

CHAPTER VII

QUESTIONS RELATING TO THE SITUATION IN THE REPUBLIC OF THE CONGO (LEOPOLDVILLE)

POLITICAL DEVELOPMENTS

The United Nations undertook action with regard to the situation in the Republic of the Congo (Leopoldville)¹ shortly after this former Belgian-administered territory gained independence, when difficulties developed in connexion with the maintenance of law and order and the Belgian Government sent its troops to the Congo. Acceding to a request of the Congolese Government, the United Nations embarked on the biggest single military assistance operation organized and directed by itself. The progress of the operation, the problems encountered in the achievement of its purposes and the development of the situation in the Congo were the subject of discussion not only in the Security Council which initiated the action, but also at the fourth emergency special session of the General Assembly in September 1960 and the Assembly's fifteenth regular session during the periods 20 September-20 December 1960 and 7 March-21 April 1961.

CONSIDERATION BY SECURITY COUNCIL, JULY-SEPTEMBER 1960

On 13 July 1960, the Secretary-General, acting under Article 99 of the United Nations Charter (which authorizes him to "bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security"), asked for an urgent meeting of the Security Council so that he might report on a demand for United Nations action in relation to the Republic of the Congo. By cables of 12 and 13 July, the President of the Republic and its Prime Minister had asked him for the urgent despatch of military assistance in order to protect Congolese national territory, complaining that the arrival of Belgian metropolitan troops in the Congo constituted aggression and that the provincial authorities of Katanga had declared secession as a result of "colonialist machinations."

At a meeting of the Security Council held on the night of 13-14 July, the Secretary-General

observed that the only sound and lasting solution to the difficulties which had developed in the Congo was for the instruments of the Government, particularly its security administration, to be rendered capable of ensuring the maintenance of order and the protection of life. Technical assistance, which he had already undertaken at the request of the Congolese Government, would, however, take some time to produce satisfactory results. For the intermediary period, he strongly recommended that the Council accede to the request for military assistance and authorize him to take the necessary steps in consultation with the Congolese Government. It would then be understood that the Belgian Government would see its way to a withdrawal of its troops.

If his recommendation were accepted, the Secretary-General indicated, his actions would be based on principles he had set out in a report of 1958 on previous experience in this field (issued in connexion with the United Nations Emergency Force).² The United Nations Force in the Congo would not be authorized to action beyond self-defence; it would not take any action which would make it a party to internal conflicts in the country; and the selection of personnel for the Force would be such as to avoid complications because of nationalities used. He intended to obtain, in the first place, units from African nations, and to exclude units from any of the permanent members of the Security Council.

The Tunisian representative proposed a draft resolution whereby the Security Council would call upon Belgium to withdraw its troops from the Congo and would authorize the Secretary-General to take the necessary steps, in consultation with the Congolese Government, to provide that Government with the necessary military

¹ Unless otherwise indicated, all references to the Republic of the Congo in this section relate to the state, formerly under Belgian administration, with its capital at Leopoldville.

² See Y.U.N., 1958, pp. 52-54.

assistance until it felt that through its efforts with the technical assistance of the United Nations, the national security forces were able to meet their tasks fully.

During the discussion which followed, members of the Council agreed on the need for approving the Secretary-General's recommendation for the provision of military assistance to the Congo. The representatives of China, France, Italy, the United Kingdom and the United States, however, expressed reservations about the clause in the Tunisian proposal calling for the withdrawal of the Belgian troops, especially in view of the statement by the Belgian representative, who had been invited to participate in the discussion, that the intervening Belgian metropolitan forces would be withdrawn when the United Nations forces were in a position to ensure the maintenance of order and the security of persons.

The representatives of Poland and the USSR, on the other hand, felt that the Council should condemn the Belgian action as "armed aggression" and call for the "immediate" withdrawal of its troops. The USSR moved two amendments to this end, but they were rejected by 7 votes to 2, with 2 abstentions. A third USSR amendment—to provide for making military assistance by the African United Nations Member states available—was rejected by 5 votes to 4, with 2 abstentions.

The Tunisian draft resolution was then adopted by 8 votes to 0, with China, France and the United Kingdom abstaining.

The Secretary-General took immediate steps to implement the Council's resolution of 14 July.

On 18 July, he submitted his first report on the matter; several addenda to this report were submitted on subsequent dates.

In addition to information on steps taken for the building of the United Nations Force, his first report contained certain observations on the interpretation of the mandate given to him by the Council and the lines he had followed in implementing the authorization given him.

By 20 July 1960, when the Security Council resumed discussion of the question, the Force had been brought up to 12 African and two European battalions and a number of military units of a smaller size and specialized character. Three thousand five hundred troops had ar-

rived in the Congo. The first contingent of Belgian armed forces had left Leopoldville on 16 July upon the arrival of the United Nations troops. Following assurances that contingents of the Force would arrive in sufficient numbers, the Belgian authorities had agreed to withdraw all their forces from the Leopoldville area by 23 July.

The Secretary-General had also taken urgent steps, with the co-operation of Member states and the specialized agencies of the United Nations, to transport food and fuel supplies to the Leopoldville area, to organize the necessary work to prevent the silting of the Congo River, and to undertake an emergency health programme.

Meanwhile, on 17 July, the President and the Prime Minister of the Congo had informed the Secretary-General's representative in the Congo that their Government would regretfully be compelled to request intervention by the USSR if the United Nations seemed unable to accomplish the withdrawal of Belgian troops by 19

At a meeting of the Security Council on 20 July 1960, the Secretary-General expressed his view that the Organization was at a turn of the road where its attitude would be of decisive significance not only for its own future, but also for the future of Africa and perhaps the world. He stressed that his interpretation of the Council's resolution of 14 July — namely, that actions of the United Nations through the Secretary-General, in respects covered by this resolution, applied to the whole of the territory of the Republic of the Congo. He had communicated this interpretation to the president of the provincial government of Katanga, Mr. Tshombe. The Secretary-General thought that the Council might find it useful to clarify his mandate in connexion with the withdrawal of Belgian troops. Though the Council had not requested him to take specific steps for that purpose, his representatives had attempted to ensure the co-ordination of United Nations military assistance and Belgian withdrawal.

The Security Council then heard statements by the representatives of the Republic of the Congo and Belgium. The representative of the Congo asked that the Belgian troops be evacuated from Congolese national territory as quickly as possible: He requested the Council to provide

technical assistance to the Congo and not to permit any degree of recognition for an independent Katanga. He explained that the communication of 17 July from his President and Prime Minister testified to a certain impatience and mistrust which must be seen in its context, and affirmed that his Government continued to rely upon the United Nations and was grateful for its assistance.

The representative of Belgium argued that the limited intervention of Belgian troops, undertaken in view of the outrages committed by mutinous Congolese armed mobs against Belgian nationals, could not be regarded as aggression. He stated that Belgium had appealed for and supported United Nations assistance, and that its intervening troops would be withdrawn as soon as, and to the extent that, the United Nations effectively ensured the maintenance of order and the safety of persons.

The USSR submitted a draft resolution calling for the immediate cessation of "armed intervention" by Belgium in the Congo and the withdrawal of all troops of the "aggressor" within three days, and asking all United Nations Member states to respect the territorial integrity of the Republic of the Congo.

At the next Council meeting, the representatives of Ceylon and Tunisia jointly submitted a draft resolution whereby the Council would: (1) call upon Belgium to implement speedily its resolution of 14 July on the withdrawal of its troops, and to authorize the Secretary-General to take all necessary action to that effect; (2) request all states to refrain from any action which might tend to impede the restoration of law and order and the exercise by the Congolese Government of its authority, or any action which might undermine the territorial integrity and the political independence of the Congo; (3) commend the Secretary-General for the prompt action he had taken to carry out the resolution of 14 July; and (4) invite the specialized agencies to render such assistance as the Secretary-General might require.

During the discussions which took place at the Council meetings on 20 and 21 July 1960, several members opposed unilateral intervention in the Congo. In particular, they referred to a statement of the Chairman of the Council of Ministers of the USSR—in a letter to the Prime Minister of the Congo—that the Soviet Union

would not refrain from taking resolute measures to stop the "imperialist aggression" against the Congo if it continued, and that it would extend to the Congolese Government whatever assistance might be necessary for the victory of its "just cause." The United States representative declared that no troops should be introduced into the Congo other than those requested by the Secretary-General pursuant to the Security Council resolution. The United States, with other Member states, would do whatever might be necessary to prevent the intrusion of any other military forces, he said.

On the night of 21-22 July, the Council accorded priority to the draft resolution of Ceylon and Tunisia, which it adopted unanimously. The representative of the Congo thanked the members for the unanimous decision. The USSR representative told the Council that he would not press for a vote on his draft resolution. He expressed the view that the Secretary-General should take all measures to ensure Belgian troop withdrawal within a few days and that, while the United Nations Force should safeguard the territorial integrity of the Congo, the responsibility for domestic law and order rested with the Congolese Government alone. The representative of France stated that the resolution was not to be interpreted as implying criticism of Belgium.

Meanwhile, the building up of the United Nations Force continued, its strength increasing to over 8,000 by 25 July and to over 11,000 by 31 July 1960. A basic agreement between the United Nations and the Congolese Government on the operation of the Force was initialled on 27 July and circulated as a Security Council document (S/4389/Add.1).

While the United Nations Force assumed its functions in most regions of the Republic and ensured withdrawal of Belgian troops, the entry of the Force into Katanga province was delayed. On 31 July 1960, the Prime Minister of the Congo expressed his Government's serious concern that the entry of the Force into Katanga had been opposed by Belgium in order to strengthen the secession movement. During the next few days, Ghana, Guinea and the USSR sent communications to the Council criticizing the attitude of the Belgian Government and calling for the entry of the Force into Katanga. The Presidents of Ghana and Guinea stated that

their Governments would provide direct assistance to the Congolese Government if the United Nations failed to act. The USSR Government alleged that the Security Council decisions were not being carried out, protested that troops of some of Belgium's allies had been included in the United Nations Force, and demanded that all Belgian troops be removed from the Congo, including Katanga, by recourse to whatever method of action proved necessary. It called for the replacement of the Command of the Force in the event of its continued failure to discharge its duties steadfastly, and also of any contingents which proved unable to ensure the expulsion of the interventionist troops.

On 6 August 1960, the Secretary-General submitted a second report on the implementation of the Council's resolutions of 14 and 22 July, with particular reference to Katanga. He said that the Belgian Government had accepted his interpretation that the resolutions applied to Katanga province, and had assured him that it did not oppose their execution in Katanga. Accordingly, plans had been made for the despatch of the first United Nations military units to Katanga on 6 August. However, on 3 August, Mr. Tshombe, president of the provincial government of Katanga, had informed the Secretary-General that his government was determined to resist the Central Government and the despatch of the United Nations Force to Katanga. The representative of the Secretary-General, Dr. Ralph J. Bunche, who had visited Elisabethville on 4 August, had reported that the arrival of United Nations troops was likely to encounter armed opposition. Since it appeared that entry into Katanga would have to be achieved by force, and since the Force was not entitled to such military initiatives, the Secretary-General cancelled the operation and asked for further consideration of the matter by the Security Council.

The Secretary-General thought that the difficulty was not in the Belgian attitude as stated to him, nor in the wish of the provincial authorities to secede from the Republic. The provincial authorities felt that United Nations participation in the control of security in Katanga might submit the province to the immediate control and authority of the Central Government and thus seriously jeopardize their possibility to work for constitutional solutions other than a strictly

unitary one. The Secretary-General thought that Security Council action to make it clear that the United Nations did not seek to influence the solution of internal political problems, and to ensure effective separation of the constitutional questions from questions relating to the presence of the Force, might facilitate a speedy implementation of previous resolutions in regard to Katanga.

On 7 August, the Prime Minister of the Congo asked for the despatch of United Nations troops to Katanga without delay and proposed that the Council send, within the next 24 hours, a group of observers from certain Asian and African States to ensure the strict application of the decisions concerning the withdrawal of Belgian troops from the whole Congolese national territory.

At a meeting of the Security Council, convened on 8 August 1960 to consider the Secretary-General's second report, the Secretary-General drew attention to the main difficulties encountered in implementing the Council resolutions, the growing impatience of the Central Government, the spreading of distrust and the threat of unilateral action by contributing Governments. He was convinced, however, that it was possible to achieve a solution which would preserve the unity of the Congolese people, while protecting their democratic rights to influence the constitution of the republic, and ensure the speediest possible withdrawal of Belgian troops whose presence was now the main cause of continued danger. Stating that the immediate achievement of such a solution was a question of peace or war, he expressed the hope that the United Nations, in view of Articles 25 and 49 of the Charter, could count on active support from the Governments directly concerned and expect the local authorities to co-operate. He suggested that the Security Council state explicitly that its resolutions applied fully also to Katanga, request the immediate and active support of all Member Governments, and formulate principles for United Nations presence which would safeguard democratic rights in the Congo. The speedy and complete withdrawal of the Belgian troops might then be ensured and the basic unity of the Congo made manifest in the presence of the United Nations all over its territory.

At a second Council meeting on 8 August,

Ceylon and Tunisia submitted a joint draft resolution whereby the Council would: (1) confirm the authority given to the Secretary-General by the Council's resolutions of 14 and 22 July; (2) call upon the Belgian Government to withdraw immediately its troops from Katanga under speedy modalities determined by the Secretary-General and to assist in every possible way the implementation of the Council's resolutions; (3) declare that the entry of the United Nations Force into the province of Katanga was necessary; (4) reaffirm that the United Nations Force in the Congo would not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise; and (5) call upon all Member states to accept and carry out the decisions of the Council in accordance with Articles 25 and 49 of the United Nations Charter.

The USSR submitted a draft resolution whereby the Council would: (1) note that the Belgian Government was grossly violating the decisions of the Security Council; (2) ask the Secretary-General to take decisive measures and any means to remove Belgian troops from the Congo and to put an end to acts directed against its territorial integrity; and (3) instruct him to report within three days on the measures taken to implement this decision.

The USSR representative charged that the Belgian Government was conducting a policy of dismemberment of the Congo with the wide support of its allies. While paying due tribute to the energy and efforts of the Secretary-General, he criticized the United Nations Command for not sending troops into Katanga despite the repeated requests of the Central Government. He argued that the United Nations Force had the right and the obligation to remove obstacles to the performance of its duties, including the use of any means to remove armed resistance. He indicated that his Government was prepared to co-operate with other Member states to halt aggression in the Congo, but that, if the aggression continued, it could not disregard appeals from the Congolese Government for assistance.

In reply to the USSR statement, the Secretary-General stated that the entry of the United Nations Force into Katanga had been stopped because of the limits to the Secretary-General's

authority, indicated in his first report which had been commended by the Security Council. He pointed out, moreover, that the Force had been established to assist the Central Government in the maintenance of order, and not to be used as a political instrument.

During the discussion, several members of the Council expressed satisfaction with the progress of withdrawal of Belgian troops from five of the six provinces of the Congo and with the civilian operations undertaken by the United Nations. They agreed with the Secretary-General's interpretation of the mandate of the Force and expressed concern over the threats of unilateral intervention by other Powers in the Congo. The representative of the Congo expressed agreement with the Secretary-General's position as the only way out of the deadlock in the Congo. The representative of Belgium reiterated that Belgian troops in Katanga would not offer any resistance to the United Nations troops and would be withdrawn as soon as the Secretary-General could assure the safety of Belgian nationals.

The joint draft resolution of Ceylon and Tunisia was then adopted by 9 votes to 0, with France and Italy abstaining. The USSR did not press for a vote on its draft resolution.

The representatives of France and Italy explained that they had abstained because the resolution did not provide clearly that the withdrawal of Belgian troops should occur only in conjunction with the ability of the United Nations Force to ensure law and order. The United Kingdom representative stated that he had voted in favour of the resolution because of the statements by the representative of Ceylon and the Secretary-General that it would be implemented with due regard to the need for continued maintenance of law and order. The representatives of the USSR and Poland said that they voted for the resolution on the understanding that it was to ensure the immediate and unconditional withdrawal of Belgian forces, the immediate entry of the United Nations Force into Katanga regardless of any obstacles, and the halting of actions against the territorial integrity of the Congo. The representative of Poland added that bilateral relations between the Congo and any other state could not be excluded.

Soon after the Security Council had taken its decision, the Secretary-General sought and re-

ceived an assurance from the Congolese Prime Minister that his Government would fully cooperate in its implementation. On 10 August, the Secretary-General transmitted to the Central Government of the Congo, and to the Katanga provincial government, a memorandum on the interpretation of the provision in the resolution that the United Nations Force would not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict in the Congo. Noting that, de facto, the Katanga provincial government was in active opposition to the Central Government in order to achieve certain political aims, he indicated that the Force could not be used on behalf of the Central Government to subdue or force the provincial government to a specific line of action. The United Nations facilities could not be used to transport civilian or military representatives of the Central Government to Katanga against the decision of the provincial government. The United Nations Force would have no duty or right to protect civilian or military personnel of the Central Government in Katanga beyond what followed from its general duty to maintain law and order. These conclusions would also apply regarding the provincial government in its relations with the Central Government. The Secretary-General stated that this interpretation was not subject to negotiations but could be contested before the Security Council.

After consultation in New York with the Congolese delegation, headed by Vice-Premier Gizenga, the Secretary-General left for Elisabethville, Katanga, for an exchange of views with the provincial authorities, making it clear that there could be no question of conditions or of an agreement with them. He made arrangements for the deployment of the Force in Katanga, under the Command in Leopoldville and, arriving in Leopoldville on 14 August, sought a meeting with the Central Government to report on the action taken.

The Prime Minister ignored the request for a meeting. In letters of 14 and 15 August, he contested the Secretary-General's memorandum of 10 August, claiming that, under the Security Council resolutions, the United Nations was not to be neutral but was required to place its resources at the disposal of the Central Government. The Force could therefore be used to

subdue the rebel government of Katanga. He protested against the Secretary-General's visit to Elisabethville on the ground that the Secretary-General had no authority to deal with the provincial government except in consultation with the Central Government. Making several allegations with regard to the United Nations actions, he indicated that his Government had lost its confidence in the Secretary-General and would request the Security Council to send to the Congo a group of observers from certain Asian and African countries to ensure the immediate and entire application of its resolutions.

On 20 August, the Prime Minister of the Congo complained to the Security Council that his request for a United Nations aircraft and a military detachment to enable his Government's representatives to proceed to Elisabethville had been rejected by the Special Representative of the Secretary-General on the ground that such assistance was contrary to the Secretary-General's interpretation of the Council resolution of 9 August. The Council of Ministers of the Congo felt that this refusal of military assistance constituted a tacit recognition of Katanga's secession and a violation of the Security Council resolutions. They asked the Security Council to recommend that the Secretary-General should deal exclusively with the Central Government, that the national forces of the Republic should police the airports and seaports, that aircraft should be placed at the disposal of the Central Government to transport Congolese to any part of the country, that the weapons and ammunition distributed by the Belgians to the supporters of Mr. Tshombe should be seized immediately and that all Belgian troops should be withdrawn from the Congo, including the Kamina and Kitona bases.

At a meeting of the Security Council, held on 21 August at his request, the Secretary-General noted that when the unity of the Congo had been manifested by the presence of the United Nations Force all over the Republic under a unified command and when the complete withdrawal of Belgian troops was under way, the actions and attitudes of the United Nations and its Secretary-General had come under severe criticism from the Prime Minister of the Congo, and that this criticism had been followed by a series of actions which gave an impression of deep distrust and hostility fomented for political

ends. He explained that his visit to Elisabethville had been undertaken after informing the Congolese delegation, which had raised no objections. His contacts with Mr. Tshombe involved no agreements or discussion of conditions, but merely an explanation of the functions, rights and duties of the United Nations Force.

He reported that the Belgian Government had given formal assurances that all combat troops would be evacuated by 29 August. The delay in the evacuation of non-combat personnel from the Kamina and Kitona bases was not due to Belgian resistance but to the responsibility that the United Nations would assume for the maintenance of the substantial Congolese population dependent on the bases. With the withdrawal of Belgian troops and barring a risk from any new developments, the Congo situation would cease to be a threat to international peace and security. Attention could then be focussed on the construction of the state and the laying of foundations for a balanced political, economic and social life for the people. While it was for the Congolese people to create the political structure which would provide a stable and constructive government, the United Nations could assist them and protect normal civilian life.

The Secretary-General felt that his interpretation of the role of the United Nations Force, which had been challenged by the Congolese Prime Minister, seemed incontestable in the light of the legal history of the matter. There was no reason for the Council to confirm his interpretation, though any members who disagreed with it could propose their interpretation for the Council's consideration.

Finally, the Secretary-General stated that he intended to invite representatives of Governments contributing contingents to the United Nations Force to serve as members of an advisory committee³ similar to that established in connexion with the United Nations Emergency Force in the Middle East.

The representative of the Congo urged the Security Council to accept his Government's suggestions, to see that its resolutions were not used in their implementation as weapons against the Congolese people, and to ensure the disarming of all Belgians serving the Katanga provincial authorities. He suggested that the Secretary-General should share his responsibilities with a

group set up by the Security Council, and including members from neutral States of Asia and Africa, which would work in the Congo in close collaboration with the Central Government and the United Nations Command.

During the discussion that followed, several Council members voiced their satisfaction with the progress of withdrawal of Belgian troops, expressed appreciation of the Secretary-General's efforts to implement the resolutions, and also expressed complete agreement with his interpretation of the resolution of 9 August. While appreciating the impatience of the Congolese Central Government in connexion with Katanga, some members deplored the form of the Prime Minister's criticism of the Secretary-General. Several members welcomed the Secretary-General's intention to create an Advisory Committee at United Nations Headquarters.

The representatives of the USSR and Poland, however, questioned the interpretation of the Secretary-General and argued that it would not have any legal force unless approved by the Security Council. They claimed that the foreign-inspired separatist movement in Katanga could not be regarded as an internal matter and that the Secretary-General should not have entered into contact with anyone apart from the Central Government of the Congo.

The USSR representative proposed a draft resolution whereby the Council would establish a group of representatives to act in conjunction with the Secretary-General to ensure the execution of the Council's decisions in daily consultation with the Congolese Government. At the end of the discussion, however, he said that he would not press it to a vote since a majority of the Council was not prepared to support it at that stage.

In his third report, dated 30 August 1960, on the implementation of the Security Council's resolutions, the Secretary-General said that the United Nations had taken over full responsibility for the administration of the Kamina and Kitona bases, as a provisional measure without

³ On 23 August 1960, the Secretary-General invited the Permanent Representatives of Canada, Ethiopia, Ghana, Guinea, India, Indonesia, Ireland, Liberia, Mali, Morocco, Pakistan, Sudan, Sweden, Tunisia and the United Arab Republic to form, under his chairmanship, an Advisory Committee which would be called on to give advice on the United Nations Operations in the Congo.

prejudice to the rights and claims of the parties concerned, and had arranged with Belgium for the retention of the necessary number of technicians in a civilian capacity. Delays occurred, however, in the withdrawal of Belgian combat troops, allegedly because of misunderstandings and the inadequacy of means of transport; they led to several protests by the Secretary-General and replies from Belgium between 29 August and 23 September 1960.

The Secretary-General soon became concerned with the problem of external assistance to the Central Government and the Katanga authorities, particularly in view of the Security Council's request of 22 July to all states to refrain from any action which might tend to impede the restoration of law and order and the exercise by the Congo Government of its authority.

On 4 and 8 September, he asked the representative of Belgium for information on Belgian officers attached to the Katanga forces and other groups in armed conflict with the Central Government, and on the unloading of Belgian weapons at Elisabethville. The Belgian representative replied on 9 September that, in addition to Belgian officers who had continued service in the Congo under the terms of the treaty of friendship between Belgium and the Congo, a small number of Belgian experts had been supplied to Katanga's corps de gendarmerie as technical assistance. He claimed that the Katanga authorities had the right to recruit their gendarmerie for the maintenance of order, while refraining from any aggression against the forces of the Central Government, that the withdrawal of Belgian technical assistance would appreciably weaken the forces of order in Katanga, and that such assistance was not contrary to the Council's resolution. He expressed regret that some light Belgian weapons, ordered on behalf of the Force publique before 30 June, had been delivered in Elisabethville owing to the incompetence of an ill-informed official, and assured the Secretary-General that requisite measures had immediately been taken to prevent recurrence of such action.

On 5 September, the Secretary-General asked the USSR delegation for information about the nationality and status of the crews of certain troop-transporting planes which the USSR had placed at the disposal of the Congolese Govern-

ment, and about 100 trucks which the USSR had offered to supply to the United Nations Force but had not delivered to the appropriate United Nations authorities. Replying on 10 September, the USSR delegation expressed surprise that the Secretary-General had sought, without any right, to control the relations between the Republic of the Congo and the USSR. It claimed that the Security Council's resolutions had not restricted the Congo's right to receive assistance from other states and that USSR assistance to the Congolese Government, in the form of motor vehicles and civil aircraft operated by civilians, was fully consistent with the resolutions.

Meanwhile, constitutional and other developments in the Congo, and United Nations actions in relation to them, led to resumed discussion by the Security Council between 9 and 16 September. These developments are briefly set out below on the basis of documents circulated to the Council, particularly the first progress report of 21 September by the Special Representative of the Secretary-General.⁴

In August, tribal warfare in Kasai province, and to a lesser extent in Equateur province, began to take a large toll of human life and was followed by civil war when the Central Government despatched army units to South Kasai and the northern border of Katanga to put down secessionist movements. The United Nations Force used its best efforts to safeguard lives, halt hostilities, and mitigate other consequences of these conflicts.

The Congolese Prime Minister demanded, and used military threats to seek to enforce, the exclusive Congolese control of the airports which would have deprived the Force of its ability to guarantee the security of the centres of communication that were indispensable to the performance of its functions. A demarcation of United Nations and Congolese military functions at the airports was worked out with some difficulty, and negotiations were undertaken for an agreement on the status of the United Nations Operations in the Congo (ONUC).

⁴ Ambassador Rajeshwar Dayal of India was appointed Special Representative of the Secretary-General in the Congo and assumed his functions on 8 September 1960, succeeding Dr. Ralph J. Bunche, who had been Special Representative at the beginning of the operation.

Soon after, on 5 September, a grave constitutional crisis occurred when the Chief of State, Joseph Kasa-Vubu, issued an ordinance revoking the Government headed by Patrice Lumumba and naming the President of the Senate, Joseph Ileo, to form a new governments. Mr. Lumumba, in turn, announced that President Kasa-Vubu was no longer Chief of State and called upon the people, the workers and the army to rise. The Council of Ministers published a communique declaring the Chief of State deprived of his functions, nullifying his ordinance, revoking the Government and accusing him of high treason. On the same night, ONUC closed all major airports to traffic other than that of the United Nations on the ground that this step was required in the interests of the maintenance of peace and security, especially in view of the threat to the United Nations Force from the prospective movement of mutually hostile elements of the army. The next day, it temporarily closed the Leopoldville radio station.

On 7 September, the Chamber of Representatives, by a vote of 60 to 19, undertook to annul the decisions whereby the Chief of State and the Prime Minister had dismissed each other from office. On 8 September, the Senate decided by a vote of 41 to 2, with 6 abstentions, and 29 absent, against the presidential ordinance. On 9 September, the President issued a declaration rejecting these votes on the ground that the decisions of the Chief of State were not subject to the approval of the two Houses. On 11 September, President Kasa-Vubu and Prime Minister Lumumba sent communications naming two different delegations to appear before the Security Council. On the same day, Mr. Lumumba, who had denounced the United Nations emergency measures as a flagrant interference in the Congo's internal affairs, attempted to seize the Leopoldville radio station by force and was prevented from doing so by the United Nations guard.

Following statements by the Presidents of the two Chambers that the Parliament would undertake the surveillance of the normal and peaceful utilization of the radio station and airports, the United Nations re-opened the radio station on 12 September. A serious show of force by the two rival Governments took place at the station. On 12 and 13 September, the airports

were opened to all peaceful, civilian and humanitarian traffic.

On 12 September, the Chief of State issued an ordinance proclaiming the composition of a new Government headed by Mr. Ileo. On 13 September, a joint session of Parliament conferred full powers on Prime Minister Lumumba in a vote which was described by the Special Representative as somewhat uncertain both as to substance and count. The next day, the Chief of State issued an ordinance suspending Parliament, and the Presidents of the two Chambers questioned the validity of this on the ground that it had been countersigned by Mr. Ileo who had received no parliamentary investiture. That evening, the Chief of Staff of the Army announced that the army was taking power until 31 December 1960.

Meanwhile, on 7 September 1960, the Secretary-General submitted a fourth report to the Security Council dealing mainly with the need for urgent international financial aid to the Congo and recommending the establishment within the United Nations of an international account to channel contributions. He pointed out that the reconstruction of a stable public administration, the revitalization of business activity and the provision of employment opportunities had a direct bearing on the restoration of peace and security in the Congo. He felt, however, that neither the United Nations military and civilian operations nor the proposed financial assistance would serve their purpose without the full co-operation of all responsible quarters within the Congo. He suggested that the Council urge the parties concerned to seek a peaceful solution of internal conflicts, which had taken on a particularly serious aspect due to external assistance, and clarify the mandate of the United Nations Force emphasizing the protection of the civilian population. He thought that it might be necessary temporarily to disarm military units which were an obstacle to the re-establishment of law and order.

On 8 September, the representative of Yugoslavia asked for an urgent meeting of the Council, claiming that a situation threatening to endanger world peace had arisen in the Congo because of external support to secessionists and the attempt to overthrow the legal Government. Such actions, he charged, had been fa-

cilitated by the practices of the United Nations Command which, under the appearance of non-intervention in internal affairs, had created great obstacles for the Central Government in the exercise of its sovereign authority over the entire territory of the Republic. On the same day, Prime Minister Lumumba asked that the Council meet in Leopoldville so that the members could see for themselves the situation allegedly created by the interference of United Nations authorities in the Congo's domestic problems.

The fourth report of the Secretary-General and the communications of Yugoslavia and the Congo were included in the agenda of the Security Council at its meeting on 9 September. A USSR draft resolution to have the Council hold an immediate special meeting in Leopoldville was rejected by 6 votes to 3, with 2 abstentions.

The Council continued consideration of the question at eleven meetings between 9 and 16 September 1960. The representatives of Yugoslavia, Indonesia, Ghana, Guinea, Morocco, Belgium, United Arab Republic, Ethiopia and Liberia were invited to the Council, at their request, during this series of meetings. The question of an invitation to the representative of the Congo was discussed at the meetings on 14 September, as the Chief of State and Prime Minister Lumumba had designated two different delegations. Several members felt that the Council should, for the time being, not invite any representative of the Congo, since an invitation to one of the delegations would involve interference in Congolese internal affairs. A proposal by Poland to invite the delegation named by the "Prime Minister" received 3 votes in favour and 8 abstentions, and was not adopted.

At the Council's meeting on 9 September, the Secretary-General said he assumed responsibility for the actions of his representatives in the Congo, claiming that they had acted impartially during the constitutional crisis and that the emergency measures concerning airports and the radio had been necessary to ensure the operation of the United Nations in fulfilment of its mandate. He emphasized the dangers created by the financial bankruptcy of the Congo; he stated that the effectiveness of United Nations assist-

ance to help ensure the independence of the state depended on the maintenance of law and order, the sense of responsibility of the leaders and efforts to solve domestic problems by peaceful means. The United Nations Force faced a difficult situation as evidenced by the killing of defenceless civilians in South Kasai by national army units which seemed to have broken away from their command, and the equally serious developments in Katanga.⁵ Noting that external assistance had been supplied not only by Belgians to Katanga but by others to the Central Government, he said that the Council's aims would be achieved only if it requested channelling all assistance through the United Nations. Though external assistance to the Central Government was not covered by explicit requests in previous resolutions, he thought the use to which assistance was put was more important than form and legal justification.

The representative of Yugoslavia said that the internal conflicts in the Congo would easily find their solutions except for the colonialist interference and outside help to the secessionist leaders. He claimed that the confiscation of military equipment placed at the disposal of secessionists and the removal of foreign personnel in their armed forces, in co-operation with the Central Government, would have a perfectly legal basis. He asked the Council to emphasize the importance of close co-operation between the United Nations Command and the Congolese Central Government.

At the Council's meeting on 14 September, the representative of the USSR claimed that Belgium had not implemented the resolutions of the Council. He charged that the United Nations Command and the Secretary-General in person had not demonstrated the minimum of objectivity required in the implementation of the Council resolutions, but had taken the side of the colonialists, impeded the efforts of the lawful Government to restore order and normalcy, illegally taken control of airports and radio

⁵ Subsequently, on 18 September 1960, the Secretary-General protested to the president of the Katanga provincial government against the repressive measures taken by the gendarmerie against Baluba civilians in the Luena area. He stated that the United Nations Force had the duty to protect the civilian population and was in such cases not restricted by the rule of non-intervention.

stations and encouraged anti-popular diversionist elements. He claimed that assistance by the USSR to the legal Government of the Congo was in accordance with the Council's resolutions and could not be described as interference in the domestic affairs of the Congo. He criticized the fourth report of the Secretary-General because, he considered, it referred to the Central Government as one of the "parties" in the Congo and because, he said, it suggested the disarming of its troops. He felt that the Secretary-General's proposals would lead to a United Nations trusteeship over the Congo. He submitted a draft resolution whereby the Council would: (1) invite the Secretary-General and the United Nations Command to cease interference in the internal affairs of the Congo, to evacuate all airports and hand over the radio stations to the unrestricted control of the Central Government of the Congo; (2) instruct the Secretary-General to remove the present Command of the United Nations Force; and (3) call upon all Member states to provide the Central Government with speedy financial and other economic assistance.

The Secretary-General, denying the allegations made against him, explained that his proposal for the temporary disarming of military units applied to groups which had broken loose from their command and turned to irresponsible marauding.

The representative of the United States said that the United Nations action must be supported so that the Congo would not be subjected to outside interference and to a contest among non-African powers. He charged that the statements of the Soviet Union against the Secretary-General and the United Nations Command were designed to cover up its own penetration as evidenced by the despatch of its personnel and supplies for military uses into the Congo. He submitted a draft resolution whereby the Council would: (1) urge the Secretary-General to continue to give vigorous effect to the resolutions of the Council; (2) call upon Member Governments to make voluntary financial contributions to a United Nations Fund for the Congo; (3) urge all parties to the internal conflicts within the Congo to seek a speedy settlement by peaceful means; (4) reaffirm the request to all States to refrain from any action which might tend to impede the restoration of

law and order and in particular to refrain from sending personnel, supplies or equipment to be used for military purposes into the Congo other than through the United Nations; and (5) reaffirm that the United Nations Force should continue to act to restore and maintain law and order.

During the discussion on these draft resolutions, the representative of Poland supported the USSR draft resolution, while the representatives of Ecuador, Italy and the United Kingdom lent support to the United States draft resolution.

Most members of the Council expressed appreciation of the Secretary-General's efforts to implement the Council's resolutions, defended the emergency measures taken by the United Nations, favoured the continuation of the United Nations operation, called for settlement of internal conflicts by peaceful means, and opposed unilateral intervention by other Governments in the Congo. The creation of a United Nations Fund for the Congo was supported by eight members, and the representative of France suggested that the matter might be studied in detail by the General Assembly.

The representative of Tunisia criticized Belgium for failing to implement the Council's resolutions fully and expressed regret that one of the permanent members of the Council had provided means of transport to the Central Government at the risk of intensifying the cold war in the Congo. He suggested that the Council might establish a group to provide good offices in order to restore unity among Congolese political leaders within the framework of constitutional legality. The representative of Ceylon supported the Tunisian suggestion, while the representative of Poland said that he could not support it, at the moment, since it might imply the existence of equal parties to the conflict and add to the confusion.

The representatives of Ghana, Indonesia, Morocco, the United Arab Republic and Yugoslavia, who had been invited to participate in the Council's debate, at their request, claimed that continued Belgian intervention, particularly assistance to dissident elements, was a major source of the difficulties. They criticized the United Nations emergency measures, called for support of the Central Government in its efforts to maintain territorial integrity, favoured con-

tinuation of the United Nations operation and felt that assistance to the Congo should be provided through the United Nations and utilized with the co-operation of the Central Government, in order to avoid international rivalries penetrating the area.

Several of these representatives expressed appreciation to the Secretary-General for his efforts, and argued that the Council must respect the Lumumba Government since it had received the Parliament's confidence. The representatives of Ghana and Yugoslavia called for the disarming of all armed forces other than the National Army. The representative of Ghana suggested that the Council should state clearly that the law and order which it had pledged to maintain was that embodied in the *Loi fondamentale* and as represented by the Central Government, and that the Council should support the compromise proposal of the two Chambers of Parliament that the status quo be preserved with Mr. Kasa-Vubu as President and Mr. Lumumba as Prime Minister.

The representative of Guinea argued that United Nations representatives had committed acts of flagrant interference in the domestic affairs of the Congo and called for the withdrawal of all elements of the United Nations Force coming from NATO countries, the full implementation of earlier resolutions and the abandonment of any idea of trusteeship. The representative of Ethiopia conveyed a message from Emperor Haile Selassie I suggesting the appointment of a conciliation committee to assist the Congolese political leaders. The representative of Liberia indicated support for the Secretary-General and the United Nations in the Congo, for the Central Government, and for the unity and territorial integrity of the Congo. The representative of Belgium, protesting against USSR allegations of aggression, stated that such an allegation had been rejected by the Council on 13 July.

On 16 September, the representatives of Ceylon and Tunisia submitted a joint draft resolution whereby the Council would: (1) urge the Secretary-General to continue to give vigorous implementation to earlier resolutions; (2) call upon all Congolese to seek a peaceful solution of internal conflicts for the unity and integrity of the Congo; (3) reaffirm that the United Nations Force should continue to act to restore and

maintain law and order; (4) appeal to all Member Governments for contributions for a United Nations Fund for the Congo to be used in consultation with the Congolese Central Government; (5) reaffirm the request to all states to refrain from any action which might tend to impede the restoration of law and order and the exercise by the Congo Government of its authority, and also to refrain from any action which might undermine the territorial integrity and the political independence of the Congo; and (6) decide that no assistance for military purposes be sent to the Congo except as part of the United Nations action. The sponsors said that, though they had not proposed a good offices committee since it did not appear to have received adequate support, they hoped that the Secretary-General would take up the matter with the Advisory Committee on the Congo.

The USSR submitted several amendments to this draft. One was to make it clear that United Nations assistance would be given to the Central Government and that the proposed fund would be used in co-operation, rather than in consultation, with the Central Government. Another amendment was intended to make the point that earlier resolutions should be implemented without any interference in the domestic affairs of the Congo and that law and order should be restored and maintained with a view to assisting the Central Government to exercise its authority and to ensure the territorial integrity and the political independence of the Congo. A further amendment was intended to delete the provision that no assistance for military purposes be sent to the Congo except as part of the United Nations action; instead, the Council should request all states to refrain from military assistance which might tend to impede the restoration of law and order or the exercise by the Congo Government of its authority, or undermine the territorial integrity and the political independence of the Congo.

The USSR draft resolution was rejected by 7 votes to 2, with 2 abstentions. The representative of the United States agreed to accord priority to the draft resolution by Ceylon and Tunisia. The USSR amendments to this draft resolution were rejected by separate votes; the first USSR amendment received 4 votes in favour, and the others received 2 in favour. The draft resolution received 8 votes in favour

and 2 (Poland, USSR) against, with France abstaining; it was not adopted since one of the negative votes was that of a permanent member.

The representative of the United States then stated that he would not press his draft resolution to a vote. He proposed a new draft resolution to call an emergency special session of the General Assembly to consider the question before the Security Council; it was adopted by 8 votes to 2, with 1 abstention.

CONSIDERATION AT FOURTH EMERGENCY SPECIAL SESSION OF GENERAL ASSEMBLY, 17-20 SEPTEMBER 1960

This emergency special session of the General Assembly—the fourth of its kind—was convened on the night of 17 September 1960. It met for six plenary meetings and ended in the early morning of 20 September.

Opening the discussion, the representative of the United States said that, while the Security Council's action in the Congo had been based on the premise that the Congo must not become a battleground in a conflict between the great powers, the USSR had intervened by the despatch of so-called technicians, transport aircraft and trucks to the Congo. By opposing the Ceylon-Tunisia draft resolution in the Council, it had asserted a unilateral right to introduce military personnel and material into the Congo. The consequences of such a position made it necessary for the United States to act without delay. The United States representative asked the Assembly to clarify and reinforce the United Nations mandate, declare that external assistance to the Congo during this critical period should be provided through the United Nations, create a United Nations Fund for the Congo to be used under United Nations control, appeal to all Congolese to avoid further recourse to violence, and prevent unilateral actions by other states in the Congo.

The USSR representative claimed that the main purposes of the Security Council resolutions—the expulsion of Belgian troops and the safeguarding of the Congo's territorial integrity and political independence—had not been achieved. Instead, he charged, an attempt was being made to impose collective colonialism of the United States and its allies on the Congo, under the cover of the United Nations operation; the United Nations Command and the

Secretary-General personally had supported the colonialists by a policy of discrediting and obstructing the legal Government. Declaring that the lawful Government of the Congo had been removed by a gang of rebels, he said that the Assembly must debate the question thoroughly at its fifteenth regular session and adopt decisions aimed at restoring the situation to normal.

During the discussion, various representatives expressed support for the purposes of the Security Council resolutions, in particular for the provisions concerning the need to preserve the territorial integrity and political independence of the Congo. Differences of opinion centred on the implementation of the Security Council resolutions.

Some representatives, supporting the USSR position, criticized the Secretary-General and the United Nations Command on the grounds of not assisting the Central Government of the Congo, adopting hostile measures against the legal Government, and allowing Belgium to strengthen the secessionist forces.

Some representatives felt that the United Nations action had been effective in ensuring the withdrawal of the Belgian troops, but not in eliminating intervention in other forms. They claimed that the United Nations representatives had made some mistakes, particularly in not ensuring close co-operation with the Central Government and in erroneously interpreting the principle of non-intervention in internal affairs of the Congo. Others, again, felt that the Secretary-General and the United Nations Command might have committed certain errors, but that those errors had to be expected in a major operation. Some others thought that difficulties had resulted not from the actions of the Secretary-General but from the inability of the Security Council to clarify the mandate and provide clear instructions.

A large number of representatives emphasized the need to uphold the authority of the United Nations in the Congo, condemned the attacks against the Secretary-General and expressed appreciation for his efforts to implement the Security Council's resolutions. They noted that the question of relations between the United Nations and the Central Government of the Congo was complicated by the existence of rival authorities, the absence of an effective government and the breakdown of law and order.

Several representatives argued that, though there might be differences of opinion concerning the implementation of the mandate given to the Secretary-General, Member states should not question the good faith and honesty of the Secretary-General. They noted that the Secretary-General had consulted the Security Council on the major questions of policy.

Replying to various criticisms, the Secretary-General said that, contrary to allegations by certain representatives, consultations between the United Nations and the Government of the Congo had been of unusual intensity. He could not, however, permit a sovereign government to turn the United Nations Force into a national force to be used for its own ends. As to criticism that he had not ensured the complete elimination of the Belgian military presence, he pointed out that the Security Council had not adopted enforcement measures and that his power was limited to the moral and legal weight of Council resolutions. Referring to the strong personal attacks by the USSR representative, he said that the General Assembly knew him well enough to realize that he would not wish to serve beyond the point at which such continued service would be, and would be considered to be, in the best interests of the Organization.

A number of representatives emphasized that all assistance to the Congo for military purposes should be provided through the United Nations, that the United Nations operation should be continued, and that the mandate of the United Nations Force should be clearly interpreted so as to permit it to give effective protection to the civilian population against violence. Several representatives stated that, while they recognized the Congo's sovereign right to receive external assistance, they would support a call by the General Assembly against military assistance as a temporary measure to avoid dangerous complications.

Several representatives criticized Belgium for providing assistance to the secessionist forces in the Congo and stressed the need for the withdrawal of all Belgian military personnel. Some other representatives expressed satisfaction that Belgium had withdrawn its troops, and claimed that the danger was no more the Belgian but the USSR intervention. The representative of Belgium, protesting criticisms of his Government,

said that it had withdrawn all combat troops from the Congo and taken steps to prevent the supply of arms to and recruitment of volunteers for Katanga. He agreed that no assistance for military purposes should be sent to the Congo except through the United Nations.

A number of representatives felt that, while the Congo's internal problems should be settled by the Congolese themselves, the United Nations might appeal to the political leaders to settle their differences by peaceful means and might help the process by insulating the internal conflicts from outside influences. They thought that the appointment of a good offices committee might help promote national reconciliation. Others suggested that this was essentially an African problem to the solution of which the African Member states could make a great contribution.

Several representatives stressed the urgent need for economic and financial assistance to the Congo to solve the enormous problems caused by the disruption of its administrative and economic life and the breakdown of public services. They supported the Secretary-General's proposal for the creation of a United Nations Fund for the Congo, but there was some difference of opinion on the degree of control to be exercised by the United Nations on the use of the Fund.

On 18 September 1960, a draft resolution was submitted by the following 17 Members: Ceylon, Ethiopia, Ghana, Guinea, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, the United Arab Republic and Yemen. By this text, the Assembly would: (1) request the Secretary-General to continue to take vigorous action to implement the Security Council resolutions; (2) appeal to all Congolese to seek a peaceful solution of internal conflicts for the unity and integrity of the country, with the assistance of Asian and African representatives appointed by the Advisory Committee on the Congo, in consultation with the Secretary-General; (3) appeal to all Member Governments for urgent voluntary contributions to a United Nations Fund for the Congo to be used under United Nations control and in consultation with the Central Government; (4) request all states to refrain from any action which might tend to impede the restoration of law and order and

the exercise by the Government of the Congo of its authority, and also to refrain from any action which might undermine the unity, territorial integrity and the political independence of the Republic of the Congo; (5) request all Member states to accept and carry out the Security Council decisions; and (6) without prejudice to the Congo's sovereign rights, call upon all states to refrain from the direct and indirect provision of assistance for military purposes in the Congo, during the temporary period of military assistance through the United Nations, except upon the request of the Secretary-General.

On 19 September, the USSR submitted a draft resolution whereby the Assembly would: (1) condemn the Belgian "armed aggression" against the Congo; (2) demand the withdrawal of all troops and military personnel of Belgium and its military allies; (3) note the failure of the Secretary-General and the United Nations Command to implement a number of very important provisions of the Security Council resolutions; and (4) call upon all states to refrain from actions detrimental to the territorial integrity and political independence of the Congo.

Also on 19 September, the USSR proposed several amendments to the 17-power draft resolution, intended, among other things: to indicate that United Nations assistance would be given to the "legitimate" Central Government of the Congo; to condemn Belgian aggression and urge the withdrawal of all military personnel, to request the Secretary-General not to tolerate violations of the Council's resolutions; and to indicate that the United Nations Fund should be used by the legitimate Central Government in consultation with the United Nations. Subsequently, following an appeal by the representative of Ghana, the USSR representative agreed not to press his delegation's amendments and draft resolution to vote, but stated that he could not fully support the 17-power draft resolution as it stood.

Several representatives—including those of Australia, Brazil, Ecuador, Philippines and the United States—said that though the 17-power draft resolution could be improved to avoid ambiguity and in other ways they would accede to the request of the sponsors that it be voted on without modifications. The representatives of France and the Union of South Africa stated

that they would abstain on the draft resolution since it involved interference in the internal affairs of the Congo. The French representative felt that the United Nations should not rush into new commitments for financial assistance but must concentrate first on the maintenance of order and protection of persons and property.

On 20 September, the 17-power text was first voted on in two parts. The paragraph on the provision of assistance for military purposes was adopted by a vote of 80 to 0, with 1 abstention, the remainder of the text being approved by 71 votes to 0, with 9 abstentions. The text as a whole was then adopted by 70 votes to 0, with 11 abstentions, as resolution 1474(ES-IV).

CONSIDERATION AT GENERAL ASSEMBLY'S FIFTEENTH SESSION, SEPTEMBER-NOVEMBER 1960

Meanwhile, on 16 September 1960, the USSR had requested that an item entitled "Threats to the Political Independence and Territorial Integrity of the Congo" be placed on the agenda of the General Assembly's fifteenth regular session as an urgent and important question. Following a recommendation by its General Committee, the Assembly decided on 10 October to include an item in its agenda entitled "The Situation in the Republic of the Congo." On 11 October, it decided to consider the item in plenary meetings without prior reference to a Main Committee of the Assembly.

On 20 September 1960, the General Assembly decided to admit the Republic of the Congo (Leopoldville) to membership in the United Nations; it referred the question of its representation to the Credentials Committee of the Assembly.

During the general debate at the beginning of the Assembly's session, a number of Heads of State, Heads of Government and leaders of delegations made references to the situation in the Congo. Several of these speakers emphasized the positive contribution of the United Nations operation in the Congo, expressed appreciation of the work of the Secretary-General, stressed the need to avoid unilateral intervention, and supported the resolutions of the fourth emergency special session. The Chairman of the Council of Ministers of the USSR and certain other heads of delegations, on the other hand, criticized the Secretary-General on the grounds

of partiality in implementing the resolutions and suggested efforts to ensure the normal functioning of the Congolese Parliament and the "legitimate" Government headed by Mr. Lumumba.

Some other speakers advanced various suggestions with regard to United Nations action. Thus, the President of Ghana suggested that the Assembly should make it clear that the over-riding responsibility of the United Nations Force to preserve law and order could only be fulfilled by supporting the parliamentary framework of the state, that the national army should be retrained and reorganized in co-operation with the legitimate Central Government and that the United Nations should act in the Congo through the medium of independent African states.

The President of the United Arab Republic suggested that the situation in the Congo should be restored to what it had been before the recent events.

The Foreign Minister of Liberia stated that a purely African command over the United Nations Force would seem contrary to United Nations principles and that the composition of the Congolese Government could be determined by no Member state as it was a matter for the Congolese people.

The representative of Saudi Arabia said that while the United Nations Command and Force were necessary to help the legitimate Government to maintain independence and unity, their withdrawal would be preferable if the "cold war" were to be carried into those organs.

The Prime Minister of India suggested that the United Nations should help the Parliament meet and function so that the Congo's problems might be dealt with by its own people. He thought that the Assembly might well consider sending a delegation to the Congo to find out what foreign troops or other personnel, apart from those sent on behalf of the United Nations, were there and how far they were interfering in local affairs. The Chairman of the Indian delegation said that, irrespective of any legal argument, all non-Congolese personnel in the Congo who were not serving United Nations purposes or other humanitarian purposes should of their own volition withdraw from the Congo.

The representative of the Congo (Brazzaville) said that the United Nations should co-operate with the Chief of State who was the only person legally in office in the country.

The Prime Minister of Nigeria suggested the appointment of a fact-finding commission to look into the circumstances which had created the present crisis. He thought that new elections might be necessary before an effective Government could be formed and suggested that the United Nations Force might be given additional powers for a limited period until the elections.

The President of Guinea, calling for the defence of Congolese legality, suggested that the United Nations should not discuss matters with the usurpers of power but should guarantee the regular functioning of Parliament and should recognize only the Central Government. He proposed that the representatives sent by the Government of Mr. Lumumba be seated in the Assembly, pending the report of the Credentials Committee.

The representative of Mali called for the re-establishment of the authority of the Central Government elected by the Parliament and for assistance to it in consolidating its administrative structure and in re-establishing the unity of the country.

The Foreign Minister of Cameroun said that the Lumumba Government no longer had any legal existence and that the next step was for the United Nations to permit the Congolese Parliament to convene as soon as possible to express its confidence or lack of confidence in the person appointed by the Chief of State to succeed Mr. Lumumba.

The Secretary-General, replying to comments and criticisms, explained the basic principles which he had followed in carrying out the mandate entrusted to him. He stated that criticism of the Secretary-General, when he became an obstacle to the achievement of the political aims of individual Governments by his strict adherence to the principles of independence, impartiality and objectivity, would strike at the basic concepts on which the office of the Secretary-General had been founded.

Further, he drew the Assembly's attention to the enormous effort involved in assisting Congolese officials in the fields of law and order, administration, and relief, and stated that this civilian operation was of decisive importance though much of the debate and publicity had been concerned with a few emergency measures with supposed political implications.

By early November, when the Assembly took

up consideration of the situation in the Congo, it had before it the second progress report of the Special Representative of the Secretary-General covering the period 21 September—31 October 1960. He said that the situation both in Leopoldville and throughout the provinces had markedly deteriorated because of the complete lack of progress towards a political settlement which could provide a stable and recognized government. Political chaos had spread in a large measure to the provincial governments and the financial and economic situation had also grown steadily worse. The most disturbing development during the period was the steady and often rapid breakdown of law and order, with the Armée nationale congolaise (ANC) becoming the principal fomenter of lawlessness. The eruption of the Army into the political scene inhibited peaceful political activity and constituted one of the greatest menaces to peace and security. Moreover, there had been increasing evidence of the return of Belgian nationals into many phases of public life in the Congo. The activities of a significant number of Belgian advisers who had returned to governmental ministries appeared to be clearly at variance with the basic objectives of ONUC. While the withdrawal of Belgian troops had been completed, with the sole exception of technical personnel required at the Kamina base, Belgian nationals remained in the Katanga gendarmerie and police. Belgian officers had directed and led separatist forces which had been responsible for brutal and oppressive acts of violence in Katanga and Kasai.

The continued constitutional crisis had posed a dilemma for ONUC in complying with the requirements of the General Assembly resolution of 20 September that it should continue to assist the Central Government in the restoration and maintenance of law and order. ONUC's efforts to maintain an attitude of strict impartiality had led to frequent criticism and hostility of the rival contenders for power. On 20 September 1960, the President had issued an ordinance designating a college of 14 commissioners-general and 14 commissioners, following their installation by a military occupation of the administrative buildings under the orders of the Army Chief of Staff. Mr. Lumumba and certain other parliamentarians had demanded that ONUC should counter the actions of the Congo-

lese troops. On 27 and 28 September, the President and Mr. Ileo had announced that a round-table conference of the principal political leaders of the six provinces would be convened by the College of Commissioners-General within a few days to resolve the political crisis, but preparations for the conference made little progress. Meanwhile, on 11 October, the Chief of State signed a "constitutional decree-law" creating the Council of Commissioners-General, adjourning the Parliament, and transferring its legislative power to the Council.

Committed to the principles of neutrality and legality, ONUC could not choose between rival governments nor recognize the regime of commissioners which was founded in fact only on military force and did not derive any sanction from the Loi fondamentale. However, since its mission could not be accomplished without many routine day-to-day contacts with the ministries, it continued to follow its policy of dealing, in routine matters, with whatever authority it found in the ministerial chairs. In dealing with the College of Commissioners-General on a purely technical plane, it took no position on the legality of the constitutional decree-law of 11 October and did not recognize the College as a legitimate government. Official contacts continued between the Special Representative and the Chief of State, as well as between the Supreme Commander of the United Nations Force and Colonel Mobutu as Chief of Staff of the Congolese Army.

The Special Representative concluded that, in the confused political situation that prevailed, the only two institutions whose foundations still stood were the office of the Chief of State and the Parliament. If the army could be brought under some measure of control and other lawless elements subdued, it might be possible for normal political life to be reactivated and for the leaders of the country to seek peaceful political solutions through the medium of those two institutions. He expressed the hope that the leadership would rise to the full stature of its great responsibilities and attempt to establish a single government of conciliation.

Along with the report of the Special Representative, the Secretary-General circulated the exchanges of messages by him with the representative of Belgium and the president of the Katanga provincial government. In notes of 8

and 19 October, he had conveyed to the former his opinion that no technical or financial aid should be furnished to the Congo except through the United Nations and had requested that the Belgian Government withdraw the military, para-military or civil personnel which it had placed at the disposal of various Congolese authorities and henceforth channel all aid to the Congo through the United Nations. He had pointed out that the agreements entered into between Belgian technicians and various Congolese authorities had not been approved by any Government or authority that could rightly claim to be the legitimate Central Government of the Congo. In a reply of 28 October, the representative of Belgium contended that the Secretary-General's request for the removal of Belgian technicians had no legal basis and constituted interference in the domestic affairs of the Congo and that the withdrawal of Belgians would only hinder the functioning of the administration and economy, as well as efforts to re-establish order. Again on 29 October, the Secretary-General drew the urgent attention of the Belgian representative to the despatch of members of the Congolese National Army and of the so-called Katanga army to Belgium for military training, and indicated that such arrangements were contrary to the letter and spirit of the General Assembly resolution of 20 September.

Also on 8 October, the Secretary-General had asked Mr. Tshombe, the president of the Katanga provincial government, for his co-operation in connexion with the withdrawal of Belgian personnel and suggested efforts to resolve the Katanga problem in a spirit of conciliation and unity in the interests of the future of the Congo and of international peace. He felt that if the Belgian factor could be fully circumscribed and eliminated, and if the groundwork could be laid for a reconciliation between Katanga and the rest of the Congo, the disquieting situation in Leopoldville might be rectified and the way towards a pacification of the country would be opened.

In a reply of 27 October, Mr. Tshombe had claimed that the confused situation in Leopoldville had prevented a study of possible new structures of the Congolese community, rejected the contention that the presence of Belgian personnel in the Congo had contributed to

continuing tension, and objected to any proposal to replace Belgian personnel in Katanga army by persons wholly in the employ of the United Nations as being likely to create paralysis in the country's life and as flagrant interference in Katanga's domestic affairs.

Meanwhile, on 10 October, Guinea had submitted a draft resolution in the General Assembly by which the Assembly would decide to seat the representatives of the Central Government of the Republic of the Congo (Leopoldville) immediately, pending a report by the Assembly's Credentials Committee. This was subsequently revised and replaced on 28 October by a joint draft resolution sponsored by the following eight Members: Ceylon, Ghana, Guinea, India, Indonesia, Mali, Morocco and the United Arab Republic. By this text, the Assembly, considering that respect for Congolese legality was essential to facilitate United Nations action, would: (1) decide to seat the representatives of the Central Government of the Republic of the Congo (Leopoldville) immediately, pending a decision on the report of the Credentials Committee; and (2) request the Secretary-General to take steps to promote and ensure the security of a meeting of the Republic's Parliament. The President of the Congo, in cables of 14 and 21 October, protested the proposal to seat representatives of Mr. Lumumba's Government and named representatives to the General Assembly.

Before considering the situation in the Republic of the Congo, the Assembly, on 8 November, heard an address by the President of the Congo. He announced a new delegation headed by himself and asked that its credentials be examined immediately, claiming that the Chief of State was the sole authority entitled to designate representatives to the Assembly. (The Assembly also received a note from the representative of Ghana transmitting messages from the President of the Chamber of Representatives and the Acting President of the Senate of the Congo claiming that the Lumumba Government was the legal government and that the Chief of State had no authority to speak for the Congo before the United Nations. The President of the Congo, in a letter of 9 November, protested the transmittal of these messages by Ghana and rejected their contents as invalid.)

On 8 and 9 November, the representatives of

Guinea, USSR and Poland argued in support of the eight-power draft resolution that the Government headed by Mr. Lumumba was the only legal government since it alone received the confidence of the Parliament. They emphasized the importance of convening the Parliament so that normalcy and legality might be restored in the country.

Referring to the Special Representative's report, the spokesmen for Poland and the USSR claimed that Belgian activities constituted the main danger to the Congo's independence and the main source of tension.

The representative of Argentina, on the other hand, said that there had been no proof that the Belgian Government had assisted or encouraged its nationals to serve in Congolese armed units, and that the Security Council and the Assembly had not prohibited bilateral non-military assistance, though his delegation believed that channelling through the United Nations was desirable under the present conditions. As to the question of the representation of the Congo, he argued that the Assembly was not concerned with the legitimacy of the Government under the domestic laws of the Congo, but with the effective and stable holding of power and the ability to fulfil international obligations, a criterion not fulfilled by the Government of Mr. Lumumba. Though he shared the hope for a meeting of the Parliament as a step towards normality under the aegis of law, he believed that the Secretary-General could not take steps indicated in the eight-power draft, except for protective measures, without a considerable expansion of his mandate.

After these interventions, the representative of Ghana moved for an adjournment of debate on the grounds that further debate might obstruct the task of the Conciliation Commission which had recently been set up by the Advisory Committee on the Congo, in consultation with the Secretary-General, and was due to leave soon for Leopoldville. The motion was adopted by 48 votes to 30, with 18 abstentions.

On 9 and 10 November, the Credentials Committee of the General Assembly considered the credentials of the delegation appointed by the Chief of State of the Congo, and, by 6 votes to 1, with 2 representatives (Morocco, the United Arab Republic) not participating,

adopted a United States proposal to recommend their acceptance.

At a plenary meeting of the Assembly on 18 November, the representative of Ghana moved for adjournment of the debate on the Credentials Committee's report on the ground that any discussion before the completion of the Conciliation Commission's work would be undesirable. The motion was rejected by 51 votes to 36, with 11 abstentions.

The Assembly devoted seven plenary meetings between 18 and 22 November to the consideration of the report. Guinea submitted an amendment to the Credentials Committee's draft resolution so as to have the Assembly defer a decision on the credentials of the representatives of the Republic of the Congo.

The Credentials Committee's recommendation was opposed by several representatives on the grounds that it would hamper the work of the Conciliation Commission, lead to intransigence on the part of certain personalities in the Congo, create the impression that the United Nations approved the coup d'état by the Army Chief of Staff, and hamper a speedy return to legality. They claimed that delegations to the United Nations represented Governments rather than Chiefs of State, that the legitimate Government was the one headed by Mr. Lumumba, and that the question was primarily political rather than legal. One representative argued that, whereas the Chief of State was entitled to sit in the Assembly, the rest of his delegation could not be recognized. He suggested that decision on representation should follow the implementation of United Nations resolutions.

A number of representatives, on the other hand, argued, in support of the Credentials Committee's recommendation, that the validity of the position of the Chief of State had been undisputed, that the United Nations was obliged to accept credentials issued by him, and that the United Nations was not entitled to take a position on the internal matters of Member states. They contended that the question was not one of recognition of the Government, but purely a legal question of whether the credentials were in due and proper form. They felt that the acceptance of the delegation would ensure the co-operation of the Chief of State for the conciliation effort, while a delay might en-

courage elements opposed to him and hinder such co-operation.

Several representatives indicated that they would abstain on the vote since the political and constitutional position in the Congo continued to be confused and since a stand in favour of one party or another might hamper the work of the Conciliation Commission. Some others stated that they would prefer not to vote on the Committee's recommendation but would feel obliged to endorse it if it was put to the vote. The representative of Nigeria stated that, as Chairman of the Conciliation Commission, he would not participate in the vote.

At the two plenary meetings of the Assembly on 22 November, two moves were made to postpone a vote on the Credentials Committee's recommendation. The representative of Ghana proposed adjournment pending a report by the Secretary-General on the incidents on the previous night between members of the United Nations Force guarding the residence of the Ghana Chargé d'Affaires in Leopoldville and the Congolese army.⁶ The motion was rejected by a vote of 50 to 34, with 13 abstentions. The Assembly also rejected, by 47 votes to 32, with 16 abstentions, a motion by the representative of Mali for an adjournment of the debate pending publication of a letter from the President of the Congo to the Secretary-General on his attitude towards the Conciliation Commission.

At its second plenary meeting of 22 November, the Assembly rejected by a roll-call vote of 50 votes to 32, with 14 abstentions, the Guinean amendment (to the Credentials Committee's draft) to postpone a decision. The Credentials Committee's recommendation was adopted by a roll-call vote of 53 to 24, with 19 abstentions, as resolution 1498 (XV).

As a consequence of this decision, the representatives of Guinea and Mali announced that their Governments would withdraw from the Conciliation Commission for the Congo (see below). In communications of 27 November and 3 December respectively, the Presidents of Ghana and Mali expressed their view that the Assembly's decision accepting credentials issued by the Chief of State of the Congo, who had been appointed by the Parliament, implied recognition of the Lumumba Government endorsed by the Parliament.

ESTABLISHMENT OF THE CONCILIATION COMMISSION

Meanwhile, on 5 November 1960, the Advisory Committee on the Congo established a Conciliation Commission for the Congo consisting of representatives of Ethiopia, the Federation of Malaya, Ghana, Guinea, India, Indonesia, Liberia, Mali, Morocco, Nigeria, Pakistan, Senegal, Sudan, Tunisia and the United Arab Republic. The Commission's terms of reference were to study the situation and make efforts, without interference in the internal affairs of the Congo, towards the attainment by the Congolese of solutions that would be conducive to the maintenance and strengthening of the country's unity, territorial integrity and political independence, within the framework of the constitutional and legal structure of the Republic and the resolution of the fourth emergency special session of the General Assembly. The Commission was asked to endeavour, in particular, to assist in decisions being reached with a view to the speedy restoration of parliamentary institutions.

The Commission held its first meeting in New York on 17 November, elected its officers, with Jaja Wachuku of Nigeria as Chairman, and decided to assemble in Leopoldville on 26 November. The President of the Republic of the

⁶ Later on 22 November, the Acting Special Representative of the Secretary-General, General Rikhye, submitted a report on these incidents. They took place as the authorities in Leopoldville were seeking the expulsion of the Ghanaian Chargé d'Affaires whom the Chief of State had declared persona non grata on 4 October 1960. Regarding this as a matter entirely between the two Governments, ONUC counselled against the use of force and indicated that its responsibility was limited to the protection of the diplomatic premises against invasion in violation of international law and of the person of the Charge d'Affaires against any act of violence. On 21 November, troops of the Congolese National Army appeared at the Ambassador's residence, which was guarded by Tunisian troops of the United Nations Force. While efforts were being made for a peaceful solution, firing broke out and continued through the night resulting in several casualties on both sides. ONUC assisted in the evacuation of the Charge d'Affaires on 22 November. Between 21 and 23 November, Congolese troops stopped and confiscated numerous ONUC motor vehicles, arrested and detained a number of ONUC civilian and military personnel, assaulting and threatening the life of many of them, and broke into the houses of some ONUC personnel.

Congo, however, protested the despatch of the Commission without his prior agreement, and stated, in subsequent consultations with the Advisory Committee, that some time would be required to prepare the Congolese people for its acceptance as part of United Nations assistance. The Advisory Committee, accordingly, decided to postpone the departure of the Conciliation Commission. (See also below, under REPORT OF THE CONCILIATION COMMISSION.)

CONSIDERATION BY SECURITY COUNCIL, 7-13 DECEMBER 1960

On 5 December 1960, the Secretary-General transmitted a report from his Special Representative, to members of the Security Council about certain actions taken against Mr. Lumumba, together with the texts of two messages on the subject from the Secretary-General to Mr. Kasavubu.

Mr. Lumumba, whose residence had been guarded by United Nations troops and encircled by Congolese troops for several weeks, the Special Representative reported, had fled from his residence on the night of 27-28 November 1960 and was pursued by Congolese troops under the order of the Chief of Staff, Colonel Mobutu. The United Nations had ordered its troops in the country to refrain from any interference. Mr. Lumumba was arrested at Bulongo on 1 December, brought to Leopoldville on 2 December and transferred to detention at Camp Hardy, Thysville, on the next day. During his arrest and transfer, he was manhandled by Congolese troops and suffered serious injuries. Two other members of Parliament were arrested in company with Mr. Lumumba, while Mr. Okito, Vice-President of the Senate, was arrested separately.

In his communications, dated 3 and 5 December, to the President of the Congo, Mr. Kasavubu, the Secretary-General stated that approaches had been made to him on behalf of numerous delegations, including the entire group of African-Asian delegations, expressing their grave concern at reports concerning the arrest and detention of Mr. Lumumba. He urged the President to use his influence to ensure that due process of law was observed at every stage, particularly taking into account the view of large sectors of international opinion concerning Mr. Lumumba's status and the repercussions

that the treatment of Mr. Lumumba might have on efforts towards a settlement of the political crisis. He suggested, in particular, that the International Red Cross be permitted to examine the detainees.

Replying on 7 December, the President of the Congo expressed surprise at the reactions of certain delegations, claimed that Mr. Lumumba was in a satisfactory state of health, assured the Secretary-General that he was anxious to conduct the proceedings in accordance with the rules in force in all civilized countries and stated that outside intervention would only hinder the restoration of the reign of justice and respect for human rights.

On 6 December, the USSR representative called for a meeting of the Security Council to consider "urgent measures in connexion with the latest events in the Congo." He communicated a statement of his Government strongly criticizing the activities of the Secretary-General and his representatives and calling upon the United Nations to take decisive steps to liberate Mr. Lumumba and other Ministers and members of Parliament, to ensure the resumption of the activities of the lawful Government and Parliament, to disarm "Mobutu's band of terrorists," to establish a special commission of Asian and African representatives to investigate the sources of finance and arms to these men, and to remove all Belgian troops and officials from the Congo.

The Security Council considered the question between 7 and 13 December 1960. The representatives of Belgium, Cameroun, Congo (Leopoldville), Guinea, India, Indonesia, Mali, Morocco, the United Arab Republic and Yugoslavia were invited, at their request, to participate in the deliberations.

During the course of these meetings, the attention of members was drawn to certain developments affecting the United Nations operations and arising from the detention of Mr. Lumumba and his colleagues. The Governments of Ceylon, Guinea, Indonesia, Morocco, the United Arab Republic and Yugoslavia indicated their intention to withdraw their military units and personnel from the United Nations Force because of dissatisfaction with the policies followed in implementing the resolutions of the Security Council and the General Assembly. The Special Representative of the

Secretary-General reported that the provincial authorities in Stanleyville had threatened reprisals against the Belgian residents of Orientale province unless Mr. Lumumba was released, that they had proceeded to arrest and manhandle some Belgians, and that United Nations representatives had protested against these actions and made arrangements to provide protection to the European population.

The attention of the Security Council was also drawn to interference with the United Nations operation in Leopoldville where the administrateur en chef de la sureté, on 5 December, issued an order to the transport organization, OTRACO, restricting the transport of the strategic or military material and vehicles of the United Nations Force. The Special Representative of the Secretary-General, on 9 December, and the Secretary-General, on 13 December, protested to the President of the Republic that this order constituted a violation of the agreement of 27 July between the United Nations and the Congo, as well as a violation of the Congo's obligations under the United Nations Charter.

In the Security Council, Argentina, Italy, the United Kingdom and the United States submitted a joint draft resolution by which, as revised on 13 December, the Council would declare that any violation of human rights in the Congo was inconsistent with United Nations purposes, express the hope that the International Committee of the Red Cross would be allowed to examine detained persons throughout the Republic, and request the Secretary-General to adopt all necessary measures tending to safeguard civil and human rights for all persons within the country.

The USSR submitted a draft resolution by which the Council would call upon the Secretary-General to secure the immediate release of "Prime Minister" Lumumba, as well as other Ministers and parliamentarians, and to take all the necessary steps to ensure the resumption of the activities of the lawful Government and Parliament. Further, it would request the United Nations Command immediately to disarm the "terrorist bands of Mobutu" and call upon the Belgian Government immediately to withdraw Belgian military, para-military and civilian personnel from the Congo.

During the discussion in the Council, the

Secretary-General expressed grave concern at the tone of the attacks against the Organization which represented the sole approach to reduce the risk of a major world conflict. Reviewing the United Nations actions in the Congo, he pointed to the limited mandate of the United Nations Force, the main purpose of which was to assist in the restoration of internal law and order and to ensure the withdrawal of the Belgian troops. The United Nations had achieved its immediate purposes and had maintained minimum services for the civilian population by the end of August. The situation, however, changed rapidly in late August and early September when major disputes developed in the government coalition. The rise of private armies loyal to individual political leaders, the emergence of Colonel Mobutu as the military leader in the Leopoldville area, the creation of extra-constitutional authorities in Leopoldville, the re-emergence of old tribal disputes into the political arena and the challenges to the United Nations Force in different parts of the country, created an entirely new setting for the United Nations operation. But for the United Nations, however, the situation might have got entirely out of hand, the Secretary-General said.

Though the United Nations operation succeeded to a large extent in creating a framework within which the Congolese people could find its way to a national political life and a stable government, Congolese political leaders, who alone could fulfil those aims, had failed to take advantage of unparalleled international assistance.

Since the United Nations efforts to reorganize the Force publique had been frustrated by its involvement in political disputes, the latter continued to be incapable of protecting life and property. A withdrawal of the United Nations Force, under the circumstances, would lead to anarchy and chaos or, more likely, to bilateral assistance with all its consequences. It should withdraw after renewed efforts to enable the Congolese Army to meet its tasks, but such efforts were not possible when the Army played a political role outside the constitution and over-riding democratic rules of government.

The representative of the USSR charged that the United Nations and various powers were encouraging the "gang of Mobutu" who had usurped power from the Parliament and the

legal Government. He opposed the four-power draft resolution on the grounds that it was intended to lead the Security Council away from the necessary and urgent measures and that it implied approval of crimes committed by Colonel Mobutu.

The sponsors of the four-power draft resolution argued that the General Assembly's decision on the Congo's representation implied that Mr. Lumumba could not be considered Prime Minister, though, as a deputy and a citizen, he had the right to due process of law and to humane treatment. They pointed out that abuses had occurred in other areas, especially in Stanleyville, where several Parliament members had been imprisoned since October and excesses had been committed against Congolese and Europeans. Violence, they stated, should be condemned and repudiated irrespective of the political positions of delegations. While no new mandate to the Secretary-General was necessary, they felt that an explicit indication by the Council that the mandate to re-establish law and order covered protection of fundamental human rights would be helpful. They opposed the USSR draft resolution as involving intervention in Congolese domestic affairs and aggression against the Congolese National Army. They also opposed the provision calling for the withdrawal of Belgian civilian personnel in the service of the Congolese Government as a departure from previous Council resolutions and as incompatible with the sovereignty of the Congo.

The representatives of China, Ecuador and France supported the four-power draft resolution and opposed the USSR text. The representative of Poland, on the other hand, supported the USSR draft resolution.

The representative of Ceylon felt that the United Nations Force had applied its mandate in too restrictive a manner and remained a passive spectator of lawlessness. He argued that law and order could not be maintained outside the framework of the Constitution. He further suggested that the United Nations request the Chief of State to reconvene the Parliament without delay, offer to afford full protection to its members, promote a round-table conference of political leaders, and take measures to disarm all private armies. Since the United Nations had been invited by the legitimate Government, he

felt that such actions could not be regarded as intervention in the internal affairs of the Congo.

The representative of Tunisia favoured a request to Belgium for a withdrawal of all its nationals serving as advisors or experts and an early departure of the Conciliation Commission to the Congo. He suggested that the Council might recommend the convening of Parliament, the release of political prisoners, respect for human rights throughout the Congo, and the prevention of any use of or appeal to violent action. He could not support the USSR draft resolution, except for the provision on the withdrawal of Belgian personnel, because it called for the release only of certain detained persons and for the disarming of only one of the armed forces. Nor could he support the four-power draft resolution since it dealt only with the humanitarian aspect of the question and did not cover any constructive solution regarding the grave situation.

Several of the representatives invited to participate in the Council's discussions—those of Guinea, Indonesia, Mali, Morocco, the United Arab Republic and Yugoslavia—stressed the need for the normal functioning of the institutions of the Congo, the liberation of all political prisoners, particularly members of Parliament, and the complete withdrawal of foreign (mainly Belgian) military and para-military forces in the Congo. They argued that the United Nations should not condone the illegal activities of the private armies, such as that of Colonel Mobutu, which had entered into politics. They felt that, while the resolutions of the Security Council and the General Assembly were adequate, their interpretation and application were unsatisfactory and that clear directives by the Council on the implementation of the resolutions were desirable.

The representative of India said that, while the withdrawal of the United Nations Force would be a calamity, its proper functioning required new approaches to the changing situation. He thought that some progress might be made if governments enjoying influence with the Congolese authorities were to use their good offices to urge an end to lawlessness and violence, the neutralization of the armed forces, the release of political prisoners and the convening of Parliament.

The representative of Cameroun, on the other

hand, opposed consideration of the question in the Council and the adoption of any resolution as interference in the domestic affairs of the Congo.

The representative of the Congo (Leopoldville) called for United Nations action concerning the Parliament members imprisoned in Stanleyville, complaining that they had been grossly ill-treated.

In reply to various comments in the Council concerning the United Nations operation, the Secretary-General pointed out that any action by force to liberate Mr. Lumumba, or to disarm the Armée nationale congolaise (ANC) under Colonel Mobutu, would mean over-riding the authority of the Chief of State of the Congo. While political persuasion could be employed, use of force was an entirely different proposition inasmuch as the Council and the Secretary-General were bound by the Charter provisions.

He emphasized that the United Nations operation could not continue if it was kept under fire of criticism and suspicion in the Congo and outside and was enfeebled by withdrawals or by lack of financial and material support. He pointed out that the Congo problem was not purely political or constitutional and that the country faced a grave economic situation with widespread starvation in South Kasai. He reminded the Council that his efforts to eliminate the Belgian political element in Katanga, and his insistence that Belgium should channel all assistance to the Congo through the United Nations had been emphatically criticized by Belgium and that the United Nations organs had not pursued the matter. Moreover, the lack of necessary funds to provide United Nations assistance to meet essential needs made it difficult to press further for an end to bilateral assistance.

With regard to some far-reaching interpretations of the mandate of the Force, he pointed out that the Security Council had never invoked Articles 41 and 42 of the United Nations Charter which provided for enforcement measures over-riding the domestic jurisdiction limitation of Article 2(7) of the United Nations Charter.⁷ If the Council considered an extension of the mandate or its wider interpretation desirable, he would request it to clarify its position and provide him with adequate means. It might also consider arrangements under which representa-

tives of the Council and the Assembly might share responsibility for the current interpretations of the mandate. If the Council were to define its position clearly, if Member states were to stop using the United Nations operation as a pawn in games for unrelated purposes, and if countries which had announced a desire to withdraw from the Force were to reconsider their attitude, the United Nations might look forward with increased confidence.

The Council then proceeded to vote on the two draft resolutions before it. The representative of the USSR submitted five amendments to the four-power draft resolution. The representatives of Ceylon and Tunisia indicated that they were unable to present the draft resolution which they had prepared, since it did not seem to have adequate support in the Council.

The USSR amendments to the four-power draft resolution were all rejected, each having received only 2 votes in favour. The four-power text received 7 votes in favour, with Ceylon, Poland and USSR voting against, and Tunisia abstaining: it was not adopted because of the negative vote of a permanent member of the Council. The last paragraph of the USSR draft resolution—calling for the immediate withdrawal of Belgian personnel—was rejected by 6 votes to 4, with 1 abstention. The remainder of the draft resolution was rejected by 8 votes to 2, with 1 abstention.

Poland then submitted a draft resolution whereby the Council would ask the Secretary-General to undertake the necessary measures to obtain the release of Mr. Lumumba and other imprisoned members of Parliament. It was rejected by 6 votes to 3, with 2 abstentions.

Shortly after this series of meetings, two serious incidents affecting the United Nations operation were reported. On 13 December 1960, a unit of the Armée nationale congolaise (ANC) entered the Kitona base despite the protests of the United Nations officials at the base. The Special Representative of the Secretary-General and the Secretary-General, on 14 December, protested to the President of the Congo that this act not only constituted a flagrant violation of the rights of the United Nations and the obligations undertaken by the Congolese Govern-

⁷ For text of Articles 41 and 42 and Article 2(7), see APPENDIX II

ment but was a hostile act against the United Nations. They requested immediate steps to restore the legal position of the United Nations and adequate measures against those responsible.

On 15 December, an Austrian medical unit of ONUC in Bukavu was imprisoned by local authorities. After repeated efforts to obtain their release had failed, owing to the resistance of Congolese soldiers acting in disregard of the orders of the local authorities and their own officers, the Nigerian unit of the United Nations Force was obliged to secure their release by a military operation on the next day.

CONSIDERATION BY GENERAL
ASSEMBLY, 16-20 DECEMBER 1960

The General Assembly resumed discussion of the situation in the Congo on 16 December at the urgent request of the representatives of India and Yugoslavia.

Ceylon, Ghana, India, Indonesia, Iraq, Morocco, the United Arab Republic and Yugoslavia submitted a draft resolution on 16 December which was revised on 19 December. By this text, the Assembly, conscious of the urgent responsibility of the United Nations in view of the grave and ominous developments and continuing deterioration in the Congo, the absence of effective central authority and the hostile attitude and resistance of armed detachments to the United Nations operation, would consider that the United Nations must henceforth implement its mandate fully to prevent breach of peace and security, to restore and maintain law and order and the inviolability of persons and to take urgent measures to assist the Congolese people in meeting their most pressing economic needs. It would also urge the immediate release of all political prisoners under detention—more particularly members of the Central Government and Parliament—the convening of Parliament and measures to prevent armed units and personnel in the Congo from interference in the political life of the country and from obtaining support from abroad. It would draw the attention of the Belgian Government to its grave responsibilities in disregarding the resolutions of the United Nations and demand that all Belgian military and quasi-military personnel, advisers and technicians be immediately withdrawn. It would decide that a standing delegation appointed by the General Assembly should

function in full co-operation with the United Nations Special Representative in the Congo. Finally, it would recommend that all necessary economic and technical assistance should be afforded to the Congo by Member states through the United Nations so that such assistance was not used as an instrument for continuing foreign intervention.

The United Kingdom and the United States submitted a draft resolution by which the Assembly would request the Secretary-General to continue to discharge his mandate and continue his vigorous efforts to ensure that no foreign military or para-military personnel were introduced into the Congo or were in the Congo in violation of the earlier resolutions of the Security Council and the Assembly. It would call upon all states to refrain from direct or indirect assistance for military purposes in the Congo during the temporary period of military assistance through the United Nations, except upon the request of the United Nations through the Secretary-General. It would request the Secretary-General, with due regard to paragraph 4 of the Security Council resolution of 9 August 1960 (for text, see DOCUMENTARY REFERENCES below), to do everything possible to assist the Chief of State of the Congo in establishing conditions in which Parliament could meet and function in security and freedom from outside interference, and to continue his efforts to assist the Republic of the Congo in ensuring respect for civil and human rights for all persons within the country. It would express the expectation that no measures contrary to recognized rules of law and order would be taken against any persons imprisoned anywhere in the Congo and the hope that the International Committee of the Red Cross would be allowed to examine them and obtain the necessary assurances for their safety. It would express the hope that the forthcoming visit of the Conciliation Commission would help resolve internal conflicts by peaceful means and preserve the unity and integrity of the Congo. Finally, it would request all Congolese to lend practical co-operation to the United Nations and call upon all States to co-operate in giving effect to the above provisions.

The sponsors and supporters of the eight-power draft resolution said that urgent action by the Assembly was called for in view of the

grave deterioration of the situation in the Congo and the threat of a civil war. Calling for measures to ensure effective functioning of the United Nations in the Congo, they argued that the mandate given to the Secretary-General was adequate but needed to be interpreted more liberally and exercised more fully than in the past in view of the changed situation. They criticized the two-power draft resolution as providing for the acceptance of the *fait accompli* in the Congo and as ignoring that the Chief of State had delayed the visit of the Conciliation Commission, opposed the convening of the Parliament and become a party to political disputes.

The sponsors and supporters of the United Kingdom-United States draft resolution claimed that the proposals contained in the eight-power text would: exceed the limits of the competence of the United Nations and the decisions of the Security Council; constitute interference in the internal affairs of the Congo and a violation of the sovereignty of that Member state; and impose unconstitutional and impractical responsibilities on the Secretary-General, as well as on the contingents of the United Nations Force which had been made available on the understanding that it would not undertake enforcement action or intervene in the internal affairs of the Congo. They argued that the United Nations could not prevent the Congo from employing Belgian civilian technicians whose withdrawal, moreover, would only contribute to chaos.

The representatives of the USSR and several other states charged that the United Nations operation in the Congo had failed. They urged that the moral and physical force of the United Nations should be completely on the side of the Parliament, the legitimate Government of Mr. Lumumba and the fundamental law of the Republic. They called for the withdrawal of Belgian personnel, the disarming of all private armies, particularly the "armed gangs" led by Colonel Mobutu, the release of Mr. Lumumba and other members of his Government and members of Parliament, the resumption of the operation of Parliament, and the establishment of an observation commission of Asian-African States to supervise United Nations activities and investigate sources of external assistance received by Colonel Mobutu. They supported the eight-power draft resolution claiming that,

though insufficient, it pointed the way towards correcting the situation.

Several representatives, while agreeing with the purposes and certain parts of the eight-power draft resolution, felt that several of its provisions were beyond the present mandate of the Secretary-General. The spokesmen for Cameroun and Chad thought that any resolution on the Congo would not be helpful under the circumstances. The representatives of Sweden and Finland said that, unless a generally acceptable resolution could be worked out, it might be desirable to conclude the debate without a resolution. The representative of Honduras suggested that, in view of the disagreement among Members, the Assembly might give wide discretionary powers to the Secretary-General for a hundred days.

The representative of the Congo (Leopoldville) said that his country would not permit external interference. The representative of Belgium claimed that the minimum services in the Congo could not have been maintained without the presence of Belgian technicians, that the Congolese authorities had the right to employ Belgian civilians and that no Belgian military personnel remained in the Congo except for technicians retained by the United Nations and certain former members of the Force publique and the gendarmerie who had remained in their posts on an individual basis.

The Secretary-General indicated that he doubted the usefulness of a wider mandate or new means, though a strengthening of the authority of the United Nations representatives in their efforts to work for the United Nations aims by peaceful and legal means would be highly desirable. The Assembly might also help by expressing world opinion in favour of measures to facilitate a return to constitutionality and national reconciliation in the Congo. Reaffirming his belief that personnel for the Congo should be channelled through the United Nations agencies, the Secretary-General pointed out that the United Nations would be effective in avoiding unilateral assistance only if it had the financial means to ensure an adequate civilian programme. Even a modest civilian operation, however, could not be maintained without the effective protection of life and property through the United Nations Force. Noting that since September, and even more from the time of the

debate on the representation of the Congo, Member states had been deeply divided, he asked that the dangerous influence of this division on the Organization's efforts should not be overlooked.

On 20 December, the Assembly rejected the eight-power draft resolution by 42 votes to 28, with 27 abstentions. The United Kingdom-United States draft resolution received 43 votes in favour, 22 against, and 32 abstentions, but was not adopted since it failed to obtain the required two-thirds majority. The Assembly then adopted, without objection, a resolution (1592 (XV)) on a proposal by Austria whereby the Assembly, noting that previous resolutions of the Security Council and the General Assembly on the subject were still in effect, decided to retain the item on the agenda for the second part of the Assembly's session (scheduled to resume in March 1961).

On 21 December 1960, the Secretary-General drew the attention of the President of the Congo to the discussion in the Assembly and emphasized that, though a definitive decision had not been adopted, Member states had shown a strong concern about the relationship between the United Nations and the Congolese authorities. The discussion had shown widespread and strong opinion that the convening of Parliament and the return to democratic practices was a matter of great urgency, that due process of law should be applied, and that Member states should refrain from assistance for military purposes in the Congo. The Secretary-General also expressed his concern about a developing civil war in the Congo that would have its unavoidable effect upon the presence of the United Nations Force. He concluded that the time had come for the President to use his influence urgently for a peaceful solution of the Congo's internal problems and to make an unequivocal declaration against interference with the United Nations Force in the performance of its tasks.

CONSIDERATION BY SECURITY COUNCIL, JANUARY-FEBRUARY 1961

On 12 December, Mr. Gizenga, Vice-Premier in the Lumumba Government, issued a proclamation that the capital of the Republic of the Congo had been temporarily transferred to Stanleyville and that he now headed the Government in the absence of Mr. Lumumba.

On 25 December 1960, as was reported by the Secretary-General's Special Representative, some 60 Congolese troops from Stanleyville arrived in Bukavu, capital of Kivu province and, after conferences with the local army commander and members of the provincial government, arrested the commander, who had been accused of loyalty to Leopoldville authorities, as well as the president of the provincial government and three ministers, and carried them off towards Stanleyville. During the conferences, the ONUC commander at Bukavu had made an approach to the Congolese commander, but had departed on learning that ONUC protection or assistance was not required. Shortly afterwards, about 100 soldiers from Leopoldville were flown to Usumbura in Ruanda-Urundi. Transported to the bridge on the Congolese border by the Belgian authorities, they entered Bukavu on the morning of 1 January 1961. The Bukavu garrison took 60 prisoners and repelled the others.

On 30 December 1960, the Secretary-General drew the attention of the Belgian representative to the Belgian Government's obligation not to grant authorization for the transit of Congolese troops. On 31 December, the authorities in Ruanda-Urundi assured the ONUC representatives that no landing of Congolese troops would be permitted. On 1 and 2 January 1961, the Secretary-General protested to Belgium for assisting the transit of Congolese troops and called for immediate and effective measures to prevent direct or indirect assistance to military action by Congolese troops. Replying on 11 January, the representative of Belgium defended the action of the authorities in Ruanda-Urundi, but indicated that Belgium did not intend to authorize any new transit by Congolese troops.

On 7 January 1961, the representative of the USSR requested a meeting of the Security Council, claiming that a serious threat to peace and security had been created as a result of fresh acts of Belgian aggression against the Congo and the flagrant violation of the international status of the Trust Territory of Ruanda-Urundi. On 12 January, he communicated a statement of his Government that Belgium should be deprived of all rights and powers with respect to Ruanda-Urundi and that the Territory should be granted immediate independence.

The Security Council discussed this matter

between 12 and 14 January. The representatives of Belgium and the Congo (Leopoldville) were invited, at their request, to participate in the Council's deliberations.

Ceylon, Liberia, and the United Arab Republic submitted a draft resolution whereby the Council would: (1) call upon Belgium, as the Administering Authority of the Trust Territory of Ruanda-Urundi, immediately to cease all action against the Republic of the Congo and to observe strictly its international obligations; (2) further call upon Belgium to withdraw immediately from the Congo all Belgian military and para-military personnel, advisers and technicians; and (3) recommend that the General Assembly consider the action taken by Belgium as a violation of the trusteeship agreement.

Several other members of the Council, however, considered the accusations against Belgium as unfounded or exaggerated, and expressed satisfaction with the Belgian assurances. The representative of the Congo (Leopoldville) claimed that the National Army's intervention against rebel soldiers in Bukavu was entirely justified and that the Soviet Union's complaint was invalid.

The three-power draft resolution received 4 votes in favour, 0 against, and 7 abstentions, and was not adopted.

Meanwhile, the President of the Republic of the Congo, in communications of 7 and 14 January 1961, complained to the Secretary-General that the United Nations Operation had failed to ensure co-ordination with Congolese authorities, that the United Nations personnel at Bukavu had been passive when provincial authorities had been arrested and that a United Arab Republic aircraft had landed at Lisala on 31 December 1960 without clearance from Congolese authorities. He requested the recall of Ambassador Dayal, the Secretary-General's Special Representative, for alleged partiality and for having lost the confidence of the Congolese people and authorities.

The Special Representative of the Secretary-General, on 14 January, and the Secretary-General, on 15 January, replied to the allegations concerning United Nations operations in the Congo. The Special Representative stated that the United Nations had approved in principle the despatch of a United Arab Republic aircraft to carry a repair crew to salvage a damaged air-

craft and to transport New Year's gifts to that country's contingent, but had not been informed in advance of its arrival. The United Nations had drawn the attention of the United Arab Republic authorities to their failure to obtain the necessary clearance for the flight and had requested that the proper procedure be adhered to in the future. The Secretary-General explained to the President that Ambassador Dayal was not a diplomatic representative accredited to the Congolese Government and that, in view of the status of the Secretary-General and his representatives under the United Nations Charter, it was impossible to accede to the demand for his recall.

On 18 January 1961, Messrs. Lumumba, Mpolo and Okito were transferred in detention from Thysville to Elisabethville. Several delegations expressed grave concern over the transfer and reports of manhandling the prisoners.

The Secretary-General, in communications of 19 January to the President of the Congo and to Mr. Tshombe, pointed out that the transfer would necessarily involve interference with the rights of the prisoners for due process of law and urged immediate measures for their return and for release or proper trial. On the next day, after consultation with and the unanimous approval of the Advisory Committee on the Congo, he again wrote to the President of the Congo, noting confirmed reports of brutal manhandling of the prisoners, strongly reiterating his appeal for humane treatment and pointing out that the continued incarceration of the political leaders was incompatible with successful efforts towards reconciliation and national unification. On 19 and 23 January, the Secretary-General and his Special Representative urged the authorities in Stanleyville and Bukavu to end arbitrary restrictions imposed on the free movement of foreign nationals, to prevent the Army units from interfering in the protective functions of the United Nations Force and to ensure local order in the areas under their control.

Within the next few days, the Security Council received three requests for consideration of matters relating to the Congo. On 24 January, the President of the Congo asked the Council to consider his complaint of flagrant interference of the United Arab Republic in the domestic affairs of the Congo. On 26 January, the representatives of Ceylon, Ghana, Guinea, Mali,

Morocco, the United Arab Republic and Yugoslavia (subsequently joined by Libya) strongly protested against the treatment of Mr. Lumumba and his colleagues and requested that the Council meet to consider the recent developments. On 30 January, the representative of the USSR asked the Council to consider alleged new acts of aggression by Belgium.

The Security Council met on 1 February 1961 in response to these requests, and the representatives of Belgium, Congo (Leopoldville), Ghana, Guinea, India, Indonesia, Libya, Mali, Morocco, Poland and Yugoslavia were invited, at their request, to participate in the Council's deliberation.

The Council had a number of other documents before it on the Congo situation. These included: (a) several notes by the representative of Belgium complaining against alleged ill-treatment of Belgian nationals in Orientale and Kivu provinces, and the detention in Stanleyville of eight Belgian soldiers who had strayed by mistake into Congolese territory from Ruanda-Urundi on 13 January, and requesting United Nations action; (b) a letter of 21 January from the Secretary-General to the representative of Belgium referring to reports of negotiations on the former Belgian military bases in the Congo and indicating that the bases or war materials stored therein could not be transferred to the Armée nationale congolaise without the approval of the Security Council; (c) a report of 26 January by the Secretary-General pointing out that, despite his appeals to Governments which had announced their intention to withdraw from the United Nations Force, Yugoslav members had withdrawn and that the withdrawal of the Guinean contingent was in progress, while Indonesia, Morocco and the United Arab Republic had notified their definite decision to withdraw; (d) a letter of 28 January from the President of the Congo asking the Secretary-General for military assistance to subdue the authorities in Stanleyville and Bukavu, and stating that unless assistance was provided by the United Nations, his Government would be compelled to seek it elsewhere despite the danger of the conflict becoming international; (e) a message of 1 February from Mr. Tshombe expressing astonishment at the concern shown by the United Nations in regard to Mr. Lumumba and declaring that, for the time being, there

would be no contact between Mr. Lumumba and the outside world; and (f) a cable of 1 February from the President of the Congo to the President of the Security Council requesting the recall and replacement of Ambassador Dayal.

In a statement to the Security Council on 1 February 1961, the Secretary-General pointed to the grave situation created by the continued divisions within the Congo and disintegration of the Force publique, foreign interference, reductions in the United Nations Force and the threatening possibility of civil war. He felt that the Organization should reassess its policy in the light of experience and consider the desirability of more far-reaching measures. He thought that a fundamental change in the situation could be brought about if, with the cooperation of the leaders concerned, the army were returned to its proper role outside politics and were devoted to its own reorganization in order to become an effective national instrument under the control of a functioning constitutional government. He indicated that he would welcome a Council decision requesting him urgently to take appropriate measures for assistance in such a reorganization.

At Council meetings on 1, 2 and 7 February, the representatives of Ceylon, Guinea, India, Indonesia, Libya, Mali, Morocco, the USSR, the United Arab Republic and Yugoslavia called for urgent measures to secure the release of Mr. Lumumba and his colleagues, the reconvening of Parliament, and the withdrawal of Belgian and foreign military and para-military personnel and advisers. Some of them suggested the disarming and disbanding of forces under Colonel Mobutu.

The representative of the Congo (Leopoldville) claimed that the proposals of the above-mentioned representatives constituted intervention in the Congo's internal affairs, that legality resided entirely in President Kasa-Vubu and in persons enjoying his confidence, that parliamentary activity was not possible in the near future, that the arrest of Mr. Lumumba for flagrant crime was legal and that the Congo had every right to request foreign assistance, especially when United Nations assistance was inadequate. He complained of the landing of the United Arab Republic aircraft in the Congo, alleging that it transported arms for the authorities in Stanleyville.

The representative of France contended that the Congolese complaint against the United Arab Republic was well-founded, that the question of prisoners was part of the general problem of human rights, that the United Nations should take action to stop the violation of human rights in Orientale and Kivu provinces, that the USSR complaint was baseless and that the United Nations should act in complete agreement with legitimate authorities in the Congo, especially President Kasa-Vubu. The representatives of Ecuador and India expressed the hope that the permanent members of the Council would find common ground on ways to bring peace to the Congo.

The Council adjourned on 7 February to provide time for consultations with Governments and among representatives. Meanwhile, between 6 and 12 February, the Council received communications from the representatives of the Central African Republic, Congo (Brazzaville), Dahomey, Gabon and Madagascar requesting postponement of discussion in order to permit other African states to participate in the Council's debate. The representative of Senegal suggested that no resolution be adopted pending the resumed session of the General Assembly.

On 10 February, the Minister for the Interior of the Katanga provincial government announced that Patrice Lumumba and his colleagues, Joseph Okito and Maurice Mpolo, had escaped from detention on the previous night. On the same day, the representatives of Ceylon, Ghana, Guinea, India, Indonesia, Libya, Mali, Morocco, the United Arab Republic and Yugoslavia, and the representative of the USSR, communicated their grave concern to the Secretary-General. The Katanga authorities, however, rejected the Secretary-General's requests for co-operation in efforts to elicit the relevant facts regarding the alleged escape.

On 11 February, the USSR urged an urgent closed meeting of the Security Council to discuss the situation, but no meeting was arranged until two days later. On 13 February, the Katanga Minister of the Interior announced that Patrice Lumumba and his colleagues had been killed on the previous day by certain villagers and refused to disclose the name of the village or any other information.

Meanwhile, the Special Representative of the

Secretary-General reported that a serious civil war situation was developing in Katanga province where the authorities unilaterally abrogated their agreement of 17 October 1960 with the United Nations to set up a neutral zone in northern Katanga on the grounds that ONUC had failed to discharge its obligations and allowed troops from Stanleyville to penetrate the area. (These units had, according to ONUC, entered the region through areas held by the Katanga gendarmerie.) On 11 February, the Katanga gendarmerie, officered by Belgians, launched an offensive military operation ostensibly to clear the railway between Lubudi and Luena. It soon became clear, however, that they sought to subjugate the entire region inhabited by the Baluba tribes by the use of overwhelming force and the terrorization of the population.

When the Security Council met again on 13 February, the Secretary-General suggested that the tragic development concerning Mr. Lumumba deserved a full and impartial international investigation. After several representatives had expressed their shock or indignation at the news, the Council adjourned for two days.

During the next few days, the Council received a number of communications from Member states (Brazil, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, Ethiopia, Guinea, Haiti, Liberia, Mali, Morocco, Norway, Poland, Romania, Somalia, Sudan, Togo, Tunisia, Ukrainian SSR, USSR, Upper Volta, Venezuela and Yugoslavia) condemning the assassination. Several of the communications criticized the role of the Secretary-General in this connexion. Mali expressed distrust in the Secretary-General, while Cuba and Guinea called for his resignation. The USSR Government, in a statement of 14 February, called for the dismissal of Mr. Hammarskjold from the post of Secretary-General, immediate removal of all Belgian troops and personnel from the Congo, and the discontinuance of the United Nations operation in the Congo within a month. It announced that it would not recognize Mr. Hammarskjold as Secretary-General nor maintain any relations with him, and that, along with other states, it would give all support to the Congolese people and their "lawful Government" headed by Acting Prime Minister Antoine Gizenga. Bulgaria, the Byelorussian SSR, Czechoslovakia,

Poland, Romania and the Ukrainian SSR took a position similar to that of the USSR. Several other states, while condemning the assassination, expressed confidence in the Secretary-General and stated that the continued operation of the United Nations in the Congo was imperative.

The Security Council continued consideration of the question at its meetings between 15 and 20 February. During this series of meetings, it invited, in response to their requests, the representatives of Cameroun, Central African Republic, Congo (Brazzaville), Czechoslovakia, Gabon, Iraq, Madagascar, Nigeria, Pakistan, Senegal, Sudan, Tunisia and Upper Volta. (This was in addition to those invited on 1 February to participate.)

At the meeting on 15 February, the representative of the United States criticized the USSR statement as an attack on the United Nations and claimed that the abandonment of the United Nations operation would lead to chaos and civil war in the Congo. He opposed all foreign military aid to the Congo, making particular reference to the USSR's offer of assistance to the Stanleyville authorities who, he claimed, had no legal status. Asking the Council to look to the future, he recalled that the United States had held consultations with other members during the previous fortnight on a programme based on the maintenance of the territorial integrity and political independence of the Congo, the isolation of the country from external interference, continued vigorous United Nations assistance and the settlement of internal political controversies by peaceful means. He called for: an end to all foreign intervention outside the framework of the United Nations and the withdrawal of foreign military and para-military personnel; urgent measures to avert the extension of civil war; urgent negotiations to bring about unification and reorganization of the Congolese Army as suggested by the Secretary-General; release of all political prisoners and their participation in the political process, once law and order had been restored; an investigation concerning the case of Mr. Lumumba; encouragement for efforts to broaden the base of the Government; and the convening of Parliament as soon as conditions of security, law and order permit. He felt that these measures could be carried out effectively only

through the Secretary-General and the United Nations mission in the Congo.

The representative of the USSR said that his Government did not identify the United Nations with Mr. Hammarskjold, whose continuance in office it considered intolerable. He argued that the former basis of discussion, one of the main elements in which was the release of political prisoners, had disappeared with the assassination of Mr. Lumumba and that the independence of the Congo could not be guaranteed so long as "the clique of Tshombe, Mobutu and Kasa-Vubu" had free rein on the territory of the Congo. He explained that his Government favoured the liquidation of the United Nations operation after the implementation of the urgent and decisive measures to enable the Congolese people to take the fate of their country into their own hands. He proposed a draft resolution whereby the Council would: (1) condemn the actions of Belgium which, it alleged, led to the murder of the Prime Minister of the Congo and his colleagues; (2) call on Member states immediately to apply to Belgium the sanctions provided in Article 41 of the United Nations Charter; (3) enjoin the United Nations Command to arrest Tshombe and Mobutu, to disarm all armed forces under their control and to remove all Belgian troops and personnel from the Congo; (4) direct that the United Nations operation in the Congo be discontinued within one month; and (5) deem it essential to dismiss D. Hammarskjold from the post of the Secretary-General of the United Nations as a participant in and organizer of the violence committed against the leading statesmen of the Congo.

At the next Council meeting on the same day (15 February), the Secretary-General, replying to the USSR accusations, traced the relevant facts and asked for a clear statement as to when and how the representatives of the United Nations had not used all the means put at their disposal in accordance with the mandate established by the Security Council and the General Assembly. He reiterated that he could not resign, despite the withdrawal of the confidence of a permanent member, since the USSR had made it clear that it would not wish to elect a new incumbent but would insist on an arrangement which he regarded as unworkable, unless

the Member states for which the Organization was of decisive importance or the uncommitted nations for which the USSR pretended to speak wished him to do so in their own interest and in the interest of the United Nations. As to continued action to achieve the aims of the United Nations in the Congo, he reiterated his suggestions for an international investigation of the circumstances surrounding the assassination of Mr. Lumumba and his colleagues, for assistance to reorganize the Armée nationale congolaise and for the elimination of the Belgian political element in the Congo. He indicated that instructions had already been given to the Force to protect the civilian population against attacks from armed units. He called for an endorsement of these measures and for the provision of the means, such as military contingents and finances, to implement them effectively. He asked whether the Council was prepared to give him the right of search to prevent arms imports and to control undesirable movements of funds and whether the Council was prepared to override the sovereign rights of the Republic to order the convening of the Parliament.

The representatives of China, Chile, Ecuador, Turkey and the United Kingdom expressed support for the Secretary-General and for the continuation of the United Nations operation. The representative of France also condemned the attacks against the Secretary-General. The representative of Belgium denied any involvement by his Government in the case of Mr. Lumumba and appealed for United Nations action to stop alleged violations of human rights of Belgians and other foreign nationals in Orientale and Kivu provinces and to obtain the release of eight Belgian soldiers detained in Stanleyville.

The representative of Ceylon called for the continuation of the United Nations operation with a clearer mandate, the disarming of all armed forces outside the United Nations Command, immediate summoning of Parliament and the constitution of a new Government, expulsion of all foreign military and para-military elements, mercenaries and political advisers, and an immediate investigation of the murder of Mr. Lumumba and his colleagues. He said that the Council could not divest itself of responsibility for the instances of the unsatisfactory functioning of the office of the Secretary-General.

The representative of Liberia called for a full international inquiry into Mr. Lumumba's death, a demand for a truce among all rival political groups in the Congo for at least 60 days, a meeting of leaders of these groups with the Secretary-General and the Security Council to settle the dangerous situation, and an end to intervention by Belgian nationals. He opposed any unilateral action in the Congo and urged greater authority to the Secretary-General to secure peace and order in the country.

The representative of the United Arab Republic called for urgent steps to avoid civil war and ensure evacuation of Belgian military and para-military forces, the imposition of sanctions if these forces were not evacuated, an impartial investigation of the murder of Mr. Lumumba and his colleagues, the convening of the Parliament and a return to legality, and an impartial re-organization of Congolese armed forces beginning with those which had committed acts of aggression.

Ceylon, Liberia and the United Arab Republic jointly submitted a draft resolution on 17 February whereby the Security Council, reaffirming earlier resolutions of the Security Council and the General Assembly, would: (1) urge that the United Nations immediately take all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, for the halting of all military operations, for the prevention of clashes and for the use of force, if necessary, in the last resort; (2) urge that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and para-military personnel and political advisers not under the United Nations command, and mercenaries; (3) call upon all states to take immediate and energetic measures to prevent the departure of such personnel for the Congo from their territories and for the denial of transit and other facilities to them; (4) decide that an immediate and impartial investigation be held to ascertain the circumstances of the death of Mr. Lumumba and his colleagues and that the perpetrators of these crimes be punished; (5) urge the convening of the Parliament and the taking of necessary protective measures in that connexion; (6) urge that Congolese armed units and personnel should be reorganized and brought under discipline and control,

with a view to the elimination of any possibility of their interference in the political life of the Congo; and (7) call upon all states to extend full co-operation for the implementation of the foregoing measures.

A number of the representatives who had been invited to participate in the discussion supported the provisions of the USSR draft resolution or the three-power draft resolution. Some other representatives—Cameroun, Central African Republic, Congo (Brazzaville), Gabon, Madagascar and Senegal—considered that the neutralization or disarming of the Congolese army would create a grave precedent, that African Chiefs of State should be given an opportunity to help achieve a peaceful solution of the problem and that the Security Council should postpone a decision so that the General Assembly might consider the problem at its resumed session. Several representatives expressed confidence in the Secretary-General despite any mistakes which might have been made.

The Council adjourned on 17 February to await the publication of two messages sent by the Conciliation Commission to the Advisory Committee on the Congo. These were circulated the next day. The messages contained certain conclusions on the situation in the Congo and condemnation of the evil practice of resorting to violent means to eliminate political opponents. In its covering note, the Advisory Committee stated that it had not considered the conclusions contained in the messages and that they should not be taken as the views of the Governments represented on the Committee. Also on 18 February, the Council received a cable from the President of Ghana containing several proposals for the solution of the problem.

When the Council met again on 20 February, it was informed by the Secretary-General that six political leaders imprisoned in Leopoldville, including Mr. Finant, president of the provincial government of Orientale province, had been deported to Bakwanga, the capital of the so-called "Etat minier" of South Kasai, that their subsequent execution in Bakwanga had been confirmed, and that a number of prominent leaders had been arrested in Leopoldville and elsewhere. The Secretary-General and several representatives expressed their revulsion and

shock at the news. (On 21 February, the Special Representative of the Secretary-General asked the authorities in Bakwanga for information concerning the fate of several other prisoners whose transfer to Bakwanga had by then become known.)

Also on 20 February, Ceylon, Liberia and the United Arab Republic proposed a second draft resolution in the Council on the question of arrests, deportations and assassinations and asked that it be accorded priority in voting. After some discussion, the motion for priority was put to the vote and not adopted, having received 4 votes in favour and 7 abstentions.

As to the first three-power draft resolution of 17 February, the representatives of the United States, Turkey, China, the United Kingdom and Chile expressed support despite reservations about certain of its aspects. They stated that, in voting for the resolution, they understood, first, that though the draft did not specifically refer to the Secretary-General's responsibility for carrying out its provisions, responsibility was covered by the provisions of the Charter and the reaffirmation of earlier resolutions. Secondly, they understood that the provision authorizing the use of force would be governed by the provisions of the Charter which restrict the use of force and prohibit the Organization from intervening in the internal affairs of Member states. Force could be used only as a last resort and only to prevent a clash between rival Congolese troops, but not to impose a political settlement. Thirdly, they accepted the interpretation of the representative of Liberia, one of the sponsors, that the draft called for measures by Member states to prevent the provision not only of personnel but also of material or other aid for military purposes in the Congo. The representative of France expressed the view that the United Nations must scrupulously respect the sovereignty of the Congo and assist the legitimate authorities, particularly the Chief of State and the Government of Mr. Ileo, to reorganize the armed forces and restore order.

On the night of 20 February, the USSR proposal was rejected by 8 votes to 0, with 2 abstentions. In the early hours of 21 February, the first three-power draft resolution was adopted by 9 votes to 0, with France and USSR abstaining.

In response to comments by the representatives of China, Turkey and the United States,

the second three-power resolution was revised by its sponsors. By this revised text, the Council, taking note of the reports on the atrocities and assassinations in Leopoldville, Katanga and South Kasai, would: (1) strongly condemn the unlawful arrests, deportations and assassinations of Congolese political leaders; (2) call upon all concerned to put an end to such practices; (3) call upon the United Nations authorities in the Congo to take all possible measures in accordance with the Charter to prevent the occurrence of such outrages including, if necessary, the use of force as a last resort; and (4) decide upon an impartial investigation to determine the responsibility for these crimes and to seek the punishment of perpetrators of such crimes.

Disagreement on this text centred on two of its provisions. First, the representative of China felt that the authorization to use force was an extreme measure which was in a way against the United Nations Charter. This provision was voted on separately. It received only 5 votes in favour, there being 1 vote against and 5 abstentions, and was not adopted.

Second, the representative of the United States, supported by several other speakers, felt that the Council should take note not only of reports concerning atrocities and assassinations in three areas of the Congo mentioned in the draft but also of reports received by the Council on other areas, particularly Stanleyville. He proposed an amendment to this effect, which some representatives opposed on the ground that the reports were not comparable; it received 8 votes in favour and 3 against, but was not adopted because of the negative vote of a permanent member (the USSR). The United States representative then submitted an alternative amendment to the same end. The vote on it was 7 votes in favour, 3 against and 1 abstention; it was not adopted because of the negative vote of the USSR. The draft resolution, as revised, received 6 votes in favour and 5 abstentions. It was not adopted, having failed to attain the required majority of 7 affirmative votes.

After the vote, the representative of the USSR stated that he had abstained on the first three-power draft resolution since it was weak and some of its provisions were unclear, though several provisions indicated its positive orienta-

tion. He claimed that the resolution gave no mandate to the Secretary-General. Arguing that the authorization to use force to prevent civil war was meant mainly against Tshombe and Mobutu, he said that the use of force against the units of the "legal Government" would be a violation of the resolution. The representatives of the United Kingdom and the United States indicated that they would have voted for the second three-power text if the amendments to change the one-sided character of the preambular paragraph had not been defeated by a veto.

The Secretary-General welcomed the resolution as giving a stronger and clearer framework for the United Nations action though not providing a wider legal basis. Noting that it reaffirmed earlier resolutions entrusting the execution of decisions to the Secretary-General, he stated that he would seek the guidance of the Advisory Committee in its implementation. He indicated that the addition to the duties of the United Nations Force would necessitate its strengthening by further contributions. Expressing regret over the failure to adopt the second three-power draft resolution, despite the agreement on its operative part, he said that he would use its full moral value in the Organization's efforts in the Congo.

IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION OF 21 FEBRUARY 1961

The Secretary-General undertook immediate measures to implement the Security Council resolution of 21 February 1961 in close consultation with the Advisory Committee on the Congo.

Noting that implementation of the resolution would require a substantial increase in the strength of the United Nations Force, the Secretary-General approached the contributing states and other African Member states on 24 February for new or additional troops. (The Force at the time had a strength of about 17,500, but, if the Governments of Indonesia and Morocco repatriated their contingents, it would be reduced to 14,500. The Special Representative and the Military Command of the Force felt that a strength of about 23,000 was required for the implementation of the Security Council resolution.)

On 3 March, the Permanent Representative of India informed the Secretary-General that

the Indian Government would despatch a brigade to the Congo as reinforcements to help in the full implementation of the Security Council resolution. He stressed the need for a very early withdrawal of the Belgian personnel referred to in that resolution. On 4 March, the Secretary-General endorsed this view, as well as the position of the Government of India that its forces should not be called upon to fight troops or nationals of other Member states (the only possible exceptions being Congolese armed units or Belgian and other military and paramilitary personnel). None of the troops in the Force could be used for the suppression of popular movements or for any other partisan political ends.

Substantial reinforcements were also supplied by Ethiopia, the Federation of Malaya, Liberia, Nigeria and Tunisia. The Government of Sudan, however, decided to withdraw its contingent from the United Nations Force.

In the implementation of the Security Council resolution, the United Nations representatives encountered certain difficulties arising from misunderstandings and misrepresentations in the Congo concerning the intentions of the United Nations, a series of attacks by Congolese troops against United Nations personnel in the Leopoldville area, the attitude of Belgium concerning the extent of its obligations under the resolution, and various other developments. The efforts made by the United Nations representatives and the results achieved, as reported in a number of documents submitted to the Security Council, are reviewed below.

(i) Violations of Human Rights and Fundamental Freedoms. On 21 February, immediately after the Security Council decision, the Secretary-General drew the attention of the President of the Congo (Leopoldville) to the Council's discussion on the recent arrests, deportations and executions of Congolese political personalities. Pointing out that, though a resolution had not been adopted because of difficulties in drafting, members had felt that such acts should be considered serious crimes at the international level as well, he expressed the hope that the President would at once take firm measures to prevent their repetition. The Special Representative was asked to despatch similar messages to other Congolese leaders.

On 2 March, the President of the Congo replied that the Central Government had condemned summary executions and political arrests but took exception to the reference to Mr. Finant and others as political prisoners.

Meanwhile, the Secretary-General circulated a number of documents informing the Security Council about the violation of human rights and fundamental freedoms in different parts of the Congo, the repeated intercessions by ONUC representatives with local authorities, and the measures taken by ONUC to protect the population. ONUC representatives succeeded in persuading the Stanleyville authorities to restrain the population, especially after the death of Mr. Lumumba, with the result that the situation was kept under some degree of control. They obtained assurances concerning the safety of eight Belgian soldiers under detention but, despite repeated approaches to the Stanleyville authorities, could not verify the strong rumours that certain Congolese detainees, including Mr. Songolo, former Minister in the Central Government, and Lieutenant-Colonel Lokoso, former army commander at Stanleyville, had been liquidated after the death of Mr. Lumumba. ONUC assisted in the evacuation of over a thousand foreign nationals in Kivu province. United Nations protected areas for threatened civilians were established in Stanleyville, Orientale province, and in Bukavu, Goma and Kindu, Kivu province. A protected area was also set up in Leopoldville in mid-February when the news of the Bakwanga executions led to a great pressure of requests for protection. Asylum was granted only to persons who could show that they were in real danger, but not to persons under lawful prosecution for common crimes. No political activities were permitted to persons granted asylum.

The President of the Congo, in a letter to the Secretary-General on 2 March, protested against the establishment of the protected area in Leopoldville without consultation with the Congolese authorities. The Secretary-General replied on the next day that conditions in Leopoldville had compelled ONUC to take protective measures and explained that such a humanitarian step in no way infringed upon Congolese sovereignty and authority.

Another problem brought to United Nations attention concerned the denial of freedom of

movement. Many persons in Leopoldville, including wives and children who were without means of livelihood in the area, were not permitted to return to their homes in Stanleyville and other areas, while numerous Congolese and Europeans in Orientale and Kivu provinces were not allowed to leave those areas. ONUC repeatedly made representations on this matter and tried to impress on the authorities concerned to permit, as a first priority on humanitarian grounds, that wives and children should be assisted to rejoin their husbands and fathers.

(ii) Civil War Situation. Between 24 February and 7 March, the Special Representative of the Secretary-General submitted a number of reports on the civil war situation in the main sectors of the Congo.

A threat of conflict developed in the Equateur-Orientale sector where large reinforcements brought by General Mobutu confronted forces in Orientale province commanded by General Lundula. United Nations representatives impressed upon both commanders the grave consequences of military operations to secure solutions of political problems and obtained assurances of a desire to avoid a clash of arms. However, on 25 February 1961, troops from Stanleyville crossed the provincial border and, by-passing General Mobutu's troops, entered Ikela without firing a shot. Following a stern reminder by the Special Representative of the terms of the Security Council resolution, General Lundula agreed to the withdrawal of his detachment provided that it was replaced by ONUC troops.

Meanwhile, on the night of 23 February, about 150 soldiers from the Stanleyville garrison arrived at Luluabourg ostensibly to protect local personalities said to have been in danger of arrest. The commander of the local garrison fled and a number of other officers were arrested or became inactive. An imminent armed clash on 25 February was prevented by the intervention of ONUC officers and the Stanleyville troops left in the area. But the actions of the leaderless local troops, arousing the hostility of the population, led to outbursts of violence resulting in a number of casualties. Hundreds of Congolese were afforded United Nations protection, and the situation was gradually restored to normal through the efforts of ONUC and

the provincial government.

In South Kasai, information regarding plans of Mr. Kalonji, self-styled president of the so-called "Etat minier," to advance towards Sentery, eastern Kasai, and Kasongo, Kivu province, led to a stern warning on 24 February by the Special Representative, who noted that this aggressive action would involve passing through the territory of hostile tribes. Mr. Kalonji gave an assurance on 27 February that he would only maintain defensive positions.

In Katanga, where Mr. Tshombe's forces continued to advance in hostile Baluba areas towards Piana, burning villages en route, warnings by United Nations representatives resulted in assurances on 23 February that the operations would be halted. Though these assurances were withdrawn on 27 February, no open military engagements took place for some time.

Thus, considerable improvement was achieved early in March by persistent efforts of the United Nations to prevent armed conflict and bloodshed.

However, the threat of civil war developed again towards the end of March and early April in the Katanga province. The gendarmerie occupied Manono on 30 March and concurrently began an operation to clear the railway lines from Albertville and Kongolo to Kabalo. Belgian and other foreign personnel were employed in both these operations which were not halted despite the serious warnings of the United Nations Commander. A number of villages were burned and there were a large number of casualties. Attacks on United Nations Ethiopian patrols near Kabalo resulted in exchanges of fire during which, on 8 April, a barge carrying Katangese gendarmerie was sunk. United Nations troops in Kabalo were reinforced and retained firm control of the Kabalo airfield and the railway station. ONUC provided protection to several hundred Balubas in the area.

(iii) Relations between United Nations and Congolese Authorities. The attitude of President Kasa-Vubu and the Congolese authorities towards the Security Council resolution, United Nations efforts to secure their co-operation in its implementation and other relevant developments, insofar as they are not covered under other sub-headings in this particular section, are reviewed below.

On 22 February, the President of the Congo informed the Security Council that his Government was of the view that the United Nations had no authority to lay down a procedure for the employment of foreign technicians, to conduct investigations in the Congo without the prior agreement of the Government, or to impose solutions concerning the convening of Parliament and the reorganization of the armed forces. While it was prepared to co-operate with the United Nations and its Secretary-General to the extent that the principles of consultation and co-operation were respected, it regretted that the Security Council's resolution of 21 February might be interpreted in a way as to disregard the country's sovereignty. It appealed to United Nations organs and officials to respect the sovereignty of the Congo by making both civil and military operations contingent upon consultation and co-operation with the Central Government. Finally, it expressed its readiness to oppose any undertaking or action violating national sovereignty, whether carried out by the United Nations or any other power.

The Secretary-General, in a letter of 27 February, drew the attention of the President of the Congo to the weight and seriousness to be attached to the Security Council resolution and expressed shock at the allegations of a desire in the United Nations to infringe upon the Congo's sovereignty while the Organization was in fact trying to create conditions in which the Congolese themselves could achieve a solution of their problems without any outside interference. Indicating that the representatives of the United Nations were firmly determined to implement the Council's decision, he expressed the hope that the United Nations could count on the co-operation of the authorities.

The Secretary-General also drew the attention of the Security Council to several incidents in the Leopoldville area, which, he said, seemed to reflect tendencies with a serious bearing on the implementation of its resolution.

Despite repeated assurances and explanations by United Nations representatives, Congolese military and political leaders alleged that the United Nations sought to disarm the Congolese army and impose a trusteeship over the country. The movement of Stanleyville troops to Ikela and Luluabourg led to charges of partiality against the United Nations representatives. A

series of actions against the United Nations took place in this atmosphere. On 26 and 27 February, for instance, several United Nations civilians and military personnel in Leopoldville were subjected to arrest, detention and acts of violence. On 27 February, the President of the Congo made a broadcast charging the United Nations with betrayal, calling on the people to support the Army, announcing a decision to form a reserve battalion and appealing to Mr. Tshombe to join forces with the Republic of the Congo in the face of common danger. On 1 March, the Ministry of Foreign Affairs informed the Special Representative that, in order to prevent incidents between the United Nations and the Congolese army, it had decided that United Nations personnel must evacuate the air force installations at Ndjili, that they must not enter Congolese military camps and that the United Nations troops must withdraw from the Parc Hembise camp.

The Secretary-General replied to the President of the Congo on 3 March that, while the United Nations earnestly desired to avoid any friction with the Congolese army, efforts to that end must be reciprocal and that the United Nations could not accept unilateral abrogation of agreements nor abandon positions and rights which it had the responsibility of maintaining in the execution of its mandate.

A series of attacks by the Armée nationale congolaise (ANC) against United Nations personnel and units took place in the lower Bakongo area between 3 and 5 March 1961, following the introduction of what the Secretary-General's Special Representative in the Congo described as "vexatious and unjustified restrictions" on the movement of United Nations personnel. An exchange of fire took place on 3 March at the entrance to the Moanda airstrip when the commander of the Sudanese contingent and his escort were wrongfully stopped by Congolese troops and again when the escort proceeded to the Congolese army camp in Banana to return two soldiers who had surrendered. Congolese troops then shelled the United Nations encampment at the Banana base: in order to avoid aggravation of the situation, the Sudanese troops withdrew to Kitona on 4 March. Also on 4 March, Congolese troops at Matadi began firing at the building occupied by the Canadian Signals detachment and at the

Sudanese camp. The ensuing incidents resulted in a large number of casualties, and, on 5 March, the Sudanese Commander was obliged to agree to the evacuation of his unit from Matadi.

These incidents led to strong protests by the Secretary-General and his representatives who pointed out that the presence of the United Nations Force in Matadi, in particular, was a vital condition for the carrying out of the United Nations mission in the Congo, especially for the prevention of civil war and the halting of military operations. The withdrawal of the United Nations Force from Matadi deprived it of its life-line to the sea, and war material could enter unchecked into the Congo with immeasurable consequences on the civil war situation. The Special Representative undertook negotiations with the authorities in Leopoldville to ensure the peaceful restoration of United Nations positions, but the Leopoldville authorities disputed the United Nations version of the incidents and tried to introduce various conditions which the Secretary-General found unacceptable. The Secretary-General pointed out in a message to President Kasa-Vubu on 8 March that the United Nations action had been undertaken not merely in response to a request of the Congolese Government but also in order to counteract a threat to international peace and security. The status, rights and functions of the United Nations were not based solely on a contractual relationship with the Congolese Government, but were governed by mandatory decisions of the Security Council. Despite pressing appeals by the Secretary-General to the President of the Congo, the negotiations became prolonged and ONUC had to decline to take charge of large quantities of supplies which arrived at Matadi.

Meanwhile, following the despatch of the Indian contingent of the United Nations Force to Kamina on 2 April, Mr. Tshombe strongly criticized the move as an invasion. Serious incidents took place in Elisabethville when the Katangese gendarmes attempted to interfere with the United Nations contingent at the airport, and hostile demonstrations were staged against United Nations personnel. A boycott against United Nations personnel was ordered by the provincial authorities in Elisabethville, Kamina and Albertville. ONUC reinforcements

were flown into Elisabethville on 5 April in view of the tension thus created.

(iv) Withdrawal of Belgian and Other Foreign Military and Para-military Personnel and Political Advisers not under the United Nations Command, and Mercenaries. On 22 and 23 February 1961, the Secretary-General sent notes to the representatives of Belgium and all other Member states drawing their attention to their obligations under the Security Council resolution of 21 February on the withdrawal of Belgian and other foreign military and para-military personnel, political advisers, and mercenaries.

In an exchange of correspondence during the period 22 February—4 March 1961 between the Secretary-General and the representative of Belgium, the Secretary-General called for the use of the full powers and influence of the Belgian Government to ensure the prompt and full implementation of all the relevant provisions of the Security Council resolution.

The representative of Belgium indicated that his Government desired to collaborate for the successful outcome of the United Nations action in the Congo, with scrupulous respect for the Congo's sovereignty and for the lawful position of its President and the Government constituted by him. He stated that Belgian military personnel who had remained at the Kamina and Kitona bases by agreement with the United Nations were due to leave before 15 March 1961 and that 31 former members of the Belgian Army, who had been made available to the Congolese authorities and had arrived in the Congo after 1 July 1960, would return to Brussels by 19 March. He claimed that other Belgian personnel—such as members of the former Force publique and Belgian agents who had been made available to the Congo under Article 250 of the Loi fondamentale were dependent on the Congolese authorities and that the Secretary-General should agree with those authorities regarding their relief. The Belgian Government had no interest in mercenaries recruited by Congolese authorities: those who still had military obligations in Belgium would be requested to return home and measures to prevent further recruitment would be intensified. He claimed that the Belgian Government could not compel the return of Belgian citizens unless they had unfulfilled military obligations.

The Secretary-General felt that the Belgian position was not fully satisfactory since, in his view, the Belgian Government was under a legal obligation to take all measures to the full extent of its power, including adaptation of national legislation if necessary, to give effect to the mandatory decision of the Security Council, without making any exceptions. On 8 March, he appointed Ambassador Taieb Sahbani of Tunisia as his representative to work out the necessary arrangements with Belgium for applying the Security Council resolution. The Belgian Government delivered a note to Mr. Sahbani on 1 April reiterating that the withdrawal of persons employed by the Congolese authorities posed certain difficulties and suggesting that the departure and replacement of these personnel be discussed by representatives of the Secretary-General and the Congolese and Belgian authorities.

Meanwhile, on 2 March, after the reply from Belgium concerning steps it would take to implement the resolution, the Secretary-General wrote to the President of the Congo asking for his co-operation in ensuring the withdrawal of foreign personnel, and offering United Nations assistance, including the provision of personnel to assume legitimate and necessary protective functions. As a first step, he called for accurate and comprehensive information concerning personnel covered by the provisions of the Security Council resolution and the steps he was taking to comply with the resolution.

Also on 2 March, the Secretary-General addressed a similar letter, through his Special Representative, to Mr. Tshombe. The President of the Congo wrote to the Secretary-General on 6 March that there were only 14 Belgian officers with the troops under General Mobutu's command and that their departure alone would solve no problem.

On 16 March 1961, the Secretary-General informed the President of the Congo that, in order to ensure the speedy implementation of the Security Council decision, he was sending a delegation consisting of Robert Gardiner and F. C. Nwokedi to Leopoldville to discuss with the President and his advisers the best means of giving effect to the decision and the posts to which it was applicable.⁸

On 7 April 1961, the United Nations Force took into custody 30 foreign mercenaries who

landed in a plane of the Katangese armed forces at the Kabalo airfield. They were transferred to the Kamina base for questioning and arrangements were made for their deportation. A report on the interrogation was submitted to the Security Council on 14 April 1961.

Subsequently, the United Nations Force in Leopoldville detained the crew of an aircraft registered in the Federal Republic of Germany, while on a return flight from Kolwezi, in Katanga province, where it had delivered a cargo of arms and munitions.

In reply to a note of 12 April by the Secretary-General, the permanent observer of the Federal Republic of Germany stated on the next day that the arms had not been loaded into the aircraft on German territory and that his Government would investigate whether the case in question involved a violation of law. (The representative of Belgium, addressing the General Assembly on 15 April, denied that the aircraft had been chartered by Sabena (the Belgian airline) to carry arms and munitions.)

(v) Re-organization of Congolese Armed Units and Personnel. In letters of 27 February and 2 March 1961 to the President of the Congo, the Secretary-General sought his support in the implementation of the provisions of the Security Council resolution of 21 February concerning the re-organization of Congolese armed units and personnel. The President, in a letter of 6 March, agreed that the matter was important and suggested several principles as a basis for agreement, as follows: that the National Army should remain under the command

⁸ An agreement on general principles concerning the implementation of the Security Council resolution of 21 February 1961 was initialled by Congolese and United Nations representatives on 17 April. Under this agreement, the Republic of the Congo accepted the Security Council resolution of 21 February 1961, and its President undertook to re-examine the appointments of foreign personnel made under his authority and to take the necessary decisions compatible with the interests of the Congo. The United Nations undertook to give to the President all possible assistance in recruiting necessary technicians and in training administrative technical cadres. The Republic of the Congo also recognized the need to reorganize the National Army under the authority of the President, with United Nations assistance on the basis of proposals made by the Chief of State in a letter of 5 March to the Secretary-General.

of the President of the Republic; that the re-organization must embrace the whole country; that the re-organization plan should be drawn up by a National Defence Council set up by the President and including Congolese and United Nations officers; and that the Congolese Government should have the right to accept or reject the technicians proposed.

On 16 March 1961, the Secretary-General informed the President of the Congo that his suggestions could to some extent serve as the starting point for a joint study, and that Mr. Gardiner and Mr. Nwokedi had been asked to consult with him on the matter.⁹

(vi) Investigation of Circumstances of Deaths of Mr. Lumumba and his Colleagues. After discussion of the means to implement the provision of the Security Council resolution concerning the investigation of the death of Mr. Lumumba and his colleagues, the Advisory Committee on the Congo recommended that a Commission of four members, nominated by the Governments of Burma, Ethiopia, Mexico and Togo, be set up to conduct the investigation, and suggested terms of reference for the proposed Commission. On 20 March 1961, the Secretary-General informed the members of the Security Council of these recommendations. The Commission was established by the General Assembly on 15 April 1961, by resolution 1601 (XV), which was adopted by a roll-call vote of 45 to 3, with 49 abstentions. (For membership of Commission, see APPENDIX III.)

REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR THE CONGO

The United Nations Conciliation Commission for the Congo, established in accordance with the terms of General Assembly resolution 1474 (ES-IV) of 20 September 1960, submitted its report to the Assembly on 20 March 1961.

The Advisory Committee on the Congo decided on 5 November 1960 that the Commission should consist of persons appointed by the Governments of Ethiopia, the Federation of Malaya, Ghana, Guinea, India, Indonesia, Liberia, Mali, Morocco, Nigeria, Pakistan, Senegal, Sudan, Tunisia and the United Arab Republic, but acting in their individual capacities; subsequently, Guinea, Indonesia, Mali and the

United Arab Republic decided to withdraw from the Commission. The Moroccan member was not present at the meetings where the report was drafted and signed. The Chairman (Jaja A. Wachuku of Nigeria) signed the report with some notes and reservations, and the representative of India submitted a note of clarification. The representative of Ghana, who did not sign the report, submitted certain observations.

The officers of the Commission had arrived in Leopoldville on 13 December 1960 to make preparations and the Commission itself assembled in the city on 3 January 1961. During its stay in the Congo until 20 February 1961, the Commission reported, it met President Kasavubu and a number of political leaders in Leopoldville and in the provinces. It made a careful study of the situation in the Congo and ascertained the views and feelings of most of its leaders. It sought to help reconcile the various trends of opinion, without interfering in the internal affairs of the country, in order to achieve a peaceful solution to the crisis, but its efforts did not lead to positive results because of the unco-operative and intransigent attitude of certain leaders, and the constantly deteriorating situation culminating in the murder of Mr. Lumumba and other political leaders. Its report contained the results of its study, including a number of conclusions on the situation. It welcomed the Security Council resolution of 21 February 1961, the provisions of which were in accord with many of its own conclusions and recommendations.

The Commission felt that the Loi fondamentale was incomplete and ill-adapted to the needs of the Congo and that its amendment and replacement by a new constitution would contribute greatly to a solution of the crisis. However, until this had been done, it suggested that all concerned should uphold the Loi fondamentale as the basic law of the Republic. It thought that the United Nations could extend technical assistance in the form of a team of experts to co-operate with the Congolese authorities in their endeavour to return to legality and constitutionality, in the revision of the Loi fondamentale and the drafting of a new constitution, in the drafting of new laws and their implementation, as well as in the administration of justice.

⁹ See footnote 8.

It noted that the Chief of State had dissolved the Council of Commissioners-General on 9 February and replaced it by a "provisional government" headed by Mr. Joseph Ileo, and that Mr. Ileo had told the Commission that he intended to broaden its base so as to make it a national unity government. The Commission considered this move an encouraging step toward an early return to constitutionality, though the Ileo government could not be considered legal until it was approved by Parliament. The "provisional government" could not, however, bring about an improvement of the situation or contribute to the solution of the crisis until it included representatives of the main trends of political opinion. The Commission, therefore, recommended the establishment of a "provisional government of national unity" whose task would include the arranging of a truce between the different factions, the restoration of law and order, the re-organization of the administration and the army with the assistance of the United Nations, and the taking of steps to enable Parliament to adopt a constitution.

It felt that military operations within the Congo must be halted immediately to avert the imminent danger of civil war and that attempts by Congolese leaders to achieve a military solution of the present crisis must be checked. It considered it essential that the national army and other armed groups operating in the territory be insulated from politics and re-organized with the assistance and under the guidance of the United Nations and that, during the period of its re-organization, the United Nations Force should assist the Congolese authorities in the maintenance of law and order and in protecting the unity and territorial integrity of the state.

It suggested that a meeting of the principal Congolese leaders should be convened at a neutral place, outside the Congo if necessary, with a view to achieving national reconciliation and agreement on the formation of a government of national unity, on measures necessary to re-establish normal conditions and on desired changes in the Loi fondamentale. The conclusions of such a meeting, however, would have to be submitted to Parliament for study and ratification.

The Commission felt that, in view of the recent tragic developments, all political prisoners should be released forthwith and that arbi-

trary arrests, transfers and executions of political leaders should be prevented. It felt that adequate measures should be taken by the United Nations Force to give protection to such members of Parliament as might desire it, so as to guarantee the exercise of the rights and immunities to which they were entitled and to enable them to discharge their responsibilities without fear.

The Commission felt that the continuing deterioration of the situation and the drift of the country towards civil war and disintegration was largely due to the deliberate violations of the decisions of the Security Council and the General Assembly calling upon all states to refrain from any assistance to any side in the Republic for military purposes. It deplored the continued presence of large numbers of Belgian and other foreign military and para-military personnel, political advisers, and mercenaries in various parts of the country and felt that immediate steps must be taken to remove them forthwith.

It suggested an appeal to all states to abstain from any kind of interference in the internal affairs of the country and, in particular, to avoid assuming any attitude which might aggravate the opposition between the different tendencies in the Congo and thus make reconciliation more difficult.

CONSIDERATION BY GENERAL ASSEMBLY, MARCH-APRIL 1961

On 7 March 1961, when it resumed its fifteenth session, the General Assembly heard an address by the President of Ghana, who made a number of proposals for the settlement of the Congo problem. He suggested: (1) that the United Nations Command must immediately fulfil its duty to maintain law and order (including the enforcement of the constitution and the laws of the Congo) and to preserve the integrity of the Republic; (2) that the United Nations civilian staff and military Command must be re-organized so that the initiative for a solution would come primarily from the African states, with military support from the uncommitted countries of Asia and other areas; (3) that all initiative and aid from non-African powers, particularly from those allied in pacts against one another, must cease; and (4) that, as soon as the military situation had been sta-

bilized, the Congolese Parliament should meet under United Nations protection so that a legitimate Government could function normally in accordance with the Constitution, and a new general election held under United Nations supervision. In order to carry out these principles, he proposed: that a new and strengthened United Nations Command, primarily African in composition, should be established in Leopoldville at once; that the Command should take over complete responsibility for law and order and for reasserting the territorial integrity of the state; that all airfields and sea-ports should be brought under United Nations control so that the flow of arms and other equipment from outside could be stopped; that all foreign diplomatic missions should be recalled from the Congo for the time being; that all Congolese armed units should be disarmed and all Congolese soldiers returned to barracks, re-organized and re-trained; that the disarming should be voluntary, force being used only if certain factions would not co-operate; that all non-African personnel serving in the Congolese Army should immediately be expelled from the Congo; and that the United Nations civilian staff must assist the Government to formulate a banking and foreign exchange policy so as to free the Government from outside pressure.

In a cable on 9 March 1961, President Kasavubu informed the President of the General Assembly that a conference of the *de facto* and *de jure* authorities of the Congo had begun its deliberations at Tananarive, Madagascar, on 8 March under his chairmanship and had decided to request the Assembly to refrain from taking any position with regard to the Congo before the results of the conference were known. Further, in view of the tension prevailing in the Congo as a result of the Security Council resolution of 21 February, members of the conference had felt that any new policy decision or any implementation or attempt to implement that resolution without taking Congolese opinion into account might very seriously aggravate the situation in the Congo.¹⁰

The General Assembly resumed consideration of the situation in the Congo on 21 March 1961. The general debate on the question continued over fourteen meetings until 7 April.

The representatives of the USSR and of sev-

eral other states claimed that Belgian aggression against the Congo had continued and that the Security Council resolution had not been implemented. They called for appropriate sanctions to ensure the withdrawal of Belgian troops and personnel, the immediate arrest of Mr. Tshombe and General Mobutu as directly responsible for the assassination of Mr. Lumumba and his comrades, the immediate disarming of the military and police units of Mr. Tshombe and General Mobutu, and support for the "legitimate Government" headed by Antoine Gizenga. They proposed that the United Nations operations in the Congo be terminated within one month, arguing that that period was sufficient to complete the task of restoring legality and order. Charging that Mr. Hammarskjöld had abused the office of Secretary-General and had carried out the operation in such a way as to strangle the Congo's independence, they called for his removal from the post of Secretary-General and for a change in the structure of the Secretariat. They suggested the establishment of a Commission of African States to supervise, in co-operation with the legitimate Government, the expulsion of the aggressors and the implementation of other measures to ensure the independence and free development of the country. They argued that the Conciliation Commission was not an official organ of the United Nations and criticized it for making suggestions on changes in the Congolese constitution and on certain other matters. Finally, they condemned the Tananarive Conference, claiming that it did not represent the will of the Congolese people and that its decisions were

¹⁰ As noted by various representatives in the Assembly, 18 political personalities in the Congo—including President Kasavubu, Mr. Ileo, Mr. Tshombe and Mr. Kalonji—met at the conference in Tananarive, Madagascar. Mr. Gizenga was invited, but did not attend. The conferees decided in principle to establish a confederation of sovereign states, with Mr. Kasavubu as President. A Council of States, composed of the President of the Confederation and the Presidents of the member states, was to be formed to determine the policies of the confederation. All the decisions of the Council were to be by unanimous vote. The conferees also called for the cessation of the transport of the Indian contingent of the United Nations Force to the Congo and requested the United Nations to secure an advisory opinion from the International Court of Justice on the validity of the Security Council resolution of 21 February 1961.

illegal and aimed at the disintegration of the Congo.

Several other representatives expressed confidence in the Secretary-General and criticized proposals for the re-organization of the Secretariat. They argued that the attacks against the Secretary-General were designed to wreck the authority and effectiveness of the United Nations, and were particularly detrimental to the interests of small states. Several representatives suggested that the question of the structure of the Secretariat of the United Nations should not be linked to the question under discussion. A number of representatives opposed the USSR proposal for the termination of the United Nations operation within a month as it was likely to lead to anarchy and chaos.

Several representatives supported the last resolution of the Security Council. They expressed grave concern over the conflicts between Congolese armed units and the United Nations Force at Matadi and Banana and held that United Nations presence in those areas was essential for the United Nations operation.

A number of representatives expressed their appreciation of the work of the Conciliation Commission and support for its proposals. Several suggested that the tendency of Member states to support particular solutions to the Congo's political problems or various factions in the Congo was a hindrance to a settlement. Some representatives argued that recognition of the Gizenga Government in Stanleyville constituted interference in the Congo's internal affairs, while some others held that that was the only legitimate Government. Several argued that the Chief of State alone represented legality and that the United Nations should co-operate with him. Some representatives stated that United Nations aid could only be given to a legitimate Government since assistance to other authorities would constitute intervention.

A number of representatives emphasized the need for the early withdrawal of Belgian and other foreign personnel in accordance with the Security Council resolution. Several called for urgent measures to ensure the elimination of alleged Belgian interference in Congolese affairs as the root cause of the current crisis. They felt that Belgium should be condemned and a definite time-limit set for the withdrawal of Belgian military personnel, political advisers and mer-

cenaries, and that force or sanctions should be invoked in case of failure by Belgium to carry out its obligations. Other representatives disputed the thesis that Belgian intervention was the central factor in the crisis; they felt that the Assembly should take note of Belgian compliance and should not suggest sanctions since they were beyond its jurisdiction.

The representative of Japan, supported by some other speakers, suggested the establishment of machinery to ensure the implementation of the Assembly's decision against the provision of aid for military purposes to the factions in the Congo. The representative of Belgium stated that his Government had accepted and had taken steps to implement the Security Council resolution of 21 February. He reaffirmed that the withdrawal of Belgian nationals owing allegiance to Congolese authorities could be achieved only with the respect due to Congolese sovereignty.

A number of representatives emphasized that the Parliament should soon be reconvened in order to resolve the political crisis, arguing that the elimination of foreign interference and the ending of the political crisis were the essential and complementary prerequisites for the solution of the problem. There was a difference of opinion, however, on whether the Assembly should specifically request the Chief of State to convene the Parliament and on whether the Assembly should suggest that the Parliament might consider revision of the constitutional structure of the country. Some representatives felt that a suggestion on what the Parliament might consider would constitute an interference in the Congo's internal affairs.

Several representatives expressed the view that the Tananarive Conference was a positive development and that the Congolese leaders were entitled to decide on a confederation. Some others thought that while the conference was not fully representative and its decisions were open to criticism, it reflected the ability of Congolese leaders to get together to discuss and agree on their problem. Some others, however, argued that the decisions of the conference were in contradiction to United Nations resolutions and tended to liquidate constitutionality and to dismember the Congolese State along tribal lines. They contended that the status of President Kasa-Vubu as Chief of State and of the

Congo's membership in the United Nations would be affected if President Kasa-Vubu repudiated the *Loi fondamentale* and implemented the decisions of the Tananarive Conference. Some representatives claimed that only the Parliament could modify the constitution and that the Tananarive Conference could not be considered as the summit meeting suggested by the Conciliation Commission. The representative of the Congo (Leopoldville) stated that the *Loi fondamentale* remained in force until a new constitution was democratically approved.

Several representatives suggested the establishment of a new commission with wider composition to continue the work of the Conciliation Commission. Others preferred a committee of assistance, rather than of conciliation, composed of representatives of African states. Still others felt that the appointment of a commission might delay the convening of Parliament and that such a commission should be appointed only if requested by the Parliament.

The representative of the Congo (Leopoldville) expressed his Government's reservations about the Security Council resolution and held that the replacement of foreign personnel must precede their withdrawal. He emphasized that the United Nations must respect Congolese sovereignty, criticized the Special Representative of the Secretary-General for insufficient co-operation with the Congolese authorities, claimed that the Ileo Government was legitimate, paid tribute to the report of the Conciliation Commission and contended that incidents between units of the United Nations Force and the Congolese National Army had arisen mainly because the United Nations representatives had ignored the Congolese authorities. Several other representatives suggested that, if the Special Representative or other United Nations officials were proved to have made mistakes and lost the confidence of the local authorities, they should be changed. The representative of the Federation of Malaya suggested the appointment of a committee to advise the Special Representative.

The representatives of India and certain other states suggested that the Assembly should take action in connexion with the Security Council's decision for an investigation concerning the death of Mr. Lumumba and his colleagues, and that a commission should be appointed for the purpose. The representative of the Congo (Leo-

poldville) stated that no international investigation could be conducted within the territory of the Congo without the consent of his Government, which alone could punish persons in the Congo, and that any investigation should also include the executions in Stanleyville.

The General Assembly had before it four draft resolutions on the situation in the Congo.

The first was sponsored by the following 21 Members: Burma, Cambodia, Ceylon, Ethiopia, the Federation of Malaya, Ghana, Guinea, India, Indonesia, Iraq, Liberia, Libya, Mali, Morocco, Nepal, Saudi Arabia, Sudan, Togo, the United Arab Republic, Yemen and Yugoslavia. By this text, the Assembly would: (1) express the conviction that the central factor in the present grave situation in the Congo was the continued presence of Belgian and other foreign military and para-military personnel, political advisers and mercenaries in total disregard of repeated resolutions of the United Nations; (2) call upon the Government of Belgium to comply fully and promptly with the will of the Security Council and of the General Assembly; (3) decide that the above-mentioned Belgian and foreign personnel should be completely withdrawn and evacuated within a period not exceeding 21 days, "failing which necessary action should be taken in accordance with the Charter of the United Nations"; and (4) call upon all states to extend their co-operation to effect the implementation of the resolution.

The Congo (Leopoldville) proposed an amendment to replace the words quoted above (in the reference to the withdrawal) by the words "as soon as they are replaced by personnel recruited with the assistance of the United Nations, with due respect for Congolese sovereignty."

Another amendment, intended to change the time-limit for withdrawal from 21 to 40 days, was also submitted—by Cameroun, Central African Republic, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Madagascar and Niger. They withdrew their amendment, however, before the voting.

The second resolution was proposed by the following 17 Members: Burma, Chad, Ethiopia, the Federation of Malaya, Iran, Japan, Liberia, Libya, Nigeria, Pakistan, the Philippines, Senegal, Somalia, Sudan, Tunisia, Turkey and Upper

Volta. The Assembly thereby would: (1) take note of the report of the Conciliation Commission; (2) reaffirm the previous resolutions of the Assembly and the Security Council, "more particularly the Security Council resolution of 21 February 1961"; (3) call upon the Congolese authorities concerned to desist from attempting a military solution to their problems; (4) consider it essential that the Secretary-General should immediately take necessary and effective measures to prevent introduction of military supplies into the Congo; (5) urge the immediate release of all members of Parliament and of provincial assemblies, and all other political leaders under detention; (6) urge the convening of Parliament without delay, with a safe conduct and security extended to its members by the United Nations, "so that Parliament may take the necessary decisions concerning the formation of a national government and on the future constitutional structure of the Republic of the Congo in accordance with the constitutional processes laid down in the *Loi fondamentale*"; (7) appoint a commission of conciliation to assist the Congolese leaders to achieve reconciliation and to end the political crisis; and (8) urge the Congolese authorities to co-operate fully in the implementation of the resolutions of the Security Council and the General Assembly.

Cameroun, Central African Republic, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Madagascar and Niger submitted three amendments to this text in order: (a) to delete the specific reference to the Security Council resolution of 21 February; (b) to amend the provision concerning the convening of Parliament so that the Assembly would call upon the Chief of State to make provision for a return to normal parliamentary life in order to permit the establishment of a government of national union; and (c) to provide for a commission of "assistance" instead of a commission of "conciliation."

Guinea also submitted three amendments to this draft resolution but withdrew them before the vote.

By the third draft resolution, proposed by the USSR, the Assembly would: (1) declare that no actions leading to a violation of the unity, political independence and territorial integrity of the Congo could be allowed; (2) deem it

necessary that the Parliament should resume its work not later than 21 days after the adoption of this text; and (3) request the United Nations Command to ensure the safety of the members of Parliament.

The fourth draft resolution was submitted by Ceylon, Ghana, India and Morocco. By this, the Assembly would: (1) take note of the reports of the Secretary-General on the implementation of the Security Council resolution of 21 February concerning the investigation of the circumstances of the death of Mr. Lumumba and his colleagues; (2) establish a Commission of Investigation consisting of the four persons nominated by the Governments of Burma, Ethiopia, Mexico and Togo; and (3) request the Commission of Investigation to proceed as early as possible to carry out the task entrusted to it.

On 15 April 1961, the Assembly voted on the four draft resolutions and amendments before it.

The amendment of the Congo (Leopoldville) to the 21-power draft resolution was voted on in two parts and both parts were rejected for lack of the required two-thirds majority. In the draft resolution itself, the phrases "within a period not exceeding 21 days" and "failing which necessary action should be taken in accordance with the Charter of the United Nations," concerning the withdrawal of Belgian and foreign personnel, were voted on in two parts and rejected for lack of a two-thirds majority. The remainder of the 21-power text was adopted by a roll-call vote of 61 to 5, with 33 abstentions, as resolution 1599 (XV).

The three amendments to the 17-power draft resolution were rejected by varying votes. In the voting on the draft resolution itself, the reference to the report of the Conciliation Commission was approved by 69 votes to 11 with 19 abstentions; the reference to the Secretary-General was approved by 83 votes to 11, with 5 abstentions; the reference to the decisions which the Parliament might take was approved 50 votes to 24, with 25 abstentions; the provision concerning the convening of the Parliament was approved by 57 votes to 15, with 26 abstentions; and the provision concerning the appointment of a new commission of conciliation was approved by 67 votes to 21, with 11 abstentions. The 17-power text, as a whole, was then adopted by a roll-call vote of 60 to 26,

with 23 abstentions, as resolution 1600 (XV).

The USSR draft resolution was rejected by a roll-call vote of 53 to 29, with 17 abstentions.

Finally, the four-power draft resolution concerning the Commission of Investigation, was

adopted as resolution 1601 (XV) by a roll-call vote of 45 votes to 3, with 49 abstentions, following separate votes on the preambular paragraphs.

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S/4382. Cable of 12 July 1960 from President of Republic of Congo* and Supreme Commander of National Army and Prime Minister and Minister of National Defence.

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S/4386. USSR: amendments to Tunisia draft resolution, S/4383.

S/4387. Resolution, as submitted by Tunisia, S/4383, adopted by Council on 13 July 1960, meeting 873, by 8 votes to 0, with 3 abstentions.

"The Security Council,

"Considering the report of the Secretary-General on a request for United Nations action in relation to the Republic of the Congo,

"Considering the request for military assistance addressed to the Secretary-General by the President and the Prime Minister of the Republic of the Congo (document S/4382),

"1. Calls upon the Government of Belgium to withdraw their troops from the territory of the Republic of the Congo;

"2. Decides to authorize the Secretary-General to take the necessary steps, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance, as may be necessary, until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks;

"3. Requests the Secretary-General to report to the Security Council as appropriate."

S/4389 and Add.1-6. First report by Secretary-General in implementation of Security Council resolution S/4387 of 14 July 1960.

S/4398. Letter of 19 July 1960 from Permanent Representative of USSR.

S/4400. Letter of 20 July 1960 from Permanent Representative of United States.

S/4401. Letter of 20 July 1960 from Minister for Foreign Affairs of Belgium.

S/4403. Letter of 20 July 1960 from Minister-Delegate of Congo.

S/4410. Letter of 15 July 1960 from Permanent Representative of Guinea.

S/4402. USSR: draft resolution.

S/4404. Ceylon and Tunisia: draft resolution.

S/4405. Resolution, as submitted by Ceylon and Tunisia, S/4404, and as amended by sponsors, adopted unanimously by Council on 22 July 1960, meeting 879.

"The Security Council,

"Having considered the first report by the Secretary-General on the implementation of Security Council resolution S/4387 of 14 July 1960 (document S/4389),

"Appreciating the work of the Secretary-General and the support so readily and so speedily given to him by all Member States invited by him to give assistance,

"Noting that as stated by the Secretary-General the arrival of the troops of the United Nations Force in Leopoldville has already had a salutary effect,

"Recognizing that an urgent need still exists to continue and to increase such efforts,

"Considering that the complete restoration of law and order in the Republic of the Congo would effectively contribute to the maintenance of international peace and security,

"Recognizing that the Security Council recommended the admission of the Republic of the Congo to membership in the United Nations as a unit,

"1. Calls upon the Government of Belgium to implement speedily the Security Council resolution of 14 July 1960, on the withdrawal of their troops and authorizes the Secretary-General to take all necessary action to this effect;

"2. Requests all States to refrain from any action which might tend to impede the restoration of law and order and the exercise by the Government of Congo of its authority and also to refrain from any action which might undermine the territorial integrity and the political independence of the Republic of the Congo;

"3. Commends the Secretary-General for the prompt action he has taken to carry out resolution S/4387 of the Security Council and his first report;

"4. Invites the specialized agencies of the United Nations to render to the Secretary-General such assistance as he may require;

"5. Requests the Secretary-General to report further to the Security Council as appropriate."

S/4414. Letter of 31 July 1960 from Prime Minister of Congo.

* Unless otherwise indicated, the references to the Republic of the Congo apply to the Republic of the Congo with its capital in Leopoldville.

S/4415. Letter of 1 August 1960 from Permanent Representative of Ghana.

S/4416. Letter of 2 August 1960 from Representative of USSR.

S/4417 and Corr.1, Add.1/Rev.1, Add.2-7, Add.7/Rev.1, Add.8 and Corr.1,2, Add.9,10. Second report by Secretary-General on implementation of Security Council resolutions S/4387 of 14 July and S/4405 of 22 July 1960.

S/4418. Letter of 6 August 1960 from Acting Permanent Representative of USSR transmitting statement from Government of USSR regarding situation in Congo.

S/4419. Letter of 6 August 1960 from Permanent Representative of Belgium.

S/4420. Note verbale of 6 August 1960 from Permanent Representative of Ghana.

S/4421. Cable of 7 August 1960 from Prime Minister of Congo.

S/4423. Letter of 8 August 1960 from Deputy Prime Minister of Congo.

S/4424. Ceylon and Tunisia: draft resolution.

S/4425. USSR: draft resolution.

S/4426. Resolution, as submitted by Ceylon and Tunisia, S/4424, adopted by Council on 9 August 1960, meeting 886, by 9 votes to 0, with 2 abstentions.

"The Security Council,

"Recalling its resolution of 22 July 1960 (S/4405), *inter alia*, calling upon the Government of Belgium to implement speedily the Security Council resolution of 14 July (S/4387) on the withdrawal of their troops and authorizing the Secretary-General to take all necessary action to this effect,

"Having noted the second report by the Secretary-General on the implementation of the aforesaid two resolutions and his statement before the Council,

"Having considered the statements made by the representatives of Belgium and the Republic of the Congo to this Council at this meeting,

"Noting with satisfaction the progress made by the United Nations in carrying out the Security Council resolutions in respect of the territory of the Republic of the Congo other than the Province of Katanga,

"Noting however that the United Nations had been prevented from implementing the aforesaid resolutions in the Province of Katanga although it was ready, and in fact attempted, to do so,

"Recognizing that the withdrawal of Belgian troops from the Province of Katanga will be a positive contribution to and essential for the proper implementation of the Security Council resolutions,

"1. Confirms the authority given to the Secretary-General by the Security Council resolutions of 14 July and 22 July 1960 and requests him to continue to carry out the responsibility placed on him thereby;

"2. Calls upon the Government of Belgium to withdraw immediately its troops from the Province of Katanga under speedy modalities determined by the Secretary-General and to assist in every possible way the implementation of the Council's resolutions;

"3. Declares that the entry of the United Nations

Force into the Province of Katanga is necessary for the full implementation of this resolution;

"4. Reaffirms that the United Nations Force in the Congo will not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise;

"5. Calls upon all Member States, in accordance with Articles 25 and 49 of the Charter, to accept and carry out the decisions of the Security Council and to afford mutual assistance in carrying out measures decided upon by the Security Council;

"6. Requests the Secretary-General to implement this resolution and to report further to the Security Council as appropriate."

S/4427. Letter of 11 August 1960 from Permanent Representative of Ghana.

S/4445. Exchange of messages between Secretary-General and President of Ghana.

S/4446. Letter of 20 August 1960 from First Deputy Minister for Foreign Affairs of USSR.

S/4447. Aide-memoire of 24 and 25 July 1960 from Prime Minister of Congo on assistance to Congo.

S/4448. Cable of 20 August 1960 from Patrice Lumumba, Prime Minister of Congo.

S/4449. Letter from Colonel Mobutu, Chief of Staff of Congolese National Army, to Dr. Ralph Bunche, Special Representative of Secretary-General.

S/4450. Letter of 20 August 1960 from First Deputy Minister for Foreign Affairs of USSR.

S/4451/Corr.1. Observations by Special Representative of Secretary-General in Congo on memorandum by Major-General H. T. Alexander (S/4445, Annex II).

S/4452. Cable of 20 August 1960 from President of Guinea.

S/4453. USSR: draft resolution.

S/4475 and Add.1-3. Third report by Secretary-General on implementation of Security Council resolutions S/4387 of 14 July, S/4405 of 22 July and S/4426 of 9 August 1960.

S/4482 and Add.1-4. Fourth report by Secretary-General on implementation of Security Council resolutions S/4387 of 14 July, S/4405 of 22 July and S/4426 of 9 August 1960.

S/4485. Letter of 8 September 1960 from Permanent Representative of Yugoslavia.

S/4486. Cable of 8 September 1960 from Prime Minister of Congo.

S/4488, S/4489. Letters of 7 and 9 September 1960 from Secretary-General.

S/4490. Report by Secretary-General on credentials of Representative of Yugoslavia.

S/4492, S/4493. Letters of 9 September 1960 from Permanent Representative of Indonesia.

S/4494. USSR: draft resolution.

S/4495. Letter of 9 September 1960 from Representative, a.i., of Belgium.

S/4496. Letter of 10 September 1960 from Secretary-General.

S/4497. Letter of 9 September 1960 from First Deputy Foreign Minister of USSR.

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- S/4498. Communication of 10 September 1960 from Prime Minister of Congo.
- S/4499. Letter of 10 September 1960 from Representative of Ghana.
- S/4500 and Add.1. Cable of 10 September and message of 11 September 1960 from President of Congo.
- S/4502. Cable of 10 September 1960 from President of Congo.
- S/4503. Note verbale of 5 September 1960 from Secretary-General to USSR delegation and Note verbale of 10 September 1960 from USSR delegation to Secretary-General.
- S/4504 and Add.1. Letter of 11 September 1960 from Secretary-General to President of Security Council enclosing communications from Prime Minister and President of Congo, and cable of 11 September 1960 from President of Congo.
- S/4505 and Add.1,2. Messages and memorandum of 11 September 1960 from Special Representative of Secretary-General in Congo.
- S/4506. Letter of 12 September 1960 from Representative of USSR.
- S/4507. Cable of 13 September 1960 from Prime Minister of Congo.
- S/4508. Report by Secretary-General on credentials of Representative of Indonesia.
- S/4509. Letter of 13 September 1960 from Permanent Representative of Guinea.
- S/4511. Letter of 13 September 1960 from Representative of Yugoslavia.
- S/4512. Letter of 14 September 1960 from Secretary of State, Office of President, Special Representative of Congo to Security Council.
- S/4513. Letter of 13 September 1960 from Permanent Representative of Morocco.
- S/4514, S/4515. Letters of 14 September 1960 from Minister-Delegate of Congo.
- S/4516. United States: draft resolution.
- S/4517. Letter of 14 September 1960 from Special Delegate of Congo.
- S/4518. Letter of 14 September 1960 from Permanent Representative of United Arab Republic.
- S/4519. USSR: draft resolution.
- S/4520. Telegram of 15 September 1960 from President of Congo.
- S/4521. Letter of 15 September 1960 from Permanent Representative of Ethiopia.
- S/4522. Letter of 16 September from Representative of Liberia.
- S/4523. Ceylon and Tunisia: draft resolution.
- S/4524. USSR: amendments to draft resolution of Ceylon and Tunisia, S/4523.
- S/4525. United States: draft resolution.
- S/4526. Resolution, as submitted by United States, S/4525, adopted by Council on 17 September 1960, meeting 906.

"The Security Council,

"Having considered the item on its agenda as contained in document S/Agenda 906,

"Taking into account that the lack of unanimity of its permanent members at the 906th meeting of the

Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

"Decides to call an emergency special session of the General Assembly as provided in General Assembly resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations."

S/4529. Message of 18 September 1960 from Secretary-General to Mr. Tshombe, president of provincial government of Katanga.

S/4531. First Progress Report to Secretary-General from his Special Representative in Congo, dated 21 September 1960.

CONSIDERATION AT FOURTH EMERGENCY SPECIAL SESSION OF GENERAL ASSEMBLY, 17-20 SEPTEMBER 1960

GENERAL ASSEMBLY—FOURTH EMERGENCY SPECIAL SESSION.

Plenary Meetings 858-863.

A/4496. Summoning of Fourth Emergency Special Session of Assembly by Secretary-General.

A/4497. Provisional agenda.

A/L.292. Ceylon, Ghana, Guinea, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, United Arab Republic, Yemen: draft resolution.

A/L.292/Rev.1. Revised draft resolution sponsored by 16 powers listed above and Ethiopia.

A/L.293. USSR: draft resolution.

A/L.294. USSR: amendments to 17-power revised draft resolution, A/L.292/Rev.1.

RESOLUTION 1474(ES-iv), as submitted by 17 powers, A/L.292/Rev.1, adopted by Assembly on 20 September 1960, meeting 863, by roll-call vote of 70 to 0, with 11 abstentions, as follows:

In favour: Afghanistan, Argentina, Australia, Austria, Belgium, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Tunisia, Turkey, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Albania, Bulgaria, Byelorussian SSR, Czechoslovakia, France, Hungary, Poland, Romania, Ukrainian SSR, Union of South Africa, USSR.

"The General Assembly,

"Having considered the situation in the Republic of the Congo,

"Taking note of the resolutions of 14 July, 22 July and 9 August 1960 of the Security Council,

"Taking into account the unsatisfactory economic and political conditions that continue in the Republic of the Congo,

"Considering that, with a view to preserving the unity, territorial integrity and political independence of the Congo, to protecting and advancing the welfare of its people, and to safeguarding international peace, it is essential for the United Nations to continue to assist the Central Government of the Congo,

"1. Fully supports the resolutions of 14 and 22 July and 9 August 1960 of the Security Council;

"2. Requests the Secretary-General to continue to take vigorous action in accordance with the terms of the aforesaid resolutions and to assist the Central Government of the Congo in the restoration and maintenance of law and order throughout the territory of the Republic of the Congo and to safeguard its unity, territorial integrity and political independence in the interests of international peace and security;

"3. Appeals to all Congolese within the Republic of the Congo to seek a speedy solution by peaceful means of all their internal conflicts for the unity and integrity of the Congo, with the assistance, as appropriate, of Asian and African representatives appointed by the Advisory Committee on the Congo, in consultation with the Secretary-General, for the purpose of conciliation;

"4. Appeals to all Member Governments for urgent voluntary contributions to a United Nations Fund for the Congo to be used under United Nations control and in consultation with the Central Government for the purpose of rendering the fullest possible assistance to achieve the objective mentioned in the preamble;

"5. Requests:

"(a) All States to refrain from any action which might tend to impede the restoration of law and order and the exercise by the Government of the Republic of the Congo of its authority and also to refrain from any action which might undermine the unity, territorial integrity and the political independence of the Republic of the Congo;

"(b) All Member States in accordance with Articles 25 and 49 of the Charter of the United Nations, to accept and carry out the decisions of the Security Council and to afford mutual assistance in carrying out measures decided upon by the Security Council;

"6. Without prejudice to the sovereign rights of the Republic of the Congo, calls upon all States to refrain from the direct and indirect provision of arms or other materials of war and military personnel and other assistance for military purposes in the Congo during the temporary period of military assistance through the United Nations, except upon the request of the United Nations through the Secretary-General for carrying out the purposes of this resolution and of the resolutions of 14 and 22 July and 9 August 1960 of the Security Council."

CONSIDERATION AT GENERAL ASSEMBLY'S FIFTEENTH SESSION, SEPTEMBER-NOVEMBER 1960

GENERAL ASSEMBLY—15TH SESSION

Plenary Meetings 911-913, 917-920.

A/4495. Letter of 16 September 1960 from Deputy Minister for Foreign Affairs of USSR requesting inclusion of following item in agenda: "Threat to the political independence and territorial integrity of the Republic of the Congo."

A/4518 and Corr.1. Letter of 28 September 1960 from Minister for Foreign Affairs of USSR, with attached memorandum from delegation of Congolese Parliament to Mr. Dayal, United Nations Special Representative in Congo.

A/4547. Letter of 21 October 1960 from Permanent Representative of USSR.

[S/4554. Letter of 27 October 1960 from President of Security Council to Secretary-General, and Secretary-General's reply of 28 October.]

A/4555. Letter of 28 October 1960 from Deputy Minister for Foreign Affairs of USSR.

A/4557 and Add.1 (S/4557 and Corr.1). Second progress report of Special Representative of Secretary-General in Congo,* with exchange of messages between Secretary-General and Permanent Representative of Belgium, and between Secretary-General and Mr. Tshombe, president of provincial government of Katanga.

A/4560. Exchange of messages between President of Congo and President of General Assembly.

A/4561. Note verbale of 7 November 1960 from Permanent Representative of Ghana.

A/4569. Letter of 9 November 1960 from President of Congo.

A/4571 and Corr.1. Letter of 11 November 1960 from P. E. Lumumba, Prime Minister of Congo.

A/4577. Letter of 16 November 1960 from President of Congo.

A/4583. Letter of 21 November 1960 from Permanent Representative of Guinea.

A/4586. Statement by delegation of USSR at 15th session of Assembly regarding attitude of Command of United Nations Force to Mobutu forces in Congo.

A/4587 and Add.1. Report to Secretary-General from his acting Special Representative in Congo, General Rikhye.

A/4592. Report of 24 November 1960 by Advisory Committee on Congo.

A/4598. Cable of 27 November 1960 from President of Ghana.

CREDENTIALS OF REPRESENTATIVES OF REPUBLIC OF CONGO TO GENERAL ASSEMBLY

GENERAL ASSEMBLY—15TH SESSION

Credentials Committee, meetings 36-38.

Plenary Meetings 911, 912, 917-924.

* First progress report was submitted to Security Council on 21 September 1960 as document S/4531.

- A/4560. Exchange of messages between President of Congo and President of General Assembly.
- A/4578. First report of Credentials Committee, containing draft resolution submitted by United States (A/CR/L.4) and adopted by Committee on 10 November 1960, meeting 38, by 6 votes to 1 [Morocco and United Arab Republic did not participate in vote].
- A/4598. Cable of 27 November 1960 from President of Ghana.
- A/L.319. Guinea: draft resolution.
- A/L.319/Rev.1 and Add.1.2. Ceylon, Ghana, Guinea, India, Morocco, United Arab Republic: draft resolution.
- A/L.319/Rev.2. Ceylon, Ghana, Guinea, India, Indonesia, Mali, Morocco, United Arab Republic: draft resolution.
- A/L.322 and Rev.1. Guinea: amendment to draft resolution recommended by Credentials Committee, and revision.
- RESOLUTION 1498(xv), as submitted by Credentials Committee, A/4578, adopted by Assembly on 22 November 1960, meeting 924, by roll-call vote of 53 to 24, with 19 abstentions, as follows:
 In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroun, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Greece, Guatemala, Haiti, Honduras, Iceland, Italy, Ivory Coast, Japan, Jordan, Laos, Luxembourg, Madagascar, Mexico, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Philippines, Portugal, Senegal, Spain, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay.
 Against: Afghanistan, Albania, Bulgaria, Byelorussian SSR, Ceylon, Cuba, Czechoslovakia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Mali, Morocco, Poland, Romania, Saudi Arabia, Togo, Ukrainian SSR, USSR, United Arab Republic, Yemen, Yugoslavia.
 Abstaining: Burma, Cambodia, Canada, Central African Republic, Ethiopia, Federation of Malaya, Finland, Iran, Ireland, Israel, Lebanon, Liberia, Libya, Pakistan, Somalia, Sudan, Sweden, Tunisia, Venezuela.
- "The General Assembly,
 "Accepts the credentials of the representatives of the Republic of the Congo (Leopoldville) issued by the Head of State and communicated by him to the President of the General Assembly in a letter dated 8 November 1960."
- ESTABLISHMENT OF
 CONCILIATION COMMISSION
- A/4592. Report of 24 November 1960 by Advisory Committee on Congo.
- CONSIDERATION BY SECURITY
 COUNCIL, 7-13 DECEMBER 1960
 SECURITY COUNCIL, meetings 912-920.
- S/4529. Message of 18 September 1960 from Secretary-General to Mr. Tshombe, president of provincial government of Katanga.
- S/4531 and Corr.1,2. First progress report to Secretary-General from his Special Representative in Congo, Ambassador Rajeshwar Dayal.
- S/4554. Letter of 27 October 1960 from President of Security Council to Secretary-General and reply of 28 October 1960 from Secretary-General.
- S/4557 and Corr.1 (A/4557 and Add.1). Second progress report of Special Representative of Secretary-General in Congo, also containing exchange of messages between Secretary-General and Permanent Representative of Belgium and between Secretary-General and Mr. Tshombe, president of provincial government of Katanga.
- S/4571 and Add.1, Add.1/Corr.1 (A/4614 and Add.1). Report to Secretary-General from his Special Representative in Congo regarding certain actions taken against Patrice Lumumba.
- S/4573. Statement of 6 December 1960 from Government of USSR concerning situation in Congo.
- S/4574. Letter of 6 December 1960 from Chairman of delegation of Mali.
- S/4575. Letter of 6 December 1960 from Permanent Representative of Guinea.
- S/4576. Letter of 7 December 1960 from Representative of Congo.
- S/4577. Letter of 7 December 1960 from Permanent Representative of Indonesia.
- S/4578 and Rev.1. Argentina, Italy, United Kingdom, United States: draft resolution and revision: not adopted by Council on 13 December 1960, meeting 920, because of negative vote of permanent member. Vote was 7 to 3, with 1 abstention.
- S/4579. USSR: draft resolution, rejected by Council on 13 December 1960, meeting 920, by 2 votes in favour, 8 against, with 1 abstention.
- S/4580. Cable of 7 December 1960 from President of Congo.
- S/4581. Cable of 7 December 1960 from President of Congo.
- S/4582. Letter of 7 December 1960 from Representative of Cameroun.
- S/4583. Cable of 7 December 1960 from Secretary of State for Foreign Affairs of Yugoslavia.
- S/4585 (A/4629). Note verbale of 7 December 1960 from Permanent Mission of Belgium.
- S/4586. Cable of 7 December 1960 from Minister for Foreign Affairs of Belgium.
- S/4587. Letter of 7 December 1960 from Representative of India.
- S/4588. Letter of 8 December 1960 from Representative of United Arab Republic.
- S/4589. Report by Secretary-General on credentials of Representative and Alternate Representative of India.
- S/4590. Note by Secretary-General transmitting report from Special Representative in Congo regarding current situation in Stanleyville.
- S/4591. Letter of 8 December 1960 from Chairman of delegation of Morocco.

- S/4592. Letter of 9 December 1960 from Representative of USSR.
- S/4593. Telegram of 9 December 1960 from President of Council of Ministers of Bulgaria.
- S/4594. Cable of 12 December 1960 from President of Guinea.
- S/4595. Telegram of 12 December 1960 from President of Council of Ministers of Albania.
- S/4597. USSR: amendments to 4-power draft resolution, S/4578.
- S/4598. Poland: draft resolution, rejected by Council on 13 December 1960, meeting 920, by 3 votes in favour, 6 against, with 2 abstentions.
- S/4599 (A/4652). Letters of 14 December 1960 from Special Representative of Secretary-General and from Secretary-General to President of Congo.

OTHER DOCUMENTS

- S/4601 (A/4682). Report of 21 December 1960 from Special Representative of Secretary-General in Congo concerning incidents at Bukavu on 15 and 16 December 1960 relating to arrival of Austrian military hospital.
- S/4606 and Add.1. Note by Secretary-General transmitting certain documents with reference to incidents, which took place in Bukavu area, 30 December 1960-1 January 1961.

CONSIDERATION BY GENERAL ASSEMBLY, 16-20 DECEMBER 1960

GENERAL ASSEMBLY—15TH SESSION
Plenary Meetings 949-953, 955-959.

- A/4612. Letter of 2 December 1960 from Permanent Representative of USSR.
- A/4613. Note verbale of 3 December 1960 from permanent delegation of Mali.
- A/4614 and Add.1 (S/4571 and S/4571/Add.1 and Corr.1). Report to Secretary-General from his Special Representative in Congo regarding certain actions taken against Patrice Lumumba.
- A/4617. Cables of 3 and 5 December 1960 from President of Guinea.
- A/4618. Letter of 6 December 1960 from Chairman of delegation of USSR.
- A/4628. Letter of 7 December 1960 from Permanent Representative of Yugoslavia.
- A/4629 (S/4585). Note verbale of 7 December 1960 from Permanent Mission of Belgium.
- A/4652 (S/4599). Letters of 14 December 1960 from Special Representative of Secretary-General in Congo and from Secretary-General to President of Congo.
- A/4661. Note verbale of 16 December 1960 from Permanent Representative of Ghana.
- A/4669. Letter of 7 December 1960 from President of Ghana.
- A/4670. Letter of 18 December 1960 from First Deputy Minister for Foreign Affairs of Hungary and Chairman of Hungarian delegation.
- A/L.331 and Add.1, 331/Rev.1. Ceylon, Ghana,

- India, Indonesia, Iraq, Morocco, United Arab Republic, Yugoslavia: draft resolution.
- A/L.332. United Kingdom and United States: draft resolution.
- RESOLUTION 1592(xv), as proposed orally by Austria, adopted without objection by Assembly on 20 December 1960, meeting 958.

"The General Assembly,
"Having considered the item entitled 'The situation in the Republic of the Congo,'
"Noting that the previous resolutions of the Security Council and the General Assembly on this subject are still in effect,
"Decides to keep this item on the agenda of its resumed fifteenth session."

- A/4682 (S/4601). Report of 21 December 1960 from Special Representative of Secretary-General in Congo concerning incidents at Bukavu on 15 and 16 December 1960.

CONSIDERATION BY SECURITY COUNCIL, JANUARY-FEBRUARY 1961

SECURITY COUNCIL, meetings 924-942.

- S/4614, S/4616. Letters of 4 and 7 January 1961 from Permanent Representative of USSR.
- S/4619. Report of Secretary-General on credentials of Representative of Belgium.
- S/4621. Note verbale of 11 January 1961 from Permanent Representative of Belgium.
- S/4622. Letter of 11 January 1961 from Permanent Representative of USSR.
- S/4623. Report of Secretary-General on credentials of Representative of Congo.
- S/4625. Ceylon, Liberia, United Arab Republic: draft resolution, not adopted by Council on 14 January 1961, meeting 927, by vote of 4 to 0, with 7 abstentions.
- S/4626 and Corr.1. Letter of 12 January 1961 from President of Ghana transmitting communique concerning situation in Congo adopted by Conference of Independent African States held at Casablanca, 3-7 January 1961.
- S/4627. Note verbale of 13 January 1961 from Permanent Representative of Belgium.
- S/4629 and Add.1. Letter of 14 January 1961 from President of Republic of Congo to Secretary-General and reply of 15 January 1961.
- S/4630. Letter of 7 January 1961 to Special Representative of Secretary-General from President of Congo, countersigned by Commissioner for Foreign Affairs, and reply of 14 January 1961.
- S/4633. Cable of 19 January 1961 from President of Mali.
- S/4634. Letter of 20 January 1961 from Representative of USSR.
- S/4636. Letter of 22 January 1961 from Permanent Representative of Yugoslavia.
- S/4637. Note by Secretary-General transmitting com-

- munications from Secretary-General to President of Congo, to Mr. Tshombe and to Mr. Gizenga, and from Special Representative of Secretary-General in Congo to Messrs. Gizenga, Manzikala, Lundula and Kashamura.
- S/4637/Add.1. Message from Mr. Tshombe received by Secretary-General on 1 February 1961.
- S/4639. Cable of 24 January 1961 from President of Congo and President of College of Commissioners-General and Commissioner-General for Foreign Affairs.
- S/4640. Report by Secretary-General on intended withdrawals of certain contingents from United Nations Force in Congo.
- S/4641. Letter of 26 January 1961 from Permanent Representatives of Ceylon, Ghana, Guinea, Mali, Morocco, United Arab Republic and Yugoslavia.
- S/4643. Exchange of communications between Secretary-General and President of Congo.
- S/4644. Letter of 29 January 1961 from Permanent Representative of USSR.
- S/4646. Cable of 27 January 1961 from Permanent Representative of Mali.
- S/4648. Telegram of 30 January 1961 from Minister of External Affairs of India.
- S/4649. Communications to Secretary-General from Permanent Representative of Belgium: note verbale of 30 January 1961.
- S/4650. Note of 29 January 1961 from Permanent Representative of Libya.
- S/4651. Letter of 21 January 1961 from Secretary-General to Permanent Representative of Belgium.
- S/4652. Letter of 30 January 1961 from Permanent Representative of India.
- S/4653. Letter of 30 January 1961 from Permanent Representative of Czechoslovakia.
- S/4654. Letter of 31 January 1961 from Permanent Representative of Yugoslavia.
- S/4655. Cable of 31 January 1961 from Minister for Foreign Affairs of Indonesia.
- S/4656. Letter of 31 January 1961 from Permanent Representative of Belgium.
- S/4657. Cable of 31 January 1961 from Minister of Foreign Affairs of Belgium.
- S/4658. Letter of 31 January 1961 from Permanent Representative of Indonesia.
- S/4659. Letter of 1 February 1961 from Acting Charge d'Affaires of Permanent Mission of Guinea.
- S/4660. Cable of 1 February 1961 from President of Ghana.
- S/4661. Report by Secretary-General on credentials of representative of Congo.
- S/4662. Report by Secretary-General on credentials of representative of Guinea.
- S/4663. Letter of 1 February 1961 from Charge d'Affaires a.i. of Permanent Mission of Ghana.
- S/4664. Letter of 1 February 1961 from Permanent Representative of Morocco.
- S/4665. Letter of 1 February 1961 from Permanent Representative of Poland.
- S/4666. Letter of 1 February 1961 from Permanent Representative of Libya.
- S/4667. Cable of 1 February 1961 from President of Republic of Congo and countersigned by Chairman of College of Commissioners-General and Commissioner-General for Foreign Affairs.
- S/4668 and Add.1. Cable of 25 January 1961 from Secretary-General to His Majesty the King of Morocco, letter of 1 February 1961 from Permanent Representative of Morocco, communications of 25 January 1961 from Secretary-General to His Majesty the King of Morocco and to Permanent Representative of Morocco, and letter of 1 February 1961 from Permanent Representative of Morocco.
- S/4669. Report of Secretary-General on credentials of representative of Poland.
- S/4671. Cable of 6 February 1961 from President of Congo (Brazzaville).
- S/4672. Letter of 7 February 1961 from Permanent Representative of Nigeria.
- S/4673. Telegram of 6 February 1961 from Permanent Representative of Malagasy Republic.
- S/4674, S/4675. Letters of 6 and 7 February 1961 from Permanent Representative of Sudan.
- S/4676. Report by Secretary-General on credentials of Representative of Nigeria.
- S/4677. Note verbale of 7 February 1961 from Permanent Representative of Senegal.
- S/4678. Report by Secretary-General on credentials of Representative of Sudan.
- S/4679. Cable of 9 February 1961 from President of Malagasy Republic (Madagascar).
- S/4680. Cable of 9 February 1961 from Permanent Representative of Malagasy Republic (Madagascar).
- S/4681. Telegram of 9 February 1961 from Permanent Representative of Gabon.
- S/4682. Letter of 10 February 1961 from Representatives of Ceylon, Ghana, Guinea, India, Indonesia, Libya, Mali, Morocco, United Arab Republic and Yugoslavia.
- S/4683. Letter of 10 February 1961 from Permanent Representative of USSR.
- S/4684. Telegram of 10 February 1961 from President of Guinea.
- S/4685. Telegram of 11 February 1961 from Minister of Foreign Affairs of Cameroun.
- S/4686. Letter of 11 February 1961 from Permanent Representative of USSR.
- S/4687. Telegram of 11 February 1961 from Permanent Representative of Central African Republic.
- S/4688 and Add.1,2. Report to Secretary-General from his Special Representative in Congo concerning Mr. Patrice Lumumba.
- S/4689. Telegram of 12 February 1961 from Permanent Representative of Congo (Brazzaville).
- S/4690. Telegram of 11 February 1961 from President of Dahomey.
- S/4691 and Add.1,2. Report on recent developments in Northern Katanga from Special Representative of Secretary-General.
- S/4692. Letter of 13 February 1961 from Permanent Representative of Senegal.

- S/4693. Letter of 13 February 1961 from Permanent Representative of Gabon.
- S/4694. Cable of 13 February 1961 from President of Senegal.
- S/4695. Cable of 13 February 1961 from Chief of State and President of Council of Chad.
- S/4697. Cable of 13 February 1961 from President of Upper Volta.
- S/4698. Cable of 13 February 1961 from His Majesty the King of Morocco.
- S/4699. Telegram of 13 February 1961 from Permanent Representative of Cameroun.
- S/4700. Cable of 13 February 1961 from Minister for External Affairs of Cuba.
- S/4701. Letter of 13 February 1961 from Permanent Representative of Yugoslavia.
- S/4702. Cable of 14 February 1961 from Secretary of State for Presidency and National Defence of Tunisian Government.
- S/4703. Cable of 14 February 1961 from President of Guinea.
- S/4704. Letter of 14 February 1961 from Permanent Representative of USSR.
- S/4705. Cable of 14 February 1961 from President of Mali.
- S/4706. USSR: draft resolution, rejected by Council on 20 February 1961, meeting 942, by 1 vote to 8, with 2 abstentions.
- S/4707. Letter of 14 February 1961 from Permanent Representative of Czechoslovakia.
- S/4709. Letter of 15 February 1961 from Permanent Representative of Upper Volta.
- S/4710. Letter of 15 February 1961 from Permanent Representative of Central African Republic.
- S/4711. Letter of 15 February 1961 from Permanent Representative of Iraq.
- S/4712. Letter of 15 February 1961 from Permanent Representative of Czechoslovakia.
- S/4713. Letter of 14 February 1961 from Permanent Representative of Brazil.
- S/4714. Text of statement by W. V. S. Tubman, President of Liberia, issued 14 February 1961.
- S/4715. Cable of 14 February 1961 from President of Guinea.
- S/4716. Cable of 15 February 1961 from President of Somalia.
- S/4717. Letter of 16 February 1961 from Permanent Representative of Brazil.
- S/4718. Letter of 16 February 1961 from Permanent Representative of Poland.
- S/4719. Cable of 15 February 1961 from President of Council of Ministers of Romania.
- S/4720. Letter of 17 February 1961 from Permanent Representative of Bulgaria.
- S/4721. Cable of 16 February 1961 from President of Haiti.
- S/4722. Ceylon, Liberia, United Arab Republic: draft resolution.
- S/4724. Letter of 17 February 1961 from Representative of Congo.
- S/4725 and Add.1. Cable of 18 February 1961 from President of Ghana and note of 23 February 1961 from Permanent Representative of Ghana.
- S/4726. Cable of 17 February 1961 from President of Togo.
- S/4727 and Add.1-3, Add.1/Corr.1. Report of Special Representative of Secretary-General concerning arrest and deportation of political personalities, dated 18 February 1961.
- S/4728. Telegram of 18 February 1961 from Secretary of State for Foreign Affairs of Tunisia.
- S/4729. Cable of 18 February 1961 from Minister for Foreign Affairs of Ukrainian SSR.
- S/4730. Letter of 20 February 1961 from Permanent Representative of Pakistan.
- S/4731. Cable of 15 February 1961 from President of Sudan.
- S/4732. Letter of 18 February 1961 from Permanent Representative of Norway.
- S/4733 and Rev.1. Ceylon, Liberia, United Arab Republic: draft resolution and revision, as amended by sponsors, United States and Council, not adopted by Council on 20 February 1961, meeting 942, by 6 votes to 0, with 5 abstentions.
- S/4734. Letter of 20 February 1961 from official in charge of Venezuelan delegation.
- S/4735. Letter of 20 February 1961 from Charge d'Affaires, a.i., of Permanent Mission of Ghana.
- S/4736. Cable of 14 February 1961 from His Imperial Majesty the Emperor of Ethiopia.
- S/4738. Letter of 20 February 1961 from Representative of Liberia.
- S/4739. Cable of 20 February 1961 from Minister for Foreign Affairs of Byelorussian SSR.
- S/4740. United States: amendments to 3-power revised draft resolution, S/4733/Rev.1.
- S/4741. Resolution, as submitted by 4 powers, S/4722, adopted by Council on 20-21 February 1961, meeting 942, by 9 votes to 0, with 2 abstentions.

A

"The Security Council,

"Having considered the situation in the Congo,

"Having learnt with deep regret the announcement of the killing of the Congolese leaders, Mr. Patrice Lumumba, Mr. Maurice Mpolo and Mr. Joseph Okito,

"Deeply concerned at the grave repercussions of these crimes and the danger of wide-spread civil war and bloodshed in the Congo and the threat to international peace and security,

"Noting the Report of the Secretary-General's Special Representative (S/4691) dated 12 February 1961 bringing to light the development of a serious civil war situation and preparations therefor,

"1. Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort;

"2. Urges that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries;

"3. Calls upon all States to take immediate and energetic measures to prevent the departure of such

personnel for the Congo from their territories, and for the denial of transit and other facilities to them;

"4. Decides that an immediate and impartial investigation be held in order to ascertain the circumstances of the death of Mr. Lumumba and his colleagues and that the perpetrators of these crimes be punished;

"5. Reaffirms the Security Council resolutions of 14 July, 22 July and 9 August 1960 and the General Assembly resolution 1474(ES-IV) of 20 September 1960 and reminds all States of their obligation under these resolutions.

B

"The Security Council,

"Gravely concerned at the continuing deterioration in the Congo, and the prevalence of conditions which seriously imperil peace and order, and the unity and territorial integrity of the Congo, and threaten international peace and security,

"Noting with deep regret and concern the systematic violations of human rights and fundamental freedoms and the general absence of rule of law in the Congo,

"Recognizing the imperative necessity of the restoration of parliamentary institutions in the Congo in accordance with the fundamental law of the country, so that the will of the people should be reflected through the freely elected Parliament,

"Convinced that the solution of the problem of the Congo lies in the hands of the Congolese people themselves without any interference from outside and that there can be no solution without conciliation,

"Convinced further that the imposition of any solution, including the formation of any government not based on genuine conciliation would, far from settling any issues, greatly enhance the dangers of conflict within the Congo and threat to international peace and security,

"1. Urges the convening of the Parliament and the taking of necessary protective measures in that connexion;

"2. Urges that Congolese armed units and personnel should be re-organized and brought under discipline and control, and arrangements be made on impartial and equitable bases to that end and with a view to the elimination of any possibility of interference by such units and personnel in the political life of the Congo;

"3. Calls upon all States to extend their full co-operation and assistance and take such measures as may be necessary on their part, for the implementation of this resolution."

S/4742, S/4743. Letter of 21 February 1961 and cable of 22 February 1961 from Representative of Republic of Congo.

S/4744. Letter of 15 February 1961 from Prime Minister of Ceylon.

SECURITY COUNCIL DOCUMENTS FOR PERIOD 22 FEBRUARY-21 APRIL 1961

S/4745 and Add.1. Report from Special Representative of Secretary-General in Congo on situation in Orientale and Kivu provinces.

S/4746. Letter of 23 February 1961 from Permanent Representative of USSR.

S/4749. Letter of 24 February 1961 from President of Security Council to Permanent Representative of USSR.

S/4750 and Add.1-7. Report of 24 February 1961 from Special Representative of Secretary-General in Congo on civil war situation in three main sectors of Congo.

S/4751. Cable of 25 February 1961 from President of Congo.

S/4752 and Corr.1 and Add.1-4. Report of Secretary-General on certain steps taken in regard to implementation of Security Council resolution of 21 February 1961.

S/4753 and Corr.1. Report of 27 February 1961 from Special Representative of Secretary-General in Congo on incidents in Leopoldville involving United Nations personnel.

S/4757 and Add.1. Report of 2 March 1961 from Special Representative of Secretary-General in Congo on United Nations protected areas.

S/4758 and Add.1-6, Add.S/Corr.1, Add.6/Corr.1. Report by Secretary-General on recent developments in Leopoldville area.

S/4761 and Corr.1. Report of 8 March 1961 from Special Representative of Secretary-General in Congo on events relating to armed clashes which took place between United Nations troops and Congolese forces at Moanda, Banana and Matadi on 3-5 March 1961.

S/4768 and Add.1,2. Notes verbales of 10 and 20 March 1961 from Permanent Representative of Belgium and report of 13 March 1961 from Special Representative of Secretary-General in Congo.

S/4771 and Add.1-30. Report of Secretary-General on implementation of paragraph A-4 of Security Council resolution of 21 February 1961.

S/4775. Exchange of correspondence between Secretary-General and President of Congo on Matadi.

S/4779. Note verbale of 22 March 1961 from Secretary-General to Permanent Representative of Belgium, and note verbale of 28 March 1961 from Permanent Representative of Belgium to Secretary-General.

S/4780. Cable of 11 March 1961 and message of 31 March 1961 from Secretary-General to President of Congo concerning abduction of Lieutenant Dimassi of Tunisia.

S/4782. Note verbale of 3 April 1961 from Permanent Representative of Belgium.

S/4789. Note verbale of 12 April 1961 from Secretary-General to Permanent Observer of Federal Republic of Germany and reply of 13 April 1961.

S/4790. Report from Acting Special Representative of Secretary-General in Congo concerning interrogation of 30 mercenaries apprehended in Kabalo on 7 April 1961.

S/4791. Report from Acting Special Representative of Secretary-General in Congo on civil war situation in Katanga and on United Nations action in implementation of Security Council resolution of 21 February 1961.

REPORT OF THE UNITED NATIONS
CONCILIATION COMMISSION
FOR THE CONGO

A/4696. Note from Advisory Committee on Congo transmitting two messages from Chairman of United Nations Conciliation Commission for Congo.

A/4711 and Corr.1, and Add.1 and 2. Report of United Nations Conciliation Commission for Congo.

CONSIDERATION BY GENERAL
ASSEMBLY, MARCH-APRIL 1961

GENERAL ASSEMBLY—15TH SESSION

Plenary Meetings 961, 965, 967-972, 974-980, 982-985, 987.

A/4696. Note from Advisory Committee on Congo transmitting two messages from Chairman of United Nations Conciliation Commission for Congo.

A/4697. Letter of 20 February 1961 from Charge d'Affaires, a.i., of Ghana.

A/4698. Letter of 14 February 1961 from Permanent Representative of Czechoslovakia.

A/4702. Letter of 15 February 1961 from Minister for Foreign Affairs of Albania.

A/4707. Letter of 9 March 1961 from Vice-Chairman of delegation of Congo.

A/4711 and Corr.1, and Add.1,2. Report of United Nations Conciliation Commission for Congo.

A/4732 (S/4790). Report from Acting Special Representative of Secretary-General in Congo concerning interrogation of 30 mercenaries apprehended in Kabalo on 7 April 1961.

A/4733 (S/4791). Report from Acting Special Representative of Secretary-General in Congo concerning civil war situation in Katanga and United Nations action in implementation of Security Council resolution of 21 February 1961.

A/L.339 and Add.1-5. Burma, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iraq, Liberia, Libya, Mali, Morocco, Nepal, Saudi Arabia, Sudan, Togo, United Arab Republic, Yemen, Yugoslavia: draft resolution.

A/L.343 and Add.1. Cameroun, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Madagascar, Niger, Senegal: amendment to 21-power draft resolution, A/L.339 and Add.1-5.

A/L.346. Congo (Leopoldville): amendment to 21-power draft resolution, A/L.339 and Add.1-5.

RESOLUTION 1599(xv), as submitted by 21 powers A/L.339 and Add.1-5, and as amended by Assembly, adopted by Assembly on 15 April 1961, meeting 985, by roll-call vote of 61 to 5, with 33 abstentions, as follows:

In favour: Afghanistan, Albania, Austria, Bulgaria, Burma, Byelorussian SSR, Cambodia, Canada, Ceylon, Chad, China, Congo (Brazzaville), Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Gabon, Ghana, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jordan, Lebanon, Liberia, Libya, Madagascar,

Mali, Morocco, Nicaragua, Niger, Nigeria, Norway, Poland, Romania, Saudi Arabia, Senegal, Somalia, Sudan, Sweden, Togo, Tunisia, Turkey, Ukrainian SSR, USSR, United Arab Republic, Upper Volta, Venezuela, Yemen, Yugoslavia.

Against: Belgium, Nepal, Portugal, Union of South Africa, Uruguay.

Abstaining: Argentina, Australia, Bolivia, Brazil, Cameroun, Central African Republic, Chile, Colombia, Congo (Leopoldville), Costa Rica, Dominican Republic, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Italy, Japan, Laos, Luxembourg, Mexico, Netherlands, New Zealand, Pakistan, Panama, Paraguay, Peru, Philippines, Spain, Thailand, United Kingdom, United States.

"The General Assembly,

"Recalling its resolution 1474(ES-IV) of 20 September 1960 and the Security Council resolutions of 14 July, 22 July and 9 August 1960 and, more particularly, that of 21 February 1961, urging the immediate withdrawal and evacuation of all Belgian and other foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries,

"Deploring that despite all these requests the Government of Belgium has not yet complied with the resolutions and that such non-compliance has mainly contributed to the further deterioration of the situation in the Congo,

"Convinced that the central factor in the present grave situation in the Congo is the continued presence of Belgian and other foreign military and para-military personnel and political advisers, and mercenaries, in total disregard of repeated resolutions of the United Nations,

"1. Calls upon the Government of Belgium to accept its responsibilities as a Member of the United Nations and to comply fully and promptly with the will of the Security Council and of the General Assembly;

"2. Decides that all Belgian and other foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries, shall be completely withdrawn and evacuated;

"3. Calls upon all States to exert their influence and extend their co-operation to effect the implementation of the present resolution."

A/L.340 and Add.1-3, Add.3/Corr.1, Add.4. Burma, Chad, Ethiopia, Federation of Malaya, Iran, Japan, Liberia, Libya, Nigeria, Pakistan, Philippines, Senegal, Somalia, Sudan, Tunisia, Turkey, Upper Volta: draft resolution.

A/L.342 and Corr.1 and Add.1. Cameroun, Central African Republic, Congo (Brazzaville), Dahomey, Gabon, Ivory Coast, Madagascar, Niger: amendments to 17-power draft resolution, A/L.340, Add.1-4, Add.3/Corr.1.

A/L.348. Guinea: amendments to 17-power draft resolution, A/L.340, Add.1-4, Add.3/Corr.1.

RESOLUTION 1600 (xv), as submitted by 17 powers, A/L.340, Add.1-4, Add.3/Corr.1, adopted by As-

sembly on 15 April 1961, meeting 985, by roll-call vote of 60 to 16, with 23 abstentions, as follows:

In favour: Argentina, Australia, Austria, Bolivia, Brazil, Burma, Cameroun, Canada, Chad, Chile, China, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Italy, Japan, Jordan, Lebanon, Liberia, Libya, Luxembourg, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Senegal, Somalia, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, United Kingdom, United States, Upper Volta, Uruguay, Venezuela.

Against: Albania, Bulgaria, Byelorussian SSR, Central African Republic, Congo (Brazzaville), Czechoslovakia, Dahomey, Gabon, Hungary, Ivory Coast, Madagascar, Niger, Poland, Romania, Ukrainian SSR, USSR.

Abstaining: Afghanistan, Belgium, Cambodia, Ceylon, Colombia, Congo (Leopoldville), Cuba, France, Ghana, Guinea, India, Indonesia, Iraq, Laos, Mali, Mexico, Morocco, Portugal, Spain, Union of South Africa, United Arab Republic, Yemen, Yugoslavia.

"The General Assembly,

"Having considered the situation in the Republic of the Congo,

"Gravely concerned at the danger of civil war and foreign intervention and at the threat to international peace and security,

"Taking note of the report of the Conciliation Commission appointed in pursuance of paragraph 3 of its resolution 1474(ES-IV) of 20 September 1960,

"Mindful of the desire of the Congolese people for a solution of the crisis in the Congo through national reconciliation and return to constitutionality without delay,

"Noting with concern the many difficulties that have arisen in the way of effective functioning of the United Nations operation in the Congo,

"1. Reaffirms its resolution 1474(ES-IV) and the Security Council resolutions on the situation in the Congo, more particularly the Council resolution of 21 February 1961;

"2. Calls upon the Congolese authorities concerned to desist from attempting a military solution to their problems and resolve them by peaceful means;

"3. Considers it essential that necessary and effective measures be taken by the Secretary-General immediately to prevent the introduction of arms, military equipment and supplies into the Congo, except in conformity with the resolutions of the United Nations;

"4. Urges the immediate release of all members of Parliament and members of provincial assemblies and all other political leaders now under detention;

"5. Urges the convening of Parliament without delay, with safe conduct and security extended to the members of Parliament by the United Nations, so that Parliament may take the necessary decisions concerning the formation of a national government and on the future constitutional structure of the Republic of

the Congo in accordance with the constitutional processes laid down in the Loi fondamentale;

"6. Decides to appoint a Commission of Conciliation of seven members to be designated by the President of the General Assembly to assist the Congolese leaders to achieve reconciliation and to end the political crisis;

"7. Urges the Congolese authorities to co-operate fully in the implementation of the resolutions of the Security Council and of the General Assembly and to accord all facilities essential to the performance by the United Nations of functions envisaged in those resolutions."

A/L.341 and Corr.1. USSR: draft resolution, rejected by Assembly on 15 April 1961, meeting 985, by roll-call vote of 29 to 53, with 17 abstentions, as follows:

In favour: Afghanistan, Albania, Bulgaria, Burma, Byelorussian SSR, Ceylon, Cuba, Czechoslovakia, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Jordan, Lebanon, Libya, Mali, Morocco, Poland, Romania, Saudi Arabia, Sudan, Ukrainian SSR, USSR, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Denmark, Ecuador, El Salvador, France, Gabon, Greece, Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Madagascar, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Philippines, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Upper Volta, Uruguay, Venezuela.

Abstaining: Cambodia, Cameroun, Central African Republic, Chad, Dominican Republic, Federation of Malaya, Finland, Iran, Laos, Liberia, Nepal, Nigeria, Pakistan, Senegal, Somalia, Togo, Tunisia.

A/L.347. Ceylon, Ghana, India, Morocco: draft resolution.

RESOLUTION 1601(xv), as submitted by 4 powers, A/L.347, adopted by Assembly on 15 April 1961, meeting 985, by roll-call vote of 45 to 3, with 49 abstentions, as follows:

In favour: Afghanistan, Austria, Bolivia, Brazil, Burma, Cambodia, Canada, Ceylon, Chile, Colombia, Denmark, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Guinea, Iceland, India, Indonesia, Iran, Iraq, Ireland, Jordan, Lebanon, Liberia, Libya, Mali, Mexico, Morocco, Nepal, New Zealand, Nigeria, Norway, Panama, Saudi Arabia, Senegal, Sudan, Sweden, Togo, Tunisia, United Arab Republic, Venezuela, Yemen, Yugoslavia.

Against: Congo (Leopoldville), Portugal, Spain.

Abstaining: Albainia, Argentina, Australia, Belgium, Bulgaria, Byelorussian SSR, Cameroun, Central African Republic, Chad, China, Congo (Brazzaville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, El Salvador, France, Gabon, Greece, Guatemala, Haiti, Honduras, Hun-

gary, Israel, Italy, Ivory Coast, Japan, Laos, Luxembourg, Madagascar, Netherlands, Nicaragua, Niger, Pakistan, Paraguay, Poland, Romania, Somalia, Thailand, Turkey, Ukrainian SSR, Union of South Africa, USSR, United Kingdom, United States, Upper Volta, Uruguay.

"The General Assembly,
"Recalling part A, paragraph 4, of the Security

Council resolution of 21 February 1961,

"Taking note of documents S/4771 and Add.1,

"1. Decides to establish a Commission of Investigation consisting of the following members: Justice U Aung Khine (Burma), Mr. Teschome Hailemariam (Ethiopia), Mr. Salvador Martinez de Alva (Mexico), Mr. Ayité d'Almeida (Togo);

"2. Requests the Commission to proceed as early as possible to carry out the task entrusted to it."

UNITED NATIONS FORCE IN THE CONGO

As of 21 April 1961			As of 21 April 1961		
	Infantry Forces	Supporting Forces (including staff, air and administrative personnel)		Infantry Forces	Supporting Forces (including staff, air and administrative personnel)
Argentina		24	Pakistan		551
Austria		48	Sudan		1
Brazil		29	Sweden	518	124
Canada		284	Tunisia	3149	11
Ceylon		8			
Denmark		70	Total	15696	2245
Ethiopia	2470	15			
Federation of Malaya	980	1			
Ghana	1642	2			
Greece		21			
India	3252	764			
Indonesia	1135	4			
Ireland	646	25			
Italy		128			
Liberia	226	10			
Morocco	7	1			
Netherlands		6			
Nigeria	1671	7			
Norway		111			

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 November 1960- April 1961, as follows: by Mali, in November 1960; by Yugoslavia, in December 1960; by Burma and Guinea, in January 1961; by the United Arab Republic, in February 1961; by Morocco, in March 1961; and by Indonesia and Sudan, in April 1961.

CIVILIAN OPERATIONS IN THE CONGO (LEOPOLDVILLE)

BACKGROUND

A framework for United Nations civilian assistance operations was established in the Republic of the Congo (Leopoldville) almost simultaneously with the arrival of the United Nations military force in the country. Although their identities were clearly separate, the two phases of assistance were conceived as being inter-related and mutually supporting. While the civilian operations scheme was considered to be the essential long-term United Nations contribution to the Congo, its effectiveness would require the establishment of order and security.

The importance which the United Nations attached to the civilian aspects of its activities in the Republic of the Congo was underlined by the Security Council in a resolution it adopted on 22 July 1960, whereby it invited "the spe-

cialized agencies of the United Nations to render to the Secretary-General such assistance as he may require." At the time that the resolution was being put forward, the emergency and longer-term needs had already become clearly defined. The mass withdrawal of Belgian personnel from the executive, administrative and technical posts which they had held, occurring as it did without any adequate anticipation or preparation of Congolese nationals as their replacements, created both an immediate emergency situation and a threat to the economic and social foundations of the country. In the second half of July 1960, as the first United Nations technicians and advisers began to arrive in the Congo, they found transport at a virtual standstill, communications disrupted at some points, food shipments held up, health services

deteriorating, foreign exchange drained and revenue blocked.

At the same time, the Secretary-General, in discussions with the Prime Minister of the Congo in New York, was exploring "the potentialities and the scope of the economic and technical assistance which the United Nations might helpfully and effectively render to the Republic." On 29 July, the Secretary-General circulated the text of the formal agreement between the United Nations and the Government of the Republic of the Congo covering military and non-military activities of the United Nations in that country.

On 11 August, the Secretary-General submitted a memorandum to the Security Council on the organization of civilian operations. The proposals therein reflected the understanding that this undertaking would go beyond the normal scope of technical assistance as provided by the United Nations and related agencies in other countries. Although the traditional advisory and training services of the technical assistance programme, and scheme for the provision of operational, executive and administrative personnel (known as the OPEX scheme) would be available to the Congo, there would also be a need for activities on a level of higher administrative responsibility, for which the personnel employed would have to receive a new status within a new framework. A structure was therefore created through which this broader range of assistance could be given by the United Nations without infringing on the sovereignty of the Congo or hampering the development of the national administration.

A Chief of Civilian Operations was appointed on 26 July (serving concurrently as Resident Representative of the Technical Assistance Board), with a status parallel to that of the Supreme Commander of the United Nations military force. By the terms of the memorandum of 11 August to the Security Council, the Chief of Civilian Operations became the Chairman of a Consultative Group composed of the senior experts in each of the major fields of assistance. The members of the Group were given the dual capacity of consultants to the Chief of Civilian Operations and advisers to the Ministries of the Congolese Government. It was visualized at the outset that this latter function would be performed on an ad hoc basis at the specific request

of the Government officials involved and, in practice, most of the senior consultants were invited to work directly with the Ministries.

The broad fields in which the United Nations gave assistance to the Congo, and for which senior consultants had been appointed, as of 15 March 1961 were as follows: agriculture, communications, education, finance, foreign trade, health, judicature, labour, instruction (of military forces), natural resources, and public administration. Under each senior consultant, there was a technical advisory team to carry on the day-to-day operational and instructional functions necessary in the various fields.

At the end of January 1961, after more than six months of activity, the entire Civilian Operations Mission numbered 204 people of 31 different nationalities. In addition, through an arrangement with the International Red Cross (see p. 114, below), there were 25 Red Cross teams working with the United Nations Mission.

The Mission represented a combined effort of the United Nations and the specialized agencies. The agencies provided the technical teams in their respective fields, and appointed the senior advisers to head those teams. The Secretary-General of the United Nations then appointed these senior advisers to the Consultative Group so as to maintain a centrally co-ordinated and completely integrated programme.

FINANCING

The civilian operations scheme was financed entirely from voluntary contributions to the United Nations Fund for the Congo¹¹ set up for the purpose. It covered the costs of the specialized agencies as well as those of the United Nations itself.

The Fund was proposed by the Secretary-General on 7 September in his fourth report to the Security Council. In suggesting an immediate target of \$100 million, it was visualized that the largest share of the funds contributed

¹¹ The United Nations Fund for the Congo is charged only with costs incurred for restoration of the economic life of the Congo and carrying on its public services. The cost of the Office of the Chief of Civilian Operations and the administrative and support costs are paid from the budget of the United Nations Operations in the Congo. The latter is an ad hoc account of the United Nations budget with expenses apportioned among Member states in accordance with General Assembly resolution 1619(XV) of 21 April 1961. (See p. 127.)

would be used for direct financial aid to the Congo Treasury as a means of stabilizing the economy and laying the foundation for future growth. It was made clear, however, that such financial aid—channelled through the United Nations—would not represent an external subsidy and would last only long enough to ensure that the economic and administrative fabric of the country would be kept intact.

On 20 September 1960, the fourth emergency special session of the General Assembly adopted a resolution (1474(ES-IV)) which, among other things, approved the establishment of the United Nations Fund for the Congo and appealed to United Nations Member Governments for urgent contributions. The principles underlying the use and management of the Fund were based on the original proposals in the Secretary-General's fourth report. They included the following stipulations: that the voluntary contributions be in convertible or readily usable currencies as far as possible; that the Fund be expended under United Nations control; and that it be used for the restoration of the economic life of the Congo and to carry on public services at such levels as are possible and reasonable.

As of 18 May 1961, a total of \$18,980,486 had been pledged for the Account in the form of donations by 18 Governments. At the same time, it was estimated that \$14,785,565 was committed by the United Nations and related agencies in the period 15 July 1960-18 May 1961 on civilian operations.

OPERATIONS

From mid-July to the end of August 1960, the work of the Civilian Mission was almost entirely of an emergency and operational nature, responding to the shortage of food, the disruption of transport and communications, the rise in unemployment and the threat to health with a series of measures which are described under separate headings below. Although this operational role was continued to the end of 1960 and in the first months of 1961, it was possible by early September 1960 for the Mission to turn its attention to the need for advisory services in the Ministries, to basic surveys and analyses and to the training of Congolese nationals in a wide range of administrative and economic fields.

By the end of 1960, the Mission had sent 75 Congolese abroad for training under fellowship

grants, had co-ordinated the selection and arrangements for over 100 others who had been awarded fellowships by bilateral programmes and had organized a series of formal and informal courses in the country. However, since it would be a considerable time before the Congolese would be prepared to staff their own services, and since the departure of Belgian personnel had left many vital posts vacant, the Mission began to recruit its own doctors, medical aides and teachers for eventual secondment to Government service.

Each of the phases of civilian assistance is described in greater detail below under the fields of activity covered by the Consultative Group.

AGRICULTURE

A senior consultant for agriculture and a total of 10 other experts covering the fields of general administration, marketing, nutrition, agricultural economy and co-operatives were assigned to the United Nations Civilian Operations Mission by the Food and Agriculture Organization (FAO) between August 1960 and January 1961. Working through the Central and Provincial Ministries of Agriculture, the team sought to find a formula by which the Congo might maintain the level of production which it had reached in earlier years. A plan of re-organization of the basic services and a schedule for technical assistance were drawn up in the early months, but later revised in the light of the deteriorating agricultural and administrative situations.

Although the degree of re-organization of agricultural services depended on budgetary resources, there was no definite idea by the beginning of 1961 as to what these resources would be. There was only one agricultural graduate, with a limited number of Congolese qualified for advanced training in this field. The revival of the marketing process—which had been disrupted soon after independence—was being slowed by security and transport problems. The direct liaison with the provinces, being established by the agricultural team, and the efforts of that team to survey the extent of abandonment of plantations and to instal a system of supervision of small farms were threatened at the end of 1960 by unsettled conditions in the provinces.

Against this background, the team obtained its most immediate results with practical prob-

lems, such as: the outbreak of rinderpest in Equator province (for which vaccine was supplied in January 1961); the agricultural aspect of the refugee relief programme (which is described in the section on OTHER CIVILIAN ACTIVITIES, p. 116); the selection of public works projects in the agricultural field; and the initiation of training courses for agricultural workers. A three-year course for agronomists was begun at Lovanium University in October, and 25 students were accepted for the first year.

COMMUNICATIONS

As a result of the large-scale departures of Belgian technicians before and immediately after independence, the continuance of many of the communications facilities of the Congo had to be assured by United Nations personnel. Their assistance was provided in the fields of rail and river transport, civil aviation, telecommunications and postal services, meteorology and radio broadcasting. The assistance was primarily of an operational nature, although the United Nations personnel turned their attention increasingly to the matter of training Congolese counterparts. Despite the tangible accomplishments in running and maintaining services, progress in each of the communications fields was adversely affected by political developments.

Civil Aviation. Over 40 technicians from some 10 different countries were assigned to the Mission by the International Civil Aviation Organization (ICAO) during the initial period of the civilian operations scheme, with 34 in the country at the end of January 1961. They were assigned to airports in Leopoldville, Bakwanga, Kamina, Luluabourg, Stanleyville, Kikwit, Matadi and Coquilhatville, at each point ensuring a minimum standard of safety for commercial as well as United Nations military flights. Their most important activity was the operation of the control tower and flight information centre at Leopoldville's Ndjili airport. At the beginning of July 1960, the control tower was in a state of disorganization, and the flight information centre, intended to provide an advisory service for safety of air traffic over the whole country, was practically non-existent. Several months afterwards, both were operating on a satisfactory minimum scale. The team also helped to repair and maintain radio aids to air navigation and

some of the other communications facilities at the Leopoldville and Luluabourg airports.

The chief of the civil aviation team advised the Directorate of Civil Aviation on all phases of long-range policy and operations, and suggested the role which United Nations technical assistance might play in helping to carry out future plans. By the end of January 1961, the Ministry of Communications had requested ICAO to provide a larger staff for the various airports and for its central advisory services.

As to training, the United Nations team helped to organize and to run a school for air traffic controllers, which began its preparatory courses on 16 January 1961. Plans were made to enter 30 participants in the course, and to initiate a second course for radio mechanics early in 1961.

Telecommunications. The largest segment of the Mission—some 60 technicians—was provided by the United Nations and the International Telecommunication Union (ITU) to repair telecommunication facilities, put them back into operation, maintain them and train a Congolese staff to operate them.

In some 10 centres in four provinces, radio-telegraph and radio-telephone transmitters, automatic and manual telephone exchanges and aviation radio apparatus were repaired and made to function normally. Radio broadcasting apparatus, too, was put back into operation and United Nations engineers were assigned to the studio in Leopoldville with supervisory functions.

Postal Services. Although there remained a lack of control by the Central Post Office over its provincial counterparts, some improvement in administrative procedures was realized in Leopoldville and in the province of Kivu as a result of the work of three United Nations postal experts. Among their assignments were: undertaking an accounting of the funds available in the Central Post Office; making an inventory of the postage and pension stamps in stock; rendering assistance to the philatelic office; inspecting post offices in various districts of the capital city and correcting irregularities that were shown up by this inspection.

In November 1960, the team organized training courses in Leopoldville for postal workers.

Meteorology. The chief of the meteorological team and the nine experts and advisers who were assigned by the World Meteorological Organization (WMO) during the first six-month period devoted their time primarily to the re-activation of weather forecasting services for the normally heavy air traffic. This objective was partially achieved, despite substantial difficulties in assuring the transmission of the necessary weather information from one part of the country to the other, and from outside the Congo. One means by which the chief meteorological adviser overcame the transmission problem was by making an arrangement with the authorities in Brazzaville whereby their weather maps covering Africa and most of Europe were picked up once a day by United Nations helicopter and brought across the river.

A second objective of the team was the training of Congolese meteorologists, and, for this purpose, seven fellowships were awarded to qualified applicants for study in France and Switzerland. They left in October and November 1960 for periods varying from 6 to 18 months. At the same time, the team in Leopoldville began in-service courses in basic subjects to prepare more Congolese to take up fellowship awards.

A long-range plan for improvement of weather forecasting services, as well as a plan for future United Nations assistance in this field, was drawn up by the chief adviser at the end of 1960 and approved by the Ministry of Communications. However, as in other fields of United Nations civilian aid activities, actual implementation—particularly of the phases of the plan affecting the provinces—remained dependent on the political situation.

Transport. A transport adviser, his assistant and two port operations experts were among the first members of the Civilian Operations Mission on the scene in July. They were instrumental in arranging for the reopening of the port of Matadi to international traffic, the resumption of dredging work necessary to the maintenance of this port, the resumption of the flow of oil from Matadi to Leopoldville and the resumption of Congo River traffic and of railway communications between Matadi and Leopoldville and Kasai and Katanga. These transport lifelines had been disrupted as a result of

the incidents of mid-July and the departure of many key technicians.

With the assistance of the United Nations and the efforts of the Government companies responsible for transport, all services were put back on a fairly regular basis. Interruptions in rail and river service were, however, still being experienced at the end of 1960 and the beginning of 1961, generally as a result of political conditions.

Potential difficulties in transport and communications as a result of inadequate staff and parts for maintenance were repeatedly called to the attention of Congolese authorities but, as at the beginning of 1961, breakdowns for lack of maintenance remained a serious threat.

The original transport team concluded its work in October 1960. The senior consultant for communications, appointed in November, assumed responsibility for general advisory services in the transport field, in addition to his over-all responsibility for the civil aviation, telecommunication and meteorological teams.

Radio Broadcasting. From August to November, a United Nations radio specialist advised on broadcasting procedures in Leopoldville and the provinces. He arrived at a time when the Congolese had begun to run the national radio entirely on their own, and without experience in many phases of programming and procedures. The expert's advice covered such subjects as announcing standards, preparation of news bulletins, programme operations, care of equipment, publicity and the maintenance of premises.

EDUCATION

In addition to a senior consultant, 14 other experts were made available by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to serve on the educational team—some of them on a short-term basis. They set to work almost immediately on recommendations for the re-organization of a system which had to be adapted to the accelerated needs of an independent country with few secondary school and fewer college graduates. As a basis for their projections, the team studied the structure of the school system under the previous administration, including such matters as the budgetary provisions, the categories and posting of teachers.

The senior consultant and his colleagues worked within the Central Ministry of Education and, by the beginning of 1961, were able to institute some new procedures on a modest scale. It was hoped that the degree of re-organization could be expanded with the achievement of greater administrative stability and responsibility within the Ministry. At the same time, advisers were under recruitment to work with provincial ministries, but political developments were delaying their placement.

Soon after the organization of the United Nations civilian operations scheme, an agreement was reached with Congolese educational authorities whereby UNESCO would recruit teachers from abroad to fill the gaps created by the departure of many former teachers. The implementation of this plan was delayed, and the numbers involved modified, by such factors as: lack of security guarantees in the provinces; inadequate information as to categories of teachers needed; difficulty in obtaining Government agreement on conditions of service; and the return of some of the teachers. By 15 March 1961, 66 teachers were at their posts.

As to training educators, the team studied: the establishment of a training programme for secondary, technical and normal school teachers; the possibility of a training centre abroad for Congolese educational administrators and school inspectors; and the selection of candidates for fellowships which were awarded under bilateral programmes.

FINANCE

Of the many crises which confronted the Congo at the time of its independence, the crisis of the Treasury was the most acute. Although the position of the Treasury was no less precarious six months later, it can be said that the presence of a total United Nations team of 23 experts and advisers (13 in the field as of 31 January 1961) prevented the financial situation from reaching a state of complete disorder. The closeness of their collaboration with Congolese authorities was exemplified by the designation of the first United Nations senior consultant as President pro tem of the Monetary Council, a policy-making and control body which the United Nations helped to create.

The work of the Civilian Operations Mission in the economic and financial fields covered the

following activities:

1. Arrangements for, and supervision of, a grant by the United Nations of \$5,000,000 deposited to the account of the Congo in October 1960. The funds (in dollars) were used to provide importers in the Congo with the necessary foreign exchange to resume purchase of priority materials abroad; (imports had been almost completely suspended for some three months for lack of foreign currency). At the same time, the countervalue of the grant in Congolese francs (250,000,000) was advanced by the Central Bank to help stabilize the Treasury. The francs were repaid to the Central Bank by importers in return for the foreign currency which they received.

2. Collaboration with the United Nations foreign trade specialists in drawing up regulations for foreign exchange and import-export control (described more fully below in the section On FOREIGN TRADE, p. 114).

3. Continued guidance to the Monetary Council, which set the economic and financial policy for the Central Government in the period between liquidation of the old Central Bank of the Congo and Ruanda-Urundi and the establishment of a new Bank; guidance to Congolese authorities in the liquidation procedures which began with a convention signed in Geneva in July 1960 and culminated in the necessary ratification in Brussels and Leopoldville in January 1961; recommendations on ways to maintain control of the banking situation in the provinces which, in view of the political difficulties in the eastern provinces, had deteriorated seriously by the beginning of 1961; recommendations for measures to control Government expenditure and to stop the drain on Treasury resources—measures which were proving difficult to enforce.

4. Collaboration in planning short-term budgets for the end of 1960 and the beginning of 1961, exploration of ways in which to reactivate the sources of Government revenue which had been cut off with the disturbances of July, and the provision of a team of customs and tax experts to put these two major revenue-producing systems back in effective operation. As of the end of January 1961, this goal was far from realization, particularly in the customs service, where contact with check-points outside Leopoldville province was difficult to maintain. Never-

theless, the presence at that time of eight United Nations customs specialists, the opening of a training course for Congolese inspectors, and preliminary negotiations with authorities of contiguous territories were hopeful signs.

5. Advice on the status of the para-statal organizations—the autonomous bodies in the fields of public utilities, social services, finance and research and resources, which are under Government control; guidance in the preliminary negotiations by which the administration of these organizations—the backbone of the Congo economy—would be transferred from Brussels to Leopoldville; help, through United Nations experts sent to Brussels, in gathering information as a basis of negotiation.

6. Gathering of information, through an economic analysis and policy unit attached to the finance team, about all phases of the Congo economy—this information to be used as an aid in advance planning.

FOREIGN TRADE

A senior consultant, an expert in foreign trade and a specialist in commodity marketing were assigned by the United Nations to the Civilian Operations Mission at a time when the following situation prevailed: (i) foreign exchange reserves were practically exhausted; (ii) foreign currency proceeds from the reduced level of exports were not being received into the Central Treasury; and (iii) the lack of exchange had brought imports to a standstill and put an end to non-commercial transfers.

The foreign trade experts concentrated their efforts on the establishment of an export-import control system which would assure that foreign exchange proceeds from exports would be available for the use of importers. This system was adopted by Congolese authorities and the necessary legislation signed by the Chief of State on 3 October 1960.

Thereafter an Office de Changes and an Office des Licenses were opened under the authority of the Commission de Changes. Thereafter, the role of the United Nations experts consisted of watching over the activities of these offices, training their staff on an in-service basis and developing the principles and systems for distribution of the available foreign currency in accordance with the most urgent needs of the

country. In developing this priority system, they had to cope with the realities of a foreign debt accumulated in earlier months, a decrease in the already insufficient volume of exports and a need to import some items (such as rice) which were available domestically before the disorders in the interior.

HEALTH

Between July 1960 and February 1961, some 60 experts provided by the World Health Organization (WHO) and 100 doctors and medical aides provided by the International Red Cross helped the Congo to keep its basic health services going and to prepare its own people eventually to take over these services.

The presence of some 25 Red Cross teams provided at the request of the United Nations by various countries belonging to the League of Red Cross Societies, assured the maintenance of hospital service in five provinces. Since many of these hospitals had been left in July without surgeons, doctors and supervisory personnel, the assignment of the Red Cross teams was an emergency measure of the first priority. Another was the organization of mobile teams of United Nations and Congolese medical aides to reactivate preventive services in rural areas at a time when epidemics were threatened. Towards the end of 1960, the United Nations began to assign a first group of district medical officers to carry on this preventive work as United Nations employees, until their services could be transferred directly to the Congolese Government. By the end of January, there were 13 such officers, with over 100 more scheduled to come. Another emergency undertaking by the health team was its participation in the refugee relief programme described below in the section on OTHER CIVILIAN ACTIVITIES. A fourth emergency measure—beginning in July 1960—was the assignment of United Nations sanitarians to Leopoldville and the other provinces to avert a threatened breakdown in the water supply and purification systems. As at the beginning of February 1961, all these activities were continuing, but they had had to be curtailed in some outlying areas for reasons of security.

The efforts of the United Nations in the health field featured a heavy emphasis on training. There was not one Congolese doctor at the

time that the country achieved independence, and only a handful of students in advanced medical courses. Against this background, the United Nations attempted to accelerate the rate of training in the various categories of medical education; first, by sending 68 young men to Europe for courses leading to a doctor of medicine degree; secondly, by adding Civilian Operations staff to the faculty of Lovanium University so that the student enrolment could be expanded; thirdly, by organizing various courses at the local level—such as a course for sanitarians.

During the entire period, the United Nations health advisers worked in close collaboration with the Central Ministry of Health, guiding the new officials in the area of policy making and in dealing with the day-to-day health situation. As far as the political situation allowed, this guidance was also extended to the provincial ministries of health.

JUDICATURE

The United Nations provided the services of a senior legal consultant and a police instructor.

The consultant studied possible solutions to a situation whereby only a handful of the people who exercised legal functions within the judicial system of the Congo remained in the month after independence—and whereby the first Congolese lawyer was to graduate in a year's time. During the six months of his assignment, he explored the means by which the United Nations would recruit lawyers from abroad for service until a cadre could be trained locally. While political conditions in the country made it impossible to implement his plan immediately, preliminary steps were taken towards such recruitment. The consultant also took part in the organization of a school of law and administration (which is described in the section on PUBLIC ADMINISTRATION, p. 116). In addition to preparing the basis for legal courses to be given at this new school, he made proposals for revising the existing law courses at Lovanium University, to adapt them to the more pressing needs of the country. Finally, he collaborated in the drafting of new laws governing the Congolese civil service and in a review of the statute on magistrates.

The police instructor organized training and

specialization courses for 60 Congolese police commissioners and prepared the way for another course for policemen. He also advised on questions of police administration.

LABOUR

A senior consultant and eight experts from the International Labour Organisation (ILO) were assigned to the civilian operations scheme; four of these were in the field on 31 January 1961.

The first subject of concern was the growing unemployment throughout the Congo, and it was on the recommendation of the labour team that the emergency public works programme for the relief of unemployment, described below, was organized.

With a view to providing the Ministry of Labour with an adequate staff, an accelerated four-month training course for 34 labour officials began in mid-October 1960, with instruction provided by members of the team. On a longer-range basis, three fellowships were awarded to officials of the Ministry of Labour for training abroad, and the possibility of establishing a Labour Institute in the country was studied.

During August 1960, the senior consultant took part in discussions in Geneva and Brussels on arrangements for transferring the administration of the social security system to Congolese authorities. This was followed up in mid-October by the formation of a Tripartite Committee by the Ministry of Labour, in which members of the United Nations team took part.

The Committee submitted recommendations for a revision of the old system to meet current needs in the Congo, and the new law was awaiting promulgation as at the end of January 1961.

MILITARY INSTRUCTION

As part of the civilian operations scheme, a senior consultant was appointed with the following terms of reference: (1) to give assistance in the organization and effective establishment of the Ministry of National Defence; (2) to aid in the organization of the National General Staff; (3) to help train new combat units in line with national requirements; (4) to help reorganize the Gendarmerie corps.

Although a start was made on the training of para-commando units, the political situation

made it impossible to carry out the other activities visualized. Nevertheless, the United Nations intensified its efforts to advise on the necessary re-organization and training and to encourage the professional spirit prerequisite to any real programme of instruction.

NATURAL RESOURCES

From the last week of August until the end of September 1960, a senior consultant in the field of natural resources studied the status of the mining situation with a view to suggesting future policy to the Government. Towards the end of his assignment, he visited Katanga Province and established contact with the officials of the Union Minière company. Through Union Minière, he was able to study extensively their mining, metallurgical, electrical and social activities in one of the important districts of the Province.

A second expert in mining studied the state of the mining industry in the other provinces.

PUBLIC ADMINISTRATION

There were two United Nations senior consultants in the field of public administration, one serving from the end of July until the beginning of November, and the second continuing on from that time. Their activities were directed towards two primary goals: (1) to help the Congolese adapt staff and re-organize their civil service; and (2) to work with other members of the Civilian Operations Mission on the re-organization and staffing of the various Central Ministries.

In regard to the civil service, it was necessary first to stimulate the establishment of a new Ministry which would be responsible for this service. Working with this Ministry, the consultant helped to draw up proposals for salary scales and statutes for civil servants.

To introduce a greater measure of experience into the service, the senior consultant organized, at the end of November 1960, a two-month accelerated training course for senior government officials. The course had an enrolment of 300 officials, some from each of the 16 major Government Departments. They took four classes a day in such subjects as administrative organization, elements of constitutional law, elements of political economy, financial law, statistics and advanced French. These courses were

presided over by the senior consultant, with individual lectures given by other members of the Mission. The course was concluded at the end of January 1961 with a qualifying examination which produced satisfactory results.

With the collaboration of the Ford Foundation, a National School of Law and Administration was established by early 1961, and 160 students were admitted to classes beginning on 13 February 1961, after passing a qualifying examination.

OTHER CIVILIAN ACTIVITIES

In addition to the activities which fall under the fields covered by the Consultative Group, two programmes of an emergency nature were carried out in the period between July 1960 and January 1961, one to alleviate the critical food shortage in different parts of the country and the second to reactivate public works projects which would absorb some of the growing number of unemployed. These activities, and the work of a social affairs adviser attached to the Mission, are described below.

Food Supply; Refugee Relief Programme. A programme of emergency food supply was instituted by the Civilian Operations Mission as early as 17 July 1960, when it became apparent that breakdowns in the transport and marketing apparatus were leaving many communities throughout the country with no assured supply of food. The programme was administered by a team (totalling six during the entire period) stationed in Leopoldville. Most of the food and medical material distributed came to the United Nations in the form of donations from Member countries, although it was necessary to sell some of the foodstuffs donated (with agreement by the donor) to obtain materials suited to the local diet and available locally. Between July and 30 November 1960, almost 8 million pounds of food, milk and medical supplies were donated by the Governments of Cameroun, Canada, Czechoslovakia, Denmark, France and the Community, the Federal Republic of Germany, India, Japan, Pakistan, Switzerland, Tanganyika, the United Arab Republic, the United Kingdom, the United States, the USSR, and Yugoslavia. These were sent to distribution points in five provinces where and as observers reported shortages. A milk distribution programme was or-

ganized which, by the end of December, was reaching 137,000 children in seven main areas. For this programme, the United States donated milk and the USSR sugar; distribution personnel were provided by the Congolese Red Cross. Funds for vehicles, milk station equipment and drivers were paid for from the United Nations Congo Fund.

In December 1960, responsibility for the milk-feeding programme was taken over by a representative of the United Nations Children's Fund (UNICEF), who had been assigned to the Congo to advise the Chief of Civilian Operations on future programming in connexion with UNICEF assistance. The facilities of the emergency food supply programme—which, it had been hoped, would be scaled off by this point—were directed almost entirely to help meet the problem of the 300,000 refugees from tribal warfare in South Kasai—a problem which was reported to have become acute during December 1960.

Although a majority of the supplies which the United Nations had sent out from July 1960 onwards had been used in the areas of refugee resettlement around Bakwanga, the condition of the refugees had deteriorated to the point where an estimated 200 people a week were dying of famine. In response to the heightened emergency, the Civilian Operations Mission established a special Office of Refugee Relief Co-ordination.

In view of the wide response to information on the famine in certain areas of the Congo, the Secretary-General established a Famine Relief Fund early in 1961. Voluntary contributions for the specific purpose of providing relief from famine in the Congo were placed in this Fund.

As of 28 February 1961, donations totalling \$166,850 had been received by the Famine Relief Fund. In addition, there were two UNICEF allocations, totalling \$411,000, available for famine relief. These amounts had largely been disbursed for food purchases and related transportation costs.

Further, at the instance of the Secretary-General, FAO appealed to its member Governments for contributions of food and seed. Donations in kind included 10,000 tons of maize flour, 12,000 tons of rice, 2,700 tons of fried fish, 900 tons of powdered milk and 300 tons of various

other commodities. Voluntary organizations, such as the League of Red Cross Societies, collected funds specifically for Congo famine relief which were disbursed directly by them in consultation with the Office of the Chief of Civilian Operations.

Working from its central office in Leopoldville, and from a distribution centre established in Bakwanga, the Mission airlifted some 700 tons of food (mainly maize, dried fish, palm oil and milk) into the area during the period between 15 December 1960 and 25 January 1961. Although transport problems in the area made distribution difficult, it was possible to keep rations at an adequate level.

As a second goal, to enable the refugees to harvest their own food crops as soon as possible, 200 tons of maize seed, 100 tons of groundnut seed and 100 tons of bean seed were purchased by the United Nations in other countries of Africa with the funds allocated by UNICEF. The Mission also began to provide agricultural equipment with which to clear and prepare some 10,000 hectares of ground for planting.

This phase of aid to the refugees was supervised by the Mission's agricultural experts, while the health team made substantial facilities available to reinforce medical and hospital services for the victims of malnutrition and disease. As at the end of January 1961, deaths from famine had already been reduced by 75 per cent and the end of the most critical phase of the operation was in sight.

Public Works. A series of public works projects, based largely on construction suspended before July 1960 and financed where necessary by the United Nations, was recommended by the Mission to combat the unemployment problem throughout the Congo. Beginning in September, groups of United Nations engineers were sent to each of five provinces with the task of surveying public works projects in consultation with local officials. On the basis of their reports, a list of possible undertakings was drawn up.

When the United Nations made an initial \$500,000 available for the start of the unemployment relief programme, seven projects were selected from the list—those offering a possibility of employing the largest number of workers with the least capital outlay, and those which might

have the most immediate impact on the economy of the country.

A month later, the United Nations made another \$630,000 available and, on 30 January 1961, an additional \$500,000 to assure the continuance and/or expansion of these projects which—by the end of January 1961—were employing a total of 4,000 workers. They were divided among the provinces as follows:

(a) Equator Province. Drainage of low-lying residential areas in the town of Coquilhatville, which are flooded during the rainy season. Began January 1961; contract for 4.5 million Congolese francs, to employ 200-500 workers, for about 8 months.

(b) Leopoldville Province. Swamp drainage in vicinity of capital city to reclaim land for agricultural production. Began October 1960; 2,300 workers employed.

(c) Kasai Province. Three projects in Lulua-bourg: (i) water supply to Luluabourg airport; (ii) road works in Luluabourg communes; (iii) municipal maintenance of road works and drainage. Began October 1960, with contracts for 4.1 million Congolese francs; 1,000 workers employed.

(d) Kivu Province. Roads and drainage in Bukavu—although continuing, affected and handicapped by political developments.

(e) Orientale Province. Farm resettlement project which has also been proceeding slowly, but with difficulty, as a result of political conditions.

The difficulties experienced in the eastern provinces and the general lack of security for the engineers whose exploratory work often brought them into unprotected areas acted to keep United Nations participation in the public works programme at a lower level than originally planned. The original list of projects prepared by the Civilian Operations Mission was, however, ready for implementation at a time when conditions permitted.

Social Affairs. From September 1960 onwards, a social affairs adviser worked with the Government Ministry. He found that little existed in the way of a permanent foundation for social programmes and that, with the departure of many of the former social workers, there was little staff with which to work. He studied the modest start that had been made on community development and the acute problems that existed in the low-cost housing sphere. He helped the Central authorities to draw up a tentative programme of work and made study trips to the provinces at the invitation of local officials.

DOCUMENTARY REFERENCES

SECURITY COUNCIL, meetings 873, 879, 886.

S/4383. Tunisia: draft resolution.

S/4387. Resolution, as submitted by Tunisia, S/4383, adopted by Council on 13 July 1960, meeting 873, by 8 votes to 0, with 3 abstentions.

(For text of resolution and other documentation pertaining to it, see above, DOCUMENTARY REFERENCES, p. 97.)

S/4404. Ceylon and Tunisia: draft resolution.

S/4405. Resolution, as submitted by Ceylon and Tunisia, S/4404, and with one paragraph deleted by sponsors as redundant, adopted unanimously by Council on 22 July 1960, meeting 879.

[Excerpt: Operative Paragraph 4;

"The Security Council . . .

"4. Invites the specialized agencies of the United Nations to render to the Secretary-General such assistance as he may require; . . ."]

(For full text of resolution, and other documentation pertaining to it, see above, DOCUMENTARY REFERENCES, p. 97.)

S/4426. Resolution, as submitted by Ceylon and Tu-

nia, adopted by Council on 9 August 1960, meeting 886, by 9 votes to 0, with 2 abstentions.

[Excerpt: Operative Paragraphs 5 and 6:

"The Security Council . . .

"5. Calls upon all Member States, in accordance with Articles 25 and 49 of the Charter of the United Nations, to accept and carry out the decisions of the Security Council and to afford mutual assistance in carrying out measures decided upon by the Council;

"6. Requests the Secretary-General to implement this resolution and to report further to the Council as appropriate."]

(For full text of resolution, and other documentation pertaining to it, see above, DOCUMENTARY REFERENCES, p. 98.)

S/4389/Add.3. First report by Secretary-General on implementation of Security Council resolution S/4387 of 14 July 1960, addendum 3.

S/4389/Add.5. First report by Secretary-General on implementation of Security Council resolution S/4387 of 14 July 1960, addendum 5, para. 4.

S/4417/Add.5. Second report by Secretary-General on implementation of Security Council resolutions

S/4387 of 14 July 1960 and S/4405 of 22 July 1960. Addendum 5: Memorandum by Secretary-General on organization of United Nations Civilian Operations in Republic of Congo.

S/4482. Fourth report by Secretary-General on implementation of Security Council resolutions S/4387 of 14 July 1960, S/4405 of 22 July 1960, and S/4426 of 9 August 1960.

GENERAL ASSEMBLY—FOURTH EMERGENCY SPECIAL SESSION

Plenary Meeting 863.

A/L.292/Rev.1. Ceylon, Ethiopia, Ghana, Guinea, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Saudi Arabia, Sudan, Tunisia, United Arab Republic, Yemen: draft resolution.

RESOLUTION 1474(ES-IV), as submitted by 17 powers, A/L.292/Rev.1, adopted by Assembly on 20 September 1960, meeting 863, by roll-call vote of 70 votes to 0, with 11 abstentions.

(For details on roll-call vote, and other documentation pertaining to resolution, see above, DOCUMENTARY REFERENCES, pp. 99-100.)

[Excerpts: Preamble and Operative Paragraph 4:

"The General Assembly,

"Having considered the situation in the Republic of the Congo,

"Taking note of the resolutions of 14 July, 22 July and 9 August 1960 of the Security Council,

"Taking into account the unsatisfactory economic and political conditions that continue in the Republic of the Congo,

"Considering that, with a view to preserving the unity, territorial integrity and political independence of the Congo, to protecting and advancing the welfare of its people, and to safeguarding international

peace, it is essential for the United Nations to continue to assist the Central Government of the Congo

"4. Appeals to all Member Governments for urgent voluntary contributions to a United Nations Fund for the Congo to be used under United Nations control and in consultation with the Central Government for the purpose of rendering the fullest possible assistance to achieve the objective mentioned in the preamble. ..."]

(For full text of resolution, see above, DOCUMENTARY REFERENCES, pp. 99-100.)

OTHER DOCUMENTS

SECURITY COUNCIL

S/4531 and Corr.1, 2. First progress report to Secretary-General from his Special Representative in Congo, Ambassador Rajeshwar Dayal. Part IV: Civilian Operations.

SECURITY COUNCIL AND GENERAL ASSEMBLY

S/4557 (A/4557), Part A. Second progress report to Secretary-General from Special Representative in Congo, Ambassador Rajeshwar Dayal. Part VIII: Civilian Operations.

PROGRESS REPORTS

Fifth (cumulative) progress report, dated 5 November 1960, on United Nations Civilian Operations in Congo.

Sixth progress report, dated 5 December 1960, on United Nations Civilian Operations in Congo.

Seventh progress report, dated 5 January 1961, on United Nations Civilian Operations in Congo.

Eighth progress report, dated 31 January 1961, on United Nations Civilian Operations in Congo.

Ninth progress report, dated 28 February 1961, on United Nations Civilian Operations in Congo.

FINANCING OF THE UNITED NATIONS OPERATIONS IN THE CONGO

FINANCING FOR THE PERIOD

14 JULY-31 DECEMBER 1960

On 5 December 1959, the General Assembly adopted a resolution (1444(XIV)),¹² on unforeseen and extraordinary expenses in 1960, authorizing the Secretary-General to enter into commitments, not exceeding \$2 million, for the maintenance of peace and security or urgent economic rehabilitation. Since it was foreseen that implementation of the Security Council's resolution of 14 July 1960 on the situation in the Congo would involve commitments considerably in excess of that amount, the Secretary-General, on 14 July 1960, sought the concurrence of the General Assembly's Advisory Committee on Administrative and Budgetary Questions for authority to incur commitments for ONUC above that limit.

On 18 July 1960, the Advisory Committee concurred in the Secretary-General's request and fixed, subject to its review in September 1960, an upper limit of \$15 million for such commitments.

On 10 August, the Secretary-General informed the Advisory Committee that, in the light of developments subsequent to the Committee's initial authorization of 18 July, a more realistic upper limit for such commitments, prior to appropriate financial action by the General Assembly, would be \$40 million. On 15 September 1960, the Committee agreed to the incurring of commitments of up to \$40 million in connexion with ONUC.

Budget estimates for the United Nations activities in the Congo for the period July—Decem-

¹² See Y.U.N., 1959, p. 428.

ber 1960 were submitted by the Secretary-General to the General Assembly on 24 October 1960. These estimates, totalling \$66,625,000, provided for the organization, operation and maintenance during 1960 of a United Nations Force in the Congo totalling 20,000 men, as well as for the expenses of the Office of the Personal Representative of the Secretary-General, the Supreme Commander and his General Staff, the Office of the Chief of the United Nations Civilian Operation and his Consultative Group, and the international and locally recruited civilian staff assisting the Force. The estimates did not, however, cover the cost of international financial aid to be provided for the purpose of restoring the economic life of the Congo and for carrying on its public services, including education, health and public security, since these were to be financed from voluntary contributions to the United Nations Fund for the Congo established pursuant to General Assembly resolution 1474(ES-IV) of 20 September 1960.

In presenting these estimates, the Secretary-General pointed out that the costs to be financed by the United Nations might be appreciably reduced if Governments which furnished special services and facilities to the Force, particularly in the form of the airlifting of troops, equipment and supplies, decided that the provision of such services would be, either in whole or in part, without charge to the United Nations.

The Secretary-General also expressed the hope that, in view of the magnitude of the ONUC expenses, it would be possible for some Governments to make generous voluntary contributions to defray a part of the costs involved, or that other means might be found to mitigate the effect of the additional assessments on Governments having the least capacity to pay. He also pointed out that it would be necessary to exercise the authority granted to him by the General Assembly by resolution 1448 (XIV) on 3 December 1959¹³ to borrow cash from special funds and accounts in his custody to finance ONUC expenditures pending the receipt of 1961 assessments, and suggested that the General Assembly might wish to authorize him also to borrow at current rates of interest from other available sources.

In a report, dated 18 November 1960, on the Secretary-General's ONUC budget estimates for

1960, the Advisory Committee on Administrative and Budgetary Questions recommended that the total 1960 requirements should be held to \$60 million. The Committee expressed the belief that the favourable outcome of negotiations with Governments on reimbursements due to them, including payments in respect of the initial airlifts, would make it possible to confine actual net obligations and expenditures in 1960 to a substantially lower figure.

The Fifth Committee of the General Assembly considered the estimates in the course of 15 meetings held between 29 November and 15 December 1960. During these meetings, the representatives of Canada, the USSR, the United Kingdom and the United States announced voluntary contributions and/or waivers of reimbursement which their Governments were prepared to make.

During the discussions in the Fifth Committee, various methods of financing the ONUC operation were proposed. It was suggested, variously, that the expenses should: (1) be included in the regular budget of the United Nations and apportioned among the Member states in accordance with the 1960 scale of assessments for Member's contributions; (2) be entered in a special account and apportioned among the Member states in accordance with the 1960 scale of assessments for Members' contributions to the regular budget, voluntary contributions being applied, on the request of the Member state concerned, to reducing the assessments of Members with the least capacity to pay; (3) be met under special agreements concluded, in accordance with Article 43 of the United Nations Charter, between the Security Council and the countries providing troops; (4) be borne for the greater part by the permanent members of the Security Council, as having a major responsibility for the maintenance of peace and security; (5) be borne for the greater part by the former administering power; or (6) be financed entirely out of voluntary contributions.

Some representatives stated the intention of their Governments not to contribute to any part of the expenses connected with the United Nations activities in the Congo, which, in their

¹³ See Y.U.N., 1959, p. 429.

opinion, ran counter to the decisions of the Security Council and the General Assembly and were therefore illegal.

On 15 December 1960, on the basis of a revised proposal by Pakistan, Senegal and Tunisia, the Fifth Committee approved by a roll-call vote of 41 to 15, with 25 abstentions, a draft resolution on the ONUC estimates for 1960. This was subsequently adopted at a plenary meeting of the Assembly on 20 December, by 46 votes to 17, with 24 abstentions, as resolution 1583 (XV).

The General Assembly thereby recognized that the expenses involved in the United Nations operations in the Congo for 1960 constituted "expenses of the Organization" within the meaning of Article 17, paragraph 2, of the Charter, and that the assessment thereof against Member states created binding legal obligations on such states to pay their assessed shares. It noted with appreciation the willingness of certain Members not to request reimbursement for the cost of air transport facilities they had provided to move troops and supplies to the Congo, and that additional financial assistance had been pledged voluntarily which would enable a reduction to be made in the level of assessment of those Members having the least capacity to pay. Among other things, the Assembly decided to establish an ad hoc account for the expenses of the United Nations in the Congo; it approved the Advisory Committee's recommendation that the total 1960 requirements should be held to \$60 million, noted that the waiver of airlift costs announced by certain Governments would reduce the level of expenses to the amount of \$48.5 million, and decided that this amount should be apportioned among the Member states on the basis of the regular scale of assessment subject to reductions, within the amount of voluntary contributions, of up to 50 per cent for Member states which were admitted during the fifteenth session of the General Assembly and for other states which received assistance during 1960 under the Expanded Programme of Technical Assistance. The resolution also called upon the former administering power of the Republic of the Congo (Leopoldville) to make a substantial contribution in order that it could be applied to reduce further the assessment of the Member states referred to above.

Actual expenditures during 1960 for ONUC, including unliquidated obligations, totalled \$48,432,153 and the unencumbered balance, as at 31 December 1960, was \$67,847. The Secretary-General, in his financial report for the year ended 31 December 1960, indicated that it would be possible to remain within the total level of \$48.5 million approved by the General Assembly only if reimbursements to Governments for their extra costs in 1960, for which few claims had thus far been received, did not exceed approximately \$8.3 million.

FINANCING FOR THE PERIOD FROM 1 JANUARY 1961

On 17 December 1960, the Secretary-General, in a note to the Assembly's Fifth Committee, referred to the authorizations and requests for him to take action to assist the Central Government of the Congo contained in the Security Council resolutions of 14 and 22 July and 9 August 1960 and General Assembly resolution 1474(ES-IV) of 20 September 1960, and reminded the Committee that no provision had yet been made for financing the costs of the United Nations activities in the Congo after 31 December 1960.

The Secretary-General recalled his statement of 21 November 1960 to the Fifth Committee in which he had indicated that, in 1961, monthly requirements for financing ONUC would be perhaps of the order of \$10 million monthly for such period as the Force and its supporting services must be maintained at their existing strength. He added that the immediate cash requirements during the first few months of 1961 might not, however, exceed \$8 million per month if, as might be anticipated, there was some delay in the submission and settlement of claims from Governments for reimbursement of extra and extraordinary costs arising from their participation in ONUC.

To give him the requisite financial authorization to carry out during 1961 the responsibility placed on him by these resolutions of the Security Council and the General Assembly, the Secretary-General suggested that the Assembly, pending action at the second part of its fifteenth session (due to resume on 7 March 1961), should authorize him to enter into such commitments as were necessary for the maintenance

and operations of the Force after 31 December 1960.

The Secretary-General undertook to submit estimates for the continuing costs of maintaining ONUC as soon as these could be established on a reasonably reliable basis.

On 19 December 1961, after considering the Secretary-General's note, the Fifth Committee approved a draft resolution on the subject by 26 votes to 9, with 26 abstentions, on the basis of a proposal by Pakistan, Senegal and Tunisia, as amended by Venezuela and the United Arab Republic. It was subsequently adopted at a plenary meeting of the Assembly on 20 December 1960 by a roll-call vote of 39 to 11, with 44 abstentions, as resolution 1590 (XV).

The General Assembly thereby decided to give urgent consideration at the second part of its fifteenth session to the financing of such costs as might be incurred in 1961 in respect of the United Nations operations in the Congo. It also requested the Secretary-General to submit cost estimates for the operations in question not later than 1 March 1961, and authorized him, pending action by the Assembly at its resumed fifteenth session, to incur commitments in 1961 for ONUC up to a total of \$24 million for the period 1 January to 31 March 1961.

Pursuant to this resolution, the Secretary-General submitted budget estimates to the General Assembly on 1 March 1961 for the United Nations operations in the Congo for 1961 totaling \$135 million. He pointed out that the estimates must be regarded as tentative in view of the unstable political, economic and military situation then prevailing in many parts of the Congo and the new mandate in the Security Council's resolution of 21 February 1961 which had required substantial adjustments in previous assumptions regarding the size, composition and operations of the Force.

In his report the Secretary-General recalled the limited authority granted under the Assembly's resolution (1590 (XV)) of 20 December 1960 to incur commitments for ONUC up to a total of \$24 million for the period 1 January to 31 March 1961 and indicated it had only been possible to meet these and other commitments of the Organization by recourse to borrowing from special accounts in the custody of the Secretary-General. He stated that the need for a solution to secure adequate financing of the

costs of ONUC up to the limit of any new authorization was therefore essential and urgent.

In a report of 21 March 1961 on the estimates, the Assembly's Advisory Committee on Administrative and Budgetary Questions, calling attention to particular areas of expense where savings appeared possible, stated its belief that the costs of ONUC for the full year 1961 might be held to a total not exceeding \$120 million, of which \$100 million would represent operating costs incurred by the United Nations and \$20 million the reimbursement of extra and extraordinary costs incurred by Governments providing contingents to ONUC.

The Advisory Committee observed that, while it had examined the estimates on the assumption that provision for the full year was intended, the Assembly might wish to limit the appropriation action at that stage to funds required for the period until the sixteenth session of the Assembly (due to begin in September 1961).

The Assembly's Fifth Committee considered the 1961 estimates in respect of the United Nations operations in the Congo at 21 meetings held between 24 March and 20 April 1961.

The competence of the General Assembly to consider the estimates was questioned by some delegations on the ground that United Nations operations in the Congo represented action for the maintenance of peace and security, a matter exclusively within the competence of the Security Council under the Charter. The provisions of Articles 11, 43 and 48 of the Charter were specifically cited in this regard, and, at the request of the USSR representative, a statement setting out these arguments was circulated as a document of the Committee. Representatives raising these questions stated that their Governments would not consider themselves bound by any decision taken by the General Assembly to apportion the costs of ONUC.

Other delegations maintained that ONUC had been established by the Security Council and that the General Assembly was now properly seized of the whole question of the United Nations operations in the Congo and that the Assembly was, in any case, the only body with power to appropriate funds and apportion expenses among the Members.

Several delegations referred to the difficulty of analysing and considering the estimates, given

the nature of the costs involved, and emphasized that the approval of the estimates for the financial year 1961 or any particular future portion therefore could not be considered as a prejudgement of the duration, nature and scale of the operations.

The Fifth Committee, however, devoted most of its attention to the means of financing the costs of the operations.

1961 COST ESTIMATES AND FINANCING
(DECISION OF 3 APRIL 1961)

On 30 March 1961, the Fifth Committee considered the question of the expiration on 31 March 1961 of the expenditure authorization contained in General Assembly resolution 1590 (XV), and approved by 38 votes to 9, with 29 abstentions, a draft resolution submitted by India, with a Venezuelan oral amendment accepted by the sponsor. It was adopted at a plenary meeting of the Assembly on 3 April 1961 by 51 votes to 10, with 22 abstentions, as resolution 1595 (XV). The Assembly, recognizing that the question of the 1961 cost estimates for ONUC and the financing of these operations was currently under consideration, thereby authorized the Secretary-General, pending action by the General Assembly at its resumed fifteenth session and without prejudice to such action, to continue until 21 April 1961 to incur commitments for the United Nations operations in the Congo at a level not to exceed \$8 million per month.

On 20 April, the Fifth Committee, after having considered a series of draft resolutions and amendments which were submitted during meetings held between 3 and 20 April 1961, approved two draft resolutions.

1961 COST ESTIMATES AND FINANCING
(DECISION OF 21 APRIL 1961)

The first resolution, which dealt with ONUC 1961 cost estimates and financing, was submitted originally by Pakistan and Tunisia and in a revised form by Pakistan, Tunisia, Ghana and Liberia. Amendments to the revised resolution were submitted jointly by Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela, and separately by India. The draft resolution, as a whole, as amended, was approved by the Committee by a

roll-call vote of 43 to 26, with 14 abstentions. It was subsequently adopted, as further amended, at a plenary meeting of the Assembly on 21 April 1961 by a roll-call vote of 54 to 15, with 23 abstentions, as resolution 1619 (XV).

By this resolution, the General Assembly, bearing in mind that the extraordinary expenses for the United Nations operations in the Congo were 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 was required for meeting these extraordinary expenses, also bearing in mind that the permanent members of the Security Council had a special responsibility for the maintenance of international peace and security, and noting with appreciation the intention declared by certain Member states to make substantial voluntary contributions, decided to: (1) open an ad hoc account for the expenses of the United Nations operations in the Congo for 1961; (2) approve the recommendations of the Advisory Committee on Administrative and Budgetary Questions; (3) appropriate an amount of \$100 million for the operations of the United Nations in the Congo from 1 January to 31 October 1961; (4) apportion as expenses of the Organization the amount of \$100 million among the Member states in accordance with the scale of assessment for the regular budget, except that assessment of Member states whose contributions to the regular budget range from 0.04 per cent to 0.25 per cent and Member states receiving assistance during 1960 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, be reduced by 80 per cent and the assessment of Member states receiving assistance during 1960 under the Expanded Programme of Technical Assistance, whose contributions to the regular budget were 1.26 per cent and above, be reduced by 50 per cent, pending the establishment of a different scale of assessment to defray the extraordinary expenses of the Organization resulting from these operations.

The resolution further urged the permanent members of the Security Council to make sizable additional contributions; appealed to all other Member states, who were in a position to assist, to make voluntary contributions; called

upon the Government of Belgium, a state directly concerned with the situation in the Republic of the Congo (Leopoldville), to make a substantial contribution; it was decided to apply these additional contributions of Member states to offset the deficit resulting from the implementation of the authorized reductions in the assessments of certain Member states.

ADMINISTRATIVE AND BUDGETARY
PROCEDURES OF UNITED NATIONS

The second draft resolution, which dealt with the examination of the administrative and budgetary procedures of the Organization, was submitted to the Fifth Committee by Canada and amendments to it were submitted jointly by Colombia, Mexico, Peru and Venezuela. The draft resolution, as amended, was approved by the Committee by a roll-call vote of 26 to 24, with 29 abstentions. It was adopted, with the deletion of two preambular paragraphs, at a plenary meeting of the Assembly on 21 April by a roll-call vote of 44 to 13, with 32 abstentions, as resolution 1620 (XV).

By the preamble to this text, the Assembly, having in mind that among the main purposes of the United Nations were the maintenance of international peace and security, the pacific settlement of disputes and international economic and social co-operation with a view to the creation of conditions of stability and well-being necessary for peaceful and friendly relations among nations, recognized that in order to fulfil these purposes the United Nations must have at its disposal adequate financial resources and generally recognized procedures for dealing with the financial problems resulting from activities undertaken by the Organization. It also expressed the beliefs: that, with the continuing growth and development of the United Nations, increasing demands would be made on the Organization in the fulfilment of its purposes; and that in these circumstances it would be appropriate to review the administrative and budget-

ary questions relating to the expenditures of the United Nations.

By the operative part of the resolution, the Assembly: (1) decided to place on the provisional agenda of its sixteenth session, as a matter of prime importance and urgency, the question of the administrative and budgetary procedures of the United Nations, including methods for covering the cost of peace-keeping operations, and the relationship between such methods and the existing administrative and budgetary procedures of the Organization; (2) requested its President to appoint a working group of 15 Member states—the permanent members of the Security Council, two states from Africa, two from Asia, two from Latin America, two from Western Europe, one from Eastern Europe and one from the Commonwealth—to consider these points in consultation with the Assembly's Advisory Committee on Administrative and Budgetary Questions and the Assembly's Committee on Contributions, and to report in good time for its sixteenth session; (3) requested the Advisory Committee, in assisting the working group, to consider what improvements might be required in the existing administrative and budgetary procedures of the United Nations and any other measures to ensure the financial stability of the Organization; (4) requested Member states to submit, not later than 1 July 1961, for consideration by the working group, observations on principles to be applied in determining a special scale of assessments for peace and security, and on other matters relevant to its study; and (5) decided to refer to its sixteenth session all relevant documentation for consideration under this item.

As requested by this resolution, the President of the General Assembly appointed a working group, consisting of Brazil, Bulgaria, Canada, China, France, India, Italy, Japan, Mexico, Nigeria, Sweden, the USSR, the United Arab Republic, the United Kingdom and the United States.

DOCUMENTARY REFERENCES

FINANCING FOR THE PERIOD
14 JULY-31 DECEMBER 1960

GENERAL ASSEMBLY—15TH SESSION
Fifth Committee, meetings 803, 805-809, 811-813,
815-819.
Plenary Meeting 960.

A/C.5/836. Report by Secretary-General.
A/4580. Report of Advisory Committee on Administrative and Budgetary Questions.
A/C.5/837. Note verbale of 26 October 1960 from USSR.
A/C.6/L.638 and Rev.1. Pakistan, Senegal, Tunisia: draft resolution and revision, adopted by Fifth

Committee on 15 December 1960, meeting 819, by roll-call vote of 45 to 15, with 25 abstentions, as follows:

In favour: Argentina, Australia, Austria, Bolivia, Brazil, Burma, Canada, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Denmark, Ecuador, El Salvador, Federation of Malaya, Finland, Ghana, Greece, Haiti, Honduras, Iran, Ireland, Israel, Italy, Japan, Liberia, Luxembourg, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Senegal, Somalia, Sudan, Sweden, Thailand, Tunisia, Turkey, United Kingdom, United States, Uruguay.

Against: Albania, Bulgaria, Byelorussian SSR, Czechoslovakia, Hungary, Iraq, Lebanon, Poland, Portugal, Romania, Saudi Arabia, Ukrainian SSR, USSR, United Arab Republic, Yemen.

Abstaining: Afghanistan, Belgium, Cambodia, Cameroon, Ceylon, Chad, Chile, China, Colombia, Costa Rica, Cuba, France, Guatemala, Guinea, India, Indonesia, Madagascar, Mexico, Morocco, Philippines, Spain, Togo, Union of South Africa, Venezuela, Yugoslavia.

A/C.5/L.639. Ireland, Liberia, Sweden: draft resolution.

A/C.5/L.642. Poland: amendments to 3-power revised draft resolution, A/C.5/L.638/Rev.1.

A/4676. Report of Fifth Committee.

RESOLUTION 1583(xv), as submitted by Fifth Committee, A/4676, adopted by Assembly on 20 December 1960, meeting 960, by 46 votes to 17, with 24 abstentions.

"The General Assembly,

"Recalling the Security Council resolutions of 14 July 1960, 22 July 1960 and 9 August 1960, and General Assembly resolution 1474(ES-IV) of 20 September 1960,

"Having considered the report of the Secretary-General on the estimated cost of the United Nations operations in the Congo from 14 July to 31 December 1960 and the report of the Advisory Committee on Administrative and Budgetary Questions thereon,

"Recognizing that the expenses involved in the United Nations operations in the Congo for 1960 constitute 'expenses of the Organization' within the meaning of Article 17, paragraph 2, of the Charter of the United Nations and that the assessment thereof against Member States creates binding legal obligations on such States to pay their assessed shares,

"Recognizing that, in addition to the expenses for the regular and continuing activities of the Organization, the extraordinary expenses arising from the United Nations operations in the Congo will place a severe strain on the limited financial resources of a number of Member States,

"Noting with appreciation the willingness of certain Members not to request reimbursement for the cost of air-transport facilities they have provided to move troops and supplies to the Congo,

"Noting also with appreciation that additional financial assistance in a substantial amount has already been pledged voluntarily and will enable a reduction

to be made in the level of assessment of those Members having the least capacity to pay,

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

"2. Approves the recommendation of the Advisory Committee on Administrative and Budgetary Questions contained in paragraph 18 of its report;

"3. Notes that the waiver of airlift costs announced by certain Governments will reduce the level of expenses from the amount of \$60 million recommended by the Advisory Committee on Administrative and Budgetary Questions to the amount of \$48.5 million;

"4. Decides that the amount of \$48.5 million shall be apportioned among the Member States on the basis of the regular scale of assessment, subject to the provisions of paragraph 5 below;

"5. Decides further that the voluntary contributions already announced, in addition to those referred to in paragraph 3 above, shall be applied, at the request of the Member State concerned made prior to 31 March 1961, to reduce by up to 50 per cent:

"(a) The assessment that the Member States which were admitted during the fifteenth session of the General Assembly are required to pay for the financial year 1960 in accordance with Assembly resolution 1552 (XV) of 18 December 1960;

"(b) The assessment of all other Member States receiving assistance during 1960 under the Expanded Programme of Technical Assistance, commencing with those States assessed at the minimum of 0.04 per cent and then including, in order, those States assessed at the next highest percentages until the total amount of the voluntary contributions has been fully applied;

"6. Calls upon the former administering Power of the Republic of the Congo (Leopoldville) to make a substantial contribution, such a contribution to be applied to reduce further proportionally the assessment of Member States affected by the provisions of paragraph 5 (a) and (b) above."

FINANCING FOR PERIOD FROM 1 JANUARY 1961

(1 JANUARY-31 MARCH 1961)

GENERAL ASSEMBLY—15TH SESSION

Fifth Committee, meeting 824.

Plenary Meeting 960.

A/C.5/840. Letter of 8 November 1960 from United Kingdom.

A/C.5/856. Note by Secretary-General.

A/C.5/L.655. Pakistan, Senegal, Tunisia: draft resolution, as amended orally by Venezuela and United Arab Republic, adopted by Fifth Committee on 19 December 1960, meeting 824, by 26 votes to 9, with 26 abstentions.

A/4681. Report of Fifth Committee.

RESOLUTION 1590(xv), as submitted by Fifth Committee, A/4681, adopted by Assembly on 20 December 1960, meeting 960, by roll-call vote of 39 to 11, with 44 abstentions, as follows:

In favour: Argentina, Australia, Austria, Brazil, Canada, Chile, China, Colombia, Congo (Leopold-

ville), Denmark, Federation of Malaya, Finland, Gabon, Greece, Iceland, Iran, Ireland, Israel, Italy, Japan, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Portugal, Senegal, Sudan, Sweden, Thailand, Tunisia, Turkey, United Kingdom, United States, Uruguay.

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

Abstaining: Afghanistan, Belgium, Bolivia, Burma, Cambodia, Central African Republic, Ceylon, Chad, Cuba, Cyprus, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Ghana, Guatemala, Haiti, Honduras, India, Indonesia, Iraq, Ivory Coast, Jordan, Laos, Lebanon, Libya, Madagascar, Mexico, Nepal, Niger, Nigeria, Peru, Philippines, Saudi Arabia, Somalia, Spain, Togo, Union of South Africa, United Arab Republic, Venezuela, Yemen, Yugoslavia.

"The General Assembly,

"Noting that its resolution 1583(XV) of 20 December 1960 provides for the financing of the United Nations operations in the Congo for the period from 14 July to 31 December 1960 in an amount of \$48.5 million and establishes an ad hoc account for that purpose,

"Having been informed by the Secretary-General that, if continued at their present level into 1961, such operations may be expected to involve expenditures of upwards of \$8 million a month,

"1. Decides that, at its resumed fifteenth session, it shall give urgent consideration to the financing of such costs as may be incurred in 1961 in respect of the United Nations operations in the Congo;

"2. Requests the Secretary-General to submit cost estimates for the operations in question as early as possible and not later than 1 March 1961;

"3. Authorizes the Secretary-General, pending action by the General Assembly at its resumed fifteenth session and with the observance of the maximum possible economy in expenditures, to incur commitments in 1961 for the United Nations operations in the Congo up to the total of \$24 million for the period from 1 January to 31 March 1961."

A/C.5/L.660. Progress report on United Nations Fund for Congo. Note by Secretary-General.

1961 COST ESTIMATES AND FINANCING
(DECISION OF 3 APRIL 1961)

GENERAL ASSEMBLY—15TH SESSION
Fifth Committee, meetings 825-837.
Plenary Meeting 973.

A/4703. Report of Secretary-General.

A/4713. Report of Advisory Committee on Administrative and Budgetary Questions.

A/C.5/860. Statement by USSR read at meeting 825, 24 March 1961.

A/C.5/L.657. India: draft resolution, as orally amended by Venezuela, adopted by Fifth Commit-

tee on 30 March 1961, meeting 829, by 38 votes to 9, with 23 abstentions.

A/4719. Interim report of Fifth Committee, containing draft resolution.

A/L.338. Resolution recommended by Fifth Committee.

RESOLUTION 1595(xv), as recommended by Fifth Committee (A/4719, A/L.338) adopted by Assembly on 3 April 1961, meeting 973, by 51 votes to 10, with 22 abstentions.

"The General Assembly,

"Recognizing that the question of the 1961 cost estimates for the United Nations operations in the Congo and the financing of these operations is currently under consideration,

"Authorizes the Secretary-General, pending action by the General Assembly at its resumed fifteenth session and without prejudice to such action, to continue until 21 April 1961 to incur commitments for the United Nations operations in the Congo at a level not to exceed \$8 million per month."

1960 COST ESTIMATES AND FINANCING
(DECISION OF 21 APRIL 1961)

GENERAL ASSEMBLY—15TH SESSION
Fifth Committee, meetings 838-845.
Plenary Meeting 995.

A/C.5/L.660. Progress report on United Nations Fund for Congo. Note by Secretary-General.

A/C.5/862. Statement by Mexico on 13 April 1961, meeting 837.

A/C.5/863. Statement by India on 14 April 1961, meeting 838.

A/C.5/864, A/C.5/867. Statements by Secretary-General on 17 April 1961, meeting 839, and 20 April 1961, meeting 845.

A/C.5/868. Statement by Mexico on 20 April 1961, meeting 845.

A/C.5/L.658 and Corr.1. Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela: draft resolution.

A/C.5/L.663. Pakistan and Tunisia: draft resolution.

A/C.5/L.663/Rev.1. Ghana, Liberia, Pakistan, Tunisia: revised draft resolution, as amended by 14-powers (A/C.5/L.667) and by India (A/C.5/L.665/Rev.1) adopted by Fifth Committee on 20 April 1961, meeting 845, by roll-call vote of 43 to 26, with 14 abstentions, as follows:

In favour: Australia, Austria, Cameroun, Canada, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Denmark, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Iran, Ireland, Israel, Italy, Japan, Laos, Lebanon, Liberia, Libya, Luxembourg, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Senegal, Somalia, Sweden, Thailand, Tunisia, Turkey, United Kingdom, United States, Upper Volta, Uruguay.

Against: Albania, Argentina, Belgium, Bolivia,

Brazil, Bulgaria, Byelorussian SSR, Chile, Colombia, Costa Rica, Czechoslovakia, Ecuador, El Salvador, Honduras, Hungary, Mexico, Panama, Paraguay, Peru, Poland, Portugal, Romania, Spain, Ukrainian SSR, USSR, Venezuela.

Abstaining: Afghanistan, Burma, Cambodia, China, France, Haiti, India, Indonesia, Iraq, Philippines, Sudan, Union of South Africa, United Arab Republic, Yugoslavia.

A/C.5/L.665 and Rev.1. India: amendments to 2-power draft resolution, A/C.5/L.663 and revised amendments to 4-power draft resolution, A/C.5/L.663/Rev.1.

A/C.5/L.667. Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Mexico, Panama, Paraguay, Peru, Uruguay, Venezuela: amendments to 4-power draft resolution A/C.5/L.663/Rev.1.

A/4740. Report of Fifth Committee, draft resolution I. RESOLUTION 1619(xv), as submitted by Fifth Committee, A/4740, and as amended orally by Ghana, Liberia, Pakistan and Tunisia, adopted by Assembly on 21 April 1961, meeting 995, by roll-call vote of 54-15, with 23 abstentions, as follows:

In favour: Australia, Austria, Burma, Canada, Central African Republic, Ceylon, Chad, Colombia, Congo (Leopoldville), Cyprus, Dahomey, Denmark, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guatemala, Iceland, India, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Senegal, Somalia, Sweden, Thailand, Togo, Tunisia, Turkey, United Kingdom, United States, Uruguay.

Against: Albania, Belgium, Brazil, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, Guinea, Hungary, Mali, Mexico, Poland, Romania, Ukrainian SSR, USSR.

Abstaining: Afghanistan, Argentina, Bolivia, Cambodia, Chile, China, Costa Rica, Dominican Republic, Ecuador, France, Gabon, Honduras, Indonesia, Iraq, Jordan, Saudi Arabia, Sudan, Union of South Africa, United Arab Republic, Upper Volta, Venezuela, Yemen, Yugoslavia.

"The General Assembly,

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

"Having considered the report of the Secretary-General on the estimated cost of the United Nations operations in the Congo from 1 January to 31 December 1961 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,

"Noting with appreciation the intention declared by certain Member States to make substantial voluntary contributions,

"1. Decides to open an ad hoc account for the expenses of the United Nations operations in the Congo for 1961;

"2. Approves the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in paragraphs 2, 29 and 30 of its report, subject to paragraph 3 below;

"3. Decides to appropriate an amount of \$100 million for the operations of the United Nations in the Congo from 1 January to 31 October 1961;

"4. Decides further to apportion as expenses of the Organization the amount of \$100 million among the Member States in accordance with the scale of assessment for the regular budget subject to the provisions of paragraph 8 below, pending the establishment of a different scale of assessment to defray the extraordinary expenses of the Organization resulting from these operations;

"5. Urges the permanent members of the Security Council to make sizeable additional contributions;

"6. Appeals to all other Member States who are in a position to assist to make voluntary contributions;

"7. 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;

"8. 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 1960 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 1960 under the Expanded Programme of Technical Assistance whose contributions to the regular budget are 1.26 per cent and above;

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

[Draft resolution I, as submitted by Fifth Committee, A/4740, was voted on twice at plenary meeting 995; the first time, it failed to receive the necessary two-thirds majority by roll-call vote of 45 in favour, 25 against, with 27 abstentions; the second time it was adopted with amendments, as shown above, by roll-call vote of 54 to 15 with 23 abstentions. Information on the way various Members voted in the first roll-call vote follows:

In favour: Australia, Austria, Burma, Canada, Central African Republic, Ceylon, Congo (Leopoldville), Cyprus, Dahomey, Denmark, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Haiti, Iceland, India, Iran, Ireland, Israel, Italy, Japan, Laos, Lebanon, Liberia, Libya, Luxembourg, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Philippines, Senegal, Somalia, Sweden, Thailand, Tunisia, Turkey, United Kingdom, United States, Uruguay.

Against: Albania, Argentina, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian SSR, Costa Rica, Cuba, Czechoslovakia, Ecuador, Guinea, Honduras, Hungary, Mali, Mexico, Morocco, Panama, Poland, Portugal, Romania, Spain, Ukrainian SSR, USSR, Venezuela.

Abstaining: Afghanistan, Cambodia, Chad, Chile, China, Colombia, Dominican Republic, El Salvador, France, Gabon, Guatemala, Indonesia, Iraq, Ivory Coast, Jordan, Madagascar, Nicaragua, Paraguay, Peru, Saudi Arabia, Sudan, Togo, Union of South Africa, United Arab Republic, Upper Volta, Yemen, Yugoslavia.]

ADMINISTRATIVE AND BUDGETARY PROCEDURES OF THE UNITED NATIONS

GENERAL ASSEMBLY—15TH SESSION
Fifth Committee, meetings 840-845.
Plenary Meeting 995.

A/C.5/L.664. Canada: draft resolutions, as amended by sponsor, by 4-powers (A/C.5/L.668), and by Committee, adopted by Fifth Committee on 20 April 1961, meeting 845, by roll-call vote of 26 to 24, with 29 abstentions, as follows:

In favour: Argentina, Bolivia, Brazil, Burma, Ceylon, Chile, China, Colombia, Ecuador, El Salvador, Ethiopia, Guatemala, Honduras, Indonesia, Iraq, Lebanon, Mexico, Panama, Paraguay, Peru, Philippines, Spain, Union of South Africa, Uruguay, Venezuela, Yugoslavia.

Against: Albania, Australia, Belgium, Bulgaria, Byelorussian SSR, Canada, Czechoslovakia, Denmark, Hungary, Japan, Liberia, Netherlands, New Zealand, Norway, Pakistan, Poland, Romania, Sweden, Tunisia, Turkey, Ukrainian SSR, USSR, United Kingdom, United States.

Abstaining: Afghanistan, Austria, Cambodia, Cameroun, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Federation of Malaya, Finland, France, Ghana, Greece, India, Iran, Ireland, Israel, Italy, Libya, Luxembourg, Nepal, Nigeria, Portugal, Senegal, Sudan, Thailand, United Arab Republic, Upper Volta.

A/C.5/L.668. Colombia, Mexico, Peru, Venezuela: amendments to Canadian draft resolution, A/C.5/L.664.

A/4740. Report of Fifth Committee, draft resolution II.

RESOLUTION 1620(xv), as submitted by Fifth Committee, A/4740, and as amended by Assembly, adopted by Assembly on 21 April 1961, meeting

995, by roll-call vote of 44 to 13, with 32 abstentions, as follows:

In favour: Australia, Austria, Belgium, Brazil, Burma, Canada, Central African Republic, Ceylon, China, Cyprus, Dahomey, Denmark, Dominican Republic, Federation of Malaya, Finland, Ghana, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Laos, Liberia, Luxembourg, Madagascar, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Somalia, Sweden, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States.

Against: Albania, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, Hungary, Peru, Poland, Romania, Ukrainian SSR, USSR, Uruguay, Venezuela.

Abstaining: Afghanistan, Argentina, Bolivia, Cambodia, Chad, Chile, Colombia, Congo (Leopoldville), Ecuador, El Salvador, Ethiopia, France, Gabon, Greece, Guatemala, Guinea, Indonesia, Libya, Mali, Mexico, Nepal, Nicaragua, Panama, Paraguay, Saudi Arabia, Senegal, Sudan, Thailand, Togo, Upper Volta, Yemen, Yugoslavia.

"The General Assembly,

"Having in mind that among the main purposes of the United Nations are the maintenance of international peace and security, the pacific settlement of disputes and international economic and social co-operation with a view to the creation of conditions of stability and well-being necessary for peaceful and friendly relations among nations,

"Recognizing that in order to fulfil these purposes the United Nations must have at its disposal adequate financial resources and generally recognized procedures for dealing with the financial problems resulting from activities undertaken by the Organization,

"Believing that, with the continuing growth and development of the United Nations, increasing demands will be made on the Organization in the fulfilment of its purposes,

"Believing also that in these circumstances it would be appropriate to review the administrative and budgetary questions relating to the expenditures of the United Nations,

"1. Decides to place on the provisional agenda of its sixteenth session, as a matter of prime importance and urgency, the question of the administrative and budgetary procedures of the United Nations, including the following points:

"(a) Methods for covering the cost of peace-keeping operations;

"(b) The relationship between such methods and the existing administrative and budgetary procedures of the Organization;

"2. Requests the President of the General Assembly to appoint a working group composed of fifteen Member States—the permanent members of the Security Council, two States from Africa, two from Asia, two from Latin America, two from Western Europe, one from Eastern Europe and one from the Commonwealth—to consider the points mentioned in paragraph 1 above, in consultation, as appropriate, with

the Advisory Committee on Administrative and Budgetary Questions and the Committee on Contributions, and to report in good time for the sixteenth session of the Assembly;

"3. Requests the Advisory Committee on Administrative and Budgetary Questions, in assisting the working group, to consider what improvements might be required in the existing administrative and budgetary procedures of the United Nations and any other measures to ensure the financial stability of the Organization;

"4. Requests Member States to submit not later

than 1 July 1961, for consideration by the working group, observations on principles to be applied in determining a special scale of assessments for peace and security, and on other matters relevant to its study;

"5. Decides to refer to its sixteenth session all relevant documentation for consideration under this item, the records of the fifteenth session and all draft resolutions submitted to it, any observations which may be made by Member States, and the reports requested in accordance with paragraphs 2 and 3 above."

CHAPTER VIII

OTHER QUESTIONS RELATING TO AFRICA

AFRICA: A UNITED NATIONS PROGRAMME FOR INDEPENDENCE AND DEVELOPMENT

On 28 September 1960, the United States requested that an item entitled "Africa: A United Nations Programme for Independence and Development" be placed on the agenda of the fifteenth session of the General Assembly.

An accompanying explanatory memorandum referred to the programme for assistance to the new countries of Africa, which the President of the United States had proposed to the Assembly on 22 September 1960. In his speech, the President had stated that the challenge of peace and orderly progress in freedom could best be met by the combined efforts of the world community operating through the United Nations. In order that the new African Member states might determine their own course, the United States now proposed, among other things, that all Member states should refrain from intervening in the internal affairs of these nations and desist from actions designed to intensify present unsettled conditions in the Congo, assure their security and help them avoid wasteful competition in armaments.

As a token of willingness to co-operate, the United States hoped that Member states would make substantial pledges to the international programme of assistance to the Congo organized by the Secretary-General. Also, in order to assist in their war against poverty, illiteracy and disease, United Nations organizations should help African countries to shape their long-term development programmes. Specifically suggested in the memorandum was expanded assistance by the United Nations Special Fund, the Expanded

Technical Assistance Programme, the United Nations programme for the provision of operational, executive and administrative personnel (OPEX), the International Bank for Reconstruction and Development and the International Monetary Fund. The family of United Nations organizations in the educational field would also be asked to collaborate with the new African states in an expanded all-out United Nations effort to assist in educational advancement. Such efforts, the United States believed, would go far towards placing the independence of the new African states on the soundest possible footing.

An addendum to the United States memorandum was submitted on 20 October containing a draft resolution intended for illustrative purposes only.

On 10 October, the General Assembly decided to include the item in the agenda. It was considered by the Assembly's First Committee from 23 March to 21 April during the second part of the Assembly's fifteenth session. The Secretary-General had previously drawn the Committee's attention to his report, dated 22 November 1960, on opportunities for international co-operation on behalf of former Trust Territories and newly independent states.

Also transmitted to the Committee was a draft resolution adopted by the Second Committee on 2 December 1960, calling for increased assistance to such territories and states. (For further details, see p. 271.)

Introducing the item in the First Committee