

CHAPTER VII

QUESTIONS CONCERNING THE SITUATION IN THE REPUBLIC OF THE CONGO (LEOPOLDVILLE)

POLITICAL DEVELOPMENTS

When the General Assembly considered the situation in the Republic of the Congo (Leopoldville) during the second part of its fifteenth session in March-April 1961, the situation was

other protective measures, including the provision of free passage of members of Parliament; to invite all other political factions to subscribe to the agreement; and to continue to accord its good offices to the parties concerned in seeking a real and satisfactory solution to the Congolese crisis. The Secretary-General accepted

between the United Nations troops and units of the Katanga gendarmerie, whose foreign officers had been duly withdrawn.

After repeated efforts to contact Mr. Tshombe to end the fighting, the United Nations representative in Elisabethville received a message from him, through the British Consul, at midnight on 16 September, proposing a meeting in Northern Rhodesia. Informed of this message, the Secretary-General, who was then in Leopoldville, replied to Mr. Tshombe reaffirming the desire of the United Nations to ensure a cessation of hostilities. He pointed out that the cease-fire would occur automatically on the United Nations side, as it was permitted to open fire only in self-defence. He asked that the Katanga authorities order an immediate and effective cease-fire and offered to meet personally with Mr. Tshombe at Ndola, Northern Rhodesia, to find peaceful methods of resolving the present conflict, thus opening the way to a solution of the Katanga problem within the framework of the Congo.

The Secretary-General and his party took off for Ndola from Leopoldville on 17 September, but the flight ended tragically in the crash of the aircraft and the death of the Secretary-General and his party consisting of seven United Nations staff members and two ONUC Swedish soldiers. Six Swedish crew members also lost their lives. (See also p. 161 below.)

The Secretary-General's mission was immediately taken up

sions that full compliance with the requirements of a paragraph in the Security Council resolution of 21 February 1961 (paragraph A-2)⁵ concerning the withdrawal of foreign military personnel and mercenaries was a condition essential to the effective application of the protocol.

(The Acting Secretary-General, in a letter dated 24 November 1961, stated that in the absence of a Secretary-General, the approval had been decided on by senior Secretariat members who had responsible functions in the Congo operation, after consultation with the Advisory Committee on the Congo. It had been

Nations representatives in Elisabethville enjoined the Katanga authorities on 31 October to ground all military aircraft immediately. They indicated that unless this was done, the United Nations would be obliged to take counter-action and bring down aircraft engaged in offensive military operations in Kasai.

In order to prevent a recurrence of the situation in September, when ONUC was unable to counter the attacks by a Katanga jet fighter plane piloted by a mercenary, the United Nations had secured military aircraft from certain Member States (Ethiopia, India and Sweden).

REPORT OF COMMISSION OF INVESTIGATION ON THE DEATHS OF MR. LUMUMBA AND HIS COLLEAGUES

On 11 November 1961, the report of the Commission of Investigation established by the General Assembly in April by resolution 1601 (XV) of 15 April 1961 to investigate the circumstances of the deaths of Patrice Lumumba, Maurice Mpolo and Joseph Okito, was circulated to the Security Council and the General Assembly.

The Commission's efforts to arrange a visit to the Congo did not materialize, owing chiefly to the objections of the Leopoldville authorities.

After the establishment of a constitutional Central Government in the Congo, its Minister of Foreign Affairs informed the Commission on 19 September 1961 that the Congolese Government had the right and duty to investigate the affair and punish the perpetrators of the crime. The United Nations would be kept informed of the progress of the investigation.

The report of the Commission to the Security Council and General Assembly contained an account of the evidence it had gathered and certain conclusions it had reached. The Commission concluded: (1) that the weight of evidence was against the official version of the Katanga provincial government that Mr. Lumumba and his colleagues had been killed by certain tribesmen on 12 February 1961; (2) that the evidence indicating that the prisoners had been killed on 17 January 1961 in a villa near Elisabethville, probably by certain mercenaries in the presence of Katanga provincial officials, seemed to be substantially true; and (3) that President Kasa-Vubu and his aides

and Mr. Tshombe and his aides, particularly the Katanga Interior Minister, Mr. Munongo, should not escape the responsibility.

CONSIDERATION BY SECURITY COUNCIL, 13-24 NOVEMBER

In a cable of 1 November 1961 to the President of the General Assembly, the Emperor of Ethiopia expressed concern at the deterioration of the situation in the Congo and suggested that the Security Council must take prompt and decisive action.

On 3 November 1961, the representatives of Ethiopia, Nigeria and the Sudan requested that the Security Council be convened to consider the situation caused by the lawless acts of mercenaries in the province of Katanga.

The Security Council met on 13 November 1961 and decided to consider the situation in the Congo, including the matter brought to its attention by these three powers. The Council considered the question at eight meetings through 24 November, with the participation of the representatives of Belgium, Congo (Leopoldville), Ethiopia, India and Sweden, who were invited, at their request.

In addition to the three-power request and the reports reviewed above, the Security Council received two documents and a report on the situation in the Congo.

On 7 November, the Belgian mission transmitted a Belgian Government communiqué of 30 October stating that passports of Belgian nationals who continued to serve in the Katanga armies would be withdrawn and that passports would henceforth be refused to applicants who were not prepared to sign a declaration undertaking not to serve in foreign forces.

On 11 November, the Minister for Foreign Affairs of the Congo (Leopoldville) transmitted to the Acting Secretary-General a note he had sent on 6 November to the Belgian representative to the United Nations. In this note, he recalled that the Congolese Government had asked for the closure of all Belgian consulates in the Congo in 1960, when it had

Consulates 4a4aa 4aa1

then in the "consulate" be immediately withdrawn in accordance with the resolutions of the Security Council and the General Assembly. (The Belgian Foreign Minister informed the Security Council on 15 November that these officers were being withdrawn at the request of the United Nations.)

On 19 November 1961, the Officer-in-Charge of the United Nations Operation in the Congo submitted a report giving further information on the hostilities on the Kasai-Katanga border and an account of certain disturbances of public order which had taken place in Luluabourg, Stanleyville, Albertville and Kindu.

In Luluabourg, capital of the Kasai province, where National Army contingents had been brought in on the way to the Katanga border, a group of soldiers became disorderly on the night of 1-2 November and raped eight women. ONUC, in co-operation with the local National Army commander, took action to protect the foreign population, confine the troops to camp and restore calm. United Nations officials made vigorous representations to the provincial authorities over the restrictions they had imposed on exit visas to persons of European origin. The restrictions were cancelled. Subsequently, on 5 November, when a unit of mutinous Congolese troops arrived from the Katanga border area, United Nations troops disarmed the mutineers on their arrival and transported them to Leopoldville at the request of the National Army commander.

Disturbances also took place in Stanleyville, Orientale province. Vice-Premier Gizenga had arrived there on 4 October on an eight-day leave from the Council of Ministers, but failed to return to Leopoldville on the expiry of his leave. The Orientale provincial president, J. F. Manzikala, was placed under house arrest on 19 October after the provincial assembly adopted a vote of censure against him, and the United Nations Force granted him protection at his request. Members of the Jeunesse du mouvement national congolais caused disturbances in the city on 30 October 1961, and the United States Consul was assaulted at his hotel. Order was soon restored on the personal intervention of General Lundula. General Lundula went to Leopoldville on 11 November 1961 for conferences with members of the Central Govern-

ment and pledged allegiance to the President of the Republic on 13 November.

In Albertville and nearby towns in northern

and was opposed to the secession of Katanga.
It had provided

participation in a civil war. The representative of India emphasized the need for clear directives by the Security Council so that the United Nations Force could function effectively and complete its mission as soon as possible.

On 20 November, Ceylon, Liberia and the United Arab Republic submitted a revision of their draft resolution. By the new text, the Council would, among other things, declare that all secessionist activities were contrary to the Loi fondamentale and Council resolutions, while specifically demanding that such activities then taking place in Katanga should cease forthwith. They stated that though the Council had no official information concerning secessionist activities outside Katanga, they were willing to declare opposition to

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United Nations Operation had shown the threats to the maintenance of law and order arising from a lack of discipline in certain Congolese armed units, and they suggested that urgent action was required to rebuild the armed forces, in accordance with the earlier decisions of the Council, so that they might be able to perform their functions. They stressed the importance of making every effort to solve the Congolese problems by negotiation, conciliation and other peaceful means to the greatest extent possible.

The Foreign Minister of the Congo (Leopoldville) expressed the view that there was no contradiction between the draft

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Mr. Tshombe to cease the inflammatory propaganda against the Organization and to co-oper-

red crosses to transport gendarmes and to snipe at United Nations personnel. Mr. Olivet, the chief delegate of the International Red Cross at Elisabethville, vainly attempted to prevent this, requesting Radio Katanga to broadcast hourly messages for that purpose. On the afternoon of 13 December 1961, Mr. Olivet and two other Red Cross representatives were reported missing. On 23 December, their bodies were found beside a burnt-out ambulance near the old airfield. In February 1962, a commission of investigation was appointed by the Acting Secretary-General of the United Nations and the International Committee of the Red Cross. The task of the commission was to carry out an impartial and independent inquiry into the circumstances of the tragic death of the Red Cross representatives on 13 December at Elisabethville. (On 8 June 1962, after making a full and thorough investigation, the commission submitted its report to the International Committee of the Red Cross and the United Nations.)

The United Nations Force in Elisabethville was in a particularly unfavourable position when hostilities were launched against it by the Katangese gendarmes, because about one-half of its units were carrying out a periodic peaceful rotation. While re-inforcements were rushed to the scene, in part with the assistance of air transport provided by the United States, the ONUC troops refrained from major defensive action. They were, however, obliged to clear several roadblocks and positions from which the Katangese gendarmes fired on United Nations positions. In its anxiety to avoid endangering civilian lives and property, the United Nations Force was at serious disadvantage, as the Katanga forces consistently used the presence of civilians and civilian installations to shield their activities. The mercenary-led gendarmes also endeavoured, without success, to draw the ONUC troops into house-to-house fighting in disad803-house

scrupulously respect the obligations of the Geneva Convention regarding the safeguarding of the lives and property of the civilian population. He denied allegations against the Union Minière and asked for the protection of its telecommunications installations, which were of great importance to the population. He questioned the legal basis of the action taken by the United Nations and expressed the view that the operations seemed to be out of proportion with

set up a commission to study the implications of the Kitona declaration.

On 5 January 1962, Mr. Tshombe ap-

Acting Secretary-General addressed communications to the Permanent Representatives of the United Kingdom and of Portugal on 29 and 30 December 1961, respectively, soliciting their cooperation and proposing that United Nations observers be stationed at a few selected airports and roads through which transit from Rhodesia and Angola into Katanga takes place. Neither Government accepted the Secretary-General's proposal, though for different reasons.

The Government of the Federation of Rhodesia and Nyasaland suggested, through the United Kingdom Government, that the Acting Secretary-General visit the Federation to discuss all aspects of traffic across the border and that the present Red Cross inspection procedures for rail traffic from Ndola to Katanga be extended to air and road communications between Northern Rhodesia and Katanga. The Acting Secretary-General replied, after consulting the Advi-

of eight days. Despite numerous reminders from the Prime Minister, he refused to return to Leopoldville. He created a new political party and made speeches violently attacking the Central Government; these led to increasing tension in

In a cable on 28 January, the Prime Minister of the Congo expressed regret that the USSR had made the request for a Security Council meeting without prior consultation with the Congolese Government. He opposed any meeting at the present time as likely to create confusion when the situation in the Congo was showing marked improvement on the basis of the country's territorial integrity. On the next day, the Chairman of the Conference of the Heads of African and Malagasy States and Governments, which was then in session at Lagos, Nigeria, sent a cable to the President of the Security Council that the Conference had learnt about the USSR request with considerable anxiety. In view of the encouraging developments towards a solution of the Congo problem, the Conference considered it unwise to disturb the present efforts of the Congolese Central Government by any uncalled-for intervention.

When the Security Council met on 30 Janu-

declaration. On 15 February the provincial assembly adopted the commission's draft resolution with further amendments.

Under this resolution, the Katanga assembly accepted the "draft declaration of Kitona" as a "potential basis of discussion with a view to the settlement of the Congolese conflict." It authorized the

- S/4863. Message of 19 July 1961 from President of Mali to Secretary-General, and reply of 20 July.
- S/4865. Letter to 9 July 1961 from A. Gizenga to Secretary-General.
- S/4876. Telegram of 21 July 1961 from President of Tunisia.
- S/4908 and Corr.1. Letter of 31 July 1961 from Acting Permanent Representative of USSR.
- S/4909. Letter of 1 August 1961 from President of Security Council to Secretary-General transmitting USSR letter (S/4908.)
- S/4910. Letter of 1 August 1961 from President of Security Council to Acting Permanent Representative of USSR.
- S/4911 and Corr.1 and Add.1, 2. Messages of 25 July and 1 August 1961 from A. Gizenga to Secretary-General; Letter of 2 August 1961 addressed to Mr. Gizenga by Officer-in-Charge of United Nations Operation in Congo.
- S/4913. Report of 2 August 1961 by Secretary-General concerning meeting of Parliament of Republic of Congo and establishment on 2 August 1961 of a new Government of Republic.
- S/4917. Report of 4 August 1961 by Officer-in-Charge of United Nations Operation in Congo on action taken by United Nations to assist in implementation

authority of the Government of the Republic of the Congo, specifically secessionist activities and armed action now being carried on by the Provincial Administration of Katanga with the aid of external resources and foreign mercenaries, and completely rejecting the claim that Katanga is a 'sovereign independent nation,'

"Noting with deep regret the recent and past actions of violence against United Nations personnel,

"Recognizing the Government of the Republic of the Congo as exclusively responsible for the conduct of the external affairs of the Congo,

"Bearing in mind the imperative necessity of speedy and effective action to implement fully the policies and purposes of the United Nations in the Congo to end the unfortunate plight of the Congolese people, necessary both in the interests of world peace and international co-operation, and stability and progress of Africa as a whole,

"1. Strongly deprecates the secessionist activities illegally carried out by the provincial administration of Katanga, with the aid of external resources and manned by foreign mercenaries;

"2. Further deprecates the armed action against United Nations forces and personnel in the pursuit of such activities;

"3. Insists that such activities shall cease forthwith, and calls upon all concerned to desist therefrom;

"4. Authorizes the Secretary-General to take vigorous action, including the use of requisite measure of force, if necessary, for the immediate apprehension, detention pending legal action and/or deportation of all foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries as laid down in paragraph A-2 of the Security Council resolution of 21 February 1961;

"5. Further requests the Secretary-General to take all necessary measures to prevent the entry or return of such elements under whatever guise and also of arms, equipment or other

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of Belgium to Acting

left a gap that could be only partially filled. The national civil service of the Congo was left with a shortage of qualified employees in practically every field of activity. In 1961, the Civilian Operations Scheme was still heavily committed to some of the operations it had to start in 1960 as a result of this serious shortage of manpower.

In order to maintain a minimum of essential services, it was necessary to make extensive use of United Nations experts in such fields as public health, civil aviation, telecommunications and meteorology. These experts often had to assume responsibilities in the national civil service until such time as the training efforts of the United Nations produced enough Congolese to replace them. Many special training projects were undertaken in 1961 by the Congolese authorities with United Nations assistance. They covered a wide range of activities, as indicated below.

The Civilian Operations Scheme was also used to help the Republic of the

and taxation matters, United Nations experts tried to improve the collection of public revenues (customs duties and internal taxes).

AGRICULTURE

In 1961, 60 Congolese

doctors in

In the latter part of 1961 there was widespread and serious flooding in the central Congo River basin. In co-operation with the provincial governments, internationally-recruited engineers took the measures needed to re-establish basic public services which had been disrupted by the extensive flooding.

REFUGEE AND FAMINE RELIEF

the Congo (ONUC) was estimated at a total of \$100 million for the 10-month period, January to October 1961; and (b) that it was anticipated that, in existing circumstances, the monthly requirements would remain at approximately \$10 million.

A later report, consideration of which led to another Assembly resolution on 20 December 1961, indicated that, in view of the prevailing circumstances, the Secretary-General was not in a position to submit detailed cost estimates for ONUC during 1962 or to predict when the tasks given him by the Security Council and by the General Assembly would have been successfully accomplished. He added, however, that in the light of the most recent developments, there was not, in his opinion, any sound basis for anticipating that the expenses of ONUC during the next few months would be appreciably less than the current level of expenditures, estimated at \$10 million per month. He accordingly sought authority for continuing to incur expenditures for ONUC at that level for such period and in accordance with such financing arrangements as the General Assembly might deem appropriate.

The Assembly's Advisory Committee on Administrative and Budgetary Questions concurred with this proposal.

On 15 December 1961, the Fifth Committee adopted a draft resolution on the matter, by a roll-call vote of 57 to 11, with 12 abstentions, which was approved five days later at a plenary meeting of the Assembly, by a roll-call vote of 67 to 13, with 15 abstentions, as resolution 1732(XVI).

By this resolution, the Assembly decided: to appropriate an amount of \$80 million for the operations of the United Nations in the Congo for the period from 1 November 1961 to 30 June 1962; to continue the ad hoc account for the expenses of these operations; and to authorize the Secretary-General to spend during 1962 an average monthly rate of not more than \$10 million for the continuing cost of these operations.

The amount of \$80 million was to be apportioned among all United Nations Member States in accordance with the scale of assessments for contributions to the regular United Nations budget for 1962 (see p. 572 below), subject to reductions as set out below, pending

the establishment of a different scale of assessment to defray the Organization's expenses resulting from the United Nations operations in the Congo. The assessments were to be reduced as follows: (a) by 80 per cent in the case of the assessment of Member States whose contributions to the regular budget ranged from 0.04 per cent to 0.25 per cent, inclusive; (b) by 80 per cent, in the case of assessment of Member States receiving assistance during 1961 under the Expanded Programme of Technical Assistance, whose contributions to the regular budget ranged from 0.26 per cent to 1.25 per cent, inclusive; (c) by 50 per cent, in the case of the assessment of Member States receiving assistance during 1961 under the Expanded Programme of Technical Assistance, whose contributions to the regular budget were 1.26 per cent and above.

The Assembly also: urged the permanent members of the Security Council to make sizeable additional contributions; appealed to all Member States in a position to do so to make voluntary contributions to help defray the costs of United Nations operations in the Congo; and called on the Government of Belgium, "a State directly concerned with the situation" in the Congo, to make a substantial contribution. The Assembly decided to apply such additional contributions to offset the deficit resulting from the implementation of the provisions for reductions as set out above. (For full text of resolution, see DOCUMENTARY REFERENCES **below**.)

The text to this effect arose out of discussion of a proposal introduced in the Fifth Committee by Denmark, Nigeria, Pakistan and Tunisia, as later revised by them in accepting a series of amendments

OTHER QUESTIONS RELATING TO AFRICA

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Brazil, Burma, Canada, Ceylon, Chile, Colombia,
Congo (Leopoldville), Costa Rica, Cyprus,
Dahomey, Denmark, Ecuador, El Salvador, Ethio-
pia, Federation of Malaya, Finland, Ghana, Greece,
Guatemala, Guinea, Iceland, India, Indonesia, Iran,
Ireland, Israel, Italy, Ivory