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EXCHANGE OF CORRESPONDENCE BETWEEN THE SECRETARY-GENERAL AND THE PRESIDENT OF THE REPUBLIC OF THE CONGO CONCERNING MATADI

The Secretary-General has the honour to bring to the attention of the members of the Security Council the following exchange of correspondence on the problem of Matadi between the Secretary-General on the one hand, and the President of the Republic of the Congo (Leopoldville) and Mr. Bomboko on the other:

- A. Cablé dated 8 March 1961 to the President of the Republic of the Congo from the Secretary-General
- B. Cable dated 10 March 1961 to the President of the Republic of the Congo from the Secretary-General
- C. Message dated 11 March 1961 from Mr. Bomboko addressed to the Secretary-General through his Acting Special Representative in the Congo
- D. Message dated 12 March 1961 to the President of the Republic of the Congo from the Secretary-General
- E. Message dated 16 March 1961 to the President of the Republic of the Congo from the Secretary-General
- F. Message dated 25 March 1961 from Mr. Bomboko addressed to the Secretary-General through his Acting Special Representative in the Congo
- G. Message dated 26 March 1961 to the President of the Republic of the Congo from the Secretary-General
- H. Message dated 28 March 1961 from Mr. Bomboko addressed to the Secretary-General through his Acting Special Representative in the Congo
- I. Message dated 28 March 1961 to Mr. Bomboko from the Acting Special Representative in the Congo

A. Message of 8 March from the Secretary-General to President Kasa-Vubu

In discussions following the deplorable incidents at Matadi, according to the information I have received, there have been put forward certain conditions regarding UN activities in the Congo, freedom of movement, deployment of troops, use of certain facilities, etc. I wish in this context to draw your attention to some legal aspects of the UN presence in the Congo.

We are, of course, strongly aware of the fact that the initial action of the UN was undertaken in response to a request of the Government of the Republic of the Congo. But I am certain that you, on your side, are also aware of the fact that this action was taken because it was considered necessary in view of an existing threat to international peace and security. Thus, in its resolution of 22 July 1960, and subsequent resolutions, the Secco expressly linked the maintenance of law and order in the Congo to the maintenance of international peace and security, and made it clear that the primary basis of the Secco decision was the maintenance of international peace and security. The considerations ruling the relationship between the Republic of the Congo and the UN, therefore, should not be seen solely in the light of the request of the Government and what flows from that request. The status, rights and functions of the UN are basically determined by the fact that the action was taken in order to counteract an international threat to peace.

This becomes important especially to an interpretation of the undertaking entered into by the Government of the Republic of the Congo on 27 July 1960, in which the Government agreed that

"in the exercise of its sovereign rights with respect to any question concerning the presence and functioning of the United Nations Force in the Congo, it will be guided, in good faith, by the fact that it has requested military assistance from the United Nations and by its acceptance of the resolutions of the Security Council of 14 and 22 July 1960; it likewise states that it will ensure the freedom of movement of the Force in the interior of the country and will accord the requisite privileges and immunities to all personnel associated with the activities of the Force".

You will observe that the Government undertook "in the exercise of its sovereign rights with respect to any question concerning the presence and functioning of the UN Force" to be guided in good faith by its acceptance of the resolutions of the Secco of 14 and 22 July 1960, and, specifically, to ensure the freedom of movement of the Force. This undertaking has obviously continued in legal force and must be considered as precluding any actions of the Government which would make it impossible for the UN Force to function under the resolutions in the way called for as a means of eliminating the threat to international peace and security. This in particular refers to its freedom of movement.

As a further element of the legal situation you will have noted the explicit declaration by the Secco in its resolution of 9 August 1960, that all Member States are bound in accordance with Articles 25 and 49 of the Charter to accept and carry out the decisions of the Council and, in particular, to afford mutual assistance in carrying out measures decided by the Council. This obviously precludes all Member States, including in this case the host State, from actions which render the UN operation ineffective for its declared purposes or hamper its successful continuation. In fact, Member States are under the obligation positively and actively to assist in the operation.

You will see from the references made that the relation between the UN and the Government of the Republic of the Congo is not merely a contractual relationship in which the Republic can impose its conditions as host State and thereby determine the circumstances under which the UN operates. It is rather a relationship governed by mandatory decisions of the Secco. The consequence of this is that no Government, including the host Government, can by unilateral action determine how measures taken by the Secco in this context should be carried out. Such a determination can be made only by the Secco itself or on the basis of its explicit delegation of authority. It is of special importance that only the Secco can decide on the discontinuance of the operation, and that, therefore, conditions which, by their effect on the operation, would deprive it of its necessary basis, would require direct consideration by the Secco, which obviously could not be counted upon to approve of such conditions unless it were to find that the threat to peace and security had ceased.

I am sure that the fundamental legal points which I have recalled here will be taken fully into account by you in your consideration of the present situation.

Approaching you in this way, I feel that I should bring to your attention also another fact of relevance in this context. In the cease-fire talks in Matadi, after the incident of 5 March 1961, Mr. Delvaux acknowledged, according to the reports available to me, that the UN Force requires for the free movement of its personnel and supplies that UN troops be stationed at Matadi. The only reservation made by Mr. Delvaux referred to the undesirability of deployment of Sudanese troops in Matadi; on this reservation I have already expressed my views in my message to you of 4 March 1961, indicating this reservation cannot be accepted as a condition by the UN as it would mean an interference in what must be solely a UN responsibility. The recognition of the need for the UN to be in a satisfactory military position in Matadi was again recognized clearly and unconditionally in the message communicated to me by the delegation of the Republic of the Congo on 7 March 1961. However I wish to draw your attention to the fact that in other and later contacts we have understood that there was a wish to introduce conditions going considerably beyond the one mentioned by Mr. Delvaux in Matadi, on 5 March 1961, and already rejected by us. If such an effort is or were to be made, it obviously would mean that the Congolese authorities would go back on their previous word, which I am convinced cannot be your intention.

There is one final point on which it seems appropriate to make some short comments. It apparently has been assumed by some Congolese units that the recent resolution of the Secco demands the "disarming of the ANC" and authorizes the use of force for that purpose. On this point, I should like to note that para. B-2 of the Secco resolution of 20-21 February 1961 relating to Congolese armed units and personnel does not aim at a disarming of the troops but urges a resumption of the organization and training of the ANC, outside of political involvements. I am sure you have understood that clearly yourself, as is apparent from your message of 6 March 1961, to which I wish to reply as soon as I have had an opportunity to study your suggestions more closely. Nor does this operative paragraph of the resolution authorize the use of armed force

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to carry out even that limited end. Moreover, para. A-1 of that resolution which authorizes the use of force "if necessary, in the last resort" indicates that such use shall be in support of cease-fire arrangements and similar measures for the prevention of civil war; there is no reference in this paragraph which indicates that the authorization to use force "as a last resort" applies to the assistance in reorganization of the army. You will recall that in my statements to the Council concerning the control and discipline of the ANC, I suggested only that the UN Force might have to be used with respect to such units as might have broken loose from their own command and threatened the population. On the more general problem, I made it entirely clear that the reorganization of the ANC would have to be undertaken in co-operation with the Congolese authorities. It is my opinion that this principle remains the accepted position of the UN.

Mr. President, the matters which are here brought to your attention all refer to a question of basic significance for the possibilities of the UN to continue its assistance to the Republic of the Congo. I am certain that you wish to see this assistance continue in a spirit of collaboration and confidence, and I am therefore also certain that you will see to it that no new and harmful developments are precipitated in the present sensitive situation by any rash action but that, to the extent that there is a need for it, full opportunity is given for the elaboration of practical and workable formulas for the continued activities of the UN, taking fully into account the legal aspects I have explained in this cable as well as our needs for a successful operation.

I trust that you will exercise all your personal influence to that effect, and I can, from my side, assure you that we remain animated by the same intentions, while, naturally, being obliged to maintain firmly those principles with which all Member States have to comply in the interest of their joint efforts through the Organization.

Have honour, etc.

Dag Hammarskjöld

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B. Message of 10 March from Secretary-General to President Kasa-Vubu

Sir,

Further to my cable of 8 March 1961, having received a report on the conditions put forward by your representatives at Leopoldville, I wish to make the following observations.

You have already taken cognizance of the legal situation with reference to the possibility of subjecting the United Nations operation in the Congo to conditions which conflict with the purposes of that operation. I do not wish to repeat myself. I must, however, emphasize that such conditions would call into question the assistance rendered by the United Nations to the Republic of the Congo. It is my firm opinion, supported by the unanimous reaction of the nineteen members of the Advisory Committee, that the conditions laid before the United Nations during the negotiations at Leopoldville are such as to make the operation impossible, and this applies to the civil as well as the military aspect. Accordingly, you will, I am sure, give your representatives at Leopoldville instructions to reconsider their attitude, having regard to the status of the United Nations operation, the circumstances in which the operation can be continued, and the consequences which would ensue should the Security Council be forced to decide that the operation could not be continued under the conditions stipulated.

What has been said here in general terms applies particularly to the United Nations position at Matadi. Without a satisfactory position at Matadi - and this includes not only a military presence in sufficient strength but also freedom of movement and action - a vital line of communication would be cut, thus raising the question whether the operation could be continued. Mr. Delvaux himself has recognized that it is necessary for the United Nations to have such a presence at Matadi, and this position has been repeated, unconditionally, as your own by your spokesmen here in New York. A retreat on the Congolese side from the position thus taken - a position which is obviously essential - could not but arouse the most unfavourable reactions, and I am sure you do not intend to make any such retreat.

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But time is passing swiftly. The troops urgently need supplies. The departure of the Indonesian contingent has already been postponed, etc. For these reasons we must reach a quick solution, and one which takes the needs of the United Nations operation fully into account, to the problems which have arisen, especially as regards the United Nations position at Matadi.

Allow me to sum up. The legal basis of the United Nations position is clear. The practical needs of the operation are also plain. It disturbs me to think what the probable reaction will be if your representatives should maintain an attitude which is indefensible either from the standpoint of legal basis or from that of the needs of the operation as envisaged by the Security Council. The problem of Matadi is particularly pressing. This problem is in itself a limited one, but it reflects the essential features of the present situation and calls for rapid solution. For these reasons I turn to you again with an urgent appeal to exercise your great influence as Chief of State so that a solution may be found very quickly to the immediate problems, without the complications involved in the attitude hitherto taken by the Congolese spokesmen - complications which, I greatly fear, would have very wide-spread and very dangerous consequences.

In making this appeal, I rely on your wish, so eloquently expressed, to see fruitful co-operation develop with the United Nations, and on your will, which I share, to act solely in the best interest of the Congolese people who have already been so sorely tried by events.

I have the honour to be, etc.

Dag Hammarskjöld

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C. Letter of 11 March from Mr. Bomboko (on behalf of President Kasa-Vubu) to the Secretary-General

Sir,

In the absence of the President of the Republic, I am instructed to acknowledge the receipt of your letter of 6 March concerning the tragic incidents at Matadi.

We are not surprised to learn that you place the entire responsibility for these incidents on the Congolese National Army. Your Special Representative has, as is usually the case, transmitted a biased report to you.

I do not propose at this point to comment in detail on the sequence of the incidents themselves as our Permanent Representative in New York has no doubt already communicated to you the official report prepared by a member of the Government who was sent to Matadi to conduct an enquiry and negotiate with the ONUC authorities. I wish merely to comment on the fact that you request the President of the Republic to take urgent steps to secure the immediate return to their units of certain military personnel reported missing, although the necessary steps had already been taken for the release and return to Leopoldville of these members of the United Nations Force, as was recognized by one of your representatives in a press conference (7 March 1961). I am bound to conclude that your Special Representative does not hesitate to cable to you information which has not been properly checked and the interpretation of which, in moments of tension, seriously undermines the desire for collaboration which you repeatedly request from the Congo but which appears to be lacking on the part of ONUC. This haste to report any incident likely to discredit the Congo and this lack of caution on the part of your Special Representative has, as you are no doubt aware, resulted in a situation which is, I believe, without precedent in the history of the United Nations, in which representatives of the international press have publicly protested against the biased manner in which the local authorities of the international Organization have reported incidents between the Congolese National Army and the ONUC forces.

I would add that although the member of the Canadian unit and the twelve Sudanese soldiers reported missing have been in fact released and returned to Leopoldville, a captain of the ANC is still missing since the incidents of 26 and 27 February.

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We have already informed you that it is our desire that when such incidents occur a mixed commission composed of ONUC representatives and delegates of the Congolese authorities should be sent to the scene and should present a joint report. Your Special Representative has, unfortunately, always shown some reluctance in this respect, which suggests that objective efforts to ascertain the facts are not perhaps his primary concern. The procedure suggested would however offer the only means of avoiding the necessity for denials and protests of the kind which have recently been transmitted to you and which are bound to impair the prestige of your Organization, of which we are a part.

In the tenth paragraph of your letter you very properly state that the United Nations Forces take into account all the pertinent circumstances. In the view of the Congolese Government the pertinent circumstances may be of various kinds. The United Nations would be wrong in this context to consider that the psychological factor is of negligible importance. It would be an undoubted mistake to return a military unit to an area when incidents involving bloodshed have recently occurred between the local Congolese civilian and military authorities and the unit in question as a result of misunderstandings arising from a lack of understanding and collaboration.

The recent engagements between the Congolese troops and ONUC troops have resulted in feelings of hostility towards the United Nations units. Even if the Congolese soldiers could be induced to accept the return of the ONUC personnel, the civilian population would not be prepared to accept their return, at least in the immediate future.

You will no doubt remember the state of public opinion in the country, and in this area in particular, before independence with regard to the Belgian authorities and units whose presence was considered undesirable by the population. At that time, in the circumstances then prevailing, the only satisfactory solution was to withdraw the authorities and troops in question, and it is hard to see why your Representative should take a different view in the case of authorities and troops under the authority of ONUC. What was true then is still, as you will realize, true today, and, as in the past, it will be impossible to reduce tension and restore order by requiring the Congolese to accept a presence which is temporarily considered undesirable. This does not mean that the Congolese authorities and the President of the Republic are opposed in principle

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to the return of ONUC forces to Matadi. The Chief of State and the Government wish merely to stress the necessity of waiting until tension is relaxed on both sides and until negotiations are entered into to determine the arrangements for their eventual return. A unilateral decision to re-occupy Matadi immediately, unconditionally and at any cost would, there is no doubt, be tantamount to an order to attack the Matadi garrisons.

You reiterate to the President of the Republic your request for collaboration with the ONUC authorities. As you are aware, the President himself has repeatedly stressed the need for such collaboration. He has also transmitted a number of observations to you in his most recent letter of 5 March 1961, to which we have not yet received your reply. We have, however, the impression that in United Nations usage, at least in the case of the Congo, collaboration means blind submission to the orders of the international Organization.

I am instructed by the President of the Republic to inform you that he regrets that he is unable to accept that view.

In his opinion collaboration necessarily implies negotiations or consultations between ONUC and the lawful Congolese authorities. As an independent and sovereign country, the Congo cannot receive orders from any country or organization. If on the other hand the United Nations respects the fundamental principles of its own Charter, the President reaffirms his sincere determination, and that of his Government, to collaborate fully with the Organization in the accomplishment of the mission assigned to it in response to his request for assistance.

In conclusion I note that you speak of the "Ileo regime" in referring to the government at present in office. I trust that the phrase is simply the result of a defective translation and that it is not your intention to discredit the government appointed, in accordance with the fundamental law, by the President of the Republic. Specific assurances on your part in this connexion would be received with great satisfaction.

I have the honour to be, etc.

J. Bomboko
Minister for Foreign Affairs
and Trade

on behalf of the President of
the Republic

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D. First Message of 12 March from the Secretary-General
to President Kasa-Vubu

Through our representatives in Leo I have received your reply to my letter of 5 March, delivered on 6 March, in which Mr. Bomboko, on your behalf, presented your comments on various aspects of the present problem. After receipt of the message to which you now have sent a reply, you received two further messages, 8 and 9 March, to which I wish to refer as they partly cover the same ground; you will observe that in my message of the 9th I express my intention to get back to your suggestions in the letter of the 5th as soon as I have had an opportunity to study them more closely.

I have read your message of the 11th with concern, because it seems to me to reflect some continued misunderstanding of the principles which must apply to the UN operation. You should not doubt our sincerity when I say that the UN is animated solely by the interest to assist the Congolese people but realizes that that must be done in such a way as to safeguard not only the Congo but Africa and the world against the present threat to peace and security while fully protecting the independence and integrity of the country. Part of the difficulty in the present situation derives from the fact that in these conditions assistance to the Congo cannot be detached from the much wider international problem of peace, which may sometimes seem to lead to reactions on the UN side running counter to Congolese views; naturally, there is not, and there can not be, any such conflict of interest as the primary concern of the Congolese people also must be the maintenance of peace around the Congo and the prevention of possible military intervention on the part of foreign Powers. Thus, when the Congo has to adjust itself to circumstances and accept decisions of the Security Council in conformity with Chapter VII of the Charter, like any other State Member, there is no impairment of the wider interests of the country, as these can best be judged by the Council with its high authority under the Charter; nor is there any impairment of the sovereign rights of the Congo, other than within the limits accepted by all other Member States under a resolution like that adopted 20/21 February. Therefore, to the extent that the resolutions are binding on all Member States, I feel that the Congo should not, when it has to adjust itself to a decision in the overriding interest of peace for the world and for the Congo,

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see any obstacle to true co-operation with the United Nations in the wide area where such co-operation is necessary.

In the present case, what I have said applies specifically to the United Nations Force. Its size, its composition and its deployment cannot be subordinated to the will of any one Government, be it a contributing Government or the host Government. If the United Nations organizes the Force, the Force must remain exclusively under the command of the United Nations, guided by the judgement of the military Command of the United Nations as to what is necessary for the mission of the Force in order to enable it to fulfil its purpose as jointly endorsed by all Governments concerned. This must be accepted by the Congolese Government.

There naturally remains a wide area for co-operation aimed at the best and mutually most satisfactory arrangements. In this respect the basic notion that the Force is in the Congo in the first instance for the assistance of the Congo, takes on its full significance. The situation is similar in other fields, as for example in the administrative field. The Security Council has the right to decide, with binding effect in relation to all Governments, that all foreign military or para-military personnel outside the United Nations Command should leave the country, and the authorities of the Congo are then, like the Governments of countries from which such personnel may have come, bound by the decision. But there remains an important question, that of the way in which the decision should be carried out so as to achieve the desired end without any harm being done to legitimate Congolese interests, and consultations are therefore desirable regarding, for example, replacements through the good offices of the United Nations once a basis is established by acceptance by the Congo of the decision of the Security Council.

I apologize for discussing these matters at such length, but some of your reactions, Mr. President, make me feel strongly that misunderstandings have arisen not only as to the significance in substance of the Security Council resolutions, in particular the last one, but also regarding their juridical significance for Member States, including the Congo. Just as I tried in my message of the 9th to explain what the resolution meant and did not mean with respect to, for example, the ANC, I therefore consider it necessary now to point out in which area and for what reasons the UN must claim autonomy in its operation

and, on the other hand, within what spheres active and, I firmly hope, fruitful consultations are called for and will be welcomed by the Organization.

I note also with concern your observations on the atmosphere in Matadi and the conclusions which you seem to wish to draw from this alleged atmosphere. I need not repeat what I have already stated regarding the vital significance of Matadi for the whole UN operation, civilian as well as military, nor is it necessary to stress once again the extreme urgency of an arrangement which re-establishes this lifeline for the operation. But I must comment briefly on your observations. First, let me emphatically reject the comparison with the reaction in relation to the Belgians. I am surprised that you have found it possible to make such a comparison with the full knowledge which you have of the happenings in July with the full knowledge which you must have regarding what happened last Saturday and Sunday, as proved by the testimony of entirely trustworthy witnesses. It is difficult to believe that the presence of a small group of Canadian signal personnel and of some 130 Sudanese, who had never to my knowledge taken any unfriendly action against the population and have never tried to exercise any authority over the population or the ANC, could have given rise to feelings such as those you refer to, unless emotions had been whipped up by irresponsible statements against the UN, of which there are many examples, and by misinterpretations of the purpose of the presence of the UN. I note what you say in this context with some personal bitterness, in view of the fact that, as you know, Matadi was re-opened, the pilot service reorganized and traffic made to flow again only as a result of efforts and sacrifices of the UN. It is difficult to believe that the memory of the population is so short that this striking evidence of the purposes of the UN assistance has been forgotten within six months.

Given these circumstances, I am convinced that, if you were to use your great personal influence in the region to explain to the population what the UN has done to help it, to indicate the real reasons for the presence of the UN contingent in Matadi, and to explain the purposes of the operation in progress which you, yourself, wish to continue, the psychological background would be changed so quickly as to permit the resumption of regular United Nations services at Matadi without any delay. I am afraid that you would find that nobody would

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understand it if the Congo, for the time being at least, bows to a supposedly hostile attitude and shows itself unwilling to do its utmost to change that attitude quickly, the more so as this attitude - to the extent it may exist - has undoubtedly been influenced by the misleading information recently circulated.

I wish to address to you a special message regarding the release of prisoners and related matters.

I have the honour to be, etc.,

Dag Hammarskjöld

E. Message dated 16 March 1961 from the Secretary-General to the President of the Republic of the Congo

Further to my letter of 27 February 1961 and the subsequent exchange of correspondence concerning the implementation of the resolution adopted by the Security Council on 21 February 1961, I now wish to take further measures, with your co-operation, in respect of the part of the resolution dealing with the withdrawal and evacuation from the Congo of Belgian and other foreign military and para-military personnel and political advisers (operative paragraph 2 of part A of resolution S/4741). I also wish to refer to the question of the reorganization of the Congolese National Army (operative paragraph 2 of part B of resolution S/4741), a matter concerning which you made certain observations in your letter of 5 March 1961.

It is most regrettable that the meaning of resolution S/4741 and the very purpose of the presence of the United Nations in the Congo are still being misinterpreted in certain quarters, despite our repeated explanations and assurances. It should hardly be necessary to reaffirm that the Organization's sole purpose is to help to restore and maintain public order, to safeguard the Congo's independence and territorial integrity and to promote the well-being of its 14 million inhabitants. I know you have always understood that to be so and I therefore make the following proposals:

To ensure the speedy implementation of operative paragraph 2 of part A of the resolution, particularly with regard to political advisers, I propose to send to Léopoldville next week a delegation consisting of Mr. R. Gardiner and Mr. F.C. Nwokedi to discuss with you and your advisers the best means of giving effect to the Security Council's decision. I am sure that you will give this delegation your full co-operation. The delegation will be assisted by Mr. Khiari who occupies the post of consultant on public administration for ONUC's civilian operations at Léopoldville. In a few days I propose to send Ambassador Taieb Sahbani to Brussels in connexion with the obligations imposed by the aforementioned resolution on the Belgian Government, with which, as you know, I have exchanged letters emphasizing the principal responsibility incumbent upon it under the terms of the resolution. After his initial discussions in Brussels, Mr. Sahbani may join Mr. Gardiner and Mr. Nwokedi at Léopoldville.

Within the framework of United Nations technical assistance to the Congo, the Organization's resources, including its recruitment facilities, will as far as possible be placed at the disposal of the Congolese authorities to help them to replace, where necessary, those officials who will have to be relieved of their duties. I am sure you will appreciate that the implementation of the Security Council's resolution is not subject to such replacement. Nevertheless, in the spirit of the United Nations operation, every effort will be made to provide the personnel needed to avoid disrupting public services and enable the administration to continue to function unimpaired.

I hope that the delegation and any advisers you may wish it to consult will study the position with regard to civil service personnel in the Congo and decide, with particular reference to any measures taken in that respect by the Belgian Government, the posts to which the Security Council's decision is applicable.

With regard to the other matter raised in the Security Council's resolution, namely, the reorganization of the Congolese National Army, I have noted the reorganization measures suggested in your letter of 5 March 1961, which could to some extent serve as the starting point for a joint study of the question. Those proposals are now being urgently considered by the United Nations Military Command in the Congo and at the Organization's Headquarters. I shall address a further communication to you on the subject as soon as possible. Meanwhile, I have asked the delegation to consult with you and notify me of any further information it may obtain on your views in the matter. I also hope that the delegation's visit will help to dispel any misunderstanding or misconception which may still exist concerning the resolution. I need hardly repeat that at no time did the Security Council intend to disarm the Congolese National Army.

I should like to add that your approach to this matter leads me to believe that a joint programme can be drawn up which will serve the best interests of the Republic of the Congo.

Lastly, I would inform you that, in view of the special nature and scope of this particular operation, I have asked the delegation to communicate my views and proposals directly to you and your advisers. In taking this decision, I considered it unnecessary to burden my Special Representative in the Congo with

this particular mission, as he must devote all his time to the day-to-day problems raised by ONUC's operation in the Congo. The Special Representative and his assistants will, of course, be available to give the delegation and yourself every assistance you may need.

I have the honour to be, etc.

(Signed) Dag Hammarskjold

F. Message dated 25 March 1961 from Mr. Bomboko, addressed to the Secretary-General through his Acting Special Representative in the Congo

Sir,

The Government of the Congo is greatly disturbed by the situation which has developed as a result of the Matadi and Banana incidents and, as you have been informed, is endeavouring to find a solution to it. President Kasa-Vubu's journey to the Bas-Congo furnishes sufficient proof of this, and we are sure that, provided no psychological error is committed, it will be possible to come to an arrangement which will be acceptable to both parties.

Nevertheless, I feel bound to make the most explicit reservations regarding a too early return of ONUC military forces to Matadi and Banana. The consequences of such a step - and I wish to state this categorically - will certainly be very serious. As you are aware, the Security Council resolutions of 21 February created something resembling a state of alarm throughout the country; the people, who were rightly concerned at the threats to disarm the National Army made by various persons holding positions of responsibility in countries which have sent military contingents to the Congo and who furthermore were justly indignant at the insulting references made by those same leaders to the highest Congolese authorities, may well react violently against United Nations forces, especially in the Bas-Congo, and by so doing may jeopardize all the work already accomplished in the Congo and all the work that still remains to be done there. In that case, it would no longer be a question of 20,000 or 40,000 men; 100,000 men would undoubtedly be required in order to safeguard the United Nations supply lines and to provide reasonably effective protection for the traffic. That is an eventuality which no one would or could desire, nevertheless that will inevitably be the result of too hasty a decision to dispatch troops to the places in question.

Accordingly, the Congolese Government proposes that you should completely renounce any idea of using force with a view to reoccupying Matadi and Banana. I have indicated the consequences of such a decision, consequences which would be out of all proportion to the advantage accruing to the United Nations from reoccupying these two places. Banana has no importance whatever so far as United Nations supply lines are concerned; no transshipment takes place there,

and the town is in fact of limited importance. As for Matadi, all the work in the port is carried out by Otraco without any intervention by United Nations services; a recent report by that concern once more mentions the fact that the port is operating normally and that the absence of United Nations forces has not caused any disorganization.

In the circumstances, and since it is desirous of finding a provisional solution that would be acceptable to the United Nations, the Congolese Government suggests that you should send to Matadi a team of civilian officials whose task it would be to supervise transit operations in connexion with shipments consigned to the civilian and military personnel of ONUC. These officials would enjoy special protection which would be guaranteed by the Congolese Government and they would be able to carry out their work under conditions of the maximum freedom of movement. In addition, the Congolese Government would undertake to give all necessary instructions to ensure that ONUC traffic was in no way hampered and would intervene immediately should any difficulty arise in connexion with the speedy forwarding of the goods in question. Furthermore, in view of the continuing tension and of the state of mind of the inhabitants, due to the recent incidents, I would ask you for the time being to cease sending any military matériel or ammunition through the port of Matadi.

The Government considers that the formal assurances which it is thus giving merit consideration and would provide a solution to the traffic problem which is causing you concern, without uselessly jeopardizing the success of the whole United Nations operation in the Congo. The Government is convinced that any other solution could only lead the United Nations to make a further admission of its inability to act, as it had to do in connexion with Kivu; it is with a view to avoiding this extreme contingency, which no one can contemplate without grave anxiety, that the Government, in its desire to co-operate in every way with the United Nations, is proposing for its consideration this solution which offers all the effective safeguards that could be wished. I should be glad if you could agree in principle to this suggestion: I myself give you an explicit undertaking to ensure that, once put into effect, it will achieve all the results desired.

I have the honour, etc.,

J. BOMBOKO
Minister for Foreign Affairs

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G. Message dated 26 March 1961 to the President of the Republic of the Congo from the Secretary-General

With reference to the letter dated 25 March 1961, which Mr. Bomboko sent to me through my Special Representative, and in connexion with my recent communications to you concerning the situation at Matadi, I have the honour to make the following comments.

I noted with interest the offer of co-operation contained in Mr. Bomboko's letter and the recognition, implicit in that letter, of the importance of Matadi for the maintenance of the United Nations operation in the Congo. I would have hoped to see the logical conclusion drawn from this premiss - a conclusion which had previously been reached by all responsible Congolese spokesmen, including Mr. Delvaux, but which was lost sight of and even refuted in subsequent statements - namely that the presence at Matadi of a limited number of units of the United Nations Force is indispensable to United Nations operation in view of the need to ensure the safety of United Nations consignments. Unfortunately, the alternative solutions proposed in Mr. Bomboko's letter are by no means adequate to meet that need.

Since the apprehensions of the population of the Bas-Congo were adduced as an argument against the return of United Nations military units to Matadi, I find it hard to understand the suggestion that, in order to eliminate those apprehensions, supplies intended for the United Nations should be left without any protection whatsoever, instead of the minimum normal protection being guaranteed by units which could scarcely be considered to constitute a threat to the ANC in the area. I would emphasize in this connexion that a violent reaction from the population would be more readily attributable to fears concerning the "disarmament" of the ANC, fears which - as United Nations representatives have repeatedly pointed out - are by no means warranted by the Security Council resolution of 21 February 1961 and which your spokesman could easily dispel.

It may be recalled that, in order to meet the requirements of the United Nations Emergency Force stationed on the demarcation line between Israel and the United Arab Republic, a small United Nations military detachment has been maintained for a number of years at Port Said (United Arab Republic). It has given rise to no problems of sovereignty and to no friction, and thus furnishes a useful precedent to follow.

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I am sure that you will readily agree that as long as the United Nations is unable freely to exercise effective control over the movement of the supplies necessary for the maintenance of the operation, and is therefore likely to be prevented from carrying out the task entrusted to it under Security Council resolutions, the basic question of the good faith of the Congolese authorities in complying with the terms of the undertaking given on 21 July 1960, cannot be considered settled. The arrangements suggested by Mr. Bomboko would appear impossible to reconcile with those terms so long as he insists that the United Nations should temporarily suspend all shipments of military matériel or ammunition through the port of Matadi.

Towards the end of his letter, Mr. Bomboko points out that in the last resort it is imperative to avoid one contingency which cannot be contemplated without grave anxiety. I sincerely endorse that view. In the light of those considerations, those responsible must do all in their power to induce the public to correct certain mistaken views which would make it impossible to reinstate the United Nations presence at Matadi in the appropriate form. Your spokesmen would do well to make it clear to the public that they realize how important the success of the United Nations operation is for the future of the country, thus using their influence to further this operation in the interests of the authorities of the Republic and of the people.

It is above all the interests of the Congo that would be served by an agreement on these points, and on others which I have mentioned in earlier communications to you. I have every confidence that, in the light of this fact, the negotiations which my Special Representative is now conducting for the dispatch of a Tunisian unit to Matadi will be successful.

Dag Hammarskjöld

- H. Message dated 28 March 1961 from Mr. Bomboko, addressed to the Secretary-General through his Acting Special Representative in the Congo.

Mr. Dag Hammarskjold, Secretary-General, United Nations, New York.

Am informed by management OTRACO that responsible ONUC officials refuse to issue instructions to that public transport Agency concerning ONUC supplies landed at Matadi. On 25 March, 760 tons were thus held up in warehouses at the port without customs documents and forwarding instructions being furnished. Inquiries made to responsible ONUC department, Mr. Bernard, produced no results. Government aware of game played by these officials anxious to show that absence Blue Helmets Matadi leads to disorganization at port and congestion warehouses. It informs you that Matadi is a port for transit and not for storage. Essential that supplies landed be forwarded without delay so that space is constantly available to receive incoming freight. In view ONUC attitude OTRACO management entitled to refuse unload supplies recently imported for ONUC. That would be extreme measure seriously impeding shipping operations. OTRACO management also entitled to consider as abandoned merchandise for which it receives neither documents nor instructions and to put such merchandise up for auction. That would be another extreme measure which Government does not wish to allow. Only instructions given to OTRACO are to forward merchandise public warehouse Leopoldville where they are to be held for ONUC. Inform you merchandise will be subject to very high supplementary charges owing to prolonged storage and additional handling. Government once more insists precise instructions be given to appropriate ONUC offices to avoid useless aggravation Matadi situation. Government's willingness collaboration confirmed in my letter 25 March. Highest consideration, BOMBOKO.

I. Message dated 28 March 1961 to Mr. Bomoko from the Acting Special Representative in the Congo

I have been instructed by the Secretary-General to refer to the letter which you transmitted to me yesterday, 28 March 1961, relating to the movement of United Nations supplies at Matadi.

Having regard to the fact that the United Nations has been forced to withdraw from Matadi in circumstances which have been so universally condemned by world public opinion, the Secretary-General wishes to express his surprise regarding the content of this letter. After having continued patient negotiations with the Leopoldville authorities over a period of almost three weeks, he regards it as rather extraordinary that now, on the request of what is a private company, demands should be made of the kind contained in your letter.

As already made clear in the Secretary-General's letter dated 26 March to President Kasa-Vubu, it is essential that steps be taken immediately to permit the United Nations Force to exercise control as previously over the installations and storage facilities containing United Nations supplies. This restoration of United Nations rights in the port is a condition precedent to the movement of supplies. Such limited measures of control which are related directly to United Nations supply needs and which do not involve the normal civilian operations in the port, can in no way be regarded as a breach of Congolese sovereignty. They are rather measures which are required for the presence and functioning of the Force which we assume your Government desires and should permit as an act of sovereignty in fulfilment of obligations freely entered into.

The Secretary-General instructs me to inform you that he wishes to withhold circulation of this letter as a document of the Security Council in order to enable your Government to review its position so as to provide for the circulation at the same time of a letter from it eliminating the risk for such reactions as the present communication could not fail to provide.

Thus, the Secretary-General hopes to receive an urgent reply which will take into account the requirements for the presence of the United Nations in Matadi.
