

No. 14321

**INDIA
and
PORTUGAL**

Treaty on recognition of India's sovereignty over Goa, Daman, Diu, Dadra and Nagar Haveli and related matters (with an exchange of letters dated 14 March 1975, constituting an understanding in respect of article V of the Treaty). Signed at New Delhi on 31 December 1974

Authentic texts of the Treaty: Hindi, Portuguese and English.

Authentic text of the exchange of letters: English.

Registered by India on 17 September 1975.

**INDE
et
PORTUGAL**

Traité relatif à la reconnaissance de la souveraineté indienne sur Goa, Daman, Diu, Dadra et Nagar Haveli et aux questions connexes (avec échange de lettres en date du 14 mars 1975, constituant un arrangement à l'égard de l'article V du Traité). Signé à New Delhi le 31 décembre 1974

Textes authentiques du Traité : hindi, portugais et anglais.

Texte authentique de l'échange de lettres : anglais.

Enregistré par l'Inde le 17 septembre 1975.

TREATY¹ BETWEEN INDIA AND PORTUGAL ON RECOGNITION OF INDIA'S SOVEREIGNTY OVER GOA, DAMAN, DIU, DADRA AND NAGAR HAVELI AND RELATED MATTERS

The President of the Republic of India and the President of the Republic of Portugal,

Recalling the Joint Communiqué signed in New York on 24 September, 1974 by the Minister of External Affairs, Government of India and the Minister of Foreign Affairs, Government of Portugal stating, *inter alia*, that the Government of Portugal was ready to recognise the full sovereignty of India over the former Portuguese territories of Goa, Daman, Diu, Dadra and Nagar Haveli, which had become integral parts of the territory of India,

Noting that the Constitutional Law No.9/74 of 15 October 1974 published in the State Gazette of Portugal authorises the President of the Republic of Portugal to conclude an agreement between Portugal and India by which Portugal recognises the full sovereignty of India over the territories of Goa, Daman, Diu, Dadra and Nagar Haveli and that this recognition would imply the abrogation of the corresponding part of Article 1 of the Portuguese Constitution of 1933,

Bearing in mind the desires of the peoples of India and Portugal to usher in a new era of friendship and cooperation,

Have decided to conclude a treaty between their two countries to implement the understanding expressed in the aforementioned Joint Communiqué and to take steps to reestablish normal relations between their two countries on the basis of sovereign equality and mutual benefit, and have appointed for this purpose as plenipotentiaries:

The President of the Republic of India:

His Excellency Shri Y. B. Chavan, Minister of External Affairs

The President of the Republic of Portugal:

His Excellency Dr. Mario Soares, Minister of Foreign Affairs

who have agreed as follows:

Article I. Portugal acknowledges that the territories of Goa, Daman, Diu, Dadra and Nagar Haveli have already become parts of India and hereby recognises the full sovereignty of India over these territories with effect from the dates when they became parts of India under the Constitution of India.

Article II. Diplomatic relations between India and Portugal will be resumed immediately.

Article III. The two Contracting Parties agree to settle through bilateral negotiations all questions between them including those concerning the property, assets or claims of citizens of their respective countries, as well as questions concerning the State property and assets of either State in the territories of the other State.

The two Parties also agree to settle through bilateral negotiations rights and claims of Indian citizens and other persons who had to return to India from territories under Portuguese administration concerning their property and assets.

¹ Came into force on 3 June 1975 by the exchange of the instruments of ratification, which took place at Lisbon, in accordance with article VII.

Article IV. A cultural Agreement between India and Portugal will be concluded as soon as possible. The Contracting Parties agree to take steps to develop contacts in the cultural field and in particular in the promotion of the Portuguese language and culture and the preservation of historical and religious monuments in Goa, Daman, Diu, Dadra and Nagar Haveli.

Article V. Portugal agrees in principle to return to India all archives, records, papers, documents and other materials relating mainly to the territories mentioned in Article I including those which may have been transferred to any place outside these territories. Similarly, India agrees in principle to transfer to Portugal all archives, records, papers, documents and other materials which may be maintained within the territories mentioned in Article I and which do not relate mainly to these territories.

The modalities of their return, mutual access, supply of copies and consultation will be settled through diplomatic channels.

Article VI. Any question of interpretation or application of this Treaty shall be resolved between the two countries through bilateral negotiations.

Article VII. The present Treaty shall be subject to ratification and shall enter into force on the date of exchange of instruments of ratification which shall take place at Lisbon.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Treaty and affixed thereto their seals.

DONE in duplicate at New Delhi this the 31st day of December 1974 in Hindi, Portuguese and English languages, all texts being equally authentic.

For the Republic
of India:

[Signed — Signé]¹

For the Republic
of Portugal:

[Signed — Signé]²

EXCHANGE OF LETTERS

I

MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

14th March, 1975

Excellency,

I have the honour to refer to Article V of the Treaty between India and Portugal on recognition of India's sovereignty over Goa, Daman, Diu, Dadra and Nagar Haveli and related matters, which was signed in New Delhi on the 31st of December, 1974.

Insofar as the archives, records, papers, documents and other materials originating in the territories mentioned in Article I of the Treaty and other territories in

¹ Signed by Y. B. Chavan — Signé par Y. B. Chavan.

² Signed par Mario Soares — Signé par Mario Soares.

India are concerned, they may be retained in India even if they relate to other Portuguese territories.

Conversely archives, records, papers, documents and other materials originating in Portugal may be retained by Portugal even if they relate to the territories mentioned in Article I of the Treaty and other territories in India.

This principle will enable both India and Portugal to maintain the organic unity of their respective archives as well as to protect the interests of historical research and science.

I shall be grateful if you will kindly confirm that the above sets out correctly the understanding reached between our two Governments and that Article V of the Treaty thus stands modified to the extent of this understanding.

Accept, Excellency, the assurances of my highest consideration.

[Signed]

Y. B. CHAVAN
Minister of External Affairs
Government of India

His Excellency Dr. Mario Soares
Minister of Foreign Affairs
Government of Portugal

II

MINISTÉRIO DOS NEGÓCIOS ESTRANGEIROS
GABINETE DO MINISTRO¹

Lisbon, 14th March 1975

Excellency,

I have the honour to acknowledge the receipt of your Note of to-day's date, the contents of which read as follows:

[See letter I]

I wish to confirm that the aforementioned Note sets out correctly the understanding reached between our two Governments and that Article V of the Treaty accordingly stands modified.

Accept, Excellency, the assurances of my highest consideration.

[Signed — Signé]²

Minister for Foreign Affairs of Portugal

His Excellency Y. B. Chavan
Minister for Foreign Affairs
of the Republic of India
New Delhi
India

¹ Ministry of Foreign Affairs, Office of the Minister.

² Signed by Mario Soares — Signé par Mario Soares.