

sively within the domestic jurisdiction of the **United Kingdom**,⁴¹² stated that the present situation in the Six Counties of Northern Ireland had its origins in the partition of Ireland, a unilateral act on the part of the United Kingdom Government which had never been conceded to by the Government of Ireland whose declared policy was to bring about reunification by peaceful means. The persistent denial by the United Kingdom Government of their civil rights to a large part of the population of Northern Ireland had culminated in the present crisis. It was the position of the delegation of Ireland* that while that aspect of the matter alone would be sufficient to justify the request for a Council meeting, another consideration as to why the Council should deal with this question was that the grave situation in Northern Ireland could become aggravated to a degree which would affect relations between Great Britain and Ireland. There was no doubt that the situation in Northern Ireland was grave and could affect relations between Great Britain and Ireland. The current crisis had been brought about by the decision of the Government of the six counties to allow the holding of a provocative parade by a Protestant sectarian organization at Derry, despite the warnings of his Government about the dangers involved. The disturbances at Derry had quickly spread to other towns in the area and had led to the loss of life, the destruction of property and the virtual collapse of law and order. The calling of British troops had been a confession of the inability of the Government of the six counties to maintain law and order impartially through its police force. There was need, he stressed, for an impartial peace-keeping force, inasmuch as the use of British troops constituted a basic factor in the perpetuation of partition. The Council must consider also that the tension created by these events might spread beyond the area itself and lead to friction between two neighbouring Member States.⁴¹³

Decision of 20 August 1969 (1503rd meeting) :

Adjournment

At the 1503rd meeting on 20 August 1969, the representative of Zambia stated that the question before the Council was whether or not to adopt the agenda. In the light of the statements so far made it might be wise for the Council to adjourn a decision on that matter. Consequently he proposed that in accordance with the rules of procedure, and particularly rule 33, paragraph 2, the meeting be adjourned.⁴¹⁴

The proposal for adjournment was unanimously adopted.

COMPLAINT BY SENEGAL

Decision of 9 December 1969 (1520th meeting): resolution 273 (1969)

By letter⁴¹⁵ dated 27 November 1969 addressed to the President of the Security Council, the representative of Senegal informed the Council that on 25 November 1969 the regular Portuguese Army, based at Bégène in Guinea (Bissau), had shelled the village of Samine in southern Senegal, leaving one person dead and eight seriously wounded and causing property damage. It was not the first time that the Portuguese forces had

attacked Senegal's nationals and violated its territory. In view of the growing loss of life and destruction of property, the Government of Senegal was obliged to denounce Portugal's policy of systematic provocation and to request the convening of the Security Council as soon as possible to consider the question.

By letter⁴¹⁶ dated 2 December 1969 to the President of the Security Council, the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia supported Senegal's request. Recalling that other African States bordering on the Territories under Portuguese domination had also been the object of Portugal's acts of aggression, the signatories to the letter expressed Africa's concern at the constant threat and acts of aggression committed by Portugal and expressed the hope that the Security Council would be able to take the necessary measures to put an end to those acts of aggression in accordance with Chapter VII of the United Nations Charter.

At the 1516th meeting on 4 December 1969, the Security Council adopted⁴¹⁷ the agenda and considered the question at the 1516th to 1520th meetings between 4 and 9 December 1969. At the 1516th meeting on 4 December, the representatives of Portugal, Guinea and Morocco were invited⁴¹⁸ to take part in the discussion. Subsequently, at the 1517th meeting on 5 December the representatives of Liberia, Madagascar, Sierra Leone, Tunisia, Mali, Saudi Arabia, Syria, Yemen and the United Arab Republic,⁴¹⁹ and at the 1518th meeting on 8 December the representative of Mauritania⁴²⁰ were also invited to participate.

At the 1516th meeting on 4 December 1969, the representative of Senegal recounted the incident described in his letter of 27 November, which his Government considered sufficiently grave to constitute a threat to international peace and security. He then referred to numerous earlier violations of Senegal's sovereignty and territorial integrity committed by Portuguese forces since April 1963 and recalled previous Council resolutions⁴²¹ in which those actions were deplored and Portugal was requested to take all effective and necessary action to prevent such violations. Notwithstanding those resolutions Portugal had committed further acts of provocation and since January 1969 incidents had become more frequent and more serious as Portuguese forces violated Senegalese air space and shelled Senegalese villages, killing, wounding and kidnapping villagers. If Portugal were to persist in its policy of systematic provocations and violations of the territorial integrity of African countries, in which it was being supported by its allies, particularly South Africa, Senegal would have no alternative but to resort to force in order to impose respect of its territorial sovereignty. However, Senegal was convinced that the Security Council would make such an action unneces-

⁴¹² For consideration of Article 2(7), see in chapter XII, Case 12.

⁴¹³ 1503rd meeting, paras. 23-43.

⁴¹⁴ *Ibid.*, para. 68.

⁴¹⁵ S/9513, OR. 24th yr., Suppl. for Oct.-Dec. 1969, p. 117.

⁴¹⁶ S/9524 and Add.1, *ibid.*, p. 144.

⁴¹⁷ 1516th meeting, preceding para. 40.

⁴¹⁸ *Ibid.*, paras. 40-41.

⁴¹⁹ 1517th meeting, paras. 4, 59, 92.

⁴²⁰ 1518th meeting, para. 3.

⁴²¹ Resolution 178 (1963) and resolution 204 (1965).

sary by passing an effective resolution to condemn severely the Portuguese authorities and their acts of aggression.⁴²²

At the same meeting, the representative of Portugal* stated in reply that the attacks had come in every case from Senegal and that Portugal had limited itself to actions strictly in conformity with the needs of self-defence. It was a matter of common knowledge that for several years anti-Portuguese organizations had operated against Portuguese Guinea from bases in Senegal, of which Samine was one. After enumerating the incidents of violations of the territory of Portuguese Guinea, including artillery attacks, raids and violations of air space, the representative of Portugal stated that no one could contest Portugal's right of self-defence, which it had exercised within its own territory and to the indispensable minimum. In the particular incident under consideration, Portugal did not exclude the possibility a priori that, following artillery attacks and raids coming from Senegal, Portugal's return fire might have produced results alleged by Senegal. If it had, it was incumbent on Senegal to contact Portugal to settle the question through investigation and conciliation under the terms of Article 33 of the Charter. On its part, Portugal was prepared to discuss the case with Senegal and, after a proper bilateral investigation, to compensate Senegal for any damage which might have occurred.⁴²³

At the 1518th meeting on 8 December 1969, the President (Zambia) informed⁴²⁴ the Council that, by a letter⁴²⁵ dated 7 December, the representative of Senegal had requested an urgent meeting of the Council to consider a further complaint concerning the renewed shelling of Samine on that day which had resulted in further casualties and property damage. The letter was included⁴²⁶ in the agenda along with the previous complaint.

At the same meeting, the representative of Senegal stated that Portugal had committed the new act of aggression, as mentioned in his delegation's letter, at the time that the Council was considering the previous complaint by Senegal and thus had defied the authority of the Security Council. He also recalled the four-point peace plan for Guinea (Bissau) publicly proposed by the President of Senegal, according to which there would be a cease-fire followed immediately by negotiations between Portugal and the nationalist movements leading to a period of internal autonomy to be followed by independence within the framework of a Lusitanian-African community. The shellings of Senegalese villages were the only Portuguese response to that peace plan. He therefore asked the Security Council to condemn Portugal severely and without delay for its repeated acts of aggression.⁴²⁷

In the course of the discussion, a number of representatives expressed the view that Portugal's claim of the right of self-defence was unacceptable because Portugal's continued colonial presence in Africa was illegitimate and in contravention of the United Nations Charter and Security Council and General Assembly resolutions.⁴²⁸

At the 1519th meeting on 8 December 1969, the Council had before it a draft resolution⁴²⁹ jointly sponsored by Algeria, Nepal, Pakistan and Zambia that was subsequently revised⁴³⁰ by the sponsors as a result of consultations.

At the 1520th meeting on 9 December 1969, the representative of Portugal* stated that, contrary to what had been asserted during the debate: his delegation had not admitted the charges contained in Senegal's original complaint. He had emphasized Portugal's inalienable right of self-defence against armed attacks against its territory, attacks which were contrary to the Charter and could not be legitimized by any resolutions of the General Assembly, which were no more than recommendations, or even of the Security Council. There was nothing in the Charter to justify a "double standard" in the interpretation of Article 51 so as to deny the right of self-defence to Portugal. He emphasized that Portugal had been admitted as a Member State with all its territories as defined in the Portuguese Constitution and it was not within the competence of the United Nations to question the territorial integrity of the Portuguese State. Referring to the incident alleged in Senegal's complaint of 7 December, the representative of Portugal stated that information obtained by his delegation did not indicate that Portuguese security forces had been involved. However, a clash appeared to have taken place at Samine involving the local population and rival armed groups organized there to attack Portuguese Guinea. He reiterated his call for investigation *in loco* in order to discover the truth of the situation.⁴³¹

At the same meeting, the revised draft resolution was adopted⁴³² by 13 votes to none, with 2 abstentions. The resolution⁴³³ read:

"The Security Council,

"Taking note of the complaints by Senegal against Portugal contained in documents S/9513 and S/9541,

"Conscious of its responsibility for taking effective collective measures to forestall and eliminate threats to international peace and security,

"Bearing in mind that all States must refrain in their international relations from recourse to the threat or use of force against the territorial integrity or political independence of any State or in any manner incompatible with the purposes of the United Nations,

"Concerned about the serious situation created by the shelling of the village of Samine in the southern region of Senegal from the Bégène base,

"Deeply concerned at the fact that incidents of this nature jeopardize international peace and security,

"Bearing in mind its resolution 178 (1963) of 24 April 1963 and 204 (1965) of 19 May 1965,

"1. Strongly condemns the Portuguese authorities for the shelling of the village of Samine, which (1) on 25 November 1969 caused one death and seriously wounded eight persons, struck a building of the Senegalese *gendarmérie* and completely destroyed two

⁴²² 1516th meeting, paras. 47-69.

⁴²³ *Ibid.*, paras. 101-135.

⁴²⁴ 1518th meeting, para. 4.

⁴²⁵ S/9541. OR, 24th yr., Suppl. for Oct.-Dec. 1969, p. 151.

⁴²⁶ 1518th meeting, preceding para. 1.

⁴²⁷ *Ibid.*, paras. 5-13.

⁴²⁸ For texts of relevant statements, see 1518th meeting: Madagascar,* paras. 18-19; Mauritania,* paras 131-132; Nepal,

paras. 116-121; Tunisia,* paras. 37, 42-44; USSR, paras. 104-105; United Arab Republic,* paras. 57-62; 1519th meeting: Pakistan, para. 17; Syria,* para. 46.

⁴²⁹ S/9542, 15 19th meeting, para. 3.

⁴³⁰ S/9542, Rev.1, *ibid.*, paras. 28-29.

⁴³¹ 1520th meeting, paras. 9-19.

⁴³² *Ibid.*, para. 56.

⁴³³ Resolution 273 (1969).

houses in the village of Saminc, and (2) on 7 December 1969 caused five deaths and seriously wounded one woman;

"2. *Again* calls upon Portugal to desist forthwith from violating the sovereignty and territorial integrity of Senegal;

"3. Declares that in the event of failure by Portugal to comply with paragraph 2 of the present resolution, the Security Council will meet to consider other measures;

"4. *Decides* to remain seized of the question."

Decision of 15 July 1971 (1572nd meeting) : resolution 294 (1971)

By letter⁴³⁴ dated 6 July 1971 addressed to the President of the Security Council, the representative of Senegal informed the Security Council of "further obvious and flagrant violation of Senegal's sovereignty and territorial integrity", including laying of anti-tank and anti-personnel mines, which had been committed by the regular Portuguese forces since May 1971 and which had resulted in death, injury and destruction. In view of those incidents as well as those related in his earlier letters dated 27 April⁴³⁵ and 16 June 1971,⁴³⁶ he requested that a meeting of the Security Council should be convened as a matter of urgency.

In a letter⁴³⁷ dated 10 July addressed to the President of the Security Council, the representative of Portugal expressed regret that Senegal had requested a meeting of the Council without first seeking to clarify the truth of the facts through direct contacts with Portugal as provided for in the Charter. Moreover, Senegal had systematically attributed responsibility for incidents on the Luso-Senegalese frontier to Portugal without presenting evidence to substantiate those charges. Portugal had continued to suffer from aggressions committed by the Partido Africano da Independência da Guiné e Cabo Verde (PAIGC), a subversive group which organized and prepared, in Senegalese territory, armed attacks against Portuguese Guinea and which bore responsibility for all the problems that had arisen in their respective frontier areas. Referring to the incidents related in Senegal's complaint, the Portuguese representative stated that circumstances appeared to indicate that PAIGC had been responsible for them. His Government therefore repudiated Senegal's charges and categorically rejected any responsibility for the incidents.

In a letter⁴³⁸ dated 12 July 1971 addressed to the President of the Security Council, the representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Swaziland, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia supported Senegal's request for a Council meeting and requested the Security Council to take such measures as were necessary to

ensure that Portugal conformed to the relevant Security Council and General Assembly resolutions by putting an end to its flagrant acts of aggression and by granting self-determination and independence to its colonies in accordance with General Assembly resolution 1514 (XV).

At the 1569th meeting on 12 July 1971, the Security Council included⁴³⁹ the item in the agenda and considered it at its 1569th to 1572nd meetings between 12 and 15 July 1971. At the 1569th meeting on 12 July, the representatives of Senegal and Guinea were invited⁴⁴⁰ to participate in the discussion. Subsequently, at the 1570th meeting on 13 July the representatives of Mali, Sudan and Mauritania,⁴⁴¹ and at the 1571st meeting on 14 July the representatives of Mauritius, Togo and Zambia⁴⁴² were also invited to participate.

At the 1569th meeting on 12 July 1971, the representative of Senegal* stated that the latest acts of aggression by Portuguese forces added to a long list of violations of the territorial integrity of Senegal and were closely linked with Portuguese repression of the nationalist movements in Guinea (Bissau). After recalling the Security Council's consideration of earlier Senegalese complaints against Portugal, he added that Portuguese violence had escalated since the Council last considered the question in December 1969, resulting in mounting casualties and material damage, and now included the laying of anti-tank and anti-personnel mines on Senegalese territory. The representative of Senegal then recounted the incidents related in the latest Senegalese complaint and stated that the African States were convinced that Portugal could carry the burden of its policy of repression only because it received support from its NATO allies. He recalled that his Government had proposed a peace plan that would end the armed struggle in Guinea (Bissau) between Portugal and the nationalists and would lead to independence through negotiation. The plan had been approved by the liberation movement but Portugal had not made any response. Recalling Security Council resolution 273 (1969), whereby the Council had declared that "in the event of failure by Portugal to comply with paragraph 2 of the present resolution, the Security Council will meet to consider other measures",⁴⁴³ the representatives of Senegal said that his Government, having exhausted all the procedures provided for under the Charter, was requesting the Security Council to take effective measures to implement its decisions and to fulfil its responsibility under the Charter to repress any acts of aggression."

At the 1570th meeting on 13 July 1971, the representative of the USSR recalled the resolution⁴⁴⁴ adopted by the Security Council in April 1963, which condemned Portuguese incursion into the territory of Senegal and demanded that Portugal take all necessary measures to prevent any violations of the sovereignty and territorial inviolability of Senegal, and asserted that Portugal had ignored this decision which was obligatory under the United Nations Charter and had continued its policy of aggression against Senegal and other

⁴³⁹ 1569th meeting, preceding para. 7.

⁴⁴⁰ *Ibid.* paras. 7-9.

⁴⁴¹ 1570th meeting, paras. 2, 3, 45.

⁴⁴² 1571st meeting, paras. 4-5.

⁴⁴³ Resolution 273 (1969), para. 3. In its para. 2, the Security Council called upon Portugal to desist forthwith from violating the sovereignty and territorial integrity of Senegal.

⁴⁴⁴ 1569th meeting, paras. 14-72.

⁴⁴⁵ Resolution 178 (1963).

⁴³⁴ S/10251, OR, 26th yr., Suppl. for July-Sept. 1971, p. 28.

⁴³⁵ S/10182, OR, 26th yr., Suppl. for April-June 1971, pp. 33-34.

⁴³⁶ S/10227, *ibid.*, p. 81.

⁴³⁷ S/10255, OR, 26th yr., Suppl. for July-Sept. 1971, pp. 29-30.

-- ⁴³⁸ S/10259 and Add.1 and 2, *ibid.*, pp. 32-33.

African States. These aggressive actions were a direct continuation of Portugal's colonial policy and could be halted only if the provisions of the General Assembly resolution 1514 (XV) on the Declaration on the Granting of Independence to Colonial Countries and Peoples were implemented. Colonialism, racism and *apartheid* were by no means internal matters of Portugal, South Africa and Southern Rhodesia, but were permanent and dangerous sources of acute conflicts, wars and international tension. In its resolution 290 (1970) the Security Council already had solemnly warned Portugal that, should its armed attacks against independent African States be repeated, the Council would immediately consider appropriate effective steps in accordance with the relevant provisions of the Charter.⁴⁴⁶ It was, therefore, incumbent upon the Security Council to take immediate effective measures against Portugal to halt its aggressive acts.⁴⁴⁷

At the 1572nd meeting on 15 July 1971, the representative of Somalia noted that Senegal had sought solutions to the dispute by negotiation and other peaceful means in accordance with the provisions of Article 33 of the United Nations Charter. The Security Council was now faced with the responsibility, which it could not shirk, of dealing with acts of aggression. Referring to the report⁴⁴⁸ of the *Ad Hoc* Working Group of Experts of the Commission on Human Rights, which had toured extensively the Casamance region in Senegal in 1970 and had obtained at first-hand some revealing evidence about the situation on the border between Senegal and Guinea (Bissau), he said that his delegation believed that the Security Council should use to the full its investigative powers under Article 34 of the Charter so that effective measures to preserve peace in the region might be undertaken on a sound and informed basis.⁴⁴⁹ He then introduced a draft resolution⁴⁵⁰ jointly sponsored by Burundi, Japan, Sierra Leone, Somalia and Syria.⁴⁵¹

At the same meeting, at the request of the representative of the United States, operative paragraph 4 of the draft resolution was put to a separate vote and adopted⁴⁵² unanimously. The draft resolution as a whole was then adopted⁴⁵³ by 13 votes to none, with 2 abstentions.

The resolution⁴⁵⁴ read:

"The Security Council,

"Taking note of the complaints by Senegal against Portugal contained in documents S/10182 and S/10251,

"Taking note of the letter of the Charge d'affaires *ad interim* of Portugal,

"Having heard the statement of the Minister for Foreign Affairs of Senegal,

"Bearing in mind that all States Members of the United Nations must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purpose of the United Nations,

⁴⁴⁶ Resolution 290 (1970), para. 8.

⁴⁴⁷ 1570th meeting, paras. 23-44.

⁴⁴⁸ E/CN.4/1050.

⁴⁴⁹ For consideration of Article 34, see in chapter X, Case 2.

⁴⁵⁰ S/10266, 1572nd meeting, para. 37.

⁴⁵¹ 1572nd meeting, paras. 26-37.

⁴⁵² *Ibid.*, paras. 12-84.

⁴⁵³ *Ibid.*, para. 85.

⁴⁵⁴ Resolution 294 (1971).

"Conscious of its duty to take effective collective measures for the prevention and removal of threats to international peace and security and for the suppression of acts of aggression,

"Disturbed by the increasingly serious situation created by acts of violence perpetrated by the Portuguese armed forces against Senegal since the adoption of Security Council resolution 273 (1969) of 9 December 1969,

"Deeply distressed by the repeated laying of mines in Senegalese territory,

"Gravely concerned that incidents of this nature, by threatening the sovereignty and territorial integrity of Senegal, might endanger international peace and security,

"Bearing in mind its resolutions 178 (1963) of 24 April 1963, 204 (1965) of 19 May 1965 and 273 (1969) of 9 December 1969,

"Having taken note of the report of the *Ad Hoc* Working Group of Experts of the Commission on Human Rights concerning Portuguese acts of violence in Senegalese territory,

"Noting that Portugal has not complied with the provisions of paragraph 2 of resolution 273 (1969),

"1. Demands that the Government of Portugal should stop immediately any acts of violence and destruction in Senegalese territory and respect the sovereignty, territorial integrity and security of Senegal;

"2. Condemns the acts of violence and destruction perpetrated since 1963 by the Portuguese armed forces of Guinea (Bissau) against the population and villages of Senegal;

"3. Condemns the unlawful laying of anti-tank and anti-personnel mines in Senegalese territory;

"4. Requests the President of the Security Council and the Secretary-General to send to the spot, as a matter of urgency, a special mission of members of the Council assisted by their military experts to carry out an inquiry into the facts of which the Council has been informed, to examine the situation along the border between Guinea (Bissau) and Senegal and to report to the Council, making any recommendations aimed at guaranteeing peace and security in this region."

Decision of 24 November 1971 (1601st meeting) : resolution 302 (1971)

On 16 September 1971 the Special Mission established in accordance with Security Council resolution 294 (1971) submitted its report⁴⁵⁵ to the Security Council. In its conclusions the Special Mission stated that, from the statements made to it, as well as from its own observations, it was clear that it was a strict principle of the foreign policy of the Republic of Senegal to avoid any engagement with Portuguese forces other than for the actual defence of its territory and that the recurrent armed attacks against Senegal caused considerable loss of human life and material damage and created a climate of insecurity and instability which was fraught with a threat to peace and security in the region. All the evidence of acts of violence and destruction found by the Mission itself was along the frontier

⁴⁵⁵ S/10308 and Corr.1, OR, 26th yr., Special Supplement No. 3.

between Senegal and Guinea (Bissau), an area in which, according to the observations of the Mission, PAIGC was not engaged in any military activity. The Special Mission found the indications such as to designate the Portuguese authorities in Guinea (Bissau) as responsible and it further concluded that the above-mentioned acts of violence and destruction appeared to be the consequence of the special situation prevailing in Guinea (Bissau), which was in contradiction to the General Assembly resolution 1514 (XV) on the Declaration on the Granting of Independence to Colonial Countries and Peoples. The Mission recommended that the Security Council should take all appropriate steps and initiatives in order to induce Portugal, on the one hand, to respect the sovereignty and territorial integrity of Senegal and to cease immediately acts of violence and destruction against its territory and people and, on the other, to respect the inalienable right to self-determination and independence of the people of Guinea (Bissau) and to enable that right to be exercised without further delay.

In a letter⁴⁵⁶ dated 29 September 1971 addressed to the President of the Security Council, the Minister for Foreign Affairs of Portugal said that his Government categorically rejected the conclusions of the Special Mission, which were also wholly in contradiction to the facts verified by the Mission in Senegal. While PAIGC itself admitted to the Special Mission that its members were engaged in acts of violence in Portuguese Guinea, the Special Mission assigned the responsibility for those acts to the authorities in Portuguese Guinea, who were only exercising their right of legitimate self-defence under Article 51 of the Charter. He recalled that the Ministers for Foreign Affairs of Portugal and Senegal had agreed to set up a permanent mixed commission to investigate the situation along the frontier between Senegal and Portuguese Guinea and asserted that, while Portugal had offered forthwith to implement the agreement, the Government of Senegal had failed to carry it out. Notwithstanding this, his Government, in a constructive spirit to find a practicable system of co-operation, would reiterate its proposal to establish a permanent commission for control of the frontier.

At the 1586th meeting on 29 September 1971, the Security Council adopted⁴⁵⁷ its agenda and considered the question at the 1586th and 1599th to 1601st meetings held between 29 September and 24 November 1971. At the 1586th meeting on 29 September the representative of Senegal,⁴⁵⁸ and at the 1599th meeting on 23 November the representatives of Guinea, Mali, Mauritania, Mauritius, Sudan, Togo and Zambia⁴⁵⁹ were invited to participate in the discussion.

At the 1586th meeting on 29 September 1971, the representative of Nicaragua, in his capacity as Chairman of the Special Mission, introduced the report and stressed that that Mission was the first to which the Council had granted authority to make recommendations necessary to guarantee peace and security in the region.⁴⁶⁰

The representative of Senegal* said that his Government was pleased with the report and hoped that its

recommendations would be satisfactorily applied. His Government demanded the immediate and final cessation of acts of aggression committed against its people and believed, as did the members of the Special Mission, that the problem could be solved only if the right of self-determination was restored to the people of Guinea (Bissau).⁴⁶¹

The representative of the USSR noted with satisfaction that the Security Council had reinstated the practice of sending missions composed of Council members to carry out direct and immediate tasks such as on-the-spot investigations in the maintenance of international peace and was thus returning to the practical working methods envisaged for it in the United Nations Charter and in the Council's rules of procedure. He hoped that the Council would continue the practice and reiterated his Government's belief that the Security Council, as the main organ responsible for the maintenance of international peace and security, should be the organ that organized and executed peace-keeping operations.⁴⁶²

At the 1599th meeting on 23 November 1971, the representative of Senegal+ referred to Portugal's letter of 29 September and explained that there had been a meeting in May 1971 between the Foreign Ministers of Senegal and Portugal at the latter's request, but that no positive decision had been reached and Senegal had never accepted the establishment of a joint commission. Referring to further incidents, cited in his letter⁴⁶³ dated 15 November 1971, which had occurred since the investigation by the Special Mission on the frontier between Senegal and Guinea (Bissau) on 30 October and on the night of 3/4 November, and recalling that the Security Council had already condemned Portugal's acts of aggression and had warned that, should they continue, it would consider other measures, he asserted that the Council could not consider what additional measures to take against Portugal without taking into account the causes underlying the chronic insecurity in the region and that it could not take measures any less firm and decisive than those provided in its earlier resolutions.⁴⁶⁴

At the same meeting, the representative of Burundi introduced a draft resolution⁴⁶⁵ jointly submitted by Burundi, Sierra Leone and Somalia, which was subsequently revised⁴⁶⁶ by the sponsors as a result of consultations with other members of the Council.

At the 1601st meeting on 24 November 1971, the revised draft resolution was adopted⁴⁶⁷ by 14 votes to none, with 1 abstention. The resolution⁴⁶⁸ read:

The Security Council,

Considering the complaints by Senegal against Portugal contained in documents S/1 0182 and S/10251,

Recalling its resolutions 178 (1963) of 24 April 1963, 204 (1965) of 19 May 1965 and 273 (1969) of 9 December 1969,

Having considered the report of the Special Mission of the Security Council established in accordance with resolution 294 (1971) of 15 July 1971,

⁴⁶¹ 1586th meeting, paras. 28-30.

⁴⁶² *Ibid.*, paras. 79-86.

⁴⁶³ S/10388, OR, 26th yr., Suppl. for Oct.-Dec. 1971, p. 34.

⁴⁶⁴ 1599th meeting, paras. 114-126.

⁴⁶⁵ S/10395, 1599th meeting, paras. 143-152.

⁴⁶⁶ 1601st meeting, paras. 5-14.

⁴⁶⁷ *Ibid.*, para. 38.

⁴⁶⁸ Resolution 302 (1971).

⁴⁵⁶ S/10343, OR, 26th yr., Suppl. for July-Sept. 1971, pp. 67-69.

⁴⁵⁷ 1586th meeting, preceding para. 1.

⁴⁵⁸ *Ibid.*, para. 2.

⁴⁵⁹ 1599th meeting, paras. 99-100.

⁴⁶⁰ 1586th meeting, paras. 5-8. For consideration of Article 34, see in chapter X, Case 2.

“**Deeply concerned** at the climate of insecurity and instability, fraught with a threat to peace and security in the region,

“**Affirming** the need to ensure the prerequisites for eliminating the causes of tension in the region and creating an atmosphere of trust, peace and security, as recommended by the Special Mission in its report,

“**1. Expresses its appreciation** for the work accomplished by the Special Mission of the Security Council established under resolution 294 (1971) ;

“**2. Takes note with satisfaction** of the recommendations of the Special Mission contained in paragraph 128 of its report;

“**3. Reaffirms** the provisions of its resolution 294 (1971) condemning the acts of violence and destruction perpetrated since 1963 by the Portuguese armed forces of Guinea (Bissau) against the population and villages of Senegal;

“**4. Strongly deplors** the lack of co-operation with the Special Mission on the part of the Portuguese Government, which prevented the Special Mission from implementing fully the mandate given to it under paragraph 4 of resolution 294 (1971) ;

“**5. Culls upon** the Government of Portugal to take immediate effective measures:

“(a) So that the sovereignty and territorial integrity of Senegal shall be fully respected;

“(b) To prevent acts of violence and destruction against the territory and the people of Senegal, in order to contribute to the safeguarding of peace and security in the region;

“**6. Culls upon** the Government of Portugal to respect fully the inalienable right to self-determination and independence of the people of Guinea (Bissau);

“**7. Calls upon the** Government of Portugal to take without further delay the necessary measures, so that this inalienable right of the people of Guinea (Bissau) shall be exercised;

“**8. Requests** the President of the Security Council and the Secretary-General to keep this question under review and report on the implementation of the present resolution to the Council within an appropriate period and at the latest within six months;

“**9. Declares** that, in the event of failure by Portugal to comply with the provisions of the present resolution, the Security Council will meet to consider the initiatives and steps that the situation requires;

“**10. Decides** to remain seized of the question.”

COMPLAINT BY GUINEA

INITIAL PROCEEDINGS

By letter⁴⁶⁹ dated 4 December 1969 addressed to the President of the Security Council, the representative of Guinea requested that a meeting of the Security Council be convened to consider the “aggression recently committed by the Portuguese colonial army against the territorial integrity of the Republic of Guinea”. In the letter the representative of Guinea referred to his pre-

vious letter⁴⁷⁰ dated 2 December in which he had informed the Council of the shelling of two Guinean frontier villages a few days previously by Portuguese forces. The representatives of Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Swaziland, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia subsequently associated themselves with Guinea’s request in a letter⁴⁷¹ dated 5 December 1969 in which they hoped that the Council would take necessary steps under Chapter VII of the Charter to end Portuguese acts of aggression.

In a further letter⁴⁷² dated 12 December 1969, the representative of Guinea informed the Security Council of several incidents of bombing and other acts of “provocation and violations . . . of Guinean national territory” which were said to have been committed by Portuguese forces between 13 April and 13 November 1969. These incidents had resulted in a number of deaths and injuries as well as considerable property damage and the Guinean motor barge *Patrice Lwnumba* and twenty-one of its passengers were still being detained by Portuguese authorities.

At the 1522nd meeting on 15 December 1969, the Security Council included⁴⁷³ the item in its agenda and invited the representatives of Guinea and Portugal to participate in the discussion.⁴⁷⁴ At subsequent meetings, invitations were extended also to the representatives of Congo (Brazzaville), Liberia, Madagascar, Mali, Sierra Leone, Syria, Tunisia,⁴⁷⁵ Lesotho, Saudi Arabia,⁴⁷⁶ Libya, Yemen,⁴⁷⁷ India,⁴⁷⁸ Bulgaria and Mauritius.⁴⁷⁹ The Council considered the question at the 1522nd to 1526th meetings held between 15 and 22 December 1969.

Decision of 22 December 1969 (1526th meeting) : resolution 275 (1970)

At the 1522nd meeting on 15 December 1969, the representative of Guinea⁴⁸⁰ stated that provocations by Portugal against his country and against other African States had persisted and posed a serious threat to the peace and security of the African continent. After reiterating the account of the incidents listed in his letter of 12 December⁴⁸⁰ and also referring to the continued detention by Portuguese authorities since March 1968 of a Guinean aircraft and its two crew members, he expressed his confidence that the Security Council would unanimously condemn Portugal for its occupation of Mozambique, Angola and Guinea (Bissau) and its acts of aggression against the Republic of Guinea. It would also ask Portugal to free immediately the Guinean nationals being detained, return the Guinean aircraft and motor barge, compensate the victims of its

⁴⁷⁰ S/9525, *ibid.*, p. 145.

⁴⁷¹ S/9549, *ibid.*, p. 154.

⁴⁷² S/9554, *ibid.*, pp. 155-157.

⁴⁷³ 1522nd meeting, preceding para. 1, para. 2.

⁴⁷⁴ *ibid.*, para. 1.

⁴⁷⁵ 1523rd meeting, para. 3.

⁴⁷⁶ *ibid.*, para. 26.

⁴⁷⁷ 1524th meeting, para. 2.

⁴⁷⁸ *ibid.*, para. 27.

⁴⁷⁹ 1525th meeting, para. 2.

⁴⁸⁰ S/9554. See foot-note 472 above.

⁴⁶⁹ S/9528, *OR. 24th yr., Suppl. for Oct.-Dec. 1969*, p. 147.