

principles of self-determination and freedom, the United Arab Republic was helping the peoples of Aden and the Aden Protectorates in their struggle against colonialism.²¹⁵

At the 1297th meeting of the Council, the representative of Yemen similarly denied the United Kingdom's allegations. He stated furthermore that there were innumerable British incursions against his country, and particularly British violations of the Yemen Arab Republic's air space which occurred almost daily. The Yemen Arab Republic was mostly interested in peace, stability and progress and wished to have no part in any disturbance in the area.²¹⁶

At the 1298th meeting of the Council, the representative of New Zealand submitted a draft resolution²¹⁷ in which the Security Council would request the Secretary-General to arrange for an immediate investigation, to be carried out by experienced United Nations personnel, in order to establish the facts relating to the incident referred to in the letter dated 2 August 1966 from the deputy representative of the United Kingdom and to report to the Security Council as soon as possible.

At the 1300th meeting of the Council, the President (Uganda) read an agreed statement which had the support of all the parties concerned: "The President, having noted that the debate which took place has its origin in a complaint presented by the representative of the United Kingdom (S/7742) and that the elements on which the complaint is founded are contested by the United Arab Republic and Yemen and that the statements made by the Members of the Council have not been able to produce at this stage a constructive solution, believes that he is authorized to ask parties concerned each on its part to contribute in lessening the tension and to invite the Secretary-General to continue his good offices in an endeavour to settle the outstanding question in agreement with the parties concerned."²¹⁸

At the same meeting, the representative of New Zealand stated that he acquiesced in the consensus statement by the President and waived his right to call for a vote on his draft resolution.²¹⁹

COMPLAINT BY THE DEMOCRATIC REPUBLIC OF THE CONGO

INITIAL PROCEEDINGS

By letter²²⁰ dated 21 September 1966, the acting permanent representative of the Democratic Republic of the Congo requested the President of the Security Council to convene an early meeting of the Security Council to consider "the provocations of Portugal". It was further stated in the letter that Portugal was using its African Territories as a base of operations for mercenaries who were recruited in Europe and who were in the hire of the opposition headed by Mr. Tshombé. Their mission

was to overthrow the legitimate authorities in the Congo. The situation constituted a serious threat to world peace, because the Democratic Republic of the Congo would consider itself to be at war with Portugal as soon as there was an attack by the mercenaries on it. The Council should call upon Portugal to end "what might rightly be called aggression" against the Democratic Republic of the Congo.

At the 1302nd meeting on 30 September 1966, the Council included²²¹ the item in its agenda and invited²²² the representatives of the Democratic Republic of the Congo, Portugal, Burundi, Central African Republic and Tanzania to participate in the discussion. At a later stage,²²³ the representative of the Congo (Brazzaville) was also invited to participate. The question was considered at the 1302nd to the 1306th meetings held between 30 September and 14 October 1966.

Decision of 14 October 1966 (1306th meeting):

Urging the Government of Portugal, in view of its own statement, not to allow foreign mercenaries to use Angola as a base of operation for interfering in the domestic affairs of the Democratic Republic of the Congo

At the 1302nd meeting, the representative of the Democratic Republic of the Congo* stated that the former Prime Minister of the Congo, Mr. Tshombé, was organizing a new assault against his country with assistance from foreign mercenaries. A base was needed for these mercenaries and it was ready at hand in Angola which had a long common frontier with the Congo and in particular with the province of Katanga. The evidence of Portugal's complicity in Mr. Tshombé's attempt at subversion was, in his view, irrefutable. Referring to assistance given by the Congo to Angolan patriots, he maintained that his Government was only complying with the resolution of the United Nations,²²⁴ which appealed to all States to render to the people of the Territories under Portuguese administration the moral and material support for the restoration of their rights.²²⁵

At the same meeting, the representative of Portugal* denied the presence in Angola of any mercenaries, camps or war material meant to disturb the peace in the Democratic Republic of the Congo.²²⁶ Subsequently, at the 1303rd meeting, the representative of Portugal asserted that it was the Congolese Government which had provided a base for raids on Angola and disputed that any resort to violence could be based on United Nations resolutions. He went on to say that the representative of the Congo had admitted that his Government was assisting anti-Portuguese elements and had not denied that one of the forms of that assistance was the providing of bases in the Congo for violent activities against Portugal. The Security Council should take due note of the existence of such bases in the Congo and call upon the Congo to put an end to them. Maintaining further that the allegations of the Democratic Republic of the Congo were devoid of all foundation, he suggested that the Congolese charges should be enquired into by an impartial fact-finding body of experts or a committee of three members of the Council

²¹⁵ 1296th meeting, paras. 40, 43, 45, 46.

²¹⁶ 1297th meeting, paras. 4, 12, 23.

²¹⁷ S/7456, 1298th meeting, para. 103.

²¹⁸ For retention of the item on the Secretary-General's summary statement on matters of which the Security Council is seized, see chapter II, p. 52, item No. 143.

²¹⁹ 1299th meeting, para. 10. For discussion on the proposal for investigation, see chapter X, Cases 1 and 4.

²²⁰ S/7503, *OR*, 21st yr., *Suppl. for July-Sept. 1966*, pp. 132, 133.

²²¹ 1302nd meeting, preceding para. 5.

²²² 1302nd meeting, paras. 6-8.

²²³ 1302nd meeting, para. 69.

²²⁴ Resolution 2107 (XX).

²²⁵ 1302nd meeting, paras. 17, 20-26.

²²⁶ 1302nd meeting, para. 53.

together with one representative of each of the two parties concerned, if the Democratic Republic of the Congo reciprocated Portugal's good will by first permitting an investigation of the anti-Portuguese bases existing in its territory.²²⁷

At the 1304th meeting, the representative of Mali introduced a draft resolution jointly submitted with Jordan, Nigeria and Uganda.²²⁸

At the 1306th meeting on 14 October 1966, at the request of the representatives of France, the United Kingdom and the United States, the first operative paragraph of the draft resolution was put to a separate vote and adopted by 11 votes to none, with 4 abstentions.²²⁹

At the same meeting, the joint draft resolution was adopted ²³⁰ unanimously.

The resolution ²³¹ read:

"The Security Council,

"Having heard the statements of the representative of the Democratic Republic of the Congo and of the representative of Portugal,

"Taking note of the statement of the representative of the Democratic Republic of the Congo that Angola under Portuguese domination is used as a base of operation for foreign mercenaries for interfering in the domestic affairs of the Democratic Republic of the Congo,

"Taking note further of the statement of the representative of Portugal that there are no mercenaries in Angola nor camps nor war material meant to disturb the peace in the Democratic Republic of the Congo,

"Deeply concerned over developments in the area,

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

"1. Urges the Government of Portugal, in view of its own statement, not to allow foreign mercenaries to use Angola as a base of operation for interfering in the domestic affairs of the Democratic Republic of the Congo;

"2. Calls upon all States to refrain or desist from intervening in the domestic affairs of the Democratic Republic of the Congo;

"3. Requests the Secretary-General to follow closely the implementation of the present resolution."

Decision of 10 July 1967 (1367th meeting):

Condemning any State which persists in permitting or tolerating the recruitment of mercenaries and the provision of facilities to them, with the objective of overthrowing the Governments of States Members of the United Nations, and calling upon Governments to ensure that their territory and other territories under their control, as well as their nationals, are not used for the planning of subversion, and the recruitment, training and transit of mercenaries designed to overthrow the Government of the Democratic Republic of the Congo

By letter ²³² dated 6 July 1967 addressed to the President of the Security Council, the representative of the Demo-

cratic Republic of the Congo requested the convening of an emergency meeting of the Council to consider "the question of aggression committed against the Democratic Republic of the Congo on 5 July 1967".

At the 1363rd meeting on 6 July 1967, the Council included ²³³ the item in its agenda and invited ²³⁴ the representative of the Democratic Republic of the Congo to participate in the discussion. The Council considered the question at its 1363rd, 1364th and 1367th meetings, held between 7 and 10 July 1967.

At the 1363rd meeting on 6 July 1967, the representative of the Democratic Republic of the Congo recalled that in October 1966, the Security Council was apprised of the dangers and threats to the Congo arising out of the activities of mercenaries. He further stated that the invasion by foreign paratroopers of the town of Kisangani on 5 July 1967 was not an isolated event but an element of a carefully nurtured plan and he asked that the Security Council invite all Member States to take measures to see to it that all activities of international conspiracy on their territory or on territories under their jurisdiction be ceased and that the recruitment of mercenaries be forbidden in conformity with obligations under the Charter. Those obligations had been further expressed in various relevant resolutions of the General Assembly, especially the resolution inviting Governments to abstain from interference in any way in the domestic affairs of sovereign States, which, in his view, also comprised the obligation to prevent there being on the territory of those States any activities running counter to the sovereignty of Member States of the Organization. The members of the Council should thus remind all States of their fundamental obligations, especially under the Charter, and invite them to take concrete measures which would put an end to the recruitment and training of mercenaries who intend to infringe upon the sovereignty of sovereign States in general, and that of the Democratic Republic of the Congo in particular.²³⁵

At the 1367th meeting of the Council on 10 July 1967, the representative of Nigeria introduced a draft resolution jointly submitted with Ethiopia, India and Mali.²³⁶

At the same meeting, the joint draft resolution was adopted ²³⁷ unanimously.

The resolution ²³⁸ read:

"The Security Council,

"Having taken cognizance of the message of the Congolese Government contained in document S/8031,

"Having discussed the serious developments in the Democratic Republic of the Congo,

"Concerned by the threat posed by foreign interference to the independence and territorial integrity of the Democratic Republic of the Congo,

"1. Reaffirms in particular paragraph 2 of Security Council resolution 226 (1966) of 14 October 1966;

"2. Condemns any State which persists in permitting or tolerating the recruitment of mercenaries, and the

²²⁷ 1303rd meeting paras. 15-16, 37, 39; 1304th meeting, para. 84

²²⁸ S/7539, OR, 21st yr., Suppl. for Oct.-Dec. 1966.

²²⁹ 1306th meeting, para. 254.

²³⁰ 1306th meeting, para. 255.

²³¹ Resolution 226 (1966).

²³² S/8036, OR, 22nd yr., Suppl. for July-Sept. 1967, p. 63.

²³³ 1363rd meeting (PV), p. 6.

²³⁴ 1363rd meeting (PV), p. 6.

²³⁵ 1363rd meeting (PV), pp. 7-11, 17-20.

²³⁶ S/8050, 1367th meeting, pp. 47-50.

²³⁷ 1367th meeting, p. 66.

²³⁸ Resolution 239 (1967), 1367th meeting, p. 66.

provision of facilities to them, with the objective of overthrowing the Governments of States Members of the United Nations;

"3. *Calls upon* Governments to ensure that their territory and other territories under their control, as well as their nationals, are not used for the planning of subversion, and the recruitment, training and transit of mercenaries designed to overthrow the Government of the Democratic Republic of the Congo;

"4. *Decides* that the Security Council shall remain seized of the question;

"5. *Requests* the Secretary-General to follow closely the implementation of the present resolution."

Decision of 15 November 1967 (1378th meeting):

Condemning the failure of Portugal, in violation of Security Council resolutions, to prevent the mercenaries from using the Territory of Angola under its administration as a base of operations for armed attacks against the Democratic Republic of the Congo and calling upon Portugal to put an end immediately to the provision to the mercenaries of any assistance whatsoever

By letter ²³⁹ dated 3 November 1967, addressed to the President of the Security Council, the representative of the Democratic Republic of the Congo transmitted a letter from the Minister for Foreign Affairs and External Trade of the Democratic Republic of the Congo requesting to convene the Security Council and communicate the information, contained in his letter, to the Council so that it could take the necessary measures "to stop the aggression and ensure the safety of persons and property, both foreign and Congolese, in the threatened area". It was further stated in the letter that an armed band of mercenaries had on 1 November 1967 invaded the territory of the Democratic Republic of the Congo. A number of messages requesting armed intervention on behalf of the mercenaries from the rebels in the Congo who occupied Bakavu which were intercepted on their way to Angola constituted proof of Portugal's collusion with the mercenaries for the purpose of overthrowing the established order in the Congo contrary to the obligations imposed by the Charter and in violation of the resolutions adopted by the Security Council in the matter of interference in the domestic affairs of the Congo by foreign mercenaries.

At the 1372nd meeting of the Council on 8 November 1967, the question was included in the agenda.²⁴⁰ The representatives of the Democratic Republic of the Congo, Portugal, Burundi, Zambia and Algeria were invited to participate in the discussion.²⁴¹ The Council considered the question at its 1372nd, 1374th, 1376th and 1378th meetings.

At the 1372nd meeting of the Council, the representative of the Democratic Republic of the Congo* stated that Portugal continued to represent a threat to the territorial integrity of his country through the aggression of the mercenaries stationed in the camps in Angola and crossing the Congolese borders from Angola. He asked for condemnation by the Council of the attitude of Portugal and for reaffirmation of the Council's previous decisions. Furthermore, he asked to condemn the very principle

of the recruitment of mercenaries, calling on the Member States to take measures to prevent the recruitment of mercenaries on their soil.²⁴²

The representative of Portugal* denied that there had been any interference by Portugal in the internal affairs of the Congo. He maintained that the Republic of the Congo had neither been invaded nor threatened nor attacked by Portuguese or other foreign forces which might have been stationed in Angola, and that there were neither any bases in Angola at the service of mercenaries nor any crossing of the frontier posts by armed or unarmed groups in the direction of the Congo. At the same time, however, the Government of the Congo had been promoting armed aggression against Angola by providing bases and all sorts of other material aid to groups and individuals who carried out armed raids against Angola. In conclusion he reiterated his proposal for investigation of the Congolese charges.²⁴³

At the 1378th meeting of the Council on 13 November 1967, the President (Mali) informed the Council that following informal consultations, a consensus had been reached on the text of a draft resolution, although one member of the Council reserved the right to comment on one particular paragraph. The President read the text of the draft and stated that since there were no objections, he considered that the Council had adopted the draft resolution.²⁴⁴

The resolution ²⁴⁵ read:

"The Security Council,

"Concerned by the serious situation created in the Democratic Republic of the Congo following the armed attacks committed against that country by foreign forces of mercenaries,

"Concerned that Portugal allowed those mercenaries to use the territory of Angola under its administration as a base for their armed attacks against the Democratic Republic of the Congo,

"Taking into consideration the support and assistance that those mercenaries have continued to receive from some foreign sources with regard to recruitment and training, as well as transport and supply of arms,

"Concerned at the threat which the organization of such forces poses to the territorial integrity and independence of States,

"Reaffirming resolutions 226 of 14 October 1966 and 239 of 10 July 1967,

"1. Condemns any act of interference in the internal affairs of the Democratic Republic of the Congo;

"2. Condemns, in particular, the failure of Portugal, in violation of the above-mentioned Security Council resolutions, to prevent the mercenaries from using the territory of Angola under its administration as a base of operations for armed attacks against the Democratic Republic of the Congo;

"3. Calls upon Portugal to put an end immediately, in conformity with the above-mentioned resolutions of the Security Council, to the provision to the mercenaries of any assistance whatsoever;

²⁴² 1372nd meeting (PV), pp. 11-31.

²⁴³ 1372nd meeting (PV), pp. 32-42. For the Portuguese proposal, see 1303rd meeting, paras. 37, 39, and 1304th meeting, para. 87.

²⁴⁴ 1378th meeting (PV), pp. 2-5.

²⁴⁵ Resolution 241 (1967).

²³⁹ S/8218, O.R., 22nd yr., Suppl. for Oct.-Dec. 1967, p. 201.

²⁴⁰ 1372nd meeting (PV), pp. 6-10, 11.

²⁴¹ 1372nd meeting (PV), pp. 11-31.

"4. *Calls upon* all countries receiving mercenaries who have participated in the armed attacks against the Democratic Republic of the Congo to take appropriate measures to prevent them from renewing their activities against any State;

"5. *Calls upon* all Member States to co-operate with the Security Council in the implementation of this resolution;

"6. *Decides* that the Security Council should remain seized of the question and requests the Secretary-General to follow the implementation of the present resolution."

SITUATION IN THE MIDDLE EAST (I)

INITIAL PROCEEDINGS

By letter ²⁴⁶ dated 23 May 1967, the representatives of Canada and Denmark requested that an urgent meeting of the Security Council be convened to consider "the extremely grave situation in the Middle East which is threatening international peace and security". Referring to the warning of the Secretary-General in his report to the Security Council of 19 May 1967,²⁴⁷ that the current situation in the Near East "is more disturbing, indeed . . . more menacing, than at any time since the fall of 1956", the representatives concluded that the time had come for the Security Council to discharge its primary responsibility for the maintenance of international peace and security.

At the 1341st meeting of the Security Council on 24 May 1967, the Security Council had before it a provisional agenda which contained the following item:

²⁴⁶ S/7902, O.R., 22nd yr., *Suppl. for Apr.-June 1967*, pp. 118-119.

²⁴⁷ S/7896, O.R., 22nd yr., *ibid.*, pp. 109-113. In this report, the Secretary-General stated that in his considered opinion, the prevailing state of affairs in the Near East as regards relations between the Arab States and Israel, and among the Arab States themselves, was extremely menacing. There had been a steady deterioration along the line between Israel and Syria. El Fatah activities consisting of terrorism were a major factor, since they provoked strong reactions in Israel by the Government and population alike. Bellicose official and non-official utterances reported by the press and radio were more or less routine on both sides of the lines in the Near East. There had been further persistent reports about troop movements on the Israel side of the Syrian border. The Israel Government, however, very recently had assured the Secretary-General that no military action would be initiated by its armed forces unless such action was first taken by the other side. The decision of the Government of the United Arab Republic to terminate its consent for the continued presence of the United Nations Emergency Force on United Arab Republic controlled territory in Gaza and its decision to move its troops up to the line had eliminated the buffer function which the Force has been performing. The operation of the Force was based entirely on its acceptance by the governing authority on the territory on which it operated, and that was not in any sense related to Chapter VII of the Charter. Neither the United Nations Emergency Force nor any other United Nations peace-keeping operation thus far undertaken would have been permitted to enter the territory if there had been any suggestion that it had the right to remain there against the will of the governing authority. Since the announcement of the decision of the Government of the United Arab Republic with regard to the Force, tension in the area had mounted, troop movements on both sides had been observed, and the confrontation along the line between the armed forces of the two countries quickly began to reappear. Unless there was very great restraint on both sides of the line, a series of local clashes across the line, that could easily escalate into heavy conflict, could be envisaged.

"Letter dated 23 May 1967 from the Permanent Representatives of Canada and Denmark addressed to the President of the Security Council (S/7902)."

Following a procedural discussion on the convening of the meeting, the agenda was adopted.²⁴⁸

The question was considered by the Security Council at its 1341st and 1342nd meetings on 24 July 1967; at its 1343rd to 1361st meetings between 29 May to 14 June 1967 and at its 1365th and 1366th meetings on 8 and 9 July 1967.

The following representatives were invited to take part in the discussion during the period ending with the 1366th meeting, the invitations being renewed at each of the subsequent meetings: at the 1341st meeting, the representatives of Israel and the United Arab Republic; at the 1343rd meeting, the representatives of Jordan and Syria; at the 1344th meeting, the representative of Lebanon; at the 1345th meeting, the representatives of Iraq and Morocco; at the 1346th meeting, the representatives of Kuwait and Saudi Arabia; at the 1348th meeting, the representatives of Tunisia and Libya; at the 1360th meeting, the representative of Pakistan; and at the 1366th meeting, the representative of Algeria.²⁴⁹

Decision of 24 May 1967 (1342nd meeting): *Statement by the President: Adjournment of the meeting*

At the 1341st meeting, the representative of Denmark stated that since the beginning of the withdrawal of the UNEF, the situation along the borders between Israel and the United Arab Republic had been constantly deteriorating at an alarming speed. There had been a military build-up along the borders of Israel and the United Arab Republic and the stage had been set for a military clash. Only two days ago, the President of the United Arab Republic declared that Israel ships and other ships carrying cargoes to Israel would be barred from the Straits of Tiran, whereas the Israel Government had also stressed that it would consider such a move as an attack. It would have been preferable to defer any action by the Council until it had received the Secretary-General's report on his current efforts to bring about an easing of the tension. However, the Secretary-General's mission alone could not relieve the Council of any of its primary responsibilities. For those reasons, the Government of Denmark had considered it necessary, together with the Government of Canada, to ask for an urgent meeting of the Security Council. Their only concern had been the preservation of peace in that area.²⁵⁰

At the 1342nd meeting on 24 May 1967, the representative of the United States said that the Security Council should call upon all States to avoid any action which might exacerbate the tense situation which had prevailed when the Secretary-General had departed on his mission. The obligation of the parties was to ensure that there was

²⁴⁸ 1341st meeting (PV), p. 36. See in chapter I, Case 3.

²⁴⁹ 1341st meeting (PV), p. 36;
1343rd meeting (PV), pp. 2-6;
1344th meeting (S/PV), pp. 3-5;
1345th meeting (S/PV), p. 2;
1346th meeting (PV), pp. 3-5;
1348th meeting (PV), pp. 2-5;
1360th meeting (PV), p. 17;
1366th meeting (PV), pp. 3-5.

²⁵⁰ 1341st meeting (PV), pp. 37-42.