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SECOND REPORT BY THE SECRETARY-GENERAL ON THE IMPLEMENTATION
OF SECURITY COUNCIL RESOLUTIONS S/4387 OF 14 JULY 1960 AND
S/4405 OF 22 JULY 1960

Addendum No. 7

I have the honour to reproduce below the text of communications exchanged with the Minister of Foreign Affairs and the Prime Minister of the Republic of the Congo.

1. LETTER DATED 14 AUGUST 1960 FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS ADDRESSED TO MR. BOMBOKO, MINISTER OF FOREIGN AFFAIRS OF THE REPUBLIC OF THE CONGO

Léopoldville

Sir,

Having returned from Elisabethville and Kamina, to which I proceeded from New York as rapidly as possible in order to implement without delay the Security Council's resolution of 9 August 1960, I should like to report to the Government of the Republic of the Congo on the action thus far taken by the United Nations in implementation of the Security Council's resolutions. In expressing this desire I refer to the wish of the Security Council that the necessary steps should be taken, in consultation with the Government of the Republic of the Congo, to provide that Government with such military assistance as may be necessary.

I have the honour to be, etc.

(Signed) Dag HAMMARSKJOLD

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2. LETTER DATED 14 AUGUST 1960 FROM MR. PATRICE LUMUMBA, PRIME
MINISTER OF THE REPUBLIC OF THE CONGO, ADDRESSED TO THE
SECRETARY-GENERAL OF THE UNITED NATIONS

Léopoldville

Sir,

I have the honour to acknowledge the receipt of your memorandum communicated to me on 12 August 1960 entitled "Memorandum on Implementation of Security Council's resolution of 9 August, operative paragraph 4".

As it has informed Mr. Bunche, the Government of the Republic of the Congo can in no way agree with your personal interpretation, which is unilateral and erroneous, as the resolution of 14 July 1960 expressly states that the Security Council authorizes you "to provide the Government [of the Republic of the Congo] with such military assistance as may be necessary". This text adds that you are to do so "in consultation with" my Government. It is therefore clear that in its intervention in the Congo the United Nations is not to act as a neutral organization but rather that the Security Council is to place all its resources at the disposal of my Government. From these texts it is clear that, contrary to your personal interpretation, the United Nations Force may be used "to subdue the rebel Government of Katanga", that my Government may call upon the United Nations services to transport civilian and military representatives of the central Government to Katanga in opposition to the provincial Government of Katanga and that the United Nations Force has the duty to protect the civilian and military personnel representing my Government in Katanga. Paragraph 4 of the Security Council's resolution of 9 August 1960, which you invoke in order to challenge this right, cannot be interpreted without reference to the two earlier resolutions. This third resolution which you cite is only a supplement to the two preceding resolutions, which remain intact. The resolution to which you refer confirms the first two. It reads: "Confirms the authority given to the Secretary-General by the Security Council resolutions of 14 July and 22 July 1960 and requests him to continue to carry out the responsibility placed on him thereby".

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It follows from the foregoing that paragraph 4 which you invoke cannot be interpreted as nullifying your obligation to "provide the Government with such military assistance as may be necessary" throughout the entire territory of the Republic, including Katanga. On the contrary, it is the particular purpose of this third decision of the Security Council to make it clear that Katanga falls within the scope of the application of the resolution of 14 July 1960.

You base your personal interpretation on precedents such as those of Lebanon and Hungary. This procedure would be acceptable only if the relevant resolutions were identical. Contrary to what you suggest, it is not because the loi fondamentale is now the legal Constitution of the Republic that the United Nations is duty bound to defend it but rather because the Security Council has so decided in its resolution of 14 July 1960. In its resolution of 22 July 1960 the Security Council formally and explicitly confirmed the provision of the loi fondamentale which had been challenged, namely, the provision concerning the territorial integrity of the Republic. From your interpretation it would have to be concluded that the task of the United Nations was not to restore law and order in the Congo or bring about the pacification of the country, in accordance with my Government's request, but to limit itself solely to ensuring the withdrawal of the Belgian troops.

My Government also takes this opportunity to protest against the fact that upon your return from New York en route to Katanga, you did not consult it, as prescribed in the resolution of 14 July 1960, despite the formal request submitted to you by my Government's delegation in New York before your departure and despite my letter replying to your cable on this subject. On the contrary, you have dealt with the rebel Government of Katanga in violation of the Security Council's resolution of 14 July 1960. That resolution does not permit you to deal with the local authorities until after you have consulted with my Government. Yet you are acting as though my Government, which is the repository of legal authority and is alone qualified to deal with the United Nations, did not exist. The manner in which you have acted until now is only retarding the restoration of order in the Republic, particularly in the Province of Katanga, whereas the Security Council has

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solemnly declared that the purpose of the intervention is the complete restoration of order in the Republic of the Congo (see in particular the resolution of 22 July 1960). Furthermore, the conversations you have just had with Mr. Moïse Tshombe, the assurances you have given him and the statements he has just made to the Press are ample evidence that you are making yourself a party to the conflict between the rebel Government of Katanga and the legal Government of the Republic, that you are intervening in this conflict and that you are using the United Nations Force to influence its outcome, which is formally prohibited by the very paragraph which you invoked.

It is incomprehensible to me that you should have sent only Swedish and Irish troops to Katanga, systematically excluding troops from the African States even though some of the latter were the first to be landed at Léopoldville. In this matter you have acted in connivance with the rebel Government of Katanga and at the instigation of the Belgian Government.

In view of the foregoing, I submit to you the following requests:

1. To entrust the task of guarding all the airfields of the Republic to troops of the National Army and the Congolese police in place of United Nations troops.
2. To send immediately to Katanga Moroccan, Guinean, Ghanaian, Ethiopian, Mali, Tunisian, Sudanese, Liberian and Congolese troops.
3. To put aircraft at the disposal of the Government of the Republic for the transportation of Congolese troops and civilians engaged in restoring order throughout the country.
4. To proceed immediately to seize all arms and ammunition distributed by the Belgians in Katanga to the partisans of the rebel Government, whether Congolese or foreign, and to put at the disposal of the Government of the Republic the arms and ammunition so seized, as they are the property of the Government.
5. To withdraw all non-African troops from Katanga immediately.

I hope that you will signify your agreement to the foregoing. If my Government does not receive satisfaction it will be obliged to take other steps.

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My Government takes this occasion to thank the Security Council for the resolutions it adopted, of which my Government and the Congolese people unanimously approve and which they would like to see applied directly and without delay.

I have the honour to be, etc.

(Signed) Patrice LUMUMBA
Prime Minister

3. LETTER DATED 15 AUGUST 1960 FROM THE SECRETARY-GENERAL
OF THE UNITED NATIONS ADDRESSED TO MR. PATRICE LUMUMBA,
PRIME MINISTER OF THE REPUBLIC OF THE CONGO

Léopoldville

Sir,

I have received your letter of today's date. In it I find allegations against the Secretary-General as well as objections to the Secretary-General's interpretation of the resolutions with the implementation of which he has been entrusted. In your letter you also submit certain requests which appear to derive from a position contrary to my interpretation of the resolutions.

There is no reason for me to enter into a discussion here either of those unfounded and unjustified allegations or of the interpretation of the Security Council's resolutions. As the letter is an official communication I shall have it circulated today as a Security Council document. Should the Security Council consider it necessary to take a stand with regard to the action which I have taken or to my interpretation of its decisions, I am prepared to submit my comments in person at a Council meeting. I hope that if such a meeting is convened you too will see fit to present your case to the Council in person. As far as the actions requested by you are concerned, I shall naturally follow the instructions which the Council may find it necessary or useful to give me.

I note that you do not mention my letter of yesterday evening to the Minister of Foreign Affairs requesting an opportunity to report to the Government of the Republic of the Congo on the implementation of the Security Council's resolutions. I am still awaiting a reply to this proposal. My letter of yesterday to the Minister of Foreign Affairs and this reply will be included among the documents circulated to the Security Council.

I have the honour to be, etc.

(Signed) Dag HAMMARSKJOLD

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4. LETTER DATED 15 AUGUST 1960 FROM MR. LUMUMBA, PRIME
MINISTER OF THE REPUBLIC OF THE CONGO, ADDRESSED TO
THE SECRETARY-GENERAL OF THE UNITED NATIONS

Léopoldville

Sir,

I have the honour to acknowledge receipt of your letter of today's date. The letter I addressed to you on 14 August 1960 on behalf of the Government of the Republic of the Congo contains no allegations against the Secretary-General of the United Nations but rather reveals facts which should be made known to the Security Council and to the world at large. The Government of the Republic is perfectly well aware that the positions you have adopted are in no sense those of the Security Council, in which it continues to have confidence. It is paradoxical to note that it was only after making arrangements with Mr. Tshombe and the Belgians surrounding him that you decided to inform the Government of the Republic. Furthermore, you at no time considered it advisable to consult the Government of the Republic as the resolution of the Security Council recommended you to do. The Government considers that you refused to give it the military assistance it needs and for which it approached the United Nations. I should be grateful if you would inform me in clear terms whether you reject the specific proposals contained in my letter of 14 August 1960.

In expectation of an immediate reply, I have the honour to be, etc.

(Signed) P. LUMUMBA
Prime Minister

5. LETTER DATED 15 AUGUST 1960 FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS ADDRESSED TO MR. LUMUMBA, PRIME MINISTER OF THE REPUBLIC OF THE CONGO

Léopoldville

Sir,

I received your letter of 15 August in reply to my letter of the same date. I presume that your letters have been approved by the Council of Ministers and that you will inform the Council of Ministers of my replies. I have nothing to add to my reply to your first communication dated 14 August and received today at noon. Your letter will be circulated to the Security Council immediately at my request. If the Council of Ministers takes no initiative which compels me to change my plans or has no other specific proposal to make, I shall go to New York this evening in order to seek clarification of the attitude of the Security Council.

You must have observed that the information on the deployment of the United Nations Force in Katanga shows that what you have said on this subject is erroneous. You must also have observed that the memorandum on the interpretation of paragraph 4 of the resolution of 9 August has been submitted to the Security Council and that no member of the Council has taken the initiative of questioning its validity.

I have the honour to be, etc.

(Signed) Dag HAMMARSKJOLD

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6. LETTER DATED 15 AUGUST 1960 FROM MR. LUMUMBA, PRIME MINISTER OF
THE REPUBLIC OF THE CONGO, ADDRESSED TO THE SECRETARY-GENERAL
OF THE UNITED NATIONS

Léopoldville

Sir,

I have just this moment received your letter of today's date in reply to the one I sent you an hour ago. Your letter does not reply at all to the specific questions or concrete proposals contained in my letters of 14 and 15 August. There is nothing erroneous in my statements, as you maintain. It was because I publicly denounced, at a recent press conference, your manoeuvres in sending to Katanga only troops from Sweden - a country which is known by public opinion to have special affinities with the Belgian Royal family - that you have suddenly decided to send African troops into that province.

If no member of the Security Council has taken the initiative to question the validity of your Memorandum and your plans of action it is because the members of the Council do not know exactly what is going on behind the scenes. Public opinion knows - and the members of the Security Council also know - that after the adoption of the last resolution you delayed your journey to the Congo for twenty-four hours solely in order to engage in talks with Mr. Pierre Wigny, Belgian Minister of Foreign Affairs, administrator of mining companies in the Congo and one of those who plotted the secession of Katanga.

Before leaving New York for the Congo, the Congolese delegation, led by Mr. Antoine Gizenga, Vice President of the Council, urgently requested you to contact my Government immediately upon your arrival in Léopoldville and before going to Katanga - this, in conformity with the Security Council's resolution of 14 July 1960. I personally laid particular stress on this point in the letter I sent to you on 12 August through the intermediary of your Special Representative, Mr. Ralph Bunche. Completely ignoring the legal Government of the Republic, you sent a telegram from New York to Mr. Tshombe, leader of the Katanga rebellion and emissary of the Belgian Government. Mr. Tshombe, again at the instigation of the Belgians placed at his side, replied to this telegram stipulating two conditions for the entry of United Nations troops into Katanga. According to the revelations just made by Mr. Tshombe at his press conference, you entirely acquiesced in the demands formulated by the Belgians speaking through Mr. Tshombe.

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In view of all the foregoing, the Government and people of the Congo have lost their confidence in the Secretary-General of the United Nations. Accordingly we request the Security Council today to send immediately to the Congo a group of observers representing the following countries: Morocco, Tunisia, Ethiopia, Ghana, Guinea, the United Arab Republic, Sudan, Ceylon, Liberia, Mali, Burma, India, Afghanistan and Lebanon. The task of these observers will be to ensure the immediate and entire application of the Security Council resolutions of 14 and 22 July and 9 August 1960.

I earnestly hope that the Security Council, in which we place our full confidence, will grant our legitimate request. A delegation of the Government will accompany you, in order to express its views to the Security Council. I would therefore ask you kindly to delay your departure by twenty-four hours in order to permit our delegation to travel on the same aircraft.

I have the honour to be, etc.

(Signed) P. LUMUMBA
Prime Minister

