

At the same meeting, the representative of the USSR proposed that in operative paragraph 1 of the Turkish draft resolution, after the words "had not been fully carried out", be added the words "by France", and that, in operative paragraph 2, after the words "implementation of that resolution" be added the words "by France".^{441/}

At the 966th meeting, the Council proceeded to vote on the draft resolutions and the amendment before it. The first draft resolution (S/4903) submitted by Ceylon, Liberia and the United Arab Republic was not adopted, there being 4 votes in favour, none against and 6 abstentions.^{442/} The second draft resolution submitted by Ceylon, Liberia and the United Arab Republic was not adopted, there being 4 votes in favour, none against and 6 abstentions.^{443/} The USSR amendment to the Turkish draft resolution was not adopted, there being 4 votes in favour, none against and 6 abstentions.^{444/} The draft resolution submitted by Turkey was not adopted, there being 6 votes in favour, none against and 4 abstentions.^{445/}

The President (Ecuador) noted that France had not participated in the voting.

The President expressed his concern at the fact that the Council had concluded its discussion without having arrived at a positive resolution. He expressed the hope that the good will of the countries concerned and their understanding of their duties would lead to the full implementation of the only resolution that the Council had been able to adopt on the matter.^{446/}

COMPLAINT BY CUBA (LETTER OF 21 NOVEMBER 1961)

INITIAL PROCEEDINGS

By letter ^{447/} dated 21 November 1961 addressed to the President of the Security Council, the representative of Cuba stated that the United States was carrying out a plan of armed intervention in the Dominican Republic in violation of that country's sovereignty. He asserted that United States warships and aircraft carriers had been dispatched to Santo Domingo waters, from which flights had been launched over Dominican territory with no justification except force and intimidation. Such actions, he added, infringed on the basic principles of the United Nations Charter and those of the Charter of the Organization of American States and were consequently endangering international peace and security. Furthermore, if allowed to go unprotected, they could become a precedent for United States intervention in the internal affairs of other countries of Latin America and thus affect their struggle for self-determination. The request for a meeting of the Security Council was based on Ar-

^{441/} 960th meeting: paras. 59-60, 62.

^{442/} 966th meeting: para. 64. One permanent member did not participate in the voting.

^{443/} 966th meeting: para. 65. One permanent member did not participate in the voting.

^{444/} 966th meeting: para. 66. One permanent member did not participate in the voting.

^{445/} 966th meeting: para. 67. One permanent member did not participate in the voting.

^{446/} 960th meeting: para. 78.

^{447/} S/4992, O.R., 10th year, Suppl. for Oct.-Dec. 1961, pp. 139-141.

ticles 34, 35 (1), 52 (4), 103, 24 (1) and 31 of the Charter, and on the relevant rules of procedure of the Security Council.

At the 980th meeting on 22 November 1961, the Council included the question in its agenda.^{448/} The President (USSR) invited the representatives of Cuba and the Dominican Republic to participate in the debate.^{449/} The Council considered the Cuban complaint at its 980th, 981st and 983rd meetings held on 22, 24 and 28 November 1961.

Decision of 28 November 1961 (983rd meeting): Statement by the President summing up the consensus in the Council

At the 980th meeting on 22 November 1961, the representative of Cuba* asked the Council to condemn the United States as an aggressor, and to demand the immediate withdrawal of U.S. Forces from the coasts of the Dominican Republic.^{450/}

The representative of the United States observed that the charge that the United States was planning armed intervention in the Dominican Republic was totally without foundation, and at no time had the land, sea or air forces of the United States been present in the territorial waters or airspace of the Dominican Republic. The friendly presence of the U.S. fleet on the high seas of the Caribbean was undertaken with the full knowledge of the constitutional authorities of the Dominican Republic, who were struggling to free that nation from years of dictatorship. It was surprising, however, that the accusation of intervention was made not by the Dominican Republic but by Cuba. The real threat to the peace and security of the hemisphere, he asserted, rested with a Government aided by the Communist bloc, which was attempting to frustrate the efforts of the Dominican people to achieve a new and democratic life for their country.^{451/}

At the 981st meeting on 24 November 1961, the representative of the Dominican Republic* expressed regret that Cuba had misused the right granted to Members under Article 35 in a case that fulfilled none of the prerequisites mentioned in Article 34. The Dominican Republic had traditionally been very conscious about its sovereignty, and there was no United States interference in Dominican internal affairs. Instead, full United States respect for that country's sovereignty was manifest. Further, the United States had not violated international law since it had not intruded into the Dominican Republic's territorial waters. The United States patrolled the high seas which was within its rights. The Dominican representative suggested that since Cuba had raised the same complaint before the Organization of American States the Council might abstain from considering it. In so doing, the Council would be respecting Articles 52 to 54 of the United Nations Charter.^{452/}

The President, in summing up the debate at the 983rd meeting on 28 November 1961,^{453/} stated that

^{448/} 980th meeting: preceding para. 1.

^{449/} 980th meeting: paras. 1 and 50.

^{450/} 980th meeting: paras. 4-30.

^{451/} 980th meeting: paras. 31-45.

^{452/} 981st meeting: paras. 3-30, 34-51.

^{453/} 983rd meeting: para. 17^a.

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. 45. 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.