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**Chairman:** Mr. Guillermo FLORES AVENDAÑO  
(Guatemala).

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

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) (continued)**

GENERAL DEBATE (continued)

1. Mr. KARSENO (Indonesia) said that the question under consideration was a serious problem of deep concern to the world. In its selfishness and frustration, Portugal stubbornly refused to accept the changes taking place in the modern world and was trying to preserve its wealth and privileges by exploiting a vast number of helpless peoples. Although the uprisings in the territories under Portuguese administration constituted a serious threat to peace and security, Portugal was doing nothing to avert catastrophe but was boasting of annihilating terrorists in Angola, who were in fact the patriots of the Angolan nation.

2. Up to 1951 the territories in question had been listed in the Portuguese Constitution as colonies, which meant that certain obligations were thus placed on Portugal as an administering Power under Chapter XI of the United Nations Charter. Portugal could not deny that fact. In 1951 Portugal had tried to disown all responsibility by changing the title of its territories from colonies to overseas provinces, but that change had in no way affected the status of the territories.

3. The report of the Special Committee on Territories under Portuguese Administration (A/5160 and Corr.1) and the information given by petitioners showed that the régime in the territories had many of the characteristics of a classic colonial system. The report stated that Portugal's overseas economic policy denied the paramountcy of the interests of the inhabitants of the territories under its administration and subordinated the economic development of the territories to

that of Portugal. The proposed common market would ensure the continuation of the existing colonial trade relations between Portugal and the overseas provinces, the latter serving as suppliers of raw materials to Portugal and outlets for that country's manufactured goods. The social and political conditions in the territories also displayed colonial characteristics. The indigenous inhabitants were denied all freedom of political expression and the franchise qualifications were even stricter since the introduction of the recent reforms. The labour legislation provided no safeguards against forced labour, which continued to exist; workers were subjected to numerous restrictions and were ill-treated. The legislative reforms had in no way changed the situation in the territories, where discrimination persisted and was sanctioned by law. The educational system was entirely designed to meet the needs of the colonial economic structure, and the illiteracy rate in the territories was among the highest in the world.

4. Portugal therefore still had responsibilities under Chapter XI of the Charter and General Assembly resolution 1514 (XV) and, until it fulfilled those responsibilities, the United Nations was bound to intervene. The explosive situation in the territories would deteriorate until the Portuguese Government acknowledged the inhabitants' fundamental rights and aspirations.

5. The Indonesian delegation was alarmed by Portugal's use of arms received from its allies to suppress national movements in its territories. The assurances those Powers had given that the arms would not be used for colonial purposes would be ineffectual unless they ceased to supply arms and other military equipment to Portugal. In fact, by supplying arms those Powers were implying that they supported the repression of the nationalist movements. His delegation would not question the right of the Africans, in their turn, to seek arms from other quarters, but it advocated a peaceful solution if that was possible.

6. The question would not be settled satisfactorily until the peoples concerned were allowed to determine their own future. His delegation hoped that Portugal would realize that it was to its advantage to come to terms with those peoples and to establish a new and harmonious relationship based on the principles of freedom, dignity, equality and justice.

7. The Indonesian delegation supported the recommendations contained in the Special Committee's report as a basis for further action.

8. Mr. SALAMANCA (Bolivia) observed that, in connexion with chapter XI of the charter, entitled "Declaration regarding Non-Self-Governing Territories", the Committee was confronted with a difficult problem namely, Portugal's disregard of the obligations laid down in that Chapter. Portugal's position had been reiterated in the correspondence between the Portu-

guese Government and the Special Committee on Territories under Portuguese Administration, reproduced in paragraphs 10 and 11 of the Special Committee's report. Portugal's legal position had not, in his opinion, been sufficiently analysed by the Fourth Committee, but it could be asserted that international supervision had been accepted and recognized in respect of colonial possessions and that colonial rule was a transitory function.

9. A study entitled *As Nações Unidas e Portugal* by Mr. Franco Nogueira, the Portuguese Minister for Foreign Affairs, <sup>1/</sup> expanded the ideas put forward in the Fourth Committee by Mr. Nogueira; it expressed the view that the legitimate sovereignty of the administering Power was of precarious tenure and that the independence of the territory was the final objective assumed by that Power. According to that view, international jurisdiction was a theoretical point of reference and the General Assembly had no right to supervise or to be informed about the political, economic and social advancement of the territories; the living conditions of their inhabitants were exclusively within the domestic jurisdiction of the administering Power.

10. That static concept of the international community was in conformity with the position taken by Portugal in 1954, when it had declared that its overseas possessions, which until then had been regarded simply as colonies, were an integral part of the metropolitan territory. It was legitimate to wonder whether the purpose of such unilateral integration, carried out without consultation of the populations concerned, had been to circumvent the international jurisdiction of the United Nations.

11. On 30 November 1960 Mr. Salazar, the Prime Minister of Portugal, had stated before the National Assembly that the United Nations General Assembly was not competent to declare the territories of any Power non-self-governing. According to the theory reflected in that and other similar declarations, international jurisdiction could not be admitted if the administering Power asserted a priori that its territories had been wholly integrated.

12. From the foregoing, it was possible to conclude that Portugal's entry into the United Nations had been deliberately made subject to conditions.

13. The events which had occurred in northern Angola were bound to influence the future of the territories under Portuguese administration. At the 1396th meeting, Mr. Mondlane, a petitioner from Mozambique, had given clear answers to the questions which the Bolivian delegation had put to him. In strictly controlling all political activity, Portugal was placing itself in an untenable position, since political liberty was the first requirement if there was to be association by consent. When political parties were formed outside the Territory, they were not looked upon as national parties seeking independence. The leaders of those parties were in favour of a peaceful solution and of co-operation with Portugal in the future, provided that that country recognized the principle of self-determination.

14. With regard to the events in northern Angola, it was difficult to review their history; they had the characteristics of a guerrilla war against which the Portuguese army had launched a massive counter-attack, without having succeeded in controlling all the points along the frontier. As a result of the operation, 131,000 refugees had fled to the neighbouring Congo

(Leopoldville) by 1961 and the number had recently increased to 151,000.

15. Comments on the problem would be found in the report of the Sub-Committee on the Situation in Angola (A/5286). Paragraph 63 of that document included certain supplementary information supplied by the Portuguese Government, according to which the situation was to be considered peaceful and normal, all that was taking place was limited police action and the other aspects of the problem mentioned by the Sub-Committee did not apply. The Portuguese government went on to say that when the terrorist penetration had occurred many inhabitants had had to seek refuge in foreign territory. International organizations such as the Red Cross and the Office of the High Commissioner for Refugees had estimated the number of such refugees as approximately between 140,000 and 150,000. Of those some 80,000 had returned to Angola. The Portuguese authorities had established reception centres along the frontier which received refugees who wished to return, treated them and directed them to their localities. It was believed that they would all have returned to Angola already if obstacles had not been placed in their way, obstacles which had no connexion with the Portuguese authorities or Portuguese policy.

16. All the information that had been collected gave an idea of the type of society which Portugal was interested in forming in the territories under its administration: societies in which there was no place for any kind of lawful free association in either the political field or the field of labour. The term "assimilado" used in the Portuguese colonies was most revealing. A person who was not "assimilado" hardly existed in the eyes of the law; a person could be "assimilated" only into the ranks of the de jure minority, which was set apart from the defacto world, the unregulated society of the "não-civilizados", who were obliged to submit to the established order. If, instead, they sought independence, they became terrorists or traitors.

17. That was the type of society in which the peoples under Portuguese administration lived; yet in spite of it the Angolan or Mozambican, like any man who was still not free, persisted in seeking the recognition of his rights and towards such a man the United Nations had a tremendous responsibility. The policy pursued by Portugal in Angola might create a very serious situation; it put to the test the means available to the United Nations for settling such conflicts and was a challenge to the emerging solidarity of the African nations.

18. Since the problem was to be discussed that week in the plenary Assembly, he, as a member of the Sub-Committee, must refrain from expounding in the Fourth Committee the position of his delegation.

19. With regard to the future of the Special Committee on Territories under Portuguese Administration and of other committees working in the field of Non-Self-Governing Territories, he was in agreement with the recommendation made by the Secretary-General in section VII of the introduction to his report on the work of the Organization (A/5201/Add.1).

20. Mr. ACHKAR (Guinea) proposed that the full text of the statement made by the Bolivian representative should be circulated as a Committee document.

*It was so decided.* <sup>2/</sup>

<sup>2/</sup> See A/C.4/589.

<sup>1/</sup> Lisbon, Atica, 1961.

21. U TIN MAUNG (Burma) deplored the Portuguese Government's continued refusal to implement the relevant resolutions of the General Assembly and to recognize that the United Nations was competent to review the situation in the territories under Portuguese administration. If Portugal wished to remain in the community of civilized and responsible nations, it should promptly fulfil its obligations under Chapter XI of the Charter and General Assembly resolutions 1514 (XV), 1542 (XV) and 1699 (XVI).

22. It was clear from the report of the Special Committee on Territories under Portuguese Administration and from the statements made by Portuguese representatives that Portugal was not prepared to abandon the intransigent attitude which it had maintained since its admission to membership of the United Nations in 1955. In 1954 Portugal had changed the title of its territories from colonies to overseas provinces. In pursuance of their policy of integrating the provinces with metropolitan Portugal, the Portuguese colonialists had resorted to such dubious devices as changing official designations, titles of documents and names of African towns. Education in the overseas provinces was controlled from Lisbon, where the Minister for National Education prescribed all school curricula, not allowing any latitude for their adaption to local needs. The Angolan currency had been arbitrarily replaced by Portuguese currency, a change which had favoured Portugal, and the finances of the overseas provinces were controlled from Lisbon. White Portuguese were encouraged to emigrate to Portuguese territories, as a further step towards the integration of those territories with Portugal. Such integration could not, however, be lasting because the political status of the Africans concerned would remain unchanged.

23. His delegation deplored the general attitude of Portugal towards the United Nations. Portugal had not facilitated the work of the Special Committee and had purposely discriminated against the representatives of Guinea and Bulgaria by excluding them from the invitation to visit Angola. The Special Committee had done well not to accept that invitation, for the conditions imposed were an insult to the General Assembly, which had appointed the Special Committee. The attitude of the United Kingdom Government was equally deplorable. It might have been expected that the United Kingdom would facilitate the work of the Special Committee by allowing it to visit territories under its administration in order to hear petitioners. Its views on the hearing of petitioners, however, were not only unrealistic and indefensible but inconsistent, for it had allowed the Committee on South West Africa to visit Southern Rhodesia in 1961. It was obviously not so much the views of the United Kingdom on the hearing of petitioners by the United Nations as the close collaboration which it felt bound to extend to a fellow member of the North Atlantic Treaty Organization (NATO) which had prompted its decision not to allow the Special Committee to visit territories under its administration.

24. The report of the Special Committee had confirmed that the relationship between Portugal and its territories was a colonial relationship and that principles IV and V annexed to General Assembly resolution 1541 (XV) were applicable to those territories. Although Portugal continued to claim that its territories were overseas provinces within Portuguese jurisdiction, it was well known that centuries of Portuguese colonization had placed the territories in a

position of subordination. The indigenous inhabitants did not enjoy equal legal and political status with the white Portuguese and the effect of the Native Statute<sup>3/</sup> had been to exclude the indigenous inhabitants from the rights and guarantees enjoyed by Portuguese citizens. The Portuguese Government claimed that its recent reforms, including the repeal of that Statute, had been designed to promote increasing participation by the indigenous inhabitants in the administration of the territories. All the petitioners heard by the Special Committee, however, had described the lack of civil and political rights in the territories and the cruelty of the Portuguese colonialists. The indigenous inhabitants who were not classified as Portuguese citizens were not represented on the legislative organs. In some territories, such as Portuguese Guinea and Macau, one of the nominated members was chosen to represent the interests of the local inhabitants who were not citizens. Only in Macau, where the representative of the Chinese community was not obliged to be a Portuguese citizen or be able to read and write Portuguese, was the superiority of an oriental culture and civilization recognized by the Portuguese colonialists. The legislative councils in the Portuguese territories were not democratically elected and were merely consultative bodies, the Governor or Governor-General being the supreme executive authority. The extent to which he would use the police force to oppress the people might well be imagined.

25. The report of the Special Committee stated that under the Native Statute the Portuguese judicial system had applied fully to Portuguese citizens only and the "indgenas" had been governed by the uses and customs of their own societies. In practice, however, the relations between Portuguese law and African custom and usage had not been clearly determined and there was no satisfactory codification of customary law. The distinction between the category of "civilizado", which included only a handful of indigenous inhabitants, and "não-civilizado" had no legal basis in Portuguese law. Although Portugal had had many centuries in which to perform its so-called civilizing mission, the Special Committee's report revealed that the percentage of the population classified as "civilizado" was only 5.3 per cent in Angola, 2.7 per cent in Mozambique and 1.7 per cent in Portuguese Guinea, and of those the majority were Europeans and Asians. Under the Native Statute, the "indgenas" had been governed by the usage and customs of their own societies. Where African customary law clashed with Portuguese common law, however, the latter had naturally prevailed. In his statement at the 1393rd meeting, the representative of Guinea had described how Portuguese Colonial rule had destroyed the traditional culture, civilization and mores of the Africans.

26. In the field of education, Portugal's policies were not in accord with the letter and spirit of General Assembly resolution 743 (VIII). Portugal's social policy in its territories was based on the concept that work was the foundation of social progress, which meant that the indigenous inhabitants were forced to work. The system of forced labour continued to exist even if the term was not used. Many of the provisions of the Native Labour Code were contradictory. For instance, whereas Section 38, paragraph 1, precluded public officials from recruiting indigenous workers for

<sup>3/</sup> Estatuto dos Indgenas Portugueses das Provincias da Guiné, Angola e Moçambique (Legislative Decree No. 39,666 of 20 May 1954).

the service of individuals, section 36 laid down that the authorities must assist those who sought by legal means to recruit indigenous workers. In paragraph 222 of its report, the Special Committee stressed that recent changes in the overseas labour laws indicated the extent to which the legal position had previously been unsatisfactory; furthermore, even when a law provided guarantees for the indigenous inhabitants, there was a wide gap between theory and practice.

27. Economically, the role played by the Portuguese territories in Africa was that of sustaining the metropolitan country, which was the most under-developed country in Europe. In addition, thousands of illiterate Portuguese were encouraged to settle in Angola, Mozambique and other territories and were given the most fertile land to cultivate; the effect of that policy, however, had been to convince the Africans of the falsity of the theory that the white man was superior to the black man. The Portuguese had made no effort to raise the level of living of the indigenous people or to prepare them for independence. In fact, they had made it clear that they were determined to crush freedom movements and to integrate the territories with the impoverished metropolitan country.

28. The arguments of some colonial Powers that the United Nations should be patient with Portugal and give it time to introduce reforms were not convincing. The so-called reforms of September 1961 had not brought the peoples of the territories any nearer to freedom and independence. Although the repeal of the Native Statute theoretically gave all the inhabitants the same political status as Portuguese citizens, that reform did not represent any real advance for the mass of the indigenous people. The petitioners who had appeared before the Special Committee and before the Sub-Committee on the Situation in Angola could hardly be blamed for declaring that they were no longer interested in Portuguese reforms.

29. It was clear that Portugal would not be able to continue to oppress its colonies and to wage a colonial war in Angola were it not for the connivance of certain colonial Powers, one of them a traditional ally of Portugal. The so-called free Press in such countries had made little mention of the bloodshed continuing in Angola and of the exodus of refugees from Portuguese territories. In paragraph 108 of its report (A/5286), the Sub-Committee on the Situation in Angola had expressed its conviction that the Portuguese Government would not be able to restore peace in Angola by military means. In order to hold on to that rich territory, the Portuguese were using every means to try to divide the Africans. Through bribery and corruption coaxing and intimidation a new class of stooges was being created. The Portuguese were using troops recruited in the south to fight the nationalist forces in the north. Religion was also being used to divide the people: the Portuguese Government, which supported Roman Catholicism, was accusing the Protestants of being involved in the "terrorist" activities in northern Angola.

30. The Portuguese were also fostering a campaign of hatred against Americans by means of radio broadcasts, according to the American author, Thomas Okuma, in his book *Angola in Ferment*.<sup>4/</sup> The same author asked what had happened in Angola to the racial harmony of which the Portuguese boasted. The fact

was, he said, that the Africans did not believe in Portugal's professions of multiracialism and did not regard themselves as having anything in common with the Portuguese.

31. The problem of the Portuguese territories had assumed an international character. Some colonial and major Powers were making no move to curtail the use of their weapons against the Africans, to withdraw capital from Portuguese undertakings or to refuse to purchase Portuguese products. The United States, while claiming to adhere to the position it had adopted in March 1961<sup>5/</sup> when it had supported the Security Council resolution condemning Portugal, was now apparently urging that Portugal should be allowed time to carry out its reform; it seemed that a one-man mission of inquiry was also being seriously suggested. Such a proposal would not receive any support from the majority in the United Nations. It was well known that the United States was engaged in negotiations with Portugal over the Azores. It was vital, however, that the United Nations should not betray the trust placed in it by the colonized peoples and that the security of the independent African States should be safeguarded. It was essential that the United Nations and the friends of Portugal should act before colonial wars broke out in Portuguese colonies all over Africa.

*Mr. Flores Avendaño (Guatemala) took the Chair.*

32. Mr. THOM (United Kingdom), exercising his right of reply, said that the Burmese representative had deplored the United Kingdom's unwillingness to allow the Special Committee to hear petitioners in United Kingdom territories and had suggested that that attitude was inconsistent with the invitation which had been extended on an earlier occasion to the Committee on South West Africa. He wished to point out that South West Africa, as the one remaining Mandated Territory, was a unique case and that was why his Government had had no objection to the hearing of petitioners in connexion with that Territory. At the 1204th meeting of the Fourth Committee, during the discussion preceding the adoption of resolution 1699 (XVI), the United Kingdom had made it clear that it opposed the hearing of petitioners on Portuguese territories on the grounds that that procedure applied to Trust Territories only; accordingly, it had requested a separate vote on operative paragraph 5 of the then draft resolution, in which petitioners were mentioned. His country's attitude had therefore been consistent.

33. U TIN MAUNG (Burma) said that he respected the views of the United Kingdom delegation and that there were resolutions about which his own delegation had reservations. Once a resolution was adopted, however, there was a moral obligation on all Member States to assist in its implementation, especially when the resolution included a paragraph requesting all Members to facilitate the work of the Special Committee.

34. Mr. RANA (Nepal) regretted that the prestige and effectiveness of the United Nations should be imperilled by the deliberate non-compliance of a Member State with the United Nations Charter and with the resolutions of the General Assembly and of the Security Council. Portugal appeared to regard the United Nations as a debating club established for the amusement of its Members, who could reject any topic they found embarrassing. No Member had been compelled to join the United Nations and no Member could divest

<sup>4/</sup> Boston, Beacon Press, 1962.

<sup>5/</sup> See *Official Records of the Security Council, Sixteenth Year, 946th meeting.*

itself of the responsibilities involved in membership, including that of acting in the spirit of the Charter. Those who had drawn up the Charter had naturally not been able to prescribe specific remedies for every situation, but the spirit of the Charter was unambiguous.

35. It was evident from the valuable documents at the Committee's disposal, including the report of the Special Committee on Territories under Portuguese Administration (A/5160 and Corr.1), the report of the Sub-Committee on the situation in Angola (A/5286) and the report of the Secretary-General on Mozambique (A/AC.108/L.8), that the conditions in which the inhabitants of the territories under Portuguese administration lived were deplorable. What was more, it was unlikely that an impoverished country like Portugal would be able to improve those conditions significantly even if it intended to do so. The basic issue, however, related to the right of the peoples of the territories to self-determination, in accordance with General Assembly resolution 1514 (XV). The determination of the peoples of the territories under Portuguese rule to avail themselves of that inalienable right had been clearly demonstrated. The Nepalese delegation fully supported the Special Committee's view, expressed in paragraph 437 of its report, that a real improvement in the conditions of the indigenous population could only come about when the population took its destinies into its own hands.

36. His delegation emphatically supported the recommendations in part four of the Special Committee's report and wished to stress certain points in particular. Firstly, every use should be made of bilateral and multilateral technical assistance with a view to preparing the indigenous population for the management of their own affairs. The United Nations should also be able to assist in the training of civil and technical cadres. Secondly, the people must be enabled to share in the formulation and implementation of programmes aimed at educational development; UNESCO might assist in the formulation of such programmes. Urgent steps must be taken to attain a minimum of 50 per cent primary-school enrolment and to develop adequate secondary education facilities and facilities for the training of teachers. Facilities for university education must be provided, and until that could be achieved opportunities for higher education could be given to qualified candidates through United Nations agencies. Thirdly, the World Health Organization could provide assistance in the planning of health services and give advice on training questions. Fourthly, the international community must provide assistance to refugees from Portuguese territories and help to create the necessary political conditions for their rehabilitation. Fifthly, economic policy must be directed towards increasing the welfare of all sectors of the population; the indigenous people should be given every opportunity to participate in economic life, and the settlement of Europeans must be halted. Sixthly, conditions must be created for the free functioning of political parties, an unconditional political amnesty must be granted and talks must begin between Portugal and accredited representatives of the political groups existing inside or outside the territories.

37. His delegation was anxious that the problem before the Committee should be solved peacefully. It therefore appealed to Portugal to reconsider its current policy in the light of history. Portugal had implicitly acknowledged the gravity of the situation by the reinforcement of its armed forces in Angola and elsewhere

and had already had to divert considerable resources for that purpose. It might be asked how long Portugal could afford to continue such a futile struggle against the tide of human progress.

38. His delegation fully agreed with the conclusion in paragraph 438 of the Committee's report that time was of the essence in finding a peaceful solution to the problem; it further supported the view expressed in paragraph 439 that weapons provided to Portugal would inevitably be used against the African nationalist movements and it endorsed the recommendations in paragraph 440. He would like to appeal to those countries which had influence with Portugal to bring pressure to bear on that country's Government. He addressed himself particularly to the United States, which had repeatedly given proof of its commitment to the principle of self-determination by coming to the aid of threatened nations, including even those which had publicly censured it.

39. It had been said that Portugal was not the only offender against international morality. While that was true, all the world's problems could not be solved simultaneously but had to be tackled one by one.

40. He did not think that it was naïve to experience a sense of shock at the deliberate non-compliance of a Member State with the United Nations Charter. Cynics might say that history showed that the aspirations set forth in the Preamble to the Charter were beyond mankind's attainment. Mankind, however, was the maker of history and must therefore have the power to change it.

41. Mr. COOMARASWAMY (Ceylon):<sup>6/</sup> The Fourth Committee is dealing now with yet another subject, which has been like a recurring decimal in its history—the subject of the non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and resolution 1542 (XV) of the General Assembly. One might well pose the question: why do questions like Southern Rhodesia, South West Africa and the Portuguese territories come up year after year and why are the General Assembly and this Committee unable to solve these questions finally and conclusively? The answer is a simple one: as long as there are Member States whose power-hungry politics and greed prompt them to hold on to their ill-gotten gains and raise legal questions of competence, with their tongues in their cheeks, for the mere purpose of delaying the evil day when they and their illicit possessions will be parted, and who therefore question the competence of the General Assembly in contemptuous disregard of the provisions of the Charter, then this Committee will continue to be confronted with such difficulties.

42. Thus we are now considering our third item. In every one of these items, what has been the theme—or shall I say, swansong—of the administering Power? This same question of competence of the United Nations. My delegation would like to remind these Powers that in the history of the United Nations there have been other instances of such pleas in bar relying on Article 2, paragraph 7, or other Articles, and everyone of them has miserably failed. Thus, in a letter dated 4 December 1952 [A/C.1/737], the representative of France questioned the competence of the First Committee to discuss the questions of Morocco and Tunisia and refused to participate in the delibera-

<sup>6/</sup> In accordance with the decision taken by the Committee in paragraph 87 below, the text of this statement is reproduced in full.

tions. This was repeated on 8 October 1954, at the 684th meeting of the First Committee [ninth session]. At the 477th plenary meeting held during the ninth session of the General Assembly, the representative of the United Kingdom raised the plea of domestic jurisdiction in regard to the question of Cyprus. At the tenth session of the General Assembly (See the 103rd meeting of the General Committee and the 530th plenary meeting), the representative of France contended that Algeria had been an integral part of France since 1834 and that Article 2, paragraph 7, therefore debarred the General Assembly from discussing this item. Later these administering Powers graciously realized that discretion was the better part of valour. Today, the representatives of Morocco, Tunisia, Cyprus and Algeria are here with us and this should be a sufficient warning to the Government of Portugal of what the future holds for the Portuguese territories.

43. At the 1393rd meeting of this Committee, on 21 November 1962, the representative of Portugal stated that during the debate in the General Assembly on resolution 1690 (XVI), his delegation had explained its position on this question and that all the arguments which his delegation had introduced during that debate were still valid. In view of this statement, my delegation proposes, before discussing other matters, to refer to the stand taken by the delegation of Portugal at the sixteenth session and to dispose of the arguments that have been put forward by that delegation in regard to the competence of the United Nations in this matter.

44. The position taken up by the delegation of Portugal at the sixteenth session of the General Assembly appears in document A/PV.1083, the verbatim record of the 1083rd meeting, held on 19 December 1961. The arguments put forward in the Fourth Committee by that delegation will be seen in the summary record of the Committee's 1193rd meeting, A/C.4/SR.1193, paragraphs 20, 21, 22 and 27.

45. A perusal of these two records would show that the delegation of Portugal puts forward the following arguments: firstly, that the interpretation of the Charter must be legal and not political—a point with which my delegation agrees, but my delegation will show that even on a purely legal interpretation, the Government of Portugal cannot sustain its position; secondly, that the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter, which formulated the principles in resolution 1541 (XV), had no power to interpret the Charter; thirdly, that the Constitution of Portugal had been brushed aside, its traditional structure ignored, and the historical formation of its structure denied, and that Article 2, paragraph 7, of the Charter was being violated; fourthly, that Article 2, paragraph 4, can only be interpreted as meaning that the national sovereignty and territorial integrity of each Member State should be protected and maintained as at the time of its joining the United Nations; fifthly, that there had been a change in the attitude of the General Assembly towards this question between 1956 and 1959, and that resolution 1542 (XV) is illegal, discriminatory and contrary to "the most sacred principles embodied in the Charter".

46. My delegation will, after a general discussion, consider each of these questions on which the delegation of Portugal relies for its plea of non-competence. But I am forced to state at this juncture that, in view of the flagrant violations of the Charter by the Govern-

ment of Portugal both in Angola and elsewhere and the scant respect paid to its provisions, the reference by the representative of Portugal to the "most sacred principles" of the Charter certainly surprises my delegation.

47. Articles 73 and 74 of the Charter impose certain obligations on Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government. These obligations are: firstly, to recognize the principle that the interests of the inhabitants of these territories are paramount; secondly, to accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the Charter, the well-being of the inhabitants of these territories; thirdly, to that end, to carry out the five obligations set out in Article 73, including the obligations to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses; to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions; to further international peace and security; and to transmit regularly to the Secretary-General certain information concerning the territories. Lastly, Article 74 of the Charter imposes the obligation on the Administering Members to ensure that their policy in respect of such territories, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness in social, economic and commercial matters.

48. On 29 June 1946, the Secretary-General addressed a letter to all Member Nations concerning the various immediate questions arising out of Article 73 e. In particular, he invited the Member States to give their opinion on the factors to be taken into account in determining which were the Non-Self-Governing Territories referred to in Chapter XI and requested them to enumerate the Territories under their jurisdiction (See A/74). Replies were received, some of which suggested the desirability of defining the term, "Non-Self-Governing Territory" (See A/74, annex, sections I-VIII; and A/74/Add.1 and 2). It is interesting to note that in the earlier years certain Members were eager to list even territories claimed by others.

49. The question of definition was discussed during the second part of the first session of the General Assembly by Sub-Committee 2 of the Fourth Committee, but this was not pursued for the time being. The Sub-Committee merely enumerated the territories in respect of which Administering Members had transmitted information or had indicated an intention of doing so. By resolution 66 (I), seventy four such territories were noted. The provisional decision reached in 1946 not to attempt a definition has been maintained. No addition were made to the list, but this does not mean that the list was exhaustive and that no further additions can be made.

50. Article 73 e has been the central point in the discussions in the General Assembly of Chapter XI as a whole. The question of the determination of the territories to which Chapter XI applied has in practice been the same as the determination of the territories in respect of which the transmission of information is required. Even on principle, if certain factors have been taken into account in order to decide whether

Article 73 e applies, *a fortiori*, those factors should apply in order to determine whether a territory falls within the ambit of Chapter XI.

51. As I indicated earlier, this question of the competence of the General Assembly to decide whether a territory falls within the scope of Article 73 is not a new plea invented by the genius of the Portuguese nation. It was raised quite early in the history of the United Nations, and it will continue to be raised as long as white colonialism still rears its ugly head over the black, yellow and brown people, like the dying man clutching at a straw. The question presented itself in various aspects, and in particular in regard to the problem of the factors to be taken into account in determining whether a territory is or is not fully self-governing. But my delegation submits that the principles will remain the same for all questions of competence that arise under Chapter XI.

52. In 1949, the Administering Members for obvious reasons expressed the opinion that the question of determining which were the territories whose peoples have not yet attained a full measure of self-government was exclusively within the competence of the State responsible for their administration—a clear example of an attempt to make such States the judges in their own cause (see A/AC.28/SR.2). This was strenuously opposed by certain representatives in the Fourth Committee. After the debate in the Fourth Committee, the General Assembly adopted resolution 334 (IV), by which the competence of the General Assembly was established in relation to the limited questions of its right to express an opinion on principles relating to the cessation of information and to the initiation of a study of the factors to be taken into account in determining the status of a territory, without seeking to settle by whom these principles and factors should be applied.

53. In 1952, it was contended that the Administering Members had sole competence in the matter and, accordingly, the criticism was voiced that the provisions of the draft resolution then before the Fourth Committee [A/C.4/L.231 and Corr.1] tended to establish a degree of United Nations control over the Non-Self-Governing Territories which was contrary to the letter and to the spirit of Chapter XI and also to the principles of Article 2, paragraph 7. Any United Nations intervention in the sphere of the administration of Non-Self-Governing Territories and the steps taken to ensure their political development would constitute interference in matters within the domestic jurisdiction of the States concerned. As against this, it was contended that if the General Assembly was competent to decide when information should cease to be transmitted, it was logically also competent to decide when such information should begin to be transmitted, and to that end, to examine the constitutional and factual situation in every Member State.

54. After the debate, the Fourth Committee adopted the draft resolution before it, which was subsequently adopted by the General Assembly as resolution 648 (VII), thus establishing that the General Assembly and the Administering Member concerned have a role in deciding whether a territory has or has not attained a full measure of self-government. In the same resolution, the General Assembly also recognized that "in deciding whether a Territory has or has not attained a full measure of self-government, an enumeration of factors would be a useful guide both for the General Assembly and for the Administering Member con-

cerned." By paragraph 1, the General Assembly approved provisionally "the annexed list of factors" to serve as a guide in the matter.

55. The year 1953 marked a further evolution in the attitude of the General Assembly with respect to the question of its competence. By resolution 742 (VIII) it adopted a list of factors, consisting of the list proposed by the Ad Hoc Committee on Factors (Non-Self-Governing Territories) [A/2428, sec. VI], as subsequently amended by the Fourth Committee. The resolution also raised the question of the final competence of the General Assembly in this field. The original draft resolution before the Fourth Committee [A/C.4/L.272] had used phraseology suggesting the principle of co-responsibility between the General Assembly and the Administering Member. An amendment was proposed [A/C.4/L.273, point 4], omitting the Administering Member in regard to this matter. The amendment was adopted by the Fourth Committee and the text, as amended, by the General Assembly, thus introducing into a formal text for the first time the concept that a decision might be taken by the General Assembly alone.

56. The General Assembly took a similar stand again in 1953 on the question of Puerto Rico by resolution 748 (VIII) and in 1954 in respect of Greenland by resolution 849 (IX). The paragraphs read as follows: "Bearing in mind the competence of the General Assembly to decide whether a Non-Self-Governing Territory has or has not attained a full measure of self-government as referred to in Chapter XI of the Charter".

57. At this stage, my delegation would like to refer to the work of the Ad Hoc Committee on Factors. In 1952, the General Assembly, as I indicated, by its resolution 648 (VII), approved provisionally the list of factors drawn up by the Committee on Factors, and established a new Ad Hoc Committee to carry out a more thorough study of the factors. This Committee was also asked to take into account a new element—the "possibility of defining the concept of a full measure of self-government for the purposes of Chapter XI of the Charter".

58. The Ad Hoc Committee considered this new question first and stated in its report [A/2428] that it was not possible to find a satisfactory definition of the concept referred to, but that there were a number of features, like those given in the list of factors, which were helpful in deciding the question. Its conclusion was: "Thus, the absence of a satisfactory definition was not a serious disadvantage, since in the examination of any particular case the concept would emerge in its practical application to the facts of that case." [A/2428, para.13]. The General Assembly, by resolution 742 (VIII), took note of this report and, therefore, did not undertake a definition of the concept.

59. By resolution 742 (VIII), the General Assembly approved the list of factors as adopted by the Fourth Committee and recommended that the list should be used as a guide in determining whether a territory was or was no longer within the scope of Chapter XI. The list of factors contained in the annex to the resolution, bears the title, "Factors indicative of the attainment of independence or of other separate systems of self-government."

60. In December 1955, sixteen new Members were admitted to the United Nations. These included Portugal and my own country. I have set forth at length the

position that had been taken in the General Assembly prior to 1955 in regard to Chapter XI in order to show that when Portugal was admitted to membership in 1955, there were definite rulings of the General Assembly on the question of its own competence and sole competence, and also in regard to its right to lay down factors to guide it in deciding questions arising under Chapter XI of the Charter. My delegation submits that the Government of Portugal, by accepting membership, bound itself to submit to these rulings, and has no right whatsoever to come now before this very Assembly and either question its competence or argue that it has no power to lay down guiding factors or principles for the purpose of carrying out its powers and duties under Chapter XI of the Charter.

61. On 24 February 1956, the Secretary-General, following the practice adopted in 1946, addressed a letter to each of the sixteen new Members<sup>7/</sup> and requested them to inform him whether they administered territories whose people had not attained a full measure of self-government. He drew attention, *inter alia*, to General Assembly resolutions 648 (VII) and 742 (VIII) entitled "Factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government." It is important to note here that resolution 742 (VIII) had stated that the manner in which Territories referred to in Chapter XI of the Charter could become fully self-governing was primarily through the attainment of independence, although it recognized that self-government could also be achieved by association with another State or group of States if this were done freely and on the basis of absolute equality, and that the validity of any form of association between a Non-Self-Governing Territory and a metropolitan or any other country essentially depended on the freely expressed will of the people at the time of the taking of the decision.

62. What was the reply of the Government of Portugal to the inquiry of the Secretary-General? It informed him (See A/C.4/331, para.2) that Portugal did not administer territories which came under Article 73. My delegation submits that this reply was utterly false and unworthy of a self-respecting State. I say this with a sense of responsibility, for, as shown in paragraph 47 of the report of the Special Committee on Territories under Portuguese Administration [A/5160 and Corr.1], even the revision of the Constitution in 1951, whereby *de jure* changes in the status of overseas territories were effected, was done without consulting the indigenous inhabitants and was not accompanied by *de facto* changes in their government and administration. Can this association between these various Portuguese territories and the metropolitan Power essentially depend on the freely expressed will of the people of those territories in 1951 when the colonies became provinces? How could such will have been expressed when, according to paragraphs 115 to 117 of the Committee's report, only 1 to 10 per cent of the indigenous inhabitants in the various territories had the vote? Why are the representatives of Portugal attempting in this manner to draw the wool over the eyes of the other representatives here?

63. I would also note in passing that after Portugal became a Member of the United Nations, the General Assembly, in several resolutions, such as resolution 849 (IX) relating to Greenland and resolution 945 (X) in respect of the Netherlands Antilles and Surinam,

declared and reasserted that it was competent to decide on questions relating to the attainment of a full measure of self-government.

64. It was against this background that the General Assembly, at its fifteenth session, passed resolution 1514 (XV), embodying the Declaration on the granting of independence to colonial countries and peoples; resolution 1541 (XV), laying down the principles which should guide Members in determining whether or not an obligation exists to transmit information under Article 73 e of the Charter, resolution 1542 (XV), declaring that an obligation exists on the part of the Government of Portugal to transmit such information; and resolution 1603 (XV), relating to the situation in Angola. At its sixteenth session, the Assembly adopted resolution 1699 (XVI), from which our present discussions have arisen.

65. Resolutions 1541 (XV) and 1542 (XV) followed the appointment of the Special Committee of Six on the Transmission of Information under Article 73 e of the Charter, by resolution 1467 (XIV) of 12 December 1959. My delegation submits that resolution 1541 (XV) was a necessary corollary from earlier resolutions, based on the competence of the United Nations and the recommendations of the two *Ad Hoc* Committees on Factors which were passed long before Portugal became a Member of the United Nations. In fact, principles VI, VII, VIII and IX set out in the annex to resolution 1541 (XV) flow from the recommendations of those Committees and are referred to in the earlier resolutions to which I have referred. Principle IV is contemplated in resolution 742 (VIII).

66. I shall now deal with the scope of Chapter XI and the applicability of Article 73. I would refer in this connexion to the conception of the universality of Chapter XI. It applies to all "territories whose peoples have not yet attained a full measure of self-government". The benefit of the international obligations assumed by States under Chapter XI is not therefore restricted to the peoples of colonies and protectorates. The factors and principles laid down by the General Assembly in the exercise of its undoubted powers are fit to serve as a guide in determining whether a territory is not self-governing and hence a subject for the guarantees of Chapter XI. There are many peoples in the world who are not yet self-governing. Consequently there are many States with obligations under Chapter XI. We cannot limit Chapter XI to the eight Member States who recognized wholly or partly their obligations under the Chapter in 1946, namely, Australia, Belgium, Denmark, France, Netherlands, New Zealand, the United Kingdom and the United States. It is not correct to limit the application of Chapter XI to the overseas territories of the so-called colonial powers, and to ignore other backward people, when Chapter XI nowhere uses the word "colonies", but is entitled "Declaration regarding Non-Self-Governing Territories" and refers in the body of Article 73 to "territories whose peoples have not yet attained a full measure of self-government". It is of no consequence, therefore, for the Government of Portugal, having changed the nomenclature unilaterally from "colonies" to "provinces", to state that it has no "colonies", for the incontrovertible fact remains that the peoples of these territories have not yet attained a full measure of self-government. This is fully borne out by the report of the Special Committee on Territories under Portuguese Administration. Of course, in regard to metropolitan areas, the theory of the universality of

<sup>7/</sup> For the text of the letters, see A/C.4/331, para. 1.



Chapter XI has no legal value, and Article 74 draws a clear distinction between Non-Self-Governing Territories and metropolitan territories.

67. My delegation would also like to point out at this stage that it is significant that, as can be seen from paragraph 46 of the report of the Special Committee, until 1951, the seven Portuguese territories were listed as colonies in the Portuguese Constitution and governed by the Colonial Act of 1930, the Organic Charter of the Portuguese Colonial Empire and the Overseas Administrative Reform Act of 1933. Why was the Constitution revised in 1951 so that the change of nomenclature took place, although, as the Special Committee has pointed out in paragraph 47 of its report the essentially colonial relationship still remains for these seven territories? Was it only a happy coincidence that these changes took place a few years after the Charter was signed in 1946 and a few years before Portugal became a Member of the United Nations in 1955?

68. Chapter XI of the Charter sets forth principles and imposes obligations which have the force of law for all Members of the United Nations. It is the right and the duty of every member to see that these provisions are respected and obeyed. The Charter is not merely a multilateral agreement, but an organic act establishing the competence of the United Nations with regard to all Non-Self-Governing Territories. Chapter XI imposes obligations upon Members in the same way as any other Chapter. Recommendations of the General Assembly under Chapter XI are decisions, and not mere advice to Members.

69. Article 10 transforms Chapter XI into a living force, for by that Article, the General Assembly may discuss any questions or any matters within the scope of the Charter and make recommendations to the Member States or to the Security Council or to both.

70. To bring Article 73 into play, only two questions arise. Firstly, is the territory one whose peoples have not yet attained a full measure of self-government? Such a territory is deemed to be a Non-Self-Governing Territory. Secondly, does the Member State concerned have, or has it assumed, responsibilities for the administration of such territory?

71. My delegation proposes to show that when these two questions are considered vis-à-vis the Portuguese territories and their constitutional position and factual position, whether in 1955, when Portugal joined the United Nations or from 1961, after the so-called far-reaching changes, in both cases, the answer must emphatically be in the affirmative.

72. My delegation would give the following reasons:

(a) As pointed out by the Special Committee in paragraphs 46 and 47 of its report, these territories were listed as colonies in the Portuguese Constitution until 1951 and governed by the Colonial Act of 1930 and certain connected Acts. The abolition of the Colonial Act in 1951 and the revision of the Constitution made little difference because the main provisions of the Colonial Act were incorporated into the Constitution under Chapter VII, entitled "Overseas Territories". The mere reference to them as "provinces" did not alter their essentially colonial relationship and status. They remain Non-Self-Governing Territories.

(b) The de jure changes in the status of the territories were effected without consulting the indigenous inhabitants (see para.47). This offends the factors

referred to above and principles VII, VIII and IX of General Assembly resolution 1541 (XV).

(c) These de jure changes were not accompanied by de facto changes in the government and administration of these territories (see para.47).

(d) The inhabitants of the territories were given very limited participation in the central and local organs of government (see para.47).

(e) According to article 150 of the Constitution, the National Assembly (in which in 1957 there were only eleven deputies out of 120 for these seven territories and moreover those deputies were not "indígenas" but continental-born Portuguese—see paras.112 and 118) has the right to legislate for the overseas territories on important matters like defence, currency, creation of banks and the judicial system. The Assembly also legislates on the general system of government of the overseas territories and considers the annual accounts of the territories (see para.49).

(f) The Central Government has certain legislative powers for the overseas territories (see para.50) to pass decrees and take executive measures.

(g) The Minister for Overseas Portugal has very wide powers and he has only to consult the Overseas Council. In case of disagreement, his will prevails (see para.51).

(h) There are legislative councils for overseas territories, but these bodies only exercise powers not vested in the National Assembly, the Government or the Minister for Overseas Portugal. Legislative councils may be dissolved by the Minister in the national interest. A sharp distinction is drawn between Portuguese citizens and "indígenas" in regard to the legislative councils (see para.55).

(i) In these territories, the Governor-General or Governor, who represents the Government of Portugal and who is appointed by the Council of Ministers, on the recommendation of the Minister for Overseas Portugal, is the supreme authority and has wide powers, including executive powers and legislative authority (see paras.60-63). When the Council disagrees with the Governor, the Minister has to decide (see para.63).

(j) Almost all the petitioners who had appeared before the Special Committee had described the lack of civil and political rights in the Portuguese territories. There was no freedom of speech, of assembly or of association. Political parties were prohibited (see para.107). The Special Committee finds that, whatever may have been the intention of the Portuguese Government, the effect of the Native Statute was to exclude the indigenous inhabitants from the rights and guarantees enjoyed by Portuguese citizens and thereby to render them liable to special laws, which further restricted their fundamental rights and freedoms (see para.108); and that the attainment of Portuguese citizenship and the political rights which derived from it was a painful and difficult process (see para.109). It is small wonder then that in 1956, when Portugal became a Member of the United Nations, only one to ten per cent of the "indígenas" in these territories had the right to vote and few could stand for elections (see paras.115-117). This Committee cannot overlook the fact that the 12 million inhabitants of these territories are ethnically and culturally different from the inhabitants of Portugal. The Special Committee has also pointed out the gap between theory

and practice in education (para.127) and the difference between theory and practice in the labour laws (see para.222).

(k) Although article 158 of the Portuguese Political Constitution aims at the economic integration of the overseas territories with the metropolitan country, the Government in Portugal not only controls exchange, imports and exports, but also local prices paid to the primary producers (see paras.223 and 229). The Committee has also rightly pointed out that an increase in monetary transactions does not necessarily indicate a rise in the standards of living of the indigenous inhabitants (see para.249).

(l) The Government of Portugal maintains that since 6 September 1961 there have been "far-reaching reforms" in its territories. The Special Committee has set out these reforms in the first footnote to paragraph 252 of its report. The Committee has found that since January 1961, there has been no change in the constitutional status of the territories under Portuguese administration as described in Part Two of its report (see para.254). My delegation has independently examined the eight decrees and other measures set out in document A/AC.108/L.5 and Add.1 and has no hesitation in agreeing with this finding of the Special Committee. The Committee has also correctly stated that the dual requirements of a literacy qualification in Portuguese and a tax-paying qualification do not appear to be designed to extend the right to vote to the majority of the indigenous inhabitants (see para.263). My delegation agrees with its view that there can be no full and effective political rights until there is universal adult suffrage (see para.265). As pointed out in General Assembly resolutions 648 (VII) and 742 (VIII), for a territory to be deemed self-governing even in economic, social or educational affairs, it is essential that its people should have attained a full measure of self-government. The international community must be in a position to affirm that the political situation in the territory was such as to permit and create economic, social and educational autonomy.

(m) The Special Committee has also pointed out that there is still a denial of freedom of association and of political organization and brutal suppression of political activity and forcible oppression of the peoples of these territories (see paras.270-287).

73. For the very weighty reasons set out above, my delegation maintains that Portugal has responsibilities for the administration of these seven territories and these territories are Non-Self-Governing Territories whose peoples have not yet attained a full measure of self-government, within the meaning of Article 73.

74. My delegation will now meet the arguments of the representatives of Portugal at the last session of the General Assembly, which I set out earlier.

75. The first argument was that the interpretation of the Charter must be legal and not political. My delegation has adduced no political argument whatsoever and has shown that on a purely legal interpretation of the Charter and on the basis of interpretations placed on it by the General Assembly since 1946, acting in the exercise of its powers under Article 10, Portugal is bound to act under Chapter XI. This cannot be lightly brushed aside by referring to "varying interpretations given by changing political majorities" [A/PV.1083, para.187]. I wish to emphasize that, as I have shown, the General Assembly has progressively evolved a consistent interpretation of Article 73, which inter-

pretation is in every way justified by the words of the Article. It has shown that the Charter is a living document.

76. With regard to the second argument, at the 1193rd meeting of this Committee, on 1 November 1961, the representative of Portugal stated that the Special Committee of Six appointed under resolution 1467 (XIV), which recommended the principles annexed to resolution 1541 (XV), had no power to interpret the Charter. That Committee made no such interpretation. It merely formulated principles to be considered by the General Assembly. These principles were based on the factors and other principles annexed to earlier resolutions. The General Assembly interpreted the Charter by its resolution 1541 (XV). Article 10 of the Charter entitles the General Assembly to explain, elaborate and amplify the Charter in order to apply its provisions to concrete instances, so long as violence is not done by going contrary to the express provisions of the Charter.

77. The third argument of the Portuguese delegation was that Article 2, paragraph 7, was being violated. I have shown how Article 2, paragraph 7, had been unsuccessfully invoked by a number of other administering countries which sought to avoid their obligations under Article 73. The question is, to what extent does Article 2, paragraph 7, limit the rights enjoyed by the General Assembly under Article 10? We must note an important point in this connexion: since Article 2, paragraph 7, refers to "matters" within the domestic jurisdiction of a State, and not to "territories" within its domestic jurisdiction, this Article cannot remove the Non-Self-Governing Territories themselves from the jurisdiction of the United Nations. Therefore, there is no inconsistency between Article 2 paragraph 7, and Chapter XI. Article 2, paragraph 7, must be read in the light of the principle in Chapter XI, which has equal force with that Article. The Articles were drafted together and must be read as a whole. Matters falling under Chapter XI cannot be matters "essentially within the domestic jurisdiction" of the administering State and are matters equally within the jurisdiction of the United Nations. Matters which are the subject of international obligations of a legal character cannot fall essentially within domestic jurisdiction. Matters dealt with in the Charter are matters of international concern and are no longer within the reserved domain of States. Therefore, the United Nations can intervene in such matters.

78. The representative of Portugal also stated that the traditional structure of the Portuguese Constitution had been ignored. What is this traditional structure that he refers to? Does he refer to the "tradition" created in 1951? Can there be such a traditional structure created in so short a time? He also stated that only the Portuguese people can discuss their Constitution. Does he imply that this Committee or the General Assembly cannot examine a Constitution in order to decide whether Article 73 applies to certain territories, especially when that Constitution has been applied without their consent to 12 million indigenous people of whom about 90 to 99 per cent have no vote?

79. The fourth argument was that Article 2, paragraph 4, can only be interpreted as meaning that the national sovereignty and territorial integrity of Member States should be protected and maintained as at the time of their joining the United Nations. My delegation agrees with this proposition, but it is clear from the findings of the Special Committee and from what I have stated

above that in 1955, when Portugal was admitted to membership, these territories fell within the ambit of Article 73 and Portugal was administering them, not in equal partnership, but for its own benefit, in spite of the abortive attempt of 1951 to escape the consequences of Chapter XI before becoming a Member of the United Nations. I would also add that when Portugal applied for membership, it undertook to be bound by the Charter and its basic principles, as interpreted by the General Assembly before and after the date of its admission, and the responsibilities and duties deriving therefrom.

80. With regard to the fifth argument, my delegation does not see how it can be contended that there was a change in the attitude of the General Assembly towards this question between 1956 and 1959. I have shown how resolution 1541 (XV) was the climax of a long process of interpretation, explanation and application of Article 73. It cannot be said that either that resolution or resolution 1542 (XV) was illegal or contrary to the principles of the Charter, as I have shown already; nor was the latter resolution discriminatory, because so many other administering countries have been faced with similar resolutions. Article 73 was interpreted by the General Assembly, not because the Government of Portugal chose to ignore it but because of the realities of the world situation and the provisions of the Charter, as was pointed out by the representative of India at the Committee's 1207th meeting, held during the sixteenth session.

81. Before I conclude, I should like to refer to certain findings of the Special Committee on Territories under Portuguese Administration. I would be failing in my duty if I did not pay a special tribute to the excellent work done by the Committee, in spite of the total lack of co-operation on the part of this Member State, and to the very thorough and comprehensive report that it has produced in spite of its numerous handicaps. Its report indicates certain disquieting features. Thus, the Committee has pointed out that Portugal might trigger off a chain reaction in Africa (see para. 288), that the massing of troops by Portugal has led to tension (see para. 299) and that arms are being supplied to it by Western sources, (see paras. 313 and 439). Other disturbing findings are that both in the political and in the economic fields Portugal's overseas policy denies the paramountcy of the interests of the inhabitants of the territories, but the economic development of the territories is being subjected to that of Portugal (see para. 324), that there is appropriation of indigenous lands by settlers (see para. 339), that there is no guarantee of just treatment and equality before the law (see para. 417), that the illiteracy rates are among the highest in the world (see para. 419), and that there is a growing exodus of refugees (see para. 432). As the Special Committee has pointed out, the situation is serious in these territories for two reasons: one is the deep feeling of dissatisfaction on the part of the people and the other is the determination on the part of this great Christian and civilized nation to suppress by force of arms in a most unchristian and uncivilized

manner all manifestations of political awareness by the people. In part four of its report, the Special Committee has made certain recommendations. A draft resolution based on these recommendations should be placed before the General Assembly.

82. My delegation refuses to accept Portugal's stand in this matter, in the face of General Assembly resolution 1542 (XV) and other resolutions. We have always condemned its attitude in this matter and will continue to do so, for we insist that General Assembly resolutions should be complied with, and that the legitimate aspirations of colonial people must not be frustrated.

83. As pointed out in *The Unholy Alliance*, by R. Ainslie, with reference to Angola, "the theory behind Portuguese Colonialism is that Portugal has a "civilising mission" and aims to raise the African peoples to a standard at which they will be considered worthy of the benefits of Portuguese citizenship. In the 1950 census, however, only 56,000 of the total African and coloured population were judged to be 'assimilado' or 'civilised'. Until recently, only the 'civilised' were entitled to the hollow privilege of a vote in Portuguese elections, but even now Salazar's much boasted concession of citizenship to the 'indigenas' (natives) applies only to the literate—and ninety-nine per cent of the Africans remain illiterate". This quotation fairly sums up the truth of the benefits of Portuguese rule in these so-called provinces. My country also had 135 years of Portuguese rule and is well aware of these "benefits" and is also aware of the exploitation of the indigenous people in its own history.

84. Mr. ARTEH (Somalia) suggested that the full text of the Ceylonese representative's statement should be circulated as a Committee document.

85. Mr. PROTITCH (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) drew attention to the fact that the text of the statement had already been distributed to the members of the Committee by the delegation of Ceylon. The Secretariat was facing a very serious problem over documents; it also had to comply with the provisions of General Assembly resolution 1272 (XIII) relating to the control and limitation of documentation. In all the circumstances, he felt that it would be most helpful if the Somali representative did not press his suggestion.

86. Mr. ACHKAR (Guinea) said that the statement was an important source of information to which members might wish to refer if the question was discussed again at the eighteenth session of the General Assembly. He wondered whether the full text could be included in the printed records of the Fourth Committee.

87. The CHAIRMAN indicated that, if there was no objection, and on the understanding that that was an exceptional procedure, the Guinean representative's suggestion would be followed.

*The Guinean representative's suggestion was adopted.*

The meeting rose at 6.5 p.m.