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Agenda item 85:

The situation in the Republic of the Congo
(continued) 1307

President: Mr. Frederick H. BOLAND (Ireland).

In the absence of the President, Mr. Hasan (Pakistan), Vice-President, took the Chair.

AGENDA ITEM 85

The situation in the Republic of the Congo (continued)

1. Mr. FAWZI (United Arab Republic): Since the previous discussion of the question of the Congo by the General Assembly, the situation has undeniably suffered a deterioration which has been steadily gaining momentum. Nothing that has taken place recently in this connexion, whether in the Security Council or elsewhere, has been of a nature to put a stop to, or at least to slow down, that deterioration. Therefore, the convening of the Assembly to resume its deliberations on the Congo situation is both timely and wise. Nevertheless, these deliberations will be of no avail if we are simply to repeat ourselves, if we are to look rather shyly at matters and merely continue to pile up paper resolutions which would only make the mice happy in the archives of the United Nations.

2. The position of the Government of the United Arab Republic with regard in particular to the latest developments in the Congo was outlined in my statement in the Security Council on 9 December 1960.^{1/} This position can be summed up as follows. First, the United Nations must remedy forthwith the shortcomings, deviations and violations affecting negatively and vitiating seriously its work in the Congo. Secondly, the various organs of the United Nations which deal with one problem or another should, through bodies appointed by it or through other means and in full and close co-operation with the Secretariat, assume more squarely and actively their share of responsibility in relation to the implementation of the resolutions which they adopt. Thirdly, the United Nations must take positive and drastic steps to eliminate foreign, particularly Belgian, interference and recurrent colonialism in the Congo. At the same time, this Organization, through more ready and abundant contributions from its Members, must extend to the Congo adequate economic and technical assistance.

3. That there are shortcomings, deviations and violations which seriously affect and vitiate the work of the United Nations in the Congo is unfortunately an indisputable fact. Our Organization stepped into the Congo situation to prevent a crisis which was already bad

from getting worse. The Security Council and the General Assembly decided first: that the necessary steps should be taken, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance as might be necessary until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces were able, in the opinion of the Government, to meet fully their tasks; secondly: that all States should refrain from any action which might tend to impede the restoration of law and order and the exercise by the Government of the Congo of its authority, and also to refrain from any action which might undermine the territorial integrity and political independence of the Republic of the Congo; and thirdly: that the Secretary-General should continue to take vigorous action, in accordance with the terms of the resolutions already adopted, to assist the Central Government of the Congo in the restoration and maintenance of law and order throughout the territory of the Republic of the Congo and to safeguard its unity, territorial integrity and political independence in the interests of international peace and security. Those are some of the principal objectives of the United Nations operation in the Congo, as stipulated in the resolutions of the General Assembly and the Security Council.

4. It is common knowledge, however, that what has actually taken place, and is still taking place, is quite contrary to those objectives. Deterioration pollutes the entire atmosphere in the Congo, and the crisis is rapidly becoming more ominous and more threatening for the Congo and for world peace. It is clearly our first imperative duty to call a halt to that trend. After that, and after first-aid has been given, the patient must be helped to his feet, and not—as has too often been the case—knocked on the head.

5. Where—we are both entitled and in duty bound to ask—is the unity of the Congo which we in this Organization have decided to safeguard? Where is the law and order which we have vowed to help the Central Government of the Congo establish? What has happened to the Central Government of the Congo itself? With many other Members of the United Nations, we are convinced that Mr. Patrice Lumumba and his Cabinet still constitute the legitimate Central Government of the Congo.

6. At this juncture of our debate my delegation prefers not to launch into any detailed legal, or, still less, legalistic, discussion in this connexion. We should, however, be quite prepared to go into the matter thoroughly, if necessary. In addition to being Prime Minister of the Congo Mr. Lumumba is a member of his country's Parliament and is entitled to all the prerogatives and immunities of such membership. The Assembly is aware of the fact that the Congolese Parliament continues to be the titular legislative body of the country, that it has been illegally suspended by Mr. Kasa-Vubu, who has thus exceeded the limits stipulated by the "Loi fondamentale", and that this sus-

^{1/} Official Records of the Security Council, Fifteenth Year, 916th meeting, paras. 84 to 107.

pension does not deprive any of the members of Parliament, be it Mr. Lumumba or any other member, of the rights and prerogatives of membership of that body. The Assembly is furthermore, aware of another indisputable fact: at no time and on no occasion did the Congolese Parliament waive the immunity or abolish the prerogatives to which Mr. Lumumba is entitled. It follows naturally from those facts and considerations that subjecting Mr. Lumumba to a trial, without due regard for the real norms and processes of the land, would be illegal and unconstitutional.

7. I did not really need to say all that in order to show the soundness of the stand of my delegation and Government, and of many others, regarding the constitutional position in the Congo. But what can one do when there is so much bickering and so many misleading statements are made—because, to put it bluntly, in the mind and in the policy of some imperialistic Powers Mr. Lumumba is purely and simply not wanted? When one looks at matters from the point of view of those Powers, one can readily explain that feeling, although one cannot at all condone it. The truth and crux of this whole matter is that they are afraid of a free Lumumba, of a Lumumba who can, without any hindrance, go among his people and commune with them. They are fully aware that this would inevitably spell the doom of their intriguing and scheming in the Congo and would just as inevitably mean the victory of Lumumba and of liberty. It is not, therefore, surprising, that the imperialistic Powers exert themselves to the utmost to secure Mr. Lumumba as tightly as possible in a place from which he cannot move—be it a guarded house or a prison cell.

8. However, what we feel to be both surprising and shocking is that Mr. Lumumba should be guarded and protected by the United Nations Command in the Congo only as long as he is confined within four walls. But if he ventures, as he has recently done, to go beyond those four walls, then there is no guarding and no protection, since we are told that that would constitute interference in internal affairs. We are expected to believe and to concede that guarding and protecting Mr. Lumumba is not an act of interference if he is in confinement but would be interference if he is at large.

9. We have noted, on the other hand, with understanding and approval, that speedy and vigorous measures have been and are still being taken by the United Nations Command in the Congo in order to give full protection to the European population in Stanleyville and some other areas of the country. This obviously is not considered by the United Nations Command as an act of interference in internal Congolese affairs. But, when it comes to giving any protection to Prime Minister Lumumba against being forcibly, and in utter humiliation, dragged around the streets of Leopoldville with his hands tied behind his back, slapped and kicked and hurt and wounded—when it comes to all of that, then the United Nations Command says to itself: "Hands off" and claims that, if it raises a finger towards giving Mr. Lumumba even a small particle of the protection given to the European population in and around Stanleyville, that would be an unpardonable act of interference in the internal affairs of the Congo. We should have to borrow somebody else's mind to see in these processes and contortions any element of justice or of logic.

10. With the kind permission of the President, I shall speak briefly about some of the main points, at which

I hinted a while ago, of my Government's position, which is shared by many other Governments represented here.

11. I have already referred to the belief of the Government of the United Arab Republic that there can be no independent Congo, and that there will continue to be a serious crisis there and a danger to world peace, as long as law and order have not been established and liberties safeguarded and as long as foreign, particularly Belgian, intervention continues, and that the first step to be taken therefore is obviously the prompt elimination of that foreign intervention.

12. The money, the arms, the help and the bribes, which the big, the medium and the small Mobutus get, can and must be sternly and immediately stopped. When I submit that they can be stopped, I do not at all assume that this will be an easy task. On the contrary, I admit that it is going to be extremely difficult. But it has to be done if all our endeavours on behalf of the Congo are not to be in vain. We must intensify our work for sanity in the field itself, which is the Congo, and we must intensify our appeals and pressure, so that those who interfere, bribe and corrupt will see the futility and the hopelessness of their labours and will either be persuaded or forced to put an end to them. At the same time, it is the logical and inescapable duty of this Organization, with the help of its Members, to extend to the Congo such economic and technical assistance as will leave no gap or pretext for the recurrence of colonialism in that country.

13. These and related endeavours require, more than ever before, the fullest co-operation between all concerned and the effective sharing of responsibility by all concerned. Failing such co-operation and sharing of responsibility, this Assembly, for example, would be reduced to a role worse than that of back seat driving, as it would not even be in the car at all.

14. I submitted a few minutes earlier that, with careful regard for constitutionality and proper international practice, in the light of the Charter and of the resolutions of our Organization, the various organs of the United Nations which deal with one problem or the other should, through bodies appointed by them, or through other means, and in full and close co-operation with the Secretariat, assume more squarely and actively their share of responsibility, in relation to the implementation of the resolutions which they adopt. The stand taken by my Government in this regard and expressed in my statement before the Security Council on 9 December has met, we are glad to note, with general approval—an approval which, for his part, the Secretary-General expressed, though indirectly, in his statement to the Security Council four days later, that is, on 13 December. He did so in the following terms:

"I would further invite the [Security] Council to consider such arrangements as would mean that Member nations would assume formally their part of the responsibility for the policy pursued from day to day in the Congo."^{2/}

The Secretary-General went on to say:

"Representatives of the Council or the General Assembly might well shoulder on behalf of the General Assembly or the Council the fair share of the responsibility of those organs for current interpretations of the mandate."^{2/}

^{2/} Ibid., 920th meeting, para. 97.

15. In the particular case of the Congo, the General Assembly might, in the view of my Government, do well if it considers the designation of a body to represent it in the Congo and to work in full and close co-operation with the representatives of the Secretariat and of the United Nations Command for the purpose of watching the situation closely and implementing our resolutions with meticulous thoroughness and appropriate speed. It is also the view of the Government of the United Arab Republic that such a body, besides watching and advising, should present regular and, when needed, special reports to the Assembly. We feel, moreover, that its members should be recruited from countries which have already been considered by the United Nations particularly qualified for the discharge of this delicate and burdensome duty.

16. Together with the delegations of Ghana, India, Indonesia, Morocco and Yugoslavia, my delegation has the honour to sponsor a draft resolution [A/L.331]. The statement which I just made might help to some extent to throw light on the thinking and purposes aimed at by this draft resolution. With the other sponsors, my delegation sincerely believes that these thoughts and purposes are in line with the Purposes and Principles of the United Nations. In view of the extreme seriousness and urgency of the situation, we trust that it will meet with your approval and become a definite step forward towards constructiveness in the Congo and the consolidation of international peace.

17. Mr. Krishna MENON (India): Once again the General Assembly, at the request, in the initial instance, of the delegations of Yugoslavia and India, is convened today to consider what we regard as a critical and emergency situation. It does not fall to me to speak about the responses in the Assembly in this matter. The fact that so many delegations are not able to be present here is perhaps not a reflection upon themselves, as upon the fact that for months we have sat in the Assembly without coming to conclusions on matters of great importance, and the pressure of work in other Committees may also be contributing to it.

18. But the fact does remain that we are today discussing probably one of the most critical situations that has emerged in our time, which may affect the question of order or anarchy on the continent of Africa, the prestige of the United Nations, and what the Secretary-General himself has described as the problem of peace and security. This afternoon we are here more especially because the Security Council has failed the United Nations. For days and in the late hours of the night the Council debated these problems and the eleven wise men were not able to produce the results that were required.

19. Therefore, whatever may be the niceties, the various nuances involved and the reasons that may go into it, the world looks upon the fact that the Security Council, which is charged with the protection of peace and security in the world and to act with great urgency—even though it was convened thanks to the initiative of the President, and I mince no words in that matter, at this critical situation—did not come to a conclusion. It does not matter very much whether it was due to the intransigence of one or the lack of courage of the other, or whether it was for this or that reason. The fact does stand out that while war threatens the world and while civil war threatens to tear up Africa, and while other events in South-East Asia, on account of the intervention of the great Powers of the world, threaten to

shake the peace of the world, the Security Council has been stultified. That is why we are here today.

20. We hope that those of us who are not committed to the great-Power blocs—and I particularly address myself to our new colleagues of Africa, particularly those who have been liberated from the French empire—will throw their weight behind peace and order in Africa, because their vote here, because of one thing or another, under the obligations that they may have at present to other delegations who try to exert pressure, would affect crucial issues in the world.

21. For once we must shake fear and vote fearlessly in order to compel action on the part of the United Nations. Therefore, we come here first of all because the United Nations appears paralysed. My Prime Minister used these words on a previous occasion and I believe I speak without any sense of national egoism on this matter; that particular debate had the effect of giving a little bit of oxygen, and a few days afterwards we adopted a resolution saying that at least people must refrain from doing this, that and the other thing.

22. Now we come to another position, a position, as I said at first, which is due to the action or inaction of the Security Council. Secondly, we have before us a document from the Special Representative of the Secretary-General which says that the armed forces of the so-called Government of the Congo—that is what we should call it hereafter because it has no legitimate authority—led by a person who is a product of a "coup d'état", and not of a good type either, has challenged the authority of the United Nations and, in the words of Mr. Dayal, committed aggression against the United Nations. I am sorry that the Secretary-General is only listening, therefore I cannot judge his face. I think that it is the worst challenge, the worst humiliation, that the United Nations ever suffered, that there should be a person in charge of armed forces with no authority from his people or even of the head of his Government presumably, and no authority from Parliament, who dares to challenge the authority of the United Nations, sanctified by resolutions of the Security Council and this Assembly, which is not in the Congo for imperial occupation and, as one representative unfortunately once tried to say, for joint imperialism. It is not there for the purpose of aggrandizement, but rather called there by a legal government. The Secretary-General pointed to the Security Council decision, whatever the resolution may appear to be literally, and said that the maintenance of law and order was implied in that resolution.

23. What is more, as Mr. Fawzi pointed out a while ago, we have taken so many steps in the maintenance of that law and order.

24. Therefore, there is this second fact, that is to say, there is the beginning of war waged upon the United Nations. Are we to sit back here idly, we the peoples or nations of the world, as it is stated in the Charter, and not accept this challenge? My Government does not take the view that, as regards the Secretary-General or whoever is responsible, the mandate given by the Security Council is not enough to cover this event. We agree that it is not necessary to exercise a mandate to the full in the beginning. But we believe that the resolutions adopted by the Security Council, read with the various documents that have come in to us, and the various statements made by the Secretary-General before us, are sufficient to cover the entire

issues that are before us, because there is a threat to peace and security. Therefore, what is to be sought is not a new mandate, but working out of the mandate, facing the realities of the situation. I hope those of you who are members of the Security Council will bear with me if there is some repetition of what I have already said before the Council. After all, it was said in another organ of the United Nations and I cannot simply say to you that I have said this somewhere else.

25. Therefore, I propose, with your permission and assuming your patience, to go into this issue rather fully. After all, we have spent a lot of time discussing things that are less important than this. We are here for three reasons. First, we are concerned with the fact that the prestige and position of the United Nations and its right have been challenged. Secondly, we are as nationals concerned with the humiliations inflicted upon our people. We did not go to the Congo to be humiliated; we are prepared to take hardships; we are prepared to bear the burdens which are necessary, and we do not whine about them. But we say that these national humiliations are international humiliations. What one country suffers in the pursuance of a mandate, in the pursuance of a request by the United Nations, is the suffering of every other country. So we sent out people to the Congo. I will deal with that in a moment. I think what I have said just now is not merely what has emerged in the halls of the United Nations.

26. The feeling in my country, in Parliament, in public opinion and in the Press is so strong about this that I have to convey it to you. I can do no better than quote a few words which my own Prime Minister, Mr. Nehru, uttered a few days ago when the Security Council was sitting, and he, with the optimism that characterizes him, hoped that some solution would come out of the Security Council. He said:

"It is a very dangerous situation, not only dangerous for the Congo but for the whole of Africa; not only for the whole of Africa but for the future of the United Nations itself, because if the United Nations cannot deal with this situation and fails, then naturally its capacity to deal with any other situation or similar situation will go."

27. Another fact should also be remembered, that recent developments there had been a matter not only of deep concern and anxiety but, in a measure, even anger to many peoples and many countries of Asia and Africa. If I may, I will stop there. I now turn to my friends, to my colleagues and brothers in Africa and the Asian countries, and I should like to remind them that this is a great humiliation; it is the reverse of Bandung.

28. A number of countries have had their representatives thrown out. We do not stand for that from any country when we have an Ambassador accredited there. A number of countries have withdrawn their contingents from the United Nations Force and no one quite knows what other developments of this kind may take place hereafter. There is danger not only of civil war, which is practically taking place in a small way, but of civil war spreading, of foreign intervention on a bigger scale because as things are in the world, if one major Power intervenes, as indeed it has done, its opposite number or some others would want to intervene also and claim to come in to create some kind of balancing intervention. I think that that is a very mild statement, though it expresses a situation that calls for a strong characterization.

29. The United Nations went into the Congo in order to give technical assistance, in order to assist in the maintenance of law and order but, more than all of this, to expel the intruder; that is to say, the Belgian Government, which, having ruled this country over a period of eighty years as an imperial ruler, having left it helpless without educated or capable administering strata in its society, with no development that could cope with this situation, gave it independence—the gauntlet with the gift in it.

30. We do not regret the independence of the Congo but we regret this act of political desertion. There can be no greater condemnation of an empire, not even its atrocities, than that it leaves a country paralysed, emasculated and incapable of taking care of itself. Belgium today stands in the dock of the world, not only here but everywhere and it should well be called to account by the United Nations for this purpose. We therefore went into the Congo also for this purpose of expulsion, for the withdrawal of Belgian nationals. Although it is somewhat out of order I propose to take this matter first.

31. The Security Council, in its resolution of 22 July 1960, called:

"upon the Government of Belgium to implement speedily the Security Council resolution of 14 July 1960 on the withdrawal of their troops and authorizes the Secretary-General to take all necessary action to this effect".^{3/}

I would have asked the Secretary-General, if he were here about this because it says that the Secretary-General is authorized "to take all necessary action to this effect". It does not say all legal action or legitimate action or cautious action; it says the "necessary action", the action limited to the achievement of the result. Therefore the mandate is sufficiently wide.

32. This was a repetition of the resolution passed on 14 July. The resolution of 9 August 1960 adopted by the Security Council called:

"upon the Government of Belgium to withdraw immediately its troops from the Province of Katanga under speedy modalities determined by the Secretary-General and to assist in every possible way the implementation of the Council's resolutions".^{4/}

Credit is due to the Secretary-General because he permitted, and, I believe, even led the United Nations troops into Katanga. At least so far as I know; I do not know anything more about it, at least it was a good gesture.

33. On 20 August 1960 the permanent representative of Belgium replied to the Secretary-General, that is, one month and six days after the first resolution asking the Belgian Government to withdraw. I have said from this rostrum in another connexion three or four years ago that it always appears aggressive troops or invading armies or imperial forces take less time to go in than to come out! In other words, it takes more time to come out than to go in. Why it should take one month and six days for Belgians to pack up and go home I do not know.

^{3/} Ibid., Supplement for July, August and September 1960, document S/4405.

^{4/} Ibid., document S/4426.

34. The Belgian Government replied as follows:

"The Belgian Government has instructed me to inform you that the Kitona and Kamina bases will be evacuated except for experts."^{5/}

Further on the reply stated:

"The number of experts required for essential services is 1,000 at the maximum for Kamina and 500 for Kitona."^{5/}

On 30 August the permanent representative of Belgium said:

"that the withdrawal of Belgian troops in the Congo has been completed"—I want you to mark these words—"with the sole exception of some members of the First Paratroop Battalion who are in transit... Instructions have been issued to the effect that, should it be necessary and in order to avoid any delay, they should be evacuated by air. Thus the withdrawal of Belgian troops from the Congo has in effect been completed."^{6/}

This is a categorical assurance given by a founding Member of the United Nations and, what is more, a country that twice in this century has been ravaged by foreign invasion and to whose aid the rest of the world had gone.

35. We have that assurance from the Belgian Government. But what happened? We do not have to take any partisan sources for the examination of this reply. This reply from the Belgian representative was dated 30 August. On the same day, the Secretary-General wrote to the permanent representative of Belgium as follows:

"The Secretary-General has, however, just received a report from his representatives who arrived at Kamina today, 30 August... At that time Belgian combat troops consisting of one 400-man battalion of paratroopers, one 120-man company of airfield guards and one school of aviation comprising 50 instructors and students had not yet been evacuated...

"The Secretary-General expresses his surprise at finding that there is a marked difference between the information received from Brussels and the facts observed on the scene... As the evacuation has, nevertheless, not yet been completed the Secretary-General deems it necessary to submit a formal protest to the Belgian Government requesting that the evacuation of Belgian troops which are still in the Congo should be effected immediately."^{7/}

Those of us who know Mr. Hammarskjöld know that he does not use offensive language but indeed very courteous language; but we would all agree that this is strong enough as language, as a request, as a protest, but it was it "necessary" action, as events have shown.

36. In its reply of 4 September the Belgian Government said that the relief of Belgian units in Katanga:

"provided *inter alia* for an overlapping period in which to transfer authority and hand over the provisions, bedding and other equipment...

"(2) The relief by United Nations troops was not carried out in accordance with the time-table laid down."^{8/}

^{5/} *Ibid.*, document S/4475, annex I.

^{6/} *Ibid.*, document S/4475, annex IV.

^{7/} *Ibid.*, document S/4475, annex V.

^{8/} *Ibid.*, document S/4475/Add.2, sect. I.

In other words, they said, "we could not go out because you did not come in".

The reply continues:

"General Geysen nevertheless confirmed that, despite this major delay on the part of the United Nations, the Belgian troops would be withdrawn at midnight on 30 August."^{9/}

Let us recall that just before they had said that they had already withdrawn. Now they said that they would be withdrawn by midnight. The Belgian reply continues: "(5) An essential number of men were left on the spot..."^{9/} Then we could have rested with some feelings that things were being done. But then we turn over and we find that on 4 September, that is, four days afterwards, the Secretary-General has again to write to the Foreign Minister of Belgium this time. So it is not as though there were any delay in communication.

37. The Secretary-General said:

"My representatives, who went to the base today in order to see what the situation was, have sent me a report to the effect that the commander of the base has so far received no instructions except an indication that he must furnish logistic support for the United Nations effort in the Congo."^{9/}

It has nothing to do with removal, it is solely "logistic support for the United Nations effort in the Congo". The Secretary-General continued his reply:

"Furthermore, according to the report, there are still 650 Belgians at the base, including those at Banana. The commander himself has said that all these men are combatants, that there are no technicians among them, and that he himself is a paratrooper. On a flight over the Banana naval base two gunboats were observed."^{9/}

So it does not look as though they were there for any peaceful purpose. On the same day the Secretary-General pursued this with greater persistence and he said:

"According to information received by the Secretary-General, officers of Belgian nationality are at the present time attached to Katanga forces and other groups in armed conflict with the central Government of the Republic of the Congo."

"... In view of the circumstances, however, the situation can be interpreted in the sense that the Belgian Government has at least permitted persons connected with its military services under a 'technical assistance' programme to give help to forces fighting the Government of the Congo."^{10/}

38. In other words, here is a statement by the Secretary-General to the Belgian authorities where he definitely charges them with assistance in insurrection. Of course, there is no question at that time that the Government of the Congo had even suffered any difficulties or internal problems. Here was Belgium intriguing and using its military assistance to perform an operation which would upset the legitimate government—and the Secretary-General draws their attention to that. If that is so, the situation is essentially different from that of private individuals who volunteer their services, because the Belgians presumably had

^{9/} *Ibid.*, document S/4475/Add.2, sect. II.

^{10/} *Ibid.*, document S/4482/Add.3, sect. I.

said beforehand—I am interpolating this—that "we cannot do anything about them, they are private individuals". But the Secretary-General reminds them:

"In view of customary military regulations, it may be assumed that this transfer ... could not have occurred without the assent in one form or another of the Belgian military authorities; at all events, it would be hard to believe that officers of the Belgian Army have severed their connexion with that Army in order to enrol in provincial forces fighting in the Congo without having obtained the approval of their military superiors and without having thereby made certain that they could rejoin the Belgian Army, if necessary with a loss in rank or seniority."^{10/}

In other words, Mr. Hammarskjöld, if I am right, rejects this contention of Belgium and says that they are taking part in aiding and abetting insurrection, they are present there, and he does not accept their word.

39. Three days later, on 9 September, the Belgians again replied—I will not read the whole of it:

"Under the circumstances, a small number of Belgian experts were supplied to the 'corps de gendarmerie' of Katanga as technical assistance.

"It is hard to see in this technical assistance a measure contrary to operative paragraph 2 of the Security Council's resolution of 22 July 1960."^{11/}

That is to say, they admit a small amount of this presence, but not the volume mentioned by the Secretary-General—and then seek to justify it.

40. The Secretary-General again writes on 8 September to the permanent representative:

"Confirmed reports have been received to the effect that a cargo of weapons, marked Belgian weapons, or something similar, the weight of which is estimated at 9 tons, was unloaded at Elisabethville airport yesterday from a DC civil aircraft of the Sabena airlines.

"The Secretary-General wishes to draw this report to the immediate attention of the Belgian Government in order to ascertain whether it is true that the Belgian Government had thus sent or authorized the sending of weapons from Belgium to the provincial authorities in Elisabethville. Should this be the case the Secretary-General considers it necessary to make a formal protest against the delivery which is contrary to the letter and spirit of the Security Council resolution of 22 July."^{12/}

41. Again, in the Second Progress Report to the United Nations the Special Representative of the Secretary-General says:

"In the last few weeks there has been increasing evidence"—this is after this period, this is not what it was after they left—"of the return of Belgian nationals into many phases of public life in the Congo ... there has been a substantial incursion of those elements which appear to seek a dominating influence in the councils of administration and to exclude or obstruct the application of United Nations technical assistance and influence." [A/4557, para.7.]

So that if I may interpolate here, the present action of Mobutu in offering armed resistance to the United Nations, which had been reported by the Special Representative, was preceded by the Belgians themselves in offering aggression in the technical field.

"Some Belgian nationals are believed to have been actively arming separatist Congolese forces and, in some cases, Belgian officers have directed and led such forces, which, in certain areas, have been responsible for brutal and oppressive acts of violence." [Ibid.]

These are not my statements, these are the statements of the Secretary-General.

"Advisers of Belgian nationality have been returning to governmental ministries both in Leopoldville and the provinces, partially through what seems to be an organized recruiting campaign in Belgium. The motives and activities of a significant portion of these returning officials appear to be clearly at variance with the principles of the General Assembly resolution and with ONUC's basic objectives." [Ibid.]

42. The answer to this rather strong protest by the Secretary-General, with facts and figures, chapter and verse quoted, is, if I may say so, a rather offensive one from the Belgian Government. The Secretary-General receives a communication from the Permanent Mission of Belgium to the United Nations stating:

"The Second Progress Report of the Secretary-General's Special Representative in the Congo has greatly displeased the Belgian Government and Belgian public opinion ..."—that is something, is it not?—"which have been shocked by tendentious judgements based upon a series of purely subjective allegations and interpretations, ambiguous innuendos, unfounded insinuations and arbitrary interpretations of the decisions and resolutions of the United Nations." [A/4629, para.1.]

I will not read very much more, but the point is—in spite of the large quantity of paper material that comes before us, we sometimes seem to take hold of these matters—and I am sure everyone, including the Secretary-General, feels the same, it is an insult to the United Nations. No doubt Mobutu does these things afterwards—he turns around and says "They are subjective judgements". In other words, you are a prejudiced individual, you are collecting gossip and information and this is not truthful. And if this is not a challenge from a Member State of the United Nations which has more than once, I believe, occupied positions of responsibility in the Security Council, is responsible for the administration of Trust Territories, is a founding Member of the United Nations, seeks election to the Economic and Social Council at this moment—I would like to know what is our responsibility in this matter?

43. The Secretary-General then says in the Security Council very recently—that this report from the Special Representative was not specially referred to—there was no contradiction as between Mr. Hammarskjöld and Mr. Dayal as regards these matters. So that is the position.

44. We go back to what I was saying with regard to the mandate. It is the position of my Government that no extension of the mandate as such is necessary. What is required is an extension of activity in implementation because first of all, as I submitted to the

^{11/} Ibid., document S/4482/Add.3, sect. II.

^{12/} Ibid., document S/4482/Add.1.

Security Council, since the Secretary-General must by virtue of his office—and he does by temperament—stick to legal forms and maxims, he would not be moved, as he said in reference to my intervention, from principles, I think we should therefore cite the maxim that when conditions change, rebus sic stantibus, then the pertinent things have also to change. Mr. Hammarskjöld has made a reply to this, which I shall take up in a moment. Now, what are these changed conditions?

45. First of all, when the United Nations went into the Congo there was a legal government. We went there at the invitation of the legal government. We are still there. There is, however, no longer any legal government, and today there is no government at all. That is one changed condition.

46. The second changed condition is that there has been a "coup d'état" by a person who at best is a Chief of Army Staff under the old Government, and therefore, a "coup d'état" conducted by a commissioned officer in the regular post of an army amounts to an act of treason, that is to say, that a treasonable individual is in charge of the operative forces that are in the Congo.

47. The third circumstance that has changed, I state with great regret, is that nationals of various countries—and my country has only a small share—who have gone there, have indignities, cruelties and terrorism heaped upon them—to which I shall refer later. Diplomatic officials are insulted, their luggage and their papers tampered with, their families and their women folk insulted. These things have taken place in the Congo, under the higher authorities—it is not as though they were helpless people who aided, abetted and promoted this; it is of a technique of opposition to the United Nations. And I think it is time we recognized that a continual war is being waged against the United Nations by methods that are of an extremely questionable character. For whatever he is worth, Colonel Mobutu, in so far as the United Nations is concerned, is guilty of a great crime.

48. So then I come to probably the worst of the changed conditions. The Assembly in its wisdom, or otherwise—and whenever the Assembly makes a decision, even when we are against it, I suppose we ought to accept it as wise—the Assembly in its wisdom changed its original wise position, which was to leave the Congo benches vacant until these matters are resolved, so that it will be possible for the Congolese themselves—not for us—to decide their affairs and to have a delegation sent over that would speak in their name. Unfortunately, on account of the war of words that goes on here, on account of these ideas of prestige and whatnot, we have a situation where a considered decision of the General Assembly was, in effect, upset by a procedural device that does not require a two-thirds majority. I think it will forever stand as a regrettable fact in the history of the United Nations that an extremely wise position which would probably have acted as a brake on the bad drift of events in the Congo, was upset by a procedural device in which a great many people participated.

49. So a delegation nominated by the Head of State, Mr. Kasa-Vubu—who has no right to nominate them—is seated today in the Assembly. We have nothing against this individual, an estimable gentleman with whom we have, personally, friendly relations. But we

are dealing with principles at the moment. These people do not represent authority; they cannot deliver the goods; it is very doubtful if they can even be adequately briefed by their own principles, and they certainly cannot implement their promises to the United Nations. But we have a right to expect, whether we made a right decision or wrong decision—the Assembly, having, by a majority, agreed to regard a certain group as the representatives of the Government—we have a right to expect from it the discharge of the responsibilities of a Member State. Therefore, from that point of view, out of evil some good may come.

50. These are the changed conditions that have taken place, and therefore we would suggest that with the repeated affirmation of confidence in the Secretary-General, the repeated—I would not call them directions, because that would not be the right thing to do—the repeated expressions of opinion by the Assembly that more and more vigorous action must be taken—all this, we would suggest, has to be implemented.

51. There is another aspect of the changes that strikes the man in the rural villages of India. He sees that when, in Stanleyville, large numbers of Europeans are going to be held as hostages the Secretary-General, with commendable—I say it very deliberately—with commendable promptitude and with great courage turns in the United Nations forces to prevent atrocities taking place—because atrocities in one place are like atrocities anywhere else. For ourselves, whatever may be the law in the case, we are glad that nothing of the kind took place, though we are not quite sure now whether all these terror tales had any reality in them—but in any case, all I want to say is this, that it did come into operation, and we believe that similar action should be taken everywhere. We think the time is past when we can indulge in mere legal quibbles on these matters.

52. I have instructions from my Government to communicate to you the following facts, not for purposes of special pleading, but because of the special national concern of my country in this matter of atrocities.

53. On 22 November some ANC ["Armée nationale congolaise"] soldiers—the ANC is supposed to be the National Army of the Congo—stopped a United Nations field officer, an Indian, while he was starting his car. Another field officer, and a captain, both Indians, came to his assistance but were overpowered by the ANC soldiers. It should not be thought that the Indian personnel could not have retaliated; they are not there, however, for that purpose. These two officers were threatened with cocked rifles, struck on the face with rifle-butts and marched off at bayonet-point. We have had no apology, either from the Congolese Government or from the permanent representative, or whoever sits here, and we have had no explanations. One field officer is suffering from a punctured ear-drum as a result of the blows received. The first field officer was taken away by the ANC, savagely beaten, thrown face down, and received repeated kicks and rifle-butt blows from his assailants.

54. This is the treatment offered to officers of the Indian Army wearing the President's Commission. We would not tolerate this, we would not accept this, we would not sit down under this in the face of an enemy; but we have done in the Congo. These officers have not retaliated because, first of all, while they are combatants, they are on non-combat duty in the Congo.

And we are still waiting for some explanation from Mr. Hammarskjöld on this question.

55. On 28 November, troops of Colonel Mobutu seized an ambulance van—a very glorious thing for soldiers to do, seized an ambulance van—belonging to the Indian Medical Unit. Even in the worst of wars when the enemy was of the character of Hitlerite Germany, these laws, which are sanctified by practice and by the International Red Cross and the Geneva conventions, have been often observed, but here is a gallant soldier trying to seize the ambulance of a medical unit. Earlier the Congolese soldiers disarmed two Indian military policemen escorting a Nigerian general to the airport. The Congolese officer forcibly took away all the goods of the house of the Commander of the Indian Contingent and has now occupied the house. If this is not plain highway robbery, I would like to know what it is.

56. A bazooka gun was mounted in General Rikhye's garden and two armoured cars stood nearby. The families of Mr. Dayal and Brigadier Rikhye had to spend the night often at the United Nations headquarters, in view of Colonel Mobutu's troops' threat to attack their homes. These are Mr. Hammarskjöld's representatives. One is his adviser, the other his Special Representative. I do not know what would happen if the Secretary-General himself went there. On 22 November, Colonel Roy was stopped on his way to the airport by ANC troops and deprived of his car. There must be a shortage of vehicles in this place! Colonel Harmandar Singh, the officer commanding the Indian Contingent, and Captain Jagjit Singh, his Adjutant, were stopped on their way to the office and deprived of their cars. On 3 December, Mr. Lazarus, a correspondent of the Press Trust of India, was twice set upon by Congolese civilians and received blows. Local gendarmerie went twice to his hotel during his absence and not for protective purposes. But I must here say with regard to this correspondent that the Congolese authorities thought better of it afterwards and have withdrawn all objections against him.

57. These are some of the atrocities that have been committed. But my Government has no desire to enlarge and circulate them as atrocity stories. However, if we who are not taking any combat part in this—out of the 780 or nearly 800 people who are there, 400 are in the field hospital; a 400-bed field hospital has gone there from India—if our people, I repeat, who are there on practically what many call a mission of mercy, are to be treated in this way, what is the fate of the others who are combatants and who are there in order to check lawlessness?

58. This is the position so far as the changed situation on the other side is concerned. The second aspect to which I referred is that there is no effective central authority. The authority in the Congo, according to the constitution as we see it, is the Head of State, Mr. Kasa-Vubu, whom this Assembly, in spite of all that has been happening, treated with the highest respect. He addressed us as the embodiment of the sovereignty of the Congolese people. But sovereignty as an embodiment is not adequate in order that that sovereignty may function through the right and proper channels. The Government of India, while it recognizes the authority of Mr. Kasa-Vubu as the Head of State and expects that he will respect the constitution, does not accept his definition of his functions. Therefore the dismissal of his Prime Minister is unconstitutional. It is not only unconstitutional in law, but it has no

validity so far as we are concerned. His closing of Parliament is also outside his authority. Under the constitution of the Congo, which we have carefully perused, the President has no authority to shut down Parliament for more than one month. He could not get rid of his Prime Minister unless there was the sanction of Parliament; and what is more, in this case, Parliament gave its two-thirds vote in favour of the Prime Minister and against the decision of the President, and the President, in my opinion, quite unfactually points out that there was not a two-thirds majority—and I take the responsibility for these words.

59. Parliament has been sent away. It is impossible for them to meet, numbers of them are in prison. There were cruelties inflicted by one faction against another—and we do not want to pass over it in any way—and members of Parliament who have parliamentary immunity, as we have in our own country, are under illegal detention.

60. The Army, which is the semblance of authority—I would like to ask the Secretary-General to enlighten us on this. As to this Army, if the United Nations forces are there, what is the function of the Congolese Army? The Congolese Army can keep to traffic regulation and aid in keeping order, if they will do it. As the Secretary-General has pointed out, they are partly for the maintenance of law and order. If that is so, they should join the forces maintaining law and order, since there cannot be a situation in the country where there are two military forces, each acting in its own way. That is the best way to lead to anarchy, as indeed it has done.

61. So there is violence, anarchy, illegal rule, suspension of Parliament, imprisonment of political people, ill-treatment of foreign nationals with indignities heaped upon them; there is total lack of observance of all diplomatic courtesies—there has been no response whatsoever, either from the Permanent Mission attached to the United Nations or from the Congolese Government, in regard to all these matters. And then, again, there is the opposition offered by Belgium on the one hand, and now by Mobutu's troops on the other, to the forces of the United Nations. They have presently challenged the United Nations and are pressing the situation. This is not a challenge merely to our dignity, but really a challenge in fact, a challenge to the authority and prestige of the United Nations which, if it is lost in Africa, would be one of the great calamities of our time, and be reflected in the rest of the world.

62. Then came the next thing: the Government of the Congo is now apparently in the hands of what is called a College of Commissioners. These Commissioners are, apparently, students or ex-students who are selected, I suppose, because they are young people who never had authority before; they would like to exercise that authority. It is not for us to decide whether the Congolese should have students running their Government; that is up to them. But it is our business to see that it is under constitutional authority, thus, in accordance with law and civilized practice.

63. These young people are usually guided by their teachers, who are Belgians, so in fact it is the Belgians who are the College of Commissioners, and Mr. Dayal also reports that in many cases they give contradictory orders and opinions and create a great deal of trouble. I regret that the young generation in

the Congo, on whom rests the future of that country, has been dragged into party politics and made to do the bidding of party politicians who are self-seeking.

64. In a recent case, with regard to the orders to occupy the base at Kitona, these orders were given by the district commissioners. I would like to ask, Mr. Secretary-General, how, even if these commissioners were legally appointed, a national action of this kind is taken by local officials? The occupation of the Kitona base, as far as I can see, was the subject of an agreement or understanding between the United Nations and the then Congolese authorities, and even if this College of Commissioners were legal and competent officials, even then how does it happen that a municipal authority can deal with an international body like the United Nations, as is now happening? That is more evidence of the anarchy that is now going on.

65. We come now to the more serious situation in this matter—apart from the Belgian occupation to which I have partly referred—and that is the position of Mobutu himself. The Secretary-General has been good enough to inform the Security Council that Colonel Mobutu would not be able to function in the way he has been doing unless he had outside assistance. This is a fact that the Secretary-General has put before the Security Council and it is a matter of great significance.

66. On 2 November 1960, in the report of the Special Representative, it is stated: "The coup of the ANC Chief of Staff ..."—and is it right for us to deal with one who has usurped power in this manner?—"... had introduced a new factor adding to the complexity of the situation ... the eruption of the army into the political scene constituted a new menace to peace and security...". I want to lay stress on these words, "to peace and security", because the arguments that I am going to submit to you in the resolution are largely based upon that, "a new menace to peace and security". It is the United Nations position, that there is a menace to peace and security in the Congo, this is by Belgian aggression, and Mobutu is a menace to peace and security.

67. In Leopoldville, the principal centre of political activity in the Congo, a state of terror has been introduced threatening a paralysis of life in the community. The young men, the College of Commissioners, were invariably accompanied by numerous Belgian advisers, as a rule drawn from among their own teachers. The inevitable consequence was that the commissioners were more inclined to listen to their own mentors than to listen to the United Nations consultants, who in many ministries, found a wall of opposition building up against them. Indeed, instead of co-operating with the United Nations technical aid mission, the commissioners actually set themselves up in opposition to it. In the latest communication of Mr. Dayal you will find the same thing repeated.

68. Now we come to the position in regard to the constitution. As the representative of the United States mentioned in the Security Council, there are only two constitutional authorities—I am not agreeing—in the Congo; one was the President and the other was Parliament. Presumably Parliament includes the Government. He went on to say that one of them is extinct; therefore, only the President remains. That surely is the way of all dictatorships. Destroy all opposition and say, "I am the State." That is the position. Therefore, the rule of Mr. Kasa-Vubu—apart from Mr. Mobutu and the men lower down on the ladder—is an

unvarnished and unashamed dictatorship, and here is the evidence if you want it. On the evening of 5 September 1960 the Chief of State in a declaration broadcast on the national radio proclaimed in effect that the Prime Minister had betrayed his office by provoking discord within the Government, depriving citizens of their fundamental liberties and plunging the country into fratricidal civil war. He therefore revoked the Government with immediate effect and named the President of the Senate, Mr. Joseph Iléo, to form a new Government. He asked the United Nations to assure peace and order; that is to say, having usurped power he expected the United Nations to police his usurpation. That is in fact what is happening!

69. During the same evening the Prime Minister spoke three times to the population indicating the President was no longer Chief of State and calling upon the people and the workers and the army to rise. That is to say, they have already got a state of civil war.

70. In the face of an imminent breakdown of law and order, with a civil war already under way in parts of the country, and with a clear threat to the United Nations Force in their function of maintaining peace and security, the Prime Minister that night called for a closing of all major ports to traffic of the United Nations. That is to say, they have taken action hostile to the United Nations. They have taken people into custody and they have threatened to use force. They have given ultimatums to certain people in other contexts.

71. What we are saying is this; the situation having reached its present state, it is now necessary for the United Nations to govern or get out.

72. Also during the night of 5 September the Council of Ministers published a communiqué declaring the Chief of State deprived of all his functions; so we have a situation where one cancels the other out. I will not go into the background of this situation, but I will come to the position of Mr. Kasa-Vubu himself. I think there are many here who are temperamentally and, I think, in a sense constitutionally legitimists in their thinking, that here is a Head of State universally recognized. Up to a point this is true. But the recognition of a constitutional Head of State requires the observance of the constitution—and here I commend particularly to my African colleagues, Mr. Kasa-Vubu's statement on 16 November 1960, which stated:

"The institutions given to the Congo by the 'Loi fondamentale' are not in keeping with the sociological and political realities of the country."

In other words, this is a polite way of saying that the African is not fit to have parliamentary government. For that reason the local authorities of the Republic of the Congo wish these institutions to be modified, with due regard to the unity and territorial integrity of the Congo and taking into account the defects of the fundamental law and experience of the months which have passed in the promulgation of independence.

"The problem is an institutional one. It can only be solved by the Congolese authorities guided by the wishes of the people."

The only snag in this is neither the people nor the Congolese authorities—apart from Mr. Kasa-Vubu and his creatures—do not exist, or it may be that Mr. Kasa-Vubu himself is at times not so independent.

73. Therefore, the position is this: Mr. Kasa-Vubu says that the "Loi fondamentale" is not in keeping with sociological conditions. In other words, he wants to rewrite the constitution. What happens to the sanctity of the constitution if every President also wants to do that? This is another way of saying, "Well, I like power; I do not like any limitations on it, so I shall put it away."

74. One of the contentions which must be refuted is that the closure of Parliament was not high-handed. Mr. Kasa-Vubu has said that Parliament was not closed in a high-handed way. Says he, "the chief physical difficulty preventing the assembly of Parliament is that a state of disorder, fomented by the supporters of Mr. Lumumba, deters members of the provinces from returning to Leopoldville." I am quite prepared to say, for argument's sake, that Mr. Lumumba may also have behaved in that way, but that does not mean that Parliament should not meet.

"... This difficulty will only be solved by so adapting the institutions as to give more effective guarantees that the rights of the provinces will be respected ...

"Parliament is certainly competent to control the executive power and, if need be, deny it confidence. It is not within its power, however, to restore to the Government on the demand of the Prime Minister, a prerogative of which it has been stripped;"—if you can understand the meaning of this sentence, well, you must be a genius—"And even if it had that power it could only be subject to authorization by the majority required when a new Government appears before both Houses of Parliament. In other words, a two-thirds majority." [A/4577, annex, para. 14.]

75. Mr. Lumumba asserts that he is Prime Minister by virtue of a parliamentary decision, which decision is attacked as illegal by Mr. Kasa-Vubu on three counts; that is, he questions the legality of Mr. Lumumba's position. Mr. Kasa-Vubu contends that it constitutes an abuse of power and that it was taken by the threat of armed force, the necessary majority of votes not having been obtained. He said that the vote was 60 to 19. This, of course, would total 79. In the Senate it totalled to 43.

76. I want to say here that it has been contended that these votes are 19 votes short of the required majority. This, in fact, is not true, because I looked at the Congolese constitution, and it says "two-thirds of those present and voting". And this is more than two-thirds of those present and voting. Therefore, the boot is on the other foot.

77. This is the constitutional position, although I really doubt it, because there is nothing in this except the sheer wish on the part of Kasa-Vubu to govern just as he likes. I am putting it euphemistically; I do not think he has the power to do so.

78. Therefore, we come to the problem of what should be done. We have set forth our position in this matter in the draft resolution [A/L.331] which is before you.

79. Firstly, we think that it is necessary in the conditions of the Congo that there should be created a new atmosphere, by putting a brake on terrorism and by leaving it to the United Nations to assist in the maintenance of law and order and to prevent acts of aggression. It should prevent the threat to peace and security and, what is more, it should fulfil the mandate

containing the implications to which the Secretary-General has referred. We must then enforce it by opening the doors of the houses of detention where these people are. After all, there are 20,000 troops in the Congo, and if disciplined troops cannot take effective action against irregulars, then there must be something wrong somewhere, and I would not like to say any more. If there are 20,000 disciplined troops under an effective command, they should not be hit in the face by the irregulars called the Congolese Army. I do not apologize for saying this, because this lawless rabble, these murderous units that are called the Congolese Army, have been committing atrocities and have been heaping indignation upon diplomatic officials. I am authorized by my Government to say that they have never seen anything of this kind before, even in times of war. If those things can happen, either the Belgians are running the show for the Congolese Army or the United Nations forces are not doing their job; and I would not like to say that, because I do not know. Therefore, the doors of these houses of detention, wherever they are, should be opened, and these political personalities, of one persuasion or another—more particularly, members of Parliament and government officials and others who are highly respected members of the community—must be released. If they are released, there may be some trouble, but that is a part of the democratic system. However, unless these people are released, it is not possible to take any steps forward.

80. Secondly, as my Prime Minister has repeatedly said, and which I am asked to repeat again, there is no half-way house in this matter. The Parliament of the Congo must be convened. If it is necessary that this must be done under the authority that exists, according to the representative of the United States, in the President, who is the only one that is left, then the United Nations and those who are responsible for giving him his present prestige must persuade him to reconvene Parliament. Somehow or other he must put his signature on the calling of Parliament; that is all there is to it.

81. If necessary, the United Nations must offer the protective custody required. This would not be the first time that the United Nations has called upon countries to act in a custodial capacity. The Secretary-General well knows that even before his time we were called upon, in very difficult circumstances, to exercise custodial duties over people who far more effectively resisted and protested and who were more capable of making trouble—such as in the case of Korea—and those custodial duties were carried out, and in the whole course of our troubles only three men lost their lives. Therefore, if the United Nations has to assert its authority, it must do so; and the custodial duties must be exercised in such a fashion that the members of Parliament will be able to come to the Parliament and function freely and satisfactorily and, if necessary, add to the neutralization of any area.

82. I am quite certain that this Assembly will endorse any course of action of this kind, which will prevent civil war and which will rescue Africa from the blood bath that will follow. Let me be quite clear about it. All of these fine phrases will disappear, because the greater part of this area, thanks to imperialist rule, has been left neglected, without a system for the administration of law to assist it. I am not talking about this, meaning thereby that the place is savage, or anything like that, but there has been so much adminis-

fratricidal war should break out it would be the most sanguinary thing that ever happened. Taking that into account, I am quite sure that the large number of African representatives in the Assembly, with their great influence, will urge the Assembly to support any action that would facilitate the meeting of the members of Parliament, the neutralizing of any area and the preventing of unauthorized troops, such as those of Colonel Mobutu, from interfering with them. After all, if Colonel Mobutu is the only one that is "strong", it should not be difficult for 20,000 United Nations troops to deal with him.

83. Thirdly, we would say that, once this Parliament has met, we should be in a better position to say that the Congolese must decide their affairs themselves. At the present moment it is not the Congolese; it is the Belgians and a few people in the Congo, who have emerged powerful out of a "coup d'état"

84. The draft resolution that is now before you, and which has been put forward by several countries, including ours, is a humble attempt at pointing out that the mandate contained in the Security Council and General Assembly resolutions—and I have carefully read these backwards and forwards—is entirely adequate for our purposes. At this point, therefore, I would like to refer you to the Charter. Before doing so, however, the Secretary-General, in referring to my contention about changed conditions, said that he somewhat agreed with this pragmatic view so far as there was no change in principle, and turned around and asked if it is true that conditions had changed in these ways and is it also not true that conditions affect the positions of personalities. I suppose the implication is, "Can we set the same stock today in regard to the members of the previous Government who were sanctified, as previously, by Parliament?" What does the Secretary-General himself say? He says "changed conditions, without sacrifice of principle". In this regard, the principle here is the constitutional authority. Therefore, I have the good authority of the Secretary-General in feeling that these changed conditions justify vigorous action, which action has been asked for by the Security Council and the General Assembly time after time.

85. I refer the Assembly to Article 14 of the Charter, under which we are operating. Every time I have come to this rostrum and have quoted the Charter I have always submitted that the Charter must be conceived as one instrument. You cannot treat it in isolation. The Charter must be treated as an entire document. Article 14 reads:

"Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, ..."

86. The words that are important here are "situation" and "regardless of origin". We are not dealing here with an international "dispute". We are dealing with a situation which exists in the Congo, and the Charter has been very careful to provide for such situations. It says "regardless of origin". Therefore, it does not matter whether it is an international war, or the war of the Belgians upon the Congo by way of aggression, which the Secretary-General has testified to, or whether it is a war that arises from a fratricidal conflict. No matter what, it must be deemed to impair

the "general welfare" also mentioned in the Charter. That is the definition: "any situation, regardless of origin, which it deems likely to impair the general welfare ..."

87. What is "general welfare"? It does not refer to welfare as between nations. General welfare can only be construed in its natural meaning, the welfare of the generality of the people. The Charter, at the beginning, says, "We the peoples of the United Nations". They are the people who formulated the Charter and, therefore, when the welfare of the people of the Congo as a whole is affected, the provisions of the Charter come into play. The Article goes on to refer to "situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations". My delegation submits that there has been a violation of the provisions of the Charter in regard to its Purposes and Principles. Therefore, I would request that we again look at the Purposes and Principles of the Charter in Chapter I, where it states: "... to take effective collective measures for the prevention and removal of threats to the peace"—and there is no question about a threat to peace, because it has come out in so many United Nations documents, apart from the facts that stare us in the face—"and for the suppression of acts of aggression". If the Belgian authorities are still there in the panoply of their military power, then the suppression of acts of such aggression is required.

88. Article 1 goes on to refer to "other breaches of the peace", and this Assembly would like to know from the Secretary-General whether, if Mobutu's forces commit an act of aggression against the United Nations, that is not a breach of the peace.

89. These are the purposes of the Charter which are covered by Article 14. Therefore, so far as my Government is concerned, we do not think there is anything in this that requires any particular modification or about which there is need to refrain from necessary action. On the other hand, it is necessary that we should take action in order to deal with this position.

90. So that the authority of my Government may be introduced into this argument without room for doubt, I should like to read another extract from a statement my Prime Minister made only a few days ago:

"It just seems to me to be a very extraordinary state of affairs for the United Nations Mission. If they cannot function properly, well, they are doing more harm than good. Now, as I said, I do not want them to go away. I think that would be fatal but I do think that they should be made to function properly; they should be given authority by the Security Council, and there should be no vagueness or shilly-shallying about this question as there has been."

He points out that he cannot understand the doubts about the legality of this question. He went on to say:

"Looking at this matter apart from the question of our nationals being there and even apart from the fact that much has been done by the United Nations which has not seemed to us to be right, I think it would be a disaster if the United Nations Mission were to be withdrawn. It would really be defeat, a confession of defeat, and an act of despair and it would leave the Congo to go up in flames affecting the whole of Africa and certainly affecting international affairs very greatly and intimately."

"It is obvious that the United Nations can only remain there if they can function properly; they cannot remain there just for some little humanitarian work which they are doing well, and just to bolster up some odd régime or some odd party there and to carry out their orders.

"But two or three things stand out. One is that in this welter there is not much law and order left in the Congo. There is no real Government authority functioning except in some local areas where a bit of the army is present. The army itself is completely undisciplined and ill-disciplined, and does more or less what it chooses."

He goes on to say that:

"... persons coming in by illegal means cannot assume a legal garb. Now, Colonel Mobutu appointed a number of students from college as a Commission to carry on the government of the country, and where is the authority for this?"

There is much more I could have quoted to the General Assembly if I had the time, but it is not necessary.

91. Therefore, in all humility, I commend this draft resolution, which I have been asked by the sponsors to present to the Assembly. In explaining this draft resolution, I will not go through the preamble in great detail. It is based on previous resolutions passed by the Assembly and by the Security Council. It refers to the "grave and ominous developments and continuing deterioration in the Congo". These are mild words. The "grave and ominous situation" is the situation of the ominous prospect of a blood bath in Africa, a challenge to the position of the United Nations in Africa, the possibility of an international conflict and, what is more, a fall in the prestige of the United Nations in the world, which would be harmful to the cause of humanity, especially at the present time when the world must proceed to disarm if it is to survive.

92. Secondly, we say that the deterioration continues, because just before this meeting was called came, I will not call it a tragic climax yet, the position where the United Nations forces themselves are opposed by force by Mobutu's troops. The draft resolution goes on to say:

"Noting with grave concern the hostile attitude and resistance of armed detachments to the operation of the United Nations in the Congo as recently reported by the Special Representative of the Secretary-General and also the continuation of lawlessness, violence and continuing deterioration of the economic situation in the Congo;"

93. This is what Mr. Hammarskjöld referred to the other day, when he said there are 200 deaths every day, there is poverty and suffering, there are refugees everywhere, and so on. But how can the economic affairs of that country be put right when there is civil war and when those in authority are shedding blood and exerting pressure for the purpose of promoting it and the one authority that has been sent there for this purpose, namely, the United Nations, has desisted from acting, up to the full, to its mandate. Therefore, the draft resolution continues to state:

"Conscious of the inescapable and urgent responsibility of the United Nations both in the interests of the Congo as well as in the interests of peace and security which stand endangered and for the avoidance of grave civil war;"

Then we go on to say what we think should be done. The first operative paragraph states:

"Considers that the United Nations must henceforth implement its mandate fully to prevent breach of peace and security, to restore and maintain law and order and the inviolability of persons, including United Nations and diplomatic personnel and property, in accordance with the Charter and to take urgent measures to assist the people of the Congo in meeting their most pressing economic needs;

"2. Urges the immediate release of all political prisoners under detention"—therefore, no one can say the sponsors are acting in a partisan way, we say all political prisoners—"more particularly, members of the Central Government of the Congo and officials of Parliament and others enjoying parliamentary immunity;

"3. Urges the immediate convening of Parliament and the taking of necessary protective measures thereto by the United Nations, including custodial duties;

"4. Urges that measures be undertaken forthwith to prevent armed units and personnel in the Congo from any interference in the political life of the country as well as from obtaining any material or other support from abroad."

94. It was the Secretary-General who told us in the Security Council that the army has entered politics. That creates a new situation. It is called an army only by courtesy. It is an armed rabble, a lawless lot of people who are offering resistance to the United Nations, committing pillage and arson, robbing people, stopping their cars and heaping indignities upon them, and if I were a Congolese, I would be heartily ashamed, whatever political party I belonged to. Therefore, we say that these men, the so-called Congolese army, must be disarmed, Mr. Secretary-General, and there should be no question that if you, as Secretary-General of the United Nations, have sent out an appeal for the orderly forces of other countries to come into the Congo, it is not right that they should be thrown into the midst of these irregular forces. If decent people are invited to a party, people who cannot observe the dignities of it should not be there. Therefore, we say that this so-called Congolese army has no function in the Congo in the sense that it is not maintaining law and order, it is not protecting the country from a foreign enemy and it is not assisting the United Nations; on the other hand, it is a promoter of lawlessness. Has not the United Nations in the past acted against the people in Stanleyville? Has it not protected Lumumba against people who were trying to arrest him in the early days? Therefore, we say there is no better and more proper course than to disarm this army, confine the men to barracks or find them other occupations if they are useful individuals. There would be plenty of technical aid work for them to do.

95. I submit to the Secretary-General that it is not right to let this "Congolese Army" endanger peace and prosperity in the Congo. We cannot defend, in our national legislatures, the idea that men bearing the President's Commission, men of the Indian army and women of the Indian nursing services should be exposed to the indignities in the Congo. We are not among those who would want to withdraw from there on slight pretexts. More than our dignity, more than our safety, more than our pride is involved. It is the United Nations

which is involved, and we are entitled to consideration from the Secretary-General, not as an individual, but because he is the embodiment of our authority and function in this business. Nations cannot be invited to this undertaking and be expected to remain there, when the ordinary deficiencies of civilized societies are not observed. Similarly, no regular organized army abuses the laws of its country. It would be subject to military law. Any Indian army personnel in the Congo which commits the slightest breach of discipline would come under the penalties provided by Indian army law and would be severely dealt with, and I give a guarantee of that on behalf of my Government and on behalf of myself. That has been our position in Korea and it has been the position everywhere else. Troops have gone out to the Congo at great sacrifice to themselves, as Mr. Hammarskjöld said to this Assembly a few months ago. It is no joy-ride, it is no picnic to go there, and, therefore, they must not be asked to shake hands with disorder. I say that the members of this so-called Congolese army are a mob of irregulars, guilty of offences and crimes, who have committed havoc, who have heaped indignities upon people. Those among them who are decent should be enlisted in the United Nations Force. Others should be enlisted to drive trucks and do other work, and the rest of them, should be disarmed and confined to barracks. We should like to know why those people who were at one time confined to barracks have now been released.

96. You may say that this is strong language. But then, we are facing a situation in the Congo which may set the world in flames. I think the United Nations must wake up to this responsibility and must stand fully behind the authority of the Secretary-General in taking strong action. This Organization is not weak. This Organization was strong enough even before the new admissions took place. Now it is even stronger because 178 million people, including the people of the Congo, are represented here. We are doing a service to the Congolese people by taking this position. We are in the Congo for their service and not in order to inflict what one representative said was a kind of joint imperialism. We in India know enough about the nature of imperialism; nobody can teach us anything about the ways of imperialism.

97. We have come to a situation now when every Congolese, whatever might have been his political persuasion in the past, particularly the young men, must set his heart and mind to it and must make the sacrifice of coming forward, so that law and order, the authority of the United Nations, the cause of peace and the ideas of liberty in their own country, might prevail by their co-operation, for the maintenance of peace and security in the world. That should be their primary concern and not the occupation of any place of seeming glory or power.

98. We once again affirm that the mandate that has been given to the Secretary-General is adequate for the purpose. Unless the United Nations Command shakes itself up for this purpose, there will be more and more grievous situations, and no good will come out of them. What we do not do today, with comparatively limited resources, limited sacrifices and limited harshness and unpleasantness, will have to be done later with much greater sacrifices, harshness and unpleasantness.

99. We are not a country that cries out for the use of force. We are not a country that wants to trample upon

law. We are proud of our sovereignty, as you are all well aware. We shall guard it against any intruder. But here we are not trampling down on the sovereignty of a country; we are protecting the authority of the Charter of the United Nations. We are seeking to support such measures as will rescue this great land of Africa, with its tremendous resources and potentialities, where, largely owing to the impact of public opinion organized through the United Nations, after ages and ages of servitude and slavery, countries have come into emancipation. We from Asia are the people who are deeply shocked and grieved. Those of you who come from Africa, from whatever State it might be, whatever your past might have been, whatever your present associations are; there cannot be one African in this Assembly who is not moved to shame and concern by the situation that has arisen, and what is more, who would not want to throw his weight on the side of the observance of the principles of the Charter of the United Nations. This is my submission.

Mr. Boland (Ireland) took the Chair.

100. The PRESIDENT: I call on the Secretary-General at this point.

101. The SECRETARY-GENERAL: I hope later on in this debate to revert to various points made which require more full comments or rejoinders, but there is one matter which has been raised here on which I feel that I should make some comments immediately in exercise of my right of reply.

102. The matter was first raised by the representative of the Soviet Union, but it reappeared later on in other statements. I have in mind the alleged differences of treatment of the population, or certain fractions of the population, in Stanleyville, and of Mr. Lumumba.

103. However, before going on to that matter, I must remind the General Assembly of the background. We have just listened to an impassioned speech in which it was said that our mandate was quite complete, that that mandate obviously permitted us to disarm and "to deal with Colonel Mobutu". I would like to ask the honourable Assembly if it or the Security Council has ever permitted me, or the Force, to take the initiative in military action.

104. Under the Charter, such an initiative requires a decision on enforcement measures, when it is a question of international affairs. The minimum, in the case of a national affair, is of course the same, if you regard the Charter as authorizing such military initiative in the national field at all. Anyway, I repeat my question: has any mandate been given which authorizes military initiative in the Congo? My reply is "no", and anybody who cares to go to the record can see that that is the case.

105. The Force has the right of self-defence in a position which it holds under orders in the maintenance of its mandate. It cannot attack units of any kind.

106. Now, in the case which arose in Stanleyville, there was a threat to a certain group of the population which was transmitted to us beforehand. Those of the population, who assembled at certain houses where we were in a proper position, were promised that we would, so to say, protect those houses. That would require only acts of self-defence. It would be acts under the mandate; they do not require any military initiative at all. We did it, for example, at the Ghana

Embassy in Leopoldville and we have done it on several other occasions. We did it in the case of Mr. Lumumba, when Mr. Lumumba asked us for protection at his residence. We replied, "Yes, we can protect you at your residence, but we cannot protect you wherever you may be." Now, Mr. Lumumba left his house, and went out into the country. We had no idea even where he was. He was arrested; an action from our side, either at the place of arrest or later on in Leopoldville, would have meant that we should have ordered the units of the United Nations Force to attack the units on the other side.

107. You may say that we should have done it. That is a judgement which anyone is free to make. But I must repeat my question: Where do you find authorization for us to attack those units through military initiative?

108. I said in the Security Council on 13 December that I found it frankly quite difficult to discuss the matter if it is impossible to see the distinction between situations which in no respect can be compared.

109. On the whole I think that this is really all that I should say on this occasion. However, I should like to add one general observation. When the representative of the Soviet Union spoke of this case of a threat to take hostages in what may be an incipient civil war, hostages who have absolutely nothing to do with it, he used the terminology it was a question of administrative measure of the Stanleyville authorities with regard to the Belgians, and later on he said that I was prepared to take immediate and effective measures to defend the Belgians. The aim of that terminology and of this way of characterizing the operation is obvious. I think that the Members of the General Assembly should be on guard against what I would call inverted racialism.

110. I know that this whole question of the mandate has become one on which one can speak very freely. We heard a statement today to the effect that I have been requested to take necessary action, and it was pointed out that "necessary" was the word, and not "legal". Should I read that as meaning that I could take what I considered to be necessary illegal action? I do not think so. Anyway, if that is the case, I will not do it.

111. Mr. QUAISON-SACKKEY (Ghana): To speak in the wake of the Defence Minister of India, and especially after such a tremendous "tour de force", is no mean task. If it were not for the fact that I have some points to make, I should prefer to remain seated in contemplative adoration of his able and very succinct speech.

112. As I have said, there are a number of points which the Government of Ghana wishes me to present to the General Assembly.

113. Today the United Nations faces a great test, a test which can easily either make or break it. I call upon all delegations here which want the United Nations to succeed in the Congo to approach the problem of the situation there dispassionately, objectively and honestly, without comparing their own national circumstances with what is taking place in our sister country.

114. Why have we not discussed Ghana here? Why have we not discussed Argentina, or the Sudan or Ethiopia? Precisely because we would have had no authority whatsoever to do so. Have we, then the authority to discuss the Congo? The answer, of course, is "Yes". We have that authority because a specific

request was made to this Organization by the Central Government of the Congo.

115. As my President, Osagyefo Kwame Nkrumah, said yesterday:

"Too much over-simplification is being brought to bear on the interpretation of Article 2 (7) of the Charter of the United Nations, which prohibits interference in matters which are essentially within the domestic jurisdiction of Member States.

"The very presence of the United Nations Command in the Congo suggests some degree of interference, to which the lawful Government of the Congo, headed by Mr. Lumumba, consented before inviting the United Nations into the Congo. ...

"The same Article 2 (7), under which the United Nations"—and, I would add, the Secretary-General—"is seeking to justify its inaction, ends by stipulating: 'but this principle shall not prejudice the application of enforcement measures under Chapter VII'. Chapter VII points out that whenever the attention of the Security Council is called to the existence of a 'threat to the peace, breach of the peace, or act of aggression' the Security Council can have recourse to measures of compulsion, despite the fact that the matter is within the domestic jurisdiction of any State."

116. It was very clear in July that there had been a military intervention in the Congo. The Belgian military forces entered the Congo, under a pretext which I am not here to discuss. The fact is that because of that military intervention—it has been called aggression by other delegations—an appeal was made to the United Nations. We therefore entered the Congo, and the United Nations Command is still there. That is the main point: today the United Nations is still in the Congo. That is why it has been possible for us to discuss the situation in the Congo at all. Had it not been for that fact we should have had no authority whatsoever to discuss that situation.

117. As I said at the outset, we seem to have reached an impasse. The situation in the Congo today is far worse than it was when the United Nations was called in by the legitimate Central Government of the Congo. When we went into the Congo, what did we see? We saw a Parliament, duly elected, with Mr. Kasa-Vubu as the Head of State; we saw a Central Government, duly elected, with Mr. Lumumba as Head of Government—a Government which was functioning very efficiently under the existing conditions. But what do we see now? The very institutions, which we went to the Congo to defend, have crumbled before our eyes. The United Nations went to the Congo to maintain law and order—that is to say, to uphold the Constitution, to see that the institutions of the country functioned normally.

118. Therefore, in our opinion, if we should leave the Congo we should leave it at least in the state in which we found it. We should not leave the Congo in a state worse than that in which we found it. That is the responsibility which falls upon the United Nations.

119. I should again like to quote my President. He has clearly explained his views about the United Nations action in the Congo as follows:

"I have many times declared that the only hope for world peace lies in the United Nations. Throughout this whole Congo crisis, Ghana and all other independent African countries, in spite of their first-hand

knowledge of the evils of colonialist and imperialist intrigues and the way to deal most effectively with them, have stood loyally by the United Nations Command. They have had to stand as silent witnesses to imperialist intervention in the internal affairs of the Congo, forced to turn a blind eye because their orders forbade them to do otherwise, watching the ground being carefully removed from under the feet of the Head of the Government who had invited them to the Congo and whom they are supposed to be protecting.

"It pains me to say that the United Nations has been a bitter disappointment and has far from justified our hopes. For one reason or another, it has talked, vacillated, hesitated and delayed until its whole presence and action in the Congo have been reduced to a farce—and a very expensive farce at that. At the moment several States which have contributed to the military personnel of the United Nations operation in the Congo are so deeply disillusioned by the United Nations inability to take any constructive action in the Congo that they have decided to withdraw their forces. Whilst Ghana sympathizes with these nations as far as their disappointment in the United Nations is concerned, I nevertheless appeal to them to reconsider their decision to withdraw their forces from the Congo. Ghana believes sincerely that the withdrawal of the troops will spell immediate doom to the Congo and will precipitate the anarchy which all well-meaning countries are anxious to prevent.

"If the United Nations troops are withdrawn or forced out of the Congo there will be an imminent risk of civil war, of the Spanish type, which could last for many years and would put the Congo back a century or more. If civil war broke out, those countries that have vested interests in the country will vie for power by supplying arms and ammunition to the various factions taking part, and this can eventually transform the inapparent cold war into a terrifying hot war."

120. That, then, is the situation which the Assembly is discussing today. The situation has gone from bad to worse, and if prompt action is not taken we do not know what will happen.

121. A great deal has been said about my country. My President has been accused of officious meddling in the Congo. And yet Ghana went to the Congo at the express request of the Government of the Congo. But we chose to work under the United Nations Command. We have done so and we shall continue to do so until circumstances make it impossible for us to remain there.

122. We have not only sent troops; we have sent doctors to work in the hospitals, we have sent nurses—we have done everything to help—because to us an African is an African, whether he comes from the Congo or Nigeria or Ghana. That is why our President, on the attainment of independence by Ghana, said that Ghana's independence was meaningless unless it was linked up with the total liberation of all Africa. That is the spirit which inspired us to help our sister African country. We did not go there because of imperialist ambitions. How could Ghana colonize the Congo?

123. We therefore appeal to our sister countries in Africa to understand our position very clearly. We are there to help salvage a situation which can easily lead to anarchy. We are there because we are proud

that the African can manage his own affairs. We are there because we feel it is a shame to be told: "Here is the Congo, which is unable to operate, which is unable to manage its own affairs." We are prepared to help, and we shall continue to do so, as long as we are asked to work within the framework of the United Nations.

124. Therefore, to repeat: Ghana is not in the Congo to uphold Mr. Lumumba, as has been stated. Because of this, because of our support for the institutions of the Congo, we have even been called communists. This is a matter about which we feel very seriously, because to us this is a propaganda of vilification of our country. Our country is independent in all things, and we pursue a vigorous and independent line in every action we take. This is the country which is being accused of supporting Mr. Lumumba because Mr. Lumumba is a communist. We are not supporting Mr. Lumumba as a person. We are supporting the legal institutions of the Congo, and we do so because we are working within the framework of the United Nations.

125. We cannot afford to be in the Congo only to see the institutions of the Congo crumbling before our eyes. If we want to leave the Congo, let us do so, and let the Congolese carry on. But, if we are there, it is inexcusable to stay there and see things crumbling around us.

126. I have been authorized to support every move that is made here to uphold the procedure of the United Nations. I am authorized to support any move taken by any delegation here which has as its goal to see the Congo succeed. That is why we did not hesitate to work in concert with the delegations of India, Indonesia, Iraq, Morocco, the United Arab Republic and Yugoslavia in preparing this draft resolution which has been so ably presented by the Defence Minister of India.

127. We have done so because we are afraid. Vice-Premier Ghenga has appealed for outside military aid to crush Mobutu. One can assume that, if one of the two great power blocs gives material support to Gizenga, the other will support Kasa-Vubu and Tshombé. We would therefore be plunged into a hot war in the Congo, with all the terrible repercussions that that would have throughout Africa. This must be avoided at all costs.

128. It is our opinion, and we recommend, that the United Nations should assume full responsibility for law and order throughout the Congo.

129. We ask that all military reinforcements from all countries that are prepared to contribute, other than the major Powers, should come in. In other words, we are prepared to get the help of India, Indonesia, Pakistan and the Federation of Malaya, as in fact they have given it—and, if the Secretary-General appeals for more help, we are prepared to support that.

130. In our opinion, all armed forces other than those under the command of the United Nations must be neutralized, and the Supreme Commander in the Congo should be authorized to take such action as he considers necessary to effect this. In this connexion, it is the opinion of my Government that all private armies and mutinous forces and, in fact, the Congo detachments which by no means can be called the national army, should be dissolved.

131. It is our opinion, and we recommend it to the United Nations, that Prime Minister Lumumba, all

members of the legitimate Government and all members of Parliament must be freed and put under United Nations protection until Parliament has reassembled.

132. These are the points which I have been authorized to put forward. In large measure, a number of them are already contained in the draft resolution which is before this Assembly.

133. The United Nations has a choice to make. We have a choice between, on the one hand, remaining in the Congo and taking effective action to see that there is a return to legal and constitutional institutions in the Congo, so that we can withdraw, and, on the other hand, withdrawing at once and leaving the Congo alone. The second alternative has already been described by the Secretary-General as being dangerous. That is why an appeal has been made to a number of countries which have threatened to withdraw their troops that they refrain from doing so. Therefore, the General Assembly must make its choice: either you stay in the Congo and help it to return to normal, legal life, or you leave the Congo, which means that there will be chaos. I am sure that the General Assembly does not want chaos to continue in the Congo. If the General Assembly is unprepared to pass the draft resolution which is before this house, we might as well throw in our hand and leave the Congo peacefully.

134. Mr. PETER (Hungary): It is obvious, on the basis of documents and statements, that the Secretary-General does not see any real way out of the confused, dangerous and constantly worsening situation in the Congo—no way to restore law and order. He made that obvious in his statement at the last meeting of the Security Council, and he made it obvious today in his short statement. His statement before the Security Council revealed how confused, dangerous and worsening the situation is in the Congo. He made it clear that the present chaotic situation is aggravated by unlawful acts and the starvation of many. On the other hand, he wishes us to accept the fact that the withdrawal of United Nations forces would open the way to incalculable calamities. For him, there is no third possibility. At least, he does not propose any.

135. It would be only natural if the General Assembly or the Security Council demanded that the Secretary-General should propose some way to solve the problem. It is all the more so since he himself has assumed enormous responsibility in this affair, far beyond the provisions of the Charter and the resolutions passed accordingly.

136. The main concern of this General Assembly is, certainly, to find the necessary remedy to a situation which has been fatally spoiled. In order to reach this goal, we have to face, boldly and consistently, the real causes of the failure and the question of responsibility as well. I repeat, we have to find the real causes and examine the question of responsibility. In such a situation nobody has the right to be sensitive, and everyone has the duty to speak responsibly and frankly, but without indulging in personalities.

137. Behind all the details with which we were seized during this debate, and in a study of all the material relating to the problem of the Congo, there are three main points which need clarification. They may be summed up as follows: First, the responsibility of the Secretary-General in implementing the United Nations resolutions; secondly, the interpretation of the mandate

given for United Nations actions in the Congo, and thirdly, the perspective for further action.

138. I will deal first with the responsibility of the Secretary-General. Much has been said from different points of view about the responsibility of the Secretary-General for the situation that can be termed, with every reason, a failure of the United Nations, especially if we realize that the Secretary-General cannot make any proposal for finding a way out of the untenable situation created by actions from under his command. Listening to all these criticisms, it is rather peculiar that in such an extremely grave situation the Secretary-General does not make himself responsible for any aspect of the situation. Only once has he spoken in the Security Council about mistakes, in rather vague terms, but no one knows for which mistakes he has taken the responsibility. Speaking from a human and moral point of view, it is absolutely impossible to understand what the psychological motivation may be of a person's attitude when there is not the slightest sign of self-examination when confronted with an enormously grave situation partly or entirely provoked by actions under his command. It would certainly be rather helpful to this Assembly if the Secretary-General were to reveal any aspects of his responsibility as he sees it.

139. Having studied all his statements regarding this issue as well as the relevant documents, it appears to my delegation that the responsibility of the Secretary-General for the deterioration of the situation with respect to United Nations actions in the Congo can be stated in the following way.

140. First, at the very beginning he did not clarify, in his first proposal to the Security Council, for what purpose, with what limitation, he was taking the responsibility for military actions in the Congo.

141. Secondly, when he realized that actions within the scope as he originally imagined it could not meet the situation, he did not report to the Security Council nor did he ask for new instructions.

142. Thirdly, when Mr. Kasa-Vubu's unconstitutional measures against Mr. Lumumba and others created an emergency situation of a completely new character, compared with what was needed at the time of the demand for United Nations action, he did not then inform Mr. Kasa-Vubu, that the United Nations could not continue its assistance any longer, unless the "Loi fondamentale" was observed, and he did not inform the Security Council about the entirely new situation, from the legal point of view, of United Nations actions.

143. Fourthly, during the whole protest he never initiated meetings of the General Assembly nor of the Security Council, not even when developments became more and more dangerous, and therefore he did not comply with Article 99 of the Charter.

144. Fifthly, even when Member States urged meetings of either organ, he omitted to report in due time regarding several main aspects of the grave situation. For instance, he did not report about the fact that at least 200 people are starving to death every day until the latest meeting of the Security Council.

145. Sixthly, in consequence of all this, a state of arbitrariness has come about, in which the proper organs of the United Nations were not informed sufficiently and in due time about the changing charac-

ter of the situation. Since the Secretary-General did not ask for the necessary clarification of his mandate, he became an autonomous organ of the United Nations acting in an arbitrary manner, putting himself above the legal organs and interpreting previous resolutions of the constitutional organs of the United Nations according to his own liking, sometimes even on the basis of his own statements.

146. Seventhly, just as he omitted to consult with the main organs of the United Nations whenever the situation so required, he also neglected the views of Member States which undertook special responsibilities for the situation in the Congo, by providing military units and other personnel, ready for any sacrifices that may arise in such a situation.

147. Eighthly, after all this he requests the same Member States to continue their undertaking, sharing the ominous responsibility for the maintenance of a situation which was created mainly by failures of the Secretariat but partly because no one paid any attention to their warnings.

148. Since the details are well known, I have not enumerated the facts which underline the points I made. I have tried to be as concise as possible in order to save time. However, if during the debate it seems necessary to relate these points to the facts of the whole process, I will readily so do.

149. I come to my second point, the question of the interpretation of the mandate for United Nations actions.

150. Only at the last meeting of the Security Council and today did the Secretary-General raise the problem as to under what articles of the Charter United Nations actions in the Congo were supposed to be performed. Only now, unfortunately enough, the question was raised rather late. In this respect there may be two points to be considered.

151. First, in consultation with the Government of the Congo, a detailed specification of the obligations and rights in connexion with the assistance would have been necessary, since the assistance against foreign aggression and, at the same time, for the maintenance of law and order was asked for in such an extraordinary and exceptional situation that no articles of the Charter can be applied, in the enforcement of the resolution, without careful consideration by the Security Council. Under the first resolution of the Security Council of 14 July,^{13/} regarding this matter, the Secretary-General should have prepared this detailed specification in consultation with the lawful Government of the Congo.

152. What was omitted at the beginning is to be done by the General Assembly now, in order to find the necessary solution for restoring law and order. That will be my last point.

153. As to the second aspect to be considered regarding the interpretation of the mandate, it is the special application of Article 2 (7) of the Charter. Since the Security Council acted upon the request of the given Member State this paragraph has to be applied under special conditions. It is obvious that the Member State has delegated a part of its sovereignty and power to the United Nations, acting in constant consultation with

the Government of this Member State, at the same time some of the functions of this Government have also been transferred to the United Nations.

154. Consequently, in a certain degree the United Nations had to participate in the interpretation and application of the "Loi fondamentale" of the Congo, without which it is impossible to render the necessary assistance, in protecting the country against foreign intervention and maintaining law and order.

155. It would have been the task of the Secretary-General to clarify all these points in due time and to act accordingly for the sake of the independence, integrity and orderly life of the Congo. Since all this was omitted, his one-sided, biased actions resulted in what we can now see in the situation in the Congo as depicted by himself as well.

156. I come to my third and last point. What can be the perspective of further action, as I referred to it before the General Assembly, if it wishes to remedy the situation it has to make up for the omissions committed during the previous stages of the whole process. It is necessary to circumscribe in detail in what direction, with what limitation, with what power, the actions of the United Nations are to be continued. The well-known proposals of the delegation of the Soviet Union, debated in the Security Council, give a precise summary of the necessary specification of further actions.

157. Since Mr. Lumumba and several other persons are, so to say, the direct victims of the omissions of the Secretariat, it is the most urgent constitutional duty of the United Nations to use its moral and material forces to secure their immediate release.

158. Since the United Nations omitted to assist in maintaining law and order, including the observance of the "Loi fondamentale", it is an urgent task of the United Nations to use its moral and material force to restore law and order in the Congo, including the lawful functioning of the Government and Parliament as well.

159. Since Mobutu's unlawful armed contingents have been formed in defiance of the "Loi fondamentale" and the actions of the United Nations, it is an urgent and constitutional right and duty of the United Nations to use its moral and material force to disarm Mobutu's bands.

160. Since the basic provision in Security Council resolutions was to safeguard the Congo against the presence and reinfiltration of Belgians, therefore an urgent task of the United Nations is to implement these resolutions. Any further action has to be taken in consultation and detailed agreement with the lawful and constitutional Government of the Congo.

161. In that programme, if resolutions are passed on these lines, there will be a realistic perspective of help to the Congolese people and to the situation as a whole. After such measures, the Member States, under the auspices of the United Nations, will be ready to render all sorts of help that may be required by the tragic plight of the people of the Congo. This action would correspond to the Charter, to the "Loi fondamentale" to the interests of the Congolese people and to the needs of the actual world situation as well.

162. Mr. BOUCETTA (Morocco) (translated from French): Following your recommendation, Mr. President, I shall not take up the attention of the Assembly

^{13/} Ibid., document S/4387.

over long and I shall be brief. I am, however, anxious to express my country's point of view on the present state of affairs in the Congo, a situation which has reached such a stage of deterioration and chaos that it has become difficult to describe or appreciate. This situation may endanger world peace. It has already made a breach in the independence of the Congo, in its sovereignty, its unity and its territorial integrity. Ever since the Central Government, headed by Patrice Lumumba, appealed to the United Nations, and barely a few weeks after the arrival of the "blue helmets", the situation in the Congo has merely got worse and deteriorated.

163. What do we see today in the Congo? On the political plane, we find authority being frittered away until one may well ask the question: is there any real authority left in the Congo? In spite of all the artificial expedients adopted, in spite of all the attempts made to revive a man or a group, in spite of all the support offered, in spite of constantly renewed supplies of oxygen, the corpse is still prostrate and authority nowadays in the Congo is a fiction, far removed from reality.

164. We also observe a multiplicity of persons claiming to represent authority, either civilian or military. Over and above all this, the Head of the lawful Government is imprisoned, in defiance of all legality, after being shockingly and inhumanly treated. Several democratically elected members of Parliament representing the people are suffering similar treatment. That is neither a way to solve the problem nor is it a path that leads to conciliation. It is no way either of discrediting or humiliating Lumumba or his colleagues; on the contrary, his prestige is rising and his people's love for him increases as a result of the suffering he endures.

165. We also observe the installation of a military régime that is both inconsistent and fragile and the suppression of all parliamentary and constitutional life. The Parliament has been closed down, because it is feared that it may renew its confidence in Lumumba; because it is feared that legal action will be taken to put the usurpers and conspirators back in their place. But the last action taken by Parliament—the only one that will still hold good—is still the vote of confidence given to Lumumba and his Government. That will not be changed by anything but another act to the contrary by Parliament. We note too that embassies are being closed down and ambassadors expelled. That will not go far to promote international co-operation. We note also that secession continues and is being supported from abroad and that the break-up of the unity and territorial integrity of the Congo is becoming daily more accentuated: yesterday it was Katanga and Kasai; today it is the Oriental Province; tomorrow perhaps it will be the kingdom of the Bakongo.

166. We find that foreign aid and assistance are being furnished in every possible, conceivable form, even in the form of "gendarmes" and soldiers. We find that is happening at a time when the United Nations is in the Congo and has a force of 20,000 men with a general staff and a technical assistance directorate.

167. Economically, the situation has deteriorated to an unparalleled extent. All the reports agree in stressing the collapse of the administration. The economy is stagnant, unemployment is rising and threatens to lead to the gravest consequences and finally to a paralysis

of all activities. Today famine is widespread all over the country.

168. The Secretary-General, after emphasizing in the Security Council on 13 December last, the desperate economic situation and the empty state of the Treasury, declared:

"Today we are facing a situation where, for example, between 250,000 and 300,000 people are actually starving in the South Kasai, with an estimated 200 people dying daily from sheer starvation. This is an extreme case, but it is significant and it does show that there may be greater problems from the point of view of human rights than those which get the greatest publicity."^{14/}

169. The Secretary-General's report to the Security Council in this connexion is extremely alarming and very indicative of the irresponsibility which is a feature of the Congo and of the chaos there prevalent. In the face of this situation and in spite of our desperate efforts, the Security Council took no positive or effective decision to put an end to this state of affairs. We are really worried by this kind of attitude. Several delegations had asked to be heard by the Council and they drew its attention to the gravity of the situation and the need for urgent action. They pointed out that the peace of the world was at stake, as well as the prestige of the United Nations vis-à-vis world public opinion, and also of the decisions which several Governments had tried to take in face of the deterioration in the Congo situation and of the actual attitude the United Nations seemed to be adopting in the Congo.

170. The Security Council adjourned without taking a decision. That is most unfortunate and, in any case, it does not solve the problem. In these circumstances we considered that we could not continue to stand passively by and witness the implantation and return of colonialism to the Congo. The return of the Belgians, the support they are being given, the failure to apply the law, the deterioration of the situation and the interruption of institutional and parliamentary life could not allow us to remain indifferent. As long as our troops are on the spot, we cannot be the accomplices or serve as a screen for the colonialists, who are trying to seize the Congo and domesticate it.

171. It is against this background that my country has decided to withdraw its troops, who set out to respond to the appeal of the United Nations and of the lawful Government of the Congo, for the maintenance of order and the protection and consolidation of the independence of the Congolese Republic, to ensure its unity and safeguard its territorial integrity. Nothing of all that seems to be getting done. Quite the contrary! Today we have taken our decision. We cannot maintain our presence in the Congo and our troops will be withdrawn. But we consider that we have another responsibility, one which is implicit in our membership of the United Nations, and consequently as a member responsible, directly or indirectly, for its actions.

172. We cannot dissimulate our anxiety over the deterioration of the situation and so we feel that the General Assembly must take a decision, on the urgent and essential steps that need to be taken, in order to save what can still be saved. This is what is proposed to representatives in the draft resolution submitted by

^{14/} Ibid., Fifteenth Year, 920th meeting, para. 66.

Ghana, India, Indonesia, Iraq, Morocco, the United Arab Republic and Yugoslavia [A/L.331]. The minimum measures proposed to the General Assembly in this draft resolution are absolutely necessary to enable the United Nations to save its prestige and avoid the biggest failure it will have suffered since the beginning of its existence.

173. That is why I reiterate the anguished appeal made before me by the representatives of India, the United Arab Republic, Yugoslavia and Ghana so that the Congo may be saved from civil war, Africa from chaos and maybe the world from war.

174. Mr. PERERA (Ceylon): May I begin my statement by announcing to this Assembly that the delegation of Ceylon is also now a sponsor of the draft resolution which was placed before this Assembly this afternoon. Together with the delegations of Ghana, India, Indonesia, Iraq, Morocco, United Arab Republic, and Yugoslavia we have the honour not only to support the draft resolution but also to amplify our position in respect of the vital issues that are now before us.

175. May I also quote *in extenso* from the statement made by the Prime Minister of Ceylon, Mrs. Bandaranaike, on 8 December 1960, which sums up our position vis-à-vis the present situation in the Republic of the Congo. I quote from that statement because the delegation of Ceylon feels that it is time, not only to express our opinion as to what is happening, but also to express our dissatisfaction at the way things are going in the Congo. I do so to focus attention on the great issues which, if not solved or if not resolved, will not only lead Africa to disaster, but also perhaps the world. This is the statement as issued by the Prime Minister of Ceylon:

"The reports which we have had lately of the situation in the Congo have caused my Government great anxiety and alarm about the turn which events have taken in that unhappy country. It has been our steadfast view that the legitimate Government of the Congo was and is the Government of Mr. Patrice Lumumba and that his dismissal by Mr. Kasa-Vubu was invalid as the latter was a constitutional Head of State in a parliamentary as opposed to a presidential form of government, and enjoyed only formal powers in respect of the appointment and dismissal of ministers. He could not have, under such a constitution, dismissed the Prime Minister who enjoyed the confidence of Parliament unless he found another minister capable of obtaining the support of a parliamentary majority. This, Mr. Kasa-Vubu's nominee has up to date not been able to achieve.

"Apart from this legal aspect, my Government is fully of the view that in the situation which we have in the Congo, Mr. Lumumba alone, among all the Congolese leaders, has the widest consensus of popular support throughout the Congolese Republic; he stands for, among a lot that is reactionary, tribalist and divisive, the progressive concept of Congolese unity and nationhood, and embodies the resurgent spirit of the awakened peoples of Africa.

"The decision of the General Assembly to seat the delegation of Mr. Kasa-Vubu in the United Nations came to us as a great shock and surprise. The decision was all the more surprising and incomprehensible because it came at a time when the United Nations Conciliation Commission was preparing to go to the Congo to find a way of ending the

internal conflict which prevented the constitution from functioning.

"By deciding, however, to seat the Kasa-Vubu delegation the United Nations has in effect sought unilaterally to determine the outcome of an internal conflict, sabotaged the United Nations Conciliation Commission on the very eve of its departure for the Congo, made the task of the United Nations Operational Command one of utmost difficulty, and seriously compromised the essential impartial character of the United Nations.

"All who look upon the United Nations as the strongest force we have for peace and security in the world and who would like in every way to add to its prestige and increase its efficacy will bitterly regret this decision and the strident cold-war mentality and colonialist spirit which were behind the reason for it.

"The situation we now have in the Congo is most extraordinary. The country has been held in sway by the lawless bands of Mobutu's private army. The Belgian colonialists who support him and finance and equip his army have returned to the Congo in a very large number, occupied key positions in the country and are cynically and insidiously undermining the unity and independence of the Congolese Republic. The Prime Minister of the Congo has been seized by the lawless men of Mobutu, tortured and held in detention by them in inhuman conditions. The United Nations personnel are being daily attacked and the Embassies of African countries are being one by one erased from Leopoldville. Meanwhile the United Nations Congo forces which were sent into the Congo to provide military assistance to the Congolese Government stand by, unwilling to affect the course of events, whereas the imperative need is immediate action to disarm and to disband Mobutu's army so that normal political life could return to the country and Parliament may again take its rightful place under the constitution."

That sums up the position of the Government of Ceylon.

176. May I turn to some aspects of the discussion. I do so conscious of the great responsibility which my country has, both as a Member of the United Nations, as well as a member of the Security Council.

177. In the last few days we saw two opposing points of view in the Security Council, and we know that both views were rejected. It is not for me here to express or to judge, either subjectively or objectively, the merits of those resolutions. The fact remains that now the General Assembly is considering this issue, because the important and vital nature of the consequences which may flow from indecision, as well as by a wrong decision, is fraught with perils; not only for Africa but also for the world. It is in this context that we turn, if I may, to the *fons et origo* of what we are now considering.

178. The moment the Assembly decided, in its resolution of 20 September 1960, in view of the resolutions adopted by the Security Council, to take account of the fact that the Government of Mr. Patrice Lumumba was the legitimate Government—and here, let me repeat—it was indeed on the invitation of the legitimate Government of Mr. Lumumba that the United Nations decided to assist and to send its military force to assist that Government. And if I may quote the *considerandum* contained in resolution 1474 (ES-IV):

"Considering that, with a view to preserving the unity, territorial integrity and political independence of the Congo, to protecting and advancing the welfare of its people, and to safeguarding international peace, it is essential for the United Nations to continue to assist the Central Government of the Congo,"

If that was the basis on which the United Nations took action, then it is not only logical but imperative for us now to reconsider our position in the light of events that have taken place since that time.

179. This afternoon, in a very detailed analysis by the Defence Minister of India, we heard the facts and figures. It is not for me now to raise these issues again. The indictment as presented by Mr. Krishna Menon was unanswerable. The point is this: whom are we indicting? It is here, I submit, that many delegations, or shall I say, many sovereign States who are members of this Assembly, are not looking at the facts squarely and truly and coming to a decision.

180. I say this because it is most disheartening to find ourselves in the position we are now in. If I may put it in this way: there are two issues now before the Assembly, one is the issue as to what should be the next step, in deciding or in taking a particular action, to bring about a certain stability, order and law in the Congo; secondly, if we are incapable of taking that action, whether the mandate has been given to the Secretary-General or to any other body, then we must confess that we have failed and that we would stultify ourselves if this Assembly was asked to take another decision, which would not only perpetuate the present conditions, but perhaps turn back the wheel of history as it has taken place in the Congo since 1 July this year.

181. These are the facts, which have not only motivated our sponsorship of this draft resolution, but are also the facts whereby we are now placing a further point before this Assembly. I do not want, on behalf of the Government of Ceylon, to re-agitate an issue. We have nothing personal against those distinguished gentlemen who are sitting here as representatives of Mr. Kasa-Vubu, and let me make it quite clear that we have nothing against the Congolese people. But this Assembly has been asked in a sense to legalize something which is illegal and that, in the view of the Government of Ceylon, is the cardinal issue. We are perpetuating an illegality. Should we permit ourselves this luxury—I would call it a luxury in some ways—because, as someone might argue, the financial resources of the United Nations are perhaps inexhaustible? But even if the finances, the money, could be found, it is a luxury that some would indulge in just to salve their consciences. I place this issue before the Assembly, because not only are we stultifying ourselves, but we are creating conditions under which in the Congo we have now a resurgence of colonialism. In this connexion I would like to quote from what Mr. Lumumba himself said at the Conference of Independent African States held in August 1960. He said:

"... to steer clear of not only Belgium but other predatory colonialists ... Independence can be preserved only through unity and cohesion of our people. The attempts of international imperialism to rescue colonialism in Africa are doomed to failure."

182. Now, if that is the view of the legitimate Prime Minister of the Congo, Mr. Lumumba, what is the role of the United Nations? And it is here that I say very

frankly that we need not blink at these facts. Why should we put the telescope to the blind eye and pretend that everything is well in the circumstances, that everything is going well in the Congo? The Secretary-General, with all the services that he has rendered says, "This is my mandate," to quote some of these words which have now passed into history and have become famous. He said: "Gentlemen, I am your servant. I am here to serve you. You give me the instructions." Well, may I say that these are brave words, but we have now to look beyond those words. If the mandate was ambiguous, if the mandate was not complete, if the mandate and the instructions were not clear, we have now to re-examine the mandate itself or, in the alternative, to re-examine the position in terms of preventing a breach of peace and security. That is what we have sought to do in operative paragraph 1 of our draft resolution. [A/L.331/Rev.1.]

183. Again, if I may draw your attention to another point, what was the role of the United Nations as it was meant to be when the original resolution was adopted? Was it to continue the enslavement, in some form or other, of the Congolese people, or was it to save them from a situation which had developed? I think it is a matter of common knowledge that since we last met here to discuss this very item, Mr. Tshombé, according to the newspapers, has been decorated by the Head of State of Belgium. You may draw your own inferences. I am not going to put before you my inferences but it is significant as to the role that the Belgian Government is playing in this matter, and that is why the statement of the Prime Minister of Ceylon has emphasized it. We are not here to indict Belgium. After all, Belgium is a fellow Member of the United Nations. It is a founder Member of the United Nations as was pointed out. We are not here to indict Belgium in that sense, but is not the Government of Belgium playing with fire in not carrying out the resolution which was adopted by the General Assembly? Is it not, not only playing with fire, but also creating a situation which will enable us, perhaps one day, to indict Belgium for crimes which at the moment perhaps do not appear to be crimes, in that sense? Is it not a fact that, in the United Nations, there is an absence of laws or practices and of a definition concerning aggression? This perhaps enables some Powers to do certain things which, on the basis of a definition, might constitute aggression. And is Article 39 of the Charter therefore still not ambiguous because this definition was not there? I do not wish to venture into fields which are too legal or technical, but I submit that the absence of a definition of aggression is perhaps one of the reasons why certain Powers are acting in that sense, attempting to bring their colonial rule to this unfortunate and hapless country, the Congo.

184. Here I should like to quote from the statement made in this Assembly by President Nasser of the United Arab Republic, when he addressed the Assembly on 27 September of this year. He said that the two bodies, as such, that have suffered by this operation were the people of the Congo and the United Nations. In point of fact, truer words were never spoken. With your permission I would like to quote some parts of his statement. Here is what he said: He said that certain Powers should not "... look upon the United Nations as a tool they can use in the cold war" and that "... such a way of looking at the United Nations is an illusion ..." and must be discarded. [873rd meeting, para. 150.]

He also said:

"This imperialist manoeuvre today has two victims: the people of the Congo and the United Nations. It is for the sake of both, who face the same danger, that we call on all who believe in freedom and in the United Nations as the foremost way to the development of human society to stand together in their defence." [Ibid., para. 125.]

185. That sums up the position and that is why today, after more than three months of discussion, of moving from stage to stage, we find that the Secretary-General is himself unable to suggest anything—except for the reports of his Special Representative, who points out misdeeds that have been perpetrated by Mobutu's armies—we find that we are unable to proceed any further except by adopting resolutions. I submit that even if the eight-Power draft resolution is adopted, unless there is that genuine desire on the part of all concerned—and that applies to the United Nations—we would be right back where we are and the status quo would be restored. Indeed, it is also something more than that, because in the third preambular paragraph of the draft resolution we have noted with grave concern "the hostile attitude and resistance of armed detachments to the operation of the United Nations in the Congo as recently reported by the Special Representative of the Secretary-General and also the continuation of lawlessness, violence and continuing deterioration of the economic situation in the Congo,".

186. Now, as was pointed out in the course of the debate in the Security Council, if the economic situation in the Congo has deteriorated, how is it that Mobutu's armies are well supplied with money? Surely there must be hidden resources. And here I would like to say that these are facts which are known to many people in the world. This is not a good time to say that there is no truth in these matters. They have been confirmed. What is more, apart from Mobutu's armies being well supplied with money, they have also been supplied with arms. What was no more—as it has been put very well—than a rabble, a mere lawless rabble, not worth the powder and shot a few months ago, has become today a well armed force because they have the money and because the arms have been supplied by foreign Powers. I am not here to point an accusing finger. I think those whose consciences are guilty will know to whom I am referring.

187. Certainly, in this context we are also facing a situation where those who consented to abide by the original resolution, those who said that they gave independence—although we do not subscribe to the view that any country can give independence to any other country—they should know the situation. Here I refer to Belgium. They should know, as it has been put in the words of a poet, "Oh, what a tangled web we weave, when first we practise to deceive!" Is that not the position we have now reached? It is, for that reason, that I submit that what is happening in the Congo may defy analysis by the Secretary-General and his Special Representative at this time, but that is no reason why we here should not attempt the analysis, and in this context I appeal, not only to the new Members of the United Nations, the new Members admitted this year, but also to that vast area that is called Latin America, those States which fought for their independence under very great leaders, the first States who not only upheld freedom, but substituted law as the highest form of

human freedom, who substituted for priestcraft a Government based upon legal concept.

188. Is it not the time, my colleagues from the Latin American States, to take the view that this is no matter where the cold war, or the projection of a cold war, should decide events? Is it not time that here, in the name of Africa, of resurgent Africa, when the world is moving to a point in Africa where it is freedom alone that matters, that they should reconsider their concepts of freedom and law? Is it not time, that we should now regard the final position, that if we do not take the decision and implement it, perhaps it will be too late to save the situation?

189. I would also—while being a co-sponsor of this resolution—like to point out two matters, and I would, for the moment, with your permission, like to elaborate on just one other point. I referred in passing to the legalization of an illegality. There is something more in the view of my Government. It is not a mere act of legality when we decided to seat the representative of Mr. Kasa-Vubu—or Mr. Kasa-Vubu's delegation, to use the correct expression as it was used—but what we did was, we gave the fiat of the United Nations to an illegal act. In other words, we ourselves are those who voted for that illegal act, I submit. We are indicting not only them, but we have become the accused in many ways, and the least we could do is to undo the wrong that was done, because from an illegal act stems the consequences, and these are the consequences we have to face.

190. I submit that the Charter is not only a Charter which contains political principles and high social and economic principles, which we all have to observe, it is not only the preamble, it is also a document which enshrines the highest concept of law. And when we act illegally we are indicting ourselves. We do not have to be jurists to realize that; on the contrary, it is elementary common sense. The Charter is that, it is a juridical conception. The Charter we have gives body and currency to the whole idea of international law. Not only the existence of Article 13 (1), of the Charter; it is the Charter itself that is law. It is for that reason that we are at least trying to undo a wrong which the majority of this Assembly did when it seated the delegation of Mr. Kasa-Vubu.

191. I am not going to agitate that any further, but from that flows another argument and that is, if this illegality does exist, we are not discussing here the question of unseating. On the contrary, we now find that, in spite of the legalization of an illegal act, the situation in the Congo has deteriorated. Is it the—for the sake of my argument—so-called legitimate Government of Mr. Kasa-Vubu that reigns in the Congo? On the contrary, it is the armed bands of Mobutu, the myrmidons who now follow Mobutu and carry destruction irrespective of friend or foe, as it has been pointed out. That is the point; that is why the role of the United Nations becomes more important, because if we have performed an illegal act, we are now faced with a situation where we can remedy that position.

192. It is here that one must consider the report of the Secretary-General and his own activities. Of course, as we all know, as he says and reminds us very often, that he is a servant of this Assembly. Under the assumption that we have to give the directions, those directions, or directives, are not enough. The time has come when we must see that the implementation of those directives have been carried out. The role

of the United Nations therefore becomes very important. In other words, we are facing a situation; we are at the crossroads of history as regards this institution.

193. There are two roles which Ceylon has never liked to play, and even now would not like to play. One is the role of St. George trying to slay a mythical dragon, even if that dragon was communism. The second role is that of a Cassandra prophesying the doom of this institution. On the contrary, we are not only optimistic, but we still have the faith in international institutions of this nature to go on attempting to save the peace and bring back security, law and order, wherever it has been lost. It is a cause of which we are firmly convinced that even now it is not too late to save the situation. We are firmly convinced that if this body, the General Assembly, acts firmly—and here I appeal again to those delegations who perhaps were unreasonable in adopting an earlier resolution which caused this illegality—that we should now reconsider the position in the light of events.

194. The other alternative would be to examine the whole situation in the Congo from the point of view of a philosophy of despair. That is in a sense what I think the Secretary-General's report indicates. It is not for him to suggest the remedies. It is for us to suggest the remedies. But it is for him—if I may put it in that way—to encourage, to advise and to see that our resolutions are implemented. If that role is not played, and if that role is not played in the correct way—that is, in the neutral manner in which the Secretary-General should discharge his functions—then we are in danger again.

195. I want to point out here that the whole institution and its future is at stake. I do not hesitate for a moment in saying that. The institution of the United Nations itself is at stake, although we can still be optimistic. But we are faced with a situation, as was pointed out by the representative of Ghana, similar to that which occurred in Spain before the Second World War. I do not want to go into the history of the Spanish Civil War, but in a sense we know that international law was used to justify illegal acts; that is to say, that non-intervention in Spain was argued as correct, whereas international law had laid down for centuries, that any legitimate Government of any country, or any State, had the right to ask for help from any other Governments and to obtain that help. Therefore, a new international law was created to crush the Spanish Republic. In the name of non-intervention, the legitimate Government was crushed and Fascism was enthroned.

196. That is perhaps outside the strict province of my argument, but, as I said, the representative of Ghana referred to it. We may still be in the same danger of facing a situation which faced many Governments both in the League of Nations and outside the League of Nations. It may be a repetition of history, and that is why the supreme test of the United Nations today is what has arisen in the Congo. It is not only the supreme test; it is perhaps the final test. I venture to say that it is the final test, because how long will this Assembly go on perpetuating an illegality. It is the final test, because ultimately institutions can be killed because those who run institutions, or who man institutions, will kill them with their own actions.

197. That, in the view of Ceylon, is perhaps the primary purpose of the draft resolution, among other

things. But it is also in some way an indictment of the United Nations—because I dare not, as a member representing a Member Government, say that we indict the United Nations. But is it not our duty, in a situation like this, to examine the correctness of this position, and is it not for that reason that we have now emphasized, in the operative paragraphs, certain actions that should be taken? If these actions are not taken—and I trust that the draft resolution will be adopted by the majority of the Members here; that is why I am excluding those who would still like to perpetuate colonialism—then we are faced with that danger; this in other words is the supreme test, or the final test, of the United Nations which we are facing now.

198. In this context we take up the final aspect of this matter, and that is—leaving aside consideration of law as such, or the consideration of legality and illegality as such—if we examine the position, why should this situation continue in the Congo so many months after we thought independence had been obtained by the Congolese people? Why is Mr. Lumumba, who only four months ago was a distinguished visitor to the United States, was received in this Assembly and by many eminent statesmen in this country, today a prisoner in the hands of a lawless mob? Why should it be so? I would still like to know the answer. We have here the report of the Secretary-General's Special Representative [A/4614 and Add.1], which does not point out at all why this arrest should have taken place, except to say, as we know, it is an illegal arrest.

199. What is more, the best confirmation of his legitimate position is that no other statesman or politician in the Congo has dared to take his place in Parliament and to ask for a vote of confidence. No other statesman has dared to summon Parliament or, still less, to face a vote of confidence. The President has dared not ask anyone to take his place. Therefore, it is not necessary to have so much insight and wisdom into these matters to see who is the legitimate Prime Minister and what is the legitimate Government of the Republic of the Congo.

200. In point of fact, I do not know whether, if we take this argument to its logical conclusion, we are faced with other considerations. But I do feel that these considerations are not only disheartening, but also raise other issues, as I said, regarding a fellow Member of the United Nations.

201. We have always prided ourselves in being the voice of reason, mainly because we have been conquered and we have also been conquerors, we have seen happy days and unhappy days throughout many years of history. And what has emerged out of all that is, in politics as in life, we know the limits which wisdom deems wise to observe. And that is why it is dangerous. I say this not as a Cassandra spelling doom; but perhaps those who still want to perpetuate colonial rule, in spite of the resolution which was adopted on 14 December in the Assembly [1514 (XV)]—the declaration on the ending of colonialism—perhaps they are defying the resolutions of the Security Council as well as the resolutions of the General Assembly in this regard.

202. In operative paragraph 2 of our draft resolution we therefore urge certain practical measures. I am not reiterating here issues which were dealt with by the Defence Minister of India. But it is here that the same yardstick must be applied by the Secretary-General's representatives, and that applies also to the armed

forces of the United Nations. The same yardstick must be applied here irrespective of the race, colour or creed of the people in the Republic of the Congo. But we do not know as yet whether that yardstick has been applied in that way.

203. It is also here that the Secretary-General's forces or the United Nations Command—I shall put it that way—must act, not as mere baby-sitters but in a genuine manner and with a genuine effort, to disarm these lawless armed gangs in the country who are bringing destruction to innocent homes, men, women and children.

204. If that was not the case, why should we in this Assembly be asked to vote upon the money that has to be spent? Was not the original intervention, at the invitation of the legitimate Prime Minister, Mr. Lumumba? Why set up a façade, under which we should seek protection? Was it just to salve our consciences? I submit that that is not the case. In other words, was it because the mandate was incomplete and the draftsmen of the resolutions could not put in every possible action that the United Nations Command should take in the Congo—and no mandate, as such, is complete, most mandates are permissive in character, they are not imperative—that we should now be faced with, if I may submit in all seriousness, certain excuses to justify the actions of the United Nations Command? It is for that reason that, in great sorrow, if not in anger, the Government of Ceylon took the position in the statement which sums up our views clearly.

205. We are not deterred by conjuring up visions of the destruction of the Congolese people, by pernicious philosophies. That is not the point. The point is, as is stated in all of the resolutions, to preserve the political

independence and the integrity of the Congolese people. If we do not do that, I am afraid that we are not only destroying ourselves, but we are also destroying the United Nations as a body. I still submit, however, that the time may not have been reached when we could think perhaps in those terms. If there is a lacuna in the Charter, that lacuna is there because it was meant to be filled in by us.

206. I appeal to my Latin American colleagues to look at it from that point of view, from the point of view of the preservation of the political independence and the territorial integrity of the Congolese people, not in terms of possible philosophies. We all know that we work here on the basis of the coexistence of different political and social systems.

207. The point here is quite clearly stated, and that is the preservation of the integrity and freedom of the Congolese people, as represented by Prime Minister Patrice Lumumba. No one else has that right; no one else has challenged that right. Even if he is in prison and is illegally under arrest, because he did not receive the help and assistance for which the United Nations Force was sent, he still remains the legitimate head of the legitimate Government of the Republic of the Congo.

208. On that tone I commend the draft resolution, which the Government of Ceylon has the honour to co-sponsor, to this Assembly. I trust that it will be adopted, so that we could take the next step not only in preserving peace and security in Africa, but perhaps in preventing a blood bath which might divide the world as between races.

The meeting rose at 6.45 p.m.