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**FOURTH COMMITTEE, 1475th
 MEETING**

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Chairman: Mr. ACHKAR Marof (Guinea).

Requests for hearings (continued)

REQUESTS CONCERNING TERRITORIES UNDER PORTUGUESE ADMINISTRATION (AGENDA ITEM 23) (A/C.4/600/ADD.4) (continued)*

1. The CHAIRMAN recalled that he had received a request for a hearing submitted by Mr. A. de Oliveira Aguas, Chairman of the Committee Pro-Democracy in Portugal, on behalf of Mr. Henrique Galvão, concerning Territories under Portuguese administration (A/C.4/600/Add.4). He had now received a letter from Mr. Galvão, dated 4 November 1963 and written from São Paulo, Brazil. If there were no objections the letter would be circulated as a Committee document.

It was so decided.^{1/}

2. Mr. YATES (United States of America) emphasized that his delegation did not object to Mr. Galvão's request for a hearing being granted, but wished to point out certain possible consequences which might be serious for the petitioner. Since it might be asserted that responsibility for those consequences rested in part with the Committee, his delegation felt that careful thought should be given to the matter.

3. The United States had extradition agreements with some seventy-eight countries, one of which was Portugal. Under those agreements a country had a right to undertake measures to extradite persons accused in that country of serious crimes. There was no question that if Mr. Galvão was invited to appear before the Fourth Committee the United States would, as in the case of other petitioners, take steps to enable him to travel to the Headquarters district, in accordance with section 11 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations (General As-

sembly resolution 169 (II)). Section 11, however, while entitling invited persons to travel to the Headquarters district and providing routine measures of protection while they were in transit, did not grant them immunity from legal process. Such immunity was granted by section 15 of the Headquarters Agreement, whose benefits were limited to resident representatives of Member States and to certain members of their staffs. Incidentally, while the United States was not a party to the Convention on Privileges and Immunities of the United Nations, the situation would not be changed if it were a party, since that Convention did not confer immunity on invited persons.

4. As members of the Committee were aware, the Portuguese Government sought custody of Mr. Galvão in connexion with certain serious charges, some of which might perhaps come within the terms of the Extradition Convention of 7 May 1908 between Portugal and the United States. The Portuguese Government might well, therefore, initiate proceedings in the United States courts for Mr. Galvão's extradition. Although, as he had already stated, the United States was prepared to comply fully with its obligations under the Headquarters Agreement, neither the Government nor the courts of the United States had any choice but to comply with their legal obligations under the Extradition Convention. In the light of those considerations his delegation had felt obliged to set forth the situation unequivocally in order that the Committee might be able to decide without any possible misunderstanding whether to grant the request for a hearing.

5. In view of those considerations his delegation suggested that, rather than granting the request for a hearing, the Committee might wish to invite Mr. Galvão to submit a statement in writing or to make a tape recording which could be heard by the Committee. While admittedly such a procedure would not be as satisfactory as hearing the petitioner in person, it would enable Mr. Galvão to submit his views to the Committee and would eliminate the difficulties to which he had referred.

6. Miss BROOKS (Liberia) felt that Mr. Galvão should be informed of the situation and should be asked whether he was prepared to run the risk of possible extradition or whether he would prefer to send a written statement.

7. Mr. BOZOVIC (Yugoslavia) agreed with the Liberian representative.

8. Mr. EL-SHAFEI (United Arab Republic) proposed that a decision on the matter should be deferred.

9. Mr. ANOMA (Ivory Coast), Mr. AZIMOV, (Union of Soviet Socialist Republics), Mr. McCARTHY (Australia) and Mr. DIAZ GONZALEZ (Venezuela) supported the proposal of the representative of the United Arab Republic.

*Resumed from the 1471st meeting.

^{1/} See A/C.4/600/Add.5.

10. Mr. NGANDO-BLACK (Cameroon) asked the United States representative whether, if the Committee were to decide that it was essential for Mr. Galvão to be given a hearing, the United States Government would be able to ensure his protection during his stay in the United States and his return to Brazil.

11. Mr. YATES (United States of America) said that he was not in a position to give a categorical reply to that question. He had merely drawn the Committee's attention to the fact that the United States had an extradition treaty with Portugal and that if Mr. Galvão were to come to the United States Portugal might institute extradition proceedings against him.

12. Miss IMRU (Ethiopia) supported the proposal of the United Arab Republic. Her delegation suggested that the United Nations Office of Legal Affairs should inform the Committee how the extradition treaty between Portugal and the United States would apply to individuals or petitioners who came to New York under United Nations auspices.

It was so decided.

13. Mr. AMACHREE (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) stated that a study of the kind would be circulated to the members of the Committee by the following morning.^{2/}

14. The CHAIRMAN asked the representative of the United Arab Republic for how long he would suggest that a decision in the matter should be deferred.

15. Mr. EL-SHAFEI (United Arab Republic) proposed that a decision should be postponed for forty-eight hours.

16. Mr. YOMEKPE (Ghana) supported that proposal.

17. With reference to the question asked by the Cameroonian representative and the United States representative's reply, he drew attention to Chapter XVI of the Charter. His delegation considered that under the provisions of that Chapter the obligations of the United Nations to a petitioner should prevail over any obligation of the host country; that the United Nations should be able, through the host country, to guarantee safe conduct to any petitioner; and that petitioners should not be subject to the domestic laws of the host country.

18. He emphasized that that statement should not be interpreted as an indication of his delegation's views with regard to the granting of a hearing to Mr. Galvão.

19. Mr. MGONJA (Tanganyika) supported the proposal of the United Arab Republic.

20. Mr. BRUCE (Togo) supported the proposal. The question of Mr. Galvão's request for a hearing raised the delicate question whether an agreement between two Member States could be an obstacle to the will of a large number of Member States who wished to hear a petitioner. If that were indeed so, serious consideration should be given to the question whether the Headquarters should not be moved elsewhere.

21. Mr. MUFTI (Syria) was inclined to support the proposal of the United Arab Republic, but felt that before coming to a decision on the procedural question the Committee should know whether the United States

delegation would be ready to state its position more exactly within forty-eight hours.

22. Mr. YATES (United States of America) pointed out that he would not be in a position to make any categorical statement. His only reason for bringing the matter to the Committee's attention had been to point out the existence of the Extradition Convention and the possibility that Portugal might apply for the extradition of Mr. Galvão. Any decision on the matter would of course have to be taken by the courts. It would be for the Committee to decide whether to invite Mr. Galvão to come to New York in order to make a test case.

23. Mr. LUQMAN (Mauritania) supported the proposal that the decision should be postponed. In the meantime, in view of the importance of the matter, which might affect future United Nations activities, the United States delegation should study the question with the United Nations Office of Legal Affairs and inform the Committee of their findings.

24. Mr. ANOMA (Ivory Coast) suggested that the Secretariat should expedite the circulation of the legal study and that the Committee should be given one or two days after the document had been circulated in which to consider the matter.

25. The CHAIRMAN suggested that as the consensus of opinion seemed to be in favour of the course proposed by the United Arab Republic representative, the Committee should postpone further consideration of the question until its meeting on the afternoon of Wednesday, 13 November, when a decision would be taken.

It was so decided.

AGENDA ITEM 23

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

GENERAL DEBATE

26. Mr. DE MIRANDA (Portugal) recalled that at the sixteenth and seventeenth sessions of the General Assembly the Portuguese Territories had been considered under an agenda item alleging "non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV)". At the current session, however, the title of the item contained no reference either to Chapter XI or to resolution 1542 (XV). That omission seemed to provide a further indication that the debates on Portuguese Territories in the Committee had no real connexion either with the Charter or with any resolution. The change of title also clearly implied ulterior motives.

27. He did not think it necessary to repeat his delegation's earlier statements explaining its position in respect of the Charter and of the General Assembly resolutions on the Portuguese Territories, since those statements were on record. His delegation had not come across any valid arguments to the contrary and was consequently unable to agree that the Committee had any competence under the Charter to discuss the internal life and structure of the Portuguese nation.

^{2/} The study was first circulated as Conference Room Paper No. 2 and subsequently, in accordance with the decision taken by the Committee at its 1481st meeting, as document A/C.4/621.

His delegation submitted further that competence which was not given in the Charter could not be assumed under any other title.

28. His delegation was not unaware that the question of principle was regarded as irrelevant by many United Nations Members. Indeed, it had been made clear in 1962 that even questions of fact were no longer relevant. His delegation must, however, continue to insist that a debate outside the provisions of the Charter and divorced from realities could only move in the realm of illegality and unreality. His delegation had done everything possible to avoid that undesirable situation. When Portugal had been asked to submit information on its provinces under Article 73 e of the Charter, it had been unable to do so, for the reasons it had repeatedly stated, but it had provided that information in other ways. Reliable information was now available, not only from hundreds of independent and impartial foreign observers who had visited those Territories, but also from specialized agencies such as the International Labour Organisation and the World Health Organization. A report by the Food and Agriculture Organization would be available shortly. All that information was additional to and fully confirmed what had been published by the Portuguese authorities themselves.

29. Portugal had been asked to admit United Nations committees into its territory. For the reasons his delegation had stated at length in the past, his country could not accede to such a request. Its offer to receive rapporteurs appointed by the President of the General Assembly^{3/} had not been accepted by Portugal's critics. Similarly, ample facilities for direct observation in the Portuguese provinces had been offered and those offers still stood.

30. No one had yet been able to demonstrate that the essence of Portugal's policy for a multiracial society was not in accordance with the ideals of the Charter and, indeed, with the highest ideals of modern society.

31. Portugal wished to maintain friendly relations with the African States and to co-operate with them. As far as possible, it desired to accommodate all the reasonable points of view of third parties. It had its own grievances, however, and expected international society to heed them. Portugal had been much misunderstood, much misrepresented, much offended and injured by hostile acts and in one instance it had been iniquitously wronged. If there was justice, Portugal too had a claim to it. If there was international law, Portugal too deserved its protection. Portugal was a member of an organized international society and as such was entitled to the same rights as all the other members. The United Nations Charter could not be interpreted as imposing obligations on Portugal and granting every licence to others, including the licence to commit aggression against Portuguese Territories with impunity.

32. Miss BROOKS (Liberia) said that despite Portugal's cynical claim that its Territories in Africa formed an integral part of metropolitan Portugal, they lay at such a distance from the latter, were inhabited by so different a race of people and were situated in a continent so distinct from that in which Portugal itself was situated that by no stretch of the imagination could they be regarded as an integral part of Portugal for the application of Article 2, paragraph 7, of the Char-

ter. Furthermore, she was certain that Portugal would agree that the principles on the basis of which the General Assembly had ruled, in its resolution 1542 (XV), that the Territories under Portuguese administration were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter had been worked out by an impartial special committee, half of whose members had indeed been Portugal's allies. She therefore appealed to Portugal not to reiterate its stale legal technicalities, which were unsound in law and in practice and did not deceive anybody except Portugal itself.

33. In a desperate bid to consolidate Portugal's supremacy over the indigenous African people, the fascist Salazar Government had instituted an unprecedented reign of terror in the Portuguese-administered Territories in Africa. African women were forced to work on farms and roads without pay. Prisons were overflowing with Africans of all ages. Africans were beaten unconscious and left lying in the streets. Others were sold for £2 to South Africa and many others had been most cruelly put to death. The Territories were swarming with spies so that Africans became suspicious even of their own brothers. Such was the essence of Portugal's so-called civilizing mission in its African Territories.

34. Portugal was busily building a new economic empire in Africa, oblivious of the fact that such empire-building was an anachronistic delusion. In the modern world small countries lacking natural resources no longer had to be poor; the wealthiest countries today were those with highly developed manufacturing industries. It was therefore highly important that Portugal should realize that its economic dependence on its overseas Territories was part of an illusion and a result of its own faulty planning.

35. The Portuguese people themselves were not interested in empire building but were being called upon to make sacrifices so that Portugal might fulfil its "mission". Although ostensibly that mission was to bring Portuguese culture and Western technology to Africa, its ultimate purpose was the building of an economic empire. In exchange for the meagre social services provided, Portugal was busily extracting wealth from its large African colonies. The value of coffee exported from Angola in 1962 had exceeded the value of cork exported from Portugal itself, and cork was Portugal's leading export commodity. In the meantime, Portugal's own economy was being crippled not only by the large defence spending, but also by planning based on the wealth and resources that did not belong to Portugal. By persisting in its illusions, Portugal was not only bringing great hardships upon its own people but in the long run it would bring them disaster, since it could not turn back the tide of history.

36. The basic fact was that Portugal could not turn Africans into Portuguese. The political aspirations of the peoples in the Territories under Portuguese administration could be fulfilled only through political independence or full self-government. Portugal could usefully study the recent history of France, a country whose colonial policy had also originally been based on the concept of assimilation and which had seldom been accused of racial discrimination: France now maintained cordial relations with its former colonies.

37. The concept of the superiority of one culture over another was outdated and moribund. The great movement in the modern world was towards the recognition

^{3/} See Official Records of the General Assembly, Seventeenth Session, Plenary Meetings, 1196th meeting, paras. 80-83.

of the values of various cultures, yet Portugal believed that it alone had the mission of bringing Christianity and Portuguese culture to its Territories. The need for spreading Portuguese culture could be questioned, particularly since the Portuguese language was not an adequate medium for communication with other countries and peoples. Furthermore, Portugal was not the sole guardian of Christianity, and no one would deny the validity of the other great world religions.

38. Portugal was deluding itself that the inhabitants of the Territories under its administration wished to become Portuguese. The thesis that all discontent in the Portuguese-administered Territories was fomented from the outside was part of the same delusion. Portugal chose to forget that Angola and Mozambique were integral parts of the continent of Africa and of the world community and that the solidarity of the African peoples was real. Portugal, which claimed that the threat to peace in Africa came from the African States, failed to realize that its own determined efforts to impose itself on Africa and turn Africans into Portuguese were contrary to the spirit of the age and to the clearly expressed will of the Africans.

39. The age of great empires which imposed an uneasy peace by conquest and military might was past. In the present age peace depended on the complete co-operation of all the peoples of the world, based on the equality and dignity of the human person and on respect for the national and cultural aspirations of the peoples. It was an age not of imposed uniformity but of diversity accompanied by a common endeavour to achieve human welfare and world peace. Every nation, great and small, must play its part in that endeavour. Portugal might have a valuable contribution to make, but not by the conquest of Africa. The Portuguese empire was doomed to failure. Portugal must realize that it had a future to build as a European country with a European heritage. She hoped that Portugal would mend its ways before it was too late.

40. Mr. MEHTA (India) said that the problem of the Portuguese colonies was particularly difficult owing to the arrogant frame of mind of the Portuguese rulers. India had had experience of Portuguese colonialism as well as of British and French colonialism and was aware of the peculiar quality of the Portuguese variety. The pride of the Portuguese in their history had led them to make their past a prison. The spokesmen of Portuguese colonialism saw the conquests of their warriors as part of a sacred mission, a "sharing of spiritual values"; today, at any rate, that expression was an absurdity. One of the Portuguese spokesmen had admitted that it was sometimes said that the Portuguese took refuge in the past to compensate for the smallness of the present. It was indeed such clinging to the past which paralysed modern Portugal. Another colonial spokesman of Portugal had said that Africa was a *raison d'être* for Portugal; without it Portugal would be a small nation, with it Portugal was a great country. That anachronistic colonial mystique was harmful not only to the colonial peoples but to the people in the metropolitan country itself. The Portuguese rulers admitted that empire and liberty were incompatible concepts, and asserted that empire involved a concept of territorial unity which ignored the seas separating the constituent elements of the nation. Seas could not be wished away, however, and the only result had been the snuffing out of liberty in metropolitan Portugal itself. The liquidation of the Portuguese empire would mean freer and fuller expres-

sion for the Portuguese people themselves, and he had no doubt that when the people of Portugal discovered their authentic idiom they would speak in the same terms as the representatives of that great Portuguese-speaking country, Brazil.

41. The Portuguese proclaimed their record of non-racialism; they failed to understand, however, that racial equality was a mockery where there was cultural inequality, and indeed cultural genocide. In his book entitled *Portugal's Stand in Africa*, Adriano Moreira asserted that the Portuguese repudiated the philosophy of aggression and reprisal between cultures which had inspired certain African-Asian leaders. That was a strange claim when Portuguese culture was imposed on all subject peoples and cultural confluence of any kind was abhorred. It was the blind insistence of the Portuguese on obliterating the individuality of the Africans that gave rise to the threat to world peace. The process of so-called selective assimilation had favourably affected the legal status of between 1/2 and 1 per cent of the African population of Portugal's Territories during a quarter of a century. Mr. Salazar had candidly stated that it took centuries to create a "citizen", which he defined as a man fully and consciously integrated into a civilized political society. The unlucky people of Portugal's colonies were apparently expected to live for centuries in political serfdom and cultural thralldom. All impartial observers recognized that the relationship of the Africans to the Portuguese had always remained that of a servant.

42. In its report (A/5446/Rev.1, chap. II) the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples gave a clear picture of the situation in Portugal's African possessions. His delegation agreed with the conclusions and recommendations in the report. Everyone knew of the poverty and illiteracy of the people and the constant surveillance under which they lived; nor was it possible to forget the thousands killed in Angola by Portuguese bombs, the tens of thousands of refugees in the Congo and elsewhere, the thousands of freedom fighters imprisoned, and the concentration camps in the Cape Verde Islands and on the island of Galinhas. Moreover, the war in Angola, as Mr. Salazar himself had recognized, could break out again, there or elsewhere.

43. Portugal's rulers had always resisted change. To put an end to the traffic in slaves, the United Kingdom Government, under Lord Castlereagh, had been obliged to use military measures against Portugal. In addition, private citizens and firms in the United Kingdom had applied economic sanctions, as when Cadbury Bros. Ltd. had decided to boycott cocoa from São Tomé. It was to be regretted that the same Christian conscience did not seem to assert itself in Western nations at the present day.

44. It might be argued that the Secretary-General's report (S/5448)^{4/} gave grounds for hope, but his delegation found it hard to feel hopeful. Its fears were confirmed by the attempt of the Portuguese Minister for Foreign Affairs to define self-determination as "the consent of the people to a certain structure and political organization" (S/5448, sec. IV). The United Nations knew what self-determination really meant; almost

^{4/} See *Official Records of the Security Council, Eighteenth Year, Supplement for October, November and December 1963.*

half the present States Members of the United Nations had attained nationhood since 1918 by exercising that right. To equate enforced consent to a predetermined political structure with self-determination was to add insult to injury. The Special Committee on Territories under Portuguese Administration, in paragraph 406 of its report (A/5160) and Add.1 and 2), had gone to the heart of the matter in charging the Portuguese rulers with denying the indigenous populations the opportunities for the development of their own personalities and aspirations. The contemporary assertion of the African personality was something of world-shaking importance. After years of repression, the Africans were now engaged in a joyous and triumphant reassertion of their individuality. The cultural currents which had flowed into Africa would be absorbed but the authenticity would come from the original springs. The awakened life of Africa could not remain submerged under a decadent Portuguese culture.

45. It was futile to hope for a change of heart in the Portuguese rulers. The problem could only be solved by action at the international level of the same decisive kind as Lord Castlereagh and Mr. Cadbury had taken in their times.

46. Mr. DE MIRANDA (Portugal), speaking in exercise of the right of reply, noted that the Indian representative had referred to his country's experience of "Portuguese colonialism". He would like to draw the

Committee's attention to a recent article in the magazine Time, entitled "From province to colony". The article described what had happened in Goa since the Indian invasion.

47. Mr. DIALLO Seydou (Guinea) recalled that in his statement the Portuguese representative had referred to aggression against Portuguese Territories. That representative had apparently been referring to the war waged by the nationalists in "Portuguese" Guinea against colonial domination. Portugal, itself an underdeveloped country, thought that it could retain its colonies by relying on military alliances, but it would find that it could not escape the tide of history.

48. Mr. LUQMAN (Mauritania) said that he had been informed that the Overseas Press Club was to hold a dinner the following day at which the Minister for Foreign Affairs of Portugal was to be the guest of honour. He deeply regretted that, at a time when the Committee was discussing the brutal treatment of Africans in Portugal's Territories and had just heard the testimony of petitioners from Mozambique regarding the supply of arms to Portugal by Western Powers, Portuguese colonialism should be given moral support in that way in the very city where the United Nations had its Headquarters.

The meeting rose at 5.15 p.m.