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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

Report of the Fourth Committee

Rapporteur: Mr. Antonio HOUAISS (Brazil)

1. At its 1018th plenary meeting on 27 September 1961, the General Assembly allocated to the Fourth Committee, inter alia, the following item on its agenda:

"79. 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" 1/

2. The General Assembly, in resolution 1542 (XV) of 15 December 1960, requested the Government of Portugal to transmit to the Secretary-General information, in accordance with the provisions of Chapter XI of the Charter, on the conditions prevailing in the Territories under its administration. The General Assembly also invited the Government of Portugal to participate in the work of the Committee on Information from Non-Self-Governing Territories in accordance with the terms of operative paragraph 2 of General Assembly resolution 1332 (XIII) of 12 December 1958.

3. At its twelfth session the Committee on Information from Non-Self-Governing Territories noted in its report^{2/} that the Government of Portugal had not transmitted the information as required under resolution 1542 (XV) and expressed regret at the absence of Portugal from the Committee on Information.

1/ This item was proposed to the General Assembly by India (A/4841).

2/ Official Records of the General Assembly, Sixteenth Session, Supplement No. 15 (A/4785), part One, section X.

4. The Committee considered this item from its 1192nd to 1209th meetings. At the 1192nd meeting, the representative of Guinea formally proposed that certain photographs in his possession relating to Angola be displayed before the Committee. The Committee adopted this proposal by a roll-call vote of 70 to none, with 4 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Australia, Austria, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Canada, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guinea, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast, Japan, Jordan, Lebanon, Liberia, Mali, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Philippines, Poland, Romania, Senegal, Sudan, Sweden, Syria, Togo, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: France, Portugal, South Africa, Spain.

5. At the 1193rd meeting the representative of Portugal requested that certain photographs pertaining to incidents in North Angola be made available to the Committee. These photographs were also displayed before the Committee.

6. At the 1203rd meeting a draft resolution (A/C.4/L.704) on the non-compliance of Portugal with Chapter XI of the Charter and General Assembly resolution 1542 (XV) was introduced by India on behalf of the co-sponsors, Afghanistan, Burma, Cambodia, Cameroun, Ceylon, Congo (Leopoldville), Cyprus, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Lebanon, Liberia, Libya, Mali, Morocco, Nepal, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Syria, Togo, Tunisia, United Arab Republic, Upper Volta and Yugoslavia. The Federation of Malaya, Saudi Arabia and Yemen later joined as co-sponsors (A/C.4/L.704/Add.1).

7. This draft resolution would have the General Assembly, inter alia, condemn the continuing non-compliance by the Government of Portugal with its obligations

under Chapter XI of the Charter and with the terms of General Assembly resolution 1542 (XV); decide to establish a special committee of seven Members to examine such information as is available concerning Territories under Portuguese administration, and to prepare a report for the consideration of the General Assembly "and any other body which the General Assembly may appoint to assist it in the implementation of resolution 1514 (XV)"; request the Secretary-General to prepare background papers on conditions in the territories under Portuguese administration; authorize the Committee to receive petitions and hear petitioners. The General Assembly would also request Member States to deny to Portugal any support and assistance, which may be used by it for the suppression of the peoples of its Non-Self-Governing Territories.

8. At the 1204th meeting, the Union of Soviet Socialist Republics submitted an amendment (A/C.4/L.705) to operative paragraph 3 of the draft resolution which would insert the words "as a matter of urgency" between the words "examine" and "within the context" (see text of draft resolution in paragraph 19).

9. The Committee considered the draft resolution at its 1203rd to 1207th meetings inclusive. It also had before it a statement by the Secretary-General on the financial implications of this draft resolution (A/C.4/L.706).

10. At the 1207th meeting the co-sponsors accepted the amendment proposed by the representative of the Union of Soviet Socialist Republics.

11. At the same meeting the representative of the United States asked for separate votes on: (a) operative paragraph 1; (b) the word "Condemns" in operative paragraph 1; and (c) operative paragraph 8 of the draft resolution. The representative of the United Kingdom requested a separate vote on operative paragraph 5.

12. The Committee rejected the motion for a division of the vote by a roll-call vote of 52 to 27, with 5 abstentions. The voting was as follows:

In favour: Australia, Austria, Belgium, Brazil, Canada, China, Colombia, Denmark, Finland, France, Greece, Italy, Japan, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Portugal, South Africa, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Central African Republic, Ceylon, Chile, Congo (Leopoldville), Cuba, Czechoslovakia, Ethiopia, Federation of Malaya, Ghana, Guatemala, Guinea, Hungary, India, Indonesia, Iraq, Israel, Ivory Coast, Jordan, Lebanon, Liberia, Libya, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Philippines, Poland, Romania, Saudi Arabia, Senegal, Somalia, Sudan, Syria, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Venezuela, Yemen, Yugoslavia.

Abstaining: Argentina, Cyprus, Iran, Ireland, Thailand.

13. The draft resolution, as a whole, as revised (A/C.4/L.704/Rev.1 and Rev.1/Corr.1, English only), was adopted by a roll-call vote of 83 to 3, with 2 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ethiopia, Federation of Malaya, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Lebanon, Liberia, Libya, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Saudi Arabia, Senegal, Somalia, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Portugal, South Africa, Spain.

Abstaining: Bolivia, France.

14. The text as approved by the Committee appears in paragraph 19 of the present report.

15. At the 1208th meeting the Committee considered the request of the representative of Senegal, made at the 1202nd meeting that a hearing be granted to two inhabitants of Portuguese Guinea (A/C.4/504).

16. Many representatives stated that there was nothing in the United Nations Charter to prevent the Committee from hearing petitions from inhabitants of Non-Self-Governing Territories. They added that the hearing of petitioners would follow logically from the adoption of the draft resolution by the Committee at its 1207th meeting; the Fourth Committee was entitled to take the same action which it had authorized its subsidiary body to take. Other representatives stated that they were in favour of the proposal made by the representative of Senegal because the inhabitants came from a Territory on which no information had been transmitted. They added that their agreement should not be considered as setting a precedent. The request of the representative of Senegal was approved by a roll-call vote of 78 to 5, with 1 abstention. The voting was as follows:

In favour: Afghanistan, Albania, Argentina, Australia, Austria, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Lebanon, Liberia, Libya, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: France, Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Belgium.

17. The representative of Portugal informed the Committee that he would not take part in the work of the Committee when it heard the two inhabitants of Portuguese Guinea.

18. Mr. Henri Labery, representing the Mouvement de Libération de la Guinée et du Cap-Vert, made a statement on behalf of Mr. Jean Ko Gomis and himself (A/C.4/505). He answered questions asked by many representatives.

RECOMMENDATION OF THE FOURTH COMMITTEE

19. The Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

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

The General Assembly,

Recalling that by resolution 1542 (XV) of 15 December 1960 it declared that there is an obligation on the part of the Government of Portugal to transmit information under Chapter XI of the Charter of the United Nations concerning Non-Self-Governing Territories under its administration and that this obligation should be discharged without further delay,

Noting with deep regret that the Government of Portugal has refused and still continues to refuse to submit information on her Non-Self-Governing Territories or to participate in the work of the Committee on Information from Non-Self-Governing Territories, as called for by General Assembly resolution 1542 (XV) and Chapter XI of the Charter,

Recalling further the principles set forth in General Assembly resolution 1514 (XV) entitled the Declaration on the granting of independence to colonial countries and peoples,

Considering that the provisions of the said Declaration and any decision of the General Assembly concerning the implementation thereof are fully applicable to the Territories under Portuguese administration equally with other Non-Self-Governing Territories,

Noting the continuing deterioration in the situation in the Territories under Portuguese administration,