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President: Mr. Frederick H. BOLAND (Ireland).

AGENDA ITEM 8

Adoption of the agenda (*continued*)*FOURTH REPORT OF THE GENERAL COMMITTEE
(A/4714)

1. The PRESIDENT: The Assembly has before it the fourth report of the General Committee [A/4714]. The recommendations of the Committee are contained in paragraph 6 of the report.

2. I propose to take up the first recommendation contained in paragraph 6 that the closing date of the fifteenth session be 21 April 1961. If there are no observations or comments, I take it that the Assembly approves the recommendation.

It was so decided.

3. The PRESIDENT: The Assembly will now consider the other two recommendations contained in paragraph 6 of the General Committee's fourth report [A/4714]. These two recommendations are concerned with the adoption of the agenda and the allocation of items. In accordance with the usual practice, I would venture to remind Members of the Assembly that at this stage we are not concerned with the merits or the substance of the items dealt with in the General Committee's report; we are concerned with the question of their inclusion in the agenda and their allocation. Discussion of the substance or merits is only relevant to the extent to which it bears directly on the question of inclusion or allocation.

4. The second recommendation of the General Committee is that the item entitled "Agreement on the relationship between the United Nations and the International Development Association" should be placed on the agenda and should be discussed in plenary meeting without reference to a Committee. If there are no observations or comments, I take it that the Assembly approves the recommendation.

It was so decided.

5. The PRESIDENT: The third recommendation of the Committee is that the item entitled "Situation in Angola" be placed on the agenda. Before we come to the question of the allocation of this item, I call on the representative of Portugal.

6. Mr. GARIN (Portugal): I am compelled to repeat from this rostrum the points which I stressed yesterday in the General Committee [134th meeting] on the illegality of the inclusion of the item described as "Situation in Angola" in the agenda of the General Assembly.

7. The Security Council during its recent meetings on this question¹ amply discussed the question and considered illegitimate the allegations made by the proponent of the item. The inclusion of the same item, on the same grounds, in the agenda of the General Assembly would therefore be an attempt to overrule the Security Council, disrespecting its authority, disregarding its primary responsibility and challenging its judgement. In doing so, the Assembly would be violating the letter and spirit of the Charter.

8. The entire Portuguese nation rejects with indignation the assertion that a violation of human rights might have occurred in Angola. Portugal is and always has been in the forefront of the march towards a greater respect for human dignity and social justice. Portugal anticipated by many years the Universal Declaration of Human Rights in recognizing and implementing in its territories the principle that no distinction before the law shall be made on the basis of race, colour, language, religion, or territorial origin, as well as the principles and pertinent international legislation for the protection of the rights of those who choose to live according to their specific traditions.

9. What has given cause to this question is a problem of maintenance of internal public order in a Portuguese province. As I already had the occasion to point out before the Security Council, the incidents in Angola were unfortunately foreign-inspired terrorist acts. The maintenance of public order is a primary responsibility of a State. There is no other matter more essentially within its domestic jurisdiction, regardless of the constitutional status of the country or territory concerned. Whatever the misuse of terminology to confuse the issue—an evil practice so generalized in the world of today—that fundamental factor cannot be altered.

10. Article 2, paragraph 7, of the Charter strictly forbids the Organization to intervene in internal matters of a Member State. Thus, the inclusion of the item would force the Assembly into a serious violation of that fundamental principle of our Charter. The very wording of Article 2, paragraph 7, stating that "nothing contained in the present Charter shall authorize the United Nations to intervene . . ." clearly denies the legality of any attempt at interference in the domestic affairs of a State on the pretext that elsewhere in the Charter there are provisions which justify such interference. This was the interpretation given by the sponsors of the Charter as expressed in the statement of the representative of the United States to the Conference at San Francisco, Mr. Foster Dulles:

¹ Official Records of the Security Council, Sixteenth Year, 943rd to 946th meetings.

* Resumed from the 948th meeting.

“... it presents a new and basic principle, governing the entire Organization, viz, that the United Nations, in none of its organs, in none of its branches, shall intervene in what is essentially the domestic life of its Member States.”

11. This view was fully shared by the representatives of the countries who sponsored the Charter. I deem it unnecessary to quote their statements. The same view was also voiced by the Committees that drafted the Charter, as, for example, in the report of Committee 3 of Commission II, in charge of drafting Chapter IX, the only chapter dealing with human rights. The Committee stated that “. . . nothing contained in Chapter IX of the Charter can be construed as giving authority to the Organization to intervene in the domestic affairs of Member States”.² This report was unanimously approved by the plenary meeting of the Conference. I offer this interpretative clarification for the meditation of those who are trying to intervene in a matter that is essentially within the domestic jurisdiction of my country, whatever might be the pretexts or false arguments invoked.

12. As regards the alleged premises of the explanatory memorandum attached to the request for the inclusion of the item [*A/4712 and Add.1*], I am compelled to make the following remarks. There is indeed, and there should be, “concern and indignation” about the attempts by the United Nations to interfere in the domestic affairs of Portugal, which it is doing, when Portugal is but exercising its legitimate right to defend its populations and national territory against foreign-inspired terrorist attacks.

13. My delegation must strongly repudiate the contention expressed in a memorandum that Angola is a “classic case of colonial domination and suppression”. By traditional right, constitutional law, administration and practice, Angola is a province of Portugal, an integral part of a unitarian State; and it was this unitarian nation which was admitted as such as a Member of the United Nations by unanimous decision of the Organization. The statute of a unitarian State cannot be altered by the resolutions mentioned in the explanatory memorandum. And there is no “classic case of suppression” in Angola. However, there appears to be a “classic case” of an attempt at suppression of the rights of Portugal on the part of a majority group in this Organization.

14. Still another point emphasized by the memorandum has been plainly answered by the Security Council itself which, in its wisdom, did not find any grounds to support the contention that a situation might exist in Angola that would endanger the maintenance of international peace and security.

15. It is pertinent to recall in connexion with the proposed inclusion of this item that the incidents of last month at Luanda, carefully planned by *agents-provocateurs* of the forces of international terrorism and subversion, with the admitted encouragement and collaboration of certain organizations in the new African States, provided an ideal excuse for political and subversive propaganda on the part of countries unfriendly to Portugal, as well as an opportunity which other supposedly friendly countries seized in an attempt to captivate the good graces of the new majority in this Organization.

16. The recent debate in the Security Council showed—to use the words of an editorial in a great American

newspaper—“acts of Machiavellian statesmanship” in the popularity contest to appeal to the well-known majority group in the United Nations. Incidentally, the expression “popularity contest” was not coined by my delegation. In the classic popularity contest the majority selects the most popular person for honours, but in this United Nations popularity contest the accent is on joining the majority procession to cast stones at the pre-selected victim. The biblical pearl of wisdom, “He that is without sin among you, let him first cast a stone”, is finding mostly deaf ears in the Assembly.

17. Moreover, there is an immediate and tragic connotation to the nature of the proposed debate—the connotation dramatized by the recent events in northern Angola. Those events were clearly planned, chronologically and psychologically, to coincide with the debate in the Security Council. Again, the dial of foreign-inspired terrorism was set to work with a sinister purpose—the purpose which the inclusion of this item proposes to enlarge and distort.

18. In the recent events along the Congo-Angola border the foreign-inspired assailants crossed our borders to instigate and practise the most horrifying acts of savagery and terrorism. They attacked and destroyed homes and plantations, and tortured, slaughtered and mutilated men, women and children—mostly women and children—of both the white and black races, indiscriminately. It must be acknowledged that all segments of the population reacted promptly against the assailants.

19. What does the General Assembly expect to accomplish by adding fuel to a fire which was none of our own doing? Does it want to encourage further even more violent acts of terrorism by the architects of subversion outside our borders? Such a course seems unbelievable to my delegation. But if one should examine carefully the pseudo-interpretations of the Charter, voiced so often by our detractors, the pre-arranged majority in the General Assembly, the shrieking tone of the propaganda against Portugal in this Organization; the exploitation of artificially provoked incidents in which innocent lives are sacrificed for the convenience of international terrorism, one is unfortunately led to believe that there exists right here in the centre of this Organization, which is devoted to peace and brotherhood among men, a naked plot to sacrifice the dignity and integrity of a Member State in the feast of the influential majority package.

20. For these reasons, my delegation is not prepared to be an accomplice in the following misfortunes which any such debate will undoubtedly bring about: violation of the sovereignty of a Member State; encouragement to the foreign-inspired terrorists to kill even more innocent victims in Angola; blessings to the subversive political propaganda which has nothing more constructive to offer than the attempts to dismember a Member State; mutilation of the letter and spirit of the Charter for the political expediency of a majority; disrespect for the conclusion reached a few days ago in the Security Council; and undermining the prestige of the General Assembly and, therefore, of the United Nations if the Assembly lends itself to the propaganda manoeuvres implicit in the inclusion of the item.

21. Out of respect for the true principles which should guide this Assembly and out of consideration for those delegations with which we maintain the most cordial relations, I deem it my duty to make the following declaration.

² United Nations Conference on International Organization, II/12.

22. In lodging the strongest possible protest on behalf of my Government against the proposed inclusion of the item in question, and while registering the firmest reservations on any related resolution or development arising therefrom, it would be inconsistent with the true reasons I had the honour of outlining if my delegation should participate in any vote on this matter. In the name of justice and right, my delegation will not take part at any time in any consideration or debate of this item. We are leaving these proceedings at once.

The delegation of Portugal withdrew.

23. Mr. COOPER (Liberia): I am reminded now of a poem written by a famous Englishman who said:

"The tumult and the shouting dies—the captains and the kings depart—

Still stands thine ancient sacrifice, an humble and a contrite heart."*

24. Portugal, on being admitted to the United Nations, accepted certain obligations of the Charter with regard to its territorial possessions in Africa, and is therefore aware of the provision of the Charter which states in Article 73:

Mr. Cooper read Article 73 a, b, c and d of the Charter.

25. It is now useless for Portugal to contend that the United Nations has no authority to interfere in the internal affairs of Portugal under Article 2, paragraph 7, as regards its colonial possessions in Africa. With this in mind, my delegation first raised this question in the Security Council, and now, along with thirty-eight other Asian-African countries, is pressing for its consideration by the General Assembly.

26. Portugal has also contended that the recent disturbances in Angola were not instigated by the Angolans but by outside elements. From recent reports from that part of Africa, it is now being admitted, even by Portugal in some quarters, that these disturbances were not the work of foreign or alien elements but rather of the Angolans themselves in protest against the oppressive measures of the Portuguese Government. In the circumstances, we are fully convinced that if events in Angola are allowed to continue, a grave threat to the peace of that area of Africa, and perhaps to the whole world, will occur if the United Nations does not intervene with a solution to the problem.

27. We feel no animosity towards Portugal, although Portugal has given us enough reasons never to forget the marks that her brutal domination have left on the people of Africa. We have no intention of contributing to the maze of the cold war. We have no desire to intervene in Portuguese domestic affairs and we are not doing so here. But we do not accept, we cannot admit, that colonial possessions are the exclusive affair of any colonial Power. What is happening in Angola can never be considered as coming within the exclusive sovereignty of Portugal, as by geography, history, race, culture, and common aspirations, my country, no less than all the other countries of Africa, has a direct and inescapable stake in its outcome.

28. My delegation finds it difficult to understand why certain colonial Powers try to mislead world public opinion by claiming that peoples subject to oppression are always happy and content with their fate and that it is only through outside interference that unrest and, perhaps, violent upheaval take place. Such a conception is against the very nature of man. Must one believe that a people's longing for freedom is decided or regulated

by the colour of its skin, that is, by whether it is of the black, yellow or white race?

29. Since that fateful day of 3 February 1960 when, through acts of sheer desperation, the African peoples of Angola rose up in revolt against their Portuguese oppressors, the whole world has been shocked into a full realization as to where this situation, if it is not brought under control, could lead. Let no man try to label these people of Angola, who have revolted against the repressive measures practised by the Portuguese for over 400 years, as tools of communism or as having been tricked into action by "witch doctors". And let not the brutal suppression used by the Portuguese police and authorities, in meeting this legitimate and just protest of the people of Angola against centuries of Portuguese domination, be termed "measures to preserve public order". Let it be remembered that the records of the United Nations are full of the course of such revolts and of the obligations which the United Nations had perforce to assume in contributing to a solution or in providing a settlement for them.

30. The Portuguese representative in the Security Council has argued that Portugal does not possess colonies, and that Angola and Mozambique are provinces of Portugal; that the Portuguese nation is a unitary State. Are we to assume that this new approach by Portugal to the colonial problem is any different from the old approach? It matters not what Portugal may argue: this unitary State of Portugal which embraces its overseas possessions has used more repressive measures and meted out more inhumane treatment to its subjects, and in a worse degree, than is found in most colonial possessions. Calling a rose by any other name does not destroy the scent of the rose.

31. In Angola today, we are witnessing conditions similar to those which did exist in certain colonial possessions that have now obtained their independence or are in the process of obtaining it. With these experiences fresh in our minds, let no one try to delude or deceive us with the outworn plea of "domestic affairs". That has not held true in the past and it will not hold true in the present.

32. No man-made law, however written or however interpreted, under which a people can be suppressed or exploited can supplant or supersede the divine law which gives to each man the right to life, liberty and happiness regardless of his race, his religion or his culture. These rights man has fought and died for since his creation and he will continue to uphold and defend them, even if it ends in his extinction. What is more, the United Nations has come to realize this and has itself pronounced upon the status of these Portuguese territories, including Angola, and has, in unequivocal terms, made it clear to Portugal that these territories are non-self-governing within the meaning of Chapter XI of the Charter and that, consequently, Portugal is internationally accountable for them.

33. In Angola, Portugal has violated fundamental human rights and disregarded the principle of self-determination enshrined in the Charter; Portugal has ignored General Assembly resolution 1542 (XV) calling attention to its international obligations regarding its colonies, including Angola, as well as resolution 1514 (XV) concerning dependent territories; and Portugal has violated the purposes and principles of the Charter by deliberately creating tension between itself and the African States by its treatment of their brothers in Angola.

* Rudyard Kipling, *Recessional*.

34. In the face of these clear violations of the Charter, therefore, how can any Member State try to invoke any plea of "non-interference in its domestic affairs" when such affairs as it wishes to exclude from the United Nations have already come within the scope of the functions and purposes of the Charter.

35. It is for these reasons that my delegation, along with thirty-seven other Asian-African delegations, has asked for the inclusion of this item in the agenda, to be debated in plenary meeting, so that urgent measures can be adopted to stop the useless bloodshed and the wrongs perpetrated on a weak and defenceless people, and so that the people of Angola may know that our great Organization is indeed an instrument for universal peace and security, friendly relations among States, and the welfare of all peoples regardless of race, sex, language or religion, thus rekindling the hope for a better future.

36. We know what repercussions the situation in Angola is having on the adjacent territories, especially the two Congo Republics. This is only natural as the Angolans are of the same race and stock as the people in both Congo (Leopoldville) and Congo (Brazzaville). In short, they are their own kith and kin. Article 74 of the Charter states expressly:

"Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world in social, economic and commercial matters."

In the circumstances, we fail to see how Portugal can complain about a situation which is of its own making.

37. The General Assembly's obligation is clearly set out in Article 13 of the Charter which empowers the General Assembly, among other things, to initiate studies and make recommendations for the purpose of promoting and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, and in Article 14 under which the Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which could impair the general welfare or friendly relations, "including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations".

38. In conclusion, my delegation requests a roll-call vote on the recommendation of the General Committee for the inclusion of this item in the agenda.

39. Mr. CARDOSO (Congo, Leopoldville) (*translated from French*): I wish to intervene briefly in order to protest against the allegations made that the Congolese are the scapegoats of barbarism and the harbingers of misfortune and disorder. You cannot put all the blame on the Congolese simply for the purpose of rejecting

Congolese nationalism and denying its existence. Certain countries ought to face facts and cease to follow the policy of the ostrich.

40. We sincerely trust that both Portugal and Angola may escape the horrors of a revolution. We ardently hope that our brothers from Angola, some 40,000 of whom are swelling the ranks of our unemployed at Leopoldville alone, will not undergo the misfortunes that beset us at the present time. We supported the inclusion of this item in the agenda in the hope that our brothers in Angola might be spared the misfortunes we are now suffering.

41. The PRESIDENT: The General Assembly will now vote on the General Committee's recommendation to include the item "Situation in Angola" in the agenda. A roll-call vote has been requested.

A vote was taken by roll-call.

Uruguay, having been drawn by lot by the President, was called upon to vote first.

In favour: Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Laos, Liberia, Libya, Mexico, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Romania, Saudi Arabia, Senegal, Somalia, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Upper Volta.

Against: Spain, Union of South Africa.

Abstaining: Australia, Belgium, Dominican Republic, France, Luxembourg, Netherlands, Panama, United Kingdom of Great Britain and Northern Ireland.

The recommendation was adopted by 79 votes to 2, with 8 abstentions.³

42. The PRESIDENT: Perhaps the Assembly would now turn its attention to the question of the allocation of this item. The General Committee has recommended that the item be discussed in plenary meeting without reference to a Committee. If there are no observations or comments, I shall take it that the Assembly approves the recommendation.

It was so decided.

The meeting rose at 4.15 p.m.

³ The representative of Madagascar later indicated that had he been present at the time of the voting he would have voted in favour.