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LETTER DATED 14 JANUARY 1961 FROM THE PRESIDENT OF THE
REPUBLIC OF THE CONGO (LEOPOLDVILLE) ADDRESSED TO THE
SECRETARY-GENERAL AND REPLY DATED 15 JANUARY 1961

Addendum 1

Cable dated 24 January 1961 from the President of the Republic
of the Congo (Leopoldville) addressed to the Secretary-General

I have the honour to acknowledge receipt of your Note of 16 January in reply to my letter of 14 January. I regret that owing to the week-end and to technical difficulties my letter of that date was received with some delay.

I would point out that the reason for my not having told you during your brief visit to Leopoldville on 5 January of the facts stated in my letter of 14 January was that on 5 January the information which I later communicated to you was not yet in my possession. For it was not until 5 January that the Bukavu refugees began to stream into Leopoldville, bringing us details and additional information on the attitude of the ONUC representatives on the subject of the arrest of President Mirahu and his Ministers. The death of the Minister for Education of Kivu Province was not reported by Press agencies until 12 January, and at 4.00 p.m. on 14 January ONUC had not yet denied the truth of this report. You tell me that the Minister is alive at Stanleyville, and I rejoice to hear it: I hope we shall be able to see him alive very soon. Since then, however, Press agencies have reported the death of the Mwami Mpoze Corneille and the serious brutalities and mutilations which have been inflicted on Ministers of the Provincial Government, police officers and other members of the Provincial administration. Here, again, no denial has yet been issued by ONUC; you know what difficulties the Republic's administrative services are having in

obtaining accurate information in these disturbed areas. ONUC, on the other hand, has units in every region of the Congo; is it waiting to see the popular excitement and indignation roused to its height before denying the truth of these reports and reducing them to their proper proportions? Furthermore, if they are to have that effect it will be important that the general belief attached to ONUC information should not have been undermined by errors - according to ONUC reports ten Congolese soldiers were killed as a result of the incidents in Bukavu prison; yet eye-witnesses have testified to us that the casualties amounted to only a few men wounded.

When, therefore, we said that "the local representatives of the United Nations are being accused... of complicity in... murder", we were merely expressing the feelings of the entire population; and failing any official denial of the above reports by ONUC the same charge will be repeated, amplified by successive dispatches which, day after day, report the brutalities and horrors perpetrated by Gizenga, Lundula, Kashamura and their fellows.

In expressing this indignation to you, and in requesting that you take strict measures to prevent the continuance of these crimes, which are condemned by mankind, I at the same time requested the recall of Mr. Dayal, the person who is at the origin of the entire situation; for in every situation someone is responsible, and it is not for us to determine whether or not Mr. Dayal has taken a personal part in issuing the instructions which have led to the deplorable results we see.

When I requested the recall of Ambassador Dayal, I had no intention of placing him on the same footing as foreign diplomats accredited to the Republic of the Congo. Nor is it a question of wishing to give instructions or of seeking to influence the Secretary-General in the execution of his task. I have hardly disputed the powers conferred on you by the United Nations Charter. On the contrary, what concerns me is the effectiveness of the mandate given you by the Security Council under its resolution of 14 July 1960, which was reaffirmed in the resolutions adopted later by both the Council and the General Assembly.

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In your statement of 13 July 1960, approved by the resolution of 14 July, you requested the Security Council "to authorize the Secretary-General to take the necessary steps, in consultation with the Government of the Congo, to provide the Government with military assistance during the period which may have to pass before, through the efforts of the Government with the technical assistance of the United Nations, the national security forces are able to fully meet their tasks". The Security Council's resolution of 14 July authorized "the Secretary-General to take the necessary steps, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance, as may be necessary, until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks".

In your first report submitted to the Security Council on 18 July and approved by the resolution of 21 July, you stated that "while it is for the United Nations alone to decide on the composition of military elements sent to a country, the United Nations should, in deciding on composition, take fully into account the viewpoint of the host Government as one of the most serious factors which should guide the recruitment of personnel ...".

The principle of consultation has been clearly defined. It is based on paragraphs 1 and 7 of Article 2 of the United Nations Charter.

Technical and military assistance was requested by the Republic of the Congo, a sovereign and independent State. The Republic of the Congo has repeatedly expressed its gratitude to the United Nations for its prompt and favourable response to its appeal. However, a departure from the principle of consultation cannot be readily reconciled with the resolutions mentioned above or with Article 2 of the Charter. I believe that the Republic of the Congo is not bound to accept units of foreign armed forces, whatever may be the wishes of the international Organization. A fortiori the Republic of the Congo must be able to make its views heard concerning officials of the United Nations in the Congo. It does not claim the right to select these officials, to give them instructions or to influence them. But the creation of a climate that will promote the necessary collaboration inevitably implies the existence of an understanding between the Secretary-General and the Republic of the Congo concerning the senior

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officials responsible for the United Nations mission in the Congo. Ambassador Dayal has lost the confidence of the people and the authorities of the Congo. His presence in the Congo automatically precludes the co-operation that is desirable and necessary for the success of both civilian and military operations. The United Nations mission in the Congo will no doubt be able to continue, with the extremely heavy expenditures on the part of the Organization which it involves, but because of the absence of co-operation it will be ineffective. The confidence of the Congolese people and authorities in the United Nations in general may also be jeopardized.

In raising my objections with respect to Ambassador Dayal, I do not wish to dispute his status as a high official of the United Nations Secretariat, but I consider that the Republic of the Congo, in which he is carrying out a mission, may properly request that he be replaced by someone whose personality would make the achievement of the aims of the United Nations mission in the Congo more certain.

I note from your letter that you intend to submit my request to the Security Council. I do not think the Security Council is competent to approve or disapprove my action. At your suggestion, it laid down for you the principle of consultation and it could hardly override Article 2 of the Charter.

I shall inform you more explicitly of my point of view regarding the rebel bands under Gizenga and Lundula in an early note.

I again affirm my determination and that of the authorities of the Republic of the Congo to co-operate closely with the United Nations in the Congo; we fully recognize the importance of such co-operation and the imperative need for it, and we wish to see it maintained in the interests of African and world peace. But real co-operation can be achieved only if the person who has been given over-all responsibility for United Nations operations in the Congo enjoys the confidence of the Congolese people.

I therefore urgently repeat my request concerning the recall of Ambassador Dayal.

I have the honour to be, etc.

