CHAPTER II

SOUTHERN RHODESIA

A. INFORMATION ON THE TERRITORY*

General
1. Southern Rhodesia is situated in southern central Africa; it is bounded on the north and north-west by Northern Rhodesia, on the south-west by Bechuanaland, on the south by the Republic of South Africa, and on the east and north-east by Mozambique.
2. The Territory is landlocked and lies entirely within the tropics. More than 21 per cent of the total area is estimated to be over 4,000 feet above sea level. A central plateau, known as the High Veld, traverses the country in a north-easterly direction; on either side of the main plateau is the Middle Veld, which lies between 2,000 and 4,000 feet above sea level; the Low Veld, below 2,000 feet, comprises a narrow strip in the Zambezi Valley and a broader tract in the basin of the Limpopo and Sabi rivers. The area of Southern Rhodesia is 150,333 square miles.
3. At the end of 1959 the total population was estimated at 3,034,800, comprising approximately 2,800,000 Africans, 219,000 Europeans and 15,800 of other races. Of the European population, 155,000 were resident in the main towns.

Government
(a) Present status
4. The extension of British influence to Southern Rhodesia dates from 1888, when a treaty was signed by Lobengula, King of the Matabele, pledging not to cede territory without the permission of the British High Commissioner at the Cape. Later in the same year Lobengula granted to British representatives a concession over the minerals in his kingdom. This led to the formation of the British South Africa Company which was granted a Royal Charter in 1889. Administration of the Territory by the British South Africa Company continued until 1923, when Southern Rhodesia was annexed to the British Crown after a referendum among Europeans living in the Territory. The Government of Southern Rhodesia was then given full powers of internal legislation, with the exception that legislation affecting the interests of the indigenous population, constitutional amendments and certain other matters required the approval of the United Kingdom Government. In 1953 Southern Rhodesia became part of the Federation of Rhodesia and Nyasaland without proper consultation of the African population.
5. While the United Kingdom remains ultimately responsible for the Federation's external affairs and defence, the Federal Government is responsible for the implementation of treaties and agreements affecting the Federation, and for such other external relations as the United Kingdom may entrust to it. The Federal Government is also given responsibility for external affairs and defence, the regulation of commerce and industry, immigration, health, European education,
and European agriculture. The Territorial Government of Southern Rhodesia is jointly responsible with the Federal Government for concurrent subjects, on which both may make laws; examples of these are broadcasting.

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

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

(b) Constitution

6. In December 1961 a new Constitution for Southern Rhodesia was granted, the central provisions of which were due to come into effect concurrently with the holding of elections in October 1962.

7. The main features of the new Constitution are as follows:
   (a) The abolition of the reserve powers held by the United Kingdom Government;
   (b) The enlargement of Legislative Assembly from 50 to 65 members:
   (c) A new franchise system providing for "A" and "B" rolls of voters;
   (d) The inclusion of a Declaration of Rights;
   (e) The creation of a Constitutional Commission with the advisory function of examining legislation for inconsistency with the Declaration of Rights;
   (f) The creation of a Board of Trustees responsible for Tribal lands;
   (g) The granting to the legislature a general power to amend the constitution with the exceptions that (i) the provisions relating to the position and powers of the Governor may be amended only by the United Kingdom Government; and (ii) the specially entrenched provisions (such as the sections containing the Declaration of Rights and establishing the Constitutional Commission) may be amended only after approval in a referendum by a majority of those voting in each of the four principal racial groups or by an address through the Governor to the Queen for assent.

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

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

(c) Electoral system

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

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

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


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

Political parties

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

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

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

15. The Southern Rhodesia Dominion Party favours the complete secession of the Territory from the Federation of Rhodesia and Nyasaland, leaving the way open to possible union with South Africa. It stands for territorial segregation, strongly opposing all forms of social and political race integration. The Dominion Party held twelve seats in the Legislative Assembly.\(^3\)

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

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

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

B. CONSIDERATION BY THE SPECIAL COMMITTEE

Introduction

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

Hearing of petitioners

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

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

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

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

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

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

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

Petitioner

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

These three parties are no longer in existence. Another party, the Central Africa Party, which was formed in 1958 is a small group with members from all races. It recommends the widening of the present franchise and advocates a gradual approach to independence through parliamentary means.

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(b) Mr. A. M. Murashiki, General Secretary, Rhodesian African Students Association (India) .........
(c) Mr. R. D. Palmer, President, Central Africa Party ...........
(d) Southern Rhodesia Students Union

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

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

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

25. He wished to stress the various aspects of wages, education, property and other factors which had a direct bearing on the political evolution of the country, because all those factors had been used by the white settlers ever since 1888 to keep the Territory and its African population under white control. At the same time the white settlers had endeavoured to convince world public opinion that there was no discrimination in the franchise laws. The colonization of Southern Rhodesia had started in 1888, when the British had extorted concessions from King Lobengula under the pretext of protecting the people from Portuguese colonialism. Yet the Charter which Cecil Rhodes had subsequently obtained in England had authorized the British South Africa Company not only to exploit the minerals of the Territory but also to rule the country without the consent of the people. In 1914 thousands of Africans had fought in the war against Germany. Meanwhile the settlers had changed the laws and given the majority of the seats in the legislature to members elected by the settlers with no reference whatsoever to the African people. Thus the "people" who had taken part in the referendum of 1922 had merely been the 12,000 white settlers deciding the fate of over 2 million Africans without informing them that the status of their country was to be changed. The "self-government" voted for at that time had been the self-government of 12,000 white settlers, but not that of the indigenous people and their chiefs.

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

27. In 1953 the United Kingdom, again without the peoples' consent, had brought about the Federation of Rhodesia and Nyasaland. The world had been told that it had been done in the interests of economic development in that area, but the truth
was that the white settlers in Southern Rhodesia, having successfully run the

country at the expense of the African people for thirty years, had felt insecure

when such countries as Ghana had appeared on the scene. Fearing that Northern

Rhodesia and Nyasaland might become Ghanas on the borders of a white man's

country, the Southern Rhodesian politicians had appealed to the United Kingdom

for help, and the United Kingdom had responded by instituting the Federation. It

had been said that the decision in the two northern Territories had been taken by

the British Government as the guardian of the peoples and that the decision in

Southern Rhodesia had been taken by the "electorate"; the fact was, however, that

the entire African population had been and remained opposed to federation, the

aim of which was to perpetuate white supremacy. The African organizations of

Central Africa were not against the formation of larger units; if they were, they

would not have joined the All-African Peoples' Conference. They believed in the

unification of Africa, but they were opposed to the Central African Federation

because it was in the nature of another South Africa.

28. Mr. Nkomo went on to say that the United Nations attached particular

importance to the consent of the people. It was high time that the United Kingdom

should ask itself whether it was wise or proper to continue with the Central

African Federation without the consent of the people of the three Territories

involved. If the reason was that the United Kingdom took no account of the

wishes of the 8.5 million indigenous inhabitants, the Committee should be told so

without ambiguity.

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29. As he had already indicated, the position of the settlers had hardened after the

end of the Second World War. There had been a time when the indigenous

inhabitants had believed the settlers and the United Kingdom, who had told them

that progress was being made towards the stage at which everyone would share in

the government of the country, but the enactment of oppressive legislation, the

high rate of immigration and the progressive stiffening of the voting qualifications

as Africans moved nearer to fulfilling the original qualifications had made it

obvious that the settlers meant to dominate Southern Rhodesia for all time. In

1958 his party, the African National Congress, had decided that a new

Constitution based on universal suffrage should be drafted immediately. Sir Edgar

Whitehead, feeling himself under pressure, had banned the party in 1959. The

indigenous inhabitants, in their determination to obtain a Government based on

the wishes of the people had then formed the National Democratic Party. In July

1960 the settlers had become desperate and had provoked disturbances at

Salisbury, Bulawayo and elsewhere in Southern Rhodesia in which sixty-three

people had been killed, although the official figures given had been only thirteen.

Those people had been killed merely for demonstrating against a Government

which had been returned without their consent and for calling for a Government

which would express the will of the people. Since then, the settler Government

had organized a police reserve campaign; every white man and woman in

Southern Rhodesia was being taught to handle fire-arms; all the white settlers

were armed, while the indigenous inhabitants, with the exception of a few chiefs
who were lackeys of the Government, were forbidden by law to carry arms. The settlers had thus armed themselves against the very people who had fought by their side against the Germans in 1914 and 1939 under the impression that they were fighting to put an end to the domination of man by man.

30. Towards the end of 1960 the United Kingdom had decided to convene a Constitutional Conference. The National Democratic Party, the largest party in the Territory, had not been invited, but it had finally succeeded in obtaining two seats at the Constitutional Conference as against eleven for Sir Edgar Whitehead's party, four for the Dominion Party and two for another party of European settlers. The Conference had been convened in Salisbury in February 1961 under the chairmanship of Mr. Duncan Sandys, the Secretary of State for Commonwealth Relations, who had subsequently issued a report to the effect that all the parties, with the exception of the Dominion Party, had agreed to the new Constitution. Speaking as the leader of his party's delegation at the Constitutional Conference, Mr. Nkomo assured the Committee that at no time had his party agreed to the new Constitution. The draft Constitution had been discussed article by article and his party, along with others, had agreed to a number of noncontroversial provisions such as the need for a National Assembly with a Speaker, and even for a Governor. His party had also introduced the Bill of Rights to the Conference. On the crucial issues of the franchise, representation and land tenure, on the other hand, there had been complete disagreement between his party and the settler parties. His party had advocated universal adult suffrage and the inclusion in the Constitution of provisions concerning the land question which would prevent any Government from manipulating that question at a later date. The lack of agreement on those vital points had meant that his party had rejected the constitutional proposals as a whole. As for the Dominion Party, it had not participated in the Conference at all. The first session of the Constitutional Conference was to be followed by a second one. After the conclusion of the first session, however, when the European politicians had gone to explain the results to their electors, the African politicians had found themselves banned from addressing political meetings in the reserves. The penalty for violating the ban was imprisonment for a term of up to twenty years. To formulate a new Constitution without reference to the people would have been an outrage to which his organization could not be a party. In view of the fact that Mr. Sandys had grossly and deliberately misrepresented the position taken by the National Democratic Party at the first Constitutional Conference and that African politicians had been banned from addressing meetings in the reserves, his party had decided not to participate in the second Constitutional Conference.

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

32. He could not agree with those who argued that the new Constitution was a transitional one. Mr. Sandys himself had told the Conference that that was the final document as far as the United Kingdom was concerned and that the United Kingdom Government was handing over responsibilities to the people of Southern Rhodesia to shape their own future. It might well be asked who were the people of Southern Rhodesia to whom the United Kingdom proposed to hand over the shaping of the future of the Territory. The answer was clearly stated in an explanatory pamphlet issued by the Southern Rhodesian Division of the United Federal Party, entitled Breakthrough to Nationhood.39 Replying to the question "Can the new Constitution be changed?", the pamphlet stated "Yes, but only by the Southern Rhodesia Parliament and no one else". That Parliament would consist of sixty-five members, fifty of whom would in any case be Europeans.

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

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

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

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

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

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

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

40. Mr. Garfield Todd (New African Party) believed that all members of the Special Committee were agreed on the following points: firstly, the United Kingdom should not wash its hands of Southern Rhodesia nor grant it independence immediately, an eventuality which the United Kingdom did not appear to be even considering. Secondly, the United Kingdom had a continuing responsibility to encourage and help the people of Southern Rhodesia to move towards a form of government that would give each element of the population an equitable share of opportunity and responsibility. There might be differences of opinion regarding the degree of the United Kingdom's responsibility, but there would be no denial that it existed. Finally, to judge from the statement made by the United Kingdom representative, the present situation in Southern Rhodesia did allow for peaceful change and progress was being made towards the objective of greater African participation in the Government. In addressing the Committee, he would endeavour, through the intermediary of the United Nations, to induce the United Kingdom to adopt the attitude which, according to the representative of the United States, it had already adopted, to assume the responsibilities which, according to the representative of the United States, were generally attributed to it, and to use those powers which, as the United Kingdom representative had apparently admitted, his Government still retained.

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

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

43. Mr. Todd said further that in July 1960 the difficulties of the regime had led to a crisis accompanied by riots. After he had vainly requested Lord Home to convene a constitutional conference, he and Mr. Nkomo had sent a letter to Lord Home requesting him to suspend the Constitution of Southern Rhodesia. In that letter, they had pointed out that although the Constitution which the country needed was bound over the long term to serve the enlightened interests of the settlers, it would be opposed by them at first and the United Kingdom Government, in consultation with the Federal Government, should therefore send additional security forces to Rhodesia. Wrongly interpreted at the time, that letter had been the subject of protests in Parliament, where it had been proposed that he should be impeached for high treason, or even hanged. A Constitutional Conference had been convened and although the Prime Minister had not originally intended to invite to it delegates from the African nationalist movement, Mr. Nkomo had succeeded, not without great difficulty, in taking part in it. Mr. Todd had not attended the conference and he was therefore not in a position to deal with the differences of opinion between Mr. Nkomo and Sir Edgar Whitehead. Nevertheless, he believed that certain things regarding the Constitution approved by the conference were quite clear. It was clear that the main reason for the conference, so far as Sir Edgar Whitehead was concerned, had been to get rid of the United Kingdom; that the National Democratic Party (NDP) had wanted universal suffrage; and that the existence of two rolls, "A" and "B", giving 220,000 white people fifty seats and 2.5 million African people fifteen seats,
could only be an interim measure. It was, of course, for the NDP to say to what extent it had accepted the provisions of the Constitution. In any event, the African nationalists could not have much confidence in such a Constitution, for at least two reasons. First, Sir Edgar Whitehead had announced that the measure in question was a final measure and, secondly, Sir Roy Welensky had sent his congratulations to the conference, saying that the arrangements adopted were better than what he could have expected. Thus, the Southern Rhodesian Government had achieved a great victory over the United Kingdom, in the sense that all the powers previously reserved to Her Majesty's Government had passed into the hands of a white electorate. While it was true that the Prime Minister of Southern Rhodesia had said that the new Constitution was bound to lead in time to an African majority, he had not said in what length of time. Moreover, rather recently, the Prime Minister of the Federation had said that it would take about 200 years for Africans to be equated with Whites. Apart from those two rather paradoxical statements, there was another statement which had been made by a member of the Southern Rhodesia Cabinet, to the effect that if and when Africans obtained similar educational facilities to whites they would eventually put an end to the latter's rule. However, that Minister had added that that would require the Government of Southern Rhodesia to spend £50 million on African education, instead of £4 million as at present, and that such a thing could not happen in the foreseeable future.

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

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

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Southern Rhodesia, the Whites of that country considered it a means of giving them control of their own affairs, in which they included the destiny of 2.5 million African people. Unfortunately, the Constitution lacked one essential virtue which even the Monckton Commission of 19604” had agreed was indispensable, namely, acceptability to the people. It was customary among the white people of Southern Rhodesia to say that Africans did not understand politics. While it was true that they were not familiar with the party system, they did concern themselves with problems connected with schooling, land and employment, matters that were the blood and bones of politics. Actually, as the Monckton Commission had repeatedly emphasized, the great problem in Southern Rhodesia was the division that existed between 220,000 Whites and 2.5 million Blacks.
46. The 1961 Constitution provided a two-roll electoral system similar to that adopted by the Federal Government in 1957 and which the Monckton Commission had later described as a death-blow to the hopes for the success of the Federation. When only 500 Africans had gone to the polls, it had been said that the Africans were not interested; the truth had been simply that they had not been prepared to be second-class citizens. On the other hand, when a more enlightened electoral act had been passed in Nyasaland, 110,000 Africans had registered on the "B" roll in one month in spite of its two-roll system-electing twenty representatives, as against the eight representatives elected on the "A" roll.

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

48. Mr. Todd said that Africans were not confident about the provision of a Declaration of Rights and a Constitutional Council in place of the reserved powers hitherto held by the Crown. The Declaration of Rights was no substitute for the vote and could not be accepted as such by the Africans. Furthermore, the Declaration did not give any protection against the repressive laws already on the statute books, namely the Unlawful Organizations Act, the Vagrancy Act, the Preventive Detention Act, and the Law and Order (Maintenance) Act. The Declaration was a worthless substitute for the United Kingdom's reserved powers which might have been used to protect the African people. He believed that the withdrawal of British influence from the affairs of Southern Rhodesia at this critical stage would turn that country into a scene of tragic happenings. He also believed that it was the duty of the United Kingdom to find a constitution that would be acceptable to the people. Only the United Kingdom could assist the white electorate to make the necessary changes. The white voters, the white settlers, were not evil people; they had made a magnificent contribution to the development of Central Africa. In earlier days privilege had come to them easily. Now, when they were confronted by an awakening people who outnumbered them twelve to one, they had to adjust themselves to the new conditions. They were only human and could not easily divest themselves of privilege. In conclusion Mr. Todd stated that if the United Kingdom would not act today, the United Nations would have to act tomorrow.

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

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

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

51. Mr. Mushonga added that the Parliament, which was the tool of the settler oligarchy, had passed a number of repressive laws, including the following:
(1) The Native Affairs Act. 1927, which made it a punishable offence for an African to criticize any organ or official of the Government, or even any white person; that Act restricted the freedom of movement of the Africans by means of a pass system and made it possible to evict them from their lands and to demolish their homes without granting them any right to compensation:
(2) The Land Apportionment Act. 1930 (revised in 1941), which divided the country into African and European areas, Africans being forbidden to reside in the latter unless employed by Europeans;
(3) The Public Order Act, 1955, which was one of the laws that had been used to suppress the African National Congress in 1959;
(4) The Preventive Detention Act, 1959, which enabled the Government to detain any of its African opponents without trial and without charges; it was under that Act that Members of the African National Congress had been imprisoned for almost three years;
(5) The Unlawful Organizations Act, 1959, which enabled the Government to ban any organization and confiscate its property;
(6) The Law and Order (Maintenance) Act, 1961, which enabled the Government to dispense with the rule of law and to impose penalties ranging up to twenty years' imprisonment for political offences;
(7) The Vagrancy Act. 1959, intended in principle to provide penalties for vagrancy; in practice it enabled the authorities to cause the dismissal of any undesirable person from his employment and then to arrest him on the pretext that he had no means of subsistence.

52. Mr. Mushonga stated further that political oppression was accompanied by shameless economic exploitation. Not only were African wages deliberately kept below subsistence level (they were about £24 per annum on the farms and £78 in towns), while European wages were above £800 per annum, but certain work was reserved for Europeans only, even to the extent of importing them from abroad, if necessary, at government expense. Moreover, African farm labourers were excluded from the definition of a worker, so that they were not permitted to organize themselves into trade unions. One of the chief aims of colonization was, and had always been, to rob the Africans of their land. At the time of the Jameson expedition in 1893, those taking part had been authorized in advance by the British South Africa Company to mark out farms and mining claims as conquered territory, and to divide the "loot" of the expedition. Later, the Land Apportionment Act, of 1930 (revised in 1941), which had divided the territory into European land and African land, had allocated to the 200,000 white settlers 52 per cent of the land, including the most fertile areas, while over 3 million Africans had been crowded into generally dry and unproductive land. Later still, the Land Husbandry Act. 1951, had been enacted to dispossess Africans of what little land they had in the native reserves, and also of the cattle which was their traditional form of wealth. The Africans who lost their
land through the implementation of that Act were arrested for vagrancy and sent to camps where they worked in such inhuman conditions that the police had no difficulty in recruiting them for work at starvation wages on white settler farms. That was a disguised form of forced labour. Theoretically, forced labour was prohibited, but the Southern Rhodesian Government had in fact legalized it. The labour which the Africans had to provide, at equally low wages, on public works programmes for as long as the Government wished to keep them, should also be considered forced labour. Mention should also be made of the unscrupulous Government-licensed recruiters who sold cheap labour to the farmers. The contract signed by the recruiter with the farmer, often unknown to the worker whom it concerned, bound the worker in fact for one or more years. All deserters were pursued and sent back to their employers. Thus the system constituted a modern form of slavery. The whole economy was based on that cheap labour, but only the Europeans profited from it and they intended to retain that privilege.

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

54. Speaking of the legal status of Southern Rhodesia, Mr. Mushonga said that he would cite the facts which seemed to him to prove that Southern Rhodesia had not yet attained independence. First, unlike the countries which had been granted fully responsible status within the Commonwealth, Southern Rhodesia was still a colony. It was described as a colony both in the 1961 Constitution and in Halsbury's The Laws of England.42 Furthermore, the United Kingdom Government had not abdicated responsibility for Southern Rhodesia as it had done in the case of the other members of the Commonwealth. The Queen was represented in Southern Rhodesia not by a Governor-General as in the countries which were full members of the Commonwealth, but by a Governor who was a direct agent of the Crown and not its representative to a sovereign Government. Although the Legislature of Southern Rhodesia had the power to make laws for the internal government of the country, the United Kingdom retained the right to disallow certain categories of laws, and Her Majesty in Council retained the right to amend the Constitution. Southern Rhodesia had no power to declare war, or to conclude treaties independently of the United Kingdom Government, and it had no independent status in international law. The existence of the Federation of Rhodesia and Nyasaland also limited the legislative and executive
authority of Southern Rhodesia. Lastly, Southern Rhodesia had no legal
competence to secede from the Commonwealth. Therefore, whatever progress
Southern Rhodesia had made towards independence and whatever powers and
privileges had been granted to it by the United Kingdom Government, it did not
possess full autonomy, either in internal or in external affairs, and could not be
said to be independent.

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

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

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

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

59. Mr. Madlela said further that the battle was not between Africans and Europeans but between democracy and dictatorship. The Africans of Southern Rhodesia were prepared to live and let live, but they would never tolerate colonialism and government by minority. His organization therefore requested the Committee to bring pressure to bear on the Government of the United Kingdom to suspend the existing Constitution and convene a new constitutional conference. Nothing less than a Constitution based on universal adult suffrage would be acceptable to the people of Southern Rhodesia. The existing Constitution did not appear racist on paper, but in practice it continued to entrench white domination. He asked all members of the Committee to give their strongest support to the African case. There was still time to negotiate a peaceful solution but if the United Kingdom insisted on imposing its Constitution, it would do so over the
dead bodies of the African people. It must be made publicly clear to the United Kingdom that Southern Rhodesia was not part of that country and had endured enough of its murderous system of government. It had been said that Africans did not understand parliamentary procedure; but if the settlers had failed to teach them in the seventy years of their rule, it was time they gave way to the Africans and allowed them to determine their own future.

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

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

Observations by members of the Special Committee

62. The representative of the United Kingdom recalled that in the Fourth Committee (1303rd meeting) his delegation had confirmed the view of his Government that the question of Southern Rhodesia was outside the competence of the United Nations and, after summarizing the constitutional position in Southern Rhodesia, had explained why no information on Southern Rhodesia had ever been transmitted to the United Nations. He would not therefore revert to those questions. He noted that the Special Committee had been instructed by General Assembly resolution 1745 (XVI) to examine the question whether the territory of Southern Rhodesia had attained a full measure of self-government and said that he would speak on the facts of the constitutional position in Southern Rhodesia without prejudice to the basic question of competence. He stated that Southern Rhodesia had been self-governing in respect of its internal affairs since 1923, when, by referendum, the electors of the Territory had chosen the alternative of "responsible government" in preference to incorporation in the Union of South Africa. Under the Constitution of 1923, all executive powers had been transferred to elected Ministers responsible to the Legislative Assembly. In respect of Southern Rhodesia's internal affairs, the only power retained by the United Kingdom Government was the power to disallow certain categories of laws, including laws affecting the interests of the African population. That
power had in fact never been exercised. The United Kingdom had not retained any power to legislate with respect to Southern Rhodesia's internal affairs and, consequently, United Kingdom Ministers had not been answerable since 1923 to their Parliament for Southern Rhodesia's internal affairs. Her Majesty's Government had, however, retained responsibility for Southern Rhodesia's external relations and, since 1953, ultimate responsibility for the external relations of the Federation of Southern Rhodesia, Northern Rhodesia and Nyasaland, established in that year. The establishment of the Federation of Rhodesia and Nyasaland had not entailed any changes in the 1923 Constitution of Southern Rhodesia, except in so far as the division of functions between the Southern Rhodesian Government and the Government of the Federation was concerned.

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

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

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

64. He also stated that the implementation of the Declaration of Rights was in turn safeguarded by the creation of a Constitutional Council which would examine all bills, other than money bills, passed by the Legislative Assembly and submit a report to the Governor within thirty days, stating whether any of the provisions were inconsistent with the Declaration of Rights. The Council consisted of a Chairman and eleven members who must be drawn from all communities in Southern Rhodesia, so that it could not be dominated by persons of one colour, race or creed. The Chairman must be a retired judge or advocate of at least fifteen years' standing and the members would be elected by secret ballot by an electoral college consisting at first election of the Chief Judge and puisne judges of the High Court, and the President of the Council of Chiefs. The functions of the Council were advisory only, but legislative provisions on which it gave an adverse opinion could only be adopted by a two-thirds majority of the total membership of the Legislative Assembly, or by a simple majority after a delay of six months. In addition, any person who considered that a law contravened the Declaration of Rights could apply to
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the Council for a legal aid certificate enabling him to bring the matter before the courts, including proceedings by way of appeal, at public expense. Furthermore, the Southern Rhodesian Government had already put in hand a systematic review of all legislation at present in force, with a view to repealing those provisions which could be considered to be of a discriminatory nature. He added that the provisions relating to the Declaration of Rights and to the Constitutional Council were entrenched clauses of the Constitution and could not be altered without:

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

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

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

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

68. With reference to the constitutional position he said the non-self-governing status of Southern Rhodesia might appear self-evident. The necessity for examination of the question arose from the fact that the United Kingdom Government had not at any time transmitted information under Article 73 (e) of the United Nations Charter concerning Southern Rhodesia, as it had done in respect of its other Non-Self-Governing Territories. Unilateral action in that respect by administering Powers had not been accepted by the United Nations as adequate grounds for determining the political or constitutional status of a Non-Self-Governing Territory. The fact that the United Kingdom Government did not transmit information concerning Southern Rhodesia did not make that Territory any more self-governing than the Portuguese territories on which the Government of Portugal had refused to transmit information. Similarly, there were territories under French administration on which no information was transmitted. Nevertheless, they remained Non-Self-Governing Territories, and the General Assembly retained the right to take up those cases for consideration as appropriate. The question of competence had been raised in the Fourth Committee on several occasions over the years by the colonial Powers, but it had been settled by General Assembly resolution 742 (VIII) which set out the "Factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government". The matter had also been dealt with in many more recent General Assembly resolutions. He therefore hoped that the United Kingdom representative would not revert to the matter during the present debate.
69. He then examined the constitutional position of Southern Rhodesia in the light of the statutory provisions made by the United Kingdom Parliament and the statements made by the United Kingdom representative. The three principal stages to be considered were the Southern Rhodesian Constitution of 1923, the Federal Constitution introduced in 1953 and the Southern Rhodesian Constitution of November 1961. A report presented to the United Kingdom Parliament in October 1960 showed that in 1923, and afterwards, the true status of Southern Rhodesia had been that of a colony. Southern Rhodesia was described in the report as a self-governing colony which, incidentally, was a contradiction in terms within the British Commonwealth. It was also stated in this report that "immediately before federation, Southern Rhodesia was, in fact, in the final stage through which the older dominions passed on their way to dominion status, or full membership of the Commonwealth as it is now called". He noted that, as the United Kingdom representative had himself pointed out. Southern Rhodesia's status had not undergone a change with the promulgation of the Federal Constitution. If Southern Rhodesia or the Federation had really been self-governing there would have been no occasion for the recent debates in the United Kingdom Parliament on their constitutional status or the qualifications of voters and representation in the legislature, which were undoubtedly internal affairs. Furthermore, under the Southern Rhodesian Constitution the United Kingdom Government, with the full consent of the European community of Southern Rhodesia, reserved to itself very extensive powers, both for the protection of the interests of the indigenous inhabitants and for purposes of general control. The limitations on the authority of the Colony's Government clearly showed that the Constitution of 1923 had not conferred upon Southern Rhodesia what was described in Chapter XI of the United Nations Charter as "a full measure of self-government".

70. The representative of India said further that the Federal Constitution of 1953 reaffirmed the colonial status of Southern Rhodesia and the fact that the sovereignty over that Territory continued to be vested in the Crown. The Colony and, to a certain extent, the two Protectorates (Northern Rhodesia and Nyasaland), might be considered to enjoy responsible government in certain matters of government and administration, but that was not self-government. In that connexion he recalled that when the Trusteeship Council had discussed the case of Western Samoa, members had clearly expressed the view that self-government could not be said to exist unless legislative powers were based on universal adult suffrage. Nor could it be argued that the Federal Constitution had advanced Southern Rhodesia towards self-government, as could be seen from the report presented by the Prime Minister of the United Kingdom to Parliament in October 1960, where it was stated that since federation the power of the Legislature to make laws had been subject not only to the provisions of the Constitution of Southern Rhodesia but also the limitations on legislative powers imposed by the Federal Constitution. It was further stated that Southern Rhodesia no longer dealt directly with other countries, the Federal Government having assumed
responsibility for external affairs, which did not, however, include matters between the Colony and the United Kingdom. Inter alia, the Governor-General was appointed on the advice of the United Kingdom Government and not of the Federal Government, the Secretary of State could disallow any law of the Federal Legislature or disapprove of subordinate legislation to which the African Affairs Board had objected, the Governor-General was required to reserve bills with respect to certain electoral matters, bills of which the African Affairs Board requested reservations and bills to amend the Constitution, and the royal assent to bills so reserved was granted or withheld on the advice of United Kingdom Ministers. Moreover, the Federal Legislature lacked general power to pass legislation with extra-territorial effect, though the United Kingdom Government had undertaken to remove that limitation. The legislative power of the Federation was still limited by the Colonial Laws Validity Act, 1865, so that any Federal law which conflicted with any Act of the United Kingdom Parliament or with any order or regulation made under the authority of such Act was void and inoperative, and in the field of external affairs the authority of the Federation must in all cases be supported by an authorization or entrustment by the United Kingdom Government.

71. With reference to the claim made by the United Kingdom representative in the Fourth Committee (1303rd meeting) that the special autonomous status of Southern Rhodesia had been repeatedly recognized internationally, the representative of India presumed that he had been referring to the entrustment to the Government of the Colony by the United Kingdom Government of the power to make certain arrangements, such as the authority to negotiate trade agreements, and to participate in certain international organizations. The Territory's participation in the World Meteorological Organization and the World Health Organization was, however, without vote, and its participation in the activities of the International Labour Organisation, the Food and Agriculture Organization of the United Nations and the International Civil Aviation Organization was to be through the United Kingdom Government. The delegation of authority to Southern Rhodesia had involved no change in the Territory's constitutional status, and prior consultation between the Government of Southern Rhodesia and the United Kingdom Government had been called for before Southern Rhodesia had entered into any commitments with respect even to participation in the General Agreement on Tariffs and Trade (GATT) and the conclusion of trade agreements. Since the promulgation of the Federal Constitution the delegation of authority to Southern Rhodesia had ceased in favour of the Federation itself, thus placing a further limitation on the Territory's Government. The argument of international recognition of the autonomous status of Southern Rhodesia had therefore little validity: in fact, a number of Non-Self-Governing Territories participated in the activities of international organizations without prejudice to or augmentation of their true constitutional status. From all points of view, therefore, Southern Rhodesia, after the promulgation of the Federal Constitution in 1953, had remained a Non-Self-Governing Territory on which information should have been transmitted under Article 73 e of the Charter.
72. Referring to the 1961 Constitution, the representative of India said that while it reproduced many of the provisions of the former Constitution, it eliminated all the reserved powers formerly vested in the United Kingdom Government. Yet, under the new Constitution Southern Rhodesia would not be empowered to amend the Constitution with respect to the position of the sovereign and the Governor, and the right of the United Kingdom Government to safeguard the position regarding international obligations. The international obligations of the United Kingdom

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

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

74. Furthermore, it was clear that Southern Rhodesia did not fulfil any of the three criteria laid down in Principle VI of the list of principles annexed to General Assembly resolution 1541 (XV). At no time had it "emerged as a sovereign independent State", nor did the definitions of "free association" and "integration" given in Principles VII, VIII and IX of that resolution apply to it. The fact of overriding importance, however, was that the new Constitution had not received the approval of the masses in the Territory. The referendum to which it had been submitted had been virtually a European referendum, the African population having had little part in it. The Constitution had been overwhelmingly rejected in the popular consultations organized by the African political parties in the Territory.

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

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

77. In conclusion the representative of India said that the claim that Southern Rhodesia possessed a full measure of self-government did not, therefore, stand the test of those factors. The twelve Principles annexed to resolution 1541 (XV) were largely based on those factors, and their application to the case of Southern Rhodesia led to the same conclusion. Consequently, his delegation was firmly convinced that Southern Rhodesia was a Non-Self-Governing Territory and that the Committee's answer to the General Assembly's request should be in that sense.

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

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

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

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

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

83. Any hope the Africans might have had that matters might change in their country, as they had in other territories, had probably been destroyed by the Addendum to agenda item 25 37 new Constitution, under which the Africans were not guaranteed the fifteen "B" roll seats in the Southern Rhodesian Parliament, although the Europeans were sure of their fifty seats. The situation was aggravated by the fact that the United Kingdom would no longer have the right, which it had had since 1923, to veto any discriminatory legislation. Furthermore, even if all the "B" roll seats were held by Africans, the white settlers would still retain an overwhelming majority in Parliament. Clearly, the Rhodesian settler Government was determined to perpetuate its domination over the entire population of Southern Rhodesia. Although the franchise was ostensibly not based on colour, race or creed, it had been manipulated in such a way as to favour the Europeans. There were over 80,000 Europeans on the "A" roll and only about 1,000 Africans. The franchise was therefore discriminatory, and there was no indication that any change was contemplated: indeed, under the new Constitution it would be virtually impossible to change it. So far as the Declaration of Rights was concerned, his delegation felt that the present Government of Southern Rhodesia did not take that Declaration very seriously. The United Kingdom representative had said that what mattered most was the direction in which things were moving, rather than the pace. In the view of his delegation, things in Southern Rhodesia were moving in the wrong direction and if they continued to do so there was a danger of creating another South Africa at a time when all the other African States were achieving their legitimate right of independence. In view of those considerations his delegation felt that it would be wrong to say that Southern Rhodesia had attained a full measure of self-government.

84. The representative of the Soviet Union said that what is called Southern Rhodesia had come into existence as a colony towards the end of the nineteenth century, when the United Kingdom colonialists led by Cecil Rhodes, through bribery, deceitful colonial diplomacy, fraud and force of arms, had succeeded in depriving the Matabele and Mashona people of their independence and sovereignty. Although under the 1888 Agreement imposed on King Lobengula by deceit the colonialists had been granted the right to exploit the mineral resources but not to settle in the land, European settlers had immediately begun to infiltrate from Southern Africa. African resistance had been crushed with much slaughter.
(3,000 according to the British) and their land had been turned into the United Kingdom colony called Southern Rhodesia. Large numbers of Europeans had then begun to settle on the best land in Southern Rhodesia, expropriated from the indigenous inhabitants, who had been forced into reserves infested with the tsetse fly and situated in arid zones. Since the last risings by the indigenous inhabitants had been crushed in 1896, the present regime of brutal and merciless repression by a small European minority of the masses of African population had been maintained by armed force. He agreed with the representatives of India and Tanganyika that such terms as "constitutional referendum" and "elections", were merely empty words as applied to the operations in Southern Rhodesia in 1922 and 1923. The only objective of those operations, as also of the attempt in 1953 to establish a Federation, had been to consolidate the rule of European settlers over the indigenous inhabitants. As the National Democratic Party of Southern Rhodesia had pointed out in its pamphlet issued in London in 1960, the objective behind the discriminatory legislation had been to ensure that Africans should not have representatives in Parliament. Indeed, Africans had never been represented in the Legislative Assembly, since the English colonialists had occupied Southern Rhodesia in 1890. They had enacted scores of laws, administrative decrees and regulations providing for racial segregation and discrimination against the indigenous inhabitants in all areas of life. The inhuman principles of apartheid permeated every aspect of life in Southern Rhodesia. Since 1949, 82,500 African families had been expelled from the so-called Crown lands and 29,000 had been moved from the Zambezi basin to special areas. It was expected that all Africans living on Crown lands or in areas settled by the Europeans would be moved into those special areas in 1962.

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

86. He agreed that the situation in Southern Rhodesia had not changed after the introduction of the new Constitution in December 1961. That document reflected the desires of the European settlers and could not be called a genuine constitution, since it had not been drafted by freely elected institutions as provided under Principle XI annexed to General Assembly resolution 1541 (XV). The safeguards in the so-called new Constitution against the enactment of new discriminatory laws, to which the United Kingdom representative had referred, were of no practical significance since not one of the existing discriminatory laws, decrees or regulations had been abrogated. It was clear from one of the documents submitted by the progressive leaders in Southern Rhodesia that new legislation was not necessary to apply a policy of apartheid: a sufficient number of discriminatory laws were already on the statute book. The Declaration of Rights included in the new constitution benefited the European settlers only. No other interpretation was possible, since the so-called Constitution was itself a very good example of a discriminatory Act. The result of the various property, educational and other qualifications provided in it would be to deprive the indigenous population of the suffrage. Consequently if the rights and freedoms enunciated in the Declaration applied to every inhabitant of Southern Rhodesia, the so-called Constitution itself should have been declared illegal. At best, under the new constitution there would be one African deputy for every 200,000 indigenous electors, whereas for the European population there would be one deputy for every 5,000 electors. In other words, there was a proportion of 1 to 40 against the indigenous population. That was the essence of the so-called democratic regime which the United Kingdom representative had praised so highly in the Committee.

In 1962, however, even the most credulous would not be misled by such manoeuvres. It was not surprising that the racist document in question had been rejected by the indigenous inhabitants of Southern Rhodesia. The representatives of the indigenous inhabitants regarded the new constitution as a betrayal of their interests since it was similar to that granted by the United Kingdom to South Africa in 1910, which had been the beginning of the end of African representation and the starting point for the enslavement of the indigenous population in South Africa. He was fully in agreement with that assessment since it was obvious that the regime in Southern Rhodesia was a typical colonial régime imposed by force with the help of the United Kingdom Government. The assertion that Southern Rhodesia was a "self-governing colony" and that the United Kingdom had no responsibility for its affairs was a mere fiction. Southern Rhodesia was in fact a typical colony, a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter. In that respect the Committee’s reply to the question put to it by the
General Assembly in resolution 1745 (XVI) had already taken shape in the minds of many of its members. There was already a majority in favour of endorsing there and then the view expressed by the representatives of the African and Asian countries, with which his delegation was associating itself. But the task of the Committee did not end with giving that formal reply. Since it was already beyond question that Southern Rhodesia was a Non-Self-Governing Territory, the Committee should immediately proceed to consider measures and proposals with a view to the implementation of all the provisions of the Declaration on the granting of independence to colonial countries and peoples in so far as Southern Rhodesia was concerned.

87. He did not propose to introduce at the present stage a comprehensive programme of measures or recommendations which the Committee might submit to the General Assembly with a view to their being implemented in 1962, the representative of the USSR continued, but his delegation thought that the Committee could and should recommend a number of specific measures for the immediate implementation in Southern Rhodesia of the Declaration on the granting of independence. First, his delegation wholeheartedly supported the proposal that the so-called 1961 Constitution of Southern Rhodesia should be repealed, since it did not provide for universal suffrage or the establishment of representative organs of government by democratic processes. It was also essential that all discriminatory laws and regulations covered by paragraph 2, sub-paragraph (a), of General Assembly resolution 1698 (XVI) should be revoked forthwith. New laws, based on democratic principles and on general and universal suffrage in accordance with the principle "one man, one vote," should be enacted, and genuinely democratic representative authorities should be established. That was being requested by African organizations in the Territory and by the representatives of African countries in the Committee. Elections to a Legislative Assembly should be held not later than October 1962 on the basis of universal suffrage and by secret ballot, without any conditions or restrictions. All privileges should be abolished. All political parties, trade unions and other public organizations, as also all individual citizens, should be granted all democratic freedoms. All political detainees should be released immediately, and measures of police repression and terror should be discontinued. Full powers should be transferred to the indigenous institutions established as a result of such elections, in accordance with the provisions of the Declaration on the granting of independence. Urgent measures should be taken to ensure that Southern Rhodesia acceded to total independence not later than 31 December 1962 and that all United Kingdom military and paramilitary personnel should be withdrawn from the Territory by that date. Finally, the question of a federation or any other form of association between Southern Rhodesia and other countries should be settled by the population and by the representative authorities of Southern Rhodesia after the Territory had acceded to independence.

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

89. The representative of Ethiopia said that in deciding to take up the question of Southern Rhodesia at the very outset of its work, the Committee had naturally been prompted by the urgency and complexity of the problems now prevailing in that part of Africa. The General Assembly, by its resolution 1745 (XVI), had asked the Committee to consider whether the Territory of Southern Rhodesia had attained a full measure of self-government. In order to find the answer the Committee should consider the views of all the parties concerned: the United Kingdom, which was responsible for the Territory, and the indigenous inhabitants, who constituted over 92 per cent of the population. Furthermore, it was essential to go into the present constitutional position and the trend of the situation in Southern Rhodesia.

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

91. In 1922 the so-called electors, who constituted the entire white population of the Territory, had numbered 13, either employees of the British South Africa Company, which had then had extensive concession rights for the exploitation of minerals in the Territory, or farmers attracted by the fertility of the soil and the relatively healthy climate of the highlands. The indigenous African people of the Territory, numbering over 2 million, had not been consulted and had had no part
in the actual process of "self-determination" which had created the self-governing status of Southern Rhodesia. As a result, a Legislature of thirty elected members had been established with power to enact laws in domestic affairs, except in such areas as vitally touched the interests of the African population. That restrictive qualification, although undoubtedly a benefit for the African population, had detracted from the logic of the so-called self-government. As might have been expected, no African had ever been elected to the Parliament or to any Civil Service post in Southern Rhodesia. The successive Parliaments had been elected by a white electorate—or a virtual white electorate, if the 21% Africans who had voted in the last so-called election were taken into account. The African majority had been totally excluded from higher and responsible posts in the administration and the judiciary. Needless to say, such a system perpetuated the interests of the ruling minority. There were in Rhodesia such laws as the Land Apportionment Act of 1930, under which over 53 per cent of the best land had been sold to white settlers, and the Law and Order (Maintenance) Act, under which, according to the estimates of Mr. Joshua Nkomo and his party, over 10,000 Africans, including 2,000 women had been arrested in 1961 alone for protesting against the system. In the intervening years, up to the promulgation of the new Constitution in December 1961, some constitutional changes, which had not affected the basic and essential character of the Constitution of 1923, had taken place. In 1953, against the wishes and in some cases against the active peaceful opposition of the African population, federation had been foisted upon the African population in an attempt to extend the rule of the white minority to the other two Territories, in which there were far fewer Europeans in proportion to the Africans than in Southern Rhodesia. Federation had not essentially affected the characteristics of the Southern Rhodesian Constitution.

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

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

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

95. In the view of his delegation the conclusion was clear: Southern Rhodesia had not attained a full measure of self-government but was still a dependent territory in regard to which the United Kingdom had obligations under Chapter XI of the Charter. The obligations of the administering Power towards the 3 million Africans would continue to exist until such time as the 3 million Africans had equal rights and were in a position to take governmental power in the Territory.
96. The representative of Australia said that one of the principal questions over which the discussion on Southern Rhodesia had ranged concerned the powers of the United Kingdom Government in respect of Southern Rhodesia, which was the question specifically referred to the Special Committee by the General Assembly. The discussion of that question had inevitably entailed some consideration of related matters, particularly of the nature and degree of democratic government in Southern Rhodesia. He thought all members of the Committee agreed that Southern Rhodesia had a peculiar constitutional status, although they had not been able to agree on how that status should be defined. The Territory was neither completely independent of nor completely subject to the United Kingdom. The United Kingdom representative, both in the Fourth Committee and in the Special Committee, had described it in various ways. He had said that the Territory had attained a considerable degree of self-government, that it had "responsible" government, that it was entirely responsible for its internal affairs and that, though not independent, it had been self-governing in internal affairs and completely responsible for its own economic, social and educational policies. What he had said had given the Committee a general picture of the constitutional and political arrangements and status of the Territory, but it was still not easy to give a generally acceptable juridical term for that status.

97. He recalled that the United Kingdom representative had stated that his Government had transferred certain powers irrevocably to the Rhodesian authorities; nevertheless some representatives had questioned whether in law the United Kingdom had irrevocably surrendered the powers in question. Whatever the juridical position might be, however, in fact the United Kingdom could not take back those powers unless the local authorities agreed; there was even a question of how far it could exert some of the powers it had retained, if the local authorities resisted. The United Kingdom, and therefore the members of the Committee, were faced not merely with the legal situation but with the practical question whether and to what extent the administering Power could assert itself against the wishes of the local authorities. That was admittedly an odd state of affairs, but it was not unique and was particularly true of very small political entities. Possibly, as the process of decolonization continued, more and more such anomalous States would appear. In the case of Southern Rhodesia, however, he did not think that the anomaly would continue to exist. A time would come when the Territory, either alone or in association with some other entity, would be completely independent. Its present anomalous status was partly due to the fact that it had achieved self-government so long ago, before the establishment of the United Nations and before some of the current doctrines had taken full effect. Others had also been conscious of the borderline status of the Rhodesias; for instance, when the Bandung Conference had been convened, the Prime Ministers of Burma, Ceylon, India, Indonesia and Pakistan had invited the Central African Federation to take part. That did not mean that they had recognized the Central African Federation as an independent State, but it did indicate an awareness of the fact that the Rhodesias were moving towards independence though not yet independent.
98. Turning to other aspects of the situation in the Rhodesias, he emphasized that the idea of a multiracial Federation was a worthy one. However it was going to be achieved, the United Nations objective must be to have States with a general multiracial society and form of government in various parts of Africa, where there were large communities of different races. Whether or not the Federation survived and prospered, it should be recognized that those who had conceived it, in many cases at least, had had good and worthy motives. The second point he wished to make in that connexion was that none of the responsible leaders of any of the races in the Rhodesias asserted a doctrine of permanent or inherent racial superiority. Even if there were doubts of the sincerity of some of those who said they envisaged racial equality, the fact that they should say publicly that they were not supporters of a doctrine of racial superiority represented an advance. If the leaders of any major responsible group in Southern Rhodesia were advocates of such a doctrine, the scope for achieving a peaceful evolution of the Rhodesias would be immensely reduced.

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

Addendum to agenda item 25

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

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

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

102. Much had been said about the need to educate the people of the Territory in self-government and in new constitutional forms. In that connexion he observed that it was not merely a question of educating the African people in Southern Rhodesia but equally, and perhaps even more, of getting the European community accustomed to the workings of new constitutional forms. If the Africans, the Europeans and the Asians in the Rhodesias could come to know one another, not only politically but socially and through economic and other co-operation, some of the fears to which he had referred might be set at rest,
103. He did not feel called upon at present to take a position regarding any of the constitutional or other arrangements in Southern Rhodesia or any of the moves being made by the political leaders. Australia shared with the other members of the Committee the objective of complete independence for all countries, with full equality of opportunity for everyone in all fields, regardless of race. As far as Southern Rhodesia was concerned a basic problem was that there were at least three authorities involved: the United Kingdom, the Federation and Southern Rhodesia. He agreed with the Monckton Commission that the Federation could continue only if it could enlist the willing support of its inhabitants. He did not think that the Special Committee was called upon to express an opinion on the future of the Federation, which would be decided by events in the Rhodesias and Nyasaland. As far as Southern Rhodesia was concerned, if there was to be peaceful evolution there must be a steady movement towards a form of government and a form of society which would enable all, regardless of race, to play a full and equal part. There was some evidence of progress in that direction, but he felt sure all members of the Committee were aware of the need for speed.

In the world of today social processes had been accelerated to a degree that would have been inconceivable two generations earlier, so that the time available in Africa today was much less than might have been envisaged at the beginning of the century. It was to be hoped that all parties in Southern Rhodesia were conscious of the need for rapid evolution and the impossibility of standing still or of opposing the general trend throughout the world towards self-government for all, regardless of race.

104. In conclusion the representative of Australia said that the United Kingdom had delegated considerable autonomy to the Southern Rhodesian authorities and regarded that transfer as being irrevocable, in many respects at least. In any event there were clear limits to the extent to which the United Kingdom Government could impose any course on Southern Rhodesia. The United Kingdom Government had been making efforts to bring together various parties in the Federation and in Southern Rhodesia in order to quicken the rate of change, to influence the nature of the change and in various ways to smooth the development. Thus it had been and was trying to influence development and it deserved recognition of that fact, and encouragement and support.

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

106. As his delegation understood it, the position of the United Kingdom on the
question was that, since Southern Rhodesia enjoyed a substantial measure of self-
government, the United Kingdom was not in a position to carry out with respect
to that Territory all the obligations of an administering Power under Article 73 of
the Charter, and in particular the transmission of information. His delegation had
no quarrel with those contentions but it did not consider that they enabled the
Committee to arrive at a clear answer to the question put by the General
Assembly. The reason for the difficulty was clearly that the terminology of
Article 73 did not precisely fit the situation in Southern Rhodesia. Obviously the
authors of the Charter could not have foreseen and provided for all possible
variations in the relationship between metropolitan Powers and overseas
territories. In that connexion it was interesting to note that several delegations,
instead of asking the United Kingdom to relinquish its limited authority over
Southern Rhodesia, as was usually the case with regard to administering Powers,
had urged the United Kingdom Government not to relinquish its authority under
present conditions. If from a strictly legal point of view there was no clear and
agreed answer to the question put in General Assembly resolution 1745 (XVI),
there were a number of pertinent and related questions arising out of the situation
to which, judging by the debates in the Special Committee and in the Fourth
Committee, members would all give the same answers. For instance, if it were
asked whether the United Kingdom should wash its hands of Southern Rhodesia
and grant it independence immediately, all would agree that it should not, and the
United Kingdom did not appear to be
even considering the possibility of doing so. Again, if it were asked whether the
United Kingdom had some continuing responsibility to encourage and help the
people of Southern Rhodesia to move towards a form of government that would
give each element of the population an equitable share of opportunity and
responsibility, he felt sure the answer would be in the affirmative. There might be
differences of opinion regarding the degree of that responsibility, but there would
be no denial that it existed. Yet again, if the question were asked whether the
present situation in Southern Rhodesia allowed for peaceful change, and in
particular whether progress was being made towards the objective of greater
African participation in the Government, the answer on those counts, judging
from the statement made by the United Kingdom representative, would be in the
affirmative.

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

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

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

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

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

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

113. The representative of Yugoslavia, after recalling that his delegation had been one of the sponsors of resolution 1745 (XVI), pointed out that the General Assembly had given lengthy consideration to the meaning of self-government and had adopted two extremely important resolutions on the question, namely, resolutions 742 (VIII) and 1541 (XV). In paragraph 6 of the former resolution, it was stated that a territory could become fully self-governing through the attainment of independence, but that self-government could also be achieved by association with another State or group of States, if that was done freely. No one would venture to claim that Southern Rhodesia had attained independence: nor had self-government by association been achieved, since it was a question of association with two British protectorates and since it had not been entered into freely by the people of Southern Rhodesia. In paragraph 8 of the same resolution, the General Assembly put forward as a further criterion of whether a territory was self-governing that the people should have attained a full measure of self-government. He pointed out in that connexion that the indigenous population, comprising 92 per cent of the inhabitants of Southern Rhodesia, had no means at all of freely determining their status or of governing themselves. According to the second part (section A) of the annex to resolution 742 (VIII), the factors indicative of the attainment of other separate systems of self-government included the opinion of the population of the territory, freely expressed, and the freedom of choosing between several possibilities. A study of the situation in Southern Rhodesia showed that those two factors were completely lacking. Section C, paragraph 1, second sub-paragraph, of the same part of the annex, defined the legislature in a self-governing territory as characterized by the enactment of laws for the territory by an indigenous body whether fully elected by free and democratic processes or lawfully constituted in a manner receiving the free consent of the population. The Legislative Assembly of Southern Rhodesia did not conform to that definition in any respect. Paragraph 2 of the same section of the annex referred to a further factor—the effective participation of the population in the government of the Territory through an adequate and appropriate electoral and representative system, conducted without direct or indirect interference from a foreign Government. Again, that description did not apply to Southern Rhodesia. The same could be said of the factor of economic, social and cultural jurisdiction, which was the subject of paragraph 3 of that section. Certainly, the people of Southern Rhodesia did not enjoy the degree of autonomy as illustrated—to quote a passage from that paragraph—by freedom.
from economic pressure exercised by a foreign minority group which, by virtue of the help of a foreign Power, had acquired a privileged economic status. One need only read the Land Apportionment Act to see to what extent such economic pressure was exerted. Lastly, even a cursory study of the Constitution of Southern Rhodesia and of a large number of statutes—the Southern Rhodesia Electoral Act, the Unlawful Organizations Act, the Land Apportionment Act, the Law and Order (Maintenance) Act, the Native Education Act, among others—showed that the people of Southern Rhodesia were far from having attained full, or even partial, self-government. It was clear from all those legislative instruments and from documents which had been presented to the Committee that such terms as "elections", "electors", "electorate", "referendum", "elected representatives", "self-government", and "responsible government", referred exclusively, or almost exclusively, to the settlers. That fact was equally apparent from the moving account given by Mr. Nkomo, who had described with an uncommon sense of responsibility the true situation in his country. It was to be hoped that that account would have the effect of overcoming the doubts and reservations which some representatives had expressed.

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

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

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

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

4. The Committee should make positive recommendations, for the attention of the General Assembly, concerning the situation in Southern Rhodesia. His delegation believed that it was the Committee's duty, under the terms of resolution 1514 (XV), to recommend to the United Kingdom Government that it should abrogate the Constitution of Southern Rhodesia, annul all the legislative instruments which discriminated against the indigenous population, and promulgate a new electoral law based on universal suffrage, in order to ensure that the people of Southern Rhodesia had complete freedom and the right to establish for themselves whatever form of government they thought best, and freely to decide their own future. His delegation was firmly convinced that that was the only way to ensure the peaceful progress of Southern Rhodesia towards independence, and it joined Mr. Nkomo in hoping that the United Kingdom would repair as soon as possible the errors it had committed in the past. That hope was based on the policy applied by the United Kingdom in other territories and on the statement the United Kingdom representative had made concerning his country's general policy on the question of decolonization.

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

116. Relations between the United Kingdom and Rhodesia, or the Central African Federation, were complex, but the Committee could answer the question before it without having to subject them to close scrutiny. In the first place, General Assembly resolution 742 (VIII) stated that the manner in which a territory could become fully self-governing was primarily through the attainment of independence. However, even if it were assumed that the Territory of Rhodesia had attained independence through a full transfer of powers, it would still not be in the position envisaged by resolution 742 (VIII), by the Declaration on the granting of independence to colonial countries and peoples, or by the United Nations Charter. Even if a transfer of powers had taken place, there would be the question who had been vested with those powers. The concept of sovereignty was a matter, not only of the State in the sense of the established power, but of the State as a complete political whole comprising both the people and the Government. Strictly speaking, therefore, sovereignty existed only if the people itself—and not a limited category of it or a minority—really held the power. An analysis of the Constitution of Southern Rhodesia and of the statements made before the Committee sufficed to show that, even if a hypothetical sovereignty had been transferred to Southern Rhodesia, the real power lay in the hands of the established executive and not of the people, i.e. the Africans who made up 92 per cent of the population. The restrictions on the right to vote, the existence of discriminatory laws and the unequal representation of electors registered on the two electoral rolls all testified to the fact that the territory of Southern Rhodesia did not enjoy full autonomy.
117. He agreed that opinions might differ as to the constitutional system best suited to a given country. A number of systems were compatible with democratic principles, provided that any departure from the formula "One man, one vote; one vote, one representative" was based on rational grounds and not on such factors as colour. It was not enough to declare on paper that all men were equal; equality was not actually achieved unless means, opportunities and resources were available to all. His delegation hoped that the Committee's work would make it possible to work out a formula which would enable the rightful claimants to Southern Rhodesian sovereignty to regain their rights by peaceful means.

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

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

120. In view of all those facts his delegation was obliged to state that Southern Rhodesia had not attained a full measure of self-government and that its present status was not in accordance with the criteria laid down in Principle VI, annexed to General Assembly resolution 1541 (XV). Nor could he agree that the Territory had achieved a form of separate self-government, since the factors defined in the annex to General Assembly resolution 742 (VIII) were not present.

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

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

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

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

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

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

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

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

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

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

1. That the United Kingdom Government should immediately abrogate the new racist Constitution of 1961;
2. That no federal or local election should be held in that Territory under the existing electoral system;
3. That new elections to the Legislative Assembly should be organized on the principle of "one adult, one vote" without distinction as to race, creed, colour, immovable property, income or education; those free elections would make it possible to form a truly representative assembly and establish a representative government;
4. That the Bill of Rights included in the 1961 Constitution and all racial and discriminatory laws should be repealed;
5. That the Central African Federation should be liquidated and the establishment of any new federation

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left to the decision of the population of the territories concerned;
(6) That all African political organizations and parties should be able to enjoy
democratic freedoms and that all political prisoners should be released
immediately.
The Polish delegation, which was opposed to the exploitation of the majority of
the population by a handful of white settlers and to every kind of discrimination
and slavery, supported those requests by the people of Southern Rhodesia.
130. In conclusion he recalled that the Acting Secretary-General, on the occasion
of the thirteenth anniversary of the proclamation of the Universal Declaration of
Human Rights, had said that the defence of peace in the world should be based on
the recognition of the inherent dignity of all human beings and on the equality of
all members of the human family. In Southern Rhodesia, where human rights
were openly violated, peace was also at stake. The Committee must therefore
submit to the General Assembly, as soon as possible and perhaps even at its
resumed sixteenth session in June 1962, recommendations which would ensure
the implementation of resolutions 1514 (XV) and 1654 (XVI) for the benefit of
the great majority of the population of Southern Rhodesia.
131. The representative of Syria said that the duty of the Special Committee was
twofold: it must decide whether Southern Rhodesia was or was not selfgoverning
and it must also examine the situation in that country with a view to making
appropriate recommendations on the steps to be taken in order to lead it to
independence. The claim made by the United Kingdom representative that
Southern Rhodesia enjoyed self-governing status had not stood the test of the
thorough and well-documented examination given to it by the representative of
India and others. The Syrian delegation had consistently rejected the position that
the status of a colonial territory could be determined unilaterally by the
administering Power. The controversy regarding that question, which had
continued for a number of years, had been finally resolved by the adoption of
General Assembly resolutions 742 (XIII) and 1541 (XV). In that connexion he
recalled that the United Kingdom had been instrumental in the formulation of
Principle VI of the set of principles continued in the annex of the latter resolution.
Furthermore, since Southern Rhodesia was federated with two Territories whose
non-self-governing status was not in doubt, it could not logically be considered in
isolation from the federal structure of which it was an integral part and which by
no stretch of the imagination could be said to be self-governing.
132. He went on to say that, irrespective of the legal arguments involved.
Southern Rhodesia presented a grave human situation, in which the overwhelming
majority of the people, the indigenous inhabitants of the Territory, were never
consulted and continued to have no voice regarding the fate of their country. From
the statement made by Mr. Nkomo and from other sources of information, the
members of the Committee had been able to ascertain that in spite of Southern
Rhodesia's status of a so-called self-governing colony the African population was
in fact deprived of the most elementary political and human rights and was
economically completely dominated by the white settlers. The African population
had tried by various means to obtain from the Government such political rights as
should be normally due to a nation of 3 million people in its own homeland. Above all they were asking for the right to vote. Apparently, however, there seemed to be no intention on the part of either Sir Roy Welensky or Sir Edgar Whitehead to respond to their pleas; if anything, there would appear to be a growing tendency towards the perpetuation of the status quo. In those circumstances, the African leaders had appealed for protection to the United Kingdom Government, which had more than once publicly expressed sympathy with the African population. Expressions of sympathy, however, were not enough: vigorous action would be required to remedy the situation. Yet both in the Fourth Committee and in the Special Committee the United Kingdom representative had maintained that his Government had no power to intervene in the internal affairs of Southern Rhodesia, which, according to him, enjoyed full internal self-government. The African population had now turned to the United Nations as a last resort. His delegation held that it was the sacred duty of the United Nations to respond to that appeal and to press for a solution of the problem in order to forestall the tragic consequences that would ensue unless a reasonable solution were found. Both Mr. Nkomo and Mr. Garfield Todd had expressed the opinion that, in spite of what had been said to the contrary, the United Kingdom Government had the power to change matters. Both had maintained that the only way out of the impasse was such a change in the Constitution of Southern Rhodesia as would enable the population of the country to participate fully in its political life. He trusted that the United Kingdom Government would not hesitate to use its power in order to remove those elements of the present Constitution which deprived the overwhelming majority of the people of its rights.

133. While aware that the circumstances governing constitutional changes varied according to the powers vested in the Governor or in the legislative bodies in various territories, his delegation could not refrain from drawing certain comparisons which appeared to it to be relevant. For instance, the Constitution granted in 1953 to British Guiana, which at that time had been considered a territory with an advanced degree of self-government, had been revoked some six months later when the United Kingdom Government had found that the result of the elections held in the Territory reflected "a dangerous crisis both in public order and in economic affairs". The Colonial Office had not hesitated not only to suspend the Constitution but to send naval and military forces to Georgetown "in order to preserve peace and the safety of all classes". An even more recent example was the suspension in 1958 of the Constitution of Malta following the breakdown of talks and disagreement between the British and Maltese Governments over the amount of financial assistance to be given to Malta during the financial year 1958-1959. Thus, when local circumstances had made it necessary for the United Kingdom Government to take energetic action, it had not been reluctant to do so. Undoubtedly there had never been more valid reason for changes in, or the revocation of, a constitution than was presented by Southern Rhodesia. As Mr. Garfield Todd had told the Committee, the Monckton Commission had recommended that for a constitution to be workable it must have the support of the African population. The leaders of two African parties and a
The former Prime Minister of Southern Rhodesia had assured the Committee that the African population was resolutely opposed to the Constitution of 1961. Hence it was the Committee's duty to call for its suspension and for the preparation of a new Constitution which would take all legitimate interests into account and would above all secure the right of vote to any citizen, regardless of his status, colour or creed.

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

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

136. He then referred to the argument that, since the United Kingdom had continued to transmit information on the Gold Coast even after it had achieved internal self-government, that could also be done in the case of Southern Rhodesia. He did not agree that the two cases were parallel. The United Kingdom had in certain cases continued to transmit information on territories after they had achieved internal self-government, because the Governments of those territories had raised no objection when asked to supply such information and because it had seemed natural to continue to transmit information up to the attainment of full independence. Had the local authorities refused to supply the information, the United Kingdom would have been unable to transmit it to the United Nations. The case of Southern Rhodesia was quite different; it had enjoyed full internal self-government for many years before the Charter had been signed; hence the question whether information should continue to be supplied after the attainment of self-government had not arisen. The decision not to include Southern Rhodesia among the Territories in respect of which the United Kingdom proposed to transmit information had not been challenged in 1946, or subsequently, until the current session of the General Assembly.
137. With reference to the statement by the representative of the Soviet Union he said that the criticisms of that representative had shown little regard for reality; for example, he had stated that 29,000 people had been transferred from Zambesi to certain special regions. That figure was wrong; moreover, a great dam had been built on the Zambesi River, which would bring enormous benefits to the country, and the people concerned had had to be resettled, even as other peoples would have to be resettled in projects in which the Soviet Union itself was closely interested. He asked whether the Soviet Union representative would have preferred that those people had been left to drown.

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

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


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

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

141. Several delegations had criticized the decision made in 1923 to give the predominately European electorate the choice between full internal self-government and incorporation with the Union of South Africa, without taking into account the wishes of the indigenous population. The attitudes of the various parties concerned would probably be different today, but the fact remained that to grant extensive powers of self-government to those who had been at the time most organized and best able to exercise such powers had been generally held by the standards of the time to be a progressive and liberal move. Whether or not it would be so regarded today was an academic question; the fact which he hoped he had demonstrated was that the delegation of powers which had taken place had been real, substantial and for practical purposes irrevocable. That was the situation which must be dealt with at the present time. He hoped that the Committee would resist the temptation to disregard political realities and to advocate measures which were impracticable in the light of the facts. The considerations he had advanced were not legal points; they were basic elements of the British system of government and could not be simply put aside.

142. He felt that much of the criticism of the new Constitution was misplaced. If the criticisms now being made had been made five or even three years earlier, they would have been more understandable. At that time the Legislature had been wholly European, the electorate almost entirely European and there had been no sign of any change in prospect. There had been a considerable body of discriminatory legislation and no check on the introduction of further discriminatory measures except for a technical power of veto by the United Kingdom Government which had never been effective and was not likely ever to be so. The present situation was very different. As the Secretary of State for Commonwealth Relations had said in the House of Commons, the outstanding feature of the new Constitution was that it provided far-reaching advancement for the Africans with the full consent of the Europeans. Incidentally, the white electors had voted two to one in favour of extending the franchise. Indeed, the new Constitution made it certain that power would be transferred steadily to African hands because more Africans would qualify for the vote as they acquired more education and a better economic status. The franchise could not be altered to the detriment of Africans except after a referendum in which African voters would have a veto. Even the less important constitutional provisions, which did not require a referendum, must still be passed by a two-thirds majority of the Legislative Assembly. The Africans had a virtual guarantee of fifteen "B" roll seats. If all those who were qualified registered and exercised their vote they should secure additional "A" roll seats at the first general election and more at subsequent elections. By their influence on the other "A" roll seats, they should moreover be able to prevent the election to those seats of European candidates likely to support constitutional amendments detrimental to African interests.
143. He stated that the consultations which had taken place between the United Kingdom Government and the Southern Rhodesian Government before any legislation concerning the United Kingdom reserved powers had been enacted by the Southern Rhodesian Government had been of an entirely informal nature. They were designed to give the reserved powers some technical meaning short of the purely negative exercise of the veto, which would be an extreme step difficult to justify in view of the constitutional position. The main point, however, was not whether the reserved powers had any value but the fact that the safeguards which replaced them were much more effective. In fact, criticism of existing discriminatory legislation was in itself a judgement of how effective the reserved powers had been in practice. To claim that such legislation flouted the Declaration of Rights suggested that the latter was a better safeguard against similar legislation.

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

144. The representative of the United Kingdom then appealed to those members of the Committee who had the interests of all the peoples of Southern Rhodesia at heart to ponder carefully on the conclusions which should be drawn from the debate. The first of them related to the question asked by the General Assembly in resolution 1745 (XVI). He hoped that he had been able to show that Southern Rhodesia was neither completely dependent nor fully independent. The interests of historical accuracy would not be served by attempts to twist the complex facts of the constitutional status of Southern Rhodesia in order to make them conform either with the factors annexed to General Assembly resolution 742 (VIII) or with the principles annexed to General Assembly resolution 1541 (XV). He therefore suggested, as the United States representative had already done, that the Committee should report to the General Assembly that it had been unable to give a clear affirmative or negative answer to the question put to it in resolution 1745 (XVI).
145. He then referred to suggestions by some members that in its report to the General Assembly the Committee should not confine itself to answering the question in resolution 1745 (XVI) but should also touch on the substance of some of the matters which had been discussed in the course of the debate, such as the provisions of the new Constitution. He did not pretend that the new Constitution marked the attainment of equal rights for all in every field. He was, however, convinced that it represented a major advance along the path leading to that goal and away from the policies of white supremacy. The leaders of Southern Rhodesia were not advocates of racial supremacy. Despite the fear voiced by the Tanganyikan representative that things in Southern Rhodesia were moving in the wrong direction and that, if they continued to do so, there was a danger of creating another South Africa, the new Constitution was clearly and most emphatically a move away from any policies of apartheid. It marked the beginning of a trend which would surely lead to the Africans playing a leading role in the Government of Southern Rhodesia. Hasty and ill-considered action or decisions by the Special Committee, or by the General Assenilli on the basis of conclusions formulated by the Committee, might delay or even reverse that trend.

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

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

C. ACTION TAKEN BY THE SPECIAL COMMITTEE

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

149. The report of the Sub-Committee on Southern Rhodesia5 was formally submitted to the Special Committee at its 37th meeting. This report was discussed by the Special Committee at its 44th, 45th and 47th to 49th meetings.

150. At its 49th meeting, on 11 May 1962, the Special Committee adopted a resolution46 in which it, inter alia, endorsed the report of the Sub-Committee on Southern Rhodesia, particularly the recommendation contained in its paragraph 45. In this paragraph the Sub-Committee stated that, in view of the grave and potentially explosive situation in Southern Rhodesia and in the absence of favourable developments, the situation in Southern Rhodesia should be considered by the General Assembly at its resumed sixteenth session or at a special session, as a matter of urgency. The Special Committee also approved a draft resolution47 which it recommended to the General Assembly for consideration.

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

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

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

E. FURTHER CONSIDERATION—BY THE SPECIAL COMMITTEE

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

154. At the same meeting it heard the following two petitioners concerning Southern Rhodesia:
(a) Mr. E. J. M. Zvobgo, representing the Zimbabwe African Peoples Union (ZAPU):
(b) The Reverend Michael Scott, representing the Africa Bureau.

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

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

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

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

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

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

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

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

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

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

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

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

164. Personally he was convinced that the Central African Federation, as at present constituted, would cease to exist before the end of 1963. The main difficulties were to be found in Southern Rhodesia, whose policies represented the greatest obstacle to the peaceful progress of the Territories towards independence. Its Government would have to learn to accept the African majority and to respect the rights of all races. It must realize, as the Africa Bureau had pointed out, that it could not join Northern and Southern Rhodesia together against the wishes of the African people. The Federation, which had been established in 1953 by an Order in Council, was not indissoluble; its Constitution provided for amendments, and those amendments could be made only by the United Kingdom. Even at that late date reason might prevail and a solution be possible. To bring it about, however, there would have to be close co-operation between the United Nations and the United Kingdom; otherwise, the drift towards violence would continue. In that connexion he quoted from a letter from the Zimbabwe African Peoples Union, requesting him to inform the Special Committee that the situation in Southern Rhodesia was deteriorating and that in order to prevent bloodshed the United Nations should intervene and urge the United Kingdom Government to suspend the Constitution of 6 December 1961. That letter also urged the United Nations to study carefully the bills and amendments now before the Parliament of Southern Rhodesia and to decide whether such bills could be passed by any democratically elected legislature.
In conclusion the Reverend Scott expressed the hope that the United Nations would appoint a special committee which would keep the situation in Southern Rhodesia, and in the Federation in general, under constant review and to which the people of that area could bring their problems for a solution by peaceful and rational means.

CHAPTER III
NORTHERN RHODESIA
A. INFORMATION ON THE TERRITORY*

General
1. Northern Rhodesia is situated in the southern part of Central Africa and is bounded on the north by the Congo (Leopoldville), on the east by Tanganyika and Nyasaland, and on the south-east by Mozambique, on the west by Angola, and on the south by Southern Rhodesia.
2. The greater part of Northern Rhodesia is a plateau between 3,000 and 4,000 feet above sea-level, which is broken by the valleys of the Upper Zambezi and its major tributaries. The Copperbelt, which is the fourth largest source of copper in the world, lies in the Western Province, on the Congo (Leopoldville) border. Including 3,000 square miles of inland water, the total area is 288,130 square miles.
3. The estimated population of Northern Rhodesia at 30 June 1960 was 2,426,300. Of these, some 2,300,000 are African, about 77,000 are Europeans and 11,000 others are mainly Asians.

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

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

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

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

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

(i) The Governor

7. The Governor is appointed by the British Government and is the Queen's Representative and also the head of the Executive in the Territory. In the exercise of his executive powers, he acts on the advice of the Executive Council. In certain circumstances he is authorized to act without consulting them, or to act against their advice, but this is rare, and in such cases special procedures are required, including the dispatch of an immediate report to the British Govern49 See paragraphs 14 to 22 below.