

# United Nations GENERAL ASSEMBLY

SIXTEENTH SESSION

Official Records



FOURTH COMMITTEE, 1208th  
MEETING

Tuesday, 14 November 1961,  
at 11 a.m.

NEW YORK

## CONTENTS

Page

### Agenda item 79:

*Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV) (continued)*  
*Consideration of draft resolution A/C.4/L.704/Rev.1 and Rev.1/Corr.1 (concluded)*  
*Proposal submitted by the representative of Senegal concerning the hearing of petitioners . . . . .* 321

*Chairman: Miss Angie BROOKS (Liberia).*

### AGENDA ITEM 79

*Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV) (A/C.4/504, A/C.4/L.704/Rev.1 and Rev.1/Corr.1, A/C.4/L.706) (continued)*

#### CONSIDERATION OF DRAFT RESOLUTION A/C.4/L.704/REV.1 AND REV.1/CORR.1 (concluded)

1. Mr. MIYAZAKI (Japan), speaking in explanation of his vote at the previous meeting on draft resolution A/C.4/L.704/Rev.1 and Rev.1/Corr.1, said that his delegation had examined the text, bearing in mind that the item before the Committee was that of the non-compliance of the Government of Portugal with provisions of the United Nations Charter and with General Assembly resolution 1542 (XV) and not the situation in Angola as such, although he appreciated the fact that certain delegations were pre-occupied with the situation in that part of the world. Had a separate vote been taken on the word "Condemns" in operative paragraph 1, his delegation would have abstained, since it felt that the word in question should be used sparingly if it was not to lose its force. His delegation had voted in favour of the draft resolution as a whole in view of the importance of the subject matter.

2. He associated his delegation with the expressions of condolence addressed to the Liberian delegation at the 1206th meeting on the occasion of the untimely death of Mr. Thomas Weeks.

3. Mr. AKHUND (Pakistan), speaking in explanation of his vote on the proposal made at the previous meeting that certain parts of the draft resolution should be put to the vote separately, said that, although his delegation had been prepared to vote in favour of all the paragraphs, it had voted in favour of that proposal because it felt that if delegations had reservations about any parts of a draft resolution, the majority in the Committee, out of courtesy and good will, should give them the opportunity of indicating those reservations either by way of a vote or by making statements.

4. Sir Hugh FOOT (United Kingdom) said that since the statement of his delegation's reservations with regard to the draft resolution which he had made at the 1204th meeting had been circulated in writing to all the members of the Committee, <sup>1/</sup> he thought it unnecessary to restate those reservations, but would merely confirm them. Nor did he consider it necessary to repeat his delegation's reservations with regard to General Assembly resolution 1514 (XV), which had been made at the appropriate time.

5. At the present time, he had two additional points to make: firstly, his delegation considered that the hearing of petitioners should be confined to Trust Territories, as provided in the Charter; secondly, in his delegation's view the wording of operative paragraph 8 of the draft resolution was not satisfactory. Moreover, he was not sure that that paragraph was relevant to the question of the transmission of information. In any event, in order that there should be no doubt about his Government's position in the matter, he would repeat that it agreed with the objective set out in the paragraph in question and would do all it could to ensure that that objective was achieved.

6. Mr. BINGHAM (United States of America) said that his delegation had voted in favour of the draft resolution as a whole because it was in agreement with its main purposes. Since he had not spoken in the debate on the draft resolution, he wished to place on record his delegation's reservations with regard to some of its specific provisions.

7. With regard to the last preambular paragraph, he pointed out that the principal purpose of the draft resolution as a whole was to establish machinery to enable the General Assembly to obtain accurate information on the situation in the Portuguese territories. At the present time the General Assembly did not, in his delegation's opinion, possess such information. Specifically, it did not possess sufficient information to establish the conclusion stated in the last preambular paragraph, which was applicable not only to Angola but to all the Portuguese territories. Accordingly, if a separate vote had been taken on the last preambular paragraph, his delegation would have abstained.

8. His delegation also had reservations regarding operative paragraph 1. He doubted whether the word "Condemns" would have been used by the sponsors of the draft resolution if the recent tragic events in Angola had not been uppermost in their minds. As his delegation had already pointed out, however, the issue of Angola was not before the Fourth Committee but was to be considered in plenary session. The issue in the Fourth Committee was the failure of the Government of Portugal to comply with General

<sup>1/</sup> Not circulated as a Committee document. See A/C.4/SR.1205, para. 33.

Assembly resolution 1542 (XV); while his delegation regretted that the Government of Portugal had not complied with that resolution, it could not agree that its failure to do so warranted the use of the word "Condemns". Had a separate vote been taken on that word, his delegation would have voted against it and if the use of the word had been upheld by a majority his delegation would have abstained in the vote on operative paragraph 1.

9. His delegation would have voted in favour of operative paragraph 5 because, as he had indicated in his statement at the 1201st meeting, it regarded the situation in the Portuguese territories as unique and warranting special measures. His delegation's position on that subject should not be regarded as a precedent for any situation with regard to territories whose administering Powers had co-operated with the United Nations.

10. As far as operative paragraph 8 was concerned, his delegation would have abstained if that paragraph had been voted on separately because in its view the paragraph could be interpreted as calling in effect for a complete cessation of assistance to the Government of Portugal and indeed for a virtual embargo against it. As he had previously stated, it was his Government's intention that none of the assistance it rendered to Portugal for purpose of the North Atlantic Treaty Organization (NATO) should be diverted for use in Africa. In the course of the debate certain conclusions which had not been warranted had been drawn from his earlier statement on the subject. He would not comment on those statements at length but would merely say that he felt sure they would have been less harsh if the representatives in question had been in possession of the facts. His delegation would have more to say on the subject when the item on Angola was discussed in plenary session.

#### PROPOSAL SUBMITTED BY THE REPRESENTATIVE OF SENEGAL CONCERNING THE HEARING OF PETITIONERS

11. The CHAIRMAN asked the members of the Committee to turn their attention to the proposal by the representative of Senegal that two inhabitants of Portuguese Guinea should be given a hearing (A/C.4/504).

12. Mr. FRAGOSO (Portugal) observed that the Senegalese proposal raised a very important legal issue. His delegation considered that the Committee should not act upon the proposal until it was fully aware of all its implications in terms both of the provisions of the Charter and of the practice of the United Nations. His delegation had no doubt that if the Fourth Committee were to grant the hearings it would be guilty of a complete disregard of the law of the United Nations. Nowhere in the Charter was there even a hint of any provision justifying such action, nor did the rules of procedure of the General Assembly empower either the General Assembly itself or any of its Main Committees to hear anybody other than accredited representatives of Member States. His delegation was convinced that any deviation from the law of the United Nations in that respect would entail serious consequences for all countries. Indeed, a precedent might be established which might make it possible for committees to be invited, or even forced, to hear petitioners on matters pertaining to the exclusive jurisdiction of Member States.

13. If the Senegalese proposal were adopted, his delegation would be obliged to draw two conclusions: firstly, either the decision to grant hearings would henceforth apply to all Non-Self-Governing Territories or else the action in question was clearly discriminatory; secondly, once a particular measure was applied to a special case a precedent was established and that would mean that petitioners from any Non-Self-Governing Territory or independent country might be heard in the Fourth Committee or other United Nations bodies. He felt sure that members would realize the implications of such a measure.

14. He pointed out that the rules governing the hearing of petitioners had been so carefully drafted that even hearings in relation to Trust Territories were strictly regulated by the rules of procedure of the Trusteeship Council.

15. He did not wish to go into the question of the motives behind the Senegalese proposal but would merely state categorically that his delegation would oppose it.

16. Mr. CISSE (Senegal) said he had been surprised to hear the representative of Portugal allude to violation of the Charter, since the item under discussion related to Portugal's refusal to implement Chapter XI and General Assembly resolution 1542 (XV). Hence the arguments adduced by the Portuguese representative could not be taken seriously. Portugal persistently refused to transmit to the United Nations information on the Portuguese colonies, which, despite the allegations of the Portuguese delegation, were not integral parts of Portugal; it was therefore the duty of the Fourth Committee to hear petitioners who could provide it with information on the situation in those colonies. The matter was urgent; the situation in Angola was a threat to world peace and he hoped that the Committee would adopt his proposal without delay.

17. Mr. DIALLO (Mali) said that the arguments advanced by the Portuguese delegation could not convince the members of the Committee that they should not grant a hearing to petitioners from a Portuguese territory on which very little information was available. The Portuguese representative had claimed that the precedent which would be set if the proposal were adopted might have serious repercussions for all States Members of the United Nations. He failed to see, however, what repercussions there could be for an anti-colonialist country, for a country which had no colonies or for a country which had colonies and frankly admitted the fact.

18. The Portuguese representative had maintained that if petitioners from Portuguese Guinea were granted a hearing, the same action should be taken in the case of all countries which had Non-Self-Governing Territories. Thus Portugal tacitly admitted that Portuguese Guinea, Angola and Mozambique were in fact colonies and not integral parts of Portugal.

19. The Committee needed information on the situation in Portuguese Guinea and it was therefore its duty to grant a hearing to the two inhabitants of that Territory who were available.

20. Portugal was the only Administering Member which failed to transmit information on its dependent territories; hence the argument that a precedent would be created would not hold water.

21. Mr. YOMEKPE (Ghana) observed that one of the duties of the committee to be set up under the draft resolution approved at the previous meeting would be to hear petitioners concerning conditions in Portuguese Non-Self-Governing Territories. If a subordinate body of the Fourth Committee was entitled to take such action, the parent body was a fortiori entitled to do so. The petitioners and other freedom fighters did not dispose of unlimited means to travel and the Committee should seize the opportunity of hearing them when they were available.

22. His delegation had already made it clear that it did not consider that the same action should be taken with respect to colonial territories on which the administering Power transmitted information to the United Nations. The problem before the Committee was a special one and every effort should be made to obtain all possible information on the territories in question. He therefore strongly supported the Senegalese proposal.

23. Mr. SIDI BABA (Morocco) said that he had understood the Portuguese representative to say that the granting of a hearing to petitioners from a Non-Self-Governing Territory would constitute a dangerous precedent both for independent countries and for the Non-Self-Governing Territories of other independent States. In the case of the colonial territories administered by Portugal, however, the General Assembly and the Fourth Committee were fully entitled, and indeed it was their duty, to obtain all information on the social, economic and constitutional development of those territories. The Government of Portugal had not seen fit to comply with the request of the General Assembly at its previous session and by refusing to transmit information on its Non-Self-Governing Territories had violated the Charter and flouted the views of the General Assembly and the conscience of the world. The only solution, therefore, would be for the Fourth Committee to adopt a new procedure and to grant hearings to petitioners from the Territories concerned. His delegation unreservedly supported the Senegalese proposal.

24. Mr. ROS (Argentina) said that he would vote in favour of the Senegalese proposal on the basis, firstly, of Portugal's non-compliance with its obligations under Chapter XI of the Charter and, secondly, of the fact that the special committee to be set up under the draft resolution approved at the previous meeting was not yet functioning. For those reasons his delegation would be able, as an exceptional measure, to support the proposal. The two petitioners who were available should be heard as a sign of the Committee's determination to ensure that the objectives of the Charter were carried out in the case of the Portuguese territories.

25. Mr. AZAMBUJA (Brazil) said that he would support the proposal. He agreed with the representative of Argentina that the circumstances were exceptional, firstly because the two petitioners came from a territory about which no information was transmitted by the administering Power, and secondly because the special committee called for in the draft resolution was not yet in existence.

26. Mr. DADET (Congo, Brazzaville) observed that the Portuguese overseas provinces were colonies, despite Portugal's claim that they were an integral part of the metropolitan country and that their inhabitants were Portuguese citizens with all the attendant rights and prerogatives. As a result of

the position adopted by the majority of delegations, Portugal had introduced a number of so-called reforms which convinced nobody and it was taking refuge behind legal arguments. It was the duty of the Fourth Committee to grant hearings to petitioners from any of the Portuguese possessions. If conditions in those territories were as favourable as the Portuguese delegation claimed, it was difficult to see why it should object to the granting of hearings.

27. Mrs. MENESES DE ALBIZU CAMPOS (Cuba) observed that there were always grounds for suspicion when a colonial Power opposed the granting of a hearing to a petitioner, for if conditions were really good in the colonial territory concerned further information should only confirm the fact. It would appear, however, that certain Powers had no interest in obtaining first-hand information on conditions in the Portuguese colonies. Portugal had consistently refused to transmit information on its Non-Self-Governing Territories and was now endeavouring to prevent others from supplying such information. The Cuban delegation would support the Senegalese proposal that the two representatives of the Mouvement de libération de la Guinée et du Cap-Vert should be granted a hearing.

28. Mr. BINGHAM (United States of America) said that he would support the proposal subject to the reservations already expressed by the representative of Brazil.

29. Mr. LEMA (Congo, Leopoldville) said that, since the Portuguese delegation obstinately continued to deny the facts, the Committee must use any means available to it to obtain information on the Portuguese territories. He therefore supported the Senegalese proposal.

30. Mr. CARPIO (Philippines) said that the matter was one of fundamental importance. It had been urged that there was no provision in the Charter under which oral petitions could be granted; but it was his delegation's belief that those who had drafted the Charter had not intended it to remain a mere stereotyped document but had meant it to be a living instrument capable of adjustment to the changing spirit of the times. When the right of petition had been discussed in the early days of the United Nations, the same objections had been raised as were now being heard in the Committee. His delegation had consistently favoured the granting of the right of petition and of hearings; the fact that his country had lived for some four centuries under colonial rule had convinced it that the right of petition offered the most efficacious method for enabling dependent peoples to state their grievances.

31. Despite the explicit provisions of Article 87 of the Charter, Administering Authorities had at first objected to the right of the Trusteeship Council and the Fourth Committee to grant hearings in the case of the Trust Territories; but that right had been consistently upheld by both those bodies and by the General Assembly. Again, hearings had been granted by subsidiary bodies like the Committee on South West Africa, although the Charter contained no reference to Mandates apart from that in Article 77. The reason was that Chapters XI, XII and XIII of the Charter, which codified the rules for the administration of dependent peoples—whether from Mandated Territories, Trust Territories or Non-Self-Governing Territories—had embodied the doctrine of the sacred trust appearing in Article 22 of the

Covenant of the League of Nations. Administering Members had sought to interpret Article 73 as a unilateral declaration which placed them under no obligations; that doctrine had however, been rejected by the United Nations, which had maintained the right to grant hearings.

32. Article 73 created mutual rights and obligations as between Administering Members and all Member States. It had surely not been seriously intended that, if an Administering Member ignored the duty laid upon it under Article 73 of the Charter, there should be no way of remedying such a situation. In the case before the Committee, appeals made to Portugal had gone unheeded. Where there was a right, there was a corresponding duty: if no provision was made in the Charter, then the United Nations had to find ways and means whereby that right could be vindicated.

33. It had been argued that, under Article 2, paragraph 7, of the Charter, the United Nations could not intervene in matters which were essentially within the domestic jurisdiction of any State. He would emphasize the word "essentially"; he did not see how it could be argued that Non-Self-Governing Territories, which the General Assembly had declared to possess that status, could be regarded as falling "essentially" within the domestic jurisdiction, especially in cases where basic human rights and fundamental freedoms were concerned and there was a possibility that international peace and security would also be involved. Moreover, it would be difficult to invoke the legal argument based on Article 2, paragraph 7, of the Charter when hearings had been granted by the Committee on South West Africa and the Fourth Committee had just approved paragraph 5 of resolution A/C.4/L.704/Rev.1 and Rev.1/Corr.1. Even assuming that the argument was valid, Article 2, paragraph 7, itself provided a loop-hole, since it contained the words "this principle shall not prejudice the application of enforcement measures under Chapter VII"; the Security Council and the General Assembly were considering the situation in one dependent territory because it constituted a threat to international peace and security and human rights were said to have been violated.

34. It was his delegation's hope that other delegations would appreciate its reasons for voting in favour of the granting of hearings to the two petitioners in question.

35. Mr. O'SULLIVAN (Ireland) said that his delegation would support the Senegalese representative's proposal in the exceptional circumstances of the case. In reaching that decision, it had taken into account the fact that Portugal had not transmitted any of the information which it was required to provide under Chapter XI of the Charter and that the special committee to be instituted under the draft resolution approved at the previous meeting, which would have the right to grant hearings, was not yet functioning.

36. It had been urged that the decision to grant the hearing would set a precedent. That was undoubtedly true, but his delegation felt that there was ample justification for the adoption of the Senegalese representative's proposal in the exceptional circumstances of the case.

37. His delegation could not agree that the adoption of the proposal would entail consequences for all Member States. The Committee was dealing with a

request from two specific petitioners from a particular territory, in special circumstances. In his delegation's view, any requests from other petitioners from the territory in question or any other territory would have to be considered in the same way and in the light of the circumstances prevailing in each particular case.

38. Mr. SANTISO GALVEZ (Guatemala) said that his delegation had always supported the right of the inhabitants of colonial territories to hearings; it was the least that could be done for such subject peoples. His delegation fully agreed with the views expressed by the representatives of Argentina and the Philippines and would support the proposal that the two petitioners in question should be guaranteed a hearing.

39. Mr. Nathaniel EASTMAN (Liberia) said that the task of the Committee was to expedite a matter of primary importance, namely the speedy liberation of dependent peoples. His delegation would wholeheartedly support the Senegalese proposal.

40. He would ask the representative of Portugal by what other means he would suggest that the Committee should obtain information about the Portuguese colonies. Portugal itself had refused to provide any information; who was better qualified to fill the gap than the indigenous inhabitants of the territories concerned? No doubt they would be able to confirm the Portuguese representative's assertion about the good conditions prevailing in those territories.

41. Mr. ACHKAR (Guinea) said that he supported the Senegalese proposal and indeed would support the right of any other petitioners who could play a useful part in the Committee's discussions. It was his delegation's belief that the hearing of petitioners was useful both to the administering Powers and to the peoples in question, since it provided an opportunity for a free exchange of views which could not always take place in the territories concerned. Even if the Charter did not provide implicitly for the hearing of petitioners from the Non-Self-Governing Territories, it contained no provision to the contrary.

42. While his delegation agreed that the Committee was confronted with a particular case, it had to be remembered that a new era was beginning and that new methods had to be used to liquidate colonialism as soon as possible. The case might be a special one, but similar cases might arise in future when it would be necessary to hear petitioners from other territories such as Rhodesia. If nationalist leaders from that territory asked to be heard, he would support their request and refer to the precedent created in the instance now under discussion.

43. Mr. EL-SHAFEI (United Arab Republics) observed that, under operative paragraph 5 of resolution approved at the previous meeting, a special committee would be authorized to hear petitioners. If a committee established by the General Assembly possessed that right, then the Fourth Committee, too, unquestionably possessed it. In the circumstances, the Committee had no choice but to follow what it regarded as the right way to discharge its responsibilities. Portugal had failed to comply with its obligations under Chapter XI of the Charter; he wondered how the Portuguese representative expected the Committee to go about its task of obtaining the required information.

44. His delegation warmly supported the Senegalese proposal.

45. Mr. LACKO (Czechoslovakia) supported the Senegalese proposal. The whole question had arisen because the Committee had been faced with a violation of the Charter by Portugal, as a result of which there was a danger that the Committee might be unable to carry out its duties. In his delegation's view, the Committee should take the opportunity offered to it and make use of the useful source of information which had been placed at its disposal.

46. Mr. BAHTA (Ethiopia) said that, in view of the failure on the part of Portugal to comply with its obligation to transmit information concerning its Non-Self-Governing Territories, which had been specifically defined as such in General Assembly resolution 1542 (XV), his delegation held that the Fourth Committee would be in order in hearing the petitioners from Portuguese Guinea, since that was the only way in which it could obtain the necessary information. His delegation would accordingly vote in favour of the Senegalese proposal.

47. Mr. NABAVI (Iran) said that his delegation would support that Senegalese proposal. The representative of Portugal had drawn attention to the danger of setting a precedent: in the light of Portugal's oft-repeated and categorical refusal to comply with the obligations expressly laid upon it in Chapter XI of the Charter, the Iranian delegation felt that, in the exceptional circumstances, a decision to hear the petitioners in question would be in accordance with the purposes and spirit of the Charter. There was no reason why the creating of such a precedent should alarm Member States, least of all those Administering Members which carried out their obligations under the Charter.

48. Mr. PEIRIS (Ceylon) said that his delegation would support the Senegalese proposal, which in its view did not in any way violate the Charter. The Portuguese contention that it did so rang hollow when made by a colonial Power which was itself violating the Charter.

49. As for the reference to the establishment of a precedent, the representative of Portugal appeared to forget that the case in question was unique and special measures were therefore required to meet it. The Senegalese representative had had no other motive but to fill the gap directly created by Portuguese obduracy.

50. Mr. EREBIH (Mauritania) pointed out that the only documentary evidence already in the Committee's possession concerning conditions in the Portuguese colonies were the photographs exhibited in the Committee room and that certain delegations had expressed the view that too much reliance could not be placed on photographs. In the circumstances he gave his unreserved support to the Senegalese proposal, which would enable the Committee to hear inhabitants of the territories in question.

51. Mr. AKHUND (Pakistan) said that he would support the Senegalese proposal because he was of the opinion that Portugal, like the other Administering Members, was under an obligation to transmit information to the United Nations on the Non-Self-Governing Territories under its administration. Portugal claimed that no such obligation existed, on the grounds that the Territories in question were overseas provinces, but the General Assembly had re-

jected that argument in a number of resolutions. In view of Portugal's refusal to offer the co-operation which would have made for a smooth process of decolonization, the United Nations had no alternative but to obtain information from all available sources, including petitioners.

52. Mr. VALENCIA (Ecuador) said that, in view of Portugal's refusal to comply with General Assembly resolution 1542 (XV), the least the Committee could do was to hear petitioners from the Portuguese Non-Self-Governing Territories. His delegation would therefore vote in favour of the Senegalese proposal.

53. Mr. HU NIM (Cambodia) said that his delegation fully supported the Senegalese proposal.

54. Mr. IBE (Nigeria) recalled that the Portuguese representative had expressed the view that, should the Committee grant a hearing to petitioners from one of the Portuguese colonial territories, it would be establishing a dangerous precedent. He assured that representative that the only precedent likely to be established concerned the Committee's determination to take steps to prevent any colonial Power from violating the Charter and flouting General Assembly resolutions. Nor could he agree with the Portuguese representative's claim that a decision to hear petitioners would constitute discrimination against Portugal: by granting a hearing to the petitioners, the Committee would in point of fact be giving Portugal the benefit of the doubt concerning the way in which the multiracial society worked in the territories in question.

55. Mr. FRAGOSO (Portugal), speaking in exercise of his right of reply, pointed out that, in giving the reasons for their decision to vote in favour of the Senegalese proposal, several delegations had referred to the draft resolution approved by the Committee at its previous meeting. He would point out to them that the text in question was not valid until it had been adopted by the General Assembly in plenary meeting.

56. He noted that certain delegations, including those of Ireland, Guinea and Iran, had recognized that should the Committee decide to hear the petitioners from Portuguese Guinea it would be establishing a precedent. The Guinean representative had even indicated one case in which the precedent might be applied. On future occasions nothing could be easier than to point to other unique and special cases with special characteristics—as the case of the Portuguese overseas provinces was said to present—in order to justify the application of the precedent to other territories. It was for that reason that he had stated that the precedent would be dangerous to all Member States. With regard to the Philippine representative's statement that his delegation had consistently been in favour of granting hearings to petitioners, he would point out that on the only previous occasions on which it had been suggested in the Fourth Committee that petitioners from a territory other than a Trust Territory or a Mandated Territory should be heard, the Philippine delegation had voted with the majority in the Committee against granting such a hearing.<sup>2/</sup>

57. With reference to the Malian representative's comments, he would merely state that that representative had misunderstood his earlier statement.

<sup>2/</sup> See Official Records of the General Assembly, Eighth Session, Fourth Committee, 321st and 343rd meetings.

58. In view of the fact that the granting of the hearings would establish a precedent, that it was considered in the Committee that the matter was a special case, and that no one could justify such a decision on the basis of earlier United Nations practice, his delegation maintained its stand and would not take part in any meeting at which the inhabitants of Portuguese Guinea were to be heard, because it did not wish to be a party to a departure from that practice and from the specific provisions of the United Nations Charter.

59. The CHAIRMAN invited the Committee to vote on the Senegalese proposal (A/C.4/504).

*At the request of the Ghanaian representative, a vote was taken by roll-call.*

*Austria, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Austria, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Lebanon, Liberia, Libya, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yugoslavia, Afghanistan, Albania, Argentina, Australia.

*Against:* France, Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Belgium.

*The Senegalese proposal was adopted by 78 votes to 5, with 1 abstention.*

60. Mr. KOSCZIUSKO-MORIZET (France), speaking in explanation of his vote, said that as a general rule his delegation did not oppose the granting of hearings. Furthermore, he had met privately the inhabitants of Portuguese Guinea named in document A/C.4/504 and did not doubt that they would be able to provide useful information. Nevertheless, his delegation thought that in adopting the Senegalese proposal the Committee would be deviating from the Charter and United Nations procedure.

61. The choice before the Committee was between two points of view. If the Portuguese contention that the territories in question were Portuguese overseas provinces was accepted, Article 2, paragraph 7, of the Charter would apply. Alternatively, if those territories were held to be Non-Self-Governing Territories, they would come under Chapter XI of the Charter which, unlike Chapter XII, did not provide for the hearing of petitioners. Although his delegation had not wished to stand in the way of what would seem to be the general wish by requesting, for instance, that the Office of Legal Affairs of the Secretariat should be asked for an opinion on the legality of hearings granted in such a way, the doubts in the mind of his delegation were sufficiently strong to prevent it from associating itself with the hearings in question.

62. Mr. ACHKAR (Guinea) asked the French representative which of the two points of view he had outlined was espoused by the French delegation.

63. Mr. KOSCZIUSKO-MORIZET (France) replied that he had explained his delegation's position both in explaining his vote and in the statement he had made at the 1204th meeting on the substance of the question of Portugal's failure to supply information on the Territories under its administration.

64. Sir Hugh FOOT (United Kingdom), speaking in explanation of his vote, said that although he appreciated the force of the arguments advanced in favour of granting the hearings, he would remind the Committee of his statement at the 1204th meeting when he had said that, although he would vote in favour of the draft resolution as a whole, he would ask for a separate vote on operative paragraph 5 and would vote against it because the Charter contained no provision for receiving petitions or granting hearings to petitioners from Non-Self-Governing Territories, even in the peculiar circumstances with which the Committee was now faced. Under the Charter, that procedure was confined to petitions and petitioners from Trust Territories.

65. In the light of the Guinean representative's remarks that by granting a hearing to the two inhabitants from Portuguese Guinea the Committee would be establishing a precedent, he was compelled to vote against the Senegalese proposal.

66. Mr. BINDZI (Cameroun) said that, had he been present during the voting, his delegation would have voted in favour of the Senegalese proposal.

The meeting rose at 12.55 p.m.