

Fifteenth session  
Agenda item 45

## QUESTION OF THE FUTURE OF RUANDA-URUNDI

INTERIM REPORT OF THE UNITED NATIONS COMMISSION FOR  
RUANDA-URUNDI

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<sup>1/</sup> Under pressure from nationalist feelings, it has become current practice to use the vernacular forms RWANDA and BURUNDI instead of Ruanda and Urundi. The Commission has adopted those forms, except where the whole of the Territory is spoken of, in which case it has retained the form RUANDA-URUNDI, employed in the Trusteeship Agreement.

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- XXXVIII. Legislative Order No. 02/38 of 6 February 1961 concerning the autonomous powers of the public authorities of Rwanda



## LETTER OF TRANSMITTAL

7 March 1961

Sir,

I have the honour to transmit to you herewith, in accordance with operative paragraph 10 of resolution 1579 (XV) and operative paragraph 4 of resolution 1580 (XV), both of 20 December 1960, an interim report on Ruanda-Urundi which has been adopted unanimously by the three members of the Commission.

I should be grateful if you would transmit this report to the members of the General Assembly as soon as possible.

(Signed) Max H. Dorsinville  
Chairman, United Nations Commission  
for Ruanda-Urundi

The Secretary-General of the United Nations  
New York

## I. PREAMBLE

1. The General Assembly adopted two resolutions concerning Ruanda-Urundi on 20 December 1960. Resolution 1579 (XV) related to the question of the future of Ruanda-Urundi, and resolution 1580 (XV) to the question of the Mwami.<sup>2/</sup>
2. Resolution 1579 (XV) set up a three-member United Nations Commission with instructions to proceed immediately to Ruanda-Urundi in order to supervise the elections to be held there in 1961 and to attend the political conferences to be convened before and after those elections. Under resolution 1580 (XV), the Commission was also instructed to supervise the referendum on the question of the Mwami. The two resolutions directed the Commission to submit to the General Assembly, at its resumed fifteenth session, an interim report on the implementation of resolution 1579 (XV) and recommendations concerning the timing of the elections and the referendum.
3. On the same date the General Assembly appointed Mr. Max H. Dorsinville (Haiti) Chairman of the Commission and Mr. Majid Rahnema (Iran) and Mr. Ernest Gassou (Togo) members of the Commission.
4. On 4 January 1961 the Commission went to Belgium. After holding conversations with the Belgian authorities at Brussels, it attended the Ostend Conference on Ruanda-Urundi from 7 to 12 January. It then stayed at Brussels from 12 to 27 January, proceeding on 27 January to Ruanda-Urundi, where it remained until 13 February. After a brief stay at Brussels, it returned to New York on 18 February. The circumstances which determined the Commission's itinerary are explained in greater detail in the body of the report.
5. The Commission wishes to thank all those - and more especially the Minister for Foreign Affairs and the Minister for African Affairs - who devoted their time to its affairs and made every effort to supply it with information and facilities.
6. The Commission had very little time in which to prepare its report, which had to be available to the General Assembly on the resumption of its work at the beginning of March. Consequently this report is not as complete as the Commission would have wished. Furthermore, the annex contains a series of documents which, for lack of time, could not be summarized or analysed in the body of the report. This report was adopted unanimously on 7 March 1961.

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<sup>2/</sup> The text of these resolutions is reproduced in paragraph 62 below.

## II. INTRODUCTION

Brief review of events affecting Ruanda-Urundi between the period of the 1960 Visiting Mission and the adoption of General Assembly resolutions 1579 (XV) and 1580 (XV) (June-December 1960)

7. An account of political developments in the Territory up to the spring of 1960 will be found in the report<sup>3/</sup> submitted to the Trusteeship Council on 2 June 1960 by the Visiting Mission which went to the Territory in March 1960, and in the report of the Trusteeship Council to the General Assembly (fifteenth session),<sup>4/</sup> which sets out the conclusions drawn from the examination of conditions in the Territory made by the Council at its twenty-sixth session in June 1960. Although, for the most part, developments since the visit of the Trusteeship Council Mission to Ruanda-Urundi were brought to the attention of the Fourth Committee during the first part of the General Assembly's fifteenth session (November-December 1960) through statements by the Administering Authority and by petitioners and through various documents (reports, petitions, communications, etc.), a brief review of the most significant events in the period June-December 1960 will be helpful to an understanding of the events of January 1961 which will be referred to in this report.

### A. RWANDA

#### 1. Rwanda meeting at Brussels (30 May-7 June 1960)

8. The 1960 Visiting Mission had recommended that a round-table conference on Rwanda, Burundi and the community of the two States should be held to discuss the problems of the Trust Territory.<sup>5/</sup> It had also recalled that one of the essential conditions for the success of a round-table conference or any other attempt at conciliation was the assurance that the participants should indeed be the true representatives of the political parties, even if they happened to be refugees abroad or involved in legal sentences or proceedings connected with recent disturbances in Rwanda.<sup>6/</sup>

<sup>3/</sup> Official Records of the Trusteeship Council, Twenty-sixth Session, Supplement No. 3 (T/1551).

<sup>4/</sup> Official Records of the General Assembly, Fifteenth Session, Supplement No. 4 (A/4404), part II, chap. II.

<sup>5/</sup> Official Records of the Trusteeship Council, Twenty-sixth Session, Supplement No. 3 (T/1551), paras. 443-457.

<sup>6/</sup> Ibid., para. 472.

9. The Belgian Government, after accepting that recommendation in principle, changed its position and decided to convene a small-scale meeting for Rwanda towards the end of May; the aims of such a meeting would be national reconciliation, the preparation and organization of communal elections, the study of possible changes in the Interim Decree of 25 December 1959 and the preparation of more general discussions to be held later.<sup>7/</sup> As the Visiting Mission was completing its report, it was informed that the Belgian Government had invited the members of the Provisional Special Council of Rwanda to attend a meeting in Brussels on 30 May 1960. It also learned that UNAR (Union nationale rwandaise) had instructed its representatives on the Provisional Special Council to withdraw from the Council and not to participate in the proposed meeting in Brussels.<sup>8/</sup>

10. The Rwanda meeting was held at Brussels from 30 May to 7 June 1960 and was attended by senior officials of the Ministry for the Belgian Congo and Ruanda-Urundi, senior officials of Ruanda-Urundi, six of the eight members of the Provisional Special Council of Rwanda and the Mwami's representative on the Provisional Special Council. The two members of the Provisional Special Council of Rwanda who did not participate in the meeting belonged to UNAR.

11. The meeting noted inter alia the difficulties of effecting a national reconciliation and made various recommendations which appear in the conclusions of the meeting (annex I).

## 2. Communal elections in Rwanda (26 June-30 July 1960)

12. The original intention had been to hold communal elections in Rwanda at the beginning of June 1960, and the Belgian Government had requested that the elections should be supervised by the United Nations. The Visiting Mission had noted the reasons which had induced the Belgian Government to hold the communal elections in Rwanda as soon as possible. However, while recognizing that it was important not to disappoint the people by delaying the promised elections, it had expressed the opinion that it was even more important that those elections should take place in an atmosphere of calm, freedom and confidence so that the results might not be contested. The Mission had considered it desirable that the work of

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<sup>7/</sup> Ibid., para. 456.

<sup>8/</sup> Ibid., para. 472, footnote 37.



national reconciliation should be well advanced before the elections were held.<sup>9/</sup>  
The Belgian Government, having subsequently decided to hold separate legislative elections and to request their supervision by the United Nations, felt that the plan to hold the communal elections under supervision had been superseded by events.

13. The Rwanda meeting at Brussels - at which the two representatives of UNAR on the Provisional Special Council had not been present - had approved the time-table for the communal elections. UNAR had decided not to participate in the elections, stating that there was no freedom in Rwanda and that the Administration was playing a partisan role there.<sup>10/</sup> Nevertheless, some UNAR lists appear not to have been withdrawn in a few areas.

14. The communal elections were held in Rwanda from 26 June to 30 July 1960. The results were as follows:

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<sup>9/</sup> Ibid., para. 459.

<sup>10/</sup> T/COM.3/L.37 and T/PET.3/L.44.

Votes cast

District	Census count of able-bodied adult males	Registered	Voting	Percentage
Kigali . . . . .	55,794	61,280	53,123	86.6
Astrida . . . . .	81,920	84,357	63,645	75.4
Nyanza . . . . .	47,902	49,144	28,233	57.4
Gitarama . . . . .	38,948	40,602	38,649	95.1
Shangugu . . . . .	35,309	35,804	29,568	82.5
Kibuye . . . . .	28,098	34,418	27,009	78.4
Ruhengeri . . . . .	54,850	56,756	54,002	95.1
Kisenyi . . . . .	44,582	40,650	36,075	88.7
Kibungu . . . . .	41,206	38,093	11,153	29.2
Biumba . . . . .	40,020	41,636	36,111	86.7
	468,629	482,740	377,568	78.2

Councillors elected

District	Total seats	PARMEHUTU	APROSOMA	PARMEHUTU/ APROSOMA coalition	RADER	UNAR	Independents and various other groups
Kigali . . .	378	280	-	-	87	-	11
Astrida . .	537	237	223	-	28	-	49
Nyanza . . .	321	257	10	-	5	4	45
Gitarama . .	259	233	-	-	13	1	12
Shangugu . .	237	-	-	190	11	12	24
Kibuye . . .	190	158	-	-	13	-	19
Ruhengeri . .	367	359	-	-	4	-	4
Kisenyi . . .	299	257	-	-	6	-	36
Kibungu . . .	270	160	-	-	38	39	33
Biumba . . .	267	259	-	-	4	-	4
	3,125	2,200	233	190	209	56	237
Percentages:	100	70.4	7.4	6	6.6	1.7	7.9

PARMEHUTU: Parti du mouvement de l'émancipation hutu

APROSOMA: Association pour la promotion sociale de la masse

RADER: Rassemblement démocratique ruandais

UNAR: Union nationale ruandaise

15. The Minister for African Affairs had sent a control commission to observe the electoral operations on the spot and to ensure the proper conduct of the elections. This commission, which was composed of three Belgian civil servants, published a report on the conduct of the electoral operations, in which it expresses the following conclusion:

"... Having regard to Rwanda's degree of development, the commission considers that the electoral operations were conducted with the maximum safeguards; that propaganda for non-participation in the elections had no appreciable effect, taking the State as a whole; and that the results reflected the will of the people."

16. Various protests concerning the elections were sent to the United Nations.<sup>11/</sup> Mwami Kigeli V also submitted a protest.<sup>12/</sup>

17. As a result of the elections, communal councils were formed and installed in all communes of Rwanda, and burgomasters were also appointed. Of the 229 communes, 210 had a Hutu, fifteen a Tutsi and three a European chef de commune, the post remaining unfilled in one commune. One hundred and sixty-six chefs de commune were members of PARMEHUTU, twenty-one of APROSOMA, eighteen of the APROSOMA/PARMEHUTU coalition and seven of RADER, while three represented local interests and thirteen belonged to various other groups.

18. The Trusteeship Council had noted at its twenty-sixth session the assurance of the Administering Authority that the only objective of the communal elections in Rwanda was the choice of communal councillors and burgomasters, and that those elections would be regarded as being of an administrative, rather than political, nature. The Trusteeship Council had considered that those communal elections should not be used as a basis for further elections to national legislatures.

### 3. Departure of Mwami Kigeli V of Rwanda (25 July 1960)

19. On 29 June Mwami Kigeli V went with the Mwami of Burundi and the Resident-General to Leopoldville to attend the celebrations of the Congo's independence. He returned to Usumbura on 2 July.

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<sup>11/</sup> T/COM.3/L.42 and L.43; T/PET.3/L.41, L.48, L.49, L.50, L.51 and L.52; T/PET.3/125, 126, 127 and 129.

<sup>12/</sup> T/PET.3/L.39.

20. On 25 July Kigeli V again left Usumbura for Leopoldville with the intention of meeting the Secretary-General of the United Nations and Mr. Bunche there.

21. The Belgian Minister for African Affairs, in a speech at Usumbura on 17 October 1960, stated inter alia that:

"As to the problem of the monarchy, it will be for the people themselves to decide, through their representatives in the institutions of internal self-government to be established in January 1961, what action should be taken in the matter in the higher interest of the State.

"Mwami Kigeli, who has chosen to leave the State, will remain abroad pending that decision."

22. Various communications concerning the Mwami have been addressed to the United Nations.<sup>13/</sup>

#### 4. Incidents in Rwanda (June-October 1960)

23. A series of incidents in various parts of Rwanda were reported. In June, for example, a great many huts were burned down in the Bufundu area (Astrida district), and a number of people were killed and wounded in the course of the ensuing police operations.

24. Incidents in the Bwancyambwe chiefdom (Kigali district) in July and August also took their toll of victims.

25. In August and September further serious incidents took place in the Astrida area and in the Mayaga chiefdom (Nyanza district).

26. In October there were serious incidents in the Shangugu district and many inhabitants, most of whom were Tutsi, fled to the Bukavu area of the Congo.

27. The United Nations received a number of petitions and communications concerning these incidents.<sup>14/</sup>

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<sup>13/</sup> T/COM.3/L.38, L.39, L.40, L.45 and T/PET.3/L.58, L.59, L.64, L.67, L.68, L.73, L.75, L.82, L.86, L.89, L.95-L.97 and L.101.

<sup>14/</sup> T/COM.3/L.39, L.41, L.45, L.46; T/PET.3/L.60, L.61, L.88 and T/PET.3/130, 131.



5. Provisional Councils and Governments of Rwanda (October 1960)

28. In the course of his visit to Ruanda-Urundi, the Minister for African Affairs stated inter alia on 17 October 1960 that:

"Institutions of internal self-government will be set up as a result of legislative elections which will be held in the presence of United Nations observers in the second half of January 1961. In the meantime, provisional institutions - a Government and an Assembly - will be set up immediately and will manage public affairs in collaboration with the Administering Authority. These institutions should be so composed as to afford adequate representation of the different political movements and the ethnic composition of the State. This representation will be determined largely in the light of the results of the elections held last July."

29. A Council of forty-eight nominated members and a Provisional Government were established by Legislative Order No. 221/275 of 18 October (annex XXVIII).

30. The forty-eight members were appointed by Legislative Order No. 221/276 of the same date. This Council was installed at Kigali on 26 October 1960.

Mr. Joseph Gitera Habyarimana was elected its President.

31. By Order No. 221/279 of 20 October 1960, the Resident General appointed Mr. Grégoire Kayibanda Chief of the Provisional Government of Rwanda.

32. On 26 October 1960 it was announced that the Government would consist of:

Mr. Grégoire Kayibanda: Chief of the Provisional Government and  
Minister for Education;

Mr. Isidore Nzeyimana: Secretary of State for Education;

Mr. Jean-Baptiste Rwasibo: Minister of the Interior;

Mr. Charles Lees: Secretary of State;

Mr. Anastase Makuza: Minister for Justice;

Mr. F. Ackerman: Secretary of State;

Mr. Hubert Bovy: Minister for Social Affairs;

Mr. Claver Ntayao: Secretary of State;

Mr. Narcisse Sekerere: Minister for Technical Affairs;

Mr. Holsters: Secretary of State;

Mr. Balthasar Bicamumpaka: Minister for Agriculture;

Mr. Arthur Dubois: Secretary of State;

Mr. Joseph Deman: Minister for Economic Affairs;

Mr. Augustin Ndayambaye: Secretary of State;

Mr. Thadée Gatsimbanyi: Minister for Refugees;  
Mr. Emmanuel de Jamblinne de Meux: Secretary of State;  
Mr. Cyimana: Minister for Finance;  
Mr. Jacques Dens: Secretary of State.

33. Thus the Government was composed of nine Ministers, two of whom were Europeans. Six of the nine Secretaries of State were Europeans.

34. The African Ministers were members of PARMEHUTU apart from two (Mr. Sekerere and Mr. Gatsimbanyi) who were members of RADER but had been disowned by their party.

35. Communications concerning the establishment of the Provisional Government have been addressed to the United Nations.<sup>15/</sup>

#### 6. Communal organization (October 1960)

36. Legislative Order No. 221/277 of 18 October 1960 superseded the interim provisions of the Decree of 25 December 1959 concerning the provisional communes and their organization.

37. The basic principle of this entire system was communal self-government; the burgomaster and communal council were competent to deal with all matters of local concern. This self-government was subject to a right of administrative supervision over the communes, exercised in some cases by the central authorities themselves (Government and Chief of State) and in others by their representative (the district administrator).

#### 7. Kisenyi meeting (7-13 December 1960)

38. A meeting was held at Kisenyi from 7 to 13 December 1960 for the purpose of preparing the electoral legislation for the legislative elections in Rwanda and the institutions of internal self-government. It was attended by senior officials of Belgium and Ruanda-Urundi, the Prime Minister, four Ministers and one Secretary of State of the Provisional Government of Rwanda (i.e., three members of PARMEHUTU, one each of RADER and APROSOMA, and one European), seven representatives of PARMEHUTU, two of UNAR, two of RADER and two of APROSOMA. The UNAR and RADER representatives had protested against the inadequacy of their representation.

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<sup>15/</sup> T/PET.3/L.64, L.66, L.67, L.73 and T/PET.3/129.

39. The conclusions and recommendations of the meeting are set forth in a document (annex II) signed by the representatives of the Provisional Government of Rwanda, the representative of the Belgian Minister for African Affairs and the representatives of the political parties.

40. When the conclusions of the meeting were brought to the notice of the Fourth Committee,<sup>16/</sup> a petitioner questioned whether the recommendations of the meeting had in fact been approved by UNAR and RADER. A communication<sup>17/</sup> from the representatives of these parties explained that there had been no unanimity regarding the date of the elections.

#### B. BURUNDI

##### 1. Burundi meeting at Brussels (23-31 August 1960)

41. A small-scale meeting to discuss the problems and political future of Burundi was held at Brussels from 23 to 31 August 1960.

42. Four of the five members of the interim committee of Burundi participated (the fifth was ill). Thirteen political parties were represented.

43. High officials of the Belgian Ministry of African Affairs and high officials of Ruanda-Urundi also took part. Mwami Mwambutsa attended the opening and closing of the meeting.

44. The meeting considered three sets of plans, covering the arrangements for the communal elections, the organization and establishment of new administrative structures (commissionerships (commissariats) and provinces), and the problem of the administration of the town of Usumbura.

45. By 11 votes to none, with 6 abstentions, the meeting recommended that the following words should be added to the Decree of 25 December 1959:

"Relatives and connections of the Mwami, within two degrees of relationship, may not receive an electoral mandate, hold political office or take part in any political activity."

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<sup>16/</sup> A/C.4/466.

<sup>17/</sup> T/PET.3/L.86.

## 2. Establishment of Commissionerships (September 1960)

46. The first six Commissionerships (commissariats) of the State of Burundi were set up by an Ordinance of 9 September 1960, and the incumbents were appointed as follows: Commissioner for Finance and the Budget, Mr. Léopold Bihumugani; Commissioner for Agriculture, Mr. Pierre Bigayimpunzi; Commissioner for Personnel and Administrative Disputes, Mr. Emmanuel Nigane; Commissioner for Land Questions, Mr. Gérard Bitorirobe; Commissioner for Medical Affairs, Mr. Paul Baganzicaha; Commissioner for Justice, Mr. Henri Kana.

47. On 26 October, three new Commissionerships were set up: Public Works (Mr. Joseph Cimpaye) Veterinary Affairs (Mr. Laurent Zuruzuru) and Social Affairs (Mr. Pascal Rishirohmwe).

48. In accordance with the Organic Ordinance of 21 July 1960 establishing the State Commissionerships, the Resident and the Mwami had been asked for their opinions before the appointments were made. Mwami Mwambutsa had, by cable from Belgium, approved all the appointments.

49. The system of Commissioners invested with mainly political functions was put forward as the embryo of what, after and by virtue of the legislative elections, was to become the Government of the State. Each Commissioner was assisted by a permanent secretary, who was a member of the Administration. The permanent secretaries, whose business it was to direct the technical services made available to the Commissioners, were appointed soon afterwards.

## 3. Establishment of Provinces (September 1960)

50. By a Legislative Order of 26 September 1960, the thirty-seven chiefdoms of Burundi were abolished and replaced by eighteen Provinces. Each Province had an (indigenous) Provincial Administrator who, after passing a qualifying examination, was appointed by the Resident-General on the advice of the Resident of Burundi and the Mwami. The Provincial Administrator was assisted by a Deputy Provincial Administrator, a secretary and a provincial agronomist, all indigenous. A European counsellor was attached to each of these teams. Provincial Administrators were expected to take over, as quickly as possible, the existing duties of European territorial administrators.

51. The chiefs and sub-chiefs, whose functions were thus abolished, receive a pension.



4. The placing of Muganwa Rwagasore in prescribed residence

52. By an Ordinance of 27 October 1960, issued under the Legislative Order of 25 October 1960 (see paragraphs 58 and 59), the Resident-General assigned to Muganwa Louis Rwagasore, a residence at Bururi in a house provided for him by the Administration.

53. Louis Rwagasore is the son of the Mwami of Burundi and is one of the main leaders of the UPRONA party. It was explained that this step had been taken after the successive failure of all attempts to persuade him to maintain the reserve suitable to his position as son of the Mwami. In that connexion, it was recalled that the Brussels meeting had expressed the view that close relatives of the Mwami should not take part in political activity. This supervised residence was brought to an end on 9 December 1960, immediately after the communal elections. It had been the subject of communications to the United Nations.<sup>18/</sup>

5. Communal elections in Burundi (15 November-8 December 1960)

54. The following are the results of the communal elections held in Burundi from 15 November to 8 December 1960:

District	<u>Votes cast</u>			
	Census count of able-bodied adult males	Registered	Voting	Percentage
Ruyigi . . . . .	29,128	30,592	26,408	86.3
Rutana . . . . .	19,979	22,369	18,054	80.7
Bubanza . . . . .	64,170	65,246	58,458	89.5
Bururi . . . . .	46,150	51,655	44,371	85.8
Ngozi . . . . .	87,815	103,752	80,427	77.5
Muhinga . . . . .	57,013	66,435	47,462	71.4
Kitega . . . . .	83,495	91,281	79,254	86.8
Muramvya . . . . .	41,768	49,731	44,592	89.6
Usuzubura . . . . .	14,732 <sup>a/</sup>	3,781	3,233	85.5
	444,250	484,842	402,259	83

<sup>a/</sup> Including aliens.

Councillors elected

District	Total seats	PEP	PDR	UNB	MPB	Int. com.	PDC	UPRONA	RPB
Ruyigi . . .	194	-	90	43	30	16	13	2	-
Rutana . . .	133	-	15	52	-	1	23	-	24
Bubanza . . .	430	-	16	-	-	48	186	78	81
Bururi . . .	306	-	1	-	-	36	117	82	4
Ngozi . . . .	581	-	195	-	-	32	255	76	-
Muhinga . . .	379	-	70	-	-	12	175	114	-
Kitega . . .	556	5	73	53	-	107	154	16	-
Muramvya . .	279	-	42	9	-	39	1	165	-
Usumbura . .	15	-	-	-	-	1	-	12	-
	2,873	5	502	157	30	292	924	545	109

District	HTT	PP	VPM	UNARU	PC	MRB	AB	PTB
Ruyigi . . . . .	-	-	-	-	-	-	-	-
Rutana . . . . .	10	8	-	-	-	-	-	-
Bubanza . . . . .	-	13	4	1	1	2	-	-
Bururi . . . . .	-	24	-	1	-	41	-	-
Ngozi . . . . .	-	8	-	2	-	-	13	-
Muhinga . . . . .	-	-	6	2	-	-	-	-
Kitega . . . . .	-	145	-	-	-	-	-	3
Muramvya . . . . .	-	23	-	-	-	-	-	-
Usumbura . . . . .	-	-	2	-	-	-	-	-
	10	221	12	6	1	43	13	3

PEP: \*Parti de l'émancipation populaire

PDR: \*Parti démocratique rural

UNB: \*Union nationale du Burundi

MPB: \*Mouvement progressiste du Burundi

Int. com.: Communal interests

PDC: \*Parti démocrate chrétien

UPRONA: Unité et progrès national

RPB: \*Rassemblement populaire du Burundi

\* Common Front (Front commun).

HTT: Parti hutu, tutsi, twa  
PP: \*Parti du peuple  
VFM: Voix du peuple murundi  
UNARU: Union nationale africaine du Ruanda-Urundi  
PC: Parti conservateur  
MRB: \*Mouvement rural du Burundi (party of the Ab'Hamahuru)  
AB: \*Parti des Abanyama,jambere  
PTB: Parti des travailleurs Barundi

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\* Common Front (Front commun).

55. A Commission of three Belgians, appointed by the Belgian Minister for African Affairs, observed the conduct of the electoral campaign and the operations, and concluded in its report "that it found that the elections had been conducted with the greatest possible impartiality, considering the almost complete illiteracy of the population, its immaturity and lack of firm political convictions, and that they seemed to have reflected the will of the electors at the time when they had been held".

6. The Kitega meeting on Burundi (16-20 December 1960)

56. A meeting on Burundi was held at Kitega from 16 to 20 December 1960. It was attended by representatives of the Belgian Administration, by the State Commissioners, by the members of the interim committee and by delegations from the main political parties.

57. At these talks, the setting up of organs of internal autonomy and the holding of elections in Burundi were discussed. A summary of the meeting's conclusions has been published (annex III).

C. RUANDA-URUNDI

1. Legislative Order of 25 October 1960 on trusteeship powers

58. On 25 October 1960, the Resident-General issued a Legislative Order as its preamble shows, to define the trusteeship powers of the Belgian authority until Rwanda and Burundi became independent.

59. This Order (annex XXIX) allows the Resident-General and his subordinates to suspend or annul the acts of local authorities and local councils; it gives them the right, among other things, to order the removal of persons, to place them under supervision or to intern them, to forbid or restrict meetings, to forbid or restrict movement, to forbid or suspend associations and publications, to suspend the dispatch and delivery of mail, to order searches, etc.

2. Abolition of the emergency régime

60. On 14 November 1960, three weeks after the issue of the Legislative Order of 25 October 1960, the Resident-General, by Ordinance No. 01/322, ended the state of emergency which had been declared in Rwanda on 11 November 1959 and in Burundi on 12 July 1960.



### III. RESOLUTIONS OF THE GENERAL ASSEMBLY

(Fifteenth session)

61. The question of the future of Ruanda-Urundi was a special item on the agenda of the fifteenth session of the General Assembly. After long discussions in the Fourth Committee, in which statements were made by the representative of Belgium and by sixteen petitioners representing various political parties of Rwanda and Burundi, the General Assembly adopted, on 20 December 1960, two resolutions.

62. The following are the texts of these resolutions:

#### 1579 (XV). Question of the future of Ruanda-Urundi

"The General Assembly,

"Having received the reports of the Trusteeship Council and of the United Nations Visiting Mission to Trust Territories in East Africa, 1960, on the Trust Territory of Ruanda-Urundi called for under General Assembly resolution 1419 (XIV) of 5 December 1959,

"Noting from the report of the Trusteeship Council that it is the Administering Authority's intention to hold early in 1961 elections on the basis of universal adult suffrage, and under the supervision of the United Nations, for the purpose of constituting national assemblies for Ruanda and Urundi,

"Noting further the statement of the Administering Authority that the elections are scheduled to begin on 15 January 1961, and its invitation to the United Nations to send a mission to Ruanda-Urundi about 15 December 1960 to see the actual implementation of the arrangements for the elections, such as the composition of the electoral rolls, the course of the election campaign and the organization of the poll,

"Being conscious of its responsibility to ensure that the supervision of the elections by the United Nations is effective, and that the elections, which will furnish the basis for the Territory's independence, are held in proper conditions so that their results are completely free of doubt or dispute,

"Having heard the views of the petitioners belonging to various political parties and groups of Ruanda-Urundi,

"1. Considers that the necessary conditions and atmosphere must be brought about expeditiously to ensure that the legislative elections, which will lead to the establishment of national democratic institutions and furnish

/...

the basis for the national independence of Ruanda-Urundi in accordance with the principles and purposes of the Charter of the United Nations, take place in an atmosphere of peace and harmony;

"2. Urges the Administering Authority to implement immediately measures of full and unconditional amnesty, and to abolish the emergency régime so as to enable political workers and leaders who are in exile or imprisoned in the Territory to resume normal, democratic political activity before the elections;

"3. Considers that the expeditious return and rehabilitation of thousands of victims of recent disturbances in Ruanda who were compelled to take refuge away from their homes in Ruanda or abroad will assist the process of reconciliation, and urges the Administering Authority and the local authorities concerned to adopt all possible means to that end;

"4. Recommends that a conference fully representative of political parties, attended by United Nations observers, should be held early in 1961, before the elections, in order to compose the differences between the parties and to bring about national harmony;

"5. Appeals to all parties and political leaders of Ruanda-Urundi to exert their efforts to achieve an atmosphere of understanding, peace and harmony for the good of their Territory and people as a whole on the eve of independence;

"6. Calls upon the Administering Authority to refrain from using the Territory as a base, whether for internal or external purposes, for the accumulation of arms or armed forces not strictly required for the purpose of maintaining public order in the Territory;

"7. Recommends that the elections scheduled to be held in January 1961 should be postponed to a date to be decided on at the resumed fifteenth session of the General Assembly in the light of the recommendations of the Commission referred to in paragraph 8 below, so that, in addition to the fulfilment of the purposes of the preceding paragraphs of the present resolution, the arrangements for the elections can be completed under the supervision of the United Nations;

"8. Decides to set up a United Nations Commission for Ruanda-Urundi, composed of three members, who will be assisted by observers and staff to be appointed by the Secretary-General in consultation with the Commission;

"9. Requests the Commission to proceed immediately to Ruanda-Urundi to perform the following tasks on behalf of the United Nations:

"(a) To supervise the elections to be held in Ruanda-Urundi in 1961 on the basis of direct, universal adult suffrage, and the preparatory measures preceding them, such as the compilation of the electoral rolls, the conduct of

the election campaign and the organization of a system of balloting which will ensure complete secrecy;

"(b) To attend, as United Nations observers, the political conference envisaged in paragraph 4 above and the round-table conference to be convened after the elections to determine the future evolution of the Territory towards independence;

"(c) To follow the progress of events in the Territory before and after the elections, to lend its advice and assistance, as appropriate, with a view to advancing peace and harmony in Ruanda-Urundi, and to report to the Trusteeship Council or the General Assembly, as necessary;

"10. Requests the Commission to submit an interim report on the implementation of the present resolution to the General Assembly at its resumed fifteenth session;

"11. Endorses the observation of the Trusteeship Council that, in view of the essential community of interests and the facts of history and geography, the best future for Ruanda-Urundi lies in the evolution of a single, united and composite State, with such arrangements for the internal autonomy of Ruanda and Urundi as may be agreed upon by their representatives."

1580 (XV). The question of the Mwami

"The General Assembly,

"Considering that a division of opinion has arisen in Ruanda-Urundi with regard to the institution of monarchy and with regard to the person of the present Mwami of Ruanda,

"Considering further that such a situation poses a constitutional question of far-reaching importance which should be settled in accordance with the freely expressed wishes of the people of the Territory,

"Noting that, on several occasions, the Mwami has stated his desire to be a democratic and constitutional sovereign,

"Noting further that the Mwami of Ruanda, in a memorandum to the United Nations Visiting Mission to Trust Territories in East Africa, 1960, has accepted the idea of a referendum to decide this question,

"Having perused the statement of the Mwami to the Fourth Committee,

"1. Notes with regret that the Administering Authority has arbitrarily suspended the powers of the Mwami of Ruanda and has not allowed him to return to Ruanda to resume his duties as Mwami;

"2. Requests the Administering Authority to revoke the measures adopted by it to suspend the powers of the Mwami, and to facilitate his return to Ruanda to enable him to function as Mwami pending the ascertainment of the wishes of the people on this question;

"3. Decides that a referendum should be held under the supervision of the United Nations Commission for Ruanda-Urundi established under General Assembly resolution 1579 (XV) of 20 December 1960, in order to ascertain the wishes of the people concerning the institution of the Mwami, and, if necessary, the present Mwami of Ruanda;

"4. Requests the United Nations Commission for Ruanda-Urundi, after studying the situation on the spot, to submit to the General Assembly at its resumed fifteenth session recommendations concerning the timing of the referendum and the questions to be put therein."

63. On 27 December 1960, the Chairman of the United Nations Commission sent a letter (annex IV) to the Permanent Representative of Belgium to the United Nations, asking for information as to the action which the Belgian Government intended to take on these resolutions, so that the Commission could draw up its plan of work. The letter pointed out that, because of the terms of paragraph 7 of resolution 1579 (XV), the Commission could not discharge its responsibilities for supervision laid down in paragraph 9 (a) if the elections took place before the General Assembly resumed its session, which it was expected to do on 7 March 1961.

64. A note from the Permanent Representative of Belgium (annex V) of the same date, addressed to the Secretary-General, crossed that letter. It stated that the Belgian Government had decided to hold a conference in Belgium, on 6 January 1961, at which the constituted authorities and political parties of Ruanda-Urundi would be represented. The agenda would include a consideration of the problem of national reconciliation, the union of Rwanda and Burundi and the preparation of elections. The note expressed the Belgian Government's hope that the members of the Commission would attend the conference as observers.

65. The Chairman of the Commission, Mr. Dorsinville, and Mr. Rahnema left New York on 4 January 1961 for Brussels, where Mr. Gassou joined them on 5 January 1961.



#### IV. EVENTS SUBSEQUENT TO THE ADOPTION OF THE GENERAL ASSEMBLY RESOLUTIONS, AND WORK OF THE COMMISSION

##### A. The Ostend Conference

66. On 5 and 6 January 1961, during a two-day stay at Brussels, the Commission made informal contact with the Minister for Foreign Affairs, the Minister for African Affairs, and officials of those Ministries. It then proceeded to Ostend where, on 7 January, the political conference on Rwanda and Burundi was opened under the chairmanship of Mr. Van den Abeele, Secretary-General of the Ministry of African Affairs.
67. Since the Belgian Government regarded the conference as a logical follow-up to the Kisenyi and Kitega talks, the composition of the Ruanda-Urundi delegations was similar to that of the delegations which had taken part in those talks. The participants in the conference included, in addition to the Chairman, ten representatives of the Administering Authority, eight representatives of the Provisional Government and the Council of Rwanda, eight State Commissioners of Burundi, two representatives of the interim Committee of Burundi, twelve representatives of the four main political parties of Rwanda and ten representatives of the six main political parties of Burundi.
68. The number of seats allocated to each party was to a large extent based on the results of the communal elections, as had been the case for the previous talks. Thus, for Burundi, PDC, which had won 924 of the seats for communal councillors, was represented at Ostend by three delegates; PDR and UPRONA, with 502 and 545 seats respectively, by two delegates each; and three other parties (PP, RPD and UNB), which had won between 109 and 221 seats, by one delegate each. Nine other political parties which had obtained less than 50 seats in the communal elections were not represented at Ostend. The same principle was followed with regard to the Rwanda political parties: there were six representatives of PARMEHUTU, and two representatives each of APROSOMA, RADER and UNAR.
69. This representation took no account of the political affiliation of those attending the conference in some other capacity - for example, as members of the Provisional Government and Council of Rwanda, members of the Burundi interim committee, or Commissioners of Burundi. If such affiliations are taken into

account, in the case of Rwanda, PARMEHUTU was represented de facto by nine persons, APROSOMA by four, and RADER and UNAR by two each. This gave rise to strong protests by the representatives of the two last-mentioned parties, which had, at the beginning of the meeting, asked for the participation of other leaders of their parties. Ultimately, on the last day of the conference, they absented themselves from the meetings.

70. The conference opened with a statement from the Minister for African Affairs (annex VI). Reviewing the programme for the political development of the Territory, he announced that the Belgian Government had recently fixed the exact dates for the holding of the legislative elections: 18 January for Burundi, and 23 January for Rwanda. Thereafter, at an appropriate time, probably in May or June 1961, a further round-table conference would be held at which the autonomous Governments of Rwanda and Burundi would meet with the Administering Authority to decide on the Territory's accession to independence and on any future political or economic union between Rwanda and Burundi. The proposals approved at that conference would then be submitted to the Trusteeship Council and to the General Assembly at its sixteenth session. The Minister added that the most careful consideration would undoubtedly be given to the two General Assembly resolutions adopted in December, as factors calculated to help Belgium in bringing its mission of trusteeship to a successful conclusion; he recalled that resolution 1579 (XV) had expressly provided for the holding of a conference fully representative of political parties and attended by United Nations observers, and that the present conference had been convened in response to that resolution.

71. Before the opening of the first business meeting, the chairman of the conference, who had received a request from the Chairman of the United Nations Commission for a hearing, challenged the legitimacy of that request, giving a restrictive interpretation of the observers' role and stating that, since the Belgian Government had not yet made known its position with regard to the General Assembly resolutions, in his view the members of the Commission had been invited to attend the conference as individual observers and not as a commission. He even added that any statement which they might make would tend to influence the discussions.

72. The Commission expressed its disagreement with that standpoint. It stated that it would abstain from taking part in the talks so long as the point at issue

had not been settled to its satisfaction. The chairman of the conference deemed it necessary to refer the question to the Minister for Foreign Affairs at Brussels, and this delayed the conference's work by one day. The Chairman of the Commission was then able to make a preliminary statement (annex VIII) in which he referred to the General Assembly resolutions and explained clearly that, if the recommendation concerning the date of the elections was not accepted, the Commission would be unable to carry out its task of supervision. Subsequently he made further statements (annexes IX and X), in which he provided the necessary clarification and gave explanations to ensure that all participants fully understood the General Assembly's recommendations.

73. The position of the Administering Authority was clearly set forth in a preliminary address by the chairman of the conference (annex VII). He stated that, even if the General Assembly's resolutions were from a legal standpoint recommendations, it did not necessarily follow that Belgium was obliged to conform to them. He also emphasized that, while Belgium had taken a stand against those resolutions in the General Assembly, it had thought it well to convene the conference so as to enable the representatives of the peoples concerned to express their views freely. He concluded by stating that the Belgian Government would take a decision based on the conclusions reached by the conference, within the week following its closure.

74. With regard to the first point raised by the chairman of the conference, the Chairman of the United Nations Commission drew attention to article 7 of the Trusteeship Agreement, under which Belgium had undertaken to apply to Ruanda-Urundi the provisions of all present or future international conventions and recommendations which might be appropriate to the particular conditions of the Territory and which would be conducive to the achievement of the basic objectives of the International Trusteeship System.

75. The chairman of the conference replied that the conference's essential aim was precisely to discover how far the recent recommendations by the General Assembly corresponded to the wishes of the peoples in the Trust Territory.

76. The conference then began discussion of the three items on its agenda: (a) the question of the date of the legislative elections, (b) the question of the services common to Rwanda and Burundi, and (c) the problem of reconciliation in Rwanda. At the end of the conference, a summary of the debates on each of these items was approved by the participants (annex XI).

77. From the outset, it was clear that there was little likelihood of reaching agreement on the date of the elections or of making any progress towards reconciliation. The hostility between Rwanda representatives with opposing political views was obvious; the debate was heated, and unfortunate references were constantly made to the past. It was clear that many participants misunderstood the motives underlying the adoption of the General Assembly resolutions, and that they had arrived for the conference in a spirit of defiance towards the United Nations.

78. Speaking on the first item of the agenda, the representatives of PARMEHUTU, APROSOMA and the Provisional Government and Council of Rwanda categorically rejected any postponement of the elections later than January. Various reasons were put forward to justify this attitude; in particular, it was stated that a sufficiently long period of self-government was necessary to prepare for independence, and that any protraction of a provisional régime would cause a recurrence of disorder in the country. On the other hand, the representatives of RADER and UNAR stressed that the General Assembly's recommendations should be respected and that a preparatory period was necessary to ensure effective supervision of the elections. Opinion among the representatives of Burundi was also divided. The members of the Front commun wanted elections in January, whereas the representatives of UPRONA, in particular, insisted that time should be allowed for the organization of the electoral campaign and that guarantees should be given against any abuses, like actions ultra vires and the exertion of influence by the provincial administrators, such as had, in their view, occurred during the communal elections. One representative also emphasized that, in order to ensure free elections, it was necessary to revoke the powers enjoyed by the Administration in virtue of the legislation of 25 October 1960, under which it could subject individuals to supervised residence and take other measures to restrict political freedom.

79. The discussion on the question of reconciliation in Rwanda was held in the absence of the Burundi delegates, and added little to the conclusions of the Kisenyi talks. Apparently, little more could be expected from the same group of representatives which had already discussed this problem at Kisenyi less than a month previously. The Head of the Provisional Government and the other members of PARMEHUTU and APROSOMA considered that the best condition for national



reconciliation was the existence of an elected and stable Government, which alone could restore peace in the State. In their opinion, the continuation of a provisional régime created a state of tension which was an obstacle to reconciliation. During the discussion, Mr. Gitera, President of the Council of Rwanda and founder of APROSOMA, suggested that if the elections were to be postponed until a future date all the existing provisional institutions should be made final until these elections; but he later said that, having consulted his political colleagues, he withdrew this proposal and that only immediate elections could be considered a democratic solution.

80. Mr. Ndazaro, representative of RADER, said that the essential problem was the fact that a régime entirely dominated by the Tutsi had been replaced by another régime in which all power was in the hands of a single party, PARMEHUTU, consisting of Hutu. In order to arrive at a more democratic state of affairs, he proposed that the Ministries should be equally distributed between the four political parties and that membership of the Rwanda Council and posts in the army, the police and the judicial organization should be divided between the two ethnic groups, on the principle of one-third Tutsi and two-thirds Hutu. This proposal was rejected by the representatives of the Provisional Government, of APROSCMA and of PARMEHUTU, who considered that ethnic considerations could not form the basis for a reconciliation.

81. As for the question of the Mwami of Rwanda, it was clear that no compromise was possible. The representatives of RADER and of UNAR insisted that the referendum should be held as proposed in resolution 1580 (XV). On the other hand, the representatives of APROSOMA and PARMEHUTU were irrevocably opposed to the return of the Mwami. According to Mr. Kayibanda, Head of the Provisional Government, the question of the future of the monarchy should be settled solely by the permanent authorities which would be set up as a result of the elections.

82. The discussion on the problem of reconciliation closed with a review of the conclusions already adopted at the Kisenyi talks. The representatives of UNAR and RADER were not present at the last meetings, as a protest against the refusal to adjourn the discussions so as to enable them to consult certain leaders of their parties who had not been invited to the conference. The other participants, in particular the representatives of APROSOMA, PARMEHUTU and the Government and Council of Rwanda, confirmed their desire to implement the conclusions reached at Kisenyi.

83. On the question of the future community relations of Rwanda and Burundi, all the participants agreed that final decisions could be taken only by the Governments finally set up as a result of the elections. However, in view of the urgency of the matter, the representatives of Burundi proposed the creation of a joint commission of the two countries, to study common economic problems and prepare a report for submission to those Governments. This proposal was supported by the representatives of UNAR and RADER but was rejected by the other representatives of Rwanda. In the absence of agreement, it was provisionally resolved to take no decision and to leave the study of the question of common services to the Ministers of the Government of Rwanda and to the Commissioners of Burundi.

B. Events during the visit of the Commission to Brussels (12-27 January)

84. The Ostend Conference ended on 12 January and the Commission proceeded to Brussels to exchange views with the Ministers for Foreign Affairs and African Affairs. The Ministers wished to obtain first-hand information as to the Commission's point of view, in order that the Belgian Government should be able to take its decision on the date of the elections in full knowledge of the facts.

85. On 21 January, after a long discussion with the Ministers for Foreign Affairs and African Affairs, the Commission was informed that the Belgian Government finally agreed to follow the recommendations contained in resolutions 1579 (XV) and 1580 (XV) regarding the postponement of the elections to a later date and the organization of a referendum on the Mwami. This decision was officially confirmed in a letter dated 25 January 1961 (annex XIII) addressed to the Chairman of the Commission by the Minister for Foreign Affairs, which in fact constituted a reply to the former's letter of 27 December 1960. As regards the date of the elections, the Minister stated that the Belgian Government had been faced with the dilemma, either of failing to fulfil its undertakings towards the local population, or of failing to follow the General Assembly's recommendation. While agreeing to postpone the elections, it hoped that they would be held as soon as possible after the resumption of the General Assembly session.

86. Once informed of this decision, the Commission expressed its desire to return to Ruanda-Urundi without delay, in accordance with its mandate. Although it was informed that the local administration would not be in a position to provide it with

accommodation at Usumbura before 30 January, it adhered to its decision to depart immediately and left Brussels on 27 January, to reach the Territory on 28 January.

87. While the Commission had been in Brussels, awaiting the decision of the Belgian Government, as explained above, important events were taking place in Ruanda-Urundi, of which the Commission only subsequently learnt.

88. On his return from the Ostend Conference, the Resident-General had signed on 15 January two legislative orders and two ordinances based on the conclusions of the Kisenyi and Kitega talks. The legislative orders, No. 02/16 (annex XXX) and No. 02/18 (annex XXXII), dealt with the institutions of Rwanda and Burundi respectively. The ordinances, No. 02/17 (annex XXXI) and No. 02/19 (annex XXXIII), governed the organization of legislative elections in Rwanda and in Burundi.

89. According to the explanations later given to the Commission, the Ostend Conference had apparently given rise to an atmosphere of unrest and political tension in Ruanda-Urundi, and the decision of the Belgian Government to postpone the elections had been regarded by several political leaders, particularly in the PARMEHUTU and APROSOMA parties in Rwanda, as a betrayal. To offset this, it had been decided to grant to the two States, immediately, the degree of self-government envisaged in the Legislative Orders Nos. 02/16 and 02/18 of 15 January, without awaiting the legislative elections. In the case of Rwanda, this was done by Legislative Order No. 02/27 of 25 January 1961 (annex XXXIV) conferring autonomous powers on the Provisional Council and Government of Rwanda (which had been set up in October 1960).

90. For Burundi, where no such provisional bodies existed, measures were taken to set up interim autonomous institutions for the period running until the establishment of the permanent structures stemming from the legislative elections. On 26 January the Resident-General signed Legislative Order No. 02/29 (annex XXXVI) setting up an interim Government, in Burundi, and Ordinance No. 02/28 (annex XXXV) appointing a Prime Minister and four Ministers whose powers had been specified in Legislative Order No. 02/18 of 15 January 1961. The five Ministers, including the Prime Minister, were leaders of political parties affiliated to the Front commun: Mr. Joseph Cimpaye (UNB), Prime Minister and Minister of Justice and Recruitment; Mr. Jean-Baptiste Ntidendereza (PDC), Minister for the Interior; Mr. Pierre Bigayimpunzi (PDR), Minister for Natural Resources; Mr. Emmanuel Nigane (PP), Minister for Social Affairs; and Mr. Paul Biganzicaha (PDC), Minister for

Technical Affairs. A sixth department - Finance - was offered to Mr. Bihumugani (UPRONA), but he accepted this post only later and in a personal capacity, since his party had refused to take part in the new Government.

91. On the next day, 27 January, the Resident-General signed a further legislative order, No. 02/30 (annex XXXVII), setting up an Interim Council of Burundi, composed of sixty-four members, each elected by a body formed from the assembly of two or more communal councils.

92. These indirect elections were held on 29 January, the day after the Commission's arrival at Usumbura.

C. Events during the Commission's stay in Ruanda-Urundi

93. When the Commission arrived at Usumbura on Saturday, 28 January, it was completely unaware of the political events which had taken place after the Ostend conference and which were still occurring in the Territory. It learned of them only later through the Press and radio.

94. On the very day of the Commission's arrival, all the burgomasters and communal councillors of Ruanda were meeting at Gitarama in response to a call by the Minister of the Interior of the Provisional Government. The purpose of the meeting, according to the notice convening it, was to take certain steps to facilitate pacification and the maintenance of order in view of the tense situation resulting from the news concerning the postponement of the elections. In fact, however, as events were to show, the true purpose of the meeting was to proclaim the Republic of Rwanda and thereby to confront the Administering Authority and the United Nations with a fait accompli.

95. According to the official communiqué detailing the events (annex XVII), nearly all of Rwanda's 3,126 burgomasters and communal councillors were present as were the members of the Provisional Government and of the Council. The first speaker, Mr. Rwasibo, the Minister of the Interior, addressed the crowd and put to them a series of questions. He concluded by saying that the Kalinga, the Biru and the feudal organization had made the people of Rwanda unhappy and that these institutions must disappear and give place to democracy. Mr. Gitera, the President of the Council of Rwanda, and Mr. Kayibanda, the Prime Minister, announced that the monarchy and its symbols were abolished, proclaimed the Republic and exhibited the new green, yellow and red flag of Rwanda.



96. The burgomasters and communal councillors then proceeded to elect the President of the Republic. Mr. Dominique Mbonyumutwa, one of the PARMEHUTU leaders, was elected by 2,391 votes out of a total of 2,873 votes cast. The forty-four members of the Legislative Assembly were then elected, forty being members of PARMEHUTU and four of APRCSOMA. Mr. Gitera was elected President of the Legislative Assembly and Mr. Kayinbanda, who had been entrusted by Mr. Mbonyumutwa with the task of setting up the Government, announced the formation of a Government composed as follows:

Prime Minister and Education: Mr. Grégoire Kayibanda, with  
Mr. Otto Rusingizandekwe as Secretary of State,

Interior: Mr. Jean-Baptiste Rwasibo,

Agriculture: Mr. Balthazar Bicamumpaka,

Social Affairs and Refugees: Mr. Jacques Hakisumwami,

Technical Affairs: Mr. Théodore Sindikubgabo,

Economic Affairs: Mr. Callixte Habamenshi,

Finance: Mr. Gaspard Cyimana,

Justice: Mr. Anastase Makuza,

Foreign Affairs: Mr. Aloys Munyangaju,  
Mr. Germain Gasingwa,

National Defence: Mr. Isidore Sebazungu.

97. Mr. Mbonyumutwa concluded by announcing the institution of a Supreme Court composed of Mr. Isidore Nzeyimana as President, and Mr. Daniel Shamukiga, Mr. Claver Ndahayo, Mr. Narcisse Sekerere and Mr. Franciscus Ackerman as members.

98. The next day, 29 January, the Resident-General received a cable (annex XVIII) from the leaders of the new Rwanda institutions, notifying him of the events which had taken place at Gitarama. According to the cable, the actions were justified by the equivocal attitude of Belgium and the United Nations towards the legislative elections and by the arbitrary decisions which had been taken and which were contrary to the conclusions of the Kisenyi and Ostend talks. The signers added that they would be happy to collaborate in loyalty and friendship with Belgium and all free nations and requested the Belgian Government and the local trusteeship Administration loyally to accept their responsibilities. They concluded by expressing the hope that a conference of Belgium, the United Nations and Rwanda would be called as quickly as possible to deal with the question of the country's independence.

99. On that same day, the second-stage elections were held in Burundi for the formation of the interim council provided for in Legislative Ordinance No. 02/30 of 27 January. As was the case at Gitarama for Rwanda, the electors were the burgomasters and the communal councillors. The elections were in principle boycotted by UPRONA, but the boycott was incomplete, and elections were held in sixty of the sixty-four electoral districts. The results of the voting for the sixty seats were as follows:

Parti démocrate chrétien (PDC).....	25
Parti démocrate rural (PDR).....	11
Parti du peuple (PP).....	9
UPRONA.....	4
Rassemblement populaire du Burundi (RPB).....	3
Union nationale du Burundi (UNB).....	3
Mouvement rural du Burundi (MRB).....	1
Union démocratique paysanne (UDP).....	1
Voix du peuple murundi (VFM).....	1
Mouvement progressiste du Burundi (MPB).....	1
Independent.....	1

100. The Burundi elections are described in an official communiqué (annex XIX).

101. The Commission only learned of these events officially during the meeting with the Resident-General on 30 January. The Resident-General explained that the formation of an interim Government in Burundi had been deemed necessary as it was being urgently demanded by the political parties. He added that in the absence of a Government, even provisional, and of guarantees that unforeseen circumstances would not delay the legislative elections beyond the month of March, something had to be done so that the preparation of the country for independence would not be delayed. The interim council had been set up solely in order that the gap left by the Belgian Government's decision to conform to the resolutions of the General Assembly could be filled and that the country could be given an organ capable of taking decisions on urgent problems. This Government was a purely transitional organ and would be replaced by a permanent institution after the elections.

102. The happenings at Gitarama in Rwanda, on the other hand, were of a completely different nature and represented a coup d'état and a gesture of insubordination towards the Administration. The Resident-General considered that the action had resulted in part from the feeling of the political leaders that they had been betrayed by the Administering Authority, from the conviction that the United Nations

was hostile to them and from a fear that the disorders in the neighbouring Republic of the Congo might extend to Rwanda. The Resident-General said that he had had to choose, on the one hand, between the use of force to suppress the new régime - a course that was inconceivable and, moreover, impossible in view of the very small armed forces which the metropolitan country had placed at his disposal - and on the other hand, the possibility of advising the Belgian Government to negotiate with the new authorities. Though characterizing the action of Rwanda's burgomasters and municipal councillors as illegal, he noted that such action was in accordance with the provisions of the Interim Decree of 25 December 1959 which at that time had provided for second-stage legislative elections. It also seemed to him that the new authorities, although their actions were illegal, were anxious to try and act only within the limits of the Ordinances of 15 and 25 January 1961. He added that he had had no contact with the new authorities and that the situation had been explained to the Belgian Government at Brussels, from which he was awaiting instructions.

103. During a further meeting with the Resident-General on 1 February, the Commission received a copy of the official communiqué (annex XX) setting out the attitude of the Belgian Government towards the events at Gitarama. Taking the view that these events were a reaction of the indigenous authorities, supported by the vast majority of the population, to the Belgian Government's decision to postpone the elections, that Government considered that it should not oppose this peaceful expression of the general will by force; otherwise it would run the risk of provoking disorders, the consequences of which might be disastrous to the country. The Belgian Government was ready to discuss matters with the new Government, but it made clear that that Belgium was retaining the authority devolving upon it as Administering Authority and would thus continue to assume the responsibilities towards the United Nations which stemmed from that status.

104. The communiqué continued in the following terms:

"The principles put forward by the Gitarama meeting will have to be considered by the responsible Belgian Government, which, in agreement on the one hand with the representatives of the United Nations and, on the other, with those of the Rwandese peoples concerned, will endeavour, within a short space of time, to find solutions such as will maintain peace and enable Rwanda to achieve independence in accordance with the wish of its inhabitants. The political leaders of Rwanda who were at Gitarama have also requested that a meeting of representatives of Rwanda, Belgium and the United Nations take place shortly. Lastly, the present development of the political situation in Rwanda does not exclude general elections."

105. During the subsequent discussions, the Resident-General repeated that he was still not in contact with the new Government and that the Trusteeship Administration was restricting itself to the conduct of day-to-day affairs.

106. On the same day, 1 February, the new Legislative Assembly of Rwanda held its opening meeting at Kigali, during which the Constitution (annex XXI) of the Republic of Rwanda was read and signed. It should be noted that this Constitution, though proclaiming the sovereign character of the Republic of Rwanda, also recognizes the provisional trusteeship of the United Nations assumed by Belgium as the administering Power and states that "trusteeship shall be exercised through a right of supervision, of veto and of technical and financial assistance, as regulated by the present Constitution and by laws negotiated by common agreement". It is also interesting to note that in accordance with chapter VIII, article 36, members of the Legislative Assembly must be elected on the basis of direct universal suffrage, with the exception of the Assembly of the constituent national congress.

107. It seemed obvious to the Commission that the events of the preceding few days had radically altered the situation as it had been when the General Assembly adopted resolutions 1579 (XV) and 1580 (XV), and that care must be taken to prevent any of the Commission's actions being interpreted as a de facto recognition of the new Governments of Rwanda and Burundi before the General Assembly itself had had an opportunity of reviewing the events.

108. The Commission consequently took no steps to initiate official contacts with those Governments.

109. During the next few days the Commission remained at Usumbura for consultations and also in order to receive representatives of the political parties and other leading persons. The Commission had a number of contacts and discussions with various people, sometimes on a confidential basis. The accounts which it received from various sources indicated that a by no means negligible part of public opinion was profoundly disturbed by the turn of events and did not disguise its anxiety for the future. Many observers, whose good faith cannot be questioned, considered that social and political changes in Rwanda had been allowed to take place more radically and swiftly than the real interest of the people justified. They felt that if the Administration had followed a more impartial and reserved policy, it



would have enjoyed greater confidence on the part of Africans of all political tendencies. Several people criticized the Administration for having assumed the extra-judicial powers provided for in Ordinance No. 221/296 of 25 October 1960 (annex XXIX), against the exercise of which there was no possibility of appeal; they emphasized that these powers exceeded those which had been conferred by the state of emergency.

110. On 2 February, the Commission received a visit from the Mwami of Burundi, who gave it a copy of a letter (annex XXII) which he had sent on 26 January to the Resident-General and in which he formally denied a statement given officially over the radio to the effect that the interim Government of Burundi had been formed with his agreement. He said that he had reserved his final opinion until all the political parties had been consulted.

111. On 3 February, the Commission received a delegation representing UPRONA, VPM and the HIT Party. The delegation protested against the formation of an interim Government based on the results of communal elections which, according to them, had been partially falsified by pressure and intimidation. It also protested against the precipitate procedure of the elections for the interim council, which had been announced in a notice dated 27 January and had been held two days later. Some people, they said, had only received the notice on the actual day of the elections. The delegation explained that UPRONA had ordered its members not to take part in the elections after hearing the news of the Gitarama coup d'état of 28 January, in which the same electoral system had been used.

112. The Commission subsequently learned that on that same day UPRONA had addressed a petition to the Mwami of Burundi in which it protested against the formation of an interim Government composed of political leaders chosen on the basis of the results of the communal elections and that it had submitted for the Mwami's approval a list of Ministers belonging to UPRONA and the parties allied with it.

113. During the afternoon of 7 February, the Secretary-General of Ruanda-Urundi, in the absence of the Resident-General, handed the Commission a note verbal (annex XXIII) informing it that the Belgian Government had decided to give a de facto recognition to the public authorities instituted on 28 January 1961 by the general meeting held at Gitarama. Those authorities would henceforth exercise the powers of self-government provided for in Legislative Ordinance No. 02/16

of 15 January 1961. In fact, however, the régime had already been recognized by Legislative Ordinance No. 02/38 of 6 February (annex XXXVIII), which had, moreover, been made retroactive to 1 February.

114. Since the Commission, in view of its terms of reference, was obviously not qualified to negotiate with the new Rwanda régime, all that remained for it to do was to find out as much as possible about the situation in the Territory and to report on it to the General Assembly. The Commission decided to send the principal secretary and the assistant secretary to Kigali, the capital of Rwanda, to gather information. The Administration then made known that the Resident of Rwanda would be at Usumbura on Sunday, 12 February, for an interview with the Commission, and the journey of the two members of the Secretariat was consequently cancelled.

115. The Commission had intended to visit Kitega, the capital of Burundi, on 7 February in order to meet the Mwami Mwambutsa, the Resident and such leaders of the political parties as wished to do so. The Administration first said that it was impossible to provide transport; then the Commission was informed that the Resident and the Mwami would both be away from Kitega on 7 February, and it was asked to postpone the visit to the next day.

116. Upon arriving at Kitega, the Commission learned that on the previous day - the day on which it had intended to visit Kitega but had been dissuaded from doing so on the pretext that the Resident and the Mwami would be absent - the new Government and the new Council of Urundi had been officially installed by the Secretary-General of Ruanda-Urundi.

117. In his speech on that occasion, the Resident of Burundi had said that it was regrettable that the members of the Council had not been elected by universal suffrage. Such had been the wish of the majority of the people and the Administration, but, according to him, it had not been possible to satisfy this justified claim because of interference within the framework of the United Nations. The Council had then gone on to elect its Chairman in the person of Mr. Cyprien Kiyuku (PDC) and had passed a vote of confidence in the new Government. Before the vote, five representatives (four from UPRONA and one from an affiliated party) had left the room.

118. During his interview with the Commission, the Mwami seemed very disturbed. He said that he was faced with two opposing governmental entities, neither of which had received his approval, and a council which represented only the Front commun parties. This situation was due to the fact that the Administration had acted without waiting for his approval. In view of the tension which this situation had created and in order to avoid disturbances, he felt that in his position as Mwami, which placed him above parties, he must play the role of conciliator. The Mwami handed the Commission a copy of the letter (annex XXV) which he had sent to the Resident-General on 5 February 1961 and in which he stated "... I am now confronted with two provisional governments, both formed without my prior approval. Not being able to accept both of them, and since there is a conflict between two important blocs of opinion, I prefer to reject both, pending the formation of a definitive government as a result of the forthcoming legislative elections held by direct universal suffrage in accordance with the resolutions ... of the United Nations General Assembly ... accepted by the Belgian Government. However, since all sides seemingly agree on the principle of a provisional government, I take the responsibility for forming a Provisional Government of National Union which I propose to you ...".

119. The Mwami proposed the formation of a Government, "taking account of no considerations other than the demands of wisdom, reason and the political realities of Burundi", and composed of Ministers "who show a tendency towards moderation and are above reproach so far as the people is concerned". This Government, with a membership of two Tutsi and four Hutu, would be presided over by Mr. Joseph Cimpaye, the Prime Minister of the interim Government already appointed by the Administration.

120. On the same day, the Commission had an interview with the Resident of Burundi. The reason given by him for the haste with which the interim Government had been formed was that the Belgian Government's decision to postpone the elections had created considerable tension among the people and had led to a loss of confidence in the Administering Authority. Since the entire apparatus of direct administration was in the hands of African provincial administrators, there would have been a serious risk of the people taking matters into their own hands. This could have resulted in the formation of two rival Governments, a

situation which might have led to civil war. The Administration had chosen the Ministers with the aim of creating a Government of National Union and had submitted the names to the Mwami for his approval. The Mwami had at first hesitated, saying that he wanted to obtain the agreement of all the important political parties, but he had acquiesced at the last moment. He had subsequently changed his mind again. Meanwhile, however, the Government had obtained a vote of confidence from fifty-five of the sixty members of the interim council. In the Resident's opinion, a decision by the Mwami to replace this Government by one of his own choosing would have been unacceptable to a large part of the people. For most of the political parties, the Mwami was only an august symbol. Any attempt on his part to interfere with politics might result in a social revolution similar to that which had occurred in Rwanda.

121. The Resident considered that the holding of legislative elections in Burundi on the basis of universal suffrage, as proposed by the General Assembly, was by no means out of the question, but that such action would not be possible in the immediate future.

122. During the afternoon of 8 February, the Commission received a visit from the Chairman of UFRONA and a representative of PTB. The former assured the Commission that his party was prepared, in deference to the Mwami and in the spirit of conciliation, to accept the Government of National Union proposed by the Mwami.

123. The Commission then received the leaders of the parties belonging to the Front commun. They explained that they had set up an interim Government not in opposition to the United Nations, but because the political atmosphere in Burundi had become so explosive that the taking of steps to avoid serious trouble was a matter of urgency. The abolition of the chiefs had eliminated one traditional source of authority and had created a feeling of insecurity among the people. This feeling of insecurity had been considerably augmented by the nearby events in Kivu in the Republic of the Congo and by the disturbed situation in Rwanda. The country could not therefore be left without a Government, particularly since to do so would have meant delaying independence. The Front commun parties did not consider that the second-stage elections held on 29 January were a substitute for elections by universal suffrage under United Nations supervision. They hoped that the elections envisaged by the General Assembly in resolution 1579 (XV) could be held, but they did not regard that as possible until a more peaceful atmosphere had been re-established, probably not before May or June.



124. On its return to Usumbura the Commission received several more leading personalities and representatives of the political parties, who helped to enlighten them on the situation.

125. On 12 February, the Commission met Col. Logiest, the Special Resident in Rwanda, who related the circumstances of the Gitarama coup d'état. He said that the announcement of the Belgian Government's decision to comply with the General Assembly's recommendation that the elections be postponed had led to an outburst of anger among the people of Rwanda. The anger was directed primarily against Belgium. When the Prime Minister of the provisional Government requested permission to convene all burgomasters and communal councillors, ostensibly to discuss problems relating to the maintenance of order, the Special Resident had had the strong impression that a coup was in preparation, but he realized that a refusal on his part to grant the permission would have led to trouble.

126. Col. Logiest said that he had been informed of the coup d'état on the evening of 28 January by a delegation consisting of the President of the Republic, the Prime Minister and the President of the Legislative Assembly of the new régime. He had explained to them that their action was illegal, but on the following day he had decided to accept the fact without awaiting the decision of the Resident-General, with whom he was in regular contact. It seemed evident to the Special Resident that any attempt to abolish this régime forcibly would have resulted in chaos that probably would have been as complete as the chaos in the Congo.

127. Col. Logiest added that, for the time being, co-operation between the Administration and the local authorities was restricted to purely administrative questions and that there were no political consultations. The Administration had the country in hand, but only because the political leaders, who had the support of the vast majority of the people, wanted to co-operate. It was difficult to say whether that situation could be continued without conflict. The new Government had, in addition, indicated its desire to restore matters to a legal basis and to co-operate with the Belgian Administration. He could not say whether such desire to co-operate would go to the point of agreeing to legislative elections at a later date.

128. According to Col. Logiest, the country was completely calm and the Tutsi seemed to accept the situation. He believed that although steps could be taken to amnesty the persons convicted of collective criminal action at the time of the disturbances of November 1959, the release of the major criminals would not be accepted by public opinion. With regard to Legislative Ordinance No. 221/296 of 25 October 1960, he did not consider it essential for the Resident-General to retain the special powers which had been granted to him.

129. Having thus completed its study of the situation in Ruanda-Urundi, as far as circumstances permitted, the Commission left the Territory on 13 February for Brussels.

D. The Commission's stay at Brussels (14-17 February)

130. After its arrival at Brussels the Commission had interviews on 15 and 16 February with the Minister for Foreign Affairs and the Minister for African Affairs together with officials of the two ministries. At these meetings, the Commission described the situation as it had found it in the Territory and the difficulties which it had encountered there. The Ministers assured the Commission that the Belgian Government was abiding by its decision of 21 January to comply with the General Assembly's recommendations regarding the date of the elections and the referendum on the Mwami. They considered it essential to obtain the co-operation of the peoples of Rwanda and Burundi in the matter of the elections. They reiterated the proposal that there should be negotiations between the Belgian Government, the authorities of Rwanda and the United Nations.

131. The Commission left Brussels on 17 February for New York, where it drafted the present report.

E. Events after the return of the Commission to New York

132. On 4 March 1961, the permanent representative of Belgium to the United Nations delivered to the Chairman of the Commission a written communication (annex XXVII) from his Government dated 3 March.

133. That communication confirmed and clarified the main points which the Minister for Foreign Affairs and the Minister for African Affairs had discussed with the Commission. It pointed out that the United Nations and Belgium had fundamentally identical aims, that is to say, the speedy emancipation of Ruanda-Urundi in its

progress towards independence. The Belgian Government had been anxious to give the Commission all necessary assistance during its stay in the Territory, particularly in the matter of accommodation and travel facilities, the regular exchange of information and sustained and loyal co-operation. The note pointed out that the Commission's arrival had coincided with particularly grave and unforeseen events with which an already overburdened Administration had had to deal. Such difficulties explained the impression which the Commission might have formed that help from the Administration was not always forthcoming.

134. The note recalled that while Belgium was alone responsible for the administration of the Territory within the terms of the Trusteeship Agreement and while the Belgian Government was doing its utmost to conform to United Nations recommendations, Chapter XII of the Charter imposed the obligation to take into account the freely expressed wishes of the peoples concerned.

135. The Belgian Government stressed the fact that the initiative taken by the people of Rwanda without regard for the Administering Authority had involved the Administering Authority in serious additional complications. The Belgian Government considered that the end of the trusteeship should be preceded by the establishment of autonomous institutions based on first-stage general elections but that those elections must be held in conformity with the wishes of the indigenous peoples.

136. The Belgian Government indicated that it intended to grant an amnesty to as many persons as was feasible in the interests of law and order and, particularly, in the interests of personal safety. It was prepared to set up immediately a commission of judges who would examine the trial records of the offenders and propose criteria which might be adopted in the execution of amnesty measures; it would welcome the presence of a United Nations representative when these operations were being carried out. The Government also stated that the United Nations Commission would greatly assist this task if it would, on the basis of the trial records, indicate those cases which in its view called for further examination.

137. With regard to the Legislative Ordinance of 25 October 1960 relating to the powers conferred on the Administering Authority, the note pointed out that even though this legislation had been applied in only a few exceptional cases, a decision had been made to introduce greater flexibility by providing in particular for an appeals procedure that could be applied at very short notice and a procedure for the periodic review of cases.

138. The Government also accepted the principle that the official radio could be used by the Commission for communications which the Commission considered essential, but it stressed the responsibility resting with Belgium as the administering Power. It expressed confidence that the Commission would confer with the Administering Authority in a spirit of reasonable co-operation in determining what use should be made of the radio.

139. The Commission has learned from an official press communiqué received in New York that Mr. Joseph Gitera Habiryamana had, in a cable dated 16 February 1961, announced his resignation as President and member of the Legislative Assembly of Rwanda and the dissolution of the APROSCMA party, of which he was the founder. The decision to dissolve the party had not been accepted by the members of the party's executive committee but had been confirmed a second time by Mr. Gitera. On the day before his resignation, Mr. Gitera had established a new party called the Parti national rwandais-APROBAMI and also entitled the Association des partis monarchistes rwandais, hutu, tutsi et twa, autour'un père commun. The by-laws of this new party refer to the establishment on 25 January 1961 of a Hutu monarchist party. In these by-laws, Mr. Gitera takes upon himself the title of Mwami of the Hutu.



## V. OBSERVATIONS BY THE COMMISSION

### A. Ostend Conference

140. The idea of a "round-table conference" on the political problems of Ruanda-Urundi, and in particular on a reconciliation in Rwanda, had been put forward by the 1960 Visiting Mission. It had been accepted in principle by the Administering Authority but had not been carried out in the manner envisaged by the Mission, particularly with regard to Rwanda (Brussels talks of June 1960). The Visiting Mission had hoped that conversations held in Belgium, between freely chosen representatives of the different political persuasions, might lead to practical solutions for effecting a reconciliation and thus make it possible to erase the memory of the injuries and grievances arising from the disturbed period at the end of 1959 and the beginning of 1960 in Rwanda, to establish a new and firmer basis, acceptable to all parties, for the democratic evolution resulting from the social upheaval in Rwanda and at the same time to ease tension and prevent disturbances in Burundi.

141. One of the difficulties in carrying out this proposal was the attitude of the Administering Authority, which had refused to allow political parties (particularly UNAR) to be represented by leaders in exile against whom criminal proceedings had been instituted and who were regarded by the Administering Authority as common criminals. Those political leaders, however, still had a certain following in the country even though the influence of their parties in Rwanda had, according to some, suffered a decline.

142. The General Assembly had again taken up the idea of a round-table conference in paragraph 4 of its resolution 1579 (XV) recommending "that a conference fully representative of political parties, attended by United Nations observers, should be held early in 1961, before the elections, in order to compose the differences between the parties and to bring about national harmony". It was hoped that this would lead to what the General Assembly was seeking in paragraphs 1, 2 and 3 of the same resolution, namely, the necessary conditions and atmosphere to ensure that the legislative elections take place in an atmosphere of peace and harmony; measures of full and unconditional amnesty; and measures for the return and rehabilitation of refugees.

142. The Commission had therefore been pleased to learn that the Government had called a conference at Ostend for 6 January 1961, and its only concern was that the choice of such an early date might lead to inadequate preparation.

143. Looking back upon that conference after several weeks, and taking into account subsequent events, the Commission is convinced that the reasons for calling the conference were not dictated by the spirit of resolution 1579 (XV).

144. It must be remembered that the Administration had held talks on Rwanda at Kisenyi (7-13 December 1960) and on Burundi at Kitega (16-20 December 1960) without waiting for the conclusions of the United Nations survey on the problem of Ruanda-Urundi, and that plans had been made to hold the legislative elections in mid-January 1961 in accordance with the announcement of the Belgian Government to the United Nations on 17 November 1960.<sup>19/</sup> The Commission has been informed that many African political leaders in Ruanda-Urundi had even hesitated to go to Ostend without receiving assurances that discussion of matters on which agreement had been reached at Kisenyi and Kitega would not be reopened. It would therefore appear that very little had been done to make responsible leaders aware of what should have been the real objective of the Ostend conference. A communiqué from the Resident-General, published in the RUDIPRESSE bulletin of 31 December 1960, contains the following statements:

"Starting on 6 January 1961, a general conference will be held in Belgium and will be attended by all who participated in the two separate talks which have just been held for Rwanda and Burundi at Kisenyi and Kitega, respectively.

"This general conference has been conceived as the logical consequence of those two meetings which, in turn, had been designed to work out provisional political structures in view of the forthcoming self-government of the two States, as well as the system of elections which are to precede it.

"The time has therefore come to call a general conference which can without further delay sketch out certain preliminary community structures of a provisional nature which might be set up within the framework of this coming political self-government.

"If necessary this new conference will also deal with other questions of general interest on which it would be useful to know the opinions of the present representatives of the people."

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<sup>19/</sup> A/C.4/455.

145. In a desire to confirm and follow up the results of the talks at Kisenyi and Kitega, the criteria adopted for the selection of the participants in those talks were followed by the Administration in connexion with the Ostend conference, namely, the results of the communal elections, despite the fact that the Administering Authority had regarded those elections as being of an administrative rather than a political nature. This course inevitably aroused protests from certain representatives. Mr. Rutsindintwarane, representing UNAR, pointed out that the United Nations resolution had recommended a conference fully representative of political parties and asked why UNAR could not be represented by its leaders, in particular Mr. Rwagasana and Mr. Kayihura. Mr. Ndazaro, representing RADER, protested against the exclusion from the conference of Mr. Bwanakweri, the president of his party. Certain representatives even went so far as to ask what purpose the conference was to serve, since all the decisions had been taken beforehand, as was apparent from the statement of the Minister for African Affairs.

146. The Commission is forced to the conclusion that in the minds of its organizers the conference was primarily intended to convince the Commission that the great majority of the people were opposed to the postponement of legislative elections both in Rwanda and in Burundi and also to give the impression, in regard to Rwanda, that the Commission insisted on the definitive elimination of the Mwami and ruled out any compromise in the matter.

147. If the representative character of the communal elections were to be accepted, the parties defending these points of view would in fact represent the great majority of the people. In the first place, however, the conditions in which the communal elections were held had been criticized in many different quarters, and, in the second place, the purpose of the conference should not have been a test of strength between a "majority" supported by the Administration and a "minority", but rather a means of coming to an understanding between all political parties, the Belgian Administration and the United Nations.

148. Another point which the Commission feels obliged to recall is the previously described attempt to assign to the members of the Commission the role of passive spectators. The Commission was obliged to make energetic protests. It was all the more necessary for the Commission to address the conference and explain its terms of reference in view of the fact that the documents supplied to the conference were inadequate or ill chosen. To cite only one example, the

conference had not received, until the Commission pointed out the fact, the texts of the resolutions as adopted by the General Assembly in their final form on 20 December. Even then only the draft resolutions which certain delegations had submitted in the Fourth Committee were circulated, and these were used as a pretext for attacks against the Afro-Asian countries by certain participants.

The Commission had to point out that the resolutions in question had been adopted on 20 December by a two-thirds majority of the Members of the General Assembly.

149. What is even more important is that only after repeated explanations from the Chairman of the Commission was the conference finally made to understand the exact nature of the Commission's terms of reference, and particularly the fact that it could not supervise the elections if they took place before the resumption of the General Assembly session in March.

150. As stated above, the discussion was concerned chiefly with the date of the elections. At the beginning of the conference it seemed that the matter had already been decided, since the Minister had declared that the Belgian Government had recently fixed the exact dates on which the elections would take place, namely 18 January for Burundi, 23 January for Rwanda. When it became apparent that this decision was open to debate, every effort was made to prove, first, that the great majority of the people were opposed to any change and, secondly, that no confidence could be placed in the United Nations because, under the influence of certain pressures, it had changed the dates which it had itself proposed and on which it had agreed. This point, which seemed to be a constant and deliberate source of confusion, had to be brought to the attention of the conference by the Commission (annex IX).

151. While it is true that the Visiting Mission was the first to suggest legislative elections at the beginning of 1961 - which, as was pointed out repeatedly, did not necessarily mean January - this was only one element in a general plan. This plan envisaged various measures that were to precede the legislative elections. These measures included the holding of a round-table conference on reconciliation in Rwanda, which would be attended by all the true leaders of the political parties; amnesty measures; the return of the refugees; the abolition of the emergency régime; a solution, if only temporary, of the problem of the Mwami; and, in short, actions likely to lead to an easing of political tensions. As, however, these various conditions either had not been met at all or had only been partly met, it was wrong to assert that the United Nations had no logical basis for requesting that the elections should be held



after January. Since, moreover, the Trusteeship Council had taken the view that the elections should, as far as that was practicable, be held simultaneously in Rwanda and Burundi, that is to say, in the Trusteeship Territory as a whole, the General Assembly had arrived at the conclusion that a certain delay in holding the elections was desirable. This had not been properly explained to the participants in the Ostend conference.

152. On the contrary, it became increasingly clear throughout the conference that not only was the role of the United Nations seriously misunderstood, but also that nothing had been done to inform the participants of the real reasons why the General Assembly, in a desire to defend the interests of the people, had made its recommendations. Attempts were repeatedly made to discredit the role of the United Nations. It was even claimed that although the Kisenyi talks had done something towards achieving harmony and reconciliation, positions had again hardened when the General Assembly resolutions had become known.

153. One statement, the full significance of which was only realized by the Commission in the light of later events, was made on 11 January by Mr. Gitera, the Chairman of the Council of Rwanda. This was that the majority parties wanted the elections to be held in January as had been promised. In Mr. Gitera's view, that was the only way to restore calm. If, however, the Administration wished to satisfy both the majority opinion in Rwanda and the United Nations he would propose to the United Nations and the Administering Authority that all provisional bodies should be given a permanent status until the time of the elections.

154. The Chairman of the United Nations Commission pointed out that it was not for the Commission to take a decision on a question which was not within its competence. In providing that explanation, he did not suspect that a plan was under way to confront the United Nations with a fait accompli in the event of a decision being taken to postpone the elections.

155. With regard to the problem of the Mwami, the conference did not lead to any change in the attitudes of the various parties.

156. The Mwami Kigeli V had been to Brussels during the month of January. As far as the Commission is aware, the Belgian authorities took no advantage of the presence of the Rwandese leaders in Belgium for the Ostend conference to try to arrange a meeting with the Mwami of Rwanda with a view to arriving at some basis of agreement.

157. The decision communicated by word of mouth by the Belgian Government to the Commission on 21 January, and confirmed in writing on 25 January, to "postpone the

holding of legislative elections" in order to "respect the wishes of the General Assembly to the greatest possible degree" seemed to indicate that the Belgian Government was anxious to co-operate fully with the United Nations. That being so, the Commission felt bound to do everything in its power to facilitate the task of the Administering Authority. Knowing the importance which the Administration and the people attached to the holding of legislative elections with as little delay as possible, the Commission gave the assurance that it would in turn do everything within its means to see that the elections were arranged for a date as early as possible after the resumption of the General Assembly session, taking into account the need for properly organizing the elections and for supervising them in the spirit of the United Nations resolutions. It was therefore imperative to go to the Territory as soon as possible in order to make arrangements with the local authorities concerning the conditions and details of the elections and their supervision. The Commission informed United Nations Headquarters in New York that observers should be ready to proceed to Ruanda-Urundi at a moment's notice.

158. The Commission was unaware that in the days which had elapsed between the end of the conference and its departure for the Territory formal steps had been taken and events were in progress which would completely change the political climate in which the Commission was called upon to work.

#### B. Arrival in the Territory

159. The Commission realized that apart from the tension due to the domestic political developments in Ruanda-Urundi, other circumstances were casting a shadow over the Territory in January 1961. These included the events in the Congo, the recent incident of the passage of Congolese troops through the Trust Territory, tensions on the frontier, the presence in Ruanda-Urundi of many refugees from Kivu Province, uncertainty over the future, a housing shortage and economic difficulties. Nevertheless, the Commission had no reason to doubt the full and complete co-operation of the local Administration and carried in its files the good wishes of the Minister for African Affairs, who in his letter of 25 January 1961 had said: "The local authorities will, I am convinced, do everything within their power to facilitate in a spirit of co-operation the task that has been entrusted to the Commission".

160. The Commission was unfortunately forced to the conclusion, from the time of its arrival and throughout its stay in Ruanda-Urundi, that such a spirit of co-operation was completely lacking in the local Belgian authorities, who did very little to

to assist the Commission in the matter of accommodation, transport, documents, communications and similar facilities.

161. The use of the official radio, in accordance with a request made on 30 January, in order to broadcast a message to the people of the Territory, was difficult to obtain and was only granted, with reservations, too late to be of any use. The Commission was obliged to make the use of the official radio a question of principle, which was never satisfactorily settled.

162. The Commission cannot escape the impression that the local Administration, finding itself no doubt too much bound by promises to its favoured political parties and considering that its prestige was at stake, was reluctant to comply with the decisions taken by the Belgian Government to co-operate in giving effect to the recent United Nations resolutions on Ruanda-Urundi. It not only gave the impression that it considered United Nations action to be harmful but said so in so many words both to the Commission and to the international Press. It apparently regarded the Commission as an awkward witness to the action undertaken in the Territory, and already described in the preceding chapters, in order to ensure the execution of plans previously arranged without regard for the United Nations resolutions. In particular the Commission deplores the manner in which the local Administration withheld or delayed information on the events which were occurring in Rwanda and Burundi not only before its arrival but also during its stay in the Territory.

#### C. The situation in Burundi

163. As stated above, Legislative Orders Nos. 02/18 concerning the institutions in Burundi and 02/19 concerning the legislative elections in Rwanda were issued by the Governor-General on 15 January 1961, that is, three days after the Ostend conference. They are based on the general decisions reached at the Kitega talks. The urgency of these legislative orders, prepared before the Ostend conference, was justified only if the elections remained fixed for the month of January. Seeing that the Belgian Government had undertaken to decide on the date for the elections within a week after the end of the conference (i.e. before 21 January), it may be asked why it was necessary to issue these orders on the 15th. If the date fixed for the elections was adhered to, they could have been published on the 21st; the interval of six days, given the way in which things materialized, was not really of great import. If the election date was not adhered to and the elections were put off until an unspecified juncture, there was no longer such urgency, and it would have been useful to hold discussions with the Commission inside the Territory before issuing the orders in their final form.

164. In any case, the Commission had not been informed of the intention to issue the said orders.

165. On 26 January, the day before the Commission left Brussels, the Resident-General set up a provisional Government and appointed its members (see Legislative Orders Nos. 02/29 and 02/28 of 26 January), and on 27 January - what is more extraordinary - decided "pending the legislative elections" to institute an interim Council composed of members elected by the communal councillors, that is, on a basis of indirect suffrage, a principle incorporated in the interim Decree of 25 December 1959 officially abandoned by the Administering Authority as a result of the adoption of the principle of universal direct suffrage for the legislative elections. It is hard to see why the postponement of the legislative elections by a few months made this reversal of policy necessary. When, in October 1960, the Administering Authority had wished to set up a Provisional Council in Rwanda, it had not deemed it necessary to resort to indirect elections.

166. The Commission had received no information whatever to the effect that it was proposed to take such decisions on the very day when the Commission was due to leave Brussels for Usumbura. The official explanation given later was that "in Burundi, where there was only a college of commissioners whose services foreshadowed the future departments and where, in accordance with the Kitega decisions, the population was expecting to elect the State Council in January and to see the Government appointed in February, considerable impatience and nervousness had arisen as early as 23 January.... It was no longer possible to leave Burundi for several more months without a Government able to begin exercising autonomous powers".<sup>20/</sup>

167. But the interpretation given by certain non-official circles to the decision in question was that, since the legislative elections were not to be held in January as had been contemplated, it was better to put them off sine die and to replace them, before the arrival of the United Nations Commission, by a different type of machinery designed to ensure that the parties successful in the communal elections and favoured by the Administration should have a majority in the new "provisional" legislative body.

168. The indirect elections took place on 29 January, the day after that of the Commission's arrival at Usumbura. The Commission learnt of this only through the official radio, a day later.

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<sup>20/</sup> See Bulletin RUDIPRESSE No. 208, 28 January 1961, p. 4.



169. The "opposition" parties, more particularly UPRONA, voiced their displeasure and - what was more serious - Mwami Mwambutsa, in two communications forwarded to the Commission (annexes XXII and XXV), complained of the way in which the Administration had forced his hand by setting up the provisional Government.

170. The facts themselves seem to indicate that a plan had been carefully prepared and was to be carried out immediately should the legislative elections be put off, so as to present the Commission with a fait accompli. These happenings in Burundi should be borne in mind for a better assessment of the parallel events in Rwanda, where matters were complicated by a coup d'état.

171. The official point of view is that Burundi now has legislative and executive organs which set the seal, by emphasizing them still further, on the results of the communal elections of November. Direct legislative elections are not excluded, but are no longer regarded as urgent. The composition of the Government, which includes both Tutsi and Hutu, augurs well for social peace; the machinery for autonomy is now able to function, and the leaders have time in which to acquire the necessary experience before the State's coming independence. The Mwami is the sovereign authority respected by all, and is above parties. Such is the official view.

172. But other opinions are less optimistic. According to these, certain parties (UPRONA and its allies) lost the communal elections only because of intervention by the Administration and will be opposed to their defeat being confirmed in the new institutions.

173. The Mwami himself has been subjected to pressure, both direct and indirect, and his position is becoming more and more difficult. Democracy has not been strengthened, since all the Administration has done is to favour one feudal group as against another, and the Hutu-Tutsi conflict is simply coming to a head. There is the possibility of an explosion, brought about either by the disgruntled "feudal" groups, or by the rank-and-file of the Hutu who have not accomplished their social revolution as in Rwanda.

174. It is difficult for the Commission to decide where between these extremes the truth lies; but it does not believe that the precipitate events of the end of January offer any solid assurance of peace in Burundi, where the atmosphere remains tense.

D. The situation in Rwanda

175. It is hard to believe that the coup d'état of Gitarama could have taken place without the knowledge of the Belgian authorities in the Territory, and indeed without certain European members of the Administration taking part in it. Without help from the Administration, the actual organization of a meeting of some 3,000 burgomasters and communal councillors, convened by the Minister for the Interior as early as 25 January, is barely conceivable. The Administration has sought to cover up the part played by its agents, whether civilian or military, in those arrangements, e.g. the dispatch of invitations (annex XVI), the provision of transport and accommodation, etc. It has denied all knowledge of the true objects of the meeting; the object officially announced by the Minister for the Interior was "to issue directives for the country's pacification".

176. According to evidence assembled by the Commission, Belgian officials were present at the meeting, the real object of which was revealed in the opening words of the speech delivered by Mr. Rwasibo, Minister for the Interior. It was a question no longer of "issuing directives for the country's pacification", but of abolishing the monarchy, electing a definitive legislative assembly and setting up a new Government. Apparently, the representatives of the Administering Authority who were present made no attempt to explain these decisions' unlawful nature in the light of existing laws. This is all the stranger when one considers the powers held by them under the Ordinance of 25 October 1960.

177. The new assembly was able to meet in perfect freedom on 1 February at Kigali and adopt a Constitution of eighty articles, apparently drawn up in forty-eight hours.

178. PARMEHUTU, which had triumphed in the communal elections of July but which in October had accepted a Council with a Hutu membership of thirty-five out of a total of forty-eight, now obtained a definitive Council 100 per cent Hutu, with forty-four out of forty-eight members belonging to PARMEHUTU (the other four belonging to APROSOMA), and a recast and entirely Hutu Government from which the two Tutsi and the two European Ministers had been eliminated.

179. In this way PARMEHUTU was assured of absolute supremacy. The Mwami was removed from office. The symbols of the old régime (Kalinga and Biru) were abolished. A "democratic and sovereign" Republic was proclaimed, which recognized, however, the temporary trusteeship of the United Nations with Belgium as the Administering Power. Lastly, a Supreme Court was established, one of whose members was, incidentally, a European official.

180. The "illegal" nature of these measures was explained away on the ground of the population's inevitable reactions against the decisions of the United Nations and the Belgian Government. Every step was at once taken to secure recognition of the new régime by Brussels. The United Nations Commission was then invited to take part in tripartite talks with the new Government and the representatives of the Administering Authority, and a few days later relations between the Belgian authorities and the "revolutionary" Government, which were supposed to be confined to the administrative minimum, were placed on a firm footing by the Belgian Government's official de facto recognition of the Government of Rwanda.

181. On 8 February, in a note verbale addressed to the Secretary-General of Ruanda-Urundi, the Commission stated its fundamental position in the matter, explaining that "as the decisions of the Belgian Government modify the political and legal aspects of the question of Ruanda-Urundi, as they existed at the time of the adoption of General Assembly resolutions 1579 (XV) and 1580 (XV), the United Nations Commission for Ruanda-Urundi, whose terms of reference are strictly defined by these resolutions, considers that only the General Assembly is competent to evaluate the new factors in the situation and to take any decision in that connexion" (annex XXIV). The Commission accordingly deemed it wise not to go to Rwanda, lest contact between it and the new Government might give rise to some misunderstanding.

182. The development of the situation in Rwanda, even more than that in Burundi, is the subject of differing assessments. Some people consider that the de facto situation, even though brought about by violence done to legality, is clear-cut and satisfactory. Since November 1960 there have been no more incidents. What has been gained by the social revolution in Rwanda has been permanently consolidated. The new institutions have the support of the vast majority of the

population. They will be able to operate, and gain from experience, until independence is proclaimed. The new Government is friendly to Belgium, and the mistakes made in the Congo will not be repeated in Rwanda. Lastly, the embarrassing problem of the Mwami had been settled once and for all.

183. Others, however, think that the situation cannot be viewed in so rosy a light. A "racial" dictatorship of one party has been set up in Rwanda, and developments of the last eighteen months have consisted in the transition from one type of oppressive régime to another. Extremism is rewarded, and there is a danger that the minority may find itself defenceless in the face of abuses. One example is the announcement made by the President of the Republic to the effect that henceforth schools may be closed or requisitioned if the pupil percentage does not correspond to the ethnic distribution of the population. It must be feared that the Tutsi will now believe they have nothing more to lose and that their only remaining hope of defence lies in recourse to violence, seeing that all prospect of a compromise solution has finally vanished. The problem of placing Africans in official positions has become much more complicated, owing to the elimination of the Tutsi who had hitherto been advantaged by the educational system; and this bodes ill for the reality of future independence.

184. In an atmosphere apparently characterized, on the one hand, by what certain official explanations have indicated to be a crisis in the authority of the Administering Power and, on the other, by systematic vilification of the United Nations, with the open or tacit support of certain agents of the Administration, it is greatly to be feared that the more intransigent of the parties in power may be encouraged in their design to place the Organization before a fresh series of accomplished facts and be tempted to confront it with decisions yet more serious, constituting actual defiance and violation of the provisions of the Trusteeship Agreement.

185. The Commission prefers to refrain from excessive pessimism, and hopes that some of these fears are exaggerated; but it considers that, taken as a whole, the political situation in Rwanda is distinctly disquieting.



VI. EFFECT GIVEN TO RESOLUTIONS 1579 (XV) AND 1580 (XV), AND COMMENTS

186. Before concluding this report, the Commission considers it useful, at this stage, to deal one by one with the questions raised by resolutions 1579 (XV) and 1580 (XV), and to sum up the present situation. It should be noted that the unforeseen circumstances which the Commission had to face on its arrival in the Territory, and which have been explained at length above, prevented it from studying each of these questions as thoroughly as it would have wished.

A. Resolution 1579 (XV) - Question of the future of Ruanda-Urundi

1. Amnesty (operative paragraph 2)

187. The resolution "urges the Administering Authority to implement immediately measures of full and unconditional amnesty", and sets forth one of the objectives, viz. "to enable political workers and leaders who are in exile or imprisoned in the Territory to resume normal, democratic political activity before the elections".

188. On a number of occasions in the past, the Administering Authority had explained its point of view. On the one hand, it maintained that there were no convicted and sentenced political prisoners, but only persons sentenced under ordinary law for such crimes and offences as murder, the infliction of bodily harm, torture, arson, looting, etc. On the other hand, the atmosphere in the Territory was such that the freeing of certain prisoners, or the return of certain individuals who had fled abroad, might lead to violent reaction on the part of the population, while in some cases the lives of persons amnestied might, indeed, be endangered.

189. At the Ostend conference, the Minister for African Affairs announced that on the occasion of the marriage of His Majesty King Baudoin, on 14 December, a series of measures of pardon had been ordered.

190. In his letter of 25 January 1961, the Minister for Foreign Affairs stated that the Belgian Government would apply a general amnesty very shortly and that only prisoners convicted and sentenced for crimes under ordinary law would be excluded from it, since it would be intolerable for the amnesty to be extended to murderers and torturers. Finally, in its communication of 3 March 1961, the Belgian Government declared that it intended to amnesty the greatest possible number of individuals in so far as public order and, more particularly, the security of persons would allow. With this in view the Belgian Government would be prepared to

set up immediately a committee of magistrats and would welcome a representative of the United Nations to watch its proceedings. The duties of this committee would be to examine the case-records and suggest criteria for giving effect to the amnesty measures. The Belgian Government renewed the proposal made to the United Nations Commission that the latter should consult all the court records, and considered that the Commission would greatly facilitate the Government's task if it indicated the cases which, in its view, should be re-examined.

191. The Commission considers that the Belgian Government has not stated the problem in the correct manner; and it has, both at Brussels and at Usumbura, made its point of view clear to the Belgian authorities. The General Assembly resolution recommends a full and unconditional amnesty. It is, therefore, not a question of seeking out individual cases in which an amnesty might be applied, but, on the contrary, a question of a collective pardon recommended for political reasons, as is clear from the letter and spirit of resolution 1579 (XV). If for reasons of security and public order (which are the responsibility of the Administering Authority), or for reasons of principle, the Administering Authority considers that in certain individual cases convicted and sentenced prisoners cannot receive the benefits of the full amnesty, it is for that Authority to select such cases and to justify its decision. In any case it is not for the United Nations Commission to go through thousands of prisoners' records and to indicate those which, in its opinion, ought to receive special treatment. The Commission does not consider that the United Nations should act as a "court of appeal" or "reviewing commission".

192. Furthermore, the Commission notes that the Belgian Government is prepared to set up a committee of magistrats to suggest, in particular, criteria for giving effect to the amnesty measures. The Belgian Government would welcome the presence of a United Nations representative to watch the committee's proceedings. The Commission considers that it is for the General Assembly alone to take a decision on this suggestion.

## 2. Emergency régime (operative paragraph 2)

193. The Commission notes that the emergency régime in Ruanda-Urundi was brought to an end on 14 November 1960, but that extremely wide powers had previously been

accorded the Trusteeship Administration under the legislative order of 25 October 1960 - powers constituting a threat to the free exercise of public rights.

194. The Commission notes that, in the communication of 3 March 1961, it is stated that these legislative provisions have been applied only in a few exceptional cases and that, moreover, it has been decided to make the existing system more flexible.

195. The Commission considers that the legislative measures of 25 October 1960, which deprive all against whom they are exercised of any possible recourse to law, should be amended in such a way as to eliminate everything constituting an interference with, or threat to, the exercise of public freedoms. It is convinced that there are more appropriate ways of maintaining law and order than by giving to the agents of the Administration unlimited and arbitrary powers. It considers, in particular, that the judiciary should be closely involved in all questions in which the exercise of public freedoms is affected.

### 3. Refugee problem (operative paragraph 3)

196. According to information received, it seems that a certain number of refugees have been able to settle down again in their region of origin and that others have elected to settle down elsewhere in satisfactory conditions. However, there are apparently still numbers of refugees in camps or elsewhere in Rwanda who are not being resettled. There are also a certain number of refugees abroad, particularly in the Congo and Uganda.

197. In this connexion, the Administering Authority explained that there was now no objection to the return of refugees in general, but that some of them were afraid to return for fear of the treatment they might receive at the hands of the population. As for political refugees who are abroad, repatriation arrangements do not imply immunity from any legal action which may be pending against them. In his letter of 25 January, the Minister for Foreign Affairs stated that the General Assembly's wishes in regard to the return and reclassification of political refugees met with complete agreement on the part of the Administering Authority.

### 4. Pre-electoral conference (operative paragraph 4)

198. A conference was held at Ostend on 7-12 January 1961. As the Commission has shown above (see paragraphs 142 to 155), it is convinced that if this conference had

been carefully prepared, if it had taken place in an atmosphere receptive to the United Nations resolutions, and if greater emphasis had been laid on the need for a conciliatory and constructive outlook, considerable progress would have been made towards achieving a nation-wide reconciliation in Rwanda, lessening the tension in Burundi, and clearing the atmosphere so as to prepare for the legislative elections under the best possible conditions. In this way solid foundations could have been laid to ensure the Territory's rapid achievement of autonomy and independence with a minimum of trials and tribulations.

5. Military bases and armed forces (operative paragraph 6)

199. The Commission found no indication that the Administering Authority might use Ruanda-Urundi "as a base, whether for internal or external purposes, for the accumulation of arms or armed forces not strictly required for the purpose of maintaining public order in the Territory". It sees no reason for doubting the Administering Authority's statement that the Belgian forces in Ruanda-Urundi number about 1,200 men.

200. However, the Commission desires to emphasize the need for ensuring that the Belgian troops which are there to keep order and protect the country's frontiers are not used for intimidating the local population and that the native police forces now being created are not employed as a political weapon.

201. The Commission notes with regret that the situation inside the Republic of the Congo and the incidents taking place on the frontiers of Ruanda-Urundi, in which Congolese and Belgian troops are implicated, help to maintain a feeling of uneasiness in the Trust Territory. In particular, considerable dismay was caused by the permission given to Congolese troops to pass through the Territory from Usumbura to Bukavu on 1 January 1961 and by the resulting frontier incident at Shangugu, which cost the lives of two officials of the Rwanda administration.

202. Other frontier incidents have been reported: on 12, 13 and 14 January shots were exchanged at Kisenyi and Congolese forces crossed the border into Rwanda, but were thrown back; on 13 January, near Uvira (Congo), eight Belgian soldiers from Ruanda-Urundi who had taken the wrong road on leaving Usumbura, were arrested; on the same day an indigenous provincial administrator was arrested at the frontier near Usumbura by Congolese soldiers, sent to Bukavu where he was imprisoned, thence to Stanleyville, and finally released on 3 February; a further incident took place



on 6 February at the Congolese frontier between Usumbura and Uvira; finally, Congolese troops attacked a Belgian official from Ruanda-Urundi and damaged his vehicle.

203. The Commission has received several complaints, particularly from political parties in Burundi, about unsafe conditions on the frontiers.

6. Date of the elections (operative paragraph 7)

204. The Belgian Government declared, as stated above, that it agreed to the General Assembly's recommendation and that it had been decided to put off the legislative elections. When this decision was taken (21 January) the Administering Authority hoped that a date could be fixed for the elections following as closely as possible the resumption of the General Assembly session. Many people interpreted this as implying that the elections would probably be held in March 1961. The situation has been modified by the events at the end of January, and especially by the holding of second-stage elections in Burundi and Rwanda, and though the Belgian Government still plans to hold direct legislative elections, their urgency is no longer emphasized. The Belgian communication of 3 March stresses that these elections must be organized with the goodwill of the indigenous people, and that it would be deplorable if elections advocated jointly by the United Nations and the Administering Authority were to be boycotted. The local administration has informed the Commission that in its opinion, in view of recent events, a few months at least must elapse before it would be possible to organize elections in a calm atmosphere.

205. The Commission considers that a reasonable compromise should be sought between adequate time to allow political tension to subside and ensure favourable conditions for the elections, and the danger of excessive delay which would tend to sanction the achievement of power by certain political parties to the detriment of the others.

7. Supervision of the elections and conditions for holding the elections  
(operative paragraph 8)

206. The Commission considers that more observers should be placed at its disposal than the ten contemplated in document A/C.5/857. It also feels that it should have a minimum period of two months, from the time of its arrival in the Territory, to ensure effective supervision of the elections.

207. With regard to electoral legislation, the basic principles are set forth in Orders Nos. 02/17 and 02/19 of 15 January 1961 concerning Rwanda and Burundi respectively. This legislation should if necessary be amended in consultation with the Commission.

208. The two essential questions would appear to be women's suffrage and the polling system.

209. With respect to women's suffrage, this has been accepted in principle for the future, but only men would have the right to vote at the forthcoming elections. There does not appear to be any definite feeling in the Territory for or against votes for women. The practical objection to votes for women in elections to be held in the immediate future appears to be the time required for compiling the electoral rolls (which were established for men on the occasion of the 1960 communal elections) and the fact that women do not possess identity papers.

210. With respect to the polling arrangements the main problem is whether the system of scribes should be retained or replaced by some other form of polling more suited to a population with a large proportion of illiterates. Since the Commission has received numerous complaints and criticisms on the employment of scribes by the voters it suggests that the electoral legislation and the polling methods should be completely and thoroughly re-examined in the light of experience gained in other territories in order to provide better safeguards for the freedom and secrecy of the ballot.

B. Resolution 1580 (XV) - Question of the Mwami

211. In a letter dated 25 January 1961 from the Ministry of Foreign Affairs, the Belgian Government agreed to the holding of a referendum on the question of the Mwami of Rwanda, but expressed the view that his return should not be contemplated

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before the elections, since his presence could only be a source of serious internal conflict.

212. The Gitarama coup d'état of 28 January, unilaterally proclaiming the establishment of the Republic and the abolition of the monarchy has not made this problem any easier to solve.

213. The communication of 3 March 1961 gives no new indication on the attitude of the Belgian Government.

214. The Commission believes that the referendum on the Mwami might be organized in Rwanda simultaneously with the legislative elections.

215. It might consist of the following two questions:

- (a) Do you wish to preserve the institution of the Mwami?
- (b) If so, do you want Kigeli V to be the Mwami of Rwanda?

## VII. CONCLUSIONS AND RECOMMENDATIONS

216. The implementation of resolutions 1579 (XV) and 1580 (XV) has clearly been made infinitely more difficult by the recent events in Ruanda-Urundi. These events have indeed completely changed the political and legal background of the situation as it appeared to the General Assembly last December.

217. The Assembly is now confronted with a new state of affairs which raises problems of vital importance. On the one hand there are the responsibilities of the United Nations towards the people of the Territory, and the obligations of the Administering Authority as defined in the Trusteeship Agreement. On the other hand there is the scope and the delimitation of the effective trusteeship authority exercised by Belgium, the evaluation by the United Nations of the nature and extent of the autonomy granted to the new indigenous institutions, and finally the nature of any contacts established with these institutions.

218. The Commission has endeavored all through this report to keep the General Assembly informed as to the events that have taken place and provide it with the data required for appreciating the situation. It is obviously for the General Assembly alone to draw the necessary conclusions and to define the attitude of the United Nations towards the different aspects of the situation.

219. The Commission considers that it must at all events specify forthwith certain conditions it would like to enjoy in order to be able to carry out its task and achieve efficient supervision of the voting operation in the spirit of resolutions 1579 (XV) and 1580 (XV).

### A

220. There is no doubt that trusteeship can and should only be exercised with due regard for the aspirations and wishes of the people concerned. Nevertheless, until such time as these people are able to express their views freely with proper safeguards acceptable to the United Nations, the authority responsible for the administration of the Territory must alone assume the responsibilities arising out of its mandate. The Commission therefore considers that the Administering Authority should state unequivocally not only that it is ready to assume all these responsibilities, but also that the efficient and whole-hearted



exercise of its powers will at all times ensure the execution of any decisions it may take in implementation of the General Assembly's recommendations. This means that until the first legal government is finally established, as a result of elections supervised by the United Nations, no local authority should be able, de facto or de jure, to obstruct the application of these decisions. The authority exercised by the administering Power should be sufficient to prevent any challenge or threat to legality.

221. With this in mind the Commission has noted with satisfaction the assurances given by Belgium in the communication of 3 March 1961 in which it reaffirms that "within the framework of the Trusteeship Agreement, Belgium remains solely responsible for the administration of the Territory". These assurances would benefit from closer definition along the lines indicated above.

B

222. So long as the administration in the Territory does not accept the policy of the Belgian Government as laid down in conformity with the recommendations of the General Assembly, there is a danger of independent plans of action being pursued which would jeopardize the implementation of the general policy. The Commission considers it one of the indispensable conditions for the performance of its duties that the agents of the administration in the Territory should sincerely carry out and respect at all levels any policy drawn up with a view to the achievement of the common aims of Belgium and the United Nations in preparing the independence of the Territory.

C

223. The Commission has made it sufficiently clear that it deplores the atmosphere of mistrust and hostility in the Territory towards the United Nations. It has always considered that a high degree of frankness and fairness in co-operation between the Administering Authority and the United Nations would provide the best guarantee that the Trust Territory would go forward towards independence in the most favourable conditions of peace and harmony. It is

imperative for this co-operation to find expression first of all in a climate not of mistrust or defiance, but of respect for the United Nations as mandating authority, in which the people would be systematically informed of the disinterested part played by the Organization in its efforts to speed up the achievement of independence by the Territory.

224. To this end, the Commission has no hesitation in recommending to the General Assembly that a United Nations Information Centre should be set up with all possible speed in Ruanda-Urundi. The purpose of this Centre would be to assist the local administration in instructing the population on the real function, activities and meaning of the United Nations.

D

225. The Commission considers it essential that all possible measures should be taken in advance to ensure that the material conditions for the work of the Commission and its staff are provided by the Administering Authority so that the supervision of the elections can proceed smoothly.

226. In this respect, the Commission notes with pleasure the recent assurances given by the Belgian Government that it is anxious to co-operate locally with the United Nations Commission by providing assistance for installation and travel, by regular exchanges of information, and by a consistent policy of real co-operation. In addition, it notes that the Administering Authority recognizes the right of the Commission to use the official broadcasting facilities for communication with the people. However, it can only regret that the Belgian Government has seen fit to qualify this acceptance in principle with a reservation to the effect that the exercise of the right will be subject to application procedures to be defined, which would imply the possibility of censorship. This attitude seems to indicate that the Administration still has some misgivings as to the Commission's intentions in regard to the use of the official broadcasting facilities.

E

227. As stated above, the Commission considers that nothing should stand in the way of the normal democratic political activity of the population during the preparations for the electoral campaign and throughout the campaign itself. It is therefore convinced that the declaration of amnesty and the amendment of the legislation of 25 October 1960 along the lines indicated in paragraph 195 above are necessary so as to enable "political workers and leaders who are in exile or imprisoned in the Territory to resume normal, democratic political activity before the elections". It also considers that the Administering Authority should at the same time refrain from introducing in the future any restrictive measures affecting public freedom, and from taking any action which might favour one group or party at the expense of another, or be contrary to absolute equality of opportunities or rights among the existing political groups.

228. Among the desirable guarantees, the Commission attaches particular importance to the question of the impartiality of the trusteeship Authority's agents who will be in charge of the organization of the legislative elections, and considers that it would be unwise to leave this question to the discretion of the governments of Rwanda and Burundi.

(Signed) Max H. DORSINVILLE  
Chairman

Majid RAHNEMA

Ernest ASSOUE

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