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*Chairman: Miss Angie BROOKS (Liberia).*

*In the absence of the Chairman, Mr. Lulo (Albania), Vice-Chairman, took the Chair.*

AGENDA ITEM 79

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

CONSIDERATION OF DRAFT RESOLUTION A/C.4/L.704 (continued)

1. Mr. KUNST (Secretary of the Committee) pointed out that the adoption of draft resolution A/C.4/L.704 might have financial implications which would have to be examined by the General Assembly. The Committee would shortly have before it a document containing an estimate of those implications.

2. Sir Hugh FOOT (United Kingdom) said that he had preferred to speak on the draft resolution rather than in the general debate because in his view the Committee was concerned only with a limited practical question. The debate had tended to enter on a wider review of the overseas territories of Portugal, coupled with a general commentary on events and conditions in Angola; that was perhaps understandable and even unavoidable to some extent, but now that the Committee was discussing a draft resolution it was necessary to keep in mind the limitations of the agenda item. The Committee was at present concerned not with the general policy of Portugal but only with the question of Portugal's decision not to provide information, and his delegation had been disturbed to learn that proposals had been made to introduce into the draft resolution questions which were not strictly relevant. Very important questions of high policy regarding Angola would be debated in another place at another time, and he considered that the Committee should keep clearly in mind the fact that it was dealing with a single specific question.

3. With such considerations in mind, his delegation would vote in favour of the draft resolution as a whole, because it approved the general object of the

draft. The United Kingdom greatly hoped that Portugal would heed the representations which had been put to it. Portugal already willingly supplied extensive information to agencies of the United Nations, and the United Kingdom believed that, in its own and the general interest, it would do well to reconsider its position and take the further step which it had been urged to take as a positive act of willing co-operation with the United Nations.

4. However, his delegation wished to record some important reservations. First, in expressing the hope that Portugal would supply information in future, his delegation did so without prejudice to the legal position, on which differing views were held. Secondly, the United Kingdom vote would be given on the understanding that the procedure proposed would be given effect only pending the submission of suitable information by Portugal. His delegation could only agree to the proposal that the Secretary-General should prepare material from outside sources in the absence of such information. Thirdly, the United Kingdom would ask for a separate vote on operative paragraph 5 regarding petitions and petitioners, and while voting in favour of the draft resolution as a whole he would vote against that particular paragraph on the grounds that, even in the peculiar circumstances now under discussion, there was no provision for receiving petitions or hearing petitioners from Non-Self-Governing Territories. The view of his delegation was that the hearing of petitioners was a procedure which should be confined to Trust Territories, as provided in the Charter. Fourthly, with reference to operative paragraph 1 of the draft resolution, the United Kingdom deplored rather than condemned the Portuguese failure to transmit information. Fifthly, with regard to operative paragraph 8, his delegation agreed with the object of that paragraph regarding support and assistance. The United Kingdom had certain obligations in the military field to Portugal as a fellow member of the North Atlantic Treaty Organization (NATO) which were of course binding upon it. But it would also do everything it could to see that the object stated in operative paragraph 8 was attained, and his Government had already made it clear that it did not supply arms for the use of Portugal's overseas territories.

5. Although not required to do so, the United Kingdom Government had decided to submit full political and constitutional information to the United Nations as an act of co-operation over and above the obligations of the Charter, and that decision had been widely and warmly welcomed in the Committee as marking a new stage of full understanding, confidence and co-operation. He appealed very sincerely to the Minister for Foreign Affairs of Portugal, who was personally known and liked so well in the Committee, and who had shown how well he recognized the importance of the item by coming himself to take part

in the discussions, to consider whether he could not advise his Government to act in the same way as the United Kingdom Government had acted. He was deeply convinced that if the Portuguese Government would now decide on such a step, it could be decisive in establishing future understanding and better relations.

6. His delegation was concerned not with denunciations but with action, and he hoped that his delegation's favourable vote on the draft resolution, far from increasing bitterness and rendering the situation still more difficult and dangerous, would rather point the way to the road of co-operation which would offer some hope for the future.

7. Mr. CASTAÑEDA (Mexico) said that his delegation had refrained from participating in the discussion until the Committee had draft resolution A/C.4/L.704 before it; that attitude should not be construed to denote any lack of conviction on its part. On the contrary, it could not but feel concerned about the situation prevailing in the dependent territories administered by Portugal.

8. The agenda item related only to the non-compliance of Portugal with its obligations under Chapter XI of the Charter, but in view of the Portuguese Government's refusal to transmit information and the dangerous situation which had arisen in Angola, it was inevitable that the discussion should have gone beyond the original subject. It would not have been otherwise, for the Portuguese Government's attitude could be interpreted only as stemming from a desire to conceal the conditions prevailing in its territories.

9. The Portuguese representative had taken the discussion on to the legal plane. The Mexican delegation, for its part, had always maintained that Chapter XI of the Charter constituted a legal obligation, and that it was for the Assembly to determine when that obligation should be regarded as having been wholly fulfilled and as of no further effect. The Special Committee of Six on the Transmission of Information under Article 73 e of the Charter, which had been appointed to study the legal and political nature and scope of the provisions of Chapter XI, had laid down principles which, as amended, had been adopted by the General Assembly in its resolution 1541 (XV). Those principles left no room for misunderstanding. Principle III, for example, roundly stated: "The obligation to transmit information under Article 73 e of the Charter constitutes an international obligation and should be carried out with due regard to the fulfilment of international law"; consequently that obligation did not fall within the domestic jurisdiction of States, and they should fulfil it in good faith in accordance with Article 2 of the Charter. Furthermore, despite their collective title, which was apt to be confusing, those principles unquestionably stated objective criteria that had to be taken into account; the same applied to principle IV *et seq.*

10. It was for the General Assembly to determine which were the territories on which information should be transmitted. It had been said in that connexion that the Assembly could make only recommendations. His delegation considered that when the Assembly was interpreting the meaning and field of application of a provision of the Charter, it could deliver a binding decision. Since the Charter, in creating the obligation to transmit information on Non-Self-Governing Territories, did not specify which

they were, it was for the Assembly, in case of doubt, to identify those Territories. In doing so, the Assembly was merely clarifying the intent of an obligation already embodied in the Charter. Portugal's refusal to transmit information therefore constituted a flagrant violation of an international obligation which arose out of the Charter and whose binding character was sanctioned by the Assembly.

11. Furthermore, as stipulated in principle V of the annex to resolution 1541 (XV), other elements of an administrative, political, economic or historical nature could be brought into consideration, and if they affected the relationship of the metropolitan State to the territory so as to place the latter in a status of subordination, they supported the presumption that an obligation to transmit information existed. In that connexion, the economic information on Angola was significant as it revealed a typical colonial economy. The Economic Survey of Africa since 1950,<sup>1/</sup> published by the United Nations, showed that 95 per cent of that territory's development plan for 1953-1958 had been financed from local resources and the remainder by loans from the metropolitan country which Angola paid back to that country. The development plan for 1959-1964 was to be financed entirely from local resources. In such circumstances it was difficult to speak of Angola as a "province" of Portugal. Furthermore the first plan had made no provision for education, health or social services, and under the second plan only 3.4 per cent of the budget was devoted to education despite the extreme importance of that problem. In addition Portuguese industrial and financial interests formed a very great obstacle to the economic development of Angola. Although cotton was the territory's main crop there was practically no textile industry there, and the bulk of the harvest was exported to Portugal. Moreover the indigenous agricultural producers were obliged to sell their produce at prices fixed by European dealers and companies. As a result, the growth of economic activity benefited the Portuguese minority far more than the indigenous inhabitants. Foreign trade, mining and the large plantations—the only sectors where appreciable progress had been made—were entirely in Portuguese hands. The Africans were still living in a subsistence economy.

12. The essential purpose of draft resolution A/C.4/L.704 was to gather information on the Portuguese territories by employing an unusual method. The proposed recourse to unorthodox procedure appeared to be necessary in view of Portugal's refusal to transmit the information voluntarily. Moreover it was right that the draft resolution should link the question of information with other aspects of the problem of the Portuguese colonies; the problem had now to be viewed in the light of the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)), which applied to, among others, the territories under Portuguese administration. Hence one of the most important provisions of the draft resolution would establish a special committee of seven members, which would, *inter alia*, formulate observations, conclusions and recommendations for the consideration of the General Assembly and any other body which the General Assembly might appoint to assist it in the implementation of resolution 1514 (XV).

<sup>1/</sup> United Nations publication, Sales No.:59.II.K.1.

13. For all those reasons his delegation would vote in favour of the draft resolution.

14. Mr. SAHNI (India) announced that the Federation of Malaya and Saudi Arabia had now joined the sponsors of the draft resolution.

15. Mr. EDMONDS (New Zealand) said that his delegation had hoped that Portugal, without prejudice perhaps to its own interpretation of the constitutional position of what it regarded as its "overseas provinces", would find it possible to transmit information voluntarily under Article 73 of the Charter, in accordance with the wishes of an overwhelming majority of Member States. That hope had been disappointed, and his delegation's disappointment had grown even greater as a result of recent incidents in Angola, which made the future of the Portuguese territories a political issue of even greater international concern.

16. With regard to the item under discussion there appeared to be good grounds for holding that, in a case of flagrant and persistent failure to discharge what an overwhelming majority of Member States considered an important obligation under the Charter, the Assembly was justified in considering whether it should not resort to exceptional measures. In his delegation's view such measures should be taken only after careful deliberation, and an exception should not be made the rule. But a distinction could be drawn between those Administering Members which honestly tried to discharge their responsibilities under Chapter XI of the Charter and those which, disregarding the clearly expressed opinion of virtually all Members of the United Nations, made no effort to do so. Consequently his delegation was prepared to support the establishment of a special committee with specific functions in regard to Portuguese territories. It was also prepared to agree, as an exceptional measure, to the Senegalese delegation's proposal (A/C.4/504) that the Fourth Committee should grant a hearing to two petitioners from Portuguese Guinea.

17. He hoped that the establishment of the special committee would not only assist the people of the Portuguese territories but also afford Portugal an opportunity to co-operate with the United Nations. In his opinion both the language and the effectiveness of operative paragraph 1 of the draft resolution could be improved by substituting the word "Deplores" for the word "Condemns"; the latter word should surely be reserved for those who were irrevocably lost.

18. The wording of operative paragraph 8 was also unsatisfactory. If the paragraph constituted a request to Member States to apply economic sanctions against Portugal, it was as impracticable as it was unwarranted. If, on the other hand, the paragraph was a request that no military assistance or support should be given to Portugal in the carrying out of any policies aimed at suppressing the liberties of the inhabitants of its territories, his delegation would support it, while still wondering whether the present text accurately or clearly conveyed the intention of the sponsors.

19. Assembly resolutions, however well meant, at times lost some of their point and force because they were phrased in a way that placed a problem out of its over-all perspective. Portugal was assuredly not the only country which had ignored the

recommendations of the General Assembly or the decisions of the Security Council. Its representative had expressed the view that what a great Power could do with impunity a small Power should, in all justice, be entitled to imitate. He could not subscribe to that thesis, for two wrongs did not make a right. Small countries should try to set a good example to the great Powers, which, in their pride, sometimes put their own immediate interests above those of mankind and the international community. No country could regard its record as perfect. It was therefore in a spirit of humility that his delegation appealed to Portugal to co-operate with the United Nations. Portugal could still make a substantial contribution to human culture, as it had made a great one in the past, but even a much larger metropolitan country would be unable to cope unaided with the gigantic problems of development and education that confronted Portugal in its overseas territories. The solution of those practical difficulties could, however, be greatly facilitated by generous international co-operation.

20. There was a Chinese saying that the tree wished to remain still but the wind continued to blow. Portugal should remember that the tree that bent a little in the wind was the tree that survived. The achievements of the age of discovery could be outshone by those of successful decolonizations. Time was running out and the legitimate aspirations of the inhabitants of the territories could not be denied forever. His delegation hoped it would be possible to work together with Portugal in discharging the responsibility of leading those people to greater social and economic well-being and to that stage of political development at which they could meaningfully determine their own future.

21. Mr. ABDO (Yemen) said that his country wished to join the sponsors of draft resolution A/C.4/L.704.

22. Mr. NABAVI (Iran) said that his delegation's position was quite clear: Angola, Mozambique and the other territories listed in General Assembly resolution 1542 (XV) were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter, and not Portuguese provinces as the Portuguese Government claimed. Lengthy discussions in the Fourth Committee and the General Assembly had been devoted to the interpretation of the provisions of Chapter XI and of the obligations of Member States thereunder. Those discussions had led to the adoption, by an overwhelming majority, of General Assembly resolution 1541 (XV) which, by stating universal principles for the guidance of Member States, had settled the matter once and for all. The General Assembly had then proceeded, in resolution 1542 (XV), to apply those principles to the specific case of the Non-Self-Governing Territories administered by Portugal.

23. He saw no necessity to go back over the worthless legal arguments which Portugal advanced to justify its anachronistic attitude. No legal argument, however subtle, could alter facts that obeyed the imperatives of history, geography, anthropology and common sense. The Territories listed in General Assembly resolution 1542 (XV) were not part of Portugal, and the only link between Portugal and those Territories was that of colonial rule.

24. Portugal had not paid the slightest heed to those General Assembly resolutions or to resolution 1603 (XV) in which the General Assembly had called

upon it to introduce reforms in its territories for the purpose of the implementation of resolution 1514 (XV). Although, from a legal point of view, the General Assembly's decisions were no more than recommendations, they nevertheless expressed international public opinion, especially when they were adopted by an overwhelming majority. That being so, Portugal's persistent and deliberate refusal to abide by those decisions not only prevented the United Nations from discharging one of the most important tasks entrusted to it by the Charter—namely, the liquidation of the colonial system throughout the world—but also created a threat to international peace and security. In view of the need for specific measures to end that state of affairs, his delegation shared the opinion of some members of the Committee on Information from Non-Self-Governing Territories as expressed in paragraphs 80 et seq of part one of the Committee's report (A/4785), that either the Secretary-General or the Committee on Information should be authorized to secure, by appropriate means, information on the Non-Self-Governing Territories under Portuguese administration. For those reasons his delegation unreservedly supported draft resolution A/C.4/L.704, of which it was a sponsor.

25. In conclusion he made a sincere appeal to the Portuguese delegation to take its last opportunity to end a distressing situation.

26. Mrs. SKOTTSBERG-AHMAN (Sweden) noted that in the course of the general discussion references had been made to the stand which her delegation had taken when the question under consideration had first been raised five years earlier. At that time Sweden had opposed the idea of giving the General Assembly exclusive competence to take decisions on the applicability of the provisions of Chapter XI of the Charter, and more specifically, Article 73 e. It had felt that since the matter concerned Portugal, it was for Portugal to take the decision. It had hoped that given time for thought, Portugal would recognize of its own accord, as other Powers had done, its responsibilities under Chapter XI and would co-operate with the United Nations in fulfilling its duties towards the Organization and towards the Non-Self-Governing Territories under its rule.

27. As Portugal had not reconsidered its position, the Swedish delegation had voted in favour of General Assembly resolution 1467 (XIV), setting up the Special Committee of Six, and subsequently in favour of resolutions 1541 (XV) and 1542 (XV), in the hope that Portugal would be attentive to world public opinion. However, those General Assembly resolutions had not had the expected persuasive effect, for at the 1202nd meeting Mr. Nogueira, the Minister for Foreign Affairs of Portugal, had indicated that his Government had no intention of taking into consideration the views of other States Members of the United Nations. Since Portugal thus dissociated itself from the position taken by other Administering Members, a special procedure should be adopted with regard to the Non-Self-Governing Territories under Portuguese administration. Her delegation would accordingly vote in favour of the draft resolution (A/C.4/L.704), under which a special committee would be established to compile and examine such information as was available concerning those Territories. The special committee would also be authorized to receive petitions and hear petitioners. The fact that no information was transmitted on the Portuguese Ter-

ritories made them a special case which fully justified that special procedure concerning petitions; her delegation would accordingly vote in favour of operative paragraph 5 of the draft resolution.

28. The very serious charges which had been levelled at Portugal made it imperative to obtain all possible information concerning those Territories. The representatives of Portugal had categorically rejected those charges but had offered no factual evidence whatsoever to substantiate their denials. Since the United Nations had an obligation to form a considered opinion on conditions in the Portuguese Territories in order to be able to evaluate the progressive development of the free political institutions there, as required by Chapter XI of the Charter, and since Portugal's mere rejection of the criticisms voiced in the Committee did not afford sufficient basis for such an evaluation, the Committee needed facts, and facts which could be proved.

29. The alarming news which had emanated from Angola since the General Assembly had asked the Portuguese Government for its co-operation at the end of 1960 had led the General Assembly to adopt resolution 1603 (XV) establishing a sub-committee of inquiry, a decision which her delegation had supported. The question of the situation in Angola would be examined in the plenary Assembly, but the fact that events in Angola had taken such a serious turn had changed the nature and scope of the item on the Fourth Committee's agenda; the Committee could no longer regard the problem it was examining as an exclusively Portuguese matter, for it now concerned the whole world.

30. The United Nations should give its full support to non-self-governing peoples who claimed the right to self-determination. The events in Angola showed how dangerous it was to oppose a people's legitimate aspirations and desire to decide their own future. She hoped that the reforms announced by the Portuguese Government would soon be put into effect and would be a happy augury for the inhabitants of the Non-Self-Governing Territories concerned. It was also to be hoped that Portugal would ultimately agree to reconsider its position, co-operate with the United Nations and recognize, with the Charter, that the interests of the inhabitants of those Territories were paramount.

*Mr. Houaiss (Brazil), Rapporteur, took the Chair.*

31. Mr. YOMEKPE (Ghana) said that he had not wished to take part in the general discussion because his delegation's position on the current item was well known. Portugal's continued non-compliance with the provisions of Chapter XI of the Charter and its total disregard of the General Assembly's decisions concerning the Non-Self-Governing Territories under its administration made it imperative for the Committee to go beyond mere declarations of principle and find a practical solution to the problem. In that spirit, and with that end in view, his delegation had co-sponsored draft resolution A/C.4/L.704.

32. At the 1202nd meeting the Minister for Foreign Affairs of Portugal had stated that the legality of Portugal's claim to its Non-Self-Governing Territories as integral parts of metropolitan Portugal was unquestionable, and that neither geography nor history could compromise that legal principle. The Ghanaian delegation had repeatedly stated that it did not recognize Portugal's right to create uni-

laterally so-called overseas provinces. In the last analysis, the peoples of the colonies alone had the right to decide their own future. That was precisely what Portugal denied to the dependent peoples under its administration, and for that reason the Ghanaian delegation could not acknowledge the validity of the Portuguese claim.

33. Portuguese colonialism was the bastard offspring of classical colonialism, a cross between fascism and Portuguese law. It would be ridiculous to believe that that bastard form of colonialism could pass for integration, as the Portuguese representative wanted it to do. Quoting the statement made by the representative of Ghana before the Security Council at its 953rd meeting,<sup>2/</sup> he recalled the procedural tricks through which Portugal had made its colonies an integral part of the metropolitan country.

34. At the 1202nd meeting the Minister for Foreign Affairs of Portugal had also informed the Committee that Portugal would abide by the Charter of the United Nations but not by a resolution which had not received its approval. Portugal was nostalgic for its imperial grandeur of the fifteenth century and, instead of marching abreast of the times, refused to grant independence to its territories and to comply with the Charter and the relevant resolutions. To perpetuate its rule in those territories, Portugal had developed the most ruthless forms of oppression for use against the indigenous nationalists and freedom fighters.

35. In its campaign for mass extermination of the indigenous inhabitants of Angola, Portugal enjoyed the active support of the NATO countries of Western Europe and America. By allowing Portugal to use the weapons supplied under military agreements, NATO had gravely implicated itself in the Portuguese atrocities. In that connexion he quoted from the statement made by President Nkrumah before the Ghanaian Parliament on 30 May 1961 which had been quoted by the Ghanaian representative at the Security Council's 953rd meeting and, which made it clear that Portuguese colonial rule would collapse the day Portugal was excluded from NATO. Without criticizing the defensive aspect of that organization, the President of the Republic of Ghana had expressed regret that certain of its members were using the weapons put at their disposal to maintain the worst type of colonial oppression.

36. It was regrettable to him that, at the 1201st meeting, the United States representative had prevaricated, in terms not at all reassuring to the Ghanaian delegation, on the question of NATO weapons deliveries to Portugal. Operative paragraph 8 of draft resolution A/C.4/L.704 was so formed that it would test the sincerity of some delegations and show precisely who took the part of the Africans that were dying by the thousands in Angola and elsewhere. Ghana solemnly asked all its NATO friends to desist from giving Portugal aid which would be used in suppressing ruthlessly the right of peoples to self-determination.

37. To quote once again the statement made by President Nkrumah on 30 May 1961, the issue of Angola was solely a question of African nationalism and human liberty. It was in no sense an ideological

question; no issue of communism versus capitalism arose. The question was reduced to the most simple formula: which countries had sufficient humanity to use their influence to stop the slaughter.

38. The situation in Angola presented in the photographs provided by the representative of Guinea was a dramatic one. He had hoped that the representative of Portugal would have produced in rebuttal photographs illustrating social, economic, political and educational progress. Unfortunately, the photographs presented merely showed that Portugal was not even able to maintain law and order in its territories and was, in fact, afraid to transmit information on its colonies.

39. In view of Portugal's refusal to transmit information, and in view of the inhuman repression which it practised in its colonies, it had become necessary to set up a special committee as proposed in draft resolution A/C.4/L.704. The report of that committee would not be filed away, for it would be used in studying the implementation of General Assembly resolution 1514 (XV).

40. Although the draft resolution was not as strong as some would have wished, he hoped that it would be given all the support that could be desired. He thanked the United States and United Kingdom representatives for having indicated that they would support the draft resolution despite the reservations which they had expressed. In his view the Assembly was fully entitled to set precedents and not to feel bound by the limits of the Charter. The Portuguese colonies had become a special case which called for a special procedure. The sponsors of the proposal would endeavour to resist any attempts to render the resolution innocuous.

41. Mr. BANZAR ZHAMBALLAN (Mongolia) felt that the question before the Committee, namely the fate of General Assembly resolutions 1542 (XV) and 1514 (XV), was of great importance. The Mongolian people and Government had warmly welcomed the adoption of those two resolutions, and his Government had made a statement to that effect on 6 October 1961.

42. The Mongolian Government's policy on the colonial problem was extremely clear. Mongolia itself had known colonialism for more than 200 years, and had been able to free itself only in 1921. Its progress in all fields since then had enabled it to advance from a feudal system to a socialist system, and showed what could be accomplished in a country once it had shaken off the colonial yoke. That was why the Mongolian people had always supported, and continued to support, the struggle of the Asian and African peoples for their freedom. His people condemned the barbaric attitude of the Portuguese colonialists towards the peoples in their charge. Mongolia demanded that Portugal should end the régime of oppression which it maintained in its colonies. His country's peaceful policy and concern for humanity obliged it to take that position.

43. The General Assembly should condemn Portugal for its refusal to implement General Assembly resolutions 1514 (XV) and 1542 (XV), and his delegation unreservedly associated itself with those other delegations which had already condemned the Portuguese colonial régime in Asia and Africa.

*Miss Brooks (Liberia) took the Chair.*

<sup>2/</sup> See Official Records of the Security Council, Sixteenth Year, 953rd meeting.



44. Mr. BISTA (Nepal) considered it regrettable that the Portuguese Government still paid no attention to the opinion of the United Nations as expressed, in particular, in resolution 1542 (XV). In the circumstances the General Assembly had to take action and discharge its obligations until such time as Portugal complied with the resolutions which concerned it.

45. There should be no objection to draft resolution A/C.4/L.704. The fact that it had already received the approval of the United Kingdom and New Zealand delegations showed that it was constructive. It merely represented an effort to induce Portugal to comply with its obligations under the Charter and to enable the peoples of the Portuguese colonies to attain independence and prosperity. In view of Portugal's present attitude, the establishment of the special committee provided for in operative paragraph 3 of the draft resolution was a natural step to consider. He was glad the representatives of the colonial Powers had taken note of the provisions of operative paragraphs 7 and 8, which were addressed to Member States.

46. His delegation saw no reason why Portugal should not submit to the wishes of world public opinion.

47. Mr. KOSCIUSKO-MORIZET (France) said that his delegation had felt that, for courtesy's sake, it should defer any statement pending the reply by the Minister for Foreign Affairs of Portugal. In joining in the discussion now he was not speaking as a representative of a NATO country. The West had meticulous regard for the freedom of action of individuals and nations, and knew no machine-like solidarity, whether racial, continental or ideological. Indeed, it might be said that was where the truly non-aligned countries were to be found.

48. In view of its ties of friendship with Portugal and many African nations, the only criteria on which France could base its position were reason and justice. The discussion was to have dealt only with Portugal's failure to transmit information on its overseas provinces. However, it had rapidly gone beyond those bounds to take in the substance of the problem, despite the fact that the Assembly's agenda included a special item on that subject. Draft resolution A/C.4/L.704 brought the discussion back to the precise point before the Committee, which was essentially a legal one: Portugal asserted that it had no Non-Self-Governing Territories within the meaning of Article 73 of the Charter, and expressly referred to the mention, in paragraph e of that Article, of "constitutional considerations". For several years now the majority of the Committee's members had denied Portugal the right to decide unilaterally whether or not it ought to transmit information. Some had said that such discussion was academic and there had been talk of legalistic quibbles, but it should not be forgotten that all human progress amounted to replacing the rule of force by the rule of law. Furthermore the reason why the Committee had already spent years on the problem now before it was precisely that Portugal, taking its stand on the Charter and the law, considered that no valid arguments had so far been advanced against it.

49. The majority in the Assembly had voted for resolutions which took no account of Portugal's objections. The latter contested the legality of those recommendations and maintained that there was nothing binding about them; that was undeniable. The

General Assembly had then tried to interpret the Charter, and even to bypass it by means of resolutions. His delegation considered that a bad method, for it had no legal validity. Whatever the problem at issue, the Charter was the Charter; it overrode any Assembly resolution and could not be bypassed or amended by devious procedures.

50. Failing a spontaneous change in Portugal's attitude there were only two ways to solve the problem. The first was to consider that, in view of the disagreement on interpretation of the Charter, recourse should be had to the International Court of Justice, whose function it was to interpret instruments in such cases. In that connexion he seemed to recall that the Yugoslav delegation had prepared a draft resolution requesting the opinion of the Court three years previously. It was true that the Court could give only advisory opinions, but it would have been useful to learn its views on the matter. It was unfortunate that the attitude taken by the Soviet group and some members of the Commonwealth had led to the withdrawal of that draft resolution, for many difficulties would probably have been avoided if it had been maintained and put to the vote.

51. The second way, if the Charter were considered inadequate as it stood, was to revise the Charter by the prescribed legal procedures. If everyone placed his own interpretation on the Charter and presumed to correct or transform it at the dictates of expediency and fortuitous majorities, there would be no safeguards left for anyone, even for the peoples it was desired to protect. At the international level all that would remain would be a kind of assembly rule, and any possibility of an international order based on respect for law would vanish at once.

52. It had been asserted that draft resolution A/C.4/L.704 was based on the provisions of Chapter XI of the Charter. In view of the objections already made, his delegation considered that the proposal went far beyond the competence of the General Assembly, whatever might be thought about the substance of the problem; consequently it could not support the draft resolution. However, out of consideration for the African co-sponsors of the proposal, and in order to restore an atmosphere of co-operation and understanding, his delegation would abstain on the draft resolution as a whole.

53. His delegation did not ask for a separate vote on the various parts of the resolution, but if such a vote were requested it would distinguish between those paragraphs which seemed to it merely to interpret the Charter and those designed to amend or evade it.

54. Mr. BRYKIN (Union of Soviet Socialist Republics), submitting the USSR amendment (A/C.4/L.705) to draft resolution A/C.4/L.704, recalled that the representative of India had distinguished between two factors: first, Portugal's systematic refusal to discharge its obligation under Chapter XI of the Charter, and secondly, the fact that the situation in the Portuguese colonies was a threat to world peace, and that the United Nations must therefore take urgent measures redress it.

55. In his view draft resolution A/C.4/L.704 took the first factor in the problem duly into account but did not reflect clearly enough the almost unanimous opinion expressed by delegations during the discussion. The USSR amendment was therefore designed to

emphasize the urgency of the task to be entrusted to the seven-member committee which would be established under operative paragraph 3 of the draft resolution. The situation in the Portuguese colonies, Portugal's attitude and the adoption of resolution 1514 (XV) at the fifteenth session were all reasons why the General Assembly should take immediate action. Since the proposal said nothing to that effect, there was a gap to be filled.

56. His delegation regretted that the sponsors of the draft resolution had not recorded in their proposal a condemnation of Portugal's machinations. His delegation would not insist on an amendment to that effect but felt bound to say that the work of the proposed committee would be meaningless if the body confined itself to gathering information on economic, social or cultural conditions in the Portuguese territories. If it was to achieve anything it must exercise some influence on Portugal and its allies, in order to bring to an end the colonial war in Angola and the repressive measures taken by Portugal in its other colonies. If the proposed committee proved equal to that task, its establishment would be justified. His delegation hoped that the draft resolution would be adopted.

57. He regretted that, despite the Soviet Union's very clear statements, some delegations were still trying to inject a cold war element into the discussion by establishing a link between colonial wars and anti-communism. He asked whether it was likely that, if the Soviet Union had really entertained the aggressive intentions against Europe that were attributed to it, it would have minded some of the weapons of its possible adversaries being sent to Africa. The fewer the weapons left in Europe, the easier it would be to conquer. Yet the USSR specifically asked members of NATO not to provide Portugal with weapons which might be sent to Africa for use against the indigenous peoples who were fighting for liberation. All the Soviet Union wanted was an end to colonial wars, and it asked the Western Powers to take action for that purpose.

58. Mr. BOZOVIC (Yugoslavia) reminded the French representative that the draft resolution of which his delegation had been a sponsor (A/C.4/L.497 and Rev.1 and 2) had, as amended, been referred to the Sixth Committee for consideration. That Committee had not been able to agree on the questions to be put to the International Court. The fact that the draft resolution had not been submitted to the General Assembly for adoption was ascribable rather to the attitude of Portugal and France than to a change of mind on the part of the Yugoslav delegation.

59. Mr. YOMEKPE (Ghana) noted that the French representative had deplored the fact that most speakers had brought NATO into the discussion; his delegation was convinced that military equipment provided by that organization had been used in Angola. The United States representative himself had said at the 1201st meeting that his Government was unequivocally opposed to the use of United States military equipment in Africa and had so advised the Portuguese Government. Since the United States Government had felt called upon to make such a communication to Portugal, it had doubtless had its suspicions about the use of the equipment it had supplied to that country. That, at any rate, was the Ghanaian delegation's interpretation of the United States representative's remarks. However, his delegation also thought that it was not enough to express opinions, and that steps should have been taken to correct the situation.

60. His delegation would take it that those delegations which supported draft resolution A/C.4/L.704 were in favour of the attainment of independence by non-self-governing peoples. The French representative had said that his delegation would abstain from voting but, in view of the rest of the French representative's statement, the Ghanaian delegation would regard that abstention as a vote against the draft resolution.

The meeting rose at 1 p.m.