

ported a proposal by the United Arab Republic<sup>519/</sup> for adjournment.<sup>520/</sup>

The proposal was adopted without objection, and the meeting was adjourned after a statement by the President that, in the light of the results of the discussions which were to take place, he would decide on the future work of the Council on the subject.<sup>521/</sup>

## COMPLAINT BY SENEGAL

### INITIAL PROCEEDINGS

By letter<sup>522/</sup> dated 10 April 1963 to the President of the Security Council, the representative of Senegal requested that "in view of the repeated violations of Senegalese airspace and territory that have taken place", a meeting of the Council should be called to discuss the matter. In the letter it was asserted that on 9 April<sup>523/</sup> four Portuguese aircraft had violated Senegalese airspace and dropped four grenades on the village of Bouniak. It was also recalled that on 22 December 1961 the Government of Senegal had drawn the attention of the President of the Council to several earlier violations which had taken place on the border between Senegal and "so-called" Portuguese Guinea. The recurrence of such acts had therefore determined the Government of Senegal to appeal to the Security Council.

By letter<sup>524/</sup> dated 10 April 1963 to the President of the Security Council, the Permanent Representative of Portugal stated that the report by Senegal was "without the slightest foundation" and that "on the day in question, no Portuguese military aircraft flew over that area or any other area along the border with Senegal". Furthermore, all Portuguese forces had "the strictest orders to scrupulously respect the sovereignty, the territorial integrity and the airspace of the Republic of Senegal". The complaints presented by Senegal in 1961, he contended, "either were totally unfounded or originated from a misconstruction of events without any real significance". It was regretted that "old complaints" should have been joined "to a new entirely unfounded allegation in order to create an atmosphere of hostility against Portugal" in spite of "the constant endeavours of the Portuguese Government to adhere to a firm policy of international co-operation and good neighbourliness". The convening of the Security Council, the letter concluded, "would be entirely unwarranted".

<sup>519/</sup> 1025th meeting: para. 74.

<sup>520/</sup> 1025th meeting: paras. 91-94.

<sup>521/</sup> 1025th meeting: para. 102. In a letter dated 7 January 1963 (S/5227, O.R., 18th year, Suppl. for Jan.-March 1963, p. 85) jointly addressed to the Secretary-General on behalf of their Governments by the representatives of the USSR and the United States, they expressed appreciation to the Secretary-General for his assistance to both Governments in averting a serious threat to world peace and noted that: "in view of the degree of understanding reached between them on the settlement of the crisis and the extent of progress on the implementation of this understanding, it is not necessary for this item to occupy further the attention of the Security Council at this time."

<sup>522/</sup> S/5279, O.R., 18th year, Suppl. for April-June 1963, pp. 16-17.

<sup>523/</sup> On 16 April this date was corrected to read 8 April (S/5279/Corr.1).

<sup>524/</sup> S/5281, *ibid.*, pp. 24-25.

At the 1027th meeting on 17 April 1963, the Council included the item in its agenda.<sup>525/</sup> The question was considered by the Council at the 1027th to 1033rd meetings held between 17 and 24 April 1963. At the 1027th meeting on 17 April 1963, the representatives of Senegal and Portugal,<sup>526/</sup> and at the 1028th meeting - on 18 April 1963, the representatives of the Congo (Brazzaville) and Gabon<sup>527/</sup> were invited to participate in the discussion.

*Decision of 24 April 1963 (1033rd meeting):* Deploring any incursion by Portuguese military forces in Senegalese territory, and requesting the Government of Portugal to take action to prevent any violation of Senegal's sovereignty and territorial integrity

In his initial statement before the Council, the representative of Senegal\* complained that in December 1961 there had been serious incidents along the border between Senegal and "so-called" Portuguese Guinea. Senegal had at that time requested the Security Council to consider these incidents. Senegal had then been persuaded to seek a direct arrangement with Portugal instead of insisting on the initiation of Council proceedings. Two years later, however, the occurrence of even graver incidents "despite the solemn undertakings made by the Portuguese Government at that time" had forced Senegal to appear before the Council. As to the latest incidents, on 8 April, the Senegalese village of Bouniak had been bombed by four aircraft of the Portuguese colonial army. There was also much tension on the border area between the populations residing on both sides, resulting from a systematic division of the border population by the Portuguese authorities, who were massacring and terrorizing the Diolas, who were Africans of Portuguese nationality. In addition to these elements causing tension, there was a network of espionage on Senegal's territory which was operated by the Portuguese. He denied Portuguese charges that Senegal had annexationist aims against Portuguese Guinea and asserted that in questions of decolonization Senegal supported the principle of self-determination and national independence for all dependent peoples. These border incidents were creating "a very tense" and "storm-charged" atmosphere which might explode in an armed conflict, which would be "a real threat to international peace and security", since Senegal had military agreements with other nations in Africa and elsewhere. The Security Council should solemnly condemn Portuguese incursions into Senegalese territory and the aggressions being perpetrated by Portugal against its villages. Later, at the same meeting, in support of his complaint, the representative of Senegal displayed before the Council metal fragments which, he contended, had come from rockets fired by Portuguese planes flying over Senegalese territory.<sup>528/</sup> Together with the pieces of rockets and bullets found on the ground, he submitted as documentary evidence a report of experts.<sup>529/</sup>

At the 1028th meeting on 18 April, the representative of Senegal asserted that no negotiation with

<sup>525/</sup> 1027th meeting: para. 46.

<sup>526/</sup> 1027th meeting: para. 47.

<sup>527/</sup> 1028th meeting: para. 26.

<sup>528/</sup> 1027th meeting: paras. 48-62, 113-117.

<sup>529/</sup> S/5287, O.R., 18th year, Suppl. for April-June 1963, pp. 26-27.

Portugal was possible. He wondered what use there was in entering into contact with a Government that had made it a principle to deny all its errors. At the root of the problem was Portugal's African policy of racial discrimination which Senegal, like practically all the African States and the progressive forces of the world, condemned. Members of the Council knew only too well the policy of Portugal and realized therefore the impossibility of any negotiations or resort to mediation. Senegal thus was left no alternative but to turn to the Security Council. The Council could do no greater service to Portugal than to make it aware of how far astray it had gone, and to make it realize the context of General Assembly resolution 1514 (XV), on the granting of independence to colonial countries and peoples.<sup>530/</sup>

At the 1027th meeting on 17 April and the 1030th meeting on 19 April 1963, the representative of Portugal\* stated in reply that consideration by the Council of the complaint by Senegal was both "irregular and premature, in terms of the Charter". Senegal's request for a meeting had obviously been made under the provisions of Chapter VI. Article 33 of the Charter provided that the parties to a dispute should first of all seek a solution by negotiation, inquiry or other peaceful means. Only after these steps had been attempted and proved to have failed should an approach be made to the Security Council. Senegal, however, had not even tried any of the methods indicated in Article 33, and had at once asked that the Council be convened.<sup>531/</sup> True to its traditional policy of friendship and co-operation, the Portuguese Government never refused to discuss or negotiate on any disputes arising from border incidents. The events of 1961 on the Senegal-Portuguese border had been without any real significance and had originated in mistaken or unintentional acts. They had then been brought by Senegal to the notice of the President of the Council, and had been fully analysed and dealt with in the letter of 9 January 1962<sup>532/</sup> of the Portuguese representative to the President of the Security Council. The contents of that letter had not been the subject of any comment by the Government of Senegal, either at that time or at any time thereafter.

With regard to the Senegalese allegation of an incident on 9 April 1963, he asserted that it was "absolutely devoid of truth". A careful inquiry ordered by the Portuguese Government had found that no Portuguese military aircraft based in the Province of Guinea had taken to the air on that day, and therefore no such aircraft could have overflown the village of Bouniak or any other area along the border with Senegal. Noting also that Senegal had later declared that the alleged incident had taken place not on 9 April but on 8 April,<sup>533/</sup> he wondered why the Government of Senegal had waited seven days to correct an error on such an important point as the date of the occurrence. The facts, as verified by the Portuguese Government, were that on 9 April no military planes had taken to the air in the Province of Guinea. On 8 April, however, there had been

"some routine small-scale military exercises in which air and land forces participated", but no bombs or grenades had been used by the planes, and all operations had taken place strictly within Portuguese territory. There was, therefore, no ground for complaint. As for the pieces of rocket that were supposed to have been found in Bouniak and said to have come from the alleged bombings by four Portuguese planes, what was there to prove that they had actually been dropped from Portuguese aircraft at the place and on the day in question? After dismissing other Senegalese allegations and the charge that agents of Portuguese police operated in Senegal, he stated that there were positive grounds for the belief of his Government that the roots of the hostility of the Government of Senegal were outside that country. The evidence submitted in the Council proceedings was "hearsay evidence of a very questionable nature". There was absolutely no tension on the borders between Portuguese Guinea and Senegal and the populations, at least on the Portuguese side of it, lived in peace except on those occasions when, in pursuance of avowed anti-Portuguese policies, agitators with subversive purposes infiltrated in the dead of the night, alleging that they were nationalists from Portuguese Guinea. There was a "grand anti-Portuguese conspiracy on the international plane" to which the current attempt by a neighbouring African State to bring Portugal into disrepute was clearly connected. The norms of good neighbourliness had been repeatedly violated by Senegal in its conduct towards Portugal, and subversive anti-Portuguese propaganda had been broadcast daily by the Senegalese radio in Dakar. Nevertheless, Portugal would always be willing to co-operate with Senegal in matters of common interest, with the aim of reaching solutions acceptable to both sides. In accordance with this policy, Portugal suggested that a small commission be appointed with the mutual consent of Senegal and Portugal to make an on-the-spot investigation of the substance of the current Senegalese complaint. The commission should be composed of competent technicians to be named in equal numbers by each party and presided over by a neutral acceptable to both sides.<sup>534/</sup>

At the 1031st meeting on 22 April 1963, after denying the Portuguese charges, the representative of Senegal rejected the proposal to set up a commission of investigation. This, he asserted, was a delaying tactic and its obvious aim was to prevent the Security Council from taking a just and efficient decision.<sup>535/</sup>

At the 1032nd meeting on 25 April 1963, the representative of Ghana introduced a draft resolution<sup>536/</sup> jointly sponsored with Morocco.

At the 1033rd meeting on 24 April 1963, the joint draft resolution was adopted unanimously.<sup>537/</sup>

The resolution<sup>538/</sup> read:

"The Security Council,

<sup>530/</sup> 1023th meeting: paras. 34-60.

<sup>531/</sup> For discussion concerning Article 33, see chapter X, Case 8.

<sup>532/</sup> S/5055, O.R., 17th year, Suppl. for Jan.-March 1962, pp. 44-45.

<sup>533/</sup> See S/5279/Corr.1.

<sup>534/</sup> 1027th meeting: paras. 63-112, 115; 1030th meeting: paras. 3-57.

<sup>535/</sup> 1031st meeting: paras. 3-15.

<sup>536/</sup> S/5292, 1032nd meeting: para. 25.

<sup>537/</sup> 1033rd meeting: para. 134.

<sup>538/</sup> S/5293, O.R., 18th year, Suppl. for April-June 1963, pp. 30-31.

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

"Deploring the incidents that have occurred near the frontier between Senegal and Portuguese Guinea,

"Noting with concern that the state of relations in this area between the two parties concerned may lead to tension on the occasion of any incident, and expressing the hope that such tension will be eliminated in accordance with the provisions of the Charter of the United Nations,

"Taking note of the declared intention of the Portuguese Government scrupulously to respect the sovereignty and territorial integrity of Senegal.

"1. Deplores any incursion by Portuguese military forces into Senegalese territory as well as the incident which occurred at Bouniak on 8 April 1963;

"2. Requests the Government of Portugal, in accordance with its declared intentions, to take whatever action may be necessary to prevent any violation of Senegal's sovereignty and territorial integrity;

"3. Requests the Secretary-General to keep the development of the situation under review."

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

## COMPLAINT BY HAITI

### INITIAL PROCEEDINGS

By a telegram<sup>539/</sup> dated 5 May 1963 the Minister for Foreign Affairs of the Republic of Haiti requested the President of the Security Council, in accordance with Articles 35 (1) and 34 of the Charter, to convene an urgent meeting of the Council in order to consider the situation "caused by the repeated threats of aggression and attempts at interference made by the Dominican Republic", which were "infringements of Haiti's sovereignty and territorial integrity" and constituted a danger to international peace and security. The Council also had before it a note verbale<sup>540/</sup> dated 6 May 1963 from the Permanent Mission of the Dominican Republic transmitting the texts of (1) a note addressed by the Secretary of State for Foreign Affairs of the Dominican Republic to the Minister for Foreign Affairs of Haiti concerning the severance of diplomatic and consular relations between the two countries, and the refusal of the Dominican Government to withdraw the staff of its diplomatic mission until certain guarantees were offered by the Haitian Government, and (2) a message addressed by the President of the Dominican Republic to the Chairman of the Council of the Organization of American States offering to co-operate with the commission of investigation established by the Council of the Organization, acting as provisional Organ of Consultation, to study the situation on the spot.

The item was included in the agenda<sup>541/</sup> and was considered by the Council at its 1035th and 1036th meetings on 8 and 9 May 1963. The representatives of Haiti and the Dominican Republic were invited to participate in the discussion.<sup>542/</sup>

*Decision of 9 May 1963 (1036th meeting): Statement by the President summarizing the debate and stating that the Council would remain seized of the question*

In his initial statement before the Council at the 1035th meeting on 8 May 1963, the representative of Haiti\* stated that the Council was fully aware of the danger inherent in the situation brought to its consideration, not only for the peace of the Caribbean area—where the situation was already so disturbed—but also for the peace of the world. In this area, which had such a strategic importance, a dangerous situation had developed ever since the Government of the Dominican Republic had violated the most elementary laws of co-existence and of the inter-American legal system. Its present attempt was made within the context of efforts to destroy the only Negro nation in the New World. There had been repeated threats of invasion by the President of the Dominican Republic, and the Dominican Republic had made unfounded accusations regarding the violation of its Port-au-Prince Embassy and had presented to the Haitian Government an ultimatum of twenty-four hours in connexion with those accusations. On numerous occasions, threats of invasion had been made. The Government of the Dominican Republic also showed more than tolerance to the subversive activities of the Haitian exiles who had established training camps on Dominican territory and even boasted of the facilities that had been granted to them. There had been numerous violations of the treaty of peace, trade, navigation and extradition signed between the Dominican Republic and the Republic of Haiti on 9 November 1874, including repeated violations of Haitian airspace and massive concentrations of Dominican troops on Haiti's frontiers. The Haitian Government denounced all these threats and acts of aggression of the Dominican Republic against Haiti. The Haitian Government, wishing to maintain and defend its independence and the integrity of its territory which was being threatened, had used its legitimate right to appeal to the Security Council, and was confident that this appeal would receive proper attention. However, if the Council deemed it advisable, despite the exceptional seriousness of the situation, to await the result of the OAS peace mission established under a resolution adopted by that regional organization, the Government of Haiti, which also had confidence in the regional organization, would have no objection, provided, however, that the Security Council did not decide not to proceed with the question and remained ready to take it up again at any time<sup>543/</sup>

The representative of the Dominican Republic\* contended that the situation which had arisen between his country and Haiti had been caused by the behaviour

<sup>539/</sup> S/5302, O.R., 18th year, Suppl. for April-June 1963, pp. 38-39.  
<sup>540/</sup> S/5306, *ibid.*, pp. 40-42.

<sup>541/</sup> 1035th meeting: before para. 1.

<sup>542/</sup> 1035th meeting: para. 2.

<sup>543/</sup> 1035th meeting: paras. 6-4 ; 1036th meeting: paras. 4-19.