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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\*

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SOUTHERN RHODESIA

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\* This document contains the chapter on Southern Rhodesia. The general introductory chapter will be issued subsequently under the symbol A/5446. Other chapters will be issued later in addenda.

A. ACTION TAKEN BY THE SPECIAL COMMITTEE IN 1962 AND BY THE GENERAL ASSEMBLY AT ITS SIXTEENTH AND SEVENTEENTH SESSIONS

1. The Special Committee considered the question of Southern Rhodesia in 1962 at its meetings in March, April and May. It considered this question in the context of General Assembly resolution 1514 (XV) of 14 December 1960 embodying the Declaration; resolution 1654 (XVI) of 27 November 1961 establishing the Special Committee, and resolution 1745 (XVI) of 23 February 1962 by which the General Assembly requested the Special Committee to consider whether the Territory of Southern Rhodesia had attained a full measure of self-government.
2. At the conclusion of its general debate, the Special Committee, in March 1962, decided to establish a Sub-Committee composed of India, Mali, Syria, Tanganyika, Tunisia and Venezuela to go to London for discussions with the United Kingdom Government. The Sub-Committee visited London from 7 to 14 April 1962 and submitted its report<sup>1/</sup> on 30 April 1962.
3. Following its consideration of the Sub-Committee's report, the Special Committee took decisions whereby it affirmed that the Territory of Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations, endorsed the conclusions of the Sub-Committee and recommended, in accordance with the Sub-Committee's report that, 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 recommended a draft resolution for the consideration of the General Assembly.
4. The General Assembly considered the question of Southern Rhodesia at its resumed sixteenth session. It had before it the report of the Special Committee<sup>2/</sup> on its consideration of Southern Rhodesia. On 28 June 1962 it adopted resolution 1747 (XVI) by which the General Assembly approved the conclusions of the Special Committee and affirmed that the Territory of Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations. It requested the Administering Power: (a) to undertake urgently the convening of a constitutional

<sup>1/</sup> A/AC.109/L.9.

<sup>2/</sup> Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 97, document A/5124.

conference, in which there should be full participation of representatives of all political parties, for the purpose of formulating a constitution for Southern Rhodesia in place of the Constitution of 6 December 1961, which would ensure the rights of the majority of the people, on the basis of "one man, one vote", in conformity with the principles of the Charter of the United Nations and the Declaration; (b) to take immediate steps to restore all rights of the non-European population and remove all restraints and restrictions in law and in practice on the exercise of the freedom of political activity including all laws, ordinances and regulations which directly or indirectly sanctioned any policy or practice based on racial discrimination; and (c) to grant amnesty to, and ensure the immediate release of, all political prisoners. In paragraph 3 it requested the Special Committee to continue its constructive efforts towards the earliest implementation of resolution 1514 (XV) with regard to Southern Rhodesia in order to ensure its emergence as an independent African State.

5. At its 107th meeting on 12 September 1962, the Special Committee took note of this resolution and in particular of its paragraph 3.

6. At its seventeenth session, the General Assembly adopted two resolutions on the question of Southern Rhodesia. By resolution 1755 (XVII) of 12 October 1962, the General Assembly urged the United Kingdom Government, as a matter of urgency, to take measures which would be most effective to secure (a) the immediate and unconditional release of Mr. Nkomo and all other nationalist leaders, restricted, detained or imprisoned, (b) the immediate lifting of the ban on the Zimbabwe African Peoples Union.

7. On 31 October 1962, the General Assembly adopted resolution 1760 (XVII), the operative paragraphs of which read as follows:

"1. Reaffirms its resolution 1747 (XVI);

2. Considers that the attempt to impose the Constitution of 6 December 1961 which has been rejected and is being vehemently opposed by most of the political parties and the vast majority of the people of Southern Rhodesia, and to hold elections under it will aggravate the existing explosive situation in that Territory;

3. Requests the Government of the United Kingdom of Great Britain and Northern Ireland to take the necessary measures to secure:

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(a) The immediate implementation of General Assembly resolutions 1747 (XVI) and 1755 (XVII);

(b) The immediate suspension of the enforcement of the Constitution of 6 December 1961 and cancellation of the general elections scheduled to take place shortly under that Constitution;

(c) The immediate convening of a constitutional conference, in accordance with resolution 1747 (XVI), to formulate a new constitution for Southern Rhodesia;

(d) The immediate extension to the whole population, without discrimination, of the full and unconditional exercise of their basic political rights, in particular the right to vote, and the establishment of equality among all inhabitants of the Territory;

4. Requests the Acting Secretary-General to lend his good offices to promote conciliation among the various sections of the population of Southern Rhodesia by initiating prompt discussions with the United Kingdom Government and other parties concerned with a view to achieving the objectives set out in this and all the other resolutions of the General Assembly on the question of Southern Rhodesia, and to report to the Assembly at its present session as well as to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

5. Decides to keep the item 'Question of Southern Rhodesia' on the agenda of its seventeenth session."

8. In accordance with paragraph 4 of this resolution, the Secretary-General submitted a report<sup>3/</sup> to the General Assembly and the Special Committee. The General Assembly took note of this report at its 1200th plenary meeting on 20 December 1962.

9. In his report, the Secretary-General said that on 19 December 1962 he had received a letter from the Permanent Representative of the United Kingdom in which it was stated, inter alia, that recent elections in Southern Rhodesia had resulted in the return to power of the Rhodesian Front Party, led by

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<sup>3/</sup> Ibid., Seventeenth Session, Annexes, agenda item 56, document A/5396; A/AC.109/33.

Mr. Winston Field, who had assumed the office of Prime Minister. It was further stated that it had not yet been possible for the United Kingdom Government to discuss matters of common concern with the new ministers. It was also pointed out that the change in government in Southern Rhodesia did not affect the constitutional relationship existing between the United Kingdom Government and that of Southern Rhodesia.

B. INFORMATION ON THE TERRITORY

General

10. Information on the Territory is already contained in the Special Committee's first report<sup>4/</sup> on Southern Rhodesia, which was considered by the resumed sixteenth session of the General Assembly and in its report to the seventeenth session of the General Assembly.<sup>5/</sup> Supplementary information on recent developments concerning the Territory is set out below.

11. According to the preliminary results of a census held in April/May 1962, the African population was 3,610,000. At a census of non-Africans in September 1961, the provisional figure for the non-African population was 239,320 of whom 7,260 were Asians, 221,500 were Europeans and 10,560 were of mixed race.

Status of the Territory

12. The General Assembly in its resolution 1747 (XVI) adopted on 28 June 1962 affirmed that the Territory of Southern Rhodesia is a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations.

13. The United Kingdom maintains that Southern Rhodesia is self-governing in respect of its internal affairs.

Constitution

14. The Territory was granted a new Constitution under the Southern Rhodesia (Constitution) Order in Council, 1961, dated 6 December 1961. The main features of the new Constitution, in particular, the details of the electoral system and the franchise are described in the report of the Special Committee to the seventeenth session of the General Assembly.<sup>6/</sup>

15. The whole of the new Constitution of 1961 came into force on 1 November 1962.

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4/ A/5124.

5/ Official Records of the General Assembly, Seventeenth Session, Annexes, Agenda item 25, document A/5238, Chapter II.

6/ Ibid., paras. 6-11.

1962 Elections

16. The first elections for the Legislative Assembly under the new constitution were held on 14 December 1962.<sup>7/</sup> The Legislative Assembly consists of sixty-five seats, fifty of which are "upper roll" or constituency seats and fifteen are "lower roll" or district seats.

17. Registered voters on the "A" roll numbered approximately 90,000 (mainly Europeans), while the number registered on the "B" roll was approximately 10,000 (almost exclusively Africans).

18. The African nationalist parties, the Zimbabwe African Peoples Union (ZAPU), the Zimbabwe National Party (ZNP) and the Pan-African Socialist Union (PASU) boycotted both the registration and the subsequent elections.

19. The elections were contested by three parties:<sup>8/</sup> the Rhodesia Front, led by Mr. Winston Field; the United Federal Party, led by Sir Edgar Whitehead; and the Central African Party, led by Mr. C.A. Palmer. A number of independent candidates also stood for election.

20. The results of the elections were as follows:

Rhodesia Front	35 seats
United Federal Party	29 seats
Independent	1 seat

21. The distribution of votes in the "upper roll" seats or constituencies was as follows:

Rhodesia Front	38,282
United Federal Party	30,943
Central African Party	104
Independents	833

22. The distribution of votes in the "lower roll" seats or districts was as follows:

Rhodesia Front	634
United Federal Party	2,116
Central African Party	387
Independents	50

<sup>7/</sup> For details concerning the electoral system and the franchise qualification, see A/5238, chapter II, paras. 10-11.

<sup>8/</sup> For information on these parties see A/5238, chapter II, paras. 14-17.

23. On 17 December 1962, a Government was formed, under the leadership of Mr. Winston Field as Prime Minister.

Visit by Mr. R.A. Butler

24. In January 1963, Mr. R.A. Butler, United Kingdom Minister responsible for Central African Affairs, visited Central Africa for talks with political leaders on the future of the Federation of Rhodesia and Nyasaland. Mr. Butler had discussions with Southern Rhodesian leaders, including Mr. Nkomo.

The banning of the Zimbabwe African Peoples Union (ZAPU)

25. On 20 September 1962, the then Prime Minister, Sir Edgar Whitehead, announced the banning of ZAPU under the provisions of the Unlawful Organizations Act, 1959. This action had been taken, he said, because the party "had intensified its violent approach" and had "done its best to destroy political liberty". Shortly afterwards, Mr. Nkomo and other party leaders were placed under restriction under the Law and Order (Maintenance) Act, 1961.

26. On 14 January 1963, the Minister of Justice in the newly formed Government announced that all Africans under restriction were being released. These included six leaders restricted when the African National Congress (ANC) was banned in 1959, and twenty-eight placed under restriction when ZAPU was banned. In the same statement the Minister announced that amendments to the security legislation would soon be placed before Parliament. It was also announced that the existing ban on ZAPU would continue.

27. On 9 February 1963, Mr. Nkomo and two other ZAPU leaders were charged under the Law and Order (Maintenance) Act of taking part in an illegal procession and of obstructing or assaulting the police.

28. It has been reported that on 20 February 1963, the Government announced that it would allow Mr. Joshua Nkomo and other former leaders to form a new party under amendments to the Unlawful Organizations Act. It was stated, however, that action would be taken if their activities were regarded as unconstitutional; in which case, they would be liable to a fine of up to £1,000, or up to five years' imprisonment, or both. Mr. Nkomo has stated that he would not form a new party and that ZAPU was in the heart of the people and could not be banned.



Proposed amendment to the Law and Order (Maintenance) Act, 1961

29. In February 1963, the Southern Rhodesian Government introduced an amending Bill to the Law and Order (Maintenance) Act, 1961, which, among other things, sought to impose a mandatory death sentence for certain offences, to increase the penalties for other offences, and to make permanent the existing temporary ban on the holding of public meetings on Sundays and public holidays. It was stated that the object of the amendment was to remedy omissions in the existing security laws which experience had brought to light. The increased penalties had been proposed "in order to reinforce respect for life and property of the individual".

30. On 19 February 1963, during the discussion of the Bill in the Legislative Assembly, the Southern Rhodesian Minister of Justice, announced that because of "public disquiet" the Government would make certain changes in the Bill. Pregnant women and youths under the age of sixteen would not be liable to the mandatory death penalty and in cases where the offenders were between the ages of sixteen and nineteen, the death sentence would be discretionary.

C. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

31. The Special Committee considered the Question of Southern Rhodesia at its 130th to 140th, 143rd, 144th, 146th, 168th and 171st to 177th meetings between 6 March and 20 June 1963.

Written petitions and hearings

32. The Special Committee circulated the following written petitions concerning Southern Rhodesia:

<u>Petitioner</u>	<u>Document No.</u>
Mr. John Eber, General Secretary, Movement for Colonial Freedom	A/AC.109/PET.62
Mr. Joshua Nkomo, National President, Zimbabwe African Peoples Union	A/AC.109/PET.96
Mr. Eddison Jonas Zvobgo	A/AC.109/PET.97
Mr. R.M. Chiza, The Christian Action Group	A/AC.109/PET.101
Mr. Salim Ahmed, International and Publicity Secretary, Zanzibar Nationalist Party	A/AC.109/PET.102

33. At the 135th and 136th meetings a petitioner, Mr. Joshua Nkomo, National President of the Zimbabwe African Peoples Union, made a statement describing events which had taken place after October 1962, and replied to questions by various members of the Special Committee.

34. Mr. NKOMO stated that the situation in Southern Rhodesia had not remained static; it had, in fact, changed for the worse. In October, the United Kingdom, the Administering Power, had known that the 1961 Constitution would have disastrous effects. Nevertheless, that Constitution had been brought into force.

35. The Zimbabwe African People's Union, which represented the interests of the African majority of the population, had been banned. He and 500 of his colleagues had been arrested, and their freedom of movement restricted. In addition, 3,000

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young men had been sentenced to terms of imprisonment ranging up to twenty years, and the arrests continued. He himself was currently free on bail. The banning of ZAPU and the arrests had had no other purpose than to enable Sir Edgar Whitehead and other reactionary elements to organize elections free of opposition.

36. The results of the elections had shown that, contrary to the claims made by Sir Edgar Whitehead before the United Nations, he did not represent the majority of the white settlers, and that the white population of Southern Rhodesia, like Sir Edgar Whitehead himself, was racist. Of the 12,000 "B" roll voters, of whom 8,000 were Africans, only 2,000 had gone to the polls. Mr. Nkomo had sent out instructions from his restricted area asking the African electors not to vote, and they had listened to him.

37. After those so-called elections, Mr. Winston Field, a die-hard racist, had taken over the reins of government from Sir Edgar Whitehead. His policy was similar to that of Verwoerd in South Africa. He had introduced legislation aimed at completely crushing African opposition.

38. He (Mr. Nkomo) had met Mr. Butler a month previously at Salisbury. He had explained the situation to him and asked him to institute constitutional changes without delay. Mr. Butler had promised to study the problem with his colleagues. A few weeks later, he had invited Mr. Field and his Government, Mr. Kaunda of Northern Rhodesia and his Government, and Sir Roy Welensky, the Federal Prime Minister, to London. He (Mr. Nkomo) had also gone to London, although not invited and lacking a passport, as it had been taken away. He had had a further talk with Mr. Butler on 20 March, and Mr. Butler had finally admitted that the United Kingdom had the power to legislate without consulting the Southern Rhodesian Government, although it had undertaken, under a forty-year-old convention, not to do so in practice without prior consultation with the Southern Rhodesian Government. He (Mr. Nkomo) had pointed out that it was high time to break with that convention and had added that the United Kingdom could take advantage of the dissolution of the Federation to introduce a new constitution for Southern Rhodesia without prior consultation. He had asked Mr. Butler to let him know before 26 March whether the United Kingdom would keep to the convention or would take action, since he himself would soon be going back to Southern Rhodesia and, under the new

Preservation of Constitutional Government Act, one clause of which he read out to the Committee, he was liable to be sentenced to twenty years' imprisonment for having addressed the Committee.

39. In addition to that Act, several other new laws concerning unlawful organizations and certain offences had been passed within the last ten days with the result that the situation in the Territory had become impossible. One new law provided that any person found guilty of exploding a petrol bomb or similar weapon would automatically be sentenced to death. It had been justified by Mr. Winston Field on the pretext that such attacks were a menace in Southern Rhodesia. In fact, its purpose was to permit the arrest of thousands of the indigenous inhabitants whom the Government considered politically dangerous. Weapons and explosives were placed in the houses of certain people singled out by the police for their political ideas and it was then easy to prove that they were a threat to security. The aim of that and the other new laws - which had been approved by the Opposition and by Sir Edgar Whitehead himself - was to eliminate all the politically active Africans in Southern Rhodesia.

40. The Africans of Southern Rhodesia did not recognize the Government of Mr. Field, which had come to power under a Constitution which they had rejected without reservation.

41. With regard to the current preliminary talks in London prior to the Federal Conference which was to dissolve the Federation, he said that Mr. Kaunda and he were agreed in considering that the Conference should confine itself to the dissolution of the Federation and leave aside the matter of possible links between Northern and Southern Rhodesia, which was to be settled by free and independent Governments in Northern and Southern Rhodesia.

42. He strongly emphasized the urgency of the situation. What the Africans of Southern Rhodesia wanted was the right to determine their own future. He recalled the efforts at conciliation made by the representatives of the African people and added that the sons of Zimbabwe could not be expected to bear the yoke imposed by a handful of settlers much longer. If the United Kingdom did not change its attitude in the next two or three weeks, it would have to bear responsibility for the inevitable consequences.

43. He had not intended to come before the Committee, which, like the General Assembly, had already done all it could to improve the situation. However, as a last effort, he asked whether the Committee could not send to London, during the talks on the future of Central Africa, a group of two or three of its members instructed to impress upon the United Kingdom Government the necessity of acting immediately and the fact that, if violence broke out in Southern Rhodesia, it would have to answer for it. The Africans' patience had run out. The time had come for the United Kingdom to give proof of its alleged desire for peaceful changes in Southern Rhodesia by taking action.

44. He handed over to the Committee some copies of the new laws<sup>9/</sup> he had mentioned. He stated that those laws, which were a result of the so-called liberal Constitution of 1961, gravely affected the situation in Southern Rhodesia. He pointed out that they all started with the statement: "Be it enacted by the Queen, Her Most Excellent Majesty", and that the United Kingdom could not therefore deny responsibility for those oppressive laws.

#### General statements by Members

45. The representative of Ethiopia said that he had always regarded the United Kingdom as the Administering Power and that he would continue to do so until the objectives of resolution 1514 (XV) had been attained. He was convinced that the United Kingdom would change its attitude, as other countries had done, and would use all the means in its power, including force, as France had had to do in Algeria, to carry out its obligations in Southern Rhodesia.

46. The fact that the Special Committee had again given priority to the question of Southern Rhodesia was indicative of the explosive situation now prevailing in the territory.

47. Many times in the past the great majority of Member States, including Ethiopia, had denounced the 1923 Constitution as unjust and as having no binding force on the African population of 3 million compared with a settler population of only 220,000. The Members of the United Nations had equally denounced the 1961 Constitution because it denied the rights of 3 million Africans and, by a complicated system of rolls and franchises, entrenched the political and economic

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<sup>9/</sup> A/AC.109/35.

power of the settler minority. It was true that the 1961 Constitution eliminated some of the reserved powers vested in the United Kingdom Government under the 1923 Constitution and transferred essential constitutional powers to the minority settler government.

48. On 28 June 1962 the General Assembly, by resolution 1747 (XVI), had affirmed that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter and had requested the United Kingdom Government to undertake urgently the convening of a constitutional conference in which there should be full participation of all political parties, for the purpose of formulating a constitution in place of the 1961 Constitution which would ensure the rights of the majority of the people on the basis of "one man, one vote". At the seventeenth session the General Assembly had adopted two resolutions concerning Southern Rhodesia. Resolution 1755 (XVII) urged the United Kingdom to secure the immediate and unconditional release of Mr. Joshua Nkomo, the President of the Zimbabwe African Peoples Union, and all other nationalist leaders who were restricted, detained or imprisoned, and called for the immediate lifting of the ban on ZAPU. Resolution 1760 (XVII) affirmed that any attempt to impose the 1961 Constitution would aggravate the already explosive situation in the Territory. The resolution requested the United Kingdom Government to take the necessary measures to secure: (a) the immediate implementation of resolutions 1747 (XVI) and 1755 (XVII); (b) the immediate suspension of the enforcement of the Constitution of 6 December 1961 and cancellation of the general elections scheduled to take place under that Constitution; (c) the immediate convening of a constitutional conference to formulate a new constitution for Southern Rhodesia; (d) the immediate extension to the whole population of the full and unconditional exercise of their basic political rights. The resolution also requested the Secretary-General to lend his good offices to promote conciliation among the various sections of the population of Southern Rhodesia and to report to the Assembly at the current session as well as to the Special Committee.
49. All those recommendations of the General Assembly had been completely disregarded and document A/AC.109/33 showed that the Secretary-General's efforts had been in vain.

50. In December 1962, since the Committee had last considered the question of Southern Rhodesia, elections had been held in the Territory, despite the opposition of 3 million Africans and despite the resolutions of the General Assembly. The leading African nationalist party, ZAPU, which had announced that it would boycott the elections, had been banned in September 1962, but the only effect of the ban had been to strengthen the boycott, and the two remaining African parties, the Zimbabwe Nationalist Party and the Peoples African Socialist Union, had joined with ZAPU in its boycott.

51. Thus it had been the members of the white settler minority who had voted and won the elections. The so-called Rhodesian Front, led by Mr. Winston Field, had obtained thirty-five of the sixty-five seats in the Legislative Assembly, Sir Edgar Whitehead's United Federal Party had obtained twenty-nine and the one remaining seat had gone to an independent member. Mr. Winston Field and his party were therefore in control of the machinery of power. The Rhodesian Front was a merger of smaller parties which were all resolved to reinforce the system of compulsory racial discrimination in the best tradition of Mr. Verwoerd. While the Administering Power asserted that the Constitution of 1961 was an improvement over that of 1923 and that the African majority could hold the balance of power in the Legislative Assembly, the recent elections had further widened the gap between the African population and the white settler minority. In both the Special Committee and the General Assembly it had been pointed out that the franchise qualifications would deprive the Africans of any voice in the Government of their own country. Those fears had proved to be well-founded.

52. The Rhodesian Front, which had come to power as a result of the December 1962 elections, had declared itself against "compulsory racial integration" and had promised to uphold the principles of the Land Apportionment Act. Its leaders had stated that, once in power, they would restrict the franchise still further in order to keep government in the hands of the European minority. Thus the ideology of the party was exactly the same as that of South Africa. Mr. Field, the Prime Minister, had recently declared that Southern Rhodesia's primary task was the development of its primary industries, which was the cheapest form of development and employed the most people in the cheapest way. That policy, which was applied in South Africa, Angola, Mozambique and elsewhere, meant the

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elimination of educational opportunities for the Africans in order to ensure the supply of cheap labour for the mining industries.

53. The minority settler Government of Southern Rhodesia was adopting all its repressive measures on the pretext that Southern Rhodesia was self-governing and that the Administering Power had no right to interfere and was not accountable to the United Nations. Yet Southern Rhodesia was a Non-Self-Governing Territory within the meaning of the Charter, and the United Nations was bound to ensure that the country proceeded to complete independence under the conditions laid down in operative paragraph 5 of General Assembly resolution 1514 (XV). In the United Kingdom itself, many people were anxious to see their Government take an immediate step to check the deterioration of the situation in Southern Rhodesia. The Africa Bureau in the United Kingdom had stated that the United Kingdom Government should bring pressure to bear on Southern Rhodesia to liberalize its Constitution and transform the country into a democratic State. In his delegation's view, however, it was not for the minority settler Government to liberalize the Constitution; it was rather for the Administering Power, namely the United Kingdom, to exercise its control over the administration of Southern Rhodesia and to implement resolution 1514 (XV).

54. The United Kingdom Government should not hesitate to use all measures to uphold the rights of the 3 million Africans, following the example of the French Government, which had used force against Frenchmen in order to bring peace to Algeria. Probably, however, recourse to extreme measures would not be necessary. Many constructive suggestions had been advanced by the Opposition in the House of Commons. Mr. Denis Healey, speaking for the Labour Opposition on 30 July 1962, had expressed the view that the survival of the Commonwealth in Africa and Asia might depend on the United Kingdom Government's making rapid progress in meeting the reasonable demands of the African population of Southern Rhodesia. He had added that the whole history of British colonial policy showed that a reduction in social discrimination was no substitute for political advance; moreover, the United Kingdom Government had powerful economic weapons of persuasion at its disposal. That Government should make it clear that further financial aid to Southern Rhodesia would depend upon political advance for the Africans. Mr. Butler had given a reply in the House of Commons, defending the



minority settler Government. His prediction that the Africans might win more seats than the fifteen "B" roll seats had been proved wrong.

55. The example of South Africa had thus been repeated: the United Kingdom, when giving up its power, had handed it over to the European settlers, and there was now a racist Government in Southern Rhodesia thanks to the enforcement of the discriminatory Constitution of 1961. The Ethiopian delegation wondered what the United Kingdom Government's attitude was since those elections. He hoped that a change in attitude would become apparent, for events in Southern Rhodesia were developing in a manner incompatible with the rights and interests of 3 million Africans and the continuance in office of a reactionary settler Government would create a very dangerous situation in Southern Rhodesia. The Pan-African Freedom Movement of Eastern, Central and Southern Africa (PAFMECSA) was concerned at the fact that oppression by the settlers had been intensified during recent years.

56. ZAFU, the nationalist movement in Southern Rhodesia, had repeatedly proposed through its leader, Mr. Joshua Nkomo, that another constitutional conference should be convened by the United Kingdom Government for the purpose of drafting a constitution which would be acceptable to the African majority of the population. The Southern Rhodesian settlers and certain United Kingdom officials had been very critical of Mr. Nkomo and had charged him with failing to co-operate and refusing to accept terms which, according to them, would serve as a starting point. Surely Mr. Nkomo could not be expected to abandon the interests of his people in order to conform to the wishes of those who were trying to strengthen the power of the present white settler Government.

57. His delegation could not agree that it was possible to disregard the imminent danger represented by the situation in Southern Rhodesia. It was in favour of the immediate implementation of the United Nations resolutions which called for equality in representation and the peaceful but steady progress of the Territory to independence, in accordance with the will of the majority of the people. The Committee should once more urge the United Kingdom Government to use its power in Southern Rhodesia to ensure that universal adult suffrage, without any discrimination, was introduced. It should ask for the abrogation of the 1961 Constitution and for the early convening of a constitutional conference,

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in which all political leaders from Southern Rhodesia would participate, for the purpose of drawing up a constitution acceptable to the majority of the people - i.e. the Africans. The United Kingdom should ensure the full and unconditional exercise by the African population of their basic political rights. In short, the United Kingdom should give effect to the resolutions concerning Southern Rhodesia.

58. He recalled that, under resolution 1810 (XVII) of 17 December 1962, the Committee was instructed to apprise the Security Council of any developments in the Non-Self-Governing Territories which might threaten international peace and security. It was his delegation's view that the Security Council should be informed of the unilateral steps taken by the minority Government in Southern Rhodesia, which had increased tensions among the various racial groups, thus creating a grave situation in Central Africa; it also believed that the General Assembly should give top priority to the question of Southern Rhodesia.

59. The representative of Cambodia said that his delegation approached the problem before the Committee in the light of the great principles concerning human rights and fundamental freedoms and the right of peoples to self-determination. In its discussions the Committee should take into account earlier decisions of the General Assembly and recent developments in Southern Rhodesia.

60. The Conference held in London in December 1961 had resulted in the formulation of a new Constitution, which, however, had not been accepted by the majority of the African population, who made up more than nine tenths of the total population of Southern Rhodesia. The opposition of the Africans was based on the fact that the Constitution did not enable Africans to take part in the government of their country. In his view, either the draft constitution should have been the subject of a referendum, or a new constitutional conference should have been held. In the absence of such measures, the matter had come before the United Nations General Assembly, which, in resolution 1747 (XVI), had urged the Administering Power to enable the non-European population to exercise their rights, and in resolution 1760 (XVII) had asked that the enforcement of the 1961 Constitution should be suspended. The very day after the adoption of the latter resolution the Constitution had been put into force and general elections under it had been held the following month. As a result of those elections, a new party, still more

intransigent than its predecessor, had come to power. From the outset, the new Prime Minister had made clear his determination to maintain minority government, to reject racial integration and to keep discriminatory laws in force.

61. The Committee had had an opportunity to inform itself very fully on the situation in Southern Rhodesia, having heard the views of numerous African and European petitioners who had made statements before the Special Committee and in the Fourth Committee of the General Assembly. It had also heard an interesting statement by Sir Edgar Whitehead, the then Prime Minister of Southern Rhodesia, who had said that he wanted all vestiges of discrimination against Africans to be eliminated and a situation to develop in which all races would participate in decisions and in planning. Those had been worthy intentions, and the Cambodian delegation certainly favoured the idea of a non-racial society; what was important, however, was that government should not remain in the hands of the minority.

62. In his delegation's view, the Committee's decisions should be based on the following considerations. Firstly, Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the United Nations Charter. Secondly, the indigenous inhabitants of Southern Rhodesia were being denied equality of political rights and liberties and were not properly represented in the legislative body; nor were they represented at all in the Government. Thirdly, the Committee had been asked to propose measures to ensure the implementation of the Declaration on the granting of independence to colonial countries and peoples. The basic assumption of that Declaration was that all peoples had the right to self-determination; that right must be granted to the people of Southern Rhodesia. Lastly, an appeal should be addressed to the Administering Power; in view of the potential dangers of the situation for world peace, if that appeal were ignored the attention of the supreme organs of the United Nations should be drawn to the question.

63. In connexion with that last point, he had noted the reservations expressed by the United Kingdom representative regarding the assertion that his country was the Administering Power in respect of Southern Rhodesia. If the United Kingdom representative was right, he would like to know where responsible authority lay in that Non-Self-Governing Territory. He would also like to know how the United Kingdom representative thought that the Committee could enable

the Southern Rhodesian people as a whole to make known to it wishes. The Cambodian delegation, for its part, considered that the United Kingdom should be asked to take urgent steps to persuade the present Government of Southern Rhodesia to grant the indigenous people the full exercise of rights and freedoms, and to hold a round-table conference, within the context of the implementation of resolution 1514 (XV). In a letter addressed to the Secretary-General,<sup>10/</sup> the United Kingdom Government had indicated its intention to hold talks with the new Southern Rhodesian Government; he hoped that the visit to Southern Rhodesia of the United Kingdom Minister responsible for Central African Affairs, who had interviewed leading persons, including Mr. Nkomo, would throw further light on the question.

64. The representative of Poland said that his delegation had always held that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter and that the United Kingdom, as the Administering Power, had an obligation to implement there the provisions of the Declaration on the granting of independence to colonial countries and peoples and all the relevant resolutions of the General Assembly, namely resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII). In resolution 1747 (XVI), the Assembly, regarding the United Kingdom as having all the responsibilities of an Administering Authority, had called upon that country to convene a fully representative constitutional conference for the purpose of replacing the 1961 Constitution by a constitution which would ensure the rights of the majority of the people on the basis of "one man, one vote". Resolution 1760 (XVII) had further asked the United Kingdom Government to see that the enforcement of the 1961 Constitution was suspended and the scheduled general elections cancelled. In spite of those resolutions, the 1961 Constitution had been brought into effect and the elections had been held in December 1962, even earlier than had originally been planned. In addition, the major African nationalist party, the Zimbabwe African Peoples Union led by Mr. Joshua Nkomo, was still banned and new discriminatory measures against the Africans had been adopted or were being contemplated.

65. The opposition of the Africans to the 1961 Constitution and the subsequent boycott by the Africans of the elections held under the complex and discriminatory dual-roll system, with its property and educational qualifications, arose from the fact that the Constitution served to entrench political and economic power in the hands of the 220,000 white settlers. Contrary to all the assertions of the Administering Power, the Constitution provided no protection for the 3.5 million Africans but expressly guaranteed the privileges of the European minority in Southern Rhodesia. It was not the first time that the interests of the indigenous people had been flouted: the granting of "self-governing" status to the Territory in 1923 and the creation of the Federation of Rhodesia and Nyasaland in 1953 had both taken place without the indigenous population having been consulted, and had been designed to consolidate the position of the Europeans. Under the new Constitution, the United Kingdom had relinquished its power to veto legislation which was contrary to African interests and had thus taken a further step towards allowing the development in Southern Rhodesia of a situation similar to that existing in South Africa. A Government had now been formed by the right-wing Rhodesian Front, which opposed the repeal of the Land Apportionment Act and other discriminatory legislation and contemplated further narrowing the franchise in order to keep government permanently in the hands of the Europeans. According to newspaper reports, a mandatory death penalty for arson and related offences had been introduced, as well as other measures to increase the already repressive and savage laws designed to destroy any African political activity. In particular, Parliament had been asked to approve legislation making African nationalists who took complaints to the United Nations liable to prison terms of ten years. The Committee should denounce all such measures as contrary to resolution 1514 (XV) and to the Universal Declaration of Human Rights.

66. The United Kingdom had not dissociated itself from the actions of the white settlers in Southern Rhodesia and must be held responsible for what was going on in that colony. Without its support, the European minority would not be able to resist for long the legitimate demands of the Africans for self-government and independence. The United Kingdom representative had admitted that Southern Rhodesia was neither sovereign nor independent. The United Kingdom claimed,

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however, that it was not competent to intervene in Southern Rhodesia because of the alleged force of precedent established by the mere fact that the power to veto acts contrary to African interests had never been used. That was a legal quibble and, as the Irish representative had pointed out at the 1364th meeting of the Fourth Committee, British constitutional practice allowed precedent to be set aside on many occasions, whenever circumstances so dictated.

67. The obstacles to a solution were clearly not of a technical or legal character. Legalistic arguments had been similarly advanced by Portugal in respect of its so-called overseas provinces. The principal goal of colonial policies had always been economic exploitation. The testimony of petitioners who had appeared before the Committee of Seventeen and the Fourth Committee had revealed that United Kingdom policy in Southern Rhodesia was guided to a great extent by the interests of powerful industrial and financial organizations consisting of some 200 mining corporations with interlocking directorates and grouped together in trusts and combines, such as the Anglo-American Corporation, Tanganyika Concessions, the Rhodesia Selection Trust, the Union Minière du Haut Katanga, the De Beers Consolidated Mines, the British South Africa Company and others. The immense profits which those companies were able to make by exploiting the rich mineral resources and cheap migratory labour had encouraged the formation of the notorious "unholy alliance", the purpose of which was to draw a Mason-Dixon Line across Africa and to maintain white domination south of that line, in order both to protect the privileges of Europeans there and to exercise constant pressure on the other African countries. In that endeavour the alliance was armed and had the backing of the ruling authorities of South Africa, the Federation of Rhodesia and Nyasaland, Mozambique and Angola.

68. With the assistance of the Administering Power and other NATO members, the military strength of Southern Rhodesia was being built up and arms were even being distributed to the European population. All those measures, together with the discriminatory legislation against and the repressions of the nationalist movement, had created a grave and explosive situation which constituted a threat to peace and security in Africa. The rapidly deteriorating situation was the result of the Administering Power's disregard of and its failure to implement the relevant General Assembly resolutions, as well as its failure to recognize

the fundamental political rights of the African population of Southern Rhodesia. The African boycott of registration and voting in the recent elections, even though ZAFU had been banned and many of its leaders restricted, had obviously been very effective and had demonstrated once more the Africans' total opposition to the 1961 Constitution. The strength of the Zimbabwe African Peoples Union had been proved by the success of the election boycott and by the failure of any new organization to gain the allegiance of the masses since the banning of ZAFU.

69. In the light of the developments which he had described, his delegation considered that the Special Committee should urge the United Kingdom to implement resolution 1514 (XV) in accordance with the specific recommendations in the relevant General Assembly resolutions. The only just solution of the question of Southern Rhodesia lay in the granting of independence to the country through a democratic transfer of power in accordance with the wishes expressed by the majority of the people. The 1961 Constitution should be abrogated without delay and a new constitution formulated on the basis of the principle of direct and universal adult suffrage. All States should be requested to deny the white-dominated Government of Southern Rhodesia any support or assistance which might be used in the repression of the indigenous inhabitants. In addition, in view of the dangers involved in the situation, the Polish delegation endorsed the Ethiopian suggestion that the Security Council should be informed of developments in the Territory and that the question of Southern Rhodesia should be urgently considered by the General Assembly at its forthcoming special session.

70. The representative of Mali recalled that his delegation had already had occasion both in the present Committee and in the General Assembly and the Fourth Committee, to express its views on the drama involving the fate of three and a half million Africans living under the tyranny of 230,000 white settlers in that part of Africa arbitrarily named Rhodesia.

71. In spite of the General Assembly's debates on the question of Southern Rhodesia in June and October 1962, the United Kingdom had continued to regard that Territory as a self-governing State and had done nothing to implement the relevant resolutions. It was therefore responsible for all the injustices and stupid actions committed by the white settler Government against the African population. Under the reserved powers which the United Kingdom Government retained

it should have annulled the racist Constitution of Southern Rhodesia, as the General Assembly had recommended in June 1962, and convened another constitutional conference in which all the local political parties would take part. Indeed, that view was shared by a large section of British opinion. In a recent Press conference, Mr. Wilson, the leader of the Labour Party, had stressed that British opinion was not indifferent to the tragedy the Africans of Southern Rhodesia were enduring.

72. Instead of standing by and letting the elections of December 1962 put the Rhodesian Front, the most reactionary and racist party in the territory, in power, the United Kingdom Government should have given Southern Rhodesia democratic institutions which would enable it to attain independence. The programme of the present Government of Southern Rhodesia, headed by Mr. Winston Field, was an insult to all Africans. The Rhodesian Front was resolutely pursuing a policy of apartheid identical with that of South Africa. Mr. Winston Field was savagely persecuting the African nationalist parties. After the banning of ZAFU on 20 September 1962, a number of grave decisions had been taken, such as the decision to impose the death penalty for all acts constituting a threat to the arbitrary and anti-democratic regime in power, and other intermediate measures such as the banning of public meetings on Sundays and holidays, the suspension of the right to leave the country, unjust trials and so forth. The methods used in Southern Rhodesia were thus no different from those used in South Africa and they fully justified the anxiety provoked by the turn of events.

73. The delegation of Mali was convinced that the United Kingdom had betrayed its mission by transferring certain powers to a minority of settlers who wanted to maintain white supremacy by police terrorism and the most brutal repression. The United Kingdom, which often talked about the 650 million subjects of former colonies which it had led to independence, had not shown the same liberalism in the case of Southern Rhodesia. It should not leave the three and a half million Africans of Southern Rhodesia to the tender mercies of 230,000 settlers, who were organized, armed and aided from outside in order to promote the creation of a second South Africa, but should draw its inspiration from the way in which France had finally solved the Algerian problem by negotiation.

74. One of the most disturbing aspects of the political situation in Southern Rhodesia was the evil role played by foreign monopolies in keeping the present

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colonial regime in power. The Reverend Michael Scott had lashed their colonialist and neo-colonialist activities in his last statement to the Fourth Committee. The 200 or so industrial companies which had set themselves up in Southern Rhodesia, Katanga, South Africa and Angola constituted a kind of Central African lobby and gave financial support to the non-independent Governments of that part of Africa in order to encourage them to refuse to be decolonized. Such trusts, examples of which were l'Union Minière du Haut-Katanga, the Anglo-American Corporation, the Tanganyika Concession Company, the Rhodesia Selection Trust, the De Beers Consolidated Mines and the British South Africa Company, were aggravating the explosive situation in the area by the aid which they were giving to racist and anti-democratic Governments. The manner in which they were defending their own selfish interests constituted an ever-present menace to peace and progress on the African continent.

75. The delegation of Mali wished that the Governments whose action might influence the trusts and the white settlers of Southern Rhodesia would realize that there were now thirty-four independent African States which would not remain inactive much longer in the face of the sad fate of the African populations which were still subjected to foreign domination and racial discrimination. The colonial Powers and their allies should understand that they could not continue their arbitrary policies without running the risk of damaging their relations with the Governments of States which were linked with the peoples still under foreign domination by so many ties.

76. The delegation of Mali wished to state once more that Southern Rhodesia was not an autonomous State. Consequently, the United Kingdom, as Administering Power, could not shelter behind the alleged duality of itself and the settler Government which it had helped to return to power. General Assembly resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII) were still valid and it was the duty of the United Kingdom to implement them, beginning by annulling the present Constitution of Southern Rhodesia. Under its reserved powers, the United Kingdom should convene another constitutional conference with the participation of all the local parties, having first released and granted amnesty to all the African nationalists detained for political reasons, and should hold new elections on the basis of universal adult suffrage, in order to transfer power to the democratically elected representatives of the people.

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77. In the opinion of the delegation of Mali, the Special Committee should recommend that the Secretary-General of the United Nations should get in touch with the Administering Power once again in order to try to ensure the immediate implementation of the United Nations resolutions concerning Southern Rhodesia. The Secretary-General could then inform the Committee of the results of his action. If the situation in Southern Rhodesia continued to be just as explosive, the possibility of turning to the Security Council should not be overlooked.

78. The delegation of Mali was convinced that Mr. Winston Field's Government would not be able to resist the irreversible current which would lead Southern Rhodesia to independence and it hoped that the United Kingdom would be able to impose on the settlers of Southern Rhodesia a just solution in keeping with the provisions of the United Nations Charter, as the French Government had done in Algeria.

79. The representative of the Union of Soviet Socialist Republics said that the situation in Southern Rhodesia was becoming more and more complex and critical. After the so-called election held in December 1962, the settlers were in power and had openly decided to establish a racist State similar to South Africa. Nowhere else, perhaps, was there such a clear manifestation of the intention of the colonialists to oppose the inevitable process of the liberation of the colonized peoples.

80. The indigenous people of Southern Rhodesia were clamouring for the exercise of their inalienable rights; they wanted to govern their own country and were demanding independence and freedom. The legitimate nature of their demands was recognized by all peace-loving States and by all peoples and they had received the express support of the United Nations. Indeed, it was stated in the Declaration on the granting of independence to colonial countries and peoples that immediate steps were to be taken to transfer all powers to the peoples that had not yet attained independence, without any conditions or reservations, in accordance with their freely expressed will and desire. Moreover, the General Assembly had adopted a number of resolutions on Southern Rhodesia in which it had confirmed the right of the people of Southern Rhodesia to self-determination and to form an independent African State.

81. The people of Southern Rhodesia had almost unanimously declared themselves to be against the so-called 1961 Constitution, which had been imposed by the white settlers with the support of the United Kingdom. The General Assembly had almost unanimously supported that stand. Nevertheless, elections had been held on the basis of that so-called Constitution. The people of Southern Rhodesia had repudiated them by refusing to take part in them, not wishing to be forcibly kept in bondage by the settlers. The leaders of the movement of national liberation had embarked on a difficult course: having repeatedly warned the settlers and having appealed to the United Nations, they had declared that the United Kingdom's refusal to take the demands of the indigenous inhabitants into account left them no alternative but to take up the struggle. At the beginning of January, Mr. Nkomo had stated that in order to avoid a catastrophe the United Kingdom should immediately introduce legislation providing for the establishment of a Government representing the majority of the population. The United Kingdom had refused to enact any such legislation.

82. The African leaders' position was in direct contrast with that of the white settlers. With the support of the United Kingdom, the latter had held so-called elections, in which only 10,000 persons out of an indigenous population of nearly 4 million had taken part. The Winston Field Government, which had succeeded the Whitehead Government, was on a par with the Verwoerd Government of the Republic of South Africa. Mr. Field had stated that he did not intend to repeal the existing land legislation, under which 53 per cent of the best land was set aside for the settlers; the average area of land available to each settler was 111 hectares, whereas in the case of the Africans it was only 6.8 hectares of land which could hardly be called arable - and that notwithstanding the fact that 80 per cent of the Africans, as against only 10 per cent of the settlers, were farmers.

83. Similarly, the system of education was organized in such a way as to deprive the Africans of any instruction. The children of the white settlers received free schooling, whereas the Africans, who were living in their own country and were poor, had to pay for their children's schooling. Only the corrupt minds of the colonialists could have conceived such a system. Yet even that was considered by the racialists to be too favourable, and since many of them had stated that it was unnecessary to educate the Africans, it could be expected that new steps would be taken to restrict even further the access of Africans to education.

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84. The Winston Field Government preferred to spend hundreds of thousands of pounds on building police stations. The laws that it had submitted to Parliament were designed to intensify the struggle against the national liberation movement. All political activity by Africans was prohibited and all the indigenous political parties had been disbanded. A bill had recently been introduced in Parliament under which anyone who sent a petition to the United Nations would be liable to ten years' imprisonment, while those who spread "inaccurate" information about the situation in Southern Rhodesia would be liable to twenty years' imprisonment. Such legislation was tantamount to a declaration of war against the indigenous population. Eight Ministers in the Winston Field Government were former military men and the spirit of racist militarism at present permeated all spheres of public life in Southern Rhodesia. Of course all the settlers were not responsible for that policy but there was no disregarding the fact that it was the policy of their representatives.

85. It might be asked what attitude the United Kingdom was adopting towards such a situation. It was going back on its obligations as the Administering Power and was turning a deaf ear to the United Nations, which, after declaring that Southern Rhodesia was a Non-Self-Governing Territory, had asked the United Kingdom to acknowledge its responsibilities with regard to the situation in Southern Rhodesia and to take all the necessary steps to ensure that the Declaration on the granting of independence would be implemented. The United Kingdom representative had stated before the Committee that his country could not share its responsibilities with respect to the territories under its authority with anyone and that it did not recognize the competence of the United Nations in that respect. It was obvious that the United Nations could not accept such a statement but there was reason to wonder why in the case of Southern Rhodesia the United Kingdom was refusing to shoulder its responsibilities.

86. The fact was that Southern Rhodesia occupied a central position in the United Kingdom's colonial policy: it was one of the last strongholds of British colonialism in Central and Southern Africa. Southern Rhodesia provided protection to the Republic of South Africa to the north and the United Kingdom considered that, as long as it held its ground in Southern Rhodesia, the racist regime of the Republic of South Africa would remain in power. British imperialism controlled

the entire country of Southern Rhodesia, where the interests of the British industrial monopolies of the white settler Government coincided. In reality, the United Kingdom was not a third party but on the contrary it provided the inspiration for the Southern Rhodesian racialists. The plan of the British colonialists was to establish in that country a racist State which would keep itself in power by terrorism. That plan was not new; the original intention had been to establish a much larger racist State, comprising the two Rhodesias and Nyasaland. Nobody should be deluded by the statement of the Southern Rhodesian racialists that they wished to be free of any control by the Government in London. It was the United Kingdom itself which was supplying them with weapons, and which, while pretending to abdicate its responsibilities, was defending the Rhodesian settlers at the cost of the interests of the indigenous population.

87. The United Kingdom representative had objected to the hearing of petitioners. Unfortunately, the British colonialists could still behave as they liked in their territories. In the United Nations, the United Kingdom representative could state without any qualms that his country was trying to protect the people in its care from any abuses, yet a law was to be enacted in Southern Rhodesia inflicting a sentence of ten years' imprisonment on anyone who dared to approach the United Nations.

88. There was no doubt that the legitimate aspirations of the people of Southern Rhodesia would triumph ultimately, but it must be recognized that there were certain factors which complicated their struggle for independence. There was no disregarding the fact, for instance, that racialism, although condemned at the United Nations and elsewhere, continued to exist and to find apologists. For example, in a book published in Washington in 1961 entitled "Race and Reason from the Yankee Point of View", the author, Carlton Putnam, claimed that all races did not possess the same biological aptitude for progress and for the adoption of the "western" way of life, and that the events which had taken place in some areas, ranging from Latin America to Africa, were often the result of demands by people incapable of self-government. It was not surprising that such views were supported by certain American senators (Russell, Byrd, Thurmond) and that Senator Ellender had spoken in Southern Rhodesia of the inability of Africans to govern themselves.

89. The Soviet Union had always opposed apartheid. The Permanent Representative of the Soviet Union had that very day sent the Secretary-General a letter<sup>11/</sup> concerning resolution 1761 (XVII), adopted by the General Assembly on 6 November 1962 on the item entitled "Policies of apartheid of the Government of the Republic of South Africa". The letter stated that the Government of the Soviet Union was categorically opposed to all forms of racial subjugation and declared itself in favour of the equality of all races and all nationalities. At the seventeenth session of the General Assembly the delegation of the Soviet Union had supported the resolution condemning the apartheid policies of the Republic of South Africa and, in the opinion of the Soviet Union Government, the application of the sanctions envisaged against the South African Republic under that resolution could provide an effective course of action, provided the decisions were applied by all States Members of the United Nations, including the Western Powers, which still maintained close political and economic relations with the Republic of South Africa.

90. Another important aspect of the problem of Southern Rhodesia was the question of monopolies. In the Portuguese Territories the situation of the population was becoming worse and worse, while the monopolies continued to grow and to acquire more and more wealth. In Katanga, more than two years after independence, the economic situation of the people was steadily deteriorating, while the profits of the Union Minière increased each year. It was exactly the same in Southern Rhodesia, where the situation was becoming more and more explosive, while British and American companies - the British South Africa Company, the Anglo-American Corporation, the Rhodesia Selection Trust, Tanganyika Concessions etc. - continued to make enormous profits by exploiting the country's resources more and more intensively. It was not without reason that petitioners from Southern Rhodesia had stated that unless the part played by the monopolies was revealed it would be difficult to ascertain the real reasons for the critical situation prevailing in Southern Rhodesia. The delegation of the Soviet Union shared that view and considered that it was high time a study was made of the monopolies in the colonial territories of Central and Southern Africa.

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<sup>11/</sup> A/AC.115/L.9.

91. The whole world concurred in the belief that events in Southern Rhodesia constituted a great danger to international peace. The PAFMECSA Conference had described the situation in Southern Rhodesia as a challenge to the liberation movements in Central and Southern Africa and had promised the people of Rhodesia the support of all the African peoples and Governments. It had stated that the Government of Southern Rhodesia was riding roughshod over the rights of the African people to freedom of movement, speech and association. It had categorically condemned the imperialism and colonialism practised in Southern Rhodesia and had appealed to all the African countries to give the people of Southern Rhodesia not only their moral support but also material assistance.

92. The attitude of the Soviet Union delegation, which was to call for vigorous action when the colonial Powers acted in such a way as to threaten international peace and security, was prompted not only by its desire to see the elimination of colonialism but also by the fundamental principles of socialism, which was opposed to the exploitation of man by man. The Soviet Union delegation was convinced that by taking vigorous steps to support the colonial peoples who were fighting for independence the United Nations would make their struggle easier, reduce the number of casualties and prevent a repetition of the Algerian tragedy.

93. Since the situation in Southern Rhodesia was becoming increasingly dangerous, the Special Committee should draw the attention of the General Assembly to that fact when it met in May 1963. Such an obligation was, moreover, implicit in resolution 1760 (XVII), in which the Assembly had decided to keep the item entitled "Question of Southern Rhodesia" on the agenda of the seventeenth session. The Committee should also, in pursuance of resolution 1810 (XVII), apprise the Security Council of the critical and threatening situation in Rhodesia. Thus, after the Assembly had examined the question in May, the Council would be able to take whatever steps were necessary.

94. It might also be advisable for the Committee to send a visiting mission to Southern Rhodesia with instructions to investigate the situation on the spot and to submit specific recommendations to the Committee. The mission should go to Southern Rhodesia in the very near future, so that the General Assembly, through the Special Committee, might have those recommendations before it in May.

95. The representative of the Ivory Coast observed that it was only necessary to compare the map of 1940 with that of 1963 to appreciate the vigour of African nationalism. The various transformations which had taken place in the Nationalist Party in Southern Rhodesia showed that the people of that country had awakened to their rights and their aspirations. Hence there could be no doubt that that country was ready for independence. His delegation was concerned, however, to avoid useless bloodshed and the creation of divisions between the various communities and to promote the achievement of independence by peaceful means.

96. The African and Asian countries had shown that decolonization could take place peacefully. In the so-called English-speaking countries the process began with constitutional conferences between all the political parties. Constitutions were framed only after all the parties had agreed on the articles through successive compromises. Elections were then held on the basis of universal suffrage and were followed by the transfer of powers. In the so-called French-speaking countries the first stage was a referendum or an election on the basis of universal suffrage and of "one man, one vote"; then came the transfer of powers, the convening of a constituent assembly and the framing of a constitution. That was the general rule, although there had been certain exceptions, such as Indo-China and Algeria.

97. In all those procedures there was one constant factor, that of negotiations which by means of reciprocal compromise led to democratic elections on the basis of universal suffrage in order to ascertain the opinion of the majority and to guarantee the rights of minorities.

98. In Southern Rhodesia, too, there was a constant factor: a minority of reactionary white settlers, backed by economic trusts and resolved to keep their privileges, a minority which would stop at nothing to obtain its ends. An utterly anti-democratic Constitution had been imposed on the country, contrary to the wishes of the people and of the most representative parties. Some 200,000 people were represented by fifty members of the Legislative Assembly, while only fifteen seats were reserved for the representation of some three million Africans. What was worse, the Constitution had transferred to a Constitutional Council a function which under the former Constitution had been performed by the Crown, i.e. the exercise of a guarantee protecting



the Africans against any discriminatory laws - though it was true that that guarantee had not been worth much, since all the laws promulgated in the country were tinged with racial discrimination. Nevertheless that function had been transferred to the Constitutional Council, which was merely an advisory body. The Southern Rhodesian Parliament could override it by a two-thirds majority vote or by a simple majority vote after a period of six months. The purpose of that constitutional device was clear in view of the fact that over two-thirds of the members were Europeans. The only effect of the revision of the Constitution had been to give the Europeans the right of veto.

99. Furthermore, Africans had been expropriated by the Europeans. Europeans owned nearly 21 million hectares of land, whereas the three million African farmers owned only 17 million hectares.

100. His delegation hoped that it would be possible to avoid what the United Kingdom Labour leader had recently described as an inevitable tragedy in Africa. Everything that had happened recently seemed to presage a settlement by violence. The so-called "liberal" party of Sir Edgar Whitehead had fallen from office and the new Government was in favour of a policy of apartheid and racial segregation.

101. In that explosive area of Africa two fictions were maintained: the Portuguese fiction that the Territories under its administration were provinces of the metropolitan country and the United Kingdom fiction that the Territories were self-governing, which was an excuse for doing nothing. The result in both cases was the perpetuation of colonialism and the supremacy of a white minority. It must be realized that Europeans could remain in Africa not as masters but only on a footing of absolute equality.

102. He appealed to the humanitarianism and liberalism of the United Kingdom. The settlers were opposed to the abolition of slavery and to freedom of labour in Africa. They had shown in Algeria what a settler republic would be. In South Africa they were practising the shameless policy of apartheid. The United Kingdom had a great moral responsibility, which could not be evaded by constitutional arguments.

103. At the time of the adoption of the Declaration on the granting of independence to colonial countries and peoples, the United Kingdom, under the former Constitution, had still held the right to revoke all laws of a discriminatory nature. That fact alone would have been sufficient justification for the United Kingdom to annul the Constitution, which was itself of a discriminatory nature. It would also have enabled the United Kingdom to maintain its right of supervision in Southern Rhodesia.

104. The question now was what recommendations should be made to the United Kingdom with a view to averting the threatened disaster. The General Assembly had been well advised in adopting the various resolutions concerning Southern Rhodesia. The United Kingdom should intervene and endeavour to settle the difficulties which had arisen in the Territory. It should convene the leaders of all the political parties and try to reach a compromise settlement. The outcome should be the revision or amendment of the Constitution so as to guarantee the exercise by all citizens of their inalienable rights. That would necessitate drastic alteration in the Constitution, or even its abrogation. The colonial history of the United Kingdom showed that there were precedents for doing so.

105. The representative of the United Kingdom observed that since General Assembly resolution 1747 (XVI) had been discussed in the Fourth Committee, the question of Southern Rhodesia had been debated in the General Assembly, the Fourth Committee and the Special Committee of Seventeen on a number of occasions. On each occasion his delegation had made it clear that it considered discussion of the Territory to be outside the competence of the United Nations. Since a further debate on the subject had begun, he would emphasize once more that his Government was unable to accept that the United Nations had authority, derived from the Charter or elsewhere, to intervene in the affairs of Southern Rhodesia. That was a fundamental objection of principle which his Government maintained with regard to the item.

106. He was aware that some members considered the general question of competence to have been settled. In support of their view they had adduced resolutions whereby the General Assembly asserted its own competence to decide whether a particular territory had or had not attained a full measure of self-government. As his delegation had previously pointed out, however, an assertion of competence could not create something which did not exist in the Charter. When the

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resolutions in question had been adopted, and again subsequently, his delegation had made it clear that it could not regard them as conferring on the General Assembly an authority which it did not possess under the Charter. In its view a resolution making an assertion of the kind was ultra vires.

107. With regard to the constitutional relationship between the United Kingdom and Southern Rhodesia, there again his delegation had explained on several occasions that Southern Rhodesia enjoyed, and had enjoyed for forty years, a special status. It had described how that status gave the Government of Southern Rhodesia full responsibility for the Territory's internal affairs and had outlined the constitutional limitations on the actions the United Kingdom Government could take. The historical process whereby that status had been achieved in 1923 and the steps whereby it had developed since then had been outlined in previous statements by his delegation; a very full account of them had been given by Mr. Godber, the United Kingdom Minister of State, in the Fourth Committee on 25 October 1962.<sup>12/</sup> He would, however, recall a few salient points.

108. In 1922 the then electors in Southern Rhodesia had, by means of a referendum, chosen responsible government in preference to incorporation in South Africa. Under the Constitution of 1 October 1923 executive authority in Southern Rhodesia had been transferred from officials of the British South Africa Company to elected Ministers responsible to the Southern Rhodesia Legislative Assembly. The United Kingdom Government had retained no power whatever of legislation in Southern Rhodesia's internal affairs and British Ministers had played no part in those affairs since then. The United Kingdom Government had, however, retained a power of veto over certain restricted categories of Southern Rhodesian legislation within one year of enactment, but that power had in fact never been exercised.

109. In past debates some members had questioned the fact that the United Kingdom Government had no power to intervene in Southern Rhodesia's internal affairs; that, in fact, had always been the main point at issue. The United Kingdom Government's position was that for the past forty years it had been constitutionally unable to do so. A grasp of that point was fundamental to understanding the growth of the Commonwealth. That association of States had been developed on a foundation

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<sup>12/</sup> A/AC.4/SR.1360.

of the progressive withdrawal of authority and supervision by the United Kingdom. The withdrawal had been sometimes gradual and sometimes rapid, but during the process certain accepted practices or conventions had evolved which had acquired the same binding force as written laws. Perhaps the most important was the convention that the United Kingdom Parliament could not legislate for the self-governing colonies without their consent. That convention had applied to Southern Rhodesia since 1923. It had its own Parliament, its own Government and its own civil servants, who were not appointed by the United Kingdom or responsible to the United Kingdom. It maintained its own law and order. Its Governor did not represent the United Kingdom but was appointed on the advice of the Prime Minister of Southern Rhodesia; his position was akin to that of a constitutional Head of State acting on the Prime Minister's advice. Since 1951 the United Kingdom had been represented in Southern Rhodesia by a High Commissioner, whose function was diplomatic and not executive. Even in external affairs Southern Rhodesia had long enjoyed a status which was quite different from that of the Non-Self-Governing Territories under United Kingdom administration. For example, prior to the establishment of the Federation, in 1953, the Government of Southern Rhodesia had been a full member of the International Telecommunication Union and the Interim Commission for the International Trade Organization and had been made a Contracting Party to the General Agreement on Tariffs and Trade.

110. That special and separate development was the reason why the United Kingdom Government had never been able to give the United Nations an account of social, educational and economic conditions in the Territory. In 1946 the United Kingdom had submitted a list of Territories about which it proposed to transmit information. Southern Rhodesia had not been on that list and the Assembly had not queried its omission. Since the United Kingdom had nothing to do with the internal administration of the Territory, it could not accept the title of "Administering Authority".

111. Despite its reservations, his Government had co-operated fully with the Committee. By means of statements and documents it had made available the most detailed evidence of its determination to achieve rapid progress in the Non-Self-Governing Territories under its administration. Southern Rhodesia, for reasons which had been carefully explained, was in a different category.

112. While maintaining its reservations on competence, his Government recognized the concern felt by many members about the situation in the Territories. He would, however, remind them of the responsibility they bore. Southern Rhodesia could not be considered in isolation. It was part of a wider complex of problems concerning the future of the Central African Federation, which was receiving his Government's close attention and was the subject of a series of meetings which were just about to begin in London and which would be attended by the leaders of the Northern and Southern Rhodesian Governments and of the Federal Government. He would urge members of the Committee not to consider courses of action which might hinder peaceful progress in the part of Africa under consideration.

113. The representative of Madagascar said that his delegation was much disturbed to note that the Southern Rhodesian drama had reached a critical point. The artificial situation which the Administering Power had preserved in the Territory for some forty years, with the help of amendments, counter-amendments and constitutions, was on the point of exploding. It would only be necessary for one of the three parties in the drama - the white minority, the African majority or the Administering Power - to set events in motion for the denouement to come about. What must be avoided was a denouement consisting in the Territory's accession to independence in chaos. Action must be taken to ensure that the advent of independence, which was only a question of time, was favoured by a serene atmosphere in which there would be neither victor nor vanquished, but merely free and equal citizens, both black and white.

114. The measures required for a peaceful transfer of powers had been set out in broad terms in General Assembly resolutions 1755 (XVII) and 1760 (XVII). They were "the full and unconditional exercise of ... basic political rights, in particular the right to vote" and, with that end in view, "the immediate convening of a constitutional conference ... to formulate a new constitution for Southern Rhodesia". The Malagasy delegation had urged that the 1961 Constitution should be immediately abrogated. The United Kingdom Government could have vetoed the enforcement of that absurdly unrealistic Constitution, but it had not done so.

115. The United Kingdom could, however, still make one last effort to prevent the irreparable from happening. The common sense which it had always shown, and the

interests of the white minority itself, required that the United Kingdom should accept the hand still proffered to it by the Africans and embark upon negotiations. He hoped that the talks which were to have begun in London on the previous day, with a view to seeking a peaceful solution to the Rhodesian problem, would be brought to a successful conclusion.

116. It was now indisputable and undisputed that Southern Rhodesia was a Non-Self-Governing Territory. The United Kingdom could not escape its responsibilities. The United Kingdom Prime Minister had gone some way towards recognizing that situation in the House of Commons on 6 March 1962, when he had said that Parliament had not the power to abandon the right to legislate for Territories which were not yet fully independent.

117. Southern Rhodesia was not yet an independent Territory. Admittedly, through the mouth of the victorious Rhodesian Front, it opposed the continuation of any association with the new African Governments of Northern Rhodesia and Nyasaland, but that was not a reason for London to grant independence to Mr. Winston Field's Government, since such action would only perpetuate the present situation.

118. The United Kingdom alone could remedy the existing state of affairs in Southern Rhodesia, and only with its co-operation could the United Nations take the positive steps required for the implementation of the Declaration on the granting of independence to colonial countries and peoples.

119. As an indication of the seriousness of the present situation in Southern Rhodesia, he quoted an article which had appeared in Le Monde of 13 March 1963, according to which Dr. Ranger, a lecturer at Salisbury University and one of the few European members of the African ZAPU Party, who had just been expelled from the Federation, had declared that the United Kingdom must intervene in Southern Rhodesia if it wished to prevent a bloody clash between the Africans and the Europeans.

120. In connexion with the talks now taking place between the United Kingdom Government and the Southern Rhodesian leaders, the Financial Times, on 22 March 1963, had stated that the United Kingdom could not escape its responsibilities and allow the Territory to drift into South Africa's orbit. The newspaper had added that the Southern Rhodesian settlers would be wise to re-examine their policies soon, if they wished to avoid having to deal with a Labour Government which would be much less sympathetic towards them.

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121. The Malagasy delegation was aware of the difficulties of the United Kingdom's task in negotiating with the Rhodesian Front, but considered that there was still reason to have confidence in that country.

122. The representative of the United States of America recalled that, when the question of Southern Rhodesia had been considered five months previously by the Fourth Committee, his Government had expressed its concern, not only at the seriousness of the situation but also about its possible impact throughout the African continent. At that time, the General Assembly had requested the Secretary-General to lend his good offices to promote conciliation, and the Secretary-General had initiated a correspondence with the United Kingdom.

123. Events since then had served only to increase the existing tension, and further efforts must therefore be made to stimulate - in the words used in the autumn by the United Kingdom representative - the establishment of a political climate favourable to liberal and orderly constitutional development. Today, that goal was even further away. It appeared that the Government of Southern Rhodesia was in the hands of a party which seemed to want to maintain, to the greatest possible extent, the political and social status quo. If that was the case, and if that Government's attitude was intransigent, the fear that violence might follow could not be avoided. The internal problems of Southern Rhodesia were extremely complicated, but his delegation believed that the tides of social and political change could not be halted.

124. His delegation had previously criticized the slowness of progress in the expansion of the suffrage provided for under the 1961 Constitution. That Constitution represented a certain number of concessions which might have been appreciated as a first step. However, it was feared that the first step might also be the last: the creation of the double voting roll, the conditions limiting the exercise of the franchise and the small number of seats for Africans had given the impression of opposition to progress. It was understandable that a system which apparently strengthened the powers of a privileged minority by erecting barriers to the exercise of the right to vote should arouse vehement opposition, and that a great percentage of Africans should have refused to participate in the recent elections, although in some respects that was regrettable. The fact was that since the previous autumn the situation had deteriorated.

125. His Government urged the adoption of a rule of reason rather than a rule of prejudice and fear. It believed that the dominant political elements in Southern Rhodesia should examine their long-term interests before violence erupted.

Furthermore, it considered that the people of Southern Rhodesia should be given the opportunity of self-determination and that the Government of that country should derive its powers from all the inhabitants. It would hope that the Constitution would be amended to provide for a realistic liberalization of the provisions of the franchise. Similarly, it hoped that measures would be taken to eliminate racial discrimination, and finally that self-determination would bring about the establishment of peaceful and mutually profitable relations between Southern Rhodesia and neighbouring countries, based on an association freely agreed to by the majority of the peoples.

126. Those objectives could be attained, but only through the determined efforts of men of good will. His delegation respected the force of the argument advanced by the United Kingdom representative, but considered that the United Kingdom had an active and important role to play at the present juncture. For example, some people feared that the United Kingdom might grant independence to Southern Rhodesia in the present situation or that the Government of Southern Rhodesia might declare its own independence. In that regard, he recalled that the United Kingdom representative in the Fourth Committee had, in the previous autumn, spoken of the concern felt by his Government for the welfare of all the people of Southern Rhodesia. He had said that nothing had happened which could justify further change in the constitutional relationship between the United Kingdom and Southern Rhodesia, and he had given the assurance that any future change could not come about through unilateral action. The United Kingdom had always maintained that Southern Rhodesia was neither sovereign nor independent; and the United States, for its part, did not think that independence should be granted to Southern Rhodesia under present circumstances. The United Kingdom representative in the Fourth Committee had also stated that his Government wished to give help, consistent with its constitutional relationship with the Government of Southern Rhodesia, in establishing a political climate favourable to liberal and orderly constitutional development. Because of its responsibilities in regard to Southern Rhodesia, the United Kingdom was the natural agent to play such a role;

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and his delegation urged it to exert its efforts in that direction, and particularly to apply its special influence, regardless of what its legal authority might be, for the rapid broadening of the franchise and the rapid elimination of all racial discrimination.

127. The United Kingdom had a record of many years of co-operation with the United Nations and the Secretary-General. In its resolution 1760 (XVII), the General Assembly had requested the Secretary-General to lend his good offices, and his delegation had been pleased to hear recently that the Secretary-General continued to be in touch with the United Kingdom Government.<sup>13/</sup> It believed that the Committee should encourage that sort of contact.

128. Finally, his delegation hoped that no attempt would be made, in the Committee, to use the peoples concerned as pawns in the "cold war", as had already been attempted with respect to the Portuguese territories and even to Southern Rhodesia. His delegation, for its part, would confine itself to the essential task which lay before the Committee of recognizing the right of every people to set its own course with dignity, justice, self-respect and freedom.

129. The representative of Chile felt that the problem before the Committee called, more than any other, for honest co-operation on the part of all concerned. A veritable crusade had been undertaken to alter the fate of thousands of indigenous inhabitants living in oppression and poverty. That struggle was a credit to those who carried it on, and his delegation was proud to support the African countries, for it was on their side. It understood their anxiety when in some parts of their continent a minority denied to the majority of the inhabitants the right to determine their own future and subjected them to indescribable oppression which threatened to produce a conflict with incalculable repercussions. Even the United Kingdom delegation could not deny that such was currently the situation in Southern Rhodesia.

130. His delegation believed that the pertinent resolutions regarding Southern Rhodesia, e.g. resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII), were still applicable - in other words, that Southern Rhodesia was a Non-Self-Governing Territory. Consequently, the Committee should apply to it as rapidly as possible

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<sup>13/</sup> A/AC.109/33.

the provisions of resolution 1514 (XV). The United Kingdom was a realistic country which had succeeded in adapting itself to historical developments in the Territories under its administration, yet in the case of Southern Rhodesia it declared that it had no power to administer. The Chilean delegation could not subscribe to that assertion; on the contrary, it believed that in Southern Rhodesia, where the United Kingdom's influence was undisputed, that country had undeniable responsibilities. It therefore requested the United Kingdom to use its immense influence, for, having done so much to spread and defend the principles of democracy, it could not remain inactive in face of the situation. His delegation therefore asked it to spare no effort to bring together representatives of all existing trends in Southern Rhodesia, so as to work out a solution under which the legitimate rights of the majority would be recognized and those of the minority safeguarded. His delegation was not unaware of the difficulty of the task, since many interests were at stake, but it believed that it could rely upon the United Kingdom's leaders.

131. The representative of Venezuela observed that the only thing which was apparent since the adoption of resolution 1760 (XVII) was that the Administering Power had taken no more notice of that resolution than of the preceding ones. Not only had the United Kingdom failed to suspend the 1961 Constitution; it had permitted the organization, under that Constitution, of elections which the Zimbabwe African Peoples Union did not recognize as valid.

132. General Assembly resolution 1747 (XVI), in favour of which his delegation had voted, clearly established that Southern Rhodesia was a Non-Self-Governing Territory. Moreover, while a certain group in the Territory did enjoy some internal autonomy that group consisted of settlers of European origin who represented but one eighth of the total population. The 1961 Constitution recognized the privileges of a minority against the wishes of 3,600,000 Africans.

133. In his delegation's view, the United Kingdom was not only bound to lead the Territory to self-government and independence; it was also morally bound to prevent inequalities incompatible with the principles of the United Nations. The rights of minorities must, of course, be respected, but only within a framework of legal and political equality. The continuance of domination by the white settlers in Southern Rhodesia could only intensify the discord and, consequently, endanger peace and security in the region.

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134. The only practical way of setting up a democratic and independent Government in Southern Rhodesia was through the adoption of a constitution establishing the absolute political and legal equality of all the inhabitants. Any other solution would be artificial, and accordingly his delegation believed that resolutions 1747 (XVI) and 1760 (XVII) were entirely and immediately applicable to Southern Rhodesia.

135. During the debate on the Territories administered by Portugal, the United Kingdom representative had affirmed his delegation's view that the situation was not desperate and that it was possible to persuade Portugal to alter its political course. He had expressed the hope that Portugal would agree so to act as to enable the peoples of its Territories to opt for self-government or independence, and had added his delegation's opinion that no other policy could ensure stability in those territories. That statement, mutatis mutandis, could be applied to Southern Rhodesia. Venezuela did not think that the situation there was desperate. It relied upon the realism and good sense of the United Kingdom for the finding of a solution acceptable to all concerned.

136. The representative of Uruguay recalled that the United Nations had considered the future of Southern Rhodesia five times in one year. That was manifest proof of the interest which the Organization and world opinion took in the problem. The Assembly often concerned itself with situations for which the Organization was not entirely responsible and which it had, to some extent, inherited. In the case of Southern Rhodesia, however, the responsibility did lie with the United Nations, and upon its wisdom depended the favourable or unfavourable outcome of events.

137. Thanks to the progress of science and technology, the masses could now reasonably hope to receive their share of the material and cultural benefits which previously only a small minority had enjoyed. It was therefore not possible to continue to ignore that gigantic revolution and to count on time for a settlement of everything.

138. In addition, the case of Southern Rhodesia was different from many others in that a propitious occasion for a bold solution had presented itself in 1962. For reasons difficult to explain, that occasion had not been seized and a great hope had been dashed.

139. His delegation believed that the United Kingdom continued to have specific responsibilities with regard to Southern Rhodesia. While constitutionally and legally the situation was far from clear, in the light of the principles of the

Charter it was undeniable that the people of Southern Rhodesia were not yet fully self-governing, that Southern Rhodesia should continue to be regarded as a Non-Self-Governing Territory and that the Members of the United Nations still bore responsibilities toward that people. According to the general principles adopted at the San Francisco Conference, it was the United Nations organs themselves which should interpret the provisions of the Charter relating to their duties. The competence of the Assembly had been established in resolution 742 (VIII), for example, in nearly all the recommendations concerning Non-Self-Governing Territories; and it would be unjust to say that on those different occasions the Assembly had acted in an arbitrary manner.

140. Even if it were conceded that a transfer of powers had taken place in Southern Rhodesia and that the Territory's status was tantamount to independence, the situation in the Territory would be no more in keeping with the requirements of the Charter, according to the General Assembly's own interpretation in resolutions 742 (VIII) and 1541 (XV). A transfer of powers could have no validity if those powers had been transferred not to the people itself but to a fraction thereof, and the obligations under Article 73, which his delegation regarded as the Magna Carta of the colonial peoples, would not lapse as the result of such a transfer.

141. Moreover, Article 103 of the Charter provided that "in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail". Consequently, the obligations deriving from Chapter XI should prevail over any treaty, pact, convention, or even domestic laws - which, from the standpoint of international law, were mere facts - previous or subsequent to 1945 whose provisions might be incompatible or in conflict with the Charter of the United Nations. Since an Article 73 existed, the evolution of the colonies towards self-government was a matter of international jurisdiction. As a result of that process of internationalization, a process similar to that which had occurred in the case of human rights, for example, it was no longer possible to accept the idea that the prohibition of intervention in the domestic affairs of another political entity, a prohibition which might have arisen from certain unwritten laws or conventions, also barred intervention in matters which no longer fell within the scope of domestic jurisdiction or the idea that the delegation of powers to legislate in internal matters - police, education, finance, economy, etc. - could also apply to legislation concerning external matters, in other words, matters which had already been

regulated by and brought within the scope of international law, and which, by virtue of the principle nemo dat quod non habet, could no longer, since 1945, be subject to any kind of compromise, negotiation or delegation.

142. His delegation was convinced that the United Kingdom was still responsible in regard to Southern Rhodesia, and addressed to it a last appeal that it should act in accordance with the General Assembly's resolutions. All was not yet lost, and the United Kingdom representative had alluded to certain seemingly favourable circumstances. However, it was necessary to act quickly, in the interests of Member States, including the United Kingdom, and of the people of the Territory.

143. The representative of Bulgaria said that, since the General Assembly had last discussed the question, the situation in Southern Rhodesia had deteriorated still further and had reached an extremely explosive stage. The facts of the situation were well known to all members. Ever since the British colonizers had imposed their rule on Southern Rhodesia, the position of the white minority had been maintained by armed force and suppression and by laws which consolidated power in the hands of that minority. The United Kingdom's argument that Southern Rhodesia was a self-governing Territory had been decisively rejected by the General Assembly. What made the situation in Southern Rhodesia different from that in other Non-Self-Governing Territories was the policy of intensified racial discrimination which was being pursued by the settler minority with the assistance of the United Kingdom Government. To protect the interests of the settlers and of United Kingdom monopolies in the Territory, that Government had chosen to support the creation there of a racist State similar to the Republic of South Africa.

144. Aware of the dangers of the situation and fearing the indefinite postponement of the implementation in Southern Rhodesia of the Declaration on the granting of independence to colonial countries and peoples, the General Assembly had adopted resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII), in which it had called for the restoration of all rights to the non-European population and the replacement of the Constitution of 1961 by a new constitution based on the principle "one man, one vote". Those resolutions had gone unheeded: the Zimbabwe African Peoples Union (ZAPU) had been banned and its leaders placed under restriction, and elections had been held under the 1961 Constitution, bringing to power a new white minority Government with a philosophy and programme similar to that of the South African Government. Those developments had created a highly inflammable situation and his delegation shared the view that, if the course of events was not reversed, there might soon be a serious threat to peace in the region. The statements which had been made before the Committee by Mr. Nkomo supported that conclusion.

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145. The solution to the problem lay in the speedy and full implementation of the decisions adopted by the General Assembly, and it was the Committee's duty to endeavour to secure the implementation of those decisions. The Bulgarian delegation supported the suggestion made by several delegations that a visiting mission should be sent to Southern Rhodesia without delay to study the new situation there and to work out recommendations to be submitted to the General Assembly at its forthcoming special session.

146. History could not be reversed by the racist policies or the cruelly repressive measures of Mr. Winston Field's Government; the struggle of the Southern Rhodesian people for freedom and independence could not fail to end in victory.

147. The representative of Iraq said that few problems had been discussed as thoroughly by the United Nations as that of Southern Rhodesia. The General Assembly, having rejected the contention that the United Kingdom Government had no authority over Southern Rhodesia, had called upon that Government to abrogate the 1961 Constitution and to initiate discussions with a view to a new constitution which would pave the way for the emergence of Southern Rhodesia as an independent African State. The United Kingdom Government had ignored the Assembly's wishes; the Constitution had been allowed to come into force and elections had been held on 14 December 1962. The Secretary-General, acting on a request by the General Assembly, had lost no time in contacting the United Kingdom Government and offering to lend his good offices in order to promote conciliation and initiate discussions with a view to achieving the objectives of General Assembly resolution 1514 (XV) in Southern Rhodesia. After seven weeks, the United Kingdom Government had given the inconclusive reply which appeared in document A/AC.109/33.

148. By installing a racist Government in the Territory the December elections had brought an already dangerous situation to the point of explosion. The 1961 Constitution, in the hands of the settler minority, was being used as an instrument for perpetuating the regime of racial discrimination and exploitation under which the African population had been living ever since the United Kingdom had surrendered the government of Southern Rhodesia to the white settlers after a so-called plebiscite in which only those settlers had been allowed to vote. That early error on the part of the United Kingdom had been surpassed by its recent

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one of allowing the 1961 Constitution to come into force. The December elections had been rendered meaningless by the African boycott: as Mr. Nkomo had informed the Committee, only a handful of Africans out of a total of 3 million had voted. United Kingdom policy had clearly been based on the mistaken assumption that Sir Edgar Whitehead would be victorious, and the United Kingdom Government now faced a dilemma for which it alone was responsible. It must now either take a firm stand and use its moral, legal and material influence to reverse the trend in Southern Rhodesia, or abdicate its responsibilities and permit the erection of another citadel of reaction in the heart of Africa.

149. The United Kingdom Government should begin by implementing resolution 1760 (XVII): it should suspend the 1961 Constitution and prevail upon the Southern Rhodesian Government to release all political prisoners and rescind the ban on the nationalist parties. It should then negotiate with the representatives of the African majority and convene a constitutional conference that would pave the way for the independence of Southern Rhodesia under a representative government. The Secretary-General could still lend his assistance: the United Kingdom's reply to the Secretary-General<sup>14/</sup> had left the door open for further contacts, which were continuing.

150. The official statements of the United Kingdom, including those made by its country's representatives in the present Committee and other United Nations bodies, were negative and singularly devoid of constructive suggestions. The United Kingdom could not absolve itself of responsibility for having surrendered the fate of the African population of Southern Rhodesia to a racist settler minority in 1923. If such surrender had been possible at that time, the world of today could not tolerate the maintenance of a racist regime. The 1961 Constitution, which had been imposed upon the people of Southern Rhodesia, was a strangely anachronistic document. It utterly failed to meet the demands of the Africans and required them to resign themselves to an indefinite future of servitude. The General Assembly had voted overwhelmingly in favour of resolution 1760 (XVII), which had called for a suspension of the Constitution, and the United Kingdom could have made use of the moral force of that vote in its dealings with the white

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<sup>14/</sup> A/AC.109/33.

settlers. Instead of following the same bold and imaginative policies which it had adopted elsewhere in Africa, however, that country had chosen the path of inaction.

151. The new racialist Government had already adopted many measures increasing its repressive powers and had introduced amendments to the Law and Order (Maintenance) Act which would make the death penalty mandatory for numerous offences. The Preservation of Constitution Government Act would make it possible for a twenty-year prison term to be imposed on the mere suspicion of a wish for change. An African would be liable to such a term if he petitioned the United Nations or if, for example, he was reported to have suggested to the Northern Rhodesian Government the imposition of an economic boycott on Southern Rhodesia. The provisions would apply not only to citizens of Southern Rhodesia but to all residents and, in some cases, former residents. The new legislation also gave extra-territorial effect to the Law and Order (Maintenance) Act. Finally, hearsay evidence would be admitted as valid in any case under the new law, subject only to the approval of the Chief Justice.

152. The United Kingdom Minister responsible for Central African Affairs, during his recent visit to the Territory, had apparently failed to deflect Mr. Field's Government from its course. According to Mr. Nkomo, Mr. Butler had admitted to him that the United Kingdom had the power to legislate for Southern Rhodesia but had not done so because of long-standing constitutional conventions. At the previous meeting, the Uruguayan representative had ably analysed the legal aspects of the problem and had shown that the obligations of the United Kingdom under the Charter must take precedence over other commitments.

153. His delegation had already expounded its reasons for holding that Southern Rhodesia was a Non-Self-Governing Territory in the meaning of Chapter XI of the Charter. That question, however, was irrelevant in the light of resolution 1514 (XV), which applied to all dependent Territories: the United Kingdom had never claimed that Southern Rhodesia was an independent Territory and it was therefore automatically the concern of the Committee. It was the duty of the Committee to ensure that Southern Rhodesia acceded to independence without delay in the best possible circumstances and with the rights of its people fully protected and respected.



154. It was clear that British constitutional conventions could not take precedence over voluntarily accepted international obligations. Moreover, British constitutional conventions derived their authority from the implicit consent of those to whom they applied and they had always been subject to change and evolution. That was the essence of British democracy and constitutional theory. The constitutional convention in question was one which violated the basic principle of the consent of the governed. The United Nations was not asking the United Kingdom to set aside a cherished constitutional principle but rather to restore one. The convention of not legislating for self-governing colonies without the consent of their Governments was justifiable provided that those Governments derived their authority from the people. It was clearly inapplicable in the case of a minority government which maintained itself by terror and oppression. The argument was not only legally untenable but also politically unwise, since the African population, if denied constitutional channels, would be forced to pursue its ends by other methods.

155. His delegation was in agreement with the various suggestions which had been made: namely, that the Secretary-General should be asked to use his good offices, that a visiting mission should be sent to the Territory, that the question should be placed on the agenda of the Assembly's forthcoming special session and that it might be referred to the Security Council. He felt that top priority should be given to Mr. Nkomo's suggestion that a mission should be sent to London immediately to reaffirm the importance which the United Nations attached to the problem and to impress upon those concerned the need for positive measures before it was too late.

156. The representative of Tanganyika said that his delegation concurred with the view of the majority of Member States that the United Nations was competent to deal with the question of Southern Rhodesia and to insist on the implementation of General Assembly resolution 1514 (XV) in that Territory. His delegation held, against all denials, that the United Kingdom was the Administering Authority in Southern Rhodesia, whose affairs had always been handled by the Colonial Office, whose Governor represented the Queen and whose laws were enacted in the name of the Queen. If necessary, he could cite many principles and precedents in British constitutional law and practice in proof of the fact that the United Kingdom was

wholly responsible for changes in the constitutional and fundamental laws of Southern Rhodesia.

157. The United Kingdom representative himself had said that his Government's responsibility for its Territories was indivisible, that it could be neither shifted nor shared. He agreed that the United Kingdom could neither shift nor share the guilt of colonialism or the responsibility to grant the 3.5 million Africans in Southern Rhodesia their rights and freedoms. The United Kingdom still had a chance to redeem itself by revoking the odious 1961 Constitution, which had been imposed in defiance of General Assembly resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII) and in spite of the overwhelming opposition of the African population led by ZAPU, under Mr. Nkomo.

158. It was the United Kingdom that had devised that Constitution and sponsored the leadership of Sir Edgar Whitehead, who had been described as a reasonable and liberal leader. Yet not only had Sir Edgar Whitehead lost the election to the reactionary followers of Winston Field, but he and his party had subsequently voted in favour of the severe punitive measures introduced by the Field Government, including the bill inflicting a heavy prison sentence on any African daring to petition the United Nations.

159. Although the problem of Southern Rhodesia was relatively new to the United Nations, the history of that colony was a long and a sad one of domination and exploitation of the indigenous inhabitants by white settlers and business men. In his statements before the Fourth Committee, Sir Edgar Whitehead had tried to convince the members that the settlers were becoming more sensible and that the regime was being steadily liberalized. Any pretence of liberalism had been dropped, however, with the advent of the new Government led by Winston Field, which pursued the same aims as the Verwoerd Government in South Africa. The Field Government had no intention of amending the unjust Land Apportionment Act of 1930 reserving land for the European settlers, which was a major cause of tension between Africans and Europeans in Southern Rhodesia. Moreover, it had introduced amendments giving extra-territorial effect to the Law and Order (Maintenance) Act of 1961 under which death sentences were made mandatory for certain offences. The British newspaper The Observer had described the new provisions, which were intended to frighten Africans into mute acceptance of anything which was imposed

on them, as unbelievable and unprecedented. It was clear, however, from Mr. Nkomo's statements and from a warning recently issued by the Reverend Ndabaningi Sithole, the well-known ZAPU leader now in Dar es Salaam, that such measures would have an opposite effect to that intended and that Southern Rhodesia was moving rapidly towards a violent upheaval. If the United Kingdom, as the responsible Administering Power, failed to act and to meet the aspirations of the African population of Southern Rhodesia, the delegation of Tanganyika would join others in urging that the Security Council should examine the matter, which constituted a serious threat to peace in Africa and throughout the world.

160. The United Kingdom had frequently asserted its intention to dissolve its colonial empire. In practice, however, freedom and independence had not been showered on the colonized people like so many gifts; on the contrary, their advent had been delayed by all kinds of obstacles and excuses advanced by the colonial authorities, especially when the interests of settlers and business monopolies were involved. It was a common practice for political parties to be banned and their leaders imprisoned. Their struggle would nevertheless be pursued to the bitter end, for they could count on the assistance of sympathetic peoples and nations, as had been evidenced, for example, in the case of Algeria. Tanganyika and other African countries were already engaged in practical measures to hasten the eradication of colonialism, of which Southern Rhodesia was one of the worst examples. Thus ZAPU, FRELIMO and other nationalist organizations could continue to operate in Dar es Salaam. The Pan-African Freedom Movement for East, Central and Southern Africa (PAFMESCA) took an extremely serious view of the situation and the Africans would certainly ensure that the example of South Africa was not repeated in Southern Rhodesia.

161. Both Mr. Nkomo and Mr. Kawawa, the Vice-President of the Republic of Tanganyika, had said that the United Kingdom Government should be prepared to use force if necessary to oblige the white settlers in Southern Rhodesia to obey the dictates of democracy and surrender power to the Africans. The situation in that Territory was characterized both by anomalies and by a dichotomy. Examples of the former were the rule of a foreign minority over an indigenous majority, the political instability, the banning of African parties, the disregard of human

rights, and the racist policies, all of which require to be remedied. The dichotomy was to be found in United Kingdom policy and specifically in the contrast between the United Kingdom's claim to be a champion of democracy and its practice as exemplified in the case of Southern Rhodesia.

162. In his delegation's view, the United Kingdom as Administering Power should seriously consider the following proposals for immediate steps to rectify the situation in Southern Rhodesia:

- (1) The 1961 Constitution should be revoked and replaced by a democratic constitution meeting the aspirations of the people. New constitutions should be devised for Nyasaland, Northern Rhodesia and Southern Rhodesia, the latter giving majority rule to the Africans in Southern Rhodesia.
- (2) The new constitution should provide for government based on universal adult suffrage, should guarantee the rights of majorities and minorities and should outlaw discriminatory legislation.
- (3) The Special Committee should appoint an ad hoc committee, possibly of three Powers, to undertake immediate discussions with the United Kingdom Government in London regarding a new constitution for Southern Rhodesia. His delegation fully agreed with that suggestion, which had been made first by the Soviet Union and then by Mr. Nkomo.
- (4) The United Kingdom should convene a new constitutional conference in London for that purpose, with the free participation of Mr. Nkomo and his colleagues. The United Kingdom Government should make it clear that it would not attempt to advance the constitutional status of Southern Rhodesia under the reactionary Winston Field Government.
- (5) The United Kingdom delegation should make it clear to the Committee that the current talks in London concerned the liquidation of the Central African Federation and not the Southern Rhodesian Constitution as such.
- (6) If the United Kingdom still failed to fulfil its international responsibilities, the Special Committee should refer the question of Southern Rhodesia to the special session of the General Assembly to be convened in May. Tension was mounting in the Territory and the Committee should be free to refer the matter to the Security Council at the first sign of any violent eruption.

(7) The Committee should again consider the Soviet Union proposal that a visiting mission should be sent to London and Salisbury to find out what was being done regarding the future of the indigenous population of Southern Rhodesia.

163. The constitutional position of Southern Rhodesia was the same as that of British Guiana; both were colonies with the same degree of constitutional competence and almost identical constitutions. Yet the United Kingdom delegation persisted in asserting that the United Kingdom was the Administering Power of British Guiana but not of Southern Rhodesia. It had rescinded the Constitution of British Guiana in 1953, that of Malta in 1960 and that of Grenada in 1962. The United Kingdom Government clearly had the legal power to change the Southern Rhodesian Constitution; it was imperative that it should do so and thereby remedy a dangerously explosive situation.

164. Whatever happened, the Africans of Southern Rhodesia and the whole of the African continent would ultimately find a solution to the Southern Rhodesian question, which was essentially an African problem. Africans throughout the continent had undergone the same sufferings and shared the same determination to liquidate colonialism and racialism, to preserve human equality and dignity, to eradicate cultural, economic and political imperialism and to foster racial co-operation and mutual understanding. The Africans of Southern Rhodesia could count on the unstinted support of their brethren in the Republic of Tanganyika.

165. The representative of Yugoslavia stated that in his delegation's opinion Southern Rhodesia was not a self-governing Territory and the Administering Power was therefore obliged to comply with the obligations of Chapter XI of the Charter and of General Assembly resolution 1514 (XV). It should abrogate the Constitution of 6 December 1961 and all discriminatory legal provisions in regard to the African population and introduce a new electoral law based on universal suffrage.

166. In his statement Mr. Nkomo had described the tragedy which was taking place in Southern Rhodesia, where the policy and laws of the new Government were leading the country in the opposite direction from that defined in the Charter and the Declaration on the granting of independence to colonial countries and peoples. A new law had intensified the already discriminatory character of Rhodesian legislation, and the situation of the African population, which formed

94 per cent of the population, had further deteriorated. The fears that had been expressed in 1962 concerning Southern Rhodesia had therefore been justified.

167. Nevertheless the Yugoslav delegation hoped that recent events in Southern Rhodesia would help the United Kingdom to realize that a further denial of responsibility for the future of Southern Rhodesia would be not only indefensible but dangerous. The Special Committee would doubtless consider that the present situation in Southern Rhodesia, and especially the measures recently adopted, required the immediate intervention of the United Kingdom Government in order to avert the most serious consequences. After studying the proposals made by several delegations and hearing the pressing appeal launched by Mr. Nkomo, the Yugoslav delegation proposed that the Committee should send a sub-committee of five members - three officers of the Committee and two additional members appointed by the Chairman - to London immediately to establish contact with the United Kingdom Government and to inform it of the Committee's opinion that steps should be taken without delay to implement the resolutions of the General Assembly.

168. The representative of Australia said that his delegation shared the concern that had been expressed at recent developments in Southern Rhodesia. The Committee was not in possession of all the facts and it was difficult to make precise judgements about the situation. But it was evident that fear was rife and there had been a loss of mutual confidence. It was difficult to find a positive suggestion that would lead to a solution of the problem. The Australian delegation was of the opinion that the Committee should bear in mind, as stated by the United Kingdom representative, that talks were going on in London concerning the question. It was difficult to see how a practical and peaceful solution could be reached which would satisfy both sides. However, the Committee had the duty to see whether the way was open to a peaceful solution.

169. The Australian delegation had noted during the hearing of Mr. Nkomo that the petitioner regarded as important the desirability and possibility of reconciliation of the different elements in the country. It was undoubtedly in that way that the ultimate solution would be found.

170. The Australian delegation was one of those which believed that there should be equality of status for all the inhabitants of Southern Rhodesia. Other considerations which should be borne in mind were the fixed position that had

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apparently been taken by the authorities in Southern Rhodesia and the firm position of the United Kingdom on the constitutional and legal aspects of the problem. It therefore appeared that the most useful action the Committee could take would be to make contact with the United Kingdom Government so as to enable the process of reconciliation to begin and the United Nations to be associated with it. The Australian delegation considered that it would be right to turn first to the United Kingdom Government and ask it to use its undoubted influence and force of persuasion to prepare the way for a process of reconciliation of all the elements in Southern Rhodesia, which would include a role for the United Nations. The Australian delegation would therefore support the proposal that a sub-committee should be set up. At the same time it considered that the terms of reference of the sub-committee should not be too precise and the time given it to carry out its task should not be so short as to risk placing the United Kingdom authorities in an impossible situation. He hoped that the Committee would by some means be able to open up a line of communication with the United Kingdom authorities.

171. The representative of Sierra Leone observed that the situation in Southern Rhodesia had continued to deteriorate; General Assembly resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII) had remained a dead letter and the United Kingdom Government had steadfastly declined to discharge its responsibilities in Southern Rhodesia. In the eyes of the delegation of Sierra Leone, Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter. The General Assembly had come to the conclusion that the United Kingdom Government could use its constitutional powers and its influence to secure the implementation of the relevant resolutions. It had requested the United Kingdom to undertake urgently the convening of a constitutional conference with the full participation of representatives of all political parties and to suspend the enforcement of the 1961 Constitution, which had been rejected by the majority of the people of Southern Rhodesia. That Constitution had been forced upon the indigenous millions of Southern Rhodesia against their will and the responsibility for doing so rested squarely on the United Kingdom, since it had unilaterally relinquished its reserved powers under the previous Constitution to veto acts contrary to African interests.

172. The Press in the United Kingdom had described Mr. Field's programme as "polite apartheid". Mr. Field had made it quite clear that he intended to resort to every known device to oppress the African people in Southern Rhodesia and to prevent them from making their views known. In flagrant contempt for the purposes of the United Nations, he had proposed legislation inflicting severe punishment on any African national who dared to complain to the United Nations. His clear intention was to deprive the African nationalists of every constitutional method of achieving their just political objectives.

173. In the opinion of the delegation of Sierra Leone, the United Nations should condemn in the strongest terms what was happening in Southern Rhodesia, and condemn the United Kingdom Government for failure to accept responsibility for those occurrences. The United Kingdom delegation, when congratulating itself on the way in which the United Kingdom had brought 650 million people peacefully to independence, forgot to mention certain other facts. British behaviour in areas where there were white minorities and vested economic interests was very different from that in areas where there were no white settler minorities. In Algeria, the French had finally had to submit to the inevitable and concede the right of independence to the gallant Algerian people. His delegation sincerely hoped that the Algerian drama would not be repeated in Southern Rhodesia.

174. Mr. Nkomo had described to the Committee the heroic struggle of the people of Southern Rhodesia against a police State which was determined to crush any opposition or criticism. The delegation of Sierra Leone supported Mr. Nkomo's suggestion that a sub-committee should be sent to London; in keeping with the best traditions of the United Nations, no stone should be left unturned in an effort to reduce the tension by peaceful means. He hoped that the United Kingdom would once again show the spirit of co-operation which it had manifested in the past. If all efforts failed to achieve a peaceful solution the question of Southern Rhodesia could be referred to the Security Council and, if necessary, debated once again by the General Assembly.

175. The representative of Iran expressed his admiration for Mr. Nkomo, who was displaying great courage in the struggle of the people of Southern Rhodesia for liberation and independence. His statement had brought home to the members of the Committee the extreme seriousness of the present situation in Southern



Rhodesia and had opened their eyes to the probable consequences of any delay in the peaceful settlement of the problem.

176. At a time when colonialism was generally on the way out, it was seeking to entrench itself in a part of black Africa, in a system which was its very quintessence. No sooner had Mr. Field assumed office than he had stated in unequivocal terms that his Government intended to uphold racial segregation, the Land Apportionment Act and all the legislation instituting discrimination against the great majority of the African population of Southern Rhodesia.

177. In its resolutions, the General Assembly had requested the Administering Power, in other words the United Kingdom, to convene a constitutional conference, in which all the political parties would participate, for the purpose of formulating a constitution to replace that of 6 December 1961. Subsequent developments had shown that the concern of the General Assembly had been fully justified; the 1961 Constitution had been put into force and the elections held under the provisions of that Constitution had brought to power the Rhodesian Front, whose watchword was "the supremacy of the white minority".

178. The United Kingdom could not remain indifferent in the face of the alarming situation prevailing in Southern Rhodesia. The question of whether Southern Rhodesia was or was not a self-governing **Territory** had been categorically settled by the General Assembly. His delegation had already stated that a constitution which disregarded the will of 95 per cent of the Rhodesian people could not be considered to be endorsed by that people. The task of the United Nations was to ensure that the colonial peoples attained independence by peaceful means. If the United Kingdom's reasoning were accepted, the inescapable conclusion would be that since all legal and constitutional channels were closed to the African population of Southern Rhodesia, the only means open to it was recourse to force. Only recently, the Winston Field Government had decided that any Rhodesian who appealed to the United Nations would be liable to a sentence of ten to twenty years' imprisonment. The present situation in Southern Rhodesia threatened to create a new hotbed of racial hatred, with the most serious consequences for the African population, for the European minority and for mankind in general. Every possible effort should be made to avert such a catastrophe.

179. His delegation was not in a position to make any specific suggestions at the present stage of the debate. Since the basic facts of the problem were the same as they had been in October 1962, it still considered that the solution lay in the application of the relevant resolutions of the General Assembly. Those resolutions had urged the United Kingdom to convene a constitutional conference for the purpose of drawing up a new constitution, to take immediate steps to restore the rights of the African population, to remove all restraints and restrictions in law and in practice on the exercise of the freedom of political activity, and to ensure the immediate release of all political prisoners. Mr. Nkomo's suggestion that the Committee should dispatch a sub-committee to London without delay was a useful one and had the support of the delegation of Iran.

180. In conclusion, he quoted a passage from the British weekly The New Statesman, according to which the United Kingdom Government had the authority to abrogate the new Constitution of Southern Rhodesia. It was to be hoped that the United Kingdom would be able to find a peaceful solution to the problem before it was too late. There was no doubt that it could still play a decisive part in the matter and his delegation consequently appealed to it to discharge its international and moral responsibilities with respect to the Rhodesian people.

181. The representative of Syria said that in the view of his delegation the steps which had become even more imperative than ever with respect to Southern Rhodesia had been clearly indicated in the resolutions of the General Assembly. The question whether Southern Rhodesia was or was not self-governing had also been settled by resolution 1747 (XVI).

182. In April 1962, the Committee had sent a Sub-Committee to London for the purpose of contacting the United Kingdom Government. On that occasion, the United Kingdom Government had told the members of the Sub-Committee that the safeguards provided for in the new Constitution for Southern Rhodesia, such as the Declaration of Rights and the establishment of a Constitutional Council, were adequate substitutes for the reserve powers which the United Kingdom Government enjoyed. The Sub-Committee had disagreed with that view,<sup>15/</sup> and the evolution of the political situation had justified those misgivings. All the facts in Southern

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<sup>15/</sup> A/5124, para. 41.

Rhodesia pointed to an ever-worsening situation, which had become explosive. In his recent statement, Mr. Joshua Nkomo had informed the Committee of the insane measures that the racist Government of Winston Field had enacted or proposed to enact.

183. Consequently it was a matter of deep regret that, despite the General Assembly's resolutions, the United Kingdom had gone ahead with the implementation of the new Constitution. It was as a result of elections held according to the provisions of that Constitution that Mr. Winston Field had come to power. In the light of the policy of his party, the Rhodesian Front, and of the new measures that had already been initiated, it was clear that under the new Constitution the Government could enact whatever discriminatory measure it wished, in spite of the so-called safeguards that were supposed to be written into it. Thus the United Kingdom Government no longer had any grounds for hope that the new Constitution would pave the way for positive developments in Southern Rhodesia. It therefore had no alternative but to take immediate steps to suspend the Constitution and to draw up another one in keeping with the wishes of the majority of the population. Any procrastination might have the most serious consequences.

184. He hoped that the United Kingdom Government would not allow the situation in Southern Rhodesia to get out of hand. There was no doubt that it would bear a heavy responsibility if that were to happen. The United Kingdom Government was fully conscious of the "wind of change" in the African continent and it was expected to discharge its responsibilities instead of hiding behind legal conundrums. The issue at stake was the right of 3 million Africans to be the masters of their own destiny. No convention could absolve the United Kingdom of its responsibility towards the majority of the population of Southern Rhodesia. The United Kingdom Government still had the right to legislate for Southern Rhodesia without prior consultation of the Government of that country. Mr. Butler had admitted as much recently to Mr. Nkomo in the course of their meeting in London. For those reasons, as well as for others which in the view of the Syrian delegation were even more weighty because they stemmed from the inalienable right of the people of Southern Rhodesia to freedom and independence, his delegation urged the United Kingdom to act before it was too late.

185. His delegation fully endorsed the proposal of the representative of Yugoslavia that a mission should be sent to London immediately to request the United Kingdom Government's immediate intervention for the purpose of abrogating the new Constitution, convening a constitutional conference at which all political parties would be represented, and granting an amnesty to all political prisoners. The way to recognize the equal status of all the inhabitants of Southern Rhodesia was to hold fresh elections based on universal adult suffrage.

186. The representative of Italy said that no one could deny the complexity of the Southern Rhodesian question. As in previous years, the Special Committee was faced with a preliminary problem: that of knowing who was responsible for Southern Rhodesia. Most speakers had concluded that the United Kingdom still had the power to intervene there.

187. The Italian delegation realized that it was difficult to see how a country which was responsible for the foreign relations and defence of a **Territory** and was able to take the initiative in giving it a new Constitution, could have no power in regard to its internal affairs. It would, however, be unrealistic to maintain the diametrically opposite view, that the United Kingdom Government bore the entire responsibility for the decisions taken by the Southern Rhodesian authorities.

188. For its part, the Italian delegation was convinced that the United Kingdom Government could still exert a great deal of influence upon the future destiny of Southern Rhodesia. The main instrument for solving the problems of Southern Rhodesia by the peaceful means contemplated in the United Nations Charter was still the United Kingdom Government itself. It was difficult to believe that the United Kingdom would refuse to play its role of guidance and leadership in a territory to which it was still bound by so many ties. The Italian delegation did not think, however, that it would be wise to suggest the ways in which the United Kingdom should intervene in Southern Rhodesia. That was a problem which only the United Kingdom Government could decide, given its long experience in Southern Rhodesia. The Italian delegation did not think that the main concern of the United Kingdom Government was actually connected with the question of whether it had the constitutional and legal power to intervene. There were other problems of greater weight, such as the risk that the present Government of Southern Rhodesia

might declare the Territory to be independent. It would be very difficult to do anything once the last link between the United Kingdom and Southern Rhodesia had been severed. Only the Rhodesians themselves could then take any action, and that would certainly mean violence and bloodshed.

189. In short, the Italian delegation shared the view that an appeal ought once more to be addressed to the United Kingdom Government, and felt that, rather than pass a resolution, it would be better to contact the United Kingdom Government directly. Such action would create greater opportunities for discussion and would enable the range of possible solutions to be extended.

190. The representative of India reminded the Committee that the status of Southern Rhodesia was no longer in dispute. That question had been settled by General Assembly resolution 1747 (XVI), so that resolution 1514 (XV) was undoubtedly applicable to Southern Rhodesia. His delegation had been very disappointed by the recent statement of the United Kingdom representative.

Apart from its legal and constitutional responsibilities, the United Kingdom Government had a very great moral responsibility in connexion with Southern Rhodesia. At the 135th meeting, the United States representative had said that the United Kingdom was the natural agent for action in Southern Rhodesia and that the United States delegation urged it to bring all its influence to bear, regardless of what its legal authority might be. The United Kingdom Government was demurring on the grounds that there was a convention between it and Southern Rhodesia which prohibited it from interfering in the Territory's affairs, but wisdom demanded that a convention which stood in the way of the Territory's progress and democratic advancement should be brushed aside. There was a great deal of talk about the rights of the white minority, but it was high time that the rights of the African majority were considered.

191. The Committee had heard Mr. Nkomo describe the repressive legislation which continued to darken the life of the Territory's indigenous inhabitants, and had heard him say that he could be sentenced to twenty years in prison simply for appearing before the Committee. That sort of legislation, if legislation it could be called, merited condemnation from the standpoint of human rights alone. Unless those repressive measures were withdrawn and normal political activity was permitted, there could be no hope of any peaceful settlement of the problem.

That was the first step towards normalizing the situation in Southern Rhodesia, and the United Kingdom Government was in the best position to persuade the Southern Rhodesian Government to see reason.

192. The Indian delegation considered that the United Kingdom should immediately call a fresh constitutional conference. It seemed obvious that only a Constitution which was acceptable to the vast majority of the population could provide for a peaceful transition. In 1962 the United Kingdom Government, disregarding the majority view in the United Nations, had permitted the promulgation of a Constitution which was unacceptable to the majority of the population. Elections held under the terms of that Constitution had yielded the results which were known to all, and events in the Territory had taken a turn for the worse. The Indian delegation was not unaware of the extremely complicated nature of the problem facing the United Kingdom Government; but it was not the first time that that Government had faced such problems, and it had unparalleled experience in such matters. The Indian delegation therefore continued to hope that the United Kingdom Government would face the situation with imagination and boldness, for failure to do so would lead to the most disastrous consequences.

193. The Indian delegation hoped that the United Kingdom Government would find it possible to receive a small sub-committee of the Special Committee in London. It wished to re-emphasize that the United Kingdom Government should immediately call a fresh constitutional conference with a view to drawing up a Constitution providing for fresh elections on the basis of universal adult suffrage. Under no circumstances should independence be granted to Southern Rhodesia under present conditions. The granting of independence should follow, and not precede, recognition of the political rights of all inhabitants of the Territory. Unless the right psychological climate prevailed, nothing of enduring value could be accomplished; and nothing should be done against the wishes of the majority of the indigenous people in Southern Rhodesia, if peace was to prevail there. Time was running short, and it was for the United Kingdom to ensure that the "point of no return" was not reached.

194. The representative of Tunisia said that, after Mr. Nkomo's statements to the Committee and his indictment of the racialist Constitution which it was being sought to impose on the people of Southern Rhodesia, the arguments adduced by

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the United Kingdom delegation seemed like a hopeless defence of an irrevocably doomed system. No legal or constitutional arguments were valid in the presence of a human tragedy of such proportions. The United Kingdom thesis had not stood up to previous debates in the Committee, and had been rejected by the General Assembly in its resolutions. The problem of Southern Rhodesia was primarily a human and political problem, and it would be taking the wrong course to accept the legal arguments of the United Kingdom delegation.

195. Many colonial countries had acceded to independence without first being endowed with a Constitution, and the Declaration on the granting of independence to colonial countries and peoples made no mention of the need for such a Constitution. It was clear from paragraphs 3 and 5 of the Declaration that even absence of a Constitution and inadequacy of political preparedness were not sufficient grounds for failing to take immediate steps to transfer all powers to the people of Zimbabwe.

196. Mr. Nkomo had reported to the Committee a conversation with Mr. R.A. Butler in which the latter had admitted to him that the United Kingdom Government could still legislate for Southern Rhodesia and change the 1961 Constitution. The sole difficulty alleged was a convention concluded forty years previously. But in 1923 the Administering Power had committed a serious mistake by holding a referendum, in which only the Whites had taken part, to decide the future of the Territory. It had thus made the Africans subject to government by a minority. Later, the United Kingdom Government had made a second mistake by deciding to set up the Federation of Rhodesia and Nyasaland, which had been resisted by all Africans as an instrument of white supremacy. Finally, in 1961 the Administering Power had modified the 1923 Constitution, but the instrument which had taken its place was still based on the political principles of the racialist settlers; it had been imposed on the Africans despite their unanimous opposition. The Administering Power had therefore consistently backed the standpoint of the white minority, without paying any attention to the opposition of the Africans, or, more recently, of the United Nations. It could hardly claim, today, that its responsibility was at an end.

197. Certain facts, however, gave grounds for hoping that matters were going to change. The Africans had grasped the situation and the fact that the irreversible course of history could not be delayed by the dream of a minority of settlers. The colonial peoples were determined to free themselves, and they could count on the solidarity of the newly independent peoples as well as on the support of enlightened world opinion. It was those facts, perhaps, which had decided the United Kingdom to proceed to the dissolution of the Central African Federation, a step on which it should be congratulated and which would perhaps enable it to reconsider its whole policy in Southern Rhodesia.

198. His delegation thought that the time had come for the Administering Power to make a choice; it must either continue to ignore the resolutions of the United Nations, deny 3 million Africans their right to self-determination and independence and drive them to despair, or it must set aside a mere convention which had already exacted an enormous price in human sacrifice. By choosing the second solution, the United Kingdom would confirm its reputation as a great country which had succeeded in ridding itself of the Empire mentality, bring about the triumph of reason, justice and dignity, and show that it was able to recognize that new phenomenon, the "winds of change", of which Prime Minister Macmillan had spoken. If the United Kingdom refused to take that path, only distrust, despair and hatred could be expected from the Africans of Southern Rhodesia, and there would be grounds for fearing violence and war. His delegation remained convinced that the United Kingdom would not hesitate much longer to make the necessary choice.

199. Such a gesture should have been made in 1962, at the most opportune moment, during the Committee's first debates on Southern Rhodesia. It was to be regretted that the United Kingdom had failed to take that chance of adapting its policy to the requirements of African emancipation; little would then have been needed to put the situations to rights and restore the confidence of the Africans of Southern Rhodesia. Recognition of the legitimate rights of those Africans would, moreover, be the best way for the United Kingdom to ensure the future of the Whites and their children in Southern Rhodesia.

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200. The information provided by Mr. Nkomo had made it possible to measure the extent of the tragedy which was being enacted in Southern Rhodesia and which threatened to drive the Africans to violence and war. Mr. Nkomo had stressed that, if the Administering Power did nothing within the next few weeks to give a new direction to its policy by abrogating the Constitution and starting negotiations with the representatives of the African nationalist parties, it would be too late to avoid direct action by the Africans.

201. His delegation therefore once again adjured the United Kingdom to act without delay and not to confuse the interests of a privileged class of racist settlers with the rightly understood interests of the Territory's population as a whole. On behalf of his Government, he wished to proclaim his country's solidarity with Southern Rhodesia and to recall that Tunisia had committed itself to assist the Africans of that country in their struggle for dignity and independence.

202. In his delegation's opinion, the Special Committee should take the following points into consideration: (1) The situation in Southern Rhodesia had consistently deteriorated since the coming into force of a Constitution rejected by the Africans and allowing new laws for exceptional measures to be promulgated; (2) The United Kingdom therefore could and should abrogate the present Constitution; (3) It was in duty bound to see that the Declaration on the granting of independence to colonial countries and peoples was applied in Southern Rhodesia; (4) It had the moral authority and powers of persuasion necessary to bring the settlers to co-operate with the indigenous population in finding a satisfactory solution for the problem; (5) The Special Committee should express its regret that the United Kingdom had not seen fit to comply with the General Assembly's resolutions on Southern Rhodesia; (6) It should explore every new possibility of contact with the United Kingdom for those same ends; (7) The dispatch of a good offices sub-committee to London would make it possible to discuss, with the United Kingdom Government, immediate steps for the implementation of the resolutions on Southern Rhodesia and of resolution 1514 (XV); (8) The Special Committee would examine the good offices committee's report on its return to New York; (9) In the light of the results achieved in London, the Committee could, as necessary, (a) ask for an item intitled "Southern Rhodesia" to be

included in the agenda of the General Assembly, (b) draw the attention of the Security Council to the situation in Southern Rhodesia; (10) Finally, the Committee should remind the Secretary-General of the urgent need for action in the sense of resolution 1760 (XVII).

203. His delegation would support any action, recommended by the Committee, which took those points into account. It reserved the right to submit to the Committee, with other delegations, a draft resolution to that effect.

204. The representative of Denmark said that the Danish people and Government had followed developments in Southern Rhodesia with much attention and growing concern. The people and Government of Denmark were in favour of complete independence for all nations, with equal rights for all inhabitants, regardless of race, religion or political conviction.

205. In applying that general principle to the question of Southern Rhodesia, it must not be forgotten that in several respects the situation in that country was atypical. First, the constitutional status of Southern Rhodesia was a special one, as was demonstrated by the fact that until 1962 the United Nations had not considered that Southern Rhodesia came within the scope of Article 73 e of the Charter. Even today, the opinion that it did come under that Article was not unanimous and, in particular, was not shared by the United Kingdom.

206. Secondly, no less than three Governments were involved - those of Southern Rhodesia, the Central African Federation and the United Kingdom, each having certain powers and responsibilities, all of which added to the complexity of the problem.

207. Thirdly - an important consideration - the United Kingdom was not asked, as in other cases of decolonization, to withdraw as quickly as possible from the Territory and leave the inhabitants to shape their own destiny. Because of the multiracial make-up of Southern Rhodesia, the Administering Power was being asked to protect the interests of the indigenous population and, in fact, to interfere actively in the internal affairs of a society which was already self-governing. That created substantial difficulties because, as the representative of the United Kingdom had explained, there were constitutional limits on the United Kingdom's powers of interference in the Territory's internal affairs. In his delegation's view, the Committee should give very careful attention to that

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unusual aspect of the matter. In the final analysis, it was because the Committee had confidence in the United Kingdom that it was asking it to intervene in the internal affairs of Southern Rhodesia. In his delegation's view, the attitude to be adopted by the Committee on the question should be guided by that same confidence. His delegation thought that the Committee should do everything in its power to promote efforts by the United Kingdom Government to safeguard the rights of the indigenous population. However, it did not consider that force should be used to bring about an immediate solution. Both the United Kingdom Government and the enlightened elements in the country which wanted to lead Southern Rhodesia towards the establishment of a harmonious multiracial society was facing serious difficulties in the Territory. His delegation feared that external pressure, at a time when the situation was particularly mobile - as demonstrated by Mr. Butler's recent visit to Southern Rhodesia and by the current negotiations in London, might prompt the various elements facing each other to harden their positions, with the result that a final compromise might be more difficult to reach.

208. His delegation, therefore, could not support the suggestion that the question of Southern Rhodesia should be placed on the agenda of the General Assembly's May session. It did not believe, in fact, that the situation was sufficiently clear for a decision to that effect to be taken at the present time. On the other hand, it did believe that the possibilities of the conciliatory role which the Secretary-General might play under paragraph 4 of resolution 1760 (XVII) should be explored.

209. The United Kingdom Government had so far, in its colonial policy, taken account of the inevitable political and social changes which were materializing in the world. In recommending that the question of Southern Rhodesia should be approached with care, the Danish delegation was relying upon its own confidence that those who held the ultimate international responsibility in the matter and who, whatever legal arguments were put forward, had in fact a very great influence on events, would do everything in their power to create an independent and harmonious multiracial society in Southern Rhodesia, with equal rights for all.

#### D. ACTION TAKEN BY THE SPECIAL COMMITTEE

210. At the conclusion of the general debate, at the 138th meeting, the Chairman gave the consensus of the Special Committee on the question of Southern Rhodesia, by which it decided to set up a sub-committee which would go to London and undertake conversations with the Government of the United Kingdom concerning Southern Rhodesia.

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211. After further discussions which are fully reflected in the Sub-Committee's report,<sup>16/</sup> at the 143rd meeting the representative of Ethiopia submitted a draft resolution<sup>17/</sup> which was subsequently co-sponsored by Tanganyika.<sup>18/</sup> By this draft resolution the Special Committee, while regretting that the United Kingdom Government could not receive the Sub-Committee before 15 April, in accordance with the spirit of the consensus of the Special Committee, would accept the date of 22 April as proposed by the Government of the Administering Power, and request the Sub-Committee to submit a report as a matter of great urgency. At the 144th meeting, this draft resolution was adopted by the Special Committee<sup>19/</sup> by a roll-call vote of 19 to none, with 4 abstentions as follows:

In favour: Bulgaria, Cambodia, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, Denmark, Italy, United States of America.

Not participating: United Kingdom of Great Britain and Northern Ireland.

212. The Sub-Committee on Southern Rhodesia, composed of Mr. Sori Coulibaly (Mali), Chairman, Mr. Carlos Maria Velasquez (Uruguay), Vice-Chairman, Mr. Najmuddine Rifai (Syria), Rapporteur, Mr. Gershon B. O. Collier (Sierra Leone), Chief Erasto A. M. Mang'enya (Tanganyika) and Mr. Taieb Slim (Tunisia) visited London from 20 to 26 April 1963. It unanimously adopted its report<sup>20/</sup> on 8 May 1963. This report is contained in the appendix to this Chapter.

213. At the 168th meeting the Rapporteur introduced the Report of the Sub-Committee on Southern Rhodesia, which was considered at the 171st to 177th meetings.

214. The representative of the Union of Soviet Socialist Republics observed that it was clear from the Sub-Committee's report that its conversations with Ministers of the United Kingdom Government had not produced any change in the position of that Government: the United Kingdom was continuing to defend the interests of the white settlers in Southern Rhodesia against those of the majority of the population and to disregard General Assembly resolutions. As a result, the situation in the Territory had become increasingly acute and explosive.

<sup>16/</sup> See appendix, paras. 4-10.

<sup>17/</sup> A/AC.109/L.47.

<sup>18/</sup> A/AC.109/L.47/Add.1.

<sup>19/</sup> A/AC.109/39.

<sup>20/</sup> A/AC.109/L.53.

215. As the Sub-Committee's report indicated, the United Kingdom was continuing to refute the basic contentions of the United Nations as expressed in General Assembly resolution 1747 (XVI) and, in particular, its decision that Southern Rhodesia was a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter. The United Kingdom Government continued to hold that it had no power to intervene in the internal affairs of Southern Rhodesia either constitutionally or physically. With regard to the Assembly's request for the immediate convening of a constitutional conference, the Sub-Committee stated that the United Kingdom had no plans for calling such a conference for the purpose of formulating a new constitution which would ensure the rights of the majority of the people on the basis of "one man, one vote". The Sub-Committee therefore rightly concluded that the United Kingdom was placing the interests of the indigenous people of the Territory at the mercy of a minority Government and expressed regret that the United Kingdom continued to take the position that it could not intervene in the interests of the African people: in its view, the United Kingdom had the means to protect those interests if it so wished. Finally, the Sub-Committee had justifiably concluded that the United Kingdom Government was not concerned with the fate of those people but was determined to defend the rights of the minority which had usurped power in Southern Rhodesia.

216. In the circumstances the United Nations should show greater determination to defend the interests of the indigenous inhabitants of Southern Rhodesia, particularly as the racist Government now in power had established rigid legislation barring the national political movements from expressing the will of that majority, and was clearly working towards independence for the Territory with a white minority in power, thus perpetuating an anachronistic situation in Africa and fanning hatred throughout the continent. That conclusion was borne out by the exchange of correspondence between the United Kingdom First Secretary of State, Mr. Butler, and Mr. Field, Prime Minister of Southern Rhodesia, annexed to the Sub-Committee's report; the United Kingdom and Southern Rhodesian Governments were obviously engaged in a kind of bargaining with a view to reaching an accommodation between them in which the indigenous population of Southern Rhodesia would serve as pawns. Moreover, the efforts of the Secretary-General to persuade the United Kingdom to alter its approach had been in vain. Yet the urgency for immediate, drastic and firm action to rescue the indigenous inhabitants of the Territory from

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a situation of continued enslavement had been stressed at the recent conference of Heads of African States and Governments held at Addis Ababa. The conference had called for the full and immediate implementation of General Assembly resolutions 1514 (XV) and 1654 (XVI); in a resolution of its own, it had urged the United Kingdom not to hand over power in Southern Rhodesia to a foreign minority which would impose racist legislation on the majority of the population. It had further warned that if such power were usurped by the white minority, the members of the conference would provide moral and material assistance to the indigenous inhabitants in their struggle for the restoration of their full rights.

217. The Sub-Committee had gone to London at the request of the nationalist leaders of Southern Rhodesia in order to impress upon the United Kingdom Government the gravity of the situation in the Territory and to persuade it to take immediate steps to prevent a further deterioration by implementing the relevant General Assembly resolutions. It had conducted the conversations in London with a dignity and moderation for which it was to be commended. The United Kingdom Government had, however, turned a deaf ear to its appeal. In the circumstances, it was the duty of the Committee to assist the indigenous population in its struggle for liberation by endorsing the recommendations in the Sub-Committee's report, namely by recommending to the General Assembly that it should consider the question of Southern Rhodesia at a special session as a matter of urgency and should draw the attention of the Security Council to the deteriorating situation in the Territory, which constituted a threat to peace and security in Africa. With regard to the Sub-Committee's third recommendation, the Secretary-General had taken the necessary steps, as could be seen from his report of 6 June,<sup>21/</sup> and those steps had led to no result.

218. The representative of the United Kingdom said that his Government had been gratified by the cordial spirit in which the talks with the Sub-Committee had been held, and regarded the full and frank exchange of views which had taken place as useful both to the Committee and to the United Kingdom. He would not revert to the question of United Nations competence with regard to discussion of Southern Rhodesia or to the constitutional relationship between that territory and the United Kingdom because he had nothing to add to the statement of position already

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<sup>21/</sup> A/AC.109/33/Add.1.

made to the Committee and did not believe that the situation was likely to change in the immediate future. His delegation was pleased, however, to note that the Sub-Committee did recognize the United Kingdom Government's concern regarding the situation in Southern Rhodesia, which it did not regard as explosive, and its intention to seek a compromise solution to prevent a possible deterioration. Indeed, his Government was convinced that the only way to proceed in this matter was through persuasion and a patient search for an agreement acceptable to all parties.

219. Reviewing developments since the Sub-Committee's visit to London, he recalled the visit of the United Nations Secretary-General on 10 May, when the United Kingdom position had been outlined to him. Reference to this had been made in Sir Patrick Dean's letter of 21 May to the Secretary-General.<sup>22/</sup> The question of independence for Southern Rhodesia, raised by the Prime Minister of the Territory, was inextricably linked from both a practical and constitutional point of view with the dissolution of the Federation of Rhodesia and Nyasaland. In addition, the Prime Minister had stated that his Government would not attend a conference to discuss the future relationship between Southern and Northern Rhodesia unless it received an acceptable undertaking from the United Kingdom Government that Southern Rhodesia would receive its independence concurrently with the date on which either Northern Rhodesia or Nyasaland was allowed to secede from the Federation, whichever was first. On 21 May Mr. Butler, the First Secretary of State, had told the House of Commons that he was in communication with the Governments of Southern and Northern Rhodesia with respect to arrangements for such a conference, to be held at Victoria Falls or Livingstone during the second half of June, and that he was in touch with the Southern Rhodesia Government respecting its independence. On 27 May the Prime Minister of Southern Rhodesia had been invited to come to London to discuss the matter and on 4 June Mr. Field had returned to Southern Rhodesia to report on that discussion to his Cabinet. No decisions had been taken and no commitments had been entered into with the Southern Rhodesian Government.

220. The United Kingdom Government had been exerting every effort to find a compromise. It hoped to be able to arrange a conference of all the Governments concerned to discuss the orderly dissolution of the Federation of Rhodesia and Nyasaland and the future relationships between the Territories concerned.

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<sup>22/</sup> Ibid.

221. At the 173rd meeting Cambodia, Ethiopia, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tanganyika, Tunisia, and Yugoslavia submitted a draft resolution<sup>23/</sup> the operative paragraphs of which read as follows:

"1. Approves the report of the Sub-Committee on Southern Rhodesia, particularly its conclusions and recommendations, and expresses its appreciation of the work accomplished;

2. Deplores the fact that the United Kingdom Government has ignored the resolutions on Southern Rhodesia of the General Assembly, thus helping to create an explosive situation in the Non-Self-Governing Territory of Southern Rhodesia;

3. Expresses its conviction that it is essential for the evolution of the Territory towards independence that the United Kingdom Government should immediately abrogate the 1961 Constitution;

4. Solemnly appeals to the United Kingdom Government not to transfer the powers and attributes of sovereignty to the minority Government of Southern Rhodesia;

5. Recommends the General Assembly to set a very early date for the elevation of the Territory of Southern Rhodesia to the status of an independent African State;

6. Draws the attention of the Security Council to the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia and which, if it continues, may constitute a serious threat to the international peace and security."

222. At the same meeting the USSR submitted an amendment<sup>24/</sup> to the draft resolution which would add the following new paragraph as operative paragraph 5:

"Recommends that the General Assembly consider the Question of Southern Rhodesia at a special session of the General Assembly;"

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<sup>23/</sup> A/AC.109/L.61.

<sup>24/</sup> A/AC.109/L.62.



223. The representative of Sierra Leone, in introducing the draft resolution recalled that the report of the Sub-Committee on Southern Rhodesia in its talks with the United Kingdom Government in London in April 1963 included certain recommendations from which it was quite clear that the position of the United Kingdom Government was still very different from that held by the United Nations. Moreover, the statement by the United Kingdom representative in the Committee had clearly indicated that the United Kingdom Government persisted in considering that it could not intervene in the situation in Southern Rhodesia, and, what was very important, that that situation was not explosive. The United Nations held the opposite view, which, in the opinion of the sponsors should be recorded in the form of a resolution.

224. The text before the Committee was quite mild and conciliatory. The sponsors were aware of the realities of the situation in Southern Rhodesia and, in their concern for the interests of the majority of the people, they did not want to help to create a situation which might aggravate the plight of that majority. They felt that in the particular situation in Southern Rhodesia, the least the Committee could do was to alert the Security Council, the highest competent United Nations organ, to what was happening in the Territory, since the United Nations could not shirk its responsibility in the matter.

225. In the third preambular paragraph of the draft resolution, a reference was made to the decisions taken by the African Heads of State at the Addis Ababa Conference in May 1963. Their clearly expressed opinion was important and, indeed, vital for an assessment of the chances of peace in the area in the months and years ahead. The sponsors had also borne in mind the United Kingdom Government's responsibilities in Southern Rhodesia and its refusal to recognize the gravity of the situation there, and also Mr. Winston Field's recent request for Southern Rhodesia's independence, since they were fully aware of what might happen if his demands were met.

226. The operative part of the draft resolution included a solemn appeal to the United Kingdom Government to transfer the powers and attributes of sovereignty to the majority of the people and not to a minority regime. The sponsors had included that appeal in view of the United Kingdom's past record in granting self-government to Territories under its administration.

227. The representative of Poland said that, as could be seen from the comprehensive and balanced report of the Sub-Committee on Southern Rhodesia the hope that the Sub-Committee's visit to London might bring about a change in the United Kingdom Government's position had not been fulfilled. That Government continued to maintain that it could not intervene in the affairs of Southern Rhodesia, while simultaneously refusing to allow the United Nations to intervene in the matter.

228. As could be seen from paragraph 46 of the report, the Sub-Committee had concluded that the United Kingdom was placing the interests of the indigenous inhabitants of the Territory at the mercy of the white settler minority Government.

Such a position was clearly contrary to the principles of the Charter, the Declaration of Human Rights, the Declaration on the granting of independence to colonial countries and peoples and all the principles of justice and democracy.

229. The Polish delegation also deeply deplored the fact that the United Kingdom Government did not intend to call a constitutional conference with the full participation of all the political parties for the purpose of formulating a new constitution which would ensure the rights of the majority on the basis of the principle of "one man, one vote", in accordance with General Assembly resolutions 1747 (XVI) and 1760 (XVII).

230. Furthermore, following Mr. Field's request that Southern Rhodesia should be granted almost instant independence under white rule, the United Kingdom Government contemplated holding a conference in accordance with what was described as "normal precedent" in order to discuss "financial, defence, constitutional and other matters which always had to be settled before self-governing dependencies were granted independence". Such action on the part of the United Kingdom Government would amount to a repetition in Southern Rhodesia of the 1910 South Africa Act. As long as proper measures were not taken, there was a danger of the establishment of a new racist State in the heart of Africa. Such fears were justified by, for instance, the lack of provision for African participation in the proposed pre-independence conference and by the United Kingdom Government's refusal to give a clear assurance that the powers and attributes of sovereignty would not be transferred to the minority Government in Southern Rhodesia.

231. If independence were granted under the present or a similar constitution which provided for white supremacy, the Africans in Southern Rhodesia might resort

to violence and a full-scale war such as had occurred in Algeria would inevitably ensue. In that connexion it should be remembered that the Heads of African States and Governments had solemnly declared at Addis Ababa that if power were to be usurped by a racial minority Government in Southern Rhodesia, the States members of the Conference would lend effective moral and practical support to any legitimate measures which the African nationalist leaders might devise for the purpose of restoring such power to the African majority.

232. In paragraph 37 of its report the Sub-Committee reported the United Kingdom Government's belief that a solution would have to be found by agreement on a compromise which would not be a complete victory for one or the other. In the circumstances prevailing in Southern Rhodesia, where the vast majority of the people were deprived of fundamental human rights because of an unjustifiable belief in the superiority of the white race, and where a minority Government had been imposed in direct violation of the Africans' inalienable right to self-determination, a compromise implied injustice and discrimination towards the African majority and could be regarded as an attempt to legalize an unjust and unlawful situation. The Africans were not seeking any privileges. They were struggling for equal rights and for the freedom and independence of their own country. He thought that the United Kingdom representative would agree that there could be no compromise on the question of equal rights.

233. The Polish delegation regretted that the United Kingdom representative had been unable to report any developments which indicated that his Government intended to implement the relevant General Assembly resolutions. Nor had he given any indication of the lifting of the ban on ZAPU or any assurances that no decision would be taken on the status of Southern Rhodesia without consultations with and the consent of the genuine representatives of the indigenous inhabitants.

234. The explosive situation in Southern Rhodesia was steadily deteriorating. That was why his delegation supported the conclusions and recommendations in the Sub-Committee's report which were identical with the conclusions reached at an earlier stage by the Committee itself.

235. His delegation was in general agreement with the aims and provisions of the draft resolution but felt that its wording might be brought closer to the earlier findings and recommendations of the General Assembly and the Committee. In particular, since the situation in Southern Rhodesia had deteriorated further since the adoption of General Assembly resolution 1760 (XVII), the Committee must avoid any departure from the wording of the previous resolutions which, by implication, might create an impression that the situation in the Territory had improved. Thus the seventh preambular paragraph stated that the situation "constitutes a potential threat to international peace and security" and operative paragraph 6 that the situation "if it continues, may constitute a serious threat to international peace and security", whereas General Assembly resolution 1755 (XVII) clearly stated that the situation "endangers peace and security in Africa and in the world at large". He hoped that the sponsors would agree to redraft those two paragraphs in order to bring them into line with the earlier text.

236. Secondly, if the Committee approved the conclusions and recommendations in the Sub-Committee's report and agreed that the situation in Southern Rhodesia was one of urgency and importance, and bearing in mind that the General Assembly had decided to keep the question of Southern Rhodesia on the agenda of its seventeenth session and had requested the Committee in resolution 1810 (XVII) paragraph 8 (c) to submit suggestions and recommendations not later than the eighteenth session of the Assembly, the Committee was bound to be consistent and, in accordance with paragraph 52 of the Sub-Committee's report, must recommend to the General Assembly that it consider the question of Southern Rhodesia at a special session. His delegation did not overlook the qualifying phrase "in the absence of any favourable developments" in paragraph 52 of the Sub-Committee's report. It was of the opinion, however, that neither the talks in London nor the statement by the United Kingdom representative in the Committee inspired any confidence or justified a departure from the Sub-Committee's unanimous conclusions. His delegation would therefore vote in favour of the USSR amendment.<sup>25/</sup>

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<sup>25/</sup> A/AC.109/L.62.

237. Thirdly, in operative paragraph 3 the term "evolution", as he understood it, meant a process which required time. It therefore seemed to be inconsistent with the provisions of operative paragraph 5 of resolution 1514 (XV), which was recalled in the second preambular paragraph of the draft resolution.

238. Fourthly, in view of the fact that there were references to the gravity of the situation in Southern Rhodesia in other paragraphs of the draft resolution, he suggested that the sixth preambular paragraph should be reworded to read:

"Regretting that the United Kingdom Government continues to deny to the mass of the African population their basic political rights, in particular the right to vote."

The corresponding paragraph in the operative part, namely paragraph 3, might be reworded to read:

"Expresses its conviction that it is imperative for the Territory's accession to independence that the United Kingdom Government should immediately abrogate the 1961 Constitution and establish equality among all inhabitants of Southern Rhodesia without discrimination."

239. The representative of Tanganyika said that the Sub-Committee on Southern Rhodesia of which his delegation had been a member, had done its utmost to carry out its mandate and to convey to the Administering Power the deep concern of the United Nations about the explosive and dangerous situation in Southern Rhodesia, which was still a Non-Self-Governing United Kingdom colony. The Sub-Committee's report reflected its profound disappointment at the Administering Power's failure to implement General Assembly resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII), but, at the same time, it expressed a flicker of hope that the United Kingdom might meet African demands and implement the United Nations decisions before it was too late.

240. His delegation was convinced that the time for action had come. The minority settler Government headed by Mr. Field continued to subject the Africans to its tyrannical domination and the settler Premier had intensified his audacious demands for mock independence. Meanwhile, African alarm over the deteriorating situation in Southern Rhodesia had mounted and definite preparations were being made. The question of Southern Rhodesia had been the subject of an extraordinary debate in the Parliament of the Republic of Tanganyika. It had also been discussed at the Conference of Heads of African States and Governments at Addis Ababa.

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The Conference had invited the colonial Powers, and particularly the United Kingdom with regard to Southern Rhodesia, not to transfer the powers and attributes of sovereignty to foreign minority governments imposed on African peoples by the use of force and under cover of racial legislation, and had expressed the view that the transfer of power to settler minorities would amount to a violation of the provisions of General Assembly resolution 1514 (XV). The Addis Ababa Conference had reaffirmed its support for the African nationalists in Southern Rhodesia and had solemnly declared that if power in the Territory were to be usurped by a white minority Government the States members of the Conference would lend their effective moral and practical support to any legitimate measures which the African nationalist leaders might devise for the purpose of recovering such power and restoring it to the African majority. The Conference had undertaken to concert the efforts of its members and to take such measures as the situation demanded against any State according recognition to a foreign minority Government.

241. There had been nothing new in the statement made by the United Kingdom representative in the Committee, and his delegation was disappointed at the attempts made by the Administering Power to represent Mr. Field and his associates as an institution worthy to be called a Government. Mr. Field was a symbol of the forty years in which the European settler minority had been given a free hand by the United Kingdom to dominate, oppress and exploit the Africans, so that the situation in the Territory had not been very different from that prevailing in the fascist Republic of South Africa or in the Portuguese colonies of Angola and Mozambique. The African States and the African nationalists in Southern Rhodesia, as represented by Mr. Nkomo and others, did not recognize the Field Administration. The years of ruthless denial of political and other basic human rights to the millions of Africans in Southern Rhodesia must and would be brought to an immediate end by practical action on the part of all who were committed to the struggle for human freedom and equality everywhere. In that connexion it was worth while noting that the Addis Ababa Conference had invited all national liberation movements to co-ordinate their efforts by establishing common action fronts wherever necessary, so as to strengthen the effectiveness of their struggle and the rational use of the concerted assistance given them, and had established a nine-Power committee, with headquarters at Dar-es-Salaam,

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responsible for harmonizing the assistance from African States and for managing the special fund to be set up for that purpose. Like the other African States, Tanganyika was committed to those plans. The solidarity of the free African States could no longer be mistaken or ignored even by the colonial Powers. More action and victory were bound to follow. The problem of colonialism and racial discrimination must be solved fully without any further delay.

242. The United Nations should endorse the spirit and the decisions of the Addis Ababa Conference. The Committee should continue to keep a vigilant watch over developments in Southern Rhodesia and should help to rally the world to the just struggle of the African peoples against racial discrimination and settler domination and for democratic rights and independence on the basis of the principle of "one man, one vote".

243. The Committee should continue to remind the Administering Power of its obligation to implement the United Nations resolutions on the question of Southern Rhodesia and of the grave consequences of continued denial of legitimate rights to the Africans. There could be no doubt that the African peoples of Southern Rhodesia would soon regain independence and join the ranks of their brothers in a free and independent Africa.

244. Time was running out and the United Kingdom should implement the United Nations resolutions before it was too late to solve the question of Southern Rhodesia by peaceful means. The Committee should be prepared to carry out the Sub-Committee's conclusions and recommendations in accordance with developments, and should keep the question of Southern Rhodesia on its agenda.

245. The representative of the Union of Soviet Socialist Republics explained that in both substance and form his amendment simply repeated the recommendation set forth in the report of the Sub-Committee, with which his delegation was in full agreement. In submitting its recommendation the Sub-Committee had had in mind the danger that the situation might deteriorate and the draft resolution would draw the attention of the Security Council to that danger. The question was, however, whether the Special Committee should not bring it to the attention of the Assembly before the danger materialized. His delegation shared the Sub-Committee's view that at some point the question should be considered by the

General Assembly and it was on that basis that it had introduced its amendment. The United Nations should not wait for bloodshed to occur in Southern Rhodesia but should make a new effort, before the situation deteriorated, to apply the necessary pressure to the United Kingdom and all the other elements on which a peaceful solution depended. Although the Assembly's seventeenth session had decided to keep the question of Southern Rhodesia on its agenda the provisional agenda for the eighteenth session did not include it. He did not mean to imply that the situation must be discussed immediately; the question of the time when it was to be taken up should, of course, be decided in the normal way by the States most closely concerned, which in the opinion of his delegation were the African States. The Special Committee's resolution on Southern Rhodesia should, however, repeat the relevant recommendation of the Sub-Committee, just as had been done in the case of the Sub-Committee's recommendation drawing the attention of the Security Council to the matter.

246. The sponsors of the draft resolution who had been joined by Iran then introduced a revised text.<sup>26/</sup> India subsequently joined them as a co-sponsor.<sup>27/</sup> The operative paragraphs of the revised draft resolution read as follows:

"1. Approves the report of the Sub-Committee on Southern Rhodesia, particularly its conclusions and recommendations, and expresses its appreciation of the work accomplished;

2. Deplores the fact that the United Kingdom Government has ignored the resolutions on Southern Rhodesia of the General Assembly, thus creating an explosive situation in the Non-Self-Governing Territory of Southern Rhodesia;

3. Calls upon the United Kingdom Government:

(a) to abrogate the 1961 Constitution,

(b) to hold without delay a Constitutional Conference in which representatives of all political parties of the Territory will take part with a view to making constitutional arrangements for independence on the basis of universal suffrage including the fixing of the earliest date for independence,

(c) to declare unequivocally that it would not transfer the powers and attributes of sovereignty to any Government constituted under the 1961 Constitution;

4. Recommends that, if developments necessitate and circumstances warrant, a special session of the General Assembly be convened to consider the situation in the Territory; and in any event a separate item entitled 'The Question of Southern Rhodesia' be inscribed on the agenda of the eighteenth regular session of the General Assembly as a matter of high priority and urgency;

<sup>26/</sup> A/AC.109/L.61/Rev.1.

<sup>27/</sup> A/AC.109/L.61/Rev.1/Add.1.



5. Draws the attention of the Security Council to the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia and which constitutes a serious threat to the international peace and security."

247. The Union of Soviet Socialist Republics withdrew its amendment since the revised draft resolution took it into account.

248. The representative of Denmark said that his delegation would abstain in the vote on the revised draft resolution as a whole. Its main reason for doing so was that it did not feel that the text presented a fully balanced and realistic picture of the present situation in Southern Rhodesia as his delegation saw it. For example, operative paragraph 2 deploring "the fact that the United Kingdom Government has ignored the resolutions ... of the General Assembly" was inconsistent with the impression gained by the Sub-Committee that the situation in Southern Rhodesia was a matter of concern to the United Kingdom Government and that, while the latter felt that the situation was not explosive, it nevertheless intended to seek a compromise solution to prevent a possible deterioration.<sup>28/</sup> The United Kingdom representative had said that that was an accurate reflection of his Government's thinking. It was also known that the United Kingdom Government was in communication with the Governments of the Rhodesias concerning .. .. arrangements for a conference.

249. His delegation was aware that there was little prospect of an immediate solution and it regretted that fact. It wondered, however, whether the Committee had paid too little attention to those circles which might be the real obstacle to a satisfactory solution. His delegation was concerned about the present situation in Southern Rhodesia and would like to contribute to the attainment by the Territory of complete and speedy independence with equal rights for all, regardless of race, religion or political convictions. His delegation would therefore be able to vote in favour of operative paragraph 3 (b), although it had no desire to interfere in any way in the forthcoming negotiations. It could also give its support to operative paragraphs 3 (c) and 4.

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<sup>28/</sup> See appendix, para. 42.

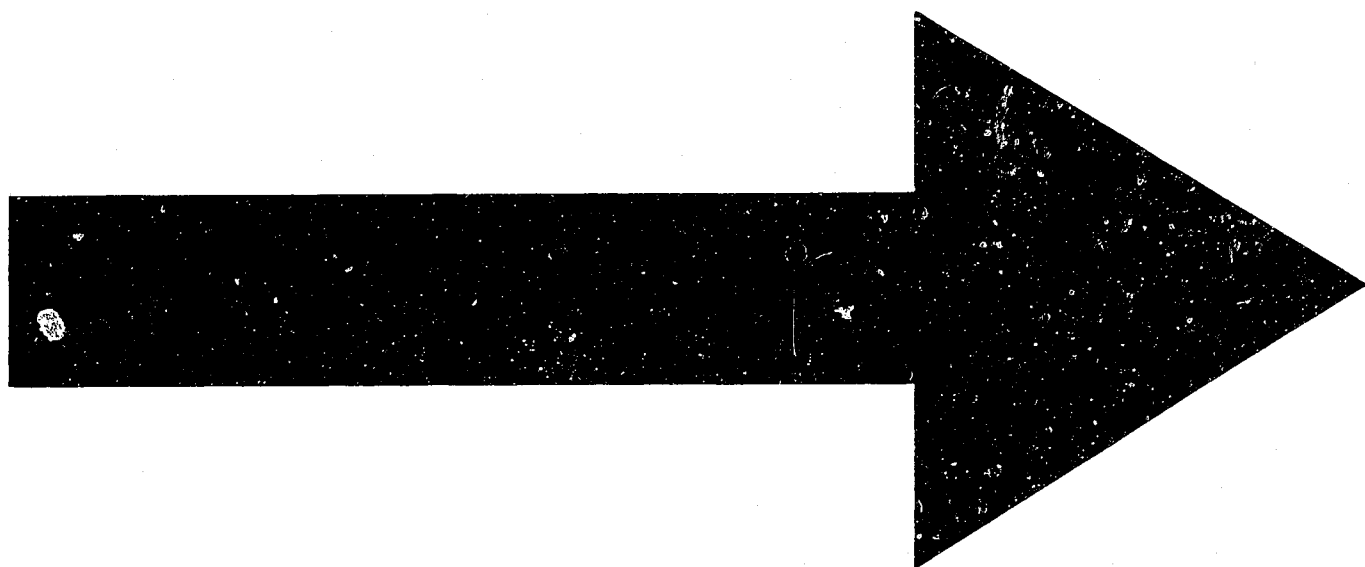
250. His delegation would not object to the attention of the Security Council being drawn to the situation in Southern Rhodesia, although it did not regard that situation as "a serious threat to international peace and security" at the moment. In that connexion he would again refer to the forthcoming negotiations between the United Kingdom and the Central African Federation.

251. The representative of Bulgaria said that his delegation would vote in favour of the revised draft resolution. The acceptance by the sponsors of the amendments suggested by the USSR and Polish representatives had considerably improved the text, which now accurately reflected the conclusions and recommendations in the report of the Sub-Committee on Southern Rhodesia concerning the explosive situation in that Territory.

252. The representative of Australia said that the Committee's best course would be to adopt no resolution at all at present to allow time for the negotiations which were taking place between the United Kingdom and Southern Rhodesian Governments and to let other influences at work within the Commonwealth and elsewhere have their effect. The United Kingdom Government was aware of the seriousness of the problem and was doing its utmost to find an agreed solution. The Prime Minister of his own Government had recently written to the Prime Minister of Southern Rhodesia on the situation in that Territory. The situation was thus not one of rigid immobility but one of forward movement.

253. If, however, a resolution were thought to be absolutely necessary, it should in his delegation's view, have reflected the strong current of agreement among the members of the Committee on the basic elements of the problem. The adoption of a resolution which, while expressing the strong feelings held by certain delegations, would divide the Committee, would have less effect on the authorities in the United Kingdom and in Southern Rhodesia and on the leaders of the ZAPU.

254. The revised draft resolution contained elements with which his delegation entirely agreed. On the other hand, much of its language and some of its ideas went far beyond what Australia could support. In particular, the accusation that the United Kingdom Government had created "an explosive situation" in Southern Rhodesia and had refused to recognize that fact was not supported by the constitutional and practical realities of the situation and by the attitude and actions of the United Kingdom Government. Moreover, under the terms of the Charter, the power to judge what constituted "a serious threat to international



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peace and security" belonged to the Security Council, rather than to the General Assembly or its subordinate committees. Lastly, he felt that the Committee's unity of judgement and purpose was most evident with respect to the issues raised in operative paragraph 3; however, its terms and the timing of the action which the United Kingdom was called upon to take seemed excessive and perhaps unwise.

255. He expressed his delegation's appreciation of the Sub-Committee's balanced, clear and thoughtful account of its discussions in London, and he regretted that the readiness of the sponsors of the draft resolution to seek the views of other interested delegations had produced no agreed course of action or form of words.

256. The representative of Italy said that the Sub-Committee's conversations with the United Kingdom authorities had helped to clarify some aspects of the problem of Southern Rhodesia and to show the complexities of the situation; his delegation therefore considered the Sub-Committee's report a valuable document, although it could not agree with some of its conclusions.

257. In his delegation's view the revised draft resolution made no new contribution to a solution and might prejudice the current negotiations and the impending constitutional conference. He felt that the attempt to condense in a few paragraphs all the data concerning an extremely complicated situation had produced a draft resolution which in some respects did not represent the best means of solving the problem and some of whose provisions might not correspond to the best interests of Southern Rhodesia. For those reasons, his delegation could not vote in favour of the draft resolution. It wished, however, to join the other delegations in appealing to all parties concerned to take advantage of the opportunity provided by the coming constitutional conference and to endeavour to reach a solution of the problem through a common effort of goodwill and mutual compromise.

258. The representative of Sierra Leone replying to the representatives of Denmark and Australia, said that paragraph 42 of the Sub-Committee's report stated that the United Kingdom Government considered the situation in Southern Rhodesia to be a matter of concern but not explosive; the Sub-Committee itself took the view, supported by a number of United Nations resolutions, that the situation was in fact explosive. The current and impending talks which had been mentioned seemed to relate to the break-up of the Federation, and there was no reason to believe

that they would result in the kind of constitutional conference which the United Nations had called for. Thus, the results of those talks were unlikely to be of help in the present situation. The United Nations had previously concluded that so long as the Constitution of 1961 had not been abrogated the situation in Southern Rhodesia would remain explosive and likely to lead to a breach of international peace. The United Kingdom Government had not complied with any of the United Nations requests in the matter. Moreover, the statements and conclusions of the Heads of African States and Governments meeting at Addis Ababa were very relevant to the United Nations consideration of the matter. Therefore, having noted the statements of the parties concerned and having listened carefully to the remarks made in the Committee, he remained convinced that the draft resolution was reasonable, and he appealed to the members of the Committee to support it.

259. The representative of the United States of America said that the wording of operative paragraph 5 and the related preambular paragraph of the revised draft resolution was such that if the draft resolution were adopted as it stood the question of Southern Rhodesia would be placed immediately before the Security Council for its consideration. Since the Council, when it met in July 1963, would have to consider the situation with regard to apartheid and the situation with regard to the Portuguese Territories, he felt that any addition to its tasks should be avoided. He therefore proposed that operative paragraph 5 of the revised draft resolution should be replaced by operative paragraph 6 of the original draft and that the corresponding preambular paragraph should be amended appropriately. If the conference at Victoria Falls should, in fact, prove fruitless, there would be ample time to revert to the wording of the revised draft resolution.

260. The representative of the Union of Soviet Socialist Republics said that the paragraphs of the revised draft resolution to which the United States representative had suggested amendments, had been revised by the sponsors in order to bring them into line with the General Assembly resolutions concerning Southern Rhodesia. The text as revised did not contain anything that was at variance with those resolutions. It merely repeated the General Assembly's findings, which had been reinforced by the discussion in the Committee and by the report of the Sub-Committee on Southern Rhodesia.

261. He agreed with the representative of Sierra Leone that there had been no improvement in the situation in the Territory since the General Assembly had last discussed Southern Rhodesia. The United States representative had urged the Committee not to compound the difficulties facing the United Kingdom Government and Mr. Field in their current talks. In point of fact, however, it was those talks themselves that were compounding the difficulties in Southern Rhodesia. Unfortunately, the aim of the parties to the talks was one that could only lead to a further deterioration of the situation in Southern Rhodesia. Moreover, the main conclusion of the Sub-Committee on Southern Rhodesia, whose report had been endorsed by all the members of the Committee, was that there had been no developments in the Territory to indicate an improvement in the situation.

262. The argument advanced by the United States representative that the wording of the revised draft resolution implied that the Security Council was called upon immediately to take up the matter was, in his view, an over-simplification. In its resolution concerning the Territories under Portuguese administration<sup>29/</sup> the Committee had requested the Security Council to take up the matter. The revised draft resolution on the other hand, drew the attention of the Security Council to the threatening situation in Southern Rhodesia. That that situation was threatening was not in doubt. It was common knowledge that under the Charter the Security Council could and should consider questions where a military situation had arisen. Everybody hoped that, through the efforts of the United Nations, of the African States and of all the countries which sympathized with the cause of the people of Southern Rhodesia, that stage would not be reached. It was, on the other hand, common knowledge that Southern Rhodesia was on the verge of bloodshed.

263. In his view the procedure proposed in the revised draft resolution was very clear. The question of Southern Rhodesia should be considered by the General Assembly either at a special session or, in any event, as a matter of urgency at the regular eighteenth session. The Security Council would take up the matter in the circumstances laid down in the Charter.

264. His delegation appreciated the United States delegation's desire to support the draft resolution. Such support, however, must be based on the recognition

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<sup>29/</sup> A/AC. 109/38.

of the situation as it was. Support was necessary now, when the situation in Southern Rhodesia was threatening. It would be too late when blood had been shed.

265. The Committee was not empowered to change General Assembly decisions and it had no evidence on the basis of which it could express the view that the situation in Southern Rhodesia had improved. His delegation thought that the wording of operative paragraph 5 and of the corresponding eighth preambular paragraph of the revised draft resolution accurately reflected the situation prevailing in Southern Rhodesia and reflected the wording of the relevant General Assembly resolution. It would therefore support the text as it stood.

266. The representative of Uruguay supported the United States suggestion, since the original text of the draft resolution<sup>30/</sup> had been more appropriate to the situation and had shown the spirit of responsibility with which African States always approached events in their continent.

267. The argument advanced in favour of revising the text, namely that the original wording had not been entirely in keeping with the terms of General Assembly resolution 1755 (XVII), was not entirely convincing since that resolution related to a specific situation, i.e. the proclamation of a state of emergency in the Territory. The wording used in the revised draft resolution was not to be found either in General Assembly resolution 1747 (XVI) or in resolution 1760 (XVII) - a text which had referred to a more general situation than resolution 1755 (XVII) and had been adopted later in the session.

268. He felt that the Committee should refrain from referring to a "threat to international peace and security" since that language had a specific meaning under the Charter and, at least in theory, should give rise to immediate action by the Security Council, including coercive measures and, if necessary, the use of armed force. The term "explosive situation" on the other hand, meant that a situation was fraught with danger and might lead to a breach of the peace in the absence of favourable developments. As could be seen from the report of the Sub-Committee on Southern Rhodesia,<sup>31/</sup> the Sub-Committee had not given up all hope that such developments might occur. If the situation did improve, it would not be necessary to call for radical action by the peace-keeping machinery of the

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<sup>30/</sup> A/AC.109/L.61.

<sup>31/</sup> See appendix, para. 52.

United Nations. In the circumstances, and so as not to make an unnecessary appeal to the Charter, he felt that the final step might be delayed.

269. The representative of Chile said that his interpretation of General Assembly resolution 1755 (XVII) differed from that just offered by the Uruguayan representative. The factors which had led to the specific events to which that resolution referred were still present and the situation in Southern Rhodesia remained critical and explosive and contained within itself a threat to peace and security in Africa and in the world. The General Assembly having decided in resolution 1755 (XVII) that the situation "endangers peace and security in Africa and in the world at large", the Committee would be taking a retrograde step if it were to state that that situation was merely a potential threat to international peace and security.

270. At the same time, from the juridical point of view, it was a function of the Security Council to determine the existence of a threat to international peace and security. The General Assembly could also do so, but, in order to avoid any confusion with regard to the competence of the various United Nations organs, it would be best for the Committee clearly to point to the existence of an explosive situation in Southern Rhodesia and leave it to the Security Council to decide what should be done in the circumstances.

271. His delegation believed in solutions based on conciliation. Such solutions had the greatest moral weight and would offer the greatest support to the people of Southern Rhodesia. His delegation thus felt that it would be extremely important that the United States delegation should be able to vote in favour of the draft resolution before the Committee.

272. In all the circumstances the best course would be to delete the phrase "and which constitutes a serious threat to the international peace and security" in operative paragraph 5 of the revised draft resolution. The corresponding phrase could be retained in the eighth preambular paragraph where it merely repeated the language of the second preambular paragraph of General Assembly resolution 1755 (XVII).

273. The representative of Bulgaria said that he fully agreed with the Chilean representative's arguments, though not with his conclusion. The wording of the revised draft resolution should be retained, since it fully corresponded to the situation prevailing in Southern Rhodesia.

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274. With reference to the statement by the United States representative that the Committee should not do anything to compound the difficulties of the parties engaged in the talks on Southern Rhodesia, he felt that the Committee would be helping those interested in the solution of the problem by drawing attention to the extreme gravity of the present situation.

275. The Sub-Committee on Southern Rhodesia had recommended drawing the attention of the Security Council to the deteriorating situation in Southern Rhodesia. The Sub-Committee had thus taken note of the finding in General Assembly resolution 1755 (XVII) that the situation "constitutes a denial of political rights and endangers peace and security in Africa and in the world at large". The Committee should not retreat from the Sub-Committee's findings and conclusions. The revised draft resolution indicated the seriousness of the crisis in the Territory. That crisis should be brought to the attention of the appropriate organs so that immediate steps would be taken.

276. The sponsors agreed to amend the last paragraph of the revised text to read as follows: "Draws the attention of the Security Council to the deterioration of the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia."

277. The revised joint draft resolution, as further revised orally, was adopted at the 177th meeting on 20 June 1963 by a roll-call vote of 19 to none, with 4 abstentions, as follows:

In favour: Bulgaria, Cambodia, Chile, Ethiopia, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Australia, Denmark, Italy, United States of America.

Not participating: United Kingdom of Great Britain and Northern Ireland.

278. The representative of the United Kingdom said that his delegation had not participated in the vote for reasons which had been explained in the past. He regretted that the Committee had decided to adopt a resolution which ignored the steps that his Government had taken and was taking in pursuit of a solution

to the complicated problem of Southern Rhodesia. In his view the resolution did not fully reflect the spirit of the report of the Sub-Committee on Southern Rhodesia on its discussions with the United Kingdom Government.

279. On 18 June, Mr. Butler, the Minister responsible for Central African Affairs, had informed the House of Commons that since his statement in the House on 21 May discussions had taken place in London with the Southern Rhodesian Government and there had been a further exchange of letters. The position had not yet been reached which would enable the United Kingdom Government to arrive at a decision on the question of Southern Rhodesia's independence. Contact was being maintained with the Government of Southern Rhodesia. The Federal Government and the Governments of Southern and Northern Rhodesia had agreed to attend a conference on the orderly dissolution of the Federation and the consequential problems involved, which would begin at Victoria Falls on 28 June.

280. It could thus be seen that the process of consultation and negotiation was continuing. In the view of his delegation, the adoption by the Committee of a resolution of the kind approved would only serve to complicate the issues. In particular, his delegation found it difficult to understand why the Committee should have once again alleged that the situation in Southern Rhodesia was explosive. That allegation was untrue and could not possibly assist in the constructive solution of the problem.

281. The representative of Ethiopia said that in the understanding of his delegation, the Committee, by adopting the resolution on Southern Rhodesia, had reaffirmed the General Assembly's finding in resolution 1755 (XVII) that there was a threat to international peace in Southern Rhodesia. His delegation felt that world peace was indivisible and that a threat to peace present in Southern Rhodesia was a threat to the peace of the world. His understanding of operative paragraph 5 was that the Committee had found that the situation in Southern Rhodesia had deteriorated further since it had last been considered by the Committee and by the General Assembly.

282. The resolution<sup>32/</sup> thus adopted by the Special Committee, on the question of Southern Rhodesia, reads as follows:

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<sup>32/</sup> A/AC.109/45.

"The Special Committee,

Having considered the question of Southern Rhodesia,

Recalling the task entrusted to it by the General Assembly in resolutions 1654 (XVI) of 27 November 1961 and 1810 (XVII) of 17 December 1962, in particular, operative paragraph 5 of resolution 1514 (XV) of 14 December 1960 concerning the immediate steps to be taken with a view to the transfer of all powers to the peoples of the territories which have not attained independence,

Recalling General Assembly resolutions 1747 (XVI) of 28 June 1962 and 1760 (XVII) of 31 October 1962, and in particular, paragraph 3 of resolution 1760 (XVII),

Bearing in mind the decisions taken by the Conference of Heads of African States and Governments held in May 1963 at Addis Ababa concerning decolonization, particularly those relating to Southern Rhodesia,

Reminding the United Kingdom Government of the responsibilities which it bears as Administering Power of the Non-Self-Governing Territory of Southern Rhodesia,

Regretting that the United Kingdom Government continues to deny to the mass of the African population their basic political rights,

Regretting also that the United Kingdom Government refuses to recognize the explosive nature of the situation prevailing in that Territory,

Mindful of the aggravation of the situation in Southern Rhodesia which situation constitutes a threat to international peace and security,

Being aware that the settler minority government of Southern Rhodesia has requested the United Kingdom Government to grant independence to the Territory under the 1961 Constitution the abrogation of which has been requested by the General Assembly of the United Nations,

Having considered the report of the Sub-Committee on Southern Rhodesia, 33/

Having heard the representative of the Administering Power,

1. Approves the report of the Sub-Committee on Southern Rhodesia, particularly its conclusions and recommendations, and expresses its appreciation of the work accomplished;

2. Deplores the fact that the United Kingdom Government has ignored the resolutions on Southern Rhodesia of the General Assembly, thus creating an explosive situation in the Non-Self-Governing Territory of Southern Rhodesia;

3. Calls upon the United Kingdom Government:

(a) to abrogate the 1961 Constitution,

(b) to hold without delay a Constitutional Conference in which representatives of all political parties of the Territory will take part with a view to making constitutional arrangements for independence on the basis of universal suffrage including the fixing of the earliest date for independence,

(c) to declare unequivocally that it would not transfer the powers and attributes of sovereignty to any Government constituted under the 1961 Constitution;

4. Recommends that, if developments necessitate and circumstances warrant, a special session of the General Assembly be convened to consider the situation in the Territory; and in any event a separate item entitled 'The Question of Southern Rhodesia' be inscribed on the agenda of the eighteenth regular session of the General Assembly as a matter of high priority and urgency;

5. Draws the attention of the Security Council to the deterioration of the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia."

283. On 21 June 1963 the text of this resolution was transmitted to the United Kingdom Government, the President of the fourth special session of the General Assembly and the President of the Security Council.<sup>34/</sup>

APPENDIX

REPORT OF THE SUB-COMMITTEE ON SOUTHERN RHODESIA<sup>a/</sup>

Rapporteur: Mr. Najmuddine Rifai (Syria)

INTRODUCTION

1. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of Southern Rhodesia at its 130th to 140th, 143rd, 144th and 146th meetings held during 15 March to 10 April 1963. The discussions on this question were held in the context of General Assembly resolutions 1747 (XVI) of 28 June 1962, 1755 (XVII) of 12 October 1962 and 1760 (XVII) of 31 October 1962. It also had before it a report<sup>b/</sup> dated 19 December 1962 submitted by the Secretary-General in terms of operative paragraph 4 of resolution 1760 (XVII).

2. In considering this question, the Special Committee was aware, among other things, of the following developments in Southern Rhodesia since the adoption by the General Assembly of resolution 1760 (XVII) on 31 October 1962:

- (a) The Southern Rhodesian Constitution of 6 December 1961 came fully into force on 1 November 1962;
- (b) The first elections for the Legislative Assembly under the new Constitution were held on 14 December 1962;
- (c) In the December elections, the Rhodesian Front Party, led by Mr. Winston Field, won a majority of thirty-five seats in the Legislative Assembly as against twenty-nine seats won by the United Federal Party, led by the then Prime Minister Sir Edgar E. Whitehead and the remaining one seat by an independent candidate;
- (d) The two African nationalist parties, the Zimbabwe African Peoples Union (ZAPU) and the Pan-African Socialist Union (PASU) boycotted both the registration and the elections;
- (e) On 17 December 1962, a new Government was formed under the leadership of Mr. Winston Field as Prime Minister;

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<sup>a/</sup> Previously issued under the symbol A/AC.109/L.53.

<sup>b/</sup> A/AC.109/33.

(f) The new Government initiated a number of repressive legislative measures, such as "The Law and Order (Maintenance) Amendment Act, 1963", "The Unlawful Organization Amendment Act, 1963", and "The Preservation of Constitutional Government Act, 1963".

3. At the Special Committee's 135th and 136th meetings Mr. Joshua Nkomo, National President of the Zimbabwe African Peoples Union (ZAPU), appeared as a petitioner and provided it with information on the latest developments in Southern Rhodesia. In his statement he requested the Special Committee to send a sub-committee to London to convey to the United Kingdom Government the seriousness of the situation in Southern Rhodesia and to impress upon them the necessity for taking immediate action.
4. At the conclusion of the general debate in the Special Committee on 28 March, the Chairman stated the consensus of the Special Committee on the question of Southern Rhodesia as follows:

"The Special Committee is deeply concerned over the explosive situation that exists in Southern Rhodesia and considers in the light of the petition made by Mr. Joshua Nkomo that if immediate measures are not taken, the evolution of the present situation in Southern Rhodesia may in the very near future constitute a real threat to peace and security in the world.

The Special Committee is also disturbed over the fact that the resolutions adopted by the General Assembly, and referring to Southern Rhodesia, have not been implemented.

The Special Committee therefore, in its endeavours to find a peaceful settlement to the painful situation obtaining in Southern Rhodesia, decides at the present stage of its debate to set up a sub-committee which will travel to London. The terms of reference of the Sub-Committee will be to draw the attention of the Government of the United Kingdom to the explosive situation obtaining in Southern Rhodesia and to undertake conversations with the Government of the United Kingdom in order to obtain the implementation of the resolutions adopted by the General Assembly on the question of Southern Rhodesia.

The Sub-Committee will therefore have to leave for London immediately in order to ensure that solution be found to the question of Southern Rhodesia in time to allow a report to be made to the Special Committee as soon as possible, at the latest by 15 April 1963. The Sub-Committee will be composed of delegations determined by the Chairman.

"It will, of course, be understood that this is only an interim measure and that on the basis of the report to be rendered by the Sub-Committee, and in the light of what results the Sub-Committee may achieve in London, the Special Committee may weigh any other solution or proposal that it may deem appropriate in the matter of Southern Rhodesia."

5. On 2 April, the representative of the United Kingdom informed the Special Committee that his Government was willing to receive the representatives of the Special Committee and to undertake conversations with them on the question of Southern Rhodesia. With regard to the Sub-Committee's visit to London, he stated that the Ministers concerned had been engaged for some time on discussions concerning the future of the Central African Federation and that they would be heavily engaged with these and other matters until Easter. His Government considered, therefore, that it should be possible to receive the Sub-Committee during the week beginning 22 April.
6. The Special Committee considered that the proposed date was not in keeping with the requirements of the situation in Southern Rhodesia and therefore requested the United Kingdom Government to reconsider it and to receive the Sub-Committee on an earlier date.
7. At the 143rd meeting on 5 April, the representative of the United Kingdom informed the Special Committee that his Government had given the fullest consideration to its request. However, owing to the heavy commitments of the Minister primarily concerned, it had not been possible to arrange matters so as to permit the Sub-Committee to be received at a suitable level earlier than the date of 22 April originally suggested.
8. At the same meeting, the representative of Ethiopia submitted a draft resolution<sup>c/</sup> which was subsequently co-sponsored by Tanganyika.<sup>d/</sup> At the 144th meeting on 8 April, the joint draft resolution was adopted by the Special Committee by a roll-call vote of 19 to none, with 4 abstentions. The text of the resolution is as follows:

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<sup>c/</sup> A/AC.109/L.47.

<sup>d/</sup> A/AC.109/L.47/Add.1.

"The Special Committee,

Having considered the question of Southern Rhodesia,

Recalling all the resolutions of the General Assembly relative to Southern Rhodesia,

Having heard the statement of the representative of the Administering Power,

Having heard the statement of the petitioner, Mr. Joshua Nkomo, President of the Zimbabwe African Peoples Union (ZAPU),

Recalling the consensus of the Special Committee of 28 March 1963,

Considering the implications of the imminent dissolution of the Federation of Central Africa,

Considering the request formulated by the Minority Government of Mr. Winston Field for immediate independence and the grave implications of the request,

1. Regrets that the United Kingdom Government could not receive the Sub-Committee before 15 April 1963, in accordance with the spirit of the consensus of the Special Committee;
2. Accepts the date of 22 April 1963 proposed by the Government of the Administering Power for opening conversations with the Sub-Committee on the situation in Southern Rhodesia;
3. Appeals solemnly to the Government of the United Kingdom to apply all the resolutions of the General Assembly relative to Southern Rhodesia and to take all measures to prevent a deterioration of the already explosive situation in Southern Rhodesia;
4. Requests the Sub-Committee to submit as a matter of great urgency a report to the Special Committee;
5. Decides to examine the question of Southern Rhodesia in the light of the report of the Sub-Committee;
6. Requests the Secretary-General to transmit this resolution immediately to the Government of the United Kingdom."
9. At the 146th meeting, the Chairman informed the Special Committee that he had nominated the following as members of the Sub-Committee on Southern Rhodesia: Mali (Chairman), Uruguay (Vice-Chairman), Syria (Rapporteur), Sierra Leone, Tanganyika and Tunisia.



10. The Sub-Committee was composed of the following representatives:
- Mr. Sori Coulibaly (Mali), Chairman
  - Mr. Carlos Maria Velazquez (Uruguay), Vice-Chairman
  - Mr. Najmuddine Rifai (Syria), Rapporteur
  - Mr. Gershon B.O. Collier (Sierra Leone)
  - Chief Erasto A.M. Mang'enya M.P. (Tanganyika)
  - Mr. Taieb Slim (Tunisia)
11. The Sub-Committee visited London from 20 April to 26 April. It was accompanied by a secretariat composed of Mr. M.E. Chacko, Secretary of the Special Committee, Mr. J.L. Lewis, Political Affairs Officer, and Mr. C. Mertvagos, Interpreter.
12. During its stay in London, the Sub-Committee held three meetings with representatives of the United Kingdom Government. At the first and third meetings held at the Treasury on 22 and 24 April, the following were present:
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| The Right Honourable<br>R.A. Butler, M.P. | First Secretary of State and<br>Minister for Central African Affairs |
| Mr. M.R. Metcalf                          | Central African Office   |
| Mr. S.F. ST. C. Duncan                    | "  |
| Mr. C.C.W. Adams                          | "  |
| Mr. A.D. Wilson                           | Foreign Office   |
| Mr. C.E. King                             | "  |
| Mr. M.J. Lamb (Observer)                  | High Commission for Rhodesia<br>and Nyasaland                        |

At the second meeting, held at the Foreign Office on 23 April, the following were present:

The Right Honourable The Earl of Home	Secretary of State for Foreign Affairs
The Right Honourable Duncan Sandys, M.P.	Secretary of State for Commonwealth Relations and for the Colonies
Mr. Peter Smithers, M.P.	Under Secretary of State for Foreign Affairs
Sir John Martin	Colonial Office
Mr. A.D. Wilson	Foreign Office
Mr. C.E. King	"
Mr. S. Falle	"

13. The Sub-Committee wishes to express its gratitude to the Ministers of Her Majesty's Government and the other officials of the United Kingdom for the courteous reception accorded to it.

14. The Sub-Committee wishes to express its gratitude to Mr. M.E. Chacko, Secretary of the Special Committee and also to Mr. J.L. Lewis and Mr. C. Mertvagos for the very conscientious and efficient manner in which they discharged their duties. During its stay in London, the Sub-Committee was greatly assisted by Mr. Jan G. Lindstrom, Director of the United Nations Information Centre and by his colleagues, to whom the Sub-Committee wishes to express its deep appreciation.

15. This report was unanimously adopted by the Sub-Committee on 8 May 1963.

DISCUSSIONS WITH THE UNITED KINGDOM GOVERNMENT

16. At the beginning of the discussions, the Sub-Committee explained to the Ministers the purpose of its visit to London.

17. The Sub-Committee recalled that the question of Southern Rhodesia had been discussed last year with the Ministers of the United Kingdom Government by a United Nations Sub-Committee and that following that Sub-Committee's report, the General Assembly had considered the question at its resumed sixteenth session in June 1962, when, on 28 June 1962, it had adopted resolution 1747 (XVI). The question had again been considered by the Assembly at its seventeenth session, when it adopted two resolutions, resolution 1755 (XVII) of 12 October 1962 and 1760 (XVII) of 31 October 1962, the contents of which were familiar to everyone.

18. The Sub-Committee stated that it was a matter for deep regret that the resolutions of the General Assembly had not been implemented by the United Kingdom. General elections under the new constitution had been held in December 1962 as a result of which the Rhodesian Front Party, led by Mr. Winston Field had gained control of the Government of Southern Rhodesia. Subsequently, various repressive legislative measures had been initiated by the new Government which were detrimental to the interests of the majority of the population of the territory.

19. The Sub-Committee informed the Ministers that at its present session, the Special Committee of Twenty-four had discussed the situation in Southern Rhodesia in the light of recent developments and had heard Mr. Joshua Nkomo, the nationalist leader from Southern Rhodesia. The Special Committee was almost unanimous in recognizing the seriousness of the present situation there and of the need for taking positive steps with a view to arresting this rapidly deteriorating situation.

20. The Sub-Committee then outlined the steps taken by the Special Committee which had led to its establishment and drew attention to the consensus made by the Chairman at the conclusion of the debate. This consensus reflected the fact that the Special Committee was extremely concerned with the situation in Southern Rhodesia and with the necessity of urgently finding a solution which would take into account the wishes of the great majority of the population; for that reason it had decided to send the Sub-Committee to London for conversations with the United Kingdom Government.

21. The Sub-Committee recalled that the Sub-Committee of the Special Committee of Seventeen, which visited London in 1962, had stressed the need for not proceeding with the 1961 constitution for Southern Rhodesia and for the drawing up of a new constitution providing for adequate representation for all sections of the population in the territory's Legislature, on the basis of universal adult franchise. On that occasion, it had been pointed out by the United Kingdom Government that the 1961 constitution would lead to an African majority in the Legislature in eight to twelve years, and further that the constitutional safeguards entrenched in the new constitution were adequate and practically more effective and valid for the African people than the reserve powers.<sup>e/</sup>

22. However, events following the coming into force of the constitution on 1 November 1962, such as the results of the elections, the attitude of the new Southern Rhodesian Government towards African representation and the introduction of a number of repressive legislative measures, had disproved the assumptions made by the United Kingdom Government last year. The Sub-Committee expressed the hope that, in the light of the recent events and of the concern felt by the United Nations, the United Kingdom would be willing to revise their previous thinking concerning Southern Rhodesia, and to take appropriate measures with a view to providing for a Government representing the entire population of Southern Rhodesia on the basis of universal adult franchise.

23. The Sub-Committee stated that it was aware of the United Kingdom's position that it was unable to intervene in the internal affairs of Southern Rhodesia. However, this position had not been accepted by the United Nations which by General Assembly resolutions 1747 (XVI) and 1760 (XVII) had affirmed clearly that Southern Rhodesia was a Non-Self-Governing Territory. The United Kingdom was fully responsible as the Administering Power for that Territory. It bore a definite responsibility regarding the destinies of the people of Southern Rhodesia. The resolutions of the General Assembly had requested the United Kingdom, among other things, to convene a constitutional conference with the full participation of representatives of all political parties for the purpose of formulating a constitution in place of the 1961 constitution, which would ensure the rights of the majority of the people on the basis of "one man one vote". But this had not been done.

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<sup>e/</sup> A/5124, annex I, paras. 40-41.

24. The Sub-Committee pointed out that even if the United Nations did accept the United Kingdom thesis that it had no power to intervene, because of a convention, the question that still arose was whether the United Kingdom Government, in order to uphold a convention and contrary to all principles of justice and democracy, should ignore the legitimate rights of three and a half million Africans.

25. In response to the invitation by the Sub-Committee to hear the views of the United Kingdom Government concerning any future action they were proposing to take to solve the problem of Southern Rhodesia in the light of the statements made and the questions put by the members of the Sub-Committee, the Ministers proceeded to explain the position of the United Kingdom Government.

26. With regard to the constitutional position of the United Kingdom Government in relation to Southern Rhodesia, the Ministers reiterated the statements previously made on this matter by them and their representatives. They regretted that the United Nations had rejected their views on the constitutional position, under which Southern Rhodesia had enjoyed control of its own internal affairs for forty years. That was not according to them, simply a legalistic or a theoretical point of view, but represented the realities of the situation. They pointed out that the United Kingdom Government retained only a residual responsibility for Southern Rhodesia's external relations, but that did not mean that the United Kingdom was responsible for the internal affairs of Southern Rhodesia.

27. The United Kingdom Government stated that they had no power to intervene in the internal affairs of Southern Rhodesia either constitutionally or physically and they could not enforce their will even if they wished to do so. They added that their only power was that of persuasion, discussion and representation with and to the Southern Rhodesian Government, and the United Nations therefore must rely on the United Kingdom Government using her influence rather than actively intervening.

28. As regards the 1961 convention, the Ministers stated that, had the nationalists stood in the elections, they would now be holding at least 15 seats, and probably 16 or 17, and they would have been holding a position of balance between the other parties in the legislature. Therefore the Ministers

felt that it was most unfortunate that Africans had not stood for election and taken advantage of the facilities available to them under the constitution, however much they might regret the extent of those facilities.

29. The Ministers pointed out that it would require only 8 per cent of the adult African population to qualify for the A roll to outnumber the European voters and command the elections. It was impossible to give a date on which this would happen, for this depended entirely on the prosperity and stability of the country, because that automatically would increase the number of Africans eligible to vote. Thus they considered that there were opportunities for Africans under the present constitution to take advantage of the franchise and to occupy a considerable number of seats. Furthermore, they stated that the constitution carried within it powers of amendment and it required only a two-thirds majority in the Legislative Assembly to alter the franchise.

30. In regard to the safeguarding of African rights under the new constitution the Sub-Committee's attention was directed to the Declaration of Rights in the constitution and to the Constitutional Council. It was pointed out that the latter watches over the Declaration of Rights, that it had a non-European majority including at least one active African nationalist and that it was setting about its duties in a conscientious way in examining legislation and orders. In addition the Declaration was enforceable in the courts and there was provision for appeal to the Privy Council.

31. With reference to the demand for the convening of a constitutional conference to formulate a new constitution, the United Kingdom Government pointed out that the previous conference was convened at the express wish of the Southern Rhodesian Government. According to them, even if the United Kingdom contemplated convening another constitutional conference, they could not force the Southern Rhodesian Government to attend it nor could they introduce a new constitution without the Southern Rhodesian Government's agreement and co-operation. Moreover, the United Kingdom Government had no means of imposing a new constitution on Southern Rhodesia. They considered that reference to the example of other colonial dependencies, where constitutions were suspended, ignored the complete difference between these dependencies and Southern Rhodesia. In other Territories the United Kingdom Government was in a position to enforce their decisions, but

there was no constitutional means by which they could do so in Southern Rhodesia. The Southern Rhodesian constitution carried within it powers of amendment but the United Kingdom Government stated that they had no indication yet whether the Southern Rhodesian Government proposed to make any amendments to it.

32. With reference to the recent demand for independence by the Southern Rhodesian Government, the Ministers drew the attention of the Sub-Committee to the correspondence between the two Governments, which had been published as a White Paper<sup>f/</sup> and two statements<sup>g/</sup> made in Parliament by Mr. Butler, Minister for Central African Affairs, on 1 April and 11 April 1963. It was stated that the White Paper was the basic document on this subject. In the United Kingdom's letter to Mr. Field which appears in that document, it is stated that:

"In any case Her Majesty's Government, in accordance with normal precedent, would expect to convene a Conference to discuss financial, defence, constitutional and other matters, which always have to be settled before self-governing dependencies are granted independence."

33. In answer to a question by the Sub-Committee as to whether the conference referred to in the White Paper was the normal precedent to independence or whether it was a special constitutional conference, the Ministers explained that it would be the normal discussion which preceded independence. There were, of course, matters of every sort - financial, defence, and constitutional which arose on the occasion of a country becoming independent and severing its links with the United Kingdom. In the case of Southern Rhodesia, however, they said that its links with the United Kingdom had been rather different from the ordinary colonial dependency. It had a self-governing constitution for forty years, and had many independent characteristics in its constitution which related, among other things, to defence. Also, before it had become a party to the Federation, it had not been in receipt of normal financial grants from the United Kingdom; the only financial assistance which had ever been afforded to Southern Rhodesia had not been on the normal colonial pattern, but had taken the form of loan monies. They stressed that there was a very special relationship

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<sup>f/</sup> Cmnd 2000, see annex C.

<sup>g/</sup> See annexes A and B.

between Southern Rhodesia and the United Kingdom, which had become entrenched by forty years of self-government, and this made the position rather different from that of almost any other overseas dependency.

34. In answer to another question by the Sub-Committee as to whether the United Kingdom intended calling a constitutional conference other than the normal independence conference to discuss a new constitution acceptable to the majority of the people, the Ministers pointed out that they had not contemplated a conference other than that mentioned in the White Paper. It was also pointed out that, in accordance with the statement made in Parliament on 11 April 1963, if there were a conference prior to independence, the United Kingdom Government would feel free to raise any matter which they thought fit.

35. In reply to a further question by the Sub-Committee as to whether it was contemplated that the proposed conference would be between the Government of the United Kingdom and the present Government of Mr. Winston Field, and whether representatives of the African Nationalist parties would be invited, the Ministers stated that the conference would be between the Governments. They could not go further than that at present, since all these matters were at present the subject of negotiation with the Southern Rhodesian Government.

36. In answer to a question by the Sub-Committee, it was stated that, while the objectives of the United Kingdom and the United Nations were similar in that none wished to see a difficult or explosive situation arise in Southern Rhodesia, a difference persisted in the belief by the United Nations that the United Kingdom as Administering Power, had the power of intervention. In respect to a question as to how the United Kingdom Government thought the United Nations should proceed toward their goal, the Ministers answered that the United Nations must rely on Her Majesty's Government using her influence rather than actively intervening.

37. The Ministers stated that they could not agree that the situation in Southern Rhodesia was at present explosive. They felt a compromise was the only solution to the problem of Southern Rhodesia and that force would not accomplish this. They pointed out that the Southern Rhodesian Government had the power and was quite capable of maintaining law and order if they wished to do so, and they would do so with much greater energy if they felt threatened.



There was thus no possibility of the present Government being overthrown by force. Therefore they believed that a solution would have to be found by agreement on a compromise which would not be a complete victory for one or the other, but one which would produce an advance in the constitution with an African majority quicker than the Southern Rhodesian Government were planning, but less quickly than the African nationalists were arguing for. They felt that there was hope for a solution if agreement on this basis could be reached, and believed that there was a chance of doing so.

38. The Sub-Committee asked whether the United Kingdom Government would be in a position to make a declaration to the effect that steps would be taken for the calling of a constitutional conference of all the parties concerned in Southern Rhodesia without delay for the purpose of drawing up a new constitution; and that the United Kingdom would not agree to independence for Southern Rhodesia until a new constitution acceptable to all the people of Southern Rhodesia was drawn up and put into effect. It was stated in reply concerning the calling of a constitutional conference that the United Kingdom Government could not intervene in the internal affairs of Southern Rhodesia. In regard to the granting of independence to Southern Rhodesia the Sub-Committee was informed that the two Governments were now engaged in discussions and that it would not be possible to say what the final view of the United Kingdom Government would be on this point.

39. Finally, the Ministers stated that the Sub-Committee might wish to maintain contact with them through the United Kingdom delegation in New York. They expressed the hope that the Sub-Committee would respect the sincerity of their views as much as it would understand the limitations on the United Kingdom's power. They added that the fact that the United Kingdom Government was closely in touch with the Southern Rhodesian Government at the moment might give the Sub-Committee confidence that the United Kingdom Government were treating the matter as one of the utmost seriousness.

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## CONCLUSIONS

40. The United Kingdom Government informed the Sub-Committee that they continue to maintain that they have no power to intervene in the internal affairs of Southern Rhodesia, since the Territory has enjoyed control of its internal affairs since 1923. It is not necessary for the Sub-Committee to go into a discussion of this point since it was considered in detail by the Sub-Committee of the Special Committee of Seventeen which visited London in 1962, by the Special Committee of Seventeen and by the General Assembly at its resumed sixteenth session in June 1962 and at its seventeenth session. So far as the United Nations is concerned, the question has been determined by the General Assembly, when by resolution 1747 (XVI), it affirmed that Southern Rhodesia is a Non-Self-Governing Territory within the meaning of Chapter XI of the United Nations Charter. This decision was reaffirmed by the General Assembly in resolution 1760 (XVII).

41. From the discussions it had with the Ministers, the Sub-Committee noted that the United Kingdom had no plans for calling a constitutional conference, with the full participation of representatives of all political parties for the purpose of formulating a new constitution for Southern Rhodesia which would ensure the rights of the majority of the people on the basis of "one man one vote" as called for in General Assembly resolutions 1747 (XVI) and 1760 (XVII).

42. The Sub-Committee gained the impression, however, that the situation in Southern Rhodesia is a matter of concern to the United Kingdom Government and that while they feel that it is not explosive, nevertheless they intend to seek a compromise solution to prevent a possible deterioration in that situation. The Sub-Committee understood that any such compromise solution would be aimed at widening the franchise but not in a way desired by the Africans nor according to the terms of the General Assembly resolutions. The United Kingdom hope to achieve this objective by means of persuasion which, they maintain, is the only power they have with the Government of Southern Rhodesia.

43. The Sub-Committee believes that while no objection could be raised against the use of persuasion to reach a satisfactory solution so long as it recognizes the legitimate inalienable rights of all the inhabitants of the territory in conformity with all the principles enshrined in the Declaration on the granting of independence to colonial countries and peoples, it doubts that mere persuasion would secure that objective.

44. It is important to note in this connexion that the practical steps that the United Kingdom Government are contemplating in order to seek the compromise solution are within the context of the demand for independence by the new Southern Rhodesian Government. The Government of Southern Rhodesia have submitted a formal application for full independence to be granted to Southern Rhodesia. The United Kingdom Government in reply have stated that in accordance with normal precedent they "would expect to convene a Conference to discuss financial, defence, constitutional and other matters, which always have to be settled before self-governing dependencies are granted Independence". The Ministers made it clear to the Sub-Committee, however, that this would not be a constitutional conference but a pre-independence conference which would also discuss constitutional matters among other questions. The United Kingdom Government could not go any further than stating that at this conference they would be free to raise any matter which they thought fit. Moreover, the Sub-Committee was told that this conference would be held between the Governments. Thus, at present, the Sub-Committee has no knowledge of any proposal to provide for the participation at the proposed conference of representatives of the 3.5 million African people of Southern Rhodesia.

45. Considering the context in which the conference is proposed to be held, namely the demand for independence by the Southern Rhodesian Government, the declared policies and programmes of that Government, the position of the United Kingdom Government that no change in the Southern Rhodesian constitution can be made without the agreement of the Southern Rhodesian Government and the fact that the participation of the party principally concerned, namely the African people, is not provided for at the conference, the Sub-Committee does not believe that the conference would succeed in producing a solution which would secure the objectives of the General Assembly resolutions.

46. The Sub-Committee considers that the United Kingdom Government is placing undue emphasis on a convention, thereby placing the interests of the indigenous people of the Territory at the mercy of a minority Government. In the view of the Sub-Committee, this position is contrary to the principles of the United Nations Charter, the Declaration of Human Rights, the Declaration on the granting of independence to colonial countries and peoples and the principles on which the United Kingdom Government itself are based.

47. As was pointed out by the 1962 Sub-Committee, Southern Rhodesia was granted the so-called self-government without any consultation of the indigenous people of Southern Rhodesia. This in itself was not justifiable. Now, to argue that the United Kingdom cannot do anything to establish the legitimate rights of the people of Southern Rhodesia amounts to perpetuating a wrong that was done forty years ago.

48. The Sub-Committee would like to point out that there are examples in the colonial history of the United Kingdom where it has intervened with force to implement its decisions. Very often this had been done in the name of protecting the interests of minority groups. In the case of Southern Rhodesia, the situation is the reverse. It calls for the protection of the interests of a majority against those of a minority - the majority being the indigenous inhabitants. It is a matter for regret that the United Kingdom takes the position that they cannot intervene in the interests of the African people. The Sub-Committee believes that, if the United Kingdom wants to intervene in favour of the African people, it has the means to do so.

49. It has been said that the Government of Southern Rhodesia will declare its independence, if the United Kingdom does not agree to grant independence to that Government. The Sub-Committee does not think that such threats should deter the United Kingdom from taking the proper course of action in order to find a just solution to the problem. Any move of this kind by the Southern Rhodesian Government would involve a violation of the constitution. If this contingency should arise, the United Kingdom as the Administering Power should be able to handle it and the Sub-Committee believes that they can do so if there is the will for it.

50. The Sub-Committee is of the opinion that the present situation in Southern Rhodesia demands that the United Kingdom, consistent with its obligations to protect the interests of the majority of the Territory's inhabitants, should take a more direct and positive position concerning future action. It believes that the most appropriate course, and one which would produce a just solution, is to call a conference of representatives of all parties concerned to draw up a new constitution based on universal adult franchise. In calling such a conference, it should be made clear to the present minority Government of Southern Rhodesia that there is no question of granting independence until a representative Government is established there.

51. The Sub-Committee noted that the Ministers could not provide certain clarifications sought by it because the United Kingdom Government was still engaged in discussions with the Southern Rhodesian Government. However, they asked the Sub-Committee to keep contact with them through the Permanent Mission in New York.

52. As the Special Committee has already recognized, the situation in Southern Rhodesia is one of urgency and importance. The Sub-Committee believes that there would be serious repercussions if the present stalemate is allowed to continue. Therefore, in the absence of any favourable developments in the immediate future, the Sub-Committee recommends that the Special Committee should consider ways and means of dealing with the question on an urgent basis. It believes that such means might include:

1. Consideration of the question of Southern Rhodesia at a special session of the General Assembly;
2. Drawing the attention of the Security Council to the deteriorating situation in Southern Rhodesia;
3. Requesting the Secretary-General to draw the attention of the United Kingdom to the seriousness of the situation and to continue to lend his good offices in accordance with the mandate given to him by the General Assembly in paragraph 4 of resolution 1760 (XVII).

ANNEX A

STATEMENT MADE BY THE FIRST SECRETARY OF STATE, MR. R.A. BUTLER,  
IN THE HOUSE OF COMMONS ON 1 APRIL 1963

This is my first opportunity of informing the House about the talks on Central Africa which, as the House will be aware, were concluded last Friday afternoon. The object of these talks was to find a basis on which a conference might later be held.

At the outset, I should make it clear that Her Majesty's Government took no decision on these complex matters until all the Governments concerned had had an opportunity to put forward their views. In the light of the views expressed it was necessary for Her Majesty's Government to consider what was the best course to pursue in the interests of all concerned. Her Majesty's Government have accepted that none of the territories can be kept in the Federation against its will, and they have, therefore, accepted the principle that any territory which so wishes must be allowed to secede.

Her Majesty's Government are convinced that this decision was essential before further progress could be made towards their declared objective of policy in Central Africa, that is to say, the evolution of an effective relationship between the territories which is acceptable to each of them.

Because that is their objective, Her Majesty's Government have also clearly stated that they consider it necessary that, before any further changes are made, there should be renewed discussion in Africa, not only on the transitional arrangements required but also on the broad lines of a new relationship.

I have this morning received a letter from the Prime Minister of Southern Rhodesia asking for certain assurances about the future granting of independence to Southern Rhodesia. This will require close consideration by Her Majesty's Government and I cannot at present take the matter further. I will, however, keep the House informed of any developments that may occur.

ANNEX B

STATEMENT BY THE FIRST SECRETARY OF STATE, MR. R.A. BUTLER,  
IN THE HOUSE OF COMMONS ON 11 APRIL 1963, ON INDEPENDENCE  
FOR SOUTHERN RHODESIA

As regards Northern Rhodesia I have nothing to add to what I said on 1 April about my discussions with Elected Ministers on the subject of further constitutional advance. The territory has not yet reached the stage of internal self-government.

As regards Southern Rhodesia, I have now concluded my talks with Mr. Dupont, the Minister of Justice, and I have sent a reply to the letter which Mr. Winston Field sent me making a formal request for independence to be granted to Southern Rhodesia on the first date on which either of the other territories is allowed to secede or obtain its independence. The Government is publishing this correspondence in a White Paper which will be available in the Vote Office at 11 o'clock this morning.

The reply indicates that we accept in principle that all the territories will proceed through the normal processes to independence. It goes on to point out that it would not in any event be possible to make Southern Rhodesia an independent country in the full sense of the word while she remains in the Federation which is not itself independent. Her Majesty's Government emphasize their view that there should be early discussions not only about the broad lines of a future relationship between the territories but also the transitional arrangements that will be required. Her Majesty's Government consider that it is only when such discussions have taken place that Southern Rhodesia, having regard to its membership of the Federation, may expect to be in the constitutional position to move to full independence.

Her Majesty's Government would also expect to convene a Conference to discuss financial, defence, constitutional and other matters, which always have to be settled before self-governing dependencies are granted independence.

ANNEX C

SOUTHERN RHODESIA

Correspondence between Her Majesty's Government and the Government  
of Southern Rhodesia (Cmnd 2000)

I

Text of a letter dated 29 March 1963 from the Prime Minister of Southern Rhodesia, the Hon. W.J. Field, C.M.G., M.B.E., M.P. and the First Secretary of State, the Right Hon. R.A. Butler, C.H., M.P.

From the Prime Minister of  
Southern Rhodesia

29 March 1963

The Rt. Hon. R.A. Butler, C.H., M.P.,  
Her Majesty's First Secretary of State,  
Treasury Chambers,  
Great George Street,  
London, S.W.1.

Sir,

At our interview this morning when you informed me of the British Government's decisions taken as a result of the talks held this week in London, I raised the question of the full independence of Southern Rhodesia in the light of the situation as you described it. You invited the Southern Rhodesia Government to attend later in the year in Rhodesia a Conference with the Governments concerned to determine the broad lines of a new association between Southern Rhodesia and Northern Rhodesia. I emphasized that the nature of the British Government's decision amounted to a recognition of Northern Rhodesia's right to secede from the Federation and, therefore, this raised the vital issue for Southern Rhodesia of its own independence. I have now carefully considered the Southern Rhodesian attitude towards the Conference and I wish to state that the Southern Rhodesia Government will not attend a Conference unless we receive in writing from you an acceptable undertaking that Southern Rhodesia will receive its independence concurrently with the date on which either Northern Rhodesia or Nyasaland is allowed to secede, whichever is the first.

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You were kind enough to state that you thought this attitude was not unreasonable but that it would not be possible for you to give an immediate decision on Southern Rhodesia's independence; and that you were ready to receive from my Government a formal application for this independence on the terms I have outlined.

I, therefore, submit in this letter a formal application, now that both Nyasaland and Northern Rhodesia have been given the right to secede from the Federation that Southern Rhodesia should be given its full independence on the first date when either one or the other territory is allowed to secede or obtains its independence.

I do not think it is necessary to enlarge on the strength of the Southern Rhodesia claim at this juncture, but I feel that I must mention two points that are of particular importance. The first is that Southern Rhodesia has successfully managed its own internal affairs for forty years and that it cannot be granted less than Nyasaland which will not have much more than one year before probably attaining its complete independence. The second point is that so long as the last remaining links remain and the impression persists that the United Kingdom has the right to interfere in our internal affairs there is the danger of a series of serious incidents of disorder being encouraged from outside in order to compel such intervention by the British Government. It was confirmed by you at our interview that the British Government had of course no such intention but so long as these links remain the impression will continue that the British Government has the powers irrespective of their intention to use them.

Mr. Dupont will be remaining in London for some days for the purpose of receiving the decision of Her Majesty's Government.

I am, Sir,

Your obedient Servant,

WINSTON FIELD

Prime Minister

II

Text of a letter dated 9 April 1963 from the First Secretary of State,  
The Rt. Hon. R.A. Butler, C.H., M.P., to the Prime Minister of Southern Rhodesia,  
The Hon. W.J. Field, C.M.G., M.B.E., M.P.

First Secretary of State,  
King Charles Street,  
Whitehall, S.W.1.

9 April 1963

Dear Prime Minister,

Thank you for your letter of 29 March submitting a formal application on behalf of your Government for the grant of full independence to Southern Rhodesia.

Her Majesty's Government have carefully considered your Government's application and the arguments which you have adduced in support of it. Following upon their decision that none of the territories can be kept in the Federation against its will Her Majesty's Government accept in principle that Southern Rhodesia, like the other territories, will proceed through the normal processes to independence. I would like to state as briefly as possible what we consider should be done before independence can be granted to Southern Rhodesia.

At the present time Southern Rhodesia is a member of the Federation. Our legal advice is that it would not in any event be possible to make Southern Rhodesia an independent country in the full sense of the word while remaining a member of the non-independent Federation. So long as she remains a member of the Federation, so long will the United Kingdom Parliament have power to legislate with regard to the Federation and so indirectly with regard to Southern Rhodesia.

As you know Her Majesty's Government have accepted the principle that any one of the territories which so wishes must be allowed to secede from the Federation. Her Majesty's Government have also made clear their view that before any further changes are made there should be discussions not only about the broad lines of a future relationship between the territories but also the transitional arrangements that will be required. In the view of Her Majesty's Government it is only when these discussions have taken place that the future course of events

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can be clarified and that Southern Rhodesia, having regard to her membership of the Federation, may expect to be in the constitutional position to move to independence. In any case Her Majesty's Government, in accordance with normal precedent, would expect to convene a Conference to discuss financial, defence, constitutional and other matters, which always have to be settled before self-governing dependencies are granted independence.

You stated in your letter that the grant of independence should be concurrent with the secession of either Northern Rhodesia or Nyasaland whichever is the first. Later in your letter you asked that independence should be granted on the first date on which either territory is allowed to secede or obtain its independence. The secession of one member of the Federation would not in itself end your membership of the Federation. Although not specifically mentioned in your letter there has also been discussion between us about a limited form of independence from the United Kingdom while the Federation remains in existence. I would remind you of the terms of the White Paper, Cmnd. 1399, published in June 1961, and in particular of the following paragraph:

"The Constitution of 1923 conferred responsible Government on Southern Rhodesia. Since then it has become an established convention for Parliament at Westminster, not to legislate for Southern Rhodesia on matters within the competence of the Legislative Assembly of Southern Rhodesia, except with the agreement of the Southern Rhodesia Government."

We reaffirm this position and we do not see how it can be improved from your point of view pending the granting of full independence. We shall however be glad to discuss this matter with you further if you so wish.

Her Majesty's Government recognize the desire of the Southern Rhodesia Government that full independence should be reached as soon as practicable. They therefore invite from your Government the closest co-operation in carrying out the processes referred to in this letter.

Yours sincerely,

R.A. BUTLER

The Hon. W.J. Field, C.M.G., M.B.E., M.P.

