

ration of intention made two years earlier, during the debate of the Council that resulted from the first incident at Bouniak. Moreover, the Council should strongly condemn Portugal for the violations of Senegalese territory and air space, which had been committed despite the solemn warning issued to Portugal by the Security Council in its resolution 178 (1963).⁴⁹⁸

At the 1206th meeting on 13 May 1965, the representative of Portugal * stated in reply that the allegations by Senegal were "too vague and unidentifiable". Those which were included in the notes sent by the Senegalese representative to the Security Council and subsequently issued as documents S/6177 of 8 February and S/6196 of 24 February 1965, could not be held to substantiate the Senegalese request for a Council meeting, since they had already been refuted by the notes of the Government of Portugal contained in documents S/6192 of 17 February and S/6240 of 16 March 1965. Moreover, the charges were unsubstantiated and did not correspond to the facts. Portugal was most scrupulous in respecting the inviolability of the territory of its neighbours, whether it was Senegal or any other State. At the outset, the Government of Portugal wished to reiterate that the first duty of parties to a dispute, under Article 33 of the Charter, was to seek a solution by peaceful bilateral arrangements, before submitting any charges to the Security Council. If the Government of Senegal felt itself in any way aggrieved by Portugal it had at its disposal ways and means to approach Portugal for a bilateral peaceful settlement. There were thus no *prima facie* grounds for the Council's debate on the Senegalese allegations. Apart from one instance when, on 18 October 1963, due to a navigation error in bad weather, a Portuguese aircraft had strayed into Senegalese air space, for which the Portuguese Government had conveyed its regrets and explanation to the Government of Senegal, there had been no violations of Senegalese air space by Portuguese aircraft. Neither had there been any violations of Senegalese territory by Portuguese security forces or military personnel, which scrupulously obeyed orders to respect Senegalese territory. Moreover although armed raiders from Senegal constantly attacked Portuguese Guinea, the Portuguese security forces had rigorous orders to respect the frontier of Senegal, and the Council could be certain that these orders were being obeyed. The representative of Portugal further maintained that investigations by the Portuguese authorities had led to the conclusion that not a single instance of violations of Senegalese territory or air space had been found to have taken place. In conclusion, he stated that the Government of Portugal wished once more to invite the Government of Senegal to set up an inquiry team to investigate the specific violations alleged by Senegal. The inquiry team could consist of three persons, one appointed by each Government and the third, the president, by either the Secretary-General of the United Nations or the President of the Security Council, in consultation with the two Governments concerned.⁴⁹⁷

At the same meeting the representative of Senegal, * in reply to the Portuguese representative, stated that his Government had made no recourse to Article 33 of the Charter since it could not have any confidence in a party showing such "obvious bad faith". He pointed out that Portugal, declaring its intention to

respect scrupulously the sovereignty and territorial integrity of Senegal, and in spite of the solemn warning given to it by the Security Council in resolution 178 (1963), had committed sixteen new violations of Senegalese territory in two years.⁴⁹⁸

At the 1210th meeting the representative of Ivory Coast introduced a draft resolution⁴⁹⁹ jointly sponsored by Ivory Coast, Jordan and Malaysia.

At the 1212th meeting on 19 May 1965, the joint draft resolution was adopted unanimously.⁵⁰⁰

The resolution⁵⁰¹ read:

"The Security Council,

"Taking note of the complaint by Senegal against Portugal contained in documents S/6177, S/6196 and S/6338,

"Having heard the statements of the representatives of Senegal and Portugal concerning violations of Senegalese territory by the Portuguese military forces,

"1. *Deeply deplores* any incursions by Portuguese military forces into Senegalese territory;

"2. *Reaffirms* its resolution 178 (1963) of 24 April 1963 (S/5293);

"3. *Requests once again* the Government of Portugal to take all effective and necessary action to prevent any violation of Senegal's sovereignty and territorial integrity;

"4. *Requests* the Secretary-General to follow the development of the situation."

The President (Malaysia) stated that the Council had concluded the debate on the item.^{501a}

SITUATION IN TERRITORIES IN AFRICA UNDER PORTUGUESE ADMINISTRATION

Decision of 23 November 1965 (1268th meeting):

- (i) *Deploring the failure of the Government of Portugal to comply with previous resolutions of the Security Council and the General Assembly and to recognize the right of the peoples under its administration to self-determination and independence;*
- (ii) *Calling upon Portugal to give immediate effect to the principles of self-determination as set forth in previous General Assembly and Security Council resolutions;*
- (iii) *Requesting all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the people of the African Territories under its administration, to take all necessary measures to prevent the sale and supply of arms and military equipment to the Portuguese Government for that purpose, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition to be used in the Territories under Portuguese administration, and to inform the Secretary-General on measures undertaken in implementation of this request of the Security Council;*

⁴⁹⁸ 1206th meeting: paras. 76-88. For discussion relating to the provisions of Chapter VI of the Charter, see chapter X, Cases 3 and 5.

⁴⁹⁹ 1210th meeting: paras. 84-94.

⁵⁰⁰ 1212th meeting: para. 37.

⁵⁰¹ S/RES/204 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 12-13.

^{501a} 1212th meeting: para. 72.

⁴⁹⁶ 1205th meeting: paras. 4-32.

⁴⁹⁷ 1206th meeting: paras. 3-46.

- (iv) *Requesting the Secretary-General to ensure the implementation of the resolution, to provide such assistance as he deemed necessary and to report to the Security Council by 30 June 1966*

By letter ⁵⁰² dated 2 August 1965, the permanent representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Dahomey, Democratic Republic of the Congo, Ethiopia, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia requested an early meeting of the Security Council to consider once again the situation in the Territories in Africa under Portuguese administration. The letter recalled the Security Council resolution 183 (1963) of 11 December 1963 deprecating the non-compliance of Portugal with its previous resolution 180 (1963) of 31 July 1963, in which it had determined the situation in the African Territories under Portuguese administration as seriously disturbing peace and security in Africa and called upon Portugal urgently to implement measures aimed at the immediate granting of independence to those Territories in accordance with the aspirations of the people.⁵⁰³ Since then, the letter further stated, Portugal had "not only persisted in its flagrant refusal to implement the measures called for in the resolutions of the Security Council and the General Assembly", but had also "intensified its repressive measures and military operations against the peoples of these Territories with a view to defeating their legitimate aspirations to self-determination and independence". In pursuing its policies, Portugal had continued to use the military and other assistance extended to it by a number of Governments, including some of its military allies. Furthermore, it had committed numerous violations of the territorial integrity of independent African countries adjacent to the Territories under its administration. Those developments had caused concern and anxiety at the meetings of the Heads of African States or Governments in Cairo in July 1964, at the meetings of Heads of State and Government of Non-Aligned Countries at Cairo in October the same year, and at the meetings of Ministers of the Organization of African Unity at Nairobi in February and March 1965. The Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, following its recent visit to Africa, had in its resolution of 10 June 1965, considered the attitude of the Portuguese Government as constituting a threat to peace and security in Africa. In the light of those developments, it seemed clear that "the obstinacy of Portugal in its desire to perpetuate its domination over the colonial Territories under its administration constitutes a serious threat to peace and security".

By letter ⁵⁰⁴ dated 15 October 1965, the representatives of Liberia, Madagascar, Sierra Leone and Tunisia informed the Security Council that they had been instructed by the Organization of African Unity to

bring before the Council the question of African Territories occupied by Portugal and the question of apartheid in South Africa. Accordingly, they requested an urgent meeting of the Security Council to discuss those questions.

At the 1250th meeting on 4 November 1965, the Council included the item in its agenda.⁵⁰⁵ It considered the question at the 1250th, 1253rd to 1256th, and 1266th to 1268th meetings held between 4 and 23 November 1965. In the course of those meetings, the Council invited the representatives of Liberia, Madagascar, Portugal, Sierra Leone and Tunisia to participate in the discussion. The Council also invited, at its 1255th meeting, the representative of the United Republic of Tanzania to participate in the discussion.⁵⁰⁶

The representatives of Liberia, * Madagascar, * Sierra Leone, * Tunisia, * speaking at the 1250th meeting, and the representative of the United Republic of Tanzania, * speaking at the 1255th meeting, called the Council's attention to the fact that Portugal had not as yet complied with Security Council resolution of 31 July 1963 which determined the situation in African Territories under Portuguese administration as seriously disturbing peace and security in Africa, and which called on Portugal to implement a number of measures, including the immediate recognition of the right of the peoples of the Territories to self-determination, and negotiations with authorized representatives of the people with a view to the granting of independence to those Territories in accordance with the aspirations of the people.⁵⁰⁷ They noted that exploratory talks initiated by the Secretary-General under that resolution between nine African states on the one hand and Portugal on the other, had failed because of the unacceptable interpretation which Portugal had placed on the word "self-determination". It was recalled in this connexion that non-compliance by Portugal with the provisions of that resolution had led the Council to adopt its resolution 183 (1963) of 11 December 1963, in which it reaffirmed the interpretation of self-determination contained in General Assembly resolution 1514 (XV) and deprecated Portugal's non-compliance. Despite those actions by the Council, the situation in the African Territories under Portuguese administration had since deteriorated, with the Portuguese Government stepping up its repressive measures against the popular movement for independence. In 1963, fighting against the Portuguese Government occurred only in Angola and Guinea but its scope was limited; following the rebellion of the people of Mozambique against Portuguese repression, the struggle for liberation had then been waged on three fronts. The extent of the fighting was illustrated by Portuguese military build-up in those territories. There were reportedly 60,000 armed forces in Angola, 40,000 in Mozambique and 20,000 in Portuguese Guinea. In Mozambique, owing to aid from the North Atlantic Treaty Organization (NATO), Portugal had been able to establish eight new military bases. The Portuguese colonial war efforts in African Territories

⁵⁰⁵ 1250th meeting: para. 7. See also chapter III, Case 15.

⁵⁰⁶ 1250th meeting: para. 9; 1255th meeting: para. 2.

⁵⁰⁷ For texts of relevant statements, see 1250th meeting: Liberia, * paras. 13-17, 20-26, 38-40, 47-52; Madagascar, * paras. 125-129, 135-136; Sierra Leone, * paras. 104-110, 115-117; Tunisia, * paras. 55-67, 74-80, 97-101; 1253rd meeting: Portugal, * paras. 3-7, 29, 38-50; 1255th meeting: United Republic of Tanzania, * paras. 82-84. For discussion concerning self-determination, see chapter XII, Case 1.

⁵⁰² S/6585, O.R., 20th yr., Suppl. for July-Sept. 1965, pp. 147-149.

⁵⁰³ For proceedings leading to the adoption of these resolutions, see *Repertoire of the Practice of the Security Council, Supplement 1959-1963*, chapter VIII, pp. 209-213.

⁵⁰⁴ S/6791, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 197-198.

under its administration were reportedly costing Portugal some 350,000 dollars a day. At present Portugal maintained the largest foreign army on the African continent, and the cost of the war in terms of human lives to both Portugal and the nationalists was incalculable.

While it had been argued by NATO suppliers of aid in arms to Portugal that that aid had not been meant for use in Portuguese overseas Territories, it would be in the interests of all if the NATO powers concerned would seek to verify that those arms were not in fact used in the Portuguese colonial war against the population of Territories under its administration. In the absence of such verification, the best assurance that could be given would be that there should be no supply of arms to Portugal under any arrangements whatsoever. In calling attention to the fact that the embargo on weapons, munitions and war materials called for by the Security Council was not being fully applied the representatives maintained that Portugal had thus been able to intensify its colonial war. As the threat to peace and international security became, consequently, more precise at that time than it had been two years ago, the Security Council was expected, while reinforcing the measures already adopted, to decide on serious economic measures to make Portugal change its policy and implement the pertinent resolutions of the Security Council and the General Assembly.⁵⁰⁸

At the 1253rd meeting, on 8 November 1965, the representative of Portugal * stated in reply that the charges made by the African representatives did not bring out any new facts or developments of direct concern to the Council. The matter brought before the Council was more proper for consideration by the Fourth Committee or the two political committees of the General Assembly. He noted that the report on which the accusations had been based was not an independent document; it reflected the views of the same delegations on whose behalf the African representatives had addressed the Council. As for alleged NATO aid, he further stated, Portugal did not utilize and had no intention of utilizing it in Africa. Moreover, Portugal manufactured and supplied 95 per cent of its own military requirements and needs and had therefore no need for outside sources. The charges that Portugal had been threatening international peace and security, which had never been substantiated, were being repeated so as to "create the impression that our policy is actually a danger to someone". In answer to charges of incursions into the territory of Senegal, Portugal had in the past offered to have them investigated by a tripartite commission appointed by the United Nations, which offer had always been rejected by Senegal.

Far from being the aggressor, Portugal had been the victim of aggression. In 1965 alone, its air space over Portuguese Guinea had been violated 140 times.⁵⁰⁹ It could then no longer be denied that there existed a vast network of foreign interests, ranging from government and political parties to business enterprises and private foundations, which were

endeavouring to disturb the peace in Angola and in Mozambique. As had been reported by the Press, a number of African countries, including Ghana, Tunisia, United Republic of Tanzania and others, had provided training grounds for foreigners infiltrating into Portuguese Territories and had clandestinely shipped arms and equipment for them. It was therefore time for the Council to investigate the charges levelled against Portugal, and to accuse the real aggressors, to investigate the foreign training bases and military sanctuaries whence the infiltrators had been operating.

At the 1266th meeting on 22 November 1965, the representative of Tunisia introduced a draft resolution,⁵¹⁰ jointly sponsored by Ivory Coast, Jordan, Liberia, Malaysia, Sierra Leone, Tunisia and, later, Madagascar.⁵¹¹

Speaking in connexion with the various provisions of the draft resolution, the representative of Portugal * noted, *inter alia*, that certain paragraphs tended to confuse the principle of self-determination with the modalities of implementation and were in effect an attempt to interfere in the internal administration of the territories.⁵¹² Furthermore, even if the allegations against his Government had been proved, operative paragraph 8, which called upon all states "to take all the necessary measures either separately or collectively to boycott all Portuguese imports and exports", dealt not only with matters falling under Chapter VII of the Charter, but was clearly out of proportion to the issues involved.⁵¹³

At the 1268th meeting on 23 November 1965, the representative of Uruguay submitted amendments⁵¹⁴ which would substitute the word "endangers" for the words "seriously disturbs" in operative paragraph 1 of the seven-Power draft resolution and replace operative paragraphs 6 and 7 of that draft resolution with a single paragraph requesting all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the people of the Territories under its administration, and take the necessary measures to prevent the sale and supply of arms and military equipment, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition. Those amendments were approved by the Council at the same meeting.⁵¹⁵ At the request of the representative of Uruguay, the Council voted separately on paragraph 8 of the seven-Power draft resolution, which called on all States "to take all the necessary measures either separately or collectively to boycott all Portuguese imports and exports". The Council rejected the paragraph by 4 votes in favour, none against, with 7 abstentions.⁵¹⁶ At the same meeting, the Council adopted the seven-Power draft resolution, as amended, by 7 votes in favour, none against, with 4 abstentions.⁵¹⁷ The resolution read:⁵¹⁸

"The Security Council,

"Having examined the question of the situation

⁵⁰⁸ S/6953/Rev.1, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 382-384.

⁵⁰⁹ S/6953/Add.1, replaced by S/6953 Rev.1.

⁵¹⁰ For discussion of this question see, chapter XII, Case 1.

⁵¹¹ 1266th meeting, para. 32.

⁵¹² S/6965.

⁵¹³ 1268th meeting, paras. 15-16.

⁵¹⁴ 1268th meeting, para. 19.

⁵¹⁵ 1268th meeting, para. 30.

⁵¹⁶ S/RES/218 (1965), O.R., 20th yr., Resolutions and Decisions of the Security Council, 1965, pp. 18-19.

⁵⁰⁸ For discussions relating to the provisions of Chapter VII of the Charter, see chapter XI, Case 2.

⁵⁰⁹ On 8 November 1965, the representative of Portugal sent a letter to the Security Council listing the 140 violations of the air space of Portuguese Guinea, which it charged had taken place in 1965. S/6886, O.R., 20th yr., Suppl. for Oct.-Dec. 1965, pp. 334-342.

in the Territories under Portuguese administration submitted by thirty-two African States,

"*Recalling* its resolutions 180 (1963) of 31 July 1963 and 183 (1963) of 11 December 1963,

"*Noting with deep concern* the continual refusal of Portugal to take the necessary steps to implement the aforementioned resolutions of the Security Council,

"*Considering* that in spite of the measures laid down by the Security Council in paragraph 5 of resolution 180 (1963), the Government of Portugal is intensifying its measures of repression and its military operations against the African population with a view to defeating their legitimate hopes of achieving self-determination and independence,

"*Convinced* that the implementation of the pertinent resolutions of the Security Council and the General Assembly, and in particular Council resolutions 180 (1963) and 183 (1963), is the only means to achieve a peaceful solution of the question of Portuguese Territories in accordance with the principles of the Charter of the United Nations,

"*Recalling* General Assembly resolution 1514 (XV) of 14 December 1960,

"1. *Affirms* that the situation resulting from the policies of Portugal both as regards the African population of its colonies and the neighbouring States seriously disturbs international peace and security;

"2. *Deplores* the failure of the Government of Portugal to comply with previous resolutions of the Security Council and the General Assembly and to recognize the right of the peoples under its administration to self-determination and independence;

"3. *Reaffirms* the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV) and in Security Council resolution 183 (1963);

"4. *Calls upon* Portugal to give immediate effect in the Territories under its administration to the principle of self-determination as referred to in paragraph 3 above;

"5. *Reaffirms* its urgent demand to Portugal for:

"(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 General Assembly 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* all States to refrain forthwith from offering the Portuguese Government any assistance which would enable it to continue its repression of the people of the Territories under its administration, and to take all the necessary measures to prevent the sale and supply of arms and military equipment to the Portuguese Government for this purpose, including the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition to be used in the Territories under Portuguese administration;

"7. *Requests* all States to inform the Secretary-General on whatever measures are undertaken towards implementation of paragraph 6 of the present resolution;

"8. *Requests* the Secretary-General to ensure the implementation of the provisions of the present resolution, to provide such assistance as he may deem necessary and to report to the Security Council not later than 30 June 1966.

The question remained on the list of matters of which the Security Council is seized.⁵¹⁹

⁵¹⁹ The following were subsequent communications on this question during the period covered by this Supplement: S/7011, 14 December 1965; S/7041, 22 December 1965, and S/7057, 29 December 1965.