

## CHAPTER VII

# QUESTIONS CONCERNING THE SITUATION IN THE REPUBLIC OF THE CONGO (LEOPOLDVILLE)

### POLITICAL DEVELOPMENTS

When the General Assembly considered the situation in the Republic of the Congo (Leopoldville) during the second part of its fifteenth session in March-April 1961, the situation was

complicated by the continuing constitutional crisis, marked by the existence of several rival authorities in the country.

The Chief of State, Joseph Kasa-Vubu, had replaced the "Council of Commissioners-General" on 9 February 1961 by a "provisional government" headed by Joseph Ileo. The latter, however, had not been approved by Parliament, which had been adjourned by the Chief of State on 11 October 1960. The "government" set up in Stanleyville in December 1960, headed by Antoine Gizenga, Vice-Premier in the first Government of the Congo (Leopoldville), continued to exercise authority in Orientale and Kivu provinces. The provincial government of Katanga in Elisabethville, headed by Moïse Tshombe, and the authorities in Bakwanga, in the southern part of the Kasai province, continued to claim independence. In this situation, the United Nations Operation in the Congo (ONUC) was endeavouring to prevent the leaders holding the reins of power from using force to subdue their opponents. At the same time, ONUC intensified its efforts to induce the leaders to solve their differences through negotiation and conciliation.

Concerned at the grave situation, particularly after the death of Patrice Lumumba, the first Premier of the country, the Security Council adopted a resolution on 21 February 1961<sup>1</sup> urging the United Nations to take immediately all appropriate measures to prevent the occurrence of civil war, including the use of force if necessary in the last resort. It also urged measures for the immediate evacuation of all Belgian and other foreign military and paramilitary personnel and political advisers not under United Nations command and mercenaries, the convening of Parliament, the re-organization of Congolese armed units and an investigation into the circumstances of the death of Mr. Lumumba and his colleagues.

After considering the report of the United Nations Conciliation Commission for the Congo, which had visited the country in January-February 1961, and the reports of the Secretary-General on the implementation of the Security Council resolution, the General Assembly adopted three resolutions on 15 April 1961.

By the first resolution (1599(XV)),<sup>2</sup> it expressed its conviction that the central factor

in the grave situation in the country was the continued presence of Belgian and other foreign military and paramilitary personnel, political advisers and mercenaries in total disregard of repeated resolutions of the United Nations; called upon the Belgian Government to comply fully and promptly with the will of the Security Council and the General Assembly; and decided that the above-mentioned foreign personnel should be completely withdrawn and evacuated.

By the second resolution (1600(XV)),<sup>3</sup> it called upon the Congolese authorities to desist from attempting a military solution to their problems; urged the immediate release of all members of Parliament and provincial assemblies and all other political leaders under detention; urged the convening of Parliament without delay, with safe conduct and security extended to its members by the United Nations, so that it might take the necessary decisions concerning the formation of a national Government and the future constitutional structure of the Republic; and appointed a commission of conciliation to assist the Congolese leaders to achieve reconciliation and end the political crisis.

By the third resolution (1601(XV))<sup>4</sup> it established a Commission of Investigation—consisting of four persons nominated by the Governments of Burma, Ethiopia, Mexico, and Togo—to investigate the circumstances of the death of Patrice Lumumba and his colleagues. (The members of the Commission were U Aung Khine (Burma), Teschome Hailemariam (Ethiopia), Salvador Martínez de Alva (Mexico) and Ayite d'Almeida (Togo)).

The following account of subsequent developments is based on information given in various United Nations documents.

In a progress report on 17 May 1961, the Secretary-General recalled the measures taken by United Nations forces to avert the danger of emerging civil war, and the apprehension and evacuation of 37 mercenaries. He transmitted an agreement with President Kasa-Vubu under which the President accepted the Security

<sup>1</sup> For further details, see Y.U.N., 1960, pp. 104-5.

<sup>2</sup> *Ibid.*, p. 106.

<sup>3</sup> *Ibid.*, p. 107.

<sup>4</sup> *Ibid.*, p. 107.

Council resolution of 21 February and the United Nations undertook to provide assistance in its implementation, particularly with regard to the repatriation of foreign personnel and the re-organization of the National Army. The agreement, the Secretary-General reported, had been initialled by United Nations representatives on 17 April 1961 and approved by the Secretary-General on 26 April 1961. A representative of the Secretary-General began discussions with President Kasa-Vubu on measures to re-organize the National Army on a basis which would apply to the Republic as a whole.

The Secretary-General also reported on the progress of discussions by his representative, Ambassador Sahbani of Tunisia, with the Government of Belgium from 20 March 1961 on arrangements for the immediate withdrawal of Belgian personnel covered by the Security Council resolution. The Belgian Government had accepted the resolution, but its views on implementation had been unsatisfactory. A slight change in the position became apparent with the change of government in April, but it remained far short of what was required by the Security Council resolution. The position, as stated in a letter of 6 May 1961 by the new Belgian Minister of Foreign Affairs, was regarded by the Secretary-General and the Advisory Committee on the Congo as not being in accord with the letter or spirit of the resolution. Negotiations were subsequently resumed, and on 12 July 1961 the Secretary-General met with the Belgian Foreign Minister, Paul-Henri Spaak, in Geneva. While some progress was made in regard to the withdrawal of Belgian military personnel originally placed at the disposal of the Congo and now active in Katanga, no agreement was reached in regard to mercenaries and "volunteers."

On 25 May 1961, the Secretary-General announced a re-organization of the administrative arrangements for the Congo operation. The Special Representative of the Secretary-General in the Congo, Ambassador Rajeshwar Dayal, of India, was relieved at his own request. He had gone to United Nations Headquarters for consultations on 10 March; Mekki Abbas had been Acting Special Representative in Leopoldville until Mr. Dayal's resignation. Sture C. Linner, formerly Chief of United Nations Civilian

Operations in the Congo, was appointed Officer-in-Charge of the United Nations Operation in the Congo as of 25 May 1961.

CONVENING OF PARLIAMENT  
AND ESTABLISHMENT OF  
A NATIONAL GOVERNMENT

Representatives of the Secretary-General held discussions with the various authorities in the Congo on the question of convening Parliament as urged by the Security Council and the General Assembly, and every effort was made by ONUC to facilitate a rapprochement between the Congolese leaders. While divisive tendencies had seemed to prevail at the Tananarive Conference in March 1961, a conference at Coquilhatville in April-May 1961 advocated a re-organization of the Congolese Government on a federal basis. Mr. Tshombe, who opposed this development at Coquilhatville, was detained by the Leopoldville authorities.

On 12 May 1961, President Kasa-Vubu announced that Parliament would be re-convened at Leopoldville in the near future and requested United Nations assistance and protection for this purpose. Four days later, Mr. Gizenga wrote to the Secretary-General that his "government" had decided to convene an extraordinary session of Parliament under ONUC protection at Kamina. This move was supported in letters to the President of the Security Council by the representatives of Albania, Czechoslovakia, Poland and the USSR.

Following strenuous efforts to bring about a rapprochement between the principal factions involved, representatives of the Secretary-General succeeded in arranging a meeting of delegations from Leopoldville and Stanleyville on 13 June 1961 at ONUC headquarters in Leopoldville. The two delegations reached an agreement on 19 June that Parliament would meet at the University of Lovanium, Leopoldville, and that all the members of Parliament and its administrative personnel should be housed during the session in Lovanium itself and should have no contacts with the outside world. They agreed to ask the United Nations to ensure that the army and police at Leopoldville and adjoining zones did not carry arms during the period of the parliamentary session. The United Nations was also requested: to take various

other protective measures, including the provision of free passage of members of Parliament; to invite all other political factions to subscribe to the agreement; and to continue to accord its good offices to the parties concerned in seeking a real and satisfactory solution to the Congolese crisis. The Secretary-General accepted all the responsibilities devolving upon the United Nations under this agreement.

The agreement was subsequently subscribed to by the authorities in South Kasai, but not by the authorities in Elisabethville, though the representatives of the Leopoldville authorities and Mr. Tshombe had signed a protocol on 24 June 1961 for the convening of Parliament and on several other matters relating to the economic and administrative re-integration of Katanga into the Republic.

On 23 June 1961, Mr. Gizenga announced that eight Belgian soldiers who had been imprisoned in Stanleyville since January 1961 would be released.

On 5 July 1961, the President of the Republic issued an Ordinance convening Parliament. Under security and safe conduct arrangements devised by the United Nations in close co-operation with the authorities from Leopoldville and Stanleyville, members of Parliament assembled at Lovanium from 16 July. The Senate began to hold its sessions on 22 July and the House of Representatives on 23 July. On 1 August, the President of the Republic nominated Cyrille Adoula as formateur of Government.

On 2 August 1961, Mr. Adoula presented his Government to the two Houses of Parliament and described it as a Government of national unity and political reconciliation. He stated that his Government would: draw up a new constitution for the country; ensure the observance of fundamental freedoms and human rights and the maintenance of law and order; release all political prisoners and others imprisoned without valid cause; re-organize and re-unite the armed forces; and annul the secession of Katanga in the very near future. He expressed gratitude to the United Nations for its assistance and pledged that his Government would honour its obligations as a Member of the United Nations and execute the resolutions of the Security Council and the General As-

sembly so long as the sovereignty of the Congo was not affected. He added that his Government would strive for co-operation with the United Nations in the formulation as well as in the execution of projects and would use every means to implement rapidly the agreement of 17 April. He also expressed the desire to conclude promptly an agreement on the status of the United Nations in the Congo, elaborating the details of the application of the basic agreement of 27 July 1960 between the United Nations and the Congolese Government on the operation of the United Nations Force.

On the same day, both Houses of Parliament unanimously adopted a resolution to the effect that from the time the new Government obtained a vote of confidence in the Houses, no other Government might claim to act as the constitutional Government, and that the new Government of national unity would be the legal successor of the first Central Government of the Republic of the Congo. The two Houses then approved a new Government, led by Mr. Adoula; the vote was unanimous, except for one abstention in the House of Representatives.

Following the swearing-in of the new Government, Parliament decided to leave Lovanium and continue its meetings in Leopoldville city. Before doing so, the House of Representatives unanimously adopted a resolution expressing its gratitude to the United Nations for ensuring protection of the members of Parliament and urging it to continue to provide security for members who requested it or who were in any way threatened.

In response to a letter of 10 August 1961 from Prune Minister Adoula, the Secretary-General, on 13 August, expressed satisfaction at the establishment of a constitutional Central Government, to which the Security Council and the General Assembly had attached the greatest importance. He confirmed that in response to the decisions of Parliament, the United Nations would deal with Mr. Adoula's Government as being the Central Government and would render all its aid and assistance exclusively to that Government.

On 10 September 1961, at the unanimous request of the Council of Ministers, Prime Minister Adoula extended an invitation to the Secretary-General to visit Leopoldville to dis-

cuss with them the framework within which the details of the aid and support by the United Nations could be worked out in relation to the future programme of the Government. He added that such a visit would provide the opportunity for the Government to express its high appreciation for the untiring efforts of the United Nations in the course of its action in the Congo. The Secretary-General immediately accepted the invitation and arrived in Leopoldville on 13 September 1961.

PROBLEM OF FOREIGN MILITARY PERSONNEL AND MERCENARIES IN KATANGA: DEVELOPMENTS FROM JULY TO NOVEMBER 1961

Meanwhile, negotiations of United Nations representatives with the Belgian Government and with the Katanga authorities for the evacuation of foreign military and paramilitary personnel and political advisers and mercenaries, as called for by the Security Council, were encountering great difficulties.

The Katanga provincial authorities refused to take effective action to remove the foreign elements without whom the secessionist movement might have collapsed. For its part, the Belgian Government said that it was prepared to help in the removal of its professional officers and non-commissioned officers who had been serving in the Congo and were now in command of the gendarmerie, but it professed to be unable to do anything about the "volunteers" and mercenaries. The latter were not the traditional colonial administrative and military elements, but mostly non-Belgian adventurers and soldiers of fortune, including outlawed elements previously involved in extremist activities in Algeria and elsewhere; they fostered extremist attitudes in Katanga, too.

The ONUC effort was also obstructed by certain foreign financial interests, especially the Union Minière du Haut-Katanga, which provided economic and political sustenance for the secessionist movement, including the high wages of the mercenaries and the purchase of military equipment and warplanes.

In April 1961, 44 mercenaries who were members of the unit known as the *compagnie internationale* were apprehended by the United Nations and evacuated from the Congo. By mid-

June, an estimated 60 more mercenaries had withdrawn from Katanga, and on 24 June the *compagnie* was formally dissolved by the provincial government.

In June 1961, a United Nations military mission reported that there were 510 foreign officers and non-commissioned officers active in the gendarmerie as against 142 Congolese cadres. Of the non-Congolese, 208 were the remaining Belgian professional military men; 302 were mercenaries.

Between June and August 1961, ONUC authorities evacuated several of Mr. Tshombe's foreign military and political advisers. A joint commission was established with the Katangese authorities to list such foreign personnel, both those in official posts and those acting unofficially, who were to be repatriated.

On 24 August 1961, the President of the Republic issued an Ordinance for the immediate expulsion of all non-Congolese officers and mercenaries serving in the Katanga forces who had not entered into a contractual engagement with the Central Government. On the same day, the Prime Minister, on behalf of his Government, requested United Nations assistance in the execution of the Ordinance. This request provided the United Nations with the legal authority to take action within the Congo to implement the evacuation provision of the Security Council resolution.

As the Katangese authorities countered with a campaign of inflammatory statements and rumours against the United Nations which created an atmosphere of tension, the United Nations was soon compelled to take security precautions in Elisabethville. On 28 August, it placed a surveillance on Radio Katanga, the gendarmerie headquarters and other key points and installations and proceeded to take measures for apprehending foreign military personnel and mercenaries.

Informed of the objectives of the United Nations action, Mr. Tshombe announced later in the day that the services of foreign personnel in the Katanga armed forces were terminated and that his government approved of their evacuation. The Belgian Consul, in agreement with his colleagues in the consular corps in Elisabethville, offered to undertake the responsibility for ensuring the surrender and repatria-

tion of all such foreign military personnel. Relying on this undertaking, the United Nations thereupon refrained from continuing to search for and apprehend such personnel and suspended the security measures.

These arrangements, however, were not scrupulously observed. Only the Belgian Army officers placed by the Belgian Government at the disposal of Katanga were dealt with under this procedure, and even in the case of these officers, delays or administrative exemptions were proposed. By 9 September 1961, 273 foreign officers and mercenaries had been evacuated, and 65 were awaiting repatriation, but at least 104 failed to report.

Profiting from the relaxation of evacuation measures, foreign officers and mercenaries soon began to re-infiltrate into the gendarmerie. Together with some elements in the local non-African population, they began to exercise an adverse influence on the Katanga authorities. The actions of the Katanga Sûreté led by non-Congolese officers, the inflammatory broadcasts of Radio Katanga and the spreading rumours caused panic among the Baluba population who began to throng into United Nations camps seeking protection. By 9 September 1961, the number of these refugees had reached 35,000 and created not only a very serious problem for the United Nations but a situation likely to lead to tribal and civil war. Meanwhile, the Katanga authorities inspired demonstrations against the United Nations, and reports were received of conspiracies directed against the United Nations Force.

In view of the deteriorating situation, the United Nations representative called on the consuls in Elisabethville on 9 September 1961 and asked them to ensure the immediate departure of their nationals among the non-Congolese officers and mercenaries, failing which the United Nations would have to resume action for implementing the Security Council resolution. On 11 September, the deputy United Nations representative in Elisabethville was arrested on orders given by a non-Congolese officer of the Sûreté. In view of the long series of wrongful acts committed by the non-Congolese officers of the Sûreté against the United Nations and of their actions against the Baluba population, ONUC representatives,

acting under the Security Council resolution of 21 February 1961, requested the Katanga authorities to evacuate these officers within 48 hours. Instead of acceding to this request, the Katanga authorities re-inforced their police force and began to maintain heavily armed patrols and guard posts at all public buildings and other installations. A meeting of United Nations representatives with Mr. Tshombe and members of his government on 12 September 1961, in an attempt to obtain a lessening of tension and assurance on the prompt evacuation of foreign officers and mercenaries, proved fruitless.

On 13 September, the United Nations Force took security precautions similar to those applied on 28 August in order to prevent threats to the maintenance of law and order while it resumed its task of apprehending and evacuating foreign military and paramilitary personnel. During this operation, fire was opened on the United Nations troops on several occasions, particularly from the building in which the Belgian "consulate" had its offices, and the ONUC troops returned the fire. United Nations units guarding the radio station and the post office were repeatedly attacked. Non-Congolese officers and mercenaries were observed leading the attacks. A number of European residents, otherwise regularly employed, participated in the attacks, and extensive sniping fire was directed against United Nations troops and positions by non-African residents.

Despite persistent efforts by United Nations representatives to obtain a cessation of hostilities, the attacks continued and spread to Jadotville, Kamina and other areas. A number of foreign officers who had gone into hiding after 28 August 1961 re-appeared. A jet fighter, piloted by a non-Congolese, strafed and bombed United Nations troops and airports under United Nations control, making it impossible to provide re-inforcements to the hard-pressed United Nations Forces, which had no war planes. A company of the United Nations Force, sent to Jadotville at the urgent request of the consular corps to protect the non-Congolese population, was attacked by a large gendarmerie force under non-Congolese leadership and subjected to strafing and bombing by the jet fighter. On the other hand, there were no clashes whatever

between the United Nations troops and units of the Katanga gendarmerie, whose foreign officers had been duly withdrawn.

After repeated efforts to contact Mr. Tshombe to end the fighting, the United Nations representative in Elisabethville received a message from him, through the British Consul, at midnight on 16 September, proposing a meeting in Northern Rhodesia. Informed of this message, the Secretary-General, who was then in Leopoldville, replied to Mr. Tshombe reaffirming the desire of the United Nations to ensure a cessation of hostilities. He pointed out that the cease-fire would occur automatically on the United Nations side, as it was permitted to open fire only in self-defence. He asked that the Katanga authorities order an immediate and effective cease-fire and offered to meet personally with Mr. Tshombe at Ndola, Northern Rhodesia, to find peaceful methods of resolving the present conflict, thus opening the way to a solution of the Katanga problem within the framework of the Congo.

The Secretary-General and his party took off for Ndola from Leopoldville on 17 September, but the flight ended tragically in the crash of the aircraft and the death of the Secretary-General and his party consisting of seven United Nations staff members and two ONUC Swedish soldiers. Six Swedish crew members also lost their lives. (See also p. 161 below.)

The Secretary-General's mission was immediately taken up by Sture Linner and his colleagues. On 19 September, Mahmoud Khiari, Chief of the ONUC Civilian Operations, flew to Ndola, where, on the next day, he and Mr. Tshombe signed a provisional agreement for an immediate cease-fire. They agreed that there should be no movement of troops to re-inforce garrisons or positions; also, the movement of arms and ammunition and other military devices was prohibited. A joint commission of four members was to be set up to fix the respective positions of the troops of both sides, to arrange the exchange of prisoners, to supervise the application of the agreement and to seek ways and means of placing the relations between the United Nations and the Katanga authorities on a basis of mutual understanding.

The United Nations representative made clear the following points: that the agreement

was of a strictly military nature; that it applied solely to the United Nations Force in Katanga and the armed forces of Katanga, that it would not apply outside Katanga; that it had no political intention or aim; and that the conclusion of the agreement would in no way affect the resolutions of the Security Council and the General Assembly. The agreement became final on 24 September 1961 when approval of its terms by the United Nations Headquarters was communicated to Mr. Tshombe.

The Katangese authorities failed to comply fully with the provisions of the agreement. They began to make extreme demands and levelled unfounded accusations of breaches of the cease-fire by the United Nations. They frustrated the work of the joint commission by imposing conditions.

After further negotiations, the Katanga authorities and ONUC signed a protocol on 13 October 1961 for the implementation of the cease-fire agreement of 20 September. The protocol provided for: the release of prisoners on 16 October; the creation of three sub-commissions for the supervision of the application of the cease-fire agreement; a return to positions held on 12 September; and the return of the post office, radio station and several other positions held by the United Nations in Elisabethville in return for certain assurances by Katanga authorities. The United Nations agreed that it would consider that the cease-fire had been violated in the event that the Katangese gendarmerie countered an attack from the outside.

The Prime Minister of the Central Government of the Congo expressed apprehensions as to the political implications of the protocol but withdrew his objections when the approval contemplated by United Nations Headquarters was transmitted to him.

The text of the approval, transmitted to Mr. Tshombe on 23 October 1961, stated that the conditions set forth as the basis for the approval of the cease-fire agreement of 20 September 1961 were equally applicable to the protocol. It stated, too, that approval of the protocol involved no derogation of the unity, territorial integrity or independence of the Congo, of the sovereignty of the Republic of the Congo or of the authority of the Central Government. It also noted the agreement during the discus-

sions that full compliance with the requirements of a paragraph in the Security Council resolution of 21 February 1961 (paragraph A-2)<sup>5</sup> concerning the withdrawal of foreign military personnel and mercenaries was a condition essential to the effective application of the protocol.

(The Acting Secretary-General, in a letter dated 24 November 1961, stated that in the absence of a Secretary-General, the approval had been decided on by senior Secretariat members who had responsible functions in the Congo operation, after consultation with the Advisory Committee on the Congo. It had been essential for them to give approval for agreements on military matters in order to save lives and to carry out the specific objectives laid down by the Security Council, and the action taken could properly be considered to have been a practical necessity. On 30 November 1961, the representative of the USSR, in a communication to the Acting Secretary-General, stated that the cease-fire agreements were illegal as they were in contradiction with the resolutions of the Security Council and had been concluded without the necessary authorization from the Security Council.)

Concurrently with the efforts for a cessation of hostilities, ONUC attempted to impress upon the Katanga authorities the imperative need, in the interests of the people of the province and the Congo as a whole, to undertake serious contacts with the Central Government with a view to achieving a peaceful solution of the issues dividing them. It offered assurances guaranteeing the safety of Mr. Tshombe and his representatives during any visit to Leopoldville for such discussions. Two emissaries of Mr. Tshombe went to the capital on 18 October 1961 with Mr. Khiari and presented a memorandum from Mr. Tshombe to the Prime Minister. They returned to Elisabethville on 23 October with a message from the Central Government that it was prepared to examine any proposals within the framework of the parliamentary institutions established by the Loi fondamentale and in accordance with the principle of legality. The Central Government announced its readiness to receive Mr. Tshombe and his colleagues in Leopoldville for such discussions.

Meanwhile, the Katanga authorities failed to

respect a number of provisions of the protocol of 13 October 1961. The prisoners—190 ONUC prisoners and 240 Katangese prisoners—were exchanged, after some delays, on 25 October, and ONUC withdrew from several positions as agreed in the protocol. But the Officer-in-Charge of the United Nations Operation reported on 2 November that the Katanga authorities had failed to fulfil several of their obligations and had resumed a violent propaganda campaign against the United Nations. A large number of foreign personnel, chiefly mercenaries, remained in Katanga. It had become more difficult than before to identify and apprehend the mercenaries, as they had begun to serve in civilian garb and take cover in various forms of civilian employ. (ONUC reports indicated that 237 persons covered by the Security Council resolution, chiefly mercenaries, remained in Katanga in November 1961.) The United Nations was obligated to continue to care for some 35,000 refugees in Elisabethville, as they refused to return to their homes for fear of reprisals by the local police forces or members of Mr. Tshombe's Canokat Jeunesse.

In the latter part of October 1961, military engagements occurred on the border of Kasai and Katanga provinces between Central Government forces and the Katanga forces. Some probing attacks by both sides were reported. The Central Government forces were reported to have advanced some distance into Katanga and to have been forced by air and ground attacks to retreat. Prime Minister Adoula sent the Chief of Staff of the National Army to Kasai to halt the military operations in order to establish a favourable climate for talks with the Katanga authorities. Mr. Tshombe, however, protested the alleged genocide by the National Army.

Towards the end of the month, small Katangese aircraft attacked troops, civilians and communications inside the Kasai border. As these operations over Kasai were a civil war action and involved non-Congolese military personnel in violation of the Security Council resolution of 21 February 1961, and, moreover, constituted a military movement in contravention of the cease-fire agreement of 20 September, United

<sup>5</sup> See Y.U.N., 1960, p. 104.

Nations representatives in Elisabethville enjoined the Katanga authorities on 31 October to ground all military aircraft immediately. They indicated that unless this was done, the United Nations would be obliged to take counter-action and bring down aircraft engaged in offensive military operations in Kasai.

In order to prevent a recurrence of the situation in September, when ONUC was unable to counter the attacks by a Katanga jet fighter plane piloted by a mercenary, the United Nations had secured military aircraft from certain Member States (Ethiopia, India and Sweden).

REPORT OF COMMISSION OF INVESTIGATION ON THE DEATHS OF MR. LUMUMBA AND HIS COLLEAGUES

On 11 November 1961, the report of the Commission of Investigation established by the General Assembly in April by resolution 1601 (XV) of 15 April 1961 to investigate the circumstances of the deaths of Patrice Lumumba, Maurice Mpolo and Joseph Okito, was circulated to the Security Council and the General Assembly.

The Commission's efforts to arrange a visit to the Congo did not materialize, owing chiefly to the objections of the Leopoldville authorities.

After the establishment of a constitutional Central Government in the Congo, its Minister of Foreign Affairs informed the Commission on 19 September 1961 that the Congolese Government had the right and duty to investigate the affair and punish the perpetrators of the crime. The United Nations would be kept informed of the progress of the investigation.

The report of the Commission to the Security Council and General Assembly contained an account of the evidence it had gathered and certain conclusions it had reached. The Commission concluded: (1) that the weight of evidence was against the official version of the Katanga provincial government that Mr. Lumumba and his colleagues had been killed by certain tribesmen on 12 February 1961; (2) that the evidence indicating that the prisoners had been killed on 17 January 1961 in a villa near Elisabethville, probably by certain mercenaries in the presence of Katanga provincial officials, seemed to be substantially true; and (3) that President Kasa-Vubu and his aides

and Mr. Tshombe and his aides, particularly the Katanga Interior Minister, Mr. Munongo, should not escape the responsibility.

CONSIDERATION BY SECURITY COUNCIL, 13-24 NOVEMBER

In a cable of 1 November 1961 to the President of the General Assembly, the Emperor of Ethiopia expressed concern at the deterioration of the situation in the Congo and suggested that the Security Council must take prompt and decisive action.

On 3 November 1961, the representatives of Ethiopia, Nigeria and the Sudan requested that the Security Council be convened to consider the situation caused by the lawless acts of mercenaries in the province of Katanga.

The Security Council met on 13 November 1961 and decided to consider the situation in the Congo, including the matter brought to its attention by these three powers. The Council considered the question at eight meetings through 24 November, with the participation of the representatives of Belgium, Congo (Leopoldville), Ethiopia, India and Sweden, who were invited, at their request.

In addition to the three-power request and the reports reviewed above, the Security Council received two documents and a report on the situation in the Congo.

On 7 November, the Belgian mission transmitted a Belgian Government communiqué of 30 October stating that passports of Belgian nationals who continued to serve in the Katanga armies would be withdrawn and that passports would henceforth be refused to applicants who were not prepared to sign a declaration undertaking not to serve in foreign forces.

On 11 November, the Minister for Foreign Affairs of the Congo (Leopoldville) transmitted to the Acting Secretary-General a note he had sent on 6 November to the Belgian representative to the United Nations. In this note, he recalled that the Congolese Government had asked for the closure of all Belgian consulates in the Congo in 1960, when it had severed diplomatic relations with Belgium, and that it had repeatedly requested the closure of the "so-called Belgian consulate" which continued to function in Elisabethville. He asked in particular that 12 Belgian military advisers who were

then in the "consulate" be immediately withdrawn in accordance with the resolutions of the Security Council and the General Assembly. (The Belgian Foreign Minister informed the Security Council on 15 November that these officers were being withdrawn at the request of the United Nations.)

On 19 November 1961, the Officer-in-Charge of the United Nations Operation in the Congo submitted a report giving further information on the hostilities on the Kasai-Katanga border and an account of certain disturbances of public order which had taken place in Luluabourg, Stanleyville, Albertville and Kindu.

In Luluabourg, capital of the Kasai province, where National Army contingents had been brought in on the way to the Katanga border, a group of soldiers became disorderly on the night of 1-2 November and raped eight women. ONUC, in co-operation with the local National Army commander, took action to protect the foreign population, confine the troops to camp and restore calm. United Nations officials made vigorous representations to the provincial authorities over the restrictions they had imposed on exit visas to persons of European origin. The restrictions were cancelled. Subsequently, on 5 November, when a unit of mutinous Congolese troops arrived from the Katanga border area, United Nations troops disarmed the mutineers on their arrival and transported them to Leopoldville at the request of the National Army commander.

Disturbances also took place in Stanleyville, Orientale province. Vice-Premier Gizenga had arrived there on 4 October on an eight-day leave from the Council of Ministers, but failed to return to Leopoldville on the expiry of his leave. The Orientale provincial president, J. F. Manzikala, was placed under house arrest on 19 October after the provincial assembly adopted a vote of censure against him, and the United Nations Force granted him protection at his request. Members of the Jeunesse du mouvement national congolais caused disturbances in the city on 30 October 1961, and the United States Consul was assaulted at his hotel. Order was soon restored on the personal intervention of General Lundula. General Lundula went to Leopoldville on 11 November 1961 for conferences with members of the Central Govern-

ment and pledged allegiance to the President of the Republic on 13 November.

In Albertville and nearby towns in northern Katanga, where the Baluba population was in general opposed to Mr. Tshombe, problems of maintenance of public order were created by the activities of disorderly groups describing themselves as "jeunesse." On 10 November 1961, ONUC granted protection for the evacuation of the families of the staff of certain Albertville enterprises and helped control the situation in the city. Disturbances occurred again on 13 November when a National Army contingent from Stanleyville reached Albertville. The United Nations representative persuaded its officers to keep the troops out of the centre of the city, but on the next day, armed soldiers appeared in town and began to loot property and threaten and arrest civilians. ONUC officials organized additional evacuations of foreign nationals, afforded protection to those remaining in the city and took measures to restore order. The Commander of the National Army contingent promised to maintain order, punish the culprits and return stolen property. Security conditions improved rapidly thereafter.

A grave incident occurred on 11 November at Kindu, Kivu province, a staging area for National Army troops sent from Stanleyville to northern Katanga. After the arrival of two United Nations aircraft with armoured cars for the United Nations contingent, Congolese troops attacked and looted the United Nations mess and beat and imprisoned 13 Italian crew members. When their demand for the surrender of the armoured cars was refused, they surrounded the airport where the camp of the ONUC battalion was situated.

United Nations officials contacted the Congolese commander, Colonel Pakassa, but he claimed that he had little control over his troops and sent telegrams to General Lundula and Mr. Gizenga asking them to come to Kindu.

A senior staff officer of General Lundula arrived on 13 November, but Colonel Pakassa refused to acknowledge his authority. General Lundula and the Minister of Interior arrived on the next day and issued orders to Colonel Pakassa to pacify his troops, return the Italian crewmen and United Nations property, withdraw the troops near the airport and send the

culprits to Stanleyville for punishment. The United Nations property was returned, and the Congolese troops withdrew from the airport on 15 November, but Colonel Pakassa stated that he had no information on the Italian crew members who were said to have escaped. Later in the day, however, United Nations representatives secured information that the 13 Italian crew members had been brutally murdered by Congolese soldiers on the day of their capture. The Officer-in-Charge of ONUC in Leopoldville dispatched a letter to the Central Government demanding the immediate arrest of Colonel Pakassa and the punishment of those guilty of the crime. He also proposed the establishment of a joint investigating committee. This was agreed to by the Prime Minister. The committee's investigation did not result in the apprehension and punishment of the actual culprits. Colonel Pakassa was apprehended and, after being questioned by the committee, was handed over to the Central Government at its request for possible prosecution.

Initiating the discussion in the Security Council on 13 November 1961, the representative of Ethiopia stated that a grave situation had been caused by the continued foreign intervention in Katanga and the military build-up in the province. Since it seemed that the Katanga authorities would not evict foreign military personnel and mercenaries as required by the Council's resolution of 21 February 1961, he suggested that the Council should adopt clear directives authorizing the Acting Secretary-General to evict them by force. He also called for measures by the Council to stop interference in Katanga through territories on the borders of the province. He said that the United Nations Command should help the efforts of the constitutional Central Government, which had been set up in August, to restore law and order in the country and remove the threat of foreign intervention against its territorial integrity.

The Foreign Minister of the Congo (Leopoldville) stated that all efforts by the Central Government towards a peaceful solution of the Katanga problem, within the framework of the Loi fondamentale, had failed because of the intransigence and duplicity of Mr. Tshombe, who had been supported by foreign mercenaries. Since the Congolese National Army alone did

not have the necessary means to dispose of the Katangan secession, he argued that the United Nations had the duty to expel the mercenaries or deliver them to Congolese justice. (On 13 November 1961, the Congolese Government communicated to the United Nations the text of an Ordinance providing for the punishment of non-Congolese officers and mercenaries serving in the Katangese forces who had not entered into contract with the Central Government. It requested the United Nations henceforth to place all mercenaries at the disposal of the Central Government.) The Foreign Minister also requested United Nations assistance in the re-organization and strengthening of the National Army so that his Government could ensure the maintenance of law and order in the country and avoid dependence on other States. He said that such assistance by the United Nations would not involve intervention in Congolese domestic affairs, as it would be given at the request of the legal Government and as its purpose would be to prevent foreign intervention rather than involvement in any internal conflict.

The Foreign Minister of Belgium stated that his Government, since taking office in April 1961, had attempted to co-operate effectively with the United Nations in the implementation of its decisions even when it did not agree with the decisions. He claimed that it had complied with the United Nations decisions concerning the evacuation of political advisers and military and paramilitary personnel. It had refrained from providing any military assistance to the Katanga authorities, had taken measures to prevent recruitment of Belgian mercenaries for Katanga and had co-operated with the United Nations in the withdrawal of a large number of mercenaries. He claimed that his Government could not be held responsible for the Belgian mercenaries who might be in Katanga in defiance of the law, without its knowledge and against its instructions. He complained that the United Nations had made unfounded accusations against Belgium, especially in connexion with the events of 28 August and 13 September, and asked for an impartial international investigation. He stated that his Government recognized the Central Government of the Congo as the legitimate Government in all the country

and was opposed to the secession of Katanga. It had provided substantial technical assistance to the Congo, despite the absence of diplomatic relations, and only wished to continue such assistance without interfering in the country's political life.

Finally, the Belgian Foreign Minister expressed apprehension over proposals to authorize the use of force by the United Nations. He said that, although the position taken by Mr. Tshombe in recent correspondence with the Central Government was not acceptable, conciliation did not seem impossible. He thought that the United Nations should first exhaust all possibilities for conciliation.

On 14 November 1961, Ceylon, Liberia and the United Arab Republic submitted a draft resolution by which the Security Council would: reaffirm earlier resolutions; deprecate secessionist activities carried out in Katanga—with the aid of external resources and foreign mercenaries—and armed action against the United Nations forces; authorize the Secretary-General to take vigorous action, including the use of requisite measures of force, for the apprehension, detention or deportation of all foreign mercenaries and other "hostile elements" as laid down in the resolution of 21 February 1961; request the Secretary-General to take all necessary measures to prevent the entry of such elements or of war material; demand that all secessionist activities in Katanga should cease forthwith; and declare full and firm support for the Central Government of the Congo.

The sponsors argued that the United Nations should declare its support to the constitutional Central Government established in August and should give a clear mandate to the Acting Secretary-General to deal with the problem of foreign intervention in Katanga. They expressed confidence that he would use his mandate wisely and judiciously and stated that their proposal would not close channels for conciliation.

During the discussion, all Council members expressed opposition to secessionist activities in Katanga and to foreign interference in the Congo. Several representatives, however, voiced reservations about certain provisions of this draft resolution.

The representative of France said that the problem of re-integration of Katanga in the

Congo and the problem of relations between the various parts of the country should be solved through negotiations and persuasion, to which his Government would give full support, and not by force.

The United States representative stated that the three-power draft resolution had constructive elements but focused predominantly on one aspect of the problem. He felt that the Council should take effective action not only in connexion with the secessionist actions in Katanga, but also with regard to what he described as the defiance of the Central Government by the authorities in the Orientale province. He suggested that the United Nations should provide assistance to the Congolese Government to strengthen and re-train its armed forces and acquire a small, effective air force.

The USSR representative said that Katanga was the centre of foreign intervention in the internal affairs of the Congo and that such interference was the basis of the whole Congolese crisis. He supported the three-power draft resolution since, despite its weaknesses, it did focus attention on this main problem.

The United Kingdom representative denied that the authorities in Rhodesia had intervened or facilitated foreign intervention in the Congo. He suggested that the draft resolution should not be confined to the problem of Katanga and that it should place greater emphasis on pacification and conciliation as the main role of the United Nations in the Congo.

The representative of China suggested measures to promote negotiation and conciliation and emphasized that the United Nations should not interfere in conflicts of a domestic nature.

The representative of Turkey, while supporting most of the draft resolution, expressed reservations on the wording of two paragraphs. The representatives of Chile and Ecuador stated that they would support measures in line with the Charter to end foreign intervention in the Congo and to preserve its territorial integrity.

The representative of Sweden stated that the problem of foreign personnel and mercenaries in the Congo could only be settled by vigorous efforts by the Government concerned. He felt that the United Nations role should be limited to the maintenance of order and to preventing conflict. It should not be extended to include

participation in a civil war. The representative of India emphasized the need for clear directives by the Security Council so that the United Nations Force could function effectively and complete its mission as soon as possible.

On 20 November, Ceylon, Liberia and the United Arab Republic submitted a revision of their draft resolution. By the new text, the Council would, among other things, declare that all secessionist activities were contrary to the *Loi fondamentale* and Council resolutions, while specifically demanding that such activities then taking place in Katanga should cease forthwith. They stated that though the Council had no official information concerning secessionist activities outside Katanga, they were willing to declare opposition to such activities anywhere in the Congo.

On the same day, the United States submitted several amendments to the joint draft resolution; these were revised on 21 November and again on 24 November.

During the discussion which followed, the USSR representative indicated that he would not object to certain of the amendments but would oppose several others. Among the United States amendments which he was willing to support were the proposed revisions to the preamble, whereby the Council would: deplore all armed action in opposition to the authority of the Congolese Government, specifically action then being carried on in Katanga; note with deep regret the recent and past actions of violence against United Nations personnel; and recognize that the Congolese Government was exclusively responsible for the conduct of Congo's external affairs. He also did not object to a revision of the paragraph which would authorize the Secretary-General to take action to apprehend, detain or deport persons covered by the Security Council resolution of 21 February. (The three-power draft resolution referred to "foreign mercenaries and hostile elements." Several members feared that the last phrase was liable to misinterpretation and might cause needless alarm and uncertainty. The United States amendment used the terminology of the Council's resolution of 21 February 1961, namely, "foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries".)

The USSR representative opposed the other United States amendments. One of these would have the Council authorize the Secretary-General, in consultation with the Congolese Government, to remove weapons of war which had illegally entered Katanga "or any other region of the Congo," or to prevent their use against the United Nations or the Republic of the Congo or the civilian population. Another United States amendment would have the Council ask the Secretary-General to assist the Congolese Government to re-organize and re-train its armed forces. A third amendment would have the Council ask the Secretary-General to take steps he considered necessary, including negotiation and conciliation, to achieve the immediate political unity and territorial integrity of the Congo.

With regard to the first of these amendments, the USSR representative proposed deletion of the reference to other regions of the Congo on the grounds that it would distract attention from the central problem of colonial intervention in Katanga and that war material had not illegally entered regions other than Katanga. Opposing the provision of assistance to Congolese armed forces, he stated that it was an enormous task which did not fall within the functions of the United Nations at the present time. He added that the Acting Secretary-General had authority under the Council's resolution of 21 February 1961 to extend appropriate assistance and that a special decision on that matter in the present resolution would only distract attention from the main problem. Further, the third amendment seemed to imply negotiations with the secessionists in Katanga, which, in his delegation's view, were inappropriate and harmful. He added that political unity had been achieved in the Congo through the convening of Parliament and that territorial integrity would be attained only when the so-called independent state of Katanga was liquidated.

The United States representative and several other members argued that the amendments were essential to meet the needs of the situation and were consistent with the intent of the three-power draft resolution. They stated that recent events described in the report of 19 November 1961 by the Officer-in-Charge of the

United Nations Operation had shown the threats to the maintenance of law and order arising from a lack of discipline in certain Congolese armed units, and they suggested that urgent action was required to rebuild the armed forces, in accordance with the earlier decisions of the Council, so that they might be able to perform their functions. They stressed the importance of making every effort to solve the Congolese problems by negotiation, conciliation and other peaceful means to the greatest extent possible.

The Foreign Minister of the Congo (Leopoldville) expressed the view that there was no contradiction between the draft resolution and the United States amendments and the Soviet sub-amendment. He asked for assistance to his Government in order to build an effective army and stated that little progress had been made in this respect since the agreement of April between the United Nations and the President of the Congo. He supported the amendment on removing or preventing the use of illegally imported arms. He said that though there existed no secession other than that in Katanga, his Government would not object to the declaration condemning all secession. As to the question of negotiations and conciliation towards a peaceful solution of the Katanga problem, he added that the repeated efforts of his Government had been frustrated by the attitude of Mr. Tshombe and the interference of foreign interests.

The United Kingdom representative said that he would support the draft resolution with the United States amendments but expressed misgivings about the provisions concerning the use of force. He also stated that United Nations officials should not interpret the provisions and act in such a way as to endanger the uneasy peace in Katanga, especially in view of the existence of a cease-fire agreement with the Katanga authorities. The representative of France stated that though his delegation deplored secessionist and mercenary activities in Katanga, it would abstain on the vote, as it felt that the United Nations should not become a party to any internal conflict and that use of force could bring results contrary to those sought by the Council.

Before the vote on the amendments and the

draft resolution on 24 November 1961, the representative of the United States withdrew the amendment concerning negotiation and conciliation. He stated that the Secretary-General had the requisite authority under earlier resolutions and that an adverse vote on the amendment might be construed as a restriction of such authority.

The Council then adopted the United States amendments to which the USSR did not object. The amendment to authorize the Secretary-General to remove or prevent use of weapons of war which had entered illegally into Katanga and other regions was rejected, having received only six votes. (The representative of the USSR voted against it after his sub-amendment to delete a reference to other regions was rejected. France, the United Arab Republic and the United Kingdom abstained, and Ceylon did not vote). The other United States amendments failed of adoption because of the adverse vote of the USSR. The three-power draft resolution, as amended, was then adopted by 9 votes, with France and the United Kingdom abstaining. (For full text, see DOCUMENTARY REFERENCES below.)

The representative of the United States stated, in connexion with this resolution, that it could in no way be regarded as implying a diminution of the authority previously granted to the Secretary-General and expressed confidence that the Acting Secretary-General would continue to carry out all the resolutions to the full effect. The USSR representative expressed the hope that the Acting Secretary-General would scrupulously implement the provisions of the resolution without covering them in any special or political interpretation. The United Kingdom representative stated that he had abstained because of the rejection of some of the United States amendments. The Foreign Minister of the Congo (Leopoldville) thanked the Security Council for its decision and pledged full co-operation to the Acting Secretary-General.

The Acting Secretary-General told the Security Council that he intended to discharge the responsibilities entrusted to him, in connexion with the question of the activities of the mercenaries in Katanga, with determination and vigour and to employ as much as possible of the

total resources available to the United Nations operation toward that end. He pointed out, however, that the recent events in the Congo showed that the Central Government was at that stage unable to assume an increased responsibility in the sphere of law and order. As the need for continuing United Nations assistance in that field was still critical in many parts of the Congo, it might be necessary from time to time to establish temporary priorities in the continuing efforts to achieve the various objectives of the United Nations. He noted that all of the United Nations responsibilities flowing from past resolutions continued with new emphasis, as they had been reaffirmed in the present resolution. They included the responsibility with regard to the training and re-organization of the Congolese armed forces under the terms of the previous Security Council resolutions. He appealed to United Nations Member States for more troops at the present critical stage and expressed the view that a gradual reduction in the size of the Force might be possible after the current phase of disorder and secessionist threat was over. He assured the Council that the United Nations would redouble its efforts to achieve peaceful reconciliation of the differences which endangered the unity of the country.

Finally, with regard to the murder of 13 Italian members of the United Nations Force on 11 November, which had been condemned by members of the Security Council, he stated that ONUC was taking all possible measures to see that all who were guilty of the crime would be severely punished. He pointed out, however, that this tragedy was but one of a long series of such experiences suffered with patience and fortitude by the United Nations personnel at the hands of undisciplined troops in the Congo.

DEVELOPMENTS FROM  
24 NOVEMBER TO  
21 DECEMBER 1961

On 27 November 1961, the Acting Secretary-General and the Minister for Foreign Affairs of the Republic of the Congo signed an agreement on the legal status, facilities, privileges and immunities of the United Nations Organization in the Congo. It laid down the details

of the application of the basic agreement signed on 27 July 1960 and was to be deemed to have taken effect from the date of the arrival of the first elements of the United Nations. The agreement made it clear that the responsibilities of the United Nations Force for the maintenance of public order, peace and security would be discharged in accordance with its interpretation of the mission assigned to it by the Security Council. It would not apply to domestic laws, regulations and procedures, which would remain fully within the responsibility of the Congolese authorities. The United Nations would not have recourse to the use of force except as a last resort and subject to the restrictions imposed by its mandate and the resolutions of the Security Council and the General Assembly. Both parties undertook to co-ordinate their actions in the maintenance of public order and to adopt the principle of mutual consultation.

Meanwhile, the Katanga authorities launched a propaganda campaign of increasing violence against the United Nations in violation of the provisions of the protocol of 13 October 1961. The campaign became highly inflammatory after the adoption of the Security Council resolution of 24 November. Mr. Tshombe and his colleagues alleged that the United Nations had decided to launch a war on Katanga and called on the Katangese to prepare to fight against the United Nations. The rousing of public feeling against the United Nations and the incitement to violence against the United Nations personnel, despite the protests of the United Nations representatives, soon led to grave incidents.

On the night of 28 November 1961, two senior officials of the Secretariat, George Ivan Smith and Brian Urquhart, were dragged by "para-commandos" and gendarmes from a private residence in Elisabethville and severely beaten. Mr. Smith was rescued by the United States Consul, but Mr. Urquhart was held for several hours under threat of death and was released only after demands to the provincial ministers. An officer of the United Nations Force, Major Ajeet Singh, who had been looking for Mr. Urquhart, was soon found to be missing, and the mutilated body of his driver was discovered by United Nations patrols.

On instructions from the Acting Secretary-General, United Nations representatives warned

Mr. Tshombe to cease the inflammatory propaganda against the Organization and to cooperate with it for a peaceful solution of the problems in conformity with the resolutions of the Security Council and the General Assembly. They demanded the punishment of those guilty of acts of violence and written apologies on behalf of the provincial government.

The first reaction of the Katanga authorities seemed to have been one of alarm. On 1 December, Mr. Tshombe sent a letter to United Nations representatives expressing regret over the attacks on Mr. Smith and Mr. Urquhart, announcing that those guilty had been punished and affirming his intention to avoid incidents and attempt to resolve problems by peaceful means. He stated that an investigation had been undertaken into the incident concerning Major Singh and his driver.

It soon appeared, however, that the Katanga authorities were unable to control their forces, especially the "para-commandos." Incidents increased after the departure of Mr. Tshombe on 1 December for Brazzaville and Paris.

On 2 December 1961, United Nations troops at the Elisabethville airport disarmed some drunken Katangan gendarmes when they molested several Congolese women. Other gendarmes and police opened fire on the United Nations troops and were also disarmed and detained. United Nations representatives contacted the Katanga authorities in order to deliver the prisoners to them, but, in the meantime, the Katanga gendarmerie began to patrol the town and set up roadblocks to impede vital United Nations communications. United Nations personnel were molested at the roadblocks, and several were detained by the "para-commandos." The gendarmerie units were withdrawn on the night of 2-3 December at the demand of the United Nations, and the latter delivered the prisoners to the Katanga authorities. The next morning, however, the gendarmerie returned to the town and resumed manning the roadblocks. Several incidents occurred, and by the morning of 4 December, one member of the United Nations Force was killed, two were wounded and a number missing. Later that day a roadblock, manned by a strong force, was set up on the road from the airport to the city, thus cutting communications between the

ONUC headquarters and the airport and severing the only exit available to ONUC troops in the city. Though the Katanga authorities undertook, at the demand of United Nations representatives, to remove the roadblock, it soon became apparent that they were only engaged in a delaying manoeuvre and that the gendarmerie was planning to encircle the airport and attack and destroy the United Nations Force. On 5 December, United Nations troops cleared the roadblock by force; one Indian officer of the United Nations Force was killed and four men wounded in the action, while the Katanga forces lost at least 38 gendarmes and "para-commandos" and two non-Congolese mercenaries.

After this defensive action by the United Nations to regain freedom of movement, the Katanga forces engaged in a series of aggressive actions, attacking or sniping at United Nations positions. A Katanga airplane dropped three bombs at the airfield. On the morning of 6 December, the Katanga Minister of Interior made an inflammatory broadcast accusing the United Nations of declaring war on Katanga and calling upon the people to fight against the United Nations Force. In order to prevent the arrival of further crowds of disorderly Katangese gendarmes in Elisabethville and to prevent further attacks by Katanga planes, the United Nations planes attacked the airports at Jadotville and Kolwezi and certain other points. United Nations troops cleared a number of roadblocks in Elisabethville. They also undertook to disarm the Katanga gendarmerie at Manono where they had been strengthened in violation of the cease-fire and caused tension.

The Katanga forces, aided by non-Congolese civilians and mercenaries, intensified sniping attacks against United Nations positions and hampered the freedom of movement of United Nations troops. They followed a consistent pattern of sniping and shelling from civilian homes and from the immediate vicinity of hospitals, schools and similar institutions. ONUC headquarters was under constant mortar attack. Violating the laws of war, the gendarmes attacked the Baluba refugee camp and inflicted a number of casualties.

In addition, they regularly abused the Red Cross symbol, employing vehicles painted with

red crosses to transport gendarmes and to snipe at United Nations personnel. Mr. Olivet, the chief delegate of the International Red Cross at Elisabethville, vainly attempted to prevent this, requesting Radio Katanga to broadcast hourly messages for that purpose. On the afternoon of 13 December 1961, Mr. Olivet and two other Red Cross representatives were reported missing. On 23 December, their bodies were found beside a burnt-out ambulance near the old airfield. In February 1962, a commission of investigation was appointed by the Acting Secretary-General of the United Nations and the International Committee of the Red Cross. The task of the commission was to carry out an impartial and independent inquiry into the circumstances of the tragic death of the Red Cross representatives on 13 December at Elisabethville. (On 8 June 1962, after making a full and thorough investigation, the commission submitted its report to the International Committee of the Red Cross and the United Nations.)

The United Nations Force in Elisabethville was in a particularly unfavourable position when hostilities were launched against it by the Katangese gendarmes, because about one-half of its units were carrying out a periodic peaceful rotation. While re-inforcements were rushed to the scene, in part with the assistance of air transport provided by the United States, the ONUC troops refrained from major defensive action. They were, however, obliged to clear several roadblocks and positions from which the Katangese gendarmes fired on United Nations positions. In its anxiety to avoid endangering civilian lives and property, the United Nations Force was at serious disadvantage, as the Katanga forces consistently used the presence of civilians and civilian installations to shield their activities. The mercenary-led gendarmes also endeavoured, without success, to draw the ONUC troops into house-to-house fighting in town; this would have caused heavy civilian casualties.

On 10 December 1961, the Acting Secretary-General issued a statement saying that military action had been forced on the United Nations by a series of deliberate attacks against United Nations personnel and positions and by the impeding of the freedom of movement in Elisabethville. Only when negotiations had proved

fruitless, because of repeated instances of bad faith by the Katanga political leaders and their failure to implement agreed measures, did the United Nations undertake military action with the greatest reluctance. Its purpose was to regain and assure freedom of movement, restore law and order, and defend United Nations personnel and positions. The Acting Secretary-General added that the military action would be pursued only up to such time as these objectives were achieved by military or other means and satisfactory guarantees were obtained for the future. The United Nations would also need to be satisfied that it would be able to pursue the implementation of the Security Council and General Assembly resolutions without hindrance. He stated that he would welcome any initiative which would enable the achievement of the aims as peacefully and as speedily as possible.

The re-inforcement of the United Nations troops in Elisabethville was completed on 14 December and, as the Katangese attacks continued, ONUC undertook a more active role in securing freedom of movement. Between 15 and 17 December, ONUC forces captured several important positions around the perimeter of Elisabethville, including the main gendarmerie camp. ONUC struck from the air at certain installations of the Union Minière du Haut-Katanga which, despite repeated warnings, were used for sniping at United Nations troops. On 18 December, United Nations troops began to patrol the streets of Elisabethville to re-establish law and order.

During all the fighting, the United Nations gave all possible assistance to civilians and showed great restraint despite sniping from civilian houses. The Katangese forces, on the other hand, inflicted damage on civilian areas, often by missing their targets during attacks on United Nations positions. Many press dispatches, however, misrepresented the facts on the operation and exaggerated the loss of life and property suffered by the civilians.

In cables on 8 and 9 December 1961, the Foreign Minister of Belgium informed the Acting Secretary-General that the military operations in Katanga and the death of several Belgian civilians killed by United Nations troops had aroused profound emotion in Belgium. He urged that the United Nations troops should

scrupulously respect the obligations of the Geneva Convention regarding the safeguarding of the lives and property of the civilian population. He denied allegations against the Union Minière and asked for the protection of its telecommunications installations, which were of great importance to the population. He questioned the legal basis of the action taken by the United Nations and expressed the view that the operations seemed to be out of proportion with the mandate given to the Secretary-General. In replies of 8 and 15 December, the Acting Secretary-General reviewed the course of events which led to the hostilities, explained the United Nations objectives and denied allegations against the United Nations troops. He stated that the Union Minière had assisted the Katanga authorities against the United Nations by supplying arms and equipment, providing working papers for mercenaries and in other ways. He offered to provide protection to the company if it ceased to carry out its hostile activities against the ONUC.

In cables on 15 December 1961, the President of the Republic of the Congo (Brazzaville) called for an immediate cease-fire in Katanga and requested that the Security Council convene immediately to reconsider the action taken by the United Nations. The representative of Congo (Brazzaville) stated, in a note to the Acting Secretary-General, that his Government considered that the continuation of military operations would exceed the limits set by the obligations of the United Nations Force and would imply a deliberate intention to intervene in the settlement of Congo's internal political problem. The Acting Secretary-General replied on 15 December that he would fully support the desirability of a cease-fire on the basis outlined in his statement of 10 December. On 16 December, the President of the Congo (Brazzaville) informed the Acting Secretary-General that his Government had regretfully decided to forbid aircraft engaged in transport on behalf of ONUC to land in or fly over its territory. The Acting Secretary-General replied on the same day that this action would constitute a grave hindrance to the fulfilment of United Nations purposes and would violate the obligations of the Republic under the Charter and the Security Council resolutions. (The Security Council did not accede to the request for a meeting

to consider the messages from the Republic of the Congo (Brazzaville).)

The Acting Secretary-General informed the Advisory Committee on the Congo on 16 December 1961 that he had also received appeals for a cease-fire from the representatives of the United Kingdom, Belgium and Greece and from the President of Madagascar. He stated that he was always ready to consider reasonable proposals for a cease-fire provided that the United Nations objectives were safeguarded.

Meanwhile, on 15 December, the President of the United States consulted the Acting Secretary-General in connexion with a cable he had received from Mr. Tshombe indicating that he desired to negotiate with Prime Minister Adoula on various aspects of the Congo problem.

The Acting Secretary-General stated that the United Nations would do all in its power to facilitate such a meeting at a place acceptable to the Prime Minister and would give assurances in regard to the personal security of Mr. Tshombe. After agreement with Prime Minister Adoula, he designated representatives to assist in the negotiations and announced that, though there would be no cease-fire agreement, the United Nations troops in Katanga would hold their fire for the duration of the talks unless fired upon.

Fighting soon subsided in Elisabethville, except in the Union Minière area where the Katanga forces and non-Congolese civilians and mercenaries subjected the United Nations troops to heavy mortar fire causing many casualties. The United Nations Force occupied the Union Minière factory on 19 December 1961 and captured a large quantity of arms. They repulsed an attack by a gendarmerie platoon on the next day.

A meeting between Prime Minister Adoula and Mr. Tshombe was arranged on 19 December 1961, with the assistance of the United Nations and the United States, at Kitona, a former Belgian military base under ONUC control. It ended on 21 December when Mr. Tshombe, as president of the provincial government of Katanga, made a declaration accepting the application of the Loi fondamentale of the Congo; recognizing the indissoluble unity of the Republic and the authority of the Central Government over all parts of the Republic; recognizing President Kasa-Vubu as Head of State; agreeing

to the participation of Katanga's representatives in the Governmental Commission to be convened at Leopoldville on 3 January 1962 to study the draft Constitution; pledging to take all necessary steps to enable Parliament members from Katanga to discharge their national mandate from 27 December 1961; agreeing to place the Katanga gendarmerie under the authority of the President of the Republic; and pledging to ensure respect for the resolutions of the General Assembly and the Security Council and to facilitate their implementation. Though the declaration contained no reservation on his part, Mr. Tshombe added in a letter to the United Nations representative, Ralph J. Bunche, that he had not been able to consult the competent authorities in Katanga so as to be authorized to speak on their behalf and that he proposed to do that on his return and inform the Central Government of the steps to be taken with a view to the application of the declaration.

DEVELOPMENTS BETWEEN  
21 DECEMBER 1961  
AND 30 JANUARY 1962

In accordance with the Kitona declaration, Mr. Tshombe announced his readiness to send Katanga parliamentarians to Leopoldville to participate in the session of the Parliament. He also dispatched three Katanga officials to Leopoldville to participate in discussions for the modification of the constitutional structure of the country. ONUC provided transport to the parliamentarians and officials and gave assurances guaranteeing their safety during their stay in Leopoldville and return to Elisabethville.

With respect to the other provisions of the Kitona declaration, Mr. Tshombe took the position that they should be discussed by the provincial assembly. He summoned the assembly to meet in Elisabethville on 3 January 1962 and asked the United Nations for assistance in transporting the deputies. President Kasa-Vubu, on the other hand, promulgated an Ordinance to convoke the provincial assembly to meet in extraordinary session at Kamina, but Mr. Tshombe replied to him through ONUC channels contending that convocation by the President was irregular and contrary to the Loi fondamentale. The provincial assembly met in Elisabethville on 3 January and on the next day, when a quorum was obtained, decided to

set up a commission to study the implications of the Kitona declaration.

On 5 January 1962, Mr. Tshombe approached ONUC with a request for the services of a neutral juridical expert to assist the provincial assembly and its commission. He confirmed this request in a letter of 15 January, making it clear that the expert would not be asked to express any opinion on matters of substance, but would only examine the form and presentation of the conclusions drawn from the assembly's discussions. The United Nations consulted Prime Minister Adoula, who stated that he had no objection to the provision of a legal expert for the limited purpose indicated. The Acting Secretary-General then assigned the Legal Counsel of the United Nations, Constantin Stavropoulos, to the task.

Meanwhile, tension in Elisabethville diminished after the conclusion of the Kitona talks, and military activities directly involving the Katangese gendarmerie and ONUC forces ceased almost completely. ONUC took immediate measures to help restore normal civilian life. Joint patrols were organized by ONUC and the Elisabethville police to maintain public order, particularly to halt looting of a large number of houses which had been deserted. ONUC assisted the Elisabethville police to bring about the evacuation of houses which had been illegally occupied by members of various tribes (especially Baluba) who had fled from their own communes in fear of attacks by the gendarmerie and by foreign elements. These measures helped greatly to restore law and order in Elisabethville.

The problem of mercenaries continued, however, as the hard core of this group remained at large, having succeeded in evading apprehension by ONUC forces. Recruitment of mercenaries in certain foreign countries did not cease after the Kitona declaration.

United Nations representatives continued to press the Katanga authorities in the strongest terms for the urgent and complete elimination of all remaining mercenaries from Katanga. Little progress was made in that respect, though Mr. Tshombe reiterated his Government's intention to liquidate the problem and provided information on the dismissal or expulsion of some mercenaries.

In order to reduce the influx of mercenaries and the illicit arms traffic into Katanga, the

Acting Secretary-General addressed communications to the Permanent Representatives of the United Kingdom and of Portugal on 29 and 30 December 1961, respectively, soliciting their cooperation and proposing that United Nations observers be stationed at a few selected airports and roads through which transit from Rhodesia and Angola into Katanga takes place. Neither Government accepted the Secretary-General's proposal, though for different reasons.

The Government of the Federation of Rhodesia and Nyasaland suggested, through the United Kingdom Government, that the Acting Secretary-General visit the Federation to discuss all aspects of traffic across the border and that the present Red Cross inspection procedures for rail traffic from Ndola to Katanga be extended to air and road communications between Northern Rhodesia and Katanga. The Acting Secretary-General replied, after consulting the Advisory Committee on the Congo, that he was unable to accept the invitation but would consider sending a high official of the United Nations to represent him in discussions on this subject.

In view of the continued presence of mercenaries in Katanga, United Nations representatives, acting on instructions from the Acting Secretary-General, warned the Katanga authorities on 24 and 25 January 1962 that unless urgent steps were taken to eliminate the mercenaries, not only in Elisabethville but also in other towns, ONUC would not hesitate to take all necessary measures to do so.

In a letter on 27 January 1962, Mr. Tshombe stated that his government was determined to expel the mercenaries who were still in Katanga within a month. It was also prepared to give the United Nations a list of all mercenaries who had been in Katanga. He proposed that a joint commission of civilian representatives of the United Nations and the Katanga government be set up to seek out any mercenaries who tried to escape the consequences of the measures taken. He stated that the proposed joint commission would have free access to all places in Katanga.

The Officer-in-Charge of the United Nations Operation in the Congo replied on 30 January agreeing to the idea of one or more joint commissions on the understanding that the United Nations representation in the commissions should not be limited to civilians and stating

that the elimination of the mercenaries should be undertaken immediately and should not be subject to the time-limit of one month.

On 30 January, Mr. Tshombe delivered to the United Nations representative a list of foreign officers who had been serving in the Katanga gendarmerie up to 28 August 1961 when, according to him, the services of foreign officers were terminated.

Meanwhile, on 1 January 1962, mutinous soldiers of the Congolese National Army committed acts of brutality in Kongolo, north Katanga. They killed twenty-two Catholic missionaries, most of them Belgians, as well as many Congolese, and sacked the town. Soon after news of the disturbances was received, an ONUC officer flew to Kongolo to help evacuate non-Congolese priests and nuns from the area. The evacuation was completed successfully, and no casualties were reported after 1 January. The Central Government undertook an investigation into the events.

In reply to communications from the representative of Belgium about this incident, the Acting Secretary-General stated that the United Nations had been prevented from stationing troops in the Kongolo area owing to the determined opposition of the Katanga gendarmerie. The gendarmerie, then 1,800 strong, withdrew on 30 December 1961, leaving the town to the mercy of a small and disorderly detachment of the Congolese National Army. As neither ONUC nor the Central Government had been informed of this move, the United Nations was unable to ensure the protection of persons by direct ONUC action. The Acting Secretary-General pointed out, further, that the activities of the mercenaries and the attacks by the Katanga gendarmerie in Elisabethville had strained the available resources of the United Nations Force and had sharply circumscribed its ability to assist in the maintenance of law and order.

Meanwhile, at the request of the Central Government, the United Nations Force took steps to assist in the maintenance of law and order in Stanleyville, Orientale province, when it was disturbed by certain developments relating to Antoine Gizenga. Mr. Gizenga, who had been appointed Vice-Premier of the Central Government in August 1961, had returned to Stanleyville in October on a leave of absence

of eight days. Despite numerous reminders from the Prime Minister, he refused to return to Leopoldville. He created a new political party and made speeches violently attacking the Central Government; these led to increasing tension in Stanleyville and the Orientale province. Tension increased after 13 November 1961 when General Lundula, commander of the Congolese National Army in Orientale province, swore allegiance to the President of the Republic.

On 8 January 1962, the House of Representatives decided to request the Government to order Mr. Gizenga to return to Leopoldville within 48 hours in order to answer charges of secessionism and of maintaining a private militia. Mr. Gizenga did not, however, return to the capital within the time-limit. On the night of 12 January, the provincial gendarmerie, which followed orders from Mr. Gizenga, took up positions around his residence and in Camp Ketele, the gendarmerie camp, where they arrested their own officers. Fighting broke out at Camp Ketele on 13 January between the gendarmerie and the army, and 14 persons were killed.

The next morning, most of the gendarmes surrendered to General Lundula. During the fighting, ONUC troops had been on guard throughout the city to protect the civilian population, but they did not have to intervene. After the gendarmes had surrendered, ONUC assisted troops of the Armée nationale congolaise (ANC) in disarming them at the request of the Central Government; this mission was performed without a shot being fired.

On 14 January, Mr. Gizenga sent a message to the Prime Minister, through ONUC, that he would return to Leopoldville on 20 January. On 15 January, the House of Representatives adopted a motion of censure calling for the removal of Mr. Gizenga from his post as Vice-Premier, and the motion was confirmed on the same day by an Ordinance by the President. The Government also ordered a judicial investigation to determine Mr. Gizenga's responsibilities in the Stanleyville incident of 13 January 1961. On 17 January 1961, Mr. Gizenga addressed a message to the Acting Secretary-General seeking assurance of his safety and claiming that the decision of the House of Representatives could have no validity until he had been given a hearing. The Acting Secretary-General,

in a message to Prime Minister Adoula on 17 January, stated that while he would scrupulously avoid any intervention in the internal affairs of the Congo, he would express the hope that Mr. Gizenga's rights under the law would be fully respected. He added that the United Nations Force would respond to Mr. Adoula's requests for any assistance which might be necessary toward ensuring Mr. Gizenga's safety.

On 19 January 1961, Prime Minister Adoula endorsed a request by the President of the Orientale provincial government and General Lundula for ONUC assistance to transport Mr. Gizenga to Leopoldville. On 20 January, Mr. Adoula assured the Acting Secretary-General that the Government would take all necessary steps to enable Mr. Gizenga to avail himself of all the legal processes open to him under the laws in force.

Mr. Gizenga arrived in the capital on 20 January on a United Nations aircraft. ONUC afforded him protection, with the approval of Mr. Adoula, until 22 January, when he was transferred at his own request to his former official residence. Mr. Gizenga thanked the United Nations and declared that he no longer wished ONUC protection. The offer of ONUC protection, however, remained open to him.

The Central Government then assumed the responsibility for Mr. Gizenga's protection and transferred him on 23 January to a residence at Camp Rhodeby. The Présidence du Conseil issued a communiqué on 26 January that Mr. Gizenga was not under house arrest but that the Government had had to take certain security measures to ensure his safety. (In February, Mr. Gizenga was moved to an island at the mouth of the Congo River.)

#### MEETING OF SECURITY COUNCIL, 30 JANUARY 1962

Meanwhile, by a letter of 25 January 1962, the USSR representative requested an urgent meeting of the Security Council to consider the implementation of the Council resolution of 24 November 1961. He stated that the matter required consideration, since the resolution had still not been implemented because of the opposition of certain colonial powers. He added that the United Nations had completely halted military operations, though the provisions of the resolution had not been complied with.

In a cable on 28 January, the Prime Minister of the Congo expressed regret that the USSR had made the request for a Security Council meeting without prior consultation with the Congolese Government. He opposed any meeting at the present time as likely to create confusion when the situation in the Congo was showing marked improvement on the basis of the country's territorial integrity. On the next day, the Chairman of the Conference of the Heads of African and Malagasy States and Governments, which was then in session at Lagos, Nigeria, sent a cable to the President of the Security Council that the Conference had learnt about the USSR request with considerable anxiety. In view of the encouraging developments towards a solution of the Congo problem, the Conference considered it unwise to disturb the present efforts of the Congolese Central Government by any uncalled-for intervention.

When the Security Council met on 30 January 1962 at the USSR's request, the United States representative moved the adjournment of the meeting on the ground that the Council should be guided by the views of the Congolese Government and that the Acting Secretary-General and the United Nations Command should be left alone to continue their vigorous efforts to carry out their mandates. After some procedural discussion, the United States motion was approved by 7 votes to 2, with 2 abstentions.

#### DEVELOPMENTS FROM 30 JANUARY TO 23 FEBRUARY 1962

On 2 February 1962, in response to continued pressure by United Nations representatives for measures to ensure the expulsion of the mercenaries, Mr. Tshombe stated that he would accept two joint commissions, composed of civilian and military representatives, to expedite the implementation of United Nations resolutions. He explained that he had not meant to make the operation conditional on any time-limit. The two commissions were formed on 7 and 8 February and left on their first visits, one to Jadotville and the other to Kipushi, on 9 February.

During joint meetings of the two commissions on 8 February and on subsequent dates, the United Nations representatives asked for lists and various particulars concerning the mercenaries and for lists of foreign personnel in the

Sûreté and the Katanga police. They also asked for a list of areas where the Katanga forces were stationed and their strength. The Katangese members, on 12 and 16 February 1962, delivered a list of 89 "other volunteers" (in addition to those on the list transmitted on 30 January 1962) who were said to have left on 8 February. Apart from the locations of units where most of these mercenaries had served, they provided no further information.

In discussions with Mr. Tshombe, the United Nations representatives also emphasized the urgent need for the presence of United Nations troops at Jadotville, Kolwezi and other locations. Mr. Tshombe stated on 7 February 1962 that such an arrangement, under the circumstances, would call for psychological preparation of the population. He suggested that the resumption of the operations of the Union Minière plant at Lubumbashi and the return of the Katanga gendarmerie to Camp Massart would be helpful. The Officer-in-Charge of the United Nations Operation in the Congo agreed to these measures on condition that ONUC would maintain measures to ensure the necessary supervision of the activities of the Lubumbashi factory and that the return of the gendarmerie to Camp Massart would be synchronized with the entry of ONUC forces into Jadotville and Kolwezi.

The Commission of the Katanga provincial assembly continued discussions on the implementation of the Kitona declaration of 21 December.

The United Nations legal expert, Mr. Stavropoulos, attended seven meetings of the commission from 3 February 1962. The commission had adopted a report on 7 January providing for compliance with the Loi fondamentale and the authority of the Central Government only after a number of stated conditions had been met. After discussion with the legal expert, who stated that his terms of reference did not permit assistance in the preparation of such a document, the commission decided to prepare a report adopting the Kitona declaration without reservations and adding observations relating to the implementation of its terms. A new report was then prepared with the assistance of the legal expert and approved on 13 February. It was, however, amended by the commission on the next day: among the changes was the reference to the Kitona declaration as the "draft"

declaration. On 15 February the provincial assembly adopted the commission's draft resolution with further amendments.

Under this resolution, the Katanga assembly accepted the "draft declaration of Kitona" as a "potential basis of discussion with a view to the settlement of the Congolese conflict." It authorized the Katanga government to establish contact with the Central Government with a view to arriving at a solution by negotiation and peaceful means in the spirit of the "draft" declaration. It proceeded to recommend that in a spirit of conciliation, the Central Government must: forego taking punitive measures against any civil or military officers who might have executed the orders of the Katanga government since 30 June 1960; avoid sending to Katanga civil or military officers who might be hostile to the Katanga authorities; refrain from sending to Katanga armed forces liable to spread disorder or panic among the population; refrain from showing any form of partiality in the internal dissensions of Katanga and from opposing the restoration of the Katanga government's authority over the whole of the province; take the necessary measures to balance the budget of the country; and prohibit all monetary, fiscal or administrative measures liable to prejudice the economic and financial situation of Katanga or the smooth running of public services. The assembly also recommended that the work of preparing the new constitution

should be speedily concluded. Finally, it reserved the right to ratify the agreements which might be concluded between "the authorities in Leopoldville and those of Katanga."

On 16 February 1962, Prime Minister Adoula expressed disappointment at a statement made by Mr. Tshombe in the Katanga provincial assembly and at the resolution adopted, but sent an invitation to Mr. Tshombe for a meeting in Leopoldville to discuss the procedure for carrying out the Kitona declaration. On the same day, Mr. Tshombe suggested a personal meeting with Mr. Adoula to discuss a solution of the problems in the spirit of the Kitona declaration. On 19 February, Mr. Adoula sent three messages to Mr. Tshombe asking for information on appointments of officers in the Katanga gendarmerie, inviting Katanga gendarmerie commanders to a meeting to discuss the reorganization of the National Army and suggesting a session of the provincial assembly, attended by all elected representatives under United Nations security arrangements, to help settle the internal problem of Katanga.

In response to requests by Mr. Tshombe, ONUC offered him and his party guarantees for their security during their visit to Leopoldville. The guarantees were to cover the whole period of the visit and were to include complete freedom to decide the time of the return to Elisabethville. Mr. Tshombe arrived in Leopoldville on 15 March 1962.

#### DOCUMENTARY REFERENCES

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- S/4790/Add.1. Report to Secretary-General from his Acting Special Representative in Congo concerning interrogation of 30 mercenaries apprehended at Kabalo on 7 April 1961. Note from Secretary-General.
- S/4803. Letter of 15 May 1961 from Representative of USSR.
- S/4805. Letter of 15 May 1961 from President of Security Council to Permanent Representative of USSR.
- S/4807 and Add.1. Second report by Secretary-General dated 17 and 18 May 1961, on certain steps taken in regard to implementation of Security Council resolution of 21 February 1961.
- S/4809. Letter of 23 May 1961 from Permanent Representative of USSR.
- S/4810. Letter of 23 May 1961 from President of Security Council to Permanent Representative of USSR.
- S/4811. Letter of 16 May 1961 from A. Gizenga.
- S/4812. Letter of 24 May 1961 from Permanent Representative of Poland.
- S/4815. Letter of 29 May 1961 from Acting Permanent Representative of Czechoslovakia.
- S/4817. Letter of 30 May 1961 from Chargé d'Affaires a.i. of Albania.
- S/4836. Letter of 12 June 1961 to President of Security Council from Acting Chairman of Commission of Investigation established under terms of General Assembly resolution 1601 (XV).
- S/4841 and Add.1-3. Report of 20 June 1961 by Secretary-General on implementation of paragraph B-1 of Security Council resolution of 21 February 1961; Statement by Mr. Gizenga on 23 June 1961; Protocol of 24 June 1961 signed by Mr. Tshombe and representatives of Leopoldville authorities; Order No. 41 of 5 July 1961 by President of Congo convening Legislative Chambers.
- S/4842. Letter of 21 June 1961 from Permanent Representative of Cuba to Secretary-General and reply of 22 June.

- S/4863. Message of 19 July 1961 from President of Mali to Secretary-General, and reply of 20 July.
- S/4865. Letter to 9 July 1961 from A. Gizenga to Secretary-General.
- S/4876. Telegram of 21 July 1961 from President of Tunisia.
- S/4908 and Corr.1. Letter of 31 July 1961 from Acting Permanent Representative of USSR.
- S/4909. Letter of 1 August 1961 from President of Security Council to Secretary-General transmitting USSR letter (S/4908.)
- S/4910. Letter of 1 August 1961 from President of Security Council to Acting Permanent Representative of USSR.
- S/4911 and Corr.1 and Add.1, 2. Messages of 25 July and 1 August 1961 from A. Gizenga to Secretary-General; Letter of 2 August 1961 addressed to Mr. Gizenga by Officer-in-Charge of United Nations Operation in Congo.
- S/4913. Report of 2 August 1961 by Secretary-General concerning meeting of Parliament of Republic of Congo and establishment on 2 August 1961 of a new Government of Republic.
- S/4917. Report of 4 August 1961 by Officer-in-Charge of United Nations Operation in Congo on action taken by United Nations to assist in implementation of 19 June agreement between Leopoldville and Stanleyville authorities.
- S/4923. Exchange of letters of 10 to 13 August 1961 between Prime Minister of Congo and Secretary-General.
- S/4937. Exchange of letters of 10 September 1961 between Prime Minister of Congo and Secretary-General.
- S/4939. Note verbale of 13 September 1961 from Permanent Representative of Belgium transmitting a press communiqué issued by Belgian Government.
- S/4940 and Add.1-12, and Add.12/Corr.1. Report of 14 September 1961 by Officer-in-Charge of United Nations Operation in Congo relating to implementation of paragraph A-2 of Security Council resolution of 21 February 1961, and addenda covering period 14 September-2 November 1961, including special report on tragic flight of Secretary-General (S/4940/Add.5 and 9); Report on implementation of cease-fire agreement between United Nations troops and those of Katanga authorities (S/4940/Add.10 and 11); Report on action taken in implementation of protocol of agreement between Katanga authorities and ONUC subsequent to cease-fire and on other matters (S/4940/Add.12).
- S/4962. Letter of 16 October 1961 from Permanent Representative of USSR.
- S/4964. Note verbale of 17 October 1961 from Minister of Foreign Affairs of Congo (Leopoldville).
- S/4973. Letter of 3 November 1961 from representatives of Ethiopia, Nigeria and Sudan.
- S/4975. Note verbale of 7 November 1961 from Permanent Representative of Belgium, transmitting communiqué of Belgian Government.
- S/4976. Report of Commission of Investigation established under terms of General Assembly resolution 1601 (XV).
- S/4977-S/4980, S/4982, S/4983, S/4986. Letters and telegram dated 10 to 14 November 1961 concerning requests of representatives of Ethiopia, Belgium, India, Congo (Leopoldville) and Sweden to participate in discussion in Security Council.
- S/4981. Letter of 11 November 1961 from Minister for Foreign Affairs of Congo (Leopoldville).
- S/4987. Letter of 16 November 1961 from Permanent Representative of Israel.
- S/4988. Communications of 14 November 1961 from Mr. Tshombe addressed to Secretary-General and to certain delegations.
- S/4940/Add.13. Report of Officer-in-Charge of United Nations Operation in Congo relating to implementation of paragraph A-2 of Security Council resolution of 21 February 1961; Report dated 16 November 1961 on action by troops of Government of Republic of Congo in Kasai-Katanga border area and on hostilities involving gendarmerie units in province of Katanga.
- S/4985 and Rev.1. Ceylon, Liberia, United Arab Republic: draft resolution and revision.
- S/4989 and Corr.2 and Rev.1 and 2. United States: amendments and revised amendments to 3-power revised draft resolution, S/4985/Rev.1.
- S/4991. USSR: sub-amendments to United States amendments, S/4989.
- S/5002. Resolution, as proposed by three powers, S/4985/Rev.1 and as amended, adopted by Council on 24 November 1961, meeting 982, by 9 votes to 0, with 2 abstentions, as follows:  
In favour: Ceylon, Chile, China, Ecuador, Liberia, Turkey, USSR, United Arab Republic, United States.  
Against: None.  
Abstaining: France, United Kingdom.
- "The Security Council,  
"Recalling its resolutions S/4387, S/4405, S/4426 and S/4741,  
"Recalling further General Assembly resolutions 1474(ES-IV), 1592(XV), 1599(XV), 1600(XV) and 1601 (XV),  
"Reaffirming the policies and purposes of the United Nations with respect to the Congo (Leopoldville) as set out in the aforesaid resolutions, namely:  
" (a) To maintain the territorial integrity and the political independence of the Republic of the Congo;  
" (b) To assist the Central Government of the Congo in the restoration and maintenance of law and order;  
" (c) To prevent the occurrence of civil war in the Congo;  
" (d) To secure the immediate withdrawal and evacuation from the Congo of all foreign military, para-military and advisory personnel not under the United Nations Command, and all mercenaries; and  
" (e) To render technical assistance,  
"Welcoming the restoration of the national Parliament of the Congo in accordance with the Loi fondamentale and the consequent formation of a Central Government on 2 August 1961,  
"Deploring all armed action in opposition to the

authority of the Government of the Republic of the Congo, specifically secessionist activities and armed action now being carried on by the Provincial Administration of Katanga with the aid of external resources and foreign mercenaries, and completely rejecting the claim that Katanga is a 'sovereign independent nation.'

"Noting with deep regret the recent and past actions of violence against United Nations personnel,

"Recognizing the Government of the Republic of the Congo as exclusively responsible for the conduct of the external affairs of the Congo,

"Bearing in mind the imperative necessity of speedy and effective action to implement fully the policies and purposes of the United Nations in the Congo to end the unfortunate plight of the Congolese people, necessary both in the interests of world peace and international co-operation, and stability and progress of Africa as a whole,

"1. Strongly deprecates the secessionist activities illegally carried out by the provincial administration of Katanga, with the aid of external resources and manned by foreign mercenaries;

"2. Further deprecates the armed action against United Nations forces and personnel in the pursuit of such activities;

"3. Insists that such activities shall cease forthwith, and calls upon all concerned to desist therefrom;

"4. Authorizes the Secretary-General to take vigorous action, including the use of requisite measure of force, if necessary, for the immediate apprehension, detention pending legal action and/or deportation of all foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries as laid down in paragraph A-2 of the Security Council resolution of 21 February 1961;

"5. Further requests the Secretary-General to take all necessary measures to prevent the entry or return of such elements under whatever guise and also of arms, equipment or other material in support of such activities;

"6. Requests all States to refrain from the supply of arms, equipment or other material which could be used for warlike purposes, and to take the necessary measures to prevent their nationals from doing the same, and also to deny transportation and transit facilities for such supplies across their territories, except in accordance with the decisions, policies and purposes of the United Nations;

"7. Calls upon all Member States to refrain from promoting, condoning, or giving support by acts of omission or commission, directly or indirectly, to activities against the United Nations often resulting in armed hostilities against the United Nations forces and personnel;

"8. Declares that all secessionist activities against the Republic of the Congo are contrary to the *Loi fondamentale* and Security Council decisions and specifically demands that such activities which are now taking place in Katanga shall cease forthwith;

"9. Declares full and firm support for the Central Government of the Congo, and the determination to

assist that Government in accordance with the decisions of the United Nations to maintain law and order and national integrity, to provide technical assistance and to implement those decisions;

"10. Urges all Member States to lend their support, according to their national procedures, to the Central Government of the Republic of the Congo, in conformity with the Charter and the decisions of the United Nations;

"11. Requests all Member States to refrain from any action which may directly or indirectly impede the policies and purposes of the United Nations in the Congo and is contrary to its decisions and the general purpose of the Charter."

S/5003. Letter of 23 November 1961 from President of Security Council to Acting Secretary-General and reply of 24 November 1961.

S/5004. Agreement of 27 November 1961 between United Nations and Republic of Congo relating to legal status, facilities, privileges and immunities of United Nations Organization in Congo.

S/4940/Add.14, 15 and Corr.1, 16-19. Reports of 29 November-22 December 1961 by Officer-in-Charge of United Nations Operation in Congo, relating to implementation of paragraph A-2 of Security Council resolution of 21 February 1961 including Report relating to incident of 28 November 1961 in Elisabethville (S/4940/Add.15 and Corr.1) and Reports concerning situation in Elisabethville (S/4940/Add.16-19).

S/5009. Letter of 30 November 1961 from representative of USSR.

S/5010 and Corr.1. Note verbale of 1 December 1961 from Permanent Delegation of Congo (Leopoldville).

S/5025. Note verbale of 11 December 1961 from Permanent Representative of Belgium communicating text of three cables from Minister for Foreign Affairs of Belgium to Acting Secretary-General, and replies of 8 and 15 December 1961.

S/5026, S/5027. Telegram and letter of 15 December 1961 from President of Congo (Brazzaville), and letter of same date from Permanent Representative of Congo (Brazzaville).

S/5035. Exchange of communications dated 15-18 December 1961 between President and Permanent Representative of Congo (Brazzaville) and Acting Secretary-General.

S/5038. Report of 21 December 1961 by Secretary-General concerning negotiations at Kitona between Prime Minister Cyrille Adoula and Mr. Tshombe.

S/5053 and Add.1-5, 5/Corr.1, 6, 6/Corr.1, 7, 8. Report of 9 January 1962 by Officer-in-Charge of United Nations Operation in Congo on developments relating to application of Security Council resolutions of 21 February and 24 November 1961, and addenda covering period through 19 February 1962.

S/5064. Letter of 25 January 1962 from Permanent Representative of USSR.

S/5065 and Add.1 and Add.1/Corr.1. Note verbale of 17 January 1962 from Permanent Representative

of Belgium to Acting Secretary-General, and replies of 27 and 29 January 1962.  
 S/5066. Cable of 28 January 1962 from Prime Minister of Congo (Leopoldville).  
 S/5069. Telegram of 29 January 1962 from Chairman of Conference of Heads of African and Malagasy States and Governments.  
 S/5070, S/5072. Notes verbales of 30 January 1962 from Permanent Delegation of Congo (Leopoldville).  
 S/5078. Note verbale of 3 February 1962 from Permanent Representative of Belgium to Acting Secretary-General and reply of 16 February 1962.

GENERAL ASSEMBLY—16TH SESSION

A/4786(S/4841) and Add.1-3. Report of Secretary-

General on implementation of paragraph B-1 of Security Council resolution of 21 February 1961. A/4830(S/4913). Report by Secretary-General concerning meeting of Parliament of Republic of Congo and establishment on 2 August 1961 of new Government of Republic.  
 A/4951. Cable of 1 November 1961 from Emperor of Ethiopia to President of General Assembly.  
 A/4964(S/4976). Report of Commission of Investigation established under terms of General Assembly resolution 1601(XV).  
 A/4974, A/4976. Letters of 16 and 20 November 1961 from Minister for Foreign Affairs of Italy.  
 A/4986(S/5004). Agreement between United Nations and Republic of Congo relating to legal status, facilities, privileges and immunities of United Nations Organization in Congo.

### UNITED NATIONS FORCE IN THE CONGO (As of 21 February 1962)

	Infantry Forces	Supporting Forces (including staff, air and administrative personnel)	Infantry Forces	Supporting Forces (including staff, air and administrative personnel)
Argentina		16		132
Austria		48		671
Brazil		55		
Canada		318	111	
Ceylon		13	672	204
Denmark		89	546	2
Ethiopia	2,998	53		
Federation of Malaya	1,505	9		
Ghana	648	2		
India	4,701	1,071		
Ireland	695	34		
Italy		132		
Liberia	235	3		
Netherlands		6		
Nigeria	1,696	7		
			13,807	2,865

Infantry and/or supporting units contributed to the United Nations Force in the Congo were withdrawn at varying stages by various countries, during the period May 1961—February 1962 as follows: by Morocco in May 1961 and by Greece in November 1961.

### UNITED NATIONS CIVILIAN OPERATIONS IN THE CONGO (LEOPOLDVILLE)

During 1961, the United Nations Civilian Operations Scheme—set up in 1960<sup>6</sup>—continued to aid the Republic of the Congo (Leopoldville) in many fields of activities.

#### MAIN SPHERES OF ACTIVITY

As in 1960, the long-range aim of the scheme continued to be the training of the largest possible number of Congolese nationals in various professional fields in order to enable them fully to assume the responsibilities imposed upon them by their country's independent status. The need to alleviate critical hardships or to prevent serious damage made it necessary, however, to concentrate an important part of the available

resources on the carrying out of emergency programmes of famine relief, assistance to refugees and displaced persons, assistance to the unemployed through public works, and assistance to flooded areas. Many critical situations occurred during the year and were met through the good will and donations of Governments, international institutions and charitable organizations, co-ordinated locally by the United Nations.

In the field of public administration, the departure of several thousand Belgian technicians

<sup>6</sup>For information about activities in 1960, see Y.U.N., 1960, p. 108.

left a gap that could be only partially filled. The national civil service of the Congo was left with a shortage of qualified employees in practically every field of activity. In 1961, the Civilian Operations Scheme was still heavily committed to some of the operations it had to start in 1960 as a result of this serious shortage of manpower.

In order to maintain a minimum of essential services, it was necessary to make extensive use of United Nations experts in such fields as public health, civil aviation, telecommunications and meteorology. These experts often had to assume responsibilities in the national civil service until such time as the training efforts of the United Nations produced enough Congolese to replace them. Many special training projects were undertaken in 1961 by the Congolese authorities with United Nations assistance. They covered a wide range of activities, as indicated below.

The Civilian Operations Scheme was also used to help the Republic of the Congo finance its essential imports. Owing to the difficult political and economic situation, foreign exchange reserves had been dwindling rapidly. Export proceeds dropped to a fraction of the level prevailing before the country attained independence. The foreign exchange proceeds became insufficient to cover the minimum import requirements. Accordingly, on 12 June 1961, an agreement was signed between the Secretary-General of the United Nations and the President of the Congo providing for United Nations financial assistance. A sum of \$10 million was made available by the United States through the United Nations to the Republic's Monetary Council for financing a programme of essential imports. This assistance was intended to benefit the population of the country as a whole.

#### FINANCING OF SCHEME

Contributions to the United Nations Fund for the Congo (set up to finance the Civilian Operations Scheme from voluntary contributions) rose from \$10 million at the end of 1960 to \$33 million at the end of 1961. United Nations Member States continued to respond to the appeal for contributions to the Fund which was made by the General Assembly in September 1960 when it approved the Fund's es-

tablishment. This Fund did not include the numerous contributions from Governments and charitable organizations for relief or refugee relief activities.

A sum of \$22,950,000 from the Fund was spent for the import support programme established under the Agreement of 12 June 1961 between the Secretary-General of the United Nations and the President of the Republic of the Congo. Another \$7 million was used to finance the technical assistance programmes described below.

The following table gives a breakdown of expenditures from the Congo Fund, by field of activity, from the time the Scheme went into operation until the end of 1961 :

	(In U.S. Dollars)
Agriculture	208,537
Communications	1,681,008
Education	897,246
Finance	
Import Support Programme	22,950,000
Advisory Services	371,548
Foreign Trade	21,213
Health	3,784,550
Judicature	119,570
Labour	88,466
Public Administration	495,982
Natural Resources	600
Public Works	59,820
Social Activities	851,200
	<hr/>
Total	31,529,740

#### OPERATIONS

Details of some of the more important assistance projects undertaken by the Civilian Operations Scheme are given below.

#### FISCAL MATTERS

Besides providing a channel for external assistance to the import support programme, the Civilian Operations Scheme helped in the organization of the Monetary Council, established by a decree in June 1961 to assume the management of all activities previously conducted by the Central Bank of the Belgian Congo and Ruanda-Urundi. United Nations experts gave advice on the country's foreign exchange position, and they helped to organize, under the Monetary Council's guidance, the Exchange Control Office and the Import-Export Licensing Office.

In addition to providing training in customs

and taxation matters, United Nations experts tried to improve the collection of public revenues (customs duties and internal taxes).

#### AGRICULTURE

In 1961, 60 Congolese students completed their courses at the Farm Mechanics Training Centre. The aim of the Centre was to provide short, intensive training courses to turn out mechanics capable of operating and maintaining the agricultural machinery lying idle at the country's agricultural settlements. Thirty-six courses were in progress at the end of 1961. Another training scheme—an accelerated course for agricultural assistants—was completed in December, training 24 students, all government employees.

Eighteen experts from the Food and Agriculture Organization (FAO) helped the Central Government's Department of Agriculture in drawing up plans and projects to facilitate the recovery of the Congo's agriculture.

#### COMMUNICATIONS

The lack of Congolese technicians made it necessary for the United Nations to continue to operate communications, meteorological, postal, transport and other services in 1961. This was achieved with the help of experts provided by the International Civil Aviation Organization (ICAO), the World Meteorological Organization (WMO) and the International Telecommunication Union (ITU).

The United Nations continued its work of training Congolese to take up full operational responsibility in future years. By the end of 1961, there were 34 students who had completed preliminary training in the aforementioned fields, and 99 were taking advanced courses. The courses were given at the ICAO School for Air Traffic Controllers and Aeronautical Radio Operators.

A telecommunications school and a school of meteorology were also run by the Congolese Government with United Nations assistance.

Aid was also given in radio broadcasting, for repairing radio installations and for advising on programmes and the broadcasting system as a whole.

#### EDUCATION

The contribution of the United Nations

Scheme to the restoration and expansion of the educational system of the Congo represented a most important undertaking. Of the many educational problems in the Congo, the overriding one was the lack of trained teachers. In this connexion, the United Nations Operation in the Congo (ONUC) arranged for the recruitment of a number of teachers who arrived early in 1961. Political disturbances and the breakdown of law and order in certain parts of the country made it impossible, however, to provide the required educational assistance on an even basis throughout all the provinces of the Congo, as many teachers were not willing to work in areas that did not enjoy the protection of the United Nations Force.

In spite of these difficulties, experts provided by the United Nations Educational, Scientific and Cultural Organization (UNESCO) attempted to draw up an emergency assistance programme and initiated a study on the future prospects of education in the Congo. On the basis of these studies, it appeared that immediate action should be concentrated on two main problems: (a) increased recruitment of foreign school teachers and (b) increased training of Congolese teachers at both the primary and the secondary levels.

The need for the training of teachers, particularly of secondary school teachers, and for the training of management and inspection personnel led to the undertaking of two training projects. One, the National Pedagogical Institute, began courses in December 1961. Twenty-six students were enrolled for the preparatory-year classes and for the first year of regular study. The Congolese Government, bilateral programmes and the United Nations were associated with this project. It was hoped that, within five years, the school would turn out 200 fully qualified students annually.

These projects were only a part of a much larger plan of action that was extended also to some research institutions, such as the Institute for Scientific Research in Central Africa. Manuals and other teaching materials needed by Congolese schools were obtained abroad through the UNESCO coupon scheme.

#### HEALTH

The immediate task of the Civilian Operations Scheme continued to be the recruiting of

doctors in order to replace some of the medical personnel who had left their posts as a result of the political disturbances. As in the case of the teachers, however, fear, on the one hand, and, on the other hand, the limitations imposed by the fact that doctors had to be French-speaking, directly affected the development and scope of the programme. Nevertheless, by the middle of 1961, 100 doctors were already working in the Congo. At the end of the year, the number of doctors in the Congo had reached 150, coming from more than 20 countries.

An emergency programme was also organized at an early stage to increase quickly the technical skills of those Congolese who already had some elements of medical knowledge. In addition to the provision of fellowships for study abroad (115 medical assistants had been awarded study opportunities abroad since the fellowship programme began), a course for public health personnel and for laboratory technicians was started in the Congo. Apart from formal training programmes, each doctor or technician assigned under the Civilian Operations Scheme was required to train the Congolese personnel working with them.

Though it was not intended that it should be the responsibility of the Civilian Operations Scheme to provide medical supplies and drugs to the Congo, it was necessary on several occasions for the Scheme to help out in face of critical shortages of indispensable pharmaceutical or medical products. Certain provinces had to be supplied for several months, and this was achieved with the aid of the International Committee of the Red Cross, the League of Red Cross Societies and the United Nations Children's Fund (UNICEF).

#### PUBLIC ADMINISTRATION

Many of the difficulties confronting the Congolese authorities in 1961 were due in part to the lack of adequate administrative machinery. After the attainment of independence and the withdrawal of Belgian officials, the Congolese authorities had no alternative but to promote to administrative and managerial functions junior clerks who had had no chance previously for proper training or preparation for assuming the responsibilities attached to their new jobs.

The aim of the aid in public administration was to lay some of the groundwork for building

up, in subsequent years, a Congolese civil service suited to the country's needs.

The most urgent task of the United Nations experts was to assist in establishing a department responsible for the civil service. They drew up organizational charts in order to define the functions and jurisdiction of different departments, and they helped in the drafting of statutes for the civil service in order to simplify or supplement the pre-independence regulations that had been drawn up mostly for expatriate civil servants.

Besides providing these urgent advisory services, the Civilian Operations Scheme gave technical and financial aid to the newly created National School of Law and Administration that was set up with ONUC's assistance to train judges, legal advisers and higher public servants. By the end of 1961, 293 Congolese were taking courses at the School. Of these, 100 were to take posts in the Central Government and the provinces during the course of 1962.

In addition, 40 magistrates' assistants completed their training in 1961.

#### EMERGENCY PUBLIC WORKS PROGRAMME

The emergency public works programme was intended to give an immediate boost to the rehabilitation of the Congo's economy and to provide jobs to the many Congolese who had to face unemployment as a result of the deteriorating economic situation.

The public works programme concentrated on repairing bridges and roads and on the maintenance and construction of roads. It became increasingly evident during 1961 that the internal transportation problem was one of the main reasons for lagging agricultural production and for recurrent famine situations in the provinces.

Public works experts assisted in drafting the budget for public works, in checking plans for roads and bridges with the provincial ministries, in supervising the works technically and in verifying bills presented by contractors for work done. In view of the shortage of trained Congolese supervisors and overseers, the public works team urged the Congolese authorities to establish a technical college for which the Civilian Operations Scheme would provide the teaching staff.

In the latter part of 1961 there was widespread and serious flooding in the central Congo River basin. In co-operation with the provincial governments, internationally-recruited engineers took the measures needed to re-establish basic public services which had been disrupted by the extensive flooding.

#### REFUGEE AND FAMINE RELIEF AND OTHER ACTIVITIES

At the end of 1960, shortages of food in South Kasai developed into a famine situation, which continued through a large part of 1961. An emergency relief programme, organized by the United Nations, was able to draw upon and co-ordinate the contributions of many Governments and international and national organizations in all parts of the world. After six months of emergency assistance and medical care, it was possible to report that the famine had been overcome and the death rate reduced to normal. Several thousand persons had died of famine before the United Nations effort began. The number of those saved was estimated at about a million.

Other recurrent famine conditions appeared among the refugee settlements in Katanga, in Kivu and in Leopoldville. Donations for relief purposes were co-ordinated through the United

Nations. A small staff was put together at ONUC headquarters headed by a Relief Co-ordinator. UNICEF, the Food and Agriculture Organization (FAO) and the Red Cross helped in the establishment of emergency food distribution programmes. A staff of Congolese clerks, mechanics, loaders and drivers helped to ensure efficient results.

Among the many other training and operational activities during 1961, there may also be mentioned the advisory services given in the field of labour and social affairs. The social and labour system existing before independence could not be maintained as such and had to be re-organized. Of particular importance to United Nations activities in the social field was the contribution of UNICEF, which provided financial support during the first year of Civilian Operations in the amount of \$948,000. UNICEF contributed largely to the medical assistance of the refugees. UNICEF experts were also instrumental in setting up a milk-distribution network (to reach needy children all over the Congo) and training programmes for teams of Congolese nurses' aides and rural leaders.

Technical advice, inspection tours and detailed reports were also offered in the fields of natural resources and mining and industry.

#### DOCUMENTARY REFERENCES

Progress Report No. 10 on United Nations Civilian Operations in the Congo: first year of operations, July 1960-June 1961.  
Progress Report No. 11 on United Nations Civilian Operations in the Congo (for July-August 1961).  
Progress Report No. 12 on United Nations Civilian

Operations in the Congo (for September-October 1961).  
Progress Report No. 13 on United Nations Civilian Operations in the Congo (for November-December 1961).

#### FINANCING OF THE UNITED NATIONS OPERATION IN THE CONGO (LEOPOLDVILLE)

On 30 October 1961, the General Assembly adopted, by 69 votes to 10, with 18 abstentions, a resolution (1633(XVI)) authorizing the Secretariat to continue until 31 December 1961 to incur commitments for the United Nations Operation in the Congo (Leopoldville) at a level not to exceed \$10 million per month.

This action was required since the appropriation for 1961 in terms of a resolution (1619 (XV)) adopted by the Assembly on 21 April 1961<sup>7</sup> related only to the period from 1 January to 31 October 1961. The Assembly's decision

of 30 October 1961 was taken on the basis of a text approved by its Fifth Committee on 24 October by a roll-call vote of 55 to 9, with 15 abstentions, on a proposal by Canada, Ceylon, Ethiopia, the Federation of Malaya, Ghana, Ireland, Liberia, Nigeria, Pakistan, Sweden and Tunisia.

It arose out of consideration of a report by the Secretary-General indicating: (a) that expenditure for the United Nations Operation in

<sup>7</sup> See Y.U.N., 1960, pp. 127-28.

the Congo (ONUC) was estimated at a total of \$100 million for the 10-month period, January to October 1961; and (b) that it was anticipated that, in existing circumstances, the monthly requirements would remain at approximately \$10 million.

A later report, consideration of which led to another Assembly resolution on 20 December 1961, indicated that, in view of the prevailing circumstances, the Secretary-General was not in a position to submit detailed cost estimates for ONUC during 1962 or to predict when the tasks given him by the Security Council and by the General Assembly would have been successfully accomplished. He added, however, that in the light of the most recent developments, there was not, in his opinion, any sound basis for anticipating that the expenses of ONUC during the next few months would be appreciably less than the current level of expenditures, estimated at \$10 million per month. He accordingly sought authority for continuing to incur expenditures for ONUC at that level for such period and in accordance with such financing arrangements as the General Assembly might deem appropriate.

The Assembly's Advisory Committee on Administrative and Budgetary Questions concurred with this proposal.

On 15 December 1961, the Fifth Committee adopted a draft resolution on the matter, by a roll-call vote of 57 to 11, with 12 abstentions, which was approved five days later at a plenary meeting of the Assembly, by a roll-call vote of 67 to 13, with 15 abstentions, as resolution 1732(XVI).

By this resolution, the Assembly decided: to appropriate an amount of \$80 million for the operations of the United Nations in the Congo for the period from 1 November 1961 to 30 June 1962; to continue the ad hoc account for the expenses of these operations; and to authorize the Secretary-General to spend during 1962 an average monthly rate of not more than \$10 million for the continuing cost of these operations.

The amount of \$80 million was to be apportioned among all United Nations Member States in accordance with the scale of assessments for contributions to the regular United Nations budget for 1962 (see p. 572 below), subject to reductions as set out below, pending

the establishment of a different scale of assessment to defray the Organization's expenses resulting from the United Nations operations in the Congo. The assessments were to be reduced as follows: (a) by 80 per cent in the case of the assessment of Member States whose contributions to the regular budget ranged from 0.04 per cent to 0.25 per cent, inclusive; (b) by 80 per cent, in the case of assessment of Member States receiving assistance during 1961 under the Expanded Programme of Technical Assistance, whose contributions to the regular budget ranged from 0.26 per cent to 1.25 per cent, inclusive; (c) by 50 per cent, in the case of the assessment of Member States receiving assistance during 1961 under the Expanded Programme of Technical Assistance, whose contributions to the regular budget were 1.26 per cent and above.

The Assembly also: urged the permanent members of the Security Council to make sizeable additional contributions; appealed to all Member States in a position to do so to make voluntary contributions to help defray the costs of United Nations operations in the Congo; and called on the Government of Belgium, "a State directly concerned with the situation" in the Congo, to make a substantial contribution. The Assembly decided to apply such additional contributions to offset the deficit resulting from the implementation of the provisions for reductions as set out above. (For full text of resolution, see DOCUMENTARY REFERENCES **below**.)

The text to this effect arose out of discussion of a proposal introduced in the Fifth Committee by Denmark, Nigeria, Pakistan and Tunisia, as later revised by them in accepting a series of amendments submitted by Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

The main effect of these amendments was to make the following points in the preamble of the draft resolution: (a) that the extraordinary expenses for the United Nations Operation in the Congo were essentially different in nature from the expenses of the Organization under the regular United Nations budget and, therefore, that a procedure different from that applied in the case of the regular budget was required for meeting these

extraordinary expenses; (b) that the permanent members of the Security Council had a special responsibility for the maintenance of international peace and security and therefore for contributing to the financing of peace and security operations.

The operative part of the text accordingly referred to the establishment, at a later stage, of a different scale of assessments to defray the extraordinary expenses of the United Nations resulting from the operations in the Congo and, in addition, urged the permanent members of the Security Council to make sizeable additional

contributions. (See text of resolution 1732 (XVI), quoted in DOCUMENTARY REFERENCES below.)

Matters relating to the financing of the United Nations Operation in the Congo were also raised in connexion with discussions at the Assembly's sixteenth session on the budget estimates for 1962, and in particular on the questions of the financial position and prospects of the United Nations (see p. 565 below) and the administrative and budgetary procedures of the United Nations (see p. 569 below).

#### DOCUMENTARY REFERENCES

##### GENERAL ASSEMBLY—16TH SESSION

Fifth Committee, meetings 862, 863, 899, 900, 902-905.

Plenary Meetings 1044, 1086.

A/4931. Report of Secretary-General.

A/C.5/L.677 and Add.1. Canada, Ceylon, Ethiopia, Federation of Malaya, Ghana, Ireland, Liberia, Nigeria, Pakistan, Sweden, Tunisia: draft resolution adopted by Fifth Committee on 24 October 1961, by roll-call vote of 55 to 9, with 15 abstentions, as follows:

In favour: Argentina, Australia, Austria, Brazil, Burma, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Leopoldville), Cyprus, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Lebanon, Libya, Mexico, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Sierra Leone, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, United Kingdom, United States, Uruguay, Venezuela.

Against: Albania, Bulgaria, Byelorussian SSR, Czechoslovakia, Hungary, Poland, Romania, Ukrainian SSR, USSR.

Abstaining: Afghanistan, Belgium, Cambodia, France, Guinea, Iraq, Mali, Niger, Portugal, Saudi Arabia, South Africa, Sudan, United Arab Republic, Yemen, Yugoslavia.

A/4943. Interim Report of Fifth Committee.

RESOLUTION 1633(xvi), as submitted by Fifth Committee, A/4943, adopted by Assembly on 30 October 1961, meeting 1044, by 69 votes to 10, with 18 abstentions.

"The General Assembly,

"Pending action to be taken at the present session regarding the financing of the United Nations operations in the Congo and without prejudice to such action,

"Authorizes the Secretariat to continue until 31 December 1961 to incur commitments for the United

Nations operations in the Congo at a level not to exceed \$10 million per month."

A/C.5/904, A/5019. Reports of Secretary-General and of Advisory Committee on Administrative and Budgetary Questions.

A/C.5/L.706 and Add.1. Burma, Denmark, Ethiopia, Nigeria, Pakistan, Tunisia: draft resolution.

A/C.5/L.706/Rev.1. Burma, Congo (Leopoldville), Denmark, Ethiopia, Nigeria, Pakistan, Tunisia: revised draft resolution, as revised by sponsors' acceptance of 18-power amendments, A/C.5/L.712, adopted by Fifth Committee on 15 December 1961, meeting 905, by roll-call vote of 57 to 11, with 12 abstentions, as follows:

In favour: Argentina, Australia, Austria, Brazil, Burma, Cameroun, Canada, Ceylon, Chile, Colombia, Congo (Leopoldville), Costa Rica, Cyprus, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Honduras, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Luxembourg, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Sierra Leone, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, United Kingdom, United States, Uruguay, Venezuela, Yugoslavia.

Against: Albania, Belgium, Bulgaria, Byelorussian SSR, Czechoslovakia, Hungary, Mongolia, Poland, Romania, Ukrainian SSR, USSR.

Abstaining: Afghanistan, Cambodia, China, France, Iraq, Philippines, Portugal, South Africa, Sudan, United Arab Republic, Upper Volta, Yemen.

A/C.5/L.712. Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela: amendments to draft resolution, A/C.5/L.706.

A/5066. Report of Fifth Committee.

RESOLUTION 1732(XVI), as submitted by Fifth Committee, A/5066, adopted by Assembly on 20 December 1961, meeting 1086, by roll-call vote of 67 to 13, with 15 abstentions, as follows:

In favour: Argentina, Australia, Austria, Bolivia,

Brazil, Burma, Canada, Ceylon, Chile, Colombia, Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Senegal, Sierra Leone, Somalia, Spain, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yugoslavia.

Against: Albania, Belgium, Bulgaria, Byelorussian SSR, Czechoslovakia, France, Hungary, Madagascar, Mongolia, Poland, Romania, Ukrainian SSR, USSR. Abstaining: Afghanistan, Cambodia, Cameroun, Central African Republic, China, Cuba, Dominican Republic, Iraq, Jordan, Mauritania, Philippines, Union of South Africa, Sudan, United Arab Republic, Yemen.

"The General Assembly,

"Recalling the Security Council resolutions of 14 July 1960, 22 July 1960, 9 August 1960, 21 February 1961 and 24 November 1961, and General Assembly resolutions 1474(ES-IV) of 20 September 1960, 1599(XV), 1600(XV) and 1601(XV) of 15 April 1961, 1619(XV) of 21 April 1961 and 1633(XVI) of 30 October 1961,

"Having considered the report of the Secretary-General on the estimated cost of United Nations operations in the Congo in 1962 and the report of the Advisory Committee on Administrative and Budgetary Questions thereon,

"Bearing in mind that the extraordinary expenses for the United Nations operations in the Congo are essentially different in nature from the expenses of the Organization under the regular budget and that, therefore, a procedure different from that applied in the case of the regular budget is required for meeting these extraordinary expenses,

"Bearing in mind that the permanent members of the Security Council have a special responsibility for the maintenance of international peace and security and, therefore, for contributing to the financing of peace and security operations,

"1. Decides to continue the ad hoc account for the expenses of the United Nations operations in the Congo;

"2. Authorizes the Secretary-General to expend, during 1962, at an average monthly rate not to exceed \$10 million for the continuing cost of the United Nations operations in the Congo;

"3. Decides to appropriate an amount of \$80 million for the operations of the United Nations in the Congo for the period 1 November 1961 to 30 June 1962;

"4. Decides to apportion as expenses of the Organization the amount of \$80 million among the Member States in accordance with the scale of assessment for the regular budget, subject to the provisions of paragraph 5 below, pending the establishment of a different scale of assessment to defray the extraordinary expenses of the Organization resulting from these operations;

"5. Decides to reduce:

"(a) By 80 per cent the assessment of Member States whose contributions to the regular budget range from 0.04 per cent to 0.25 per cent inclusive;

"(b) By 80 per cent the assessment of Member States receiving assistance during 1961 under the Expanded Programme of Technical Assistance, whose contributions to the regular budget range from 0.26 per cent to 1.25 per cent inclusive;

"(c) By 50 per cent the assessment of Member States receiving assistance during 1961 under the Expanded Programme of Technical Assistance, whose contributions to the regular budget are 1.26 per cent and above;

"6. Urges the permanent members of the Security Council to make sizable additional contributions;

"7. Appeals to all Member States which are in a position to assist to make voluntary contributions to help defray the costs of the United Nations operations in the Congo;

"8. Calls upon the Government of Belgium, a State directly concerned with the situation in the Republic of the Congo (Leopoldville), to make a substantial contribution;

"9. Decides to apply the additional contributions of Member States under paragraphs 6, 7 and 8 above to offset the deficit resulting from the implementation of the provisions of paragraph 5."