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LETTER DATED 10 FEBRUARY 1967 FROM THE CHARGE D'AFFAIRES, a.i.,  
OF PORTUGAL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to forward herewith two letters of 3 February 1967 from the Minister for Foreign Affairs of Portugal, and I should appreciate very much if your Excellency direct that they be circulated among members as documents of the Security Council.

I avail, etc.

(Signed) António PATRÍCIO  
Chargé d'Affaires, a.i., of Portugal

\* Text edited.

(i)

1. I have the honour to acknowledge receipt of a Note of 17 December 1966 in which Your Excellency informed me of the approval by the Security Council on the 16th of that month of resolution S/RES/232 (1966) concerning Rhodesia, and asked for information regarding the measures which the Portuguese Government may have adopted in conformity with that resolution. Likewise, I have the honour to acknowledge receipt of your Note dated 13 January 1967 in which the same request is reiterated and a reply is requested by 15 February 1967 and to which also you have annexed a questionnaire which you would like to be filled up and returned on a monthly basis, concerning the imports and exports from and into Rhodesia indicated in the above-mentioned resolution of 16 December last.
2. The above-mentioned resolution of the Security Council is an expanded version of the resolution which, also on Rhodesia, was submitted to the vote of that organ of the United Nations on 9 April 1966.
3. As Your Excellency will recall, I addressed to you in connexion with this last resolution, a letter dated 27th of that month, in which I placed before you in the name of the Portuguese Government a certain number of doubts and queries, suggesting that the opinion of the Juridical Department of the United Nations should be obtained concerning them. As no reply was received, a further note was sent under the date of 13 May 1966, insisting that the clarifications asked for be given. You were then pleased to reply on 21 June 1966 stating that you did not consider well founded the doubts raised by the Portuguese Government, adding, however, that you could not make known the legal opinion given by the competent department of the United Nations Secretariat, seeing that the latter could only pronounce itself publicly if a request were addressed to it by one of the principal organs of the United Nations.
4. In the face of this reply from you, and always out of a desire to have its doubts clarified, the Portuguese Government sent to the President of the Security Council on 29 July 1966 a note in which it repeated the previous questions and also formulated others which had suggested themselves in the meantime, and requested that the Security Council, which is undoubtedly one of the principal organs of

the United Nations, should obtain from the Secretariat the juridical opinion which Member Governments individually appear not to be authorized to receive. A communication of six lines was received from the President of the Security Council on 8 August 1966, merely stating that the subject was going to be brought to the notice of the members of the Council for consideration. In view of this the Portuguese Government waited, and only on 20 September 1966, not having received any reply, addressed a further note to the President of that Organ, underlining once more the doubts the clarification of which might be said to be of interest to all Member States as well as to the United Nations Organization itself. No further reply was received.

5. You will recall that the main points of doubt which a study of the problem had occasioned to the Portuguese Government were very simple, as proposed. In substance, the Portuguese Government expressed a desire to know the following:

(a) Since the Council was composed of fifteen members, and seven abstentions were needed to prevent the approval of a resolution (provided on the other side none of the permanent members had cast a "veto" or a majority vote had not been verified against the resolution) is it to be understood, in view of Article 27 of the Charter, that a resolution is considered valid when all the five permanent members or even only some of them have cast votes of abstention? (b) Since the freedom of the seas and the free access to it by landlocked countries is laid down in international conventions, and since the above-mentioned resolutions of the Security Council are clearly a denial of these principles, could the Security Council deliberate and legislate against international conventions? (c) Seeing that various Organs of the United Nations have discussed the problem of Rhodesia, and that the United Kingdom took the initiative to place it before the Security Council on more than one occasion, and further that the British delegation actively participated in the debates and in the voting, ought the matter still to be deemed as being of the exclusive competence of the United Kingdom or does it henceforth fall under international jurisdiction: (d) Seeing that the Security Council has treated the entire problem in the light of Chapter VII of the Charter and decided to act in terms of Article 42 thereof, and that it has entrusted to the armed forces of a single State the execution of certain coercive measures, ought such

forces, in view of Article 43 of the Charter, have a national or an international status? In case those forces should retain this national status, and in the event of their taking any action which may result in a dispute, or be offensive to the interests of third-party States, which is the entity or organism to which an appeal and a claim should be made?

6. Your Excellency will recognize the close relationship between the above-mentioned problems and the resolution of 16 December concerning Rhodesia. On the other hand you will agree that such questions are absolutely relevant and also that it is extremely useful to all, that authoritative replies should be given to them. You now ask that the Portuguese Government should state what measures it proposes to adopt in the execution of the above-mentioned resolution; but the reply to this will inevitably have to be considered in the light of the answers given to the points listed above. The Portuguese Government considers itself entitled to clarification and it cannot be called upon, in matters of such extreme gravity, to pronounce itself without knowing all the implications of the position which it ought to adopt. Therefore, the Portuguese Government trusts that clarifying answers will at last be provided with the urgency the case requires.

I avail myself of this opportunity to convey to Your Excellency the assurances of my highest consideration.

(Signed) A. Franco NOGUEIRA  
Minister for Foreign Affairs

(ii)

1. I have the honour to inform Your Excellency that as a result of the carrying out of a number of measures envisaged in the resolutions of the Security Council, voted upon on 9 April and on 16 December 1966, the economy of the Portuguese province of Mozambique is suffering severe financial and economic losses which the Portuguese Government estimates at about £10 million sterling, up to the end of the year 1966. Annexed hereto you will find particulars of this amount by various items. The Portuguese Government reserves to itself the right to document all the items indicated, at the appropriate opportunity.

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2. In terms of, and for the purposes of Article 50 of the Charter, the Portuguese Government wishes that consultations should be initiated between the Security Council and the Portuguese Government in order that the modalities for paying the compensation to which the province of Mozambique has a right, may be agreed upon.

3. I therefore request you kindly to place the foregoing before the Security Council for its consideration. I may inform you that the Portuguese Government will be awaiting a reply with the urgency which the matter calls for.

I avail myself of the opportunity to convey to Your Excellency the assurances of my highest consideration.

(Signed) A. Franco NOGUEIRA  
 Minister for Foreign Affairs

LOSSES SUFFERED BY THE PROVINCE OF MOZAMBIQUE AS A  
 RESULT OF THE MEASURES TAKEN AGAINST RHODESIA

1966

(a) Loss of receipts from normal traffic, loss of compensation from the Beira pipeline, failure to fulfil contracts drawn up and signed for exports from

Rhodesia:	£
Limpopo Line . . . . .	2,418,000
Port of Lourenço Marques . . . . .	492,000
Beira Line . . . . .	2,838,000
Port of Beira . . . . .	<u>957,000</u>
	6,705,000
Additional losses . . . . .	<u>1,341,000</u>
Total . . . . .	8,046,000

(b) Foreign trade including imports and exports:

Imports . . . . .	850,000
Exports . . . . .	<u>900,000</u>
Grand total . . . . .	9,796,000

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