

UNITED NATIONS SECURITY COUNCIL



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REPORT OF THE SECRETARY-GENERAL ON CERTAIN STEPS TAKEN
IN REGARD TO THE IMPLEMENTATION OF THE SECURITY COUNCIL
RESOLUTION ADOPTED ON 21 FEBRUARY 1961

1. In pursuance of the statement which the Secretary-General made in the Security Council on 21 February 1961, following the adoption of the resolution on the Congo, the Secretary-General has consulted the Advisory Committee on the Congo with regard to questions relating to the implementation of that resolution.
2. The members of the Advisory Committee, while asserting that the initiative with respect to the implementation of this resolution remained, as before, with the Secretary-General, expressed for the guidance of the Secretary-General their views concerning concrete steps to be initiated by him.
3. As to the urgent matters flowing from paragraphs A-2 and A-3 of the resolution, the Secretary-General sent on 22 February 1961, the day following the adoption of the resolution, a letter to the Government of Belgium which is reproduced in Annex I of this report. The reply of the Government of Belgium was received on 27 February 1961; it is reproduced as Annex II (A and B).
4. In further implementation of paragraphs A-2 and A-3 of the resolution, the Secretary-General sent on 23 February 1961, to all Members of the United Nations, a letter which is reproduced in Annex III of this report. Thus far the Secretary-General has received no replies for transmission to the Security Council.
5. Concerning paragraph A-1 of the resolution the Secretary-General, after consultation with the Advisory Committee, instructed the United Nations Command in the Congo to take appropriate steps in the direction and the spirit of the resolution, in respects indicated by the Command itself, taking into account, on the one side, the availability of troops and the likely developments in that respect and, on the other side, the stands taken by the Governments of Ethiopia, Sudan and Tunisia, to the effect that they do not wish to become third parties in any conflict between opposing sides in the Congo.

6. For the purpose of securing the full co-operation of the Congo authorities in the implementation of this paragraph of the resolution, and also in order to prepare the groundwork for the implementation of the provisions of part B of the same resolution, the Secretary-General addressed on 27 February 1961 a letter to the President of the Republic of the Congo which is reproduced in Annex IV. The Secretary-General has also requested his Special Representative to bring the substance of this letter to the immediate attention of other authorities in the Congo.
7. The Secretary-General has received from his Special Representative in the Congo advice that the implementation of the resolution adopted by the Security Council would require a substantial increase in the strength of the Force under the United Nations Command. The Secretary-General thereupon, on 23 February 1961, approached the Government of Morocco, which previously had announced the repatriation of its contingent from the United Nations Force - a repatriation which is not yet completed. The cable is reproduced in Annex V. He also approached the Government of Indonesia, which had previously requested that its contingent under the United Nations Command should be repatriated upon completion of its six months' tour of duty. This cable is reproduced in Annex VI.
8. The Secretary-General further addressed to certain African States* requests for troops to be attached to the United Nations Command. These letters are reproduced in Annex VII. The Governments of Libya and Togo were not approached for this purpose, since they had previously informed the Secretary-General that they had no military units available for overseas service.
9. In the discussion relating to the implementation of paragraph A-4 of the Security Council resolution, it was the opinion of the members of the Advisory Committee that a certain lack of precision in the paragraph made "immediate" implementation, as decided by the Security Council, difficult to carry out. It was thought necessary that, as a first step, a panel of three independent judges - an African serving as Chairman, an Asian and a Latin American - be appointed to undertake an impartial investigation to ascertain the circumstances of the death of

* Cameroun, Central African Republic, Chad, Congo (Brazzaville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Madagascar, Mali, Morocco, Niger, Nigeria, Senegal, Somalia, Sudan, Tunisia, United Arab Republic and Upper Volta.

Mr. Lumumba and his colleagues. Members of the Advisory Committee wished, however, to give the matter further consideration and to undertake certain consultations. On the advice of the Committee, the Secretary-General addressed a cable to the Acting President of the International Court of Justice, in his private capacity, for the purpose of securing names of suitable candidates. The Secretary-General wishes to inform the Security Council that as soon as the Advisory Committee has concluded this stage of the consideration of the question, the Security Council will be informed.

10. With reference to the discussion in the Security Council of a draft resolution (S/4733/Rev.1) relating to deportations and executions of Congolese political leaders, the Secretary-General sent a letter dated 21 February 1961 to Mr. Kasavubu, and requested his Special Representative to despatch similar messages to certain other Congolese leaders. The letter to the President of the Republic is reproduced in Annex VIII.

ANNEX I

NOTE VERBALE DATED 22 FEBRUARY 1961 FROM THE
SECRETARY-GENERAL ADDRESSED TO THE PERMANENT
REPRESENTATIVE OF BELGIUM

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Belgium to the United Nations and has the honour to refer to the resolution adopted by the Security Council on 21 February 1961, and in particular to paragraphs A2 and A3 of that resolution, which read:

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

"Calls upon all States to take immediate and energetic measures to prevent the departure of such personnel for the Congo from their territories, and for the denial of transit and other facilities to them;"

The reports received by the Secretary-General from his Special Representative in the Congo indicate that there are in the Congo at present a considerable number of Belgian nationals who fall within the categories referred to in the resolution, namely, "military and para-military personnel and political advisers not under the United Nations Command, and mercenaries". The Belgian personnel in question include several hundred officers in the military and para-military forces of Katanga and South Kasai. There are in addition a number of Belgian political advisers attached to the authorities in these areas as well as those attached to Congolese officials in Leopoldville and certain other cities.

The terms of the above-mentioned paragraphs of the Security Council resolution are general in character, and addressed to all concerned. However, it is apparent from the reference to Belgian personnel and natural in the light of the facts just mentioned, that the request has particular reference to the Belgian Government. As regards Belgian military and para-military personnel, it will be recalled that in previous communications the Secretary-General has pointed out that it must be assumed, in view of customary military regulations, that such personnel could not be serving in the armed forces or police of the local authorities without the assent, in one form or another, of the Belgian authorities.

The Belgian Government will also in this connexion undoubtedly take full account of the legal character of the Security Council resolution of 21 February which like the earlier resolutions on the Congo must be regarded as a mandatory decision that all Members of the United Nations are legally bound to accept and carry out in accordance with Article 25 of the Charter. The juridical consequence is that all Member States concerned are under a legal obligation to adapt their national legislation to the extent necessary to give effect to the decision of the Council. In the circumstances and whatever the legal provisions thus far prevailing the Secretary-General must conclude that with respect to military personnel as well as with regard to Belgian political advisers in the Congo, the Government of Belgium will be able to take action to bring about their immediate withdrawal from the Congo.

In view of the peremptory character of the Security Council resolution in question and its immediate importance in the Congo crisis, the Secretary-General must now request, in keeping with the responsibility imposed on him by the Council, that the Belgian Government take the steps called for by paragraphs A2 and A3. In this regard and in the event of a positive response the Secretary-General is prepared to designate a senior officer of the Secretariat to meet immediately with representatives of your Government in order to further the implementation of the resolution and to assist in obtaining information as to the specific details for the members of the Security Council and the other Members of the United Nations.

The Secretary-General desires to conclude by emphasizing once again the critical importance at this juncture of removing Belgian military personnel and political advisers from the Congo. Immediate and effective action by the Belgian Government to this end is an indispensable condition for meeting the purposes of the resolution, which, it will be recalled, was adopted by the Security Council without a negative vote.

It is essential that the members of the Council be informed within the next few days of the specific steps that have been or will be taken, as well as any other measures that are legally possible, by the Government of Belgium to comply with the resolution. If the position of the Belgian Government does not satisfy the requirements of the resolution this will require the immediate attention of the Security Council.

The earliest possible reply would be appreciated.

ANNEX II

A

NOTE VERBALE DATED 27 FEBRUARY 1961 FROM THE PERMANENT REPRESENTATIVE
OF BELGIUM ADDRESSED TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

S.375

The Permanent Representative of Belgium has the honour to acknowledge receipt of the letter dated 22 February 1961 from the Secretary-General of the United Nations regarding the resolution adopted by the Security Council on 21 February.

On learning of this resolution, the Belgian Government, even before receiving the Secretary-General's letter, reaffirmed its desire to collaborate for the successful outcome of the United Nations action for the restoration of order and prosperity in the Congo. It recalled that in July last it had desired and requested United Nations aid for the joint re-establishment of order and security.

It desires to emphasize that such collaboration will take place with scrupulous respect for the sovereignty of the Congo and for the lawful position of its President and of the Congolese Government constituted by him.

The Belgian Government has noted that paragraph A2 of the above-mentioned resolution affects certain classes of Belgian and other nationals in the Congo. It accordingly understands that the measures contemplated shall be applied to citizens of all nationalities, without any distinction, and that in this respect the Belgians shall be treated like other foreigners who are also in the Congo and may be covered by the resolution. The selection of the personnel who are to relieve those withdrawn from the Congo should be governed by that same absence of discrimination.

Furthermore, the Belgian Government does not doubt that the Security Council resolutions are also inspired by the desire to strengthen the security of persons in the Congo, whether they be Congolese or foreigners. The Belgian Government

remains within its rights in continuing to concern itself with Belgian citizens in that country, and in reminding the United Nations, as often as necessary, of the measures which should be taken for their protection. While therefore the Belgian Government is prepared to co-operate loyally in implementing the Security Council resolution, it considers that that resolution creates for the Secretary-General special duties, particularly in the matter of security, which should in no case be weakened by the adoption of measures which might imperil human lives and lead to the departure of the thousands of technicians whom the present resolution does not cover and who are ensuring the continuation of the country's economic life. It draws the Secretary-General's special attention to the fact that there are more than 2,000 Belgian children in the Katanga schools alone, besides nearly 1,000 at Leopoldville, and to the risk to which ill-considered action would expose them.

The Belgian Government also takes the occasion to repeat its urgent demand that security should be re-established in the Orientale and Kivu Provinces, where there is no Belgian military or para-military element or Belgian political adviser, but where - in Orientale Province - 600 Belgians are being refused exit permits. Despite constant persecution, numerous Belgians continue, courageously, to ensure the economic life of the Province. At Stanleyville eight Belgian soldiers have been prisoners since 14 January, although they had been guilty of no act of aggression against Congolese territory but had simply strayed there by accident and made no attempt to resist arrest. Their case has been brought to the notice of the Secretary-General on repeated occasions, e.g. on 16, 19 and 26 January and on 9 and 12 February, but all requests for their liberation have hitherto been ineffective because of the ill-will of the local authorities.

In Kivu, the European population has been to all intents and purposes expelled from the territory of the Province, in which, as a result, a catastrophic economic situation has developed.

The resolution voted by the Security Council increases the Secretary-General's powers and should enable him to reduce to order the situations just described.

The report addressed to the Secretary-General by his Special Representative suggests the presence, in the Congo, of a considerable number of Belgian nationals belonging to the categories to which the resolution applies. The Belgian Government contests the truth of this suggestion, as it has already contested that of many gratuitous and inaccurate statements made in the past by the Special Representative, whose constant policy it has been to make Belgium responsible for the difficulties facing the United Nations in the execution of its task and really due to quite other reasons. The Belgian military forces were in fact withdrawn from the Congo by the end of August 1960; and the Secretary-General, at the 913th meeting of the Security Council, himself emphasized the speed with which that withdrawal, given the circumstances, had taken place (S/PV.913, page 22).

As for the "political advisers", they were chosen by the Congolese authorities from among a mass of Belgian agents made available to them for purposes of administrative assistance. At no time has the Belgian Government intervened in the posting of these agents, their duties being allocated to them solely by the Congolese authorities. It is accordingly for the Secretary-General to agree with those authorities as to which of the persons made available to the Congo under article 250 of the Fundamental Law, which has constitutional force and can be modified only by the Congolese authorities, are covered by the resolution.

The Belgian military in the Congo are dependent either on the Ministry of National Defence at Brussels or on the Congolese authorities. The first category consists of a very small number of men who are still, by agreement with the United Nations, at the Kamina and Kitona bases. They will have left these bases before 15 March 1961.

The second category may be subdivided as follows:

(a) Belgian members of the former Force publique placed at the disposal of the Congolese authorities under article 250 of the Fundamental Law.

In so far as this personnel is occupied with the reorganization or officering of forces which are responsible for order and security, it can contribute to the achievement of the purposes mentioned in paragraph B2 of the Council's resolution, to which Belgium attaches special value. The Government asks that the Congolese authorities shall relieve these officers and non-commissioned officers from their task as soon as the latter can be assumed with equal effectiveness, and in agreement with those authorities, by the United Nations forces.

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(b) As for the officers and non-commissioned officers who, members of the Belgian Army until the time when they were made available to the Congolese authorities, in some cases arrived after 1 July 1960 to assist the officers of the former Force publique in their task of officering and training, steps are being taken by the Belgian military authorities to recall them to Belgium.

(c) Finally, a number of Belgians have been recruited - in the Congo, in Belgium or abroad - as mercenaries by various Congolese authorities. The Belgian Government has no interest in these nationals, of whose venture it disapproves. To the extent that some of them still have military obligations in Belgium, these will be requested to return to their country. In addition, steps are being taken - as has been publicly announced - to put an effective stop to such recruitment. These steps will be multiplied and intensified, and proceedings will be taken against the promoters of the recruitment who have contravened the laws in force.

With regard to the export of arms and military material from Belgium, the Belgian Government has decided to take new and immediate steps to strengthen the control already exercised by it.

The Secretary-General has referred to the possible Parliamentary adoption of adequate legislative measures.

Apart altogether from considerations of Belgian sovereignty, he will recall that the Belgian Chambers have just been dissolved by the King and that Parliament will probably not meet before the second part of April 1961, after the elections which are to take place in March.

Finally, the Secretary-General states that he is prepared to designate a senior officer to meet immediately with representatives of the Belgian Government in order to further the implementation of the resolution and to obtain information for members of the Security Council and the other Members of the United Nations. While thanking the Secretary-General for this proposal, the Belgian Government ventures to remind him of its constant offers, made over a long period of months, to send a representative to meet him in New York in an attempt to settle with him procedures for de facto collaboration in the Congo between the Belgians in that country and the services of the United Nations. That suggestion has been, if not

declined by the Secretary-General, at least continually shelved under various pretexts. Despite however this not very encouraging response, the Belgian Government holds its offer open. It is likewise prepared to give a favourable reception to the delegate whom the Secretary-General wishes to send it; nevertheless it believes that collaboration could best be assured through a Belgian delegate in the Congo and in contact with the Congolese authorities.

In bringing the foregoing to the knowledge of the Secretary-General, the Permanent Representative of Belgium has the honour, etc.

B

NOTE VERBALE DATED 27 FEBRUARY 1961 FROM THE PERMANENT
REPRESENTATIVE OF BELGIUM ADDRESSED TO THE SECRETARY-
GENERAL OF THE UNITED NATIONS

D. 412 A

No. S. 376

The Permanent Representative of Belgium presents his compliments to the Secretary-General of the United Nations and, with reference to today's note, No. S. 375, has the honour to communicate the following text of the announcement addressed to the Belgian people by the Minister of Justice of Belgium:

"The gendarmerie is invited to draw the attention of the Minister of Justice to any private individual who engages in Belgium in military recruitment for the Congolese armies.

"Article 135 ter of the Penal Code (Act of 15 June 1951, article 99) will be applied to any substantiated violation of that provision. The latter is directed against any person who by gifts, rewards, promises, threats, or abuse of authority or power has recruited men, or solicited or received voluntary enlistments of men, in aid of a foreign army or force. The Public Prosecutor has been seized of the matter.

"Any person, whether Belgian or foreign, who has been recruited for military service by a private individual shall be stopped and turned back into the interior of the country if it is shown that he intends to leave the Kingdom for the purpose of joining one of the armies operating, or being formed, in the former Belgian Congo."

The Permanent Representative of Belgian has the honour, etc.

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ANNEX III

LETTER DATED 23 FEBRUARY 1961 ADDRESSED TO ALL STATES MEMBERS OF THE
ORGANIZATION BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of and requests him to transmit this note to his Government regarding the resolution adopted by the Security Council at its 942nd meeting on 20-21 February 1961, a copy of which is attached.

In operative paragraph A-2 of the resolution, the Security Council "urges that measures be taken for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries". Naturally, this paragraph addresses itself only to Governments of those countries which have military and para-military personnel as well as political advisers and mercenaries in the Congo.

In operative paragraph A-3, the Council "calls upon all States to take immediate and energetic measures to prevent the departure of such personnel for the Congo from their territories, and for the denial of transit and other facilities to them".

With reference to this paragraph, the representative of Liberia, one of the co-sponsors of the draft which was subsequently adopted by the Council, stated it as an interpretation that the text should also be construed as applicable to matériel. This interpretation by one of the sponsors did not meet with any objection by any member of the Council.

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

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

Your Government will undoubtedly take full account of the legal character of the Security Council resolution of 21 February which like the earlier resolutions on the Congo must be regarded as a mandatory decision that all Members of the United Nations are legally bound to accept and carry out in accordance with Article 25 of the Charter.

The Secretary-General wishes to bring to the notice of all Member States the relevant parts of the resolution adopted by the Security Council. He expects that the Governments of States which are concerned will initiate, where applicable, suitable action with a view to giving effect to the provisions of the resolution of the Security Council, and requests them to inform him, for transmission to the Council, with regard to any actions taken.

ANNEX IV

LETTER DATED 27 FEBRUARY 1961 FROM THE SECRETARY-GENERAL
TO THE PRESIDENT OF THE REPUBLIC OF THE CONGO

In a letter to you of 22 February 1961, drawing attention to the strong position taken by the members of the Security Council on certain acts of political lawlessness and violence, I mentioned that I would revert to observations on the resolution adopted. You will have received it at once and, therefore, are well acquainted with its content, as appears also from statements through Mr. Ileo and through Mr. Bahezi. I shall later revert to questions of substance, but wish first to make some general observations, the weight and seriousness of which I am sure that you will fully appreciate.

The United Nations undertook last summer, at your request and that of the Prime Minister, Mr. Patrice Lumumba, a very heavy task. It did so in the interest of the Congolese people as a whole and indirectly in order to safeguard international peace and security. We, who have been working in the United Nations for the Congo, have to the best of our understanding done all we could within the limits set by the Charter, the mandate and our limited resources to provide for its people a chance to develop its life in peace, harmony and full independence. We have also done our best, in all directions, in order to safeguard the Congo against outside interference, irrespective of its source, and to protect its territorial integrity. In these various respects the Organization has had to strain its resources to the utmost. The result is that the work of the United Nations has been kept down to a difficult holding operation while, with loyalty and co-operation, it could long ago have been a full success in the best and widest interest of the people of the Congo, and of the world. The deterioration and the complications have succeeded up to and beyond the point of the assassination of various political leaders; I need not repeat to you here the feelings to which this has given rise, and the serious jeopardy in which the United Nations has been put by the failure of those with whom we have had to deal to heed our demands and warnings. May I, in this context, remind you of the many approaches I made to you at the time of the arrest of Mr. Lumumba and later of his

transfer - approaches which echoed strong convictions and deep concern which you have found expressed also in repeated communications from the Special Representative.

This is the background against which one has to judge the resolution of the Security Council of last Monday. This is what gives it its utter seriousness, representing, as it does, a unanimous decision to cut through all that so far has hampered the United Nations effort. The resolution is in this respect the strongest and most decisive expression of the concern of the Security Council to maintain standards without which sound and harmonious political development is impossible, and to put an end to conditions which threaten the world community and the United Nations, even as they represent a mortal danger to the Congo itself.

It is my evaluation of the stage reached that the world is no longer willing nor in a position to accept the consequences of the continued splits, abetted by outside interests, which divide the country. Reconciliation on a nation-wide scale is, therefore, imperative, and anyone in a responsible position refusing to make his full and selfless contribution to such a reconciliation, shoulders a heavy responsibility. But further, we are now at a point where even the sincere wish of the representatives of the Organization to take fully into account views and wishes of the leaders of the Congo and to respect fully what follows from the stand of the United Nations troops as a foreign group invited to the country cannot be permitted to hamper effective efforts to prevent developments toward civil war and to counteract all forces which upset law and order. The Organization, in taking this attitude, is not acting out of any wish to exercise power to establish itself; it is therefore shocking to see the repeated allegations of a desire in the United Nations to infringe upon the sovereignty of the Congo - most recently repeated even by you - or even to establish some kind of "trusteeship", when the aim of the Organization is the very opposite one, that is to give to the sovereignty and independence of the country its full meaning, and to eliminate any reason for others to try to exercise their influence over the country.

In order to render effective the operation in its present phase, I have appealed for reinforcements of the United Nations Force, and I have reason to believe in a quick response. Back of the words and the will of the Security

Council, therefore, stands not only the firm determination of the representatives of the Organization, but also the strength needed. I am sure that you will agree that it would be idle to expect world opinion to accept things to continue as they have been. Either the will manifested by the world community will be respected, or chaos will come about.

With these words, which I hope convey to you the full weight that has to be given to the position of the Security Council, to our determination to carry through and to our means to do so, I turn to some comments on the various points of the resolution. In the words of the resolution itself, the solution of the problem of the Congo lies in the hands of the Congolese themselves without any interference from the outside, and there can be no solution without conciliation. Action by the United Nations - and this is a point which I wish to emphasize - is precisely intended to create the conditions in which such a solution can be achieved.

No solution can be expected in a situation of developing civil war with armed groups engaged in partisan clashes and seeking a military solution to political goals. Preventing the further deterioration of the situation in this respect must clearly be the task of the United Nations Command, especially in view of the fact that armed groups have frequently tended to escape from the control of any authorities and to engage in private warfare. The question is one of preventive and pacifying measures, not coercion, but those engaged in these measures on behalf of the United Nations cannot allow themselves to be forcibly deterred from carrying them out. Therefore, I feel confident in proceeding on the assumption that the United Nations can count on the co-operation of all Congolese authorities concerned, military and civilian, in arranging cease-fires, halting all military operations, and preventing clashes. This must surely be a common goal of all those who feel that conciliation is the necessary approach to the country's political problems.

Special attention was devoted in the Security Council debate to the problem of the immediate withdrawal and evacuation of all Belgian and other foreign military and para-military personnel, political advisers and mercenaries. This is not an attempt to deprive the Congo of the technical assistance which it admittedly requires; nor could it be further removed from any attempt to impose an alleged

"trusteeship" over a State Member. It is rather the expression of the Council's determination to deal with foreign military and political elements which have repeatedly tended not only to frustrate the goals of the United Nations, but also to foster secessionist tendencies in the Congo and create grave international political complications for the country. You may rest assured that the United Nations will continue to place its facilities at the disposal of the Republic to assist in the recruitment of the necessary technical and other trained personnel.

The problem dealt with in operative paragraph A of the resolution will be tackled immediately, and the active co-operation of all States concerned, especially Belgium, is being urgently sought. The Security Council will be kept fully informed of steps taken by all those concerned to ensure in this manner that the Congo's problems shall be solved by the Congolese themselves, without foreign interference. In this connexion you will, I am sure, have noted the peremptory terms in which both this paragraph and the related paragraph A-3 are couched. It is my firm hope that I shall in the very near future learn of urgent and comprehensive steps being taken by you in regard to paragraph A-2.

Paragraph A-4 of the resolution has acquired additional significance in view of the fact that political deportations and assassinations have continued after Mr. Lumumba's death. It is my duty to draw to your attention that the Council's decision in this respect sprang from a unanimous feeling of international concern and revulsion, and that the Council is entitled to expect that full co-operation will be forthcoming from all Congolese authorities. This should include all necessary facilities and assistance, such as the making available of material evidence and of witnesses, so that those responsible shall be duly punished.

I am of course aware of your continued and declared readiness to abide by the provisions of, and United Nations action under, the resolutions adopted by the Security Council on 13 and 22 July and 9 August and by the General Assembly on 21 September. The importance and continued validity of these resolutions is undiminished, since they were reaffirmed in the Security Council's resolution of 21 February, even while the scope of United Nations action as delineated in them has been extended. But the goal of the United Nations remains the achievement of an independent and united Congo, free from foreign interference, and whose sovereignty, unity and territorial integrity will be secure.

In regard to paragraph B-1 urging the convening of Parliament and the taking of necessary protective measures in that connexion, it is, I believe, understood that the convening of Parliament will be undertaken in accordance with the provisions of the loi fondamentale. That law imposes an obligation upon specified Congolese authorities to initiate speedy action in this direction - an obligation not only in regard to the people of the Republic of the Congo, but also in regard to the world at large. I may personally add that such action is essential, if the Congo desires to emerge as a democratic nation. The United Nations Command will, of course, undertake the protection of all parliamentarians, irrespective of political affiliation.

The provision of B-2 which urges that Congolese armed units and personnel should be reorganized and brought under discipline and control, and arrangements be made on impartial and equitable bases to that end and with a view to the elimination of any possibility of interference by such units and personnel in the political life of the Congo, is, of course, a logical corollary to the provisions of paragraph A-1. It is in my opinion intolerable for the internal, as well as external, security of any State to have its security forces act as the chief agents in the political life of the country; even more intolerable is a situation in which armed units act on their own initiative, as has only too frequently occurred in the last six months or so. I am familiar with the argument that the units under the control of General Mobutu are legal units of the Republic of the Congo, whereas those owing allegiance to other authorities now functioning in the Congo are not. You are no doubt familiar with the statements which have been made which reverse the position and give legal status only to the authorities in Stanleyville. For the United Nations, the task is of course described by the resolution alone. I am personally convinced, as I have stated in the Security Council, that no political conciliation is possible without the elimination of armed units from the political life. I may add that only those which would hope for a military solution in the Congo - in my view an indefensible stand - and consequently wish to impress their own will on the people by force are likely to express themselves in opposition to this provision of the resolution. I trust that the United Nations can count on your support and thus lay the foundation for a Congo army which, like that of other democratic countries, serves the country and no political or geographical sections thereof.

ANNEX V

CABLE DATED 23 FEBRUARY 1961 FROM THE SECRETARY-
GENERAL ADDRESSED TO THE KING OF MOROCCO

Your Majesty,

You have no doubt noted the resolution concerning the Congo adopted by the Security Council on 21 February 1961. As you know, this important resolution establishes new responsibilities for the United Nations Force in the Congo. After consulting the Advisory Committee on the Congo, I shall soon take the liberty of communicating to you a request that Morocco re-examine its attitude as regards its contribution to the United Nations Force. Such a re-examination is necessary in view of the new requirements which the resolution has created, and the resolution will, I hope, provide a new basis for Morocco's co-operation in the efforts of the United Nations. I should be grateful if, pending receipt and study of this communication, your Majesty would consider postponing the departure of the Moroccan contingents which are still part of the United Nations Force in the Congo.

I have the honour to be, etc.

ANNEX VI

CABLE DATED 23 FEBRUARY 1961 FROM THE SECRETARY-GENERAL ADDRESSED TO THE
PRESIDENT OF THE REPUBLIC OF INDONESIA

Mr. President,

You will no doubt have taken note of the resolution of the Security Council regarding the Congo adopted on 21 February 1961. As you know, this important resolution establishes new tasks for the United Nations Force in the Congo. After consultations with the Advisory Committee, I shall shortly take the liberty to address to you a request for the reconsideration of the stand of Indonesia on its contribution to the United Nations Force, called for in the light of the new needs to which the resolution has given rise, and, I hope, giving a new basis for the collaboration of Indonesia in the United Nations effort. Pending the receipt and consideration of this communication, and in view of the present weakness of the Force in the face of new demands, I would ask you to consider delaying for a short time the departure of the Indonesian troops which form part of the United Nations Force in the Congo.

Please accept my respectful and kind regards.

ANNEX VII

TEXT OF MESSAGE DATED 24 FEBRUARY 1961 FROM THE SECRETARY-GENERAL TO AFRICAN STATES CONCERNING THE NEED FOR TROOPS AND THE FUNCTION OF THE FORCE
(with variations for individual countries)

I know your deep concern for the effectiveness of the United Nations operation in the Congo and for the attainment of the United Nations objectives of peace and stability in that country. I wish, therefore, to bring directly to your attention certain considerations affecting the United Nations Force in the Congo which assume a new significance in the light of recent developments.

At present the Force commands a strength of approximately 17,500 all ranks, comprising 20 battalions. That strength is threatened with an early reduction to some 14,500 officers and men, or about 15 battalions, if the decisions of the Governments of Indonesia and Morocco to repatriate their troops without replacement are implemented.

In view of the new demands on the Force envisaged in the resolution adopted without negative vote by the Security Council on 21 February, the reduction of the strength of the Force at this time would be paradoxical and most inopportune. Operative paragraph 1 of Part A of that resolution "Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort;". In all, such measures, the presence of a strong United Nations Force is indispensable. Thus, the United Nations Force must continue to have a sufficient number of troops deployed to prevent armed conflict and to protect life and property. The threats, now increasing, of civil war must be met; the withdrawal and evacuation of all Belgian and other foreign military, para-military personnel and mercenaries in the Congo will have to be arranged; the ingress of further military personnel and material to the Congo has to be checked upon and stopped. All this requires more troops.

In order to meet the needs created by the new resolution, the Military Command of the Force perceives a required strength for it numbering about 23,000, or 25 battalions.

You will agree, I am sure, that the countries of Africa should be looked to principally for the new components needed by the Force. Thus, I trust that it will be possible for your Government to respond favourably to this new appeal for troops to serve in the Congo,

[and to provide at an early date a contingent of your troops of not less than a battalion in strength. (All African States except Ethiopia, Ghana, Liberia, Nigeria, Sudan, Tunisia and Morocco)]

[and to provide an addition to your contingent of a battalion or more. (Ethiopia, Ghana, Liberia, Nigeria, Sudan and Tunisia)]

[and to permit the Moroccan contingent to remain in the Congo, and if possible to reinforce it; but as the minimum, to defer for sometimes its repatriation. (Morocco)]

Permit me, in this context, to add a few thoughts about the function of the Force.

Previous contributions of troops to the United Nations Force have been based on the Security Council resolutions of 14 and 22 July 1960, the latter one supplemented by explanations regarding the character and mandate of the Force contained in my report to the Security Council of 18 July 1960 (S/4389), which was commended by the Council in the resolution of 22 July 1960, and thus - together with later stands taken by the Security Council and the General Assembly - represents an authoritative interpretation of the position of the United Nations. New contributions in troops obviously have the same basis, but must also take into account the resolution of 21 February, which, without any change of the United Nations mandate, widens its scope and application. I draw attention especially to the reference to the use of force for prevention of civil war, "as an ultimate resort". Regarding the interpretation of this last mentioned clause, I have to refer to the debate that took place in the Council.

However, I may here draw attention to the attitude of some Governments of African States, contributing considerable elements to the Force. Three Governments in that position have made it clear that they cannot permit their units to become parties to an armed conflict in the Congo.

[As you have said in a message to me: "The UN Forces in the Congo must not be found third party to any dispute which might arise." (Ethiopia)]

[From a statement of Ambassador Adeel, I understand that you share this view.
(Sudan)]

[As you have said in a message to me: "In any case the Tunisian Government has no intention of engaging its forces against one or other of the parties concerned." (Tunisia)]

Without intending this to be an interpretation of the relevant clause in the resolution and with a view only to assisting in the clarification of the assumptions on which Governments base their contribution, I would like to make the following observations on the positions to which I have just referred.

The latest resolution, adopted by the Security Council, does not seem to me to derogate from the position that United Nations troops should not become parties to armed conflict in the Congo. The basic intention of the resolution is, in my opinion, the taking of all appropriate measures for the purposes mentioned, resort being had to force only when all other efforts such as negotiation, persuasion or conciliation were to fail. If following such efforts, or measures taken in support of their result, United Nations troops engage in defensive action, when attacked while holding positions occupied in prevention of a civil war risk, this would not, in my opinion, mean that they become a party to a conflict, while the possibility of becoming such a party would be open were troops to take the initiative in an armed attack on an organized army group in the Congo.

If the position taken by the Governments referred to above, as I believe, does not derogate from the stand taken by the Security Council in the resolution, and if those Governments agree with the distinction just made, this distinction would obviously have to be observed in any instructions that have to be given to the troops by the United Nations Command.

[As you have yourself raised this question, I would appreciate your guidance in the form of comments on the observations just made. (Ethiopia, Sudan and Tunisia)]

That I address you on this general subject and to this length is a measure of the gravity of the situation and the urgency of the United Nations need. I would appreciate a reply at your earliest convenience.

ANNEX VIII

LETTER DATED 21 FEBRUARY 1961 FROM THE SECRETARY-
GENERAL ADDRESSED TO THE PRESIDENT OF THE REPUBLIC
OF THE CONGO

Sir,

You are certainly aware of the Security Council's consideration of recent arrests, deportations and executions of political personalities in the Congo. I shall send a further communication regarding the resolution adopted by the Council, but I at once wish to draw your attention urgently to another resolution which was not adopted by the Security Council but which is of the greatest significance and deserves serious consideration.

The resolution's non-adoption was due to a difficulty in drafting but does not affect in any way the substance of the text submitted to the Council. It is clear from the discussion that all the members of the Council supported the essential parts of the text and that these may be considered as expressing de facto the unanimous views of the Council, including of course those of its permanent members.

The draft resolution to which I refer was based on the report concerning the assassination of Mr. Finant and other personalities in Southern Kasai; they had been deported from Leopoldville after being held in detention, in some cases for very long periods of time.

In the parts of this draft resolution which may be considered as representing their unanimous views, the members of the Council, profoundly shocked "at the continuance of large-scale assassinations of political leaders in complete disregard of human rights and fundamental freedoms, world public opinion and the Charter of the United Nations, strongly condemn the unlawful arrests, deportations and assassinations of political leaders of the Congo". In addition, the members of the Council call upon "all concerned in the Congo immediately to put an end to such practices" and call upon "the United Nations authorities in the Congo to take all possible measures to prevent the occurrence of such outrages including, if necessary, the use of force as a last resort".

/...

I am sure you understand the extreme seriousness of this reaction, in particular the sharp condemnation of acts like those which were the immediate cause of the Council's concern. That the Council thereby condemns what has already happened is one thing; what is more important for the future is of course the clear-cut attitude unanimously taken by the members of the Council with regard to such acts. This attitude implies a unanimous decision that such acts should be considered serious crimes at the international level also.

I have nothing to add in my capacity as Secretary-General to the views of the members of the Council as expressed in the parts of the text to which I have referred. I share them personally with the strongest conviction. I therefore deem it my duty to bring these reactions to your attention in the firm hope that you will bear them fully in mind and accordingly comply immediately and entirely with the demand that an end be put to such acts. Although the draft resolution was not adopted, any repetition of such acts, wherever they may occur in the Congo, cannot but entail the gravest consequences for those responsible for them. In any case, I am certain that you will consider it your manifest duty to adopt in their entirety the standards which have now been so clearly expressed. That means, of course, not only that you will not excuse such acts in any way and will not be a party to them, but that you will at once take effective measures to prevent their repetition. With regard to this last point, you will be expected to see to it that appropriate penalties are devised and firmly applied to those responsible for such crimes.

I should be grateful if you would reply to this letter through my Special Representative at Leopoldville, so that I can report on your reactions and those of other personalities in the Congo to whom I am sending a similar communication.

I have the honour to be, etc.

