

not much could be gained from prolonged discussion at that stage and that if there were no objections he would close the meeting, leaving the matter on the agenda in case further discussion should prove necessary. There was no objection.

COMPLAINT BY PORTUGAL (GOA)

INITIAL PROCEEDINGS

By letter ^{454/} dated 18 December 1961, the permanent representative of Portugal informed the President of the Security Council that the Government of India had followed up its build-up of armed forces and provocation—some of which had been mentioned in his letters to the President of the Council, dated 8,^{455/} 11,^{456/} and 16^{457/} December 1961—with a full-scale unprovoked armed attack on the territories of Goa, Damao and Diu, comprising the Portuguese State of India. The aggression now committed was a flagrant violation of the sovereign rights of Portugal and of the Charter of the United Nations. Consequently, the Government of Portugal requested the President of the Council to convene the Security Council immediately to put an end to India's act of aggression, to order an immediate cease fire and the withdrawal forthwith of all the invading Indian forces from the Portuguese territories of Goa, Damao and Diu. In the meantime and until the Security Council had taken the above-mentioned measures, Portugal had no alternative but to defend itself against aggression.

At the 987th meeting on 18 December 1961, the Security Council decided by 7 votes in favour to 2 against, with 2 abstentions, to include the item in its agenda.^{458/}

The Security Council considered the question at its 987th and 988th meetings on 18 December 1961. The representatives of Portugal and India were invited to take part in the discussion.^{459/}

Decisions of 18 December 1961 (988th meeting):

- (i) *Rejection of the joint draft resolution submitted by Ceylon, Liberia and the United Arab Republic;*
- (ii) *Rejection of the joint draft resolution submitted by France, Turkey, the United Kingdom and the United States*

^{454/} S/5030, O.R., 10th year, Suppl. for Oct.-Dec. 1961, pp. 205-206.

^{455/} S/5016, *ibid.*, pp. 181-182. In the letter, Portugal complained of movements of Indian naval units near the territorial waters of Goa and of military forces at the frontiers of Goa, of violations of the airspace of Goa and Diu, and of a campaign of false charges of the Indian radio, Press and other media against Goa and the Portuguese Government. The Government of Portugal considered that it was being made a victim of unprovoked aggression which constituted a grave threat to peace and security.

^{456/} S/5018, *ibid.*, pp. 183-184. In the letter, it was stated that India had continued to accumulate near the Indo-Portuguese frontier considerable military, naval and air forces and that violations of the Portuguese frontier and airspace by Indian armed forces had multiplied. Indian propaganda media had continued to carry on a campaign of accusations. The Portuguese Government, under Article 35 (1), drew the attention of the Security Council to those facts as it considered imminent a military aggression and attack by the Indian Government on Portuguese territory.

^{457/} S/5024, *ibid.*, p. 204. In the letter were listed incidents which took place from 9 to 11 December 1961.

^{458/} 987th meeting: para. 7. On the inclusion of the question in the agenda, see chapter II, Case 6.

^{459/} 987th meeting: para. 9.

At the 987th meeting the representative of India* stated that the Portuguese Government had refused repeated requests of the Government of India to negotiate the transfer of the Portuguese possessions in India and invented a legal fiction that they were part of Portugal. The question before the Council was a colonial question in the sense that part of Indian territory had been illegally occupied by conquest by Portugal. Portugal had no sovereign right over that territory and there was no legal frontier between India and Goa since Goa was an integral part of India. Therefore, a question of aggression could not arise. The only thing the Security Council could do was to tell Portugal to vacate Goa, Damao and Diu, and to give effect to the numerous resolutions of the General Assembly with regard to the freedom of dependent peoples.^{460/}

At the 988th meeting on 18 December 1961, the representative of the United States introduced a joint draft resolution^{461/} co-sponsored by France, Turkey and the United Kingdom, whereby the Security Council would: (1) call for an immediate cessation of hostilities; (2) call upon the Government of India to withdraw its forces immediately to positions prevailing before 17 December 1961; (3) urge the parties to work out a permanent solution of their differences by peaceful means in accordance with the principles embodied in the Charter; and (4) request the Secretary-General to provide such assistance as might be appropriate.

At the same meeting, the representative of Ceylon introduced a joint draft resolution^{462/} co-sponsored by Liberia and the United Arab Republic, according to which the Security Council would: (1) decide to reject the Portuguese complaint of aggression against India; and (2) call upon Portugal to terminate hostile actions and to co-operate with India in the liquidation of her possessions in India.

At the same meeting, the joint draft resolution submitted by Ceylon, Liberia and the United Arab Republic was rejected; there were 4 votes in favour and 7 against.^{463/}

The joint draft resolution submitted by France, Turkey, the United Kingdom and the United States failed of adoption. There were 7 votes in favour and 4 against (one of the negative votes being that of a permanent member).^{464/}

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

THE INDIA-PAKISTAN QUESTION

Decision of 1 February 1962 (990th meeting): Statement by the President

By letter^{465/} dated 11 January 1962, the representative of Pakistan requested a meeting of the Security

^{460/} 987th meeting: paras. 41-43, 45, 60-62.

^{461/} S/5033, 988th meeting: para. 47. For constitutional considerations advanced in connexion with this draft resolution, see chapter X, Case 5, and chapter XII, Case 8.

^{462/} S/5032, 988th meeting: para. 75. For constitutional considerations advanced in connexion with this draft resolution, see chapter XII, Case 8.

^{463/} 988th meeting: para. 128.

^{464/} 988th meeting: para. 129.

^{465/} S/5055, O.R., 17th year, Suppl. for Jan.-March 1962, pp. 46-47.