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

**AGENDA ITEM 85**

**The situation in the Republic of the Congo (continued)\***

1. The PRESIDENT: The Assembly will continue its consideration of the item entitled "The situation in the Republic of the Congo". Before I call on the first speaker this morning I should like to point out that there are two proposals before the Assembly on this item. The first is a draft resolution submitted by Ceylon, Ghana, India, Indonesia, Iraq, Morocco, the United Arab Republic and Yugoslavia [A/L.331 and Add.1.] The second is a draft resolution submitted by the United Kingdom and the United States [A/L.332.]

2. Mr. ORTONA (Italy): My delegation has followed with great attention the statements made from this rostrum by the various speakers who have preceded me, especially the statement made by the Secretary-General [953rd meeting].

3. The Italian Government has followed with utmost concern the occurrence of dangerous episodes and incidents in the Congo, and intends to be guided in the appraisal of such developments by the following main considerations: First, the necessity to uphold with all possible strength and effort the operations of the United Nations in the Republic of the Congo; secondly, the observance of the rules of non-interference by the United Nations or by individual countries in the Congo situation, in accordance with the Principles of the Charter; thirdly, the ultimate welfare of the Republic of the Congo and of the Congolese people.

4. From these three principles various considerations ensue. In the first instance, we would like to join those delegations which, in appraising the work done so far by the Secretary-General, have expressed their feeling of appreciation for it and have recognized that there were limits of a legal nature within which he and his associates were bound to operate. We have taken note, in the Security Council, of the references made by the Secretary-General to the difficulties with which he has been faced and which have undoubtedly brought about, on certain occasions, strains and stresses. We are convinced, however, that the Secretary-General's conduct of the United Nations operation was and is fully in line with the decisions taken all

along in these past months by the Security Council<sup>1/</sup> and by the General Assembly at its fourth emergency special session [resolution 1474 (ES-IV)] on September last. The best evidence of the impartiality with which the United Nations Force has acted in the Congo is offered by the very criticism which has been uttered against it from opposite sides. When Mr. Lumumba was protected, the United Nations was attacked for affording privileged protection to him; when he left his residence voluntarily and clandestinely and was arrested by Congolese military authorities, the United Nations was criticized from other quarters for not having intervened in his defence. My delegation believes, in all fairness, that the Secretary-General would have trespassed the limits imposed upon him by the Security Council and by the General Assembly had he pursued such action on the basis of a more extensive interpretation of his mandate. We feel that this mandate indeed forbade the United Nations Force to take any military initiative except when acting in self-defence for the protection of human lives.

5. Moreover, we also feel that it is an unwarranted and false assertion to say that the Secretary-General did not solicit new instructions from the Security Council. As members of the Security Council, we were kept fully current with all developments, so that it could be ascertained whether any departure from the original framework provided by the resolutions already approved was required. However, the Security Council never felt it necessary or proper to change or even to clarify further the mandate on which it had decided. Thus the Secretary-General was not only entitled to do so, but had no other choice than to abide strictly by the mandate entrusted to him and to the interpretation given by him, which the Council had not challenged.

6. Actually, we had heard suggestions that the United Nations should have been doing more. These utterances clearly indicate the intention of putting the United Nations at the service of one-sided interests, and an attempt to bring about a breach of the legal limits outlined by the competent United Nations bodies in previous decisions.

7. It is significant that those who criticize the Secretary-General for having acted as an "autonomous organ" are the same people who now insist on pushing the Secretary-General towards steps which would bring him beyond the limits within which he has to operate. The fact is that the parties who now advocate an enlarged mandate for the Secretary-General do so only because they want him to perform this mandate in accordance with their purposes and to suit their aims exclusively. We are confident that the majority of the Members of this Assembly will not wish to second

<sup>1/</sup>Resolutions S/4387 of 14 July 1960, S/4405 of 22 July 1960 and S/4426 of 9 August 1960. See Official Records of the Security Council, Fifteenth Year, Supplement for July, August and September 1960.

\*Resumed from the 953rd meeting.

such a dangerous course. This brings me to the second principle that I have mentioned, relating to the observance of the rule of non-interference in the internal affairs of the Congo.

8. The basic point which must guide us is that the United Nations can effectively contribute to the situation in the Congo provided that it will not act as a super State, going beyond the limits established by international law and practice and by the principles and the articles of the Charter. Actually, the action of the Organization has been rightly encompassed, as well as effectively shaped, by the previous resolutions of the Security Council and of the General Assembly, and the principles laid down by those resolutions would be more than sufficient to enable the United Nations authorities in the Congo to take the necessary measures for the attainment of the Organization's goal in the territory.

9. We have noted with satisfaction in this respect that the Secretary-General stated yesterday that he rejected all controls over Congolese internal affairs and that he viewed the United Nations action as a normal political and diplomatic endeavour, not as a means to exercise undue pressure or intimidation. This may certainly be subscribed to by all Members who intend to further a completely impartial course for the United Nations in its action in the Congo.

10. As for bilateral forms of assistance, my delegation has made clear, over and over again, that it is contrary to any attempt to subject the Congolese to the influence of any foreign Power or of one or the other groups of Powers. We have heard in the Security Council, and again in this Assembly, repeated attacks, insinuations and references to the plots, machinations and conspiracies by the NATO countries. We cannot do other than discard indignantly such utterances, which only reflect the intention to cast a distorted light on the picture of the already confused situation in the Congo in order to instigate further disorders and upheavals.

11. In particular, as to the plotting made by Italy, let me restate what I already declared on 17 September 1960 from this rostrum [858th meeting]: that Italy, for its part, has contributed transport aircraft, badly needed to ensure the adequate flow of men and material within the Congo, for the necessities of the United Nations Force and for the benefit of the local population—and this, in response to the Secretary-General's request to that end. Moreover, Italy has supplied a hospital unit, intended to bring relief and assistance to the needy; and we are gratified by the direct acknowledgements and heartfelt expressions of appreciation on the part of the beneficiaries. These are our manipulations and machinations as a NATO country in the Congo.

12. Further, we believe that the Congolese authorities should not be denied the assistance of civilian experts and technicians they might see fit to recruit regardless of national origin. In fact, we feel that it is indeed with great wisdom that the resolutions adopted by the Security Council and by the General Assembly refer only to the withdrawal of military personnel. Probably most African countries, which have only recently reached the threshold of independence, would agree with me, in an objective and unbiased appraisal, that it is in the interest of the new States to continue for a while to avail themselves of civilian personnel from

foreign countries. These are needs involved in any process of growth and adjustment.

13. Italy is proud and glad to continue to continue a policy of technical co-operation with Somalia; and, in fact, it has been requested to assign experts to assist the Somali Government. Ghana has shown that it is possible to combine the strongest feelings for independence and make use of the services and co-operation of United Kingdom officials. Equally, there is a most happy relationship between the peoples of the newly independent African States formerly dependent on France and French experts.

14. It should be recognized that any country which has recently gained independence should be spared as much as possible abrupt changes in its process of development; and to do so, it must avoid any vacuum in its administrative and political cadres. We do not wonder that certain countries are conducting an aggressive and effective campaign intended to bring about such vacuums. We know their political philosophy, and we know that their aim is world domination. Thus, no better prospect could exist for them than the existence of gaps and confusion in the structure of new nations, into which they can insert their totalitarian techniques.

15. With the same strong convictions, with which we view with concern any process which would bring about abrupt changes in the civilian sphere in the Congo, we strongly uphold our belief in the strict enforcement of the resolutions of the Security Council and the General Assembly concerning the withdrawal of military contingents as well as any activities and supplies, on a bilateral basis, of military aid to the Congolese.

16. As for the third principle that I outlined at the beginning of my intervention, which is the pursuance of the welfare of the Congo as our ultimate aim, my delegation has consistently maintained—and we have heard appeals in the same direction from many sides—that the young Republic must be isolated from the pressures of the cold war. We still wish to emphasize this with the utmost vigour.

17. We stated in our intervention in the Security Council that the recognition given to Mr. Kasa-Vubu and his delegation did not imply that there had been winners and losers.<sup>2/</sup> In stating this, we had reflected the hope that the Assembly, by upholding the authority and legitimacy of the Chief of State, might have favoured the rallying around him of all political forces which pursue the lofty goals of freedom and independence in the Congo. This is a course that would be most appropriate at this juncture. A round table conference, on which these forces might converge, is even more warranted now by the dramatic course of recent events. The Congo needs peace and could enjoy it in prosperity. But, much to the contrary, we heard just the other day the report of the Secretary-General about the distressing situation that has developed in Kasai province.<sup>3/</sup> For reasons of another character, a perturbing situation developed in the Stanleyville area, where European residents were once more subjected to a direct threat.

18. Only the United Nations is in a position today to remedy situations of this kind, and this is an additional motive for us to uphold the effectiveness and

<sup>2/</sup>Official Records of the Security Council, Fifteenth Year, 916th meeting, para. 36.

<sup>3/</sup>Ibid., 920th meeting, para. 66.

the prestige of the Organization in the Congo. Moreover, we feel that, if the United Nations succeeds in ensuring law and order, in spite of all the difficulties and strains, a condition will be laid for the convening of Parliament, this being a very important prerequisite for the pacification of the country and for allowing the Congo to find political structure and balance, in conformity with the wishes of its people. If this goal is reached, if the political turmoil will have ceased, it will be possible to put to full use the great economic resources of the country.

19. It is because of these considerations that my delegation heard, with the deepest interest and concern, the statement made by the Secretary-General yesterday, when he said that what we were discussing here was not so much the situation in the Congo but the situation of the United Nations.

20. To this grave and solemn admonition of the Secretary-General my delegation wishes to respond that we want the United Nations to be upheld, we do not want it to be undermined by destructive forces, we want it to derive new enhancement and prestige from its present endeavour in spite of all its complexities. May I add that my delegation hopes that from the meeting now being held in Brazzaville by the Chiefs of State of the African States the same awareness of the difficulties which surround the United Nations operation and the necessity of upholding it at every cost will be felt. We shall also welcome any effort that they will pursue to further the aims of the United Nations in the Congo for the re-establishment of peace and security in that country and for the preservation of its integrity.

21. The considerations which I have set out above will explain why we are not able to support, much to our regret, the draft resolution [A/L.331 and Add.1] sponsored by Ghana, India, Morocco, the United Arab Republic, Yugoslavia and Indonesia. It seems to us that this resolution aims at sustaining principles which, if carried out—and I refer to those implied in operative paragraphs 2, 3 and 4—would imply the risk of initiating in the Republic of the Congo that kind of trusteeship by the United Nations that so many speakers in this Assembly, and the Government of the Congo itself, have always refused, rightly, even to consider. Such an attitude on the part of the United Nations would be, we feel, inconsistent with the Charter and with the principles of independence and full sovereignty of all Member States, which is also the salient point of the great evolution taking place in Africa today.

22. The limitations put on the United Nations by past resolutions should, in our opinion, not be trespassed, even, and especially in the light of the dangerous events which recently occurred in the Congo. The letter and the spirit of the Charter prevent our Organization from interfering in the domestic affairs of a sovereign State, and the United Nations would indeed be doing so if that draft resolution were adopted.

23. As for the draft resolution sponsored by the United Kingdom and the United States [A/L.332], we feel that it provides more suitable guidance for the United Nations to cope with the grave situation in the Congo. The draft resolution shows the awareness that the convening of the Congolese Parliament is desirable in appropriate conditions of freedom and security for its members. Moreover, the draft resolution considers with favour the work that certain representatives ap-

pointed by the Advisory Committee for the Congo are about to begin in that Republic. The problem of foreign military contingents in the Congo is also taken into account, whilst great stress is placed on the necessity that all concerned in the Congo should co-operate with the United Nations.

24. Further, as already debated in the last Security Council meeting, this draft resolution embodies recommendations which respond to another fundamental purpose which ought to be pursued, namely, the respect for basic human rights in that strife-torn Republic. Whether the people abused are Congolese or not Congolese, whether they are enemies of Lumumba or his supporters, United Nations personnel or Belgians, we feel that the prerequisite of civilization and orderly democracy is the end of violence. It was just to protect human lives from dramatic incidents that the United Nations operation in the Congo was conceived. That is why we also favour the reference in the draft resolution to the International Red Cross. Its presence in the Congo would indeed be of great assistance. In this respect, let me state, in response to a remark made in the Security Council by the representative of India about a statement of mine in that Council,<sup>4/</sup> that we would favour that the work of the International Red Cross should apply, without discrimination, to all those who are under detention in the Congo.

25. The observance of human rights, the co-operation between Congolese authorities and the United Nations, the confirmation of previous decisions of the United Nations concerning the aims of the Organization there, constitute the basic elements for a sound decision on the part of the Assembly to bring about a general amelioration of the situation in that country. Without infringing on the rules of the Charter, the United Nations is still empowered and in a position to establish the moral climate and the suitable political conditions for a round table conference or some gathering of the Congolese leaders, provided goodwill be shown by all sides. The future of the Congo is and must remain in the hands of its people. We cannot impose a solution from the outside; we can only try to assist in bringing about the conditions that will enable the people to make its own decisions on its destiny.

26. I should like to stress here that the conciliatory approach to domestic problems of the Congo and the liberal and humane appraisal of the situation there, as embodied in the resolution proposed by the United Kingdom and the United States, spur renewed confidence that all well-meaning and peace-loving Member States may continue in a collective and vigorous effort of constructive assistance to the young African Republic.

27. These reasons prompt the Italian delegation to support the draft resolution sponsored by the United Kingdom and the United States.

28. Mr. SHANAHAN (New Zealand): The situation in the Congo is of momentous importance, not only to the peoples of that country and of the other States of Africa, but also to all those who place their trust in the United Nations and who regard it as the principal guarantee of peace and security. It is for that reason that my delegation feels obliged to state its views on the salient issues in this debate. As the time at the

<sup>4/</sup>Ibid., 917th meeting, para. 192.



Assembly's disposal is running short, and as the problems before the Assembly have been so well brought out in the statements of speakers who preceded me, I shall endeavour to be brief.

29. My delegation does not believe that this debate can in itself bring about any sudden or spectacular improvement in the extremely dangerous situation which faces the United Nations in the Congo. We do believe, however, that the present discussion can be constructive and of lasting value. In the first place, it can enable us to develop the sense of common purpose which is absolutely indispensable to the great undertaking on which the United Nations has embarked. Secondly, it can convey to the people of the Congo—and more especially to those who occupy positions of power or influence in that country—that our ability to help them depends in very great measure on their own capacity to face their problems and their determination to develop the sense of nationhood, and the institutions to make it effective.

30. The people of the Congo have still to overcome the loyalties of tribe and faction. It is one of our primary aims to help this unifying process and, as far as possible, to insulate the Congo from external pressures. The original decisions of the Security Council to provide military and civilian assistance were based on a recognition that the Congo could otherwise become an international battleground. In that sense, the fortunes of the Congo and of this Organization are intimately linked. If the membership of the United Nations is deeply divided in its approach to the problems of the Congo, this disunity will have its own disruptive influence on the course of development within that country; and, if we fail to achieve the necessary measure of agreement, we can hardly expect the people of the Congo to do better.

31. Regrettably, the representatives of the Soviet Union and of the group of States with which it is associated have provided us with an object lesson about the perils of the house divided against itself. They have, in the guise of a sustained and vicious attack on the Secretary-General, impugned the integrity of the United Nations; for the policies which the Secretary-General has had the responsibility of implementing are those decreed by the Security Council and carried out subject to its review. During the present session, such attacks from such a quarter have ceased to have any novelty or to evoke much response; but it is an irresponsible game to light new fires at home while attention is focused on a conflagration abroad.

32. This element apart, the debate has revealed a significant and encouraging measure of agreement about essentials. Nobody doubts that the success or failure of the Congo enterprise touches the United Nations very deeply, and perhaps determines its whole future. There is an impressive consensus of opinion about the aims of the operation. We wish to see the growth of an independent and prosperous country, with institutions of government which reflect the will of a sovereign people. We are profoundly disturbed by the persistence of civil conflict in the Congo, by the disruption of governmental institutions and processes, and by the general break-down of law and order. We are agreed that these conditions directly threaten the achievement of United Nations aims and purposes.

33. It has been a great satisfaction to my delegation that the other States of Africa have been prepared to

assume a leading role in the efforts of the United Nations to bring peace and stability to the Congo. We readily understand their disappointment and alarm that the objects they have worked for should still be frustrated, and that the United Nations Force—so largely drawn from their own countries—should seem to be bogged down in an ungoverned and turbulent country. The anxieties of these African countries are shared by all who have at heart the interests of world peace and security; nor will anyone deny the desperate urgency of the present predicament.

34. There are, however, genuine differences about ways and means. It has been urged upon us that progress depends upon the assumption by the United Nations of a more active and dominating role, to fill the vacuum in governmental institutions and to end the paralysis which grips the Congo. This is, in our view, a counsel of desperation—natural in the circumstances, but not compatible with the limitations imposed on the United Nations by its Charter, by the decisions establishing the United Nations Force or by the general canons of political long-sightedness. The Congo is a sovereign State. The United Nations offered to assist it, but not to undertake enforcement action or to intervene in internal affairs. National contingents were contributed on that understanding, which each series of Security Council meetings has served to underline. We have listened with considerable sympathy to the contention that the Force cannot stand idle while everything around it crumbles. We have also followed with very careful attention the arguments of the representative of India and others that the present mandate is wide enough to justify changed directives to meet the changed circumstances. It is true that the collapse of the former Government, and the departure from constitutional norms, add greatly to the dangers and anxieties; but it is less evident that these misfortunes have changed the nature of the problem.

35. The ill-discipline of units of the Congolese army has been, from the beginning, one of the problems with which the Force has had to contend. This was true in the first weeks after the arrival of the United Nations Force, and it has continued to constitute a problem ever since. In those early days, the doctrine was established, in full consultation with the Security Council, that the United Nations Force could not be used to overpower, or forcibly disarm, units of Congolese troops. From that time onwards, a clear distinction was maintained between exercise of the right of self-defence and the taking of a military initiative.

36. This policy, then as now, called for great forbearance on the part of the United Nations troops and commanders. Then as now, the representatives of the United Nations experienced rebuffs and rebukes in their dealings with Congolese authorities. These vicissitudes and occasional hostility have been borne throughout with a discipline which reflects the greatest credit on the United Nations Force, and which should certainly be rewarded by a greater display of co-operation on the part of those in positions of power in the Congo. But, whether rewarded or not, the restraint exercised by the Secretary-General and the United Nations Command was absolutely essential to the role the United Nations has sought to play.

37. The United Nations Force has been able to forestall atrocities, to save life and property, and to provide the indispensable backing for the civilian operations to give technical and economic assistance.

This was possible, in difficult and confused circumstances, because of one crystal-clear line of distinction. The United Nations Force would not use arms except in self-defence. Rigid adherence to this rule, which had the full sanction of the Security Council, has enabled the Secretary-General to demonstrate, beyond any shadow of reasonable doubt, that the conduct of the Force has been absolutely impartial. It has, moreover, been successful in avoiding any situation in which the United Nations could be said to have incited Africans to kill Africans.

38. To justify a less circumspect policy, it has been necessary to plead that the departure from constitutionality justifies a change. The fact is that the limitations governing the use of the United Nations Force have never depended on applying any test as technical—and, in some circumstances, controversial—as that of constitutionality. United Nations military assistance and support has never been given to enable one faction in the Congo to subdue another, even when such help was requested by a person whose constitutional position was undoubted. I have in mind here the situation some months ago when the United Nations forces were asked to help to subdue Katanga. If that rule was essential in less confused circumstances, it is surely the more necessary now. It is simply not feasible, I submit, for foreign troops, operating under the United Nations flag, to declare an open season on segments of the Congolese Army, however ill-disciplined and by whomever led.

39. It has been suggested that the conduct of the United Nations Force has allowed the usurpation of authority by President Kasa-Vubu. My delegation knows of nothing to substantiate a claim that the Chief of State—or indeed any other Congolese leader—owes his position or authority to actions of the United Nations Force. The Force has been used to give personal protection to recognized leaders in circumstances in which that could be done without taking a military initiative; and that is all. It would, in our view, be quite wrong to give currency to any notion that it is a legitimate function of the Force to give physical backing to the authority of any Congolese leader, or forcibly to intervene on behalf of any such leader.

40. The kernel of the matter is that constitutionality begins at home. It is our duty to ensure that the United Nations adheres to the letter and spirit of its own Charter, and that the Force adheres strictly to the directives which embody these Charter provisions. Any other course would compromise irreparably the moral authority of this Organization, and would constitute an intervention in the internal affairs of the Congo from which we could not extricate ourselves with honour. That is not an issue of nuances, niceties and legal subtleties. It is merely the observance of the fundamental rule that the United Nations Force uses arms only in its own defence. We cannot govern the Congo, as some of the advocates of more vigorous policies have suggested.

41. Although the United Nations must observe these limitations, it does not follow that we are the less interested in the restoration of constitutional procedures in the Congo. Indeed, my delegation would hope that the representative of the Congo (Leopoldville) will not fail to report the keen and anxious interest of the General Assembly in ensuring the speediest possible return to constitutional procedures, leading to the recall of Parliament in conditions in which its freely

elected representatives can perform their deliberative functions without subjection to any form of duress or undue influence. The Congo must set its own house in order; for that is the inescapable responsibility of all sovereign States. Nothing that is imposed by outsiders, however well-meaning, can be a substitute.

42. My delegation places great faith in the work of those officers of the Conciliation Commission who have already gone to the Congo. We believe that by such means, as well as by normal diplomatic contacts, the representatives of African and other States will be able to use to great advantage their influence with the authorities and leaders in the Congo. They should be able to say to these leaders, on behalf of the whole membership of the United Nations, that the way to unity and all the dignities of statehood lie, not in the victory of one faction over another, but in reconciliation and agreement to submerge factional loyalties in the interests of the country as a whole.

43. Despite present frustrations, we believe that the continued presence of the United Nations Force is essential to the creation of conditions of internal stability. In its present restrained rôle, it is the best protection against a further and more wide-spread lapse into conditions of anarchy and lawlessness. The conduct of its members is the best example of regard for good discipline and respect for fundamental human rights. We earnestly hope that there will be an immediate and sustained improvement in the degree of co-operation extended to the representatives of the United Nations in the Congo. This is of real importance.

44. I would reiterate my Government's staunch adherence to the principle that there should be no external interference in the affairs of the Congo, and that all assistance should be given through United Nations channels. In existing circumstances, the continued presence of United Nations representatives is our best safeguard against such interference. The longer term solution lies in the reconciliation of opposing factions within the Congo itself; for that alone will set the seal of national unity, and remove the temptation to seek outside support.

45. Finally, may I appeal to all Members of this Organization to provide, in accordance with the decision of this Assembly, their share of the means needed by the United Nations to carry out its task—a task imposed by resolutions of the Security Council, all of which were adopted unanimously. Anything less is a dereliction of a basic duty under the Charter.

46. Mr. AMADÉO (Argentina) (translated from Spanish): The subject of the Congo has come many times before the principal political organs of the United Nations, and each time some essential aspect of it has called for special attention. It seems to us that the main question with which we are concerned in the present debate is the competence of the United Nations to take decisions having a bearing on the country's political and constitutional structure.

47. The events which have taken place in the Congo since the General Assembly's decision to postpone its consideration of the item [913th meeting] have caused the item to be brought up again and have prompted a number of delegations to propose measures which, if they are approved by this Assembly, would mean a radical change in the principles on the basis of which the United Nations conceived and carried out the Congo operation. We must not forget that the action decided

upon on 14 July and confirmed in successive resolutions of the Security Council was intended to assist the Central Government of the Congo in obtaining the withdrawal of foreign military forces and maintaining law and order. These limitations were later stipulated in the resolution of 9 August, which prohibited the United Nations from interfering in internal matters, whether constitutional or other.

48. It must be recognized that it was extremely difficult for the United Nations, and more particularly for those who implemented the Council's decisions, to adhere to this subtle distinction between the obligation not to interfere in the internal affairs of a sovereign State and the need to help law and order to be maintained in it. It was their task to maintain a delicate balance in order to avoid two possible pitfalls: that of failing to fulfil their instructions to help in the maintenance of law and order, and, by discharging that first obligation, that of interfering in matters which were strictly of domestic concern.

49. The Congo operation was, beyond any doubt, an act of intervention *strictu sensu*, since national defence against foreign military occupation and the preservation of internal order are normally the functions of a sovereign State. It is nevertheless true that this case was an exception to the general rule which prohibits external intervention in the settlement of domestic problems.

50. However, I must emphasize that this United Nations intervention—let us call it that, using the word in no derogatory sense but for the sake of clarity—had two characteristics which distinguish it from the improper intervention condemned by international law. In the first place, it was an action undertaken at the request of the Congolese Government and not against or independently of its will. In the second place, it was an operation with limited objectives, and the methods used were restricted to the attainment of those objectives.

51. The resolution of 9 August 1960, to which I have referred, is quite clear on the point of the United Nations' obligation not to interfere. However, even if the resolution of 9 August had not been approved by the Security Council, the obligations imposed by the Charter would nonetheless have remained in force, and these apply to the Organization as a whole no less than to its individual Members. These obligations, which derive primarily from Article 2(4) of the Charter, calling for respect for the political independence of States, preclude the United Nations from undertaking any action going beyond what the Congolese Government itself asked it to do, in this case, to guarantee the territorial integrity and safeguard the internal order of the country.

52. As I have said, the distinction between these two obligations—the positive obligation to help to maintain order, and the negative obligation not to intervene in internal matters—is a very subtle one and is not capable of enforcement by legal means. Indeed, in determining whether a specific measure may constitute interference or whether inaction may imply failure to discharge the responsibilities assumed, each case must be carefully judged on its own merits.

53. Consequently, those who were instructed to implement the resolutions of the Council under the Charter, our supreme law, have had to decide, and have to decide now, on the action to be taken in each

particular case. Our duty, the duty of the guiding organs, is to approve or disapprove of what they do.

54. What I think we cannot do is to extend our own powers beyond what was originally asked of us by the Congolese Government. We cannot set aside our obligation not to interfere, not only because in so doing we should be disregarding many wise limitations established by the Security Council, the organ which initiated the operation, but also because—a far more serious matter—we should be violating the constitutional law of the United Nations, our Charter itself.

55. Hence, despite the practical difficulties involved, we must continue to tread this narrow path between two abysses, if it is really our desire, as it must be, that the operation should be carried out in the interest of world peace. We must, on the one hand, continue to respect the political independence of the Congo and, on the other, we must continue to assist its Government, so long as it has not withdrawn its request, in maintaining law and order in the country. I said "its Government", and this expression naturally brings to mind the much discussed problem of which is the legitimate authority in that country.

56. I shall not dwell on this point today, having had an opportunity to comment on it at length, both in this Assembly and in the Security Council. I would merely point out that the fact, that certain political figures which were part of the Government when aid was requested on 12 July 1960<sup>5/</sup> no longer hold those posts, does not invalidate the United Nations operation, so long as its aid is not formally rejected by those whom the United Nations recognizes as effectively exercising power today.

57. A country's Government is a single whole, regardless of what person or persons compose it, and the continuity of the State, regardless of changes among its representatives, is a basic principle of both domestic and international public law. It was the Government of the Congo, and not Mr. X or Mr. Z, that asked the United Nations for aid in removing foreign military forces and restoring order. It is the Government of the Congo, and not the same Mr. X and Mr. Z, who are no longer part of it, which must decide when that aid shall cease.

58. Our position therefore rests on the following basic premises: First, the United Nations must continue to supply the requested aid so long as the Government which it recognizes has not withdrawn its request. Secondly, the mandate of the United Nations must comprise whatever is required for collaboration in safeguarding law and order. Thirdly, by virtue of the Charter, of the Security Council's decision, and of the limited purpose for which aid was requested, this mandate can in no circumstances include interference in internal struggles for power or constitutional conflicts. Fourthly, all acts implementing United Nations directives are subject to review and to confirmation or disapproval by the organs on whose behalf they were carried out. In the light of these statements of principle, we are, I believe, able to evaluate the draft resolutions before the General Assembly.

59. We have before us, first, a draft resolution submitted by Ceylon, Ghana, India, Indonesia, Iraq, Morocco, United Arab Republic and Yugoslavia

<sup>5/</sup>Ibid., Fifteenth Year, Supplement for July, August and September 1960, document S/4382.



[A/L.331 and Add.1]. I do not wish to take too much of the Assembly's time, and I shall therefore confine myself to analyzing the main points of this proposal. Above all, I fully share and subscribe to the view expressed in operative paragraph 1 that "the United Nations must ... 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." I take issue only with the word "henceforth", because I am convinced that, whatever mistakes may have been made in the past, the United Nations has in the main confined itself to the objectives of the aid requested of it.

60. Also I consider that to urge the immediate convening of Parliament and the undertaking of measures to prevent armed units from interference in the political life of the country constitutes acts of intervention in the country's internal life not provided for in the mandate and contrary to the Charter.

61. Where the release of political prisoners is concerned, my delegation would sign any petition to that effect which was purely humanitarian in character, but it cannot accept such a provision as one of a series of political demands.

62. Lastly, as regards the Belgians and the Belgian Government, our position has been clearly defined both in this Assembly and in the Security Council. We have no objection to reaffirming whenever and wherever necessary the decisions taken in the Council with our support against the presence of Belgian troops in the territory of the Congo; but we cannot endorse a resolution which calls for the withdrawal of Belgian civilian technicians, because we cannot think of any legal basis for such a demand and also because we should thereby merely be helping to produce chaos in the very country we want to help.

63. That is why we shall have to vote against the eight-Power draft resolution and why we believe that its adoption would inaugurate for the United Nations an era of political intervention in the domestic affairs of Member States. We wish to point out that this is a very serious matter, not only as it relates to the case we are now considering, but in setting a precedent for any future cases that might arise. What country would dare henceforth, we ask, to seek United Nations aid if it had before it the example of aid which degenerated into usurpation of power?

64. We have before us another draft resolution, which has been submitted by the United Kingdom and the United States [A/L.332]. This proposal, in our opinion, is conceived strictly within the limits of the powers which the United Nations may exercise. The mandate entrusted to the Secretary-General is confined to the maintenance of law and order, and for that purpose various requests are set forth in the operative paragraphs of the draft.

65. It is true that some of the provisions of the draft resolution of the United Kingdom and the United States refer to matters within the domestic jurisdiction of the Congo. But it should be noted that whenever such references are made, there is a clear recognition of the authority of the Congolese Government, which alone has the power to take a final decision on such domestic matters.

66. Thus, when reference is made to the meeting of Parliament, this is done in the only form in which the United Nations may approach this internal problem, that is, by offering assistance to the Chief of State in establishing conditions in which Parliament can function. Consequently, this provision, which is subordinated to the maintenance of law and order, seems to us to be perfectly compatible with the sovereignty of the Congo and with the respect we are bound to show to its Government.

67. The provision dealing with human rights is one which expresses a universal concern and which rises above party lines. A long United Nations jurisprudence proves that situations affecting human rights are not governed by Article 2(7) of the Charter. In this connexion, I deeply regret that the Soviet Union should have deemed it necessary to veto in the Security Council<sup>6</sup> a draft resolution of which my country had the honour to be a co-sponsor and the only aim and purpose of which was to safeguard human rights, without distinction as to party or political views. Today, the same idea is put forward here, and we hope that this time it will receive from the General Assembly the approval it deserves.

68. If political passions blind us to a point where we are capable of voting against a proposal designed to ensure respect for civil and human rights in the territory of a country where these rights have been violated, I wonder whether in the future we shall be able to agree on anything. Every organ, every assembly of persons such as the present, presupposes at least a minimum of agreement, over and above the differences which divide the members of the group. If respect for the dignity of man does not constitute this minimum, that means that the basic premises for co-existence among us are lacking and that our wisest course—to prevent things from getting worse—would be for all of us to go straight back to our own countries, to scatter to the four corners of the earth.

69. Hence, since my delegation believes that the draft resolution of the United Kingdom and the United States does not exceed the powers of our Organization and that it expresses a humanitarian concern to which no one should remain indifferent, it will vote for the draft.

70. I said that the United Nations as a body should not take any position which would result in interference in a country's political life, even though this country receives United Nations aid. The day before yesterday [953rd meeting], however, the Australian representative, in a statement which deserves our careful consideration, drew a clear distinction between dictating a line of action to a country and expressing hopes which reflect the profound convictions held by most of us.

70. Movement towards parliamentary government, the assurance of liberty of the person, the supremacy of civil authority, these, Mr. Plimsoll told us, are things in which we are concerned. We are concerned in them—I myself would now add—because we have them, and because we want others, all others, to share these good things with us. Hence we can, within the limits of the Charter, promote their establishment. What we cannot do is impose the rule of civil authority or the restoration of Parliament by main force. How many armed expeditions would the United Nations have

<sup>6</sup>Ibid., Fifteenth Year, 920th meeting.

to organize if it were to include such aims among its purposes?

72. There is one matter, however, on which the United Nations must take a very firm stand. That is its right to ask for co-operation in an action which the United Nations has undertaken at the request of a Member State and to demand respect for the persons of its agents. In this connexion we must express our disappointment at the lack of such co-operation on the part of those whose duty it is to extend it. We must frankly say that we are disappointed in certain States which gave valuable aid at the beginning of the operation and which today threaten to withdraw it. Equally frankly, we must say that we are also disappointed at the attitude of the Congolese Government, some of whose members do not appear to appreciate, and some of whose acts do not seem to be consonant with, the tremendous effort which the United Nations, and in particular the States taking direct part in the operation, have made solely for the Congo's benefit. In this regard, we endorse operative paragraph 8 of the draft resolution of the United Kingdom and the United States, which requests all Congolese to lend practical co-operation to the United Nations in order that the purposes that guide its operation in the Congo can be fruitfully achieved.

73. We must confess that we should like this text even better if it was addressed directly to the Congolese authorities, since there is no doubt but that it is they who are best able to lend this practical co-operation, the absence of which we deplore and which is essential to us if we are to continue successfully our endeavour to safeguard the peace.

74. I have dealt thus far with the political and constitutional aspects of the Congo problem. I cannot end this statement, however, without commenting on what, in my judgement, is the most important point of all: the abject misery of some of the country's inhabitants. No statement made here—and some have been dramatic enough—moved me more than the fact stated in the Security Council that over 200 human beings die of hunger every day in some areas of the Congo.

75. Is it not fantastic that, while this goes on, we should engage in hair-splitting discussions of the principle of legitimacy and the like, instead of taking immediate measures to end this horror? I do not want to indulge in cheap sentimentality, which would be in bad taste, but if we exercised a little imagination and visualized in detail the scenes which must precede such deaths from starvation, surely we should forget our ideological debates and unite in a common effort to save these poor people.

76. Do we have to re-read the canto of the *Divine Comedy* which relates how Count Ugolino and his small children die of hunger before these Dantesque scenes can seem real to us? I therefore take the liberty of urging that, whatever differences may here divide us, we lend a charitable ear to this cry of distress and take energetic and urgent measures to alleviate the suffering of those who are on the point of death.

77. Leaving all political considerations aside, my delegation will support any draft resolution, any suggestion, from whatever country they may come, that will result in feeding the hungry, clothing the naked and consoling the wretched. Otherwise those who hunger and thirst for justice—an even more compelling need than the need for bread—may point an accusing

finger at us and our disputes, which fade and lose all meaning when we remember that hundreds of our brothers die each day because no one will give them bread.

78. Mr. BENITES VINUEZA (Ecuador) (translated from Spanish): In the course of this debate, we have heard it stated time and again, with the repetitive monotony of a slogan, that when the Security Council met to consider the Congo situation, it was divided into two factions: the colonialists and their followers, that is to say all those who did not vote for the USSR draft resolution,<sup>7/</sup> on the one hand, and the self-styled peace loving peoples, who thus appeared to claim a monopoly on anti-colonialism, on the other hand. This division is not merely over-simplified; it is incorrect. Representing as I do a State which is a non-permanent member of the Security Council, I am obliged to give some explanations. We cannot permit anyone in the world to label our conduct as he sees fit or to take it upon himself to interpret our intentions.

79. It is true that two positions were taken in the Security Council, one legal and the other political. The legal position was based on a rigorous application of the principles of the Charter; the political position rested on a practical assessment of the needs. The legal position was maintained within the strict limits of the Charter; the political position stressed the changing needs of the actual situation. The legal position aimed at the possible; the political position at the desirable.

80. Indeed, we may or we may not believe that Mr. Kasa-Vubu is an agent of colonialism, as has been said. That is a political judgement. Legally, however, Mr. Kasa-Vubu is Chief of State of the Congo and we cannot ignore him without infringing the Congo's domestic sovereignty. We may or we may not believe that Mr. Lumumba is a Communist agent instructed from Moscow. That is a political evaluation. But we do not believe that the United Nations has the legal right to interpret constitutional texts with a view to establishing whether he was legally or illegally dismissed from his post of Prime Minister. It is our duty to believe that the Congolese Parliament, as a representative organ, expresses the will of the people. But that is a political judgement. We do not think that it is legally possible for us to judge whether its temporary dissolution was legal or illegal, since that would involve interpreting Congolese laws, a thing we are not competent to do.

81. My delegation sincerely believes that, in the face of the chaos reigning in the Congo and of the contradictory situations to which it has given rise, we had to have an objective criterion, and that we could achieve such objectivity only by adhering to the principles of the Charter. All the blocs into which the world is divided agree on one principle: the principle of non-intervention in a State's domestic affairs. I think that here we are in agreement with the Soviet Union, which has protested so loudly and vehemently whenever questions were put to it regarding the political situation in certain eastern European countries.

82. My delegation felt that the form in which the problem was stated and the solutions which were offered by the Soviet Union in its draft resolution were

<sup>7/</sup>S/4579. See *Official Records of the Security Council, Fifteenth Year, 914th meeting, para. 62.*



contrary to the Charter, and it voted against the draft, abstaining on the provision calling for the withdrawal of Belgian personnel. I recognize that our position may seem a mistaken one to those who do not agree with us; but I deny their right to describe it as favouring colonialism, an institution against which my country has fought in the United Nations for many years.

83. My delegation deemed it necessary to give this explanation of its attitude towards the matter. Everyone knows on what side we were in the ideological struggle, and we have no need to don a mask. Our position is one of unshakable fidelity to the principles of democracy which are the basis of the Western peoples' existence, but that does not mean that we make any compromise whatever with colonialist enslavement, with the abuses of imperialism or with the powerful economic interests which delay the world's progress towards greater justice.

84. It is not my delegation's intention to confine itself to an academic discussion of the purely legal aspects of the Congo problem. It feels that a political evaluation of that problem is also called for. A legal evaluation is formal, abstract, and circumscribed by rules; a political evaluation is as flexible as life itself. Next to justice, as rigid as the hard Ionic order, Aristotle placed equity, as pliable as the plastic Lesbian style. I dare say it may be held against me that I refer to a colonialist to support my arguments, since it is said that the philosopher of Stagira inspired the conquest of the East which took Alexander the Great to Mr. Krishna Menon's fatherland. If so, I apologize.

85. A political evaluation of the state of affairs in the Congo leads us to a conclusion which seems unexceptionable: there can be no order until there is peace, and there can be no peace so long as there is political division, which makes itself manifest in the existence of several distinct Governments, embattled factions and separatist movements, and in the illegal intervention of the Army in political life. In other words, there can be no peace until the representative institutions are in operation once again.

86. This goal is obvious; but the difficulty is not in determining the goal. The difficulty is in finding ways of attaining it. It would be a serious matter not to attempt to find them; but it would be equally serious to embark on a course without any assurance that it will lead to the desired goal.

87. We cannot sit by idly, chanting hosannas to the sacredness of domestic jurisdiction, while the Congo burns. To play Nero would be the acme of futility; but neither can we, in our impatience, trample underfoot all our legal principles in order to satisfy immediate political needs. Perhaps the most constructive action would be to seek a way out of our impasse, an Ariadne's thread to lead us out of this maze.

88. We know how difficult it is to be objective when passions run high and passion-provoking ideas are involved. We also know how dangerous it is to be impartial when men's minds are dominated by partiality. But our independent position, the position of a State which has no part in this struggle, allows us to aspire to objectivity and impartiality.

89. To this end, we must begin by examining what kind of operation the United Nations is carrying out in the Congo. That means examining the mandate under which the United Nations Force is operating. This

mandate is to be found in the resolution adopted by the Security Council on 14 July 1960. Speaking objectively, this mandate is composed of three elements: an authorization, a condition and a limitation. The authorization consists in the powers given to the Secretary-General to provide military and technical assistance in the Congo. The condition is that such action must be taken in consultation with the Congolese Government. And the limitation is that such military and technical assistance must be given only until the national security forces may be able to meet fully their tasks, in other words, until they are able to give the country adequate security.

90. This literal interpretation of operative paragraph 2 of the said resolution is in accord with the request for aid in the cable of 13 July 1960 from the Congolese Government headed by Joseph Kasa-Vubu, as Chief of State, and Patrice Lumumba, as Prime Minister. As stated in Chapter 6 of the Security Council's report [A/4494], the signatories, Mr. Kasa-Vubu and Mr. Lumumba, expressly requested aid for the sole purpose of protecting the national territory, and not for the purpose of restoring the internal situation in the Congo.

91. The Security Council resolution of 22 July 1960 neither added to that mandate in any way nor clarified it. It speaks of the restoration of law and order and the exercise of authority by the Congolese Government, but the reference is not to an obligation on the part of the Secretary-General; rather, it is a warning to Member States. The resolution of 9 August 1960 confirms the powers of the Secretary-General without defining them, and defines the mandate only by way of limiting it in operative paragraph 4, which prohibits the United Nations Force from being a party to or being used to influence the outcome of any internal conflict, constitutional or otherwise.

92. When the General Assembly met at its fourth emergency special session in September 1960, it adopted the resolution of 20 September [1474 (ES-IV)] in which, for the first time, it is stated that the Secretary-General's mandate included the restoration and maintenance of law and order in the Congo. I doubt that the General Assembly, which can only make recommendations, was qualified to enlarge a mandate granted by the Security Council, an organ which can take binding decisions. But it is certain that the United Nations Force has acted in the Congo in matters relating to the maintenance of peace and order and the protection of human rights. That is a fact, and I should not like to pass judgement on it. We are not here to formulate a political indictment of the Secretary-General, but rather to seek practical and immediate solutions for urgent, dangerous, and constantly changing problems.

93. This brings me to an analysis of the solutions proposed to this Assembly. Let me begin with the eight-Power draft resolution.

94. My delegation has no objections as regards either the legality of operative paragraph 1 of the draft or the generous intentions behind it. It has some doubts relating merely to interpretation. The provision concerns two different matters: the protection of certain rights and the satisfaction of certain economic needs. For technical reasons, it might be better to have these two different topics dealt with in two separate paragraphs. The statement that the United Nations must henceforth implement its mandate fully also gives rise

to difficulties of interpretation. I do not know whether it means that the mandate is to be expanded as from the date of the resolution, or that before that date the mandate was not fully implemented. Lastly, different legal elements—such as political powers and the powers which would have to be exercised to protect human rights—are mingled in the same provision. Apart from these questions of form, however, I have no difficulty in voting for this paragraph.

95. Operative paragraphs 2 and 3 arouse more serious doubts on my part. First of all, I do not know to whom the word "Urges" is addressed. I do not know who is being urged to release political prisoners enjoying Parliamentary immunity or to convene Parliament. If this appeal is directed to the Government of the Congo, it seems to me that it constitutes an intervention in domestic affairs; at the same time, however, to ask the Central Government to take such action is equivalent to recognizing its legal authority, yet the preambular paragraphs of the same draft resolution speak of anarchic conditions and the absence of effective central authority, and also of the continuation of lawlessness and violence in the Congo.

96. If the draft resolution is not addressed to the Congolese Government, which is said not to exercise effective central authority, we can only think that it is addressed to the United Nations. But it would not seem logical for the General Assembly to urge itself, nor is it possible that it should urge the Security Council, to do these things. We must then logically conclude that the person thus urged is the Secretary-General, who does not have the powers to carry out such instructions.

97. We would have no difficulty in voting for operative paragraph 4, since it is obvious that armed units and persons without legal authority should not interfere in the political life of the country; but this again is a recommendation without an addressee. We should also have no objection to the last operative paragraph of the draft, if it referred to precisely the same personnel as do the resolutions of the Security Council and the General Assembly.

98. I now turn to the draft resolution submitted by the United Kingdom and the United States. Its operative paragraphs 1 and 2 add nothing to the resolutions which have already been adopted and for which my delegation voted, in accordance with the position taken by my country at the time. Operative paragraph 3 introduces a new element which does not seem objectionable: that all military assistance should be channelled through the United Nations. Operative paragraph 6 contains a general declaration on the respect of human rights which is applicable to the Congo. We have no objection to a humanitarian organization such as the International Red Cross taking part in the examination of detained persons. Similarly, there is no objection to the Congolese being asked to extend due co-operation.

99. But I should like to refer particularly to operative paragraphs 4 and 7, which contain political elements. I must say that I fail to see any close relationship between the provision in paragraph 4 of the Security Council resolution of 9 August 1960 and the contents of operative paragraph 4 of the draft we are considering at present. It may be a difficult task for the Secretary-General to assist the Chief of State of the Congo in convening Parliament in conditions of complete security; but we must not hesitate to take any measure

within the limits of the Charter which will result in the full exercise of representative democracy in the Congo! It also seems to me that, since this burdensome task is being entrusted to the Secretary-General, we could also ask him to help to convene the round table conference, instead of merely expressing the hope that it will be convened.

100. Perhaps, instead of placing such a heavy political burden on the Secretary-General, it might be better to set up a committee of uncommitted countries to explore the possibilities of reaching agreement on the convening of the Parliament and of the round table conference of Congolese political leaders. A committee of this kind could act as a friendly peacemaker, quietly helping those concerned to compose their differences, without thereby interfering in the Congo's internal affairs.

101. Lastly, my delegation wishes to point out that neither of the drafts before us clearly refers to the tragic period the Congo is passing through owing to the political struggle of its embattled factions. Political and legal aspects are dealt with, but no measure, not even an initial step, is proposed to resolve the human tragedy. The Secretary-General told us that 200 persons die of hunger in the Congo every day. Two hundred human beings a day, let me repeat; and in the meantime, we listen to impassioned speeches and violent recriminations, the whole verbal artillery of the cold war, and my delegation wishes to ask whether it is not possible for every single one of us to rise above political discord, ideological passions and the struggle for power, in order to devote ourselves to seeking urgent and immediate ways of alleviating this distress.

102. We cannot go on with our sterile verbal duels while there is famine in the Congo. We cannot search the past for material for a long list of recriminations while human beings die of hunger in the Congo. Life means change, and those who turn back may, like the woman in the Bible who turned to look at the accursed city, themselves be turned into pillars of salt. I say this with all humility, I put it to you as a request, but I say it also with the complete independence of the representative of a country which is not itself involved in this cruel skirmish of the cold war.

103. Mr. DADET (Congo (Brazzaville)) (translated from French): At a time when, once again, we are obliged to open a debate on the situation in the Congo, there is just being concluded, in Brazzaville, to be exact, an important history-making conference which has brought together Heads of State from a certain number of intertropical African States. At the beginning of this month the President of our country, Mr. Fulbert Youlou, in accordance with a decision taken at the last conference in Abidjan, sent a telegram inviting French-speaking African Heads of State to the political and economic conference to open on 15 December. The Head of State of the Republic of the Congo (Leopoldville), and two political leaders and members of provincial Governments, were also invited to Brazzaville and they have all been there now for nearly five days. This is a conference that was decided on by African Heads of State who are not much in the habit of indulging in futile chatter and noisy propaganda or of playing the role of saviours of Africa.

104. Some three months have now passed since new States, most of them from Africa, were admitted to membership of this Assembly. When he welcomed their

admission here, one distinguished representative said, I believe, in so many words: the contribution in moral resources, cultural wealth and traditional wisdom received from Africa will greatly help to enhance the prestige of our Assembly, make it easier to find ways and means of solving the many problems with which this modern world is constantly wrestling.

105. There is little need to tell you that, in spite of the modern technical benefits that Africa enjoys and of the civilizations that have been introduced, there is an authentic Africa, an African Africa. It is this African Africa, which nevertheless, does not entirely repudiate everything it receives from outside—it is this authentic Africa, I say, whose voice must be listened to, a voice replete with the wisdom of thousands of years, a voice that will have nothing to do with immoderate or thoughtless action.

106. Thus, at this very moment Africans are meeting together in the very heart of Africa to study with one another a whole series of problems which concern present-day intertropical Africa. That is an excellent thing, an auspicious venture. For that matter, it is not the first time that a meeting of this kind is being held in Africa. Let me remind you of those held in Cairo, at Accra, at Addis-Ababa, at Conakry and, just recently, at Abidjan and Nouakchott.

107. Africa, people say, is in search of herself; it is by no means excluded that she will very soon find herself. The danger for both sides is to put obstacles in the way of her doing so. For, let it be remembered, just as other continents have insisted on preserving jealously their basic character, made up of that body of philosophical concepts which form the very basis of their own originality and personality, so also Africa will not consent to divest herself of her African character, whatever pressure or influence be brought to bear on her and regardless of the decades during which she suffered from a humiliation which is now happily disappearing and will soon pass away for good and all.

108. The real Africa will see her hopes realized, unless the missiles from Cape Canaveral and other sputniks interfere and put an end to the life and history of mankind.

109. While, therefore, the Congo question has become a matter of world-wide interest because at Matadi and Leopoldville, in the Kasai and Kivu territories and at Stanleyville there are United Nations contingents—I shall have occasion to refer to these contingents in a moment—it must be remembered that this Congo question is primarily a matter essentially for inter-tropical Africa. But it must also be recognized and admitted that it is, above all, a matter which concerns and affects first and foremost the Congolese themselves.

110. There is an African proverb which says that it is highly ill-advised to get mixed up in a quarrel between two brothers, for they usually end up by coming together again in the evening beside the same campfire. How true it is!

111. The Heads of State who are at the present moment meeting in Brazzaville and are sitting together round a straw mat—to borrow a figurative expression one of them has used—know that one of the problems which they have to solve is that of the political situation in the Congo, a question which every day intro-

duces some new fact, a question which is beginning to bore some people and increasingly to exasperate others.

112. We must not forget, though, that this is an African problem, a problem about which many of the representatives here are generally not very well informed. Gizenga, who is Lumumba's right-hand man, comes from the Lower Congo and speaks the same dialect as Kasa-Vubu. Kasa-Vubu and Lumumba do not speak the same dialect; Kalonji and Lumumba understand each other in the same dialect but Kalonji and Kasa-Vubu, though they do not use the same vernacular, get on well together. Bomboko and Cardoso come from two different provinces; they do not use the same dialect but they preferred to join up with Kasa-Vubu, though they are unfamiliar with the vagaries of his tribal way of speech. In the case of Mobutu, who comes from Equator province, he did not agree to let Lumumba enjoy any immunity as long as Lieutenant-Colonel Kokolo, who is from the Lower Congo, leaves behind a widow and orphans as a result of the actions of Lumumba's friends. The college of university students, which some people here do not even want to be mentioned, is made up of elements derived from almost all the Congolese provinces. And I could go on citing example after example to prove that in this Congo business there are cases in which members of the same clan, the same tribe and even the same family are generally to be found opposing one another.

113. Do we not feel that the situation in the Congo is already complicated enough without the United Nations coming along and, through the medium of some of its members, complicating it still further?

114. Six months have passed by and certain brother Congolese are still locked in struggle together, with the United Nations forces looking on. Six months have elapsed since the Congolese asked the United Nations to intervene and execute a task of which I have no need to remind you. For six months past, while the United Nations is still in the Congo, not only have the Congolese failed to come to agreement; on the contrary, every day they are criticizing the attitude of certain contingents who are undoubtedly exhibiting partisanship.

115. And then, at the very moment when, because there is a prospect of the United Nations effort collapsing, certain African representatives, realizing the grave danger implicit in this Congolese drama, are making one last effort to try and reconcile the brother peoples, someone comes along with another draft resolution that will fan the passions still further and arouse fresh feelings of hatred. As Mahatma Gandhi once said, if hatred replies to hatred, when will hatred ever stop?

116. In this matter of the Congo, is it in our interest to rekindle passions, to foster hatred? Are we sincerely desirous of bringing peace and tranquillity to the Congo? Why would we not rather try to keep our finger out of the wound which is already bleeding?

117. Last July, when the first United Nations intervention units landed at Leopoldville, crowds of Congolese welcomed them with enthusiasm and even with fervour. How has it come about, however, that now, in Leopoldville—to mention only this one centre—it is no longer possible or wise for the soldiers of certain contingents to venture out alone among the Congolese population? If it were our custom to make use in our



speeches of the classical vocabulary of insulting and barbarous expressions, the epithets I would have to use at this moment would not be adequate to describe the men serving in some United Nations units. Africa is, of course, a hospitable country but it is also the continent where feelings run hot.

118. The Machiavellian messianic policy which some African countries have sought to practise in the face of the Congo situation is still-born. The most adroit practitioners of such a policy can do nothing about it. The child is definitely still-born. And if the parents realize that they are the people solely responsible for its death, they must be courageous enough to accept the blame.

119. There are, accordingly, some people who, under the cover of the United Nations, have abetted, or even brought about, the inextricable state of affairs in the Congo, by making use of this sacrosanct criterion which allows people to talk in loud and lofty tones about the Congo and to produce draft resolutions, frequently accompanied by more or less fantastic or fanciful amendments or sub-amendments, because they have got contingents in the Congo.

120. The draft resolutions with attached amendments have, unfortunately, turned out to be useless. I would even venture to say that they are antibiotics the odd thing about which is that they worsen the condition of those whom one would like soon to see living a happy family life.

121. At Brazzaville, real Africans from several countries of Africa are considering the problem. Without a doubt, they are going to diagnose the trouble and we can be quite certain that the remedies from the African pharmacopeia which they are going to use will be neither amendments nor resolutions "made in United Nations".

122. Now I want to remind certain delegations whose memories, I trust, are not short, of what was said on this rostrum by Mr. Okala [917th meeting]. When you want to give your views on a case that concerns Africa, take a political map of that continent and make a list with a pencil of the aspirations expressed. Add them up and only then you will decide. What I would say myself is that in this question of the Congo, what is needed, rather, is to add up the various points of view of the countries of intertropical Africa. After all, how can you expect us Africans to know what exactly is happening in the north of India or somewhere or other in Turkestan?

123. Little as my delegation believes in the value or usefulness of the resolutions and amendments submitted on the Congo question, the more confident and convinced is it of the sincerity of the men who are at this moment in Brazzaville and whose impartiality is above suspicion. Their desire to see the Congo problem finally settled will be tangibly realized.

124. Certain delegations have pointed out to us that, so far, President Kasa-Vubu has made no laudable effort to improve the situation since he came to the United Nations. People simply forget that, in the space of about one month, it is not very easy to restore a situation which certain countries have deliberately embroiled. Mr. Kasa-Vubu, who is being very artfully insulted here, is, I make bold to say, the father of the Congo's independence. The Belgians who are listening to me well know what the Abako means. The Belgian

authorities were always greatly worried about the Abako, the body presided over by Kasa-Vubu. The Abako frightened the Belgians; it was their "bête noire".

125. Kasa-Vubu and the whole Abako team struck fear into the Belgians in the Congo because the cause for which the Abako fought was the immediate liquidation of colonialism in the Congo, whereas in his manifesto Mr. Joseph Iléo was rather in favour of preparations for independence spread out over several years.

126. Liquidating colonialism in the Congo was something that the Belgians did not like. The Congo Belgians did not want to hear anything of it, so they had to prepare a strategic policy to neutralize all the Congolese who dared to disseminate this idea. For this purpose they had to find someone who would agree to play their game. That man was Lumumba. Oh yes, gentlemen, Patrice Lumumba, whom you always hear being talked about, was, to begin with, the Belgians' man, the colonialists' man in the Congo! I await the denials— from whatever quarter they may come.

127. So then, in the Congo, they built up Lumumba in order to pit him against the Congolese who dared to demand independence. It was only later on that Lumumba made a "volte face".

128. While the forceful Abako team was fighting for the country's independence, where was Lumumba and what was he doing? When the Belgian authorities in the Congo, after trying out every kind of trick and the more or less sordid devices of persuasion, decided to arrest and imprison Kasa-Vubu and his team, where was Lumumba, what was he doing and what were Salumu, Kashamura and the others doing? While Kasa-Vubu and his brethren in the fight were held prisoner, while their wives and children wept, what were certain delegations in the United Nations doing for their liberation? Who was it who then took vigorous action to help to secure the release of Kasa-Vubu and his fellow unfortunates? These delegations with their resolutions and amendments certainly took very little interest in Kasa-Vubu and the problems of the Congo.

129. As for Lumumba, whose immediate release is being demanded here, it should be clearly realized that his arrest and detention were not decided upon out of pure caprice. People here systematically refuse to recognize the validity of a decision taken in due and proper form. They want to make us believe that, if Lumumba no longer holds political office in the Congo, the sun will stop shining over Africa. And they forget that the very same Lumumba himself began by arresting and imprisoning not merely ordinary Congolese citizens, but also members of Parliament and ministers who had committed the grievous offence of not adopting his doctrinal and ideological views.

130. Lumumba's prisoners are still, to this very day, in the gaols of Stanleyville. They have been there for several months past. The most paradoxical thing is that the countries submitting resolutions have just discovered, all of a sudden, that there are political prisoners in the Congo and that they must be liberated, all of them, immediately. It is a generous, even a liberal, idea. But for the time being, they have been kept until today imprisoned and no one here has worried about their lot. Obviously, their lives are not to be compared with that of Lumumba, on whose behalf they like to invoke the principles of human rights. Because these people did not want to follow Lumumba's

adventure, they have to be separated from their wives and children. Not a word is said about them, but all the brass bands and all the orchestras in the world are mobilized for Lumumba. The lives of the other citizens of the Congo count for nothing as compared with that of "Patrice, the Messiah-Redeemer".

131. In this subtle, new game of getting the Assembly—and this is a very important point—to go back on the decision it took here, by which Kasa-Vubu's authority was recognized and confirmed, my delegation appeals to the Assembly not to allow itself to be trapped by this trick, which, were it to succeed, would merely complicate still further the situation in the Congo. Let us place our trust in the African statesmen who are at this moment in Brazzaville.

132. Another point—there is talk of the Congolese Army being disarmed by the United Nations. Very well. One day, though, the United Nations will have to intervene somewhere, in an independent country, to disarm its army or police when these are asked by the Head of the State to restore order. I believe that there are at this moment some countries which are in a somewhat convulsed situation. Will it be necessary to go and disarm immediately their army?

133. Has Mr. Kasa-Vubu, in his capacity as Head of State, declared war on the countries which are constantly interfering in the internal affairs of the Congo? I think rather that, if certain countries feel uneasy in the Congo, all they have to do is ask the United Nations to withdraw their contingents. My delegation feels certain that, if this were done, it would help to clear up the position. However, we are not going to yield to the blackmail—whatever its nature—that is being practised to make us believe that there is a genuine intention to withdraw troops from the Congo.

134. If the Head of the Congolese State made a request through the United Nations for a contingent from my country, we would not start bargaining about our contribution, although our national army is still only in process of being formed. But our gendarmes and our soldiers, in carrying out their mission, will never receive orders of a political character aimed at imposing the political views of Brazzaville on Leopoldville.

135. As regards convening the Congolese Parliament, I would have wished—and even like to see—the operative paragraphs of the resolution contain the full agenda, prepared here by all those who, for several months past, have been trying to take the place of the Congolese authorities who, it seems, would no longer be entitled to look after their own affairs. This is all a very sorry business.

136. My delegation wishes to reassert that this Congo question is an essentially African affair which concerns, in the first place, the Congolese themselves. If they wish to ask for the advice and help of certain countries, whether in Africa or elsewhere, they have every freedom and liberty to do so. Let us then allow the people who are responsible for the situation to meet around the evening camp-fire, to prepare for what we in our country call the "palavers", which generally end with success.

*Mr. Hasan (Pakistan), Vice-President, took the Chair.*

137. Mr. NESBITT (Canada): The developments of recent weeks in the Congo have been followed with

serious concern in Canada, as they have in other parts of the world. As recently as 15 December 1960, the Prime Minister of Canada, Mr. J.G. Diefenbaker, informed the Canadian Parliament that he considered recent developments in the Congo to be most disturbing. He gave it as the Canadian Government's point of view that a continuation of some trends could only lead to more chaotic conditions in that country.

138. While it is difficult to see a pattern emerging in Congolese political affairs, there is one possible future course of events which, in our view, can be predicted with some confidence; that is, what the future would hold if the United Nations operations should be allowed to fail. On 13 December 1960, the Secretary-General told the Security Council<sup>8/</sup> what he thought might happen in such an event. He was prepared to predict the most serious consequences. It may be that a number of delegations here have arrived at similar conclusions. We are inclined to believe that such consequences could follow—and follow fairly quickly—if the present situation were not somehow corrected. That is why my Government considers that this session of the Assembly, before it recesses, should take action to give direction at this critical juncture.

139. The Canadian Government considers that the United Nations operations in the Congo are of a significance which goes far beyond their immediate impact on the situation in that country. On 1 August 1960 the Prime Minister of Canada, in requesting the unanimous support of the House of Commons for substantial support for the United Nations operations in the Congo, said that the United Nations force

"represents a major step forward to that day when, wherever difficulties may arise anywhere in the world, . . . the nations comprising the United Nations will all make available to an international force whatever is requisite to assure peace."

140. At the current session the Canadian representative in the Fifth Committee [808th meeting] has argued strongly that the question of providing adequate financial support for the United Nations operations must be considered in this same broad political context, and not merely as a financial and budgetary matter.

141. Since the United Nations was founded the responsibilities which the Charter originally imposed on the great Powers have to a considerable measure been transferred in practice to the middle and smaller Members of this Organization. In a special sense the United Nations has come to be an organization to which the smaller and weaker countries particularly can look for effective collective action to preserve their independence. Indeed, the forces for such collective action are often provided by nations which would themselves find considerable difficulty in preserving a genuine measure of independence if an effective United Nations did not exist. This development is of the greatest present and potential significance for the entire international community. To its success, my Government believes, the world has owed the preservation of peace several times in the past decade.

142. Seen in this light the United Nations operations in the Congo assume far-reaching significance. Mindful of this background, it would clearly be unwise for the Assembly to judge events in the Congo from the point

<sup>8/</sup>Official Records of the Security Council, Fifteenth Year, 920th meeting.

of view of day to day developments or considerations of narrow national interest; it would equally be unwise to evaluate those operations merely in terms of their relative success or failure in meeting day to day crisis or in promoting what one country or another might conceive to be the solution which is in the best interests of the Congolese people.

143. Awareness of this background has, in fact, determined the attitude which my Government has followed consistently during the crisis. It has governed Canadian participation in the Advisory Committee on the Congo; it has determined Canadian voting in the Assembly; and it has dictated the strength of Canada's material and financial contributions to the United Nations operations. My Government could have wished at different times that different courses of action had been pursued in the Congo. It could have sought to influence the United Nations operations to serve particular purposes which Canada believed should be served. But we have considered that it was important to resist those temptations and to exercise a degree of restraint even when events were taking place whose immediate results were not to our liking.

144. In the Canadian view what is at stake in the Congo is not only the future of that unhappy country, important as that is, but the continuing effectiveness of United Nations peace-keeping machinery, and my delegation, in judging any proposal which is placed before the Assembly, must consider whether it would strengthen the peace-keeping function of the United Nations itself if it were adopted.

145. From this point of view my delegation experiences a number of difficulties in considering the draft resolution [A/L.331 and Add.1] which has been presented by eight Powers. In its first operative paragraph, for example, the draft resolution asks the Assembly to consider "that the United Nations must henceforth implement its mandate fully ...". The obvious implication of the word "henceforth" is that the mandate has not been implemented fully in the past. Is that a just comment? My delegation believes that it is not. The Secretary-General, in his recent speech to the Security Council, has pointed to what my Government believes is the real source of the difficulty. It is not that the United Nations mandate has not been implemented as fully as circumstances allow; the difficulty has been that it has not been possible to reach agreement or any definition of the mandate other than as interpreted by the Secretary-General and implicitly endorsed by both the Security Council and the General Assembly. The Secretary-General has objected—and with justice in the Canadian view—to the practice of some Member States of strongly criticizing the conduct of the United Nations operations in the Congo, yet failing to take the political responsibility for any redefinition of the mandate that they may consider desirable. In these circumstances the Secretary-General can only continue to take, on his own, the responsibility for decisions which might more properly be assumed by the Members themselves. If the Secretary-General is charged with that responsibility he has to be allowed a reasonable degree of discretion in interpreting and implementing his mandate, and the membership at large cannot complain about the way in which he has carried out his orders. For these reasons the Canadian delegation cannot accept the implication of the first operative paragraph of the eight-Power draft resolution that the United Nations mandate has

not been properly implemented in the past. In the very difficult situation which faces the United Nations in the Congo it may be that there is a need for a more precise definition of its mandate. However, the eight-Power text does not, in the Canadian view, give greater precision but rather tends to add further ambiguity and ambiguity of a potentially dangerous kind.

146. Another main difficulty which my delegation finds in examining the eight-Power draft resolution is that, while it urges that certain steps should be taken, it does not define all those steps clearly—although some are stated clearly; nor does it say anywhere who is to take the steps which are urged. My delegation considers that this constitutes a serious weakness. Despite the complications of the situation in the Congo there are, after all, a number of fixed points of reference and factors of apparent continuing importance. On the one hand, there is a failure to co-operate with the United Nations. This failure arises from a number of sources. On the other hand, there is the fact of the United Nations presence and the fact that there are in the Congo certain centres of power of varying degrees of legality. Some of these facts have been recognized in a formal way by the United Nations. The Assembly has, for example, accepted the credentials of President Kasa-Vubu. The Canadian delegation abstained in the voting on President Kasa-Vubu's credentials on the very good grounds that Canadian membership of the Advisory Committee precluded our taking a stand on a question which, as it was presented to the Assembly, was an issue in Congolese internal politics. Nevertheless, those credentials have been accepted. The Canadian delegation, therefore, has no reason to doubt that one of the constant factors which must be recognized by the Assembly is the fact and the legality of President Kasa-Vubu's position.

147. The Special Representative of the Secretary-General in the Congo, in his Second Progress Report [A/4557 and Add.1], went further than this and indicated two sources of legal power in the country. In addition to President Kasa-Vubu, he recognized the legality of the Congolese Parliament. This too, in the Canadian view, must be accepted—and the eight-Power draft resolution does recognize this to the extent of urging the immediate convening of Parliament. However, there are in addition a number of other political forces in the Congo. In fact, Colonel Mobutu obviously wields certain powers. In fact, Mr. Gizenga commands a political following. So indeed do Mr. Tshombé and Mr. Kalonji. And there may be many others.

148. My Government believes that it would be a waste of the Assembly's time—and potentially dangerous—to attempt to put forward a solution which did not take due account of the hard facts of the prevailing political situation in the Congo. A policy which is not based on a recognition of those facts is simply not likely to be viable. Whatever resolution the Assembly decides to adopt must take account of the need for either a clearer definition of the United Nations mandate or recognition of the limits imposed by the mandate as now defined; it must also take account of the facts of the present internal situation. From this point of view my delegation finds the eight-Power draft resolution disappointingly vague. The Secretary-General is not even mentioned, nor is there any specific reference to those authorities and political forces in the Congo which, in fact, will have responsibility for implementing the measures which the draft resolution urges.



149. For these reasons, and because the draft resolution is capable of interpretation in a sense implying interference in Congolese affairs, in a way which is clearly contrary to the Charter of the United Nations and which could have very grave implications for the future of this Organization and for international peace and security, my delegation is compelled to vote against it.

150. On the other hand, the draft resolution [A/L.332], which stands in the names of the United Kingdom and the United States of America, seems to us to afford guidance to the Secretary-General and at the same time to reaffirm certain basic principles which can be directly related to the development of the United Nations role in the Congo.

151. This draft resolution puts emphasis in its preamble, and again in operative paragraph 5, on the obligations assumed by the United Nations for assisting the Congolese in the maintenance of law and order, including the safeguarding of civil liberties, in the Congo. It thus touches upon a fundamental condition for any emergence of a free and democratic political and social system there. Moreover, paragraph 5 of the draft resolution emphasizes—and this seems to us very important: "that no measures contrary to recognized rules of law and order will be taken by anyone against any persons held prisoner or under arrest anywhere in the Republic of the Congo."

152. The draft resolution also asks the Secretary-General "to do everything possible to assist the Chief of State ... in establishing conditions in which Parliament can meet and function in security and freedom from outside interference". We welcome this recognition of the importance of Parliament. We recognize the difficulties in the way of the free and secure functioning of Parliament in the prevailing conditions in the Congo, but we feel strongly that this objective must be pursued.

153. We are glad to note that in paragraph 7 of the draft resolution there is a recognition of the constructive role which we consider that the representatives of the Advisory Committee who are proceeding to the Congo for the purpose of reconciliation could play. We hope and expect that the Congolese authorities will lend their full co-operation to this mission of conciliation and, indeed, that they and all other groups in the Congo will afford the United Nations the maximum positive co-operation within their power.

154. When the Canadian Government was invited to contribute Canadian personnel to the United Nations operation in the Congo, Canada responded in the spirit of co-operation with the United Nations which has, since the beginning, been a central part of Canadian

policy. We know that others did the same. We did not assume that the United Nations could, on its own, settle the problems of the Congo. These can only be settled by the Congolese people themselves. Recognizing this, we were actuated only by the desire to help, not to impose solutions. But this help cannot be fully effective without the co-operation of all Congolese who have the interests of their country and of international peace and security at heart. This co-operative undertaking cannot be allowed to fail. We believe that the draft resolution of the United Kingdom and the United States, if implemented fully by all concerned, will contribute to the success of this complex and difficult United Nations endeavour in the Congo, and thus to the return of conditions of stability in that country. For this reason, the Canadian delegation will vote for this draft resolution.

155. In conclusion, I should like to express my admiration for the great integrity and steadfastness of purpose of the Secretary-General. He and his lieutenants, within the limitations imposed by the constitutional, material and human resources at their command, and on behalf of the Congo, of Africa, and of world peace, have taken up a very onerous burden indeed. They have carried this burden courageously and objectively in the interests of the Purposes and Principles of this Organization in which the faith of a great majority of States reposes.

156. The violence of the attacks spear-headed by the Soviet bloc, built on a tissue of a mendacious invective, has only served to demonstrate their real motives. Superficially these attacks have been directed at the Secretary-General and at alleged imperialist intrigues of the NATO allies. This must, incidentally, include my country, but who, I wonder, could honestly believe that Canada has imperialist or aggressive designs against the Congo? The real objectives of these propagandistic attacks by the Soviet bloc must surely be clear to four score and ten States represented here. These are: to achieve control where they can; to subvert what they cannot control; and to destroy what they cannot subvert to their own ends. This applies to the United Nations itself, whose success in promoting the welfare and genuine independence of new States is threatened by such policies. It particularly applies in the case of the Congo, where the development of peace, tranquillity and self-determination on anything but Soviet terms is impeded by every device at their command. The international community must dissuade them from this course, which puts in jeopardy not only the United Nations operation in the Congo but the future of this Organization.

*The meeting rose at 1.20 p.m.*