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QUESTION OF TERRITORIES UNDER PORTUGUESE ADMINISTRATION

Report of the Fourth Committee

Rapporteur: Mr. Ivan G. GARVALOV (Bulgaria)

1. At its 2123rd plenary meeting, on 21 September 1973, the General Assembly on the recommendation of the General Committee (A/9200), decided to include in the agenda of its twenty-eighth session an item entitled:

"Question of Territories under Portuguese administration:

(a) Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Report of the Secretary-General",

and to allocate it to the Fourth Committee for consideration and report.

2. At its 2026th meeting, on 24 September, the Fourth Committee decided to give priority to the item.

3. The Fourth Committee considered the question of Territories under Portuguese administration at its 2027th to 2036th, 2055th to 2058th and 2060th meetings, between 27 September and 15 November.

4. At the 2027th meeting, on 27 September, the Rapporteur of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples introduced chapter IX of the report of that Committee (A/9023/Add.3), relating to the item.

5. In connexion with its consideration of the item, the Fourth Committee had before it the report submitted by the Secretary-General (A/9132 and Add.1 and 2) in pursuance of paragraph 8 of General Assembly resolution 2918 (XXVII) of

14 November 1972. The Committee also had before it the report submitted by the Secretary-General (A/9061) in pursuance of paragraph 2 of General Assembly resolution 2910 (XXVII) of 2 November 1972, which related, inter alia, to the item. In addition, the Committee had before it the following documents:

(a) Communications from Portugal dated 15 February, 28 March, 18 June, 12 July, 17 October and 5 November 1973 (A/9048, A/9053, A/9079, A/9089, A/C.4/766, A/C.4/768);

(b) Letter from Ghana dated 20 July 1973 (A/9099);

(c) Communications from Zambia dated 24 and 30 July 1973 (A/9111, A/9113).

Further, the Committee had before it two letters addressed to the Chairman of the Fourth Committee by the Chairman of the Special Committee: one dated 8 October 1973 (A/C.4/763), containing the text of a communication from the Holy See in connexion with a consensus adopted by the Special Committee on 20 July 1973 (A/9023/Add.3, chap. IX, para. 27), and the other dated 2 November 1973 (A/C.4/767), containing the text of a communiqué issued by the Frente de Libertação de Moçambique (FRELIMO) concerning recent developments in Mozambique. The Committee also had before it a letter dated 28 June 1973, addressed to the Permanent Representative of Portugal to the United Nations by the Secretary-General (A/9085).

6. At its 2027th meeting, on 27 September, the Fourth Committee decided to circulate as an official document the text of a telegram dated 27 September 1973 (A/C.4/760), from the Secretary-General of the Partido Africano da Independência da Guiné e Cabo Verde (PAIGC) to the Chairman of the Special Committee, informing the latter that the First Popular National Assembly of Guinea-Bissau had proclaimed the independence and sovereignty of the Republic of Guinea-Bissau.

7. During the consideration of the item, the following representatives of national liberation movements participated in an observer capacity in the proceedings of the Fourth Committee, in accordance with the related decision taken by the General Assembly at its 2139th plenary meeting, on 3 October, on the recommendation of the Fourth Committee (A/9174):

Frente Nacional para a Libertação de
Angola (FNLA)

Mr. Mangali Tula

Frente de Libertação de Moçambique
(FRELIMO)

Mr. Sharfudine Khan

8. At its 2027th meeting, the Fourth Committee also decided to accede to the request of FNLA to exhibit photographs relating to its liberation struggle. At the 2028th meeting, on 1 October, Mr. Mangali Tula made a statement. At the 2055th meeting, on 7 November, Mr. Sharfudine Khan made a statement.

9. At its 2037th meeting, on 12 October, the Fourth Committee granted a request for hearing relating, inter alia, to the item, submitted by Mr. Romesh Chandra, Secretary-General of the World Peace Council (WPC) (A/C.4/764). At the 2060th meeting, on 15 November, statements were made by Mr. Chandra, Mr. Gordon Schaffer and Mr. Emilson Randriamiasinoro of WPC.

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10. The general debate on the item took place at the 2028th to 2036th meetings, between 1 and 10 October.

11. At the 2055th meeting, on 7 November, the representatives of Kenya, Iraq and Madagascar introduced a draft resolution (A/C.4/L.1034/Rev.1), which was sponsored by the following Member States: Afghanistan, Algeria, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Congo, Cuba, Czechoslovakia, Dahomey, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, Gabon, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Liberia, Madagascar, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire and Zambia. Subsequently, the Gambia, Jamaica, Oman and the United Arab Emirates became sponsors of the draft resolution.

12. At the same meeting, the representatives of Sweden, Mexico and the Sudan introduced a draft resolution (A/C.4/L.1035), which was finally sponsored by the following Member States: Argentina, Australia, Belgium, Denmark, Fiji, Finland, Iceland, Ireland, Mexico, Netherlands, New Zealand, Norway, Peru, Sierra Leone, Sudan and Sweden.

13. At the 2056th meeting, on 7 November, the representative of the Libyan Arab Republic submitted an amendment (A/C.4/L.1036) to the draft resolution referred to in paragraph 11 above, by which, in operative paragraph 1, the words "by all ways and means at their disposal" would be inserted after the words "the legitimacy of their struggle".

14. At the 2057th meeting, on 9 November, the sponsors of the draft resolution referred to in paragraph 11 above submitted a revised draft resolution (A/C.4/L.1034/Rev.2), in which:

(a) The fourth preambular paragraph, which read:

"Having heard the statement of the representative of the Frente Nacional para a Libertação de Angola who participated in an observer capacity in the Fourth Committee's consideration of the item, in accordance with the decision taken by the General Assembly at its 2139th plenary meeting, on 3 October 1973,"

was replaced by the following text:

"Having heard the statements of the representatives of the Frente Nacional para a Libertação de Angola and the Frente de Libertação de Moçambique who participated in an observer capacity in the Fourth Committee's consideration of the item, in accordance with the decision taken by the General Assembly at its 2139th plenary meeting, on 3 October 1973,"

(b) In operative paragraph 5, the words "prison camps and treatment of prisoners" were replaced by the words "prisoner of war camps and treatment of prisoners of war".

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15. At the same meeting, the Chairman drew attention to a statement by the Secretary-General (A/C.4/L.1037) concerning the administrative and financial implications of the recommendation contained in the draft resolution referred to in paragraph 12 above (A/C.4/L.1035).

16. At the same meeting, the Fourth Committee voted on the above proposals as follows:

(a) The amendment submitted by the Libyan Arab Republic (A/C.4/L.1036) to the revised draft resolution (A/C.4/L.1034/Rev.2) was adopted by a roll-call vote of 61 to 31, with 27 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, China, Congo, Cuba, Czechoslovakia, Democratic Yemen, Egypt, Gabon, German Democratic Republic, Guinea, Hungary, India, Iraq, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Oman, Pakistan, Panama, Peru, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Against: Austria, Belgium, Bolivia, Brazil, Canada, Costa Rica, Dahomey, Denmark, Fiji, Finland, France, Germany (Federal Republic of), Iceland, Ireland, Israel, Italy, Japan, Khmer Republic, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Portugal, Sierra Leone, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Australia, Bhutan, Botswana, Cameroon, Colombia, Cyprus, Ecuador, El Salvador, Gambia, Greece, Guatemala, Guyana, Haiti, Honduras, Indonesia, Ivory Coast, Jamaica, Malawi, Malaysia, Mexico, Nigeria, Philippines, Singapore, Swaziland, Thailand, Trinidad and Tobago, Turkey.

(b) The revised draft resolution referred to in paragraph 11 above (A/C.4/L.1034/Rev.2), as amended, was adopted by a roll-call vote of 102 to 6, with 16 abstentions (see paragraph 17 below, draft resolution I). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guyana, Haiti, Hungary, Iceland,

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India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Kenya, Khmer Republic, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Brazil, France, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Belgium, Bolivia, Chile, Costa Rica, El Salvador, Germany (Federal Republic of), Guatemala, Honduras, Israel, Italy, Japan, Luxembourg, Malawi, Nicaragua, Uruguay.

(c) The draft resolution referred to in paragraph 12 above (A/C.4/L.1035) was adopted by a roll-call vote of 103 to 3, with 16 abstentions (see paragraph 17 below, draft resolution II). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Bhutan, Botswana, Burma, Burundi, Canada, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Dahomey, Democratic Yemen, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, Germany (Federal Republic of), Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Kenya, Khmer Republic, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Peru, Philippines, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Portugal, Spain, United States of America.

Abstaining: Bolivia, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Congo, Czechoslovakia, France, German Democratic Republic, Guatemala, Hungary, Mali, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

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RECOMMENDATIONS OF THE FOURTH COMMITTEE

17. The Fourth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Question of Territories under Portuguese administration

The General Assembly,

Having considered the question of Territories under Portuguese domination,

Having examined the relevant chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 1/ including in particular the views expressed by the representatives of the national liberation movements of the Territories concerned who participated as observers in the relevant proceedings of the Special Committee, 2/

Having examined the report of the Secretary-General concerning the present item, 3/

Having heard the statements of the representatives of the Frente Nacional para a Libertação de Angola and the Frente de Libertação de Moçambique who participated in an observer capacity in the Fourth Committee's consideration of the item, 4/ in accordance with the decision taken by the General Assembly at its 2139th plenary meeting, on 3 October 1973,

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and its resolution 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration, as well as all other resolutions relating to the question of Territories under Portuguese domination adopted by the General Assembly, the Security Council and the Special Committee,

Recalling in particular the provisions of its resolution 2918 (XXVII) of 14 November 1972 and Security Council resolution 322 (1972) of 22 November 1972, in which the Government of Portugal was called upon, inter alia, to enter into negotiations with the parties concerned, with a view to achieving a solution to the armed confrontation that exists in the African Territories under its domination and permitting the peoples of those Territories to exercise freely their right to self-determination and independence, and deeply deploring the refusal of that Government to comply with those provisions,

1/ A/9023 (parts I and III-V), chaps. I and IV to VI, and A/9023/Add.3, chap. IX.

2/ A/AC.109/PV.915 and Corr.1, 917, 920, 921 and 929.

3/ A/9132 and Add.1 and 2.

4/ See A/C.4/SR.2028 and 2055.

Taking into consideration the programme of action adopted at the International Conference of Experts for the Support of Victims of Colonialism and Apartheid in Southern Africa, held at Oslo from 9 to 14 April 1973, 5/

Bearing in mind the Declaration on Territories under Portuguese domination, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its tenth ordinary session,

Condemning the continued collaboration of Portugal, South Africa and the illegal racist minority régime in Southern Rhodesia, designed to perpetuate colonialist and racialist domination in the region, and the persistent intervention against the peoples of the Territories concerned by police and armed forces, as well as by mercenaries from South Africa and Southern Rhodesia,

Condemning the repeated acts of aggression committed by the armed forces of Portugal against independent African States, which constitutes a violation of the sovereignty and territorial integrity of those States and seriously disturbs international peace and security in the African continent, as reaffirmed in Security Council resolution 312 (1972) of 4 February 1972,

Condemning any attempt by Portugal to place any of the facilities in the Territories under its domination at the disposal of the North Atlantic Treaty Organization or any of its members on a bilateral basis for military purposes,

Strongly deploring the policies of those States, particularly some of the military allies of Portugal which, in defiance of repeated requests addressed to them by the United Nations, continue to provide Portugal with military and other assistance both within the context of the North Atlantic Treaty Organization and bilaterally, without which Portugal could not pursue its policies of colonial domination and oppression of the peoples of Angola and Mozambique,

Deeply disturbed by the intensified activities of those foreign economic, financial and other interests which, contrary to the relevant resolutions of the General Assembly, are assisting Portugal in its colonial wars and obstructing the realization by the peoples of Territories under Portuguese domination of their legitimate aspirations for freedom and independence,

Taking note with appreciation of the concrete programmes of assistance being extended to the national liberation movements of those Territories by a number of Governments, as well as those initiated by organizations within the United Nations system and several non-governmental organizations,

Noting with satisfaction the progress towards national independence and freedom being made by the national liberation movements in those Territories, both through their struggle and through reconstruction programmes, particularly in the liberated areas of Angola and Mozambique,

Noting also with satisfaction the intention of the Special Committee to send a visiting mission to the liberated areas of Angola and Mozambique,

1. Reaffirms the inalienable right of the peoples of Angola and Mozambique and other Territories under Portuguese domination to self-determination and independence, as recognized by the General Assembly in its resolution 1514 (XV), and the legitimacy of their struggle by all ways and means at their disposal, to achieve that right;

2. Reaffirms that the national liberation movements of Angola and Mozambique are the authentic representatives of the true aspirations of the peoples of those Territories and recommends that, pending the accession of those Territories to independence, all Governments, the specialized agencies and other organizations within the United Nations system and the United Nations bodies concerned should, when dealing with matters pertaining to the Territories, ensure the representation of those Territories by the liberation movements concerned in an appropriate capacity and in consultation with the Organization of African Unity;

3. Condemns in the strongest possible terms the persistent refusal of the Government of Portugal to comply with the provisions of the relevant resolutions of the United Nations and, in particular, the intensified armed repression by Portugal of the peoples of the Territories under its domination, including the brutal massacre of villagers, the mass destruction of villages and property and the ruthless use of napalm and chemical substances, in order to stifle the legitimate aspirations of those peoples for freedom and independence;

4. Demands that the Government of Portugal should cease forthwith its colonial wars and all acts of repression against the peoples of Angola and Mozambique, withdraw its military and other forces and discontinue all practices which violate the inalienable rights of those populations, including the eviction from their homes and the regrouping of the African populations in aldeamentos and the settlement of foreign immigrants in the Territories;

5. Demands that the Government of Portugal treat the freedom fighters of Angola and Mozambique captured during the struggle for freedom as prisoners of war in accordance with the principles of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 6/ and, in that connexion, invites the International Committee of the Red Cross to continue to maintain close contact with the liberation movements, as the parties to the conflict, to provide reports on conditions in prisoner of war camps and treatment of prisoners of war detained by Portugal and to make the necessary arrangements to secure the exchange of prisoners of war;

6. Appeals to all Governments, the specialized agencies and other organizations within the United Nations system and non-governmental organizations to render to the peoples of Angola, Mozambique and other Territories under Portuguese domination, in particular the populations in the liberated areas of those Territories, all the moral, material and economic assistance necessary to continue their struggle for the achievement of their inalienable right to freedom and independence;

6/ United Nations, Treaty Series, vol. 75, No. 972, p. 135.

7. Urges all Governments, particularly those members of the North Atlantic Treaty Organization which continue to render assistance to Portugal, to withdraw any assistance that enables Portugal to prosecute the colonial war in Angola and Mozambique, and to prevent the sale or supply of all arms and military matériel to Portugal, including civil aircraft, ships and other means of transport capable of being used for transporting military matériel and personnel, as well as supplies, equipment and material for the manufacture or maintenance of weapons and ammunition that it uses to perpetuate its colonial domination in Africa;

8. Appeals to all States to refrain from any collaboration with Portugal involving the use of any of the Territories under its domination for military purposes;

9. Calls upon all States to take forthwith all possible measures:

(a) To put an end to any activities that help to exploit the Territories under Portuguese domination and the peoples therein;

(b) To discourage their nationals and bodies corporate under their jurisdiction from entering into any transactions or arrangements that contribute to Portugal's domination over those Territories;

(c) To exclude Portugal from taking part on behalf of Angola and Mozambique in any bilateral or multilateral treaties or agreements relating particularly to external trade in the products of these Territories;

10. Draws the attention of the Security Council, having regard to the explosive situation resulting from the policies of Portugal in the colonial Territories under its domination and from its constant provocations against the independent African States bordering those Territories, and in the light of the outright disregard by Portugal of the relevant resolutions of the United Nations, particularly Security Council resolutions 312 (1972) and 322 (1972), to the urgent need for taking, as a matter of priority, all effective steps with a view to securing the full and speedy implementation of General Assembly resolution 1514 (XV) and of the related decisions of the United Nations;

11. Requests the Secretary-General to follow the implementation of the present resolution and to report thereon to the General Assembly at its twenty-ninth session;

12. Invites the Secretary-General, bearing in mind the urgent need for mobilizing world public opinion against the criminal war of repression being waged by the Government of Portugal against the peoples of the Territories under its domination, to continue to take effective and concrete measures through all the media at his disposal to give widespread and continuous publicity to the critical situation obtaining in these Territories and the heroic struggle of their peoples towards freedom and independence;

13. Decides to keep the situation in these Territories under continuous review and to include in the agenda of its twenty-ninth session an item entitled "Question of Territories under Portuguese domination".

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DRAFT RESOLUTION II

Establishment of a commission of inquiry

The General Assembly,

Deeply disturbed by the reported massacres in Mozambique,

Recalling the consensus adopted on 20 July 1973 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to colonial Countries and Peoples, 7/ in which the Special Committee stressed that the Government of Portugal must allow a thorough and impartial investigation of the reported atrocities,

Convinced of the urgent need for such an international investigation,

1. Decides to establish a representative commission of inquiry consisting of five members to be appointed by the President of the General Assembly after due consultations with Member States;

2. Instructs the commission of inquiry to carry out an investigation of the reported atrocities, to gather information from all relevant sources, to solicit the co-operation and assistance of the national liberation movement and to report its findings to the General Assembly as soon as possible;

3. Requests the Government of Portugal to co-operate with the commission of inquiry and to grant it all necessary facilities to enable it to carry out its mandate.

7/ A/9023/Add.3, chap. IX, para. 27.