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QUESTION OF TERRITORIES UNDER PORTUGUESE ADMINISTRATION

Report of the Fourth Committee

Rapporteur: Mr. Horacio SEVILLA-BORJA (Ecuador)

1. At its 1843rd plenary meeting, on 18 September 1970, the General Assembly, on the recommendation of the General Committee (A/8100), decided to include in the agenda of its twenty-fifth session an item entitled "Question of Territories under Portuguese administration: (a) 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; (b) Report of the Secretary General", and to allocate the item to the Fourth Committee for consideration and report.
2. At its 1874th meeting, on 1 October, the Fourth Committee decided to give priority to the present item (item 63), together with two other items on its agenda, namely, the question of Namibia (item 62) and the question of Southern Rhodesia (item 64). At the same meeting, it decided further that a general debate should be held covering these three items, it being understood that individual draft resolutions on matters covered by the items would be considered separately after the conclusion of the general debate and following the hearing of petitioners who might appear before the Committee concerning those items.
3. The Fourth Committee considered this item at its 1875th to 1886th and 1888th, 1889th, 1891st to 1897th, 1899th and 1900th meetings, between 5 October and 20 November.

4. At the 1875th meeting, on 5 October, the Rapporteur 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 introduced the chapter of the report of that Committee relating to Territories under Portuguese administration (A/8023/Add.3).
5. In addition, the Fourth Committee had before it the report of the Secretary-General (A/8104) concerning this item. It also had before it chapter IX, section J (Allegations regarding infringements of trade union rights) of the report of the Economic and Social Council,^{1/} which the General Assembly had suggested might be of interest to the Fourth Committee (A/C.4/726).
6. The Fourth Committee granted the following requests for hearing concerning the item:

<u>Petitioner</u>	<u>Meeting at which request for hearing was granted</u>
Mr. Albert Bonaparte Nank (A/C.4/728)	1875th
Mr. Sharfudine M. Khan, representative in the United States of America, Frente de Libertação de Moçambique (FRELIMO) (A/C.4/728/Add.1)	1884th
Mr. Paul Touba, representative of the Gouvernement révolutionnaire de l'Angola en exil (GRAE) (A/C.4/728/Add.2)	1887th
Mr. Francisco Alexandre, President and Secretary-General, National Union of Angolan Students (UNEA) (A/C.4/728/Add.3)	1889th
Mr. George M. Houser, Executive Director, American Committee on Africa (A/C.4/731)	1891st

^{1/} Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 3 (A/8003 and Corr.1).

7. At the 1888th meeting, on 26 October, Mr. Sharfudine M. Khan, representative in the United States of America, Frente de Libertação de Moçambique (FRELIMO), made a statement and replied to questions put to him by the members of the Fourth Committee. At the 1889th meeting, on 28 October, Mr. Paul Touba, representative of the Gouvernement révolutionnaire de l'Angola en exil (GRAE), made a statement and replied to a question put to him by a member of the Committee. At the same meeting, Mr. Francisco Alexandre, President and Secretary-General, and Mr. Guimares Abel, Vice-President, National Union of Angolan Students (UNEA), made statements and replied to questions put to them by members of the Committee. On 30 October, members of the Committee viewed a documentary film referred to by Mr. Khan in his statement made at the 1888th meeting. At the 1892nd meeting, on 9 November, Mr. George M. Houser, Executive Director, American Committee on Africa, made a statement and replied to a question put to him by a member of the Committee. At the 1897th meeting, on 16 November, Mr. Khan and two other members of his organization, Messrs. Jorge Rebelo and Armando Guebuza, made supplementary statements on behalf of FRELIMO and replied to questions put to them by members of the Committee.

8. The general debate covering the present time, together with the two other items referred to in paragraph 2 above, took place at the 1876th to 1886th meetings, between 7 and 21 October.

9. At the 1891st meeting, on 6 November, the representatives of Ceylon and the Sudan introduced a draft resolution (A/C.4/L.966) which was finally sponsored by the following Member States: Afghanistan, Algeria, Cameroon, Central African Republic, Ceylon, Chad, Congo (Democratic Republic of), Dahomey, Ethiopia, Guinea, India, Indonesia, Kenya, Libya, Malaysia, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Pakistan, People's Republic of the Congo, Rwanda, Senegal, Sudan, Togo, Uganda, United Arab Republic, United Republic of Tanzania, Yugoslavia and Zambia. The draft resolution read as follows:

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"The General Assembly,

"Having considered the question of Territories under Portuguese domination,

"Having heard the statements of the petitioners,^{2/}

"Having examined the chapter of the 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 relating to the question of Territories under Portuguese domination, ^{3/} and the report of the Special Committee's delegation of Observers to the International Conference in Support of the Peoples of Portuguese Colonies, held in Rome, Italy, from 27 to 29 June 1970, ^{4/}

"Bearing in mind the views expressed by representatives of national liberation movements of the Territories under Portuguese domination, including those expressed to the Ad Hoc Group of the Special Committee which visited Africa this year to contact leaders of liberation movements,^{5/}

"Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples and all the relevant resolutions of the General Assembly and the Security Council, as well as those adopted by the Special Committee,

"Recalling further the relevant provisions of General Assembly resolution 2621 (XIV) of 12 October 1970 containing the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Gravely concerned at the defiant attitude of the Government of Portugal towards the international community and the persistent refusal of that Government to recognize the inalienable right of the African peoples of the Territories under its domination to self-determination and independence and to implement the relevant resolutions of the United Nations,

"Deeply disturbed by the increasingly explosive situation created by the intensified measures of oppression carried out by the Government of Portugal, and in particular by its intensified military operations in these Territories,

^{2/} A/C.4/SR.1388 and 1389.

^{3/} A/8023/Add.3, chapter VII.

^{4/} Ibid., annex II.

^{5/} A/8086, annex II.

"Deeply concerned at the continued and intensified activities of foreign, economic, financial and other interests as these impede the realization by the African peoples of those Territories of their legitimate aspirations for self-determination and independence, contrary to the relevant resolutions of the General Assembly,

"Deploring the continued aid which the Government of Portugal receives from its allies in the North Atlantic Treaty Organization and from other Governments, which enables it to pursue its policies of colonial domination and oppression of the African populations of those Territories,

"1. Reaffirms the inalienable right of the peoples of Angola, Mozambique, Guinea (Bissau), and other Territories under Portuguese domination to self-determination and independence, in accordance with resolution 1514 (XV), and the legitimacy of their struggle to achieve that right by all means at their disposal;

"2. Strongly condemns the persistent refusal of the Government of Portugal to implement resolution 1514 (XV) and all other relevant resolutions of the General Assembly and of the Security Council, and the colonial war being waged by that Government against the peoples of the Territories under its domination which also threatens the security and violates the territorial integrity and sovereignty of the independent African States, in particular those States bordering the Territories;

"3. Condemns the collaboration between Portugal, South Africa and the illegal racist minority régime in Southern Rhodesia, since this is designed to perpetuate colonialism and oppression in southern Africa;

"4. Condemns the intervention of South African forces against the peoples of the Territories under Portuguese domination;

"5. Calls upon the Government of Portugal to apply without further delay to the peoples of the Territories under its domination the principle of self-determination and independence in accordance with resolution 1514 (XV) and other relevant resolutions of the General Assembly and of the Security Council, and in particular:

"(a) To cease forthwith all acts of repression against the peoples of Angola, Mozambique and Guinea (Bissau) and to withdraw all military and other forces;

"(b) To cease immediately all practices which violate the inalienable rights of the indigenous population, including the arbitrary eviction of the African population and the settlement of immigrants in the Territories;

"(c) To proclaim an unconditional political amnesty, to restore democratic political rights and to transfer powers to freely elected institutions representative of the population, in accordance with resolution 1514 (XV);

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"(d) To cease all attacks on and violations of the security and territorial integrity of neighbouring sovereign countries;

"(e) To release the men and property of those sovereign States now being held by Portugal following the violations and attacks committed against them;

"6. Calls upon the Government of Portugal, in view of the armed conflict prevailing in the Territories and the inhuman treatment of prisoners, to comply with the relevant provisions of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949; 6/

"7. Reiterates its appeal to all States, and in particular to members of the North Atlantic Treaty Organization, to withhold from Portugal any assistance which has hitherto enabled it to prosecute the colonial war in the Territories under its domination, and in particular the following:

"(a) To desist forthwith from the training of Portuguese military personnel which encourages that Government to continue its repression of the African peoples in the Territories under its domination;

"(b) To prevent the sale or supply of weapons, military equipment and material, including aircraft, helicopters and vehicles, to the Government of Portugal, as well as all supplies enabling it to manufacture or maintain weapons and ammunition;

"(c) To desist from any collaboration with the ground, air and naval forces of Portugal which might thwart the achievement of the objectives contained in resolution 1514 (XV);

"8. Calls upon all States to take all measures necessary to put an end to all practices which exploit the Territories under Portuguese domination and the peoples therein, to discourage their nationals and companies from entering into any activities or arrangements which strengthen Portugal's domination over, and impede the implementation of the Declaration with respect to, those Territories;

"9. Condemns the Government of Portugal for the use of chemical and bacteriological methods of warfare against the peoples of Angola, Mozambique and Guinea (Bissau) contrary to the generally recognized rules of international law and to General Assembly resolution 2603 (XXIV) of 16 December 1969, and demands that the Government of Portugal desist from these criminal activities;

6/ United Nations Treaty Series, vol. 75 (1950), No. 972.

"10. Deplores the policies of those Governments which have failed to prevent nationals and companies under their jurisdiction from participation in the Cabora Bassa project in Mozambique and the Cunene River Basin project in Angola, and appeals to all Governments which have not yet done so to withdraw from the activities relating to these projects and to take all the necessary measures to prevent the participation therein of any companies or individuals under their jurisdiction;

"11. Invites all States and the specialized agencies and other organizations within the United Nations system, in co-operation with the Organization of African Unity, to render to the peoples of the Territories under Portuguese domination the financial and material assistance necessary to continue their struggle for the restoration of their inalienable rights;

"12. Draws the attention of the Security Council to the threat to international peace and security resulting from the grave situation created by the continued violation by Portugal of its obligations under the Charter of the United Nations and the growing collaboration between Portugal, the minority racist régime of South Africa and the illegal racist régime in Southern Rhodesia;

"13. Recommends that the Security Council should continue to give special attention to the problems of Portuguese colonialism in Africa and of the collaboration between Portugal and the racist minority régimes of southern Africa, and to take effective measures, including those provided in Chapter VII of the Charter, to ensure the full implementation of General Assembly resolution 1514 (XV) and its own resolutions relating thereto;

"14. Invites the Secretary-General, in the light of resolution 2557 (XXIV) of 12 December 1969 and in consultation with the specialized agencies and the Governments of the host countries, to develop and expand training programmes for the indigenous inhabitants of the Territories under Portuguese domination, taking into account their needs for qualified administrative, technical and professional personnel to assume responsibility for the public administration and the economic and social development of their own countries, and to report to the twenty-sixth session of the General Assembly on the progress of these programmes;

"15. Requests the Secretary-General to transmit the present resolution to all States and to report to the General Assembly at its twenty-sixth session on steps taken or envisaged by States in the implementation of the various provisions contained therein;

"16. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territories under review."

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10. The Fourth Committee considered the draft resolution at its 1891st to 1897th, 1899th and 1900th meetings, between 6 and 20 November.

11. At the 1895th meeting, on 12 November, the Chairman drew attention to the statement by the Secretary-General (A/C.4/L.967) concerning the administrative and financial implications of the recommendations contained in the draft resolution submitted in accordance with rule 154 of the rules of procedure of the General Assembly.

12. At the 1899th meeting, on 18 November, the sponsors of the draft resolution referred to in paragraph 9 above, submitted a revised text of the draft resolution (A/C.4/L.966/Rev.1).

13. At the same meeting, the Fourth Committee adopted the draft resolution as revised (A/C.4/L.966/Rev.1) by a roll-call vote of 90 to 7, with 17 abstentions (see paragraph 14 below). The result of the voting was as follows:

In favour: Afghanistan, Algeria, Barbados, Bolivia, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Ethiopia, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Panama, People's Republic of the Congo, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Brazil, Colombia, Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Australia, Austria, Belgium, Canada, Denmark, El Salvador, Finland, France, Iceland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Swaziland, Sweden.

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RECOMMENDATION OF THE FOURTH COMMITTEE

14. The Fourth Committee recommends to the General Assembly the adoption of the following draft resolution:

Question of Territories under Portuguese administration

The General Assembly,

Having considered the question of Territories under Portuguese domination,

Having heard the statements of the petitioners,^{7/}

Having examined the chapter of the 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 relating to the question of Territories under Portuguese domination,^{8/} and the report of the Special Committee's Delegation of Observers to the International Conference in Support of the Peoples of Portuguese Colonies, held in Rome, Italy, from 27 to 29 June 1970,^{9/}

Bearing in mind the views expressed by representatives of national liberation movements of the Territories under Portuguese domination, including those expressed to the Ad Hoc Group of the Special Committee which visited Africa this year to contact leaders of liberation movements,^{10/}

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, the relevant resolutions of the General Assembly and of the Security Council, as well as those adopted by the Special Committee,

Recalling further the relevant provisions of General Assembly resolution 2621 (XXV) of 12 October 1970 containing the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

^{7/} A/C.4/SR.1888, 1889, 1892 and 1897.

^{8/} A/8023/Add.3, chapter VII.

^{9/} Ibid., annex II.

^{10/} A/8086, annex II.

Gravely concerned at the defiant attitude of the Government of Portugal towards the international community and the persistent refusal of that Government to recognize the inalienable right of the peoples of the Territories under its domination to self-determination and independence and to implement the relevant resolutions of the United Nations,

Deeply disturbed by the increasingly explosive situation created by the measures of oppression carried out by the Government of Portugal, and in particular by its intensified military operations in Angola, Mozambique and Guinea (Bissau),

Deeply concerned at the continued and intensified activities of foreign, economic, financial and other interests which are impeding the realization by the peoples of the Territories under Portuguese domination of their legitimate aspirations for self-determination and independence, contrary to the relevant resolutions of the General Assembly,

Deploing the continued assistance received by the Government of Portugal from its allies in the North Atlantic Treaty Organization and from other Governments, which it uses to pursue its policies of colonial domination and oppression of the peoples of Angola, Mozambique and Guinea (Bissau),

1. Reaffirms the inalienable right of the peoples of Angola, Mozambique, Guinea (Bissau) and other Territories under Portuguese domination to self-determination and independence, in accordance with resolution 1514 (XV), and the legitimacy of their struggle to achieve that right by all necessary means at their disposal;

2. Strongly condemns the persistent refusal of the Government of Portugal to implement resolution 1514 (XV) and all other relevant resolutions of the General Assembly and of the Security Council, and the colonial war being waged by that Government against the peoples of Angola, Mozambique and Guinea (Bissau) which also threatens the security and violates the territorial integrity and sovereignty of the independent African States, in particular those States bordering the Territories;

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3. Condemns the collaboration between Portugal, South Africa and the illegal racist minority régime in Southern Rhodesia, since this is designed to perpetuate colonialism and oppression in southern Africa;

4. Condemns the intervention of South African forces against the peoples of the Territories under Portuguese domination;

5. Calls upon the Government of Portugal to apply without further delay to the peoples of the Territories under its domination the principle of self-determination and independence in accordance with resolution 1514 (XV) and other relevant resolutions of the General Assembly and of the Security Council, and in particular:

(a) To cease forthwith all acts of repression against the peoples of Angola, Mozambique and Guinea (Bissau) and to withdraw all military and other forces employed for this purpose;

(b) To cease immediately all practices which violate the inalienable rights of the indigenous population, including arbitrary eviction of the African population and the settlement of immigrants in the Territories;

(c) To proclaim an unconditional political amnesty, to restore democratic political rights and to transfer powers to freely elected institutions representative of the population, in accordance with resolution 1514 (XV);

(d) To refrain from all attacks on, and violations of, the security and territorial integrity of neighbouring sovereign countries;

(e) To release the men and property of those sovereign States now being held by Portugal following the violations and attacks committed against them;

6. Calls upon the Government of Portugal to treat the freedom-fighters of Angola, Mozambique and Guinea (Bissau) captured during the struggle for freedom as prisoners of war in accordance with the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949^{11/} and to comply with the Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;^{12/}

^{11/} United Nations Treaty Series, vol. 75 (1950), No. 972.

^{12/} Ibid., No. 973.

7. Reiterates its appeal to all States, and in particular to members of the North Atlantic Treaty Organization, to withhold from Portugal any assistance which enables it to prosecute the colonial war in Angola, Mozambique and Guinea (Bissau), and in particular the following:

(a) To desist forthwith from the training of Portuguese military personnel which encourages that Government to continue its repression of the African peoples in the Territories under its domination;

(b) To prevent the sale or supply of weapons, military equipment and material, including aircraft, helicopters and vehicles, to the Government of Portugal, as well as all supplies enabling it to manufacture or maintain weapons and ammunition which it uses to perpetuate its colonial domination in Africa;

(c) To desist from any collaboration with the ground, air and naval forces of Portugal which might thwart the achievement of the objectives contained in resolution 1514 (XV);

8. Calls upon all States to take all effective measures to put an end to all practices which exploit the Territories under Portuguese domination and the peoples therein, to discourage their nationals and companies from entering into any activities or arrangements which strengthen Portugal's domination over, and impede the implementation of the Declaration with respect to, those Territories;

9. Calls upon the Government of Portugal not to use chemical and biological methods of warfare against the peoples of Angola, Mozambique, and Guinea (Bissau), contrary to the generally recognized rules of international law embodied in the Geneva Protocol of 17 June 1925 and to General Assembly resolution 2603 (XXIV) of 16 December 1969;

10. Welcomes the action taken by the financial groups in certain States to withdraw their participation in the Cabora Bassa project, but requests the Governments which have not yet done so to withdraw from the activities relating to the Cabora Bassa project in Mozambique and the Cunene River Basin project in Angola and to take all the necessary measures to prevent the participation therein of any companies or individuals under their jurisdiction;

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11. Invites all States and the specialized agencies and other organizations within the United Nations system, in co-operation with the Organization of African Unity, to render to the peoples of the Territories under Portuguese domination the financial and material assistance necessary to continue their struggle for the restoration of their inalienable rights;

12. Draws the attention of the Security Council to the grave situation in the Territories of Angola, Mozambique and Guinea (Bissau) created by the continued violation by Portugal of its obligations under the Charter of the United Nations and the growing collaboration between Portugal, the racist Government of South Africa and the illegal racist minority régime in Southern Rhodesia, which constitute a threat to international peace and security;

13. Recommends that the Security Council should continue to give special attention to the problems of Portuguese colonialism in Africa and of the collaboration between Portugal and the racist minority régimes of southern Africa, and to take effective measures, in accordance with the relevant provisions of the Charter, to ensure the full implementation of General Assembly resolution 1514 (XV) and its own resolutions relating thereto;

14. Invites the Secretary-General, in the light of General Assembly resolution 2557 (XXIV) of 12 December 1969 and in consultation with the specialized agencies and the Governments of the host countries, to develop and expand training programmes for the indigenous inhabitants of the Territories under Portuguese domination, taking into account their needs for qualified administrative, technical and professional personnel to assume responsibility for the public administration and the economic and social development of their own countries, and to report to the General Assembly at its twenty-sixth session on the progress of these programmes;

15. Requests the Secretary-General to transmit the present resolution to all States and to report to the General Assembly at its twenty-sixth session on steps taken or envisaged by States in the implementation of the various provisions contained therein;

16. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territories under review.