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AGENDA ITEM 23

Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (chapter on Territories under Portuguese administration) (A/5446/Rev.1, chap. II; A/C.4/618 and Add.1; A/C.4/620; A/C.4/L.781 and Add.1 and 2; A/C.4/L.782) (continued)

CONSIDERATION OF DRAFT RESOLUTION A/C.4/L.781 AND ADD.1 AND 2 (concluded)

1. Mr. EL-SHAFEI (United Arab Republic), analysing the pattern of voting on the various draft resolutions concerning Southern Rhodesia, South West Africa and the Territories under Portuguese administration which had been before the Fourth Committee, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the General Assembly, noted that the countries which had cast a negative vote or had abstained were always more or less the same, as were also the reasons which they gave for doing so. Those countries alleged that the General Assembly was not competent to examine the questions, or that the draft resolutions submitted were contrary to the principles and provisions of the United Nations Charter, and they based their arguments on technicalities concerning the wording of the drafts. They never, however, gave the real reason for their vote, which was that in the world of today, of which the United Nations was the reflection, the forces of domination and exploitation were engaged in a final and unsuccessful battle against the forces of liberation. The battle was unsuccessful, because history always recorded the triumph of liberation. Whereas, at the time when the United Nations had been established, there had been only a handful of Arab

and Asian countries struggling for the recognition of the rights and freedoms of millions of oppressed people, today the Powers which were voting against resolutions on colonial questions, or abstaining, were in the minority. But their lack of concern or indifference to the cause of peace and freedom did great harm. If the United Nations was not competent to deal with certain colonial issues, what solution did those Powers suggest for those problems, about which they themselves, as they admitted, were concerned? If the majority of States were acting illegally, what were the purposes of the United Nations? The reply was clear and appeared in Article 1 of the Charter.

2. He assured the delegations of the countries which were against referring the question of the Territories under Portuguese administration to the Security Council that the African and Asian countries regretted having to burden the Security Council by adding items to its agenda; it was indeed unfortunate that the Council had to consider almost all colonial questions and even more unfortunate that it was prevented from implementing its own decisions. But was there any other way of achieving what the Charter itself required? By appealing to the Security Council the African and Asian countries were acting in absolute conformity with the principles of the Charter, in particular of Article 24, and were showing a true sense of responsibility.

3. It had been suggested that the African and Asian countries were monopolizing the initiative in preparing and submitting draft resolutions on colonial issues. His delegation would be only too happy to study any draft resolution submitted by any of those who were making that accusation, but there could be no compromise on principle and half-solutions were not acceptable.

4. It had also been said that the delegations of the African and Asian countries were not following correct parliamentary procedure by opposing votes by division on draft resolutions. He would ask, however, how parliamentary procedure was involved seeing that none of the delegations which, at the 1493rd meeting, had voted against or abstained on the draft resolution on the Territories under Portuguese administration (A/C.4/L.781 and Add.1 and 2) had said a word of criticism of the draft before its adoption. Some delegations had even complained that no consultations had been held before the draft had been submitted.

5. Portugal, through the mouth of its Prime Minister, was alleging that the mass admission of new nations to the United Nations had disrupted the orderly life of the international community. But what was to be said and done about Portugal?

6. In conclusion, he would say a word of appreciation to those delegations which had voted for the draft resolution, in particular Australia, Austria, Denmark, Finland, Iceland, Ireland, Japan, New Zealand, Norway and Sweden. The favourable vote of those countries

inspired the hope that they would use their influence to induce Portugal to change its attitude and recognize the right of self-determination and independence, as embodied in the Charter and in the Declaration on the granting of independence to colonial countries and peoples, for the peoples under its administration.

7. Miss IMRU (Ethiopia) said that her delegation had been disappointed by the abstentions of certain delegations. The General Assembly's repeated appeals to Portugal, the personal approach made by the Emperor of Ethiopia to the Portuguese Prime Minister, requesting him to review his policy, and the talks which had been held between the Portuguese Minister for Foreign Affairs and representatives of the African countries had not been successful. That being so, it was a pity that twelve countries had seen fit to abstain on such an important question. She expressed the hope that the Security Council would be prepared to shoulder its responsibilities.

8. Mr. GUEYE (Mauritania) said that his delegation welcomed the results of the vote which had taken place at the 1493rd meeting. Mauritania regarded Mr. Holden Roberto as the head of the Angolan Government-in-Exile. If some representatives had cherished a secret hope that they would hear from him the philippics of an impassioned politician, they must have been disappointed. In his simple, unemotional speech at the 1493rd meeting, unemotional speech Mr. Roberto had given an account of the crimes and tortures which were going on in Angola and had forced the members of the Committee to realize the horror of a war which some were trying to pass off as mere guerilla operations. After Mr. Roberto had left the representative of Portugal had resumed his place at the Committee table and had started talking about procedural questions, regardless of the fact that human lives were at stake. But despite what he had said, eighty-seven delegations had decided that the Committee should act in accordance with the spirit and the letter of the guiding principles of the United Nations. The delegations of Spain, South Africa, and Portugal had voted against the proposed text, a fact which he deplored in the name of the human race and the principles inspiring the United Nations. The members of the North Atlantic Treaty Organization (NATO), which were friends of Portugal, had abstained, as they were entitled to do, although after Mr. Roberto's statement there could be no doubt where the responsibility lay. It was obviously not a crime to abstain, but in the present circumstances it was a serious political error.

9. Mr. BRUCE (Togo) recalled that at the 1493rd meeting Mr. Roberto had said that certain week-end anti-colonialists acted during the week as bankers and suppliers of arms to Portugal. The vote which had taken place at the end of the 1493rd meeting had confirmed that view, and had proved that the association between Western Europe and the United States on the one hand and Africa on the other was like the association of a rider and a horse. There had been eighty-seven votes in favour of putting an end to the senseless slaughter, and three votes in favour of continuing the daily massacre of men, women and children whose only crime was that they wanted their rights to be recognized. When a choice had to be made between human reality and legal fiction, between slavery and the sacred right of self-determination guaranteed by the Charter, the meaning of an abstention became clear.

10. It seemed that the African countries had no friends in Western Europe and the United States except in so

far as they espoused the cause of those regions and followed their policy, whose aim was to exclude one-quarter of the human race from the United Nations. It was now clear to the African countries that the twelve States which had abstained had Africa's welfare at heart only as long as it coincided with their own interests. The thirty-two African States could not fail to draw the obvious lessons from that situation.

11. With regard to Portugal, Spain and South Africa, their denial of all human rights was not surprising. Fortunately, both time and justice were working against them and would triumph over pernicious alliances such as NATO, by forcing them one day to learn the lessons of history.

12. Mr. N'GYESE (Congo, Leopoldville) observed that the draft resolution adopted upon completion of the consideration of the question of the Territories under Portuguese administration was conciliatory in nature; under its terms, the General Assembly would merely be requesting the Security Council to give effect to its own decisions. The sponsors of the draft resolution were well aware that the Assembly was not competent to force a solution on the Council and had accordingly abstained from telling the Council how it ought to act. They were convinced, however, that the Council alone could settle the problem of Portuguese colonialism.

13. During the general debate several delegations, including his own, had appealed to the Powers which were Portugal's allies, in the name of humanity, immediately to cease all aid to that country. The silence of those Powers might have given the impression that the appeal had been heeded. The results of the vote on the draft resolution had not, however, been as expected: the abstention of the NATO countries was in the interests of Portugal and contrary to those of the peoples of Africa; doubtless it had been agreed upon in advance.

14. His delegation had noted the explanation given by the NATO Powers, to the effect that they shared the legitimate views of the African countries regarding the principle of self-determination. On being pressed to choose between their age-old friendship with Portugal and their pledges to that country, on the one hand, and the recognition of the rights of the oppressed countries on the other, those Powers had sought excuses and loop-holes in the text of the draft resolution. In his delegation's view, in such a case the choice was made on the basis of essential principle, and that was doubtless what the NATO countries had done when they had chosen to serve the interests of Portugal, which was trying to gain time. Mr. Roberto had however stated that in the eyes of the Angolan freedom fighters an abstention would be the equivalent of a negative vote.

15. Some delegations had alleged that there were other means of achieving a pacific settlement of the problem, but would those means be such as to meet the wishes of the populations concerned? Would it not in any case be better to begin by applying measures already decided? He believed that it was not yet too late, and made a further appeal to the countries which had abstained on formal grounds to understand the African view and to adopt a positive attitude.

16. Mr. DIALLO Seydou (Guinea) said that he wished to clarify a point. It had apparently been suggested that his delegation disputed the right of every person to be a citizen of the country of his choice. What his delegation had said was that Mr. Salazar's policy was to turn Angolans into Portuguese, or rather into semi-Portuguese, although Mozambique, for example, had

had a political and social system of its own before the Portuguese colonizers had arrived on the scene. Portugal was blind to the realities of geography and history.

17. He recalled that some French nationals had elected to become Guineans after his country had become independent. Africa was not racist, and what it proclaimed was not that the black race was superior to all other races, but that all races were equal. It was regrettable that the statements of Africans were always prone to misinterpretation by some delegation.

18. Mr. YATES (United States of America) said that on hearing the strong words that had been used regarding his country at the previous meeting, he had been tempted to reply in the same vein. He had, however, remembered the reply given by Lincoln at the beginning of the Civil War to a woman who had rebuked him for speaking kindly of the enemy: "Madame, will they still be our enemies if we make them our friends?".

19. The representatives of Guinea, Ghana and Nigeria—countries with which the United States was on friendly terms—had said harsh words in the Committee. His delegation appreciated their sincerity and trusted that they in turn would understand that it was sincere in saying that its abstention in the vote on the draft resolution on the Territories under Portuguese administration did not mean that the United States Government was opposed to African aspirations.

20. Several delegations had interpreted that vote as a test of his country's good faith. That was both regrettable and unfair. They had stated that it was not the form but the intention of the draft resolution that mattered. Unfortunately the Committee was called upon to vote not on intentions but on a specific text. If the draft resolution had been a purely procedural one, as the Liberian representative had said, the United States would have voted for it, but it was much more than that since it requested the Security Council to implement one of its own resolutions on which the United States had abstained. He asked whether that was to be the test of the sentiments of the United States Government.

21. The sponsors of the draft resolution had expressed disappointment, but they had left the United States no choice in the matter. The representative of the United Arab Republic had suggested that the United States delegation might have proposed amendments. He recalled that when the draft resolution had first been circulated he had stressed the difficulties with which his delegation was confronted on account of its wording and had proposed certain amendments, adding that if they were accepted his delegation would vote for the draft resolution. They had not been accepted and the operative part had remained unchanged. Now the vote was being held up as a test of United States friendship for Africa. His delegation rejected such an interpretation.

22. He went on to express his delegation's appreciation, and his own, for the many sincere and moving expressions of sympathy which had been conveyed to him on the occasion of the assassination of the President of the United States. In thinking of President Kennedy he was reminded of the following lines of the English poet Stephen Spender:

*Born of the sun, they travelled a short while
toward the sun
And left the vivid air signed with their honour.*

23. No one would dispute the fact that President Kennedy had staunchly supported the cause of freedom in Africa. He had also, however, been a staunch supporter of NATO. Some of the statements heard in the Committee seemed to suggest that those two attitudes were irreconcilable. He himself considered that no contradiction was involved and that it was in the interest of the United States that arms supplied to Portugal within the framework of NATO should not be used against Africans who were fighting for freedom. His Government trusted that those arms would not be used in such a way.

24. The Portuguese representative had said at the previous meeting that although he was of Goanese origin he considered himself to be Portuguese. Naturally, he was fully entitled to do so, but it was to be hoped that Mr. de Miranda would be willing to grant the peoples of the Territories under Portuguese administration the same freedom of choice as he himself had enjoyed. Lincoln—to quote him once again—had said in his inaugural speech on being re-elected that his country should strive to finish the task that had been begun. The United States was at one with the African nations regarding the great cause of self-determination, and was looking forward with joy to the day when the peoples of the Territories under Portuguese administration would be able freely to decide their future, that was to say, to choose between independence or alliance with Portugal. It had been charged that the acts of the United States spoke so loud that its words were inaudible. He maintained, however, that the words of the United States were worth listening to and would be heard.

25. Mr. DE PINIES (Spain) stated for the benefit of Senegal and other delegations that he realized that the report of the Secretary-General (A/5448 and Add.1 and 2)^{1/} to which he had referred in his statement at the 1493rd meeting had contained other points in addition to the one he had mentioned. As he had already said, his delegation was fully aware of the seriousness with which the sponsors of the draft resolution regarded the item under consideration, and had dealt with that item and that item only. Attempts should accordingly not be made to read other motives into what had merely been his delegation's concern to single out the constructive elements in the report which might be of assistance in solving the difficult problems that could arise. His delegation's views on decolonization had already been stated in the Committee on Information from Non-Self-Governing Territories and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and had not altered.

26. Mr. MUFTI (Syria) said that he had not been convinced by the remarks of the United States representative, to the effect that his delegation had abstained on formal grounds. In his view the United States had had more deep-seated reasons for refraining from voting for the draft resolution, which had indeed been a test case affording that country an opportunity of proving its friendship for Africa.

27. Mr. OFORI-ATTA (Ghana) said that he wished to set the record straight. According to the United States representative, he had proposed several amendments to the sixty-five-Power draft resolution, but since the

^{1/} See *Official Records of the Security Council, Eighteenth Year, Supplement for October, November and December 1963.*

amendments had not been accepted his delegation had been unable to vote for the draft resolution. He recalled that the United States delegation had expressed a reservation only about the words "the only means" in the last preambular paragraph, and that those words had accordingly been replaced by "the principal means". The co-sponsors had considered that the amendment should prove satisfactory to the United States delegation.

28. The United States representative had also said that the freedom of Africans was not inconsistent with NATO. Although that might be true in theory, he wondered how reliance could be placed on the good intentions of the NATO Powers when the facts showed that arms supplied in the context of that alliance were being used in Angola. Protestations of friendship were not enough, and the choice was a simple one: Africa or Portugal.

29. With regard to the Portuguese representative's allegations concerning the desire of Africans to become Portuguese, he wondered how Africans could be turned into Portuguese by laws that they had had no hand in drafting and adopting. Africans could choose to become Portuguese, but they could not be forced to do so.

30. The real test lay in the choice between justice, equality, independence and self-determination on the one hand, and everything that ran counter to those concepts on the other. It was impossible simultaneously to proclaim ideals and to act in disregard of them. The United States should compel Portugal to withdraw from Africa all the arms supplied to it by NATO.

31. Mr. EOUAGNIGNON (Dahomey), speaking in exercise of the right of reply, asked how the United States delegation could claim to be at one with the Africans when its country was supplying arms which were being used in the Portuguese Territories and voting in the United Nations against all draft resolutions designed to put an end to the fighting in Africa.

32. Mr. YATES (United States of America) said that his delegation would reply in due course to the questions put by the representative of Dahomey.

33. His purpose in asking for the floor was to point out that contrary to what the delegation of Ghana had stated, the expression "the only means" still appeared in the preamble of draft resolution A/C.4/L.781 and Add.1 and 2. His delegation had discussed that question with the former representative of Ghana and also with members of other delegations.

34. Mr. MONGONO (Nigeria) said that his delegation had been glad to hear the encouraging words uttered by the United States representative, who had given assurances regarding his country's readiness to help Africa and the African nations to solve the difficult question confronting them. The Nigerian delegation had always hoped that the United States would give proof of its goodwill, for it was convinced that that country could influence Portugal in a very substantial degree. Had the United States, the United Kingdom and France adopted a different attitude, the United Nations would not find itself in such a difficult situation.

35. Mr. NGANDO-BLACK (Cameroon) recalled that his delegation had already said that it considered it a duty not to suspect the intentions of other delegations and to grant them the benefit of the doubt. His delegation endorsed the Nigerian representative's comments

regarding the statement of the United States representative. It was to be hoped that that extremely reassuring statement would be followed by acts and that the Committee would be able at its next session to take note of the progress which had been made. He urged the United States representative to explain the Committee's views to his Government, and expressed the hope that the statement of the United States delegation would be reproduced fully in the summary record of the meeting.

36. Mr. ANOMA (Ivory Coast) said that while his delegation had been surprised to note that there had been abstentions, it had in no way been surprised at the negative votes cast by Portugal, South Africa and Spain, for it was known that those three countries pursued a common policy. The Spanish Minister for Foreign Affairs had asked at the 1213th plenary meeting what the charge against Portugal was. It was easy to reply to that question, for the charges against Portugal were based on the facts. It was surprising that Portugal, the first country to have colonized Africa, should be clinging to its territorial possessions there, whereas several other colonial Powers had freed the areas formerly under their occupation. Logically, the Portuguese Territories should have been the first to have attained independence.

37. The reason why his delegation had been surprised at the abstentions of the NATO Powers was that draft resolution A/C.4/L.781 and Add.1 and 2 had been so worded as to give ground for hope that there would be no abstentions. Yet several of the Abstaining countries had written chapters in their own blood in the annals of history and had given innumerable examples of struggle for independence and colonial liberation. The United States War of Independence, the French Revolution of 1789 and the heroic resistance of the United Kingdom and France during the Second World War had left an indelible mark on the history of mankind and had borne witness to the courage of peoples which had never accepted defeat. Such were the examples given to Africa. It was obvious, therefore, that the answer to the question whether the Angolan people had good reason for fighting for its freedom must be in the affirmative. The goal which that people had set itself was enunciated in the Charter just as was the obligation of Member States to lead the countries under their administration to self-determination.

38. Neither history nor geography confirmed Portugal's thesis that the African Territories under its domination were parts of a constitutional entity, and nature itself had separated Europe from Africa. Portugal's duty was not a matter of means; it was a matter of results, and on the latter, General Assembly resolution 1514 (XV) left not the shadow of a doubt. The Portuguese representative had asked what had become of the other Territories to which that resolution applied. The reply was clear: those Territories were becoming independent States. Algeria, Trinidad and Tobago, Burundi and Rwanda were today Members of the United Nations. Only the Territories under Portuguese administration were still under a colonial régime. Thanks, however, to the stubborn determination of their peoples, Angola, Mozambique, Portuguese Guinea, and the Cape Verde Islands would regain their freedom in accordance with the teachings of history; the hour of justice would strike one day.

39. His delegation would have liked to see the NATO Powers, which represented courageous peoples, reaffirming, by voting in favour of the draft resolution,

the principles of freedom and independence which they had defended down the ages. It urged them to prove that they were the African people's true friends by translating their friendship into deeds.

40. Miss BROOKS (Liberia) supported the Cameroon representative's suggestion that the statement by the United States representative should be reproduced in full. She was particularly anxious that the end of that statement should appear in full in the summary record.

DRAFT REPORT OF THE FOURTH COMMITTEE (A/C.4/L.782)

41. Mr. MARSH (Jamaica), Rapporteur, introduced the draft report of the Fourth Committee concerning the Territories under Portuguese administration (A/C.4/L.782). Paragraph 7 of the report had been drafted with due allowance for the fact that the Committee still had one or more petitioners to hear on the question. Paragraph 12 would be completed so as to indicate the meetings at which the Committee continued its consideration of the question. Lastly, paragraph 14 indicated the position of the sponsors of draft resolution A/C.4/L.781 and Add.1 and 2.

42. Mr. HACENE (Algeria) said his delegation felt it important that the title of Mr. Roberto, who was President of the Gouvernement révolutionnaire de l'Angola en exil, should be mentioned in paragraph 2 of the draft report. The Committee would appreciate that Algeria, which for several years had also had a provisional Government, wished that title to be indicated.

43. Mr. SALIFOU (Niger) supported the Algerian representative's proposal.

44. Mr. IDZUMBUIR (Congo, Leopoldville) also supported the proposal, which he regarded as entirely justified. He requested that Mr. Roberto's title should also appear in the summary records.

45. Mr. DE MIRANDA (Portugal) said he wished it to be put on record that he was opposed to the Algerian representative's proposal.

46. Mr. HACENE (Algeria) said that the opposition expressed by the Portuguese representative confirmed Mr. Roberto in the honour of bearing his title.

47. The CHAIRMAN said that if there were no further comments on the Algerian proposal, the Rapporteur might indicate Mr. Holden Roberto's title in the report.

48. Mr. MARSH (Jamaica), Rapporteur, said that he had not mentioned Mr. Roberto's title because the latter had modestly refrained from indicating it in the cable he had addressed to the Chairman. Since that was the Committee's wish, however, Mr. Roberto's full title would appear in the final text of the report.

49. Mr. DE MIRANDA (Portugal) asked for the Algerian representative's proposal to be put to the vote.

50. Miss BROOKS (Liberia) said that the outcome of the vote was a foregone conclusion. If the Portuguese representative's objection was indicated in the summary record, as he had requested, further discussion of the matter would be unnecessary.

51. The CHAIRMAN pointed out that the Portuguese representative had made a reservation before asking for the proposal to be put to the vote.

52. Miss IMRU (Ethiopia) thought that the Algerian representative's proposal had been adopted, since the

Rapporteur had indicated that it would be taken into account. When the Portuguese representative had made his reservation he had not asked for the proposal to be put to the vote. In the circumstances, a vote did not seem necessary.

53. The CHAIRMAN thanked the Ethiopian representative for having described what had actually occurred. The Portuguese representative had made an objection, and it was because a decision had already been taken that the Rapporteur had offered certain explanations and had stated that he would take the action requested of him.

54. Mr. DE MIRANDA (Portugal) said that his objection to the Algerian representative's proposal did not preclude him from asking for that proposal to be put to the vote. The discussion had not been closed, for the Chairman had not stated officially that a decision had been taken.

55. Miss IMRU (Ethiopia) suggested that if the Portuguese representative insisted on a vote, the Committee should vote on the question whether or not a decision had been taken.

56. The CHAIRMAN observed that a vote on that question would amount to casting doubts on the Chairman's ruling that the only objection raised had been Portugal's.

57. Mr. O'SULLIVAN (Ireland) said that the Committee should vote, rather, on the question whether or not it objected to the Chairman's ruling.

58. Mr. SAJJAD (India) agreed.

59. Mr. DE MIRANDA (Portugal) said he insisted that a vote should be taken and that the particular procedure which had been followed should be indicated in the summary records.

60. Mr. NABAVI (Iran) said that the Portuguese representative was contesting not the Chairman's ruling but the Committee's decision.

61. Mr. HACENE (Algeria) said it was unfortunate that the representative of a country which made itself conspicuous internationally should make himself individually conspicuous in the Committee. The Algerian delegation wished the Portuguese representative to know that it feared a vote neither on the mention of Mr. Roberto's title nor on the Chairman's ruling.

62. Miss BROOKS (Liberia) said that Mr. Roberto's title could not be questioned: a fact was a fact. The Portuguese representative had challenged the Chairman's ruling, and it was on that point that the Committee should vote.

63. The CHAIRMAN put to the vote the question whether a decision had actually been taken.

The Committee confirmed, by 86 votes to 1 with 1 abstention, that a decision had been taken.

64. Mr. DE MIRANDA (Portugal) protested strongly against the decision.

65. The CHAIRMAN suggested that if there were no objections, the Committee should decide to approve the draft report (A/C.4/L.782) with the oral amendments mentioned by the Rapporteur.

It was so decided.

AGENDA ITEM 78

Question of Oman (A/5492 and Add.1, A/5562, A/C.4/604 and Add.1 and 2, A/C.4/619)

HEARING OF PETITIONERS

66. The CHAIRMAN announced that the Chairman of the Committee for the Rights of Oman, to whom the Committee had granted a hearing (1436th meeting), was unable to be present and was represented by one of his assistants, Mr. Faris Glubb.

At the invitation of the Chairman, Mr. Faris Glubb, representative of the Committee for the Rights of Oman, and Sheikh Talib bin Ali al-Hani took places at the Committee table.

67. The CHAIRMAN welcomed the petitioners and expressed the hope that their statements would help to advance the Committee's work.

68. Sheikh TALIB BIN ALI AL-HANI said it was an honour for him to appear before the Committee to support the cause of the people of Oman against British colonialism. The people of Oman were grateful to the members of the Committee for considering their case. They had come to the United Nations because they sincerely believed that the Organization was the best guarantee of an equitable solution based on peace and justice. The people of Oman appealed to world conscience and universal justice to see that their case was considered on the basis of the right of peoples to self-determination, a right recognized by the United Nations Charter. The fact that the question of Oman had been submitted to the Fourth Committee showed that the United Nations realized that what was involved was the struggle of the Omani people for the liquidation of British colonialism and for the restoration of their right to freedom and dignified democracy.

69. History showed that the Imamate of Oman existed for centuries as an independent sovereign State. Since the 11th century Imams had succeeded each other at the head of its Government. Under their administration, Oman had always enjoyed full-fledged sovereignty and had contributed to Arab civilization. The present Imam, Ghalib bin Ali, was the eighty-fifth sovereign of Oman. He exercised religious and political authority, and the inhabitants of Oman, who were firmly opposed to hereditary rule, were firm believers in a system in which the Head of State was elected by the people. Oman was thus a democratic nation in the full sense of the term, as could be seen from a provision contained in a document dating back to 1868 to the effect that the Imam was appointed by the people to defend the country, that he would take no decision without first consulting the Moslems and securing their approval, and that he would execute the laws of God, collect the taxes and aid the oppressed.

70. During its history Oman had repelled several acts of aggression, notably in 1650, when it defeated the Portuguese invaders who had occupied Muscat in 1507. Later the Imamate of Oman had been confronted with another danger which proved to be much more serious, namely, British imperialism. Using their influence in that part of the Arabian Peninsula the British had a protectorate agreement with the Imam's Administrative Agent in Muscat, after which Great Britain attempted to extend its domination and influence over Oman through the Sultan of Muscat. All the succeeding Imams had strongly resisted foreign intervention. The British, on the other hand, supported the Sultans from time to time in order to enable them to retain their

position, thereby perpetuating the separation of Muscat from the Imamate of Oman.

71. Since oil had not been discovered in the country, the British had still admitted that Oman was an autonomous territory. However, even such limited sovereignty was too much for their taste, and later they had imposed on the Sultan a treaty which prevented him from taking any decisions without prior consultation with the British authorities. The people of Oman had spared no effort to oppose those manoeuvres, and with the help of the inhabitants of Muscat they had fought for decades, the Sultans maintaining their position only thanks to British protection.

72. That the independence of Oman was an internationally recognized historical fact was proved by the correspondence exchanged in 1919 between the British Agent in Muscat and the Imam of Oman, in particular by a letter dated 13 May 1919 signed by Major Haworth, the British Consul-General in Muscat, in which the latter recognized the need for negotiations with the authorities of Oman and threatened the Imam with a blockade of the Omani ports. On 20 August 1919, in another letter, the same British Consul-General recognized the existence of a sovereign State of Oman when he wrote to the Vice-Imam saying that he would be pleased to meet him and to settle the dispute to the satisfaction of both sides.

73. The best evidence that the United Kingdom had recognized the independence of Oman in recent times was the fact that the official correspondence between Muscat and Oman had been conducted through the British Agent in his capacity as the official representative of his country in respect of the affairs of Oman. Thus, the United Kingdom Government had implicitly recognized, in theory as well as in practice, that Oman was a sovereign State. The British Royal Institute of International Affairs had confirmed that the Sultanate of Muscat had been limited to the coastal areas and Zufar since the nineteenth century.

74. Similarly, Mr. Wilfred Thesiger, who was considered in his country one of the best authorities on the subject, admitted that Imam Mohammed bin Abdullah, who had been elected in 1920, had exercised full control over the whole tribal area extending for more than 200 miles between the north-west and south-east of Nazwa, his capital, and that the tribes in the interior of Oman had submitted to his authority. That authority had been so well established that the Imam had administered justice and collected taxes in the territories subject to his authority, and had done so with such effectiveness that men had been able to move about unarmed and leave their camels unattended without fear of being robbed.

75. On the other hand, according to Captain G. J. Eccles, another British authority on the subject, the Sultan of Muscat, who was supported by the British, in fact had authority only in Muscat and along a stretch of coast to the north and south of the town where the people could be intimidated by British gunboats.

76. As soon as oil was discovered in the inner areas, the British had felt it necessary to extend their domination to those areas. That ambition had been put into effect in a series of acts of aggression from 1955 onwards. After seizing the Buraymi Oasis, on 16 September 1955, the British forces had attacked Oman and occupied Nazwa, its capital, despite the heroic resistance of the people of Oman under the leadership of their Imam. In the face of the adversary's superiority,

the Imam had had to retreat to the mountains in order to continue the fight there. It was clear that the motive behind the British aggression was a desire to establish a legal justification for the oil concessions which had long since been given to British companies. The Iraq Petroleum Company had undertaken to support that aggression in order to acquire the territory of Fuhud, which was thought to contain large oil reserves. Evidence of that was the fact that after occupying Nazwa the British had immediately gone on to Fuhud and had at once begun prospecting. The part played by the British was also admitted in the book by James Morris *Sultan in Oman*,^{2/} an extract of which the speaker read to the Committee.

77. The United States Press at the time had been quick to recognize the true motives for the United Kingdom intervention, reporting that the Minister of States for Foreign Affairs had admitted that the decision had been dictated by important British interests and had said in the House of Commons that the United Kingdom was not bound by every treaty to which it had subscribed. The Associated Press and the *Washington Post* had written later, in February and July 1957 respectively, of the United Kingdom interests in the Persian Gulf and of that country's fears of Arab nationalism.

78. On 22 July 1957 the United Kingdom Foreign Secretary had declared that the Sultan of Muscat and Oman had requested the assistance of the United Kingdom and that the latter had given him that assistance. The following day the United Kingdom forces had shelled and bombed the towns and villages of Oman. Bitter fighting had ensued, as a result of which the Imam had withdrawn to the mountains in order to conduct guerilla warfare. Meanwhile the United Kingdom had declared that as a result of the war of 1955 to 1957 it did not consider the Treaty of Sib valid any longer. That certainly proved that the United Kingdom, and not the Sultan, conducted the affairs of Muscat and Oman.

79. The dispute in Oman was still strong and vehement. Imam Ghalib had once again declared his readiness to use every channel for the peaceful settlement of the dispute provided that the United Kingdom was sincere in its desire to negotiate. The negotiations that had taken place in 1960 and 1961 between the Imam and the British Agent had failed and that failure had been due solely to the United Kingdom Government. In fact, the refusal of the United Kingdom to recognize the sovereignty of Oman had robbed the negotiations of their *raison d'être*. As he had already said, the independence of Oman was an historic fact and the existence of the Imam as the legitimate ruler of the Omani people must be the basis for any further negotiations. The Omanis were firmly attached to that principle and strongly opposed to any attempt to separate the religious and political attributes of the Imam. The return of the Imam to Oman would be in accordance with the true wishes of the people of Oman and would restore democracy, freedom and sovereignty to that country. That was the only solution to the problem.

80. Turning to the legal aspect of the United Kingdom position on the question of Oman, he pointed out that there were four factors to be taken into account: firstly, the legal position of the State of Oman; secondly, the legal status of the Treaty of Sib; thirdly, the legal status of the United Kingdom intervention in Oman; and fourthly, the right of self-determination of the people of Oman.

81. With regard to the first factor, the United Kingdom Government contended that Oman had never existed as an independent State and that the only legitimate State was that of "Muscat and Oman". The historical survey he had given showed that prior to the United Kingdom intervention Oman had enjoyed all the attributes of sovereignty as a fully-fledged State in accordance with the requirements of international law; namely, it had had a defined territory, a people and an independent government. Moreover, up to 1792, when Sultan Ibn Ahmad had usurped the authority of the Imam, Muscat had been an integral part of Oman. It was now evident that, had it not been for the British support of the Sultans, matters would have been restored to normal in 1897 by the people of Muscat and Oman. The writings of authorities such as Mr. Wilfred Thesiger and Sir Arnold Wilson supported his thesis that Oman continued to exist as a State and that the Imam was its sole ruler.

82. He went on to recall the definition of intervention as given by international law and pointed out that international law and the United Nations Charter imposed upon States the obligation to respect the independence and territorial integrity of other States. Classical international law therefore allowed intervention in a few cases only: namely, intervention for the protection of the rights of the intervening State, intervention for the protection of the subjects of the intervening State, intervention for humanitarian reasons, and intervention against intervention. None of those cases could be said to exist in regard to Oman and there was nothing to justify the United Kingdom intervention, which had continued year after year. The independence of the United Kingdom was not in jeopardy; its subjects had not been in imminent danger in the territory of Oman; there had never been any humanitarian reason to justify the United Kingdom policy in that country; and there had never been any outside intervention that had necessitated counter-action on the part of the United Kingdom. The only intervention had been that of the United Kingdom itself, carried out inhumanly, brutally and unjustifiably, to the detriment of the people of Oman.

83. The United Kingdom representative had once again resorted to the treaty signed between his Government and the Sultan in 1798. Apart from all the reservations that could be made with regard to the legal foundation of that so-called treaty, the majority of writers on international law had declared that intervention by a State, even on the basis of a treaty provision, to suppress a revolution or a national uprising was unlawful. The United Kingdom representatives could admittedly invoke the writings of a few of their compatriots in support of their thesis but the overwhelming majority of jurists throughout the world had denounced intervention against the people of a State inasmuch as the right of a people to revolution had been recognized ever since the great revolutions of France, the United States and the Soviet Union.

84. In the case of Oman, the matter became clearer in the light of the following observations. Firstly, the so-called treaty between the United Kingdom and the Sultan could not be invoked in that connexion, since it had been signed between an agent and a usurper, and any act based on a null and void document was null and void according to all civilized legal systems. Secondly, even assuming that the treaty legally existed, its provisions could not be resorted to in the present case since the main purpose of the United Kingdom intervention was the suppression of the people of Oman,

^{2/} London, Faber and Faber Ltd.

which was an offence against international law. Thirdly, the United Nations Charter, the obligations under which prevailed over all other obligations, according to Article 103, unequivocally outlawed every form of intervention. That view had been upheld in all cases that had come before both the League of Nations and the United Nations. Thus the United Kingdom Government's argument that its intervention in Oman had been, and still was, carried out at the request of the Sultan was fallacious. The United Kingdom was violating one of the most fundamental rules of international law, to which it claimed to adhere.

85. The right of self-determination was recognized in Article 1, paragraph 2, of the United Nations Charter and any violation of the obligations under that Article entailed international responsibility. The experience of the past years, together with the provisions of article 1 of the draft international covenants on human rights^{3/} and of the General Assembly resolutions, especially those of resolution 1514 (XV), had proved that that right belonged to all peoples. A people was, by definition, the human group living in a defined territory and subject to a single authority. Those prerequisites were found in the case of Oman, where there was a homogeneous people living in a well-defined territory and subject to the authority of the Imam, although that authority had been infringed by the United Kingdom intervention. It was equally clear that the United Kingdom argument that self-determination for Oman meant the fragmentation of the people of Oman was untenable. What the people of Oman were

calling for was the application of self-determination, not to a village, a town or a group of towns, but to the people of Oman as a single unit. The United Kingdom knew very well that the unity of the people of Oman was an undeniable fact and that, once they were given the opportunity, the people of Oman would choose the Imam for their leader, as they had done throughout the centuries before the United Kingdom had penetrated the area.

86. The people of Oman were a Moslem people who adhered unequivocally to Islamic law (*sharia*), which was incompatible with the United Kingdom argument that Oman should be governed by a hereditary ruler. The Koran provided, in chapter IV, verse 58, that God commanded men to make over trusts to those worthy of them, which meant that the ruler deriving his power from the people must act in accordance with the will of the people. The principle of popular consultation was set forth in chapter XLII, verse 38, of the Koran. The Sultan ruled, not by popular consent or because of fitness to rule, but only because he was the son of his father and the protégé of the United Kingdom Government.

87. Mr. MUFTI (Syria), supported by Mr. SUPIT (Indonesia), proposed that the text of the statement by Sheikh Talib bin Ali al-Hani should be circulated to the Committee in the usual manner.

It was so decided.

88. The CHAIRMAN said that in view of the late hour Mr. Faris Glubb would be heard at the following meeting.

The meeting rose at 5.55 p.m.

^{3/} See Official Records of the Economic and Social Council, Eighteenth Session, Supplement No. 7 (E/2573), annex I.