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QUESTION OF THE FUTURE OF RUANDA-URUNDI

Report of the United Nations Commission for Ruanda-Urundi established
under General Assembly resolution 1743 (XVI)*

* The Annexes to the report are circulated separately as document A/5126/Add.1.

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LETTER OF TRANSMITTAL

Tangier, 26 May 1962

Sir,

I have the honour to transmit herewith, in accordance with the provisions of paragraph 6 of resolution 1743 (XVI) and paragraph 2 of resolution 1744 (XVI), adopted by the United Nations General Assembly on 23 February 1962, the report of the United Nations Commission for Ruanda-Urundi (1962) on the "Question of the future of Ruanda-Urundi".

This report was today adopted unanimously by the Commission.

Accept, Sir, the assurances of my highest consideration.

(Signed) Angie BROOKS
Chairman of the United Nations Commission for
Ruanda-Urundi (1962)

His Excellency U Thant
Secretary-General of the
United Nations,
New York.

ABBREVIATIONS

APROSOMA	<u>Association pour la promotion sociale de la masse</u>
PARMEHUTU	<u>Parti du mouvement de l'émancipation hutu</u>
UNAR	<u>Union nationale rwandaise</u>
UPRONA	<u>Parti de l'unité et du progrès national</u>

INTRODUCTION

1. During its sixteenth session, the General Assembly resumed consideration of the "Question of the future of Ruanda-Urundi". The main document before it on the subject of this Trust Territory under Belgian administration was a report of the United Nations Commission for Ruanda-Urundi.^{1/}
2. At its 1106th plenary meeting, on 23 February 1962, the General Assembly adopted two resolutions on the question.
3. The first resolution is entitled "Question of the future of Ruanda-Urundi" (1743 (XVI)).^{2/} In that resolution the Assembly decided to establish a Commission composed of five Commissioners representing five Member States to be elected by the General Assembly and requested the Commission to proceed to the Territory with a view to ensuring the achievement of various objectives, which will be discussed later in the report, to convene a conference at Addis Ababa in which the Governments of Rwanda and Burundi would participate and which would be presided over by the Chairman of the Commission, and to submit, before 1 June 1962, a report which should include recommendations on the questions set forth in operative paragraph 6. The General Assembly devised and prescribed the above-mentioned measures in a desire to ensure "that Ruanda-Urundi accedes to independence in the most favourable conditions as soon as possible", the date for the termination of the Trusteeship Agreement having been envisaged for 1 July 1962, subject to subsequent approval by the General Assembly.
4. The second resolution is entitled "Question of the Mwami of Rwanda" (1744 (XVI)).^{3/} In it the Assembly referred to the conditions and the atmosphere prevailing in Rwanda at the time of the referendum on the question of the Mwami and expressed its conviction that in order that peace and tranquillity might quickly return to Rwanda a speedy settlement of that question on a mutually

^{1/} Official Records of the General Assembly, Sixteenth Session, Annexes, addendum to agenda item 49, documents A/4994 and Add.1.

^{2/} Annex I.

^{3/} Annex II.

acceptable basis, bearing in mind the referendum and its results, was necessary. It requested the Commission for Ruanda-Urundi, as a matter of urgency, to engage in talks with the Administering Authority, the Government of Rwanda and the Mwami and his representatives, with a view to reaching agreement for the peaceful settlement of the question of the future of the Mwami.

5. At its 1106th plenary meeting, the General Assembly proceeded to elect the members of the Commission for Ruanda-Urundi, established in accordance with paragraph 2 of resolution 1743 (XVI). As a result of the vote, Haiti, Iran, Liberia, Morocco and Togo were elected members of the Commission.

6. During the next few days those States appointed Mr. Ernest Jean-Louis (Haiti), Mr. Majid Rahnema (Iran), Miss Angie Brooks (Liberia), Mr. Dey Ould Sidi Baba (Morocco) and Mr. Ernest Gassou (Togo) to be their representatives.

7. The Commissioners met on 8 March 1962. In the absence of their officially designated representatives, Iran was represented by Mr. Nabavi and Morocco by Mr. Tabiti. Miss A. Brooks was elected Chairman of the Commission at the first meeting. At later meetings, Mr. Gassou and Mr. Rahnema were elected Vice-Chairman and Rapporteur, respectively.

8. On 17 May 1962, Mr. Dey Ould Sidi Baba was entrusted with a special mission by the Government of H.M. the King of Morocco, which then appointed Mr. Abdellah Lamrani, Ambassador, to represent it on the Commission. Mr. Sidi Baba rejoined the Commission on 26 May.

I. TERMS OF REFERENCE OF THE COMMISSION AND ITS PLAN OF WORK

A. TERMS OF REFERENCE

9. Under resolutions 1743 (XVI) and 1744 (XVI), the Commission's terms of reference comprised three distinct parts:

- (1) Objectives to be achieved in the Territory in accordance with paragraphs 3 and 5 of resolution 1743 (XVI) and paragraph 1 of resolution 1744 (XVI);

(2) The convening of the Addis Ababa Conference in accordance with paragraph 4 of resolution 1743 (XVI);

(3) The submission to the General Assembly, before 1 June 1962, for its resumed sixteenth session, of a report including the conclusions and recommendations referred to in paragraph 6 of resolution 1743 (XVI) and paragraph 2 of resolution 1744 (XVI).

10. In accordance with the second preambular paragraph of resolution 1743 (XVI) and the second preambular paragraph of resolution 1744 (XVI), the Commission, in carrying out its task, was to bear in mind resolutions 1579 (XV) of 20 December 1960 and 1605 (XV) of 21 April 1961 on the future of Ruanda-Urundi and resolution 1580 (XV) of 20 December 1960 on the question of the Mwami.^{4/} The Commission also took account of the fact that in the third preambular paragraph of resolution 1743 (XVI) the General Assembly had borne in mind the provisions of the Declaration on the granting of independence to colonial countries and peoples contained in resolution 1514 (XV) of 14 December 1960.

11. The three parts of the Commission's terms of reference, as set out above, may be further sub-divided as follows:

1. Objectives to be achieved in the Territory in accordance with paragraphs 3 and 5 of resolution 1743 (XVI) and paragraph 1 of resolution 1744 (XVI)

(a) Under this heading may be included, in the first instance, the five objectives mentioned in operative paragraph 3 of resolution 1743 (XVI), whose achievement the Commission was to ensure with the full co-operation of the Administering Authority and national authorities:

- (i) The reconciliation of the various political factions in the Territory. This provision should be read in conjunction with the fourth preambular paragraph of the same resolution, in which the General Assembly takes into account "the observations of the [1961] Commission concerning the pre-electoral conditions and the atmosphere prevailing in Rwanda and in

^{4/} Annexes II, IV and V.

Burundi and the physical organization of the electoral operations in both parts of the Territory". Moreover, it should be noted in this regard that in the fifth preambular paragraph of the same resolution the General Assembly notes "with satisfaction the agreement concluded on 8 February 1962 between the Government of Rwanda and the opposition party, the Union nationale rwandaise". The latter provision is repeated word for word in the fourth preambular paragraph of resolution 1744 (XVI), operative paragraph 3 of which states that the General Assembly "considers that the implementation of the present resolution will further ensure for Rwanda the speedy return of an atmosphere of peace and tranquillity".

- (ii) The return and resettlement of all refugees. In this connexion, account should be taken of the sixth preambular paragraph of resolution 1743 (XVI), in which the General Assembly considers "that the return and resettlement in Rwanda of thousands of refugees have not been possible and that a large number of them are still living outside their homeland".
- (iii) The guaranteeing of human rights and fundamental freedoms, including freedom of expression and association and political activity in peaceful conditions.
- (iv) The maintenance of law and order.
- (v) Arrangements for the training of indigenous forces with the help of experts or a training mission provided by the United Nations, and the rapid withdrawal of Belgian military and para-military forces. This provision, which specifies that the withdrawal of Belgian forces must be completed before independence, "with the exception of such personnel whose retention, in the view of the Commission, in consultation with the authorities of Ruanda-Urundi and the Administering Authority and without prejudice to the sovereign rights of the future independent Ruanda-Urundi and subject to the latter's subsequent ratification, may be considered necessary as an interim

measure", should be considered in conjunction with paragraph 6 (c) of the same resolution. In that paragraph, the Commission is requested to include in its report "the time-table for the withdrawal of the personnel, if any, retained as an interim measure under paragraph 3 (e) above". It should be emphasized that it was the generally expressed view during the debates in the Fourth Committee that foreign troops should never be authorized to remain on the territory of an independent State except at the express request of the Government of that State.

(b) The work the Commission was to perform in the Territory included also the talks referred to in operative paragraph 1 of resolution 1744 (XVI), in which the General Assembly requested "the Commission for Ruanda-Urundi established under General Assembly resolution 1743 (XVI) of 23 February 1962, as a matter of urgency, to engage in talks with the Administering Authority, the Government of Rwanda and the Mwami and his representatives with a view to reaching agreement, on a mutually acceptable basis, for the peaceful settlement of the question of the future of the Mwami".

(c) Among the main tasks which the Commission was to carry out in the Territory there was also that envisaged in paragraph 5 of resolution 1743 (XVI), in which the General Assembly "requests the Commission to see that all powers of internal autonomy are transferred to the Governments of Rwanda and Burundi at a date not later than 30 April 1962".

2. The convening of the Addis Ababa Conference in accordance with paragraph 4 of resolution 1743 (XVI)

In paragraph 4 of resolution 1743 (XVI) the Commission is requested "to convene as soon as possible, at Addis Ababa, a high-level conference presided over by the Chairman of the Commission and composed of five representatives each of the Government of Rwanda and Burundi headed by their

respective Chiefs of Government, with a view to finding a mutually acceptable formula for the creation of the closest possible form of political, economic and administrative union". The same paragraph states that the role of the Commission would be to endeavour to reconcile the points of view of the two Governments and to put forward such concrete proposals as would lead to the achievement of the aforementioned objective. In that regard account should be taken of the seventh preambular paragraph of the same resolution in which the General Assembly reaffirms its conviction "that the best future of Ruanda-Urundi lies in the emergence of a single State with economic unity, common defence and external relations, without prejudice to the internal autonomy of Rwanda and Burundi". The Commission also bore in mind the debates on the question in the Fourth Committee and in the General Assembly, in the course of which a clear opinion had emerged to the effect that it would be to the best advantage of the Territory of Ruanda-Urundi to gain independence as a unitary State.

3. Submission to the General Assembly, for its resumed sixteenth session, of a report including the conclusions and recommendations referred to in paragraph 6 of resolution 1743 (XVI) and paragraph 2 of resolution 1744 (XVI)

(a) Operative paragraph 6 of resolution 1743 (XVI) states that the Commission's report should include recommendations on:

- (i) The necessary arrangements and modalities for the final transfer of power;
- (ii) The assistance that the United Nations can provide to deal with the social and economic problems of the Territory;
- (iii) The time-table for the withdrawal of the personnel, if any, retained as an interim measure under paragraph 3 (e) of the same resolution.

(b) Moreover, in operative paragraph 2 of resolution 1744 (XVI), the General Assembly requests the Commission "to include, as part of its report to the General Assembly at its resumed sixteenth session, the results of the talks envisaged in paragraph 1 above, an assessment of the possibilities, and recommendations for the peaceful settlement of the question of the future of the Mwami of Rwanda".

In interpreting its terms of reference, the Commission constantly bore in mind the statement in the eighth preambular paragraph of resolution 1743 (XVI) that the General Assembly was "desirous of ensuring that Ruanda-Urundi accedes to independence in the most favourable conditions as soon as possible". This objective is clearly stated in operative paragraphs 7 and 8 of the same resolution, according to which the Assembly "envisages setting 1 July 1962 as the date for the termination of the Trusteeship Agreement, subject to General Assembly approval upon examination of the report of the Commission at the resumed sixteenth session, which the Assembly decides to call in the first week of June 1962 to consider exclusively the question of Ruanda-Urundi" and "considers that the implementation of the provisions of the present resolution will ensure the emergence of Ruanda-Urundi to independence in an atmosphere of peace and tranquillity and the termination of the Trusteeship Agreement at the resumed session envisaged in paragraph 7 above".

B. PLAN OF WORK

12. In order to carry out its task under the terms of reference set forth in section A above, the Commission required, in addition to the Secretariat and advisers usually assigned to missions, supplementary assistance to cover the provisions of paragraphs 3 (d) and (e), 4, 5, and 6 (a) and (b) of resolution 1743 (XVI). The Secretary-General accordingly provided it with military, police, economic and financial experts.

13. In preparing its plan of work, the Commission considered it necessary to stop at Brussels on its way to the Territory, in order to get in touch with the Belgian Minister for Foreign Affairs, both as a matter of courtesy and in order to obtain information which might be useful to it in carrying out its mission.

14. Taking into consideration the fact that, in accordance with paragraph 6 of resolution 1743 (XVI), it was to present its report to the General Assembly before 1 June 1962, the Commission arranged provisionally for the Addis Ababa Conference to open some time between 5 and 10 April, the precise date to be fixed later.

By that time the Commission would have made preliminary contact with the Governments of the two parts of the Territory, to which it would have occasion to return after the Conference before leaving on or about 10 May in order to draft its report at a place to be determined at a later stage.

II. ORGANIZATION OF THE MISSION, MOVEMENTS AND RELATIONS WITH THE AUTHORITIES

A. ORGANIZATION OF THE MISSION

15. The Commission held several meetings in New York to organize its plan of work. On several occasions it conferred not only with the Principal Secretary and the political and legal advisers who from the outset helped it in its work but also with the technical assistance, financial and police experts who were likewise to assist it.

16. In accordance with the provisions of paragraph 11 of resolution 1743 (XVI) the Secretary-General designated the following staff members to assist the Commission in carrying out its work:

(a) Secretariat

Principal Secretary	Mr. Miguel A. Marín
Political Adviser	Mr. Hubert Noël
Legal Adviser	Mr. Stephen Landau
Political Adviser	Mr. Antonin J. Obrdlik
Assistant Political Adviser	Mr. Eugene Adoboli
Assistant Political Adviser	Mrs. Estelle Hammond
Information	Mr. Sinan Korle
Administration and Finance	Mr. Theodore Trisciuzzi
Administrative Assistant	Mr. Jean-Pierre Labelle
Financial Assistant	Mr. Nello Tordini
Radio Specialist	Mr. Ortensio Miggiano
Interpreters	Mr. Robert Algazi Miss Catherine Erschoff
Translators/Précis-writers	Mr. James F. Hendry Mr. Arthur Wills

Secretaries

Miss Audrey Defriez
Mr. Raymond Hogarth
Mrs. Jacqueline Lambert
Mrs. Lucy Marinace
Miss France Rondot

(b) Experts

Technical Assistance, Economy
and Finance

Mr. Taghi Nasr
Mr. Edmond Janssens

Military

Lt. Col. E.J.J. Dartnell

Military

Major M. Kolesar

Police

Inspector N.J.Y. Dube

Police

Deputy Inspector
R.J.F.S. Duchesneau

(c) Observers

Mr. Jean P. Hesse
Mr. Paul de Rodzianko
Mr. Shifferaw Zelleke

17. In addition to the personnel listed above, the Commission used the services of Mr. Norman Nehmert and Mr. A.R. Werner, interpreters, and Mrs. Helene Hufschmid and Mr. Yves Mocaer, translator/précis-writers, during the Addis Ababa Conference.

B. MOVEMENTS OF THE COMMISSION AND RELATIONS WITH THE AUTHORITIES

18. The Commission received the warmest welcome wherever it went and it wishes to express its sincere thanks to those who so kindly facilitated its task.

19. On 18 March the Commission arrived at Brussels, where it was received by representatives of the Belgian Government, and on 21 March it departed for Usumbura, where it was welcomed by representatives of the Administering Authority in the Territory. For lack of space the Commission cannot name here all those to whom it would like personally to express its gratitude, but it wishes in particular to thank Mr. Paul-Henri Spaak, Deputy Prime Minister and Minister for Foreign Affairs and Ruanda-Urundi, Mr. Georges Carlier, Ambassador of Belgium and Mr. Spaak's personal representative in the Territory, Colonel Henniquiau, Senior Representative of Belgium in Burundi, and Colonel Logiest, Senior Representative of Belgium in Rwanda. It would like also to mention the courteous and efficient help which it received, inter alia, from Mr. J. Castermans, political adviser.

20. Upon its arrival at Usumbura the Commission was also received by the members of the Government of Burundi and it would like to take this occasion to thank the Mwami Mwambutsa, Mr. A. Muhirwa, the Prime Minister, and the members of the Government of Burundi.
21. On 24 March the Commission went to Kigali to pay its respects to the Government of Rwanda. It returned to Usumbura, where it took up various problems with the Government of Burundi on 26 and 27 March, and then went back to Kigali to hold working meetings on 28, 29 and 30 March. It would like to take this occasion to thank President Kayibanda for the welcome he gave the Commission and for the facilities which were placed at its disposal.
22. On 31 March the Commission went to Kitega, where the Mwami Mwambutsa of Burundi had expressed the desire to receive it.
23. On 2 April the Commission left Usumbura for Addis Ababa, where it arrived on 4 April, returning to Ruanda-Urundi on 20 April. During its stay in Ethiopia the Commission was received by His Imperial Majesty Haile Selassie I.
24. On its return to Usumbura the Commission had further talks with the representatives of the Administering Authority, the Mwami Mwambutsa and the members of the Burundi Government. On 27 April it went to Kigali, where it met President Kayibanda and members of his Government. The Commission continued to maintain the necessary contacts with the authorities and other persons in the Territory until 6 May 1962, the date of its departure. It left seven observers in the Territory to follow developments there and report to it at Tangier, while its report was being drawn up, and subsequently in New York.
25. On 29 April the Chairman, accompanied by Mr. Taghi Nasr, a technical assistance expert, proceeded to New York. She rejoined the Commission at Tangier, where on 10 May the five Commissioners and the secretariat staff gathered to draw up the Commission's report.
26. The Commission would like to take this occasion to express its warm thanks to the Moroccan Government for the invitation to Tangier and for the generous and cordial hospitality it received from the Government of H.M. the King of Morocco and the local authorities at Tangier.
27. On 16 May the Chairman went to Brussels to meet the Belgian Minister for Foreign Affairs. She returned from Brussels on 19 May.
28. This report was adopted unanimously by the members of the Commission on Saturday, 26 May 1962.

III. ADDIS ABABA CONFERENCE

(9-19 April 1962)

29. As may be seen from the records of the debate in the Fourth Committee and the General Assembly, the general opinion expressed by the States Members of the United Nations was that the Territory of Ruanda-Urundi should accede to independence as a single, united and composite State. Nevertheless, the statements made by the petitioners speaking on behalf of the Government of Burundi and the Government of Rwanda had caused the United Nations to realize that there was a strong likelihood that such a solution would not be adopted by the Governments concerned. In those circumstances the General Assembly included in its resolution 1743 (XVI) a seventh preambular paragraph and an operative paragraph 4 reading as follows:

"The General Assembly,

...

"Reaffirming its conviction that the best future of Ruanda-Urundi lies in the emergence of a single State with economic unity, common defence and external relations, without prejudice to the internal autonomy of Rwanda and Burundi,

...

"4. Requests the Commission to convene as soon as possible, at Addis Ababa, a high-level conference presided over by the Chairman of the Commission and composed of five representatives each of the Governments of Rwanda and Burundi headed by their respective Chiefs of Government, with a view to finding a mutually acceptable formula for the creation of the closest possible form of political, economic and administrative union, the role of the Commission being to endeavour to reconcile the points of view of the two Governments and to put forward such concrete proposals as would lead to the achievement of the aforementioned objective; in this task the Commission will, at its request, be provided by the Secretary-General with the assistance of judicial, financial and economic, military and police, and technical assistance advisers".

/...

30. After consulting the two Governments concerned the Commission decided to open the Conference on 9 April at Africa Hall, Addis Ababa, the headquarters of the Economic Commission for Africa. The Conference met from 9 to 19 April 1962. It held twelve plenary meetings.

31. In addition to the United Nations Commission, whose Chairman, in accordance with paragraph 4 of resolution 1743 (XVI), was also Chairman of the Conference, delegations of the two Governments composed of the following persons took part in the Conference:

- for the Government of the Kingdom of Burundi: Mr. André Muhirwa, Prime Minister, accompanied by Mr. Siryuyumunsi, President of the Legislative Assembly, Mr. Ngendandumwe, Deputy Prime Minister, Mr. Bankumuhari, Member of Parliament, Mr. Ntiruhwama, Minister for the Interior;
- for the Government of the Republic of Rwanda: Mr. Gregoire Kayibanda, President of the Rwandese Republic, accompanied by Mr. Rusingizandekwe, Minister for Foreign Affairs, Mr. Mpakaniye, Minister for the Interior and the Civil Service, Mr. Cyimana, Minister for Finance and Economic Affairs, Mr. Habamenshi, Minister for Information and Postal and Telecommunications Services.

32. Mr. Miguel A. Marín, Principal Secretary of the Commission, acted as Secretary of the Conference. During the Conference assistance was given as follows by the experts referred to in the text of the resolution: for political questions, Mr. Hubert Noël; for legal questions, Mr. Stephen Landau; for economic, financial and technical assistance questions, Mr. Taghi Nasr and Mr. Edmond Janssens; for military questions, Lieutenant Colonel E.J.J. Dartnell and Major M. Kolesar; and for police questions, Inspector N.J.Y. Dube and Deputy Inspector R.J.S.F. Duchesneau.

33. It should be pointed out that the Conference gave the Commission an opportunity not only to consider the objective outlined in paragraph 4 of resolution 1743 (XVI) but also to take up with the representatives of the two Governments certain other problems touched upon in paragraphs 3, 5, 6 and 7 of that resolution.

34. As regards its method of work, the Commission, taking into account both the letter and the spirit of its mandate, felt that it was essential to stress the advantages of the closest possible form of political, economic and administrative union between the two countries. The exchanges of views which the Commission had had with the two Governments at Usumbura and Kigali had given it reason to hope that perhaps some form of political union, even if only a loose one, could be worked out.

35. In her address at the opening of the Conference on 9 April 1962,^{5/} the Chairman, after welcoming the two delegations and appealing to the spirit of solidarity of the African peoples, drew the attention of the participants to operative paragraph 4 of resolution 1743 (XVI). She pointed out that the fact that the General Assembly had requested that the delegations of Burundi and Rwanda should be headed by their Chiefs of Government showed the importance of the mandate entrusted to the Commission. She stressed that the preservation of the unity of Ruanda-Urundi was desirable for a number of reasons, including the following:

- (i) having regard to geographical and historical factors, it would be paradoxical if the two parts of the Territory were to separate at a time when all the peoples of the world were aspiring to unity;
- (ii) a close association would enable the two countries to tackle their economic and financial problems more effectively. Economic weakness on their part would simply invite neo-colonialist manoeuvres designed to secure advantages for certain foreign States on the pretext of providing technical or other assistance;
- (iii) despite certain difficulties which everyone recognized, a centralized administration would make it possible to plan and co-ordinate the economy at the national level and to prevent duplication of programmes;
- (iv) with regard to the question of common defence, the cost of defence would be out of all proportion to the means at the disposal of two small separate countries;

- (v) with regard to foreign policy, it would be to the advantage of Ruanda-Urundi to have a joint diplomatic service. Developing countries, in Africa or elsewhere, always found themselves, sooner or later, with the same objectives as far as foreign policy was concerned. Any initial differences of attitudes proved to be completely superficial.

36. Turning to the arguments that had been advanced against the unity of Ruanda-Urundi, the Chairman stressed the following points:

- (a) The allegations to the effect that the policy followed by the United Nations, with its insistence on the question of unity, was designed to impose a new form of colonialism on the Territory were too fantastic to merit consideration.
- (b) The thesis that it was better to form a political union after rather than before independence was fraught with grave dangers.
- (c) With regard to the suggestion of a division of the Territory into two small States which might later federate with larger entities to ensure their future, the Commission considered that the idea of federation with such entities was one which deserved consideration but that an association of that kind should always be well prepared in advance.
- (d) As for the argument that a monarchy and a republic could not coexist within a single State, that objection, too, seemed to be a very superficial one.

37. In conclusion the Chairman emphasized that neither the United Nations nor the members of the Commission desired to impose any formula whatsoever on Rwanda and Burundi. It was possible, however, to envisage a union of autonomous States, each retaining its own identity but both converging their efforts towards a common goal. Such a formula might, moreover, be the prelude to a union of free but closely linked States, a new kind of union which would be open to other neighbouring countries and could thus constitute the nucleus of a still larger entity. Ruanda-Urundi could thus become an example for other countries of Africa in the realization of the great idea of African unity.

38. The economic and financial experts then submitted a report^{6/} on the Territory's economic situation, stressing the importance of economic co-operation between the two parts of the Territory and supporting, by technical arguments, various points made by the Chairman concerning unity. Next the military experts^{7/} and the police experts^{8/} made statements in the same vein.
39. The initial position of the two Governments was set forth at the meeting held on 12 April 1962. Mr. Gregoire Kayibanda, President of the Rwandese Republic, made a statement^{9/} in which he declared that Rwanda was not opposed to the principle of unification of the two countries in one form or another at such time as the unification procedure would be opportune, would satisfy the real aspirations of the two peoples and would be carried out democratically. Rwanda was, however, opposed to any artificial political bodies not based on the real aspirations and the will of the inhabitants.
40. In regard to economic union he added that the Rwandese Government not only had it in mind to give practical encouragement to the possible development, in full freedom, of political unification but had also proposed that Rwanda and Burundi should maintain the following joint institutions so that the two countries could derive greater benefit from international co-operation: the Bank of Issue, exchange control, customs co-operation and the validation of licences together with certain fiscal arrangements, the Office du Café and the Institute for Research and Scientific Documentation (INEAC, IRSAC, Statistics).
41. On the same day the Prime Minister of the Government of the Kingdom of Burundi made a statement^{10/} in which, inter alia, he indicated that the Burundi Government was ready to seek a formula for sincere co-operation between the people of Rwanda and Burundi in order faithfully to defend and to give expression to the deep aspirations and interests of the people of Burundi; such a formula should provide for the safeguarding of the respective freedoms, rights and sovereignties of the two peoples, as also their progress in the modern world, particularly in the

^{6/} Annex VII.
^{7/} Annex VIII.
^{8/} Annex IX.
^{9/} Annex X.
^{10/} Annex XI.

economic, commercial, financial and technical fields. The Prime Minister stated by way of example that agreements could be sought on various matters such as freedom of movement of persons, goods and capital, domestic trade, credit, price control and a policy of public investment. In addition, a monetary union and a joint customs and fiscal organization could be negotiated. Finally, conventions could also be drawn up on technical and scientific matters. The institutions and bodies whose task it would be to put those agreements into effect should begin their activities on 1 June.

42. At the meeting on 13 April 1962 the Chairman pointed out that the Conference had only a limited time in which to reach a solution. She recalled the statement of the Governments of Rwanda and Burundi concerning the political and administrative union of the Territory. The Commission also stressed that it was the goal of the Conference to enable Ruanda-Urundi to accede to independence in the most favourable conditions, in accordance with resolution 1743 (XVI), and that the Commission had no intention of exceeding its mandate or imposing a solution. What it sought to do was to find a formula, following conversations between the two delegations, which would reflect their own decision.

43. The Commission pointed out that while it was fully prepared to lend its good offices, it would be for the two Governments to choose the method to be followed. It emphasized that there were points in common in the statements of both delegations and that a basis for agreement might be found, especially in the economic and financial spheres. For example, the proposals made by the Government of Rwanda concerning the five essential points corresponded to the position adopted by the Head of the Government of Burundi. The Commission therefore considered that if the necessary goodwill were manifested in the cause of the fundamental interests at stake, it would be quite possible to find flexible formulae for putting into practice the principle of union, the desirability of which was recognized by both delegations. Lastly, the Commission stated that since the General Assembly had unequivocally expressed the wish that Ruanda-Urundi should attain independence in a unitary form, it was necessary in defining the problem to determine the guarantees that each delegation considered necessary for the preservation of its complete internal autonomy and the obstacles that would have to be surmounted in order to obtain the desired end.

44. At this point the two delegations asked for an opportunity to exchange views, possibly with the co-operation of the experts. The debate was therefore suspended in order to enable the two Governments to compare their positions with regard to paragraph 4 of resolution 1743 (XVI). The Chairman stated that if the two Governments were unable to reach agreement the Commission would be ready to lend its good offices. In the meantime, at the express request of the two delegations, the Commission prepared the draft of a specific formula of union to be submitted to the two delegations as a basis of discussion.

45. At a plenary meeting on 14 April 1962 the two delegations submitted the following report on the meeting they had held the previous day: 11 /

"As arranged, the delegations of Rwanda and Burundi met after the suspension of the afternoon meeting of 13 April 1962 with a view to defining their positions regarding the question of political union mentioned in operative paragraph 4 of United Nations resolution 1743 (XVI).

"Various aspects of the question were discussed.

"All those present were questioned with a view to ascertaining whether there was anyone who, even as a matter of private opinion, advocated the political union of Ruanda-Urundi, and what were his ideas of the form and procedure to be utilized in the present circumstances to achieve such political unification.

"No one could be found to support that idea.

"Since, nevertheless, there was a general desire to meet the wishes of the United Nations, most though not all of the participants exchanged views regarding various formulae of political union taken from ancient and modern history, comparing them with the facts of the past, the present and the immediate future of the two countries, but none appeared to be capable of realization in the near future.

"There was a return to the original view that it was a waste of time to argue about formulae of political union, which appeared to both delegations to be impracticable at the present time.

"The participants as a whole even suggested that the present impossibility of realizing political union applied equally to foreign affairs and defence.

"It was, however, understood that if necessary inter-State agreements might be concluded between the two sovereign States.

"Finally it was decided that each delegation should submit to the United Nations Commission this note setting forth the decisions reached at this meeting of the two delegations."

46. In addition both the delegation of Burundi and that of Rwanda submitted notes or stated orally their views on the subject.

47. In its note^{12/} the Government of Burundi, referring to operative paragraph 4 of resolution 1743 (XVI), stated that: (1) Burundi meant to achieve independence as a sovereign State and hence did not contemplate a federal union with Rwanda; (2) it did not contemplate a confederacy with Rwanda and therefore rejected union in the spheres of defence and external relations.

48. The Government of Burundi based its position on what it called historical facts, the colonial past and the recent political evolution of the two countries. On the subject of recent political evolution the note added that the two countries had developed in diametrically opposite directions, democratization having progressed in one of them by "revolutionary methods" and in the other by "peaceful methods". The note concluded that the result of that divergence was a mutual hostility which left no room for any hope of political union in the immediate future.

49. The Rwandese delegation, in a note signed and dated 13 April,^{13/} stated:

"Political union between Rwanda and Burundi is impossible in the present circumstances;

"Agreements for political co-operation between sovereign States will be negotiated whenever necessary."

50. This political attitude does not apply to economic co-operation, for the purpose of which the Rwandese delegation suggested the establishment of five bodies for economic, financial and technical co-operation.

51. The Commission endeavoured to persuade the two delegations to adopt a less rigid attitude, and Mr. Rahnama, the Rapporteur, summing up the Commission's views, stated inter alia that before submitting the preliminary general draft

^{12/} Annex XIII.

^{13/} Annex XIV.

of a federal constitution for the United States of Rwanda and Burundi he would explain the spirit in which the document had been drawn up. He would not conceal the fact that a whole complex of reasons and circumstances had combined to aggravate the psychosis of distrust which was observable in both Governments. There was no doubt, however, that a more thorough and rational examination of the facts of history would show that the fears expressed by the two Governments were baseless when considered against the larger background of the long-term interests of both parts of the Territory. The psychosis from which the two Governments appeared to be suffering arose from causes which were certainly not unconnected with colonialism. It was the tree which hid the wood. Rwanda and Burundi would not necessarily cease to be viable States if they failed to preserve their unity, but it was clear that the task of shaping their future and developing their full potentialities on the basis of the ruins of colonialism would be much more difficult if they were divided. Unity alone would enable them to achieve favourable conditions for such development and to guarantee their peoples that which they had the right to expect in an era when all peoples were justified in cherishing the most fantastic dreams. He strongly urged the two Governments to overlook their superficial differences and to realize the heavy responsibility towards their country's history that they were called upon to assume.

52. He then read out the preliminary draft drawn up by the Commission^{14/} and emphasized the flexibility of the proposed formula. That formula would enable the two States to maintain complete internal sovereignty while benefiting from the undoubted advantages of unity. He realized how difficult it was for the two Governments to re-examine the problem from a fresh angle but he expressed his conviction that their duty towards their people and their serious historic responsibilities obliged them to make every effort. It would be, he said, an effort to shake off a mass of prejudices and unfounded fears, but if it were to result in preventing the artificial division of two sister peoples and laying the basis of their future unity it would do honour to those who made it devotedly and conscientiously. He added that the preliminary draft in question was merely a working document intended to enable the delegations, with the assistance of the Commission, to reach a final and mutually acceptable formula of agreement.

53. On 15 April both delegations stated that in the present circumstances it would be premature to consider the preliminary draft constitution submitted to them the previous day. Both expressed the view that the document could be used as a basis of discussion when the question was raised at the appropriate time, i.e. after the achievement of independence by both countries.

54. After both Heads of Government had reaffirmed that attitude, the Chairman, with the support of the four Commissioners, expressed deep disappointment at the position taken up by the two delegations. The members of the Commission unanimously regretted that the two Governments had not seen fit to make an additional effort in the long-term interests of their people. They expressed the hope that the Governments would reconsider their attitude, bearing in mind the fact that unity did not exclude diversity.

55. Mr. Rahnema said that it would be for history and future generations to judge of the manner in which the participants in the Conference had approached their heavy responsibilities. The Commission could only take note of the serious decision which had just been reached and hope that its apprehensions with regard to the future of the Territory would prove to be unfounded.

56. Turning to administrative and economic questions, the Commission asked the delegations if they were prepared to agree to an economic union. Both delegations assured the Commission that practical solutions could easily be found to the problems arising from the establishment of an economic union. A small committee on economic questions was therefore set up, consisting of representatives of both delegations, two members of the Commission and the economic and financial experts, under the chairmanship of Mr. Gassou, Vice-Chairman of the Commission.

57. At the ninth meeting of the Conference, on 18 April, Mr. Gassou and Mr. Rahnema, who had been members of the Working Committee on economic questions, reported to the Conference that agreement had been reached on a number of important points.^{15/} In particular it had been decided:

- (1) to form an economic union covering the following spheres:
 - (a) a monetary union which would be administered by the Bank of Issue of Rwanda and Burundi and would also cover the control of foreign currency and the administration of the system of import licences;

(b) a customs union with a joint customs office which would administer the customs services for both countries on the basis of a common tariff;

(c) a limited fiscal union involving the establishment of a joint service for the administration of taxes on the income of commercial companies and individual enterprises carrying on activities in both countries;

(d) the joint maintenance of the Office du Café (OCIRU);

(e) the scientific research services (INEAC and IRSAC).

Both Governments expressed the wish to maintain these services jointly, but they asked the United Nations Commission for Ruanda-Urundi to request the Belgian Government to state its intentions with regard to them.

(2) to set up a paritary technical committee to study the respective advantages and disadvantages of joint management and decentralization of the following services:

(a) telecommunications,

(b) meteorology,

(c) aeronautics,

(d) water and electric power supplies (REGIDESO).

(3) To establish a council of economic union for Rwanda and Burundi to assist the Governments to co-ordinate the main lines of their economic and financial policy, to ensure the implementation of joint decisions taken by the two Governments with regard to the joint services and the supervision of the execution of those decisions, and to maintain liaison between the two Governments and the joint services.

58. The delegation of Burundi stated that at a meeting of the Working Committee it had raised the question of guarantees of the political stability of the contracting countries and it deplored the fact that the Committee had not considered itself competent to settle that question. The delegation also regretted that, having noted the existence of certain bodies, such as INEAC and IRSAC, set up by the Administering Authority, the Committee had not seen fit to take note of the pending litigation concerning the public debt, the savings bank and the pension and disablement fund, questions which should have

been settled when the Congo became independent and to which no solution had yet been found. Lastly it suggested the addition of a supplementary clause to the effect that the contracting States undertook not to admit foreign troops to their territory, which it considered would constitute an essential guarantee for the implementation and proper functioning of the economic agreements.

59. The Commission stated that these questions did not appear to be directly connected with the necessary conditions or the purpose of the proposed agreement, but that the experts, on their arrival in Ruanda-Urundi, would endeavour to obtain information about the Congolese disputes.

60. The Agreement on economic union between Rwanda and Burundi was formally signed on 19 April 1962 by the two contracting parties under the auspices of the Chairman of the Conference. Mr. Gregoire Kayibanda, President of the Republic, and Mr. Otto Ruzingizandekwe, Minister for Foreign Affairs, signed for Rwanda. Mr. André Muhirwa, Prime Minister, and Mr. Pierre Ngendandumwe, Deputy Prime Minister and Minister for Finance, signed for Burundi.

61. The Conference closed after the customary speeches had been made.

IV. IMPLEMENTATION OF PARAGRAPHS 3 AND 5 OF RESOLUTION 1743 (XVI)

62. Upon its arrival in the Territory, the Commission endeavoured to fulfil the tasks assigned to it in paragraphs 3 and 5 of resolution 1743 (XVI). Its desire to secure the implementation of those provisions was stressed, particularly in the statements made by the Chairman during the initial meetings held respectively with the Government of Burundi at Usumbura on 23 March 1962 and with the Government of Rwanda at Kigali on 24 March 1962.^{16/}

63. For practical reasons, the problem of the transfer of the powers of internal autonomy will be examined first.

A. TRANSFER OF POWERS OF INTERNAL AUTONOMY (RESOLUTION 1743 (XVI), PARAGRAPH 5)

64. In operative paragraph 5 of resolution 1743 (XVI) the General Assembly "Requests the Commission to see that all powers of internal autonomy are transferred to the Governments of Rwanda and Burundi at a date not later than 30 April 1962".

65. During its first official meeting with the representatives of the Administering Authority, which took place at Brussels on 20 March 1962, the Commission informed itself of the situation.

66. The representatives of the Administering Authority stated that, following the signature of the Brussels Protocols on 21 December 1961^{17/} and of the texts promulgated in application of those Protocols, particularly Legislative Order 01/7 of 18 January 1962 concerning decentralization,^{18/} the transfer in question had been virtually effected, the only question left pending being that of the joint services for the two countries, which were still operated by the Administering Authority. However, this transfer had been effected on the basis of the following two principles laid down by the Administering Authority: first, the responsibility

^{16/} Annexes XVIII and XIX.

^{17/} A/C.4/517.

^{18/} Annex XX.

for exercising power up to the date of independence rested with Belgium, under the Trusteeship Agreement of 13 December 1946; secondly, the Administering Authority, by virtue of its obligations, was bound to retain supervisory power in the main spheres, particularly finance. With regard to the joint services, the representatives of the Administering Authority emphasized that the effective transfer before 30 April 1962, referred to in paragraph 5 of resolution 1743 (XVI), might be delayed by circumstances beyond the control of the Belgian authorities.

67. As soon as it arrived in the Territory, the Commission raised the question of the transfer of powers of internal autonomy directly with the local Governments and requested their views on the situation.

68. The Government of Rwanda submitted its reply in a note dated 28 March 1962.^{19/} The main points covered were as follows:

- (i) With regard to immigration, emigration and State security, the Government requested the effective transfer of all powers;
- (ii) Non-African (Belgian) staff should be wholly subject to the Government's authority;
- (iii) The Government recognized that decentralization in the field of education had been completed;
- (iv) Transfer of control over pensions was being effected at the time of writing;
- (v) With regard to telecommunications and aeronautical and meteorological services, the Government requested "means of independence and viability compatible with its internal autonomy";
- (vi) In the sphere of defence, the Government requested that the entire National Guard should be placed under its control and that negotiations should be started regarding Belgian troops;
- (vii) The Government again urged the abolition of the Belgian Parquet so that a judiciary compatible with the principle of autonomy could be set up;
- (viii) With regard to external relations, the Government requested "autonomy at least so far as contacts with the African countries were concerned".

69. Finally, the Government of Rwanda requested "that the existing provisions of the Brussels Protocols should be exceeded and that the control exercised by the

^{19/} Annex XXI.

Administering Authority should be limited to the Belgian contribution to the budget of Rwanda".

70. The reply from the Government of Burundi arrived in the form of a note dated 4 April 1962.^{20/} In this note, the Government complained that, after the signature of the Brussels Protocols of 21 December 1961, the Administering Authority had promulgated Legislative Order No. 01/20 of 30 January 1962 by which the Constitution of Burundi had been only partially put into effect. It protested in particular against the stipulation contained in the Legislative Order that articles 23, 57 and 106 of the Constitution were not applicable before the date of independence.^{21/} Furthermore, the exercise of the powers specified in articles 24, 27, 55, 86, 87, 103 and 105 was temporarily suspended by the Order.^{22/}

71. The Government of Burundi also drew the Commission's attention to the judgement pronounced by the Tribunal of the First Instance of Usumbura on 8 March 1962 and to the decision rendered by the Court of Appeal of Usumbura on 10 March 1962 concerning the murder of Prince Rwagasore, the former Prime Minister. In these decisions the two courts had declared that article 85 of the Constitution of Burundi, requiring trial by jury in all criminal cases and for political offences, was not applicable.

72. In this connexion, the Commission deems it useful to point out the following:

- (i) The Brussels Protocols do not reserve judicial powers to the Administering Authority.

^{20/} Annex XXII.

^{21/} Art. 23: "All powers emanate from the nation. They shall be exercised in the manner established by the Constitution."

Art. 57: "The Mwami shall command all the armed forces of the kingdom, declare war and conclude treaties of peace, alliance and commerce. He shall bring such treaties to the attention of the Chamber as soon as the interests and security of the State allow, attaching to them any appropriate communications."

"Treaties of commerce and those which may bind the State or impose individual obligations on the Burundi shall not take effect until after they have received the consent of the Chamber. No territory may be ceded, exchanged or acquired except by a law. In no case may the secret articles of a treaty nullify non-secret articles."

Art. 106: "No foreign troops may be admitted to service of the State, occupy or cross the territory, except by virtue of a law."

^{22/} These powers are: legislative power; executive power; power to appoint military staff, civil servants and magistrates; administrative powers with regard to the army and the gendarmerie.

- (ii) Legislative Order No. 0/7 of 18 January 1962 decentralizes inter alia competence in penal matters, except for "matters relating to currency offences, rebellion, and outrage and violence committed against the authorities, public order and the security of the State".

73. In conclusion, the Government of Burundi felt that the best way of giving effect to the Brussels Protocols was to promulgate a single order legalizing their regular application.

74. The position of the Government of Burundi was reiterated in a note dated 30 April 1962.^{23/}

Comments of the Administering Authority and of the Commission

75. The views of the Governments were communicated to the Administering Authority during the meeting between the Commission and Ambassador Carlier on 1 April 1962.

76. According to Ambassador Carlier, the Administering Authority considered that the provisions of resolution 1743 (XVI) concerning the transfer of powers of internal autonomy had already been implemented since the Brussels Protocols had in a sense anticipated the wishes of the Assembly. In seeking to transfer to Ruanda-Urundi the powers specified in those Protocols Belgium had reached the very limits imposed on it by the exercise of its responsibilities as Administering Authority; it did not believe it could or should exceed those limits in order not to violate the Trusteeship Agreement.

77. The Commission then drew Ambassador Carlier's attention to the fact that according to the actual terms of the Protocols "self-government means that [the two Governments] shall exercise not only the powers already granted under Legislative Order No. 01/214 of 27 June 1961 and under subsequent Orders but also all powers formerly exercised by the Administering Authority, with the exception of those enumerated in paragraph 2" of the relevant Protocol. These exceptions were grouped under the following headings: external relations, defence of the integrity of the Territory, respect for internal public order, and supervision of the financial administration of the two countries. In the light of article 5, paragraph 1, of the Trusteeship Agreement, this provision could therefore mean

^{23/} Annex XXIII.

that the Administering Authority had agreed in principle to transfer, with the reservations indicated above, the "powers of legislation, administration and jurisdiction in the Territory" formerly exercised by it. By the same token, it had presumably recognized that this transfer of powers could be effected as part of its responsibilities as Administering Authority.

78. The Commission inquired whether, as the Government of Burundi had requested, the Administering Authority could not promulgate a single Order embodying the recognized principle that all powers of complete internal autonomy should be transferred, except the powers mentioned above.

79. Ambassador Carlier considered that such a measure could not be envisaged, particularly with respect to legislative and judicial powers. He pointed out that there existed in Belgium a Colonial Charter, still in force, which prevented any transfer of powers of autonomy without the prior adoption of an Act of Parliament. In his view, Belgium was responsible for the administration of justice in the Territory so long as it maintained its responsibilities there. Moreover, the Administering Authority could not hand over the administration of justice or of other similar sectors until the establishment of a new structure. Such a structure existed at the present time only in the form of a bill. It was in order to meet such situations that article 3 of the Legislative Order of 18 January stipulated that, as a temporary measure, the decentralized matters "should continue to be governed by general legislation in so far as they were not regulated by the competent authorities of the country".

80. The Commission noted with satisfaction the intention expressed by the Administering Authority to await the conclusion of the Addis Ababa Conference in order to effect the transfer of control over non-decentralized joint services.

81. Ambassador Carlier observed that the Government of Burundi had never submitted specific requests to the Administering Authority, while most of the grievances voiced by the Government of Rwanda seemed to derive from a confusion between the concept of internal autonomy and that of the sovereignty of an independent State.

82. On 27 April 1962, in deference to a suggestion made to him by the Commission the previous day, Ambassador Carlier transmitted to the Commission a note accompanied by a list of the powers transferred to the Government of Burundi in pursuance of the Protocols signed at Brussels on 21 December 1961.^{24/} The Ambassador considered that the transfer of powers was thus complete.

83. Powers in the economic field and joint services. Before leaving the Territory the Commission was unable to study in detail the question of the transfer of powers in the economic field and the question of the administration of joint technical services. The Agreement on Economic Union reached at Addis Ababa on 19 April 1962 makes provision for a number of paritary committees which are to submit their reports within six months. During the meeting of 26 April 1962, Ambassador Carlier stressed that, so far as the Administering Authority was concerned, that Agreement was res inter alias acta and that, consequently, Belgium must reserve its position on it; he added that it was difficult to see what measures the Administering Authority could take in those fields for the execution of its own projects before the new institutions had been set up and were ready to function.

B. RECONCILIATION OF POLITICAL FACTIONS (RESOLUTION 1743 (XVI),
PARAGRAPH 3 (a)) APPLICATION OF THE NEW YORK AGREEMENT OF
8 FEBRUARY 1962

84. According to paragraph 3 of resolution 1743 (XVI), the first objective whose achievement the Commission was requested to ensure, with the full co-operation of the Administering Authority and national authorities, was the reconciliation of the various political factions in the Territory.

85. The summary records of the Fourth Committee make it quite clear that this provision was inserted in the text of the resolution more particularly for the benefit of Rwanda. Nevertheless, several speakers referred to both countries and the provision as worded in no way excludes Burundi.

86. During its stay in the Territory, the Commission did not observe any real activity on the part of the opposition in Burundi. Apparently, the overwhelming victory of UPRONA in the legislative elections produced considerable confusion among the opposition. Subsequently, the assassination of Prince Rwagasore dealt it a severe blow, particularly as the top leaders of the Front commun were implicated.

87. With regard to Rwanda, the Fourth Committee considered the question of internal division sufficiently important to warrant the appointment of a Conciliation Committee which would lend its good offices to the representatives of the Government of Rwanda and the representatives of the opposition party, UNAR,

with a view to a broad national reconciliation in Rwanda. This Committee, which was presided over by Miss Angie Brooks, representative of Liberia and Chairman of the Fourth Committee, secured an Agreement^{25/} between the two parties which was signed on 8 February 1962. In it the representatives of the Government of Rwanda and those of the opposition party, UNAR, agreed to offer two ministerial portfolios to UNAR and a number of posts of Secretary of State in the same proportion as the ministerial posts. The Government also agreed to offer to UNAR two posts of Prefect and two of Sub-Prefect. Recognizing also that the co-operation of the opposition would be useful for a rapid solution of the refugee problem, the Government of Rwanda agreed in addition to offer UNAR a senior post in the Commissariat for Refugees.

88. The implementation of the New York Agreement was discussed at several separate talks between members of the Commission, the Government of Rwanda and UNAR representatives. During these discussions it transpired that the reconciliation of the political factions was closely linked with two other questions mentioned by the General Assembly, namely, the return and resettlement of all refugees (resolution 1743 (XVI), paragraph 3 (b)) and another matter, dealt with by the General Assembly in its resolution 1744 (XVI), entitled "Question of the Mwami of Rwanda". This matter will be taken up later.

89. The Commission received from the Rwandese Government a document entitled "Position of the Rwandese Government with regard to the resolution on the future of Ruanda-Urundi adopted by the United Nations General Assembly in February 1962".^{26/} This communication, dated 16 March, noted with satisfaction that the United Nations discussions had persuaded the opposition party to participate in the government, as President Kayibanda had requested it to do during the formation of the present government in October 1961, with a view to promoting better co-operation between the various political factions.

90. It also warned UNAR that the Government of the Republic would come to terms only with conduct that was candid, loyal to the Republic and in the interests of the public welfare, and that consequently the Government wanted to obtain unmistakable signs of a firm determination to help make an independent Rwanda into a democracy in an Africa that was truly rid of colonialism in all its forms.

^{25/} A/C.4/532.

^{26/} Annex XXV.

91. The note also announced the establishment of a "negotiating commission" which would be responsible for making further contact with the opposition party in order to promote greater co-operation between the parties and to consider, inter alia, the question of bringing UNAR into the Government and the administration of the prefectures.

92. According to a letter dated 16 March 1962, a copy of which was sent to the Commission, Mr. Kayibanda, the President of the Rwandese Republic, proposed to the President of UNAR that discussions should be entered into in the course of the week with a view to giving effect to the General Assembly resolution. He also asked him to inform any members of UNAR who happened to be abroad that if they wished to return, they would be given the necessary assistance by the Office for Displaced Persons. In a letter of 20 March, the President of UNAR acknowledged receipt of President Kayibanda's invitation and announced that he would visit him in two days' time. According to a letter sent by UNAR to the Commission on 29 March, the meeting amounted to no more than an exchange of information on the question and had apparently not been repeated as of that date.

93. When, on 24 March, the Commission went to Kigali to pay a courtesy visit to the Government of Rwanda, the Chairman in her address referred, among other urgent questions, to the problem of reconciling the various political factions and implementing the Agreement concluded on 8 February 1962 under the auspices of the United Nations.

94. On the same day, the Government of Rwanda had various documents transmitted to the Commission, including a note entitled "Attitude of the Legislative Assembly regarding the resolution adopted by the United Nations General Assembly".^{27/} This note, which was dated 23 March 1962, stated inter alia that the Legislative Assembly noted with satisfaction that UNAR had reconsidered its decision not to participate in the Government. It nevertheless advised the Government not to make any cabinet changes without guarantees of full and loyal co-operation, such guarantees specifically to include an oath of loyalty by deputies to the Republic and an undertaking by them to disband the Inyenzi terrorist groups and to remain in the country with their families in order to give the refugees confidence.

^{27/} Annex XXVI.

95. In a note entitled "Reply by the Government of Rwanda to the note from the United Nations Commission for Ruanda-Urundi",^{28/} the Government of Rwanda - after noting that as a result of the popular consultations held in September 1961, the various political factions had worked side by side in the Parliament and had exercised their rights in complete freedom - recalled that the President of the Republic had invited the opposition to take part in the Government in October 1961 and that as a result the delegation sent to New York had been able to sign the Agreement of 8 February 1962. The note went on to say that since then the President had held consultations with the opposition regarding the application of the Agreement and that discussions were in progress, as was evidenced by the exchange of letters previously referred to. The Government pointed out, however, that it was obliged to insist on the necessary guarantees stipulated by the Legislative Assembly and also referred to above. In this reply, the Government of Rwanda also indicated that as regards the administration of prefectures the Ministry of the Interior and Civil Service was examining the question in the light of the existing rules and regulations. It added that the operation would be easier in that a large number of UNAR members held posts in the civil service and that the relevant rules were quite explicit on the subject of promotions.

96. For its part, UNAR protested to the Commission against the attitude of the Rwandese Government, which it accused of being seriously remiss in the task of national reconciliation, and it asked the Commission to use its good offices in the matter. In a letter of 29 March,^{29/} the party also asked the President of the Rwandese Republic to take measures to stop the reprisals being carried out against the Tutsi population as a result of the attack made at Biumba and mentioned above. It stated that scores of people had been killed and hundreds of houses burnt and that, in addition, a number of arrests had been made and prisoners had been tortured in the Kibungu prefecture. In the same letter, UNAR called for the immediate application of the New York Agreement so as to enable the opposition to take part in the Addis Ababa Conference. The same request was made in a letter of the same date addressed to the Chairman of the United Nations Commission for Ruanda-Urundi.

^{28/} Annex XXI.

^{29/} Annex XXVII.

97. In this connexion, the Commission drew the attention of the Government of Rwanda to the serious reservations expressed on a number of occasions regarding conditions in Rwanda since the events of 1959 and the atmosphere in which the popular consultations had been held. Those reservations had been reflected both in the report of the United Nations Commission for Ruanda-Urundi (1961)^{30/} and in the statements of a considerable number of delegations during the debates on the future of Ruanda-Urundi. While those considerations, which, moreover, were mentioned in the preamble to resolution 1743 (XVI), had not in the end led the Assembly to adopt a negative attitude concerning the actual validity of the popular consultations, its decision had been largely due to the fact that the Government of Rwanda appeared to have embarked on a new course. Thus, in the eyes of the General Assembly, the Agreement was of the greatest importance in that it marked a turning point after which problems could be considered in terms of the future and not just in terms of the past. Hence, resolution 1743 (XVI) as a whole, and particularly the provisions and conditions laid down by way of preparation for the country's attainment of independence on 1 July 1962, could not be applied without reference to the New York Agreement.

98. Having drawn the attention of the Government of Rwanda to the crucial importance of the Agreement signed between the parties concerned on 8 February, the Commission went on to express its serious concern over the fact that it had not yet been carried out. The Commission stressed the urgent need for putting it into effect. That would certainly provide the most tangible evidence of the goodwill which the Government of Rwanda was constantly proclaiming to the Commission. Indeed, since the question of reconciliation was the key to the successful completion of the tasks laid down in resolution 1743 (XVI), the Commission failed to understand why it could not be achieved before the Addis Ababa Conference. It was quite clear that a settlement of the question would affect the entire atmosphere of the Conference and that by achieving such a settlement the prestige and authority of the Rwandese delegation would be greatly enhanced.

99. In conclusion, while again stressing the need to apply the New York Agreement as a means of giving effect to paragraph 7 of the resolution concerning the date

^{30/} A/4994 and Add.1.

for independence, the Commission stated that it was quite prepared to lend its good offices to the two parties in order to facilitate their task and thus help them, as far as possible, to achieve the main objective, which was reconciliation.

100. The Government replied that discussions were taking place. It stated that, in its view, the problem was not simply one of respecting the letter of the Agreement by making fictitious appointments, but to seek a genuine accord whereby, in a spirit of mutual goodwill, a course of action could be worked out for the solution of basic problems. Efforts towards that end - which, it added, the Government of Rwanda would do its utmost to further - would require time, persistence and a great deal of patience. They would only succeed and yield the results desired by the General Assembly if all the necessary conditions were present and the time was ripe. President Kayibanda expressed regret at having to interrupt his efforts to that end during the Addis Ababa Conference, which was soon to open, but he assured the Commission that he would leave instructions with his representative that the matter should be settled in the meantime or, at any rate, in the course of three weeks, which would coincide approximately with the duration of the Addis Ababa Conference.

101. When the Commission returned to Kigali on 27 April, it asked the Government of Rwanda to report on developments in the matter of reconciliation between the political factions and the application of the Agreement of 8 February 1962. President Kayibanda replied that to his great regret the problem had not been solved in his absence and that the Conference had lasted for a much shorter period than he had expected when estimating the chances of early success for the consultations. He wished to assure the Commission that he would be in a position to inform it of the positive results of his efforts before the Commission drafted its report, if not before its departure from the Territory.

102. UNAR, for its part, in a letter sent from Kigali on 26 April 1962 to President Kayibanda - a copy of which was sent to the Commission for its information - stated the following: "The negotiations between your representative, the Minister of Agriculture and Land Settlement, and the UNAR representatives, which were to pave the way for the application of the Agreement, have been at a deadlock since 29 March, when the single consultation with your representative took place. Since then, despite the specific proposals made to him, no discussion has been

permitted with a view to finding a definitive solution to this question." In the same letter, the President of UNAR reiterated his desire for the Agreement of 8 February 1962 to be applied promptly and deplored the hesitancy of the Rwandese Government in the matter.^{31/}

103. When the Commission was finishing the drafting of the present report, it received a cable, dated 20 May, from its observers who had remained behind in Ruanda-Urundi, stating that, as a result of the discussions between the Rwandese Government and UNAR, the latter had been given the two ministerial portfolios of Public Health and Stock-raising. This cable confirmed an earlier cable of 13 May announcing this action of the Government and indicating that it would be submitted to the Legislative Assembly for ratification at its meeting on 14 May.

104. The cable of 20 May stated that the decision had, in fact, been approved by the Legislative Assembly, in a vote that had been unanimous apart from three abstentions, and that the new ministers had taken office on 15 May. The cable stated further that the new spirit of co-operation had been reaffirmed in the declaration which the President of UNAR had read out at the Legislative Assembly's meeting of 17 May 1962.^{32/}

105. This declaration, the cable went on to say, placed particular emphasis on the support which the opposition intended to give the Government in its efforts to eliminate colonialism from Rwanda, and the agreement between the Government and the opposition on that specific point had had the immediate result of reconciling hitherto dissenting groups. The cable concluded by saying that peace now reigned in the hills of Rwanda and that all serious strife had come to an end.

^{31/} Annex XXVIII.

^{32/} Annex XXIX.

C. RETURN AND RESETTLEMENT OF REFUGEES (RESOLUTION 1743 (XVI),
PARAGRAPH 3 (b))

106. The question of the refugees from Rwanda has been a matter of continuing concern to the General Assembly ever since the events of 1959 started the exodus. As early as its fifteenth session, the Assembly emphasized, in operative paragraph 3 of resolution 1579 (XV) of 20 December 1960, that "the expeditious return and rehabilitation of thousands of victims of recent disturbances in Ruanda who were compelled to take refuge away from their homes in Ruanda or abroad" would assist the process of reconciliation.

107. At its sixteenth session, the General Assembly again showed its concern about this problem. The Agreement of 8 February 1962 between the Government of Rwanda and UNAR, the opposition party, included the following clause:

"2. Question of the refugees: The two parties have agreed that they will make every effort to promote the solution of this grave human and political problem, by endeavouring to expedite the repatriation of the refugees in the best possible circumstances. The Government has agreed that the co-operation of the opposition would be useful for a rapid solution of this problem. It has agreed to offer UNAR a senior post in the Commissariat for Refugees."

108. In the same spirit, the General Assembly adopted the sixth preambular paragraph and operative paragraph 3 of resolution 1743 (XVI), under which the General Assembly

"Considering that the return and resettlement in Rwanda of thousands of refugees have not been possible and that a large number of them are still living outside their homeland,

...

"3. Requests the Commission to ensure the achievement, with the full co-operation of the Administering Authority and national authorities, of the following objectives: ... (b) The return and resettlement of all refugees."

109. In the course of its discussions with the Government of Rwanda and the representatives of the opposition party, UNAR, the Commission realized that the question was closely linked to the problem of reconciling the political factions, which has been discussed above, and to the question of the Mwami of Rwanda, which will be examined later.

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110. According to the Rwandese Government, the personality of Kigeli V crystallized all the UNAR representatives' hesitancy regarding loyal co-operation with the Government in developing the new Republic, and the UNAR party was exploiting the refugee problem for purely political ends.
111. UNAR, for its part, declared that the refugees could have no adequate assurances of personal safety until the factions had been reconciled. In its view, a resettlement programme should be drawn up immediately in co-operation with all the parties concerned, including UNAR.
112. In its note of 16 March entitled "Position of the Rwandese Government with regard to the resolution on the future of Ruanda-Urundi adopted by the United Nations General Assembly in February 1962", ^{33/} the Government of the Rwandese Republic said that it was reiterating its appeal to all Rwandese citizens abroad to return "from their adventure", if they so wished, and to take part in the democratic rise of their homeland. In a personal letter of the same date to the President of UNAR, the President of the Rwandese Republic reiterated his appeal. The President of Rwanda also assured the Commission that his Government, for its part, had all along done everything in its power to facilitate the return of the refugees and their peaceful participation in the normal life of the country. In addition the Rwandese Government would continue its efforts in that direction by making psychological and other conditions as favourable as possible to the attainment of that objective. It asked for the Commission's moral support in so doing, and reiterated its intention to submit to the United Nations High Commissioner for Refugees an official request for all possible material and financial assistance to that end. It emphasized the need for such outside assistance, which was essential to a speedy solution of the problem.
113. On its arrival in the Territory, the Commission also received a note entitled: "Statement of position by the permanent office of the Executive Committee of UNAR". In this note, dated 26 February 1962, UNAR made, inter alia, "a solemn appeal to those responsible for the destinies of Rwanda to strive for a just and expeditious solution to the distressing problem of the more than 300,000 people who are now refugees in Burundi, Uganda, the Republic of the Congo and Tanganyika". This note also urged that a resettlement programme should be drawn

up immediately, so that the people in question might return to their homeland before independence.

114. The Commission learned that according to the most reliable information, subject to a more accurate check, there were approximately 5,000 Rwandese refugees in Tanganyika, 30,000 in Uganda, 60,000 in the Kivu Province of the Congo (Leopoldville) and 40,000 in Burundi, or some 135,000 refugees altogether, and that resettlement programmes were under way in both Tanganyika and Uganda.

115. It is reported that in Tanganyika a number of refugees have found shelter with friends or relations, who are helping them to settle down, but that more than 5,000 are dependent on direct Government assistance. It is understood that temporary camps have been set up in some areas, and that the Government has spent more than £25,000 on aiding the refugees and implementing a resettlement programme. It should be noted that the attempt to integrate these refugees with the population of Tanganyika seems to be going well, particularly in the Karagwe area, where the population is said to be both able and willing to absorb the newcomers.

116. Of the approximately 35,000 refugees who are estimated to have crossed the frontier directly from Rwanda into Uganda since September 1961, it is understood that about 25,000 have drawn on the local authorities for assistance, that 10,000 of these have been settled in the Orichinga valley, and that another 1,000 are waiting for a second resettlement programme to get under way in another area. It should be noted that, because Rwanda and Uganda have a common frontier, at the time the Commission received this information, an average of 300 to 1,000 refugees a week were estimated to be crossing the frontier into Uganda, as compared with some forty persons per week entering Tanganyika. The administration of Uganda is so far reported to have spent about £100,000 on aid to refugees.

117. In Burundi it is reported that the Administering Authority, with the help of various international organizations, is assisting about 40,000 Rwandese refugees, of whom 13,000 are in and around Usumbura, with the remainder scattered along the frontier with Rwanda in groups of varying size. It is understood that many of the latter have found shelter with the religious missions; including 5,000 who have received grants of land in the eastern part of Burundi, where a resettlement programme is in progress. According to the same source, the Administering Authority spent about 18.5 million Belgian francs on assistance to refugees in 1961 and has included in its 1962 budget an appropriation of 8.4 million Belgian francs

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which will remain available for assistance to refugees even after the proclamation of independence.

118. It should nevertheless be stressed that, despite everything that is being done, the refugee situation will continue to be extremely precarious, even alarming, until an over-all plan has been put into effect. In this connexion the Commission was happy to learn that on 21 April the Office of the United Nations High Commissioner for Refugees had sent the Government of Tanganyika a cheque for \$20,000 as a contribution to its effort.

119. At Usumbura the Commission was visited by a great many refugees and by the representative of the Office of the United Nations High Commissioner for Refugees, whom it wishes to thank for some useful information. The Chairman of the Commission also had several interviews with delegations of women refugees, who described to her the particularly tragic nature of their situation and, inter alia, the degrading and humiliating treatment to which they were subjected.

120. These people's lot is certainly far from enviable, as was pointed out in the report of the United Nations Commission for Rwanda-Urundi (1961).^{34/} Indeed, the Commission learned that there was an acute food shortage among them in spite of the assistance provided by Belgium (about 50 Rwanda-Burundi francs per refugee per week) and by private and public international organizations. According to some reports which the Commission was unable to verify, the refugees in Kivu were dying of hunger at the rate of fifty a day, while the calorie intake of those in parts of Burundi had, for a time, been down to 350 calories a day. Health conditions for the refugees are equally adverse, and there is a risk of epidemics in some camps unless assistance is planned on a much larger scale.

121. The Commission several times drew the attention of the Belgian Government and the authorities of Rwanda and Burundi to the seriousness of this situation and asked them to do everything they could to solve this problem, bearing in mind that it is essentially a humanitarian question.

122. The Administering Authority said that it had constantly concerned itself with the problem. It regretted that, in spite of the assurances given by the Government of Rwanda, the Government of Burundi had for various reasons opposed the return of the refugees. With regard to the medical assistance requested, it explained that, because of the "instability of the present situation", the Belgian authorities were no longer sending medical aid to certain areas of Burundi. Lastly

^{34/} A/4994, paragraphs 171 to 190 and 416 to 423.

it expressed the view that the Commission could do a great deal to help the refugees by "persuading the refugees now in Burundi to return to their country. The refugees would certainly find living conditions better in Rwanda than they were in Burundi."

123. The Government of Burundi, for its part, admitted that the situation of the refugees from Rwanda was extremely serious. The Prime Minister said that the Government had organized reception camps, had sent medical assistance, nurses, etc., to various parts of the Territory, including Kitega, Muhinga and elsewhere, and had co-operated with the Administering Authority on the problem.

124. During the same interview with the Commission on 1 April, the Prime Minister added that the Government of Burundi was on the point of submitting an official request to the United Nations High Commissioner for Refugees, through the Administering Authority, for assistance in solving the problem.

125. The Administering Authority has requested the High Commissioner to turn his attention to the problems of Ruanda-Urundi refugees. The High Commissioner is considering whether he will be able to co-operate.

126. The Commission learned further that an official request had been received at the High Commissioner's Office directly from the Government of Rwanda but that, "in the circumstances, he had been unable to act on it".

127. It should also be noted that, in view of the complexity of the different aspects of the refugee problem, the Commission drew the special attention of Mwami Kigeli V to the humanitarian aspect of the question and asked him to do what he could to persuade the refugees to return to their country. In his reply to the Commission, dated 5 April 1962, the Mwami stated:^{35/}

"As to the resettlement of the refugees, a distressing problem if ever there was one, I am prepared to co-operate with the Commission in ensuring that this is done successfully. However, genuine and reliable safeguards will be required.

"The first is, in my opinion, the withdrawal of the Belgian troops and Administration officials.

"The second would be the recruitment, from the monarchist parties, of a National Guard contingent equal to the current strength of the Parmehutu troops. The tragic massacre of the refugees who returned for the elections last September is so vivid a memory that everything possible should be done to prevent any further catastrophes of the kind.

132. The future of Mwami Kigeli V is, of course, one of the most important facets of the problem. Many refugees would view the Mwami's return as a guarantee that their property and persons would not again be threatened. So long as they have no assurance of such a guarantee, they feel that their return would again expose them to the very dangers which they fear both as a result of recent experiences and because of the situation prevailing in the country.

133. If, as a result of the steps taken to implement the New York Agreement, a true climate of peace and reconciliation were established, and particularly if a representative of the refugees who was also a member of the opposition party were to assume a position of high responsibility in the Office of the High Commissioner for Refugees, there would of course be grounds for believing that the question of the Mwami's return would be less crucial. The return and resettlement of the refugees would then be facilitated by the fact that they would be encouraged by their own representative and would be assured, from the experience of the first repatriates, that such resettlement would really be possible without disturbances or difficulties.

134. In any event, the Commission, on the basis of information from varied sources, does not feel that it can share the optimistic view of governmental circles at Kigali that the refugees are returning in large numbers. Indeed, the Commission believes that, in the circumstances which have existed in the country for the past two years, the problem is far from being solved at the present time.

135. It would not be wrong to say that the general feeling that the situation is only temporary and the propaganda in the refugee camps to the effect that a change in the situation is still possible largely account for the fact that the problem remains, as it were, in abeyance. The Commission has the impression that if the debate in June, more particularly on the question of the Mwami, were to stabilize the situation one way or the other, or if the people at least felt that the die was irrevocably cast, it would be possible to establish a serious basis for a real solution. It would then be easier for the refugees to choose between repatriation, integration in the host country and resettlement in another country, in the light of the existing situation and their judgement of their own interest. It is to be hoped that assistance by the interested international agencies, and especially the participation of the Office of the United Nations High Commissioner for Refugees in seeking lasting solutions, would then make it possible to institute a programme designed to bring this grave human problem to its longed-for end.

D. THE GUARANTEEING OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

136. The third objective of which the General Assembly, in its resolution 1743 (XVI), paragraph 3 (c), requested the Commission to ensure the achievement is "the guaranteeing of human rights and fundamental freedoms, including freedom of expression and association and political activity in peaceful conditions".

1. The situation in Rwanda

137. Immediately after its arrival in the Territory, the Commission took cognizance of a note dated 18 February 1962 from the Chairman of UNAR to the Ministers of Justice and of the Interior of the Rwandese Government, a copy of which had been sent to the Procureur de la République at Astrida. This note alleged that mass arrests, aimed exclusively at members of UNAR, including their deputies in the Legislative Assembly, had been ordered by the Security Service, and that brutal treatment and torture had been inflicted on the persons arrested. UNAR claimed that the name "Inyenzi"^{36/} (an organization held responsible for terrorist murders) had been gratuitously applied to any member of the opposition "where excuses had to be found for his shameful treatment (arrest, torture, discrimination, removal from office, etc.)".

138. In the prefectures of Biumba and Kibungu, more than 100 members of UNAR had allegedly been arrested. The Chairman of the party had already had occasion to denounce "the refined tortures ... inflicted on the victims" in a letter to the Procureur du Roi on 19 November 1961. The note mentioned, among other specific cases, that of Kagande Georges, Commissioner General to the Executive Committee of UNAR, who, "having been arrested on 18 January and taken to the prison at Kibungu, was from then on subjected daily to frightful torture, which finally caused his death. He died on 18 February 1962 in his foul dungeon, without having received any medical attention. One of his fellow prisoners had already died the previous day."

139. After citing examples of wanton shootings and tortures, the note concluded that all these acts of brutality were directed against the opposition party and were designed to eliminate it systematically. It asked that a judicial inquiry should be opened immediately and that a special medical commission should be set up for the dual purpose of "establishing the causes of the deaths and the physical

^{36/} In Kinyarwanda, "Inyenzi" means "cockroach".

condition of those who had not yet succumbed to torture". Lastly, the note expressed gratification at the agreements signed in New York, and at the draft edicts on the amnesty and on the rehabilitation of persons under sentence, which had been laid before the Legislative Assembly.

140. On 23 February, UNAR, in a policy statement by the permanent office of its Executive Committee, protested against the police measures taken under Decree No. 1/Int. of 11 January 1962^{37/} and under other regulations now in force which, the Committee stated, "interfere with the exercise of public liberties, particularly freedom of movement and freedom to carry on political activities in the case of members of UNAR, preventing that party from convening its Executive Board". In the same document, UNAR, while taking the view that the Rwandese Government "may take temporary measures to forestall possible disturbances or incidents, but that such measures should be extremely flexible and democratic", requested the Rwandese Government "to annul, without delay, its ministerial Decree No. 1/Int. of 11 January concerning the movement of persons by motor vehicle and to rescind all measures resulting in deprivation of liberty which have been taken under that Decree or under other regulations".

141. From its very first contact with the Government of Rwanda, the Commission pointed out to the Rwandese leaders how important it was for the future of the country and for a people's right to freedom that all its citizens should be guaranteed human rights and fundamental freedoms.

142. The Government of Rwanda stated^{38/} that it fully appreciated the importance of this and had informed the Commission of its position in the matter in its note of 28 March, the main points of which are as follows:

- (i) The draft constitution of the Republic of Rwanda, at present under consideration, expressly prescribes respect for the rights in question. Pending adoption of the constitution, the Rwandese Government is applying Trusteeship legislation, which provides the same guarantees;
- (ii) The Rwandese Government declares its intention, in its future laws, to enact the most liberal legislation possible, taking as its golden rule the safeguarding of the common good and of public order;

^{37/} Annex XXXI.

^{38/} Annex XXI.

- (iii) The Rwandese Government, applying these principles, points out that the opposition party, UNAR, operates in complete freedom, occupies an office in the centre of the capital city, publishes its newspaper and distributes it without interference. This freedom, enjoyed by the largest opposition party, is also the prerogative of other political parties like APROSOMA and any other association.

143. The members of the opposition did not appear to share this view. In a note to the Commission dated 29 March, UNAR asked the United Nations Commission "to request the Rwandese Government and the administering Power to put an immediate end to all measures of harassment against the opposition parties". "We are well aware", the note went on, "that some officials are deceiving the Commission by assuring it that these freedoms exist. Yet Decree No. I/Int. of 11 January 1962 is an illustration of this lack of freedom."

144. Unfortunately, the various reports which reached the Commission, both through its own observers and through individuals, were not calculated to allay the Commission's misgivings in the matter. It was reported that the Government, under the pretext of combating the terrorist bands known as "Inyenzi", had taken extreme security measures which "brought it close to a police state, if not a reign of terror". Road-blocks were seen almost everywhere, especially on the main roads. It was said that travel permits were required by any person or vehicle going from one prefecture to another, and that such permits were not granted readily to members of the opposition. Citizens entering a commune have to register at the office of the commune on their arrival and cannot reside there unless they have a residence permit, in the granting of which many irregularities have been reported. It was said that there was a curfew throughout Rwanda from 6 p.m. onwards.

145. Among the notes received by the Commission were some from the opposition referring to a whole series of actions and incidents which constituted serious interference with the exercise of human rights and fundamental freedoms. One note, received on 25 April, set out what the document called "some facts showing the racial persecution directed against the Tutsi minorities in Rwanda". This document gives an account of three cases which, the writer says, "can be checked" (the case of Gatabazi V.; the case of Gasore P.; and the treatment of persons

arrested following the Runyinya affair) and considers these three examples to show that "the ruling authorities are systematically organizing racism bordering on nazism". "This persecution", the note goes on, "is not the work of a few members of the Government or of its administration, but is openly supported and organized by the highest Rwandese authorities, backed in this dismal task by the Trusteeship authorities".

146. Even leaving aside some still more alarming reports which, inter alia, would estimate the number of persons killed since the reprisals at Biumba, which will be dealt with in part 2 below, at between 1,000 and 2,000, the fact is that the situation, as it was, appeared alarming to all experienced observers. The wide-spread climate of fear in which both the indigenous inhabitants and the Europeans are living, a certain morbid defensiveness brought on by the dread of possible imminent dangers, the increased independence and influence of the burgomasters who, in some cases, are said to be beyond the control even of the higher authorities of PARMEHUTU - all these seem to be factors which have served to poison any atmosphere conducive to the full exercise of human rights and have encouraged, for instance, the settling of personal scores and a tendency in people to take the law into their own hands.

147. The Government of Rwanda sought to convince the Commission that feudal - and, indeed, foreign or colonialist - interests were working to create a problem where none existed. The Government was at pains to assure the Commission that the established authorities respected the opposition, so long as it was prepared to operate in a democratic way, and that all the alleged restrictions of freedoms were legitimate measures by the community to defend law and order, which were necessary if the people were to exercise their democratic rights.

148. The Commission made a point of mentioning to the Rwandese Government the existence of road-blocks on the roads and between the different localities which had been reported to it, and asked the Government for the necessary explanations. In actual fact, there are road-blocks at the entry to each prefecture, where the identity of travellers is checked.

149. In reply to the Commission's request for an explanation, the Government of Rwanda strongly reiterated its assertion that the road-blocks and similar measures were for the defence of the people, whom bands organized abroad were seeking to

"The third would be the formation of a Government of national unity worthy of the name.

"The fourth is material assistance to the refugees from the local Government and the United Nations, without prejudice to possible compensation for loss of property.

"The above list of guarantees is not meant to be limitative. I would ask the Commission to supplement it in order to afford the refugees every assurance of safety."

128. The Commission drew President Kayibanda's attention to the position of the Mwami. Mr. Kayibanda assured the Commission that Rwanda was now calm and that the National Guard was being recruited on a country-wide scale. He added that the refugees could return immediately, the only obstacle to their resettlement being the political manoeuvre of UNAR, which was using the refugee question as a political weapon.

129. During the second series of meetings at Kigali, President Kayibanda stated that the refugees were now returning in increasing numbers, a fact which confirmed that stability had been restored. He promised to give the Commission figures, but they had not reached it at the date of writing. He denied that the refugees had been persecuted on their return to the country. He added that the provincial Prefects had been instructed to assist in resettling the refugees. Lastly, he repeated that his Government had no other desire than to see the refugees return, and was doing its best to facilitate their resettlement in the country.

130. The whole question of the refugees outside Rwanda is clearly a complex matter. The General Assembly will certainly recall that there are three traditional ways to deal with refugee situations: repatriation, integration in the country granting the right of asylum, and resettlement in another country.

131. As stated at the beginning of this chapter, the Commission was directed in its terms of reference to give special attention to the first of these solutions, namely, the return and resettlement of the refugees. It should be remembered that the Commission was given no executive function to perform. Moreover, it bore constantly in mind that any solution to the problem must take into account the voluntary nature of the operation. On considering these various aspects of the problem, the Commission gained the impression that the return and resettlement of the refugees depended on a whole series of factors which must be taken into consideration in order to reach a better understanding of the problem.

terrorize. In the Rwandese Government's view, the road-blocks, which it claimed were found in many other countries, were not designed in any way to restrict the right of free movement; the only reason for them was public security.

150. As has been mentioned above, the opposition believed, on the contrary, that the true purpose of such measures was gradually to paralyse the parties hostile to the Government, in order finally to destroy them at the proper time.

151. In any event, before taking leave of President Kayibanda, the Commission took care to emphasize yet again to his Government the vital importance attached by the international community and the United Nations Charter to respect for fundamental human rights. In the eyes of the civilized world, that principle constituted the very basis and justification of a people's right to independence. It was not without reason that the Declaration on the granting of independence to colonial countries and peoples began by reiterating the faith of peoples in fundamental human rights and mentioned as the first justification of the independence of peoples the fact that the subjection of a people constituted "a denial of fundamental human rights". The Commission expressed the hope that the Government would pay particular regard to those considerations and would act in such a way that the study of the final report on the question would not tend to increase the existing misgivings or seriously to affect the final decision of the General Assembly concerning the future of the country.

2. Situation in Burundi

152. In Burundi, despite the fact that, as in Rwanda, there is a small number of opposition deputies sitting in Parliament, there is apparently no political party representing any substantial opposition. The Commission can only repeat the two contradictory explanations which were given to it. The first is that following the victory of UPRONA in the elections the majority of voters who had supported the opposition went over to the winning party. Moreover, as has already been stated, it would appear that the assassination of Prince Rwagasore, the son of the Mwami and Prime Minister of the Government, endowed UPRONA with such moral prestige that all other political groups were eclipsed. Thus the opposition simply ceased to exist.

153. The second explanation given by some petitioners and other sources, including an opposition deputy, is that the opposition has been crushed. Leaders of the opposition parties came to the Commission to complain that they had been prevented from exercising fundamental freedoms. An important member of the opposition complained of perpetual harassment; he protested that there was no freedom of the press and no right of assembly and association for parties other than UPRONA. He accused the "Jeunesse nationaliste UPRONA" of having instigated murders at Kamenge and of having invented a story of the desecration of the tomb of Prince Rwagasore with a view to eliminating Mr. Jean Kambeke, one of the leaders of the opposition.

154. A complaint was addressed to the Commission concerning the de facto seizure by the Government of Burundi of cattle and a flock of 400 sheep belonging to Mr. Ntidendereza, former Minister for the Interior, who was sentenced to death and subsequently on appeal to twenty years' imprisonment for taking part in the assassination of Prince Rwagasore. In a letter dated 27 April, addressed to the Chairman of the Commission, Colonel Hennequiau, the Senior Representative of Belgium, recalled paragraph 3 (c) of the resolution and the fact that to infringe the liberties guaranteed by the Constitution would be "to depart from legality, violate the Universal Declaration of Human Rights and open the door to arbitrary action" and requested the Chairman to "approach the Government of Burundi with a view to the lifting of the sequestration imposed on Ntidendereza's property in order that the parties concerned or his representatives can dispose of them freely".

155. Following a request for information by the Commission, the Government of Burundi explained that in its opinion the step was not illegal and that it had been taken with a view to preventing the defendant from evading payment of his debts. It added that there were three sentences outstanding against him and furthermore that the total value of his property would be insufficient to cover all the costs and pay the damages due to the legal heirs of Prince Rwagasore.

E. MAINTENANCE OF LAW AND ORDER

156. The maintenance of law and order was the fourth objective mentioned by the General Assembly in paragraph 3 of resolution 1743 (XVI).

157. During its stay in the Territory the Commission did not hear of any major difficulties in this respect anywhere in Burundi.

158. In Rwanda, on the other hand, the Commission's observers reported a state of tension largely caused by two particularly unfortunate incidents, at Biumba and Runyinya (Kigali).

159. The district of Biumba borders on Uganda, where there are a great many Rwandese refugees. Shortly before the Commission's arrival there had been attacks, apparently from outside the Territory, which had resulted in a number of deaths. During the first half of March there were a series of incidents of the same kind which caused deaths, mostly of Hutu, and which led to reprisals against the Tutsi population. By a note dated 26 March 1962, the Administration informed the Commission, through its observers, that during the previous night there had been an attack by Inyenzi (described as "Tutsi terrorists") in the commune of Nkana (Biumba prefecture). The note stated that four men, including a policeman and two employees of the commune, and one woman had been killed. The terrorists had taken the communal cash box.

160. About a month earlier, there had been a similar attack in the same area, in the communes of Mugira and Gatunda, during which two communal policemen had been murdered. A still earlier attack, again in the region of Biumba, had occurred on 8 January; the Belgian warden of the Nagera National Park had been murdered in his house.

161. The latest incident at Biumba, that of 26 March, caused feeling to run high and the Commission immediately requested its observers to report on the question. According to the information they obtained, following a raid by Tutsi coming from outside the Territory the Hutu population had risen against the Tutsi in the area. This reaction gave rise to countless incidents of atrocities, murders, thefts, arson and violence of every kind. Most of the victims, who numbered between 1,000 and 2,000, appeared to have been buried on the spot. A large number of huts were said to have been burned or pillaged. According to the observers, there was a vicious circle in which refugees from outside the Territory wished to avenge those of their race and in which the Hutu, being unable to seize the raiders themselves,

punished those who had remained in the country and who were believed to be accomplices of the attackers. The observers who went to the spot heard statements, which could not be verified, to the effect that "the Belgians allowed the massacres to take place or even instigated them".

162. "Unité", the opposition paper which appears at Kigali in mimeographed form, stated in its issue of 1 April that the incidents at Biumba had formed "the most agonizing drama of the two nightmare years through which Rwanda has just passed". In its issue of 15 April it stated that according to "a well-informed source" over 1,000 people, men, women and children, had been massacred during those incidents.

163. In two notes from the Executive Committee of UNAR concerning the incidents, that opposition party expressed the view that "those guilty of these cowardly murders are no longer extremists coming from abroad but gangs of assassins organized in the hills" and that the authorities of both communes and prefectures "had a hand in the preparation and execution of these criminal plans". It was even stated that in the commune of Burenga "the communal authorities gave instructions that each member of the opposition party should be shadowed so that on 'J' day each of our members was accompanied by his executioners".

164. UNAR, in its note of 4 April, described the situation as particularly appalling because, it said, "we are witnessing the systematic and deliberate extermination of some of our members who, trusting in the statements made by the authorities of the prefecture, returned to the prefecture after the elections". Lastly, referring to the attacks by what were called "Inyenzi" gangs, UNAR, while protesting at the confusion which it alleged was being deliberately fostered between that movement and the opposition parties, made the general statement that "this shameful affair is being grossly exaggerated for the sole purpose of justifying the maintenance of Belgian troops... It is even possible that Belgian agents are responsible for some of the deeds attributed to the Inyenzi in the prefecture of Biumba".

165. A further incident took place about forty kilometres from Kigali during the night of 13-14 April. A number of people were killed, including one Belgian. This man's wife, a Tutsi, and his sister-in-law were injured. The brother of the burgmaster of the commune and a communal councillor were also killed during this attack. According to the information given to the Commission these acts, unlike those of Biumba, would seem to have been committed by a small number of well organized party militants and not by a gang coming from outside the Territory.

166. In a note from the Executive Committee of UNAR to the Commission, dated 25 April, concerning "the progress of the disturbances in the Runyinya (Kigali) area" there is a chronological account of the events following the incident of 13 April, the object of which is to prove that the authorities were responsible for these disturbances.

167. According to this document calm reigned on the day following the incident, when military reinforcements (police, National Guard and Belgian paracommandos) were sent to the spot. "The statements of those who escaped, who formally asserted that they had recognized Rwandese and Belgian soldiers, meant in the people's eyes that the crime should be attributed to Belgian mercenaries who had engaged in such actions for political reasons... The presence of United Nations observers on the scene of the crime helped to calm the people, who might have feared reprisals like those at Biumba, and, furthermore, prevented the authorities of the prefecture from carrying out their customary round-up operations".

168. During the day of 15 April, which was quiet on the whole, a funeral oration was delivered by leading officials at the burial of the burgomaster and the councillor. The document describes this oration as "a public and direct incitement to vengeance".

169. The UNAR note added that at the same time, and before the opening of the judicial inquiry, the Prefect of Kigali, with the assistance of Belgian paracommandos and soldiers of the National Guard, had made the first arrests, for which the only criterion appeared to be that the person arrested should be "an influential member of the opposition or a Tutsi".

170. The apprehensions aroused by the arrival of the troops, the fear "of being surprised by a possible attack to which the arrests seemed to be the prelude" and the fact that the opposition felt itself threatened, caused a panic. The panic spread rapidly because "these people realized that the forces of law and order were hunting them down and regarded them a priori as Inyenzi gangs which must be destroyed, so that they feared a massacre like that of Biumba". The document continued that "on 15 April there were a number of incidents which showed that the real purpose of the prefectural authorities, both Rwandese and Belgian, following the lines of the general policy of the Government and the Administering Authority, was to continue to wipe out centres of opposition. The incidents in question have

shown that Belgian mercenaries are attempting to create a situation in the country which would justify the presence of Belgian troops in Rwanda after independence".

171. During the following day, which was very disturbed, armed gangs coming from the prefecture of Kibungu were said to have laid waste part of the commune of Ruiyenya, while other gangs meeting at Musha, having with them supplies for several days, prepared to attack in the presence of the Prefect of Kigali. This action was presumably prevented by the intervention of the United Nations. During the next few days the authorities were said to have arrested not only all influential members of the opposition but also all influential Tutsi in the region.

172. Undoubtedly with the limited means and time at the disposal of any United Nations Commission visiting the Territory, it is difficult, if not impossible, to discern the truth among the accusations and counter-accusations which are always brought before the Commission when such incidents occur. Nevertheless, this is evidence of the state of tension which continues to exist in the Territory, and which could not be alleviated earlier owing to the delay in the implementation of the Agreement signed in New York. The two incidents which took place during the Commission's stay are a striking illustration of the uneasiness felt by a large part of the population, both indigenous and European, regarding the maintenance of law and order so long as there has not been a definite reconciliation between the Government and the opposition.

173. The Commission regrets the methods used by the authorities in tackling the general problem of what is called the maintenance of law and order, but at the same time it is obliged to note that the situation does not appear to be entirely unrelated to the activities of certain extremist elements outside the Territory, more particularly in Uganda and the Congo. It is a fact that terrorist raids are organized from these territories. For example, the Commission has been informed that some fifteen kilometres from Goma, in a region where there are about 5,000 Rwandese refugees, and only two kilometres from the place at which the second regiment of the Congolese National Army is stationed, some fifty "Tutsi militants" are receiving military training and have been issued weapons which, according to certain sources, are intended to be used in "a possible invasion of Rwandese territory".

174. Lastly, it is difficult to ascertain the exact scope and effectiveness of the steps taken by the authorities to remedy this situation. The opposition party has protested against these steps, which it describes as aimed against itself, and has stated that the Belgian troops closed their eyes to these "partial" steps.

F. TRAINING OF INDIGENOUS FORCES, RAPID WITHDRAWAL OF THE
BELGIAN FORCES AND QUESTION OF PERSONNEL

175. Paragraph 3 (e) of resolution 1743 (XVI) requests the Commission to ensure the achievement, with the full co-operation of the Administering Authority and national authorities, of the following objective:

"Arrangements for the training of indigenous forces with the help of experts or a training mission provided by the United Nations, and the rapid withdrawal of Belgian military and paramilitary forces, to be completed before independence, with the exception of such personnel whose retention, in the view of the Commission in consultation with the authorities of Ruanda-Urundi and the Administering Authority and without prejudice to the sovereign rights of the future independent Ruanda-Urundi and subject to the latter's subsequent ratification, may be considered necessary as an interim measure."

176. In addition, paragraph 6 (c) of the same resolution requests the Commission to include in its report recommendations as to:

"The time-table for the withdrawal of the personnel, if any, retained as an interim measure under paragraph 3 (e) above."

177. The tasks assigned to the Commission included the under-mentioned points, each of which will, for the sake of clarity, be enlarged upon in a separate section:

- (a) Arrangements for the training of indigenous forces with the help of experts or a training mission provided by the United Nations;
- (b) The withdrawal of Belgian military and paramilitary forces;
- (c) The possible retention of some necessary military personnel as an interim measure;
- (d) The time-table for the withdrawal of any such personnel which may be retained.

1. Arrangements for the training of indigenous forces

178. In order to be able to carry out its mission with a full knowledge of the various factors involved in the problem, the Commission considered that its first duty was to investigate the present state of the indigenous forces in

the two parts of the Territory. On the basis of the report prepared by its military observers from information obtained in the Territory from the Administering Authority and the local governments, its views on the present position of the indigenous forces may be summarized as follows:

(a) In Rwanda

179. Rwanda has a National Guard, the formation of which began in July 1960 with the recruiting of the first indigenous personnel. As at present organized it is designed to meet the initial objective fixed by the Administering Authority, namely the constitution of a force totalling 1,300 men whose primary function will be to ensure the internal security of the country.

180. The National Guard is being trained according to Belgian methods and its organization is essentially modelled on that system. Instruction is given in French and in Kinyarwanda. The Government of Rwanda has accepted French as the official language of the National Guard. Taking into account the objective pursued, i.e. the formation of a guard of 1,300 men of all ranks, the approximate requirements in officers and men are as follows: 50 officers, 207 non-commissioned officers (sergeants and upwards) and 1,042 corporals and soldiers.

181. The National Guard is at present commanded by 52 Belgian commissioned and non-commissioned officers, eight of whom were due to leave on 10 May 1962. All these officers and non-commissioned officers are to be replaced by Rwandese under a plan submitted by the Senior Representative in August 1961 and approved by the Rwandese Government. The plan is expected to be in full operation by 1 January 1965.

182. The training courses provided for in the plan usually take seventeen months and are followed by a three-month period of training in Belgium. Allowing for a certain wastage, which is always possible, these courses should supply a total of fifty officers by 1 January 1965.

183. Of the required total of 250 commissioned and non-commissioned officers there are likely to be, after 10 May 1962, only forty-four Belgian officers and non-commissioned officers in charge of the organization and training of the National Guard. Thus it would be 1 January 1965 before all the foreign personnel now serving would no longer be needed.

184. The total initial cost of turning the National Guard into an organized force, complete with its full strength of 1,300 men and standard equipment, has been set by the Administering Authority at 142,841,000 francs. The National Guard budget for the current year covers a strength of forty-seven Belgian, commissioned and non-commissioned officers and 1,271 Rwandese of all ranks. The cost is estimated at 71,601,000 francs.

185. In December 1961 the Government of Rwanda drew up a new plan for the rapid expansion of the National Guard, whose strength was to be increased to 3,000 men of all ranks. So far it has not been possible to put this plan into effect. The initial cost of the proposed organization is about 450 million francs, most of which would be spent on new buildings, the purchase of vehicles and new weapons, and on building up stocks. A variation of this plan, providing for a different basic organization of the units but with the same total strength, would result in a saving of about 80 million francs.

186. The organization of the National Guard corresponds to the dual role assigned to it, namely the maintenance of internal security and the protection of the Territory's frontiers.

187. The National Guard, with its present numbers and basic organization, is reported to be ready to assume limited responsibility for maintaining internal security. Units are stationed in nine prefectures. Those units have not yet, however, been put to the test. They are commanded by Belgian officers and sergeant-majors. As yet there is only one Rwandese non-commissioned officer to pass on orders, whereas three at least would be needed for each platoon. An adequate number of indigenous non-commissioned officers will not be available before 1963.

188. To guard the frontiers in the event of a threat from outside the National Guard would have to be fully organized and to have adequate means of transport at its disposal. It appears unlikely that this can be achieved before 1965 at the earliest.

189. Taking into account both the wish of the Rwandese authorities to train skilled and competent indigenous commissioned and non-commissioned officers and the need to speed up Africanization, it seems unlikely that the National Guard can be fully Africanized under the present plan before 1 January 1965.

190. Lastly, since the National Guard, as noted above, has been organized and trained in accordance with the Belgian system and to a precise plan, the military experts consider that if the Government of Rwanda decided to replace the Belgian instructors by instructors from other countries, it would be better to do so with a homogeneous group. If consideration is given to the establishment of a mission to train this army, the group should therefore preferably be recruited from a single country, or from a group of countries whose military forces are organized along lines similar to the Belgian system; otherwise a certain delay in the training of instructors would have to be envisaged.

(b) In Burundi

191. Burundi has an indigenous army which also originated in July 1960 as an integral part of the Territorial Guard established for the Territory of Ruanda-Urundi. Recruits for this national army sign on for an initial period of three years. The army consists at present of a total of 789 men, including 41 Belgian commissioned and non-commissioned officers. Its organization is based on an ultimate strength of 51 officers and 1,121 non-commissioned officers, corporals and privates.

192. As in Rwanda, training of the national army is on Belgian lines. Instruction is given in French, which has been accepted, with Kirundi, as an official language.

193. The national army is at present rather poorly equipped. Apart from transport for training and the administrative services, it is notably short of troop-carrying vehicles.

194. The officers are recruited direct from civilian life, and all candidates must have completed their general secondary studies. The basic training at present lasts for fifteen months, plus three months' probationary service. The present officers, however, have had only seven to nine months of training. The level of instruction is that of a platoon commander. The non-commissioned officers are also recruited direct from civilian life and must have had at least five years' primary education: their training takes from five to seven months. Corporals and privates have a basic training of four months. In their case, too,

a minimum of five years' primary schooling is required. Under a directive of the Government of Burundi the Africanization of the national army is to be completed by 1 January 1965.

195. At present only nine indigenous officers have completed their basic training and are on probation with their units. In view of the length of the courses of advanced instruction needed for the training of non-commissioned officers, seventeen indigenous officers will be available to command the troops by 1 July 1962 and only forty-seven by 1 December 1964. Of indigenous non-commissioned officers, ultimately to number 179, there are now only seventy-two. This number will rise to 107 by mid-September 1962.

196. The national army is financed through an ordinary budget and an extraordinary budget. The ordinary budget provides for an allocation of about 86 million francs when the national army has reached its full strength, including the salaries of the Belgian personnel. For 1962 the ordinary budget provides for an expenditure of 60 million francs, divided as follows: Burundi, 85.5 per cent, Belgium, 14.5 per cent. The extraordinary budget amounts to about 120 million Belgian francs. It is expected that this sum will have to be provided through foreign aid in the form of financial assistance. It could be reduced if the Belgian military forces, on their departure, handed over their equipment to the national army.

197. From the purely military point of view it is impossible accurately to assess the efficiency of a force which has never been in action. The national army was formed only recently and has no military experience.

198. On the whole the military experts consider that the national army may be regarded, from a strictly military point of view, as being moderately well trained and capable of maintaining order in a normal situation if led by competent commissioned and non-commissioned officers.

199. In view of the financial limitations, the weapons and equipment proposed for the national army are regarded as adequate. It is, however, very important that the national army should receive those weapons and equipment as soon as possible, so that training can begin. As in Rwanda, such training is based entirely upon Belgian organizational methods. The present instructors have

some years' experience of the country. If the Government of Burundi tried to replace them by a special training mission from other countries, the military experts are of the opinion that, for Burundi also, such a mission should preferably be made up of soldiers from a single country or from a group of countries whose military forces are organized according to the same system as that adopted by the Government of Burundi. Otherwise a certain delay in the training of instructors would have to be envisaged here, too.

200. With regard to the plan now being carried out for the training of national forces, the Administering Authority, in a note verbale of 19 April 1962, stated, inter alia, the following:^{39/}

"Every effort is being made to strengthen the local police and gendarmerie forces within the shortest possible time so that they can take over the maintenance of order as soon as possible. In conformity with resolution 1743 (XVI), military training plans have been prepared and their implementation is being delayed only by the discussion of certain points with the local governments."

201. The Commission requested the Governments concerned to inform it of their intentions with regard to possible assistance from the United Nations in this field, as referred to in operative paragraph 3 (e) of the resolution.

202. From the first reactions of the two Governments, the Commission realized that they did not intend to modify the present plans for the time being. The two Governments asked, however, what offers would be open to them if they desired to replace the present training personnel, if only in part, by personnel provided by the United Nations. They added that they would state their views on the matter as soon as they had received the relevant information. The Commission immediately made the necessary arrangements to provide the Governments with the information they had requested.

203. In the meantime, it noted that almost all the Belgian instructors in the two national armies performed a dual function: that of training and that of commanding the troops. For reasons of economy, the two Governments preferred that this dual role should be filled by the officers who would probably replace the Belgian instructors.

204. In examining resolution 1743 (XVI) and studying more especially the explanations given to the Fourth Committee by the sponsors of the draft resolution, the Commission realized that the resolution limited the role of such instructors to the single task of training, and excluded all command duties. The Commission therefore advised the two Governments of the limits of the provisions relating to the duties of instructors and the training mission provided by the United Nations, as indicated in operative paragraph 3 (e) of the resolution. It requested them to inform it of their needs accordingly and, if necessary, to submit an official request.

205. On 16 May 1962 the Commission was advised through the military experts that the two Governments had come to a decision with regard to their immediate needs for United Nations experts or instructors for the training of their national forces. The Government of Rwanda stated that it had no urgent need for such personnel. The Government of Burundi submitted a request which has been transmitted to the Secretary-General of the United Nations.

2. Withdrawal of Belgian military and paramilitary forces

206. With regard to the problem of the withdrawal of Belgian forces before independence, the Commission was guided by the following considerations in carrying out its task.

207. Resolution 1743 (XVI) reiterates the principle of the rapid and complete withdrawal of Belgian forces before the Territory's accession to independence, subject to the General Assembly's re-examining the whole problem in the light of the question of "personnel" and the views of the Commission on the matter after consultation with the authorities of Ruanda-Urundi and the Administering Authority.

208. Apart from the different interpretations that could be given to the word "personnel", the debate in the Fourth Committee had, however, shown complete unanimity of opinion on the principle of withdrawal itself. That unanimity had been reinforced by Mr. Spaak, the Minister for Foreign Affairs, when he explicitly stated, at the 1300th meeting of the Committee, that there was no question of Belgium's retaining its troops in the Territory unless Rwanda and Burundi so requested.

209. The Commission therefore considered the position of the Governments of Rwanda and Burundi on the retention of Belgian troops to be the most important element to be determined before the problem was examined as a whole. Accordingly, the Commission preferred not to touch on this problem with the Belgian Minister for Foreign Affairs during its visit to Brussels on 18 March before ascertaining the position of the Governments of Rwanda and Burundi on the matter.

210. Nevertheless, when on 1 April Carlier, Ambassador and representative of the Administering Authority, expressed the wish to have the Commission's views on the interpretation of the word "personnel", referred to above, the Commission seized the opportunity to define its general understanding of its task with respect to the whole problem of the withdrawal of the Belgian troops.

211. Thus, on 2 April, in a statement to the representative of the Administering Authority,^{40/} the Chairman of the Commission made the following points, inter alia:

"Resolution 1743 (XVI) lays down the general principle, accepted by all the Members of the Assembly and solemnly proclaimed by the Belgian Minister for Foreign Affairs, of the withdrawal of Belgian military and paramilitary forces before the Territory's accession to independence ...

"It is, however, clear that the general question of the retention of foreign troops after the first week of June will be discussed by the General Assembly at its resumed session and it will be for the Assembly alone to decide the question whatever the situation may be."

212. In addition, the statement described the Commission's terms of reference as follows:

"While supervising arrangements 'for the training of indigenous forces with the help of experts or a training mission provided by the United Nations, and the rapid withdrawal of Belgian military and paramilitary forces', it will consult the authorities of Ruanda-Urundi and the Administering Authority on their final positions regarding the maintenance of law and order in general and the circumstances in which Belgian forces will be withdrawn before independence, and it will inform the General Assembly accordingly in its report.

^{40/} Annex XXXIII.

"Naturally, its recommendations on the matter will take into consideration, firstly, the positions of the respective autonomous Governments; secondly, the manner in which the training of indigenous forces is proceeding; thirdly, the position of the Administering Authority and the time-table it has drawn up in connexion with this matter; and, finally, the general conditions prevailing in the Territory at this time."

213. The Governments of Burundi and Rwanda defined their positions in the following way:

(a) Burundi

214. First, it should be noted that the Constitution of Burundi of 22 November 1961 provides in article 106 that "no foreign troops may be enrolled in the service of the State, or occupy or cross the Territory except by virtue of a law".^{41/}

215. On its arrival at Usumbura, the Commission was notified of a decision adopted on 11 March 1962 by the Government of Burundi,^{42/} by which, in response to Ambassador Carlier's question whether or not the Government of Burundi intended to retain Belgian troops after independence, the Council of Ministers of Burundi had replied:

- (i) that it accepted the resolution adopted by the General Assembly of the United Nations, including Belgium, with regard to Belgian military and paramilitary forces;
- (ii) that it therefore abstained from any undertaking, even in principle, to conclude military agreements with any country before the accession of Burundi to independence;
- (iii) that it would like to know how the Belgian Government intended to apply operative paragraph 3 (e) of the above-mentioned resolution.

216. In part II of a note^{43/} entitled "Withdrawal of Belgian military and paramilitary forces" sent to the Commission on 4 April 1962, the Government of Burundi, recalling its above-mentioned reply of 11 March 1962 to the

^{41/} Legislative Order No. 01/20 of 30 January 1962.

^{42/} Annex XXXIV.

^{43/} Annex XXII.

Senior Representative of Belgium in Burundi, affirmed its unshakable resolve to apply both the letter and the spirit of General Assembly resolution 1743 (XVI). 217. As to the maintenance of law and order, the Government of Burundi made its position clear in a letter from its Prime Minister dated 19 April. After reiterating that the Burundi people were unanimous in their support for Mwami Mwambutsa, he stated that in case of disturbances Burundi would have sufficient forces at its disposal to re-establish order. At the present time, the letter continued, Burundi had an army consisting of an indigenous force of 789 men which it hoped to increase shortly to 1,300, and a gendarmarie corps of 825 indigenous personnel which it also hoped shortly to increase to 1,300. Training, arms, equipment and transport were, however, still inadequate. That was why the Government of Burundi requested the United Nations, by the same note, to arrange for the early dispatch of instructors for the purpose of training and officering its army and national gendarmarie. He also asked the Chairman of the Commission to help to obtain substantial financial assistance from the United Nations in order to provide the two forces for the maintenance of order with the materiel they needed for the efficient performance of their tasks.^{44/}

218. Finally, the Government of Burundi sent the Commission a document dated 27 April 1962,^{45/} by which the Ministers of the Autonomous Government of Burundi, in Council assembled:

"1. Decide that from the date of the proclamation of its independence Burundi will no longer agree to the presence of foreign troops on its soil;

"2. Request the United Nations Commission to take all steps necessary for the withdrawal of Belgian troops before independence, in accordance with resolution 1743 (XVI)."

219. In the preamble to this document, the Government affirmed that Burundi had sufficient effective means for the maintenance of internal order after independence; it reaffirmed its intention of entrusting the protection of

^{44/} Annex XXXV.

^{45/} Annex XXXVI.

Burundi's frontiers to international security and reiterated its conviction that the agreement on economic union concluded between the Governments of Burundi and Rwanda at the Addis Ababa Conference could not survive if foreign troops remained on Rwandese territory after independence.

(b) Rwanda

220. The Commission had its first meeting with the Rwandese Government on 24 March 1962. The Chairman of the Commission read out the statement of the Commission and President Kayibanda arranged for various documents to be given to the Commission, one of which was a policy statement adopted in February by the Legislative Assembly in the light of the General Assembly resolution.^{46/} In this policy statement the Legislative Assembly recommended the Government, inter alia, to enter into negotiations, on the one hand with the United Nations Commission and on the other with the Administering Authority, with a view to retaining only a strict minimum of foreign soldiers for the purpose of aiding in the maintenance of law and order until such time as the indigenous forces had the necessary training, equipment and manpower to carry out that task. It was specified that this foreign force should:

- (i) be placed under the direct authority of the Government;
- (ii) be stationed in barracks at a specified place;
- (iii) equip the national forces of Rwanda;
- (iv) strictly refrain from any interference in the internal political affairs of Rwanda and from any action liable to disturb the security of neighbouring States;
- (v) not exceed the manpower level fixed by common accord;
- (vi) leave the country peacefully when the Government expressed the desire that it should do so;
- (vii) pay all the costs resulting from its being stationed in the country and its operations.

221. In another document, dated 28 March 1962, entitled "Reply of the Rwanda Government to the statement of the United Nations Commission for Ruanda-Urundi",

^{46/} Annex XXVI.

the Government insisted that the whole of the National Guard - soldiers, general staff and instructors - should be entirely under the authority of the Government of the Republic.^{47/}

222. In a letter dated 14 April 1962, the Government of Rwanda made the following statement:^{48/}

- (i) the presence of Belgian troops in Rwanda is linked to the presence of the Administering Authority, and both presences are justified, for the time being, by the Trusteeship Agreement;
- (ii) the termination of the Trusteeship Agreement will make illegal the presence of Belgian troops on the territory of the Republic;
- (iii) if the United Nations and the Administering Authority agree on the withdrawal of Belgian troops, the Government will not interfere in any way;
- (iv) the Government of Rwanda wishes to make it clear that the question at issue is not only that of Belgian troops but the very principle that the stationing of foreign troops is not conducive to the self-determination of an independent territory;
- (v) the Government of Rwanda is of the opinion that any move to establish non-Rundi military forces on the territory of Burundi would only be a neo-colonialist manoeuvre constituting an obstacle to close co-operation between the two States.

(c) Position of the Belgian Government

223. The Belgian Government, in its note^{49/} of 19 April 1962 to the Commission concerning the retention of Belgian troops, recalled that Belgium continued to exercise responsibility for the maintenance of order up to the date of the termination of the trusteeship. Nevertheless, in the spirit of resolution 1743 (XVI), it had decided to withdraw 300 officers and men at the end of May, thus leaving only 450 men in each country. That, the note continued, was a minimum force which Belgium could not consider reducing further so long

^{47/} Annex XXI.

^{48/} Annex XXXVII.

^{49/} Annex XXXII.

as it continued to exercise in the Territory its responsibilities under the Trusteeship Agreement.

224. Therefore, the note concluded, if the date for independence was set as 1 July, and if either or both of the Governments officially requested the Belgian Government to withdraw its troops, Belgium would take the necessary steps to evacuate them as rapidly as possible, as soon as it had been relieved of its responsibility for maintaining law and order. The evacuation should therefore take place after the date for independence and, if the local Governments expressed the wish that United Nations observers should supervise the withdrawal, Belgium would see no objection to that.

225. In the same note, the Belgian Government also said that, as it had already announced on several occasions, it was willing to give substantial technical assistance to both Governments after the Territory's attainment of independence, and that that assistance would be placed entirely under the authority of the sovereign Governments.

226. However, the note continued, Belgium could not provide that assistance and maintain the desired technicians unless their safety was assured after independence. The note mentioned the plans for military training and for reinforcing the police and gendarmerie, the procedure for the application of which was being discussed with the two Governments. The Belgian Government, however, considered that on 1 July those local forces would not be able to deal with all contingencies and it would therefore be necessary, if the Governments agreed to keep an additional emergency force in reserve. In the absence of such a guarantee, the Belgian Government felt that it could not ask its nationals to serve the local Governments, at least during the initial period.

227. On its side, the Commission made a statement^{50/} during a meeting with Ambassador Carlier at Usumbura on 26 April, which was read out by the Chairman of the Commission, and in which the Commission commented on the various aspects of the above-mentioned note from the Government of Belgium. On the question of technical assistance, the Commission stated that such assistance should not be made dependent on any conditions that might affect the sovereignty and independence of the two Governments. The Commission added that the question of

^{50/} Annex XXXVIII.

security and political stability, which were indispensable for such assistance, could not be envisaged except within the framework of that sovereignty, on the strict understanding that it was for the local Governments to take all the necessary steps for the maintenance of that security.

228. That point led the Commission to deal with the views expressed by the Belgian Government on the question of Belgian troops. In that connexion, the Commission stated the following:

"The Commission agrees with the Belgian Government that the responsibility for the maintenance of law and order rests exclusively with Belgium until the date of the termination of Trusteeship. It feels, however, that Belgium, by approving resolution 1743 (XVI), particularly paragraph 3 (e), showed that it did not consider the exercise of that responsibility incompatible with the principle of a rapid and, if necessary, progressive withdrawal of those troops before independence.

"Moreover, on this point, contrary to what seems to have been suggested on page 5, paragraph 1, of the note, the Commission has never said that 'Belgium should begin to evacuate its troops on 1 May so that the evacuation may be completed by 1 July.' It merely pointed out to Ambassador Carlier that his instructions were to make arrangements for the rapid withdrawal of Belgian military and para-military forces before independence, the final decision on the retention of Belgian troops after the resumption of the session of course being for the General Assembly to take.

"In addition, in the course of the same interview of 2 April - the Commission stressed, as does the Belgian note itself - the importance it attached to the positions of the Governments concerned on the general problem of the retention of foreign troops.

"In this connexion, it ventures to draw the attention of the Administering Authority to the fact that the two Governments have now defined their final positions on this subject.

"From the official letters addressed to the Commission and the additional verbal explanations given to the members of the Commission by the representatives of the two Governments it is clear that both Governments have categorically stated their wish not to retain foreign troops on their territory after independence.

"In the light of these policy statements and considering the point of view expressed by the Belgian Government in the penultimate paragraph of its note verbale, the Commission would be happy to learn what arrangements the Belgian Government intends to make to implement paragraph 3 (e) of resolution 1743 (XVI).

"As regards the plans for the military training of indigenous forces, the Commission considers that resolution 1743 (XVI), particularly when considered in the light of the Fourth Committee's rejection of the amendment submitted by Sweden and Ireland, does not link the two problems of the training of indigenous forces and the withdrawal of troops. However, the Commission would be glad if it could be informed of the Belgian Government's precise intentions regarding its plans in this regard, and of its opinion regarding 'the ability of these Governments to assume responsibility for the maintenance of law and order with the means at their disposal'.

"Lastly, as regards the military personnel required to officer and train the indigenous military forces, the Commission would be grateful if you would give it any precise information pertinent to the matter."

229. When the present report was drafted, the Commission had still not received an official answer to its request for information on what the Belgian Government intended to do as a consequence of the decisions of the Governments of Rwanda and Burundi in the matter of the withdrawal of Belgian troops.

230. Nevertheless, in the information bulletin of the National Press Office of Burundi, "Info-Burundi", No. 19, of 14 May 1962, the following item appeared:

"The Belgian troops in Ruanda-Urundi

"The Minister for Foreign Affairs announced in Brussels on 9 May that the Belgian troops stationed in Ruanda-Urundi comprised, on 1 May 1962, two paratroop battalions and two infantry companies, or 1,380 men in all.

"The two infantry companies will be repatriated during May and replaced by local gendarmérie forces.

"As regards the paratroopers, the communiqué states that they will remain in Ruanda-Urundi as long as Belgium has to assume responsibility for the maintenance of law and order in the two territories.

"Their retention in Ruanda-Urundi after independence will depend on the decisions taken by the United Nations General Assembly next June."

231. It would seem, therefore, that the Administering Authority has not changed its attitude, which it has explained to the Commission on several occasions, namely, that under present conditions, it is not possible for it to withdraw all its troops before independence. It considers that the figure of 900 men, the strength of its present force in the Territory, is the minimum required, below which it cannot go if it has to continue to assume responsibility for the maintenance of law and order in the Territory under the terms of the Trusteeship Agreement.

232. In the course of the interview which the Chairman had on 17 May in Brussels with the Minister for Foreign Affairs of Belgium, Mr. Spaak reiterated his determination not to retain Belgian troops in Rwanda and Burundi against the wishes of the two Governments. However, he reminded the Chairman of the Administering Authority's responsibilities in the matter of the maintenance of law and order until independence.

3. Question of personnel

233. The interpretation of the word "personnel" gave rise at the outset to a divergency of views between the Administering Authority and the Commission. Although subsequent events have made the subject of this divergency a somewhat academic question, the Commission considers it desirable to inform the General Assembly of it for the sake of clarity.

234. When the problem was raised for the first time at the Commission's discussions with the representatives of the Administering Authority on 1 April 1962, Ambassador Carlier told the Commission that, in the opinion of Belgium, resolution 1743 (XVI) in its final form could be interpreted as accepting the possibility of Belgian troops being retained after the date of 1 July fixed for independence.

235. The Commission immediately replied that it was of course for the General Assembly to decide that point at the resumed session in June. In the meantime, it felt that, on the basis of the text of resolution 1743 (XVI) and of all the debates which had preceded it, it was difficult to interpret the word "personnel" so broadly. Following a request for additional explanations, to which the Administering Authority said that it attached great importance, the Commission made the following statement the very next day: ^{51/}

"In the spirit of the resolution, there can be no question of regarding this 'personnel' as on the same footing as the military and paramilitary forces themselves. For, if that was the case, not only would it have been possible to draft the resolution without introducing the word 'personnel' and therefore to say 'with the exception of those whose retention, etc.', but the Fourth Committee could simply have adopted the draft amendment proposed by Ireland and Sweden on 19 February.

"This amendment reads as follows:

'arrangements for the training of indigenous forces with the help of experts or training missions provided by the United Nations in order to achieve as rapidly as possible the progressive replacement of Belgian military and paramilitary forces according to a plan to be worked out as a matter of urgency before independence.' 52/

"But Ambassador Carlier was able to see that all the sponsors of the draft of resolution 1743 (XVI) were opposed to that draft amendment and that, in a spirit of compromise, they finally agreed to consider the possibility of the retention of 'personnel' whose presence might be considered necessary when the Commission had examined the situation thoroughly.

"In the light of the many interpretations put forward in the Fourth Committee and of the explanations given by the co-sponsors of resolution 1743 (XVI), the Commission considers that the broadest possible interpretation of this word would be, at the most, 'supervisory personnel and experts', excluding Belgian military and paramilitary forces."

236. Furthermore, the Commission asked both Governments to inform it of their intentions with regard to the Belgian military personnel whose retention might be considered necessary by them as an interim measure for carrying out the plans for the training and Africanization of the officer grades of their armies.

237. The two Governments defined their positions as follows:

(a) Burundi

"(i) The necessary personnel to be retained as an interim measure is now on the spot;

(ii) In order to meet its needs, the Government of Burundi wishes to receive from the United Nations a group of fifteen gendarmierie experts;

(iii) For the national army, we shall have to have fifty officers, whose qualifications will be determined by the United Nations experts." 53/

(b) Rwanda

"1. There are fifty-two Belgian 'instructors' for our National Guard;

2. We consider that we need forty-seven instructors;

52/ A/C.4/L.733.

53/ Annex XXXIX.

3. We do not know to what extent this personnel will remain or will be withdrawn, whether partly or entirely, in view of the different interpretations of resolution 1743 (XVI);
4. We should like to know what personnel, if any, the United Nations might be able to place at our disposal;
5. This is necessary to enable us, if necessary, to take steps to make other contacts. The number of personnel we need at present is forty-seven;
6. As regards the time-table, for us it is a question of having a technically reliable group of officers willing to work under an independent Government." 54/

4. Time-table for the withdrawal of the personnel, if any, retained

238. As this question forms part of the recommendations that the Commission is to make under paragraph 6 of resolution 1743 (XVI), it will be discussed later in this report. 55/

54/ Annex XL.

55/ Paragraphs 330 and 331.

V. RESOLUTION 1744 (XVI). QUESTION OF THE MWAMI OF RWANDA

239. The second resolution^{56/} adopted by the General Assembly on 23 February 1962 during its debate on the "Question of the future of Ruanda-Urundi" is entitled "Question of the Mwami of Rwanda".

240. After referring to the conditions and the atmosphere prevailing in Rwanda at the time of the referendum on the question of the Mwami, and after expressing its conviction that in order that peace might return to Rwanda, agreement on this question should be reached as soon as possible on a mutually acceptable basis, the General Assembly adopted the following provisions:

"The General Assembly,

"1. Requests the Commission for Ruanda-Urundi..., as a matter of urgency, to engage in talks with the Administering Authority, the Government of Rwanda and the Mwami and his representatives with a view to reaching agreement, on a mutually acceptable basis, for the peaceful settlement of the question of the future of the Mwami;

"2. Requests the Commission to include, as part of its report to the General Assembly at its resumed sixteenth session, the results of the talks envisaged in paragraph 1 above, an assessment of the possibilities and recommendations for the peaceful settlement of the question of the future of the Mwami of Rwanda."

241. In keeping with the letter and spirit of this resolution, the Commission engaged in talks with the Administering Authority, the Government of Rwanda and the Mwami and his representatives.

A. THE ATTITUDE OF THE ADMINISTERING AUTHORITY

242. When the Commission met the representatives of the Belgian Government at Brussels, on 20 March 1962, it expressed the wish to take up the question of the future of the Mwami of Rwanda. The Belgian Government replied that, in its desire to comply with the decisions of the General Assembly, it was prepared to consider with the Commission the question raised by resolution 1744 (XVI). It pointed out, however, that Belgium had abstained in the voting on that resolution in the General Assembly. The Belgian Government considered that the question had been settled by the result of the referendum of September 1961, at least so far as the Administering Authority was concerned.

B. THE ATTITUDE OF THE GOVERNMENT OF RWANDA

243. The attitude of the Government of Rwanda on the question raised in resolution 1744 (XVI) was expressed to the Commission both in documents submitted to it by the Rwandese Government and during the discussions between the Commission and the Government.

244. In the document of 16 March 1962 entitled "Position of the Rwandese Government on the resolution adopted by the General Assembly of the United Nations in February 1962 on the future of Ruanda-Urundi",^{57/} the Rwandese Government stated as follows:

"The Government of the Republic of Rwanda,

...

"9. Calls upon Citizen J.B. Ndahindurwa, formerly Mwami Kigeli, totally to renounce all claims which are not in conformity with the laws of the Republic and with the fundamental rights of the human person,

"10. Declares its willingness to assist Mr. Ndahindurwa in honourably adjusting his status, without prejudice, however, to the justice and tranquillity essential to the citizens of Rwanda, in particular the refugees."

245. As a result of the conversations which took place, the Government of Rwanda informed the Commission of its position, which may be summarized as follows:

(a) The Government of the Republic protests against the use by the United Nations of the title "Mwami of Rwanda", there having been no Mwami in Rwanda since the 1961 referendum. Furthermore, Mr. Ndahindurwa, the former Mwami, is absent from the country, and the Rwandese Government requests the good offices of the United Nations to prevent him from coming to disturb the order and security which prevails in the country.

(b) If Mr. Ndahindurwa wishes to return to Rwanda, the Government requires of him a statement renouncing all claims in respect of any privilege whatsoever. He must also return by the same route as other refugees and will be subject to the same reclassification regulations.

(c) If Mr. Ndahindurwa does not wish to return to Rwanda, the Government asks that he should make a statement renouncing all privileges, in order

to remove any doubt from the minds of certain refugees who may wish to return to their country. The Government also requests him for the same reason, not to remain in countries bordering on Rwanda, since his presence might prevent the speedy return of the refugees.

(d) In any event, the Government requests Belgium or the United Nations to obtain personal means of subsistence for Mr. Ndahindurwa and, if he prefers to live abroad, a residence outside the countries bordering on Rwanda.^{58/}

246. The President of the Republic added that he personally was prepared to engage in negotiations on that basis with the former Mwami if he would come to Rwanda for discussions.

C. THE ATTITUDE OF THE MWAMI

247. In accordance with its terms of reference, the Commission endeavoured to get in touch with the Mwami, whom it believed to be in Tanganyika. On 27 March the Chairman sent the Mwami the following telegram:

"THE UNITED NATIONS COMMISSION HAS JUST ARRIVED IN THE TERRITORY OF RUANDA-URUNDI TO IMPLEMENT THE RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY. I HAVE THE HONOUR TO BRING TO YOUR ATTENTION OPERATIVE PARAGRAPH 1 OF RESOLUTION 1744 (XVI) AND REQUEST YOU TO INFORM ME OF YOUR VIEWS ON THE POSSIBILITY OF ESTABLISHING, AS A MATTER OF URGENCY, THE CONTACTS WITH YOU AND YOUR REPRESENTATIVES WHICH ARE NECESSARY FOR THE FULFILMENT OF THE TERMS OF REFERENCE CONFERRED ON THE COMMISSION UNDER THE AFOREMENTIONED PARAGRAPH."

248. This telegram could not be delivered and was returned to the Commission. It was redispached by the Commission, this time care of the Government of Tanganyika. No reply was received.

249. At Addis Ababa, where it had gone for the Conference, the Commission received a visit on 4 April from Mwami Kigeli V, who was there for "personal reasons".

The Mwami informed the Commission of his intentions concerning his future plans.

250. On the following day the Mwami, in a letter dated 5 April 1962,^{59/} informed the Commission that he was entirely at its disposal to consider any constructive

^{58/} Annex XXI.

^{59/} Annex XXX.

solution relating to the future of Rwanda. He added, in particular, that he confirmed his position, as expressed previously in New York and elsewhere, on the role he should play in national reconciliation in Rwanda and the reinstatement of the refugees and on his personal role as Mwami of Rwanda. He emphasized that it had not been possible for the elections to reflect the true aspirations of the people and that the consultations should be repeated under fair conditions. Nevertheless, since the United Nations had not been able to bring about such conditions, he would agree to remain outside Rwanda for two years, during which a government of national unity, should be established, to be responsible for the Regency, which would be terminated by a referendum and by free and democratic elections. He also stated that he had no intention of abdicating and refused to accept a pension.

251. On 18 April 1962, the Commission forwarded the text of the aforementioned letter of 5 April 1962 to the Government of Rwanda, requesting it to inform the Commission of its views on the subject.

VI. ECONOMIC AND SOCIAL QUESTIONS

A. BACKGROUND INFORMATION

252. The characteristics of the economy of Ruanda-Urundi have been repeatedly described in various reports to the Trusteeship Council and the General Assembly,^{60/} and there is accordingly no need to dwell on them here. Attention should be drawn, however, to certain aspects of the present economic situation in the Territory and to the particularly urgent economic and financial problems confronting the Governments of Rwanda and Burundi on the eve of independence.

253. According to a study completed in 1961 by the Association européenne des sociétés d'études pour le développement at the request of the Government of Ruanda-Urundi,^{61/} the essential factors in the Territory's situation as the following:

- (i) very high population density;
- (ii) very high rate of population increase;
- (iii) shortage of fertile land;
- (iv) overstocking with badly kept cattle;
- (v) industry still in embryo;
- (vi) predominantly subsistence economy;
- (vii) social and political structures in ferment.

254. As has often been said, Ruanda-Urundi is a poor and over-populated country. With a population estimated at 5 million on 31 December 1960 and an area of 54,000 square kilometres, the mean density of population exceeds 90 inhabitants per square kilometre.

255. The gross domestic product of Ruanda-Urundi is estimated at about 10,000 million francs (\$200 million), of which only about 40 per cent represents

^{60/} See in particular United Nations Visiting Mission to Trust Territories in East Africa, 1957: report on Ruanda-Urundi; Official Records of the Trusteeship Council, Twenty-first Session, Supplement No. 3, Chap. II, paras. 118-127.

^{61/} Etude globale de développement du Rwanda et du Burundi, A.E.S.E.D., Brussels, 1961.

production for the market, and income per capita is thought to be about 2,000 to 2,500 francs (\$40 to \$50) a year, among the lowest in the world.^{62/} The economies of Rwanda and Burundi are essentially agricultural; 90 per cent of the population work on the land, and agriculture accounts for 80 per cent of all exports. There has been very little industrialization in Ruanda-Urundi, and industrial production contributes an estimated 5 per cent of domestic gross product.

256. There is a chronic deficit in the Territory's balance of trade, but exports cover a fairly high proportion - normally 80 to 90 per cent - of the value of imports. In 1961 exports totalled 1,300 million francs, while the value of imports was 1,600 million francs, leaving a deficit of some 300 million francs in the balance of trade. Over the years 1959-1961, coffee exports represented on the average more than 70 per cent of the total value of exports. An austerity import programme with a ceiling of approximately 1,300 million francs has been adopted for 1962. However, as export earnings for the current year are estimated at about 950 million francs, a trade deficit of some 400 million francs is to be expected. The main reason why the deficit is likely to increase is that the coffee crop is expected to be poor.

257. The Territory's balance of payments also shows a deficit; the shortfall in 1961 was about 300 million francs. On account of the administrative, technical and financial assistance rendered by Belgium the deficit is less than might be expected in the light of economic and financial conditions in the Territory. However, it is difficult to make a valid analysis of the balance of payments for 1961 inasmuch as, being the first balance ever drawn up for the Territory, it is not open to comparison with previous years.

258. The currency system now used in Ruanda-Urundi was introduced in September 1960. Until that time the Territory had no separate currency of its own but formed a full monetary union with the Congo. The Bank of Issue of Rwanda

^{62/} Before the accession of the Congo to independence (30 June 1960) there was a de facto union between the Congo and Ruanda-Urundi. Since that union was administered from Leopoldville, no separate statistics were kept for Ruanda-Urundi. Hence it is only since 1960 that systematic efforts have been made to compile the data required for an analysis of economic and financial conditions in the Territory.

and Burundi was established in August 1960 following the liquidation of the Central Bank of the Congo and Ruanda-Urundi. The monetary system of Ruanda-Urundi is beset with numerous difficulties connected with the narrowness of the monetary base and the reserve situation. A further complication is that the monetary situation in the Territory is subject to major seasonal fluctuations linked with the coffee and cotton crops, which are the population's main sources of cash earnings.

259. In the light of the existing monetary situation the Commission deems it essential that, upon the attainment of independence, immediate efforts should be made to safeguard the stability of the currency without jeopardizing the economic development of the two countries. In agreeing that the monetary union should be maintained after independence, and with it the Bank of Issue, as the joint body which is to administer that union, the Governments of Rwanda and Burundi have taken a first step in that direction and have, indeed, established a firm foundation for further efforts on the same lines.

260. The Territory's budgetary situation has been characterized by a chronic and growing deficit since 1954. The deficits in the regular budget have since 1958 been covered by subsidies from Belgium: 125 million francs in 1958, 270 million francs in 1959, 500 million francs in 1960 and 360 million francs in 1961 (the final figure for the financial year 1961 will be known at the closing date, which is the end of October 1962).

261. The budgets of the two countries and of the central services for 1962 have not yet been approved, and the current budgetary proposals are an unreliable guide in view of the prevailing uncertainty regarding the situation after independence. It may be estimated, however, that revenue for 1962 will cover barely 50 per cent of expenditure.

262. For the past ten years the development programmes have been paid for out of special budgets financed almost exclusively by reimbursable interest-free advances from the Belgian Government (see para. 267). In recent years, however, large sums have been diverted from the special budgets to cover the annual deficits in the regular budget. In this connexion it should be noted that no special budget has been prepared for the current year.

263. Unless a considerable amount of foreign aid is forthcoming it is difficult to see how Rwanda and Burundi can solve the economic and financial problems described in the foregoing paragraphs. At all events, ways and means of improving the situation should be explored as soon as possible. The two Governments have already asked the United Nations for the services of a group of economic, social, monetary, banking, customs and administrative experts.^{63/} The Administering Authority has approved these requests, and the Commission hopes that the United Nations will be able to recruit the experts in question very shortly. At the same time the two Governments should take all possible steps to increase the rate of economic and social progress. In doing so they will be able to utilize certain basic factors, which are described in the following paragraphs.

B. ECONOMIC DEVELOPMENT

264. Over the years 1949-1960 the Administering Authority made a special effort to promote the Territory's economic development. The scope of that effort, which from 1952 onwards formed part of the Ten-Year Economic and Social Development Plan for Ruanda-Urundi,^{64/} prompted the United Nations Visiting Mission of 1957 to describe the achievements of those years as "spectacular". In that connexion the Mission noted that it was referring not only to the excellent achievements in the struggle against erosion, the expansion of crops and the reafforestation, which were by that time taken for granted in Ruanda-Urundi, but above all to the vigorous efforts to equip the country.

265. The Mission drew attention to certain aspects of that development which had particularly impressed it: the road construction programmes; the construction of airports; the construction of an inland port at Usumbura, school buildings, hospitals and sanatoria; the agricultural and veterinary stations of the Belgian Congo National Institute for Agronomic Studies (INEAC); the scientific centre of the Institute for Scientific Research in Central Africa (IRSAC); and the works of the Hydrological Mission.

^{63/} Annexes XLI and XLII.

^{64/} Plan décennal pour le développement économique et social. Editions de Visscher, Brussels, 1951.

266. The Visiting Mission of 1960 listed the following developments as examples of impressive progress: the introduction of new food crops less susceptible to drought; the efforts made to diversify export crops; the extension and improvement of traditional food crops; the cultivation of marsh land; the protection of land from erosion; reafforestation; the establishment of peasant settlements (paysannats); the success obtained in the control of animal and cattle diseases; the road works under way; and, in the social field, the good results achieved in both medicine and public health and the network of hospitals, dispensaries and health units.

267. As has been mentioned above (paragraph 262), investments under the Ten-Year Plan were financed principally from the special budgets of Ruanda-Urundi, whose main sources of supply were reimbursable interest-free advances by Belgium. In the period 1950 to 1960 a total of 4,650 million francs (\$93 million) was advanced in this way; for 1961 Belgium made an advance of 245 million francs to the special budget for the Territory and an additional advance of 492 million francs to balance the regular budget. Thus the rate of public investment decreased considerably in the last year of the Ten-Year Plan and the decrease has been even greater in real than in monetary terms, since prices have risen appreciably in the past few years.

268. In addition to this financial contribution from Belgium, Ruanda-Urundi has in recent years received loans from the International Bank for Reconstruction and Development and from the European Economic Community. The loans from the International Bank, totalling 248 million francs, have been allocated to a road building project and to the port of Usumbura.

269. In addition, the Development Fund of the European Economic Community has allocated the sum of 500 million francs (or \$10 million) to Ruanda-Urundi for the five-year period 1958-1962 to finance certain investments of an economic and social nature. Among the projects financed by the Development Fund, the most important are the following: the development of the Mayaga-Bugesera region; plans for building roads and opening up new trails; a plan for the introduction of tea cultivation and for the construction of a pilot factory for processing the crop; a road-works and urban development project; a plan for building an agricultural technical school and another for building two rural hospitals.

270. The role of private investment in the development of the Territory seems to have been slightly smaller than that of public investment. It has been estimated that at the end of 1959 private investment in agricultural, industrial and commercial enterprises amounted to 2,500 to 3,000 million francs (\$50 to 60 million)^{65/} and that it was shared among the main sectors of the economy as follows: agriculture, 15 per cent; industry, 45 per cent; commerce, 40 per cent. Private investment also includes investment made by African farmers from their own resources; this has been estimated at 1,600 million francs (or \$32 million). The total amount of public and private investment at that time would therefore seem to have been about 10,000 million francs (\$200 million), a figure of the same order as the estimated gross national product.^{66/}

271. No provision has been made for an extraordinary budget in 1962 and at the moment there is no development programme. The rapid evolution of the political situation, uncertainty about the nature of the new system and doubts about the amount of economic co-operation there will be between the two countries have delayed consideration of what the objectives of a new development plan should be.

272. The Survey Mission requested by Ruanda-Urundi prepared the outline of a development plan for the Territory for the years 1962-1971. This plan gives approximate figures for the growth of the national revenue, the rate of investment and the development of the different sectors of the economy. It anticipates that the national revenue in 1971 will be a little more than double

^{65/} Etude globale, pp. 382, 383.

^{66/} It is estimated that the total investment in the Territory at the end of 1959 was shared among the different sectors of the economy as follows:

<u>Sector</u>	<u>Percentage</u>
Agriculture and stock breeding	27
Water and electricity	13
Industry	14
Commerce and services	12
Transport infrastructure	14
Social investment	7
Construction and miscellaneous	<u>13</u>
Total	<u>100</u>

what it was in 1960, which would imply a rate of investment of about 10 per cent, that is, a rate of much the same order as that which has obtained during the last decade. Since the population of Ruanda-Urundi, according to demographic estimates, is expected to increase by about 40 per cent during the same period, the per capita national revenue would increase by about 45 per cent between now and 1971.

273. The action recommended by the Survey Mission would entail a total investment for the period 1962-1971 of some 14,000 million francs (\$280 million). Annual investment would increase from about 800 million francs in 1960 to 1,600 million in 1972, that is, at a rate of nearly 11 per cent per year.

274. In the Survey Mission's plan, the total investment is made up as follows:

	Millions of francs	Percentage
Investment: labour	6,678	48
Private investment	3,740	26
Public investment and investment using foreign aid	3,709	26
Total	<u>14,127</u>	<u>100</u>

These figures indicate clearly the leading role which investment in the form of labour will have to play in the investment programme.

C. TECHNICAL ASSISTANCE

275. In estimating the amount of technical assistance needed by Rwanda and Burundi, the Commission has had to take into account, firstly, the lack of sufficient skilled local personnel to meet the needs of the two countries and, secondly, the unfinished and skeleton state of a large part of the Territory's administrative organs. It should be noted in this connexion that during the last two years the political and administrative systems of the Territory have undergone continual modifications, which are still partly unfinished. These difficulties are due to the very fact that two new Governments are replacing a single joint administration.

276. At the end of 1960 there were 1,226 Africans and 1,140 Europeans employed in the Administration. The posts held by Africans, however, were not as a rule

of a kind which would prepare them to take on higher responsibilities. Furthermore, the figure for Africans was not made up entirely of nationals of Ruanda-Urundi, but included other Africans as well, especially Congolese. Since 1961, the Administration has taken certain special steps to speed up the training of personnel for Rwanda and Burundi. The Belgian Government also grants a number of scholarships for further study to nationals of the Territory. The sum of 22.3 million Belgian francs is allocated for this purpose in the Belgian budget for 1962.

277. The number of persons with adequate technical and vocational training, however, is very far from sufficient to meet the essential needs. It will, moreover, be another two to four years before a reasonably large number of nationals of the two countries (about 300) complete the education and training programmes which they are at present following outside the Territory.

278. For all the above reasons, the Commission considers that Rwanda and Burundi will need considerable technical aid, at least for the next few years, in order to meet the essential needs of their administrative services.

279. The Belgian Government has informed the Commission that it would, in principle, be prepared to consider granting Rwanda and Burundi technical assistance when they are independent, on terms to be negotiated between the Governments of the two countries and the Belgian Government. Belgium also seems ready to examine the possibility of taking part in a multilateral programme of assistance to the two countries. It does not seem prepared to commit itself beyond these general statements until it knows what decisions will be taken on the future of Rwanda and Burundi.

280. Nevertheless, it appears that for an interim period beginning with the independence of the two countries the Belgian Government would be ready to assist them "given a real expression of interest on the part of the international community" and envisages maintaining the Belgian experts necessary for the operation of the joint services. During this period the Belgian Government would also be prepared to pay part of the salaries of the Belgian experts and technicians who wished to remain in the service of the Governments of Rwanda and Burundi.

281. The two Governments can also call upon the technical assistance programmes of the United Nations and its specialized agencies. In accordance with the recommendations of an economic mission sent to the Territory by the United Nations in 1960, which were officially approved by the Belgian Government, a programme of technical assistance to the Territory for the years 1961-1962 is already in force. This programme, whose estimated cost is \$675,000, is part of the Expanded Programme of Technical Assistance. The sum of \$650,000 has been provisionally proposed by EFTA for the programme still to be drawn up for the years 1963-1964. The two Governments can also take advantage of the regular technical assistance programmes of the United Nations and its specialized agencies. Nevertheless, the aid which the international organizations as a whole could provide under their assistance programmes would be far from sufficient to meet the needs of the two countries, even under the most favourable conditions. They could at the very most provide twenty-five to thirty experts a year for the two countries together.

282. Their needs would not even be met fully by Belgian assistance if the Belgian Government decides to continue its assistance to the two countries after the short interim period mentioned above, since it does not seem to be prepared to go on giving aid on the same scale as in recent years.

283. During the five years 1956-1960 the number of European officials in the service of the Belgian Administration rose from 667 to 1,140. This number has since been considerably reduced and had fallen to 586 by 1 March 1962. At the same time, however, quite a large number of Europeans (more than 900) were working for private educational establishments subsidized by the Administration, parastatal institutions such as the Office du Café and the Water Department, scientific institutions and religious missions fulfilling functions of public interest in the fields of hygiene, education, social services, etc.

284. In submitting their budget for 1962, the two Governments estimated that in the current year they would need 727 experts and technicians (404 for Rwanda and 320 for Burundi). In the course of later exchanges of views with the Commission's experts, it became clear that this number could be reduced considerably without any serious harm to the services concerned. It is not

possible in the present state of affairs to give a precise figure for the two countries' requirements, but revised estimates made on the basis of existing data suggest that a total of 350 to 400 experts and technicians would be enough to keep the essential services going.

D. RECOMMENDATION

285. On the basis of the considerations put forward in the foregoing paragraphs, and irrespective of any assistance which Belgium may continue to give to Rwanda-Urundi, the Commission recommends that the General Assembly should:

- (i) draw the attention of all the international organizations taking part in the United Nations Expanded Programme of Technical Assistance to the special situation of Rwanda and Burundi and request them to make a special effort to meet the requests of the two Governments within the limits of their resources, including their regular budgets and any other funds at their disposal;
- (ii) request the Executive Chairman of the Technical Assistance Board to appoint a Resident Representative as soon as possible to assist the two Governments in their relations with the international organizations with regard to their activities in the field of technical assistance;
- (iii) consider setting up a special fund for assistance to Rwanda and Burundi and invite Governments of Member States to contribute to it.

VII. CONCLUSIONS AND RECOMMENDATIONS

A. The Problem of the Unity of the Territory

286. In February 1962, the General Assembly, after re-examining at length the problem of the unity of the Trust Territory of Ruanda-Urundi, simply restated the position it had consistently maintained throughout the history of the Trusteeship regime. It reaffirmed in new terms "its conviction that the best future of Ruanda-Urundi lies in the emergence of a single State with economic unity, common defence and external relations, without prejudice to the internal autonomy of Rwanda and Burundi".

287. It should be recalled that this position was reaffirmed at the conclusion of a long discussion during which the representatives of the two Governments of Rwanda and Burundi, as also a large number of delegations, had drawn attention to the de facto obstacles to unity which had been created and to the difficulties which seemed to have arisen, particularly in the last few years, to hinder the attainment of that objective.

288. The General Assembly was thus able to examine in detail all the relevant factors, some of which were purely superficial while others reflected highly complex realities. There can be no doubt that the discussions and the great number of views expressed provided the General Assembly with ample means of assessing the true significance of the various aspects of the problem.

289. If, then, the General Assembly ended by repeating its original views on the subject, it may justifiably be thought that its position was dictated by fundamental considerations transcending the immediate obstacles and the secondary difficulties, whose significance some efforts were made to exaggerate.

290. These fundamental considerations are obvious to all who view the problem of unity as part of the problem of the future of the developing peoples and relate it to existing historical circumstances. The African peoples in particular are today more keenly aware than ever before of the advantages which they stand to gain, in laying the foundations for their full development, from union and the systematic and rational co-ordination of their efforts. Considering the enormity of the problem with which they are faced and the difficulties resulting from the backwardness imposed on them, it is obviously in their best interests to avoid

dissipation of effort, to foil any new attempt at Balkanization, to rid themselves of out-dated ideas of tribalism and regionalism and to move instead in the direction of increasingly broad unions based on their identity of interests.

291. In addition to these general considerations, there were a number of reasons why the maintenance of the unity of Ruanda-Urundi appeared to be desirable. In particular, it seemed paradoxical that the two parts of so small a Territory, parts which are ethnically homogeneous, have limited economic resources and have been united for forty years under a single colonial administration should be separated at the very moment of their accession to independence.

292. The discussions held during the resumed session in January naturally enabled the Assembly to appreciate the special difficulties, some of them serious ones, which had arisen in the course of the past few years, notably those arising after the popular consultations of September 1961. It might be useful, for the sake of the clarity of this account, to recall the most important of those difficulties.

293. Quite apart from the remote origins of the division of the Territory along clan lines into two separate kingdoms, and although the Territory as a whole had been under a single colonial administration for nearly two generations, it had become clear that the separation of its two parts was, by the beginning of the year, to all intents and purposes a political and administrative fact. While recognizing this, the United Nations Commissioners returning from the Territory had no hesitation in affirming their conviction that nothing serious had been done by the Administering Authority in the colonial past to neutralize separatist regional tendencies or to encourage the real possibilities that existed of bringing about a union dictated by the higher interests of the two populations.

294. At the time when the General Assembly took up the examination of the future of Ruanda-Urundi, the Governments installed in the two parts of the Territory appeared to be moving in two different directions.

295. In Burundi an entirely new Government, resulting from the legislative elections of September 1961, was in power. This Government, composed of members of the UPRONA party, upheld the Mwami and the traditional monarchist form of rule and advocated a political programme opposed to that of the former Front commun Government supported by the Administering Authority.

296. In Rwanda, on the other hand, a Government had been brought to power which had from the outset followed violent methods, and which had been actively supported from its foundation by the Administering Authority. This Government, based on the PARMEHUTU party, which had been in power since the communal elections of October 1960 and which had proclaimed the Republic in the so-called "Gitarama coup d'Etat", considered that its status as the legitimate Government had been confirmed by the popular consultations of September 1961.

297. From the purely political standpoint, it was therefore obvious that the accession to power of the UPRONA and PARMEHUTU Governments in Burundi and Rwanda respectively was not likely to reduce the obstacles to the attainment of unity.

298. The General Assembly, however, taking into account the higher interests of the peoples of the Territory, felt that it was its duty to draw the attention of the two Governments once again to the need to realize the great importance of unity, and not to let itself be discouraged by considerations of a local and ephemeral character.

299. Accordingly the General Assembly, affirming its unshaken conviction in this regard, felt it necessary to face the responsible leaders of the two parts of the Territory with their historic responsibilities by asking them to meet at a high-level conference under the auspices of the United Nations Commission for Ruanda-Urundi (1962), with a view to "finding a mutually acceptable formula for the creation of the closest possible form of political, economic and administrative union", the role of the Commission being "to endeavour to reconcile the points of view of the two Governments and to put forward such concrete proposals as would lead to the achievement of the aforementioned objective".

300. On arrival in the Territory, the Commission found that the two Governments continued to maintain the position which had been put before the Fourth Committee at the resumed session in January, namely that in the existing circumstances the question of unity could not be seriously considered until after independence.

301. In Burundi the most important political parties all concur in this view. In Rwanda, on the contrary, the UNAR, an important opposition party, submitted a note^{69/} reiterating its support of unity. In the view of this party, "the

^{69/} Annex XLIII.

Governments of Rwanda and Burundi would be betraying the higher interests of the peoples they represent if they continued to press their unjustified refusal to reach an agreement concerning the political union of the two parts of the Trust Territory". In addition, it submitted more specific suggestions envisaging inter alia the establishment of co-ordination committees to deal with joint defence and diplomatic representation and with economic, financial and technical matters.

302. Despite the reiteration of their position by the two Governments, the Commission tried to the best of its ability to carry out the task entrusted to it, fully aware both of the obstacles in its way and of the imperative need to overcome them by presenting realistic and practical proposals. It was in that spirit that it prepared the Addis Ababa Conference.

303. Before the problems examined during that Conference are analysed, it should be mentioned that the Commission thought it advisable to express to the Government of Rwanda its conviction that the implementation of the New York Agreement before the opening of the Conference and the possible inclusion in the Government delegation of a member of the opposition or any other political figure favouring unity would be highly desirable, since the prospects of success of the Conference might thus be greatly improved. Such action, it held, would have strengthened the authority of the Rwandese delegation, since the latter would then have reflected more fully the different trends of opinion in the country. It is to be regretted that the Government of Rwanda did not see fit to heed the Commission's advice on this point.

304. From the standpoint of economics and finance, the Commission had no difficulty in demonstrating that the economic union of the two countries was an essential necessity without which their independence and their future might be seriously jeopardized.

305. Thus, despite the new difficulties which had been created by certain provisions of the Brussels Protocols, and despite the decentralization of certain joint services which had already been started, the Commission was able to congratulate the two delegations on the praiseworthy efforts which resulted in the drafting and signing of an important agreement on economic union between the two countries. In this connexion, the Commission wishes also to congratulate

the United Nations experts, who displayed a creative spirit and whose flexible and constructive proposals made it possible for the positive trends in the two delegations to find expression in practical and mutually acceptable solutions.

306. The establishment of a Council of Economic Union of Rwanda and Burundi, in particular, is a success of which the two delegations may be proud. It is to be hoped that the Governments of Burundi and Rwanda will honour their undertakings in this regard and, guided by their real long-term interests, will spare no effort to ensure that the Council functions effectively. There can be no doubt that this body, whose task it will be to co-ordinate the general economic, financial and commercial policies of the two countries, will then be able to become an important factor in their joint economic development.

307. On the whole, then, the Commission can be satisfied with the results of the Addis Ababa Conference so far as the economic and financial union of the countries is concerned. In this connexion, it earnestly hopes that the agreement reached by the two Governments will find actual expression in the adoption of concrete and positive measures.

308. As regards political and administrative union, on the other hand, the Commission cannot but express its deep disappointment at the fact that the two delegations showed little willingness to appreciate the full importance of the problem of unity in the broader perspective of their historic responsibilities. The Commission feels, to its regret, that despite all its efforts to this end it failed to overcome the psychosis of mutual distrust which has prevented the two sides from taking a clearer view of their long-term interests.

309. A whole complex of historical and social conditions under which their peoples had long been suffering, the unjustified fear that unity might jeopardize what each side had come to regard as a dearly won prize to be defended at all costs, a deep-seated and almost morbid reluctance on both sides to try a new approach to the two problems in the broader context of their historic revolution - these, among others, were the factors which appeared to be compelling the two delegations to try to preserve at any price what they regarded as the future vehicle of their freedom of action and of the identity they had at last regained.

310. It will readily be understood that in such circumstances even the most harmless proposals should have appeared to them to be fraught with dangers of all

kinds which they were not prepared to risk, however slight the likelihood of their ever arising might be. Thus the wish to safeguard every element which in any way constituted in their eyes an expression of their freedom of action prevented the two delegations from considering any proposals which might imply any change whatsoever in the situation or involve the risk that one of them might lose its prerogatives as a result of unity.

311. Throughout the Addis Ababa Conference, and particularly in the constant and friendly discussions between the United Nations Commissioners and the members of the two delegations in their individual capacities, the Commission strove untiringly to bring the leaders of Rwanda and Burundi round to the Assembly's views, to show them the unquestionable advantages of unity and the very real dangers of separation, to analyse the superficiality of the arguments against the principle of unity and to help them to view the problems and obstacles which appeared to be causing them anxiety within a broader historical and international perspective, while at the same time lending an attentive ear to their arguments and their respective points of views.

312. The Commissioners patiently tried to analyse the various aspects of the problem, with a view to seeking solutions which would take into account the anxieties and the political circumstances prevailing in the Territory. It appeared to them that those anxieties were connected with certain major problems, such as internal autonomy and joint defence and foreign policy.

313. As regards internal autonomy, the Commission soon realized that if any formula was to be acceptable to both countries, it would have to take account of the definite determination of both Governments to maintain full and unconditional internal sovereignty. The existence in the two parts of the Territory of two apparently incompatible regimes had increased mistrust to such a point that it was essential to provide each with the necessary guarantees to prevent any attempt by either at interference in the affairs of the other.

314. So far as concerns joint defence, there had been a further increase in mistrust during recent months. Burundi, in particular, seemed to feel alarm at the possibility of Belgian troops being retained in Rwandese territory after independence. In addition, it seemed clear that neither party was willing to place its own troops under a single command, for fear that its own defence policy

would become closely involved in the other's. The Commission, while repeating to both delegations its conviction that a joint defence system would have undeniable advantages for both parties, if only from the economic point of view, nevertheless reached the conclusion that any practical joint defence formula would have to make due allowance for the fears of both Governments.

315. As regards a joint foreign policy, both delegations felt similar misgivings. The Commission found it hard to see how, in present circumstances, with each delegation holding to its own ideas on foreign policy, a joint diplomatic approach could be adopted. In this field also, the Commission drew the attention of the delegations to their community of interest. It showed them, inter alia, that whatever their initial divergencies, the two Governments would have every interest in co-ordinating their foreign policy and thus avoiding the expense of two separate diplomatic establishments, expense which would in the end be the more unnecessary in that their community of fundamental interests in this field would sooner or later prompt them to pursue the same goals. At the present stage of their development, these goals would be essentially the same as those of the United Nations Charter, and would be generally speaking in accord with the system of international co-operation provided for within the framework of the United Nations.

316. At the same time, the Commission strove, both at the official meetings and during private discussions, to make it clear to both delegations that the unity proposed by the United Nations would in no way be tantamount to a new form of colonialism; that it was an illusion to believe that unity would be more easy to achieve after independence; and that with the necessary good will, it would not be difficult to find formulas under which a monarchy and a republic would be able to coexist within a single federal or confederated State.

317. With due regard to the various considerations in the minds of the two delegations, and convinced of the necessity of presenting a formula which, while taking account of existing obstacles, would at the same time offer the necessary safeguards for the preservation of the internal sovereignty of both States, the Commission, on 13 April, submitted to the delegations its preliminary general draft of a federal constitution for the United States of Rwanda and Burundi. In so doing, the Commission's aim was to reconcile, in a realistic and constructive spirit, the principles laid down by the General Assembly with the needs of the actual ...

situation. In submitting this preliminary draft to the two delegations, the Commission earnestly appealed to them to understand the importance of this last effort to bring home to the parties their grave responsibilities on the eve of independence.

318. The Commission's profound disappointment when, on the very next day, both Governments reiterated categorically their determination to maintain their previous position, may readily be imagined. This position, which both delegations tried to justify on grounds of "historical realities", "colonial conditions", and "political evolution", seemed to have been taken in disregard of all the arguments put forward both by the General Assembly and by the United Nations Commission. The Commission, of course, drew their attention to the gravity of the decision arrived at by the two delegations. It reminded them of the grave responsibility they had taken upon themselves in the light of their country's history, and of the stern judgement which might be passed on it by future generations.

319. However, whatever the historical causes and conditions which have led the present leaders of both countries to attach greater importance to their differences than to the necessity of maintaining the bonds of friendship between their peoples, the Commission was compelled to admit the regrettable fact that the Territory was divided.

320. That being so, the Commission was obliged to consider the development of Ruanda-Urundi, not on the basis of the unity of the Territory but in the light of the specific circumstances of each of its two parts.

B. Problems relating to the maintenance of order

1. Progress in the application of the measures referred to in resolution 1743 (XVI), paragraph 3 (e)

321. With regard to the application of the measures referred to in paragraph 3 (e) of resolution 1743 (XVI), the situation is as follows:

(a) Arrangements for the training of indigenous forces

322. It must be stated at the outset that for a number of reasons, including the fact that training programmes for the indigenous forces were already under way and that neither Government had indicated any desire for a change in the plans already in progress, the Commission made no special arrangements for the training of the indigenous forces with the help of experts or a training mission provided by the United Nations. It should also be pointed out:

- (i) that the Government of Rwanda felt that there was no urgent need for immediate United Nations assistance in this field. The Government of Burundi, on the other hand, made a request including particulars of the qualifications and types of experts and instructors it would need to carry out its current training plans;
- (ii) that the Belgian instructors by whom the indigenous forces are at present officered act as experts and instructors as well as performing command functions. They have been maintained in this dual capacity, it would seem, mainly for reasons of economy and convenience;
- (iii) that, under the terms of resolution 1743 (XVI), a training mission provided by the United Nations for the two Governments could not be given functions of command.

323. Under these conditions, the Commission feels that if the two Governments expressed a wish for the partial or total replacement of the Belgian personnel now performing the two functions of training and command by United Nations personnel, the latter would have to be able to assume the same functions, under the authority, of course, of the two Governments.

(b) Withdrawal of Belgian forces before independence

324. The Commission had hoped that following the adoption of resolution 1743 (XVI) the Administering Authority would submit to it a plan for the rapid withdrawal of the Belgian military and paramilitary forces before independence. It recalled in that connexion, a statement made by the representative of Guinea at the 1298th meeting of the Fourth Committee. Speaking on behalf of the draft resolution's co-sponsors, he stated that the effect of the application of paragraph 3 (e) of the resolution would be that when the session was resumed, "the great majority of Belgian troops would have been withdrawn and a plan would be submitted for the withdrawal of the remainder between 1 June and 1 July 1962". However, as has been explained in this report, the Commission realized later that the Administering Authority had not envisaged the application of the measures set forth in paragraph 3 (c) in the same light.

325. All that the Administering Authority had decided to do in pursuance of resolution 1743 (XVI) was to withdraw, before 30 May 1962, 300 men of the troops it had in the Territory in April 1962.

326. The remaining troops in the Territory, it felt, should stay there until the termination of the Trusteeship Agreement. So long as it was responsible for the maintenance of order, it considered it would need a minimum of 900 men to be able to meet its obligations.

327. In addition, it felt that it would be unable to adopt a plan until the General Assembly had taken a definite decision on the date for independence, which had not yet been fixed - particularly as, in its view, resolution 1743 (XVI) did not preclude the possibility of its being able to maintain its troops in the Territory after independence.

328. Nevertheless, it considered that if the General Assembly adopted 1 July as the date for independence and called for the withdrawal of all Belgian troops by that date, the Administering Authority would then be willing to evacuate those troops within the minimum period technically necessary - which, it thought, would be about two or three months.

(c) Retention of some military "personnel" as an interim measure

329. In this field, although both countries have expressed their desire for the replacement of at least some of the military personnel now serving as officers of the indigenous armies, they have felt unable to submit a definite plan without knowing what practical possibilities there are of replacing them, either through the United Nations or through bilateral arrangements with other countries.

(d) Time-table for the withdrawal of the personnel (resolution 1743 (XVI), paragraph 6 (c))

330. For the reasons indicated above, it proved impossible to draw up any time-table for the withdrawal of personnel whose retention, as provided in paragraph 3 (e) of the resolution, might be considered necessary as an interim measure. As has been explained, this time-table must depend, for the Governments of both Rwanda and Burundi, on a number of factors, including the practical possibilities of replacing such personnel as they do not wish to retain. As the Commission was not in a position to give them any definite information on that point, the local Governments were unable to submit any plan.

331. The Administering Power, for its part, gave no official indication of its plans in this connexion. However, it hinted that in its opinion the personnel concerned might be obliged to leave the Territory if the Belgian troops were to be withdrawn after independence.

2. Observations regarding the internal security of the country

332. Although the Belgian Minister for Foreign Affairs stated at the 1300th meeting of the Fourth Committee that neither Rwanda nor Burundi were likely to ask for the presence of Belgian troops, and that Belgium had no intention of remaining in the Territory, the Commission felt that the decision of the two Governments to request the withdrawal of Belgian troops caused grave concern from the outset to the Belgian Government, particularly in its implications for the future of the Territory.

333. Indeed, the Administering Authority did not fail to inform the Commission of its serious doubts about the ability of the local governments to maintain order in the Territory, in view of the present clearly inadequate standard of

training of the national forces and the fact that those governments will be unable to train the necessary cadres before independence.

334. It further indicated its fear that this decision might entail the mass departure of all the Belgian elements, including the technicians without whom the normal functioning of public life would be almost immediately paralysed. Lastly, it was at pains to point out that the consequences of that decision might also ultimately entail the cessation of the Belgian technical and financial assistance that had been contemplated.

335. Owing to those fears and other considerations which seem to cause certain circles special concern, the Commission feels that it should make a brief analysis of the general situation in the two countries with respect to their security on the eve of independence, in order to enable the General Assembly to gain as complete an idea as possible of its different aspects.

336. It is certain, as has been shown in greater detail in the course of this report, that the national forces of Rwanda and Burundi are at present in an embryonic state and are not in a position to replace the Belgian troops at the present time.

337. It is equally certain that if the departure of Belgian forces were to entail, whether spontaneously or not, the departure of the Belgian technicians, the two countries would be faced with a serious crisis.

338. A more thorough study, however, taking into account the full complexity of the problem from its various angles, led the Commission to make certain observations which it might be useful to set out and which might in any case help to bring about a better understanding of the reasons which caused the two Governments to make their decisions. In this connexion it should be noted that colonial circles very often tend to regard the problem, not on the basis of the ideas of the nationals of the country themselves concerning their own interests, but rather in relation to factors which those circles feel must correspond to the interests of the country in question.

339. Thus, there are a number of considerations which would prompt us to view the problem of security not in relation to military and technical factors alone, but bearing in mind all the historical elements, the interests and the human factors existing in a country at a given time.

340. From that point of view it can be seen that, despite the dramatic feature of its lack of preparation, Ruanda-Urundi is on the whole not a unique case. It is true that it has to face an almost total lack of personnel and facilities, particularly in matters connected with the maintenance of order, but it is determined, in spite of everything, to run the risks of a difficult independence, being convinced that it must at all costs break the vicious circle of colonization without delay.

341. Furthermore, experience of decolonization has shown that as a general rule, and in the absence of interests whose roots, in the last analysis, are abroad, the lack of facilities and personnel has not prevented countries from surmounting the crisis of emancipation in law and order. Moreover, in all the cases where it has been possible for national power to be consolidated because there was an authority capable of mobilizing and organizing the efforts of the people, the atmosphere of independence has enabled fresh forces of vital importance to be released. It is the freeing of these forces which, paradoxically enough, enables the least prepared peoples to accomplish, in more difficult conditions, what the colonial system, despite its large resources and superior technical efficiency, has shown itself incapable of achieving.

342. These forces are emerging from the human and economic conditions to which those peoples have long been subjected. They appear and develop where the political leaders succeed in becoming aware of their problems, creating and cementing the unity of the people, frustrating the traditional attempts at division and building national power on truly democratic and popular foundations.

343. These forces, far more than armed forces or police, are then able to guarantee the future and the security of the people, not only in order to protect it against internal enemies but also, and above all, to prevent foreign interests, by direct or devious means, from jeopardizing the achievements of their independence.

344. It is true that at the start these forces are themselves in an embryonic state, that they expose themselves, often uselessly and unintentionally, to dangers of which they are not always aware, and that they need to be organized in order to prevent, above all, their own destruction. The spirit of the times, however, must lead us to conclude that, whatever may be thought of those forces,

they are already part of history. They are henceforth an objective and ever-present reality which it would be both absurd and dangerous to disregard. It is therefore our duty, not to counteract them in a way which would only diminish their positive aspects, but to help them to find themselves and to develop along democratic lines, and to provide them with all the necessary international solidarity.

345. In any case experience teaches us that it would be a mistake to cling to a purely technical and military notion of order and progress in these countries and to disregard the human and political factors which form their basis.

346. In fact, the experience of Ruanda-Urundi itself may serve as an example to illustrate the bankruptcy of an idea of security based entirely on considerations of that kind. The history of that Territory over the last three years has hardly proved that the best organized military and paramilitary forces could be the most positive factor in maintaining order, with regard either to the prevention of disturbances or to their suppression. While we do not wish to pass any political judgement, it is a fact that the incidents in Rwanda which involved the most bloodshed occurred despite the fact that during the period in question the Belgian security forces had almost doubled their numbers in the Territory. That being said, it must also be borne in mind that the topographical situation of the country is in itself a challenge to any military repressive operation. The 1961 United Nations Commission, and particularly the Commissioner which it appointed to supervise the elections in Rwanda, made it clear during the last session, in January, that, with the best will in the world on the part of the military, operations for suppressing disturbances have always proved extremely difficult. In view of the topographical and strategic conditions of the country, order was not restored except after a long period of disturbances during which the opposing forces exhausted each other, often following irreparable losses in human lives, the burning down of hundreds of huts and the flight of thousands of refugees.

347. It is therefore more reasonable to consider the problem of security not from a purely military and technical point of view, but on the more general level of the political and social situation in the country.

348. The situation in the two parts of the Territory is as follows.

349. In Burundi, there is a government in power whose authority was recognized in a rather spectacular manner during the elections which were held last September under United Nations supervision, and it thus had the advantage of indisputable popular support. So long as the Mwami-UPRONA axis remains intact, as seems to be the case at present, and succeeds in rallying the people's confidence round it, this authority may in itself be the best guarantee for security in the country. This authority was severely tested when the most popular Murundi political leader in the country, Prince Rwagasore, the son of the present Mwami, was assassinated. In other circumstances a political crime of that kind might have given rise to mass demonstrations of a violent nature which would have been difficult to control. Nevertheless, the traditional authority of the Mwami and the people's trust in its Government made it possible to keep the people under complete control and to preserve order throughout the Territory.

350. It may therefore be assumed, at least as regards the actual maintenance of order, that, in the present circumstances, so long as the unity of the people is maintained round the existing Government team and so long as the administration has genuine moral authority, that authority will not need to be strengthened by a large military force whose technical skill would necessarily have to equal that of the Belgian troops during the period preceding independence.

351. Moreover, it is essential to bear in mind the misgivings of the Government of Burundi and the reasons which may have prompted its decision to ensure the departure of foreign troops from its national territory. For reasons derived from the past, in particular the active support which the Belgian Administration as a whole has openly and habitually given the Front commun party, UPRONA is afraid that the Belgian forces might at any moment incite the new opposition elements to dangerous subversive action. It is because of this mistrust, which was increased by the murder of Prince Rwagasore, that the leaders of Burundi feel that the presence of Belgian troops in their country after independence, far from helping them to maintain order, might simply be a potential cause of tension and disorder. According to them, it is above all after independence, when all possibility of United Nations supervision has disappeared, that those troops may be induced to overthrow the legal authority in favour of their indigenous agents in the Territory.

352. In the circumstances, the Commission feels that there are no serious grounds for supposing that the presence of Belgian troops, maintained after independence against the will of the Government and people of Burundi, could in any way contribute to the maintenance of order in the Territory. On the contrary it has the impression that, provided there is no foreign interference, there are no valid reasons for thinking that the Government of Burundi would be incapable of ensuring security and order in its territory.

353. In Rwanda, on the other hand, the matter is clearly somewhat different.

354. In the first place, it is a fact that public life in Rwanda has been characterized by increasing tension, serious dissension, and social and political upheavals of a particularly violent nature ever since the events of November 1959.

355. As a result of those events, the traditional authority was replaced by a new machinery of government in whose establishment the Belgian Administration had a hand. With action followed by reaction, tension in the country increased and reached its climax in the period preceding the popular consultations of last September. The Tutsi ethnic minority, which had for generations comprised the élite and the ruling class of the country, was brutally expelled from the social and political scene.

356. When the Commission examined the social and political situation in Rwanda upon its arrival in the Territory, it was faced with a number of factors which were not such as to allay its misgivings. The facts which were of constant concern to the Commission with regard to the future of Rwanda and the prospects for its internal security after independence have already been set forth in other chapters of this report.

357. It did not, however, take the Commission long to realize that there was one key factor on which it must concentrate its attention, because that factor alone could enable it to solve the other problems and to contemplate the future without undue pessimism. That factor was national reconciliation, the principle of which had been stated at the last session of the General Assembly in New York and to which, from the moment of his very first contacts with the Commission, President Kayibanda had promised to give all the necessary attention.

358. It is no exaggeration to state that the whole of the Commission's action was directed towards the means which were likely to induce the Government of Rwanda and the opposition to achieve national reconciliation on real and lasting foundations. Hence it sought, in a spirit of understanding, to help the Rwandese Government to assemble all the psychological and political factors which seemed to it essential for that purpose, at the same time encouraging the opposition elements in their desire to carry out the New York agreement in all sincerity. In that spirit, it endeavoured to show the Government of Rwanda that the real foundations for the stability of a Government lay above all in the democratic links which united it to the masses in the country and in respect for the fundamental rights of the people, regardless of any ethnic or other considerations. It was also in that spirit that it reminded the Government that, in the view of the United Nations, the right to independence was justified primarily by the fact that the subjection of a people constituted a denial of fundamental human rights.

359. The Government of Rwanda has always asserted that it is perfectly capable of maintaining order in the Territory. Nevertheless the Commission, having seen how things really stood in the country, came to the conclusion that, even if Belgian troops assisted in that task, as in the past, the stability and security of the country would be in jeopardy and would be exposed to constant threats so long as national union and reconciliation were not achieved on a lasting basis.

360. It is hardly necessary to say what profound satisfaction it gave the Commission, just when it had reached that conclusion to receive the news that the New York agreement was being put into effect and that the opposition was participating in a national coalition Government in Rwanda. Similarly, it was not without interest that it learned of the statement made by the General Secretary of UNAR to the Legislative Assembly of Rwanda on 17 May 1962, in which he assured the Government of the Republic and the majority party that henceforth they could count on the collaboration of UNAR and on its support in the work of government.

361. The Commission considers that the formation of the new coalition government team in Rwanda is by far the most important event in the life of the country on the eve of independence. At the same time it offers, in the present circumstances, the most solid basis for the maintenance of stability and the preservation of order and security in the Territory after independence, and every effort should be made to strengthen that basis.

362. The Commission hopes that this historic event will open a new era in the life of the country and will be the starting point for a process which will bring a lasting solution to all the country's problems, including that of the reconciliation of the different ethnic groups, between which hostility has been artificially engendered in the last few years, the achievement of increasing prosperity under conditions of independence and peace and the mobilization of all the human, natural and economic resources of the country for the full development of the Rwandese people.

363. It hopes, also, that this Government of national union will make a new contribution, in particular by strengthening still further the friendly ties which unite the people of Rwanda and Burundi, taking practical steps to consolidate the economic union for which the basis was laid at the Addis Ababa Conference and, should the occasion arise, establishing the necessary conditions for the reunification of the two parts of the Territory as a single State in the near future.

3. Questions relating to external security

364. While it is true that the problem of maintaining internal order and security in the Territory is bound up with a whole complex of political, social and other factors, there can be no doubt that the defence of the national frontiers depends more particularly, if not essentially, on the military aspect. From this point of view, it has been shown that the embryonic state of the national forces of Rwanda and Burundi creates serious problems, which they cannot solve in their present situation without moral support, and if necessary material aid, from abroad.

365. In Burundi, the highest national leaders have voiced serious concern over this matter, expressing the desire to join a system of collective security which would guarantee the inviolability of their country's frontiers.

366. As far as Rwanda is concerned, in view of what has been said in the course of the report about terrorist raids from abroad and about the possibility of incursions by small armed bands from outside, it is essential that special attention should be given to this problem.

367. In view of the present condition of the national forces of Rwanda and Burundi and the fact that they are unprepared to deal with threats from abroad, it would seem essential that the States bordering on the two countries should undertake to make all the necessary arrangements to guarantee the national frontiers of Rwanda and Burundi and that the General Assembly as a whole should lend its assistance in order to ensure that the task of the two Governments in solving the problems of their internal security is not further complicated by external threats. The Commission is convinced that any measure to that end adopted either by the United Nations as a whole or by the countries most directly concerned would help to assuage the fears of the people of the two countries and would assist the Governments in their efforts to achieve stability in their countries.

4. Observations on the position of the Administering Authority

368. The Commission has already had occasion to explain the position of the Administering Authority with regard to the withdrawal of Belgium troops before independence, and particularly the fact that it does not consider that it could discharge its responsibilities in the Territory if it had to reduce its forces stationed in the two countries below a strength of 900 men, which it regards as the minimum necessary to maintain order.

369. As was stated earlier, the Commission informed the Administering Authority that in its view, Belgium, in approving resolution 1743 (XVI), and more particularly paragraph 3 (e), could not have considered the idea of the withdrawal of its troops before independence - with the exception of military personnel whose retention proved necessary as an interim measure - to be incompatible with its obligation to maintain order in the Territory.

370. It appears, nevertheless, that the conditions in the Territory or the Administering Authority's interpretation of the resolution have led it to take the position indicated above.

371. However that might be, if the Administering Authority were to maintain this position in the General Assembly, the latter would be obliged to consider all the consequences.

372. In that case, and particularly if the General Assembly endorsed the idea of a purely technical operation for the progressive withdrawal of Belgian troops after independence, the Commission considers it its duty to report that, in the opinion of the political leaders of the Territory, such an operation would in any event have to take place under the strict supervision of a responsible United Nations body, whose task it would be to ensure that it was completed within the shortest possible period and to provide all the necessary safeguards. It should be said, moreover, that the Belgian Government seems to take the same view of the operation.

5. Economic and other implications of the withdrawal of the troops

373. The second question which may be raised by the withdrawal of the Belgian troops concerns the consequences which that withdrawal may have if it is followed by the mass departure of Belgian technicians and even, as is possible, by the discontinuation of the technical and economic aid the Administering Authority is at present giving the Territory.

374. As has been said, the Commission has reason to believe - on the basis, in particular, of its most recent talks with the representatives of the Administering Authority - that, contrary to its previous impression, Belgium is now prepared to consider, at all events, giving technical aid to Rwanda and Burundi. It also seems ready to examine the possibility of participating in a multilateral programme of assistance to the two countries.

375. Nevertheless, if for any reason a situation developed in which Belgian assistance was no longer possible, the people of the two countries expect other nations to help them as far as they are able, whether individually or through multilateral arrangements or collectively through the United Nations, so that they can solve their economic and technical assistance problems during the period following independence. Moreover, as has been stated, even if Belgium continues its assistance to the two countries, that assistance will not entirely meet their need for experts.

376. The Commission, for its part, considers that the United Nations, as the authority which conferred the trusteeship, cannot without impairing its moral prestige, abdicate its special responsibility for a Territory of which it has

taken charge for the past fifteen years. The future of these countries as a genuinely independent State will depend in large part on the way in which the United Nations exercises its responsibilities both now and during the first years of the Territory's independence.

377. The Commission considers that that independence will be gravely prejudiced unless a special effort is made, either by the United Nations as a whole or through multilateral arrangements undertaken by those countries which regard the cause of the freedom of peoples as indivisible.

378. An account of the immediate and long-term economic needs of the Territory was given in the last chapter. In view of those needs, it is to be hoped that the General Assembly will give special attention to the recommendations appearing in paragraph 285 of this report. In particular, since ordinary technical assistance programmes are necessarily limited in scope, the Commission would like to draw the General Assembly's attention to sub-paragraph (c), in the hope that it will consider, among other measures, the possibility of establishing a special fund for the two countries upon terms which could be discussed during the present session.

379. There can be no doubt that the two countries count to a great extent on international solidarity to enable them to meet their various needs in the technical, economic, financial, social and military fields. Assistance to them is certainly more likely to be effective and consistent with their interests if it is channelled through a special fund established under the auspices of the United Nations. It would also be more effective if it were provided through the intermediary of the services common to the two countries - in particular, the Council of Economic Union for which the basis was laid at the Addis Ababa Conference.

C. Question of the future of the Mwami

380. The Commission has already described the efforts it made to find a formula for a peaceful settlement of the question of the future of the Mwami which would be acceptable to both sides. This will have enabled the Assembly to realize the great divergence between the position of the Rwandese Government and that of the Mwami.

381. The talks which the Commission has had with the parties concerned, with a view to finding a compromise formula, have forced it to realize that these positions, which were stubbornly defended, are apparently unshakable in the present circumstances.

382. The Commission wishes, however, to express the hope that the process of reconciliation initiated by the formation of the national coalition Government may in the future bring about a friendly settlement of this question.

D. The problem of independence

383. Throughout its mission, the Commission was always mindful of the provisions of the Declaration on the granting of independence to colonial countries and peoples, which the General Assembly had borne in mind when dealing with the future of Ruanda-Urundi, as can be seen from the third preambular paragraph of resolution 1743 (XVI).

384. In the light of this Declaration and of the particular situation of the two parts of the Territory, as described in this report, the Commission wishes to submit the following conclusions.

385. The General Assembly envisaged setting 1 July 1962 as the date for the termination of the Trusteeship Agreement, subject to General Assembly approval upon examination of this report.

386. The Assembly selected this provisional date after considering a number of factors, including the initial desire of the Governments of Belgium, Burundi and Rwanda for the trusteeship to be ended after the end of April and by 15 May at the latest (the date was finally put back to the end of the first half of 1962), the need to take all the necessary steps to preserve the unity of the Trust Territory, the situation in the Territory, especially in terms of the conditions

prevailing in Rwanda, the reservations which had been expressed about the results of the popular consultations in Rwanda, and so forth.

387. Like the Administering Authority itself, the two Governments, while pleased by the compromise achieved in resolution 1743 (XVI), later expressed disappointment that the General Assembly had not seen fit to "set" 1 July as the date for independence. Mr. Spaak, in particular, insisted that the expression "envisages setting" might well have an unfortunate psychological effect on the peoples of Rwanda and Burundi, in view of their urgent desire for independence. He added, moreover, that the disappointment and disillusionment which would be felt in the Territory would make relations between the local Governments and Belgium more difficult.

388. The Commission has since found that the people of the Territory, and more particularly their Governments, attach an almost mystical significance to the date of 1 July, to which the whole life of the two countries seems to be linked.

389. Meanwhile the difficulties of a regime combining trusteeship and self-government, to which the Belgian Minister for Foreign Affairs referred in his statement to the Fourth Committee on 16 January 1962, have grown as the date of 1 July approaches. "One did not have to be a great prophet", said Mr. Spaak on that occasion, "to realize that the combination of the trusteeship authority and the authority of the Governments that emerged from the elections would be difficult to reconcile. I believed that this dual existence of trusteeship, as it existed, and of the legal Governments resulting from the elections could not last very long...".

390. From its experience of the actual situation in the Territory, the Commission gained the impression that the local Governments' increasingly urgent desire for autonomy, combined with the fact that the Administering Authority continues to bear its trusteeship responsibilities, has today resulted in growing tension in both parts of the Territory.

391. In these circumstances, and taking into account other points mentioned in this report, the Commission considers that it would be in the interests of the people to terminate the Trusteeship Agreement as soon as possible. In addition, in the light of these considerations and of the explanations given at the beginning of this chapter on the problem of unity, the Commission is in a position to make the following comments.

Burundi

392. In the case of Burundi, the Commission considers that, bearing in mind the Declaration on the granting of independence, the results of the elections in September, the provisions of resolution 1743 (XVI) and the political situation in the Territory, it is necessary to comply with the wishes expressed by the Government of Burundi and the Administering Authority, that is, to confirm the date of 1 July 1962 envisaged by the General Assembly for the termination of the Trusteeship Agreement and the proclamation of the independence of Burundi.

393. The people of this country look to the United Nations, to which they have consistently expressed confidence and gratitude for its contribution to the solution of their problems, to fix the date at this session for their independence. They told the Commission of their hopes that the United Nations will go on helping them in the same spirit, especially during the early years of independence, to carry out the tremendous tasks awaiting them, in particular in solving the technical, economic, social and other problems they face.

394. In the opinion of the Commission the granting of independence on 1 July, and the simultaneous adoption of a body of measures designed to make up for the country's lack of preparation in the economic, social, educational and other spheres, will be an essential contribution to Burundi's free and independent development.

Rwanda

395. The problem of Rwanda has always been one of greater complexity. In view of the specific circumstances that have marked the national life of this country in recent years, the General Assembly provided for a number of preparatory steps to be taken with a view to bringing about Rwanda's independence in the best possible conditions.

396. As the present report shows, the situation in this country is not calculated to dispel the many misgivings which the General Assembly has always felt with regard to the conditions in which the people of Rwanda are approaching independence.

397. The General Assembly will thus appreciate that the delay in the implementation of the Agreement concluded on 8 February 1962 between the Government

of Rwanda and the opposition party, the Union nationale rwandaise, has not helped to reduce the existing tension. During the past two months further serious incidents have caused bloodshed in the country and enabled extremist elements to fan the flames of racial antagonism. A situation has developed in which the fundamental rights and freedoms of part of the population are directly or indirectly in serious danger. Severe measures have been taken by the Government, measures imposed in the interests of the maintenance of order but in themselves indicating a state of tension which is inconsistent with the atmosphere of peace and unity needed if independence is to be achieved in the best possible conditions. Lastly, with regard to the problem of the return and resettlement of all the refugees, the Government's policy had not, at the time when this report was drafted, achieved the results which the General Assembly might have been justified in expecting.

398. There is, however, one fact which in the Commission's opinion should be regarded a priori as the most important event in Rwanda's national life on the threshold of independence, i.e. the formation on 14 May of a Government of national coalition, followed by the statement made by the Secretary-General of UNAR.^{68/}

399. This event, which in the eyes of the Government of Rwanda represented the first step on the road towards complete reconciliation, was welcomed by the Commission with particular satisfaction in view of the fact that it had from the outset considered the implementation of the New York Agreement as the keystone of the entire operation envisaged in General Assembly resolution 1743 (XVI).

400. As will be seen from the present report, the Commission has always considered that in view of conditions in the Territory, the future of Rwanda and the solution of all its problems was primarily dependent on the creation of a new atmosphere which would enable the two main parties to bury the hatchet and work together to establish a free and democratic nation in which the two races could at last be reunited after years of fratricidal violence. Such an understanding would be far more likely than police measures or the improvement of means of armed repression to lay the foundation for an independent Rwanda, free from tribal or colonial bonds.

^{68/} Annex XXIX.

401. Hence, although the formation of the Government of national coalition was merely a preliminary step towards the realization of the objectives of the Agreement of 8 February 1962, and although it is as yet too soon and premature to assess its results it remains a fact which should be welcomed. For the people of the hills and the refugees, for the Hutu and Tutsi brothers who had become estranged through force of circumstances and for the whole people living in constant fear, this event may have already had the psychological shock effect which is essential for the creation of a new atmosphere of peace and democratic participation in building the future national State.

402. There may be a tendency in some quarters to look upon the achievement of 14 May with a scepticism and distrust which would in some respects be understandable in view of the events of the past few years.

403. The Commission, while maintaining an attitude of caution based on a number of considerations deriving from past experience, would not wish to belittle the positive aspects of the event. It believes that in present conditions the higher interests of the people of Rwanda require that every effort should be made to encourage constructive tendencies calculated to encourage the process of reconciliation thus initiated.

404. The General Assembly will thus, in the light of the new factors which will in all probability be added to those outlined in this report, be in a better position to appreciate the scope of the agreement finally reached between the Government and the opposition party.

405. If its examination of this complex of factors leads to the conclusion that the reconciliation has been genuine, that the formation of the Government of national coalition has in fact constituted an important first step on the road towards real pacification and has opened a new chapter in the struggle of the people of Rwanda for independence founded on democracy and the whole-hearted co-operation of all the people, the Commission hopes that the termination of the Trusteeship Agreement on the proposed date will enable the future, with the recovery of independence, to be faced with optimism.

406. The Commission trusts that the tragic lessons of recent years have convinced the leaders of the two main Rwandese parties that the division of a people may have disastrous consequences. It sincerely hopes that, guided by their wisdom and their sense of national responsibility, they will strive whole-heartedly and

by every possible means to carry through the paramount task of reconciliation. Only then will it be possible to lay firm foundations for the future independent State uniting all Rwandese of every race and every shade of opinion.

407. It will then be the duty of the United Nations to assist them in tackling the difficult tasks which await them, and in particular to help them to solve the problems confronting them in the technical, economic, social and other fields.

(Signed) Angie Brooks
Chairman (Liberia)

(Signed) Ernest Gassou
Vice-Chairman (Togo)

(Signed) Majid Rahnema
Rapporteur (Iran)

(Signed) Ernest Jean-Louis
(Haiti)

(Signed) Dey Ould Sidi Baba
(Morocco)
