

SITUATION IN TERRITORIES IN AFRICA UNDER PORTUGUESE ADMINISTRATION

INITIAL PROCEEDINGS

By letter^{557/} dated 11 July 1963, the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta requested the President of the Security Council to convene an urgent meeting of the Council to consider "the situation in the territories under Portuguese domination".

The letter declared that:

"the state of war prevailing in some of these territories following the persistent refusal of Portugal to comply with the provisions of resolution 1514 (XV) of the General Assembly of the United Nations and particularly those contained in the resolution of the Security Council dated 9 June 1961, constitutes a definite breach of peace and security in the African continent as well as a threat to international peace and security."

The "extreme gravity" of the situation thus created had been a matter of deep concern to the Heads of State at the Conference of Addis Ababa (22-25 May 1963) who adopted a resolution the relevant provisions of which were quoted in an explanatory memorandum attached to the letter.

In the explanatory memorandum it was stated that, "in view of the failure of the Government of Portugal to co-operate with the Sub-Committee [on the situation in Angola] and to carry out the resolutions of the Security Council and the General Assembly", the General Assembly had adopted resolutions 1807 (XVII) and 1819 (XVII) which included a request to the Security Council "to take appropriate measures, including sanctions, to secure Portugal's compliance" with the respective resolutions of the General Assembly and of the Security Council. The Government of Portugal, however, had continued "its repressive measures and use of armed force against the indigenous population of these territories". The memorandum referred further to the decision of the Security Council of 24 April 1963^{558/} deploring violations of Senegalese territory, and to the Portuguese Government's rejection of the recent invitation 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 (Committee of Twenty-Four) to attend its meeting, and its refusal to receive a sub-committee of that organ to hold consultations with it. In those circumstances, the Special Committee had adopted a resolution on 4 April 1963 drawing the immediate attention of the Security Council to the situation in the territories under Portuguese administration with a view to its taking appropriate measures, including

sanctions, as provided in General Assembly resolutions 1807 (XVII) and 1819 (XVII). The explanatory memorandum concluded by quoting the relevant provisions of the resolution on decolonization adopted at the Addis Ababa Conference. Among these was a decision to send a delegation of Ministers of Foreign Affairs (of Liberia, Madagascar, Sierra Leone and Tunisia) to speak on behalf of all African States at the meeting of the Security Council which would be convened to examine the report of the Committee of Twenty-Four concerning "the situation in African territories under Portuguese domination".

At the 1040th meeting on 22 July 1963, the Security Council included the question in its agenda.^{559/} The President (Morocco) invited the representatives of Liberia, Madagascar, Portugal, Sierra Leone and Tunisia to participate in the discussion.^{560/} The Council considered the question at the 1040th to 1049th meetings held between 22 and 31 July 1963.

Decision of 31 July 1963 (1049th meeting):

- (i) *Affirming that Portugal's claim to the African territories under its administration as an integral part of metropolitan Portugal was contrary to the principles of the Charter and relevant resolutions of the General Assembly and the Security Council;*
- (ii) *Deprecating the attitude of the Portuguese Government, its repeated violations of the principles of the Charter and its continued refusal to implement the resolutions of the General Assembly and the Security Council;*
- (iii) *Determining that the situation in the territories under Portuguese administration was seriously disturbing peace and security in Africa;*
- (iv) *Urgently calling upon Portugal to implement certain stated measures, including the recognition of the right of the peoples of the territories under its administration to self-determination and eventually to grant independence to all those territories;*
- (v) *Requesting all States to refrain from offering the Portuguese Government any assistance which would enable it to continue its repression of the peoples of the territories under its administration, and to take all measures to prevent the sale of arms and military equipment to the Portuguese Government.*
- (vi) *Requesting the Secretary-General to ensure the implementation of the resolution, to furnish such assistance as he deemed necessary and to report to the Security Council by 31 October 1963*

The Foreign Ministers of Liberia*, Sierra Leone* and Tunisia*, and the Finance Minister of Madagascar*, speaking at the 1040th and 1041st meetings "as representatives of all the independent States of Africa under indigenous rule", stated that under General Assembly resolution 1542 (XV) and in the light of the provisions of the Charter, the territories under the administration of Portugal listed in that resolution were Non-Self-Governing Territories within the meaning of Chapter XI of the Charter. It fol-

^{557/} S/5347, O.R., 18th year, Suppl. for July-Sept. 1963, pp. 6-10.

^{558/} Resolution S/5293, see pp. 205-206 above.

^{559/} 1040th meeting: para. 6.

^{560/} 1040th meeting: para. 7.

lowed from the text of the resolution that the United Nations considered the so-called "overseas" territories not to be an integral part of Portugal.

The representatives of the African Heads of State and Governments were before the Security Council to request that it take action to ensure greater respect for, and compliance with, the resolutions already passed by the United Nations on the Portuguese-administered territories even if it meant the imposition of sanctions against Portugal. The refusal of the Government of Portugal to recognize the right of the African peoples under Portuguese domination to self-determination and to see that right extended to territories under its responsibility was the direct cause of the bloody conflict which had erupted inside those colonies and which had overflowed their frontiers and threatened neighbouring countries. This already dangerous situation had become explosive and constituted a threat to international peace and security, as the resolutions of 9 June 1961 and 24 April 1963^{561/} had indicated. The situation which was considered by the Security Council in its resolution of 9 June 1961 as likely to endanger the maintenance of international peace and security had thus become a serious threat to peace. This threat was mainly due to the constant increase by the Portuguese Government of its military potential in the colonial territories, notably in Angola and in Portuguese Guinea.

The measures adopted by the Security Council in its resolution of 9 June 1961 were provisional measures, and non-compliance with them constituted premeditated dereliction on the part of a Member State.

It was necessary for the Council to ask the Government of Portugal to decide, within a reasonably short time, to renounce its theory of the extension of Portugal into Africa, and to recognize the inalienable rights of the people of Angola, Mozambique and Portuguese Guinea to self-determination. If this assurance was not forthcoming, the Security Council would be asked to call upon all Member States to enforce economic and diplomatic sanctions against Portugal, and, if necessary, to consider further action under appropriate provisions of the Charter.^{562/}

The Foreign Minister of Portugal* stated in reply at the 1042nd meeting that Portugal considered the resolutions concerning information on Portuguese territories to be illegal. With regard to the allegation that it was a "fiction" to call the Portuguese territories "overseas provinces", he stated that the first Portuguese law using the words "overseas provinces" dated back to 1612 and the same conception was used in a law adopted in 1633. The same terminology was also used in the constitutions of 1822, of 1832, of 1911, and of 1933. The conflict in the north of Angola had been instigated and organized from outside in the early months of 1961. After directing attention particularly to the violence in northern Angola, and the part played by the Republic of the Congo (Leopoldville) in aiding and encouraging

this violence, he inquired whether it was lawful for Members of the United Nations to provide military camps, to train foreign guerillas, to send volunteers and to supply arms to be used against a fellow Member. He maintained that the very foundation of Portuguese policy was its opposition to policies of racial supremacy or segregation, and its aim was an integrated multiracial society with equal political rights, educational opportunities, and economic and social possibilities for all. From September 1963 through the beginning of 1964, elections to representative bodies were to be held on the basis of the Organic Law adopted in 1963, thus assuring the widest participation in the Portuguese political and administrative structure. In connexion with statements to the effect that the Portuguese Government had always refused to co-operate with the United Nations, the Minister referred to its specific invitations for visits and suggestions for conversations with the African countries for the consideration of African problems. However, no response had been received. In conclusion, he addressed a personal invitation to the Foreign Ministers of Tunisia, Liberia and Sierra Leone and the Finance Minister of Madagascar to visit Angola and Mozambique, each Minister at his convenience, as a guest of Portugal.^{563/}

At the 1044th meeting on 26 July 1963, the representative of Ghana introduced a draft resolution^{564/} jointly submitted with Morocco and the Philippines.

At the 1048th meeting on 30 July 1963, the representative of Venezuela submitted amendments^{565/} to the three-Power joint draft resolution, which at the 1049th meeting were accepted^{566/} by its sponsors.

At the same meeting the joint draft resolution was adopted, as amended, by 8 votes in favour and none against, with 3 abstentions.^{567/}

The resolution^{568/} read:

"The Security Council,

"Having examined the situation in the Territories under Portuguese Administration as submitted by the thirty-two African Member States,

"Recalling the Security Council resolution of 9 June 1961 and General Assembly resolutions 1807 (XVII) of 14 December 1962 and 1819 (XVII) of 18 December 1962.

"Recalling General Assembly resolution 1542 (XV) of 15 December 1960 which declared the Territories under Portuguese administration to be Non-Self-Governing Territories within the meaning of Chapter XI of the United Nations Charter, as well as resolution 1514 (XV) of 14 December 1960, by which the General Assembly declared *inter alia* that immediate steps be taken to transfer all powers to the peoples of these Territories, without any conditions or reservations, in accordance with their freely expressed wishes, without distinctions as to

^{561/} Resolutions S/4835 and S/5293, see pp. 191 and 205.

^{562/} For texts of relevant statements, see:

1040th meeting: Liberia*, paras. 15-88; Tunisia*, paras. 90-128;

1041st meeting: Madagascar*, paras. 2-9, 11-17, 19-21; Sierra Leone*, paras. 23-34.

^{563/} 1042nd meeting: paras. 3-60.

^{564/} S/5372, 1044th meeting: para. 4.

^{565/} S/5379, 1049th meeting: para. 21.

^{566/} 1049th meeting: paras. 4-7.

^{567/} 1049th meeting: para. 17.

^{568/} S/5380, O.R., 18th year, Suppl. for July-Sept. 1963, pp. 63-64.

race, creed or colour in order to enable them to enjoy complete freedom and independence,

"1. Confirms resolution 1514 (XV) of the General Assembly;

"2. Affirms that the policies of Portugal in claiming the Territories under its administration as 'overseas' territories and as integral parts of metropolitan Portugal are contrary to the principles of the Charter and the relevant resolutions of the General Assembly and the Security Council;

"3. Deprecates the attitude of the Portuguese Government, its repeated violations of the principles of the Charter and its continued refusal to implement the resolutions of the General Assembly and of the Security Council;

"4. Determines that the situation in the Territories under Portuguese administration is seriously disturbing peace and security in Africa;

"5. Urgently calls upon Portugal to implement the following:

"(a) The immediate recognition of the right of the peoples of the Territories under its administration to self-determination and independence,

"(b) The immediate cessation of all acts of repression and the withdrawal of all military and other forces at present employed for that purpose,

"(c) The promulgation of an unconditional political amnesty and the establishment of conditions that will allow the free functioning of political parties,

"(d) Negotiations, on the basis of the recognition of the right to self-determination, with the authorized representatives of the political parties within and outside the Territories with a view to the transfer of power to political institutions freely elected and representative of the peoples, in accordance with resolution 1514 (XV),

"(e) The granting of independence immediately thereafter to all the Territories under its administration in accordance with the aspirations of the peoples;

"6. Requests that all States should refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the peoples of the Territories under its administration, and take all measures to prevent the sale and supply of arms and military equipment for this purpose to the Portuguese Government;

"7. Requests the Secretary-General to ensure the implementation of the provisions of this resolution, to furnish such assistance as he may deem necessary and to report to the Security Council by 31 October 1963."

Decision of 11 December 1963 (1083rd meeting):

(i) *Calling upon all States to comply with paragraph 6 of the Security Council's resolution of 31 July 1963;*

(ii) *Deprecating the non-compliance of the Government of Portugal with the Council resolution of 31 July 1963;*

(iii) *Reaffirming the interpretation of self-determination as laid down in General Assembly resolution 1514 (XV);*

(iv) *Requesting the Secretary-General to continue his efforts and to report to the Council not later than 1 June 1964*

On 13 November 1963, the representatives of Algeria, Burundi, Cameroon, Central African Republic, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta addressed a letter^{569/} to the President of the Security Council requesting him to convene the Council at an early date, to consider the report^{570/} submitted by the Secretary-General. With reference to operative paragraph 5 of resolution S/5380, it was stated that since the measures provided for therein "... have not been implemented, it is essential that the Security Council consider further appropriate measures" to ensure the implementation of the Council resolution of 31 July 1963.

At the 1079th meeting on 6 December 1963, the Security Council resumed its consideration of the item. The President (United States) invited the representatives of Madagascar, Tunisia, Portugal, Liberia and Sierra Leone, who had requested to be heard, to participate in the discussion.^{571/} The President also called the attention of members of the Council to a letter^{572/} dated 3 December 1963 from the President of the General Assembly transmitting the text of General Assembly resolution 1913 (XVIII) concerning the question of the territories in Africa under Portuguese administration. The Council continued its consideration of the question at the 1079th to 1083rd meetings held between 6 and 11 December 1963.

At the 1079th and 1080th meetings, the representatives of Liberia*, Tunisia*, Madagascar* and Sierra Leone* observed that the Secretary-General had referred in his report to the exploratory contacts initiated by him, in which nine African States participated on one side, and Portugal on the other. These conversations in the private office and in the presence of the Secretary-General had centred mainly on the clarification by the representative of Portugal of his Government's concept of "self-determination". The talks had failed because of lack of agreement on this issue. Although pretending to recognize the right of self-determination to peoples under its domination, the Portuguese Government denied them the essential alternative of deciding on independence from foreign

^{569/} S/5460, O.R., 18th year, Suppl. for Oct.-Dec. 1963, pp. 94-95.

^{570/} In accordance with the provision in paragraph 7 of the Council resolution S/5380 of 31 July 1963, on 31 October 1963 the Secretary-General submitted to the Security Council a report (S/5448, O.R., 18th year, Suppl. for Oct.-Dec. 1963, pp. 53-82) on the implementation of this resolution. Three addenda were subsequently circulated as additional Member States communicated information concerning action taken or proposed to be taken by their Governments in the context of the resolution (^{ibid.}, pp. 82-86).

^{571/} 1079th meeting: paras. 1-2.

^{572/} S/5470, O.R., 18th year, Suppl. for Oct.-Dec. 1963, p. 103; 1079th meeting: para. 5.

sovereignty,^{573/} thus denying them that right. The representatives stated further that, even after the adoption by the Security Council of its resolution of 31 July 1963, Portugal had not recognized the right of self-determination and independence, a political amnesty had not been promulgated in the African territories under its administration and no negotiations had been undertaken with authorized representatives of the political parties within and outside the territories, which was essential if unrest in those territories was to cease and a dangerous situation was to be averted. Therefore, the situation in those territories, which had already been considered in the past as seriously threatening international peace and security, had not changed for the better since the last debate in the Security Council and had even seriously worsened since then. As far as the Africans were concerned, there could be no constructive and realistic dialogue with Portugal except within the framework of General Assembly resolution 1514 (XV) and Security Council resolution S/5380 of 31 July 1963. Conditions should be established for direct negotiations between Portugal and the genuine representatives of the African populations under its administration with a view to their accession to independence. In conclusion, the representatives called upon the Council to express again, in unequivocal terms, what was meant by the term "self-determination". The Council should reaffirm its resolution of 31 July 1963 to ensure its full implementation. It should also ask all States to put an end immediately to the dispatch of arms which were being used against the patriots of the territories in Africa under Portuguese dependence. Finally, the Secretary-General should again be requested to do everything he could to bring about Portugal's full compliance with the terms of the Council's resolution of 31 July 1963.^{574/}

At the 1081st meeting on 9 December 1963, the representative of Portugal* stated that during the debate the African representatives had dealt mostly in abstract terms with theoretical and political problems such as the interpretation of the principle of self-determination. The Council, however, under the Charter, had to deal with concrete questions of peace and security. Otherwise, the whole structure of the United Nations would have to be revised and, in fact, the solution of political problems would be shifted from the General Assembly to the Security Council. The question before the Council was outside its competence and no proof was furnished that it constituted a threat to peace. The representative of Portugal stated further that the conversations held with the African representatives might be divided into three different chapters: first, investigation of conditions prevailing in Portuguese overseas territories; secondly, questions relating to peace and security; and thirdly, political problems. The African representatives who participated in the talks, however, had not shown any interest whatsoever in informing

themselves either on the economic, social, educational and political conditions existing in the Portuguese overseas territories or on questions of peace and security. Having, therefore, declined to examine such questions, they had no right to come before the Security Council and make accusations against Portugal. He recalled further that only a short time before the Council had adopted a resolution,^{575/} in accordance with the wishes of several African delegations, calling on a Member State to establish a multi-racial society, with the United Nations being ready to extend a helping hand. However, these same delegations were now opposing Portuguese policy, based on the conception of a multiracial society, as constituting a threat to the peace and security of the world. In conclusion, the representative of Portugal* denied the contention that Portugal was not willing to co-operate with the United Nations. As a demonstration of his Government's intention to dispose of groundless accusations concerning factual conditions in Portuguese overseas territories, he invited the Secretary-General officially to visit Angola and Mozambique at his discretion and convenience.^{576/}

At the 1082nd meeting on 10 December 1963, the representative of Ghana introduced a draft resolution^{577/} jointly sponsored with Morocco and the Philippines.

At the 1083rd meeting on 11 December 1963, the joint draft resolution was put to the vote. Upon request of the representative of the United Kingdom, a separate vote was taken on operative paragraph 3, which was adopted^{578/} by 7 votes in favour, none against, with 4 abstentions. The draft resolution as a whole was adopted^{579/} by 10 votes in favour, none against, with 1 abstention.

The resolution^{580/} read:

"The Security Council,

"Having considered the Secretary-General's report as contained in document S/5448 and addenda,

"Recalling General Assembly resolution 1541 (XV) of 15 December 1960,

"Recalling further its resolution of 31 July 1963,

"Noting with appreciation the efforts of the Secretary-General in establishing contact between representatives of Portugal and representatives of African States,

"1. Regrets that this contact has not achieved the desired results, because of failure to reach agreement on the United Nations interpretation of self-determination;

"2. Calls upon all States to comply with paragraph 6 of its resolution of 31 July 1963;

^{573/} For consideration of the provisions of Article I (2), see chapter XII, Case 2.

^{574/} For texts of relevant statements, see:

1079th meeting: Liberia*, paras. 10-15, 36-38; Tunisia*, paras. 49-63, 77-73;

1080th meeting: Madagascar*, paras. 5-11, 13, 19-20; Sierra Leone*, paras. 23, 26, 30-33.

^{575/} S/5471, O.R., 15th year, Suppl. for Oct.-Dec. 1963, pp. 103-105.

^{576/} 1081st meeting: paras. 14-19, 31-34, 36-38, 46-49.

^{577/} S/5480, same text as S/5481, see below: 1082nd meeting: para. 95.

^{578/} 1083rd meeting: para. 157.

^{579/} 1083rd meeting: para. 156.

^{580/} S/5481, O.R., 15th year, Suppl. for Oct.-Dec. 1963, pp. 110-111.

"3. Deprecates the non-compliance of the Government of Portugal with the resolution of 31 July 1963;

"4. Reaffirms the interpretation of self-determination as laid down in General Assembly resolution 1514 (XV) as follows:

"All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development";

"5. Notes General Assembly resolution 1542 (XV) which enumerated, inter alia, Territories under Portuguese administration as falling under the category of Non-Self-Governing Territories within the meaning of Chapter XI of the Charter;

"6. Believes that action by the Government of Portugal to grant an amnesty to all persons imprisoned or exiled for advocating self-determination in these Territories will be an evidence of its good faith;

"7. Requests the Secretary-General to continue with his efforts and report to the Council not later than 1 June 1964."

The question remained on the list of matters of which the Security Council is seized.^{581/}

THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA

INITIAL PROCEEDINGS

By letter^{582/} dated 11 July 1963, the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta requested the President of the Security Council to convene an early meeting of the Council "to consider the explosive situation existing in the Republic of South Africa, which constitutes a serious threat to international peace and security".

Stating that the situation stemmed from the apartheid policies of the Government of the Republic of South Africa, the representatives of the African States urged the Security Council to take the necessary action to find a solution, "due to the systematic refusal of that Government to comply with the relevant resolutions of the General Assembly and the Security Council". It was noted further that "the extreme gravity of the situation" had been a matter of "deep concern" to the Heads of State and Governments of the Independent African States who had met at the Conference of Addis Ababa from 22 to 25 May 1963, and had adopted a resolution on this question, the relevant provisions of which were quoted in an attached memorandum. The resolution, in part, called for the dispatch of a delegation of the Foreign Ministers of Liberia, Madagascar, Sierra Leone and Tunisia to inform the Security Council of the explosive situa-

tion existing in South Africa. The resolution also called for "concerted measures of sanction against the Government of South Africa".

At the 1040th meeting on 22 July 1963, the Security Council decided to include the question in the agenda.^{583/} The Council considered the question at its 1050th to 1056th meetings, from 31 July to 7 August 1963. The representatives of Tunisia, Liberia, Sierra Leone and Madagascar were invited to take part in the discussion.^{584/}

At the 1050th meeting on 31 July 1963, the President (Morocco) recalled that the Council at its 1041st meeting had decided to invite the representative of the Republic of South Africa to take part in the consideration of the question.^{585/} A telegram to this effect had been sent to the Government of South Africa. The reply had just been received, and it indicated that the Government of South Africa declined the invitation of the Council. The letter^{586/} from the permanent representative of South Africa—which was read to the Council—stated that the South African Government had decided not to participate in the discussion of the Council on matters which it considered to fall solely within its domestic jurisdiction. The letter also stated that the African States that had submitted the item had "tried to justify their hostility and interference in South Africa's domestic affairs by relying on the totally unfounded allegation that South Africa is a threat to international peace and security". It was the view of the South African Government that these African States, or some among them, had threatened peace and order in southern Africa and had initiated preparations for the use of force against South Africa. Evidence of their intentions could be found in the relevant paragraphs of resolutions adopted by the African States at their recent conference in Addis Ababa, and in the reported statements of certain African leaders. In this regard, reference was made to contributions offered by several African States to finance military and other activities envisaged against South Africa. This "active incitement from abroad and systematic encouragement and subsidization of the small groups of subversive Bantu, supported by Communist elements and fellow travellers in South Africa" had recently compelled the South African Government to assume increased legislative powers for the maintenance of order and stability. The South African Government had decided therefore that "no useful purpose would be served by re-stating its case at the Security Council".

Decision of 7 August 1963 (1056th meeting):

- (i) *Expressing the Security Council's conviction that the situation in South Africa was seriously disturbing international peace and security;*
- (ii) *Deprecating strongly the policies of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the Charter, and contrary to its*

^{583/} 1040th meeting: para. 6.

^{584/} 1050th meeting: para. 4.

^{585/} 1050th meeting: para. 5. For consideration concerning the question of the effect of the extension of the invitation, see chapter III, Case 26.

^{586/} S/5381, 1050th meeting: para. c.

^{581/} S/5500.

^{582/} S/5345, O.R., 18th year, Supp. for July-Sept. 1963, pp. 11-14.