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**1520<sup>th</sup>** MEETING: 9 DECEMBER 1969

NEW YORK

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## NOTE

*Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.*

Documents of the Security Council (symbol S/. . .) are normally published in quarterly *Supplements of the Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

## FIFTEEN HUNDRED AND TWENTIETH MEETING

Held in New York on Tuesday, 9 December 1969, at 10.30 a.m.

*President:* Mr. V. J. MWAANGA (Zambia).

*Present:* The representatives of the following States: Algeria, China, Colombia, Finland, France, Hungary, Nepal, Pakistan, Paraguay, Senegal, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia.

### Provisional agenda (S/Agenda/1520)

1. Adoption of the agenda.
2. Complaints by Senegal:
  - (a) Letter dated 27 November 1969 from the Permanent Representative of Senegal addressed to the President of the Security Council (S/9513);
  - (b) Letter dated 7 December 1969 from the Permanent Representative of Senegal addressed to the President of the Security Council (S/9541).

### Adoption of the agenda

*The agenda was adopted.*

#### Complaints by Senegal:

- (a) Letter dated 27 November 1969 from the Permanent Representative of Senegal addressed to the President of the Security Council (S/9513);
- (b) Letter dated 7 December 1969 from the Permanent Representative of Senegal addressed to the President of the Security Council (S/9541)

1. The PRESIDENT: In accordance with the usual practice of the Council and with the provisional rules of procedure, and with the decision taken at the 1516th meeting, I propose now, with the consent of the Council, to invite the representatives of Portugal and Guinea to take seats at the Council table in order to participate in our discussion, without the right to vote.

*At the invitation of the President, Mr. F. B. de Miranda (Portugal) and Mr. A. Touré (Guinea) took places at the Council table.*

2. The PRESIDENT: In accordance with further decisions taken at previous meetings and in accordance with the usual practice of the Council and of the provisional rules of procedure, I propose, if I hear no objection, to invite the representatives of Morocco, Liberia, Madagascar, Sierra Leone, Tunisia, Mali, Saudi Arabia, Yemen, Syria, the United Arab Republic and Mauritania to take part in our discussion without the right to vote. Accordingly, I shall

invite those representatives to take seats at the side of the Council chamber, it being understood that they will be invited to take a seat at the Council table when it comes their turn to take the floor.

*At the invitation of the President, Mr. Y. Nekrouf (Morocco), Mr. B. Rabetafika (Madagascar), Mr. F. B. Savage (Sierra Leone), Mr. G. Sow (Mali), Mr. M. S. Alattar (Yemen) and Mr. A. El-Attrash (Syria) took the places reserved for them.*

3. The PRESIDENT: Before we proceed to the vote on the question before us, I wish to announce, on behalf of the sponsors of draft resolution S/9542/Rev.1, dated 8 December 1969, that there has been a minor amendment to the text. In paragraph 1 of the draft resolution before the Council the word "colonial" after the word "Portuguese" has been deleted, so that the sentence now reads "Strongly condemns the Portuguese authorities . . .".

4. As members of the Council will recall, the general debate on this question was concluded yesterday evening. Several members have asked to speak to explain their vote before the Council proceeds to take a vote on the revised draft resolution submitted by Algeria, Nepal, Pakistan and Zambia [S/9542/Rev.1].

5. The members of the Council will also recall that I gave an undertaking to the representative of Portugal, when he took the floor on a point of order, that I would permit him to make a brief statement before the Council proceeds to the vote. In keeping with this undertaking, I now give the floor to the representative of Portugal.

6. Mr. MIRANDA (Portugal): I shall not take up much time, but there are a few observations which I cannot but place on record before the Council proceeds to a vote.

7. The representative of Senegal asked me on Monday [1518th meeting] to furnish proof in support of my statement to the effect that Senegalese troops have participated in attacks against Portuguese Guinea. My delegation is surprised that such a demand should have come from the Senegalese side, for Senegal itself has furnished no proofs in support of its own complaints. If his statements are to be regarded as proofs, so must ours.

8. But what type of proof can be furnished by us here in this Council chamber? To say that the Senegalese troops wore green shirts and shorts and steel helmets, that they carried automatic and K98K Mauser rifles and Borsig-type machine-guns, that Senegalese planes were Broussard and

C-47 type and marked with a trapeze surmounted by a yellow circle within which there was a star of five points painted green—all this would still be a statement made by us, not proofs. Our previous experience in this Council with regard to evidence has not been reassuring by any means. On the last occasion, in May 1965, when Senegal brought to the Council a complaint against Portugal and we demanded proofs, we were roundly told that Senegal had no need to furnish proofs because, we were told, the Security Council is not a court of law. This is clear from the records. What was held good for Senegal should now be held good for us: our word must be held at least as good as that of Senegal. Or, are we to be discriminated against on this point also?

9. However, if proofs are desired, we have always been ready for a bilateral investigation.

10. We have also been asked to furnish names of the dead and wounded on our side caused by attacks coming from Senegal. We do not think this is going to help as evidence. Nevertheless, since we have been asked, we give the names. During the month of November, the following persons were injured as a result of attacks launched from Senegal, some of them seriously: Malan Sisse, Albertó Costa, Hussa Djalo, Cunhete Bissau, Abilio Neves, Focna Sambu, Daio Cealde, all adults; Cali Tande, 7 years old, and Mussa Seisi, 13 years old. In addition, one person was killed; his name is Mamadu Sumari Gila. Also during the month of November, three women were injured at Ingoré; their names are Fanta Inktaba, Nafissatu Fati and Mulafi Nissi.

11. In the course of the debate some speakers have tried to put into my mouth words I did not use. They have said that I had admitted the contents of the original Senegalese complaint. In order to keep the record straight, I shall quote from the record of the 1516th meeting:

"It is a possibility which my delegation does not wish to exclude *a priori*. Given the nature of the operation, it could have happened incidentally, but certainly not by design. If it did happen, the normal procedure would be to have the matter investigated by a mixed commission.

"...

"We should particularly regret any loss of Senegalese life, or injury to Senegalese citizens, as the result of any action of our forces." [1516th meeting, paras. 127 and 129.]

I wish to repeat: "We should particularly regret". I think it is quite clear that I made no admission.

12. Some speakers have also attributed to me the use of such expressions as "reprisals", "retaliations" and "pursuit". I wish to stress that at no time have I used those expressions or any other expression of equivalent connotation. All along I have emphasized our right of self-defence against armed attacks from outside against our territory. I emphasize this right again. Our right of self-defence is a natural right, inalienable, fully in conformity with the principles of international law and clearly upheld by the Charter. What is contrary to the Charter and to interna-

tional law is violence organized in third countries and launched across frontiers in order to force a country to change its internal policy.

13. Resolutions of the General Assembly have also been quoted. Need I say that resolutions of the General Assembly are no more than recommendations, which Member States can accept or reject in their sovereign right and in the exercise of their sovereign judgement? On the other hand, no resolution of the General Assembly, not even of the Security Council, can legitimize violence as a political instrument.

14. With sophistical arguments it has been sought to deny us our right of self-defence. We do not see anything in the Charter to justify a double standard in the interpretation of its Article 51 so as to discriminate against Portugal. In this connexion, I must point out emphatically that Portugal was admitted as a State Member of the United Nations with all its territories as defined in the Portuguese Constitution. It does not lie within the competence of the United Nations to question the territorial integrity of the Portuguese State. If that were not so, Portugal would not have joined the United Nations.

15. I turn now to the Senegalese complaint contained in document S/9541. My delegation repudiates forthwith and categorically the allegation that an intention to shell Ziguinchor has been announced by us. We have neither announced anything of the sort nor do we entertain any such intention.

16. As for the incident alleged to have taken place at Samine on 7 December, we have made strenuous efforts to obtain information. Owing to the differences in time and the distances involved, we have had great difficulty. Nevertheless, the information that we have obtained does not indicate that our security forces were involved in any incident such as that described in the Senegalese complaint. And, indeed, it would be inconceivable that our security forces, under strict orders to respect Senegalese territory at all times, should have violated it exactly when the Security Council is considering a Senegalese complaint against us.

17. On the other hand, we have noted that according to an *Agence France-Presse* dispatch dated 8 December, the alleged incident was mentioned here in the Security Council even before anything was known about it in Dakar.

18. According to our information, a fracas did occur at Samine involving the local populations who are, frankly, exasperated by the conditions created there by armed elements organized to attack Portuguese Guinea and whose base is at Samine. It appears that there are also rival groups among those armed elements. Since the alleged incident took place on Senegalese territory, we advance this information with a certain amount of reserve.

19. In any case, the truth will come to light only by investigation *in loco*. This is what my delegation has always proposed as a proof of our good faith and honest intentions.

20. Mr. BOYE (Senegal) (*translated from French*): I am sure that the members of the Security Council will take

note of the information and the answer just given by the representative of Portugal. He has, in fact, again dodged the issue and refused to say anything and we realize why he has done so.

21. In any event, the statements he has just made were only for the benefit of those who want, at all costs, to find attenuating circumstances for the representative of Portugal. But do they realize the seriousness of the situation, which is a direct threat to international peace and security? Even though certain individuals may not like Senegal, they must admit it has one great virtue—it is peace-loving; everyone, moreover, is aware of the moderation it displays.

22. The representative of Portugal will be able to delude only those who are inciting him to delude them so that they may then have a clear conscience. In any event I wish to reject all the insinuations of the representative of Portugal and everything he has said so far. I repeat that the Security Council, in which we have always placed our trust, must immediately take a firm decision on Portugal, if the worst is to be avoided.

23. The PRESIDENT: I now propose to give the floor to those representatives who have asked to speak in explanation of vote, before the voting.

24. Mr. SOLANO LOPEZ (Paraguay) (*translated from Spanish*): Mr. President, may I, first of all, extend to you the warmest congratulations of my delegation on your assumption of the Presidency of the Security Council. Your abilities and your diplomatic skill are the best guarantee for the happy conclusion of our discussions. At the same time, and through you, we should like to express our gratitude to those who immediately preceded you in your important post: Lord Caradon and Mr. Yost, who were Presidents of the Security Council in October and November respectively and who, as usual, did excellent work.

25. In the debate we are now having because of the complaints lodged by Senegal against Portugal for violations of its sovereignty and territorial integrity, as a result of which people have been killed and wounded and property has been damaged, it seems to my delegation that some facts have been neither denied nor disproved.

26. First, the bombings which led to the complaints of Senegal did occur on Senegalese territory. Second, the victims—mostly women and children—are Senegalese. Third, the material damage which occurred was done to Senegalese property. Fourth, the origin of the shells was Portuguese: that is to say they came from Portuguese Guinea or Guinea (Bissau). These circumstances establish the violation of the sovereignty and territorial integrity of Senegal. The principle of scrupulous respect for the sovereignty and territorial integrity of States represents one of the cornerstones on which relations between States must be based and is, of course, included among the purposes and principles of the United Nations Charter.

27. I feel bound to add that this very Council has, in the past, considered similar acts carried out by Portugal against Senegal, as a result of which resolutions 178 (1963) and 204 (1965) were unanimously adopted in April 1963 and

May 1965 respectively. In our present debate, we cannot fail to take into account these two resolutions as precedents.

28. In the course of this debate, one of our most eminent colleagues expressed an idea which my delegation wishes to endorse, because it accurately represents what we think. At the Council's meeting on 5 December, the representative of France, Mr. Bérard, said:

“... my delegation requests that the Council should adopt a resolution which may be deemed satisfactory by Senegal and which will help to bring a lasting solution to the problems Senegal has laid before us.” [1517th meeting, para. 13.]

29. Having seen the revised text of the draft resolution in document S/9542/Rev.1 and the oral amendment of which the President informed us this morning, and for the reasons I have just advanced, my delegation will vote in favour of the text, in the hope that the resolution of this Council will, as Mr. Bérard has said, contribute to the fulfilment of the hopes the Council has expressed.

30. The PRESIDENT: I thank the representative of Paraguay for the kind words addressed to me.

31. Mr. LIU Chieh (China): Mr. President, allow me first to offer you the congratulations and good wishes of my delegation in the discharge of your important responsibilities and also to join in the tributes to your predecessors, Lord Caradon and Ambassador Yost.

32. In the light of the debate in the last few days, it is clear that the facts of the Senegalese complaint against Portugal are not in dispute. The case, however, as has already been pointed out by other speakers, is more than a frontier incident. It must be considered against the background of colonialism. If it were merely a frontier incident, it could have been amicably settled by direct negotiations between the parties involved.

33. In recent years, anti-colonial sentiment has found increasing expression in the work of the United Nations. There is no doubt that the question of Portuguese Territories in Africa has become a major issue of international concern. However, what the Council is immediately concerned with is not the problem of colonialism as such, but a specific complaint lodged by Senegal. In the view of my delegation, the use of armed forces by the Portuguese authorities to violate the territorial integrity of Senegal cannot be condoned, whatever may have been the circumstances. The Council is thus in duty bound to pronounce itself clearly and unequivocally on the Senegalese complaint. The draft resolution before us seems to meet the requirements of the case. My delegation will, therefore, vote for it.

34. The PRESIDENT: I thank the representative of China for his statement and for the kind words he has addressed to me.

35. Mr. PHILLIPS (United States of America): I should like to explain briefly the reasons why my delegation finds

itself unable to support the resolution in document S/9542/Rev.1.

36. We have, unfortunately, been faced with an unhappy dilemma in this debate. Both Portugal and Senegal are friends of the United States. The Senegalese representative, on instructions from his Government, has brought serious charges against Portugal and has presented to this Council a full account of the incidents which have occurred on its territory.

37. It is not my intention to cast doubt on the credibility of either party but, as in the case of the Zambian complaint in August, my Government would have been readier to take a position on the merits of the present case had we been in possession of some impartially verified account of the recent developments. Unfortunately, for example, we do not have the kind of report on which we frequently rely when it comes to complaints about the situation in the Middle East. Indeed, such information as has been provided to the Security Council on the current complaint appears to indicate that force has been used from both sides of the border.

38. Because the resolution makes specific findings against Portugal, we are unable to support it under the circumstances described. I should like to emphasize that our position on this resolution has nothing to do with our attitude toward the fundamental question of self-determination for the Portuguese Territories. The United States has repeatedly made clear its support for the exercise by the people of the Portuguese Territories in Africa of their legitimate right to self-determination. My Government has urged the Government of Portugal to permit the free exercise of that right throughout the African Territories under its control. We have also urged the Government of Portugal to consult with interested African States on a just and peaceful resolution of the problems between them. There is no change in that basic policy of the United States.

39. We are concerned with the continuing tension in the area and we strongly hope that the Council will not be faced with a repetition of the unhappy situation in which we have found ourselves with respect to Senegal's current complaint.

40. Mr. BERARD (France) (*translated from French*): I should like simply to explain in a few words the vote of my delegation on this draft resolution. We shall vote in favour.

41. The representative of Portugal, in his first statement, strongly emphasized Portugal's right to self-defence. We in no way challenge the right of Portugal to self-defence; we do not challenge the right of any State to take defensive measures within its competence. But we cannot, in this specific circumstance, approve the firing—at least twice on the village of Samine—by Portuguese authorities on the territory of Senegal, an eminently peace-loving country. That is why my delegation will vote in favour of the draft resolution.

42. Lord CARADON (United Kingdom): It has occurred to me as I listened to references to my Presidency of this Council in October that I should thank the members of the

Council who have had sufficiently long memories to refer to that time. It was in fact, as we will remember, a month in which there was very little for the President to do. As I listened to those kindly comments, I recalled some words which come, I think, from a musical comedy of long ago. They said:

The House of Lords throughout the war  
Did nothing in particular  
And did it very well.

I think that that perhaps might be the epitaph on my Presidency in October. I thank the members of the Council who were good enough to make those kind references.

43. With other preoccupations it is true, I have nevertheless followed this debate with the greatest care. I have studied the statements which have been made even when I myself had to attend the meetings of the General Assembly. I would ask the indulgence of the Council for a moment if I report to the Council the considerations in my mind at this time, as I explain my vote, for I shall vote in favour of the resolution which has been submitted to us.

44. As the representative of the United States has rightly pointed out, we are not debating today the policies of Portugal in Africa; we are debating a specific complaint. It should, however, be said—and I should like to make it clear—that my Government does not support the policies of Portugal in Africa. It follows that my Government in no way supports the policies of Portugal in Guinea, either by moral, military or economic means. I can confirm again that since the adoption of Security Council resolution 180 (1963) my Government has not supplied arms or military equipment for use in Portuguese overseas territories. Any suggestion to the contrary is made not on evidence but in malice.

45. I go on to say that, again, I agree with the statement made by the distinguished representative of the United States. We have long advocated that the policy to be adopted in the Portuguese Territories should be one of self-determination. We hope that the day will come when Portugal will accept that aim. If it were to do so it would immediately transform the whole situation for the better.

46. Having said that, I should like to pay a tribute, if I may, to the Portuguese Government and to those who administer the Territories to which we refer on the fact that they maintain a policy of racial relations which is very different from the policy adopted in parts of southern Africa. They have set an example, indeed, in such matters, and therefore I say that if they were to adopt a policy of self-determination Portugal could make a contribution in Africa comparable to its contribution to the history of the world.

47. But we are not dealing with a question of over-all policy at this time. We are dealing with a specific complaint that refers to an incident in which lives were lost and damage was done. I have very often had the opportunity in this Council and elsewhere to speak about the evils of violence and of retaliation. Violence, as we have often maintained, breeds violence.

48. The argument that was ably put forward by the representative of Portugal—I would also say that he has a perfect right to speak in this Council, equal to that of any member of this Organization—is basically one of self-defence, and we have a duty to take it into account as it was presented with moderation, restraint and respect. We know that violence often causes the greatest suffering to those least able to endure it, and here again we have an example in which the people who have lost their lives, or have suffered wounds and damage, are people—men, women and children—who can have taken no part in military activity.

49. I should like to make one other reference, if I may, to one of the most remarkable speeches we have heard during this debate: that of the President of this Council speaking, at the 1519th meeting, on behalf of his country. I should like to say that we have carefully noted what he said in that speech and we greatly respect his statement.

50. But what we have to do is to form a judgement on the basis of the reports put before us, which were categorically detailed. No need for us to search out or to deny the reports put before us by the representative of Portugal. We are dealing with the reports put before us by the representative of Senegal. They are put to us in a way that is convincing and carries conviction. We are satisfied that his reports are in good faith. There may perhaps be a distinction—and he might agree with us—between the two incidents. We have a fuller report on the first incident than on the second, naturally. The first report was presented to us in complete detail, the second was of necessity a report drawn up in haste, and there may be further details to be provided. But the reports are put to us in such a way that we do not doubt either the good faith or the accuracy of the representative of Senegal for whom we all have such a high personal respect. These reports are not denied. I think it is well that special attention should be drawn to that. The reports are before us, and it is essential that we should deal with them urgently—as the representative of Senegal has impressed upon us—because what we must mainly concern ourselves about is the future.

51. Twice before the representative of Senegal has come to make his complaints here. He now comes a third time, and I would regard the draft resolution before us as having its most important bearing in relation to the future and the demand that never again should we in this Council have to deal with a complaint such as this.

52. For these reasons, and recognizing that there must be the greatest care to give equal treatment, equal hearing and a fair judgement to any case which is brought before the Council, my Government will support the draft resolution that is before us.

53. Mr. PINIES (Spain) (*translated from Spanish*): My country is a friend of Portugal and Senegal and maintains excellent relations with them, and it regrets that there were victims in the events reported to this Council and submitted to us for consideration. At this time my delegation should like to express its condolences to the families of the victims.

54. We are against violence and we would have wished that the parties had sought a solution through such means as

negotiation and investigation, in accordance with Articles 33 and 34 of the Charter. Without going into matters of substance now, my delegation would have hoped that the parties concerned could have conducted talks to determine the facts and provide for a possible payment of compensation, since the delegation of Portugal was not opposed to this and was prepared to accept some degree of responsibility, had the facts been clearly determined, and to pay adequate reparations.

55. My interpretation, which is purely procedural on this matter, is based on the fact that, in my delegation's opinion, the primary responsibility of the Council, when confronted with a situation such as the present one, is also to ensure the maintenance of peace and to avoid a repetition of events which might disturb it. Accordingly, my delegation cannot support the draft resolution. At any rate we should like to make an appeal that any repetition of such incidents, which produce so many victims, should be avoided.

56. The PRESIDENT: As there are no further speakers, we shall now proceed to vote on the revised draft resolution contained in document S/9542/Rev.1, bearing in mind that in paragraph 1 the word "colonial" has been deleted.

*A vote was taken by show of hands.*

*In favour:* Algeria, China, Colombia, Finland, France, Hungary, Nepal, Pakistan, Paraguay, Senegal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Zambia.

*Against:* None.

*Abstaining:* Spain, United States of America.

*The draft resolution was adopted by 13 votes to none, with 2 abstentions.<sup>1</sup>*

57. The PRESIDENT: The representative of Portugal has asked for the floor to make a brief statement, and I now call upon him.

58. Mr. MIRANDA (Portugal): My delegation regrets that the resolution that has just been approved is entirely one-sided. It takes no account whatsoever of Portugal's side.

59. Civilian lives have been lost and damage has been done in Portuguese Guinea, but nothing of this is reflected in the present resolution. In fact, it does not reflect at all the reality of the situation created for Portuguese Guinea by violence organized in and launched from Senegal. It accepts as facts allegations that have not been proved, and could only be proved by means of an investigation *in loco*, as my delegation has suggested.

60. My delegation cannot help also observing that the draft resolution was introduced even before we had had an opportunity to answer the allegations contained in document S/9541. We have since denied those allegations. Nevertheless, they have been accepted as proved in the resolution that has just been adopted.

<sup>1</sup> See resolution 273 (1969).

61. All this raises in our mind serious doubts as to the usefulness of our continuing to maintain the attitude we have so far adopted towards the Council.

62. Meanwhile, my delegation places firm reservations on the resolution contained in document S/9542/Rev.1.

63. Mr. BOYE (Senegal) (*translated from French*): The debate on the complaints of Senegal against Portugal has ended with the adoption by a large majority of the draft resolution strongly condemning in unambiguous language the Portuguese authorities for the shelling of the village of Samine which, on 25 November 1969, caused one death and seriously wounded eight persons, struck the building of the Senegalese gendarmerie and completely destroyed two houses in the village of Samine, and on 7 December 1969 caused five deaths and seriously wounded one woman.

64. On this occasion I should like, on behalf of my Government, to thank most sincerely all the delegations which lived up to their responsibilities and gave Senegal their unequivocal support in its moment of trial by taking part in the adoption of a firm resolution against Portugal.

65. I also thank the friends who are not members of the Security Council, but who wished to come here and state clearly that they were in solidarity with Senegal.

66. If, in a family which wants to maintain traditions of intellectual honesty, wisdom, good reputation and strictness, one of the members commits an offence, the other members of the family must be the first publicly to castigate him. Thereafter the family will continue to enjoy the confidence, friendship and respect of everyone, for it will never be accused of partiality or complicity.

67. Portugal has committed serious offences against Senegal, which is a peace-loving country, and no one here can objectively deny this. The unprecedented condemnation of Portugal by the Security Council should cause the friends of Portugal to ask that country firmly to put an end to its incursions into, and shelling of, Senegalese territory. Otherwise, we should be compelled to come again before this Council to ask it to take more stringent measures, such as the sanctions provided for in the Charter.

68. The PRESIDENT: There are no further speakers on my list. If no other speaker wishes to take the floor, I shall adjourn the meeting. In accordance with the provisions of the resolution adopted this morning, the Council will remain seized of this question.

*The meeting rose at 12.10 p.m.*