

United Nations
**GENERAL
ASSEMBLY**

TWENTIETH SESSION

Official Records



**FOURTH COMMITTEE, 1590th
MEETING**

Wednesday, 15 December 1965,
at 3.35 p.m.

NEW YORK

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Chairman: Mr. Majid RAHNEMA (Iran).

In the absence of the Chairman, Mr. Bruce (Togo), Vice-Chairman, took the Chair.

AGENDA ITEMS 23 AND 71

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: reports 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: Territories under Portuguese administration (continued) (A/5800/Rev.1, chap. V; A/5946; A/6000/Rev.1, chap. V; A/C.4/L.823)

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GENERAL DEBATE AND CONSIDERATION OF DRAFT RESOLUTIONS (continued) (A/C.4/L.822, A/C.4/L.823)

1. Mr. THIAM (Mali) wished first to thank the petitioners who had appeared before the Committee (1574th and 1584th meetings) for their contribution to the Committee's work. Mr. Mondlane and Mr. dos Santos, in particular, had provided valuable new testimony regarding the reactionary and senseless policies being pursued by the Portuguese Government. The seriousness of the efforts of the revolutionaries in Angola, Mozambique and Guinea (Bissau) was evident: the petitioners had informed the Committee that an administration was being established in the liberated areas and they had described the work being undertaken there in the economic and social field. The people of Mali fully supported the

revolutionaries in their struggle and were convinced of their ultimate victory. His delegation considered that the United Nations and the specialized agencies should assist the nationalists in their work of reconstruction.

2. The question of the legal status of the Portuguese Territories had been dealt with eloquently by the representative of Malaysia at the 1254th meeting of the Security Council, held on 9 November 1965. That representative had drawn attention, in particular, to the statement in article 133 of the Portuguese Constitution that Portugal had an historic mission of colonization in the lands of discoveries; and to article 134, which laid down that the overseas territories of Portugal were to be known as provinces and that their political and administrative organization was to be appropriate to their geographical location and stage of social development. The Malaysian representative had pointed out that merely calling the overseas territories provinces could not alter the realities of the situation.

3. His delegation therefore held that Angola, Mozambique and Guinea (Bissau) were colonies and that they came under Article 73 of the United Nations Charter, which laid an obligation on administering Powers to lead the peoples under their administration towards self-government. The United Nations should compel Portugal to respect the Charter and should fix a date by which Portugal must give freedom to all its colonies and withdraw its military bases.

4. In an earlier statement, his delegation had drawn attention to the fact that the Portuguese Government, the South African Government and the rebel authorities in Southern Rhodesia were in league against the African people of the Territories under Portuguese rule. Those three régimes were assisting each other in the repression of independence movements.

5. Paragraph 8 of the latest report on the Portuguese Territories submitted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/6000/Rev.1, chap. V) drew attention to the discriminatory element in the distribution of seats in the National Assembly of Portugal, in which Angola had one representative for every 650,000 persons, Mozambique one per 900,000 and Portugal itself one per 80,000. In addition, the legislation in force, as was pointed out in paragraph 9 of the report, gave the right to vote only to male Portuguese citizens who had been "emancipated" and could read and write Portuguese, or who, being unable to read and write, nevertheless had "legal capacity" and paid not less than 100 escudos in taxes. The report went on to show that those conditions

automatically denied the vote to the majority of the indigenous inhabitants of the Portuguese Territories. Similarly arbitrary legislation existed under different names in Rhodesia and South Africa. In those circumstances, the indigenous people had no choice but to fight for their legitimate rights.

6. The forces of imperialism were giving their full support to the fascist régime of Mr. Salazar in preserving Portugal's rule in its colonies. Paragraph 15 of the Special Committee's latest report, mentioned a recent speech by Mr. Salazar in which the latter had ruled out any political solution to the fighting in the African Territories and had asserted that continued military effort was the only way to achieve "order in the territories and peaceful progress of the inhabitants". The report also drew attention to the progressive increase in military allocations under the Portuguese budget and mentioned the increased revenue which was expected from various taxes. It was clear, however, that such tax revenues were not enough to support the military effort, for nearly all the imperialist Powers were assisting the Portuguese Government financially. In 1964 Portugal had received a South African Reserve Bank Loan of R2.5 million; towards the end of the year, Portugal had raised a loan of \$20 million on the United States market with a bond issue, which was to finance the transitional development plan and which had been underwritten by banks and other companies in Belgium, Denmark, France, the Federal Republic of Germany, Italy, Luxembourg, Netherlands, Sweden, the United Kingdom, and the United States. Portugal had also negotiated a special loan of \$35 million in favour of Angola from the General Trade Company of Geneva, Switzerland, apparently for the purchase of industrial machinery and equipment. The colonialist and neo-colonialist States were also supplying Portugal with weapons under their military alliance with it. Portugal assured its allies that the arms which it obtained from them were intended for use in Portugal itself, but its allies ignored the fact that for the Portuguese Government the colonies were part of Portugal.

7. The Special Committee's report on the activities of foreign economic and other interests (A/6000/Rev.1, chap. V, paras. 417-475) showed that the Powers which supported Portugal's colonialist policies were those whose nationals had investments in the Territories under Portuguese rule. His delegation was in full agreement with the conclusions and recommendations in the report. There was no quarrel with private investment made in independent States under agreements with their sovereign Governments: what was asked was that the capitalists should reconsider their policy of investing in the Portuguese colonies, and that the Powers concerned should comply with the resolutions of the Security Council and the General Assembly and persuade Portugal to respect the decisions of the United Nations, withdraw its troops and implement General Assembly resolution 1514 (XV).

8. It was impossible to believe the statements of those Powers when they were helping to finance Portugal's genocidal war against the peoples of its colonies. No credence could be given to the statements of the United Kingdom when, according to the Johannesburg

Star, the secret police of its colony, Southern Rhodesia, were co-operating with the Portuguese secret police in returning "rebels" to Mozambique. Similarly, at the 1584th meeting, Mr. Mondlane had informed the Committee of an incident in which seventy-five refugees had been lured out of Swaziland and had disappeared. The secret police had obviously done their work again. It was clear that the Powers which supported Portugal in its repressive policies shared responsibility with the Portuguese Government.

9. His delegation urged all peace-loving States to give the nationalists moral and material assistance in their lawful struggle for independence. It was shameful to see a European country still clinging desperately to African colonies and plundering their resources. Those who recalled the crimes of Nazi Germany should take note of the preparations being made for the same racist crimes in southern Africa; if no remedy was found the result would be a conflagration which would involve the whole world, for the Africans would not look on indifferent at what was happening.

10. His delegation considered that draft resolution A/C.4/L.823, of which it was a sponsor, duly reflected the present situation in the Portuguese Territories.

11. Mr. DE MIRANDA (Portugal) said that his delegation considered that the references to his Government made by some speakers, and in particular the reference to the Head of his Government made by the representative of the Democratic Republic of the Congo at the previous meeting, were irresponsible and improper and unbecoming to a body such as the Fourth Committee. He wished to place on record his delegation's most emphatic protest.

12. With reference to the statement made at the previous meeting to the effect that one half of the territory of Portuguese Guinea was outside the control of the Portuguese authorities, he wished to state most categorically that not a single square inch of Portuguese Guinea or of any other Portuguese territory in Africa was outside the control of the Portuguese authorities.

13. Before commenting on draft resolution A/C.4/L.823, it seemed pertinent to restate briefly his delegation's position of principle, namely, that the United Nations had no competence, under its Charter, to question the constitutional status of any Portuguese territory or to question the constitutional structure of the Portuguese nation. His country's present constitutional structure was centuries old and any attempt by the United Nations to tamper with it was a violation of the Charter. Any change in that structure concerned Portuguese citizens alone, in other words all the people inhabiting all Portuguese territories, irrespective of race, colour, religion or any other distinction. There should be no confusion between obligations under the Charter and demands aimed at achieving certain political objectives which went beyond the Charter. Nowhere did the Charter mention the independence of territories or separation from their national context, and no number of resolutions could replace the Charter, which was the fundamental law of the United Nations and the ultimate safeguard of its Members against the arbitrary will

of the majority. When his country had joined the United Nations, it had accepted the Charter as then interpreted; even if a changed majority in the United Nations had introduced a different interpretation, his country had every right to remain loyal to the traditional interpretation. Portugal had been consistent in its attitude to all questions falling or said to fall under Chapter XI of the Charter; to deny it the right to be so consistent would be to subject it to the tyranny of the majority. His country therefore made no apology for not accepting resolutions which had been adopted in contravention of the Charter and denied that it had at any time failed to fulfil its obligations under the Charter.

14. In the preamble to draft resolution A/C.4/L.823, a number of resolutions were cited but there was one significant omission; namely, General Assembly resolution 1542 (XV), which listed the Portuguese territories which were said to be non-self-governing. Although his country had never accepted that resolution and had been accused of non-compliance with it, it would only be fair to include it. It had not been adopted to be quoted to Portugal alone.

15. The fifth preambular paragraph was almost a transcript of the fourth preambular paragraph of Security Council resolution 218 (1965) and made an accusation against his country which, at the 1266th meeting of the Security Council, he had already rejected as unjust and contrary to reality. The Portuguese Government was not enacting any measures of repression or conducting any military operations against the people of any of its territories, much less was it intensifying them. The Portuguese Government was merely discharging its primary responsibility of protecting its people, their lives and property against the violence inflicted upon them by armed bands sent into some of its territories from certain neighbouring countries. It was no secret that such bands were organized, trained, armed and financed outside Portuguese territories by foreign Governments and private organizations. Those armed bands were attempting to subject the peaceful population to their will and to force them to flee across the frontier to places where they could more easily be intimidated and where their presence as refugees could be exploited for political propaganda. The draft resolution sought to encourage such inhuman tactics in a cynical inversion of the truth. Fortunately there was an increasing number of witnesses to the truth, and such affirmations did no credit to those who made them.

16. Equally discreditable and absurd was the reference in the sixth preambular paragraph to foreign financial interests. Similar allegations had already been rejected in the Special Committee by some of that Committee's important members. It was absurd and contradictory to demand that Portugal should promote the economic development of its territories and, consequently, the welfare of its people, and at the same time to criticize the universally accepted means of doing so. There were no conditions attached to foreign economic activities in any Portuguese territory; their aims and objectives, which were regulated by law, were purely economic and designed to promote the economic growth of the territories and their

people, who were the sole beneficiaries. Attempts to discourage foreign investments in Portuguese territories would impede the economic progress of their inhabitants and, if that happened, Portugal would again be blamed.

17. The seventh preambular paragraph made an allegation which, the more it was refuted, the more it was repeated. It suited the purpose of those who felt uncomfortable about the existence of the North Atlantic Treaty Organization (NATO), the members of which were obviously the "military allies" mentioned. His delegation once more rejected that allegation. Moreover, according to the draft resolution it was based on evidence submitted by the petitioners. The petitioners were avowedly anti-Portuguese, their *bona fides* and background were not checked, their ideological affiliations were not investigated and their statements were not taken under oath; they were not accountable to anybody but themselves and they presented only what suited their own political objectives. The Committee could judge whether the evidence submitted by such people was more trustworthy than the word of responsible Governments which had made clear their attitude regarding the supply of arms to Portugal. His delegation also protested solemnly against the manner in which Portuguese Guinea was designated in the seventh preambular paragraph. The official designation was Portuguese Guinea and that had always been the designation in official documents of the United Nations and even in previous resolutions of the General Assembly, including resolution 1542 (XV).

18. The last preambular paragraph was perhaps the most obnoxious of all and certainly the most illegal, since it was couched in the language of Chapter VII of the Charter, which concerned matters that were within the exclusive competence of the Security Council. It was a serious matter, especially since only a few weeks previously the Security Council itself had refused to go so far. At the 1266th meeting of the Security Council he had stated his delegation's position on that question when commenting on operative paragraph 1 of the draft resolution then before the Council, which was worded in similar terms. That position was that, if a danger to peace and security existed through the attempts of outsiders to change Portugal's policy, the responsibility lay not with Portugal but with those outsiders. Portugal wished to maintain good relations with all its neighbours, but had not met with a positive response from African countries.

19. Inasmuch as the operative part of the draft resolution was based on the false assumptions in the preamble, his delegation felt that it was hardly necessary to examine the operative paragraphs in detail. He would, however, comment on some points which called for special attention.

20. First of all, his delegation denied that there was any struggle for rights within Portuguese Territories. The rights of all Portuguese citizens, irrespective of race or place of origin, were not less than those normally enjoyed by the citizens of other States. It was therefore meaningless to speak of any "restoration" of rights, as was done in paragraph 3.

21. The draft resolution went on, in paragraph 4, to condemn what it called "the colonial policy of Portugal and its persistent refusal to carry out the resolutions of the General Assembly and the Security Council". Such language was all too frequently heard in the Committee but Portugal found no sanction for it in the Charter and reaffirmed that it was under no obligation to accept recommendations adopted in violation of the Charter. Moreover, it did not lie with the Fourth Committee to condemn any Portuguese policy on behalf of the Security Council.

22. His delegation rejected the allegations in operative paragraph 5. Portuguese citizens settling in any Portuguese territory were not foreign immigrants; that was true of white Portuguese settling in Portuguese Africa and of coloured Portuguese settling in European Portugal. The allegation that workers were being exported to Africa was a malicious invention, since workers who went from Portuguese territories to South Africa did so of their own free will and were fully protected by bilateral agreements.

23. With regard to operative paragraph 7, which amounted to enforcement action, it was evidently hoped that once sanctions were embodied in a General Assembly resolution Member States would feel authorized to implement them. It was a fact, however, that at its 1268th meeting, held less than a month earlier, the Security Council had rejected a paragraph of a draft resolution that had sought to do much less than was envisaged in the operative paragraph in question. The Fourth Committee was not competent to recommend sanctions, which came under Chapter VII of the Charter and were within the exclusive competence of the Security Council. The Fourth Committee would be seriously violating the Charter if it arrogated such competence to itself in order to compel a Member State to bow to the will of the majority on a purely political issue. There were no sanctions envisaged in the Charter for the purpose of solving purely political problems; they were envisaged only in cases of international conflict, in order to bring an aggressor State to order.

24. During the twenty years of the existence of the United Nations there had been full-scale wars between Member States, invasions across international frontiers, occupation by force of arms of foreign territories; in not a single case had sanctions been contemplated by the Security Council, the only organ of the United Nations empowered to do so. Yet attempts were now being made in the Fourth Committee to apply sanctions, under the guise of a request, and to make the Charter fit all sorts of purposes, provided that they were supported by a majority. That meant that the majority had substituted itself for the Charter.

25. With regard to operative paragraph 9, he pointed out that the specialized agencies of the United Nations were non-political bodies with statutes of their own. The appeal made to them in the paragraph obviously amounted to asking them to depart from their statutes and to act on purely political grounds. His delegation submitted that that paragraph was not calculated to fulfil the desideratum, expressed by the Secretary-General in the introduction to his annual report to the twentieth session of the General Assem-

bly (A/6001/Add.1), that highly contentious political issues should be kept out of the work of the specialized agencies and that Member States had a specific duty to respect the statutes, conventions and constitutional procedures of those agencies. Moreover, that paragraph created a dangerous precedent which, if followed in other cases of political differences, could well mean the end of all international co-operation in the technical field. Today it was Portugal that was being victimized; tomorrow it might be others who happened to disagree with the majority in the Organization. Such a situation amounted to a tyranny of the majority.

26. Operative paragraph 11 practically called on the Security Council to force Portugal to implement its recommendations. That was tantamount to assuming that the Security Council had no judgement of its own and must be urged by the Fourth Committee to secure the implementation of its own resolutions. To request the Security Council to use its powers of compulsion for the purpose of pursuing the purely political objectives of the majority in the General Assembly amounted to confusing the functions of the General Assembly and those of the Security Council.

27. He noted that, in rebutting allegations that Portuguese policy was repressive and denied human rights and individual freedom, the Portuguese Minister for Foreign Affairs had said in the Security Council (1253rd meeting) that the real secret of Portuguese policy was the sense of oneness, the sense of racial democracy, the spirit of human dignity, religious tolerance and social equality, and the purpose of furthering with determination the welfare of all in a society where all were equal before the law and where all were granted the same opportunities for advancement in the economic, educational and political fields.

28. Turning to draft resolution A/C.4/L.822, he said that it was generally known that his Government was doing its utmost to expand educational facilities at all levels in its overseas provinces. Special attention was being paid to those living in rural areas. Of course, educational facilities could never attain the optimum level in any country but the fact that there was still room for improvement did not justify the charge that the Portuguese Government was failing in its duty. Educational facilities in the Portuguese provinces in Africa compared favourably with those in most of the territories between the Sahara and the Republic of South Africa. If outsiders wished to assist Portugal in its educational efforts, they were welcome to deal directly with the Portuguese Government. As the draft resolution did not envisage such assistance and sought, instead, to establish scholarships for Portuguese nationals which would almost be in competition with the educational activities of the Portuguese Government, there could be no doubt that the draft resolution was based on political motives and that the measures envisaged were against the interests of Portugal. For those reasons, his delegation would vote against draft resolution A/C.4/L.822.

29. Mr. BOULHOUD (Congo, Brazzaville), speaking in exercise of the right of reply, said that the Portuguese representative had used violent terms to criticize the language of African representatives who had merely been replying to direct attacks made against their delegations by the Portuguese delegation. He

would draw attention to the terms which the Portuguese delegation itself had used at the 1585th meeting, in replying to the Indian representative who, in exercising his right of reply, had approached the question of Goa. The Portuguese representative would have been better advised to make his statement before his NATO allies and not take the time of the Fourth Committee.

30. The arguments used by the Portuguese representative in explaining his vote should be struck from the summary record of the Committee since they were a challenge to the cause which the Committee was defending. His delegation attached no importance what-

ever to the accusations made by the Portuguese representative.

31. Miss BROOKS (Liberia) wished to inform the Portuguese representative that she had not taken an active part in the Committee's deliberations because the Foreign Minister of Liberia had already discussed the matter in the Security Council. She would not answer the statements and charges which the Portuguese representative had made, since they merely repeated arguments put forward by the Portuguese delegation at previous sessions.

The meeting rose at 4.55 p.m.