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**FOURTH COMMITTEE, 1407th
MEETING**

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Chairman: Mr. Guillermo FLORES AVENDAÑO
(Guatemala).

*In the absence of the Chairman, Mr. Nabavi (Iran),
Vice-Chairman, took the Chair.*

Requests for hearings (continued)

REQUESTS CONCERNING AGENDA ITEM 54 (NON-COMPLIANCE OF THE GOVERNMENT OF PORTUGAL WITH CHAPTER XI OF THE CHARTER OF THE UNITED NATIONS AND WITH GENERAL ASSEMBLY RESOLUTION 1542 (XV)) (continued)*

1. The CHAIRMAN informed the Committee that the Secretariat had received from Salisbury, Southern Rhodesia, a request for a hearing submitted by Mr. Benedito Mapanje, a former treasurer of the União Democrática Nacional de Moçambique (UDENAMO), who wished to present an oral petition on behalf of a multiracial group. If there were no objections, the request would be distributed as a document.

It was so decided.^{1/}

2. The CHAIRMAN suggested that, in order to expedite matters, the Committee might wish to dispense with the usual procedure of having a request for a hearing distributed as a document before taking a decision on it, and decide to discuss the request at the present meeting.

It was so decided.

3. Mr. ACHKAR (Guinea) asked whether the Committee would hear the petitioner, who was still at Salisbury, before it had finished its consideration of agenda item 54, or during its consideration of agenda item 49, concerning Non-Self-Governing Territories.

*Resumed from the 1403rd meeting.

^{1/} See A/C.4/592.

It appeared to be too late to hear him during the current debate on item 54.

4. Mr. DORSINVILLE (Haiti) felt that the request for a hearing could not be turned down. However, in agreeing to grant the petitioner a hearing, the Committee might at the same time inform him that the debate on the question of the territories under Portuguese administration was almost at an end. Thus he would be free to decide whether he wished to appear before the United Nations or not.

5. Mr. EBAGNITCHIE (Ivory Coast) considered that in replying to the petitioner, the Secretariat should indicate that the Committee was prepared to hear him, if not during the current discussion, at least when the situation in Non-Self-Governing Territories was being considered.

6. The CHAIRMAN said he would take it that it was the Committee's wish to grant the hearing requested, and would suggest that the Secretariat's reply to the petitioner should be drafted in accordance with the suggestion made by the representative of the Ivory Coast.

It was so decided.

AGENDA ITEM 54

Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV): report of the Special Committee on Territories under Portuguese Administration (A/5160 and Corr.1; A/C.4/582, A/C.4/588) (continued)

7. The CHAIRMAN recalled that at its 1383rd meeting, the Committee had granted a request for a hearing submitted by Mr. Angelino Alberto, representing the NTO-BAKO, Angola. He suggested that the petitioner, who had arrived in New York, should be heard at the following meeting.

It was so decided.

GENERAL DEBATE (concluded)

8. Mr. YOMEKPE (Ghana), speaking in exercise of his right of reply, recalled that in the course of his statement at the 1406th meeting, the representative of Portugal had said that the ILO Commission appointed to examine the complaint filed by Ghana concerning the observance by Portugal of the Abolition of Forced Labour Convention, 1957, had rejected Ghana's complaint. He himself could not agree that that statement was correct. He referred to paragraph 725 (5) of the Commission's report,^{2/} in which the Commission stated that it was not satisfied that all of the obligations of the 1957 Convention had been

^{2/} International Labour Office, *Official Bulletin*, vol. XLV, No. 2, Supplement II (April 1962).

implemented in full as from the coming into force of the Convention for Portugal, namely 23 November 1960; and had noted a number of cases in which important changes for the purpose of bringing the law and practice into full conformity with the requirements of the Convention had been made since Ghana's complaint had been lodged, but in which the provisions of the Convention had not been fully applied immediately after its coming into force for Portugal. The Commission also stated that there continued to be laws and practices which involved compulsion and therefore constituted forced labour. In that connexion, he referred to paragraph 738 of the Commission's report.

9. The Portuguese representative had challenged the figures quoted by the delegation of Ghana regarding the number of schools and students in the Portuguese territories. He himself had found those figures, which related to the year 1960, in the official Portuguese overseas bulletin, the *Boletim geral do Ultramar*; the Portuguese representative had mentioned other figures relating to 1961, but it was for the Committee to judge whether it was possible that 15,000 new schools could have been built in the territories under Portuguese administration in the space of a year. The Portuguese representative had claimed that more than 70,000 children were attending school; however, he himself could make available to that representative official Portuguese documents in which a figure of approximately 21,000 was indicated.

10. However that might be, the essential problem of the Portuguese territories was not the amount of progress being made in the economic, social or educational field, but the right of the peoples of those territories to self-determination and their achievement of independence. The Portuguese representative had argued that the provisions of General Assembly resolution 1514 (XV) were inconsistent with those of the Charter, in particular Article 73 e. He himself wished to emphasize that the Charter had been drafted in 1945 and that the United Nations was entitled to request an accounting from the colonial Powers and to call on them to grant immediate independence to the territories under their administration.

11. Mr. COOMARASWAMY (Ceylon), also speaking in exercise of his right of reply, said that his delegation wished to reply in detail to the arguments put forward at the previous meeting by the Portuguese representative on the question of the competence of the General Assembly when considering the question of Angola, but first he wished to refute certain statements that had been made by the Portuguese delegation. According to the Portuguese representative, the Ceylonese delegation, in its statement at the 1399th meeting, had not adopted a juridical approach to the problem under consideration; in his own view, however, it was those Governments that attempted to use the argument of the competence of the General Assembly in order to justify their illegal acts in advance which showed a lack of juridical approach. It was for the members of the Committee to decide whether it was preferable to adopt a juridical approach for the purpose of defending the rights and authority of the General Assembly, or for justifying violations of the Charter and of humane principles. The argument of competence was the last resort of a Government that had nothing better to adduce.

12. It was true that General Assembly resolutions 849 (IX) and 945 (X), which he had mentioned in his

earlier statement, had been adopted before Portugal had become a Member of the United Nations. However, in his view, that fact only lent them added weight. As the resolutions concerned dealt with the cessation or continuation of the transmission of information on Territories already listed by certain Powers, his delegation had concluded that the same principles applied *a fortiori* when the transmission of information was to begin. The General Assembly was also competent to decide the factors and principles determining the applicability of Chapter XI of the Charter. The principles embodied in resolution 1514 (XV) were based on factors which were part of earlier resolutions which had been adopted before Portugal had become a Member of the United Nations.

13. The Portuguese representative had not met the argument that in 1956, when the Secretary-General, in his letter of 24 February 1956,^{3/} had referred to the two earlier resolutions in which those factors appeared, namely resolutions 648 (VII) and 742 (VIII), the Portuguese Government had been under a duty to implement the provisions of those resolutions in the territories under its administration and not to make mental reservations.

14. The Portuguese representative had likewise failed to meet the Ceylonese delegation's argument regarding Article 2, paragraph 7, of the Charter. That Article was not inconsistent with Article 73 by virtue of the fact that the former referred to "matters", while the latter referred to "territories". If the Portuguese representative had been right, Article 2, paragraph 7, would have contained a derogatory clause, such as "notwithstanding any contrary provision in this Charter", or words to that effect.

15. With regard to the legal interpretation of Chapter XI of the Charter, the Ceylonese delegation had contended that even if the Committee's approach to that Chapter had been political, the General Assembly would nevertheless have been competent to lay down principles. As for the statement that his delegation's argument regarding Article 10 of the Charter was a contradiction in terms, that was met by the fact that, in the view of his delegation, there was no inconsistency between the provisions of Article 2, paragraph 7, and those of Chapter XI.

16. His delegation would show later that General Assembly resolution 1514 (XV) was not inconsistent with the provisions of the Charter, and it would meet all the other arguments of the Portuguese representative in detail.

17. Mr. MGONJA (Tanganyika), exercising his right of reply, observed that the Portuguese representative had endeavoured to present the situation in the Portuguese territories in a satisfactory light and to give the impression that they had reached an advanced stage of development. However, Tanganyika, which bordered on Mozambique, was receiving a large number of refugees from that Territory, almost all of whom were illiterate and poorly clothed. If the Portuguese territories had achieved such an advanced stage of development as had been claimed, it was evident that they would already have become independent.

18. Miss BROOKS (Liberia), also exercising her right of reply, recalled that that was not the first

^{3/} See A/C.4/331, para. 1.

time that the question of the General Assembly's competence to deal with the problem of the Portuguese territories had been raised or that Article 2, paragraph 7, of the Charter had been invoked. The question went back to 1956 when the Portuguese Government had informed the Secretary-General of the United Nations that it did not administer territories which came within the scope of Chapter XI of the Charter.^{4/} Until 1956 it had not been necessary for the United Nations to define the competence of the General Assembly and declare which territories came within the scope of Chapter XI, as most of the administering Powers had, ever since 1946, regarded those provisions as being applicable to the territories administered by them. She recalled a statement made, she thought, by the United Kingdom representative to the effect that his Government regarded the provisions of Chapter XI as international obligations. It was precisely because the Portuguese Government had persistently claimed that none of its overseas territories came within the scope of Chapter XI that the Fourth Committee had felt it was time to formulate a strict definition of the term "Non-Self-Governing Territories". The General Assembly had therefore adopted resolution 1467 (XIV) setting up a special committee of six members, including representatives of the colonial Powers, to draw up the principles which should guide Member States in determining whether or not an obligation existed to transmit information on the territories under their administration. After those principles had been formulated, it had been realized that the Portuguese territories did come within the scope of Chapter XI. That should have been enough to make the Portuguese Government admit the competence of the General Assembly.

19. It was to be asked whether the Portuguese Government, because it had felt the need to formulate a special definition of its overseas territories in order to put them outside the scope of the Charter, thought that the United Nations could accept the system it had instituted. The fact was that all Africans wished the fundamental rights of the African peoples to be recognized. Portugal would be well advised to understand that times had changed and that it must grant all its Non-Self-Governing Territories the right to self-determination and independence. The sooner it did so, the more quickly it would win the friendship of the Africans.

20. Mr. ACHKAR (Guinea) said that the way in which the representative of Portugal had used the report of the Special Committee on Territories under Portuguese Administration (A/5160 and Corr.1) authorized him to reply to that representative's statement, which contained some interesting points. The Portuguese representative had referred to the report in order to back up his allegation that social conditions in the Portuguese territories could compare favourably with those in some of the countries which were accusing Portugal. That, however, would seem to prove the Special Committee's objectivity.

21. The Portuguese representative had supplied the Fourth Committee with information on the Portuguese territories. In the speaker's opinion, that information had been furnished under Article 73 of the Charter, but Portugal would have been better advised to transmit it directly, in accordance with its obligations. The next stage would probably be decisive for the

Portuguese delegation and would certainly not take long to come. The Portuguese representative had, of course, taken great care not to deal with the substance of the problem, namely, the aspirations of the African peoples and the flagrant violation of the Universal Declaration of Human Rights. The debate had not really started and would not start so long as Portugal continued to uphold a legal fiction invented by itself. The most important item of information that the General Assembly was awaiting from Portugal was the announcement that representative and genuine governments of the indigenous peoples would be set up in the Portuguese territories. Those governments would undoubtedly be capable of governing, notwithstanding the recent allegations of a United States senator visiting Africa.

22. Mr. MONGUNO (Nigeria), also exercising his right of reply, said that, in his statement at the 1405th meeting, he had drawn the attention of the Portuguese delegation to a press release concerning an article published at Lisbon and Pretoria about an agreement between Portugal and South Africa on forced labour. He regretted that the Portuguese representative had failed to give any information in that regard.

23. Mr. FRAGOSO (Portugal) said that he had not given any information on that matter because he had not had the text of the article mentioned by the Nigerian representative. He did, however, wish to point out that no explanation need be given in the case of negotiations between two sovereign States. His delegation could not accept the Nigerian delegation's calling the talks between Portugal and South Africa an agreement on forced labour. The talks concerned problems of common interest to the two countries, *inter alia*, those relating to communications. He said that he would give the Nigerian representative full details when the documents mentioned by the latter came into his possession.

24. Mr. ZIKRIA (Afghanistan) said that the development of the colonial system had been due to the mercantile spirit of Europe which had, from the beginning of the fifteenth century, prompted Spanish and Portuguese traders and bankers to organize expeditions. As early as the end of the thirteenth century, Marco Polo had shown that the spice road coincided with the gold road, and thus means had had to be found to capture the sources of that wealth. The voyages of Columbus, Magellan, Cartier and the later ones of Dupleix and Brazza, had not been undertaken with the sole aim of discovering the world. Those explorers had been financed by money-lenders eager to make profits. Columbus and Cartier had been dismissed from favour or recalled when their sponsors had realized that the essential mercantile aim of their ventures had not been achieved.

25. Three stages could be distinguished in the development of colonialism: the accumulation of capital, competitive capitalism and monopoly capitalism. During the first stage, the colonial policy had been characterized by the seizure of precious metals, the importing of exotic commodities and the setting-up of trading posts along the coasts. During the second stage, the aim had been to obtain raw materials for the industries of the home countries and to find markets for them; the occupation of the interior had begun. During the third stage, the colonial policy had set itself the task of ensuring zones in which the capital available in an already industrialized Europe could be utilized, since the exploitation of the colonies

^{4/} *Ibid.*, para. 2.

had guaranteed very high profits. It was during that period, which fell within the second half of the nineteenth century, that the European colonial Powers had divided up the world. In order to prevent a war caused by competition, Bismarck had called the Berlin Conference of 1885, at which French, Belgian, British, German and Portuguese diplomats, setting aside the principles of international law, had arbitrarily fixed the status of Africa. War had nevertheless broken out in 1914. After four years of cruel fighting, the Western Powers had founded the League of Nations in the hope of preventing the outbreak of another disaster. Despite that, mankind had been hurled into another, even more devastating war.

26. From the beginning of the sixteenth century, the pernicious and unjust consequences of colonialism had troubled the consciences of jurists. Francisco de Vitoria, a specialist in the law of nations, had made it clear, on examining the Papal Bull of Alexander VI, that the Pope had had no authority other than spiritual authority, that the Emperor had not been the master of the world and that the Bull itself had concerned only the propagation of the faith and had not conferred any right on either Spain or Portugal to occupy lands inhabited by other peoples. According to that jurist the refusal to accept Christianity had not been a valid reason for colonization. He had gone so far as to say that the choice made by the barbarians in the presence of those who had frightened and dominated them, had not, even though it had seemed voluntary, had any "assent value". Only the violation of the jus communicationis, which belonged to all, could justify military action.

27. It was, therefore, easy to prove that Portugal had, in fact, colonized the African territories for the sole purpose of exploiting their natural resources. At the 1393rd and the 1391st meetings, respectively, the representative of Guinea and Mr. Ranque Franque, the petitioner from Cabinda, had shown that most of those territories had possessed a very advanced social and political structure before Portuguese occupation. In those circumstances, the thesis of Portugal's sacred trust could not be defended. Moreover, the authorities in the African countries had not refused to establish commercial and cultural relations with Portugal. About 1491 the Kingdom of the Congo had concluded an agreement with Portugal whereby the latter had undertaken to furnish technical assistance in exchange for commercial facilities, and the same had happened in 1885 with Cabinda. It was, therefore, preposterous to claim that the jus communicationis of the Europeans had been violated. Portugal, however, had not kept its promises to the African peoples and had not contented itself with the concessions they had given. Urged on by the needs of the monopoly capitalism stage, the Portuguese had imposed their rule by force of arms. It was on that method of acquisition, which had been illegal from the outset, that the Portuguese Government was basing its allegedly legal position.

28. For a number of years almost all Member States had been appealing to Portugal to respect its obligations under Chapter XI of the Charter. Unfortunately, turning a deaf ear to the voice of reason and justice, Portugal persisted in keeping African territories under its domination and insisted that they were Portuguese overseas provinces and therefore outside the purview of the United Nations. Despite alleged reforms, the situation in those territories was a

matter of concern to the international community. Economic and social conditions were deplorable; racial discrimination was rife and Portugal used every means, including force, to repress the political consciousness of the inhabitants.

29. Nevertheless, trusting in reason and man's inherent good nature, his delegation did not think that Portugal would continue indefinitely to be misguided by selfishness and greed. In the name of Afghanistan, a neutral country which was friendly to all States without exception and which tried to judge international problems with sincere impartiality, he appealed once again to the reason and conscience of the Portuguese nation.

30. The allegedly legal argument which Portugal based on the revised 1951 Constitution could not convince anyone or change the course of history in any way. Replacing the term "overseas territories" by "overseas provinces" in a constitution could not eliminate geographical, ethnic, cultural and historical realities and integrate African peoples in Portuguese territory. A State possessing great military power had not succeeded in integrating Algeria by that means and, after seven years of war which had been costly in human life and property, it had finally had the wisdom to give way before a just cause and had recognized the sovereignty of the Algerian people. Portugal, which had a far smaller population than its colonies and a limited military force, was even more likely to fail in such an attempt.

31. It was also interesting to note that the Portuguese National Assembly, which had revised the Constitution in 1951, had itself recognized that the "overseas provinces" were entities which were distinct from the metropolitan country. Article 133 of that Constitution showed that the African countries under Portuguese sovereignty were in reality colonies. It implied that Portugal's civilizing mission would go on indefinitely and consequently that the indigenous inhabitants were not capable of being civilized—an argument which obviously did not even merit discussion.

32. Portugal's position was as indefensible from the standpoint of reason as from that of justice and law. It was also condemned by history, for the Portuguese territories would inevitably, sooner or later, attain sovereignty and independence. It was therefore high time that Portugal, in its own interest, yielded to the facts and accepted the realities of modern times. It was Portugal's policy which had led the Angolans to take up arms and which might well lead the Portuguese nation into a war against the entire African continent. It would be lamentable if, owing to lack of understanding on the part of certain politicians, Portugal should see its sons die on the battlefield for an unjust cause lost in advance.

33. The Powers which were able to influence recalcitrant administering States would be responsible to world opinion and to future generations if they closed their eyes to the atrocities committed in the colonial countries of Africa and Asia. They were morally and juridically bound to facilitate, by every means within their power, the attainment of freedom and independence by colonial peoples. Once respect for the personality of all peoples was ensured, political and economic distinctions could be easily overcome and each people, preserving its national spirit, could rise above national differences to attain a spirit of universal solidarity. Once it had attained that

sociological maturity, international society could organize a supranational authority along the lines dictated by the common welfare of mankind as a whole.

34. The United Nations was a step towards the realization of that ideal and already represented, to a certain extent, a supranational authority and a step towards world federation. His delegation wholeheartedly endorsed the idea expressed by the Secretary-General in the introduction to his report (A/5201/Add.1) to the effect that the United Nations should indeed be the parliament of mankind. It also considered that the decisions of the United Nations, which were an expression of the conscience of virtually all mankind, should prevail over all the rules of so-called positive law, which actually offered only a semblance of justice, created by force, and reflected the spirit of a society which had not evolved far beyond its primitive state. To strengthen the United Nations and to put an end to anarchy throughout the world should be the ideal of all nations, large and small. The former had much greater responsibility in that respect because they enjoyed certain exclusive rights and a special international position. History demanded that they should not seek to defend the status quo but should strive to bring about a happy and prosperous future for mankind. He hoped that on the present occasion the great nations would apply themselves to the task of making the United Nations the temple of mutual understanding, solidarity, harmony and peace.

35. In conclusion, he thanked the members of the Special Committee for their important and useful report. His delegation endorsed all the Special Committee's recommendations and would vote in favour of any draft resolution based on the spirit and the letter of the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)).

36. Mr. BOZOVIC (Yugoslavia) said that the report of the Special Committee on Territories under Portuguese Administration (A/5160 and Corr.1) and the statements by the petitioners confirmed the statement made by Mr. dos Santos, one of the leaders of the movement for the liberation of Mozambique, at an international meeting of lawyers at Rome early in 1962, to the effect that to speak of the "life" of the inhabitants of those territories would be an exaggeration, because they died before they had had the time or the opportunity to live like human beings. The repression carried out by the Portuguese forces left no doubt that Portugal was determined to continue to defy the United Nations and world opinion and to violate all the legal and moral principles of civilized relations between men and between peoples. That was not surprising if the Portuguese record in the territories under its rule was borne in mind—a record which called for the most categorical condemnation and for immediate action by the international community. Nevertheless, Portugal was still trying to cloud the real issue by legal arguments, while certain statements by other countries which, while pretending to protest against the Portuguese colonialist policy and colonialism in general, were in fact intended to conceal a policy of support for the colonial war in Angola and for other crimes committed daily in the other territories under Portuguese administration. If those statements, full of lofty principles of self-determination, peaceful settlement of disputes

and co-operation among equals, were to be taken seriously by Africans, they would have to be reflected in action of far greater effect than a simple policy of quiet diplomacy and remonstrance, by which some delegations seemed to hope that Portugal could be induced to change its attitude. If any proof was needed that such an approach was doomed to failure, it could be found in the report of the Special Committee, in the statements of the legitimate representatives of the Africans living in the territories under Portuguese rule, and in the statement made by the Portuguese representative at the preceding meeting.

37. The real issue was not the relations between Portugal and the other Members of the United Nations, but the policy of Portugal and its allies towards the inhabitants of Angola, Mozambique and the other territories. The Special Committee's report was perfectly clear on the question of assistance, especially military assistance, given to Portugal by its allies. It was equally clear with regard to the use made of the arms and munitions thus supplied. Despite the fact that the members of the Committee came from countries which differed in many ways and had very different ideological systems, they had concluded unanimously—and that unanimity should be stressed—that much of the military equipment supplied to Portugal, namely by members of the North Atlantic Treaty Organization (NATO), had been extensively used and continued to be used by Portuguese forces of repression. The Committee had also expressed the opinion that so long as those arms were in the hands of Portugal they would be used against African nationalist movements, regardless of any assurances to the contrary that Portugal might have given. The Committee had added that any assistance so rendered represented an implication in the suppression of those movements for freedom. That suppression was the response of the Portuguese and other colonialist forces to the wisdom and moderation shown by most of the leaders of the liberation movement in the territories under Portuguese rule. Those leaders and the African inhabitants in general were prepared to forget past sacrifices and to offer generous possibilities to Portuguese nationals who were willing to accept Africans as equals and to recognize their right to decide their own destiny.

38. The Committee was very familiar with the arguments employed to justify the aid supplied to Portugal. It had also heard the assurances, given by that country's allies, to the effect that the arms furnished under the NATO agreements would not be used for purposes of colonial repression. But it also knew that—as the Special Committee's report showed, and as Portugal had never denied—those assurances had remained inoperative and those arms were still being used against the Africans, who, so that any objection might be forestalled, were described as communists, agents of foreign Powers, and subversive elements. That was a fact known to all delegations and especially to those of the countries furnishing Portugal with military, economic and political aid. The fact could not but be mentioned in the resolution which the General Assembly would adopt in 1962, since Portugal was not the only one responsible for the current situation and for what that situation would become if the deliveries of arms did not cease forthwith.

39. Nevertheless, despite the use of the most modern arms, it was clear that the course of history could not be arrested and that the aspirations of the peoples

struggling for their freedom could not be stifled by force. That Portugal could not understand that fact was no matter for surprise; it was a country which lived in the past. But those of its allies that had experience of more than one vain attempt to prevent a people from attaining freedom and independence might have been expected to display a more realistic attitude and to do more than merely hide behind legalistic arguments or statements of principles. Some delegations—not that of Portugal, which left its defence to its allies, but others—had mentioned certain so-called revolutionary reforms recently undertaken. But, despite their goodwill, the members of the Committee could not even say, as they had said in the case of Southern Rhodesia, that in the present instance it was a matter of "too little and too late". Those so-called reforms constituted an attempt to fool the Africans and world opinion, and to provide an excuse for those who sought to justify their complicity in the suppression of the Africans' rights and aspirations. Today, it was no longer a question of increasing the Africans' participation in their countries' administration by means of unilateral reforms. A solution must be worked out for transferring power to the Africans and settling all problems peacefully through co-operation between Portugal and its former colonies, with effective aid from the United Nations. The time for half-measures had passed; a war was already under way in Angola, and others threatened to break out elsewhere. All the efforts which the United Nations had made in the past had failed, as had also the efforts of those who opposed all action on the part of the international community.

40. The representative of Portugal had clearly indicated that his Government did not intend to change its attitude and to avail itself of the opportunity offered it, perhaps for the last time, to have recourse to the moderating influence of the United Nations for a satisfactory solution of the problem. Once more, Portugal had turned a deaf ear to the sincere appeals addressed to it. The Yugoslav delegation favoured co-operation between the colonial Powers and the United Nations, but only if such co-operation was based on full and unconditional respect for the rights of colonized peoples. The initiative now lay with Portugal.

41. In the meantime, the General Assembly must act in the most effective manner possible. It should state its position in one or more resolutions; and the Yugoslav delegation considered that, if Portugal persisted in its refusal to co-operate, their texts would not be complete if they did not contain provisions in line with the recommendations in the Special Committee's report. They should, in fact condemn Portugal, and those forces supporting it, as responsible for the repressive military and other measures at present being applied in the territories under Portuguese administration; request Portugal to recognize the right to self-determination and independence of the peoples of its territories for which it was responsible; request the Security Council to order Portugal to discontinue its repressive measures forthwith, to withdraw all its military and other forces of repression, and to proclaim a general and unconditional political amnesty; request all Member States to cease, at once, supplying Portugal with arms capable of being used in Angola and other territories under Portuguese administration; and request Portugal to start negotiations with the representatives of the

peoples of Angola, Mozambique and the other territories with a view to the transfer of power.

42. Mr. ROSSIDES (Cyprus) said that the Special Committee had, in its report, presented every aspect of the problem with objectivity—as shown by the fact that the report mentioned all the factors which could be recorded in Portugal's favour.

43. The question of the Portuguese territories had already been dealt with competently and fully by previous speakers. He would therefore simply address himself to the main outlines of the problem.

44. The current situation in the Portuguese territories contrasted regrettably with the rapid evolution which had taken place in the other colonial territories, especially in Africa. That contrast was all the more regrettable in view of the advances in science and technology, which had made the nations more interdependent and had made good international understanding essential to the future of mankind. As General Assembly 1514 (XV) showed, colonialism was now a thing of the past and in that respect no State could hope to arrest the march of history. Realizing the futility and danger of a negative attitude in that matter, most of the administering Powers had decided to co-operate, in varying degrees, with the United Nations in seeking a peaceful solution for their colonial problems. It was regrettable that Portugal should not have followed their example. His delegation, for its part, was astonished that such an attitude should be adopted by a country which could rightly claim to be proud of its civilization.

45. In order to justify its negative attitude, the Portuguese Government maintained that since June 1951 the territories which it administered overseas had ceased to be colonies, that they had become an integral part of the metropolitan territory, and that their inhabitants were now Portuguese citizens. On that principle, the Portuguese Government claimed that those "overseas provinces" and their populations were not covered by Chapter XI of the United Nations Charter. Quite apart from the legal aspect of the question, which had been thoroughly examined, it was clear that the considerable geographical distance between Portugal and its overseas territories, and the great ethnic differences between the inhabitants of those territories and those of the mother country, militated against the thesis advanced by the Portuguese Government. Moreover, it was known that the status of the Portuguese overseas territories had been modified without the consent of the populations concerned.

46. The change in the status of the Portuguese territories had not resulted in the inhabitants of those territories being placed on a footing of equality with those of the mother country. In many fields—labour, education, civil law, for example—the laws of the mother country were not the same as those of the territories administered by it. That difference had been recognized by the Portuguese Government itself when, on 6 September 1961, it had announced important reforms which applied to its overseas territories but not to the mother country. Moreover, paragraphs 345 to 370 of the Special Committee's report, especially the references in those paragraphs to the report of the ILO Commission appointed to examine the complaint filed by Ghana concerning the observance by Portugal of the Abolition of the Forced Labour Convention, 1957, showed that in many cases

the reforms adopted by Portugal were more theoretical than practical. It was therefore clear that the legal thesis upon which Portugal based its refusal to co-operate with the United Nations was indefensible.

47. Given that the present impasse originated with the legal thesis advanced by Portugal, the delegation of Cyprus considered that the first step should be to persuade Portugal to abandon that thesis. Moreover, quite apart from measures to be taken in the political field, the restrictions imposed on the Africans, i.e. on 98 per cent of the population, in the fields of labour, education, freedom of movement, etc., should be removed, so that the human rights of the Portuguese colonies' inhabitants might be restored to the full.

48. A further measure was likewise indispensable: the Portuguese Government should recognize the right of the peoples of its territories to self-determination and independence. Once that right was recognized, negotiations could be started between the parties concerned, with the assistance of the United Nations, with a view to determining, on the one hand, the date of the Portuguese territories' accession to independence and, on the other, the transitional measures to be adopted prior to such accession.

49. The delegation of Cyprus earnestly hoped that the Portuguese Government would understand the situation at long last and agree to co-operate with the United Nations with a view to restoring human rights in the territories for which it was responsible. For that purpose, there should be a United Nations presence in those territories. One advantage of such a presence would be that it would facilitate co-operation with the Organization. Given its past, and its progressive conception of life, the Portuguese people must realize that it could delay no longer in recognizing the right to independence of the peoples for which it was responsible. The delegation of Cyprus was convinced that the Committee would render a great service not only to those concerned, but also to mankind as a whole, if it succeeded in convincing the Portuguese Government that co-operation with the United Nations was now the only solution.

50. Mr. BINGHAM (United States of America) wished to reply to some remarks relating to his statement at the 1402nd meeting.

51. The representative of the Ivory Coast had asked whether the United States Government could not institute a system of control over the supply of arms to Portugal. Such a system was already operating to the fullest possible extent. The United States had effective means of control as regards both Portugal and the other countries to which it furnished arms. As he had already stated at the 1402nd meeting, in 1961 his Government had taken measures to prevent the commercial export of arms for use in Portuguese Africa, and those measures were still in force. Nevertheless, it was obviously impossible to control completely arms available on the international surplus market since the Second World War.

52. Replying to the question put at the 1402nd meeting by the representative of Guinea, he said that, as he had indicated at that meeting, the equipment diverted to Africa in early 1961 had consisted mainly of transport vehicles (used trucks). It had not proved practicable for the United States to insist upon or obtain the return of that equipment. However, the

useful life of such equipment under rugged conditions was not a long one.

53. Finally, with regard to the Bulgarian representative's reference at the 1402nd meeting to his own statement to the Committee on 8 November 1961 (1201st meeting), he did not believe it had been an incorrect statement. At that time, he had accurately stated the policy of his Government, to wit, that it was unequivocally opposed to the use of United States-supplied military equipment in Africa and had so advised the Government of Portugal. He had also correctly implied that no diversions of United States equipment were then taking place from Portugal to Portuguese Africa. If that statement had been interpreted to mean that no such diversions had taken place at any time, even in small quantities, that was not the fact. In any case, he had had no intention of misleading the Committee. Deliberate deception as an accepted tool of policy was not a principle followed by his Government or ever advocated by the founders of his Government, although it had been advocated by the founders of certain other types of government.

54. The Bulgarian representative had inquired concerning the origin of the aircraft used in Angola; he himself could not say how Portugal had obtained them. Many types of aircraft could be bought on the international market. To the best of his knowledge no United States-manufactured airplanes had been used by Portugal in operations in Angola and nothing in the evidence submitted to the Special Committee indicated otherwise.

55. Mr. GRINBERG (Bulgaria), after reading out the United States representative's statement of 8 November 1961, stressed that there was no trace in it of any recognition of the fact that Portuguese forces had at any time, in their military operation in Angola, been able to use equipment supplied either by the United States or by any other ally of Portugal. It was only subsequently that it had been learned, from a United States source, that such equipment had in fact been used.

56. The United Kingdom representative, too, had recently denied that arms supplied to Portugal by the United Kingdom had been diverted to Africa. Portugal was known to manufacture only small arms and to depend entirely on its allies for heavy equipment. Whatever the United States, the United Kingdom or Portugal's other allies might claim, Portuguese troops were certainly using heavy equipment in Angola. That equipment was supplied to them, it was at their disposal, and they would use it again if they deemed it necessary, in Mozambique or elsewhere. It was certain that Portugal, which, as already mentioned, manufactured only small arms, would be unable to continue its war against its colonies if it did not receive the necessary equipment from abroad. There was no contesting the fact that tens of thousands of Africans had been killed and that hundreds of thousands of Angolan refugees were now in the Congo. The Committee had received ample information regarding the arms used by Portugal in its colonies; it had even had lists of such arms. Those who supplied such equipment to the Portuguese Government must naturally be regarded as responsible.

57. Mr. ACHKAR (Guinea) thanked the United States representative for his remarks. He only hoped that the used equipment sent to the Portuguese terri-

tories would by now be completely worn out and could no longer be used against Africa.

58. He drew the United States representative's attention to information supplied to him by United States citizens who were in sympathy with the African liberation movements to the effect that in the areas of Boston (Massachusetts), Providence (Rhode Island), Fall River (Massachusetts) and New Bedford (Massachusetts), fishing trawlers from Portugal and the Cape Verde Islands were taking on men, arms and equipment, planning to leave without any documents or with forged documents, to go to Angola, Mozambique and other parts of Africa.

59. The United States representative had said that no United States soldiers had ever taken part in the war in Portuguese territories. He himself hoped that the information he had just supplied would prompt the United States Government to exercise greater vigilance, for if such activities could take place on the coast of the United States without the Government being aware of them, there would really be cause for anxiety.

60. Mr. BOZOVIC (Yugoslavia) asked whether the control measures mentioned by the United States representative also applied to arms which might be purchased commercially for shipment to Portugal.

The United Kingdom representative had denied that there were military agreements between the Federation of Rhodesia and Nyasaland and the Portuguese authorities in Angola. The Yugoslav delegation would like to know whether that denial applied also to Southern Rhodesia, or whether that territory was in a special situation.

61. Mr. BINGHAM (United States of America) asked the Guinean representative for the exact reference to the information he had received. Activities of that type were illegal in the United States and anyone engaging in them was liable to prosecution.

62. In reply to the Yugoslav representative, he said that the control measures he had mentioned with respect to arms purchased commercially were not limited to shipments to Portuguese Africa but were also designed to prevent arms shipped to Portugal from being diverted to Portuguese Africa.

63. The CHAIRMAN remarked that the general debate was concluded. The Committee would hear Mr. Angelino Alberto, a petitioner, at the following meeting, and would then take up the agenda items concerning Non-Self-Governing Territories.

The meeting rose at 5.40 p.m.