

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

INITIAL PROCEEDINGS

By letter³⁸⁵ dated 1 December 1964, the representatives of Afghanistan, Algeria, Burundi, Cambodia, Central African Republic, Congo (Brazzaville), Dahomey, Ethiopia, Ghana, Guinea, Indonesia, Kenya, Malawi, Mali, Mauritania, Somalia, Sudan, Uganda, United Arab Republic, United Republic of Tanzania, Yugoslavia and Zambia requested an urgent meeting of the Security Council to consider the situation in the Democratic Republic of the Congo. In the explanatory memorandum, they drew attention to various attempts made by the Organization of African Unity with a view to the peaceful adjustment of the situation. Those attempts included the establishment of an *ad hoc* commission to help the Government of the Democratic Republic of the Congo bring about national reconciliation in the country and normal relations with its neighbours. They also stated that in complete defiance of Article 52 of the Charter of the United Nations, and as a deliberate affront to the authority of the Organization of African Unity, the Governments of Belgium and the United States, with the concurrence of the United Kingdom Government, had launched military operations in Stanleyville and in other parts of the Congo. They considered the military operations as constituting "an intervention in African affairs, a flagrant violation of the Charter of the United Nations and a threat to the peace and security of the African continent".

By letter³⁸⁶ dated 9 December 1964, the representative of the Democratic Republic of the Congo transmitted to the President of the Council a message from his Government also requesting an urgent meeting of the Security Council to consider "foreign interference in the domestic affairs of the Congo". It was alleged in the message that there were indications to the effect that Algeria, Ghana, Sudan, the United Arab Republic, the "Chinese communist régime" and the USSR were assisting the rebel groups in the eastern part of the Congo. If allowed to continue, those acts of interference would "constitute a grave threat to peace in Africa".

At the 1170th meeting on 9 December 1964, the Council included in its agenda the letter from the representatives of the twenty-two Member States without objection, and the letter from the representative of the Democratic Republic of the Congo by 7 votes in favour to 4 against.³⁸⁷

At the same meeting, the representatives of Algeria, Belgium, Republic of the Congo (Brazzaville), Democratic Republic of the Congo, Ghana, Guinea, Mali, Nigeria, Sudan, and the United Arab Republic were invited to participate, in the discussion.³⁸⁸ At subsequent meetings, the Council also invited the representatives of Burundi,³⁸⁹ Kenya,³⁹⁰ Central African

Republic,³⁹¹ Uganda,³⁹² and the United Republic of Tanzania,³⁹³ to participate in the debate.

The Council considered the question at the 1170th to 1178th meetings held between 9 and 17 December 1964, at the 1181st meeting on 21 December 1964, and at the 1183rd to 1189th meetings held between 21 and 30 December 1964.

The representatives of Algeria, * Burundi, * Central African Republic, * Congo (Brazzaville), * Ghana, * Guinea, * Kenya, * Mali, * Sudan, * Uganda, * United Arab Republic, * United Republic of Tanzania, * speaking at the 1170th, 1171st, 1172nd, 1174th, 1175th, 1177th, 1181st, 1183rd and 1184th meetings,³⁹⁴ indicated that the alleged humanitarian mission undertaken by Belgium, the United States and the United Kingdom, far from being humanitarian, was a "premeditated military aggression" which had resulted in the "massacre" of thousands of innocent Africans and had threatened the security of African countries.

It was undertaken while efforts at peaceful adjustment of the situation in the Congo were being made by an *ad hoc* commission of the Organization of African Unity. Had it not been for this armed intervention, the Organization of African Unity, which had in the past dealt effectively with some other African problems and which had, in particular, dealt with the Congolese problem with the active participation of the Congolese Prime Minister, would have had a good chance of bringing about a satisfactory solution.

The military operation was furthermore a grave violation of Security Council resolutions of 14 July 1961³⁹⁵ which called for withdrawal of all Belgian forces from the Democratic Republic of the Congo, and General Assembly resolution of 20 September 1960,³⁹⁶ which called on all States to refrain from any action which might tend to impede the restoration of law and order in the Congo. The real purpose of the aggression was to consolidate the colonial interests of Belgium, by supporting the régime, headed by a person, who, in the recent history of the Congo had been the very target of censure of the United Nations.

In the light of those developments, the Security Council was in duty bound to pronounce itself against foreign intervention in the Congo and support the efforts of the Organization of African Unity to bring peace and stability to that country.

The representatives of Algeria, * Ghana, * Sudan, * and the United Arab Republic * further noted that the charges of interference in the domestic affairs of the Congo through assistance to the Congolese rebels

³⁹¹ 1172nd meeting: para. 2.

³⁹² 1177th meeting: para. 2.

³⁹³ 1178th meeting: para. 2.

³⁹⁴ For texts of relevant statements, see 1170th meeting: Congo (Brazzaville), * paras. 84, 86, 89, 90-91, 96; Ghana, * paras. 113-114, 137, 144-145; Sudan, * paras. 155-156, 162-163, 172, 175; 1171st meeting: Guinea, * paras. 11-14, 19-20; Mali, * paras. 26-30, 39-41, 50, 55; 1172nd meeting: Algeria, * paras. 13, 20-26, 40-42, 46-47; 1174th meeting: United Arab Republic, * paras. 15, 18-19, 27, 29, 41; 1175th meeting: Central African Republic, * paras. 82, 86; Kenya, * paras. 32-36, 37-38, 41-42, 58; 1177th meeting: Burundi, * paras. 14-15, 29; Uganda, * paras. 109-110, 116; 1181st meeting: Ghana, * paras. 58-59, 74; Sudan, * paras. 36-37, 45; 1183rd meeting: Algeria, * paras. 7-10, 15, 26, 44-46; 1184th meeting: Kenya, * paras. 24-25.

³⁹⁵ S/4387, O.R., 15th yr., Suppl. for July-Sept. 1960, p. 16.

³⁹⁶ RES/1474 (ES-IV).

³⁸⁵ S/6076 and Add.1-5, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 198-200.

³⁸⁶ S/6096, O.R., 19th yr., Suppl. for Oct.-Dec. 1964, p. 217-218.

³⁸⁷ 1170th meeting: paras. 62-63. For reference to the adoption of the agenda, see chapter II, part III, foot-note 1 to introductory note.

³⁸⁸ 1170th meeting: para. 75.

³⁸⁹ 1171st meeting: paras. 2 and 3.

³⁹⁰ 1171st meeting: paras. 2 and 3.

were unfounded and designed to distract the Council's attention from the true issue before it, which was aggression launched by Belgium making use of United States aircraft with the assistance of the British Government.

The representative of Belgium, * the United States and the United Kingdom, speaking at the 1173rd, 1174th and 1175th meetings, denied the charges levelled by the twenty-two Member States that they had embarked on a premeditated military intervention in the Congo.³⁹⁷ The dropping of Belgian paratroops by United States aircraft on 24 November 1964 was designed as a rescue mission to save the lives of between 1,500 and 2,000 persons of various nationalities who had been maltreated when held as hostages by the rebels, and whose lives had been endangered. The decision to undertake the rescue mission was made only after continued threat against their lives had been made known by the rebels and after various appeals for their lives had not met with favourable response. By 29 November the rescue operation had been completed and all Belgian troops involved had been withdrawn from Congolese soil.

The representative of the Democratic Republic of the Congo, *³⁹⁸ speaking at the 1173rd meeting, stated that the idea of a rescue operation had been born in the face of the attitude of the Congolese rebels, who preferred to "barter human lives for political advantages such as recognition of the rebel Government". The operation, which had been undertaken with the consent of the Congolese Government, had been carried out in specified zones and for a specific purpose, with the least damage possible. In contrast, some African countries had, by assisting the Congolese rebels, taken it upon themselves "to intervene unilaterally in the domestic affairs of a sovereign country, in violation of the United Nations Charter and of the Charter of the OAU". The Security Council should examine the real threat and make the necessary recommendation thereon.

Decision of 30 December 1964 (1189th meeting):

- (i) *Requesting all States to refrain or desist from intervening in the domestic affairs of the Congo;*
- (ii) *Appealing for a cease-fire in the Congo;*
- (iii) *Considering that the mercenaries should as a matter of urgency be withdrawn from the Congo;*
- (iv) *Encouraging the Organization of African Unity to pursue its efforts to help the Government of the Democratic Republic of the Congo achieve national reconciliation;*

and to keep the Council informed of any action it might take in this regard

At the 1186th meeting on 28 December 1964, the representative of Ivory Coast introduced a draft reso-

lution³⁹⁹ jointly sponsored by his country and Morocco.

At the 1187th meeting on 29 December 1964, the representative of Guinea * on behalf of eighteen African Member States, submitted an amendment⁴⁰⁰ which was subsequently incorporated in the text of the joint draft resolution by its sponsors as operative paragraph 6.⁴⁰¹

At the 1189th meeting on 30 December 1964, at the request of the representative of France, the Council voted separately on the first operative paragraph of the draft resolution, which it adopted unanimously.⁴⁰² At the same meeting the Council adopted the draft resolution as a whole, as amended, by 10 votes to none, with 1 abstention.⁴⁰³ The resolution read:⁴⁰⁴

"The Security Council,

"Noting with concern the aggravation of the situation in the Democratic Republic of the Congo,

"Deploring the recent events in that country,

"Convinced that the solution of the Congolese problem depends on national reconciliation and the restoration of public order,

"Recalling the pertinent resolutions of the General Assembly and the Security Council,

"Reaffirming the sovereignty and territorial integrity of the Democratic Republic of the Congo,

"Taking into consideration the resolution of the Organization of African Unity dated 10 September 1964, in particular paragraph 1 relating to the mercenaries,

"Convinced that the Organization of African Unity should be able, in the context of Article 52 of the Charter of the United Nations, to help find a peaceful solution to all the problems and disputes affecting peace and security in the continent of Africa,

"Having in mind the efforts of the Organization of African Unity to help the Government of the Democratic Republic of the Congo and the other political factions in the Congo to find a peaceful solution to their dispute,

"1. Requests all States to refrain or desist from intervening in the domestic affairs of the Congo;

"2. Appeals for a cease-fire in the Congo in accordance with the resolution of the Organization of African Unity dated 10 September 1964;

"3. Considers, in accordance with that same resolution, that the mercenaries should as a matter of urgency be withdrawn from the Congo;

"4. Encourages the Organization of African Unity to pursue its efforts to help the Government of the Democratic Republic of the Congo to achieve national reconciliation in accordance with the above-

³⁹⁹ S/6123/Rev.1, 1186th meeting: para. 9. See also chapter X, Case 9.

⁴⁰⁰ The amendment was submitted jointly by Algeria, Burundi, Central African Republic, Congo (Brazzaville), Dahomey, Ethiopia, Ghana, Guinea, Kenya, Malawi, Mali, Mauritania, Somalia, Sudan, Uganda, United Arab Republic, United Republic of Tanzania and Zambia. S/6128, 1187th meeting, para. 12. See also chapter III, Case 13.

⁴⁰¹ 1189th meeting: para. 6.

⁴⁰² 1189th meeting: para. 30.

⁴⁰³ 1189th meeting, para. 34.

⁴⁰⁴ S/RES/199 (1964), O.R., 19th yr., Resolutions and Decisions of the Security Council, 1964, pp. 18-19.

³⁹⁷ For text of relevant statements, see 1173rd meeting: Belgium, * paras. 9-10, 19, 37, 40; 1174th meeting: United States, paras. 58-59, 65, 70-81, 96; 1175th meeting: United Kingdom, paras. 12-15; 1183rd meeting: United States, paras. 47-49. The following communications, which had been submitted before the Security Council began consideration of the question, have been referred to: S/6055, 21 November 1964; S/6062, 24 November 1964 and S/6063, 24 November 1964. O.R., 19th yr., Suppl. for Oct.-Dec. 1964, pp. 64-66, 186-189, 189-192.

³⁹⁸ For text of relevant statements, see 1173rd meeting: paras. 113-115, 158, 171.

mentioned resolution of the Organization of African Unity;

"5. *Requests* all States to assist the Organization of African Unity in the attainment of this objective;

"6. *Requests* the Organization of African Unity, in accordance with Article 54 of the Charter of the United Nations, to keep the Security Council fully informed of any action it may take under the present resolution;

"7. *Requests* the Secretary-General of the United Nations to follow the situation in the Congo and to report to the Security Council at the appropriate time."

The question remained on the list of matters with which the Security Council is seized.⁴⁰⁵

SITUATION IN SOUTHERN RHODESIA

Decision of 6 May 1965 (1202nd meeting):

- (i) *Requesting the United Kingdom Government and all Member States not to accept a unilateral declaration of independence for Southern Rhodesia by the minority government;*
- (ii) *Requesting the United Kingdom to take all necessary action to prevent a unilateral declaration of independence;*
- (iii) *Requesting the United Kingdom Government not to transfer under any circumstances to the colony of Southern Rhodesia, as at present governed, any of the powers or attributes of sovereignty, but to promote the country's attainment of independence by a democratic system of government in accordance with the aspirations of the majority of the population;*
- (iv) *Further requesting the United Kingdom Government to enter into consultations with all concerned with a view to convening a conference of all political parties in order to adopt new constitutional provisions acceptable to the majority of the people of Rhodesia, so that the earliest possible date may be set for independence;*
- (v) *Deciding to keep the question of Southern Rhodesia on its agenda*

By letter ⁴⁰⁶ dated 21 April 1965 the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Democratic Republic of the Congo, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia, requested the President of the Security Council to convene an urgent meeting of the Council to examine "the very serious situation" existing in Southern Rhodesia.

In the explanatory memorandum attached to the letter it was stated that the situation in Southern Rhodesia was such as to endanger international peace and security in Africa and throughout the world, and that

it was necessary that the Council should consider the situation as a matter of urgency. It further stated that despite resolutions 1747 (XVI), 1760 (XVII), 1883 (XVIII) and 1889 (XVIII) of the General Assembly, the efforts of the Special Committee established under resolution 1654 (XVI) and of the United Nations Secretary-General, and the repeated appeals made by the African Heads of State and Government, the United Kingdom had done nothing to apply resolution 1514 (XV) to "its colony of Southern Rhodesia". Moreover, the intensification of repressive measures against the African nationalist leaders, the decision to hold elections on the basis of the Constitution of 1961, and the threats of "the so-called Prime Minister of the Territory to proclaim the independence" of Southern Rhodesia without regard for the opinion of the African inhabitants, had resulted in a deterioration of the situation, and had been characterized as constituting "a threat to international peace and security".

At the 1194th meeting on 30 April 1965, after the representative of the United Kingdom had reaffirmed reservations made at the 1064th meeting regarding the lack of competence of the Council on the matter,⁴⁰⁷ the Council adopted⁴⁰⁸ its agenda and considered the question at the 1194th to 1202nd meetings, held between 30 April and 6 May 1965. The representatives of Senegal and Algeria were invited to take part in the discussion.⁴⁰⁹

Speaking on behalf of all the States members of the Organization of African Unity, the representatives of Senegal* and Algeria* stated at the 1194th and 1197th meetings that recent events and statements clearly indicated that Southern Rhodesia had proceeded along the path of illegality, injustice and outrageous repression and that the objective of the Government of Southern Rhodesia was to obtain a comfortable majority in the elections which were set for 7 May 1965, so that they would be able to proclaim independence. They accused the United Kingdom of strengthening the capabilities of the "racist" Government of Southern Rhodesia by putting at its disposal the air power of the Federation of Central Africa after the dissolution of that Federation in December 1963; and of placing the interests of the settlers over those of the African majority. As a result, a minority had been given the power to legislate and to decide the destiny of the African majority. Their adoption of certain "racist and repressive legislation" clearly indicated the policy that would be pursued.

The representatives saw the recent agreements that Southern Rhodesia had concluded with Portugal and South Africa as an attempt by Mr. Smith "to provide against all kinds of foreseeable difficulties". Recalling that by resolutions 1747 (XVI), 1760 (XVII), 1883 (XVIII) and 1889 (XVIII), the General Assembly had requested the Administering Authority of the Territory of Southern Rhodesia to take a certain number of measures to restore security in the interior of the country, they asserted that it was "high time" for the United Kingdom to take action in conformity with those resolutions. They further contended that since Southern Rhodesia was still a British colony and subject to the Crown, the United Kingdom could legally use force as it had done in the past; "to admit the contrary would be to recognize the right of accession for a colony which does not yet fulfil the conditions

⁴⁰⁷ 1194th meeting: para. 6.

⁴⁰⁸ 1194th meeting: para. 7.

⁴⁰⁹ 1194th meeting: para. 8.

⁴⁰⁵ The following were subsequent communications on this question received during the period covered by this Supplement: S/6138 of 5 January 1965 and S/6172 of 3 February 1965. *O.R.*, 20th yr., *Suppl. for Jan.-March 1965*, pp. 6, 41-42.

⁴⁰⁶ S/6294 and Add.1, *O.R.*, 20th yr., *Suppl. for Apr.-June 1965*, pp. 45-47.