



UNITED NATIONS
SECURITY
COUNCIL



Distr..
GENERAL

S/4929
17 August 1961

ORIGINAL: ENGLISH

LETTER DATED 16 AUGUST 1961 FROM THE PERMANENT REPRESENTATIVE OF
PORTUGAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Under instructions from my Government, I have the honour to draw Your Excellency's attention, and the attention of the members of the Security Council, to the facts presented in the official communique issued today, copy of which is enclosed, in connexion with the action reported in press dispatches to have been taken by the Indian Union, regarding the Portuguese enclaves of Dadra and Nagar-Aveli.

I also have the honour to include a Note from my Government, delivered to the Government at New Delhi, through the Brazilian Government, which years ago kindly undertook the protection of Portuguese interests in India.

The following points in the official communique and in the Note are of particular importance and therefore are emphasized:

The press dispatches stated that the Indian Union has passed legislation to bring under the sovereignty of the Union, the Portuguese Territories of Dadra and Nagar-Aveli, although no official communication has as yet been received by my Government.

The Portuguese Government does not need complete knowledge of all of the circumstances to denounce the action of the Indian Government. This denunciation is made before the world, because:

The Indian Union has always recognized Portuguese sovereignty over Dadra and Nagar-Aveli (and over other Territories which constitute the Portuguese State of India); in Notes previously sent to the Portuguese Government, such sovereignty was explicitly acknowledged by the Indian Government in its request that the enclaves of Dadra and Nagar-Aveli be transferred to Indian sovereignty.

The decision by the Indian Parliament on these Portuguese enclaves therefore clearly violates the sovereign rights of another State; it also overrules the principles of International Law, which regulate the life of the Community of Nations.

The action of the Indian Government avows a typical case of international aggression.

The Portuguese Government, faithful to the principles of International Law and, in this instance, the judgment of the International Court of Justice, which recognized on 12 April 1960, both Portuguese sovereignty over the two Territories and the right of passage to them, does not attribute any validity whatsoever to the present attitude of the Indian Union.

As Your Excellency will note, the Portuguese communication to New Delhi established the following:

The International Court of Justice recognized that the Portuguese Government had the right of passage to Dadra and Nagar-Aveli, for the exercise of Portuguese sovereignty over these enclaves; it further recognized that the facilities necessary for Portugal to use this right of passage would have to be observed by the Government of the Indian Union, within the rules deemed as convenient by this Government.

Inasmuch as the Indian Government has not made known its intentions regarding the judgment of the Court, the Portuguese Government feels that it cannot longer delay in taking steps to exercise its right of passage for private persons, civil officials, and goods in general, as set forth by the International Court of Justice, and now communicates to the Government of the Indian Union its intention to use its right of passage to its Territories, within the limits and within the precise terms of the judgment.

I request that this communication and its annexes may kindly be circulated as a Security Council document and brought to the notice of the members of the Security Council.

Please accept, etc.

(Signed) Vasco Vieira GARIN
Permanent Representative of Portugal

English translation of the official communique issued by the
Portuguese Government, dated 16 August 1961, on the
Portuguese enclaves of Dadra and Nagar-Aveli

According to press dispatches, the Government of India introduced, in the Parliament of the Indian Union, legislation to bring under sovereignty of the Union, the Portuguese Territories of Dadra and Nagar-Aveli. The dispatches said that such legislation has been approved. Thus, it seems that the Indian Government considers this approval as making lawful its proposal to take over the Portuguese enclaves.

The Portuguese Government, however, has not yet received any official communication; neither does the Portuguese Government know any of the details concerning the measures approved by the Parliament of New Delhi.

Complete knowledge of all the circumstances is not necessary to denounce this action by the Indian Government. The Portuguese Government therefore makes this denunciation before the world, based on the following facts:

The Government of the Indian Union has never doubted Portuguese sovereignty over Dadra and Nagar-Aveli (or over other Territories which constitute the Portuguese State of India). This aspect was stressed explicitly in Notes previously sent by the Indian Government to the Portuguese Government requesting that these enclaves be transferred to Indian sovereignty.

It cannot be understood how the Indian Government can consider it possible to avail itself of these enclaves through unilateral action, the sovereignty over which India has always admitted not to be hers.

Consequently, the deliberation of the Indian Parliament violates the sovereign rights of another State, explicitly recognized by the Indian Union, and overrules the principles of International Law, which regulate the life of the Community of Nations. It also infringes the principles of co-existence and of mutual respect constantly proclaimed by the Prime Minister of the Union.

On the other hand, it constitutes a clear violation of the judgement of the International Court of Justice, the highest judicial body, which on 12 April 1960 recognized both the Portuguese sovereignty over the two Territories and the right of access to them, which Portugal can rightfully exercise in all matters concerning private persons, civil officials and goods in general.

The basis for the usurpation of Dadra and Nagar-Aveli was a violent action which originated in Indian territory and caused deaths and other casualties, and the move now undertaken by the Indian Government avows a typical case of international aggression. Thus, the legislation passed by the Indian Parliament is null, and irrelevant to the international plan, and has to be associated with the policy of aggressive colonialism and imperialism pursued by the Indian Government. This policy already has victimized neighbouring States of the Indian Union, such as Hyderabad, Kashmir, Junagadh, Manovadar and others, including the Naga people, who claim independence, and against whom the Indian Government has been waging a war of repression and extermination, thus threatening international peace and security.

The Portuguese Government, faithful to the principles of International Law, does not attribute any validity whatsoever to the present attitude of the Indian Union. It has requested the Brazilian Government, which years ago, kindly undertook the protection of the Portuguese interests in India, to deliver to the Indian Union a Note in which the Portuguese Government announces its intention to exercise its right of passage to Dadra and Nagar-Aveli, as recognized by the judgement of the International Court of Justice.

The Brazilian Government has informed the Portuguese Government that the Note has been delivered to the Government of the Indian Union in New Delhi. For this reason, the text of this Note is being released today.

Text of the Portuguese Note delivered in New Delhi and
released 16 August 1961

The judgement passed by the International Court of Justice at The Hague, on 12 April 1960, recognized that there exists in favour of Portugal, a right of passage over intervening Indian territory, between the enclaves of Dadra and Nagar-Aveli and the coastal district of Daman, and between these enclaves for the exercise of Portuguese sovereignty over the enclaves. According to this judgement, the facilities necessary for Portugal to use this right of passage would have to be observed by the Government of the Indian Union, within the rules deemed as convenient by this Government and to the extent necessary for the effective exercise of Portuguese sovereignty over Dadra and Nagar-Aveli. These facilities concerned private persons, civil officials and goods in general.

Since the Government of the Indian Union has always stated that it respects international judicial order and defends the principles of compliance with the decisions of the highest judicial body in the community of nations, the Portuguese Government has been waiting for the Indian Government to define, within this spirit, its attitude toward the judgement given on 12 April 1960, and in particular, its intentions regarding the arrangements for Portugal to exercise its right of passage in compliance with and within the terms of said judgement.

Because the Indian Government has not yet made known how it intends to fulfil the decision of the International Court, the Portuguese Government feels that it cannot delay any longer the steps required to exercise its right, as recognized by the International Court of Justice. It is a fact that such exercise is necessary and justified for reasons known to the Indian Government.

In these circumstances, the Portuguese Government now communicates to the Government of the Indian Union its intention to use its right of passage to the Territories of Dadra and Nagar-Aveli, within the limits and within the precise terms of the judgement given on 12 April 1960. With this in mind, the Portuguese Government will furnish in a short time to the Government of the Indian Union all appropriate factual data.

