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LETTER DATED 2 AUGUST 1963 FROM THE REPRESENTATIVES OF GHANA,
GUINEA, MOROCCO AND THE UNITED ARAB REPUBLIC ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

On the instructions of our respective Governments we the undersigned representatives have the honour to request Your Excellency, in accordance with Rule 2 of the Provisional Rules of Procedure of the Security Council, to convene a meeting of the Security Council, at an early date, to consider the situation in Southern Rhodesia in relation to:

- (a) General Assembly resolution 1760 (XVII) of 31 October 1962;
- (b) the resolution 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 adopted at its 177th meeting on 20 June 1963;
- (c) implementation of Article 73 of the Charter with respect to the British non-self-governing territory of Southern Rhodesia.

We attach a memorandum setting out why our Governments consider that the continuance of this situation is likely to endanger the maintenance of international peace and security and why it is therefore necessary that the Security Council should consider this item as a matter of urgency.

For the Government of Ghana	(Signed) Alex Quaison-Sackey
For the Government of Guinea	(Signed) Diallo Telli
For the Government of Morocco	(Signed) Dey Ould Sidi-Paba
For the Government of the U.A.R.	(Signed) Mohamed H. El-Zayyat

EXPLANATORY MEMORANDUM

1. The British Government, despite repeated requests by the General Assembly, has refused to implement Article 73 of the Charter and resolutions 1514 (XV) of 14 December 1960, 1747 (XVI) of 28 June 1962, 1755 (XVII) of 12 October 1962, 1760 (XVII) of 31 December 1962, and the resolution adopted by the Special Committee at its 177th meeting on 20 June 1963, in regard to its Colony of Southern Rhodesia.
2. The British Government has hitherto justified its refusal to act in respect of a situation which has been declared by the General Assembly to be "deplorable, critical and explosive" by a claim that though Britain possesses legal authority over its Colony of Southern Rhodesia it is prevented from exercising this authority by a British "Parliamentary convention". Nevertheless, the British Government has now announced that it proposes to transfer to that colony some forty-four powers of which the Southern Rhodesian Government had been deprived in 1953. Among these powers is the unrestricted control of a powerful army recruited on a racial basis, and an air force, similarly recruited, of extensive size, and of which particulars are given in paragraph 16 of this Memorandum.
3. Under any circumstances, the transference of substantial military forces to a Colonial Government over which the Administering Authority has admitted it has no control or influence, must be a matter of considerable concern to the Security Council since any such action is, under any circumstances, a potential danger to peace. In the particular circumstances of the Southern Rhodesian case, the danger to the peace and security of the African continent, occasioned by this and other proposed actions of the British Government, is immediate and grave.
4. The present Government of Southern Rhodesia is elected by the European inhabitants of the colony who number less than 6 per cent of the population. All methods of constitutional protest or action have been denied to over 94 per cent of the population who are, on the grounds of their colour, subjected to most degrading and unjust laws. Under such conditions the situation is, as the General Assembly has stated, "explosive". Any further grant of powers to such a regime must result, at the very least in a situation "which might lead to international friction" and whose continuance "is likely to endanger the

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maintenance of international peace and security". It therefore calls, in any event, for investigation by the Security Council under Article 34 of the Charter.

5. It is submitted that the contention by Britain that a "Parliamentary convention" prevents it exercising its undoubted legal powers to give effect in Southern Rhodesia to the decisions of the General Assembly is justified neither on moral, on historical nor on juridical grounds and the Governments putting forward this Memorandum will offer arguments based upon documents and legal authorities to support this submission. This issue is, however, not immediately relevant since the British Government can clearly compel the colonial regime in Southern Rhodesia to comply with the decisions of the General Assembly by refusing to transfer to it the extensive powers which it is now proposing to hand over.

6. The reasons for requesting action by the Security Council at this time are:

- (a) not only that the British Government has refused to abide by the decisions of the United Nations in the General Assembly in regard to Southern Rhodesia but the aggravation of the explosive situation in that territory, which the Special Committee has in its resolution of 20 June 1963, characterized as constituting a threat to international peace and security, makes it necessary to evoke the authority of the Security Council;
- (b) that the British Parliament has enacted the Rhodesia and Nyasaland Act, which is about to come into force. This law will enable the British Government any time thereafter, without notice to the United Nations, to transfer to Southern Rhodesia almost every attribute of sovereignty and independence.

7. The chain of events which has led Member Governments to raise this issue in the Security Council can be summarized as follows.

8. By resolution 1747 (XVI) of 28 June 1962, the General Assembly declared that the British Colony of Southern Rhodesia was a non-self-governing territory. Nevertheless, the British Government has refused to transmit to the Secretary-General information in accordance with Article 73 (e) of the Charter.

9. On 31 October 1962, the General Assembly, having taken into account the reports of its Special Committee, adopted in regard to Southern Rhodesia

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resolution 1760 (XVII) by 81 votes in favour to 2 against and with 19 abstentions. This resolution, among other matters, requested the British Government to take immediate steps to extend to the whole population of the Colony of Southern Rhodesia, without discrimination, "the full and unconditional exercise of their basic political rights, in particular the right to vote". It asked for the establishment of equality among all the inhabitants of the territory. It expressed deep regret that Britain had not yet taken steps to carry out the request contained in resolution 1747 (XVI) of the General Assembly to undertake urgently the convening of a constitutional conference in which there should be full participation of the representatives of all political parties, for the purpose of formulating a Constitution for Southern Rhodesia, 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 on the granting of independence to colonial countries and peoples embodied in resolution 1514 (XV) of the General Assembly.

10. At their meeting at Addis Ababa in Ethiopia in May 1963, the Heads of States and Governments of the Independent African States unanimously adopted a resolution in which they declared that "the forcible imposition by Colonial Powers of settler rule to control the governments and administration of dependent territories was a flagrant violation of the inalienable rights of the legitimate inhabitants of the territories concerned". The Heads of States and Governments there present further invited the Colonial Powers, and particularly Britain, 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". The Heads of States and Governments declared that in their view such a transfer would amount to a violation of the provisions of resolution 1514 (XV) of the General Assembly. They unanimously affirmed their support of the African nationalists of Southern Rhodesia and the Heads of States and Governments solemnly declared that if power in Southern Rhodesia were to be usurped by a racial white minority they 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.

11. On 20 June 1963, the Special Committee of Twenty-four on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted a resolution in which 19 members of the Committee voted in favour, none against and 4 abstained. This resolution drew to the attention of the Security Council "the deterioration of the explosive situation which prevailed in the non-self-governing territory of Southern Rhodesia". It deplored the fact that the British Government had ignored the resolutions on Southern Rhodesia of the General Assembly and had thus created this situation in the colony. The Committee called for the implementation by Britain of resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII) of the General Assembly.

12. On 3 July 1963, the British Government introduced into the British Parliament a legislative measure which would permit it, if necessary even before Parliamentary approval was obtained, to transfer to the colonial Administration in Southern Rhodesia extensive powers over external affairs, defence, taxation and other matters closely affecting the welfare of the African inhabitants of the Colony. These powers are at present vested in the Legislature of the Federation of Rhodesia and Nyasaland over whose actions the British Government still claims to exercise control. The British Government has however always claimed it is constitutionally incapable of controlling the action of the Colonial Authorities in Southern Rhodesia. Very shortly the legislative measure referred to, will become law and transfers of power to Southern Rhodesia may in consequence take place at any moment.

13. The situation in Southern Rhodesia which has called for expressions of concern and condemnation from the Heads of African States and the United Nations has sprung from the following series of events:

(a) In 1889 the British Government granted a Royal Charter to the British South Africa Company to exploit the mineral and agricultural wealth of what are now Northern and Southern Rhodesia. This Company (which was founded by Cecil Rhodes, the Premier of Cape Colony in South Africa, who gave his name to the Colony), was given full power of government over the Territory;

(b) The Company organized an army of freebooters "The Pioneer Column" which invaded the territories, dispossessed the inhabitants of their land, fought

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against and defeated rival Portuguese colonists and then, with the help of British regular troops, defeated the forces of the African peoples defending their home lands in the Matabele wars of 1893 and 1894.

(c) The British South Africa Company recouped its expenses by selling African lands to European settlers in what is now Southern Rhodesia. In 1923 the British Government conducted a plebiscite among these settlers as to whether they wished to be "self-governing" or to join South Africa. Of these settlers, 8,774 voted for "self-government" and 5,989 for joining South Africa. On the strength of this vote the British Government "annexed" Southern Rhodesia to the British Crown and granted to its Legislative Assembly, elected on an exclusively settler basis, so-called powers of "self-government". The British Government, however, reserved the right to veto any Southern Rhodesian legislation that adversely affected the interests of the African inhabitants, ran counter to Britain's international obligations or affected the remaining rights of the British South Africa Company.

(d) In 1953 the British Government established the Federation of Rhodesia and Nyasaland and, for this purpose, deprived the Southern Rhodesian Government of most of the powers granted to it by Britain under the 1923 Constitution. Britain then transferred these powers to the Federation which was to a considerable extent under the control of the British Government and Parliament. The Federal Constitution was stated at the time by the British Government to be designed so as ultimately to provide for an African majority in the Federal Legislature. This, however, did not happen. The Federal Government remained completely controlled by the settlers of Northern and Southern Rhodesia. The apartheid system remained in full force and effect in Southern Rhodesia.

(e) In 1961, at the request of the Colonial Government in Southern Rhodesia, the British Parliament enacted the Southern Rhodesia (Constitution) Act, under the powers of which the British Crown, on the advice of British Ministers, enacted the present Constitution of the colony, The Southern Rhodesia (Constitution) Order in Council, 1961. This new Constitution abolished all the previous restraints which could be exercised

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by Britain over the Southern Rhodesian Legislature and Government in regard to its treatment of the African inhabitants. It contained a so-called "Declaration of Rights" supposed to prevent discriminatory legislation but all past discriminatory legislation was excluded from its scope and future discriminatory legislation was permitted if, in the opinion of the Colonial Legislature, "it was reasonably justifiable in the interests of Southern Rhodesia". The Legislature was enlarged from thirty to sixty members, of which fifty were reserved for the 223,000 European settlers and fifteen allotted to the 3,690,000 African inhabitants. The Constitution could be amended by the vote of any forty-four members.

(f) During 1962 the situation continued to worsen. Though no Europeans were killed the African death roll grew to 100. The General Assembly of the United Nations in a resolution of 12 October 1962, expressed deep concern at "a situation which constitutes a denial of political rights and endangers peace and security in Africa and in the world at large".

(g) In its resolution of 31 October 1962, the General Assembly requested the British Government not to bring into force the Constitution of 1961 and to cancel the elections proposed to be held under it. Nevertheless, on the day following the General Assembly's resolution, the 1961 Constitution was formally brought into effect. Elections were held under it on 14 December 1962, and a Government from the Rhodesian Front Party was established. This Government, whose election programme included a pledge not to alter the discriminatory franchise provisions of the 1961 Constitution, has already, as the Report of the General Assembly's Sub-Committee on Southern Rhodesia of 9 May 1963, shows, initiated a major programme of further repressive legislation.

14. "The deplorable, critical and explosive situation" in Southern Rhodesia, to which the General Assembly has called attention, is continuously aggravated by the conduct of the European settler Administration of the colony by the following, among other acts of injustice:

(a) The 3,690,000 African inhabitants are allotted 44 million acres of the worst agricultural land in the territory while the 223,000 European settlers are allotted 41 million acres of the best land. Any European immigrant

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is entitled to a grant of 750 acres on arrival while six acres of arable land is the Government's standard for African farmers.

(b) African farmers are discriminated against in the price paid for their products, the crops they are allowed to produce and in agricultural loans and credits.

(c) African industrial wages are on average less than one-tenth of those paid to Europeans, and they are excluded from all the better paid employment in industry and are in practice denied entry into the professions.

(d) Africans are not allowed to own or rent property in the central urban areas, they are discriminated against in shops, hotels, places of entertainment and recreation and every African must carry a "pass".

(e) Education for the African population is confined to the minimum necessary knowledge required to equip a farm labourer or an unskilled industrial worker. There are only 5,000 African children enrolled in secondary schools while all European children have a free secondary education. Only 105 African children are recorded in government statistics as in the sixth forms.

(f) The system of taxation, imposed by the Federal Government, which is settler dominated, imposes an undue burden on the African inhabitants and indirect taxes are levied upon the necessities of the poorest classes of the population who are, of course, the Africans.

(g) Every avenue for constitutional redress has been closed. The political party of the overwhelming majority of the population, the Zambabwe African People's Union, has been proscribed, almost every type of legitimate political activity by Africans has been declared illegal and there is no political or industrial method by which the inhabitants can make their demands known short of illegality and violence.

15. The latent crisis in the Colony, which is the result of the matters referred to above, will be intensified to a most dangerous degree if the British Government proceed with its present plan to place powerful armed forces, previously controlled by Britain, under the independent command of the settler Government of Southern Rhodesia.

16. The Armed Forces which the British Government is now proposing to transfer to Southern Rhodesia are as follows:

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Four Army Battalions of white troops and an armoured car squadron, also manned by Europeans;

Seven European manned Air Force Squadrons consisting of Hunter GA9 jet fighter-bombers, Canberra B2 and T4 bombers, Vampire FB9 and T11 fighters, Dakotas, Canadairs, Pembrokes, Provosts and Alouette III helicopters.

17. The transfer of these Forces would constitute a most serious threat to the security of the African continent and might well involve a threat to world peace. The possession by a colonial administration, over which the British Government claims to have no control, of powerful aggressive forces might result in their being used to support separatist moves in the Congo and thus involve United Nations Forces, or to support the maintenance of colonial regimes elsewhere, contrary to the decisions of the United Nations. The use of aircraft against the civil population of Southern Rhodesia is by no means unlikely if such armament is entrusted to the present Southern Rhodesian Government.

18. Irrespective of whether or not the British Government was right in its previous contention that it had in the past no constitutional authority to deal with matters in Southern Rhodesia, it is clear that at the moment it possesses every authority which can possibly be necessary to effect the reforms which the United Nations have requested. At the moment Britain is in a position to deny even powers of taxation - the classic method by which a Government is controlled - to the Southern Rhodesian regime. (Unless Britain at this stage confers, by legislative act, positive authority on the Southern Rhodesian Government, that Administration will be deprived of all those military, financial and legal powers which it is essential for it to possess if in the future, it is to maintain the whole edifice of oppression and injustice which it had erected through the exercise of such powers prior to 1953 and subsequently through its association with the Federation.) If, on the other hand, the British Government hands over, unconditionally, military and air force units and indeed all the attributes of sovereignty, save its nominal recognition, to the Government of Southern Rhodesia as at present constituted then serious danger to world peace must be created.

19. For the reasons given above the Member Governments submitting this Memorandum will urge the Security Council to take appropriate measures to deal with the Southern Rhodesian situation and will submit, in due course, a draft resolution for consideration.

