivotal points of the continent.

40. It was in that context, he continued, that the Command Paper 33 of 1961 had been prepared; under its terms the United Kingdom Government would transfer sovereignty over Singapore to the Federation of Malaya in return for a treaty permitting the reten-

tion of military bases in Singapore. The representative of Poland had asked whether the United Kingdom Government had attempted to arrange for the bases before a decision was taken on the merger issue. The answer was in the affirmative and confirmed by a statement, made by Mr. Duncan Sandys in the House of Commons on 29 November 1961 following a visit to London by the Prime Minister of the Federation of Malaya, to the effect that the agreement between the United Kingdom and the Federation would allow Singapore to be used for the defence of Malaya and the preservation of peace in South East Asia. Mr. Julian Amery, United Kingdom Secretary of State for Air, had also stressed the paramount importance of the Singapore base. The consequence was that Singapore, in the event of merger, would not be fully integrated with the Federation of Malaya. The Prime Minister of the Federation had himself said, on 16 October 1961, that a complete merger would cause much unhappiness and trouble, and that a middle course must be found. The Federation was reluctant to take over Singapore, with its preponderantly Chinese population, and was only considering doing so because it feared that, if Singapore were finally granted independence as a result of pressure on the United Kingdom, it might become an outpost of Chinese communism and chauvinism.

41. Mr. Marshall stated further that the suggestion that the United Kingdom Government was proposing, in exchange for treaty rights, to hand Singapore over to the Federation, which would then exercise sovereignty over it, as a kind of colony, might seem fantastic in modern times, but it was true. The British were a great people with many great qualities and always tried to be fair when they could afford the luxury of doing so, but in the case in point they had not succeeded in overcoming the Federation's fears and were taking the line that Singapore must become a part of the Federation of Malaya at all costs in order to ensure the protection of the Commonwealth military and economic interests, without any heed for the interest or safety of the 1.7 million inhabitants of the island. That stand was in contradiction with the provisions of Article 73 of the United Nations Charter. The United Kingdom was thinking only of its own interests; that was human, but it was not just, and he was asking that justice should be done to the people of Singapore.

42. With regard to the proposals of Command Paper 33 providing for a distinct and separate citizenship, but a common Malaysian nationality for the Federation and Singapore, the Prime Minister of Singapore had stated that they represented no ground for complaint, since the only difference with respect to common citizenship was that the people of Singapore would have no electoral rights in the Federation, and vice versa. He himself had offered to support proposals for merger if they would permit a common citizenship with a common disability, but that offer had been rejected out of hand. He could not understand why the Federation of Malaya had offered common citizenship to the citizens of Brunei, North Borneo and Sarawak, and was refusing it to Singapore; the reason was perhaps that the Chinese were in the minority in those other three Territories. In actual fact there was no guarantee in the Constitution that the Federation Government might not in future introduce discriminatory measures against the citizens of Singapore. The Singapore Government, supported mainly by admittedly substantial commercial interests, was prepared to accept Command Paper 33 owing to its fear of Chinese communism. He and his

colleagues believed, however, that the majority of Singapore's citizens did not favour those proposals, and that, if a general election were held, the ruling party, which had lost the confidence of the people, would have hardly any members left in the Assembly.

43. He said further that the Singapore Government had suggested that it had a constitutional right to transfer Singapore to the Federation, and that a referendum was being held only as a proof of its good faith. But in reality no such right existed, for the Singapore Government was not an independent government but only a municipal one, and the only power which could transfer sovereignty over Singapore was the United Kingdom Government; the referendum was merely intended to provide it with a smoke-screen of legality. The citizens were being compelled to vote under pain of losing the franchise for an indefinite period; moreover they could not cast negative votes, and were being compelled to choose between certain alternatives. A blank ballot was held to signify approval of the government-sponsored Command Paper 33. In addition, the blank votes would be counted in secret, and their total secretly added to the votes for Command Paper 33, so that there would be no means of checking the accuracy of the result. It had been asserted that Command Paper 33 had been adopted by 33 votes to none in the Legislative Assembly. However, the Prime Minister of Singapore had omitted to mention that eighteen members of the Assembly had walked out in disgust.

44. He then referred to the three alternative proposals and said that a fourth proposal, on which all the Assemblymen were in agreement, providing that Singapore should enter the Federation of eleven States, with automatic citizenship of the Federation for Singapore citizens, had been disallowed. Moreover, there was no provision for independence if the three alternatives were rejected: that omission was significant. The objection to the first alternative was that it did not provide for common citizenship. The idea of the resulting isolation aroused feelings of anxiety, especially on the part of the numerous Chinese, who, having suffered the plight of the stateless, had been granted citizenship in Singapore for the first time in 1957, and who, after experiencing that security, were to be treated as a group apart, with the rest of the population. The Federation would doubtless gladly accept the latter, but did not accept the Chinese.

45. So far as the second alternative was concerned, the description given by the Prime Minister of Singapore was false, because he had added on his own initiative the phrase "in accordance with the constitutional documents of the Federation of Malaya" to the words "a complete and unconditional merger as a State on an equal basis". The Head of State of the Federation of Malaya would not agree to a complete and unconditional merger within the normal meaning of the term, as exemplified, for instance, in the case of Newfoundland or the Cameroons. On the contrary, he had said that a middle course was necessary. And in recommending rejection of the complete merger, the Prime Minister of Singapore had said, on 31 August 1961, that one of its consequences would be the disenfranchisement of over 350,000 Singapore citizens, who would have to apply for re-registration, under the Federation's stringent citizenship laws. That was not what the common man understood by a complete merger. Yet such were the terms of section 22 of the Federation's Constitution, applicable to new territories taken into the Federation under section 2 of the

Constitution. The Prime Minister had stated that the second alternative had been made by Mr. Marshall, which was false, and had also suggested that a juridical committee might easily interpret that proposal. Mr. Marshall declared that he had consulted legal experts who had pointed out that under section 22, it would be for the Parliament of the Federation to determine what persons were to be citizens in the Federation by reason of their connexions with Singapore, and that until legislation to that effect was drafted, it would be impossible to say what the precise position of those who were currently citizens of Singapore would be. Everything depended upon the nature of that legislation, and it was conceivable that at least some persons might lose their Singapore citizenship without acquiring citizenship of the Federation. It might therefore be argued that voters should not be asked to pass judgement upon the issues involved until they knew what their status would be inside the Federation.

46. With regard to the third alternative, he accepted the Prime Minister's statement that the date for the referendum had still to be settled. However, the terms would not be known for some time. Negotiations with North Borneo and Sarawak were still in progress, and those with Brunei had not yet begun. In any event, none of those agreements could specifically serve to settle the question of the citizenship of the people of Singapore, and the proposal was consequently meaningless.

47. He went on to say that the history of the proposals was unfortunate. Initially, they were to have been the subject of a referendum, without any alternatives; then under the pressure of public opinion, alternatives were introduced; but the choice was made compulsory, and the alternatives couched in unacceptable terms, in order to compel approval of Command Paper 33. The whole procedure was dishonest. Moreover, the referendum ordinance disregarded the democratic right of dissent. The Prime Minister was aware of its shortcomings, and that was why he had refused permission for an observer to go to Singapore. If the people of Singapore were offered the choice between any of the three proposals and independence, he believed that, unless the Federation accepted a complete merger, the people of Singapore would prefer complete independence and seek admission to the United Nations as a free port without military bases. The implications of independence for Singapore were in practice that a ten-year lease might be allowed on the base, after which it would have to be relinquished. His party shared to a great extent the views of the Commonwealth and the United States; it believed that communism would destroy Singapore's economy. It was convinced that Singapore's Chinese citizens were aware of that fact and of the advantages of the democratic system; but it also recognized that the fears of the Malays in the Federation, though groundless, were genuine, and agreed that in the event of independence the Federation's interest should be protected by treaty rights.

48. In his submission the basic issues were simple: Singapore was a United Kingdom colony, and the United Kingdom Government intended to transfer sovereignty over it to the Federation of Malaya. It was his plea that Singapore's right of self-determination should be recognized, in pursuance of General Assembly resolution 1514 (XV), particularly paragraph 5 thereof. Towards that end, the United Nations should despatch an observer to Singapore. Failing that, it should at least extract from the United Kingdom Gov-

ernment an assurance that, before final measures were taken, the citizens of Singapore would be given an opportunity of saying "aye" or "nay" in a referendum, which should, if possible, include independence as one of the alternatives. Although Singapore was considered by some to be just a pawn in international politics, the United Nations should at least ensure in the name of humanity that its people could express their wishes freely. The proposals of Command Paper 33 were dangerous for future stability in South East Asia on account of the frustrations and racial antagonisms that would ensue. The complaint was not that there was a proposal to transfer Singapore to the Federation of Malaya, but that the people of Singapore had no opportunity of expressing themselves with regard to that proposal, and were being treated as cattle. That was why his party had taken the unusual step of appearing before the United Nations to make a personal appeal.

C. PETITION CONCERNING MALTA

49. At its 79th meeting, on 18 July 1962, the Special Committee considered a written petition¹⁵¹ from the Secretary of the Socialist International concerning Malta, transmitting a resolution adopted by the Council of the Socialist International, which met in Oslo from 2 to 4 June 1962. By that resolution, the Council drew the attention of the Special Committee to "the deplorable conditions in which general elections were held in Malta, 17 to 19 February 1962". The Council, by the same resolution requested the Special Committee "to approach the British Government with a view to the holding of fresh general elections in Malta, in the presence of independent observers and under conditions which will ensure freedom of conscience and freedom of choice".

50. At the same meeting, the Special Committee decided that the question of Malta should be taken up for consideration at a future date to be agreed upon in the light of the Committee's programme of work.

D. PETITIONS CONCERNING ADEN

51. At its 109th meeting, on 13 September 1962, the Special Committee heard Mr. Ali Luqman, Secretary-General of the Peoples Congress, who spoke on Aden.

52. At the same meeting, the Special Committee heard the representative of Yemen who, at his request, had been invited to make a statement.

53. The Special Committee also received and circulated the following written petitions concerning Aden:

<i>Petitioner</i>	<i>Document No.</i>
Mr. Mohamed Ali Luqman, Secretary-General, Peoples Congress	A/AC.109/PET.24 and Add.1
South Arabian Nations	A/AC.109/PET.25
South Arabians residing in Saudi Arabia	A/AC.109/PET.26
Mr. Mohamed Algifri and Mr. Abdullah Shaikhan Alhabshi, President and Secretary-General of the South Arabians League ¹⁵²	A/AC.109/PET.34

¹⁵¹ A/AC.109/PET.13.

¹⁵² In a cable dated 15 September 1962, Mr. Alhabshi, Secretary-General of the South Arabians League requested a hearing concerning Aden. At its 117th meeting, the Special Committee decided that it would consider this request when it begins its next series of meetings.

Petitioner

Document No.

The United National Party ¹⁵³ and the Peoples Political Party	A/AC.109/PET.35
Mr. Abdulla Ali Quasy and others	A/AC.109/PET.36
Mr. Jabir Ahmad Jabir and others	A/AC.109/PET.37
Mr. Saleh Abdul and others	A/AC.109/PET.38
Mr. Mahmoud Mohamed Sulaiman and others	A/AC.109/PET.39
The Democratic Party	A/AC.109/PET.40
Mr. Mohamed Ali Lokman (Luqman)	A/AC.109/PET.44
Peoples Political Party	A/AC.109/PET.45 ¹⁵⁴

54. Mr. Luqman said that one of the greatest of the Aden people's grievances was the 1962 draft treaty formulated by the Governor of Aden and his Executive Council and five Aden Protectorate Ministers; they had been kept completely in the dark about its provisions. The people had been disturbed by the discussions of closer links with six sheikdoms of the Western Aden Protectorate which, as an Arabic daily had stated, were intended to delay the independence of the colony of Aden and make it subordinate to the Western Aden Protectorate. Two shieks had offered to guarantee that Aden would have a national government if its people accepted the federation of Aden and the Protectorate, but his own party, the Peoples Congress, had distrusted their intentions and, when the United Kingdom Government had refused to endorse their undertaking in writing, the whole proposal had fallen through. Negotiations with a view to federation had, however, continued without the people of Aden being kept informed, with the result that there had been considerable alarm and agitation. One of the five Ministers of Aden had resigned in protest against the proposal and three members of the Legislative Council had telegraphed to London refusing to recognize any such agreement. For its part, the Peoples Congress had telegraphed the Colonial Office in London demanding that Aden should be given self-governing status and a national government before entering into negotiations about a federation. The Trade Union Congress at Aden had also denounced the proposed links and had invited two Labour Members of Parliament to Aden to study the situation more closely; they had later informed the House of Commons of the violent opposition to federation felt by the people of Aden. But the Aden Government had remained adamant.

55. In June 1962 it had been announced that the Minister of Education, a member of the Peoples Congress, had resigned because he had refused to sign the agreement. He had been replaced by another who had shown himself more malleable. The Governor had announced that the Minister who had resigned was precluded from making any statement about the agreement. The ex-Minister had then gone to London with the petitioner and had attempted to alert the public to the iniquity of the agreement. The petitioner had later

¹⁵³ In a cable dated 12 September 1962, the United National Party requested a hearing concerning Aden. At its 117th meeting, the Special Committee decided that it would consider this request when it begins its next series of meetings.

¹⁵⁴ A request for a hearing contained in this petition was granted by the Special Committee at its 111th meeting, on 14 September 1962. The petitioner was informed that the Special Committee would conclude its present series of meetings on 19 September 1962 and that if he could not arrive in New York before that date, he would be informed later of the date when it would meet next.

come to New York to present the case to the Special Committee.

56. After outlining the history of Aden, which had once been a flourishing market and was still a great tourist centre, he said that it was now a colony with an area of 75 square miles and a population of between 200,000 and 300,000; it had a budget of £5 million, plus £2 million from the Aden Port Trust. Communications were unsatisfactory. There was no drainage system, and no beds in the local hospitals were reserved for persons born in Aden. The judicial system was excellent, but there was at present no scheme for legal aid. A number of young people from Aden had studied at foreign universities, with or without help from the Aden Government, which granted scholarships both to the inhabitants of Aden and to foreign-born students. As the latter could refuse employment in Aden and return to their countries on the payment of only a small proportion of their grant, the colony's money was being wasted.

57. A matter which gave the people of Aden great concern at the present time was the military base. Although the United Kingdom Minister of Defence had stated categorically that no atomic weapons were stored there, that statement had been contradicted by newspapers in the United Kingdom, and the population was disturbed and anxious for the evacuation of the base.

58. A Legislative Council had been formed in 1947, but all the members had been nominated by the Governor and, with few exceptions, they had been opposed to the national aspirations of the people and to self-government. There had been considerable alien immigration from all parts of the world and only one of the eighty-one senior posts in the administration had been filled by a man from Aden itself. After a delegation from Aden had gone to London, it had been decided that four members of the Legislative Council and some of the municipal councillors should be elected; some senior posts had been reserved for persons from Aden, and £25,000 had been allocated for the building of roads. The immigration laws had been made stricter, but corruption had made them a mockery. After a period of strikes, agitation and repressive measures, the number of elected members of the Legislative Council had been increased in 1957, thanks largely to the efforts of his own organization. The elected members had continued to be in the minority, however, so that there had been little they could do. They had however succeeded in banning the importation of *qat*, a narcotic drug to which nearly the whole population was addicted; that ban had had admirable results on local health and finances. But at the 1959 elections the present Minister of Labour had succeeded in getting elected with the support of the addicts, which he had gained by offering to press for the repeal of the ban, and *qat* was now being imported freely again.

59. Although the system appeared to be democratic, the power was actually in the hands of the Governor. There were now twelve elected members of the Legislative Council, compared with eleven nominated and *ex officio* members, but the Governor had sown dissension in the ranks of the elected members by arranging for five of them to be elected Ministers. In addition, the Governor's Executive Council was the most powerful body in the colony. Nevertheless, Aden was immeasurably more advanced than the sheikdoms with which it was to be federated under the agreement. They

were primitive and ruled autocratically by absolute despots who did not hesitate to punish any kind of political activity with heavy fines and long terms of imprisonment. Aden should not be linked with such partners. The budget of those eleven federated States was only £150,000, but the United Kingdom Government was subsidizing them to extent of £1.7 million for maintaining a federal army, composed of Arabs, which policed both the Aden Protectorates and Aden Colony. They received an additional £1 million for purposes of development.

60. He then proceeded to discuss the 1962 draft Treaty, article by article. Article I of that Treaty provided that it should be supplementary to the Treaty of Friendship of 11 February 1959 between the United Kingdom and the Federation. The 1959 treaty, however, had never received the consent of the people of Aden Colony, who knew only that under it they could be compelled to fight on the side of the United Kingdom Government against any State, even a brother Arab State. Article II provided that nothing in the Treaty should affect British sovereignty over Aden. If Aden continued to be a colony, nothing would have been gained and that alone gave them the right to claim their freedom under the United Nations Charter. They did not want to remain under the sovereignty of the United Kingdom Government. Article III of the Treaty provided that the Colony of Aden should become a State of the Federation, to be known as Aden, on 1 March 1963, or on such earlier date as might be appointed by Order-in-Council. That meant that, if the Treaty was accepted on 24 September, it would become a State of the Federation on 25 September. Article IV provided that Perim and the Kuria Muria Islands should be excluded from the Federation and stated that they were not included in any references to Aden throughout the Treaty. Those islands, however, had always been part of Aden. Article V provided that the Government of the Federation should secure the amendment of the constitution of the Federation with effect from the date of accession, in the manner agreed upon between the Government of the Federation and the Government of Aden and approved by the Government of the United Kingdom. Aden itself, it was clear, had no voice in the matter. Article VI provided that the Government of the United Kingdom should arrange for the constitution of the Federation to be given the force of law in Aden on the date of accession. That constitution, in other words, was to be imposed on the people of Aden. Article VII provided that the Treaty of 1959 should apply to Aden, from the date of accession, as a State forming part of the Federation. In other words, Aden, which had been a colony for 123 years and which was demanding its independence and freedom, had now become a State of that colony. Articles VIII and IX provided that the Government of the United Kingdom could exclude or withdraw at any time from the Federation any area or areas within Aden if it considered that desirable for the purpose of its world-wide defence responsibilities. That meant that, if the Federation wished to be independent of the State of Aden, the latter could be withdrawn. In that case, the Federation would lose the millions of pounds which it was receiving in the form of subsidies from the United Kingdom. Obviously, it was in its own interest that colonial domination should continue. For that reason, if there was to be a Federation at all, the Protectorates and the Colony of Aden should federate as equals and decide on a time limit for their independence. Article X pro-

vided for the event that the Legislative Council of Aden passed a resolution asking for the secession of Aden from the Federation during the twelve months following the end of the sixth year after the date of Aden's entry into the Federation. By prolonging the life of the Legislative Council by one year, however, the Government had ensured that the present Legislative Council would be out of office after six years and that a new Legislative Council would be appointed. That meant that Aden would remain a colony as long as the United Kingdom Government so wanted.

61. The federal emirates were anxious for Aden Colony to become a State in the Federation because they saw opportunities for profit. In Aden, for example, there was no labour legislation, and strikes were illegal. Recently, fifty labourers had been sent to gaol merely because they had absented themselves from work for one or two hours in order to attend a meeting. He urged the Special Committee to place those grievances before the General Assembly and recommend that Aden should be liberated and given the right of self-determination. He also urged the Special Committee to work for the emancipation of the 600,000 people in the Aden Protectorates; the subsidy of £3 million annually which they were receiving from the United Kingdom Government could be made up by international aid. The people of Aden were prepared to negotiate with the federal emirates on a basis of equality as soon as Aden became independent. His people intended to safeguard the interests of minorities and would welcome the development of trade and industry by all reasonable means. What should be borne in mind was that the real rulers of the Aden Protectorates were not the emirs, the sultans and the chiefs; the real ruler was the British Agent, who paid their salaries and expenses.

62. The representative of Yemen said that he wished to place on the record of the Special Committee a gen-

eral reservation regarding any statement made or to be made in that Committee, or any communication circulated by it, which was contrary to the rights of Yemen. His Government strongly protested against recent attempts by the Government of the United Kingdom Government to perpetuate its colonial rule in the occupied territories of Yemen. His Government opposed the so-called New Federation established by the United Kingdom Government against the rule of the Yemeni people. That so-called Federation was merely a colonial device for dominating those territories and for evading international responsibility and obligations under the United Nations Charter and was in violation of a legally binding treaty between Yemen and the United Kingdom. His Government demanded the elimination of colonialism in the occupied territories of South Yemen, the unification of Yemen with its territories and the return of South Yemen to the motherland.

63. The representative of the United Kingdom said that his Government had no doubts about its sovereignty over the Territory of Aden and he wished formally to reserve his Government's rights on that matter. There was no foundation for the Yemeni claim to the States of the Aden Protectorate. Those States were under the protection of Her Majesty's Government, and the latter was responsible for their external relations. The Yemen Government therefore had no claim to act on their behalf, and his own Government had no intention of abandoning the obligations which it had contracted towards the Sultans and other rulers of those territories.

E. OTHER PETITIONS

64. The Special Committee also received and circulated the following written petitions concerning territories which were not listed in its current programme of work.

<i>Territory</i>	<i>Petitioner</i>	<i>Document</i>
Jamaica ¹⁵⁵	Mr. Stan Grant Mr. Douglas Mach and Mr. Filimore Alvarange	A/AC.109/PET.15 and Add.1 A/AC.109/PET.21
Bermuda	Mr. W. G. Brown, General Secretary, Bermuda Constitutional Conference	A/AC.109/PET.23
Sarawak, British North Borneo and Brunei	Mr. G. S. Sundang, Chairman, United National Pasok Momogun Party, M. A. M. Azahari Mahmud, Chairman, the Rakyat Party and Mr. Ong Kee Hui, Chairman, Sarawak United Peoples Party	A/AC.109/PET.46 ¹⁵⁶

¹⁵⁵ These petitions were received and circulated before Jamaica attained its independence on 6 August 1962.

¹⁵⁶ A request for a hearing contained in this petition was granted by the Special Committee at its 111th meeting, on 14 September 1962. The petitioners were informed that the Special Committee would conclude its present series of meetings on 19 September 1962 and that if they could not arrive in New York before that date they would be informed later of the date when it would meet next.

ANNEXES

ANNEX 1

LETTER DATED 4 SEPTEMBER 1962 FROM THE REPRESENTATIVE OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ADDRESSED TO THE CHAIRMAN OF THE SPECIAL COMMITTEE

I have on several occasions represented to the Committee that, in fulfilment of the obligation imposed upon us by our

terms of reference, we should give a full assessment of progress already made and a review of the stage now reached in the advance of colonial territories to self-government and independence. I have also urged that the Committee should give special attention to the practical measures necessary to prepare for independence.

The Committee has preferred to consider a number of territories one by one, and in a few instances has decided to vote

on resolutions which are now included in its draft report to the Assembly. You know the reservations and objections which my delegation has consistently made to this procedure.

It was recently suggested that our views and our contribution and our policy in respect of territories which were or are under British administration might be summarized in a written document. This is not easy to do in short compass since constitutional progress is taking place in all the territories for which the United Kingdom still has responsibilities. The steps taken must vary to meet different needs and circumstances. But the attached Calendar of Constitutional Advance, covering the past twenty months, indicates and summarizes the extent and the pace and the range of progress achieved in this short period and will, I trust, be of assistance to the Committee.

Since 1945 fifteen countries previously under British administration and with a population of over 600 million have achieved self-government and independence. This has, of course, been a continuing and developing process, and it will be seen from the Calendar that in the past twenty months alone the following countries with a population of fifteen million have attained independence: Sierra Leone; The British Cameroons; Tanganyika; Jamaica; Trinidad. Furthermore, the date for Uganda's independence (with a population of six-and-a-half million) has been set for 9 October 1962.

I also take this opportunity of emphasizing again the importance of the methods employed in attaining these results, and, in regard to preparations for self-government, I invite attention to the following extract from the speech I made in the Committee on Friday, 10 August 1962 (99th meeting).

"The aims and, to a large extent, the methods of our general policy have been the same in the three main areas: first in West Africa, comprising Nigeria, Ghana, Sierra Leone and Gambia, with a population approaching fifty million; second, in East Africa, comprising Tanganyika, Uganda, Kenya and Zanzibar, with a population of about twenty-three million; and thirdly, Central Africa, comprising Southern Rhodesia, Northern Rhodesia and Nyasaland, with a population of about eight million.

"With all the striking differences which exist between the varying problems of these diverse territories, we have followed the same main policy and the same system of administration.

"Representative government"

"We created in each of the territories separate governments so that the people should gain experience in the management of their own affairs and so that the transition from bureaucracy to democracy could take place as quickly as possible by progressive and natural stages. With the people we worked out systems of representative government and established parliaments in every territory under our administration.

"Career civil services"

"We created public services owing allegiance not to a party and not to a tribe, but to all people of the country they serve.

"Impartial courts"

"We established impartial courts, free from interference by the Executive, dispensing justice without regard to party or race or politics, without regard to anything except the necessity to administer equal justice.

"Local security forces"

"We created local security forces, military and police forces, so that, when these countries attained independence, they had their own means at their own disposal to maintain law and order without recourse to outside assistance or intervention.

"Education"

"We gave special attention to the problems of education—first, by building up the basic structure of primary and secondary education, and also by giving early access to higher education so that the political and professional leaders of these new countries would be progressively and rapidly enabled to take over the leadership of their own countries. We

are proud of our tradition by which one out of every ten students of higher learning in England comes from overseas; two out of every three of them from the Commonwealth. We have in my country a much larger proportion of university places allotted to men and women from Asia and Africa than any other country in the world, and we followed this up by the establishment of one university after another in Africa itself. Not the least of these advances has been in East Africa where, following the fine tradition of Makerere in Uganda, branches of the new university of East Africa have been established in Kenya and Tanganyika too.

"Economic aid"

"On the economic side, it is well to recall that British aid and investment for developing countries since the war amounts to about £3,000 million, and that a higher proportion of our national income has been directed in such aid to underdeveloped countries even than that provided by the United States.

"National unity"

"While we have given ourselves through recent decades to these tasks, our overriding purpose in all these territories has been to bring people together in constructive effort. We recognize the value of diversity, remembering Lord Acton's famous phrase 'Liberty provokes diversity: diversity preserves liberty'. But, whether it was in Ghana or Nigeria or Sierra Leone or Tanganyika or Uganda or Zanzibar or Kenya, our purpose has been to overcome racial and sectional and tribal differences, and to foster a true national patriotism.

"Often we hear in this Committee the old worn-out phrase, 'Divide and rule'. In fact, the record shows that our purpose throughout has been to unite and to set free."

I have no doubt that both the Committee and the General Assembly will recognize the importance both of these results and of these methods, and I request that this communication and its enclosure should be circulated to members of the Committee and also form a part of our report to the General Assembly.

(Signed) Hugh Foot

Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations

CALENDAR OF CONSTITUTIONAL ADVANCE

December 1960 to September 1962

- | | |
|----------------------|---|
| <i>January 1961</i> | In Aden non-official members of the Executive Council became Ministers for the first time. Elections were held in Zanzibar for an enlarged Legislative Council chosen on a broad franchise. |
| <i>February 1961</i> | The people of the Northern and Southern Cameroons voted to decide their future in plebiscites held under United Nations supervision. The people of the Southern Cameroons decided to attain independence as part of the Cameroon Republic. The people of the Northern Cameroons voted for independence as part of Nigeria.
In Kenya general elections under the new Constitution took place.
A Constitutional Conference ended with the announcement of plans for an enlarged Legislative Council for Northern Rhodesia with 45 elected members, 15 elected on the upper roll, 15 on the lower roll, and 15 national seats. |
| <i>March 1961</i> | A Constitutional Conference held in Dar es Salaam reached agreement on independence for Tanganyika in the following December.
In British Honduras the first elections under the new Constitution resulted in a victory for the Peoples United Party led by Mr. George Price, who became First Minister. |

	In Uganda the general elections under the new Constitution resulted in a victory for Mr. Kiwanuka's Democratic Party.	January 1962	The British and Malayan Governments set up a Commission of Inquiry under the chairmanship of Lord Cobbold to ascertain the views of the people of North Borneo and Sarawak on the question of "Greater Malaysia".
April 1961	Sierra Leone became independent. In Kenya the Kenya African Democratic Union formed the first government under the new Constitution, with Mr. Ngala as Leader of Government Business.	February 1962	It was agreed that Jamaica would become independent on 6 August 1962. Revised constitutional proposals for Northern Rhodesia were put forward by the British Government and arrangements were set in train for general elections in October.
May 1961	Tanganyika attained full internal self-government.		Elections in Malta resulted in a victory for Mr. Borg Olivier's Nationalist Party, and the formation of a government led by him under the new Constitution.
June 1961	The Northern Cameroons became independent and joined the Northern Region of Nigeria. Agreement was reached between representatives of the Governments of Kenya, Uganda and Tanganyika on the establishment of an East African Common Services Organisation to run such services as railways, harbours, civil aviation, and postal services on an inter-territorial basis. A Constitutional Conference attended by representatives of the Windward and Leeward Islands reached agreement on further constitutional advance.	March and April 1962	Constitutional Conferences were held to discuss further advances in Zanzibar and Kenya. The Zanzibar Conference had to be adjourned in view of the failure of the leaders of the two parties to reach agreement. The Kenya Conference resulted in agreement on the outline for a Constitution for internal self-government. Both parties also agreed to form a coalition government with Mr. Kenyatta and Mr. Ngala as Ministers of State and to continue discussions in Nairobi on the future Constitution of the Territory.
July 1961	Agreement was reached between representatives of Mauritius and Britain on further constitutional advance for the Territory, with the creation of a post of Chief Minister. Representatives of the Gambia and the British Government reached agreement for further advance in that Territory.		The pre-independence elections in Jamaica resulted in the election of Sir Alexander Bustamante as Prime Minister. Pre-independence general elections in Uganda resulted in the election of Mr. Obote as Prime Minister.
August 1961	The first election under the new Constitution was held in Nyasaland, resulting in a victory for Mr. Hastings Banda's Malawi Congress Party. The first elections took place under the new Constitution giving internal self-government in British Guiana.	May 1962	A conference of the territories comprising the former West Indies Federation (apart from Jamaica and Trinidad) met in London and agreed in principle to the formation of a new Federation in the East Caribbean with its capital in Barbados.
September 1961	North Borneo Government announced that local government elections would be introduced. New constitutional proposals were agreed for Sarawak. A referendum held in Jamaica resulted in a majority against Jamaica's continued participation in the Federation of The West Indies. In Basutoland a Commission was set up to review the working of the present Constitution.	June 1962	Elections under the new Constitution in the Gambia resulted in the victory of the Peoples Progressive Party, whose leader, Mr. Jawara, became the first Premier. Agreement was reached on the attainment of independence by Trinidad on 1 June 1962. It was agreed that a Constitutional Conference would be held in November 1962 to consider constitutional advance for Nyasaland.
October 1961	At a Constitutional Conference in London it was agreed that Uganda would attain full independence in one year's time, i.e. on 9 October 1962. The Southern Cameroons became independent and joined the Cameroon Republic. A new Constitution providing for Malta to achieve full internal self-government and to be known as the "State of Malta" was announced.	July 1962	The British and Malayan Governments held talks in London on the Federation of Greater Malaysia and decided in principle that the proposed Federation comprising Malaya, Singapore, North Borneo, Brunei and Sarawak should be brought into being by 31 August 1963.
November 1961	Agreement was reached between the United Kingdom and the Malayan Governments that the creation of a "Federation of Malaysia" was a desirable aim, and steps were announced to seek the views of the territories concerned. In Fiji the franchise was extended and the size of the Legislative Council increased.	August 1962	Two months' discussions between the British Government and Ministers of Aden Colony and the Federation of South Arabia were concluded. Agreement was reached on the entry of the Colony into the Federation and on constitutional advances for the Colony. Jamaica became independent. Trinidad became independent. In response to the Maltese Prime Minister's request for independence within the Commonwealth, the British Government agreed to arrange a further meeting as soon as practicable.
December 1961	Tanganyika became independent. A general election in Trinidad confirmed Mr. Eric Williams in office as Premier.		

ANNEX II

List of representatives

AUSTRALIA

Representative:

H.E. Sir James Plimsoll.

Alternate representative:

Mr. J. D. L. Hood.

Advisers:

Mr. J. A. Forsythe;

Mr. T. W. White;

Mr. P. C. J. Curtis.

CAMBODIA

Representative:

H.E. Mr. Koun Wick (February to May);

H.E. Mr. Nong Kimny (May to June);

H.E. Mr. Sonn Voeunsai.

Alternate representative:

Mr. Caimerom Measketh.

ETHIOPIA

Representative:

H.E. Dr. Tesfaye Gebre-Egzy.

Alternate representatives:

Mr. Kifle Wodajo;

Mr. Girma Abebe.

INDIA

Representative:

H.E. Mr. C. S. Jha.

Alternate representatives:

Mr. A. B. Bhadkamkar;

Mr. M. Rasgotra;

Mr. K. Natwar Singh.

ITALY

Representative:

H.E. Mr. Livio Theodoli (February to April);

Mr. Paolo Tallarigo.

Alternate representatives:

Mr. Ludovico Carducci-Artenisio;

Mr. Vittorio Ivella;

Mr. Vincenzo Zito.

MADAGASCAR

Representative:

H.E. Mr. Louis Rakotomalala.

Alternate representatives:

Mr. Remi Andriamaharo;

Mr. Henri Jux Ratsimbazafy;

Mr. Gabriel Rakotoniaina.

MALI

Representative:

H.E. Mr. Sori Coulibaly.

Alternate representative:

Mr. Mamadou Traoré.

POLAND

Representative:

H.E. Mr. Bohdan Lewandowski.

Alternate representative:

Mr. Kazimierz Smiganowski.

Adviser:

Mr. Stanislav Soltysiak.

SYRIA

Representative:

H.E. Dr. Najmuddine Rifai.

Adviser:

Mr. Samir Mansouri.

TANGANYIKA

Representative:

H.E. Dr. V. K. Kyaruzi (February to March);

H.E. Mr. A. Z. Nsilo Swai.

Alternate representatives:

Mr. Christopher P. Ngaiza;

Mr. John S. Malecela;

Mr. Abbas Sykes.

Adviser:

Mr. W. E. Waldron-Ramsey.

TUNISIA

Representative:

H.E. Mr. Taieb Slim.

Alternate representatives:

Mr. Mahmoud Mestiri;

Mr. Chedly Ayari.

UNION OF SOVIET SOCIALIST REPUBLICS

Representative:

H.E. Mr. V. A. Zorin.

Deputy representatives:

H.E. Mr. P. D. Morozov;

Mr. V. I. Oberemko.

Adviser:

Mr. V. F. Ulanchev.

Experts:

Mr. V. A. Antonov;

Mr. I. I. Andreev;

Mr. Y. E. Fotin.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Representative:

H.E. Sir Patrick Dean, K.C.M.G.

Alternate representatives:

Mr. C. T. Crowe, C.M.G.;

H.E. Sir Hugh Foot, G.C.M.G., K.C.V.O., O.B.E.

Advisers:

Mr. J. A. Sankey;

Mr. K. C. Thom.

UNITED STATES OF AMERICA

Representative:

Mr. Jonathan B. Bingham.

Alternate representative:

Mr. Robert O. Blake.

Adviser:

Mr. Christopher Thoron.

URUGUAY

Representative:

H.E. Mr. Carlos María Velázquez.

Alternate representative:

Mr. Aureliano Aguirre.

VENEZUELA

Representative:

H.E. Mr. Carlos Sosa Rodríguez.

Alternate representative:

Mr. Ignacio Silva Sucre.

YUGOSLAVIA

Representative:

H.E. Mr. Miso Pavićević

Alternate Representatives:

Mr. Miroslav Kreačić;

Mr. Sreten Ilić.