

**UNITED**



**NATIONS**

**REPORT  
OF THE SECURITY COUNCIL  
TO  
THE GENERAL ASSEMBLY**

**16 July 1960 — 15 July 1961**

**GENERAL ASSEMBLY  
OFFICIAL RECORDS : SIXTEENTH SESSION  
SUPPLEMENT No. 2 (A/4867)**



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*New York, 1961*

### NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.



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## INTRODUCTION

The present report<sup>1</sup> is submitted to the General Assembly by the Security Council in accordance with Article 24, paragraph 3, and Article 15, paragraph 1, of the Charter.

Essentially a summary and guide reflecting the broad lines of the debates, the report is not intended as a substitute for the records of the Security Council, which constitute the only comprehensive and authoritative account of its deliberations.

With respect to the membership of the Security Council during the period covered, it will be recalled that the General Assembly, at its 941st and 959th plenary meetings on 9 and 20 December 1960, elected Chile, Liberia, Turkey and the United Arab Republic as non-permanent members of the Council to fill the vacancies resulting from the expiration, on 31 December 1960, of the terms of office of Argentina, Italy and Tunisia and the resignation from office of Poland.

The period covered in the present report is from 16 July 1960 to 15 July 1961. The Council held eighty-seven meetings during that period.

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<sup>1</sup> This is the sixteenth annual report of the Security Council to the General Assembly. The previous reports were submitted under the symbols A/93, A/366, A/620, A/945, A/1361, A/1873, A/2167, A/2437, A/2712, A/2935, A/3137, A/3648, A/3901, A/4190 and A/4494.



## PART I

# Questions considered by the Security Council under its responsibility for the maintenance of international peace and security

### Chapter I

## LETTER DATED 13 JULY 1960 FROM THE SECRETARY-GENERAL OF THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The fifteenth annual report of the Security Council<sup>1</sup> contains a summary account of the proceedings of the Council at its 873rd meeting on 13/14 July 1960, convened at the request of the Secretary-General, under Article 99 of the Charter, to hear a report by the Secretary-General on a demand for United Nations action in relation to the Republic of the Congo. At that meeting, the Council, having heard the Secretary-General's report, adopted resolution S/4387 calling upon the Government of Belgium to withdraw its troops from the Congo; authorizing the Secretary-General to take the necessary steps, in consultation with the Government of the Congo, to provide the Government with such military assistance as might be necessary until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces might be able, in the opinion of the Government, fully to meet their tasks; and requesting the Secretary-General to report to the Council as appropriate.

During the period covered by the present report the Council considered the question at its 877th to 879th (20-22 July 1960), 884th to 886th (8 and 8/9 August), 887th to 889th (21 and 21/22 August), 896th to 906th (9-17 September), 912th to 920th (7-13 December), 924th to 927th (12-14 January 1961) and 928th to 942nd (1-21 February) meetings. A summary of the Council's deliberations at those meetings and of the documents received by the Council is given below.

### A. First report of the Secretary-General and other communications received between 16 and 31 July 1960

In his first report to the Council (S/4389) dated 18 July on the implementation of the Council resolution of 14 July (S/4387 and Add.1, 2 and 3) to the report dated 19 and 20 July, the Secretary-General recalled that the resolution had been adopted in response to his initial statement to the Council, which might be regarded as a basic document on the interpretation of the mandate. Important points had been left open, however, for an interpretation in practice. The first progress report was therefore aimed at bringing to the knowledge of the Council not only what had been achieved, but also what lines had been followed concerning the implementation of the authorization. From the legal point of view, there were two main elements: the request for assistance, and the implied finding that the circumstances were such as to justify United Nations action under the Charter. Whether or not the United Nations

facied a conflict between two parties was legally not essential for the justification of the action. The Secretary-General had pointed out that, on the basis of the interpretation he had given, it would be understood that, were the United Nations to act as he had proposed, the Belgian Government "would see its way to a withdrawal", and the Council itself had called upon Belgium to withdraw its troops.

The United Nations Force introduced into the Republic of the Congo, in response to a general appeal from its Government and under the Council's resolution, was to be regarded as a temporary security force, present in the Republic with the consent of the Government and for the time and purpose indicated. Although the Force might be considered as serving as an arm of the Government for the maintenance of order and protection of life, it was necessarily under the exclusive command of the United Nations, vested in the Secretary-General under the control of the Security Council. Another basic principle, that both the host Government and the United Nations should be guided by good faith in the interpretation of the purpose of the Force, was reflected in the relevant paragraph of the resolution which had authorized the Secretary-General to provide the Government of the Republic with United Nations military assistance. From that basic understanding, it followed that the United Nations activity should have freedom of movement within its area of operation. Furthermore, the authority granted to the Force could not be exercised either in competition with the host Government or in co-operation with it in any joint operation. Thus, the Force could not be permitted to become a party to any internal conflict, and it could not be used to enforce any specific political solution or to influence the political balance decisive to such a solution. Only on that basis could the United Nations expect to be able to draw on Member countries for contributions in men and material.

The geographical distribution sought for the Force should be guided by the general principle that the needed international assistance for the Congo should, within the framework of the United Nations, in the first instance be given by its sister African nations, as an act of regional solidarity qualified by an element of universality essential to any United Nations operation. The Secretary-General noted that in the light of previous experience in connexion with the UNEF, he found it necessary not to include in the Force any units from the permanent members of the Council, or from any country which might be considered as possibly having a special interest in the situation.

By 18 July, five African countries had provided the Force with an initial strength of seven battalions, num-

<sup>1</sup> Official Records of the General Assembly, Fifteenth Session, Supplement No. 2 (A/4494), chapter 6.

bering more than 4,000 men. About 3,500 troops had arrived in the Congo. In addition, troops from three European, one Asian and one Latin American country had been sought. Sweden had given permission to transfer temporarily part of the Swedish battalion from Gaza. The Secretariat was in contact with twenty-seven countries for contributions to the establishment of the United Nations Force or to the food supplies and logistic support.

On the question of the withdrawal of Belgian troops, the Secretary-General stated that his representative in Leopoldville had received a letter from the Belgian Ambassador indicating that the Belgian military intervention would be limited to what was called for by the security needs of Belgian nationals, and that following the arrival of the United Nations Force, Belgian units had left Leopoldville, but still remained at the disposal of the Commander of the Belgian Metropolitan Force.

On 19 July, the Secretary-General reported that, as a result of consultations between his Special Representative in the Congo and the Belgian Ambassador there, it had been decided that the Belgian forces would withdraw completely from the Leopoldville area and return to their bases by 23 July (S/4389/Add.1). On 19 and 20 July, the Secretary-General further reported that he had reached agreements with the Governments of Ethiopia, Ghana, Ireland, Mali, Morocco and Tunisia regarding the addition of troops to the United Nations Force (S/4389/Add.2 and 3).

Addenda 4 and 6 to the first report of the Secretary-General (S/4389) issued on 26 and 31 July, respectively, summarized the strength of the Force on duty in the Congo on 25 and 31 July. Addendum 5 contained the text of the duly initialed basic agreement, dated 27 July, with the Republic of the Congo in which the Congolese Government stated, *inter alia*, that in the exercise of its sovereign rights with respect to any question concerning the presence and functioning of the United Nations Force in the Congo, it would be guided in good faith by the fact that it had requested military assistance from the United Nations and by its acceptance of the Security Council resolutions of 14 and 22 July and would ensure the freedom of movement of the Force in the interior of the country. The United Nations took note of the statement of the Government of the Congo and declared that it would be guided in good faith by the task assigned to the Force in the Council's resolutions and, considering it to be in accordance with the wishes of the Government of the Republic of the Congo, reaffirmed that it was prepared to maintain the Force in the Congo until such time as it deemed its task to have been fully accomplished.

In a letter dated 19 July (S/4398), the representative of the Union of Soviet Socialist Republics called for the immediate withdrawal of the United States Army communications troops who had reportedly arrived at Leopoldville on 17 July.

In a letter dated 20 July (S/4400), the representative of the United States of America transmitted to the Secretary-General a report on the operations of the United States Government in support of the Council resolution of 14 July.

By a letter dated 15 July (S/4410), the representative of Guinea transmitted the texts of a *communiqué* issued by the Government of Guinea on 14 July and of a telegram of the same date addressed by the President of Guinea to the Chiefs of all African States concerning

the situation created in the Congo by the imperialism of Belgium and its allies.

#### **b. Consideration at the 877th to 879th meetings (20-22 July 1960)**

At its 877th meeting on 20 July the Council had before it the Secretary-General's first report (S/4389 and Add.1-3). The President invited the representatives of Belgium and of the Congo to take places at the Council table.

Introducing his first report, the Secretary-General emphasized that the Force had been brought to a strength which, for the moment, should serve as a satisfactory basis for the effort to assist the Government of the Congo. The enterprise was bigger and far more complicated than the United Nations Emergency Force; many more participating nations were involved, a multi-lingual basis had to be used, military units with very different traditions needed to co-operate, and a vast area had to be covered. In the civilian field, there were problems of administration, food and fuel supplies, and health. He had asked the World Health Organization, in collaboration with the International Red Cross, to stage an operation to forestall dangers developing from the lack of medical and sanitation services. As for transport, an international expert would organize work to prevent the silting of the Congo River. Considerable quantities of food had been donated and were being air-lifted. He stated that he would appreciate it if the Council, in the debate or in its resolution, would give the desired backing to the specialized agencies which were to participate in support of the United Nations action.

On the question of withdrawal, he stated that, in the first instance, there would have to be established, by agreement with the Government of the Congo, an area of operation for the Force. The Council's resolution (S/4387) clearly applied to the whole of the Territory of the Republic as it had existed when the Council had recommended (S/4377) the Congo's admission to the United Nations a few days earlier. Thus the Force was entitled to access to all parts of the territory in fulfilment of its duties. Although the Security Council had not authorized the Secretary-General to take specific steps for the implementation of withdrawal, his representatives in the Congo had taken the initiatives they had found indicated for the co-ordination of the Council's decision on the Force with the implementation of its decision on withdrawal. Although he did not consider it necessary, the Council might find it useful to make a clarification of his mandate on that point, which might establish the substance of the mandate and the aim of the Council with regard to the implementation of the call for a withdrawal.

The representative of the Congo stated that, despite the fact that the Congolese in general had very pleasant memories of their eighty years of relations with Belgium, the former colonial Power had on three occasions violated the treaty of 29 June 1960 which had been signed on the eve of Congolese independence. Disregarding article 6, paragraph 2, of that treaty, which specified that Belgian troops should not be used on Congolese national territory unless the Government of the Republic or the Congolese Minister of National Defence explicitly so requested, Belgium had sent troops to Katanga Province and Matadi and had occupied Leopoldville airport without any consultation with the Congolese Government. Following the Council's decision



of 14 July, his Government had received a letter from the Belgian Ambassador stating that Belgium was ready to implement the decisions of the United Nations; that Belgium would withdraw its troops when and where public order had been effectively restored by the United Nations; that the troops would remain as long as necessary to ensure security; and that the Congolese Government should co-operate in the re-establishment of security, abide by the decisions of the United Nations, and avoid provocation and dangerous incitement. In that connexion he pointed out that there had been no provocation by Congolese forces, and that since the Belgian aggression, the Government had ordered all its troops to return to camp. On 15 July, the Congolese House of Representatives had adopted resolutions calling for the evacuation within twelve hours of all Belgian troops stationed on the territory of the Republic, their automatic replacement by United Nations troops, and the immediate departure of the former officers of the *Force publique*, who were at the bottom of the incidents, and providing that the so-called Belgian-Congolese treaties would take effect only upon the withdrawal of the invading Belgian troops. Congolese impatience with Belgian aggression was such that, on 17 July, the Congolese Chief of State and the Prime Minister had issued an ultimatum to the Personal Representative of the Secretary-General, stating that if the United Nations seemed unable to secure the withdrawal of Belgian troops by midnight, 19 July, and retake the positions occupied by Belgian forces, the Congo would be obliged to request the Soviet Union to intervene. That ultimatum should be viewed within the context of the existing Congolese impatience with and mistrust of Belgium; it did not reflect any loss of confidence in the United Nations, and the Government had expressed the hope that the possibility of requesting assistance from the Soviet Union would be avoided. Noting that his Government was aware of the manoeuvres designed to bring about the secession of Katanga, he urged the Council not to permit any recognition of independence for Katanga, and recalled that a few days previously the Council had recommended the admission of the Republic, as a single entity, into the United Nations. As for technical and economic assistance, he stated that the Congo needed foreign technicians, and that it was the intention of the Congolese Government to guarantee the safety of both the persons and the property of all foreigners, including Belgians, who wished to invest in the country or remain there.

The representative of Belgium noted that the representative of the Congo had referred to the excellent recollections the Congolese had of the eighty years Belgium had been in the Congo, but had said that Belgium had committed aggression four days after the proclamation of Congolese independence. In that connexion, after reading a series of telegrams appealing for help and describing looting, riots, massacres, and instances of individual and collective maltreatment, he asked whether, if they had prepared some plot or aggression, the Belgians would have been so reckless as to expose their nationals to such dangers. The Congolese people as a whole had no doubt stood aloof from those outrages. But the fact was that a mutinous armed mob had got out of hand, and that the Congolese Government had not been able to bring it under control. The legitimacy of the presence of the Belgian troops in the Congo could not be denied and had been provided for under article 6, paragraph 2, of the treaty of friendship. Belgium had had both the right and the duty to in-

tervene to protect Belgian nationals against such excesses. The action undertaken was an act of intervention, not of aggression, and everything had been done to limit its scope. Belgium had confidence in the United Nations and had heeded its call, whereas the Congolese authorities had issued an ultimatum threatening Soviet intervention. As soon as United Nations troops arrived in sufficient numbers to take responsibility for the public peace, Belgian troops would withdraw. However, the Council would not wish Belgium to allow a "gap", an interval when massacres might start again.

In reply, the representative of the Congo stated that if he were to speak of atrocities, those committed by Belgians against the Congolese would not be edifying. Contrary to what had been said, Belgium had not granted independence to the Congo; the Congo had won it. Of the thirty-three Ministers and Secretaries of State of the Republic, including Mr. Kasa-Vubu and Mr. Lumumba, at least ten had been imprisoned during Belgian rule. With regard to the shortage of trained personnel in the Congo, he noted that after eighty years of colonial rule Belgium must accept the main responsibility for that situation.

In a further statement, the representative of Belgium said that alleged Belgian atrocities remained to be proved. He suggested an international inquiry to investigate what wrongs had been committed on both sides. With regard to the charge of aggression, the fact that there were only 1,400 Belgian troops in Leopoldville, with a population of 350,000 Congolese, showed that the only purpose was the defence of Belgian nationals and not aggression. As soon as security was re-established, the troops would withdraw.

The representative of the Union of Soviet Socialist Republics said that urgent need to give prompt consideration to the question was dictated by the fact that the Belgian Government, relying on the support of those Powers which were interested in the preservation of the colonial régime in the Congo, was continuing its armed intervention in the internal affairs of that country. Belgium was continuing an open struggle against the legitimate Government of the Congo, which had declared its determination to ensure the genuine independence of the Republic and to preserve its territorial integrity. The Security Council had taken a useful action in calling upon Belgium to withdraw its troops from the Congo but the problem was to put that decision into effect. The latest reports showed that Belgian reinforcements were arriving daily in the Congo, indicating that Belgium was preparing for a protracted war. The Secretary-General's report of 18 July (S/4389) in effect confirmed that Belgium was ignoring the Council's decision of 14 July. The colonialists wanted to continue their armed intervention until they attained their basic objective, to strangle and dismember the young Republic. Faithful to the principle of "divide and rule", the colonialists had succeeded in finding a puppet in the person of Tshombé who served the Western Powers' desire to reserve for themselves the economically valuable areas, which were among the chief sources of the enrichment of the capitalist monopolies. The Soviet Government whole-heartedly supported the statement which had been issued on 14 July by the African States Members of the United Nations, which resolutely condemned any attempt to undermine the Congo's territorial integrity from without. The Soviet Government had decided to furnish the Congo with food and other assistance and to inform the Secretary-General accordingly. It had allotted 10,000 tons

of food supplies and had also assigned five aircraft for the delivery of goods to the Congo and for other transport service in connexion with assistance to the Republic. He shared the opinion of President Kasa-Vubu and Prime Minister Lumumba that the present aggression against the Congo constituted a threat to international peace. Therefore, the United Nations had the obligation to take active steps to defend the Republic. With reference to the Belgian statement before the Council, he stated that the colonialists were making a deliberate and provocative attempt to shift the blame to the people of the Congo for the disorders and violence which were taking place in the country. The decision of the people of the Congo to throw off the colonial yoke and to utilize their country's rich natural resources for their own benefit had alarmed the foreign enslavers, who had begun to try to subdue the people by use of force. On 13 July, the USSR had supported the proposal to send to the Congo a United Nations Force, established at the request of the Council in accordance with the United Nations Charter, on the assumption that the Force should comprise units from the independent African and Asian States, remain in the Congo for a strictly limited period, not interfere in the domestic affairs of the Congolese people, and ensure the territorial inviolability and integrity of the country. He protested against the reported introduction of United States troops in the Congo and insisted on their immediate withdrawal. He observed that it had become evident from the report of the Secretary-General that the latter intended to invite contingents from European and American countries to form part of the United Nations Force, and that there were reports that the Secretary-General had reacted negatively to the offer of the Republic of Guinea to put its troops at his disposal. In his delegation's opinion, that was not in accord with the spirit of the Council's resolution (S/4387). The presence of Belgian troops was an intolerable challenge, to the Congo and to the whole world, and would have been impossible without the support given to Belgium by its powerful military allies in NATO. If the aggression continued more active measures would have to be taken, both by the United Nations and by peace-loving States which sympathized with the cause of the Congo. He submitted the following draft resolution (S/4402):

*"The Security Council,*

*"Having heard the report of the Secretary-General of the United Nations on the question of aggression by Belgium against the Republic of the Congo,*

*"Insists upon the immediate cessation of armed intervention against the Republic of the Congo and the withdrawal from its territory of all troops of the aggressor within a period of three days;*

*"Calls upon the States Members of the United Nations to respect the territorial integrity of the Republic of the Congo and not to undertake any actions which might violate that integrity."*

The representative of the United States of America welcomed the report and the statements of the Secretary-General. The United Nations had moved rapidly and effectively in an impressive collective effort in the forefront of which was the quick and ready response of African States. The United States, at the request of the Secretary-General, had helped in the field of transport and communications, had air-lifted most of the United Nations troops into the Congo, had carried great quantities of food and was providing needed equipment and other logistic support. The Government of

the Congo should feel protected and reassured, for the United Nations would not permit the Republic to founder. With regard to the withdrawal of Belgian forces, his delegation, which interpreted the provisions of the Council's resolution (S/4387) calling upon Belgium to withdraw its troops as being contingent upon the successful carrying-out of the entire resolution by the United Nations, noted that Belgium had committed itself to withdrawal of its troops when and where order was sufficiently restored by the United Nations troops. Turning to the USSR demand that the United States withdraw the few American technicians in Leopoldville, he said that it was clearly an attempt to obstruct the United Nations effort and to bring the cold war into the heart of Africa. The small group of American service personnel were in Leopoldville at the specific request of the United Nations to provide transport, communications and food, and would stay there only as long as they were needed to support the United Nations effort in the Congo. There had been reports that the USSR might intervene in the Congo directly with troops. On that point, the United States position was clear. Despite an official request from the Government of the Congo some days earlier for United States troops, his Government had insisted that all American help should be sent through the United Nations. No troops should be introduced into the Congo other than those requested by the Secretary-General pursuant to the Council's resolution of 14 July. With other United Nations Members, the United States would do whatever might be necessary to prevent the intrusion of any military forces not requested by the United Nations.

At the 878th meeting on 21 July, the representative of Tunisia reaffirmed the full support of his delegation for the principles set forth in the report of the Secretary-General, and for their application in the Congo situation. The composition of the United Nations Force so far sent to the Congo had fully met those requirements; peace and calm seemed to be returning, but there were still two important problems which aggravated the situation: the persistence of the Belgian Government in maintaining its troops on the territory of the Congo and the threatened disintegration of the young State. The immediate withdrawal of the Belgian troops was urgently necessary in order to reduce tension and restore calm throughout the territory of the Congo and to rebuild confidence and friendly relations between the Congo and Belgium. An attempt was being made to dismember the Republic through the separation of Katanga, a province with great mineral wealth and substantial Belgian investments. As the situation had been calm in Katanga it was difficult to avoid seeing a connexion between the Belgian intervention and the development of separatist tendencies in the province. He then introduced the following draft resolution co-sponsored by Ceylon and Tunisia (S/4404):

*"The Security Council,*

*"Having considered the first report by the Secretary-General (S/4389 and Add.1-3), on the implementation of Security Council resolution S/4387 of 14 July 1960,*

*"Appreciating the work of the Secretary-General and the support so readily and so speedily given to him by all Member States invited by him to give assistance,*

*"Noting that, as stated by the Secretary-General, the arrival of the troops of the United Nations Force in Leopoldville has already had a salutary effect,*

*"Recognizing* that an urgent need still exists to continue and to increase such efforts,

*"Considering* that the complete restoration of law and order in the Republic of the Congo would effectively contribute to the maintenance of international peace and security,

*"Recognizing* that the Security Council recommended the admission of the Republic of the Congo to membership in the United Nations as a unit,

*"1. Calls upon* the Government of Belgium to implement speedily the Security Council resolution of 14 July 1960 on the withdrawal of its troops, and authorizes the Secretary-General to take all necessary action to this effect;

*"2. Requests* all States to refrain from any action which might tend to impede the restoration of law and order and the exercise by the Government of the Congo of its authority and also to refrain from any action which might undermine the territorial integrity and the political independence of the Republic of the Congo;

*"3. Decides* to authorize the Secretary-General to continue to take such action as may be necessary under the authority given to him by the Security Council on 14 July 1960, and by this resolution;

*"4. Commends* the Secretary-General for the prompt action he has taken to carry out resolution S/4387 of the Security Council, and for his first report;

*"5. Invites* the specialized agencies of the United Nations to render to the Secretary-General such assistance as he may require;

*"6. Requests* the Secretary-General to report further to the Security Council as appropriate."

The representative of Ceylon expressed gratification at the speed of the action taken to implement the resolution of 14 July and the ready response of the African and other States called upon to provide military assistance. Both the Belgian and Congolese representatives had looked forward to the restoration of friendship between their countries and it was the Council's task, avoiding useless recrimination, to devise effective measures to achieve that goal. The joint draft resolution (S/4404) offered a practical solution, and he trusted that all countries would join in a common effort to support the steps taken by the Secretary-General.

The representative of Poland rejected the view that danger to the lives of foreign nationals could constitute a justification for aggression. Belgium had never intended to relinquish its hold on the Congo. When Congolese soldiers had risen against their Belgian officers, it had used the incident as a pretext for intervention and was seeking to enlist the support of anti-communist Governments by claiming that the Congolese struggle for independence was a communist conspiracy. The Council should set a specific date for the withdrawal of Belgian forces, whose presence in the Congo was a constant threat to the territorial integrity of the Republic and to international peace and security. If Belgium's aggression against the Congo were not dealt with swiftly, there might well be other attempts to reinstate colonialism.

The representative of Argentina said that the situation had deteriorated since 13/14 July. Although Belgium could not be reproached for having gone to the aid of its nationals, it was essential that Belgian troops

should be speedily and progressively withdrawn. The state of emergency justifying intervention would end with the assumption by the United Nations Force of responsibility for the protection of individuals. Belgium was undoubtedly aware of the international complications arising from the presence of its troops in the Congo, and he trusted that the replacement of Belgian forces by United Nations units would be speedily completed. All States should be urged to refrain from encouraging secessionist tendencies. Neither the United Nations nor individual States had the right to meddle in an essentially domestic problem.

At the 879th meeting on 21/22 July, the representative of Italy said that his Government continued to believe that the withdrawal of the Belgian troops, who had intervened to protect lives in the Congo, must be geared to the re-establishment of order and security through the intervention of United Nations troops. The Belgian representative had given an assurance that the withdrawal of Belgian forces, which had already begun, would continue as the United Nations assumed control of the situation. The representative of the Congo for his part had reaffirmed his Government's desire to see its country grow in peace and independence. That goal could be quickly achieved, provided there was no outside intervention and the young State did not become a battleground for the conflicting interests of outside parties. What was needed was an effective and rapid increase in United Nations activities to give effect to the resolution of 14 July in the shortest possible time.

The representative of the United Kingdom of Great Britain and Northern Ireland regretted that the Soviet representative appeared to regard the threat of anarchy in the Congo not as a grave misfortune but as an opportunity to attack the United States and its allies. Misrepresentations such as his allegation that Belgium was the instrument of a conspiracy by the colonial Powers to destroy the independent State of the Congo could only create distrust in a situation in which an increase of confidence between all the parties involved was an overriding necessity. The Government of the United Kingdom regarded the Republic of the Congo as a single State with the same national boundaries as the former Belgian Congo. With regard to Katanga, his Government considered that the relationship between that province and other provinces of the Congo was a matter to be settled by the Congolese. He agreed with the Secretary-General that the United Nations Force could not be a party to an internal conflict. The Council could best serve the interests of the Congo by concentrating on the interlocking process of building up the United Nations operation and arranging for the withdrawal of the Belgian forces. It should not be diverted by demands such as those in the Soviet resolution for withdrawal within an impracticable time.

The representative of China hoped that the United Nations programme of action would continue to proceed as expeditiously as it had done during the first week. In view of the assurances given by the Belgian representative, the Council, while upholding the principle of withdrawal, should leave the time-table to be determined by the Secretary-General in consultation with Belgian representatives in the Congo. Reaffirming China's goodwill towards the Republic of the Congo as demonstrated by China's firm support of the admission of the Congo to the United Nations and a recent offer of one hundred tons of rice to the Congo, he expressed the hope that the present trouble was but a passing phase and that the Congo would soon be able to devote

all its energies to peaceful development and nation building.

The representative of France said that the fears of some African States that Belgium's intervention in the Congo might foreshadow a return to an outmoded political status were unfounded. Belgian forces had been sent to the Congo as a purely temporary measure because the Congolese authorities were incapable of ensuring the safety of minorities. Even before the Council meeting of 13/14 July, the Belgian representative had asked the Secretary-General for the dispatch of a United Nations force, and Belgian troops were being withdrawn wherever United Nations units could ensure security. Despite the difficulties of the situation, which had been complicated by the USSR's attempts to profit from the Congo's misfortunes, the Secretary-General had acted with commendable speed. The French delegation was in general agreement with the Secretary-General's report and attached particular importance to his assurance that the Force was under the exclusive command of the United Nations and could not be a party to any internal dispute.

The President, speaking as the representative of Ecuador, said that the United Nations operation in the Congo was the first concerted effort to correct a situation by eliminating its deeper as well as its immediate causes. It was encouraging that the gap between the two parties concerned appeared to be bridgeable, notably in regard to the withdrawal of troops. While his Government maintained the principle that foreign troops should not enter a State without the consent of that State's Government, he believed that events in the Congo could only be properly judged if seen as part of an uncontrolled and inadequately planned transition from colonialism to independence.

The representative of Ceylon announced that the sponsors proposed to delete operative paragraph 3 of the joint draft resolution as redundant.

**Decision:** *The draft resolution submitted by Ceylon and Tunisia (S/4404) as revised by the sponsors was adopted unanimously (S/4405).*

The representative of France said that he had voted for the resolution because it implied no criticism of the Belgian Government and because a link had been established by one of the sponsors between the withdrawal of Belgian troops and the maintenance of law and order.

The representative of the USSR said that he would not press his draft resolution to the vote. He had voted for the joint draft although he considered that an early deadline should have been set for the withdrawal of troops. With regard to operative paragraph 2, he noted that the restoration of law and order would be effected by the Central Government of the Congo and by it alone. The resolution, like the resolution of 14 July, did not endow the Organization with a right to interfere in the domestic affairs of a State; the fundamental purpose was to secure the withdrawal of the Belgian forces.

The representative of the Congo emphasized, in connexion with operative paragraph 2, that the Congolese Government was the only authority responsible for maintaining law and order in the Congo.

The representative of Belgium reiterated his Government's desire to withdraw its troops as quickly as possible.

## C. Second report of the Secretary-General and other communications received between 31 July and 10 August 1960

In a letter dated 31 July (S/4414) to the President of the Security Council, the Prime Minister of the Republic of the Congo expressed grave concern at the delay in the withdrawal of Belgian forces and the fact that, because of Belgian opposition, no United Nations troops had entered Katanga. The paramount problem was the immediate withdrawal of Belgian troops from the entire territory of the Republic.

In a note transmitted on 1 August (S/4415), the Minister for Foreign Affairs of Ghana stated that if Belgium persisted in its present policy, which had as its object not the protection of the lives of Belgian nationals but the detachment of Katanga from the rest of the Congo, the Government of Ghana would feel compelled to request the United Nations to declare Belgium an aggressor and to take appropriate action.

In a statement dated 31 July (S/4416) transmitted on 2 August, the Government of the USSR declared that if the imperialist aggression against the Congo continued, it would not hesitate to take resolute measures to rebuff the aggressors. In response to the request of the Congolese Government, the Soviet Government was ready to furnish the Republic with economic and technical aid, in addition to the assistance it had already provided.

In his second report (S/4417 and Add.1/Rev.1 and Add.2), issued on 6 and 7 August, the Secretary-General recalled that his interpretation that the resolution of 14 July applied to the whole of the territory of the Republic and the fact that the United Nations Force was entitled to access to all parts of the territory had been confirmed by the Council in its resolution of 22 July. By 2 August, United Nations troops had been deployed throughout the Congo, with the exception of Katanga, and Belgian troops had been withdrawn from all areas where there were United Nations troops. Plans had been made to send United Nations military units to Katanga on 6 August, but they had been cancelled when it had become clear, after his Special Representative's visit to Elisabethville, that the entry of United Nations units would have had to be achieved by force. As it had been stated as one of the principles for the operation of the Force that units would be entitled to act only in self-defence, the Force was not authorized to take such military initiative and action as would be necessary in the circumstances, and he therefore asked for instructions from the Council and such decisions as the Council might find appropriate in order to achieve its aims integrally.

The Secretary-General noted that the difficulty did not have its root in the Belgian attitude as stated to him, for the Belgian Government acquiesced in the Council's decisions and therefore undoubtedly would instruct its military elements in the province to act accordingly. Nor was the problem a desire on the part of the authorities of the province to secede from the Republic. Those resisting the United Nations Force in Katanga feared that United Nations participation in security control in the province might jeopardize their possibility of working for other constitutional solutions than a strictly unitarian one. The Organization obviously could not be a party to such internal political problems, and the Council might wish to lay down such rules for the United Nations operation as would serve

to separate effectively questions of a peaceful and democratic development in the political field from any question relating to the presence of the United Nations Force.

Addendum 1/Rev.1 contained an exchange of telegrams with the President of the Republic of Guinea. In a telegram dated 6 August, the President urged the immediate use of Guinean troops in Katanga; if that proposal were not approved, the troops would be placed under the direct authority of the Congolese Government. In reply, the Secretary-General stated that the question of the entry of the Force into Katanga would be considered by the Council and that no decision had been taken by him to the effect that the Force should not enter Katanga, provided that that could be done under the terms of reference established by the Council. No decision had been taken on the final composition of the Force in Katanga. On 7 August, the President of Guinea expressed his confidence in the Secretary-General and urged that steps be taken to ensure the faithful and immediate implementation of the Council resolutions. In a reply of the same date, the Secretary-General assured the President that his appeal was in keeping with his own wishes and efforts.

Addendum 2 contained an exchange of letters dated 3 August with the Vice-Prime Minister of the Congo concerning the decision of the Conseil du Cabinet du Vice-Premier Ministre that three members of the Congolese Government escorted by twenty Ghanaian soldiers should accompany the Secretary-General's Special Representative to Katanga. In his reply to the Vice-Prime Minister, the Secretary-General pointed out that the Special Representative's mission was purely a United Nations mission, the composition of which was to be determined by the Secretary-General alone.

In a statement transmitted on 6 August (S/4418), the Government of the USSR noted that Belgian ruling circles, with the support of their allies in NATO, were disregarding the Council's decisions with the aim of separating Katanga from the Republic of the Congo. The behaviour of the Command of the United Nations Force was also a subject of serious concern since there was information that, instead of ensuring the earliest possible withdrawal of the interventionist forces, the United Nations forces were disarming the Congolese National Army and even coming into armed collision with it. To ensure the immediate enforcement of the Council's decisions the Soviet Government proposed: (1) the removal of all Belgian troops from the Congo within the shortest time by whatever method of action might prove necessary; (2) the replacement of the present Command of the United Nations forces in the event of continued failure by it to comply with the Council's decisions; (3) prompt, resolute and effective action to put an end to the occupation of Katanga; (4) the dispatch to the Congo of troops from States which would be prepared to take part in ensuring the effective expulsion of the interventionist troops, if the troops of any country sent to the Congo under the Council's decisions proved unable to carry out that task.

In its comments transmitted on 6 August (S/4419) on the Soviet Government's statement of 31 July (S/4416), the Belgian Government pointed out that no State had been condemned by the Council as an aggressor against the Republic of the Congo. The Council had in fact refused to formulate such a condemnation. Belgian troops had intervened in the Congo solely in

order to ensure the protection of Belgian nationals, and their intervention would come to an end wherever the United Nations forces were capable of assuming responsibility for the safety of individuals.

In a statement transmitted on 6 August (S/4420), the President of the Republic of Ghana said that despite Belgian assurances regarding their withdrawal, Belgian troops remained in Katanga and were responsible for denying entry to Katanga to the United Nations Force. Ghana could not accept the so-called secession movement in Katanga as genuine and would not tolerate the construction in the centre of Africa of a puppet State maintained by Belgian troops and designed to fit the needs of an international mining concern. If no United Nations solution were forthcoming, Ghana would lend such armed assistance as the Republic of the Congo might request.

In a telegram dated 7 August (S/4421), the Prime Minister of the Republic of the Congo proposed a draft resolution for adoption by the Council providing for the dispatch to the Congo within twenty-four hours of a group of observers composed of representatives of India, Ceylon, Ghana, Ethiopia, Morocco, Guinea, United Arab Republic, Afghanistan, Indonesia and Burma. The group would be responsible for ensuring the strict application of the Council's decision concerning the withdrawal of Belgian troops from the whole of Congolese territory and more particularly from Katanga.

#### **D. Consideration at the 884th to 886th meetings (8 and 8/9 August)**

At its 884th meeting, called on 8 August at the request of the Secretary-General, the Council had before it his second report (S/4417 and Add.1/Rev.1 and Add.2) and the communications circulated in documents S/4418, S/4419, S/4420 and S/4421. The President invited the representatives of Belgium and of the Republic of the Congo to take places at the Council table.

The President announced that he had received and acknowledged a request from Mr. Tshombé, President of the provincial government of Katanga, to be heard by the Council.

The Secretary-General said that what might temporarily appear as a deadlock had been reached in the implementation of the Council resolutions. The active support he had hoped for from all concerned had been only partly forthcoming and a lack of support had been encountered in quarters that might have been expected to act differently. The Katanga authorities had introduced an unexpected element of organized military opposition by Congolese forces to the entry of the United Nations Force. Such opposition would require military initiative from the United Nations Force to which he could only resort with the formal authorization of the Council and using contingents whose Governments were willing to accept such a new stand by the Council. While there was no opposition from the Belgian Government, the latter's attitude of "submission" to the Council resolution, which he took to mean an absence of active resistance, also presented a serious problem. Belgian troops must be withdrawn completely and unconditionally, as their presence was now the main cause of continued danger. The Central Government of the Congo, in its turn, had shown impatience and distrust, which might well spread through the population, creating a harmful atmosphere. Finally, there was a threat



that one or more contributing Governments might break away from the United Nations Force and pursue a unilateral policy. In that situation, the Council might wish to reaffirm its aims and demands, clarify its views on methods and time-limits, and state explicitly that its resolutions applied fully to Katanga. It should also request the immediate and active co-operation of all Member Governments, in accordance with Articles 25 and 49 of the Charter, and might consider the formulation of principles for the United Nations presence that would safeguard domestic rights and protect the spokesmen of all political views in the Congo.

At the 885th meeting, also held on 8 August, the representative of the Congo said that the United Nations forces had been welcomed everywhere in the Congo, except Katanga. The commanders of the National Army had called on their soldiers to lay down their arms wherever United Nations troops were present, whereas in Katanga a factitious resistance had been created and sustained by the Belgian Government. There was no constitutional problem, for the Republic's structure had still to be determined by the Congolese Parliament, a constituent assembly in which Katanga was represented. The Katanga problem was not in fact a domestic one and could only be solved by the immediate withdrawal of Belgian troops from the entire territory of the Republic.

The representative of Belgium said that Belgium had intervened in Katanga, as elsewhere, solely in order to protect the lives of its nationals and would withdraw its troops as soon as the Secretary-General declared that he could ensure security. The unity of the Congo was the result of Belgian action and Belgium could not interfere in the dispute between the Katanga government and Leopoldville. Solution of the problem would be made easier if the Katanga government could be assured that the entry of United Nations forces would not involve an automatic extension of the Leopoldville régime.

The representative of the United States of America considered that the Council should endorse the Secretary-General's view that the United Nations could not be drawn into the political struggle between Prime Minister Lumumba and provincial President Tshombé. The Katanga authorities would have no grounds to object to the entry of the United Nations Force once the Council had assured them that the only task of the Force was to ensure law and order and, thereby, Belgian withdrawal. Nor could Belgium have any reason to postpone speedy withdrawal from Katanga.

The representative of Tunisia believed that the Council should strengthen the Secretary-General's mandate. The United Nations forces should be authorized to use their weapons, if necessary, to overcome any armed resistance to their entry to Katanga, where the Council's resolutions should be applied as they had been in the other provinces. Belgium, whose intervention had, perhaps unintentionally, encouraged secessionist tendencies in Katanga, should withdraw its troops immediately and actively assist the entry of United Nations units in order to avert the present threat to African and world peace and security. It was for the Congolese themselves to settle their domestic problems by constitutional means. He introduced the following draft resolution, of which Ceylon was a co-sponsor (S/4424):

*"The Security Council,*

*"Recalling its resolution of 22 July 1960 (S/4405),  
inter alia, calling upon the Government of Belgium*

*to implement speedily the Security Council resolution of 14 July (S/4387) on the withdrawal of its troops and authorizing the Secretary-General to take all necessary action to this effect,*

*"Having noted the second report of the Secretary-General on the implementation of the aforesaid two resolutions and his statement before the Council,*

*"Having considered the statements made by the representatives of Belgium and the Republic of the Congo to this Council at this meeting,*

*"Noting with satisfaction the progress made by the United Nations in carrying out the Security Council resolutions in respect of the territory of the Republic of the Congo other than the province of Katanga,*

*"Noting, however, that the United Nations had been prevented from implementing the aforesaid resolutions in the province of Katanga although it was ready, and in fact attempted, to do so,*

*"Recognizing that the withdrawal of Belgian troops from the province of Katanga will be a positive contribution to and essential for the proper implementation of the Council resolutions,*

*"1. Confirms the authority given to the Secretary-General by the Security Council resolutions of 14 July and 22 July 1960 and requests him to continue to carry out the responsibility placed on him thereby;*

*"2. Calls upon the Government of Belgium to withdraw immediately its troops from the province of Katanga under speedy modalities determined by the Secretary-General and to assist in every possible way the implementation of the Council's resolutions;*

*"3. Declares that the entry of the United Nations Force into the province of Katanga is necessary for the full implementation of this resolution;*

*"4. Reaffirms that the United Nations Force in the Congo will not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise;*

*"5. Calls upon all Member States, in accordance with Articles 25 and 49 of the Charter of the United Nations, to accept and carry out the decisions of the Security Council and to afford mutual assistance in carrying out measures decided upon by the Council;*

*"6. Requests the Secretary-General to implement this resolution and to report further to the Council as appropriate."*

The representative of the Union of Soviet Socialist Republics said that although there had been a token withdrawal of Belgian troops, the bulk of the interventionist forces were still in the Congo. With the backing of its NATO partners, Belgium was openly working through its puppet Tshombé to separate Katanga from the Republic. The Belgian occupation troops were terrorizing the population, despite the presence of United Nations forces. In some cases, United Nations troops, instead of ensuring the withdrawal of Belgian forces, had disarmed Congolese troops and even came into armed collision with them. The United Nations Command's refusal to send troops to Katanga was a concession to the aggressor and a matter for serious concern. It was the duty of the United Nations forces in the Congo to help the Central Government consolidate the independence and preserve the territorial integrity of the Republic. If they met with armed resistance in the performance of that duty, they had the right to use their weapons to overcome it. If the Com-

mand of the Force did not comply with the Council's decision requiring it to provide such military assistance as might be necessary to the Congolese Central Government, it should be replaced; if the troops sent to the Congo were unable to secure the withdrawal of the interventionist forces, other troops from countries prepared to take part in carrying out that task should take their places. The Soviet representative supported the proposal made by the Prime Minister of the Republic of the Congo, Mr. Lumumba, that a group of observers should be sent to that country. He stated that that group could also be entrusted with the task of ensuring that the Belgian authorities should immediately cease plundering the national wealth of the Congolese people and disrupting the economic life of the Republic of the Congo, and that they should at once return to the Congolese Government all the valuables and property which they had taken out of the country. He then introduced the following draft resolution (S/4425):

*"The Security Council,*

*"Having considered the report by the Secretary-General on the measures taken to implement the decisions of the Security Council on the Congo,*

*"1. Notes that the Belgian Government is grossly violating the decisions of the Security Council calling for the speedy withdrawal of Belgian troops from the territory of the Congo and the maintenance of the territorial integrity and political independence of the Republic of the Congo;*

*"2. Imposes on the Secretary-General the obligation to take decisive measures, without hesitating to use any means to that end, to remove the Belgian troops from the territory of the Congo and to put an end to acts directed against the territorial integrity of the Republic of the Congo;*

*"3. Instructs the Secretary-General to report within a period of three days on the measures taken to implement this decision of the Security Council."*

The Secretary-General recalled that the representative of the Republic of the Congo had indicated that Congolese soldiers had laid down their arms on the instructions of their Government and that the United Nations forces had met with no resistance from Congolese soldiers. The order to stop the entry of the Force into Katanga had been given by him, not by the Command. He had done so because of the limits of his authority and because the Congolese would not be helped by actions in which Africans killed Africans or Congolese killed Congolese. Further, it was an established principle that while the Force should assist the Central Government in the maintenance of order, it should not become a political instrument. The proposal to send an observer group to the Congo must be judged in the light of practical needs; many of the countries mentioned in the proposal were already represented by high-ranking officers in the Congo.

Opening the debate at the 886th meeting on 8/9 August, the representative of Ceylon expressed confidence that the Council would be able to remove any misunderstandings on the part of the Katanga provincial authorities that might underline the present deadlock. It was also imperative that the Belgian Government should move from passive to active support of the United Nations operation. With such support, the co-operation of the Government of the Congo, and a proper understanding in Katanga of the purpose of the United Nations Force, the Secretary-General's hopes for a successful conclusion could no doubt be speedily fulfilled.

The United Nations Force would not intervene in the political or internal disputes of the Congo; it had been sent solely to maintain order and permit the withdrawal of the Belgian forces. He appealed to the Belgian Government to take the necessary action to that end and urged the Congolese people to unite in a joint effort to solve their problems.

The representative of Ecuador emphasized that, although engaged in maintaining order, the United Nations Force was not an instrument of the Government. It was bound to maintain strict neutrality in internal affairs. If that principle were understood by the authorities in the Congo, the obstructions to the implementation of the Council's resolutions in Katanga would doubtless be removed. By co-operating fully with the United Nations the Belgian Government could also make a major contribution. Finally all concerned should realize that failure of the United Nations operation would be tragic for the Congolese people.

The representative of China considered that any proposal to deal with the Katanga problem must make clear that the Force was entitled to have access to all parts of the Congo; that the Force did not intend to interfere in the domestic political matters of the Republic; and that, pending the solution of any political problem between Katanga and the Central Government, the Force would be responsible for security and order in the province so that Belgian troops could be speedily withdrawn.

The representative of Argentina agreed that the United Nations Force could not support the central authority against the local authorities or *vice versa*. The Organization's primary interest was in the international repercussions of the Congo crisis. Operations involving a risk of large-scale hostilities such as those which might have been necessary to enter Katanga would have been incompatible with the nature of the Force. Given the international danger inherent in their presence, Belgian troops should begin to withdraw from Katanga at once. The Secretary-General should be given broad powers to implement the Council's resolutions subject to the proviso that the Force should not be employed in large-scale military operations or interfere in the internal affairs of the Congo.

The representative of Poland said that the two reasons given for not sending United Nations troops to Katanga were invalid. The troops were entitled to use their arms if attacked and their entry would not constitute interference in an internal dispute between the Central Government and the local authorities. Authority in Katanga was in the hands of the Belgians, who were occupying the province in defiance of the Council's resolutions. The Council should order all necessary measures to secure the immediate withdrawal of Belgian troops and to defend the territorial integrity of the Congo. The observer group proposed by the Prime Minister of the Congo might provide help.

The representative of Italy said that the entry of the Force into Katanga should take place in a way that would avoid any break in internal security or disruption of economic life, in which the European communities played a vital part. The Council should emphasize that the United Nations operation would not prejudice future constitutional arrangements: the relationship between Elizabethville and Leopoldville was for the Congolese people to decide without external interference. All concerned should remember that a false step could have incalculable consequences.

The representative of the United Kingdom of Great Britain and Northern Ireland said that the basic difficulty was not the Belgian attitude but the constitutional dispute between the Central Government and the Katanga authorities and the latter's fear that United Nations troops would be used to impose a constitutional settlement. His Government believed the Katanga authorities' attitude toward the United Nations to be a mistaken one and trusted they would immediately revise it. While the United Nations, and perhaps individual Member Governments, might be able to help bring together those in the Congo who held opposing views on the vast problem of creating a united nation out of divergent elements, the Force must not interfere in an internal constitutional dispute and could only be used to ensure the maintenance of law and order. Direct intervention by any Member Government, even at the invitation of one of the parties, would gravely complicate matters and turn an essentially internal dispute into something much wider. The joint draft resolution (S/4424) went far to meet the needs of the situation, although it appeared to imply that Belgian withdrawal would solve everything. Over-precipitate withdrawal might have lamentable consequences. It would be of value if the Secretary-General could indicate his interpretation of the phrase "under speedy modalities".

The Secretary-General said that he read the phrase as a recognition of the need for him so to implement the request for immediate withdrawal addressed to Belgium as to provide for an orderly development within the limits of the possible. That would not slow down withdrawal provided Belgium and Mr. Tshombé gave their full co-operation.

The President, speaking as the representative of France, said that his delegation welcomed the position taken by the Secretary-General in regard to the Katanga problem. His Government believed that the unity of the Congo was essential to its prosperity; the sooner the Leopoldville Government proved its effectiveness, the more easily that objective would be attained. The Katanga authorities should be assured that the entry of United Nations units would not constitute a means of ensuring settlement of the constitutional issues on the lines desired by some members of the Leopoldville Government. He would be unable to support the joint draft (S/4424) because it did not appear to take into account the facts stated by the Secretary-General or the measures adopted by Belgium in implementing the Council's resolution. His vote was in no sense a disavowal of the action hitherto undertaken by the Secretary-General. The initial results of the United Nations action had been most encouraging.

The representative of the Congo pointed out that his country was a federation with appropriate machinery for the settlement of difficulties between the Central Government and the provincial authorities. He asked the Council to accept the position taken by the Secretary-General as the only one that would permit the breaking of the deadlock.

The representative of the USSR said that, while United Nations troops should not take the initiative in resorting to force, they could and should use their weapons to overcome armed resistance in the fulfilment of their mandate. Effective measures must be taken to implement the Council's resolutions. His Government was prepared to join its efforts with those of other States Members to halt aggression in the Congo immediately. At the same time it could not ignore the ap-

peal for help it had received from the Government of the Congo; mutual assistance and the development of friendly relations were in accordance with the Charter and served to strengthen world peace.

The representative of Belgium assured the Council of his country's co-operation in ensuring the maintenance of security with a view to the earliest possible withdrawal of Belgian forces. The problem was not, as some representatives had implied, to drive the Belgians out but to assist the Congolese in resolving their political, economic and social difficulties.

The representative of Tunisia noted that the term "aggression" had been avoided in the Council's resolutions to avoid exacerbating Belgian feelings; nevertheless, intervention, however understandable its motives, in the territory of an independent and sovereign country could be considered only as an aggressive act.

Following a remark by the representative of Ceylon, the Secretary-General explained that, while in regard to Katanga the Belgian attitude as stated to him presented no problem, the *de facto* situation now was that the presence of Belgian troops was the main cause of continued danger.

**Decision:** *The draft resolution submitted by Ceylon and Tunisia (S/4424) was adopted by 9 votes to none, with 2 abstentions (France and Italy).*

The representative of Italy, explaining his vote, said that, although substantially in agreement with the text submitted, his delegation had abstained because of the absence of any reference to the necessary relation between the withdrawal of Belgian troops and the assumption of responsibility for the maintenance of security by the Force.

The representative of the United Kingdom said that he had been able to support the draft resolution because of the statements by the representative of Ceylon and by the Secretary-General with regard to the effective and continued maintenance of law and order in Katanga.

The representative of the USSR said that he would not press his draft resolution (S/4425) to a vote. He had voted for the joint draft resolution because it would enable the Council to carry out its principal task, that of ensuring the immediate and unconditional withdrawal of all Belgian forces from the whole of the Congo, including Katanga.

The representative of Poland expressed his understanding that entry into Katanga would be carried out immediately and regardless of obstacles. The resolution should not be interpreted as preventing the Government of the Congo from developing bilateral relations with any country in the world.

## **E. Addenda to the second report of the Secretary-General and other communications received between 10 and 21 August 1960**

Addenda 3 to 10 to the second report of the Secretary-General (S/4417) were issued between 10 and 20 August.

Addendum 3, issued on 10 August, contained an exchange of communications between the Secretary-General and the Prime Minister of the Congo. In a telegram dated 9 August, the Secretary-General called the Prime Minister's attention to the Council's request for co-operation in the pursuit of the objectives laid down



in the Council's resolution of that date. In a reply dated 10 August, the Prime Minister assured the Secretary-General of his Government's complete co-operation and transmitted the text of his statement of 10 August, in which he expressed gratitude to the Council.

Addendum 4, issued on 10 August, contained an exchange of telegrams between the Secretary-General and the President of the provincial government of Katanga. In a telegram dated 10 August, the Secretary-General announced his intention of visiting Elisabethville on 12 August to discuss the modalities of the deployment of the Force in Katanga with the President. There could be no question of conditions or of an agreement, but a frank exchange of views would be useful. He would be accompanied by the Deputy Supreme Commander of the Force, his Military Adviser, civilian advisers and two companies of the Swedish Battalion; all the military would be in uniform, with the understanding that they would be under his exclusive personal authority and would have only the right to legitimate self-defence in the event of attack. In a reply dated 10 August, the President assured the Secretary-General that he and his party would be received in an orderly manner.

Addendum 5, issued on 11 August, contained a memorandum by the Secretary-General on the organization of the United Nations Civilian Operation in the Congo. The operation would be based on the traditional patterns of technical assistance and of the programme for the provision of operational, executive and administrative personnel (OPEX) but would have to go further. With the approval of the Government, a distinction was made between technical assistance proper and activities on a higher level of administrative responsibility. For the latter purpose a Consultative Group of Senior Experts had been formed and would be available at the call of the Government to give advice on various problems.

Addendum 6, issued on 12 August, contained the text of the interpretation of operative paragraph 4 of the Council's resolution of 9 August given by the Secretary-General to the Government of the Congo and the provincial government of Katanga. Guidance for the interpretation was obtained from the Lebanese question of 1958. United Nations action could not be sought by the Government against the dissident elements or *vice versa*. Similarly, in Katanga, the Force could not be used on behalf of the Central Government to subdue or to force the Katanga provincial government to a specific line of action. United Nations facilities could not be used, for example, to transport civilian or military representatives under the authority of the Central Government to Katanga against the decision of the Katanga provincial government. The Force had no duty or right to protect civilian or military personnel representing the Central Government arriving in Katanga, beyond what followed from its general duty to maintain law and order. On the other hand, the United Nations had no right to refuse the Central Government to take any action which by its own means, in accordance with the purposes and principles of the Charter, it could carry through in relation to Katanga. Similarly, the United Nations, observing that *de facto* the provincial government was in active opposition—once a Belgian assurance of non-intervention and withdrawal had been given—had to apply the same conclusions, *mutatis mutandis*, as regards the provincial government in its relations with the Central Government. This policy represented a unilateral declaration of interpretation by the Secretary-General, not subject to agreement or negotia-

tion. It could, however, be contested before and changed by the Security Council, in which case the assumption for the actions of the provincial government would likewise be changed, justifying a reconsideration of the latter's stand.

Addendum 7, issued on 15 August, contained an exchange of communications between the Secretary-General and the Minister for Foreign Affairs and the Prime Minister of the Congo. In a letter dated 14 August to the Minister for Foreign Affairs, the Secretary-General stated that, having returned from Katanga, he wished to report to the Congolese Government on the action taken by the United Nations in implementation of the Council's resolutions. In a letter dated 14 August, the Prime Minister stated that his Government could not accept the Secretary-General's unilateral interpretation of operative paragraph 4 of the resolution of 9 August; under the resolution of 14 July the United Nations was not to act as a neutral organization, but was to place all its resources at the disposal of his Government. The Secretary-General had not consulted the Government on his way to Katanga and was making himself a party to the conflict between the rebel government of Katanga and the legal Government of the Republic. He accordingly requested: (1) the replacement of United Nations units guarding airfields by troops of the National Army and the Congolese Police; (2) the immediate dispatch to Katanga of Moroccan, Guinean, Ghanaian, Ethiopian, Malian, Tunisian, Sudanese, Liberian and Congolese troops; (3) the provision of aircraft for the transportation of Congolese troops and civilians engaged in restoring order throughout the country; (4) the immediate seizure of all arms and ammunition distributed by the Belgians in Katanga to partisans of the rebel government, the munitions seized to be placed at the disposal of the Government of the Republic; (5) the immediate withdrawal of all non-African troops from Katanga. In a letter of 15 August, the Secretary-General stated that he would not enter into a discussion of the unfounded and unjustified allegations in the Prime Minister's letter, which would be circulated as a Security Council document. He noted that he had received no reply to his earlier letter requesting an opportunity to report to the Government on the implementation of the Council's resolutions. In a second letter of 15 August, the Prime Minister expressed the belief that the Secretary-General's positions were in no sense those of the Security Council; the Secretary-General had made arrangements with Mr. Tshombé before informing the Government of the Congo of his plans and had refused to give the Government the military assistance it needed. In a second letter of 15 August, the Secretary-General said that if the Council of Ministers, which he presumed had been informed of the exchange of communications, took no initiative requiring him to change his plans, he would go to New York to seek clarification of the attitude of the Security Council. In a third letter of the same date, the Prime Minister stated that his Government had lost confidence in the Secretary-General and accordingly requested the Council to send immediately a group of observers representing Morocco, Tunisia, Ethiopia, Ghana, Guinea, the United Arab Republic, Sudan, Ceylon, Liberia, Mali, Burma, India, Afghanistan and Lebanon to ensure the immediate and entire application of the Council's resolutions. He also asked the Secretary-General to delay his departure for New York by twenty-four hours to permit a delegation of the Congo Government to accompany him in order to express its views to the Council. In a third letter of the

same date (S/4417/Add.7/Add.1), the Secretary-General said it was for the Council to judge the Prime Minister's allegations and the confidence of Member States in the Secretary-General. He was unable to delay his departure; if the Government had expressed a desire to discuss with him the problem to be settled, he would have been happy to change his plans, which, in the absence of such initiative, must be governed by his duty to put himself as quickly as possible at the disposal of the delegations at United Nations Headquarters.

Addendum 8, issued on 18 August, contained a report on incidents which had taken place at Ndjili airport, Leopoldville, on 18 August, where Congolese military units had arrested and disarmed fourteen Canadian members of the Force whom they accused of being Belgian paratroopers. Some had been manhandled and searched. More serious injuries had been prevented by the intervention of United Nations troops. A report on the incident by General Rikhye was appended (annex I). Annex II contained a *note verbale* of 18 August from the Secretary-General to the Government of the Congo protesting against the incident. Annex III reproduced a letter of 18 August from the Secretary-General's Special Representative to the Prime Minister concerning the arrest of two United Nations officers sent to deliver the Special Representative's reply to the Prime Minister's letters of 17 August.

Addendum 9, issued on 18 August, contained information concerning the withdrawal of Belgian troops from Katanga.

Addendum 10, issued on 20 August, summarized the strength of the Force (14,491 men) reported on duty in the Congo on 19 August and indicated their deployment.

In a statement (S/4427) transmitted on 11 August, the Government of Ghana, wishing to remove any misapprehension concerning its policy that might have resulted from inaccurate press reports, declared that, having placed armed forces at the disposal of the United Nations in the Congo, it considered itself bound to leave them under the exclusive command of the United Nations so long as the latter was carrying out the mandate entrusted to it by the Council's resolutions. If, however, for any reason the United Nations was unable to carry out the Council's instructions, Ghana would, in agreement with the Government of the Congo and, if necessary, in concert with other African States, be justified in taking independent action. The United Nations Force was in the Republic of the Congo at the request of the lawfully constituted Government of that Republic and it would be contrary to the Force's mandate if an illegal régime were allowed to continue against the wishes of the Central Government through the protection of the United Nations.

At the request of the Government of Ghana, an exchange of messages between the Secretary-General and the President of Ghana was circulated in document S/4445 on 19 August. In a note, dated 18 August, for conversation with the representative of Ghana, the Secretary-General asked for an assurance of unreserved support of the United Nations operation in the Congo and drew attention to complaints concerning the behaviour of Ghanaian troops in the incidents at Ndjili airport and at the Prime Minister's house on 18 August (annex I). Annex II contained a message dated 19 August from the President of Ghana reaffirming Ghana's faith in the purposes and principles of the United Nations. The President of Ghana had been told

by the Chief of the Ghanaian Defence Staff that the complaints were unfounded. He supported the Chief of Defence Staff's view that if they had the full support from the United Nations which he suggested, the Ghanaian troops could bring the Force publique in Leopoldville under effective control in one week. Appended was a report from the Chief of Defence Staff which strongly repudiated any criticism against the conduct of United Nations forces, who had been placed in an impossible position by lack of clear, concise orders.

In a statement transmitted on 20 August (S/4446), the Government of the Union of Soviet Socialist Republics stated that the plan for the United Nations Civilian Operation in the Congo (S/4417/Add.5) was unacceptable. The setting up of a consultative group under the Chief of United Nations civilian activities in the Congo, with broad powers and not responsible to the Government, would place the Republic in the position of a Trust Territory. The experts were being recruited in violation of the principle of equitable geographical distribution and, because of the predominance of citizens of the United States and of countries allied to it in the Secretariat, implementation of the Secretary-General's plan would mean the subordination of the future development of the Congo to the interests of the group of Powers headed by the United States, a new form of colonial enslavement.

In document S/4447 of 20 August, supplementing the Secretary-General's memorandum on the civilian operation (S/4417/Add.5), it was pointed out that the members of the Consultative Group had no responsibility or executive authority in relation to any activities within the Congolese administration but, while serving the United Nations in the administration of its technical assistance activities as approved by the Government, could be drawn on by the Government for advice on specific questions. The arrangements had been discussed with the Prime Minister, who had been given, and had accepted, the annexed *aides-mémoires* of 24 and 25 July outlining the status of United Nations assistance to the Republic of the Congo and the possibilities in regard to further assistance, including high level advisory services requested by the Prime Minister.

In a letter to the Special Representative dated 19 August (S/4449), the Chief of Staff of the Congolese National Army offered apologies for the incident at Ndjili and expressed the hope that it would be possible to station French-speaking liaison officers at the airport to avoid any further incidents.

In a telegram dated 20 August (S/4448) to the President of the Security Council and to the Secretary-General, the Prime Minister of the Congo transmitted his letter of 19 August to the Special Representative requesting the United Nations to place a United Nations aircraft and military detachment at the disposal of the Government to enable three government officials to proceed to Elisabethville. The Special Representative, citing the Secretary-General's interpretation of the Council's decisions, had not complied with the request. The Council of Ministers considered that the refusal constituted tacit recognition of the secession of Katanga and a flagrant violation of the Council's resolutions. The Government, convinced that the Secretary-General's interpretation did not reflect the wishes of the Council, requested the Council to recommend that the Secretary-General make contact and conduct negotiations exclusively with the only legal Government of the Congo; urged that all United Nations action in the Congo take

place in exclusive, continuous and permanent collaboration with the Government and that the Special Representative should regularly report to it on the activities of United Nations troops; confirmed its decision that airports and seaports should be policed by the national forces of the Republic; urged that aircraft be placed at its disposal for the transport of Congolese troops to any part of the territory; requested the immediate seizure of arms and ammunition distributed by the Belgians to the supporters of Tshombé; deplored the murder of hundreds of innocent persons in Katanga who had heroically resisted the secession movement; and urged the immediate withdrawal of all Belgian troops from the Congo, including the Kamina and Kitona bases.

In a statement transmitted on 20 August (S/4450), the Government of the USSR declared that Belgian troops, compelled to withdraw from a number of areas in the Congo, were being massed in Katanga where plans were in preparation for the establishment of a foreign legion of soldiers from the NATO countries. Contrary to the assurances of the Secretary-General, a detachment of soldiers from Canada, Belgium's NATO ally, had landed in Leopoldville, arousing the justified indignation of the Congolese people and further increasing tension. There were reports that the dispatch to the Congo of new contingents from NATO countries was being planned in the Secretariat, a step that could lead to an influx of genuine volunteers from the African countries and countries in other continents which were loyal friends of the Congo's independence. It was perplexing that some United Nations officials openly acted against the Council's resolutions and participated in actions directed towards the secession of Katanga. The Secretary-General had not consulted the lawful Government of the Congo, but had entered into negotiation with Tshombé and discussed plans directed against the integrity of the Republic of the Congo. The Council resolutions spoke of assistance to the Central Government of the Congo and to nobody else. The Soviet Government supported the Congolese Government's demand for immediate dispatch of observers from a number of neutral countries. In solidarity with all States wishing to render wide assistance to the Congolese Government, the USSR was prepared to make the necessary efforts. If, however, the aggressors did not leave the Congo and abandon their plans for its dismemberment, the peace-loving countries would be faced with the need to take other steps in order to curb the aggression in conformity with the Council's decisions.

The Special Representative's observations on the memorandum by the Chief of the Ghanaian Defence Staff (S/4445, annex II) were circulated in document S/4451. The Special Representative agreed that there was room for valid criticism of the United Nations Force in the Congo, which had had to be quickly improvised; it had encountered internal conflicts, including inter-tribal warfare, and was surrounded by a people totally unprepared by experience and psychology to understand it or appreciate its function. The Chief of Defence Staff's criticisms, however, denounced the Command of the Force for policies for which they were not responsible. As the official responsible for interpreting the Council's resolutions and the Secretary-General's directives to the Command, the Special Representative had described the Force as a peace force not a fighting force and was willing to accept it as a criticism that he had tried to avoid getting elements of the Force into the position of having to shoot Congolese. The Force was in the Congo as a friend, not as an army of occupation.

The Force had gained much in prestige and moral superiority by its remarkable restraint under severe provocation. The Ghanaian troops had given good service, but there had been lapses and mistakes during the past week, the most important of which could not be blamed upon unclear instructions. He agreed that a re-organized and disciplined Congolese National Army was a most vital problem, but was certain that the way of force offered no possibility for an international body operating in a sovereign country.

#### **F. Consideration at the 887th to 889th meetings (21 and 21/22 August)**

At the 887th meeting on 21 August, the President announced that the representative of Belgium had informed him of his intention not to participate in the proceedings at that stage as the debate would concern aspects of the Congolese problem in which Belgium should not be involved.

The President invited the representatives of the Congo and of Guinea to take places at the Council table.

The Secretary-General observed that the actions and attitudes of the United Nations and of its Secretary-General had come under severe criticism from the Prime Minister of the Congo, and that that criticism had been followed by a series of actions against officials in the service of the United Nations which had given an impression of deep distrust and hostility fomented for political ends and were of a nature to call for formal and serious protest. If continued, those actions might create such great difficulties as finally to force him to raise the question of a reconsideration by the competent organs of United Nations activities in the Congo. He had had to act with great firmness in relation to many parties in order to carry out his mandate. He had reminded the Congolese Government that the United Nations had put its resources at the disposal of the Republic of the Congo in the form and to the extent that such a service served the overriding purpose of maintaining international peace and security; further development of the United Nations activities would be determined by that purpose. Perhaps it was because the Government had not understood that principle or because of frustration at the discovery of the limits it imposed, that the United Nations was now blamed. With regard to his contact with Mr. Tshombé, the question had first been raised at a meeting of the Council of Ministers in Leopoldville when the Vice-Prime Minister had asked whether he would consider establishing such a contact. While recognizing the desirability of such a contact in preparation for the entry of the Force into Katanga, the Council of Ministers had preferred that it should be made by his Special Representative in order to reduce the risk of its being taken to imply a recognition by the Secretary-General of a special Katanga problem. After the failure of the Special Representative's mission and after the Council's discussions on 8 and 9 August, he had concluded that the civilian approach should not be separated from the military one and that the civilian approach should be made on a level where the full weight of the United Nations was brought to bear on the issue, irrespective of any objections as to form. He had approached Mr. Tshombé and fully informed the Congolese delegation, which had expressed no objection. The approach had worked and the Council resolution was being fully implemented in Katanga: Belgian withdrawal from Katanga had begun on 13 August and would be completed within eight days, although some

Belgian non-combat personnel might have to be temporarily retained at the Kamina and Kitona bases. The bases would be temporarily taken over by the United Nations as a provisional measure. His attempt to contact the Central Government on his return from Elisabethville was recorded in the correspondence reproduced in S/4417/Add.7.

With regard to the question of an advisory committee, raised at the 885th meeting by the USSR representative, he would welcome a more formal arrangement for the highly useful consultations he had with countries contributing units to the Force and intended to invite the representatives of those countries to serve as members of an advisory committee to the Secretary-General personally, following the pattern established by the Advisory Committee for the United Nations Emergency Force in the Middle East. He would not ask the Council to confirm his interpretation of the functions of the United Nations Force in the respect which had been challenged by the Prime Minister of the Congo. No representative had dissented from the principle of non-intervention in internal conflicts he had stated in his first report, which had been "commanded" by the Council in its resolution of 22 July. Nothing in the arguments in support of the most recent resolution went beyond the two purposes of the United Nations military operation as stated and recognized: the maintenance of order and security by the Force combined with the withdrawal of Belgian troops, the former being the means to the latter as the main political end. Had it become the intention of the Council that the Force should be used for the further purpose of subduing the rebellion, that would have had to be explicitly said. Should any members of the Council be at variance with his interpretation, they would no doubt wish to give expression in a draft resolution to what they considered the right interpretation.

The representative of the Congo said that if the Council's resolutions continued to be wrongly interpreted, the result would be not the liberation of the Congo but its effective reconquest. Regrettable mistakes had been made: his Government did not understand why the Secretary-General had failed to consult it before visiting Elisabethville and had taken only Swedish troops with him. To avoid further misunderstanding, the United Nations action should be carried out in full co-operation with the Central Government, which should be regularly informed of the Force's activities. Air- and seaports should be policed by the Congolese Army. The Force should disarm all Belgians in the service of the rebel provincial authorities. The immediate Belgian withdrawal should include the unconditional evacuation of the Kamina and Kitona bases. Finally a group representing the neutral African and Asian countries should be appointed by the Council to assist the Secretary-General in discharging his responsibilities in the Congo.

At the 888th meeting, held the same day, the Secretary-General noted that most of the points raised by the representative of the Congo had been covered by his earlier statement. He had used Swedish troops at the Katanga break-through to reduce the risks of failure by establishing an identity between himself and the troops.

The representative of Guinea emphasized that the United Nations, having undertaken to maintain order throughout the Congo, could not tolerate Mr. Tshombé's terrorist activities in Katanga; the independence and territorial integrity of the Congo must be

preserved, despite the efforts of the colonialist forces working to detach Katanga from the rest of the Republic. An observer group should be sent to the Congo to ensure, with the Secretary-General, full implementation of the Council's resolutions in complete agreement with the Central Government. The United Nations should meet all the Central Government's requests. In particular, African, including Guinean, troops should be sent to Katanga, where the United Nations should take the necessary steps to subdue the rebellion.

The representative of the Union of Soviet Socialist Republics, citing his Government's statement of 20 August (S/4450), said that imperialist aggression in the Congo was continuing, although in different forms. Compelled to withdraw from other parts of the Congo, Belgian troops were concentrating in Katanga, where the formation of a foreign legion recruited from the NATO countries was being planned. Troops from Canada, Belgium's NATO ally, had recently landed in Leopoldville, leading to further tension and the incident at Ndjili airport. His Government insisted that Canadian forces be withdrawn immediately. It was also inappropriate that the high command of the Force should be largely drawn from officers of the NATO countries. A dangerous double game was in progress in which some Powers said they condemned aggression against the Congo but in fact supported and encouraged it. Some United Nations officials were acting against the Council's resolutions. Contrary to the Council's instructions, the Secretary-General had bypassed the legitimate Government and negotiated with Tshombé, with whom he had discussed plans directed against the integrity of the Congo. The Secretary-General's interpretation of paragraph 4 of the Council's resolution of 9 August was basically in conflict with the Council resolution because it placed Mr. Tshombé in the same position as the Government of the Republic. As the Council had not given the Secretary-General authority to interpret its decision, his opinion had no legal or binding significance. Active assistance should be given to the Central Government in the restoration of law and order and the exercise of its authority throughout the Republic. His Government rejected the Secretary-General's plan for the civilian operation in the Congo. The creation of the consultative group of experts with broad powers and not subordinate to the Government of the Congo would mean a limitation of the Republic's sovereignty and its conversion to a trust territory. The future development of the independent republic would be subordinated to the interests of the group of countries headed by the United States, from which the majority of the experts were drawn. With a view to ensuring the full implementation of the Council's decisions, including the dispatch to Katanga of Congolese and African troops, he introduced the following draft resolution (S/4453):

*"The Security Council,*

*"Having considered the question of the implementation of its decisions of 14 and 22 July and 9 August 1960 on the situation in the Congo,*

*"Decides to establish a group consisting of representatives of those States Members of the United Nations which, in accordance with the decision of the Security Council, have supplied armed forces to assist the Republic of the Congo, in order that this group, acting in conjunction with the Secretary-General, may ensure on the spot and without delay the execution of the decisions of the Security Council, including the withdrawal of Belgian troops from*

Congolese territory and the safeguarding of the territorial integrity and political independence of the Congo;

*"Deems it necessary* that the Secretary-General and the above-mentioned group should consult daily with the lawful Government of the Congo during their implementation of the decisions of the Security Council;

*"Instructs* the Secretary-General to furnish the Security Council with a report on the implementation of this resolution."

The Secretary-General, commenting on points raised in the debate, said that Moroccans and Indians, as well as Canadians, had been the targets of incidents such as that at Ndjili. Canadians were not in a specially bad position and, in practice, Canada was the only country able to supply bilingual signals personnel. He could not accept the suggestion that the Katanga authorities and the Central Government had been placed in the same position. Nor did the fact that active support could not be given to the Central Government mean that any support was given to the other party or that the Central Government's moves were restricted. In implementing the Council's resolution, he had had to give an interpretation and, that interpretation having been challenged, he had referred the matter back to the Council. If the Council said nothing, he had no other choice than to follow his conviction. With regard to civilian activities, he pointed out that the members of the Consultative Group were internal administrators for the United Nations operation; they had no executive authority. Geographical distribution in the technical assistance operation would be improved as experts with the necessary qualifications became available from various areas. As regards the question of Governments' wishes concerning the employment of their troops, it was clear that military operations had to be under a unified command exercising its authority and judgement as best it could. The wishes of Governments were seriously considered, but the efficiency of the operation would be undermined if they had to be taken into account when they ran counter to other considerations of a military and technical nature.

The representative of Tunisia deeply regretted the form in which the criticisms of the Secretary-General had been made; it involved the entire Organization of which the Secretary-General was but an agent. He could not share any distrust with regard to the Secretary-General, whose action in implementation of the Council resolutions had been taken on the basis of the unity of the Congo and with a view to preserving its territorial integrity. Belgian withdrawal was almost completed and some flexibility might be introduced into the general policy hitherto followed so as to give the Government of the Congo every feasible assurance and the assistance and co-operation necessary for the consolidation of Congolese unity and the restoration of stability throughout the territory, without intervention in the domestic affairs of the Congo.

The representative of Argentina considered that the Secretary-General's interpretation of paragraph 4 of the resolution of 9 August was the only possible one: the Organization had acted to fill the gap created by the withdrawal of Belgian troops ordered by the Council and could not assist in crushing an internal rebellion. He rejected the charge that the technical assistance plan was designed to make the Congo a trust territory and deplored the apparent attempts to undermine the United

Nations operation in the Congo. The consequences could be catastrophic; if any great Power intervened in the Congo outside the United Nations, armed counter-attack would follow. He urged the independent Asian countries to use their moderating influence and trusted that the Congolese Government would co-operate fully with the United Nations.

At the 889th meeting, also on 21 August, the representative of Italy noted that the presence of Belgian troops, which were being withdrawn in accordance with the Belgian Government's assurances, was no longer a reason for tension. The goals set by the Council had so far been successfully achieved. The legal stand taken by the Secretary-General and the way he was fulfilling his mandate were scrupulously in line with the Council's decisions. The domestic situation in the Congo was the concern of the United Nations only to the extent that it might become a menace to world peace and security. By avoiding any internal conflict that might invite outside intervention, the United Nations could allow the new sovereign State to find its right course and enable all the political forces within the Republic to work towards a successful solution of the country's difficulties. He trusted that the Secretary-General's proposal concerning an advisory committee would be acceptable to the Congolese delegation and that full support would be given to the civilian assistance programme.

The representative of Ceylon regretted the difference that had arisen between the Prime Minister of the Congo and the Secretary-General. The latter had gone to the Congo to carry out the Council's decisions and if he were not given full co-operation, completion of the task so successfully begun would be greatly delayed. The Force could not intervene in internal conflicts: it was responsible for maintaining law and order. It would not resist the Central Government's attempts to establish its authority throughout the Republic. The constitutional disputes should be settled by the Congolese themselves, if possible through negotiation. He hoped that the advisory group proposed by the Secretary-General, which could be in close consultation with the Government of the Congo, would be helpful in overcoming the existing difficulties.

The representative of Ecuador considered that the Secretary-General had correctly interpreted the resolution of 9 August. United Nations neutrality in regard to domestic conflicts was a recognition of the Congolese people's right to resolve their own constitutional difficulties by democratic means.

The representative of the United Kingdom of Great Britain and Northern Ireland expressed confidence in the Secretary-General's direction of United Nations activities in the Congo and endorsed his interpretation of the resolution of 9 August. The Security Council did not intend that the United Nations Force should be used to influence the outcome of the dispute between the Central Government and Katanga, nor had the Central Government any legitimate grievance over its use. The legal unity of the Congo could best be ensured, not by enlisting the aid of foreign troops, but by seeking a generally acceptable constitutional settlement enabling all the provinces to play their full part in the country's economic and political life.

The representative of Poland called for the speedy completion of the Belgian withdrawal and liquidation of their bases. He deplored the application of the principle of non-intervention in internal conflicts to the case of Tshombé; failure to furnish the assistance requested



by the Central Government would indicate indirect support of Belgian intervention and direct acquiescence in the Belgian-inspired opposition to the Government of the Republic. He supported the Soviet draft resolution (S/4453) and the proposals of the Government of the Congo in document S/4448.

The representative of the United States of America agreed with the Secretary-General's views concerning the use of the United Nations Force in the Congo. The Secretary-General was to be congratulated on getting United Nations troops promptly into the Congo, including Katanga province, thus permitting withdrawal by the Belgians, who were to be commended for their co-operation in carrying out the Council's decisions. With regard to the Soviet representative's reference to the possibility of so-called volunteers from Africa and other continents coming to the aid of the Congo, his Government believed that the United Nations should act exclusively in the Congo; the word "exclusively" was meant to exclude not only volunteers but incursions from any quarter. As regarded the complaint about United States citizens employed in the United Nations technical assistance plan in the Congo, he need only say that they were working under a plan approved by the Secretary-General and by Prime Minister Lumumba.

The representative of China said that it was astonishing in view of the success achieved that the United Nations operation in the Congo should be the target of criticism. The Government of the Congo should not overlook the indirect aid the United Nations could give towards the realization of unity. His delegation rejected the charge that the Organization was being made an instrument of Western colonialism and would continue to support the sound programme of United Nations aid to the Congo.

The representative of Belgium, who had taken a place at the Council table at the invitation of the President, said that the Soviet representative's allegations of Belgian aggression were absurd and had been rejected by the Council. Belgium had sent its troops to the Congo solely in order to protect its citizens and had withdrawn its forces as soon as the safety of Belgian nationals were assured. With regard to the description of Mr. Tshombé as a product of Belgian aggression, he recalled that Mr. Tshombé became head of the provincial government of Katanga as a result of elections held when conditions were completely normal.

The President, speaking as the representative of France, emphasized the necessity of adherence to the Charter provisions prohibiting United Nations intervention in matters within the domestic jurisdiction of States.

The representative of the USSR announced that he would not press for a vote on his draft resolution (S/4453).

### **G. Third and fourth reports of the Secretary-General**

In his third report (S/4475), issued on 30 August, the Secretary-General stated that according to formal assurances from the Belgian Government, contained in the letters in annexes I and II, all Belgian combat troops were to have left the Congo by 21 August. The United Nations had assumed responsibility for the administration of the Kamina and Kitona bases as a provisional measure in the sense of Article 40 of the Charter. In a *note verbale* of 29 August (annex III), he drew

the Belgian Government's attention to reports that some Belgian units had not left the Congo. The Belgian representative, in a letter of 30 August (annex IV), stated that the withdrawal had been virtually completed; only a few troops were awaiting transport. In a *note verbale* of the same date (annex V) the Secretary-General stated that according to his representatives a paratroop battalion, a company of airfield guards and an aviation instruction unit had not left Kamina. He submitted a formal protest to the Belgian Government requesting the immediate evacuation of troops still in the Congo. In a letter dated 31 August (S/4475/Add.1), the representative of Belgium stated that transport difficulties had caused some delay but that the evacuation would be completed as speedily as possible. Addendum 2, issued on 7 September, contained a further exchange of communications between the Secretary-General and the representative and the Minister for Foreign Affairs of Belgium. In a letter dated 4 September, the representative of Belgium stated that the arrangements for the relief of Belgian units by United Nations units had provided, *inter alia*, for an overlapping period and that the withdrawal had been held up by delay in the deployment of the relieving troops. Delays had also been caused by the diversion of aircraft and shortage of rail transport; part of the paratroop battalion concerned had, however, been evacuated to Usumbura by air. A number of men had also been left, with the consent of the United Nations military authorities, to carry out guard duties. In a telegram of the same date to the Minister for Foreign Affairs, the Secretary-General stated that his representatives had informed him of the presence of 650 Belgian combat troops at Kitona base and two gunboats at Banana. He reiterated his formal protest concerning the delay and the erroneous information he had received. In a letter dated 5 September, the Secretary-General observed that the arrangements referred to in the letter of 4 September had never been approved by him and had not been mentioned in the letters of assurance of 20 and 24 August.

Addendum 3, issued on 10 September, contained a letter from the representative of Belgium stating that the men remaining at Kitona were technicians and airfield guards. The latter would leave as soon as they were relieved by United Nations troops. Any technicians not required by the United Nations would also be evacuated. The two vessels observed at Banana were *algériennes*; one was to return to Belgium after unloading provisions; the second was used for training Congolese seamen.

In his fourth report (S/4482), issued on 7 September, the Secretary-General proposed that the Council appeal to Member Governments for urgent voluntary contributions to a United Nations Fund for the Congo to be used under United Nations control to restore economic life and carry on public services. The immediate financial support needed would amount to \$100 million in convertible currencies. He also asked the Council to urge the parties concerned within the Congo to seek a solution to their internal problems by peaceful means. The internal conflict had become increasingly grave in recent weeks and had taken on a particularly serious aspect because parties had relied on and obtained assistance from the outside, contrary to the spirit of the Council resolutions. He considered it essential that the Council reaffirm its request to States to refrain from action tending to impede the restoration of law and order or to aggravate differences, and that it clarify the Force's mandate. Emphasis on the protection of

the lives of the civilian population might necessitate a temporary disarming of military units that were impeding the restoration of law and order.

Addendum 1, issued on 8 September, contained the Secretary-General's *note verbale* to the representative of Belgium dated 8 September concerning reports of the unloading of a cargo marked "Belgian weapons" at Elisabethville airport on 7 September. In a *note verbale* dated 9 September (A/4482/Add.2) the representative of Belgium stated that some light weapons of Belgian origin had reached Katanga. Inquiries showed that the consignment had been ordered for the *Force publique* before 30 June 1960. Steps had been taken to prevent such incidents in the future. Addendum 3 contained a *note verbale* dated 4 September from the Secretary-General to the representative of Belgium and the Permanent Mission of Belgium's reply dated 9 September. The Secretary-General, recalling paragraph 2 of the Council resolution of 22 July, requested information concerning the conditions under which Belgian officers were serving in the Katanga forces and other groups in armed conflict with the Central Government of the Congo, particularly as regards the need for the assent of the Belgian military authorities and the status of the persons concerned during such service. The Permanent Mission stated in reply that under the treaty of friendship, Belgian officers serving with the *Force publique* on 30 June 1960 were to continue at their posts, if willing to do so. In addition, the Katanga forces, which were a police force and not an army, had been supplied with a small number of Belgian experts to furnish technical assistance. That measure did not appear inconsistent with the resolution of 22 July, as the force was concerned only with the maintenance of order. Personnel enrolled in the *Force publique* were under the authority of the local authorities and could not be automatically reinstated in the Belgian Army.

#### H. Consideration at the 896th to 906th meetings (9-17 September)

In a letter of 8 September to the President of the Council (S/4485), the representative of Yugoslavia requested the urgent convening of the Council to take measures to ensure full implementation of its earlier decisions. Serious difficulties had recently arisen as a result of outside interference and support for secessionist ringleaders. Such interference had been facilitated by the practices adhered to by the Command of the Force under the guise of non-intervention in the internal affairs of the Congo.

In a telegram to the Secretary-General dated 8 September (S/4486), the Prime Minister of the Congo urged that the Council's next meeting be held in Leopoldville to enable members to see for themselves the situation resulting from the United Nations authorities' interference in the Congo's domestic problems.

In a letter dated 7 September (S/4488), the Secretary-General requested the President of the Council to convene a meeting to consider his fourth report (S/4482).

In the course of the 896th to 906th meetings, representatives of the following Member States were, at their request, invited to participate in the proceedings: Belgium, Ghana, Guinea, Indonesia, Morocco, United Arab Republic and Yugoslavia.

At the 896th meeting on 9 September, the representative of the Union of Soviet Socialist Republics proposed

the inclusion in the agenda of the proposal of the Prime Minister of the Congo (S/4486) that the Council meet in Leopoldville.

**Decision:** *The item proposed by the representative of the USSR was included in the agenda.*

The representative of the USSR introduced the following draft resolution (S/4494):

*"The Security Council,*

*"Desiring to see for itself the situation in the Republic of the Congo,*

*"Taking into account the invitation of the Government of the Congo set forth in the telegram of 8 September 1960 from Mr. Patrice Lumumba, Prime Minister of the Republic (S/4486),*

*"Decides, in accordance with Article 28 of the Charter of the United Nations, to hold immediately a special meeting of the Security Council on the question of the situation in the Congo at Leopoldville, the capital of that State."*

He noted that no representative of the Congo was present and that Congolese leaders would find it difficult to come to New York in the present situation.

The representative of Argentina opposed the proposal. In view of the terms of the Prime Minister's telegram, on which it was based, adoption of the proposal would imply a lack of confidence in and pre-judgement of United Nations actions in the Congo.

The representative of Ceylon, while deploring the Prime Minister's reference to United Nations interference in the Congo's domestic affairs, said he would support the proposal.

The representative of China considered that the advantage of a meeting in Leopoldville would not offset the labour and cost involved.

The representative of the USSR offered to delete the preamble of the draft resolution.

The representative of Tunisia felt that the Council should study the two reports by the Secretary-General on the situation in the Congo (S/4475 and Add.1-2 and S/4482 and Add.1) before deciding whether to go to Leopoldville.

The representative of Poland considered that the situation could best be studied at first-hand in the Congo.

The representative of the United States of America supported the views expressed by the Argentine and Tunisian delegations.

**Decision:** *The USSR draft resolution (S/4494) was rejected by 6 votes to 3 (Ceylon, Poland, USSR), with 2 abstentions (Ecuador, Tunisia).*

The Secretary-General, introducing his fourth report (S/4482 and Add.1), said that the Congo's financial situation was one of bankruptcy. Spokesmen of the Central Government spoke of the assistance rendered by the international community through the United Nations as if it were an imposition and treated the Organization as if they had all the rights and no obligations. But a Government without financial means had only two alternatives: to depend on another State or States, thereby tying its fate to that of the donors, or to rely on the international community, thus remaining free. If, however, United Nations action, military and civilian or financial, was to have any meaning beyond the immediate moment, law and order must be

restored and domestic conflicts resolved with a sense of responsibility. As an illustration of the conflicts facing the Organization, he described the recent constitutional crisis. On 5 September the Chief of State had revoked the Prime Minister's mandate and the latter had announced the dismissal of the Chief of State. Each protagonist having supporters in Leopoldville, a popular uprising could have presented the United Nations Force with a problem far exceeding its powers. Accordingly, as an emergency measure to maintain order, the United Nations representatives had closed the radio station and airports. They had had to do so without consulting the authorities since none could be consulted without prejudging the constitutional issue. He referred those measures, for which he assumed full responsibility, to the Council for consideration and instruction. In Kasai, where personnel of the Congolese National Army had slaughtered defenceless civilians, the United Nations faced conflicts that could not be viewed as merely internal or political. On the Katanga side, the difficulties might be different but were no less serious. Foreign elements continued to be used in the Katanga forces. Technical assistance had taken on a new significance in the Congo and the Belgians were not alone in supplying such assistance; others followed a similar policy, justifying it by the fact that the aid was given to the constitutional Government. The Council should take a clear line and request that all such assistance be channelled through the United Nations alone. Without action to localize the conflict and exclude outside interference, an appeal for funds could not be justified. Referring to national contingents that might be withdrawn by their Governments from the United Nations Force, the Secretary-General stated that they would have to be regarded as foreign troops introduced into the Congo, and their continued presence considered by the Security Council in that light.

The representative of Yugoslavia said that despite the Council's action, the situation in the Congo was becoming increasingly dangerous as a result of colonialist interference and aid to secessionist ringleaders and shortcomings on the part of the United Nations Command, which had not co-operated fully with the Government of the Congo and had recently prevented it from discharging its functions by closing Leopoldville airport. The Council should reaffirm its earlier resolutions emphasizing the need for close co-operation between the United Nations Command and the Central Government and the danger of outside interference tending to impair the territorial integrity, sovereignty and independence of the Congo.

The Secretary-General pointed out that the United Nations Command was acting in accordance with his interpretation of the Council's decisions. That interpretation had been approved by the majority of the Council at its 889th meeting.

The following documents were circulated on 10 September:

In a statement dated 9 September (S/4497), the USSR Government said that Belgium, its NATO allies and the Command of the troops sent to the Congo under the Council's resolution were acting in concert in an attempt to destroy Congolese freedom. Belgian aircraft in United Nations colours were airlifting arms for the Tshombé bands and the representatives of the United Nations were hindering the Congolese Government's efforts to restore order and normalcy. The Secretary-General was compromising the United Nations in the eyes of the world. The Council should meet

immediately to take measures to end interference in the Congo's internal affairs.

In a communication dated 10 September (S/4498), addressed through the Secretary-General to the President and members of the Council and all States Members of the United Nations, the Prime Minister of the Congo requested that the United Nations recommend to the Secretary-General and his fellow-workers in the Congo that they cease interfering in the internal affairs of the Republic. He protested against the United Nations refusal to co-operate with his Government, which having been invested by the Parliament, could only be dismissed by it.

In a telegram dated 10 September (S/4500), the President of the Republic of the Congo asked the United Nations not to deal with the former Prime Minister, Mr. Lumumba, and the other Ministers whose mandates had been revoked. In a further telegram dated 10 September (S/4502) the President of the Republic announced the composition of the new Congolese Government, headed by Mr. Iléo.

At the 897th meeting on 10 September, the President announced that the Central Government of the Congo had requested postponement of the Council meeting until a Congo delegation could arrive (S/4496). After an exchange of views, the representative of Tunisia, drawing attention to the new documentation and information requiring study, proposed the adjournment of the meeting until 12 September.

**Decision:** *The motion was carried without objection and the Council adjourned after an appeal by the President that no action be taken that could aggravate the dangerous situation in the Congo.*

The following documents were circulated on 11 September:

In a telegram dated 11 September (S/4500/Add.1), the President of the Republic of the Congo requested the United Nations to assist in reorganizing the National Army and provincial police forces, assist in the reactivation of the courts and arrange for the transport of Mr. Tshombé and Mr. Kalondji, whom he was inviting to a conference at Leopoldville.

Document S/4503 contained an exchange of communications dated 5 and 10 September between the Secretary-General and the delegation of the USSR. The Secretary-General stated that ten I1-14 aircraft, a number of which had, according to his information, been put directly at the disposal of the Congo Government by the Government of the USSR, presumably with crews, technicians, ground personnel, etc., were reported to have arrived at Luluabourg from Stanleyville with Congolese troop reinforcements. In the light of the views expressed by the Soviet Union and the principles followed by the United Nations for its own operation, he would appreciate information about the nationality and status of the crews of the aircraft, which were presumably under the control of the Congo Government. In its reply dated 10 September, the Soviet delegation said that the Council's resolution did not and could not restrict the Congolese Government's right to request assistance from other countries apart from the United Nations. Nor did it give United Nations officials any right to control the assistance rendered to the Congo by any State at the request of the Congolese Government. Soviet assistance in the form of civil aircraft and motor vehicles placed at the disposal of the Congolese Government was not at variance with the



Council's resolutions. The Council had not given the Secretary-General any mandate to control relations between the Republic of the Congo and other States, and the Charter did not give any United Nations administrative officer the right to intervene in the relations between sovereign States unless they requested his intervention.

Document S/4504 contained a communication from Mr. Lumumba stating that a delegation headed by Mr. Kanza was leaving Leopoldville for New York and a communication from Mr. Kasa-Vubu, President of the Republic, stating that an official delegation headed by Mr. Bomboko had been appointed to represent the Congo. Addendum 1 contained a telegram accrediting Mr. Bomboko.

A message dated 11 September (S/4505) to the Secretary-General from his Special Representative, Mr. Dayal, reported that Mr. Lumumba, accompanied by armed Congolese National Army personnel, had forced his way into Leopoldville radio studio, despite the warnings of the Ghanaian guard. The party had been ousted.

At the Council's 898th meeting on 12 September, the representative of the United States, noting the lack of clarity in the situation, moved the adjournment of the meeting.

**Decision:** *The motion was adopted by 9 votes to 2 (Poland, USSR).*

The following documents were circulated on 12 and 14 September:

In a letter dated 12 September (S/4506), the representative of the USSR requested the President of the Council to convene a meeting on 13 September. The situation in the Congo was deteriorating hourly. Under cover of the United Nations flag, a coalition of the Belgians, their NATO allies and the Command of the forces sent to the Congo under the Council resolution was openly attempting to replace one set of colonialists by another. The Command of the "United Nations Force" and the Secretary-General were openly violating the Council's resolutions.

In a telegram to the Secretary-General dated 12 September (S/4507), the Prime Minister of the Republic of the Congo urged the United Nations to furnish his Government with twenty aircraft and crews, a large quantity of arms and ammunition and a radio transmitter in order to prevent the attacks being prepared at the instigation of certain Powers. If the assistance were refused, the Government would be obliged to seek it elsewhere.

In a letter dated 13 September (S/4511), the representative of Yugoslavia requested the President of the Council to consider a prompt reconvening of the Council in view of the arrival of the official delegation of the Republic of the Congo headed by Mr. Kanza.

Addendum 1 to the Special Representative's message dated 11 September (S/4505) stated that Radio Leopoldville was functioning normally. Airfields were reopened for civilian purposes. A second addendum, issued on 14 September, reported an attempt by Mr. Lumumba's military aide to arrest a member of Parliament, Mr. Bolikango, at the Leopoldville Radio Station. When a United Nations officer asked to see the warrant, Mr. Lumumba's aide had gone away, leaving his men behind.

A letter dated 14 September (S/4512) from Mr. Lumbala, Secretary of State, to the President of the Council, noted that the Government of the Congo had

appointed Mr. Kanza to represent it in the Secretary-General's advisory committee and the Security Council. A letter of the same date signed by Mr. Kanza (S/4514), stated that the Legislative Chambers of the Republic had voted full powers to the Government presided over by Mr. Lumumba by 88 votes to 25, with 3 abstentions; he was instructed not to participate in the Council proceedings if representatives of an illegal government were seated. In a further letter (S/4515), Mr. Kanza forwarded a message signed by Prime Minister Lumumba concerning the latter's arrest by Mr. Kasa-Vubu's soldiers on 11 September and a protest signed by Mr. Kasongo, President of the Chamber, and Mr. Okito, President of the Senate.

At the 899th meeting on 14 September, the President, after inviting the representatives of Ghana, Guinea, Indonesia and Yugoslavia to take places at the Council table, drew attention to the communications in document S/4504 and Add.1 concerning the appointment of delegations from the Congo.

The representative of the USSR said that only the delegation sent by Prime Minister Lumumba was qualified to represent the Government of the Congo.

The representative of the United States considered that in view of the rapidly changing situation, no purpose would be served by a debate on the propriety of seating either or both of the delegations. His delegation would favour an informal agreement that for the time being neither delegation should be invited to the table.

The representative of Yugoslavia said that the Central Government with Mr. Lumumba at its head, having received the endorsement of the Parliament, was alone qualified to appoint representatives to speak on behalf of the Congo.

The representative of Poland submitted that the Council should invite Mr. Kanza, as the officially appointed representative of the Central Government, to take a seat at the Council table.

The representative of Argentina doubted whether a decision could properly be taken until it was known which of the two delegations represented the government effectively exercising authority in the Congo.

After an exchange of views concerning the right of a non-member of the Council to participate in the debate on a procedural question, the meeting was adjourned on the motion of the representative of Argentina.

**Decision:** *At the 900th meeting, held the same day, the request of the representative of Guinea to speak at that stage of the debate was rejected by 4 votes in favour (Ceylon, Poland, Tunisia, USSR), to 5 against with 2 abstentions (Argentina and Ecuador).*

The representative of Poland proposed that Mr. Kanza be invited to the Council table.

The representative of the USSR supported the proposal; the Council had from the outset dealt with the Government of Prime Minister Lumumba, in which the Congolese Parliament had repeatedly expressed its confidence.

The representative of China opposed the proposal, which would prejudice the constitutional issue and be tantamount to interference in the domestic affairs of the Congo.

The representative of Ceylon considered the Council should not reject the representative it had received many times previously.

**Decision:** *The Polish proposal was not adopted, having failed to obtain the affirmative votes of seven members, 3 votes being cast in favour (Ceylon, Poland, USSR), and none against, with 8 abstentions.*

The representatives of Tunisia and France, explaining their votes, said that the Council had no right to take a decision which would constitute interference in a constitutional issue.

At the 901st meeting, held the same day, the representative of the USSR said that, as the Secretary-General's fourth report showed, Belgian troops were still in the Congo; Katanga was being converted by Belgium, with the support of its NATO allies, into a military camp of forces hostile to the Congo's lawful Government. The Secretary-General and the United Nations Command were refusing to assist, and indeed hindering, that Government and encouraging anti-national elements. The Secretary-General was even proposing the disarming of Congolese troops at a time when Belgium was conspiring to overthrow the Lumumba Government, which blocked the colonialists' plans to reduce the country to chaos. The United Nations Force, with its many specialists from the Western camp, was being used as a screen for the NATO Powers' efforts to retain control of the Congo and its resources. The Soviet Government, while maintaining the Congolese Government's right to enter into bilateral agreements with other States, had and would support effective United Nations action to safeguard the Congo's territorial integrity and independence. To that end it called for the return of all airfields and radio stations to the control of the Congolese Government and the removal of the United Nations Command, which was misusing the forces sent to the Congo under the Council's decision. His delegation opposed any attempt to use the Force against troops of the Central Government or to disarm those troops, without the Government's consent.

The Secretary-General noted that he had been the first to condemn delays in the Belgian withdrawal; documents provided by him provided the basis for the Soviet representative's statements. No Congolese Army units had been disarmed; he had suggested the possibility of temporarily disarming uncontrolled marauding groups. As to the composition of the Force, of the 18,000 men some 500 were from NATO countries; that number would have been halved if Poland had found it possible to provide assistance. He trusted that misunderstandings and misinterpretations would not be allowed to hamper the United Nations effort to give substance to the independence of the Congo.

The representative of Tunisia said that Belgium's aggressive intervention had helped to encourage disorder, division and secession in the Congo. Despite the Secretary-General's untiring and impartial efforts to restore order, internal dissension persisted and the serious constitutional conflict threatened to develop into civil war. In that situation, the Council might usefully offer its good offices to the various political leaders in the Congo with a view to restoring the nation's unity.

The following documents were circulated on 15 and 16 September:

In a letter dated 14 September (S/4517), the Special Delegate of the Republic of the Congo, after reviewing the constitutional position in the Congo, asked the Council to recommend that the Secretary-General provide the Central Government with arms and aircraft to enable it to enter Katanga. The Secretary-General

should deal directly with Mr. Lumumba, the only Head of that Government.

In a telegram dated 15 September (S/4520), the President of the Congo protested that units of the United Nations Force were preventing the Congolese Army from bringing ex-Prime Minister Lumumba, who had been arrested by the Army on a warrant issued in due form, before the examining magistrate.

At the 902nd meeting on 15 September, the representative of Argentina, commenting on the charge that the United Nations had gone beyond its mandate in the Congo, said that in asking the United Nations to maintain order, a task normally the responsibility of the domestic authorities, the Government of the Congo had temporarily delegated to the United Nations the right to take whatever measures the Organization, through its agents, judged appropriate. Under that mandate, the Secretary-General had worked efficiently and impartially to maintain law and order and eliminate foreign intervention. Accusations of connivance with colonialism and partisanship were difficult to reconcile with the tribute to the United Nations operation in the Congo paid by the recent Leopoldville Conference of independent African States.

The representative of the United States urged support for the United Nations action in the Congo; if it failed, there would be no alternative to unilateral action by many parties. Recognizing the danger of the Congo becoming a cold war area, his Government had strictly adhered to the principle of channelling all help through the United Nations. The Soviet Union, in contrast, had sought to subvert the United Nations action by verbal attempts to discredit the Secretary-General and the Organization and by introducing material and personnel into the Congo to disrupt the operation and develop Soviet influence. The Council should maintain and strengthen the principles that had guided the action in the Congo. He submitted the following draft resolution (S/4516):

*"The Security Council,*

*"Recalling its resolutions of 14 and 22 July and of 9 August 1960,*

*"Noting the reports of the Secretary-General on developments in the Republic of the Congo and the needs of the Republic for urgent financial assistance,*

*"Noting the unsatisfactory economic and political situation that continues in the Congo,*

*"1. Urges the Secretary-General to continue to give vigorous effect to the resolutions of the Council;*

*"2. Calls upon Member Governments to make voluntary financial contributions to a United Nations fund for the Congo, to be used under United Nations control as determined by the Secretary-General, for the financing of the necessary governmental expenditures not covered by governmental revenue owing to the present disruption of the administration and civilian life;*

*"3. Urges all parties to the internal conflicts within the Republic of the Congo, in the interest of its unity and integrity, to seek a speedy settlement by peaceful means with such assistance from the Secretary-General as may be required;*

*"4. Reaffirms its request to all States to refrain from any action which might tend to impede the restoration of law and order and in particular to refrain from sending personnel, supplies or equip-*

ment to be used for military purposes into the Congo other than through the United Nations in accordance with its responsibilities under the pertinent resolutions of the Security Council;

"5. *Reaffirms* that the United Nations Force should continue to act to restore and maintain law and order as necessary for the maintenance of international peace and security."

At the 903rd meeting, held the same day, the representative of Ecuador said that the Secretary-General and his agents had acted wisely and impartially in the Congo in the difficult situation created by the continuing political vacuum, economic crisis and outside interference. Cessation of all foreign aid outside the United Nations and of the campaign against the Secretary-General and the United Nations Command would be a major step towards the solution of the Congo's political and other problems.

The representative of France said that the motives underlying the actions of the Secretary-General and his representatives in the Congo could not be impugned. He rejected the Soviet representative's version of recent events and his attacks on Belgium and its NATO allies. The Secretary-General's appeal for an end to internal quarrels in the Congo and the cessation of outside interference deserved warm support. The proposed programme of immediate financial assistance should receive detailed examination by the appropriate organs of the Assembly. The United Nations should not commit itself to a policy of bounty which it would be unable to carry out. The body qualified to take decisions of such nature and scope was the General Assembly. His delegation doubted the advisability, even in the present circumstances, of an international organization taking over the basic prerogatives and responsibilities of national authorities.

The representative of the United Kingdom of Great Britain and Northern Ireland observed that no authority in the Congo was at present capable of carrying on the normal business of government. The United Nations and only the United Nations could create conditions in which the Congolese could resolve their differences and build up their country. No attempt should be made by other Powers to influence the course of events in the Congo by actions outside the United Nations. His Government fully supported the proposals in the Secretary-General's fourth report as an integrated whole. He particularly emphasized the importance of efforts by the parties in the Congo to solve their internal difficulties by peaceful means and believed that a settlement could be found which would preserve the territorial and economic unity of the Congo, to which his Government attached the greatest importance. The experience of the United Nations in conciliatory procedures could contribute directly to arranging a conference of all concerned to this end.

The representative of the USSR rejected the United States representative's allegation that the Soviet Union wished to undermine the United Nations and its action in the Congo; the Soviet Union sought to strengthen the United Nations and to prevent it from being used to attain objectives alien to its purposes. He then introduced the following draft resolution (S/4519):

*"The Security Council,*

*"Recalling its resolutions of 14 and 22 July and 9 August 1960, and in particular the clause of the resolution of 9 August which provides that 'the United*

*Nations Force in the Congo will not be a party to or in any way intervene in or be used to influence the outcome of any internal conflict, constitutional or otherwise',*

*"Noting the serious state of the economy of the Republic of the Congo resulting from prolonged colonial rule and Belgian aggression against that country,*

*"Invites the Secretary-General and the Command of the United Nations Force in the Congo to cease forthwith any form of interference in the internal affairs of the Republic of the Congo so that its Government may exercise without let or hindrance its sovereign rights and authority over the whole territory of the Congo, and, in particular, immediately to evacuate armed forces under the control of the United Nations Command from all airports at present occupied by them and to hand over national radio stations to the complete and unrestricted control of the Central Government of the Congo;*

*"Instructs the Secretary-General to remove the present Command of the United Nations Force, whose actions constitute flagrant violation of the Security Council's decisions on the question of the Congo;*

*"Calls upon all States Members of the United Nations to provide the Republic of the Congo with speedy financial and other economic assistance through voluntary contributions, it being understood that such assistance will be placed directly at the disposal of the Government of the Republic of the Congo."*

At the 904th meeting on 16 September, the representative of Ceylon expressed support for the Tunisian representative's suggestion (901st meeting) concerning a committee of good offices. Emphasizing the importance of continuing the United Nations effort, he urged the USSR and United States delegations to consider the possibility of a united approach.

The representative of the United States said that while his delegation stood for the continuation of the United Nations effort in the Congo, the Soviet Union had made it clear that it did not. On that issue there could be no compromise.

The representative of the USSR replied that the USSR continued to support the Council's earlier resolutions and was seeking to eliminate the misinterpretations and errors that had prevented their proper implementation.

The representative of Poland said that implementation of the Council's resolutions had been frustrated by continued Belgian intervention and the actions taken in accordance with the Secretary-General's interpretation of the resolution of 9 August. The Council could not accept a situation in which United Nations operations in the Congo ran counter to the wishes of the people and lawful Government.

The representative of China, stressing the desirability for the Security Council to reaffirm the basic principle of upholding the political independence and territorial integrity of the Republic of the Congo, called for the continuation and strengthening of the United Nations action in the Congo. Financial, technical and material assistance should be provided through the United Nations.

At the 905th meeting held the same day, the President, speaking as the representative of Italy, welcomed

the United States draft resolution, which was in keeping with the earlier resolutions on the Congo and with the policies the Council had approved for the guidance of the Secretary-General. In the present grave situation, with the Congo on the brink of civil war, all Member States should unite in a constructive effort to continue the United Nations operation, which alone could guarantee the Congo's independence and restore law and order.

The representative of Indonesia said that a reaffirmation by the Council that the Force was in the Congo only until such time as the national forces were able, in the opinion of the Central Government, to meet their tasks would go far to relieve suspicions. The United Nations owed full support to the Central Government. Civil strife would cease once the dissidents and the foreign interests backing them were confronted with the combined will of the Central Government and the United Nations. Such support was essential to enable the Congo to develop free from cold-war entanglements.

The representative of Ghana said that priority should be given to the task of helping the Central Government reorganize its military forces so that they could be used to restore order. The private armies of Tshombé and Kalondji should be suppressed, which would be facilitated if Belgian influence were removed. The United Nations could also assist in filling the existing political vacuum to avoid the danger of initiatives by outside parties concerned with their own interests and cold-war considerations. While the differences among political leaders would ultimately have to be resolved by the Congolese people, a good offices committee of African and Asian members of the Advisory Committee on the Congo could provide valuable assistance.

The representative of Guinea said that there were two main reasons for the aggravation of the Congo crisis: Belgian failure to comply with the Council's resolutions and certain United Nations representatives' interference in the Congo's internal affairs. He supported the Central Government's request that troops from the NATO countries be withdrawn from the United Nations Force and replaced by African units and that no further meetings of the Council on the Congo question be held until its earlier resolutions were fully implemented.

The representative of Belgium protested against the continuing attempts to use his country as a scapegoat for the Congo's difficulties. Belgium was interested only in the restoration of order and the resumption of friendly relations with the Republic of the Congo.

The representative of the United Arab Republic considered that the Council should reaffirm the three resolutions already adopted and see to it that those resolutions continued to be vigorously implemented both in the spirit and letter in which they were adopted. Any financial and economic aid should be channelled through the United Nations in consultation and co-operation with the Central Government. The Council should reaffirm its determination to safeguard the territorial integrity, independence and unity of the Congo.

At the 906th meeting, held the same day, the representative of Morocco said the Congo crisis could only be resolved by eradication of the underlying causes: the open or camouflaged presence of Belgian forces, and the secessionist movements fostered by colonial interests. He was confident that the United Nations

Command, in which Morocco participated, would successfully fulfil its mission.

The representative of Yugoslavia stated that the principle of non-intervention was slowing down implementation of the Council's resolutions. To avoid further complications, the Council and United Nations Command should not hesitate to call for such measures as the disarming of all armed groups not based on the Constitution and laws of the Republic of the Congo. If the call was ignored by some groups, the situation would require additional steps by the United Nations in consultation and co-operation with the Government of the Congo.

The representative of Ethiopia read out a message from the Emperor of Ethiopia suggesting that the Council establish a conciliation committee from the African States and that the political leaders in the Congo be called upon to co-operate among themselves in the establishment of a durable central Government.

The representative of Liberia said that his Government supported the Secretary-General and the United Nations on the Congo; it favoured the Central Government and believed that the United Nations should take steps to restore order in the Congo with the co-operation of all Members of the United Nations. His Government would contribute to any fund established by the Secretary-General in the interests of the Congolese people.

The representatives of Ceylon and Tunisia submitted the following joint draft resolution (S/4523):

*"The Security Council,*

*"Recalling its resolutions of 14 and 22 July and of 9 August 1960,*

*"Having considered the fourth report of the Secretary-General of 7 September 1960,*

*"Taking note of the unsatisfactory economic and political situation that continues in the Republic of the Congo,*

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

*"1. Reaffirms its resolutions of 14 and 22 July and of 9 August and urges the Secretary-General to continue to give vigorous implementation to them;*

*"2. Calls upon all Congolese within the Republic of the Congo to seek a speedy solution by peaceful means of all their internal conflicts for the unity and integrity of the Congo;*

*"3. Reaffirms that the United Nations Force should continue to act to restore and maintain law and order as necessary for the maintenance of international peace and security;*

*"4. Appeals to all Member Governments for urgent voluntary contributions to a United Nations Fund for the Congo to be used under United Nations control and in consultation with the Central Government of the Congo for the purpose of rendering the fullest possible assistance to achieve the aforementioned objectives;*

*"5. Reaffirms specifically—*

*"(a) Its request to all States to refrain from any action which might tend to impede the restoration of law and order and the exercise by the Government*

of the Congo of its authority and also to refrain from any action which might undermine the territorial integrity and the political independence of the Republic of the Congo and decides that no assistance for military purposes be sent to the Congo except as part of the United Nations action;

"(b) Its calls to all Member States, in accordance with Articles 25 and 49 of the Charter of the United Nations, to accept and carry out the decisions of the Security Council and to afford mutual assistance in carrying out measures decided upon by the Council."

The representative of the USSR proposed the following amendments (S/4524) to the joint draft resolution:

(1) In the fourth preambular paragraph after the word "assist", to insert the words "the Central Government of"; (2) to replace the words "to continue to give vigorous implementation to them" in operative paragraph 1 by the words "to implement them strictly", and to add the words "permitting no interference in the internal affairs of the Republic of the Congo"; (3) to delete the words "continue to" after the word "should" in operative paragraph 3 and replace the words "as necessary for the maintenance of international peace and security" by the words "with a view to assisting the Central Government of the Congo to exercise its authority and ensure the territorial integrity and political independence of the Congo"; (4) to replace the word "consultation" by the word "co-operation" in operative paragraph 4; (5) after the words "from any action" in operative paragraph 5 (a) to insert the words "including military assistance" and delete the words "and decides that no assistance for military purposes be sent to the Congo except as part of the United Nations action".

The representative of Ceylon requested priority for the joint draft resolution (S/4523).

The representative of the United States waived priority on his draft resolution (S/4516).

The USSR draft resolution (S/4519) was put to the vote.

**Decision:** *The USSR draft resolution was rejected by 7 votes to 2 (Poland, USSR) with 2 abstentions (Ceylon, Tunisia).*

The USSR amendments (S/4524) to the joint draft resolution (S/4523) were put to the vote separately.

**Decision:** *The first amendment was rejected by 6 votes to 4 (Ceylon, Poland, Tunisia, USSR), with 1 abstention (Argentina). The second amendment was rejected by 8 votes to 2 (Poland, USSR), with 1 abstention (Tunisia). The third amendment was rejected by 9 votes to 2 (Poland, USSR). The fourth amendment was rejected by 8 votes to 2 (Poland, USSR), with 1 abstention (Argentina). The fifth amendment was rejected by 9 votes to 2 (Poland, USSR).*

The draft resolution introduced by the representatives of Ceylon and Tunisia (S/4523) was then put to the vote.

**Decision:** *The result of the vote was 8 in favour and 2 against (Poland, USSR), with 1 abstention (France). The draft resolution was not adopted, one of the negative votes being that of a permanent member.*

The representative of the USSR announced that his Government had proposed the inclusion of an item on the threat to the political independence and territorial

integrity of the Republic of the Congo in the agenda of the General Assembly's fifteenth session.

The representative of the United States regretted that the USSR had vetoed a draft resolution that would have provided financial aid to the Congo and gone far towards preventing unilateral intervention in Congolese affairs and stated that in the circumstances he would not press for a vote on the United States draft resolution (S/4516). In view of the need for United Nations action, he introduced the following draft resolution (S/4525):

*"The Security Council,*

*"Having considered the item on its agenda as contained in document S/Agenda/906,*

*"Taking into account that the lack of unanimity of its permanent members at the 906th meeting of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security,*

*"Decides to call an emergency special session of the General Assembly as provided in General Assembly resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations."*

The representative of the USSR expressed surprise that the United States, which had objected a week earlier to the convening of the Council as a matter of urgency, proposed the convening of an emergency session of the General Assembly two days before the beginning of the regular session which was to be attended by many Heads of Governments and in the agenda of which the Question of the Congo was already included.

The representative of Poland remarked that the Council was not prevented from fulfilling its responsibilities; three resolutions had been approved and had to be implemented.

**Decision:** *The United States draft resolution (S/4525) was adopted by 8 votes to 2 (Poland, USSR) with 1 abstention (France).*

## **I. Reports of the Special Representative and communications received between 18 September and 12 December 1960**

In a message to the President of the Katanga provincial government dated 18 September (S/4529) the Secretary-General referred to the brutal repressive operations by the Katanga *gendarmes* against Balubas in the Luena area and warned that any repetition of such measures would be resisted by the Force.

The first progress report to the Secretary-General from his Special Representative in the Congo, Mr. Dayal (S/4531), circulated on 21 September, pointed out that the United Nations operation in the Congo (ONUC) had broken new ground; while ONUC's role and the general principles under which it was operating were clear, legal, political, humanitarian and practical considerations had had to be carefully weighed in applying the principles of the mandate to a kaleidoscopic and often chaotic situation. In the first phase, ONUC's primary objectives had been to ensure the speedy evacuation of all remaining Belgian forces, assist in the maintenance of order, and encourage the resumption of normal activity. While those problems were being attended to, new difficulties had appeared: a resurgence of tribal conflict and hostilities on the Kasai-Katanga border. More recently, ONUC's task of main-



taining peace and security without infringing on any internal function of government had been complicated by the constitutional crisis which, by mid-September, had resulted in the break-down of the Government into partially overlapping but largely competitive power groups headed by the Chief of State, the Prime Minister, the Parliament and, latterly, the Army. Despite those difficulties, the Force had had a steadying effect and the protection offered to public personalities at their request had hitherto prevented bloodshed. The civilian operations had done much to assist the civil administration in its different functions, but more could be done given some measure of stability in the Central Government, an integrated policy and the assurance of security throughout the country. Details concerning the strength and organization of the Force were annexed.

The Special Representative submitted his second progress report on 2 November (S/4557), which was circulated together with an exchange of messages between the Secretary-General and the representative of Belgium and between the Secretary-General and Mr. Tshombé.

In a report (S/4571) transmitted to the Council on 5 December, the Special Representative described certain actions taken against Mr. Lumumba since 11 October when the Congolese National Army's attempt to arrest Mr. Lumumba had been prevented by United Nations troops as an attempt at political violence without prior compliance with clear requirements of law. When Mr. Lumumba, on his own responsibility, had left his residence, which, like those of other public figures, had been under United Nations guard, United Nations troops had been ordered to refrain from any interference with his movements or those of his official pursuers. On 3 December the Special Representative had lodged a protest with Mr. Bomboko, the President of the College of Commissioners, concerning the Congolese National Army's arbitrary arrest and brutal treatment of Mr. Lumumba, who was reported to be under detention at Thysville. In two letters (annexes 1 and 2) of 3 December to Mr. Kasa-Vubu, the President of the Republic, the Secretary-General drew attention to the concern regarding Mr. Lumumba's arrest, expressed by many delegations, including all the African-Asian delegations. He trusted that due process of law would be observed and suggested that the International Red Cross be asked to examine Mr. Lumumba and other detainees.

In a letter of 7 December (S/4571/Add.1), the President of the Republic of the Congo stated that the arrest of Mr. Lumumba, who was guilty of flagrant and serious offences, was a domestic matter; intervention would make it difficult to ensure that the proceedings took place in regular form.

In a statement dated 6 December (S/4573), the Government of the Union of Soviet Socialist Republics said that the colonialist NATO powers had embarked on a policy of liquidating the Parliament and legitimate Government of the Congo under the cover provided by the United Nations Command and Mr. Hammarskjöld's official representatives. It called for the immediate release of the Prime Minister of the Republic of the Congo, Mr. Lumumba, and other arrested Ministers and deputies; the disarming of Mobutu's forces; the establishment of a special commission of representatives of African and Asian countries to investigate the sources financing and arming Mobutu's men; the removal of all Belgian troops and officials from the Congo;

and early discussion of the situation by the Council and the Assembly.

In a telegram dated 7 December (S/4580), the President of the Republic of the Congo said that ONUC's action in shielding Mr. Lumumba from lawful arrest had caused resentment throughout the Congo. He hoped that there would be no further instances of such unwarranted protection.

In a *note verbale* dated 7 December (S/4585), the Belgian Government commented on the Special Representative's second progress report (S/4557) and expressed the conviction that co-operation with United Nations representatives in the Congo could be profitably resumed on the basis of two principles: the sovereignty of the Congo must be respected in its entirety; Belgium could not be prevented from helping to restore prosperity in the Congo in the manner desired by the Congolese authorities.

In a cable dated 9 December to the Secretary-General (S/4593), the President of the Council of the People's Republic of Bulgaria urged steps to release Mr. Lumumba and other deputies under arrest and to convene Parliament.

In a telegram dated 12 December (S/4595), the President of the Council of Ministers of the Republic of Albania protested against the arrest of the Prime Minister of the Congo and called for action to halt the American imperialist intervention in the Congo under the banner of the United Nations.

## **J. Consideration at the 912th to 920th meetings (7-13 December)**

In the course of the 912th to 920th meetings, the representatives of Cameroun, the Congo (Leopoldville), Guinea, India, Indonesia, Mali, Morocco, the United Arab Republic and Yugoslavia were, at their request, invited to take places at the Council table.

At its 912th meeting on 7 December, after discussing the contents of the provisional agenda and the inclusion, as item 2, of the Soviet Government's statement of 6 December (S/4573), which some delegations considered would not provide a proper basis for discussion, the Council adopted the following agenda:

"1. Adoption of the agenda

"2. Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381):

Urgent measures in connexion with the latest events in the Congo:

Note by the Secretary-General (S/4571)

Statement dated 6 December 1960 by the Government of the Union of Soviet Socialist Republics concerning the situation in the Congo (S/4573)."

At the 913th meeting, held the same day, the Secretary-General said that in the initial stage of the Congo operation there had been no United Nations concern with the country's constitutional issues or domestic political problems. The Force's task had been a police task and it had been made clear that it could not take any action that would make it a party to internal conflicts. It was only after the adoption of the Council's first two resolutions that internal conflict and political rivalry had given rise to demands that the Force take action against conflicting political groups on the basis of constitutional provisions. Confronted with the situation,

the Council had specifically reaffirmed that the Force should not be used to influence the outcome of constitutional or other conflicts. The Force had been used in accordance with that mandate; thus it had exercised its military power to protect political leaders from outright violence, but had not been interposed against the Congolese National Army acting under the authority of the Chief of State. The principle of neutrality did not in his view preclude representations concerning the observance of human rights or application of due process of law. With the disintegration of the Central Government, growth of private armies, revival of tribal disputes and increasing political involvement of the Army, it was being said that the operation faced failure. That was not the case: the failure was the failure of the Congolese leaders and people to take advantage of the unparalleled international assistance. The original reasons for the United Nations military presence were still valid if chaos and anarchy were to be avoided. While it was desirable for the Force to be withdrawn as quickly as possible, that had to be done in a responsible way, leaving the Congolese people a legacy of order with which they could maintain a peaceful life. That could not be while the Army played a political role outside the Constitution and overrode democratic rules of government.

At the 914th meeting on 8 December, the representative of the Union of Soviet Socialist Republics said that, in the guise of non-intervention, the Secretary-General and his agents were intervening in the Congo's domestic affairs and had handed the Head of the lawful Government of the Congo over to the military dictatorship which had seized power with the aid of the colonial Powers headed by the United States. The events analysed in his Government's statement of 6 December showed that the United Nations forces were being used, not to carry out the Council decision of 14 July to support the lawful Government of the Congo against Belgian aggression, but to further the plans of the colonial Powers. In order to provide for immediate corrective action, he submitted the following draft resolution (S/4579):

*"The Security Council,*

*"Having examined the situation in the Republic of the Congo in the light of recent developments pointing to a further serious deterioration in that situation, as well as the report of the Special Representative of the Secretary-General in the Congo of 5 December 1960,*

*"Being profoundly concerned at the fact that Mr. Patrice Lumumba, the Prime Minister of the Republic of the Congo, has been unlawfully deprived of freedom and is being subjected to other acts of violence on the part of the armed bands of Mobutu,*

*"Noting that these bands have also been guilty of flagrantly unlawful acts and acts of violence with regard to a number of parliamentary leaders and members of the Government of the Republic of the Congo,*

*"Considering that continuation of the unlawful activities of the armed bands of Mobutu is leading to increased tension in the country and is impeding the peaceful settlement of the problem of the Congo, while exercising a pernicious effect on the situation in Africa as a whole,*

*"Resolutely condemning the continuing interference by Belgium and other colonial Powers in the domestic affairs of the Republic of the Congo, which*

is undermining the independence and territorial integrity of the Republic, is impeding the normal functioning of its State organs and is producing an increased danger to world peace and the security of the peoples,

*"Calls upon the Secretary-General of the United Nations to secure the immediate release of Mr. Patrice Lumumba, Prime Minister of the Republic of the Congo, Mr. Okito, President of the Senate, Mr. Kasongo, President of the Chamber of Deputies, and other Ministers and deputies and, at the same time, to take all the necessary steps to ensure the resumption of the activities of the lawful Government and Parliament of the Republic of the Congo;*

*"Requests the Command of the troops dispatched to the Congo by decision of the Security Council immediately to disarm the terrorist bands of Mobutu;*

*"Calls upon the Government of Belgium, in accordance with the decision of the United Nations Security Council and the special emergency session of the United Nations General Assembly, immediately to withdraw Belgian military, paramilitary and civil personnel from the Congo."*

The representative of Argentina said that the Soviet proposal was unacceptable and would constitute intervention in the Congo's domestic affairs. In seating the delegation led by Mr. Kasa-Vubu in the General Assembly, the United Nations had recognized as the only Government of the Congo that emanating from the decision of the Chief of State. Mr. Lumumba was not the head of Government. Nevertheless, like all human beings, regardless of party or position, he had rights that should be safeguarded. The Argentine delegation, with the delegations of Italy, the United Kingdom and the United States, accordingly submitted the following draft resolution (S/4578):

*"The Security Council,*

*"Having considered the item on its agenda,*

*"Deeply concerned at the continuation of unsettled conditions in various parts of the Republic of the Congo, which has led to acts of violence against persons of both Congolese and non-Congolese nationality, including United Nations personnel,*

*"Bearing in mind the obligation assumed by the United Nations to assist in the restoration of law and order in the Republic of the Congo, including the safeguarding of civil and human rights for all the inhabitants of the country,*

*"1. Declares that any violation of human rights in the Republic of the Congo is inconsistent with the purposes that guide the United Nations and expects that no measures contrary to recognized rules of law and order will be taken by anyone against any persons held prisoner or under arrest anywhere in the Republic of the Congo;*

*"2. Expresses the hope that the International Committee of the Red Cross will be allowed to examine detained persons throughout the Republic of the Congo and their places and conditions of detention and otherwise to obtain the necessary assurances for their safety;*

*"3. Requests the Secretary-General to continue his efforts to assist the Republic of the Congo in the restoration of law and order throughout its territory and in ensuring respect for the human dignity of all persons within the country."*

At the 915th meeting held the same day, the representative of the Congo emphasized that Mr. Lumumba's arrest was a domestic matter. He appealed for the cessation of outside interference in Congolese affairs and rejected the Soviet proposal to disarm the Congolese Army.

The representative of the United Kingdom of Great Britain and Northern Ireland rejected the reckless charges made in the Soviet Government statement of 6 December. His Government endorsed the Secretary-General's interpretation of his mandate and believed that no Council resolution was required in connexion with that mandate. What was needed was an accommodation of the differences of personal ambition, tribal hostility and provincial separatism besetting the Congo. The United Nations might be able to help the Congolese, at their request, in establishing conditions in which that might be done. Concerned that there should be proper observance throughout the Congo of recognized processes of law and of the rights of the individual, his delegation had joined in sponsoring resolution S/4578.

The representative of Mali called for the release of Mr. Lumumba, the convening of the Congolese Parliament and the dispatch of a mission to inquire into the events under discussion.

The representative of Yugoslavia said that his Government, as was stated in its *aide-mémoire* of 6 December<sup>2</sup> could not share responsibility for what was taking place in the Congo and had decided to withdraw its diplomatic mission from Leopoldville and its personnel at present in the Congo under United Nations orders. The United Nations should secure the release of Mr. Lumumba and the withdrawal of all Belgians from the Congo. The United Nations officials in the Congo should revise their attitude in regard to non-interference and energetically use the United Nations forces to achieve the purposes of the Council's resolutions.

The following documents were circulated on 9 December:

In a report (S/4590), the Special Representative of the Secretary-General stated that provincial authorities in Stanleyville had announced on 8 December that all Europeans in Oriental Province would be arrested if Mr. Lumumba was not released within twenty-four hours. Immediate measures had been taken by the United Nations Command to assist Europeans seeking protection and a note of protest had been sent to the Stanleyville authorities.

In a letter dated 9 December (S/4592), the representative of the USSR requested the Secretary-General to provide the Council with information regarding reports that armed groups in Leopoldville had established control over transport serving the forces sent to the Congo by the Council.

At the 916th meeting on 9 December, the Secretary-General, in response to the USSR representative's request for information (S/4592), said that his Special Representative had made representations to the President of the Congo concerning the Congolese security authority's order restricting the transport of United Nations material by OTRACO, a parastatal transport organization. He would inform the Council if any direct interference with the movement of United Nations supplies occurred.

The representative of the United States of America said that the USSR was seeking to destroy the United

Nations effort in the Congo and, with it, the office of the Secretary-General. The charges of an American conspiracy were intended to divert attention from Soviet efforts to gain control of the Congo. The Organization's purpose would be advanced if all Member States would give support to the Presidency as one of the two organs still functioning in the Congo and would back President Kasa-Vubu's efforts to restore law and order. Mr. Lumumba's status was for the Congolese people to decide. The United States had already expressed the hope that he would be accorded humane and equitable treatment and supported the suggestion that Red Cross representatives be asked to visit him and other detainees elsewhere in the Congo.

The representative of Italy rejected the allegations in the Soviet statement of 6 December (S/4573). In the present situation, in which efforts towards a political *détente* had been frustrated by Mr. Lumumba's attempted flight to Stanleyville, three considerations should guide the Council's deliberations: recognition of a constitutional authority as an ultimate rallying point for co-operation with the United Nations among the various political forces in the Congo; the necessity of continuing the United Nations task of restoring law and order with due regard to the limits set by the resolutions adopted and by the Charter; and the need for observance of human rights as a prerequisite for the establishment of law and democracy in the Congo.

The representative of Ecuador stressed that the United Nations had no mandate to intervene in the constitutional or other purely domestic affairs of the Congo. In considering the present tension in the country, the Council's primary concern should be with the serious violations of human rights and the risk of grave disorder that might follow. He supported the joint draft resolution, which would give the Secretary-General specific authority to safeguard human rights.

The representative of the United Arab Republic said that the Organization could not afford to be a helpless spectator of Belgium's and imperialism's return to the Congo. His country, unable to be a party to what was taking place, had reluctantly decided to withdraw its troops from the United Nations operation. The Council should face its responsibilities squarely and take realistic action to safeguard the Congo's independence and territorial integrity: if the imperialist obstacle were removed, the country's real leaders would come to the forefront and unity and independence would prevail. He was in general agreement with the Soviet draft resolution.

The representative of Indonesia said that the United Nations should energetically contribute to the restoration of constitutional government in the Congo; the Council should declare its opposition to the Mobutu régime, demand the complete withdrawal of Belgian personnel in order to end foreign intrigue and intervention, and call for the release of all imprisoned Congolese leaders as a prerequisite for conciliation and national unity.

The representative of Cameroun expressed complete support for the Secretary-General's interpretation of the United Nations mandate in the Congo. The intervention in Congolese affairs proposed in the Soviet draft resolution was unacceptable. In his view, the Council should not adopt any resolution.

At the 917th meeting on 10 December, the representative of China said that the fact that peace and order in the Congo had not been completely restored was not

<sup>2</sup> Official Records of the General Assembly, Fifteenth Session, Annexes, agenda item 85, document A/4628.



due to any mistaken policy on the part of the United Nations but to the complexity of the factors involved. In the present phase, the basic problem was that of political opposition. Practices in regard to the treatment of political opposition varied greatly from country to country, and any interference in the matter by the United Nations would be both contrary to the Charter and politically unwise. In the circumstances, the United Nations could only try to uphold the observance of human rights, which the Congo, like all Member States, was under an obligation to respect.

The representative of Ceylon said that the situation in the Congo was deteriorating because the United Nations Force had taken too restricted a view of the Council's mandate or had applied it in too restricted a manner. While the Command's policy appeared to have changed and action was being taken to protect lives in Stanleyville, the Secretary-General should be given a wider mandate enabling him to carry out the tasks for which the United Nations had been invited to the Congo by President Kasa-Vubu and Mr. Lumumba. Law and order could not be restored by neutrality between disruptive forces and the legitimate institutions of the State. The United Nations should request the Chief of State to reconvene the Parliament without delay; use every persuasive measure to promote a round-table conference of all political leaders, including Mr. Lumumba; and disarm all private armies operating under the orders of authorities with no basis in the Constitution of the Congo.

The Secretary-General said that the stand taken in Stanleyville did not indicate a change of policy; the same position had been taken when Mr. Lumumba, Mr. Kamitatu, Mr. Gizenga and Mr. Welbeck, the *Chargé d'Affaires* of Ghana, had requested protection. As regarded the release of Mr. Lumumba, it should be noted that, as he had been arrested under a warrant approved by the Chief of State, action by force to release him would mean overriding the authority of the Chief of State by force. The same observation applied to the suggested disarming of what had been called illegal armies; the army in Leopoldville under Colonel Mobutu was sanctioned by President Kasa-Vubu.

The representative of India said that recognition of Mr. Kasa-Vubu's status as Head of the Republic of the Congo did not imply acceptance of his interpretation of his functions. Parliament was the legal authority. Mr. Kasa-Vubu should be requested to convene it and the United Nations should neutralize an area where it could function in peace. Influential countries having greater contact with the Congolese authorities should warn them against lawlessness and violence and persuade the Congolese Army to agree to its neutralization or non-activity. He also hoped that the Secretary-General would succeed in the formal removal of all non-Congolese in the Congo other than those there for United Nations purposes.

The representative of Morocco expressed concern at the deteriorating situation in the Congo and called for measures to defend legality and constitutionality. His Government intended to consult all African States, particularly those with military units in the United Nations Force, with a view to the adoption of a common stand in keeping with the original objectives of the United Nations in the Congo.

At the 918th meeting on 12 December, the representative of Poland stressed that the conflict in the Congo was not an internal one. It was a conflict be-

tween the Congolese people and the colonialists, and, despite its professions of impartiality, the United Nations Command had through a number of acts committed itself in favour of the colonizers. He called for the eviction of all alien elements from the Congo, the disarming of the Mobutu forces and, as a prerequisite to the re-establishment of law and order, the release of the Prime Minister, Mr. Lumumba, and the restoration of the lawful authorities.

The representative of France said that the Soviet Government appeared to be more concerned with waging cold war against the Western Powers and advancing its interests in the Congo than with assisting in the solution of that country's problems. The measures proposed in the Soviet draft resolution would involve inadmissible interference in the affairs of a sovereign country. His delegation would support the four-Power draft resolution because it expressed the Council's concern that human rights should be safeguarded without envisaging interference in the Congo's domestic affairs.

The representative of Tunisia said that the Organization had no right to side with any of the groups competing for power in the Congo. Neither the Secretary-General nor his representative could be blamed for the present situation; any blame rested with the Council, which had not given him a wider mandate. The Council should invite Belgium to withdraw all Belgian experts and advisers from the Congo, and should recommend the dispatch of the Conciliation Commission<sup>a</sup> to the Congo as soon as possible; the convening of Parliament; the creation of a peaceful psychological climate through such measures as the release of Mr. Lumumba and of his opponents; respect for human rights; freedom for political leaders of all parties; and the avoidance of appeals for violent action from any side. It should be made clear that the United Nations not only had obligations in the Congo, but also the right to expect that its advice would be taken into account, in the interests of African and international peace and security.

At the 919th meeting on 12 December, the representative of Guinea said that it was not human rights that were at stake in the Congo, but the right of a people. He called for the release of the imprisoned Prime Minister, Mr. Lumumba, the convening of Parliament, and the conversion of the Conciliation Commission into a fact-finding commission. He drew attention to the President of Guinea's telegram of 12 December (S/4594) denouncing United Nations complicity with the usurpers of power in the Congo and announcing the withdrawal of Guinean troops.

The representative of the Congo said that Mr. Lumumba had betrayed his office by provoking discord within the Government, depriving citizens of fundamental freedoms and plunging the country into civil war. Colonel Mobutu, after refusing to obey conflicting orders to arrest various political leaders, had given the College of Commissioners the provisional task of restoring political unity.

The representative of Yugoslavia said that action to stop foreign intervention was the surest means of establishing constitutional and legal order in the Congo. In the situation created under the policy of non-intervention, the United Nations Command in the Congo should assume entire responsibility for the security and normal life of the country until conditions had been estab-

<sup>a</sup> Established by the Advisory Committee on the Congo under General Assembly resolution 1474 (ES-IV) of 20 September 1960.

lished for the normal functioning of other organs and of the national armed forces. The first step to that end must be the release of the imprisoned Prime Minister and other political leaders. To ensure continuity in United Nations policy, a new advisory organ might be set up in the Congo. His Government requested an urgent meeting of the General Assembly to discuss the situation in the Congo, independent of any decisions the Council might take.

At the 920th meeting on 13 December, the Secretary-General, referring to his statement of 9 December concerning possible interference with the transport of supplies to the Force, said that further interference had occurred and that he had sent a letter of protest to the President of the Congo.

The representative of Indonesia announced that his Government had decided to withdraw its troops from the United Nations Force in the Congo. As the Council's decisions had not been carried out with the desired results, the *raison d'être* for Indonesia's contribution no longer existed.

The President, speaking as the representative of the USSR, said that the Council must adopt a decision that would assist the Congolese people and ensure the implementation of the Council's earlier decisions aimed at strengthening the Congo's independence and territorial integrity and providing aid to its legitimate Government. The colonial Powers and those supporting them contended that no urgent measures were called for. Their aims were in fact being fulfilled through the United Nations machinery; forty-five of the eighty-six members of the military staff of the United Nations in the Congo were from the United States and other countries of the Western military blocs and many key posts were filled by citizens of the United States and allied countries. Another view was taken by the representatives of the African-Asian and socialist countries, who were alarmed by developments in the Congo and the undermining of United Nations prestige in Africa and throughout the world. The Soviet draft resolution (S/4579) gave clear-cut instructions to correct the Secretary-General's departures from the Council's earlier decisions, which had resulted in the return of the Belgians, the paralysis of the Central Government, the gradual fragmentation of the country, and growing lawlessness and chaos. The four-Power resolution as it stood could not solve any one of the important issues raised in the Congo. His delegation accordingly proposed the following amendments (S/4597): (1) the replacement in the second preambular paragraph of the words following "*Deeply concerned*" by the words "at the deterioration in the situation in the Republic of the Congo and at the fact that the decisions of the Security Council on the question of the Congo are not being carried out, that the sovereign rights of the Congolese people continue to be violated and that the country's territorial integrity and independence are being undermined by Belgium and other colonial Powers"; (2) the insertion of a new third preambular paragraph reading:

"*Noting* that, as a result of the premeditated and systematic destruction of the democratic foundations of the State Government of the Republic of the Congo by Mobutu's armed bands, which are financed and supplied by foreign Powers, the functioning of the lawful central Government and Parliament of the Republic has been paralyzed and Prime Minister Patrice Lumumba and a number of leading members of Parliament and members of the Government have

been unlawfully deprived of their liberty and are being subjected to other forms of violence";

(3) the replacement in operative paragraph 1 of the words following "United Nations" by the words "and requests that the Command of the troops, sent to the Congo in accordance with the Security Council's decision, shall take energetic action to ensure the immediate cessation of the criminal violation of law and order in the country by Mobutu's armed bands"; (4) the deletion of operative paragraph 2; (5) the replacement of the third operative paragraph by the following:

"*Requests* that the Command of the armed forces, sent to the Congo in accordance with the Security Council's decision, shall take immediate steps to disarm and disperse Mobutu's bands, thereby creating the essential conditions for the restoration of law and order in the country".

The Secretary-General said that if the United Nations operation was forced out of the Congo, the consequence would be immediate civil war degenerating into tribal conflicts. The dangers of such a situation, with military assistance forthcoming for the different factions, were obvious. The United Nations operation must therefore continue, but it could not do so under a constant fire of criticism and suspicion, enfeebled by divisions, withdrawals or a lack of financial and material support. Strong statements had been made regarding the responsibility of the Secretariat, but little had been heard about the responsibility of the major organs of the United Nations which had formulated the mandate. If the critics were correct, those organs should at least state the mandate explicitly, to say nothing of their obvious responsibility in such circumstances to provide the executive organs with the means to handle a broader mandate. With regard to the question of the Belgian return, he regretted that when he had pressed, on the basis of paragraph 5 (a) of the General Assembly resolution of 20 September 1960, for the elimination of the Belgian political element in Katanga and for a switch-over from bilateral Belgian assistance to United Nations assistance, his stand had received no formal or economic support from within the Organization. As regarded the legal basis of the operation, it was significant that the Council had not invoked Articles 41 and 42, which would have overridden the limitation of Article 2, paragraph 7. In the light of that fact, some far-reaching interpretations of the Force's mandate put forward in the Council were difficult to understand, since they would require at least that the Council had taken enforcement measures under Articles 41 and 42. Turning to the question of the release of Mr. Lumumba, the disarming of forces and the recalling of Parliament, he said that he could and did use all diplomatic means to achieve results in line with the resolutions; the use of force to achieve those results raised other questions. He would ask the Council to clarify the mandate if it was its collective view that an extension was necessary beyond the present one as so far interpreted.

The representative of Ceylon said that in view of the breakdown of the government in the Congo, the United Nations had the authority to fill the breach and take steps to create order where there was chaos. The United Nations had received an unambiguous invitation from the lawful Government to go to the Congo for a specific purpose and was entitled to act according to that invitation unless and until it was withdrawn. In the circumstances, it was unnecessary for the Council to have had recourse to Article 40 and 41. The Congolese au-

thorities should be shown that United Nations assistance could be given only on the basis of the maintenance of law and order, which in turn could only be maintained if the parliamentary processes were revitalized. He would be unable to support the four-Power draft resolution because it was inadequate to the needs of the situation.

The representative of Argentina drew attention to the revised text of the four-Power draft resolutions (S/4578/Rev.1). The third operative paragraph had been amended to read:

"(3) *Requests* the Secretary-General to continue his efforts to assist the Republic of the Congo in the restoration of law and order throughout its territory and in adopting all necessary measures tending to safeguard civil and human rights for all persons within the country."

The representative of Tunisia said that although he could have supported its last operative paragraph, calling for the withdrawal of Belgian personnel, he was unable to vote for the Soviet draft resolution because the United Nations was prohibited from taking sides in a domestic dispute. He was also unable to support the four-Power draft, which dealt with only one aspect of the situation.

The Council proceeded to vote on the various proposals before it, the USSR amendments (S/4597) to the draft resolution submitted by Argentina, Italy, the United Kingdom and the United States being voted upon separately.

**Decision:** *The first, second, third and fifth amendments were rejected by 8 votes to 2 (Poland, USSR), with 1 abstention (Ceylon). The fourth amendment was rejected by 7 votes to 2 (Poland, USSR), with 2 abstentions (Ceylon, Tunisia).*

The Council next voted on the draft resolution submitted by Argentina, Italy, the United Kingdom and the United States (S/4578/Rev.1).

**Decision:** *The four-Power draft resolution received 7 votes in favour and 3 against (Ceylon, Poland, USSR) with 1 abstention (Tunisia). One of the negative votes being that of a permanent member, the draft resolution was not adopted.*

The Council then voted on the USSR draft resolution (S/4579). At the request of the representative of Poland the last operative paragraph was voted upon separately.

**Decisions:** *The last paragraph of the USSR draft resolution was rejected by 4 votes in favour (Ceylon, Poland, Tunisia, USSR) to 6 against, with 1 abstention (Ecuador). The USSR draft resolution as a whole was rejected by 2 votes in favour (Poland, USSR) to 8 against, with 1 abstention (Ceylon).*

The representative of Poland then introduced the following draft resolution (S/4598), which was immediately put to the vote.

"*The Security Council,*

"*Having considered* the report to the Secretary-General from his Special Representative in the Congo, contained in document S/4571,

"*Requests* the Secretary-General to undertake necessary measures in order to obtain the immediate release of Mr. Lumumba and of all persons who are now under arrest or detention despite their parliamentary immunity;

"*Requests* the Secretary-General to inform the Security Council as soon as possible on the measures taken and the results thereof."

**Decision:** *The draft resolution (S/4598) was rejected by a vote of 3 in favour (Ceylon, Poland, USSR) to 6 against, with 2 abstentions (Argentina, Tunisia).*

Before adjourning the meeting, the President, speaking as the representative of the USSR stated that his delegation intended, in view of the Council's failure to take action, to raise the question in the General Assembly.

## K. Communications received between 14 December 1960 and 13 January 1961

Document S/4599 contained letters dated 14 December from the Special Representative of the Secretary-General and from the Secretary-General addressed to the President of the Congo referring to the situation at the Kitona base which had been occupied on 13 December by Congolese National Army units over the protests of the United Nations Force. The act was a flagrant violation of the obligations undertaken by the Congolese Government towards the Organization.

In document S/4601 the Secretary-General transmitted his Special Representative's report on the incidents at Bukavu involving the arrest of Austrian medical personnel by the Bukavu *gendarmerie*.

In document S/4606, issued on 1 January, the Secretary-General submitted a number of documents with reference to an incident on 30 December 1960-1 January 1961 when units of the Congolese National Army (ANC) had landed at Usumbura in the Trust Territory of Ruanda-Urundi and fighting had resulted near Bukavu (Kivu). In a letter to President Kasa-Vubu dated 21 December (annex I) the Secretary-General explained that while the General Assembly had taken no further action on the situation in the Congo, there had been a broad consensus on the need to convene Parliament, return to democratic practices, prevent violations of human rights and ensure that there should be no outside military assistance. He expressed his concern about the possibility of developing civil war in the Congo, which would place the United Nations in an untenable position since it would have to stand aside in the developments which were clearly opposed to those which the United Nations had attempted to foster in the Congo. The Secretary-General trusted that he would not be compelled to recommend to the Security Council withdrawal of the United Nations Force from the Congo; the time had come for the Head of State to make an unequivocal declaration to enable the United Nations operation to continue. In a *note verbale* to the permanent representative of Belgium dated 30 December (annex 2), the Secretary-General stated that he had been informed that the Congolese authorities had addressed a request to the Belgian Ambassador at Brazzaville asking that troops of the Congolese National Army proceeding to the Bukavu area be allowed to use the Usumbura airfield. In view of the provisions of the Trusteeship Agreement, he felt certain that no such authorization would be granted. In a *note verbale* dated 31 December (annex 3), the Belgian Permanent Mission stated that the Belgian Government had learned of the request at the same time that it had been informed of the landing. Instructions had been given that the troops should leave immediately for the Congolese

frontier. In a report dated 1 January 1961 (annex 4), the Special Representative gave an account of the abduction on 25 December by ANC troops from Stanleyville of the Kivu provincial President, three other Ministers and the provincial ANC Commander. The report further made it clear that on 31 December the authorities in Ruanda-Urundi had stated to United Nations representatives that the landing of Congolese troops at Usumbura would not be permitted; subsequently however they had stated that any request from Colonel Mobutu for transit facilities would be considered. When the troops airlifted from Luluabourg had landed at Usumbura they had been transported by truck 145 kilometres to a point near the Ruzizi bridge, rather than to the nearest road crossing into the Congo 21 kilometres from Usumbura. In a *note verbale* to the representative of Belgium dated 1 January (annex 5), the Secretary-General drew attention to the events reported by his Special Representative, which indicated the direct or indirect provision of assistance for military purposes to the ANC by authorities under the Belgian Government, in contravention of paragraph 6 of the General Assembly's resolution of 20 September 1960. He called on the Belgian Government to take immediate measures to ensure that there would be no possibility of Belgian authorities in Ruanda-Urundi or elsewhere lending support to military actions by Congolese troops. In a *note verbale* dated 2 January (S/4606/Add.1, annex 6), the Secretary-General informed the representative of Belgium that he had received reports that the operations launched by Congolese troops across Ruanda-Urundi had led to a rise in tension in Kivu province which might undermine law and order. That information confirmed the urgent need for a clarification by the Belgian Government of the situation on the Ruanda-Urundi side. Annex 7 (A/4606/Add.1), dated 5 January, contained a further report from the Special Representative on the incident and its subsequent developments.

In a letter dated 4 January to the President of the Council (S/4614), the representative of the USSR stated that it was urgently necessary that members of the Council receive information from the Secretary-General concerning Belgium's use of Ruanda-Urundi as a base for operations against the Congo and the measures he had taken to put a stop to such illegal activities.

In a letter dated 7 January (S/4616), the representative of the USSR requested the President of the Council to convene a meeting as quickly as possible to examine the serious threat to peace and security created as a result of the fresh acts of Belgian aggression against the Congo and the flagrant violation of the international status of the Trust Territory of Ruanda-Urundi.

In a *note verbale* to the Secretary-General dated 11 January (S/4621), the representative of Belgium stated that the Belgian authorities' action in returning the Congolese troops who had landed at Usumbura to the Congolese frontier had not contravened paragraph 6 of the Assembly's resolution of 20 September 1960. An attempt to disarm the troops would have entailed a much more serious danger to international peace and security. Any further unauthorized transit would be opposed and no new transit would be authorized.

In a statement dated 11 January 1961 (S/4622), the Government of the USSR charged that armed aggression against the Congo had been committed from the Trust Territory of Ruanda-Urundi, with the help of Mr. Hammarskjöld, whose policy in the Congo was a manifestation of colonialism. The Soviet Government

called on the United Nations to take steps to normalize the situation in the Congo in accordance with the recommendations of the Casablanca Conference of Independent African States.

In a letter dated 12 January (S/4626) to the Secretary-General, the President of Ghana transmitted the declaration concerning the situation in the Congo issued by the Conference of Independent African States, held at Casablanca between 3 and 7 January and attended by delegations from Morocco, the United Arab Republic, Ghana, Guinea, Mali, Algeria, Libya and Ceylon. The declaration expressed the intention of the Governments to withdraw their troops from ONUC unless immediate United Nations action was forthcoming to disarm the Mobutu bands; release all members of the Parliament and legitimate Government of the Congo; reconvene the Congolese Parliament; eliminate all Belgian and other foreign military and paramilitary personnel not belonging to ONUC; release to the legitimate Government of the Congo all airports, radio stations and other establishments unlawfully withheld from it; and prevent Belgium from using the Trust Territory of Ruanda-Urundi as a base for aggression against the Congo.

In a *note verbale* dated 13 January (S/4627), the representative of Belgium informed the Secretary-General that since 6 p.m. on 12 January, Kashamura troops had been firing from Goma (Congo) into Kisenyi (Ruanda-Urundi) where there were many African and European refugees from Kivu.

## **L. Consideration at the 924th to 927th meetings (12-14 January 1961)**

At the 924th meeting on 12 January the President invited the representative of Belgium to take a place at the Council table.

The representative of the Union of Soviet Socialist Republics said that the direct aggression against the Congo committed by Belgium from the Trust Territory of Ruanda-Urundi was a continuation of the armed intervention begun in July 1960. Not only had Belgium supplied aircraft and trucks to the Mobutu forces, but Belgian units had attacked Congolese Government troops in Kivu Province. The plans for the Mobutu forces' attack had been carried out with the knowledge of the United Nations Command, and even in official documents signed by the Secretary-General it was admitted that Belgium was contravening the decisions of the Council and the General Assembly. Belgium had thus deprived itself of the right to administer the Trust Territory. The Soviet Government endorsed the recommendation made in that connexion by the Casablanca Conference and believed that the Council must condemn Belgium's continued aggression against the Congo, call for the immediate withdrawal of all Belgian military, paramilitary and civilian personnel, and recommend that the General Assembly examine the question of Belgium's violation of the Trusteeship Agreement and consider divesting Belgium of all rights and authority in relation to that Trust Territory.

The representative of Belgium rejected the Soviet representative's accusation. The Belgian Government, which had not learned of the proposed movement until the troops were at Usumbura, had taken the only possible course in instructing the Resident General of Ruanda-Urundi to return the contingent to the Congolese border as soon as possible. The action taken could

not conceivably be considered an act of aggression; the Chief of State of the Congo might well be asked whether he felt that such an act had been committed. No further transit would be authorized. With regard to the alleged use of Ruanda-Urundi as a base, he pointed out that the few Belgian troops stationed in the Territory were there to maintain internal order. He also drew attention to the statements made by his delegation in the Fourth Committee of the General Assembly at its fifteenth session regarding the future of the Territory.

At the 925th meeting on 13 January, the representative of France said that the Soviet complaint was in reality an attack against President Kasa-Vubu and was an attempt to reopen formal decisions of the Assembly which had been supported by a great majority of African States. The passage of a unit of the Congolese National Army through Ruanda-Urundi at the request of the Congolese Head of State was consistent with the relevant United Nations resolutions and the provisions of the Trusteeship Agreement.

The representative of Turkey said that incidents which would be trivial in other circumstances might assume disproportionate importance in the tense situation existing in the Congo. His delegation therefore noted with satisfaction the assurances contained in the Belgian representative's *note verbale* of 11 January (S/4621).

The representative of the United Kingdom of Great Britain and Northern Ireland said that no direct or indirect Belgian aggression had taken place. No Belgian troops had attempted to enter the Congo. All the troops involved had been Congolese, one group owing allegiance to authorities in Stanleyville whose status was at best dubious and the other to the Chief of Staff of President Kasa-Vubu. No blame attached to the Belgian Government, which had, moreover, stated that any further unauthorized transit would be opposed and that no new transit would be authorized. The charge of alleged violation of the special status of Ruanda-Urundi was also groundless. The Soviet suggestion in that connexion could only have been made for propaganda purposes.

At the 926th meeting, held the same day, the representative of Liberia introduced the following draft resolution, co-sponsored by Ceylon, Liberia, and the United Arab Republic (S/4625):

*"The Security Council,*

*"Noting the reports of the Special Representative of the Secretary-General dated 1 and 5 January 1961 (S/4606 and Add.1),*

*"Having considered the grave situation which has arisen from the use of the Trust Territory of Ruanda-Urundi for military purposes against the Republic of the Congo in contravention of the provisions of the Trusteeship Agreement between the United Nations and the Government of Belgium concerning the Trust Territory of Ruanda-Urundi,*

*"Noting that, the above-mentioned action is contrary to the provisions of paragraphs 5 (a) and 6 of resolution 1474 (ES-IV) adopted unanimously by the General Assembly on 20 September 1960,*

*"Noting that, in its resolution 1579 (XV) of 20 December 1960 the General Assembly called upon the Belgian Government as the Administering Authority in the Trust Territory of Ruanda-Urundi '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' and that the Belgian Government by its actions has violated the above-mentioned resolution of the General Assembly,

*"Recalling its resolutions of 13 and 22 July and 9 August 1960,*

*"1. Calls upon the Government of Belgium as the Administering Authority of the Trust Territory of Ruanda-Urundi immediately to cease all action against the Republic of the Congo and to observe strictly its international obligations under the Trusteeship Agreement and to take immediate steps to prevent the utilization of the United Nations Trust Territory of Ruanda-Urundi contrary to the purposes of the afore-mentioned resolutions;*

*"2. Calls upon the Government of Belgium to withdraw immediately from the Republic of the Congo all Belgian military and paramilitary personnel, advisers and technicians;*

*"3. Recommends the General Assembly to consider the action taken by Belgium as a violation of the Trusteeship Agreement for the Territory of Ruanda-Urundi, adopted by the General Assembly on 13 December 1946."*

The President, speaking as the representative of the United Arab Republic, drew attention to the decisions of the Casablanca Conference, adoption of which would permit a constructive solution of the problem. In the incident under discussion, Belgium had clearly violated the Trusteeship Agreement and decisions of the Council and Assembly. Without the cessation of Belgian intervention, peace could not be restored in the Congo.

The representative of the United States of America said that the Ruanda-Urundi incident had been deliberately magnified and distorted by the Soviet Union. Any justification for the Soviet complaint had been removed by the Belgian Government's assurances. The Soviet charge ignored the fundamental problem: outside intervention in support of rebel elements in order to undermine the legitimate authority of the Chief of State. However, although it bore a major responsibility for the existing state of affairs, the USSR was not the only State guilty of using the Congolese people for its own purposes. Statements condemning outside interference in Congolese affairs had come from States whose policies included such interference.

The representative of Ceylon considered that the incident was a serious and regrettable infringement of Belgium's international obligations. In effect, the Trust Territory of Ruanda-Urundi had been used as a base against the United Nations effort in the Congo and, whatever remedial action had been or would be taken, the Council could not ignore that fact.

At the 927th meeting on 14 January, the President invited the representative of the Congo (Leopoldville) to take a place at the Council table.

The representative of China said that the action of Belgian authorities in permitting the transit of Congolese armed forces from Usumbura was not, in his delegation's opinion, consistent with General Assembly resolution 1474 (ES-IV). It did not, however, constitute aggression and had indeed been taken in compliance with a request of the legally recognized highest authority in the Congo. The Belgian representative's note of 11 January (S/4621) should close the incident.

The representative of Ecuador said that he could have supported an affirmation of the principle of non-



intervention and an insistence upon the duties of Administering Authorities of Trust Territories, but would be unable to vote for the three-Power draft resolution. The transit facilities given by the Belgian authorities might be considered to involve intervention in the Congo's domestic quarrels, but they did not constitute action against the Republic of the Congo.

The representative of Chile said that the Ruanda-Urundi incident had been unduly magnified. No grave consequence had ensued and adequate assurances had been given by the Belgian Government. He would be unable to vote for the draft resolution.

The representative of the USSR noted that Belgium's only open defenders had been its allies, the Western colonial Powers. Its colonizing activities had been condemned by the Soviet Union and by all the African and Asian countries in the Council. His Government had been accused of pursuing a special policy: that policy consisted merely in opposing the colonizers and in support for the full liberation of the Congolese people. He would support the three-Power draft resolution (S/4625) which, although insufficiently vigorous in its condemnation of Belgian conduct, offered a minimum programme for preventing further deterioration of the situation.

The representative of the Congo said that the Soviet complaints had been made to further the cause of Gizenga and other Soviet-supported rebels. Congolese National Army troops had been sent to Bukavu to restore order following an incursion by troops from Stanleyville under the orders of Mr. Gizenga. The airfield in Ruanda-Urundi whose use had been requested had been built with Congolese money to serve Bukavu. Commenting on outside support for Lumumba partisans, he stated that an Egyptian-registered IL-14 aircraft had made an unauthorized landing at Lisala on 31 December and that soldiers in the aircraft had prevented representatives of the Congolese authorities from contacting the crew or checking the freight.

The Secretary-General recalled that the disturbing but limited incident at Bukavu had provoked immediate and sharp counter-action on his part and that of the United Nations representatives. The documents he had placed before the Council showed how groundless the Soviet Union's accusations concerning the way in which the United Nations had treated the incident were. By trying to give the impression that the Secretariat and its representatives were inspired by racial prejudice an attempt was being made to disrupt the collaboration based on confidence which had been established between the African States and the Secretariat in the Congo operation. He appealed to Member States to do nothing that might hinder the efforts of the Conciliation Commission in the Congo, which had got off to a promising start and might render great service in the direction of political stabilization.

The Council then proceeded to vote on the draft resolution submitted by Ceylon, Liberia and the United Arab Republic (S/4625).

**Decision:** *The draft resolution received 4 votes in favour (Ceylon, Liberia, USSR, UAR) and none against, with 7 abstentions, and was not adopted.*

#### **M. Communications received between 14 January and 1 February 1961**

In a letter to the Secretary-General dated 14 January (S/4629), President Kasa-Vubu formally requested the

recall of Ambassador Dayal, the Special Representative, whose irresponsibility and partiality had shocked all sectors of Congolese opinion. He urged United Nations intervention in Stanleyville to save the lives of prisoners and requested assistance in disarming the rebel bands of Gizenga and Lundula. In a letter of 15 January, also contained in document S/4629, the Secretary-General declined to recall Ambassador Dayal in view of his status as a senior official of the United Nations Secretariat and not as an accredited diplomatic representative. The Secretary-General also noted the lack of facts in support of the request. Efforts were already being made through diplomatic means to secure the release of the prisoners. The ANC groups under Mr. Gizenga could not be disarmed by the Force under the rules laid down by the Council.

Document S/4630, issued on 16 January, contained a memorandum addressed to the Special Representative on 7 January by President Kasa-Vubu. The memorandum stated that while the Republic of the Congo welcomed the Organization's assistance in preventing the recurrence of a situation that might threaten international peace and security, it had at no time intended to entrust to the United Nations the exercise of responsibilities which were essentially part of its prerogatives. Thus, the recommendation that Member States refrain from all military intervention in the Congo could not prevent the lawful authorities of the Republic from requesting and obtaining the foreign assistance they deemed essential for the equipment and training of the Congolese National Army. The memorandum protested against the failure of the Force to prevent the kidnapping of officials of the Kivu provincial government at Bukavu and against the action of United Nations troops in preventing the Congolese authorities from investigating an Ilyushin aircraft which had made an unauthorized landing at Lisala on 31 December. In a reply dated 14 January, circulated in the same document, the Special Representative stated that the ONUC Commander's offer of protection to the Congolese officials in question had been refused. ONUC action after the arrest of the officials would have been an act of intervention, which was forbidden by the Council's mandate. ONUC's position in the matter was fully consistent with that taken a few weeks previously on the occasion of the arrest outside its protection of another political leader. With regard to the landing at Lisala, ONUC had learned that the United Arab Republic delegation had asked the Secretary-General for permission to send a repair crew for an aircraft wrecked earlier at Lisala during a United Nations flight and to transport New Year's gifts to the United Arab Republic contingent. This permission had been given in principle. It was subject, however, to the normal clearance procedure for flights of foreign aircraft into the territory of the Republic of the Congo. That procedure had not been followed, and ONUC had not been advised of the arrival of the aircraft. Consequently, it had not been able to obtain the necessary clearance from the Congolese central authorities. With regard to technical assistance, the Special Representative stated that such aid was always covered by arrangements between the United Nations and the central Government of the recipient country; there was no question of direct United Nations technical assistance to provincial authorities.

In a cable to the Secretary-General dated 19 January (S/4633), the President of the Republic of Mali said that colonialists in the Congo were threatening President Lumumba and fellow prisoners with serious per-

sonal violence. Failure to restore the normal functioning of Parliament and the lawful Government headed by Mr. Lumumba would impair United Nations prestige in the independent African States. He requested further examination of the question by the Council with the participation of the countries represented at the Casablanca Conference.

In a letter to the President of the Council dated 20 January (S/4634), the representative of the USSR transmitted his delegation's statement of 18 January on the surrender to the Belgian colonialists of Mr. Lumumba, the Prime Minister of the Congo and other Congolese statesmen. Neither the "United Nations Command" nor the Secretary-General could divest themselves of responsibility for the transfer of the prisoners to Katanga. The USSR delegation had called upon the Secretary-General to take steps to secure the prisoners' immediate release.

In a letter to the President of the Council dated 22 January (S/4636), the representative of Yugoslavia transmitted a copy of his letter of the same date to the Secretary-General concerning the brutal treatment of Mr. Lumumba and his colleagues. The United Nations should take the prisoners under its direct protection.

In document S/4637, circulated on 23 January, the Secretary-General brought five communications to the Council's attention. In a letter dated 19 January to the President of the Congo, the Secretary-General urged the President to take immediate steps to secure Mr. Lumumba's return from Katanga and to ensure that, if not released, he received an opportunity to answer the charges against him in a fair and public hearing by an impartial tribunal. In a message to Mr. Tshombé dated 19 January, the Secretary-General suggested that Mr. Tshombé consider what steps might be taken to give Mr. Lumumba and his companions the benefit of due process of law at the place of competent jurisdiction. In a letter dated 20 January, the Secretary-General informed the President of the Congo that the Advisory Committee had endorsed the views he had expressed in his earlier letter and he warned that the incarceration of various political leaders, especially Mr. Lumumba's continued imprisonment, was likely to have a serious bearing on efforts towards national reconciliation. In a message dated 19 January to Messrs. Gizenga, Manzikala and Lundula in Stanleyville, and Mr. Kashamura in Bukavu, the Special Representative protested against the measures restricting the movement of foreign nationals in Oriental Province and drew attention to the relevant principle of the Universal Declaration of Human Rights. In a message dated 23 January to Mr. Gizenga, the Secretary-General, after referring to violations of the human rights of both Congolese and non-Congolese inhabitants, asked that steps be taken to ensure that ANC units operating in Stanleyville fulfilled their proper function of maintaining internal security.

In a cable to the Secretary-General dated 24 January (S/4629/Add.1), the President of the Republic of the Congo reiterated his request for the recall of Ambassador Dayal. As the latter had lost the confidence of the Congolese people and authorities, his presence precluded the co-operation necessary for the success of the operation. He reaffirmed his determination, and that of the Republic, to co-operate closely with the United Nations in the Congo.

In a cable to the President of the Council dated 24 January (S/4639), President Kasa-Vubu charged that the United Arab Republic had violated the national

sovereignty of the Congo. He requested that the Council be convened to take appropriate measures as the situation was a manifest danger to international peace and security.

In a report circulated on 26 January (S/4640), on the intended withdrawal of certain contingents from the Force, the Secretary-General stated that Indonesia, Morocco and the United Arab Republic had informed the Secretary-General of their intention to withdraw their contingents. Previous reductions had occurred as a result of the withdrawal of the contingents of Guinea and Yugoslavia. Messages dated 14 December 1960 and 25 January 1961 from the Secretary-General to certain Governments concerning the proposed withdrawals were annexed.

In a letter to the President of the Council dated 26 January (S/4641), the representatives of Ceylon, Ghana, Guinea, Mali, Morocco, the United Arab Republic and Yugoslavia protested against the illegal transfer to Katanga and continued incarceration of Mr. Lumumba and requested that the Council be convened to examine recent developments, which were hampering efforts to restore law and order and thus endangering international peace and security. On 29 January (S/4650) the representative of Libya associated himself with that request.

On 29 January the Secretary-General brought to the Council's attention an exchange of communications (S/4643) with the President of the Republic of the Congo. In a letter dated 28 January, the President called for United Nations intervention, if necessary by force, to restore order in Oriental and Kivu Provinces. The situation was not analogous to that in Katanga; Gizenga and Kashamura had no legal authority, had supplanted the provincial government and had embarked on a course of pillage and torture. In a reply dated 29 January, the Secretary-General stated that the constitutional problems raised had not been resolved, as far as the United Nations was concerned, by any official decision. The letter would be brought to the Council's attention.

In a letter to the President of the Council dated 29 January (S/4644), the representative of the USSR requested an immediate meeting of the Council to consider the situation in the Congo resulting from new acts of Belgian aggression, in particular the bombing of towns under the control of the legal Government, the organization of a foreign legion and the reinforcement of Belgian troops in Ruanda-Urundi. The USSR representative drew attention in particular to the illegal acts of depriving Patrice Lumumba, the Prime Minister of the Republic of the Congo, of his liberty and subsequently handing him over to the former Belgian colonial administration in Katanga, acts which had aroused universal indignation.

In a *note verbale* of 30 January (S/4649), the representative of Belgium requested the circulation of his notes of 16, 19 and 25 January to the Secretary-General concerning the detention in Stanleyville of eight Belgian servicemen who had accidentally entered the Congo from Ruanda-Urundi and his notes of 24 and 25 January concerning the maltreatment of Belgian and other foreign nationals in Oriental and Kivu provinces.

In a letter to the representative of Belgium dated 21 January (S/4651), the Secretary-General stated that he had been informed that negotiations were proceeding with the object of altering the status of the former Belgian bases in the Congo which had been placed under the custodianship of the Force as a provisional



measure under Article 40 of the Charter. In his view no transfer of the bases could take place without the prior authorization of the Council; such transfer would moreover have to be regarded as assistance for military purposes under the provisions of paragraph 6 of General Assembly resolution 1474 (ES-IV).

In a letter to the President of the Council dated 30 January (S/4653), the representative of Czechoslovakia expressed the hope that measures would be taken to secure the release of Mr. Lumumba and an early resumption of the activities of the legitimate Central Government of the Congo.

In a letter to the President of the Council dated 31 January (S/4656), the representative of Belgium drew attention to the fact that his complaint concerning the detention of eight Belgian soldiers in the Congo and the maltreatment of Belgian nationals in Oriental and Kivu provinces had been without effect.

In a cable to the President of the Council dated 1 February (S/4667), the President of the Republic of the Congo requested the recall of Ambassador Dayal and his replacement by a neutral person.

In a cable of 25 January to His Majesty the King of Morocco (S/4668), the Secretary-General expressed regret at the decision to repatriate Moroccan troops. In a letter of 1 February, circulated in the same document, the representative of Morocco stated that the Moroccan Government regretted that it must adhere to its decision.

In a message received by the Secretary-General on 1 February (S/4637/Add.1), Mr. Tshombé, in a reply to the Secretary-General's message of 19 January (S/4637), stated that the treatment of Mr. Lumumba was a matter that the authorities of the former Belgian Congo should decide alone without outside interference.

#### **N. Consideration at the 928th to 942nd meetings (1-21 February)**

In the course of the 928th to 942nd meetings held between 1 and 21 February the following non-members of the Council were at their request invited to participate in the proceedings: Belgium, Cameroun, Central African Republic, Congo (Brazzaville), Congo (Leopoldville), Czechoslovakia, Gabon, Ghana, Guinea, India, Indonesia, Iraq, Libya, Madagascar, Mali, Morocco, Nigeria, Pakistan, Poland, Senegal, Sudan, Upper Volta and Yugoslavia.

At the 928th meeting on 1 February, the Secretary-General stated that the rift between the authorities in Leopoldville and groups in control in Oriental and Kivu provinces seemed to have been widened through the transfer of Mr. Lumumba to Katanga. It was not, of course, for the United Nations to take political and constitutional initiatives aiming at the establishment of a stable government, but he believed that if effective insulation from outside interference had been achieved and the internal problems of law and order had been more completely resolved, the way would have been paved to a reconciliation of the various factions and the establishment of a constitutional and effective government. After the withdrawal of Belgian combat troops at the end of August, outside interference had recurred in new and subtler, but no less dangerous, forms; the military potential of various factions had been reinforced from the outside and foreign mercenaries had been recruited on an increasing scale. He had not found a sufficient legal basis in the resolutions for effective

counter-measures by the United Nations, which would not have been necessary if the Organization had been able to count on loyal co-operation and assistance from all Member Governments. At the same time, the Force was threatened by serious reductions of its strength through repatriation. Were the present development to continue, with various factions of the Congolese Army functioning as private armies, it was questionable whether the situation would permit a useful United Nations contribution unless the Force were strengthened. The situation would be changed if the various factions of the Army could be brought back to their normal role, outside politics and under the ultimate control of a functioning constitutional government. He would therefore welcome a decision by the Council requesting him to take urgently appropriate measures for assistance in the reorganization of the National Army so as to prevent its units from intervening in political conflicts or impairing law and order. Were civil war to break out in spite of the restraining influence of the United Nations, the right thing to do would be for the Force to withdraw.

The representative of the United Arab Republic said that the illegal incarceration of Mr. Lumumba, the Prime Minister, and other members of Parliament was not only shocking but a barrier to fruitful negotiations between the different political groups in the Congo. It was essential that the prisoners should be released and that, as the Secretary-General had pointed out to Mr. Kasa-Vubu, Parliament should be convened. The United Nations should provide protection so that deputies could attend the session without fear of attack by Mobutu forces. If peace was to be restored to the Congo, it was also essential that Belgian and foreign military and paramilitary formations should withdraw as quickly as possible.

At the 929th meeting on 2 February, the representative of Ceylon said it was a revealing fact that the Prime Minister who had stood for the unity and political independence of the Congo, which the United Nations had undertaken to assist in preserving, was a prisoner in the hands of the separatist provincial president of Katanga. With the backing of interests seeking to subvert the Congo's independence, Colonel Mobutu had mustered sufficient strength to throw the Prime Minister and the members of Parliament supporting him into prison, ending parliamentary government and making reconciliation more difficult. Meanwhile, as the Special Representative's report (S/4557) had shown, increasing Belgian participation in political and administrative activities was hampering ONUC's work. The situation could be remedied by disarming and disbanding the men under Colonel Mobutu; releasing all members of Parliament and members of the legitimate Government; reconvening Parliament; withdrawing all Belgian personnel; releasing all airports, radio stations and other establishments to the legitimate Government; and preventing the Belgian authorities from using Ruanda-Urundi for action against the Congo.

The representative of Mali said that the transfer of Mr. Lumumba to Katanga had created an explosive situation. He urged the Secretary-General to take action; even if it were slightly beyond the limits of his mandate, it would receive almost unanimous approval if it restored peace in the Congo. He appealed to the United States to reconsider its policy, and asked the Council to take the steps recommended by the Casablanca Conference. If the situation remained as it was, Mali would consider itself free to take action.

The representative of India said that if the United Nations operation was not to peter out for political and financial reasons, the big Powers must agree on a minimum policy for the Congo. No solution was possible without a complete withdrawal of Belgian military and paramilitary personnel and an assurance that Ruanda-Urundi would not be used as a base for action against the Congo. Successful action also presupposed the existence of an effective, legal and constitutional central government. Parliament should be reconvened without delay and all members of Parliament in detention, in particular Mr. Lumumba and other political leaders, should be released. All Congolese armed personnel, including the ANC and private armies, should be disarmed or neutralized and all States should be reminded of the injunction in General Assembly resolution 1474 (ES-IV) against the direct or indirect supply of arms and other materials, other than upon the request of the United Nations.

At the 930th meeting, held the same day, the representative of Morocco said that the declaration adopted by the Casablanca Conference (S/4626) outlined the action that must be taken by the United Nations to fulfil its mission in the Congo. Before the eyes of the United Nations new forms of colonialism had appeared; puppet governments and separatist groups were destroying the country's unity, while the legal Government was paralysed and its Prime Minister imprisoned. If the purposes which justified the United Nations presence in the Congo were not realized, Morocco reserved the right to take appropriate action.

The representative of the Union of Soviet Socialist Republics said that concerted action to solve the Congo crisis had been frustrated because some members of the Council had taken a position supporting the aggressor and an illegal régime of terror in the Congo. United Nations prestige had been sapped; the decisions of Morocco and other countries to withdraw their troops were indications of a lack of faith in the United Nations Command and the Secretary-General. The latter's failure to implement the Council's decision, and continuing Belgian intervention were the main causes of the deterioration in the situation. The Secretary-General had discovered authority for the occupation of airfields in Leopoldville Province over the protests of the legal Government, but when Mobutu and Tshombé received munitions and men from Belgium he could find no legal bases for counter measures. Belgium, already in *de facto* occupation of Katanga, was increasing its intervention and reinforcing its garrison in Ruanda-Urundi. But despite the energetic support of Belgium and other colonizers, the Kasa-Vubu-Mobutu régime was tottering and, uncertain of its ability to detain the Prime Minister, Mr. Lumumba, in face of the opposition of the national forces, had delivered him to the Belgians in Katanga. In that situation, the Conciliation Commission, barred from contact with the leaders of the legal Government, could not discharge its responsibilities. A peaceful solution of the Congo problem could only be achieved by strict implementation of the Council's decisions; the decisive cessation of Belgian intervention in the Congo; the re-establishment of democratic institutions; the release of the Prime Minister, Mr. Lumumba, and other national leaders; and measures to prevent the use of Ruanda-Urundi as a base against the Congo. That was, as the decisions of the Casablanca Conference showed, the solution desired by the peoples of Africa and Asia. The question was whether the United States, after the critical reappraisal of the situation

reported to be in progress in Washington, was ready to follow that course.

The representative of Belgium stated that, far from reinforcing its troops in Ruanda-Urundi, Belgium had begun to relieve its troops, leaving only two battalions and two companies to maintain order in a Territory with almost 5,000,000 inhabitants.

The following documents were circulated between 2 and 11 February regarding postponement of the Council's discussion:

In a cable dated 6 February (S/4671), the President of the Republic of the Congo (Brazzaville) requested the Council to postpone discussion on any resolution concerning the ex-Belgian Congo until representatives of the African States represented at the Brazzaville Conference on 15 December 1960 had received instructions from their Governments.

In a telegram dated 6 February (S/4673), the representative of the Malagasy Republic also requested the deferment of any decision by the Council in the matter.

In a *note verbale* dated 7 February (S/4677), the representative of Senegal requested that any decision on the Congolese question be postponed pending the resumption of the General Assembly's fifteenth session to permit consultations among all the African nations.

In a telegram dated 9 February (S/4681), the representative of Gabon requested that the Council postpone discussion of the question to permit the nations represented at the Brazzaville Conference to state their views.

In a telegram to the Secretary-General dated 10 February (S/4684), the President of Guinea stated that any postponement of the discussion would confirm suspicion of a coalition between the United Nations and the colonial Powers.

In a telegram to the Secretary-General dated 11 February (S/4690), the President of Dahomey urged postponement of discussions on the Congo to permit the participation of the African States not represented at the Casablanca Conference.

The following document was also circulated on 7 February:

In a letter dated 6 February (S/4674), the representative of the Sudan requested the Secretary-General to circulate a letter regarding requests for the clearance of aircraft passing over or landing in the Sudan en route to the Congo.

At the 931st meeting on 7 February, the representative of Libya suggested that the measures proposed in the Casablanca declaration could serve as a useful basis for determined action by the Council to overcome the obstacles to a settlement of the Congolese crisis. He trusted that the Council would take action on the lines proposed by the Casablanca Conference, whose decisions had been given added weight by the Secretary-General's recent constructive re-examination of the question.

The representative of Yugoslavia said that without Mr. Lumumba, the only recognized national figure in the Congo, there could be no democratic solution of the Congolese problem. The Council's first decision must be on measures to ensure the release of Prime Minister Lumumba and other imprisoned political leaders and to disarm all the troops supporting the forces of usurpation and secession. The second task was to enable Parliament to function normally; until that was done, efforts

towards national conciliation would be fruitless. Action must also be taken to end colonial intervention, the real cause of all the difficulties in the Congo. The passive presence of the United Nations in the Congo had only encouraged the negative currents which had been evident for seven months and had led to results completely opposite to the goals envisaged in the Council and General Assembly resolutions.

The representative of Guinea said that the Congolese question would have been settled long ago if the United Nations Command had respected the clear mandate given by the Council and refrained from action impeding the exercise of authority by the Central Government. Instead, after seven months of United Nations action, the Prime Minister of that Government had been placed in the hands of the Belgians by the puppets of colonialism. That situation could be corrected if the Council adopted the programme of action approved by the Casablanca Conference of Independent African States. The Secretary-General himself had proposed certain measures, but the mandate he was seeking was inadequate and not sufficiently precise. There should be no possibility of misunderstanding in the implementation of the measures envisaged. Any mandate given must deal with two essential points: the elimination of Belgian and other colonialist interference and the re-establishment and defence of Congolese legality through the release of Mr. Lumumba and other unlawfully detained members of Parliament, the reconvening of the Congolese Parliament, and the reorganization of the national army as an effective instrument in the exclusive service of the Central Government.

The representative of Indonesia recalled that his Government had decided to withdraw its troops because it could not be a spectator of unconstitutional, anti-democratic developments in the Congo. Its quarrel was not with the basic aims of the United Nations as recently stated by the Secretary-General but with the approach adopted. Using every means of persuasion at its command, the United Nations must insist upon the achievement of those aims as the prerequisite for its continued presence in the Congo. As the obstacles it was intended to remove were the direct result of outside interference, such pressure would not mean control of the Congo's internal affairs. Priority must be given to the immediate elimination of foreign intervention; once the foreign mercenaries were ejected, the dissident groups would collapse and the true national leaders of the Congo would be able to resolve their differences. Without the participation of Prime Minister Lumumba and other national leaders, meaningful reconciliation would, of course, be impossible. If the Council adopted such a course of action, his Government would give the decision most careful consideration.

At the 932nd meeting held the same day, the representative of the Congo (Leopoldville) noted that only a small minority of the African States Members of the United Nations had attended the Casablanca Conference. Its representative character was therefore questionable. He drew attention also to his Government's complaint (S/4639) concerning the interference in its internal affairs by one of the participants in the Conference, the United Arab Republic. There was evidence that the United Arab Republic 11-14 aircraft which had landed at Lisala without clearance on 31 December had unloaded seven tons of weapons and five receiving sets for shipment to Stanleyville, in violation of the Council's decision. Appeals were being made in Cairo for the dispatch of weapons and men to assist Gizenga and

Kashamura, whose régime was guilty of continuing violations of human rights in Oriental and Kivu provinces. With regard to the Secretary-General's statement of 1 February, it should be noted that the United Nations role in the maintenance of order was only supplementary and must be exercised in liaison with the authorities of the Republic. There was only one Congolese National Army, that which obeyed the Chief of State; other armed groups must be integrated with it or prevented from taking up arms against the State. Any valid solution of the Congo's problems must respect its sovereignty.

The representative of France said that, in the light of the information available, the Congolese Chief of State's complaint concerning the violation of the Congo's national sovereignty by the United Arab Republic appeared to be well founded. With regard to the seven-Power letter of 26 January (S/4641) concerning the transfer of Mr. Lumumba and other prisoners to Katanga, he said that the real issue was the problem of respect for human rights in the Congo. While he condemned the violence inflicted on the ex-Prime Minister, he was surprised that the signatories of the letter had not also expressed concern regarding the acts of violence committed in the provinces under the authority of Mr. Lumumba's followers. Any investigation by the Red Cross should cover prisoners in those provinces as well as Mr. Lumumba and his companions. The ills besetting the Congo would not be cured until a stable government, broadly based and respected in the six provinces, was formed and until the national Congolese forces were able to ensure the maintenance of order; it was the task of the foreign States as well as the United Nations to support the legitimate authorities of the Republic, in complete agreement with them and with full respect for the national sovereignty of the Congo, in restoring the peace and unity of the State.

The representative of Ecuador said that the disintegration of the central power in the Congo had left only a small island of constitutionality in a sea of violence. In that situation, United Nations withdrawal from the Congo would open the way to civil war. On the other hand, the Organization could not fulfil its mission in the Congo unless it were given sufficient power, which would require agreement among the permanent members of the Council. He trusted that the permanent members would find common ground so that the United Nations could create conditions in which the Congolese would be able to choose their own form of national unity by democratic means without foreign interference.

The representative of the United Arab Republic rejected the allegations of interference by his country in the Congo's domestic affairs. As was clear from Mr. Dayal's report (S/4630) the Secretary-General's permission had been requested for the landing at Lisala.

The following documents were circulated between 10 and 13 February:

In a letter dated 10 February (S/4682), the representatives of Ceylon, Ghana, Guinea, India, Indonesia, Libya, Mali, Morocco, the United Arab Republic and Yugoslavia requested the Secretary-General to investigate the reports of the escape of Mr. Lumumba, which might have been inspired in preparation for the announcement of his death. A note by the Secretary-General stated that appropriate instructions had been issued to the Special Representative before receipt of the letter.

In a letter to the Secretary-General dated 10 February (S/4683), the representative of the USSR stated that his delegation expected the Secretary-General to investigate the reports concerning the fate of Mr. Lumumba and his companions, and to inform the Council.

In a statement (S/4686) transmitted on 11 February, the USSR delegation expressed concern at the Secretary-General's failure to provide information on Mr. Lumumba's fate and regretted that its proposal for an immediate closed meeting of the Council had not been acted upon.

In a report to the Secretary-General regarding Mr. Lumumba, circulated on 12 February (S/4688), the Special Representative stated that Mr. Tshombé had refused to allow the Conciliation Commission or Red Cross representatives to see Mr. Lumumba after his transfer to Katanga. Following the Katangan Minister of the Interior's announcement (annex I) on 10 February of the escape of Mr. Lumumba and his co-detainees, the ONUC representative in Elisabethville had urged the humane treatment of the fugitives in the event of their recapture and the following day, on the instructions of the Secretary-General, had made repeated efforts to obtain an appointment with Mr. Tshombé. Mr. Tshombé had declined to see General Iyassu, the Chief of Staff of the Force, who had gone to Elisabethville on 12 February to elicit facts concerning the alleged escape. The ONUC representative had delivered a *note verbale* (annex II) to Mr. Tshombé demanding detailed information regarding the matter. An addendum, issued on 13 February (S/4688/Add.1), to the Special Representative's report regarding Mr. Lumumba reproduced a statement by the Katanga Minister of the Interior announcing that Lumumba, Okito and Mpolo had been killed by Katangan villagers.

In a report (S/4691), issued on 12 February, the Special Representative stated that a serious civil war situation had developed in Katanga province with evidence of similar impending developments in other parts of the country. The Katanga authorities had abrogated an agreement with the United Nations establishing a neutral zone in Northern Katanga and had embarked on offensive military action in the area. A press statement by the Katanga authorities was annexed. S/4691/Add.1 contained a message from Mr. Tshombé, received by the Special Representative on 16 February, protesting against the Special Representative's interpretation of the action taken in Northern Katanga. What had been described as an offensive military action was in a fact a police action undertaken to clear the Lubudi-Bukama railway and had been made necessary by the United Nations Force's dereliction of duty.

In a cable dated 13 February (S/4695), the Chief of State of Chad expressed his Government's opposition to any neutralization of the regular Congolese armed forces. The representative of the Congo (Brazzaville) was authorized to state Chad's views in the Council.

At the 933rd meeting on 13 February, the Secretary-General suggested that the Special Representative's report regarding Mr. Lumumba (S/4688) be added to the agenda. The tragic events of which news had been received that morning demanded a full and impartial investigation and he had therefore instructed General Iyassu to stay in Elisabethville until he could proceed with his task with the necessary assistance from the authorities or until he received new instructions in the light of the Council's position.

The representative of the United States of America said that his Government was deeply shocked by reports of the death of Patrice Lumumba and his two aides. The Council should accelerate its efforts to find a consensus on constructive measures to restore peace and stability in the Congo. All Governments should avoid any steps that might further aggravate the situation.

The representative of the USSR said that the colonizers had committed many crimes against colonized peoples but that the murder of the Prime Minister of the Congo and his associates was distinguished by the fact that it had been committed under the United Nations flag. The Secretary-General's proposal for an investigation sounded hypocritical; in view of events in the Congo his delegation had no confidence in the Secretary-General or his staff. The situation had been radically altered, and Governments should have an opportunity of reviewing their positions before the Council continued its discussion.

The President, speaking as the representative of the United Kingdom of Great Britain and Northern Ireland, said that his delegation was profoundly shocked at the report of the murder of Mr. Lumumba. Recent developments made it the more imperative for the Council and the United Nations to discharge their responsibilities towards the Congolese nation and people.

The representative of the United Arab Republic said that the premeditated murder of the Prime Minister and his colleagues had shocked world opinion. In the circumstances, substantive discussion of the item would be premature. He accordingly moved the adjournment of the meeting.

**Decision:** *The motion was adopted by 10 votes to one (Liberia), with no abstentions.*

The following communications relating to the death of Mr. Lumumba were received between 13 and 20 February:

In a cable dated 13 February (S/4697), the President of Upper Volta protested against the killing of Lumumba and his companions.

In a cable dated 13 February (S/4698), His Majesty the King of Morocco expressed indignation at the murder of Prime Minister Lumumba and his fellow prisoners; the crime would undermine confidence in the United Nations.

In a cable to the President of the Council dated 14 February (S/4700), the Minister for External Affairs of Cuba denounced the assassination of Prime Minister Lumumba and his companions. Sanctions should be taken against the permanent members of the Council primarily responsible for the crime. Mr. Hammarskjöld should resign.

In a letter transmitted on 13 February (S/4701), the Secretary of State for Foreign Affairs of Yugoslavia stated that responsibility for Prime Minister Lumumba's murder was borne by all who had, despite manifold warnings, permitted events to take that course. His Government called for energetic measures to halt the deterioration of the situation.

In a cable dated 14 February (S/4702), the Secretary of State for the Presidency of Tunisia deplored the killing of Mr. Lumumba and his fellow prisoners. The Tunisian Government would support the United Nations in its efforts to restore peace and legality.

In a cable to the Secretary-General dated 14 February (S/4703), the President of Guinea expressed indignation at the assassination of Prime Minister Lu-

mumba and two of his Ministers. The tragedy would not weaken the African peoples' determination to free themselves from imperialism, of which the United Nations, through its Secretary-General, had become the standard bearer.

In a statement transmitted on 14 February (S/4704), the USSR Government declared that responsibility for the murder of Prime Minister Lumumba and his colleagues rested with the colonialists and, first and foremost, the Belgians, in whose interests the Secretary-General of the United Nations had acted from the outset of the Congo operation. The USSR demanded the condemnation of Belgium and imposition of appropriate sanctions; the arrest of Tshombé and Mobutu and disarming of their forces; the immediate withdrawal of Belgian troops and personnel from the Congo; the discontinuation of the "United Nations operation" in the Congo within one month; and the dismissal of Dag Hammarskjöld as a participant in, and organizer of, the violence against leading Congolese statesmen. The Government of the USSR would not maintain any relations with Hammarskjöld and would not recognize him as an official of the United Nations. The USSR Government was prepared, with other States friendly to the Republic of the Congo, to give all possible help and support to the Congolese people and its lawful Government, headed by the Acting Prime Minister, Antoine Gizenga.

In a cable dated 14 February (S/4705), the President of Mali stated that the murder of Prime Minister Lumumba was the culmination of the betrayal of the mission entrusted to the United Nations by States of good faith and expressed distrust of the United Nations and the Secretary-General.

In a declaration transmitted on 14 February (S/4707), the Government of Czechoslovakia condemned the Belgian colonizers' assassination of Prime Minister Lumumba and his companions. It called for the resignation of the Secretary-General and effective measures to restore peace in the Congo. The Czechoslovak Government would continue to render effective assistance to the Congolese people and its legitimate Government in Stanleyville.

In a statement transmitted on 14 February (S/4713), the Brazilian Government expressed horror at the circumstances involving the death of Patrice Lumumba.

In a statement of 14 February (S/4714), the President of Liberia called for an international inquiry into Mr. Lumumba's death. All rival political groups in the Congo should cease all military, political and other activities for sixty days under a truce required by the Security Council and their leaders should meet with the Secretary-General and the Council at United Nations Headquarters to discuss the situation with a view to restoring peace and order.

In a cable dated 14 February (S/4715), the President of Guinea called for the resignation of the Secretary-General and announced the departure from Guinea of all experts and advisers made available by the Secretary-General.

In a cable to the Secretary-General dated 15 February (S/4716), the President of Somalia deplored the murder of Mr. Lumumba and other members of the Congolese Government. He confirmed his Government's confidence in the United Nations, while regretting that the latter had not taken the necessary measures with the means at its disposal.

In a letter to the Secretary-General dated 16 February (S/4717), the representative of Brazil expressed his country's support for the Secretary-General's suggestion for an impartial investigation of the murder of Mr. Lumumba.

In a letter to the President of the Council dated 16 February (S/4718), the representative of Poland called for the dismissal of Mr. Hammarskjöld, whose policies in the Congo had led to lawlessness culminating in the murder of national leaders.

In a cable to the President of the Council dated 15 February (S/4719), the President of the Council of Ministers of Romania called for condemnation of the crimes committed by the Belgian colonialists in the Congo, the disarming of the Tshombé-Mobutu gangs, the removal of Belgian personnel, the withdrawal of foreign troops and the dismissal of the Secretary-General, who had done nothing to prevent the murder of Prime Minister Lumumba.

In a statement transmitted on 17 February (S/4720), the Government of Bulgaria expressed indignation at the murder of Prime Minister Lumumba and his colleagues. It called for the dismissal of the Secretary-General and withdrawal of United Nations troops from the Congo. Bulgaria would lend all possible assistance to the legitimate Government of the Congo under Mr. Gizenga.

In a cable to the Secretary-General dated 16 February (S/4721), the President of Haiti deplored the death of Patrice Lumumba: the United Nations could play only a limited role in the Congo, a solution to whose difficulties could be found only by true Congolese patriots.

In a cable dated 17 February (S/4726), the President of Togo expressed concern at the situation resulting from the murder of Patrice Lumumba. The Secretary-General should be given an unambiguous mandate empowering the United Nations Force to assume sole authority for the maintenance of law and order. All military and paramilitary units should be disarmed.

In a cable dated 18 February (S/4729), the Minister for Foreign Affairs of the Ukrainian SSR condemned the murder of Prime Minister Lumumba and expressed his Government's support for the proposals made in the Soviet Government's statement of 14 February.

In a cable dated 15 February (S/4731), the President of the Sudan called for an investigation of Mr. Lumumba's death and stated that the Sudan could not continue to participate in implementing the United Nations resolutions pertaining to the Congo unless it received full assurance that the independence, territorial integrity and stability of the Congo would be realized within a definite period. Failing such assurance, his Government would have to withdraw its troops.

In a declaration transmitted on 18 February (S/4732), the Norwegian Government expressed concern at the tragic death of Mr. Lumumba and its effects on the future of the Congo and called for wholehearted support of ONUC, with complete discontinuance of unilateral assistance in any form.

In a letter dated 20 February (S/4734), the Venezuelan delegation expressed its Government's regret at the death of Patrice Lumumba and reaffirmed its support for the United Nations.

In a cable dated 14 February (S/4736), the Emperor of Ethiopia urged swift action to bring the murderers



of Prime Minister Lumumba to justice, lest the Organization's prestige suffer irreparable damage.

In a cable dated 20 February (S/4739), the Minister for Foreign Affairs of the Byelorussian SSR expressed his Government's indignation at the crime perpetrated by the colonialists and their agents, and its support for the Soviet proposals of 14 February.

At the 934th meeting on 15 February, the representative of the United States regretted that the Soviet Union had chosen at a time of grave crisis to publish a statement that was virtually a declaration of war on the United Nations. The United Nations might have made mistakes in the Congo, but nothing justified the USSR's intemperate attack on the integrity of the office of Secretary-General. Abandonment of the United Nations efforts in the Congo would mean surrender to chaos and civil war. No one could really want Africans to kill Africans, and his Government devoutly hoped that the USSR would join the United States and other peace-loving States in supporting the United Nations, the only force capable of preventing Congolese civil war and of excluding the cold war from the Congo. In his delegation's view a solution must be based on four principles—the maintenance of territorial integrity and political independence, the isolation of the Congolese from large-Power and small-Power interference, continued vigorous United Nations assistance, and the settlement of internal political controversies by peaceful means. As a first step towards the realization of those principles, all foreign intervention should cease immediately. The General Assembly's injunction, adopted with the support of all Members except the Soviet bloc, against any unilateral military aid whatever should be fully adhered to. The United States would not sit by if others deliberately sought to exacerbate the situation; it would use all its influence, if other Member States did likewise, to prevent unilateral assistance coming to the Congo from any quarter. Steps were also needed to avert the extension of civil war and protect innocent civilians and refugees. The United Nations should consult immediately with the Chief of State and other civilian and military leaders, if necessary, to agree on measures to that end. Negotiations with a view to the reorganization of the Congolese Army should also be urgently undertaken. His delegation supported the Secretary-General's investigation in the case of Mr. Lumumba and advocated the release of all political prisoners with the objective of promoting political reconciliation and a return to constitutional processes. United Nations encouragement in that connexion was of fundamental importance. Those measures could only be effectively carried out through the Secretary-General; to attempt to discredit him would wreck the United Nations mission in the Congo.

The representative of the USSR said that his Government desired to strengthen the United Nations. But Mr. Hammarskjöld, who had systematically subverted the implementation of the Council's decisions, was not the United Nations. Despite the means made available to the Secretary-General, Belgian aggression had continued; after seven months of so-called non-intervention by the United Nations Command, Belgium was using Ruanda-Urundi as a base against the Congo and openly arming the Katanga forces which were planning to attack the territory controlled by the legal Government. The latter had been deprived of the possibility of discharging its functions normally in large areas of the country, and a mercenary clique submissive to the Belgian colonizers and their allies did what it pleased.

The process of betrayal had culminated in the recent murder of the Prime Minister of the legal Government and other national leaders, whom the colonizers had killed in the hope of eliminating a threat to their policies. In that situation the discussion could not be resumed on the old basis. There could be no question of giving a new mandate to the Secretary-General for there was no guarantee that he would change his course. Decisive and radical measures were necessary to protect the Congolese people and not the colonizers. After those measures were taken, the United Nations could end its operation and leave to the Congolese people the task of solving their own problems. His delegation accordingly submitted the following draft resolution (S/4706):

*"The Security Council,*

*"Regarding the murder of the Prime Minister of the Republic of the Congo, Patrice Lumumba, and of the outstanding statesmen of the Republic Okito and Mpolo as an international crime incompatible with the United Nations Charter and as a flagrant violation of the Declaration on the grant of independence to colonial countries and peoples adopted by the United Nations General Assembly at its fifteenth session,*

*"Decisively condemns the actions of Belgium which led to this crime;*

*"Deems it essential that the sanctions provided under Article 41 of the United Nations Charter should be applied to Belgium as to an aggressor which by its actions is creating a threat to international peace, and calls on the States Members of the United Nations for the immediate application of these sanctions;*

*"Enjoins the Command of the troops that are in the Congo pursuant to the decision of the Security Council immediately to arrest Tshombé and Mobutu in order to deliver them for trial, to disarm all the military units and gendarmerie forces under their control, and to ensure the immediate disarming and removal from the Congo of all Belgian troops and all Belgian personnel;*

*"Directs that the 'United Nations operation' in the Congo shall be discontinued within one month and all foreign troops withdrawn from there so as to enable the Congolese people to decide its own internal affairs;*

*"Deems it essential to dismiss D. Hammarskjöld from the post of Secretary-General of the United Nations as a participant in and organizer of the violence committed against the leading statesmen of the Republic of the Congo."*

At the 935th meeting, also held on 15 February, the Secretary-General said that the assassination of Mr. Lumumba and his colleagues was a revolting crime against the principles for which the Organization stood and must stand. When Mr. Lumumba had requested United Nations protection, he had received it, in keeping with the principles upheld by the Organization. After his arrest, which had taken place after he had left United Nations protection, every effort had been made to give him all possible legal and humanitarian protection: the United Nations had had neither the power nor the right under the mandate to free Mr. Lumumba by force. Those who attacked the Secretary-General for not having exceeded the mandate should remember that it was not he who had determined it. The facts did not provide a basis for the Soviet delega-

tion's attacks, which were a continuation of the attempts made during the first part of the General Assembly's fifteenth session to secure a change in the structure of the Organization that would give the Soviet Union the influence it wanted over and above what followed from the rules of the Charter. As he had indicated on that occasion, he would consider the withdrawal of the confidence of one of the Council's permanent members a reason for resignation were it not for the fact that the Soviet Union, while refusing its confidence to the Secretary-General, had at the same time taken a stand which made it absolutely clear that no new Secretary-General could be appointed and that the Organization, on its executive side, would have to be run by a triumvirate which could not function and would not provide the uncommitted countries with the instrument of which they were in need. In those circumstances, he could not resign, unless it were the wish of the uncommitted nations—the vast majority of Member States, for which the United Nations was of decisive importance and to which he had an overriding responsibility—that he should do so in their and the Organization's interest. With regard to specific measures to deal with the situation, he had suggested an investigation of the assassination of Mr. Lumumba and his colleagues, and the Force had been instructed to protect the civilian population against attacks from any armed units, and to use all means short of force to forestall clashes between armed units, and all means not excluding force in support of cease-fire arrangements. He had also proposed steps to reorganize the Congolese National Army and called for the elimination of the Belgian political element. He would welcome endorsement of those points. The Council might also consider whether authority could be given to its representatives to deal with arms imports and transfers of funds other than for purposes of economic development. He wondered whether the Council, overriding the Republic's sovereign rights, could order the convening of Parliament if persuasion proved insufficient. No reaffirmation or widening of the mandate would achieve anything unless the Council also provided adequate means for its fulfilment.

The representative of Turkey said that the tragic circumstances surrounding Mr. Lumumba's death would undoubtedly hamper the process of conciliation in the Congo. His delegation believed that the Secretary-General had given further proof of his integrity and capability in the discharge of his duties in the Congo.

The representative of China deplored the USSR's irresponsible attacks on the Secretary-General, who had done his best, with a limited mandate and even more limited means, to prevent the brutalization of politics in the Congo. In that connexion, he pointed out that the maintenance of law and order did not mean the protection of a particular constitutional law or régime. The Soviet approach would deal a possibly fatal blow to the Organization and would expose the Congo to even greater dangers. As regarded the charges against Belgium, while Belgian activities in the Congo might be criticized, no evidence had been produced of Belgian participation in the killing of Mr. Lumumba and his two associates.

The representative of France recalled that he had already stated his Government's views on the maltreatment of Mr. Lumumba and Congolese political leaders. He rejected the preposterous and insulting attacks on the integrity of the Secretary-General.

The representative of Chile said that the attack on the Secretary-General was an attack on the Council

and the Assembly, whose decisions Mr. Hammarskjöld had faithfully executed. His delegation, which condemned the recent political crime in the Congo, was in agreement with the course of action proposed by the United States.

The President, speaking as the representative of the United Kingdom, regretted the USSR's irresponsible attacks on the Secretary-General and his office. The Soviet statement could only be interpreted as an attempt to sabotage the United Nations and increase the probability of strife in the Congo. As regarded the allegations of colonialist conspiracy, the emerging nations would surely recognize that if they had been under the administration of the USSR and not of the so-called "colonialist" Powers, their prospect of genuine national and personal freedom would have been much less favourable than had proved to be the case.

The representative of Belgium, in reply to the Soviet representative, said that Belgium was opposed to the use of violence as a political instrument. His Government had had no part in any decision that had led to the dismissal, incarceration, transfer to Katanga and death of Mr. Lumumba. In that connexion, he drew attention to the atrocities committed in Oriental and Kivu provinces and urged action to secure the release of the eight Belgian soldiers imprisoned in those provinces after accidentally crossing the Congolese border.

The representative of Morocco, speaking on behalf of the delegations represented at the Casablanca Conference, said that the premeditated assassination of Prime Minister Lumumba and his colleagues would mobilize African nationalism against neo-colonialism and its puppets.

At the 936th meeting on 16 February, the representative of Ecuador said that he would support an investigation of the crime committed in Katanga. After deploring the unwarranted attacks on the Secretary-General, he suggested that maintenance of the territorial integrity and sovereignty of the Congo would require a review of the Organization's policy with regard to secessionist authorities, the non-recognition of provincial governments by Member States and the withdrawal of Belgian personnel. In the absence of an effective central government, the United Nations would also have to create conditions in which parliamentary institutions could function. Armed factions would have to be disarmed and any unilateral foreign assistance to provincial governments prevented.

The representative of Guinea declared that the triple assassination in Katanga was the outcome of a concerted plan by the colonialist Powers and their puppets. He called for punishment of the guilty, the immediate withdrawal of Belgian nationals from the Congo, the eviction of foreign mercenaries, the restoration of Congolese legality, and the resignation of Mr. Hammarskjöld.

The representative of the Malagasy Republic condemned the recent violence in the Congo and hoped that the guilty would be punished according to Congolese law. His delegation continued to believe that a solution to the Congolese problem should be sought along the lines indicated by the Brazzaville Conference of twelve African States, including Madagascar, in December 1960. The Conference, to which representatives of the various political trends in the Congo had been invited, had welcomed the United Nations action to save the Congo from chaos and regretted that, despite the Secretary-General's efforts to prevent the extension of the cold war to that part of Africa, rival blocs had



tried and were still trying to recolonize the Congo directly or through certain Asian and African States. While United Nations technical assistance should continue, the Organization should not take the place of the Congolese authorities. No State should intervene through its soldiers or its diplomats in the internal affairs of the Congo. A peaceful solution would be found through a round-table conference of the representatives of all parties. A first round-table meeting had been held and a government had been formed. Difficulties remained but it was necessary to wait patiently until the obstacles were gradually overcome. In particular, an attempt to disarm the Congolese National Army might have disastrous consequences.

The representative of Mali stated that his country no longer had confidence in the Secretary-General; no African national Government could have confidence in the United Nations until its structure and concepts were changed. To avert civil war, the Council should immediately order the United Nations Force to interpose itself between the patriotic forces and the three armed groups under the guidance of the Mobutu, Tshombé, Kalondji triumvirate which were converging on the territory controlled by Mr. Gizenga.

At the 937th meeting, held the same day, the representative of Poland condemned the murder of the Prime Minister of the Congo and two other national leaders. There were only two real forces in the Congo: the Congolese people and the colonialists. The conflict between them was not an internal one; it could only be resolved by the removal of Belgian personnel and the disarming of the military bands of Kasa-Vubu and other Belgian-supported figures. Such measures could have been taken, if the Secretary-General had implemented the mandate given him by the Council. His delegation called for the dismissal of Mr. Hammar-skjold and urged all countries to join in assisting the Congolese people in their struggle for liberation from Belgian colonialist oppression.

The representative of the Upper Volta said that Patrice Lumumba's assassination was a warning to all African States fighting for their independence. He regretted that, despite the Charter, the United Nations was unable to guarantee the independence and security of the small nations. In that connexion, he recalled that in condemning foreign interference in the Congo, the Brazzaville Conference, in which his country had participated, had been concerned that Africa should belong neither to the East nor the West. The Soviet proposal was unacceptable because it would cause the Organization's collapse, but the West should realize that support for Belgium also imperilled the United Nations.

The representative of the Congo (Brazzaville) said that the Brazzaville Conference had sought to bring the Congolese leaders together in a common search for a solution to their country's difficulties. The Conference had not taken sides and the subsequent round-table discussions had been attended by representatives of all parties. The Casablanca Conference, to which only one Congolese group had been invited, had proposed a different course of action. The neutralization of the Congolese Army and other measures envisaged would, in effect, place the Congo under international trusteeship. The Congo problem could only be solved by the joint efforts of all parties.

The representative of Ceylon said that the killing of Prime Minister Lumumba and his two colleagues had

brought the Congo to the verge of civil war. The answer lay not in the withdrawal of the United Nations from the Congo, but in the Council's giving a clear and detailed mandate regarding its mission. While his country had not been fully satisfied with the handling of the situation in the Congo, it could not, as a member of the Council, entirely divest itself of responsibility for any unsatisfactory functioning of the office of the Secretary-General. In his delegation's view, the Council's immediate objectives should be: the disarming of all armed forces outside the United Nations Command, throughout the Congo; the assumption of direct responsibility by the United Nations for the maintenance of law and order; the immediate summoning of Parliament and constitution of a new government; the provision of any assistance needed by that government for the discharge of its duties; the immediate expulsion of all foreign military personnel and political advisers; and a prompt investigation of the murder of Mr. Lumumba and his colleagues.

The representative of Gabon said that his Government condemned violence. He trusted that the States represented at the Brazzaville Conference, with the assistance of other African nations, would be given an opportunity to continue their disinterested efforts towards a peaceful solution of the Congo problem. Any attempt to impose an extra-African solution would be doomed to failure.

The representative of Senegal expressed regret at the death of Mr. Lumumba. His Government requested postponement of discussion on the question until the resumption of the General Assembly's fifteenth session to permit the countries represented at the Brazzaville Conference to continue their efforts to find an African solution with the participation of all the African nations.

The representative of Cameroun supported that request. The Congolese crisis had been aggravated by those Chiefs of African States who had tried to implant foreign ideologies in Africa; it could only be ended by a solution that would allow the Congolese to resolve their problems in independence. The Council should take no action beyond giving the Secretary-General adequate means to continue his task.

The representative of the Sudan called for an immediate investigation by the Council of the murder of Mr. Lumumba. In his Government's view, top priority should be given to the insulation of all parts of the Congo from all outside interference, which, however well-meaning, could lead only to increased anarchy and bitterness. The Sudan had maintained strict neutrality towards the conflict in the Congo and permitted no transit to the Congo through its territory except at the request of the Secretary-General. Nevertheless, despite the Secretary-General's efforts, interference continued, and, if steps were not taken to obviate it, the Sudan would be reluctantly compelled to request the repatriation of its troops in the Force. His Government believed that the friends and allies of Belgium could help greatly in that respect by bringing their persuasive influence to bear on the Belgian Government.

The following document was circulated on 17 February:

In a letter dated 17 February (S/4724), the representative of the Congo (Leopoldville) asked the Secretary-General to circulate as a Council document a letter dated 30 January from an assistant to the Special Representative concerning the landing of a United Arab Republic aircraft at Lisala on 30 December 1960.

At the 938th meeting on 17 February, the representative of Liberia said that Member States, as well as the Congolese leaders, should renounce individual ambitions and make a concerted effort to rescue the Congo from civil war. The measures suggested by the President of Liberia (S/4714) would provide a basis for progress towards a solution. Strong action should be taken by the Council to implement the Organization's decision concerning the withdrawal of Belgian personnel. Intervention outside the United Nations, by the USSR or by any other Power, would be unwelcome and invite disaster. As regarded Mr. Hammarskjöld, his and other African delegations believed that the Secretary-General should be given increased authority to bring peace and order to the Congo.

The representative of the United Arab Republic said that the continued Belgian presence in the Congo, in defiance of United Nations resolutions, had enabled Mr. Tshombé to proclaim the secession of Katanga and permitted the delivery of Prime Minister Lumumba and his colleagues to Mr. Tshombé and their murder. The United Nations had failed to implement its resolutions. Nevertheless, while errors had been made, re-creation would serve no purpose; the Council's task, particularly in view of the Katanga authorities' operations in Northern Katanga and the reported preparations for an attack on Oriental province, was to avert civil war and lay the ground-work for a constructive solution. His delegation, with the delegations of Ceylon and Liberia, therefore submitted the following draft resolution (S/4722):

A

*"The Security Council,*

*"Having considered the situation in the Congo,*

*"Having learnt with deep regret the announcement of the killing of the Congolese leaders, Mr. Patrice Lumumba, Mr. Maurice Mpolo and Mr. Joseph Okito,*

*"Deeply concerned at the grave repercussions of these crimes and the danger of widespread civil war and bloodshed in the Congo and the threat to international peace and security,*

*"Noting the report of the Secretary-General's Special Representative (S/4691) dated 12 February 1961 bringing to light the development of a serious civil war situation and preparation therefor,*

*"1. Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fires, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort;*

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

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

*"4. Decides that an immediate and impartial investigation be held in order to ascertain the circumstances of the death of Mr. Lumumba and his colleagues and that the perpetrators of these crimes be punished;*

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

B

*"The Security Council,*

*"Gravely concerned at the continuing deterioration in the Congo, and the prevalence of conditions which seriously imperil peace and order, and the unity and territorial integrity of the Congo, and threaten international peace and security,*

*"Noting with deep regret and concern the systematic violations of human rights and fundamental freedoms and the general absence of rule of law in the Congo,*

*"Recognizing the imperative necessity of the restoration of parliamentary institutions in the Congo in accordance with the fundamental law of the country, so that the will of the people should be reflected through the freely elected Parliament,*

*"Convinced that the solution of the problem of the Congo lies in the hands of the Congolese people themselves without any interference from outside and that there can be no solution without conciliation,*

*"Convinced further that the imposition of any solution, including the formation of any government not based on genuine conciliation would, far from settling any issues, greatly enhance the dangers of conflict within the Congo and threat to international peace and security,*

*"1. Urges the convening of the Parliament and the taking of necessary protective measures in that connexion;*

*"2. Urges that Congolese armed units and personnel should be re-organized and brought under discipline and control, and arrangements be made on impartial and equitable bases to that end and with a view to the elimination of any possibility of interference by such units and personnel in the political life of the Congo;*

*"3. Calls upon all States to extend their full cooperation and assistance and take such measures as may be necessary on their part, for the implementation of this resolution."*

The representative of Czechoslovakia said that Mr. Hammarskjöld and the United Nations Command in the Congo had played a major part in the events that had led to the murder of Prime Minister Lumumba and other national leaders. The proposals put forward by the USSR offered the only satisfactory basis for dealing with the situation so created. The legal Government in Stanleyville could be sure that Czechoslovakia would do everything in its power to promote a solution in the interest of the Congolese people.

The representative of Iraq said that the murder of Patrice Lumumba was the latest in a series of acts for which Belgium was directly responsible. Through the efforts of Belgium and its allies, the Organization had been prevented from implementing its resolutions and the Katanga secession and Mobutu *coup d'état* had been represented as internal matters. Effective action should be taken through a revitalized United Nations Force with a clear mandate, in accordance with the principles envisaged in the three-Power draft resolution.

At the 939th meeting, held the same day, the representative of Yugoslavia said that Belgian intervention, with the support of other colonialist Powers and interests, and the mistaken policy of the responsible United Nations officials had created a risk of serious armed conflict in the Congo. To correct that situation, all illegal and unconstitutional armed groups in the Congo should be disarmed and neutralized; democratic political life and the functioning of the Government of the Congo should be assured under the protection of the United Nations forces; and all residual forms of colonialist intervention should be eliminated. Sanctions should be applied, if necessary, to secure the withdrawal of Belgian personnel. If the Council could not reach agreement on the minimum measures envisaged in the draft resolution submitted by the Asian and African countries, a special emergency session of the General Assembly should be convened to permit a new effort by the international community as a whole to find a solution to the Congolese problem.

The representative of the Central African Republic expressed the hope that the assassination of Mr. Lumumba and his colleagues would be the subject of impartial investigation. Deploring reported outside intervention and urging Belgian withdrawal without further delay, he said that neither unilateral military assistance outside the United Nations nor the disarmament of the Congolese National Army could solve the Congo crisis. The solution must be an African solution, based upon the decisions of the Congolese leaders themselves and elaborated in co-operation with all the African peoples. He suggested that the debate be adjourned to allow the African leaders to prepare a programme for presentation to the Assembly at its resumed fifteenth session.

The following documents were circulated between 18 and 20 February:

In a cable to the Secretary-General dated 18 February (S/4725 and Add.1), the President of Ghana outlined the following plan for dealing with the situation in the Congo: a new United Nations Command should be established; that Command must be African and should take over complete responsibility for law and order in the Congo; all Congolese armed units should be disarmed, return to their barracks and surrender their weapons to the new Command; the disarming and hand-over should be voluntary and should lead to the reorganization and retraining of the Congolese National Army, although force must be used if certain factions would not co-operate; all non-African personnel serving in the Congolese Army must be expelled; once the military situation had been brought under control, all political prisoners must be released by the new United Nations Command which should then convene Parliament under its auspices; all foreign diplomatic missions and representatives should immediately leave the Congo for the time being in order to eliminate the cold war from the Congo. To implement the plan, it would be necessary for the United Nations to control the major airports in the Congo.

In a report dated 18 February (S/4727), the Special Representative stated that a serious situation had developed in Leopoldville involving the arbitrary arrest and deportation of a number of political personalities. Although the arrests and deportations had been carried out in conditions of secrecy, it had been established that a group of prisoners had been transferred from Leopoldville to Bakwanga, the capital of the so-called Mining State of South Kasai, and there had been

persistent rumours of the physical liquidation of many of them on their arrival. An addendum (S/4727/Add.1), issued the following day, contained letters dated 16 February from the Special Representative to Mr. Ileo and Mr. Kalondji respectively, appealing for humane and decent treatment for Mr. Finant and the five other political prisoners reported to have been transferred from Leopoldville to Bakwanga, and application of the general rules deriving from the principle of respect for law. The addendum also contained a letter to the President of the Republic from the Secretary-General, who pointed out that in the light of the recent murder of Mr. Lumumba and his colleagues in Katanga, the arrests and deportations of political personalities must inevitably cause grave concern. Such acts constituted a violation of basic principles which must be observed by any Member State of the United Nations. In a supplementary report issued on 20 February (S/4727/Add.2), the Special Representative transmitted a message from a Mr. Kabeya of South Kasai, describing himself as Minister for Justice in the so-called Mining State, stating that six of the seven political leaders transferred to Bakwanga had been sentenced to death and executed for crimes against the Muluba people.

In a letter to the Secretary-General dated 20 February (S/4735), the Permanent Mission of Ghana transmitted a resolution adopted that day by a meeting in Accra of representatives of the countries which had participated in the Casablanca Conference urging the Council to take measures to halt Colonel Mobutu's invasion of Oriental and other pro-Lumumba provinces.

In a letter dated 15 February (S/4744), circulated on 22 February, the Prime Minister of Ceylon said that she did not see how the United Nations could stay neutral in a conflict between a legitimate and progressive Government and factional and divisive forces fostered by foreign, colonial and other vested interests. Mr. Lumumba's murder had been a calculated attempt to destroy the rallying point of Congolese unity and independence. The paramount needs now were to prevent the disintegration of the Congo, ensure the withdrawal of the forces of colonialism and foreign vested interests, and disarm the private armies.

In an addendum (S/4691/Add.2), issued on 20 February, to his report on recent developments in Northern Katanga, the Special Representative stated that a Belgian officer commanding the *gendarmerie* at Mitwaba encountered by a United Nations patrol on 17 February had revealed that the *gendarmerie's* objective was Manono; the United Nations Force should not attempt to intervene as the operation was part of a larger offensive. He had refused to enter into discussions with the United Nations Commander in North Katanga. The offensive appeared to be aimed at the subjugation of the entire region populated by the Baluba tribe.

At the 940th meeting on 20 February, the Secretary-General informed the Council that news had been received of the execution in South Kasai of six of the personalities whose deportation from Leopoldville had been the subject of the Special Representative's report of 18 February (S/4727). He had expressed his view of such acts, which flouted the basic values upheld by the Organization, in his letter to Mr. Kasa-Vubu, but it was for the Council to judge how the most recent development, following the assassination of Mr. Lumumba and others, should influence United Nations action in relation to the Congo and the various groups in the Congo.

The representative of Liberia moved the adjournment of the meeting to allow consultations with the African countries.

**Decision:** *The motion was carried without objection.*

At the 941st meeting, held the same day, the representative of the United Arab Republic stressed the need for United Nations action to stop outrages of the kind described by the Secretary-General at the previous meeting. Violations of human rights involving a threat to international peace and security could not be ignored. He accordingly submitted, and requested priority for, the following draft resolution, co-sponsored by Ceylon, Liberia and the United Arab Republic (S/4733):

*"The Security Council,*

*"Taking note of the Secretary-General's report (document S/4727) of 18 February and his communication to the Security Council in his statement of 21 February,*

*"Profoundly shocked at the continuance of large-scale assassination of political leaders in complete disregard of human rights and fundamental freedoms, world public opinion, and of the Charter of the United Nations,*

*"Conscious of the extreme gravity of the situation in the Congo,*

*"Determined that such assassinations shall come to an end,*

*"Convinced of the responsibility for such crimes of persons in high places,*

*"1. Strongly condemns the unlawful arrests, deportations and assassinations of political leaders of the Congo;*

*"2. Calls upon the authorities in Leopoldville, Elisabethville and Kasai immediately to put an end to such practices;*

*"3. Calls upon the United Nations authorities in the Congo to take all possible measures to prevent the occurrence of such outrages including, if necessary, the use of force as a last resort;*

*"4. Decides upon an impartial investigation to determine the responsibility for these crimes and punishment of perpetrators of such crimes."*

The representative of Ceylon said that the Congo was one of many colonial territories that had emerged as independent nations in recent years. However, events in the Congo had taken a different turn because of the colonialists' determination to retain control, no matter what manoeuvres and crimes they might have to resort to. The Organization could not condone the callous acts of a so-called Chief of State working in collusion with the enemies of his country. The draft resolution (S/4733) outlined the minimum conditions necessary for the establishment of peace and stability in the Congo.

The representative of Liberia called for support of draft resolution S/4733. If the suggestion were acceptable, he would also submit a draft resolution proposing that the Council hold its next sitting in or near the Congo for the purpose of meeting the country's political leaders with a view to establishing United Nations prestige and authority and offering a point of reconciliation.

The representative of India said that his delegation shared the feeling that the United Nations had failed in the Congo, particularly in its inability to prevent the murder of Mr. Lumumba and others, but considered that the failure must be laid to the United Nations as

a whole, so the cold war approaches by various Powers and to wrong or inadequate decisions of the Council and Assembly. The Council must act quickly to prevent attempts to find a military solution of the Congo problem. As the Prime Minister of India had declared, the United Nations should use force if necessary; foreign elements should be removed, and the Congolese army should be controlled and disarmed; the United Nations should then try to get Parliament to meet. If the United Nations withdrew from the Congo, it would be a disaster. Draft resolution S/4722, which substantially reflected his Government's views, appeared to offer the minimum answer. The second joint draft resolution (S/4733) would demonstrate the Council's refusal to tolerate lawlessness and political assassination.

The representative of Nigeria considered that the mandate of the United Nations in the Congo should be clarified and strengthened to deal with the worsening situation resulting from the absence of an effective central government, the imminent danger of civil war and the fact that the army had become the greatest menace to peace and security. The first joint draft resolution (S/4722) contained proposals which his Government thought essential for a lasting solution.

The representative of the United States said that his delegation would support the joint draft resolution in document S/4722 but felt that three points should be covered more specifically: the Secretary-General's responsibility for implementing the resolution, recognition that the United Nations was in the Congo to uphold its sovereignty and independence, and the prohibition of outside military assistance through material as well as personnel. He took it that the reference in section A, paragraph 1, to the use of force in the last resort meant that force could not be used until agreement had been sought by negotiation, conciliation and other peaceful measures.

The representative of Turkey said that his delegation would support the first joint draft resolution (S/4722), which was clearly to be read in the light of the Charter and the earlier resolutions reaffirmed in the text. With regard to the second draft resolution (S/4733), he would suggest that paragraph 2 be amended to read "calls upon the authorities in the Congo" to avoid any implication that the text applied only to one section of the country.

The representative of China said that his delegation supported draft resolution S/4733 in substance. He suggested that the words "all concerned in the Congo" in paragraph 2 be amended to read "the authorities in all parts of the Congo" in order to emphasize the Council's desire to stop brutalities everywhere and that the preambular paragraph "Convinced of the responsibility for such crimes of persons in high places" be deleted to avoid giving the impression that the Council had made up its mind before starting an investigation. The phrase "including, if necessary, the use of force as a last resort" in paragraph 3, appeared to be inconsistent with the Charter and he would therefore request a separate vote on those words.

The representative of Pakistan regretted that concern with the struggles of politicians had diverted attention from the sufferings of the individual Congolese living in famine and insecurity. The objective of the United Nations operation in the Congo was the regulation of the situation in the Congo, and the weakness of the operation as so far conceived in the Council was that it alternately faced and refused to face the fact the

United Nations had assumed a jurisdiction over the Congo which exceeded the provisions of the Charter if too legalistically interpreted. A solution could only be sought in the administration of the country by United Nations assistance to the end that the Congolese people might be able to achieve their own political settlement unhampered by outside political or military interference. That solution would imply: withdrawal of Belgian and other foreign personnel not under United Nations authority; provision for the application of sanctions under Articles 41 and 42 of the Charter in the event of the non-withdrawal of such personnel; an injunction against unilateral intervention; thorough reorganization of the Congolese armed forces; assumption by the United Nations of civil administrative control for a specified period; a moratorium on party or factional activity disturbing law and order; the reinstitution of constitutional processes when the opinion of the people had been ascertained, by referendum or otherwise, regarding the nature and form of the government they desired.

The representative of Morocco said that if the United Nations did not demonstrate its opposition to neo-colonialism and neo-colonialist intrigues its very existence might be jeopardized. Energetic measures were essential to correct the situation created by colonialism in the Congo, in particular: condemnation of the criminal acts of Kasa-Vubu, Tshombé, Kalondji and their followers; the arrest and trial of the criminals; condemnation of Belgium for its defiance of United Nations resolutions; an investigation to establish the complicity of the other colonialist Powers acting in concert with Belgium; the application of sanctions if Belgium persisted in ignoring those resolutions; the evacuation of Belgium personnel; and the release of all political prisoners.

The representative of Ceylon announced that the sponsors had agreed to revise the first preambular paragraph of draft resolution S/4733 to read: "Taking note of the report of the Special Representative in the Congo, document S/4727, of 18 February, and the Secretary-General's communication to the Security Council in his statement of 20 February, bringing to the earnest attention of the Council the atrocities and the assassinations in Leopoldville, Katanga and South Kasai in the Congo"; and paragraph 2 to read: "Calls upon all concerned in the Congo immediately to put an end to such practices".

The representative of Liberia stated that his delegation understood section A, paragraph 3, of draft resolution S/4722 to include material as well as personnel.

The President put to the vote the proposal of the representative of the United Arab Republic that draft resolution S/4733/Rev.1 be given priority.

**Decision:** *The proposal was rejected, 4 votes having been cast in favour (Ceylon, Liberia, USSR, United Arab Republic) and none against, with 7 abstentions.*

At the 942nd meeting held the same day, the President speaking as the representative of the United Kingdom, said, first, that his Government was in favour of a united Congo; the United Nations should help the Congolese to reach a political accord among themselves and encourage the efforts that were being made towards a political solution, the only basis for national unity. Secondly, the United Nations must effectively interdict foreign interference in any form and from any quarter. Thirdly, the Congo must be assisted to create conditions of order and stability; the United Nations should assist

in the reorganization of the Congolese army, which had never had an opportunity to train for its present responsibilities. With those objectives in mind, he was bound to reject the Soviet draft resolution (S/4706). With regard to the first joint draft resolution (S/4722), he understood that the operative paragraphs, in particular section A, paragraphs 1 and 4, and section B, paragraph 2, were to be interpreted in the light of the provisions of the earlier resolutions referred to in the text, all of which established the principles of consultation and impartiality. Specifically, he interpreted the words at the end of section A, paragraph 1, to mean that force would only be used by the United Nations to prevent a clash between hostile Congolese troops. He shared the United States delegation's views regarding section A, paragraph 3, and the responsibility of the Secretary-General for implementing the resolution. Subject to those interpretations, he would vote for the draft resolution.

The representative of Chile considered the USSR draft resolution unacceptable. Although he regretted the omission of any reference to the Secretary-General, he would vote for the first joint draft resolution (S/4722), subject to the interpretation given by the representatives of Liberia, the United Kingdom, the United States and Turkey. He warmly supported the second three-Power draft resolution, particularly in its revised form (S/4733/Rev.1).

The representative of France said that his Government was in favour of an investigation of the disappearance of Mr. Lumumba and other Congolese personalities; from the outset of the Congolese crisis, it had urged the need to ensure respect for the human rights of all the inhabitants of the Congo. France also continued to appeal to all States to refrain from furnishing military assistance of any kind to the Congo. It had also consistently called for respect for the Congo's unity and territorial integrity, the re-establishment of order and constitutional legality, and the restoration of discipline in the Congolese army. Whatever the circumstances, the present President of the Congo was the country's only legitimate authority and no successful action could be taken without the active co-operation of the legitimate authorities. In particular, it was for the latter to convene Parliament and undertake measures of conciliation. Finally, his Government had noted the opposition of the representatives of a large number of African countries to the imposition of any solution on the Congolese authorities and their desire that their leaders should be allowed to elaborate, with the Congolese, a plan for settling the present crisis.

The representative of China rejected the USSR draft resolution (S/4706) as purely destructive. Although he regretted its ambiguities and failure to reflect the views of the Brazzaville Conference, he would vote for draft resolution S/4722, subject to the interpretations given by the representatives of the United Kingdom, the United States and Turkey.

The representative of Ecuador also accepted the interpretations given by the representative of Liberia, the United Kingdom, the United States and Turkey. On that understanding, he would support draft resolution S/4722.

The representative of the USSR said that, despite certain weakness, the revised three-Power resolution (S/4733/Rev.1) reflected the feeling of all genuinely concerned with ending illegality in the Congo. His delegation's draft resolution (S/4706) would radically



change the situation in the Congo, eliminate the main causes of strife, remove the Belgian colonialists, eliminate their agents, and establish law and order by disarming illegal armed bands. After those measures were taken, the United Nations operation would be discontinued to enable the Congolese people to decide their own affairs.

The USSR draft resolution (S/4706) was put to the vote.

**Decision:** *The draft resolution was rejected by 8 votes to 1 (USSR), with 2 abstentions (Ceylon, United Arab Republic).*

The representative of the United States, recalling the Liberian representative's interpretation of section A, paragraph 3, of draft resolution S/4722, said that, in the absence of any statement to the contrary by the other sponsors, he took it that the intent of the draft resolution as a whole was to prevent any outside interference by arms or men from any source. On that understanding, he would vote for the draft resolution.

The first draft resolution submitted by Ceylon, Liberia and the United Arab Republic (S/4722) was put to the vote.

**Decision:** *The draft resolution was adopted by 9 votes in favour to none against, with 2 abstentions (France, USSR).*

The representative of the United States introduced the following amendments (S/4740) to the revised second joint draft resolution (S/4733/Rev.1). (1) the addition in the first preambular paragraph of the words "and of other reports" after the words "20 February" and of the word "Stanleyville," after the words "assassinations in"; (2) the deletion of the last preambular paragraph; (3) the addition in the third operative paragraph of the words "in accordance with the Charter" after the word "measures"; (4) the addition in the fourth operative paragraph of the words "to seek the" after the word "and".

The representative of the United Arab Republic considered the first two amendments unnecessary: as regarded the first, the Council had received no other reports on the matter under discussion and had no information of assassinations in Stanleyville; with regard to the second, while there was no doubt concerning the responsibility of persons in high places, only an investigation could identify the guilty parties. He had no objection in principle to the third and fourth amendments, but would prefer the resolution to be voted upon without delay.

The representative of Ceylon said that, after consultation, the sponsors would have no objection to the third and fourth United States amendments and to the revision of the last preambular paragraph to read: "Taking note of the allegations of the responsibility of persons in high places for such crimes". However, in view of the impossibility of amending the draft resolution to the satisfaction of all, they preferred to stand by the original draft.

The representative of the United States accepted the sponsors' suggestion concerning the last preambular paragraph. He regretted the sponsors' reluctance to include a reference to Stanleyville, where undoubted violations of human rights had occurred, as was stated in document S/4637. In the hope of ensuring the adoption of the draft, he proposed the deletion of all references to cities and the insertion after "20 February" of the words "and other reports bringing to the urgent

attention of the Council the atrocities and assassinations in various parts of the Congo".

Before the second draft resolution submitted by Ceylon, Liberia and the United Arab Republic (S/4733/Rev.1) and amendments were put to the vote, a separate vote was taken at the request of the representative of China on the words "including if necessary the use of force as a last resort" in paragraph 3.

**Decision:** *The words were not adopted, there being 5 votes in favour (Ceylon, Chile, Liberia, USSR, United Arab Republic) to 1 against (China) with 5 abstentions.*

The President put to the vote the United States oral amendment to add the words "and of other reports" after "20 February", and to replace the words "in Leopoldville, Katanga and South Kasai in the Congo" by "in various parts of the Congo".

**Decision:** *The result of the vote was 8 in favour to 3 against (Ceylon, USSR, United Arab Republic) with no abstentions. One of the negative votes having been cast by a permanent member, the amendment was not carried.*

The representative of the United States proposed the deletion of the words "bringing to the urgent attention of the Council the atrocities and assassinations in Leopoldville, Katanga and South Kasai in the Congo" and their replacement by the words "and of other reports".

The representative of Ceylon, supported by the representative of the United Arab Republic, opposed any amendment to the first preambular paragraph. No attempt should be made to generalize the question. The whole world had been shocked by specific incidents.

The representative of Turkey noted that the specific incidents were listed in the report to which the paragraph referred.

The representative of the USSR opposed the amendment as a manoeuvre to avoid formal condemnation of outrages the representatives concerned had deplored earlier.

The United States oral amendment was put to a vote.

**Decision:** *The result of the vote was 7 in favour to 3 against (Ceylon, USSR, United Arab Republic) with 1 abstention (Liberia). One of the negative votes having been cast by a permanent member, the amendment was not adopted.*

The representative of Ecuador said that he had supported the United States amendments because he believed that atrocities should be repudiated wherever they occurred. He would nevertheless vote for the draft resolution as it stood in the belief that the Council should not fail to condemn the atrocities that had occurred in Katanga and Kasai.

The second three-Power draft resolution (S/4733/Rev.1), as amended by agreement, was put to a vote.

**Decision:** *The result of the vote was 6 in favour to none against, with 5 abstentions (China, France, Turkey, United Kingdom and United States). The draft resolution was not adopted.*

The representative of USSR regretted that representatives who had voiced regret at repressive activities directed against the national leaders of the Congo, had prevented the condemnation of such acts and the adoption of measures to control them. His delegation had abstained in the vote on resolution S/4722 because of the text's weakness and lack of realism. He had not

opposed it because it contained an objective condemnation of the murders and provided for the immediate withdrawal of Belgian personnel and the prevention of military operations against Oriental province. Any attempt to use force against the legal Government of the Congo would be a violation of the resolution. His delegation also welcomed the fact that the resolution gave no mandate to the Secretary-General. The resolution moreover was only a first step in the direction of the more radical measures urged by the USSR.

The representative of the United States noted that two vetoes by the USSR had prevented the adoption of two proposals approved by 8 members and 7 members, respectively, condemning unlawful arrests and executions in the Congo.

The President, speaking as the representative of the United Kingdom, said that his delegation had abstained on the second joint draft resolution because it referred to a restricted category of atrocities committed in particular areas in the Congo and, as such, was one-sided. In all other respects, the draft was acceptable to his delegation.

The Secretary-General welcomed the three-Power resolution (S/4722) adopted by the Council as giving a stronger and clearer framework for United Nations action, although, as had so often been the case, not providing a wider legal basis or new means for implementation. He regretted that the second joint draft resolution (S/4733/Rev.1) had not been adopted. Since, however, there had been no difference of opinion with regard to the operative paragraphs, he felt entitled to use them with their full moral value. With regard to the allegations that the action taken after the arrest of Mr. Lumumba had been inadequate, he noted that the reference in draft resolution S/4733 to the use of force, which the sponsors clearly regarded as a new departure giving new rights, supported the position that military action by the United Nations to free prisoners charged with crimes must be regarded as prohibited by the Charter except when such action constituted part of an enforcement measure under Chapter VII of the Charter.

The representative of Belgium rejected the unfounded accusations levelled against his country concerning the political assassinations in the Congo.

The representative of the USSR emphasized that no instructions had been given to the Secretariat to undertake an investigation. To do so would be absurd in view of the fact that the Secretariat bore part of the guilt.

The Secretary-General said that the Secretariat had neither the resources nor the competence to undertake such an investigation. He would refer the matter to the Advisory Committee and abide by its advice.

## **O. Documents circulated after 21 February 1961**

In a communication to Mr. Kalondji dated 21 February (S/4727/Add.3), the Special Representative said that Mr. Kabeya's message indicated that the trial and execution of six of the seven political prisoners transferred to Bakwanga had been conducted in the most arbitrary manner. He asked for full clarification of the circumstances of the trial and precise information regarding other prisoners.

In a letter to the President of the Council dated 21 February (S/4742), the representative of the Congo (Leopoldville), referring to the Council's discussions on 20 and 21 February, stated that the six prisoners

executed at Bakwanga had been transferred to South Kasai and executed without the Government's knowledge. Instructions had been given to prevent arbitrary arrests in the future. An investigation of the circumstances of Mr. Lumumba's death was in progress; the Government rejected the allegations accusing the authorities of the Republic of premeditated political murder. He recalled that neither the military intervention and deliveries of arms by the United Arab Republic nor the diplomatic and political intervention of Member States which recognized the so-called authorities in Oriental and Kivu provinces as legitimate, had received due attention from the Council. It was his Government's understanding that the provisions of the Council's resolution of 21 February (S/4741), with the sole exception of the paragraph authorizing the use of force in the last resort to prevent civil war, could only be applied in consultation with the lawful authorities of the Republic.

In a cable to the President of the Council dated 22 February (S/4743), President Kasa-Vubu noted that the resolution adopted on 21 February failed to take into account the Conciliation Commission's proposals; instead of providing for military measures, the Council should have supported the negotiations for an enlargement of the Provisional Government. Further, the Council could not prevent the Congo from recruiting the technicians it required wherever it thought fit. Nor could it conduct an investigation in the territory of the Republic except with the preliminary agreement of the Government; the guilty would be tried and punished by the competent Congolese courts. Similarly it was for the Government to convene Parliament and, if it deemed it appropriate, to seek United Nations assistance in the reorganization of armed units. The Government protested against the resolution's infringement of the Republic's sovereignty, declared that the Congolese people would never permit the implementation of the resolution, and appealed to the people to stand ready to defend Congolese sovereignty. The Government of National Unity offered loyal co-operation to the United Nations to the extent that the principles of consultation and co-operation were respected.

In a report circulated on 22 February (S/4745 and Add.1) on the situation in Oriental and Kivu provinces, and the impact of recent developments on the safety of political and military detainees and other sections of the population, the Special Representative stated that the United Nations representatives had persuaded the Stanleyville authorities to restrain the ANC, gendarmerie and civilian population and had set up a protected area where threatened persons could seek shelter. Nevertheless, arbitrary arrests and maltreatment of foreign nationals had occurred and there were persistent rumours of the liquidation of political prisoners and of the eight Belgian soldiers held in Stanleyville. In Kivu, there had been a complete break-down of authority and the situation of the civilian population was precarious. The addendum, circulated the following day, reported that General Lundula had given the French Consul his word of honour that the eight Belgian soldiers were alive and well treated.

In a letter to the President of the Council dated 23 February (S/4746), the representative of the Union of Soviet Socialist Republics asked for information concerning the implementation of section A, paragraph 2, of the Council's resolution of 21 February.

In a report dated 24 February (S/4750) on the civil war situation in the Equateur-Oriental, Kasai and



Katanga sectors, the Special Representative stressed that the situation was still grave but said that some improvement appeared to be in sight as a result of persistent United Nations efforts. Communications from the Special Representative to President Kasa-Vubu and Mr. Kalondji drawing attention to the provisions of the Council's resolution of 21 February were annexed. Addendum 1 to the report, issued the following day, referred to the arrival of Stanleyville troops at Luluabourg. Order had been maintained. In a letter to the Special Representative dated 25 February (S/4750/Add.2), President Kasa-Vubu complained of the inaction of United Nations troops and urged measures to remove the rebels from Luluabourg. A letter dated 25 February from Mr. Ileo (S/4750/Add.3) stated that if the rebels were not expelled by 6 a.m. on 26 February, the Government would assume its responsibilities.

In a cable dated 25 February to the President of the Council (S/4751), President Kasa-Vubu asked that serious consideration be given to the situation in Oriental and Kivu provinces resulting from the attitude of countries supporting the rebels against the legitimate Government.

Addendum 2, issued on 25 February, to the Special Representative's report concerning Mr. Lumumba (S/4688) contained an exchange of letters between the Special Representative and Mr. Tshombé. The latter rejected the Special Representative's requests to have the remains of Mr. Lumumba and his associates returned to their families. Katanga was opposed to an international investigation of Mr. Lumumba's death; an impartial judicial inquiry had begun.

The Secretary-General's report issued on 27 February (S/4752) on certain steps taken in regard to the implementation of the Council's resolution of 21 February stated that, after consultation with the Advisory Committee, the Secretary-General had addressed a *note verbale* (annex I) to the Belgian Government on 22 February regarding the withdrawal of Belgian personnel from the Congo. In his *note verbale* the Secretary-General requested that the Belgian Government take the steps called for by paragraphs A-2 and A-3 of the resolution and in that connexion noted that, as the Council's decisions were mandatory under Article 25 of the Charter, Member States were under an obligation to adapt their legislation to the extent necessary to implement them. He also offered to designate a senior officer of the Secretariat to meet with representatives of the Government in order to further the implementation of the resolution. In a reply of 27 February (annex II) the representative of Belgium stated that his Government had reaffirmed its desire to collaborate for the success of the United Nations action in the Congo and expressed its understanding that the measures contemplated would be applied to all non-Congolese nationals without discrimination. He also emphasized the importance of maintaining security and of avoiding an exodus of the foreign technicians essential for the continuation of the Congo's economic activities. Belgium would recall those military and para-military personnel whose return it had the legal right to request. Steps were being taken to stop the recruitment of mercenaries. With regard to the Belgian nationals selected as "political advisers" by the Congolese authorities, it would be for the Secretary-General to agree with the latter as to which of the persons made available to the Congo under article 250 of the Fundamental Law were covered by the resolution. Annex III contained a letter which had been sent to all Member States drawing

attention to paragraphs A-2 and A-3 of the resolution. With regard to paragraph A-1, the Secretary-General had instructed the Command to take appropriate steps. He had addressed cables to Morocco (annex V) and Indonesia (annex VI) concerning the need for troops and had also addressed a letter to certain African States (annex VII). To secure the co-operation of the Congo authorities he had addressed a letter to the President of the Congo (annex IV) and had asked the Special Representative to bring the substance of the letter to the attention of the authorities in the Congo. The acting President of the International Court had been asked, in his private capacity, to suggest candidates for a three-judge panel for the investigation called for in paragraph 4. A letter (annex VIII) had been sent to the President of the Congo regarding the deportations and executions of Congolese political leaders. Further communications to the representative of Belgium, the President of the Congo and Mr. Tshombé were reproduced in S/4752/Add.1, issued on 3 March. In his *note verbale* to the representative of Belgium dated 2 March, the Secretary-General stated that he was unable to accept the position that bilateral arrangements for the placement of Belgian officials under article 250 of the Fundamental Law could override Belgium's obligations under the Council resolution of 21 February. The Council's decision was unconditional and it was the position of the United Nations that a Member State should take immediate measures to the full extent of its power to bring about the prompt withdrawal of its nationals. In his messages to President Kasa-Vubu and Mr. Tshombé, the Secretary-General informed them of the position of the Belgian Government and asked what steps would be taken under their authority to give effect to the Council resolution.

In a report dated 27 February (S/4753), the Special Representative drew attention to a number of incidents in Leopoldville on 26 and 27 February involving United Nations personnel, who had been subjected to brutal attacks and arbitrary arrests. The ANC Command had been warned by ONUC that such acts would be opposed with the maximum of force.

In a fourth addendum, dated 24 February, to his report on the civil war situation (S/4750) the Special Representative said that the United Nations forces were in virtual control of the military situation in the Kasai sector. The fifth, sixth and seventh addenda, dated 1, 2 and 7 March respectively, described subsequent developments in the Equateur-Oriental, Kasai and Katanga sectors. The situation on 7 March was still tense but United Nations efforts had prevented the eruption of hostilities.

The Special Representative's report of 2 March on the protected areas set up by the United Nations (S/4757 and Add.1) described ONUC's continuing efforts to protect individuals from arbitrary arrests and violations of human rights and listed the principles observed in granting protection or asylum. Messages to the Stanleyville and the Leopoldville authorities were annexed.

In a report (S/4758) issued on 3 March on recent developments in the Leopoldville area, the Secretary-General drew attention to the Military Bulletin of the ANC Headquarters in Leopoldville, dated 3 March, calling for resistance to the disarming of the National Army. An annexed note dated 1 March from the Congolese Ministry of Foreign Affairs stated that the United Nations forces must evacuate the Ndjili air force

installation in order to avoid friction. An annexed letter dated 2 March from the President of the Congo to the Special Representative protested against the establishment of a United Nations protected zone in Leopoldville. In his reply of 3 March, the Secretary-General pointed out that protected areas had been established in various places in the Congo whenever such action became inescapable in order to protect individuals from arbitrary arrest and violation of human rights. He also protested against the unprovoked attack by ANC soldiers on a Sudanese unit at Banana. Addendum 1 contained a *note verbale* dated 3 March from the Secretary-General to the President of the Congo pointing out that the Ndjili air force installations were essential to the entire United Nations operation in the Congo. The United Nations therefore could not accede to the request that they be evacuated. In a second addendum, issued on 4 March, the Special Representative reported that the ANC had resumed the shelling of Banana and that ANC soldiers were attacking United Nations troops at Matadi. A further report dated 6 March (addendum 3) stated that the Sudanese troops had had to be withdrawn from Matadi.

In a *note verbale* dated 4 March (S/4752/Add.2), the representative of Belgium, in reply to the Secretary-General's notes concerning the implementation of the Council's resolution of 21 February, stated that the Belgian Government had issued orders for the immediate recall to Belgium of military personnel. It could not compel Belgian citizens serving as mercenaries to return to Belgium, but had taken steps to prevent recruitment. The Belgian "political advisers" in the Congo had been recruited by the Congolese authorities and the Belgian Government would endeavour to persuade the latter to pay due regard to the Council's resolutions. In a letter dated 6 March (S/4752/Add.3), the President of the Congo stated, in reply to the Secretary-General's note concerning the implementation of the Council's resolution, that he could not deal with all the points raised as he would be absent from Leopoldville for some days attending the Tananarive conference of Congolese leaders. With regard to the reorganization of the Army, his Government considered that the Congolese Army must remain under the command of the President of the Republic; reorganization must embrace the entire country including Oriental province, Kivu, South Kasai and Katanga; a National Defence council should be set up under the authority of the President and should include Congolese military leaders and representatives of the Force; the Congolese Government would retain the right to accept or refuse the technicians proposed by the National Council of Defence and recruited through United Nations channels. In a *note verbale* to the Permanent Representative of Belgium, dated 8 March (S/4752/Add.4) relating to the implementation of the Council's resolution of 21 February, the Secretary-General noted with regret that the latest Belgian note still left open to doubt that Government's readiness to implement the Security Council resolution. He requested the representative of Belgium to furnish information concerning various groups of Belgian nationals in the Congo. He informed him that he had appointed Ambassador Sahbani of Tunisia to represent him at talks in Brussels on ways and means of applying the Council resolution, the terms of which could not, of course, be the subject of negotiation. In a *note verbale* of 9 March (A/4752/Add.4), the representative of Belgium stated that the information requested was being collected, and reaffirmed his Government's desire to co-operate for

the success of the work undertaken by the United Nations with a view to restoring order in the Congo.

In a telegram dated 5 March (S/4758/Add.4) to the President of the Congo protesting against the unlawful acts of the ANC, the Secretary-General reiterated the principle that the United Nations must retain full freedom of decision in regard to the deployment of national contingents. If the situation at Matadi was not redressed without delay, the matter would become an urgent concern of the Security Council.

In a *note verbale* dated 7 March (S/4758/Add.5), the delegation of the Congo transmitted a statement on the Banana and Matadi incidents; the incidents appeared to be an outgrowth of the Army's continuing uncertainty concerning the United Nations Force's intentions in regard to the implementation of the Council's resolution of 21 February. In a cable to President Kasa-Vubu at Tananarive dated 7 March (S/4758/Add.6), the Special Representative said that the regrettable incidents at Banana and Matadi were the culminating point in a series of developments which had created fear of the United Nations in the minds of ANC soldiers. In that connexion, he referred to the systematic misinterpretations of the Council's resolution of 21 February and to the campaign against the United Nations in the Congolese press. The United Nations could not tolerate a situation in which it was ejected by force from positions vital to its operations.

Document S/4761, issued on 8 March, contained a report by the Special Representative on events relating to the armed clashes between United Nations troops and Congolese Forces at Moanda, Banana and Matadi on 3-5 March. After describing the incidents and subsequent negotiations, the Special Representative noted that the acting Prime Minister had made the following demands as a condition for future co-operation between the United Nations and the Leopoldville authorities: no United Nations troop ships were to enter Matadi; all United Nations air traffic was to be controlled by the Congolese authorities; joint control must be established over all airfields and other strategic points then under the control of the United Nations; all permanent movements of United Nations troops must be subject to the control of the Government; all patrolling by United Nations troops with arms in Leopoldville city must cease. Annexed to the report were a broadcast statement of 27 February in which President Kasa-Vubu had said that the Congo was threatened with being placed under United Nations trusteeship and that ONUC was betraying the Congolese; an agreement for the cessation of hostilities at Matadi; and the transcript of a press conference of 7 March, in the course of which the acting Minister of the Interior had said that the incidents were the result of intrigues by certain United Nations personages, notably Mr. Dayal.

Document S/4768, circulated on 14 March, contained a *note verbale* dated 10 March from the representative of Belgium concerning the position of the non-Congolese population in Kivu province, from which a mass exodus of foreign nationals was taking place. The Belgian Government again appealed to the Secretary-General to take effective measures to ensure the safety of its nationals. The document also contained a report from the Special Representative dated 13 March. The report stated that the position of foreign nationals had been difficult in Oriental and Kivu provinces following the arrest and subsequent assassination of Mr. Lumumba. ONUC had intervened with the authorities and had applied

protective measures, although it had been impossible to provide individual protection everywhere. In a *note verbale* dated 20 March (S/4768/Add.1), the representative of Belgium noted that the Special Representative's report contained the admission that ONUC was incapable of carrying out its basic task in Kivu, to ensure the safety of human lives. The Secretary-General, in a *note verbale* dated 22 March (S/4768/Add.2), remarked that the concerted efforts of ONUC representatives had brought about an improvement in the situation. Nevertheless the security situation in Kivu was far from satisfactory, and United Nations efforts to improve it were limited by the means at its disposal.

In a report, issued on 20 March (S/4771) and later addenda (Add.1,2 and 3), on the implementation of paragraph A-4 of the Council's resolution of 21 February 1961, the Secretary-General informed the Council of the Advisory Committee's recommendation concerning the terms of reference of the investigation commission envisaged in the resolution. Members of the Commission had been nominated by the Governments of Burma, Ethiopia, Mexico and Togo.

In document S/4775, issued on 30 March, the Secretary-General brought to the attention of the Council an exchange of correspondence on the problem of Matadi with the President of the Congo and Mr. Bombo.

Document S/4779, issued on 3 April, contained a *note verbale* dated 22 March in which the Secretary-General drew the attention of the representative of Belgium to statements by Congolese public figures regarding the Kitona, Banana and Kamina bases and noted that no reply had been received to his letter (S/4651) of 21 January 1961 to the Belgian representative. In a *note verbale* of 28 March, also contained in document S/4779, the representative of Belgium stated that there had been no change in the status of the bases. In that connexion he referred to the exchange of letters dated 28 August and 2 September 1960 between his delegation and the Secretary-General.

In a cable dated 11 March and a message dated 31 March (S/4780), the Secretary-General asked the President of the Congo for information concerning Lieutenant Dimassi of Tunisia who had been abducted by elements of the ANC.

In a *note verbale* dated 3 April (S/4782), the representative of Belgium transmitted to the Secretary-General the text of a note delivered to Ambassador Sahbani at Brussels confirming Belgium's acceptance of the Council's resolution of 21 February. The Belgian Government had decided to withdraw, in so far as Belgium was concerned, the personnel referred to in the resolution and would assist the United Nations authorities in urging the Congolese authorities to accept the United Nations viewpoint; conversations should take place between the representative of the Secretary-General and the Congolese and Belgian authorities in order to arrange, as quickly as possible, for the departure of personnel employed by the Congolese authorities and their replacement by personnel provided through the good offices of the United Nations.

In a *note verbale* dated 12 April (S/4789), the Secretary-General informed the Observer of the Federal Republic of Germany that an aircraft registered in the Federal Republic, with a crew of German nationals, was being provisionally detained by ONUC for inquiry concerning the carriage of arms in contravention of the

Council and Assembly resolutions. In a reply dated 13 April, circulated in the same document, the Observer of the Federal Republic stated that his Government had consistently felt bound by the resolutions on the Congo and had acted accordingly. The carriage of arms for military use without the authorization of the Federal Government was an offence under German law and if investigation showed that such an offence had been committed, the guilty would be punished according to law.

Document S/4790 contained a report from the Secretary-General's Acting Special Representative concerning the interrogation of thirty mercenaries apprehended in Kabalo on 7 April and giving information regarding their recruitment, training and employment. The information confirmed that non-Congolese personnel had been instrumental in carrying out the recent offensive of the Katanga forces. A voluntary contract signed by mercenaries was annexed.

Document S/4791, circulated on 15 April, contained a report from the Acting Special Representative on the civil war situation in Katanga and United Nations action in implementation of the Council resolution of 21 February. Following the occupation of Marono by Katanga forces, the Indian contingent had been dispatched from Leopoldville to Kamina on 2 April. Additional ONUC troops had also been flown into Kabalo and Elisabethville. An annexed letter dated 22 March from Mr. Tshombé expressed astonishment at ONUC threats in regard to Katanga forces and stated that the United Nations forces had openly taken position in favour of rebel troops.

In a letter dated 15 May (S/4803) to the President of the Security Council, the representative of the USSR requested the submission of official information on steps taken to implement the Council's resolution of 21 February.

In his second report, issued on 17 May (S/4807), on certain steps taken in regard to the implementation of the Council resolution adopted on 21 February, the Secretary-General stated that the strength of the Force having been increased, the United Nations Command had taken measures which had substantially lessened the danger of emerging civil war in Northern Katanga and South Kasai. The Secretary-General reported on Ambassador Sahbani's mission to Brussels. The Belgian Government had repeatedly asserted its willingness to implement the resolution of 21 February although, in regard to the definition of methods of implementation, it had shown a reluctance which on some occasions had come close to putting in doubt its very acceptance of the resolution in principle. That attitude had been opposed by the Secretary-General and his representative. Although the Belgian position as expressed in a communication to Ambassador Sahbani dated 6 May still fell short of what was required by the Security Council resolution, a slight change was apparent, giving some hope of a more constructive Belgian attitude. The Secretariat mission sent to the Congo to elicit assistance in the implementation of paragraphs A-2 and B-2 of the resolution had held consultations with the President of the Republic and the Stanleyville, Elisabethville and Bakwanga authorities. In an agreement of general principles initialled on 17 April (annex I), the President had accepted the Council resolution, in particular paragraphs A-2 and B-2. The United Nations was to assist him in speedily repatriating foreign personnel referred to in that resolution and not recruited or re-

called under his authority, and in reorganizing the National Army. The President would re-examine the appointments of foreign personnel. After consultation with the Advisory Committee, the Secretary-General had sent a letter (annex II) dated 26 April to the President signifying his approval of the agreement. As regarded paragraph A-4, three members of the Commission had assembled formally in New York on 11 May. The appointment of the fourth member was announced on 18 May (S/4807/Add.1).

In a letter to the President of the Council dated 23 May (S/4809), the representative of the USSR requested the circulation of the letter addressed to the United Nations by the President of the Council of Ministers of the Republic of the Congo, Mr. Gizenga, concerning the Council of Ministers' resolution calling for the convening of the Congolese Parliament at Kamina. The USSR Government considered that steps should be taken to carry that proposal into effect.

In a letter dated 16 May, circulated as document S/4811, Mr. Gizenga informed the Secretary-General of the decision declaring Kamina and the surrounding area a neutral zone for an extraordinary session of Parliament. He requested the Secretary-General to reinforce the United Nations troops at Kamina with units from the Sudan, Ghana, Togo, Guinea, Mali and the United Arab Republic and to take measures to ensure the safety of all members of the Parliament.

In a letter dated 24 May (S/4812) to the President of the Council, the representative of Poland expressed the expectation that the United Nations representatives and Command in the Congo would render the assistance requested by the Government of the Congo in its communication of 16 May.

In a letter dated 29 May (S/4815) to the President of the Council, the representative of Czechoslovakia supported the decision of the Council of Ministers of the Congo concerning the convening of Parliament.

In a letter dated 30 May (S/4817) to the President of the Council, the Permanent Mission of Albania urged that steps be taken to assist in the convening of the Congolese Parliament as requested by the Congolese Government in its letter of 16 May.

In a letter dated 12 June (S/4836), the Acting Chairman of the Commission of Investigation established under the terms of General Assembly resolution 1601 (XV) informed the President of the Council that the Commission had held fourteen meetings and would continue its investigation in Geneva, Brussels and the Congo.

In a report, circulated on 20 June (S/4841), on the implementation of paragraph B-1 of the Council's resolution of 21 February, the Secretary-General stated that, following discussions with his representatives in the Congo, representatives of the Leopoldville authorities and of the Stanleyville authorities, meeting at the United Nations headquarters in Leopoldville, had reached agreement on the modalities for the convening of Parliament. Statements by Mr. Bolikango, representing the Leopoldville authorities, and Mr. Massena, representing the Stanleyville authorities, were annexed

(annexes I and II). Mr. Massena, speaking on behalf of both delegations, paid tribute to the Secretary-General and his representatives in the Congo for the help given to various Congolese factions to enable them to settle their differences peacefully, and requested ONUC to persuade the Katanga authorities to join in finding a solution of the Congo problem. The text of the agreement of 19 June, which provided for a meeting of Parliament at the University of Lovanium opening on 25 June, was reproduced in annex III. The Secretary-General had informed the authorities that he accepted all the responsibilities devolving upon the United Nations under the agreement and would continue to render all possible assistance to facilitate the meeting of Parliament at the place and date agreed upon.

In a letter dated 21 June (S/4842) to the Secretary-General, the representative of Cuba said that in his Government's view the disarming by United Nations forces of soldiers of the legitimate Government, headed by Prime Minister Gizenga, combined with the tolerance shown to Mobutu, Tshombé and Kalondji troops, who were killing United Nations soldiers, was a clear violation of the Council's instructions. In his reply dated 22 June, circulated in the same document, the Secretary-General said that no soldiers of any of the Congolese authorities had been disarmed by the Force; where, as recently at Port Francqui, United Nations soldiers had been killed, energetic measures had been taken by the United Nations Command without any partiality in regard to any of the political régimes claiming authority in the Congo.

An addendum (S/4841/Add.1) to the Secretary-General's report on the implementation of paragraph B-1 of the Council's resolution of 21 February reproduced a statement made by Mr. Gizenga on 23 June. Mr. Gizenga said that the Government formed by Patrice Lumumba was a Government of National Union and was determined to continue its efforts to restore legality and national harmony; it had decided to release the eight imprisoned Belgian soldiers and proposed a general amnesty for all Congolese soldiers throughout the Republic. Its parliamentary representatives were prepared to go to Leopoldville as soon as their safety could be assured by the United Nations.

A second addendum (S/4841/Add.2) to the Secretary-General's report reproduced a protocol of 24 June signed by Mr. Tshombé and the representatives of the Leopoldville authorities. The protocol contained provisions concerning the convening of Parliament at Leopoldville at the earliest possible date, with the Central Government, assisted by the United Nations, ensuring safety; the setting-up of a new government pending the adoption within three months of a new constitution; the removal of customs barriers and other aspects of unification.

A third addendum (S/4841/Add.3), circulated on 6 July, contained Order No. 41 of 5 July 1961 of the President of the Republic of the Congo. The Order provided, *inter alia*, that the Legislative Chambers should be convened at Leopoldville on 15 July 1961, the date of the first meeting to be agreed upon by the former Presidents of the Chambers.

# LETTER DATED 11 JULY 1960 FROM THE MINISTER FOR FOREIGN AFFAIRS OF CUBA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

## (i) SUBMISSION OF THE ITEM

In a letter dated 11 July 1960 (S/4378)\* to the President of the Security Council, the Minister for Foreign Affairs of Cuba stated that a grave situation endangering international peace and security had arisen as a result of repeated threats, reprisals and aggressive acts by the Government of the United States against Cuba and requested an immediate meeting of the Council. The situation had begun to take concrete shape at the time when the Revolutionary Government of Cuba had adopted measures to safeguard the national resources and improve the conditions of the Cuban people. With the object of promoting plans for intervention, a campaign had been launched to obscure the national, anti-feudal and democratic character of the Cuban revolution. The letter charged, *inter alia*, that the United States had offered protection to Cuban war criminals and had provided facilities to counter-revolutionary elements, that aircraft proceeding from the United States had frequently violated Cuban air space, and that threats of economic strangulation had been carried out by the United States Government. The Revolutionary Government of Cuba based its submission of the question to the Council on Article 52, paragraph 4; Articles 103, 24, 34, 35, paragraph 1; and Article 36 of the Charter.

In a letter dated 15 July (S/4388), the representative of the United States of America transmitted a memorandum to the Council which his Government had submitted to the Inter-American Peace Committee of the Organization of American States in connexion with that Committee's study of tensions in the Caribbean area. The memorandum stated that the Government of Cuba had for many months conducted an intense and systematic campaign of distortions, half-truths and outright falsehoods against the Government and the people of the United States, the continuation of which could not fail to increase tensions in the Caribbean area. As the principles of the Organization of American States required, the United States had sought to ascertain the facts and to seek a solution to the difficulties. However, the Cuban Government had preferred to exploit opportunities for exciting suspicion and hostility on the basis of unfounded charges.

## (ii) CONSIDERATION BY THE COUNCIL

At its 874th meeting on 18 July, the Security Council included the Cuban complaint in its agenda and invited the representative of Cuba to take a place at the Council table.

The representative of Cuba maintained that his Government had every right to submit its complaint to the Security Council instead of referring it to the Organization of American States (OAS). Under the terms of Articles 52, paragraph 4, and 103 of the United Nations Charter, as well as under article 102 of the Charter of the OAS, any member of the OAS which was also a Member of the United Nations, could choose to appeal either to the Security Council or to the OAS in the event of a situation or dispute within the meaning of Article 34 of the United Nations Charter. The right to choose rested solely with the Member State.

\* Official Records of the General Assembly, Fifteenth Session, Supplement No. 2 (A/4494), chapter 17.

Turning to the substance of his Government's complaint, he said that the United States was attempting to conceal its true aims and to justify its policy of harassment and aggression by deliberately distorting the character, policy and objectives of the Cuban revolution. Cuba had been accused in United States official quarters of becoming a Soviet satellite and a threat to the security of the United States and the Hemisphere. Thus, Senator Smathers, the political protector of the Dominican dictator, had said that the situation was similar to that in Guatemala under Arbenz and that communism was ruining the Cuban economy. The purpose of those allegations was to isolate and destroy the Cuban revolution, which had put an end to colonial domination and had changed the country's economic and social structure for the benefit of the people. He charged that several hundred war criminals had found protection and had been given facilities in the United States, mostly in Florida, making it possible for them to carry out numerous flights over Cuba. In that connexion, he cited cases of bombing raids on Cuban sugar fields and mills, which had occurred between October 1959 and April 1960. As a result of those repeated violations of Cuban air space, which had been undertaken with the participation of United States citizens and the support of the United States authorities, Cuba had lost over 350,000 tons of sugar cane, and many persons had been killed and others injured. He drew attention also to United States press reports concerning United States plans to intervene in Cuba through the co-ordination of economic, diplomatic and military measures with an uprising of anti-Castro forces. The threat of armed aggression was becoming increasingly evident to the Cuban people.

Much of the United States campaign against Cuba had been motivated, he continued, by opposition to the Agrarian Reform Act promulgated in May 1959 and to its implementation, which had affected American interests in Cuba. The Agrarian Reform Act recognized the right of the owners to compensation. However, since Cuba did not have sufficient cash funds for the immediate payment of compensation it had offered bonds redeemable in twenty years. After the agrarian reform had been put into effect, the United States had unilaterally reduced the Cuban sugar quota, an action which Cuba considered as economic aggression in violation of articles 15 and 16 of the Charter of the Organization of American States. Attempts had also been made by United States and British oil companies to deprive Cuba of fuel supplies and to paralyse its economic life by refusing to refine crude petroleum which Cuba had acquired from the USSR. In view of that refusal, his Government had taken legal action against the oil companies for having violated article 44 of the Fuel Act. Following that incident, the United States had declared economic war against Cuba, had promoted collective armed action against Cuba within the OAS, had resurrected the Monroe Doctrine as an instrument of hegemony, and had adopted such a belligerent attitude that it had provoked a warning from the Soviet Union. As regarded negotiations, he said that his Government was ready to settle its differences with the United States through normal diplomatic channels and on a basis of equality; what his Government could not accept was



any attempt to dictate Cuba's national and international policy from Washington as in the past.

The representative of the United States said that his Government had no aggressive purposes against Cuba and had exercised restraint in the face of a deliberate effort on the part of Cuba to exacerbate relations with the United States. Cuba's decision to come before the Security Council was not in harmony with existing obligations under the Inter-American Treaty of Reciprocal Assistance and the Charter of the OAS, which provided that differences among American States should be resolved, first of all, through that Organization. His delegation believed that the proper forum to discuss the charges was the OAS, which already had under consideration the causes of international tensions in the Caribbean area. A meeting of Foreign Ministers of the American Republics was scheduled to take place in the near future to consider recent developments that threatened continental solidarity. The Council should take no action, at least until those discussions had taken place.

Replying specifically to Cuba's charges, he made the following points: First, the Cuban Government had never requested the extradition of persons commonly defined by the Government of Cuba as war criminals from the Batista régime. Second, elaborate precautions had been taken, in accordance with the Havana Convention of 1928, to enforce domestic laws concerning traffic in munitions and implements of war which might be used in revolutionary activities. Third, an elaborate system of controls had been instituted to prevent unauthorized flights in the Caribbean area, though a few flights had unfortunately taken place despite the restrictive measures. For its part, Cuba had refused to co-operate with United States authorities to prevent such flights. In one case about which Cuba had complained, the two persons involved in the flight had been agents of the Cuban Government. Fourth, no act of economic aggression was involved in the refusal of the American oil companies to refine Soviet oil. Since the revolution, the Cuban Government had allowed those companies to be paid only a small percentage of their cost of importing crude oil from Venezuela. When the Cuban Government seized the companies, it had owed them 50 million dollars for oil which they had continued to provide. The United States disagreed with the Cuban interpretation of the law under which the companies operated and considered the seizure of the companies without compensation arbitrary and illegal. Fifth, the reduction of the Cuban sugar quota had been a justifiable measure of self-protection taken by the United States to ensure the needed supply of sugar in the face of Cuban actions which made that supply insecure. Referring to the statement by the representative of Cuba concerning the warning from the Soviet Union, he declared that the United States would vigorously defend the Monroe Doctrine, whose principles had been embodied in treaty obligations, notably the OAS Charter and the Rio Treaty of 1947, which provided means for common action to prevent the establishment of a régime dominated by international communism in the Western Hemisphere.

The representative of Argentina said that the question before the Council was an extremely difficult one for his country as it involved a dispute between two nations with which Argentina maintained close ties of friendship. It was an unnatural situation between two countries whose history and geography, as well as many other factors, emphasized their deep-seated community

of interests. He stressed the need for harmony, based on equality and mutual respect, among the peoples of the Western Hemisphere and considered that the Latin American countries in the Council had a special responsibility to find an acceptable solution to the problem. For that reason, his delegation and that of Ecuador had joined in sponsoring the following draft resolution (S/4392):

*"The Security Council,*

*"Having heard the statements made by the Foreign Minister of Cuba and by members of the Council,*

*"Taking into account the provisions of Articles 24, 33, 34, 35, 36, 53 and 103 of the Charter of the United Nations,*

*"Taking into account also articles 20 and 102 of the Charter of the Organization of American States of which both Cuba and the United States of America are members,*

*"Deeply concerned at the situation existing between Cuba and the United States of America,*

*"Considering that it is the obligation of all Members of the United Nations to settle their international disputes by negotiation and other peaceful means in such a manner that international peace and security and justice are not endangered,*

*"Noting that this situation is under consideration by the Organization of American States,*

*"Decides to adjourn the consideration of this question pending the receipt of a report from the Organization of American States;*

*"Invites the members of the Organization of American States to lend their assistance toward the achievement of a peaceful solution of the present situation in accordance with the purposes and principles of the Charter of the United Nations;*

*"Urges in the meantime all other States to refrain from any action which might increase the existing tensions between Cuba and the United States of America."*

Explaining the draft resolution, the representative of Argentina pointed out that it neither denied the competence of the Security Council to deal with the Cuban complaint nor attempted to resolve the legal question whether the United Nations or the OAS ought to act first in the case. The draft resolution simply took note of the fact that the OAS was dealing with the question and that its views would be useful for a better evaluation by the Security Council of the issues involved. He also observed that the draft resolution contained two sets of recommendations: one was addressed to members of the OAS, which were under legal obligation to co-operate and assist in finding a peaceful solution to the question; the other was a recommendation to countries not members of the OAS to refrain from actions that might increase tensions between Cuba and the United States. Furthermore, the resolution had not been addressed to the two parties concerned because to do so would have implied a substantive decision incompatible with the desire of the sponsors. He hoped that the draft resolution would be unanimously adopted.

The President, speaking as the representative of Ecuador, deplored the deterioration in the relations between Cuba and the United States and thought that reconciliation and friendly settlement of their differences was both essential and possible. The social and economic objectives of the Cuban revolution could most effectively be attained in an atmosphere of peace,

through conciliation and the use of negotiations on the basis of equality and respect for the sovereignty, territorial integrity and political independence of the parties. The draft resolution which his delegation had co-sponsored was an effort at conciliation which he hoped would receive the support of all the members of the Council. As to the relationship between the competence of the United Nations and that of the regional organizations, his delegation's position was based on three considerations. First, it was politically advisable and legally permissible to try to solve through regional agencies those disputes which could be dealt with by regional action. The situation between Cuba and the United States was in that category and efforts should be made to solve it within the OAS. Second, regional arrangements and agencies in no way impaired the powers of the Security Council as the supreme body responsible for the maintenance of peace and security; at the same time the Council was required to encourage the peaceful settlement of local disputes through regional agencies or to seek a report from the regional agency concerned before taking any decision. In so doing the Council would not relinquish its competence but would, in fact, exercise it. Third, neither the provisions of the United Nations Charter concerning regional arrangements and agencies nor the legal obligations assumed by States members of a regional organization would invalidate the right of those States to appeal to the Security Council if they considered that the defence of their rights and interests so required or that a given situation or dispute, though appropriate for regional action, might endanger international peace and security.

At the 875th meeting on 18 July, the representative of Italy, noting that it had long been a tradition among the American States to settle their differences within the framework of the Organization of American States, considered that the situation between Cuba and the United States should, in its present phase, be dealt with by the OAS, particularly in view of the fact that that Organization had already been seized of the problem. The Council should not be called in until other avenues had been explored. Otherwise, a situation could be brought about in which the responsibility and functions of the OAS would be disregarded and its effectiveness and prestige impaired.

The representative of France considered that the representative of Cuba had failed to provide conclusive evidence of aggression or of threats of aggression by the United States against Cuba. Furthermore, the United States had given formal assurances that it planned no aggression against Cuba. His delegation considered that the Council should express no opinion on the substantive issue; under Article 33 of the United Nations Charter, it was mandatory for the parties to a dispute first to seek a solution by resorting, *inter alia*, to regional agencies and arrangements.

The representative of the United Kingdom of Great Britain and Northern Ireland also drew attention to Article 33. Quite apart from Cuba's legal obligations as a member of the OAS, it was highly desirable that regional organizations should be given a chance to settle disputes among their members before recourse was had to the United Nations. The United Kingdom, also, had suffered from arbitrary action by the Cuban Government, which had taken over the refinery of the Shell Company of Cuba on a pretext that his Government was unable to accept as reasonable.

The representative of China expressed support for the draft resolution. In his view, the present difficulties

between Cuba and the United States, however serious, could be removed so long as they remained strictly difficulties between those two countries. Recalling China's long friendship with both the United States and Cuba, he emphasized that the United States was not an aggressor country. He referred to the mutual suspicions between China and foreign Powers aroused by China's revolution in the 1920's, which had subsequently been dispelled in the course of time, and expressed the wish that the evolution in Cuba might take a similar successful turn.

The representative of Ceylon emphasized that the draft resolution did not deny Cuba's right to have its case fully discussed in the Council. It was desirable that an attempt at reconciliation first be made within the OAS, which was in fact already considering the question. The draft resolution merely proposed an interruption of the debate for that purpose; if a satisfactory settlement was not achieved, Cuba could return to the Council for a final adjudication.

The representative of Tunisia pointed out that utilization of regional agencies or arrangements did not preclude recourse to a competent United Nations organ, particularly the Security Council; however, since the matter had been referred to the OAS, it would be wise for the Council not to take any decision on the substance of the question until the conclusions of the OAS were known.

The representative of Poland stated that the complaint of Cuba against the United States involved serious political, legal and economic issues which would influence the course of international relations, and was therefore a matter of international concern. The facts presented by the representative of Cuba had not been refuted by the representative of the United States. A number of retaliatory actions and economic and other pressures had been used by the United States to force a change in the Cuban Government's policy of building a new prosperous and independent Cuba. Such actions were in violation of the inherent right of States to use their national resources and assets according to their interests and policies. That right was guaranteed by the United Nations Charter and affirmed in United Nations resolutions and other international instruments to which the United States was a party. With regard to whether the complaint by Cuba should be discussed in the Security Council or in the OAS, he pointed out that Article 24 of the Charter conferred upon the Council primary responsibility for the maintenance of international peace and security. The Charter also gave clear directives in that respect in Article 52, paragraph 4; and Articles 34 and 35. Moreover, under Article 103, no obligations arising from regional treaties could prevail over the provisions of the United Nations Charter, which gave Cuba the right to bring its case before the Council.

At the 876th meeting on 19 July, the representative of the Union of Soviet Socialist Republics stressed the existence of undeniable data demonstrating that the United States Government was not merely hostile towards the present Cuban régime, but was inspiring, if not actually organizing, conspiratorial and diversionist activities directed against that Government. The United States was not only concerned about the possibility of losing its economic and political position in Cuba, but feared that the Cuban revolution would provide an example to the other Latin American countries long subjected to colonial exploitation by United States monopolies and to political interference in their internal



affairs by the United States Government. However, the peoples of Latin America were now struggling to free themselves from United States economic imperialism and interference in their affairs. In the event of intervention against Cuba, the people of the USSR would not remain indifferent. The USSR, relying on its own might, would assist Cuba if the latter so requested, as would other peace-loving countries. The USSR was not threatening the United States with rockets; its concern was that Cuba should be left alone to work out its own destiny, free from United States threats.

The aggressive acts of the United States against Cuba constituted a threat to international peace and security and, therefore, fell within the jurisdiction of the Security Council which, under Article 24, had primary responsibility for the maintenance of peace and security. In taking action under Article 24, the Council would be acting on behalf of all Member States, including the Latin American countries. The proposal to refer the question to the OAS was contrary to Article 52, paragraph 4, and Articles 103 and 34 of the Charter and was designed to prevent the Security Council from taking effective action to protect the sovereignty and independence of Cuba.

With regard to the joint draft resolution, his delegation could not agree with the statement by the representative of Argentina that the resolution was of a procedural nature. It was undoubtedly a substantive resolution since the expression of concern at the situation existing between the United States and Cuba reflected an assessment of the problem. Furthermore, the contention that the OAS had allegedly begun consideration of the question was not accurate. It was well known that Cuba had not submitted its complaint to the OAS; the question the latter had decided to consider was not the same as that raised by Cuba in the Council. His delegation opposed the transfer of the question to the OAS as desired by the United States, and considered that the Council would be acting properly if it condemned the aggressive acts of the United States against Cuba. If the Council was not prepared to take that course, it should at least not evade its responsibilities. He accordingly submitted amendments (S/4394) to the joint draft resolution calling for the deletion of the paragraphs beginning with the words "Noting . . ." and "Decides . . ." and the replacement in the penultimate paragraph, of the words "Organization of American States" by the words "United Nations".

The representative of Argentina stated that the co-sponsors of the draft resolution could not accept the Soviet amendment because it would exclude any reference to the possibility of action by the OAS.

The Council voted upon the draft resolution and the amendments before it.

**Decision:** *The Soviet amendment (S/4394) was rejected by 8 votes to 2 (Poland, USSR), with 1 abstention (Tunisia). The draft resolution (S/4392) was adopted by 9 votes to none, with 2 abstentions (Poland, USSR).*

The representative of Cuba reiterated his country's right to opt for recourse to the Security Council and denied categorically that the question was actually being considered by the Organization of American States. The United States memorandum had been submitted to a collateral body of the Organization, under a resolution adopted at a meeting of the OAS held at Santiago, Chile, in 1959. The memorandum was not a formal charge submitted, as it should have been, to the Council

of the Organization of American States. While his Government accepted the Council's resolution, it would continue to uphold its right to appeal to the Security Council.

The President, speaking as the representative of Ecuador, protested against a Soviet representative's reference to United States interference in Latin American affairs. The history of Latin America had been a successful struggle for the principle of non-intervention. Any attempt by any Power to meddle in its affairs would be rejected by the peoples of Latin America.

### (iii) COMMUNICATIONS RECEIVED BY THE COUNCIL

In a letter dated 18 July 1960 (S/4399), the Secretary-General of the Organization of American States (OAS) informed the Security Council that the Council of the OAS had decided, in response to the request of the Government of Peru, to convene a Meeting of Consultation of Ministers of Foreign Affairs to consider the requirements of continental solidarity and the defence of the regional system and American democratic principles against possible threats.

In a letter dated 22 July (S/4407) to the President of the Council, the representative of Guatemala protested against the Cuban representative's reference to Guatemala at the Council's 874th meeting. The Guatemalan Government, which derived its authority from electoral proceedings in which the people had expressed their will, did not and would not accept external intervention in its country's internal affairs.

In a letter dated 27 July (S/4412), the representative of the Dominican Republic transmitted a statement of 20 July by the Dominican Secretary of State for Foreign Affairs repudiating the Cuban representative's reference to the Dominican Republic at the 874th meeting; the only political tutelage causing concern to American public opinion was that exercised by international communism over the régime of Fidel Castro.

In a letter dated 9 August (S/4471), the Secretary-General of the Organization of American States transmitted the agenda of the forthcoming Seventh Meeting of Consultation of Ministers of Foreign Affairs for the information of the Council and, in a letter of 29 August (S/4480), transmitted the Final Act of the Meeting to the Secretary-General of the United Nations with the request that, in accordance with paragraph 2 of resolution II contained in the Act, the text of that resolution be communicated to the Security Council. Under that resolution, the Foreign Ministers, reiterating their faith in the effectiveness of the methods and procedures for the pacific settlement of controversies as contemplated in the inter-American system, created an *ad hoc* Committee composed of Venezuela, Mexico, Brazil, Colombia, Chile and Costa Rica. At the request of the Governments directly interested, the Committee would facilitate the settlement of controversies between American Governments by clarifying the facts and extending its good offices and would report to the Council of the OAS.

In a letter dated 7 November (S/4559), the Secretary-General of the OAS, referring to the note addressed to him on 19 July by the Secretary-General of the United Nations enclosing the text of the resolution adopted by the Council at its 876th meeting, stated that the representative of the United States on the Council of the OAS had proposed, in notes of 12 September and 28 October, that the Committee of Good Offices created by resolution II of the Seventh Meeting

of Consultation, communicated to the Security Council in document S/4480, be convened to clarify the facts relating to matters in controversy between the Governments of Cuba and of the United States. Copies of those notes and of the notes of 28 September, 28 October and 2 November, addressed by the Secretary-General of the OAS to the representative of Cuba on the Council of the OAS were enclosed.

In a letter (S/4565) to the Secretary-General dated 26 November, the Minister for Foreign Affairs of Cuba stated that the letter of 7 November from the Secretary-General of the OAS could not be regarded as constituting the report from the OAS requested by the Council in its resolution of 19 July. In particular the implied connexion between that resolution and the *Ad Hoc*

Committee of Good Offices created by resolution II of the Seventh Meeting of Consultation of Ministers for Foreign Affairs had no legal or factual basis; resolution II, being general in scope, did not refer to Cuba or the United States and moreover expressly provided that the Committee would only examine questions within its terms of reference at the request of the Governments interested. Whatever the views of the United States in the matter, Cuba was under no obligation first to seek within the OAS the resolution of its disputes with other American States. His Government continued to maintain the position it had stated at the Council's 876th meeting; under the resolution adopted at that meeting, the question of his country's complaint had been retained under the Council's jurisdiction.

### Chapter 3

## CABLE DATED 13 JULY 1960 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS ADDRESSED TO THE SECRETARY-GENERAL

### (i) SUBMISSION OF THE ITEM

By a cablegram dated 13 July 1960 (S/4384), the Minister for Foreign Affairs of the Union of Soviet Socialist Republics requested that the Security Council should be urgently convened to examine the question of "New aggressive acts by the Air Force of the United States of America against the Soviet Union, creating a threat to universal peace". It was stated that the need for immediate examination of the question arose from the fact that the aggressive invasions of the air space of the Soviet Union by United States military aircraft which had been considered by the Security Council from 23 to 27 May 1960, were being continued and constituted a serious threat to the maintenance of peace. An explanatory memorandum dated 13 July (S/4385) was simultaneously submitted with the above-mentioned cablegram.

**Decision:** *At the 880th meeting on 22 July, the Council included the item in its agenda without objection.*

### (ii) CONSIDERATION BY THE COUNCIL

In his opening statement, the representative of the Union of Soviet Socialist Republics stated that on 1 July, an RB-47 six-engined armed reconnaissance bomber of the United States Air Force, most commonly used by it as a nuclear weapons carrier, had violated the State frontiers of the USSR in the Barents Sea north of Cape Svyatoy Nos on the Kola Peninsula and headed towards the city of Archangel at a speed of 850-900 kilometres per hour. Although the RB-47 had been signalled by a Soviet fighter aircraft to follow it and land, the trespassing aircraft had continued to penetrate Soviet territory. Consequently, the RB-47 had been shot down by the Soviet fighter aircraft, in pursuance of the standing orders of the USSR armed forces concerning the defence of Soviet frontiers, at 18:03 Moscow time in the air space of the Soviet Union near Cape Svyatov Nos. Two crewmen of the RB-47, who had been picked up in Soviet territorial waters, had stated that the aircraft belonged to an air unit of the United States strategic military intelligence service, and that it had been carrying out special military reconnaissance missions. The aircraft, armed with two 20-mm. guns with a full supply of ammunition, had a

compartment containing special photographic and radio-electronic reconnaissance equipment intended, in particular, for the detection of the radar station network and other military targets in the territory of the Soviet Union. The crewmen had also testified that the RB-47 had taken off from the United States military base at Brize Norton, United Kingdom, with orders to return to the same base after completing its mission. Before the take-off, the crew had been warned that the flight was to be kept strictly secret. Therefore, the crew had not been allowed to maintain regular radio contact with its base and had thus been prohibited from giving the aircraft's position. The crew had been instructed to make a landing, in the event of emergency, at a Norwegian airfield.

The representative of the USSR noted that for the second time that year his Government had been compelled to bring before the Security Council the question of continued aggressive acts by the United States, in connexion with the new provocation by the United States Air Force. He recalled that a mere two months had elapsed since the Security Council had discussed the threat to peace that was implicit in the aggressive acts of the United States, as exemplified by the planned incursion of the United States U-2 military aircraft within the frontiers of the Soviet Union for espionage purposes and by the proclamation of such provocative acts as United States policy. The Security Council in its resolution of 27 May 1960 (S/4328) had called on all Governments of States Members of the United Nations, "to respect each other's sovereignty, territorial integrity and political independence, and to refrain from any action which might increase tensions".

He charged that it was well known that the United States pursued a sharply inimical policy towards the Soviet Union and other Socialist countries, carried out measures of economic and political sabotage, and conducted violently hostile propaganda. How else than as an aggressive act could be regarded the incursion into Soviet air space of an armed bomber belonging to a foreign State, whose leaders talked openly of preparing their armed forces for war with the Soviet Union? He recalled that for many years the United States had pursued the practice of sending bomber aircraft with nuclear loads in the direction of the Soviet Union, a provocative activity which the Security Council had

already considered in April and May 1958 (813th-817th meetings). He noted that during the first few days before the news had been released that the RB-47 bomber had been shot down over Soviet territorial waters, the representatives of the United States Government agencies had alleged that they knew nothing of the whereabouts of the bomber. Moreover, after the bomber had been reported missing, the United States Department of Defense openly admitted that the aircraft might have been over Soviet territory and that a violation of the Soviet frontier might have occurred unintentionally. This confirmed that the Pentagon had prepared in advance a story to disclaim responsibility if the bomber were shot down over Soviet territory. Subsequently, however, the United States Government had resorted to various kinds of subterfuge to evade responsibility, and had asserted in its Notes of 13 and 18 July that the RB-47 bomber had not violated the Soviet frontiers and had not come closer than thirty miles to the Soviet mainland. He stated that in the case of the U-2, the President and the Secretary of State of the United States had admitted that the flight of the aircraft had been of an espionage nature. Would it not have been more sensible for the United States Government not to have tried to conceal the espionage mission of the RB-47 aircraft but to have admitted that there had been a deliberate violation of the frontiers of the Soviet Union? Having noted that the United Kingdom and Norway had allowed the United States Air Force to use bases on their territory for aggressive operations directed against the Soviet Union, he quoted the Chairman of the Council of Ministers of the USSR to the effect that the ruling circles in the United States, with the connivance of its Allies in aggressive blocs, were obviously provoking a serious military conflict.

The representative of the USSR, on the instructions of his Government, submitted the following draft resolution (S/4406) :

*"The Security Council,*

*"Having examined the question of 'New aggressive acts by the Air Force of the United States of America against the Soviet Union, creating a threat to universal peace',*

*"Noting that the Government of the United States of America continues premeditatedly to violate the sovereign rights of other States, a course which leads to the heightening of international tension and creates a threat to universal peace,*

*"1. Condemns these continuing provocative activities of the Air Force of the United States of America and regards them as aggressive acts;*

*"2. Insists that the Government of the United States of America should take immediate steps to put an end to such acts and to prevent their recurrence."*

At the same meeting the representative of the United States of America observed that the RB-47 aircraft, at the time that the Soviet Union claimed that it had been brought down in Soviet waters, had been actually fifty miles off the Soviet coast. The plane had still been in the air twenty minutes later, over the high seas 200 miles from the point alleged by the Soviet Union, and flying in a north-easterly direction. At no time during its flight had the aircraft been closer than thirty miles to the Soviet coast. Moreover, it had become the victim of an action by the Soviet Union which could only be described as criminal and piratical.

At the 881st meeting on 25 July, the representative of the United States stated that on 1 July the RB-47 aircraft had been proceeding on a mission over the international waters of the Barents Sea on a prescribed course which at no time was to bring it closer than fifty miles from the Soviet territory. It had carried no offensive weapons of any kind and the only weapons that the plane had carried were two 20-mm. tail guns. The craft had been equipped with the most modern and reliable systems for navigation. The crew which had had many years of experience in various forms of navigation had been instructed to take special precautions not to come too close to the territorial waters of the Soviet Union. A Soviet fighter, approximately at the time indicated by the Soviet Union, had tried to force the plane off its course into Soviet territory, but had been successful only in delaying its planned turn to the north-east. Even then, the plane had been not closer than thirty miles off the Kanin Peninsula. This fact had been established beyond doubt by the evidence of scientific devices which had followed the aircraft throughout the events described. Twenty minutes after the time at which the USSR had indicated that the aircraft had been destroyed, the plane was 200 miles away from Cape Svvytoy Nos. The plane had been destroyed 20 minutes after the time indicated by the Soviet Note, 200 miles away from Svvytoy Nos, far from Soviet territorial waters. Stating that two members of the crew were held illegally as prisoners by the Soviet Government, by its own admission, he asked for their release, or for the admittance of representatives of the International Red Cross should there be any delay in their release. He stated that the predatory act committed by the Soviet Union in international waters was serious enough in itself, but the situation had been further aggravated by the subsequent allegations and pronouncements of the Soviet Government. If the Soviet Government had had any genuine interest in the preservation of peace and the relaxation of international tensions it would have heeded the resolution adopted by the Council on 27 May 1960, and would have desisted from irresponsible threats of force and violence. The United States representative further stated that the argument of the United States in his case had been so strong that the Government had had grounds for introducing a complaint of its own, but in the hope that the Security Council might be able to persuade the USSR to abandon its unco-operative attitude, he asked the Council, as a first step, to call on the Soviet Union to accept an impartial investigation. He introduced the following text of a United States draft resolution (S/4409) :

*"The Security Council,*

*"Having considered the item submitted by the Union of Soviet Socialist Republics on 13 July 1960,*

*"Having heard the statements of representatives of the United States of America and the Union of Soviet Socialist Republics,*

*"Noting the existence of differences between the two Governments as to the facts of the incident of 1 July 1960, in which a United States Air Force aircraft was brought down by Soviet military forces, and as to questions of legal liability arising from the incident,*

*"Recalling its resolution of 27 May 1960 (S/4328), in which the Council stated its conviction that every effort should be made to restore and strengthen international good will and confidence based on the estab-*

lished principles of international law, recommended to the Governments concerned to seek solutions of existing international problems by negotiation or other peaceful means as provided in the Charter of the United Nations, and appealed to all Member Governments to refrain from the use or threat of force in their international relations, to respect each other's sovereignty, territorial integrity and political independence, and to refrain from any action which might increase tensions.

*"Recommends to the Governments of the Union of Soviet Socialist Republics and the United States of America to undertake to resolve their differences arising out of the plane incident of 1 July 1960 either (a) through investigation of the facts by a commission composed of members designated in equal numbers, by the United States of America, by the Union of Soviet Socialist Republics, and by a Government or authority acceptable to both parties, charged with inquiring into the incident by inspecting the site, examining such remains of the plane as may be located, and interrogating survivors and other witnesses; or (b) through referral of the matter to the International Court of Justice for impartial adjudication."*

The United States was not only willing but also anxious that the Security Council consider the Soviet charges as well as its own, for it was certain that the consideration of the facts would lead to the conclusion that the Soviet Government had taken a lawless action.

The representative of the USSR observed that what the United States representative had said to show that the RB-47 had not invaded the airspace of the USSR was a crude fiction intended to deceive world public opinion. He stated that the USSR was categorically opposed to the holding of any investigation whatever, and to the establishment of any commission.

The representative of the United Kingdom of Great Britain and Northern Ireland said that the flight of the RB-47 had been legal and he could see no cause for a Soviet complaint, much less for the creation of an international incident. He protested against the extraordinary language used by the representative of the Soviet Union when he said that orders had been given to the Soviet armed forces to take appropriate actions with rockets against the airfields from which airplanes such as the RB-47 took off. He went on to quote from a United Kingdom Note to the USSR of 19 July to the effect that Her Majesty's Government could not agree that the use of United Kingdom territory by the United States Air Force for legitimate operations in international air space could in any way be regarded as aggressive action. In the absence of international arrangements to guard against surprise attack, Governments were obliged to conduct reconnaissance by aircraft and by ships in international air space and waters as a matter of self-defence. The Soviet charge should be rejected by the Security Council, which must regret that the USSR had taken a step calculated to heighten rather than reduce international tensions.

The representative of France stated that the USSR, by unsubstantiated accusations and by threats, had been creating a state of distrust and tension. The Soviet Government had made no attempt to solve the question with the Government of the United States under Article 33 of the Charter, but had appealed directly to the Security Council. The French delegation could not vote in favour of the USSR draft resolution but would

welcome the United States proposal which called specifically for a joint inquiry and asked for the release of the airmen.

At the 882nd meeting on 26 July, the representative of Argentina stated that the Security Council had been confronted with a situation wherein both sides had given different explanations but had not produced sufficient evidence to prove their points of view. Argentina therefore supported the procedure for investigation proposed by the representative of the United States and would vote in favour of the United States draft resolution.

The representative of Italy stated that the charges brought against the United States by the Soviet Union were unfounded. He pointed out that the USSR had confused two elements involved in the incident: (1) the making of reconnaissance flights, and (2) the violation of the sovereignty of another State with implicit aggressive aims. It was regretted that the USSR for some time had carried out a policy of provocation and intimidation. The Soviet Union should have brought the case of the RB-47 to the attention of the United States Government through diplomatic channels. Expressing the hope that the crew of the RB-47 would be allowed to contact the International Red Cross, he introduced the following draft resolution (S/4411):

*"The Security Council,*

*"Having considered the item submitted by the Union of Soviet Socialist Republics on 13 July 1960,*

*"Noting the declaration of the Union of Soviet Socialist Republics according to which, as a consequence of the incident of 1 July 1960 in which a United States Air Force aircraft was brought down by Soviet military forces, two members of the crew of said aircraft are kept in custody by the Soviet authorities and three of them are missing,*

*"Expresses the hope that, pending any further inquiry or development related to the substance of the matter, the International Committee of the Red Cross, in accordance with international practice, be permitted to fulfil the humanitarian tasks which come within its role as a neutral and independent institution with respect to members of the crew."*

The representative of China noted that the representative of the USSR had devoted only a small part of his statement to the RB-47 incident and had devoted the greater part of it to repetition of past propaganda and to intimidation and harassment of countries which had granted military bases to the United States. Soviet diplomacy had become more bellicose than ever and the Soviet Government seemed to go out of its way to heighten international tension. He shared the view of the representative of Argentina that the Council should withhold reaching a conclusion on the matter until there had been an impartial investigation. He found the United States draft resolution (S/4409) to be in harmony with the legal practice of civilized nations and with the principles of the Charter. Likewise he supported the draft resolution (S/4411) submitted by the representative of Italy.

At the 883rd meeting, the representative of Poland drew the attention of the Council to significant similarities between the incidents of the U-2 and the RB-47 aircraft. He noted that the United States representative, having denied that the RB-47 had violated the borders of the USSR, had rested its defence on this denial and on a tactical decision to launch a counter-attack. However, no proof had been forthcoming of any single fact

which would undermine the existing evidence that the RB-47 had intruded into Soviet air space. He recalled the statement which the United States Secretary of State had made on 11 May 1960, claiming for the United States the right to conduct spy missions over Soviet territory. He stated that the flight of the RB-47 had been a practical manifestation and reaffirmation of the policy expounded by the Secretary. In today's world such an incident could easily have provoked a military conflict. He shared the view of the representative of Argentina that such flights should have been discontinued long ago. As this was what the Soviet draft resolution proposed, his delegation would vote for it.

The representative of Tunisia noted that the Security Council had been confronted with two contradictory versions of the incident. It could not therefore objectively decide that there had been a violation of Soviet air space, nor could it express any views on the charge that an aggressive act had been committed by the United States Air Force. His delegation would vote in favour of the draft resolutions submitted by the United States and by Italy.

The representative of Ceylon stated that because neither side had brought sufficient evidence to prove its version of the RB-47 incident, his delegation found it difficult to make any judgement, particularly a condemnatory one. Because the United States draft resolution did not seek to pronounce any judgement nor contain any condemnatory clauses nor invite the Security Council to take any action on the merits of the question, it was a wise draft resolution.

The President, speaking as the representative of Ecuador, stated that the Security Council should follow an objective procedure based upon the submission and examination of evidence and leading to just conclusions. Perhaps the establishment of a subsidiary organ on an *ad hoc* basis would be the best way of obtaining all the relevant facts. His delegation would vote in favour of the draft resolutions submitted by the United States and by Italy. He suggested an amendment to the United States draft resolution to read as follows:

*"Requests the parties concerned to report to the Security Council, as appropriate, on the steps taken to carry out this resolution."*

The representative of the USSR declared that the United States and its allies in the aggressive military blocs had taken a position which was completely at odds with the interests of peace. He noted that nearly 4,000 flights by United States aircraft had been registered during the past eighteen months in the immediate vicinity of the Soviet frontier. He stated that such large-scale action by the United States Air Force constituted a direct threat to the security of the Soviet Union and aggravated relations and intensified mistrust and suspicion between the two countries. The proposal to establish an international commission had been made solely to distract attention from acts of aggression and to mislead world public opinion. The same aim had motivated the proposal to refer the question to the International Court of Justice; moreover, the Court had no competence to consider the question since what was involved was not a dispute between States but an act of direct aggression by a State which had proclaimed the violation of the air space of another State to be its official policy. Furthermore, the draft resolution submitted by the representative of Italy had by no means the humanitarian purposes which the Italian representative

had proclaimed, but was directly aimed at interfering with the domestic affairs of the Soviet Union.

The representative of France noted that, in spite of the urgent request made to him by most members of the Council, the representative of the Soviet Union had continued to give no proof of the violation of the Soviet frontier.

The representative of the United Kingdom stated that his delegation would support the Italian draft resolution.

The representative of Italy regretted that the Soviet Union was not going to vote for the Italian draft resolution, which was only of humanitarian character. The fact that speakers of countries not belonging to the so-called aggressive alliance had spoken in favour of the Italian draft resolution had disproved the arguments maintained by the representative of the Soviet Union.

The representative of the United States welcomed the draft resolution introduced by the representative of Italy and asked that the new paragraph, suggested by the representative of Ecuador be incorporated in the United States draft resolution (S/4409/Rev.1). He noted that the Soviet Union had itself been engaged in reconnaissance activities near the borders of the United States and presented charts and photographs illustrating such activities carried out by aircraft and a ship. His delegation believed that if the Soviet Union was not willing to permit either an investigation or an impartial adjudication, then its case would come to nothing. He demanded that the captured fliers be freed and that the Soviet Union cease its provocations which contained so much danger for the entire world.

The representative of the USSR, having quoted the Secretary of State and the President of the United States to the effect that the policy of sending military aircraft into Soviet air space had been an official policy, stated that the United States Government had continued to cling to its bankrupt policy of "positions of strength".

The representative of Poland stated that his delegation could not support the Italian draft resolution since it was completely removed from the intentions presented by the representative of Italy in his statement.

The Council then voted upon the various draft resolutions before it.

**Decision:** *The USSR draft resolution (S/4406) was rejected by 9 votes to 2 (Poland, USSR) with no abstentions.*

**Decision:** *The United States draft resolution (S/4409/Rev.1) as modified at the suggestion of Ecuador, received 9 votes in favour 2 against (Poland, USSR), with no abstentions. Since one of the permanent members of the Council had cast a negative vote, the draft resolution was not adopted.*

**Decision:** *The Italian draft resolution (S/4411) received 9 votes in favour, 2 against (Poland, USSR), with no abstentions. Since one of the permanent members of the Council had cast a negative vote, the draft resolution was not adopted.*

The representative of the United States stated that the USSR had put itself in an absolutely impossible position, using its veto to block the overwhelming majority of the Council. The Soviet delegation had not believed in its own charges; otherwise it would have welcomed the investigation. He regretted this and wanted to see peaceful relations with the Soviet Union.

The representative of the USSR regretted that the Council had not adopted appropriate measures to condemn the aggressive actions of the United States Air

Force against the USSR, although the world situation required them, and called on the Government of the United States to put an end to the policy of the cold war.

#### Chapter 4

### LETTER DATED 5 SEPTEMBER 1960 FROM THE FIRST DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

#### (i) COMMUNICATION RECEIVED PRIOR TO THE REQUEST FOR INCLUSION OF THE ITEM

By a letter dated 26 August 1960 (S/4476), the Secretary-General of the Organization of American States (OAS) transmitted to the Secretary-General of the United Nations the Final Act of the Sixth Meeting of Consultation of Ministers of Foreign Affairs of the American Republics held on 16-21 August, and requested that it be brought to the attention of the Security Council. The Meeting had been convened, under the resolution approved by the Council of the OAS on 8 July in response to the request of the Government of Venezuela and communicated to the Security Council in document S/4397, to consider charges that the Government of the Dominican Republic had committed acts of intervention and aggression against Venezuela culminating in an attempt upon the life of the President of Venezuela.

The Final Act of the Meeting contained, *inter alia*, a resolution (resolution I) in which the Meeting condemned the participation of the Government of the Dominican Republic in acts of aggression and intervention against Venezuela culminating in the attempt on the life of the President of that country and agreed, in accordance with articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, to apply measures under which all the American States would sever diplomatic relations and institute a partial interruption of economic relations with the Dominican Republic. The interruption of trade would begin immediately with respect to arms and other implements of war; the Council of the OAS was directed to study, in accordance with the circumstances and with due consideration of the constitutional limitations of each of the member States, the feasibility and desirability of extending the interruption of trade to other articles. The resolution also authorized the Council of the OAS to discontinue the measures when the Government of the Dominican Republic ceased to constitute a danger to the peace and security of the Hemisphere. It further provided for the transmission of full information to the Security Council concerning the measures agreed upon in the resolution.

#### (ii) REQUEST FOR CONSIDERATION BY THE COUNCIL

In a letter dated 5 September (S/4477), the First Deputy Minister for Foreign Affairs of the Union of Soviet Socialist Republics, drawing attention to Article 53 of the Charter, requested the President of the Council to convene an immediate meeting of the Council to consider and endorse the decision concerning the Dominican Republic taken by the Sixth Meeting of Consultation of Ministers of Foreign Affairs of the American States.

#### (iii) CONSIDERATION BY THE COUNCIL

At the 893rd meeting on 8 September, the Council included the USSR letter in its agenda, and invited the representative of Venezuela to take a place at the Council table. The Council had before it two draft resolutions. The first, submitted by the USSR on 7 September and revised on 8 September (S/4481/Rev.1), read:

*"The Security Council,*

*"Having examined resolution I of the Sixth Meeting of Consultation of Ministers of Foreign Affairs of the American States, dated 20 August 1960 (S/4476), in which the acts of aggression and intervention committed against the Republic of Venezuela by the Government of the Dominican Republic are condemned,*

*"Being guided by Article 53 of the Charter of the United Nations,*

*"Approves the said resolution of the Meeting of Consultation of Ministers of Foreign Affairs of the American States, dated 20 August 1960."*

The second draft resolution, submitted by Argentina, Ecuador and the United States of America (S/4484), read as follows:

*"The Security Council,*

*"Having received the report from the Secretary-General of the Organization of American States transmitting the Final Act of the Sixth Meeting of Consultation of Ministers of Foreign Affairs of the American Republics (S/4476),*

*"Takes note of that report and especially of resolution I, approved at the aforesaid Meeting, whereby agreement was reached on the application of measures regarding the Dominican Republic."*

The representative of the Union of Soviet Socialist Republics said that his Government endorsed the OAS decision concerning the Dominican Republic. The aggressive acts of the Trujillo régime and its support for the subversive activities of reactionary groups in other American Republics had been amply proved, and the enforcement action contemplated in the OAS decision would be fully in accordance with Articles 39 and 41 of the Charter. However, under Article 53 of the Charter, the Council was the only organ empowered to authorize enforcement action by regional organizations, and the Council's approval of the decision was therefore necessary to give it legal force and render it more effective. The USSR draft resolution (S/4481/Rev.1) was intended to achieve that purpose.

The representative of Argentina noted that the USSR letter raised for the first time in the Council the question of the interpretation of Article 53 in connexion with measures taken by regional agencies. The



question was a difficult one, and he doubted whether the Soviet view, which in asserting the Council's competence to approve the measures recently taken by the OAS, also implied that the Council was entitled to rescind or revise those measures if it saw fit, was the correct one. There were weighty reasons to support the view that measures taken regionally were only subject to the ratification of the Security Council if they called for the use of armed force. In any event, in the present circumstances, in which a discussion of principles would inevitably be influenced by political considerations, his delegation thought that the Council should take a position to which there could be no valid legal or political objection. The draft resolution of which his delegation was a sponsor proposed that the Council should take official note of the decision of the OAS, which had been transmitted to the Council in accordance with the Charters of both organizations. The Council would thus demonstrate its interest in matters affecting peace and security while leaving the door open for a constructive interpretation of Article 53 in more favourable circumstances. Although his country had always supported the principle of universality, it believed that, however Article 53 might eventually be interpreted, regional groups should have sufficient authority to resolve problems that were confined within the limits of the region concerned.

The representative of the United States rejected the contention that the resolution adopted by the OAS or action taken pursuant to it required endorsement by the Council under Article 53. It was significant that no member of the OAS had sought authorization from the Council for the steps taken in connexion with the resolution and that, in deciding to transmit the text to the Council, the Foreign Ministers had taken the view that the action required only notification to the United Nations under Article 54, which clearly envisaged the possibilities of activities by regional agencies for the maintenance of international peace and security, in regard to which the responsibility of the regional organization was purely that of keeping the Council informed. It was also noteworthy that the measures taken collectively by the OAS could be taken unilaterally by any sovereign nation on its own initiative. The inter-American system, the oldest regional organization, had painstakingly built up institutions and procedures designed to enable the American Republics to settle their own problems and to prevent the intervention of alien ideologies. The Council could best affirm its faith in that system by adopting the draft resolution submitted by the members of the OAS represented in the Council.

The representative of Ecuador noted that the resolution transmitted to the Council by the Sixth Meeting of Consultation was already being carried into effect and that, in accordance with past practice, the circulation of the decision as a Council document would have been sufficient. Nevertheless, his delegation had had no objection to the request that the Council examine the matter and take any decision which it deemed appropriate. In that connexion, he pointed out that the provisions of the Charter regarding the Council's powers and the existence of regional arrangements and agencies had to be considered as a whole; they established a delicate system of balances which could be upset by any attempt to apply a specific provision in isolation, on the basis of an over-simplified interpretation that failed to take into account the spirit of the Charter. Several questions could be raised about the scope of Article 53, paragraph 1, to which no categorical answers could be

found in the San Francisco records, the practice of the Council or the Charter itself. It was not clear, for example, whether the enforcement action for which the Council's authorization was necessary was action calling for the use of armed force, as provided in Article 42. Nor was it clear whether the second sentence of Article 53 applied only to action taken by a regional agency in a case which the Council had entrusted to the regional agency from the beginning. It might also be asked whether such action as the severance of diplomatic relations, an exclusive right of a sovereign State, required the authorization of the Council. Those questions showed that Article 53 could not be used to make action by a regional agency rigidly dependent upon the authorization of the Council. On the contrary, the relations between the Council and the regional agencies should be sufficiently flexible to permit those agencies to take effective action for the maintenance of international peace and security in the light of regional conditions. In the present case, where the Government concerned had opted for regional action, the proper course was for the Council to take formal note of the OAS resolution.

The representative of Venezuela considered that the decision of the OAS was wholly in keeping with the principles of inter-American law and did not require the authorization of the Council. In his delegation's view, the measures provided for in the resolution approved by the Sixth Meeting of Consultation did not fall within the scope of Article 53 of the Charter since they did not involve the use of armed force. While his delegation welcomed the recognition in the Soviet draft resolution of the justice of the measures against the Dominican Republic taken by the OAS, it felt that the reference to Article 53 was unacceptable and could have the effect of gravely impeding the efficient functioning of regional organizations. The three-Power draft resolution was, he believed, legally acceptable, although he would have preferred some expression of the Council's concern at the serious events which had led to the OAS decision.

The representative of France said that, in considering the position of regional organizations, it was impossible either to assert exclusive regional competence or to maintain that the United Nations was competent in all cases. The Council must decide, in each case, whether its intervention would in any way promote the purposes and principles of the Charter. In the present case, the USSR delegation had not explained why it considered a departure from the established practice necessary and he would be unable to vote for the Soviet draft resolution, acceptance of which would imply that Article 53 was applicable to the OAS decision. In fact, nothing in the Charter or in the practice of the Organization clearly defined the scope and content of the term "enforcement action" within the meaning of Article 53. Moreover, the attempt to apply Article 53 was self-contradictory since the authorization required under that Article had clearly to be given in advance. His delegation would be prepared to vote for the three-Power draft resolution, which could not give rise to any objections of substance or form.

The representative of the United Kingdom of Great Britain and Northern Ireland considered that the responsibilities of the OAS towards the United Nations had been adequately discharged by the letter from the Secretary-General of the OAS transmitting the Final Act of the Sixth Meeting of Consultation to the Council,

in conformity with Article 54 of the Charter. The Soviet argument that the Council had responsibilities under Article 53 of the Charter in relation to the recent decisions of the OAS was based on the assertion that the measures in question constituted "enforcement action". In fact, those measures were acts of policy perfectly within the competence of any sovereign State. In his delegation's view, when Article 53 referred to "enforcement action" it must be contemplating the exercise of force in a manner which would not normally be legitimate for any State or group of States except under the authority of a Security Council resolution; other pacifying actions under regional arrangements as envisaged in Chapter VIII of the Charter not included in that category had simply to be brought to the attention of the Council under Article 54. The adoption of a substantive resolution by the Council would therefore be improper in the present circumstances. He had no objection to the adoption of the procedural resolution proposed by Argentina, Ecuador and the United States and would vote in favour of it.

The representative of China noted that the OAS had always acted effectively to achieve its objectives, which were also those of the United Nations. With regard to the OAS resolution under discussion, he pointed out that neither the OAS nor its individual members had found it necessary or desirable to appeal to the United Nations for further action. Further, the action envisaged in the OAS decision was entirely within the sovereign rights of States, and did not require approval or authorization by the Council. The application of Article 53 to the present question was indeed juridically dubious and politically mischievous; in subjecting the OAS resolution to review by the Council, the USSR was in effect trying to subject all future actions of the OAS to review and thereby to the Soviet veto. His delegation would not be a party to such a retrograde step and considered that the matter should be left to the responsibility of the OAS.

At the 894th meeting on 9 September, the representative of Ceylon said that in considering the OAS decision, the propriety and wisdom of which his delegation endorsed, two points had to be borne in mind: the measures did not involve the use of armed force, and they were employed, not by the Council on its own initiative, but by a regional agency recognized by Article 52 of the Charter. The interpretation of Article 53 in relation to the present case presented great difficulties. There were valid arguments to support the view that the enforcement action referred to in Article 53 applied to the measures enumerated in Article 41 as well as in Article 42. On the other hand, there were important arguments in support of the contention that the term "enforcement action" in Article 53 was limited to the measures referred to in Article 42, i.e., measures involving the use of armed force. That view seemed unduly restrictive, but the matter required thorough and objective consideration and his delegation would be reluctant to approve a hasty interpretation that might create a precedent. So far as a decision on the issue before the Council was concerned, his delegation would be strongly influenced by the opinion of the representatives of countries members of the regional organization. The latter considered it sufficient for the Council to take note of the decision by the OAS and the representative of Venezuela, a party directly concerned, had supported the draft resolution they had put forward. For those reasons, he considered it preferable to accept the joint

draft resolution, rather than the Soviet proposal, although the latter was based on an interpretation of Article 53 which appeared to be not unreasonable to his delegation.

The representative of Poland stated that although a regional organization had the right to deal with matters relating to the maintenance of international peace and security within its area, the United Nations Charter gave the ultimate responsibility in that respect to the Security Council. The relationship between regional arrangements and the Council in such matters was covered in Chapter VIII of the Charter, in particular Article 53, on the basis of which the USSR had requested that the Council consider and endorse the OAS decision designed to remove the threat to peace and security created by the actions of the Dominican authorities. Approval of the OAS decision by the Council would not only be in conformity with Article 53, but would strengthen the position taken by the OAS in respect of the Dominican régime. His delegation could not accept the argument that Article 53 was not applicable and that action by the Council might limit the rights of the OAS. Regardless of the Council's decision on the issue before it, those rights were already limited by Chapter VIII of the Charter. Nor could he subscribe to the view that the "enforcement action" mentioned in the Charter referred only to the use of military force. The right to use armed force in action with respect to a threat to the peace was vested solely in the Security Council under Chapter VII of the Charter. Nothing in the Charter gave that right to any regional organization. Article 53 must therefore apply to all sanctions short of military action. Such sanctions or enforcement measures of an economic or political nature could be initiated by the Security Council itself under Article 41, or by regional arrangements under Article 52. In the latter case they required the approval of the Council.

The representative of Tunisia considered that the decision by the OAS was valid and in conformity with the principles of the Charter. It had involved non-military measures taken by that organization against one of its members. The case would have been different had it been a question of measures taken against a State not a member of the regional organization. His delegation believed that the implementation of the decision did not require authorization by the Security Council and would therefore vote in favour of the three-Power draft resolution.

The President, speaking as the representative of Italy, stated that through the decision taken at the Sixth Meeting of Consultation the OAS had dealt with a delicate regional situation, in conformity with its own charter and with the principles of the United Nations Charter. He shared the view of the representative of Argentina that regional organizations should have sufficient authority to deal with problems within their region, especially when the measures adopted did not entail the use of armed force. He had doubts as to the applicability of Article 53 to the case under consideration. He considered that the application of Article 53 was limited to measures which could not be legitimately adopted by any State except on the basis of a Security Council resolution. In the circumstances, the most appropriate course for the Council to follow was that recommended by the three-Power draft resolution, which his delegation supported wholeheartedly.

The representative of the USSR said that decisions by regional organizations relating to the maintenance

of peace and security, and *a fortiori* decisions to take enforcement action, should be put into effect in strict conformity with the Charter, which conferred on the Council primary responsibility for the maintenance of international peace and security. Article 53, under which the Council could utilize regional arrangements or agencies for enforcement action aimed at removing a threat to peace and security, explicitly provided that no enforcement action could be taken under regional arrangements or by regional agencies without the authorization of the Council. It followed that all decisions by regional organizations to take enforcement action, and in the present case the decision of the OAS, required approval by the Security Council. Some representatives contended that the measures taken by the OAS were not in the nature of enforcement action and consequently did not come within the scope of Article 53. That argument was untenable. The measures adopted by the OAS, the severance of diplomatic relations and partial interruption of economic relations, were enforcement measures specified in Article 41 of the Charter among measures not involving the use of armed force. The measures in Article 41 were enforcement measures because they were employed by the Council for the purpose of forcing an aggressor to cease acts of aggression and of preventing the recurrence of aggression. The provision in the OAS resolution authorizing the Council of the OAS to discontinue the measures when the Government of the Dominican Republic ceased to constitute a danger to peace and security in the Hemisphere confirmed the "enforcing" nature of the measures. The argument that the measures were being implemented by the States members of the OAS individually and unilaterally and were therefore outside the scope of Article 53 was also untenable since the fact that certain measures, such as the severance of diplomatic relations, might be taken by a State only in accordance with its own constitutional provisions did not alter the fact that, when applied pursuant to collective decision, such measures assumed the character of sanctions. Those who argued that only Article 54 applied in the present case were trying to reduce the Council to the role of a passive observer in matters relating to the maintenance of international peace and security. In his delegation's view, it was inadmissible that the Charter should be violated and the Council by-passed in a matter involving the employment of enforcement action for the maintenance of peace. The Council had a duty to approve the OAS decision.

At the 895th meeting held on the same date, the representative of the United States said that the Soviet request for Council action in the case was a bald effort to seek a veto over the operation of the Inter-American system.

The representative of the USSR stated that he would not insist on priority for his draft resolution, since the representative of Ecuador had requested that the three-Power draft resolution be given priority. The three-Power draft resolution (S/4484) was then put to the vote.

**Decision:** *The draft resolution submitted by Argentina, Ecuador and the United States of America (S/4484) was adopted by 9 votes to none, with 2 abstentions (Poland, USSR).*

The representative of the USSR stated that his delegation would not press for a vote on its draft resolution (S/4481/Rev.1). Explaining his vote, he said that his delegation had abstained from voting on the three-Power resolution because it was not sufficiently exact and comprehensive. As he understood it, the meaning of that resolution was that none of the members of the Council objected to the OAS resolution, and, accordingly, that the members approved it in principle. That position had been expressed more exactly in the USSR draft resolution. Resolutions such as that adopted by the OAS fell under Article 53 of the Charter and were subject to approval by the Council. No one in the Council had challenged that position, though some members had declared that they were not ready to deal with the substantive issue at that time. He took that to mean that the members of the Council were leaving the door open so that in other circumstances they might fully support the provisions of the Charter to the effect that regional agencies might apply sanctions only with the concurrence of the Council.

The representative of Venezuela stated that his delegation interpreted the resolution adopted by the Council not as a confirmation of the validity of the OAS decision, for such confirmation was unnecessary, but as an indication that the Council agreed with that decision.

The representative of the United States said that the three-Power resolution had not been submitted under Article 53; the Soviet representative's interpretation of the action taken by the Council did not reflect the views of the United States. As to the matter being left open for future consideration, his delegation considered that the item had been completed and would judge future proposals on their merits.

The President stated that, having heard the statements of the members of the Council, he took it that he might then declare that the Council had disposed of the matter.

#### (iv) COMMUNICATIONS FROM THE OAS CONCERNING THIS ITEM

In a letter dated 6 January 1961 (S/4628), the Secretary-General of the OAS transmitted to the Security Council a resolution adopted by the Council of the OAS on 4 January concerning resolution I of the Sixth Meeting of Consultation of Ministers of Foreign Affairs. The resolution of 4 January stated in its operative part that it was feasible and desirable that member States of the OAS which had signed the Final Act of the Sixth Meeting of Consultation extend their suspension of trade with the Dominican Republic to the export of petroleum, petroleum products, trucks and spare parts. The resolution also requested the member States to prevent the re-export of those items from their territory to the Dominican Republic, and to inform the Council regarding measures taken in that respect.

In a letter dated 24 January (S/4647), the Secretary-General of the OAS transmitted for the information of the Security Council a note dated 19 January from the representative of the United States on the OAS Council informing that Council of the action taken by his Government with regard to the resolution of 4 January.

# LETTER DATED 31 DECEMBER 1960 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL BY THE MINISTER FOR EXTERNAL RELATIONS OF CUBA

## (i) SUBMISSION OF THE ITEM

In a letter dated 31 December 1960 (S/4605) addressed to the President of the Council, the Minister for External Relations of Cuba charged that the United States Government was about to commit direct military aggression against the Government and people of Cuba, thus gravely imperilling international peace and security. The pretext for the planned aggression was the alleged construction in Cuba of seventeen launching sites for Soviet rockets, as had been stated in a confidential note circulated by the United States Government among the Governments of Latin America, and the Cuban Government had in its possession evidence of a plan conceived by the Central Intelligence Agency of the United States, with the co-operation of Cuban war criminals who had taken refuge in the United States and of various Governments in the Western Hemisphere. In preparation for armed aggression, the United States was exerting pressure to bring about the diplomatic isolation of Cuba within Latin America, a manoeuvre which had already resulted in the unjustified breaking off of diplomatic relations with Cuba by the Government of Guatemala and the Peruvian Government's recent announcement of the withdrawal of its diplomatic representatives from Cuba. The Cuban Government accordingly requested that the Council be convened immediately to examine the situation and take appropriate measures to prevent armed units of the United States and mercenaries in its service from violating the sovereignty, territorial integrity and independence of Cuba.

In a second letter, dated 3 January 1961 (S/4611), the Minister for External Relations of Cuba informed the President of the Council that the Government of the United States, after breaking off diplomatic relations with Cuba, had requested the withdrawal of all Cuban diplomatic and consular personnel from the United States.

At the Council's 921st meeting on 4 January 1961, the representative of the United States of America announced that his delegation would not oppose the inscription of the Cuban complaint on the agenda, although the charges were wholly fraudulent.

**Decision:** *The Council adopted its agenda.*

## (ii) CONSIDERATION BY THE COUNCIL

The representative of Cuba, who had been invited by the President to take a seat at the Council table, said that the situation which his Government had brought to the Council's attention was of more than regional scope. It affected the whole international community and was such as to call for action under Article 34 of the Charter. His Government would therefore vigorously resist any attempt to transfer the complaint to the Organization of American States (OAS) and believed that any repetition of the evasion embodied in the Council's resolution of 19 July 1960 (S/4395) would seriously undermine the authority and prestige of the Council.

The United States had severed diplomatic relations with Cuba and was actively continuing to lay the groundwork for direct military aggression on the pretext that Cuba had become a spearhead of international

communism, that a communist Government was being set up in Cuba and that Cuba was providing launching sites for Soviet rockets. The purpose of those allegations was clearly to misrepresent the character of the Cuban revolution and prepare the way for the restoration of the old régime and reimposition of colonial domination. United States weapons and other war materials had been airlifted to counter-revolutionary groups operating in the Cuban mountains; camps and airstrips for training Cuban mercenaries were being maintained at various points in the United States, Guatemala and Nicaragua, under the over-all direction of the Central Intelligence Agency, and invasion forces were being readied for action at Swan Island off the Honduran coast, the United States naval base at Guantanamo, and other points. The existence of and the activities in the training camps had been openly reported in newspapers and magazines in the United States. According to information available to his Government, the Central Intelligence Agency's plan called for the launching of a number of small expeditions against different parts of the island synchronized with sabotage in the cities. In Havana, United States Embassy personnel had engaged in espionage and in conspiracy with counter-revolutionary elements. The war preparations were coordinated with an intensive propaganda campaign, carried out by powerful United States radio stations, aimed against the sovereignty of Cuba and the unity of its people. At the same time, the United States Government had placed an embargo on virtually all United States exports to Cuba, had taken steps to curtail Cuba's trade with other countries, and had suspended all purchases of sugar from Cuba. Efforts had also been made in the diplomatic field to isolate Cuba from other Latin American countries. At the Seventh Meeting of Ministers of Foreign Affairs of the American Republics held in Costa Rica in August 1960, the United States had sought multilateral inter-American action against Cuba on the ground that the Revolutionary Government was facilitating extra-continental intervention in Hemisphere affairs. Subsequently, the United States had tried to hamper Cuba's rights as a member of the OAS and had exerted pressure on Latin American Governments to break off diplomatic relations with Cuba. The Governments of Guatemala, the Dominican Republic, Paraguay and Peru had obediently followed the instructions from Washington. The ultimate objective of those manoeuvres was a military invasion of Cuba. Cuba, however, was not alone and if an atomic conflagration were to break out because of military intervention, the responsibility would fall squarely on the Government of the United States. In conclusion he stated that his Government rejected in advance any draft resolution calling for an understanding with the imperialist Government of President Eisenhower. He urged the Council to condemn the United States as an aggressor.

At the 922nd meeting of the Council held the same day, the following draft resolution (S/4612) was submitted by Chile and Ecuador:

*"The Security Council,*

*"Considering the present tension in relations between the Republic of Cuba and the United States of America,*

"*Considering* that it is the duty of Member States to resolve their international disputes by the peaceful means provided for in the United Nations Charter,

"1. *Recommends* to the Governments of the Republic of Cuba and of the United States of America that they make every effort to resolve their differences by the peaceful means provided for in the United Nations Charter;

"2. *Urges* Member States to refrain from any action which might aggravate the present tension between the two countries."

The representative of the United States stated that beginning in the spring of 1959 invasion attempts had been made against Panama, Nicaragua, the Dominican Republic and Haiti, and that in every case it had been established that the expeditions had been supported by Cuban officials. By undertaking that subversive and military activity, far beyond the resources of Cuba acting alone, the leaders of Cuba had put their country more and more into the hands of international communism. The Soviet Union must find it very convenient that the Security Council should be hearing Cuban charges of an imaginary United States aggression at a time when world opinion might otherwise be noticing certain events in Laos or in the Congo. In spite of the policies of the Cuban Government, the United States had continued to seek a way to restore peace and friendship with Cuba and had, in that effort, placed great emphasis on the OAS. His Government had twice proposed that the *Ad Hoc* Committee of Good Offices created by the OAS be convened in order to clarify the facts in the controversy between the United States and Cuba. The Cuban Government, however, had refused to accept that proposal and had preferred to bring completely unfounded charges before the Council.

With regard to the allegations in the Cuban letter distributed as document S/4605, he emphasized that the United States Government had not circulated any note relating to the supposed construction of Soviet missile bases in Cuba or stating any intention of launching a military intervention against Cuba; it was significant that the Council had not been shown any such document. It had been the practice of Cuban leaders in recent months to ascribe to the United States the intention of carrying out a military invasion of Cuba and to urge all Cubans to fight the Yankee invaders. The fact was that there had been no invasion and no plan for any such invasion.

It was true that thousands of Cubans had fled that country and that many had taken refuge in the United States. The majority of them had supported the Cuban revolution until they had been sickened by the suppression of freedom, and those who had not been able to go to the United States or some other country were in prison. It was understandable that some of the refugees should want to engage in activities against the Government which had done them so much harm, but the United States Government had in no way been associated with such activities.

The United States had naturally consulted with other American Republics on matters of common concern, including relations with Cuba, but to contend that it had exerted pressure on them was entirely false. Anyone who knew the extent to which Cuban diplomatic missions throughout Latin America had been used for subversion and hostile propaganda could understand why some Governments had found it necessary to

break off relations with Cuba. In the case of his own country, hostile and provocative actions by the Cuban Government, including the recent order that the United States Embassy in Havana should be reduced to eleven persons, had destroyed the confidence and mutual respect essential to effective diplomatic relations. Cuba's own policies, both internal and external, had not only contributed to its isolation in the Western Hemisphere, but had caused great dangers to peace in the region. If the rulers of Cuba had set out by themselves to carry out a policy of subversion and revolution in Latin America, it would have been dangerous enough; but it was made far more dangerous by the fact that the policy was openly espoused and abetted by the international communist movement and by the leaders of the Soviet Union. The leaders of the communist parties of the world had not only hailed the victory of the revolution in Cuba as a splendid example for the peoples of Latin America, but had supported those words with weapons and military technicians. The United States deeply regretted that the ideals and principles of the 26 July movement had been betrayed by the existing régime in Cuba. If those ideals had been fulfilled, the Council would not have had to hear the false charges brought by the representative of Cuba. Those charges were completely groundless and, in his delegation's opinion, no resolution taking cognizance of them should be adopted by the Council.

The representative of Ecuador said that Ecuador had close ties of friendship with both Cuba and the United States and did not want to assume the role of a judge but rather that of a friendly counsellor in a family quarrel. Stressing that the principle of non-intervention was the cornerstone of the inter-American juridical system, he said that a corollary of that principle was the right of peoples to give themselves the political, social and economic organization best suited to their needs. Any attempt by powerful States, whatever their ideology, to use under-developed countries as instruments in an ideological struggle, or as a platform for propaganda that would endanger the security of other States, would have to be considered as veiled intervention, as would also be the case if a State tried subversively to extend a political experiment from one country to another. Another well-established principle in the inter-American system was recourse to peaceful methods for settling controversies. His delegation firmly believed that the differences between Cuba and the United States must be settled by those means which were the very basis of the regional system. In his delegation's view, the allegations made by Cuba were based on fears arising from differences of views and methods. Ecuador had not been subjected to any pressure concerning its relations with Cuba and no document had been circulated implying a threat to the Government of Cuba. Since there were no serious events which posed an immediate threat to the peace, Ecuador felt that its role should be one of conciliation, of finding a peaceful solution which would avoid the shattering of American unity. It had therefore joined with Chile in submitting a draft resolution based on the principles of the United Nations Charter. He considered that the Security Council was competent to deal with the matter and pointed out that the draft resolution allowed wide scope for the parties to find a peaceful solution within the international or the regional organization. He expressed the hope that the tension between the two countries would give way to mature understanding of the grave continental and world responsibilities involved.



The representative of the Union of Soviet Socialist Republics said that the statement of the representative of Cuba had clearly demonstrated the aggressive actions of the United States against Cuba, which had led to the present severance of diplomatic relations and had faced the people of Cuba with the threat of armed aggression. Despite the gravity of the situation, the Council had not heard from the United States representative a clear, unequivocal statement that acts of provocation and of preparation for aggression against Cuba would be stopped and that all contentious questions between Cuba and the United States would be solved peacefully. Reviewing United States policy towards Cuba, he said that allegations that Cuba, by purchasing arms in the socialist countries, intended to extend armed assistance to revolutions in Latin America were a smoke screen for United States efforts to disarm Cuba so that it could not resist aggression. What the United States feared was not military intervention by Cuba in Latin America but the example that Cuba offered to other Latin American countries. The purpose of the aggression in process of preparation was to overthrow the Revolutionary Government, to restore the domination of American monopolies and to eliminate the example of the successful struggle of the Cuban people. The question before the Council involved more than the defence of a small country under the threat of direct aggression. The Council must also act to prevent a course of events that could be dangerous for the entire world. If the Council failed to defend Cuba and aggression took place, Cuba would receive active support from those countries which could not condone disregard for the principles of international law. The Cuban people could count on the solidarity and support of the Soviet people in its struggle for independence and freedom. He hoped that the Council would give due consideration to the Cuban complaint and would not allow events to take their tragic course.

At the 923rd meeting on 5 January, the representative of Liberia said that, although his delegation understood the fears and anxieties of the Cuban Government, it was not convinced that the evidence produced furnished substantive proof of an imminent invasion. He welcomed the denial of the charges by the United States and said he could not believe that the two Governments would be unable to remove the fears and suspicions that marred their mutual relations.

The representative of France said that the allegations put forward in the Cuban complaint and in the statement by the representative of Cuba appeared to be ill-founded. The imminent invasion denounced in such vehement terms four days earlier had not occurred and no evidence had been produced of the existence of the confidential note said to have been circulated by the United States to the Latin American Governments. It was hard to resist the conclusion that the Cuban complaint to the Council, like the similar accusations made by Cuba in the Council and in the General Assembly in recent months, had been made mainly for propaganda reasons. His delegation would hesitate to vote for a draft resolution implying some recognition of the charges.

The representative of Ceylon thought that the question merited serious consideration by the Council whatever the merits of the charges. It was undeniable that a poisoned atmosphere of suspicion prevailed between the United States and Cuba. The Council, as the principal organ of the United Nations entrusted with the

preservation of international peace and security, could lend its assistance to the restoration of harmonious relations by an expression of its collective opinion.

The representative of the United Kingdom of Great Britain and Northern Ireland said that he had not seen or heard a single particle of evidence to support the Cuban accusation. In July 1960, when the Council had received the first Cuban complaint, it had felt that the appropriate forum for an investigation was the OAS. However, it was clear now that Cuba did not want to avail itself of the machinery provided by that organization. The conclusion seemed unavoidable that Cuba had not come to the Council to submit its charge to an impartial examination or to seek the Council's help in measures of conciliation. In the circumstances, while appreciating the conciliatory intentions of the joint draft resolution, his delegation felt that, as both the United States and Cuba had expressed opposition to any draft resolution, further action by the Council would be of no positive value.

The representative of Chile regretted that the matter before the Council involved two sister nations to which his country was bound by tradition and ties of friendship. Further, both were members of the OAS, a regional agency founded on the principles of non-intervention and of the peaceful settlement of international disputes. He expressed the conviction that the differences between the United States and Cuba could be resolved through the application of those principles. With reference to the confidential note mentioned in the Cuban letter (S/4605), he stated that no such document had been received by his Ministry and that no suggestion had been made concerning Chile's relations with Cuba. Turning to the draft resolution (S/4612) of which his delegation was a sponsor, he said that he did not accept the view that to act on the basis of the charges would, in fact, mean that the Council regarded them as valid. The Council clearly could not pronounce itself on the allegations and refutations without making an investigation, but it was certainly its responsibility, within its functions of maintaining international peace and security, to recommend that the parties make use of peaceful methods in order to avoid the aggravation of an explosive situation. He therefore regretted that a number of delegations were unable to support the joint draft resolution. In the circumstances, he would not press for a vote on the draft and would merely express the hope that peaceful and friendly relations would soon be restored between the United States and Cuba.

The representative of Turkey stated that his delegation had not found any evidence to support the charge of imminent aggression and, in view of that fact and the United States delegation's denial of any aggressive intention, believed that the Council should take no further action.

The representative of China said that the Cuban charges had not been proved. In his view, it would be useful if the Council were to make a formal finding declaring the Cuban charges groundless. The repetition of those charges formed part of a persistent propaganda campaign of hatred against the United States, which was contrary to the principles of the Charter and of the OAS.

The President, speaking as the representative of the United Arab Republic, stressed the importance of the principle of non-intervention and expressed support for the joint draft resolution. He thought that certain facts



and the state of tension existing between the United States and Cuba explained the fears expressed by the representative of Cuba regarding an imminent invasion. Viewed from a psychological standpoint, Cuba, a small State with the most powerful State in the world as its neighbour, was understandably uneasy. On the other hand, the United States representative had assured the Council that his Government had no intention of unleashing military intervention against Cuba. He believed that the Council should find a solution in keeping with the Charter to end that state of tension. He regretted that some delegations were unable to support the joint draft resolution and hoped that the two States would find a way of settling their dispute peacefully.

The representative of Ecuador said that his delegation was too realistic to believe in the usefulness of resolutions not supported by the parties concerned. However, he wished to make it clear that his delegation's sole intention in submitting the draft resolution was its desire to fulfil a duty towards American solidarity. The facts showed that there was a controversy between Cuba and the United States. That had been recognized in official United States documents and in the statement made by the United States representative at the 922nd meeting of the Council. It had been further recognized by the Council, which had adopted a resolution on the matter, and by the General Assembly, where the question had also been raised. As a consequence of that controversy, Cuba had expressed fears of an invasion. His delegation had not passed judgement on the facts and the draft resolution did not refer to those facts, but to the existing tension which was evident. Furthermore, the draft resolution contained nothing that could be interpreted as an acceptance, rejection or endorsement of the allegations made by Cuba; it merely recommended that the parties should try to settle their differences by peaceful means provided for in the United Nations Charter, which included those falling under the jurisdiction of the OAS. He could not but deplore that the Council was unable to recommend as a valid means of settling a dispute the application of the principles which were at the basis of the Organization. His delegation would not press for a vote on the draft resolution.

The representative of Cuba, exercising his right of reply, said that many members of the Council had not dealt with the charges, but had concentrated their attention on the confidential note mentioned in his letter to the President of the Council on 31 December (S/4605). Excerpts from that note had appeared in the Uruguayan Press and statements about it had been made by Uruguayan officials. Denying the allegation by the representative of the United States that Cuba had supported military expeditions in Central America, he said that the expedition to Panama had been organized by a group of Panamanian and Cuban adventurers who had nothing to do with the Revolutionary Government of Cuba and that his Government had sent officials to assist the Government of Panama in putting an end to that international adventure.

The United States had opposed the Cuban revolution from the outset. When the Government of Cuba announced its programme of agrarian reform, the United States Government had insisted on the immediate payment of compensation instead of trying to find jointly a formula that would enable Cuba, which had been left bankrupt by seven years of Batista tyranny, to make the compensation payments gradually. He stressed that the relationships of friendship and trade which Cuba had established with the socialist countries did not

imply any impairment of its independence. Many members of the Council had agreed that peaceful means should be used to settle the dispute, and the draft resolution submitted by Ecuador and Chile was a sincere effort in that direction, but it appeared to have been blocked by certain great Powers. He concluded by stating that Cuba had come to the Security Council because of the evident danger of imminent aggression. That threat still hung over Cuba, despite United States denials.

The representative of the USSR, expressing his views on the debate, said that the statements by the representative of the United States did not in any way deny the existence of facts known to the whole world, all of which testified to the fact that the present Government of the United States was undermining Cuba, and that its economic, political and military measures were a threat to that country's existence. The joint draft resolution was a simple and correct way of settling the matter, but it apparently could not be accepted because of objections by the United States and its allies. If the Security Council was not in a position to recommend measures based on the principles of the Charter, that was indeed an unsatisfactory situation. In his opinion, the collective view of the Council could be embodied in two points: first, a feeling of concern over the deterioration of relations between the United States and Cuba; and, secondly, a warning against any aggressive steps which might be taken by a great Power against a small country.

The representative of the United States referred to the statement made by the Foreign Minister of Cuba as an abuse of privilege and an imposition on the goodwill of the members of the Council which subverted the seriousness of purpose of the Council. He hoped that the representative of the USSR did not expect other members of the Council to accept his views as representing the collective view of the Council. He agreed with the representative of China that the Council should adopt a resolution stating that the allegations had not been substantiated. While he did not press that view, it would be worth-while for the Council to ponder that matter for the future if it was to remain an effective organ for peace.

The President of the Council, noting that Chile and Ecuador had not asked for a vote on their joint draft resolution (S/4612), expressed confidence that the debate would contribute to a reduction of tension between Cuba and the United States, whose conduct must be regulated by the Charter, and that nothing would be done to aggravate the existing tension.

### (iii) COMMUNICATIONS RECEIVED BY THE COUNCIL

In a letter (S/4613) to the President of the Council dated 4 January, the representative of Peru protested against the references to Peru made by the representative of Cuba in his statement at the Council's 921st meeting. Peru had severed diplomatic relations with Cuba because of the Cuban Embassy's interference in the country's internal affairs. The Peruvian Government's official communiqué on the matter was annexed.

In a letter (S/4618) to the President of the Council dated 9 January, the *chargé d'affaires ad interim* of the Permanent Mission of Guatemala, referring to the statement of the representative of Cuba at the Council's 921st meeting, rejected the allegation that Guatemalan territory was being used to train forces for an invasion

of Cuba; Guatemala was willing to allow any inspection of Guatemalan territory if the Government of Cuba would agree to do likewise.

In a letter (S/4620) to the President of the Council dated 5 January, the acting representative of the Dominican Republic submitted a formal protest concerning the totally unfounded references to his country made

by the representative of Cuba at the 921st meeting.

In a letter (S/4624) to the President of the Council dated 6 January, the *chargé d'affaires ad interim* of the Permanent Mission of Paraguay protested against the insulting reference to his country contained in the statement of the representative of Cuba at the Council's 921st meeting.

## Chapter 6

### LETTER DATED 20 FEBRUARY 1961 FROM THE REPRESENTATIVE OF LIBERIA ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

#### (i) SUBMISSION OF THE ITEM

In a letter dated 20 February 1961 (S/4738), the representative of Liberia requested the President of the Security Council to convene an urgent meeting of the Council "to deal with the crisis in Angola". After expressing his Government's concern regarding recent developments in Angola, he stated that immediate action should be taken by the Security Council to prevent further deterioration and abuse of human rights and privileges in Angola.

In a letter dated 7 March (S/4760), the representative of Portugal protested against the request of Liberia for inscription in the Council's agenda of a matter which Portugal considered to be within its exclusive jurisdiction, in contravention of Article 2, paragraph 7, of the Charter of the United Nations. He added that the inscription of such a request on the agenda of the Council would open the door to discussion of problems of internal public order, making possible the internationalization of any problem of that nature for pure political propaganda. He requested further that in order to further clarify his Government's position, he should be heard in the discussion on inclusion of the item proposed by Liberia on the Council's agenda.

By a letter dated 10 March (S/4762), the representatives of Afghanistan, Burma, Cameroun, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Libya, Madagascar, Mali, Morocco, Nepal, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, Upper Volta and Yemen associated themselves with the request of Liberia for consideration of the situation arising out of the suppression of the fundamental rights of the people of Angola.

Requests to participate in the discussion of the item were submitted on 13 March by the representatives of the Congo (Brazzaville) (S/4766) and Ghana (S/4767).

#### (ii) INCLUSION OF THE ITEM IN THE AGENDA

At the 943rd meeting of the Council on 10 March, the representative of Liberia, explaining his reasons for the submission of the question of Angola to the Security Council, stated that consideration had become necessary because of serious loss of life in Angola and the existence of conditions which had become a complete violation of human rights. In spite of strict censorship, reports had reached the outside world of an uprising in Luanda on 4 February 1961 in which more than 300 people had attacked the police barracks and

prison. According to the Portuguese Government's own account, fourteen persons were killed, forty to fifty persons were wounded and more than one hundred had been taken into custody. More lives were lost in similar events on subsequent days. There was no doubt that the uprising in Luanda was not just an isolated display of mob fury but actually a portent of a dangerous situation prevailing in Angola. In invoking Article 34 of the Charter, the Liberian Government was moved by its desire to draw attention to that dangerous situation which not only threatened the peace in Angola but was also a threat to world peace.

The representative of the United Arab Republic stated that the Portuguese objection based on Article 2, paragraph 7, did not apply in the present case. In the first place, it was Portugal itself which had unilaterally declared Angola to be its overseas province without determining the wishes of the people of Angola. Moreover, the decision to consider Angola as an integral part of Portugal had been taken in 1951 prior to Portugal's admission to the United Nations. Before that even Portugal itself had considered Angola a colony. From General Assembly resolution 1542 (XV) it was clear that the United Nations did not consider Angola an integral part of Portugal but a Non-Self-Governing Territory in keeping with the provisions of Article 73 of the Charter. Furthermore, the precedents established in the discussion of questions like the Spanish question, the Czechoslovak question and the Indonesian question covered the present case as well. In accordance with that established practice, the Security Council in 1960 had also discussed the situation resulting from the massacres in the Union of South Africa. The competence of the Security Council was thus well established.

The representative of Ceylon said that the authorities in Angola had contravened the Universal Declaration of Human Rights as well as the United Nations Declaration on the granting of independence to colonial countries and peoples contained in the Assembly resolution 1514 (XV). Such contravention was causing tension between the African-Asian States and Portugal. The Security Council would be failing in its duty if it did not take note of those developments. Some recent statements of leaders of the Western world had shown their clear understanding of the rising force of nationalism in Africa. The same force was working in the Portuguese colonies. It was essential to discuss it in the Security Council with a view to finding a solution without allowing things to take a more serious turn.

The representative of the Union of Soviet Socialist Republics stated that Portugal's assertion that the situation in Angola was one of maintenance of internal public order and that, consequently, the Security Council was

not competent to discuss it had already been rejected by the overwhelming majority of the Member States. As a result of Portugal's actions, a critical situation had been created in Angola which might lead to military conflict resulting in the breach of international peace and security. Under Chapters VI and VII it was the primary responsibility of the Security Council to discuss such a situation.

At the 944th meeting of the Council on 10 March, the representative of China stated that his delegation favoured the inscription of the item on the agenda because a discussion of the question would provide much useful information. Inscription of an item, however, did not prejudice the rights and claims of any party concerned.

The representative of Chile stated that his delegation would follow its consistent policy of not opposing inscription of items on the agenda. However, it had serious doubts about the competence of the Security Council to deal with the present question as the requirements laid down in Article 34 were not fully met.

**Decision:** *The agenda was adopted without objection.*

### (iii) CONSIDERATION BY THE COUNCIL

Following the adoption of the agenda, the representative of the United Kingdom of Great Britain and Northern Ireland stated that his Government had not so far seen any convincing evidence that the events which were alleged to have taken place in Angola could properly be represented as constituting a situation likely to endanger the maintenance of international peace and security, and that it remained for the representative of Liberia to establish that there was a *prima facie* reason for the Security Council to be seized of the question. While his delegation had offered no objection to the adoption of the agenda, nevertheless it continued to attach the greatest importance to the principle embodied in Article 2, paragraph 7, of the Charter.

The representative of France, commenting on the legal nature of the problem of the inscription of the item and of the competence of the Council, stated that his delegation did not wish to raise any objection to the inclusion of the item in the agenda. Nevertheless, he expressed misgivings relating to the applicability of Article 34 to the events at Luanda, which he doubted were such as to produce an international dispute.

The representative of Turkey stated that while not objecting to the inscription on the agenda of the item proposed by Liberia, his delegation was not certain at that stage whether the Security Council was the proper forum for its discussion and whether Article 34 was applicable. He pointed out that the United Nations was formed of various organs whose fields of study and discussion were regulated by the Charter.

The representative of Ecuador stated that it was his understanding that the adoption of the agenda was a purely procedural question which did not in any way touch upon the substance of the matter. After the inscription of an item, the second step was to decide on the competence of the Security Council to deal with the question. His delegation continued to have doubts regarding the competence of the Council in accordance with the Charter to deal with the matter just placed on the agenda and would hope to give a more detailed view of its opinion at a later stage in the debate.

The President invited the representative of Portugal to take a place at the Council table.

The representative of Portugal stated that his delegation considered the inscription of the item on the agenda of the Council as illegal. Under the terms of Article 24, paragraph 2, the Security Council had its competence specifically limited to matters referred to in Chapters VI, VII, VIII and XII of the Charter, none of which could conceivably apply to the present case. In the Liberian complaint no mention had been made of any dispute between the Portuguese State and any other Member State. Therefore, none of the cases foreseen in Articles 33 and 34 was under consideration. Those two Articles were the only ones which would justify any action of the Security Council within the scope of Chapter VI. Similarly, the application of Chapter VII would require the existence of a breach of international peace in the form of aggression against the territorial integrity or political independence of a State. No such allegation had been made against Portugal. The provisions of Chapters VIII and XII could not be applied since no regional treaty was under attack nor did the matter concern a strategic area under an international régime of trusteeship. Thus, the Charter provided no justification for the consideration of the present item by the Council. Liberia had based its complaint on a vague reference to violation of human rights and privileges. Those matters, however, were not within the competence of the Security Council. Moreover, under the terms of Article 2, paragraph 7, of the Charter, the United Nations could not intervene in matters essentially within the domestic jurisdiction of any Member State. He went on to charge that the disturbances in Luanda were the works of certain "hooligans" and "hirelings" who did not represent any segment of the population of Luanda. The majority of people of that town had been taken by surprise and had reacted with general indignation. However, in discussing matters relating to maintenance of public order, the Council would be setting new precedents whose consequences would be far-reaching. Members of the Council were well aware that many cases of disturbances of public order leading to loss of life had occurred in recent times throughout the world. If the Council were to concern itself with the disturbances in Luanda, it should certainly also investigate all other cases of public disorder. The Portuguese delegation wondered whether Member States would be prepared to accept such an intervention. If the Members were not prepared to accept such an intervention, then the Portuguese delegation would be justified in assuming that it was simply a case of singling out Portugal in a most discriminatory manner. Such an attitude on the part of the Council was certain to make a mockery of Article 2, paragraph 1, of the Charter which established the principle of sovereign equality of all Member States. Moreover, in his letter to the President of the Security Council the representative of Liberia had attempted to justify the Council's consideration as necessary in order to prevent further deterioration and abuse of human rights and privileges in Angola. Only the most malevolent opinion could connect the incidents in Luanda with any violation of human rights. In the Portuguese multi-racial society, in which by law, tradition and application there was no colour or religious bar, human rights were at the very foundation of the political and social structure. It was ironic that such charges against Portugal should come from Liberia, a nation which by constitution, law and practice had imposed clear racial discrimination. For instance, in Liberia no one who was not of African descent could become a citizen or own land. Public opinion throughout the world had been

misled by a segment of the international Press which had grossly distorted the incidents in Luanda and had misrepresented their significance. An investigation of those events threw a great deal of light on certain factors which were not too difficult to interpret as they coincided exactly with the methods used in other parts of the world where international communist aggression strove to disrupt the order and peace of the peoples and nations. In fact, the arms seized from the assailants were of foreign makes. It was clear that those weapons had been smuggled from outside Angola. A number of persons arrested after the riots had told of the participation of foreigners, including a few white men. Furthermore, an international organization known as DRIL, which openly declared itself responsible for the organization of acts of terrorism and subversion against the Portuguese nation, was connected with the events in Luanda. However, the attitude of the entire population of Angola showed unmistakably that those terrorist efforts had succeeded only for a very short time. The regular security force, with the co-operation of the people, had restored the tranquillity and public order in a swift manner.

The representative of Portugal concluded by stating that his delegation not only protested against the inscription of the present item on the agenda of the Council, but also against many unfounded accusations against its country by a number of representatives on the Council. Portugal did not practise forced labour, nor had it ever practised any type of colonialism or imperialism. For centuries Portugal had been a unitary nation, even though its people were dispersed.

At the 945th meeting of the Security Council on 14 March 1961, the President invited the representatives of the Congo (Brazzaville) and Ghana to take places at the Council table.

The representative of the Congo (Brazzaville) said that thousands of nationals of Cabinda and Angola had gone into exile who would better clarify the situation existing in Angola. While Portugal had set up a wall of silence around its African possessions, those refugees had given the outside world a picture of their suffering and hardship. In Portuguese possessions freedom of association was non-existent and all organizations for liberation were clandestine. Freedom of press was non-existent and the few journalists and missionaries who had returned from Angola could tell of the real situation there. Angola was fighting for independence and in spite of the strict censorship the outside world had come to know about that fight. The only solution of the present situation was immediate decolonization.

The representative of Ghana stated that, for many years, many observers and authorities had foreseen the present situation in Angola. They had urged Portugal to recognize reality and to adapt its policies in such a way as to enable the inhabitants of the Portuguese colonies to attain independence and national sovereignty. The events in Angola constituted a threat to friendly relations between Member States and thereby to international peace and security. The African States were firmly dedicated to the principle of self-determination, the eradication of colonialism, to racial equality and human rights. Hence, in any situation in Africa, such as that in Angola, where the aspirations and interests of an African people were so obviously in danger of destruction, there could be no question that a threat to international peace and harmony existed. At many international conferences dealing with African affairs the question of Angola's independence had been dis-

cussed and strongly put forward. The events had moved so fast that in spite of strict censorship, the international Press had reported on them and the world's attention was now centred on those events. Under those circumstances, the least that the Council could do was to demand immediate cessation of armed repression in Angola, liberation of all freedom fighters, the application without qualification of fundamental human rights and freedoms, and the dispatch of a fact-finding commission to inquire into the situation as a whole, in order to reach a decision on the necessary measures to ensure that the aspirations of the people of Angola towards independence were fully satisfied. The Council might also consider the setting up of a committee on Angola, similar to the Committee on South West Africa, to collect information and to negotiate with the Portuguese Government on the implementation of United Nations resolutions.

The representative of Liberia stated that the question of Portugal's colonies had claimed the attention of the General Assembly ever since Portugal's admission to the United Nations in 1955. By its resolution 1542 (XV) the General Assembly had decided that territories under Portugal's administration were in fact Non-Self-Governing within Chapter XI of the Charter. The Assembly had thereby emphasized the international concern of the United Nations in the Portuguese territories and had also established its competence to consider and examine conditions in those territories, including Angola. Therefore, the arguments raised by Portugal and its invocation of Article 2, paragraph 7, of the Charter were completely irrelevant and without foundation. Quite apart from the legal position, the current situation in Angola had given rise to great concern and anxiety to the international community. It was for that reason that Liberia had submitted the question before the Council, in order that steps should be taken to stop further bloodshed, loss of life and the spread of the emergency beyond the boundaries of Angola. The Portuguese armed forces were ruthlessly suppressing the right to freedom, racial discrimination was rampant, forced labour was being practised and people had been divided into "civilized" and "uncivilized". All that was taking place at a time when colonial Powers, which had had under their rule much larger populations and areas than those of the Portuguese territories, were yielding their authority in response to growing demand for independence.

The representative of Liberia then introduced the following draft resolution co-sponsored by Ceylon, Liberia and the United Arab Republic (S/4769):

*"The Security Council,*

*"Taking note of the recent disturbances and conflicts in Angola resulting in loss of life of the inhabitants, the continuance of which is likely to endanger the maintenance of international peace and security,*

*"Viewing with concern the growing restiveness of dependent peoples throughout the world for self-determination and independence,*

*"Aware that failure to act speedily, effectively and in time for ameliorating the disabilities of the African peoples of Angola is likely to endanger international peace and security,*

*"Recalling General Assembly resolution 1514 (XV) of 14 December 1960, by which the General Assembly declared without dissent that the subjection of peoples to alien subjugation, domination and ex-*

plotation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation and asked for immediate steps to be taken to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom,

"Recalling further General Assembly resolutions 1541 (XV) and 1542 (XV) of 15 December 1960,

"1. *Calls upon* the Government of Portugal to consider urgently the introduction of measures and reforms in Angola for the purpose of the implementation of General Assembly resolution 1514 (XV) of 14 December 1960, with due respect for human rights and fundamental freedoms and in accordance with the Charter;

"2. *Decides* to appoint a sub-committee consisting of ... and instructs this sub-committee to examine the statements made before the Security Council concerning Angola, to receive further statements and documents and to conduct such inquiries as it may deem necessary and to report to the Security Council as soon as possible."

The representative of Liberia added that the joint draft resolution did not contain any elements which had not been already accepted either by the Council or the General Assembly. The draft resolution offered an opportunity for the Council to take action before the present situation could develop into a major crisis resulting in a threat to international peace and security. The people of Angola had close racial links with neighbouring countries and it would be naive to expect that the people in those countries would let the people of Angola suffer their present hardship for too long.

The representative of the United Arab Republic said that it was not just a matter of bringing to trial the Portuguese domination of Angola. A solution of that colonial problem must be found, preferably in collaboration with Member States and with Portugal. In the joint draft resolution an endeavour was being made to find a solution of the question of Angola, and to prevent incidents similar to those which had taken place in Luanda. In operative paragraph 1, the draft resolution asked for the implementation of General Assembly resolution 1514 (XV) on colonialism which the Assembly had adopted unanimously. In operative paragraph 2, it proposed the establishment of a sub-committee to examine the situation and to report to the Security Council as soon as possible. There were numerous precedents for such a proposal. The most recent one had been the resolution adopted by the Security Council concerning the situation in Laos.

At the 946th meeting on 15 March, the representative of Ceylon stated that the statements so far made in the Council had indicted Portugal for serious acts of oppression and inhumanity against the people of Angola. The representative of Portugal had contended that a "malicious campaign" was being conducted against his country. He wondered whether all those responsible persons, including chiefs of State, responsible newspapers and world statesmen, who had denounced Portuguese policy, would participate in a "malicious campaign" against any country. The struggle for independence in Angola had been going on for almost a decade. Apart from a small *élite* group, the majority

of people lived in poverty and did not enjoy even elementary human rights. While freedom movements were arising, maturing and taking over State power in Africa, the Portuguese were holding it down with an iron hand in Angola. There were, however, signs of a serious crisis developing in Angola and it was for that reason that the draft resolution before the Council was calling upon Portugal to fall into line with the decisions already taken by the United Nations and was proposing the appointment of a sub-committee to find out the actual state of affairs in Angola.

The representative of the United Kingdom stated that the joint draft resolution in its preambular part referred to an alleged danger to international peace and security. At the time of the inscription of the present item, several representatives had pointed out that mere invoking of Article 34 was not enough and the Council would be competent to deal with a matter only when in fact a situation likely to endanger the maintenance of international peace and security did exist. The statements made by the sponsors of the draft resolution had not established that there was in fact in Angola a situation likely to endanger the maintenance of international peace and security. Moreover, to proceed, as proposed in the draft resolution, would mean to invite the Security Council to ignore the limitations imposed on it by Article 24 of the Charter and to concern itself with matters which had been before the General Assembly and which might be raised there again. Such a proposed action would mean a new interpretation of the Charter, stretching the functions of the Security Council in such a manner as to blunt the edge of its major task, mainly the maintenance of peace and security.

The representative of Ecuador stated that his delegation's doubts at the time of the inscription of the item on the agenda had been concerned solely with the question of the competence of the Security Council and not the competence of the United Nations as a whole. Moreover, those doubts had not in any way meant that his delegation accepted the claim that the situation in Angola was essentially within the domestic jurisdiction of Portugal and that Article 2, paragraph 7, of the Charter was applicable to it. From the statements made by the representatives of Portugal and Liberia, it would appear that there was no dispute between those two countries and that there was no situation that might lead to a conflict between those two States. There was, however, a difference in the interpretation of events which had taken place in Angola. While keeping an impartial and objective attitude towards those events, the Ecuadorian Government nevertheless felt that the situation in Angola, at its present stage of development, did not constitute a situation likely to endanger international peace and security in accordance with the relevant Chapters of the Charter. Therefore, the Ecuadorian delegation, while sympathizing fully with the aspirations of the people of Angola, would abstain on any draft resolution that would establish the competence of the Security Council in the present question.

The representative of Chile said that the present debate had confirmed his delegation's doubt regarding the competence of the Council to deal with the question of Angola. It was clear that the problem was really one of human rights. Therefore, the Chilean delegation would favour its consideration by some other competent organ of the United Nations as the Security Council was limited by the Charter in dealing with matters which did not fall within its jurisdiction.



The representative of China stated that from the statements made before the Council it had become clear that Portugal was not threatening anybody. The debate, however, had not thrown much light on a second point whether the conditions prevailing in Angola were such as would make the situation, if continued, a threat to international peace and security. The actual state of affairs in Angola was still obscure and so was the question of what the people of Angola really wanted. For those reasons, the Chinese delegation considered it advisable that the Council should not intervene at the present stage and, accordingly, would be unable to support the draft resolution.

The representative of Turkey said that the specific question under discussion was really the applicability of Article 34 of the Charter. The correct interpretation of the Charter's provisions concerning the competence of the Council might constitute a matter of life and death to smaller nations. Being in such a category itself, Turkey felt compelled to leave aside any consideration of sentiment or expediency in its interpretation of the Articles of the Charter concerning the Security Council. While, therefore, opposed to all forms of colonialism, Turkey regretted that it could not support the joint draft resolution.

The representative of Ceylon, exercising his right of reply, stated that some delegations had taken the position that no threat to international peace existed in Angola. While it was true that the people of Angola had not taken up arms, the available information clearly indicated that a situation was developing wherein an armed conflict was a likely possibility. Moreover, he wondered whether the Security Council could consider a situation a threat to international peace and security only when fighting had actually broken out. In today's world, when colonial peoples were struggling for independence there was always a threat to international peace if a situation was allowed to deteriorate in which the great Powers could become involved. The position taken by other African States had also to be kept in mind. While he was not suggesting that the African States were going to take up arms against Portugal for the attainment of the Angolese independence, it was evident that the tension between the African States and Portugal was on the increase. The draft resolution was only proposing that Portugal should accept the principle of self-determination for the Angolese people and was suggesting the establishment of a sub-committee to ascertain allegations made against Portugal. That proposal was of a very minor nature but was likely to arrest further deterioration in the situation.

The President, speaking as the representative of the United States of America, stated that his delegation approached the issue in a spirit of seeking elimination not just of the symptoms but also the sources of friction in the present problem. The United States deplored the violence in Angola and the tragic loss of life there. It was prudent to view the disorders in Luanda in the context of the dramatic changes that had taken place in Africa recently. The people of Angola were entitled to all the rights guaranteed by the Charter. There should be step by step planning and acceleration of their advance towards full self-determination. There was no doubt that the difficulties were formidable. However, if the people of Angola were not given reason to hope for self-determination, the present existing tension would grow and might result in disorder causing a threat to international peace and security. Recalling the problems of the Congo and declaring that many of those

problems had resulted from the pressure of nationalism overtaking the preparations which were necessary for effective exercise of sovereignty, the representative of the United States stated that Portugal should ensure that a similar situation did not prevail in the Angola of tomorrow and should begin to foster the economic, social and cultural developments of the Angolese people. The General Assembly, in resolution 1542 (XV), had listed Angola as a Non-Self-Governing Territory and had requested Portugal to submit information on it. The best course for Portugal would be co-operation with the United Nations to achieve the goals shared by all and recognized in the Charter. The United States hoped that in that spirit Portugal would proceed in accordance with the joint draft resolution now before the Council.

The representative of the USSR stated that the Council's examination of the question of Angola had fully confirmed the timeliness of Liberia's initiative. The support given by a great number of African-Asian States had shown that there was general condemnation of Portuguese colonialism. Through its use of military force Portugal had created a serious threat to peace and security in the whole of Africa. The representative of Portugal had expressed his surprise at the lack of understanding of the "benefits" resulting in Angola from Portuguese colonial rule and had dubbed the Angolese freedom fighters as "hooligans" and "criminals". He had also charged that the struggle had been instigated by the so-called agents of international communism. Whatever might be the terms used by the Portuguese representative to describe the situation in Angola, the fact remained that the population of Angola had never enjoyed any franchise and had never participated in the administration of the country. All political activity in Angola was being mercilessly suppressed and not a single democratic organization was permitted to exist. Sources which could not be described as communist by any stretch of imagination had confirmed the inhuman cruelty of the Portuguese colonial administration. Forced labour had increased to such an extent that it formed the major part of labour force in Angola. Ninety-nine per cent of the indigenous population was illiterate. According to UNESCO data, primary education in Angola applied to only 1.4 per cent of the population of the country. The average *per caput* income amounted to only \$100 per year. In these circumstances it was the duty of the Security Council to take urgent and effective measures to compel Portugal to respect its obligations under the Charter. Portugal must be asked to implement the unanimous resolution of the General Assembly on the granting of independence to colonial peoples and territories. In that respect the draft resolution before the Council, while condemning the policy and the actions of the Portuguese Government, did not, however, suggest any measures which should be taken directly by the Council to ensure freedom and independence of Angola. It was merely proposing the creation of a sub-committee to make an investigation and to report to the Council. However, the Soviet delegation understood operative paragraph 2 as not precluding renewed Council consideration of the question at any time in order that necessary measures might be taken. It would, therefore, vote in favour of the draft resolution since it upheld the right of the people of Angola to self-determination and independence.

Before the Council proceeded to vote on the draft resolution, the representative of Liberia stated that some representatives had expressed doubts regarding the ap-



plicability of Article 34 of the Charter. Article 34 of the Charter conferred indisputable powers on the Council and empowered it also to consider and investigate any "situation which might lead to international friction or give rise to a dispute". It was clear that a situation which could endanger world peace must not necessarily be a dispute between two Member States. Members of the Council should take into consideration the sacrifices made by the peoples of Africa to the general defence of human liberties in the two world wars. It would be ironic if only in Africa the high principles of the Charter of the United Nations should fail to apply and freedom be denied to a section of its people.

**Decision:** *The draft resolution submitted by Ceylon, Liberia and the United Arab Republic (S/4769) was rejected by 5 votes in favour, none against, with 6 abstentions (Chile, China, Ecuador, France, Turkey, United Kingdom).*

## Chapter 7

### THE PALESTINE QUESTION

#### A. Letter dated 1 April 1961 from the Permanent Representative of Jordan, addressed to the President of the Security Council

In a letter dated 1 April 1961 (S/4777), the representative of Jordan requested the President of the Security Council to convene a meeting of the Council at the earliest possible date to consider the following complaint against Israel: "Violation of the Armistice Agreement and acts of military provocation which threaten international peace and security". In the attached explanatory memorandum the representative of Jordan stated that the Israel authorities planned to hold a military parade in Jerusalem on 20 April. Israel's action in bringing heavy military equipment into the city for a rehearsal of the parade on 17 March had been condemned by the Mixed Armistice Commission in a decision of 20 March, circulated to the Council at Jordan's request in document S/4776, which called upon the Israel authorities to prevent the recurrence of such a breach of the General Armistice Agreement and to refrain in future from bringing into Jerusalem any equipment in excess of that permitted in the Agreement. The holding of the parade by Israel in defiance of the Armistice Commission's decision would endanger international peace and security.

In a letter dated 2 April (S/4778), the representative of Israel submitted preliminary observations in regard to the Jordan complaint. He noted, *inter alia*, that the proposed parade in celebration of Israel's thirteenth anniversary was no different from that held in Jerusalem in 1958. On that occasion the Chairman of the Mixed Armistice Commission had referred to Israel's action as a "formal breach" of the General Armistice Agreement and a number of observers had been posted near the border to allay anxieties. As in 1958 all weapons in the parade would be without ammunition. Israel, which had not complained when similar ceremonial parades had been held by Jordan, considered that the matter was not one with which the Council should be called upon to concern itself and was prepared to co-operate in all appropriate measures to relieve Jordanian apprehensions.

#### (i) CONSIDERATION BY THE COUNCIL

At its 947th meeting on 6 April 1961, the Council included the Jordanian complaint in its agenda, and

The representative of Portugal, exercising his right of reply, stated that his delegation had already explained in the General Assembly on 13 December 1960 that Portugal did not practise colonialism in Africa or anywhere else. Although dispersed throughout four continents and comprising many different nations, Portugal was a unitary State, politically, juridically and morally. It was not true that forced labour existed in Portuguese overseas territories. Forced labour had been outlawed by Portuguese legislation. The progress made by the Portugal did not practise colonialism in Africa or anywhere remained to be done, the Portuguese Government could well be proud of its achievements in the fields of communications, irrigation projects, educational and social developments. However, their greatest achievement was a sense of unity which had resulted from living in common for successive generations.

invited the representatives of Israel and Jordan to take places at the Council table.

The representative of Jordan stated that he was submitting a specific complaint for which he was seeking a specific decision. After reviewing the facts leading to the Mixed Armistice Commission's decision of 20 March, he stressed the following points: first, no heavy armament of any kind, for any purpose and under any conditions, was allowed to enter the sector of Jerusalem, in accordance with the provisions of the General Armistice Agreement; second, the Israel views and arguments concerning the contemplated parade had been put before the Mixed Armistice Commission and the Chief of Staff and had been rejected; third, the Mixed Armistice Commission, the body authorized by the Council to supervise the execution of the provisions of the Armistice Agreement, had considered the bringing of armament by Israel to the city of Jerusalem a breach of the General Armistice Agreement and had condemned Israel for that violation. He pointed out that Jerusalem and the road on which the Israel tanks and armament were driven from the coastal plain of Palestine to Jerusalem did not belong under any law, resolution or privilege to Israel. It was clear that Israel with the show of force meant intimidation, or rather provocation. His Government, therefore, requested the Council to adopt a decision which would endorse and affirm the Mixed Armistice Commission's resolution of 20 March 1961.

The representative of Israel stated that the Jordanian complaint was wholly unfounded. The Jordanian Government was aware that there was no basis whatever for any suggestion that Israel wished to alter the existing situation. The contemplated parade was not the first of its kind and Israel had not been alone in bringing equipment outside the provisions of the General Armistice Agreement into the Jerusalem area for ceremonial purposes. Over the years both Israel and Jordan had conducted military parades on either side of the line in Jerusalem in connexion with some special celebrations. It was in fact open to serious doubt whether the ceremonial parading of military equipment without ammunition, and thus incapable of military use, constituted even a "formal breach" of the annex to the General Armistice Agreement. His delegation did not exclude the possibility of giving additional assurances to Jordan

of the peaceful character of the occasion, if such were really required. He suggested to the Council that the precedent to be followed and upheld was that of 1958, when the Chairman of the Mixed Armistice Commission had found a way of resolving the problem without turning it into a major issue.

The representative of the United Arab Republic emphasized that the Jordanian complaint was a very simple and precise one. The Armistice Agreement had plainly been violated and it was the Council's duty to reaffirm the decision of the Mixed Armistice Commission. The contention that similar parades had taken place on the Jordanian side of the demarcation line was irrelevant; there had been no investigation in the instances cited and there had been no decision by the Mixed Armistice Commission. The Commission had in fact decided that that act by Israel was a breach of the General Armistice Agreement. Lastly, the Commission had condemned that act by Israel and had called upon the Israel authorities to take the strongest measures to prevent the recurrence of such a breach of the General Armistice Agreement and to refrain in the future from bringing to Jerusalem any equipment in excess of that allowed under the terms of the General Armistice Agreement.

The representative of the Union of Soviet Socialist Republics said that the Council could not disregard a breach of the General Armistice Agreement. The facts were not denied by the representative of Israel and it was clear that the use of heavy war equipment in the parade could only be viewed as an attempt to produce a reaction on the part of the population, in contravention of the spirit of article I of the Armistice Agreement. Israel's action involved both a formal breach of annex II to the Agreement and a violation of the political meaning of the Agreement.

At the 948th meeting on 10 April, the representative of France said that he understood the Jordanian Government's concern about the proposed parade and its desire to see the Armistice Agreement respected. Israel had, however, stated its readiness to give full assurances regarding the purely ceremonial character of the parade, for which there had been a number of precedents on the Jordanian side, and respect for the Armistice Agreement did not exclude the possibility of the parties' agreeing on reasonable exceptions to its provisions. He hoped that the parties would be able to find a solution through the Mixed Armistice Commission and in full respect for the letter and spirit of the Agreement.

The representative of the United Arab Republic introduced a joint draft resolution, also sponsored by Ceylon, which read as follows (S/4784):

*"The Security Council,*

*"Having considered the complaint submitted on 1 April 1961 by the Government of the Hashemite Kingdom of Jordan (S/4777),*

*"Noting the decision of the Jordan-Israel Mixed Armistice Commission on 20 March 1961 (S/4776),*

*"1. Endorses the decision of the Mixed Armistice Commission of 20 March 1961;*

*"2. Urges Israel to comply with this decision."*

Commenting on the text submitted, he said that the intention of the joint draft resolution was to support the position which had been taken by the Mixed Armistice Commission in March 1961, since no one had denied the basis of the Commission's decision, or had

contested or challenged the provision of the Armistice Agreement, especially article VII, annex II.

The representative of China noted that the law and the facts involved in the complaint before the Council were clear. The military parade planned for 20 April would constitute a violation of the General Armistice Agreement. He explained that while Israel's claim that the military parade was a minor matter not threatening the peace might be justified in a material sense, nevertheless politically and psychologically the military parade was not a minor matter. He believed that the Mixed Armistice Commission's decision should be upheld and urged the Government of Israel to make a contribution towards the maintenance of continued calm in the Middle East by scrupulously implementing the terms of the Armistice Agreement.

The representative of the United Kingdom of Great Britain and Northern Ireland, while accepting the Israel delegation's assurances that its Government had no intention of disturbing the calm which prevailed in Jerusalem, believed that the Council must uphold the findings of the Mixed Armistice Commission in order to prevent the erosion of the Armistice Agreement. The members of the Commission should also be requested to co-operate in observing the letter and the spirit of the Armistice Agreement in the interest of preserving the peace.

The representative of Turkey said that the Mixed Armistice Commission's decision of 20 March must be regarded as binding on the parties, unless some other arrangement was reached by mutual consent in conformity with article XII, paragraph 3, of the Armistice Agreement. His delegation urged compliance with the Agreement and with the decisions of the Mixed Armistice Commission and hoped that the parties would give the cause of peace and security priority over all other considerations in connexion with the matter.

The representative of Israel said that a resolution of the Council seemed an exaggerated reaction to a ceremonial parade which no member of the Council had seriously suggested was a threat to international peace. The draft resolution, in fact, produced a one-sided and partial impression of the prevailing situation under the Armistice Agreement. It would be regrettable if the Council followed the decision of the Mixed Armistice Commission on the present occasion rather than the precedent set by the Commission in 1958.

At the 949th meeting on 11 April, the representative of the United States of America stated that, in his view, the rehearsal for a military parade conducted by Israel in Jerusalem on 17 March in preparation for the Independence Day parade of 20 April was contrary to the General Armistice Agreement. While a violation of the General Armistice Agreement involving only a holiday parade might not constitute a threat to the peace, the crucial question was the effect of such violations on the force of the Agreements and the attitude of the parties towards them. It was fundamental to the continuation of the present relative tranquillity in the area that both parties should observe the Agreements in spirit and in letter. His delegation believed that the authority of the truce supervision machinery should be upheld and was therefore in accord with the position taken in the draft resolution. It also believed that the Council should reaffirm its concern that the Armistice Agreements should be complied with fully and in good faith. He accordingly submitted an amendment (S/4785) calling for the addition to the joint draft resolution of a new paragraph reading:

"3. *Requests* the members of the Mixed Armistice Commission to co-operate so as to ensure that the General Armistice Agreement will be complied with."

The representative of Liberia stated that he would support the draft resolution but considered it necessary to appeal to both parties to assist the efforts of the Mixed Armistice Commission in order to ensure that the Armistice Agreement would be observed. He would therefore support the United States amendment.

The representative of Jordan considered that any amendment which might place the draft resolution out of its context would be unwise. His delegation asked the Council to endorse the Mixed Armistice Commission's findings; any other course would impair the Commission's authority, turn the General Armistice Agreement into a dead letter, entitle the parties to the Armistice Agreement to take the law in their hands, convert the Holy City into a place of heavy military concentrations, and produce political repercussions in the area.

The representative of Chile noted that the facts of the case before the Council were not in doubt and that the Armistice Commission had given a clear decision in the matter. The episode had, however, to be viewed in the larger context of relations between the countries concerned. He believed that the draft resolution would be strengthened by the inclusion of the United States amendment appealing to the parties to observe the Armistice Agreement.

The representative of Ecuador said that he was in agreement with the draft resolution but had some doubts as to whether it would be really constructive for the Council's decision to be limited to the consideration of a specific case without expressing the need for an overall compliance with the Armistice Agreement in the future. He therefore welcomed the United States amendment.

The representative of the United Arab Republic stated that he could not support the United States amendment, which might be interpreted as placing the two parties to the dispute on an equal footing.

The representative of Israel pointed out that in the course of the years Jordan had been condemned by the Mixed Armistice Commission on no less than 355 occasions, as against 150 findings against Israel. He urged that the Government of Jordan act in pursuance of the Security Council resolution of 17 November 1950, which had dealt with steps to be taken towards the settlement of the issues between the parties.

The representative of Turkey said that he was reluctant to include in the resolution any statement of principle which might give the impression of a tendency to enlarge the present disagreement. He would therefore abstain on the separate vote on the amendment, but would vote in favour of the entire text if the amendment were carried.

The representative of China expressed the view that the amendment should be interpreted merely as a guide for the future and not as an attempt to put the two parties on an equal footing.

**Decision:** *The United States amendment (S/4785) was adopted by 7 votes to none, with 4 abstentions (Ceylon, Turkey, USSR, United Arab Republic). The draft resolution submitted by Ceylon and the United Arab Republic (S/4784), as amended, was adopted by 8 votes to none, with 3 abstentions (Ceylon, USSR, United Arab Republic).*

The representative of the United Kingdom, explaining his vote, said that operative paragraph 3 which had been adopted in no way derogated from the first two paragraphs or from his support of them. The paragraph looked to the future and to the need for asking all members of the Mixed Armistice Commission to co-operate, so as to ensure compliance with the General Armistice Agreement.

(ii) REPORT OF THE SECRETARY-GENERAL ON COMPLIANCE WITH THE RESOLUTION ADOPTED AT THE 949TH MEETING

In a report (S/4792), circulated on 17 April, on compliance with the resolution adopted at the 949th meeting (S/4788) the Secretary-General stated that a request had been made to the Israel authorities on 14 April for a direct reply on compliance with the provisions of the Council's resolution. That step had been made necessary by the Israel response to the first letter of the Chief of Staff in Jerusalem, dated 11 April, that discussions on the resolution were taking place in New York with the Secretary-General. The Israel representative had interpreted paragraph 3 of the resolution as providing a basis for consideration by the Mixed Armistice Commission of the question of the parade. That position had been confirmed in a letter of 16 April from the Prime Minister of Israel to the Secretary-General. The Secretary-General noted that examination of the Council debate indicated that that interpretation of the relationship between paragraph 2 and paragraph 3 of the resolution was incorrect. It had been made clear in the Council that the amendment adopted as paragraph 3 looked only to the future. Thus, paragraph 3 was in no sense intended to derogate from the meaning of paragraph 2, which was fully valid irrespective of paragraph 3. Consideration by the Mixed Armistice Commission of the Israel complaint against Jordan lodged on 13 April could not, even if the complaint was confirmed, release Israel from the obligation to comply with the provisions of the Council resolution. As the parade was scheduled for 20 April, the Secretary-General found it necessary to report to the Council that thus far there had been no response on the part of the Israel Government on its attitude towards paragraph 2 of the resolution.

On 19 April, a report (S/4792/Add.1) by the Chief of Staff of the United Nations Truce Supervision Organization (UNTSO) was circulated as an addendum to the Secretary-General's report of 17 April. The report described the meetings of the Israel-Jordan Mixed Armistice Commission which had been convened to consider the Israel and Jordan verbal complaints submitted on 13 and 14 April, respectively.

With regard to the Israel complaint regarding an alleged concentration of heavy military equipment in the Jordanian part of Jerusalem by Jordanian authorities, the Chief of Staff reported that an investigation by UNTSO had revealed no evidence of any equipment beyond that allowed in the General Agreement. There had also been no indication of equipment having been placed in position recently. The Chief of Staff stated that, at the meeting of the Mixed Armistice Commission held on 17 April, the Israel delegation had proposed that the Commission decide to strike off all the outstanding complaints on its agenda. On 18 April, the Commission had decided not to adopt the Israel proposal. At a further meeting held on 19 April, Israel had submitted a new proposal relating to co-operation be-

tween the parties concerned. The Jordanian delegation had voted against the adoption of the Israel proposal. The Chairman had abstained, as he considered that it did not belong to the Commission to restate principles of international law concerning the observance of international obligations.

With regard to the Jordan verbal complaint, submitted on 14 April, on the alleged concentration of troops and heavy equipment on the Israel side of Jerusalem, the Chief of Staff reported that the junior Israel delegate to the Mixed Armistice Commission had said that it was not necessary to carry out any investigation and had assured Jordan that Israel had no hostile intentions, and that it was Israel's aim to keep tranquillity along the demarcation line. The Israel delegation had been absent when the Mixed Armistice Commission adopted a Jordanian resolution on the matter on 19 April. In its decision, the Mixed Armistice Commission, *inter alia*: (1) recalled the Mixed Armistice Commission's decision of 20 March; (2) found that on or about 12/14 April 1961 Israel had concentrated a large amount of heavy military equipment on the Israel side of the demarcation line in the Holy City area; and (3) called on the Israel authorities to withdraw forthwith heavy arms and equipment from the Israel side of the Jerusalem area.

### **B. Other communications**

In a letter dated 30 September 1960 (S/4547), the representative of the United Arab Republic requested

the Secretary-General to circulate to the members of the Security Council the text of a decision adopted on 29 September by the Egyptian-Israeli Mixed Armistice Commission, in which the Commission found that on 20 September two Israel armed personnel carriers had crossed the international frontier at El Auja, and decided *inter alia* that that was a hostile act in violation of the General Armistice Agreement.

In a letter dated 10 November 1960 (S/4560), the representative of Israel stated that the United Arab Republic, on 3 November 1960, had finally confiscated the cargo of 400 tons of cement unloaded from the Greek vessel *Astypalea*, which had been illegally and arbitrarily detained at Port Said on 17 December 1959. The ship had been permitted by the United Arab Republic authorities to return northward on 10 April 1960, after having been forced not only to discontinue its voyage but also to offload and abandon its cargo.

In a letter dated 13 March 1961 (S/4770), the representative of the United Arab Republic requested the circulation of the text of a resolution adopted on 7 March by the Mixed Armistice Commission condemning Israel for the violation of United Arab Republic air space by two Israel aircraft.

In a letter dated 23 June 1961 (S/4843), the representative of Israel brought to the attention of the Security Council a series of charges of aggressive actions on the part of Syrian armed forces of the United Arab Republic during the preceding few days, directed against civilians engaged in peaceful work in Israel.

## **Chapter 8**

### **LETTER DATED 26 MAY 1961 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL BY THE REPRESENTATIVES OF AFGHANISTAN, BURMA, CAMBODIA, CAMEROUN, CENTRAL AFRICAN REPUBLIC, CEYLON, CHAD, CONGO (BRAZZAVILLE), CONGO (LEOPOLDVILLE), CYPRUS, DAHOMEY, ETHIOPIA, FEDERATION OF MALAYA, GABON, GHANA, GUINEA, INDIA, INDONESIA, IRAN, IRAQ, IVORY COAST, JAPAN, JORDAN, LAOS, LEBANON, LIBERIA, LIBYA, MADAGASCAR, MALI, MOROCCO, NEPAL, NIGERIA, PAKISTAN, PHILIPPINES, SAUDI ARABIA, SENEGAL, SOMALIA, SUDAN, TOGO, TUNISIA, UNITED ARAB REPUBLIC, UPPER VOLTA, YEMEN AND YUGOSLAVIA**

#### **(i) SUBMISSION OF THE ITEM**

In a letter dated 26 May 1961 (S/4816) and addressed to the President of the Security Council, the representatives of Afghanistan, Burma, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Nigeria, Philippines, Saudi Arabia, Senegal, Somalia, Sudan, Tunisia, United Arab Republic, Upper Volta, Yemen and Yugoslavia requested that a meeting of the Security Council be called, as a matter of urgency, to consider the situation in Angola. They charged that the massacres in Angola were continuing and human rights were being continually suppressed. That, together with the armed suppression of the Angolan people and the denial of the right to self-determination in contravention of the United Nations Charter and of the General Assembly resolution on Angola, constituted a serious threat to international peace and security. On 2 June Togo, and on 9 June Pakistan, also associated themselves with this request (S/4816/Add.1 and Add.2).

In a statement issued on 27 May and transmitted to the Security Council (S/4813), the Union of Soviet Socialist Republics drew attention to the situation in Angola and stated that it was the duty of all States and peoples to compel Portugal to end the predatory colonial war in Angola. The Soviet statement also declared that an authoritative inquiry into the situation in Angola must be held immediately with the participation of the African countries.

In a letter dated 3 June (S/4821), the representative of Portugal protested against the request of the forty-four Member States for inscription on the Council's agenda of a matter which his Government considered to be within its exclusive jurisdiction. It also requested that its representative be heard in the discussion of the inscription of the proposed item on the Council's agenda.

At its 950th meeting on 6 June, the Council included the request of forty-four Member States in its agenda. In accordance with the decision taken at the 950th and subsequent meetings, the representatives of Portugal, India, Ghana, Congo (Leopoldville), Congo (Brazzaville), Nigeria, Mali, Ethiopia and Morocco were invited, at their request, to take seats at the Council table.

(ii) CONSIDERATION BY THE COUNCIL

Opening the debate in the Council, the representative of Liberia stated that the fact that such a large number of Member States had requested the Council to reconsider the question reflected an almost unanimous expression of grief and anxiety about Angola. The situation there had deteriorated further since its consideration by the Security Council and the General Assembly in March and April respectively. The Assembly's resolution 1603 (XV) of 20 April 1961 had called upon Portugal to consider urgently the introduction of measures and reforms in Angola. It had also established a sub-committee to investigate the situation in Angola and to report to the General Assembly. Portugal, instead of implementing the resolution, had stepped up its military repression of the Angolan people. In spite of strict censorship, news of mass killings, indiscriminate arrests and bombardment of villages had reached the outside world. Reliable reports had indicated that the number of inhabitants killed and missing had now reached 30,000 and that the number of Angolan refugees in the Congo had reached 80,000. The acute and urgent nature of such a situation required prompt and effective action by the Security Council in order to halt that carnage and colonial war. The representative of Liberia then introduced the following draft resolution sponsored by Ceylon, Liberia and the United Arab Republic (S/4828):

*"The Security Council,*

*"Having considered the situation in Angola,*

*"Deeply deploring the large-scale killings and the severely repressive measures in Angola,*

*"Taking note of the grave concern and strong reactions to such occurrences throughout the continent of Africa and in other parts of the world,*

*"Convinced that the continuance of the situation in Angola is an actual and potential cause of international friction and threat to international peace and security,*

*"Recalling General Assembly resolution 1542 (XV) of 15 December 1960 declaring Angola among others a non-self-governing territory within the meaning of Chapter XI of the Charter as well as General Assembly resolution 1514 (XV) of 14 December 1960, by which the General Assembly declared without dissent that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation and asked for immediate steps to be taken to transfer all powers to the peoples of these territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom,*

*"1. Reaffirms General Assembly resolution 1603 (XV) and calls upon Portugal to act in accordance with the terms of that resolution;*

*"2. Requests the Sub-Committee appointed in terms of the aforesaid General Assembly resolution to implement its mandate without delay;*

*"3. Calls upon the Portuguese authorities to desist forthwith from repressive measures and further to extend every facility to the Sub-Committee to enable it to perform its task expeditiously;*

*"4. Requests the Sub-Committee to report to the Security Council and the General Assembly as soon as possible."*

The representative of the United Arab Republic stated that there was no doubt that the continuation of the present situation in Angola would further embitter relations among States and increase the threat to international peace and security. Article 34 of the Charter expressly spoke of situations, the continuation of which was likely to endanger the maintenance of international peace and security. Events in Angola which, according to press reports, had deteriorated further since the Council's consideration in March, reflected such a situation. Moreover, the General Assembly by its resolution of 14 December 1960 on the granting of independence to colonial territories and peoples, had stipulated its competence in cases like the Angolan situation. The Assembly had also adopted another resolution (1542 (XV)), whereby Portugal was put under obligation to transmit information under Chapter XI of the Charter on Non-Self-Governing Territories under its control, including Angola. Portugal had failed to comply with all those resolutions and had not even taken any notice of the Assembly's last resolution (1603 (XV)) urging it to introduce measures and reforms in Angola. It was for that reason that forty-four Member States were forced to submit this question again to the Council hoping that the Council would take necessary measures to find a solution to the problem before it was too late. They also hoped that Portugal would co-operate with the United Nations and would apply the provisions of the resolution of the General Assembly as well as of the resolution that was being submitted to the Security Council by Ceylon, Liberia and the United Arab Republic.

The representative of Portugal, speaking on the adoption of the agenda, protested against the Council's decision to inscribe on its agenda an item which it considered to pertain exclusively to the internal jurisdiction and security of Portugal. As there was no valid basis whatever in international law for the consideration of the Angolan situation by the Security Council, the Council's decision could logically be considered as illegal and such illegality on the part of the Council could undermine its authority. The United Nations was not and could not be an instrument of foreign policy to exert pressure which might disturb the internal life of other States. Moreover, the Council had already discussed the situation in Angola and had rightly refused to interfere in a matter pertaining exclusively to the jurisdiction of the Government of Portugal. However, in a later discussion the General Assembly had ignored the Security Council decision and had adopted a resolution creating a sub-committee to study the internal events in Angola. It was ironic that those who had shown no respect for the Council's decision not to intervene now wished to ignore the Assembly's decision which had established a sub-committee and had instructed it to submit a report to the Assembly. Yet, the Council was being asked to take up the same question before the sub-committee had been able to submit its report. By inscribing this item, therefore, the Security Council was disregarding the decision of the General Assembly.

The representative of the USSR stated that during a rather short period the Security Council had for the second time to direct its attention to the situation in Angola. The Member States which had requested the meeting had drawn attention to the seriousness of the



situation that had been created as a result of the actions of the Portuguese colonizers, who had launched a large-scale and merciless war against the Angolan people. Such a situation, without doubt, constituted a great threat to international peace and security. No one could remain indifferent in the face of the savage atrocities perpetrated by Portugal. In a statement issued on 27 May (S/4813) and transmitted to the Security Council, the Soviet Union had already expressed its views and concern over the situation prevailing in Angola. According to available information, it was clear that there was general mobilization for a broad colonial war in Angola and, as its result, over 30,000 Angolans had been killed. Portugal was able to follow such a policy of repression in modern times because of the support received from its allies in the North Atlantic Treaty Organization. However, the peoples of all peace-loving countries stood on the side of the people of Angola and that was confirmed by the fact that the present meeting of the Council had been requested by such a large number of Member States. The Security Council was duty-bound to demand from Portugal the immediate cessation of its colonial war, resolutely to condemn that war which Portugal was waging against the Angolan people, and immediately to adopt measures towards the implementation of the provisions of the Declaration of the General Assembly contained in its resolution 1514 (XV) of 14 December 1960. If Portugal were to continue to ignore its decisions, the Council should give warning that it would be compelled to examine the question of the application of sanctions under Articles 41 and 42 of the Charter. The Soviet Government was surprised at the slow pace of action taken to implement the General Assembly resolution of 20 April on Angola. Even after its appointment, the sub-committee did not appear to have shown much activity. It would be well for that sub-committee to inform the Security Council what it had done so far in pursuance of the instructions given to it by the Assembly. In any event, the sub-committee must immediately leave for Angola in order to put an end *in situ* to the barbarous operations of the Portuguese authorities.

At the 952nd meeting on 7 June, the representative of Ceylon stated that the Council by inscribing the Angolan question on its agenda had reaffirmed its competence to deal with that matter. Considering the worsening of the Angolan situation, it was clear that it was a threat to international peace and security and a matter of great urgency. It had resulted from the repressive policy pursued by Portugal against the people of Angola. However, any attempt to delay or to reverse the evolution of dependent peoples to freedom was futile. In that respect two documents were particularly relevant: the Universal Declaration of Human Rights of 1948 and the Declaration on the granting of independence to colonial countries and peoples. The latter, in particular, in its operative part had declared, *inter alia*, that all peoples had the right to self-determination and that repressive measures of all kinds against dependent peoples should cease in order to enable them to exercise their right to complete independence. The sponsors of the draft resolution were seeking to underline the immense risk involved in denying the Angolan people their right to live in freedom.

The representative of India stated that some three months ago the Council had discussed the question of Angola, but unfortunately had failed to adopt a resolution. Subsequently the matter had been referred to the General Assembly which had adopted by an overwhelm-

ing majority a resolution substantially the same as the one which the Council had failed to adopt. The Portuguese attitude had been one of complete non-co-operation with the United Nations. Its statement before the Council and its non-participation in the discussions in the Assembly were indeed characteristic of its whole attitude towards its responsibilities as a colonial Power under the United Nations Charter. It was clear that Portugal had no intention of giving up its stand and that it was determined to suppress the freedom movement in Angola. As a result of that repressive policy, thousands of Angolans had already lost their lives. The mass killings on that large scale had no parallel in the recent history of colonialism. In those circumstances it was imperative for the Security Council to act without delay. A lack of action on the part of the Council would result in very serious consequences. The draft resolution before the Council was a moderate one. It would be a wise decision for the Council to request the sub-committee appointed by the Assembly under resolution 1603 (XV) to undertake an investigation and report to the Security Council as well as to the General Assembly.

The representative of the Congo (Brazzaville) stated that the war in Angola was not a civil war between Portugal and its allegedly overseas provinces but a colonial war in which the people of Angola were struggling hard to overthrow the tyrannous rule of Portugal. The same policy of repression was being practised also in Cabinda. According to the information available from refugees from Cabinda and Angola, it seemed that Portugal was carrying out the liquidation of the people of Cabinda in order to make that enclave a base for fighting against Angola. However, the policy being pursued by Portugal was bound to fail. Angola was about fourteen to fifteen times bigger than Portugal and its frontiers were not marked entirely. It was practically impossible for Portugal to seal all the frontiers and to prevent the nationalist elements from being active in Angola. There could be no other policy except that of decolonization for the non-independent African States.

The representative of Portugal stated that the situation in Angola was clearly the result of a foreign-sponsored movement with world-wide tentacles. At the time of the Council's last discussion of the Angolan situation, terrorists from outside had crossed the border into Angola and, since then, the northern region of Angola had become a "martyrized" land. The terrorists had kept coming in great numbers and they had found encouragement in the debates of the General Assembly on Angola. Thus, the tragic situation was brought about by the criminal schemes of the forces of international subversion. By no stretch of imagination could the incidents in Luanda be attributed to the local population. All people of the Portuguese national territory lived in a community, without racial, cultural or religious prejudices. That equality and unity was their greatest source of strength. There was indeed no internal political background to the terrorism in Angola. Therefore, the legitimate action taken by Portugal in putting down that terrorism, instigated by outside agents, was clearly a matter of maintaining internal law and order. Meanwhile, progress towards the further development of the territory was being maintained. Quoting from a statement by his Prime Minister, the representative of Portugal stated that the population of Angola would be brought more and more into local political and administrative life and that the implementation of the



programme of social development would be speeded further. Thus the Council, instead of interfering in matters of essentially domestic jurisdiction, should condemn as indirect aggression encouragement of subversion and fomenting of civil war by a Member State in another.

At the 953rd meeting of the Council on 8 June, the representative of Ghana stated that General Assembly resolution 1603 (XV) of 20 April 1961 had not only taken note of the disturbances and conflicts in Angola but had also considered their continuance as likely to endanger the maintenance of international peace and security. The same resolution had also called upon Portugal to introduce urgently reforms in Angola. However, there had been no effort on the part of Portugal to respond effectively to that appeal. It was quite clear that unless the Security Council took firm action in the interest of peace, Portugal would continue with its policy of repression. The Council might be interested to know that Ghana, in order to register its protest against the Portuguese policy of repression, had decided on certain measures from 1 June 1961, including closing of all Ghanaian sea and air ports to Portuguese shipping and airplanes and withdrawing the existing open and general licences to import goods from Portugal. Ghana hoped that the Council would request all Member States to take such action as was open to them, in conformity with the Charter, to bring about the abandonment by Portugal of its policy of repression against the people of Angola.

The representative of Liberia stated that Portugal's accusation against Liberia of staging anti-Portuguese moves in the Security Council was beyond comprehension. As was well-known, Liberia was only interested in the restoration of peace in Angola, and whatever might be the charges against it, it could not suppress its sympathy with human suffering and could not but condemn the causes of that suffering. Moreover, the competence of the United Nations to deal with the question of Angola had already been established and the concern felt by Liberia and other delegations was legitimate. Furthermore, in the light of the developments in Angola there was no time for engaging in legalistic niceties when the United Nations had already established its competence, and quick action to resolve the situation was imperative. Because of strict censorship by the Portuguese authorities, it could be assumed that the situation in Angola was probably even grimmer than the available information indicated. Reading from the telegrams received by his delegation, the representative of Liberia then said that the Council was duty bound to arrive at a peaceful solution of the situation in Angola, to put an end to the senseless war there and to help the Angolans in achieving the right of self-determination. The General Assembly had unanimously adopted the Declaration on the granting of independence to colonial countries and peoples, and Portugal, as a Member of the United Nations, must take steps to implement that Declaration. He appealed for the co-operation of Portugal, which could promote constructive United Nations action and could add to the dignity of the United Nations and the effectiveness of the Security Council. In offering such co-operation, Portugal should admit the proposed sub-committee into the territory of Angola, giving it full assistance as a body representative of the United Nations, and it should also cease all repressive measures against the Angolans.

The representative of the Congo (Leopoldville) stated that as a result of the increased military offensive by

Portugal a serious problem was added to his country's troubles; that of the Angolan refugees in the Congo. More than 60,000 Angolan refugees had been officially recorded as of the preceding month. The Congolese Government was encountering considerable difficulty in housing and feeding those refugees. It would, therefore, appeal to Portugal to put an end to massacres in Angola so that the Angolan refugees might return to their homes assured that calm and peace would reign in their country. The Congolese Government would also ask the sub-committee appointed by the General Assembly on the situation in Angola to get in touch with the thousands of Angolan refugees who could bring the sub-committee up to date on statements made during the debate on Angola.

At the 954th meeting of the Council on 8 June, the representative of Nigeria stated that during the last discussion of the Angolan situation some members of the Council had argued that it did not then present a threat to international peace. Perhaps to those members problems relating to Africa were not of sufficient importance. However, recent reports from Angola must convince even those members of the gravity of the situation. Portugal could not sustain the colonial war in Angola without the support and encouragement of some other Powers. Nigeria would appeal to those Powers to desist from such aid to Portugal. The Angolans would certainly achieve their freedom one day but meanwhile the United Nations was obliged, by the terms of its resolution 1514 (XV), to stop the atrocities now going on in Angola. The hands of the sub-committee appointed by the General Assembly should be strengthened and it should begin its work of investigation immediately.

The representative of Ethiopia stated that the uprising in Angola was not caused by foreign agents as Portugal wished the world to believe. The Angolans, encouraged by the achievement of independence by their fellow Africans and having waited for a long time with patience, had risen finally against Portuguese domination. To suppress that legitimate demand for independence, the Portuguese authorities had resorted to military measures. The magnitude and proportion of those measures was an adequate proof that the entire people of Angola were against the Portuguese rule. The draft resolution before the Council was the minimum and should have unanimous support.

The representative of Mali said that the liberation movement of the Angolans was a just and laudable effort and was not a cold war issue. Friends of Portugal must persuade it to give up its policy of repression because they owed a great responsibility to world public opinion. The draft resolution before the Council was a very mild one. It did not sufficiently stress the question of colonial war in Angola nor did it condemn Portugal's barbarous acts. Mali considered that Articles 40 and 41 of the Charter should be applied in the present case. However, it hoped that at least the minimum measures provided in the present draft would be accepted unanimously.

The representative of Morocco stated that the Security Council must take clear and firm decisions to deal with the Angolan situation. They should be based on three fundamental principles: support of the national liberation movements, condemnation of all acts of violence by the colonial Power, and application of sanctions if the colonial Power were to complicate the situation by increasing the régime of terror and creating serious

repercussions on the international scene. The need of firm decisions was all the more obvious in view of the Council's experience with the Congolese crisis. Because of the timidity of the earlier resolutions on the question of the Congo, there had resulted certain lack of energetic action and the colonial Power concerned had become more stubborn, thus aggravating the situation. Therefore, the Council, benefiting from its recent experience, must take concrete measures to recognize the right to independence of Angola and to condemn the colonial policies of Portugal.

The representative of France stated that during the Council's earlier consideration of the situation in Angola his delegation had expressed its doubts as to the legitimacy of submitting that question as a situation threatening international peace and security. The French Government's point of view in that respect had not changed and was still valid. In April 1961, the General Assembly had decided to establish a sub-committee and it would have been better if the Council, before taking up consideration of the situation of Angola, had awaited that sub-committee's report. Although there was insufficient information regarding recent events, it was however known that there had been massacres in Angola and violent measures had been applied by the Portuguese forces. As a result of the aggravation of the situation, feelings of intense emotion had been aroused in Africa, particularly in the neighbouring States which had a sense of solidarity based on racial brotherhood. France understood their concern and apprehension and shared their emotions on the recent events in Angola. Profound changes had taken place in the past twenty years in the world, and particularly in Africa. It would be a tragic mistake to ignore those changes and to be guided by concepts and principles which were out of date. The French delegation hoped that Portugal would draw all necessary conclusions from that principle and it would welcome any political, economic and social changes that might take place in Angola shortly as a result of changes in Portugal's policy.

At the 955th meeting of the Council on 9 June, the representative of the United Kingdom of Great Britain and Northern Ireland stated that his delegation's legal objections to consideration by the Council of the situation in Angola were still valid and its doubts that that situation was a threat to international peace and security still remained. However, it had become clear that there were certain international aspects of the situation which were disturbing. From statements made before the Council, it appeared that foreign territory was being used to organize terrorist activities within Angola. The Council would be failing in its duty if it did not draw attention to that serious situation and, therefore, it would be desirable to refer to that in the draft resolution, reminding Member States of their obligation not to interfere in the internal affairs of another country. In any case, the sub-committee appointed by the Assembly should consider the nature and extent of any foreign interference in Angolan affairs. Apart from those general considerations, the draft resolution before the Council (S/4828) was unsatisfactory in two respects: it referred in the fifth preambular paragraph to General Assembly resolution 1514 (XV), which his delegation had not found acceptable, and in operative paragraph 3, called upon the Portuguese authorities to desist from "repressive measures". From the statements before the Council it was clear that violence had not been limited to one side only, and thus there was no justification for a one-sided and condemnatory judge-

ment. The United Kingdom delegation had had doubts about the Assembly's competence in setting up a sub-committee on Angola, but since it had been established, it was in favour of the work of that sub-committee and hoped that Portugal would co-operate with it. Meanwhile, there would be no justification for making recommendation to Portugal, at least until the sub-committee had been given a chance to report on its findings.

The representative of Ecuador stated that when the Security Council had discussed the situation in Angola in March, his delegation had, for circumstantial reasons, expressed its doubts as to the competence of the Council in that matter. The situation had since changed. What in March had appeared to be a simple police action had now become a far larger armed action, having serious repercussions on the minds of many peoples of Asia and Africa. Portugal had referred to the interest of international communism in taking advantage of the situation in Angola. However, international communism would do everything in its power to exploit what favoured it, and nothing favoured it more than the negative attitude of the colonial Powers. Therefore, to avoid the spreading of communism in colonial countries, colonialism itself must be liquidated. The important thing today in Angola was to stop the spread of violence and bloodshed. It was for that reason that the Ecuadorian delegation would support any measures that would put an end to that state of affairs and would allow the Assembly's sub-committee to carry out its work.

The representative of Turkey stated that the recent deterioration of the situation in Angola and the tragic loss of life had caused sorrow and concern in his country. The Turkish delegation had hoped that General Assembly resolution 1603 (XV), which it had supported, would be the beginning of a new era for the people of Angola. That resolution had called upon Portugal to consider urgently the introduction of measures and reforms in Angola. Unfortunately, there had been no detailed statement from Portugal on such reforms as might be considered appropriate for laying the foundation of a harmonious solution. There were, however, partial reports that those reforms might be forthcoming in the near future. The Assembly's resolution had also established a sub-committee, and the Turkish delegation believed that a report from that sub-committee, within its terms of reference, would be very helpful in elucidating the facts in connexion with the tragic situation in Angola.

The representative of Chile stated that in March his delegation had favoured discussion of the Angolan situation by organs other than the Security Council as, at that time, it had not been sufficiently demonstrated that there was a threat to international peace and security. The situation, however, had fundamentally changed. World public opinion, specially African, was concerned over the grave events in Angola. The Council was confronted with a situation involving events of wanton devastation, cruelty and savagery, and there were charges and countercharges. The Chilean delegation, therefore, wished the Council to act with complete objectivity with regard to those charges. It could do so only if one of its own bodies had been able to gather accurate information, and submit a report to it. In the setting up of that sub-committee, no accusation of Portugal had been meant and it was hoped that Portugal would grant all facilities to it in its work. The chief merit of the draft resolution before the Council was that it gave to the work of that sub-committee the necessary

importance which would allow it to carry out its work freely. As the present draft resolution was based primarily on the various resolutions already adopted by the General Assembly, it would be the determining factor in uniting the machinery of the Assembly and the Council. However, the Chilean delegation believed that, in order to achieve unanimity in the Council on that draft, it could be improved further in some of the preambular paragraphs by giving a clearer definition of facts and also, while awaiting a report from the sub-committee, not judging the international repercussions of the Angolan situation. The Chilean delegation also wished that an operative paragraph might be added expressing the hope that a peaceful solution would be found to the problem of Angola in accordance with the principles of the Charter. For those reasons it was submitting the following amendments (S/4833/Rev.1) to the three-Power draft resolution (S/4828):

(1) In the fourth preambular paragraph, replace the words "threat to" by "is likely to endanger the maintenance of";

(2) Insert the following additional paragraph between operative paragraph 3 and 4: "Expresses the hope that a peaceful solution will be found to the problem of Angola in accordance with the Charter of the United Nations;" and

(3) Number the additional paragraph 4, and re-number the remaining paragraph accordingly.

At the 956th meeting of the Council on 9 June, the President, speaking as the representative of China, stated that the situation in Angola had reached a point where it was impossible for the Council to remain inactive. In the absence of reliable press reports or a survey by an impartial and international body, it was best to suspend judgement on charges of atrocities, the extent of fighting and the casualties entailed. It was, however, clear that under the circumstances prevailing in Angola the weak and the unorganized were easily led to resort to violence, while the party in power might feel it better tactics to deal with the situation with decisive blows in order to finish quickly the task of pacification. That kind of psychology always led to excesses. It was up to the parties concerned and the United Nations to devise some way of stopping that vicious circle and restoring the situation to normalcy. The important thing was the future of Angola and there could be three possible lines of future evolution. Since it was impossible to continue the present *status quo* and it was equally undesirable to change it through violence, the only possible course was to bring about the change peacefully. The Council must favour that line of development. Peaceful change would have as its aim the right of self-determination. However, peaceful change towards self-determination necessarily involved a period of preparation. The people of Angola must be given social, economic and political opportunities, so that in the shortest possible time they would be able to exercise the right of self-determination.

The representative of the United States of America stated that at the time of the Council's previous consideration of the Angolan situation, his delegation had welcomed the proposal for establishment of a fact-finding sub-committee because reports concerning actual conditions in Angola were fragmentary and, in certain cases, contradictory. The United States had also deplored the loss of life in Angola which had involved all segments of the community and had made a constructive solution more difficult. It had hoped that the proposal then before the Council would result in an end

to violence and would facilitate peaceful change. That resolution, however, had failed of adoption. For those same reasons, the United States had supported General Assembly resolution 1603 (XV). However, since the adoption of that resolution there had been a further deterioration in the situation involving heavy losses of life, which had given rise to the present consideration of the question by the Council and had made even more urgent the work of the sub-committee. As regards the general situation in Angola, the United States viewed as an encouraging development a statement by the Prime Minister of Portugal, on 31 May 1961, declaring his intention to introduce political, economic and social reforms in Portugal's overseas territories. In view of that statement, Portugal should be given a certain time to carry out concrete reforms in the direction forecast by its Prime Minister. The Council could help in that by bringing about a situation in which that programme of reform could be most effectively carried out. Although the United States would have preferred several changes in the three-Power draft resolution (S/4828), as it was anxious that the Council should not take any step which would appear to prejudge the work of the General Assembly's sub-committee, it would support the amendments submitted by Chile (S/4833/Rev.1) which it welcomed, and would support the draft resolution as amended.

The representative of the United Kingdom, speaking on the Chilean amendments, stated that his delegation considered the first of those amendments as a distinct improvement as it had always doubted whether there was in the present situation of Angola an actual threat to international peace and security. The second Chilean amendment, expressing the hope for a peaceful solution, was equally well-founded and would be supported by the United Kingdom delegation.

The representative of Portugal, reiterating his Government's stand on the situation in Angola, stated that there was ample evidence that recent events in Angola were alien-instigated and had brought on a wave of terrorism in the northern part of Angola resulting in savage killings of peaceful peoples of all races. It was a problem of maintaining internal law and order with which the Security Council, under the terms of the Charter, could not be concerned. Portugal had taken certain military measures purely for defensive purposes and to establish law and order. With the re-establishment of peace it would continue its programme of reforms in Angola.

The representative of the USSR said that urgent measures were needed to put an end to the bloodshed in Angola and to effect immediate implementation of the steps outlined in previous decisions of the General Assembly on Angola. The draft resolution before the Council was the minimum action that could be taken in that respect. However, the draft resolution needed to be strengthened substantially. With that objective, the Soviet delegation was submitting the following amendment (S/4834) to operative paragraph 3 of the draft resolution: Insert the following at the beginning of operative paragraph 3: "*Condemning* the colonial war against the Angolan people," and continue as in the draft resolution. He then added that the Chilean amendments were an attempt to weaken further an already weak draft. The first Chilean amendment had no justification, as he considered that the situation already constituted a threat to international peace and security. The Soviet delegation could not support those amendments.

**Decisions:** *At the 956th meeting on 9 June, the Council voted upon the draft resolution and the amendments before it.*

*The Chilean amendments (S/4833/Rev.1) were adopted by 9 votes to none, with 2 abstentions (France, USSR).*

*The USSR amendment (S/4834) received 4 votes in favour (Ceylon, Liberia, USSR, United Arab Republic), 3 against (Turkey, United Kingdom, United States), and 4 abstentions and was not adopted.*

*The draft resolution, as amended, was adopted by 9 votes to none, with 2 abstentions (France, United Kingdom).*

## Chapter 9

### COMPLAINT BY KUWAIT IN RESPECT OF THE SITUATION ARISING FROM THE THREAT BY IRAQ TO THE TERRITORIAL INDEPENDENCE OF KUWAIT, WHICH IS LIKELY TO ENDANGER THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY

### COMPLAINT BY THE GOVERNMENT OF THE REPUBLIC OF IRAQ IN RESPECT OF THE SITUATION ARISING OUT OF THE ARMED THREAT BY THE UNITED KINGDOM TO THE INDEPENDENCE AND SECURITY OF IRAQ, WHICH IS LIKELY TO ENDANGER THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY

#### (i) SUBMISSION OF THE ITEM

In a cable dated 1 July 1961 (S/4844), the State Secretary of Kuwait, in accordance with Article 35, paragraph 2, of the Charter, requested the President of the Security Council to convene a meeting of the Council to consider urgently the following question: "Complaint by Kuwait in respect of the situation arising from threats by Iraq to the territorial independence of Kuwait, which is likely to endanger the maintenance of international peace and security." In a further cable dated 4 July (S/4850), the State Secretary informed the President that Kuwait accepted for the purposes of the dispute the obligations of pacific settlement provided in the United Nations Charter.

In a letter dated 1 July (S/4845), the representative of the United Kingdom informed the President of the Council that his Government supported the request from the Ruler of Kuwait contained in document S/4844, and asked that a meeting of the Council be called accordingly.

In a letter dated 2 July (S/4847), the representative of Iraq requested that the Council be convened to consider the following question: "Complaint by the Government of the Republic of Iraq in respect of the situation arising out of the armed threat by the United Kingdom to the independence and security of Iraq, which is likely to endanger the maintenance of international peace and security."

In a letter dated 2 July (S/4848) to the President of the Council, the representative of Iraq stated that the Complaint contained in document S/4844 was not receivable by the Council since Article 35, paragraph 2, of the Charter related to the right of States not Members of the United Nations to bring questions to the attention of the Council. Kuwait was not and had never been an independent State.

#### (ii) CONSIDERATION BY THE COUNCIL

At the Council's 957th meeting on 2 July 1961, the representative of the Union of Soviet Socialist Republics expressed doubts regarding the formulation of the item proposed by the representative of the United Kingdom, which was inconsistent with the information received from the Kuwait area. Nevertheless, in view of the tension in the area and the request by Iraq that

the agenda should include its own complaint concerning the armed threat by the United Kingdom, he would not object to consideration of the question of the situation in Kuwait, so that the Security Council might determine the causes of the tension.

The two items were included in the agenda without further discussion, and the representative of Iraq was invited to take a place at the Council table.

The representative of the United Kingdom of Great Britain and Northern Ireland read to the Council a statement issued by his Government on 1 July concerning the situation in Kuwait. In accordance with Her Majesty's Government's obligations to the Ruler of Kuwait, and at his urgent and formal request, a British force had been moved into the State of Kuwait and placed at the Ruler's disposal to afford him such assistance as he might consider necessary for the preservation of the independence of Kuwait in the face of recent developments in Iraq. Her Majesty's Government earnestly hoped that the necessity to make use of the force would not arise. It was intended that it should be withdrawn as soon as the Ruler considered that the threat to the independence of Kuwait was over.

Turning to the developments which had led to the present situation in regard to Kuwait, he said that the State of Kuwait had for some time possessed entire responsibility for the conduct of its own international relations and, with the United Kingdom Government's full support, had joined a number of international organizations as an independent sovereign State. The Anglo-Kuwaiti agreement of 23 January 1899 had thus been rendered obsolete and his Government and the Ruler of Kuwait had therefore agreed that the necessary formal step should be taken to cancel it. Accordingly, on 19 June, notes had been exchanged by the Ruler of Kuwait and the British Political Representative in the Persian Gulf formally establishing and recognizing a state of affairs which had in fact obtained for some time previously. That step had been in accordance with the wishes of Kuwait and it was, therefore, with surprise and shock that the news had been received that Iraq had reacted not with approval, but with a threat. Drawing attention to General Kassem's statement on 25 June that Iraq had decided "to protect the Iraqi people in Kuwait and to demand all the territory belonging to the Qadha of Kuwait in the Liwa of Basra", he noted that the existence of a threat to Kuwait from the attitude



and military dispositions of its neighbour had been recognized by, among others, the United Arab Republic. It could, therefore, be well understood why the Ruler of Kuwait had issued his formal request for assistance by the United Kingdom Government and had also appealed to King Saud of Saudi Arabia. The forces which the United Kingdom had made available in accordance with its obligation under paragraph (d) of the exchange of notes of 19 June presented no threat to Iraq. They had no aggressive intentions and could only be employed in a combat role if Kuwait were to be attacked from across the border. The United Kingdom continued to hope that counsels of moderation would prevail and welcomed the statesmanlike efforts of a number of Governments to that end.

The representative of the United Arab Republic said that his Government had followed with deep concern the development of recent events in the crisis between Kuwait and Iraq, which had culminated in the submission to the Council of a complaint by Kuwait against Iraq. The United Arab Republic hoped that the problem could be settled in accordance with Arab traditions and principles. It could not conceive of a dispute on Arab soil between two Arab States. Any Arab territory, in accordance with the logic of history, belonged to the Arab people and it could not believe that Arabs would take up arms against Arabs when the Arab nation as a whole was engaged in a struggle against imperialistic forces. No Arab had the right to jeopardize the security of the Arab nation by exposing himself to possible imperialist intervention, unless such action was necessitated by the legitimate requirements of the Arab people. It was his delegation's hope that Iraq would take no step which would jeopardize and threaten the peace and security of the area.

The representative of Iraq noted that his Government had repeatedly stated that it would employ only peaceful means to settle the difficulty and had denied the reports of troop concentrations in southern Iraq. In view of his Government's repeated assurances and the absence of any troop concentrations, the conclusion was inescapable that the complaint by the United Kingdom had been lodged to justify the blatant act of aggression committed by the United Kingdom in landing its forces in Kuwait. The Sheik of Kuwait had been brought into the picture to give the operation some pretence of legitimacy, however spurious.

With regard to the form of the agenda adopted by the Council, he emphasized that, historically as well as legally, Kuwait had always been considered an integral part of the Basrah Province of Iraq and that there could therefore be no question of an international dispute between Iraq and Kuwait. The dispute existed between Iraq and the United Kingdom and it was within that context that he was participating in the Council's discussions on the item.

The injection of troops of a great Power with a long and disastrous colonial history in the area could only result in endangering international peace and security. The fact that British troops had been landed despite Iraq's repeated assurances clearly demonstrated that the United Kingdom was not interested in protecting Kuwait, as it alleged, but had far more serious designs and intentions in respect of the security and independence of Iraq.

Politically, as well as culturally and economically, Kuwait had always looked to Basrah. Before and after the secret Protectorate Treaty of 1899, the Sheik of

Kuwait had continued to profess allegiance to the Ottoman Sultan and had remained until the First World War under the administrative authority of the Governor of Basrah. Nevertheless, when, as a result of the First World War and the dissolution of the Ottoman Empire, the three Ottoman Provinces of Baghdad, Mosul and Basrah had been unified in the State of Iraq, the British had tried to exclude Kuwait from the New State, using the illegal 1899 Treaty as their pretext. The Iraqis had never accepted the mutilation of their country and the world could surely no longer tolerate the existence of a situation in which an unholy alliance of a feudal sheikdom and a colonial Power was trying to rob an Arab nation, year after year, of its rightful wealth.

At the 958th meeting on 5 July, the President drew the Council's attention to the request of Kuwait (S/4851) to participate in the discussion and announced that the representative of Iraq had expressed a desire to speak on that request. Following a discussion in which statements were made by the representatives of the United Kingdom, Turkey and the Union of Soviet Socialist Republics, the request of the representative of Iraq was put to the vote.

**Decision:** *The request of the representative of Iraq was not granted, the vote being 1 in favour (USSR) and none against, with 10 abstentions.*

The representative of the USSR said that he could not support the request of Kuwait to participate in the discussion. As effective power in Kuwait was being exercised by British occupation troops, a representative from Kuwait could not contribute to an objective examination of the question by the Council.

The President, noting that no other member of the Council objected to the request, invited the representative of Kuwait to take a place at the Council table.

The representative of Iraq expressed his profound regret that he had not been given an opportunity to state his country's views on a matter which greatly affected its interests.

With regard to the landing of British troops, he said that the United Kingdom Government had always known about Iraq's legitimate rights and aspirations in Kuwait. Since the end of the First World War the question of Kuwait had been the subject of continuing discussions and, at times, even formal negotiations between Iraq and the United Kingdom. In the town of Kuwait itself there had always been a very strong movement for the unification of Kuwait with the mother country. The United Kingdom Government could not therefore have been surprised by the announcement of the Prime Minister of Iraq on 25 June 1961 that Iraq intended to recover its legitimate rights in Kuwait. At the same time the Government of Iraq had assured the world that it would use peaceful means to attain those aims. Notwithstanding those assurances, which had been reiterated publicly as well as privately, particularly to the British Ambassador in Baghdad, the United Kingdom Government persisted in fabricating rumours about alleged Iraqi troop concentrations. Despite the increasingly provocative nature of the British military build-up in Kuwait, the Iraqi Government had not reinforced the small garrison at Basrah, which had been threatened by the British forces poised for offensive action barely thirty miles away.

The British show of force appeared to be intended to achieve a number of objectives, the most immediate

being to force Iraq to renounce its legitimate rights in Kuwait. The United Kingdom also hoped to create dissension among the Arab States and to consolidate British influence and power in the Persian Gulf. The Council was in fact faced with a situation in which a great Power, invoking a provision in a colonial and illegal treaty, had sent a large and well equipped force to the area, threatening the independence and security of a Member of the United Nations and causing a dangerous state of tension throughout the Middle East. The first duty of the Council was therefore to remove the source of tension and ensure the immediate withdrawal of the aggressive force.

The representative of the USSR said that the assertion that British forces had been concentrated in Kuwait to repel Iraqi aggression was wholly unsubstantiated. No Iraqi troops were in Kuwait and the Government of Iraq, whose position with regard to its rights in Kuwait had long been known to the United Kingdom, had declared that it had no intention of using military means to enforce its claims. As in the case of the aggression against the United Arab Republic, the intervention in Lebanon and Jordan in 1958, the aggressive acts of Belgium in the Congo and the Portuguese action in Angola, a colonial Power was seeking to keep another people under its control by all possible means. The concentration of British land and sea forces in the area was a threat to peace in the region and throughout the whole world. The Council should condemn the action of the colonial Power and adopt measures to ensure the immediate withdrawal of British troops from Kuwait. Once that source of tension was removed, it would be possible to consider further measures to resolve all disputed questions relating to the area by peaceful means in accordance with the Charter.

The representative of Kuwait said that General Kassem's allegation that Kuwait had been a district governed by the Turkish governor of Basrah during the days of the Ottoman Turkish Caliphate was a distortion of history that revealed the Iraqi Premier's illegitimate ambitions of territorial expansion. Kuwait had never been under Turkish rule. The Ottoman Government had never appointed a representative to Kuwait, which had successfully resisted Ottoman domination. Even before the formal declaration of the independent State of Kuwait on 19 June 1961, Kuwait had established a viable system of effectively administered government and, aided by its economic resources, had become an efficiently organized welfare State which was the pride of the Middle East. The independence of Kuwait had been recognized both *de jure* and *de facto* by most of the nations of the world, including Iraq, which had traditionally dealt with Kuwait as such both during the days of the Hashemite Monarchy and under the Iraqi Republic of Kassem. In 1958, for example, the Iraqi Foreign Ministry had requested the Ruler of Kuwait's approval for an exchange of consular representation between the two countries and had backed Kuwait's applications for membership in many international organizations. Instead, however, of welcoming Kuwait's formal independence, Iraq had threatened annexation. It was in the face of that threat that Kuwait had requested the assistance of friendly nations and appealed to the Council. The forces made available by the United Kingdom would be withdrawn as soon as sufficient guarantees were given that Kuwait's independence would not be violated.

The representative of the United States of America said that his country regarded Kuwait as a sovereign

independent State and supported the desire of the Kuwait Government and people to remain fully independent and fully free. The United States believed that Saudi Arabia and the United Kingdom had acted appropriately in responding to the request for assistance in strengthening Kuwait's defensive capabilities which had been made to them by the Ruler of Kuwait in view of certain public statements by Iraqi leaders and reports of Iraqi troop dispositions near the Kuwait border. His Government had been informed by the Government of Iraq that it did not intend to resort to force in Kuwait, and he welcomed the similar assurances provided to the Council by the representative of Iraq. The United States trusted that Iraq would fully respect its obligations under Article 2, paragraph 4, of the Charter and hoped that the Ruler of Kuwait might soon receive assurances to that effect from the Government of Iraq. His delegation was confident that the Governments concerned would be guided by the common interest in preserving peace in the Near East.

The representative of the United Arab Republic said that in considering the problem before the Council, his delegation was guided by the principles of Arab nationalism. For that reason it could not accept a policy of annexation, although it was ready to support efforts towards unity based on the freely expressed will of the Arab people. The United Arab Republic supported the independence of Kuwait on the basis of the self-determination of peoples. His delegation, which had taken note of the assurances of the representative of Iraq that his Government would use only peaceful means to settle the problem, believed that the present difference between two Arab countries could and should be resolved within the framework of the Arab League and in keeping with Arab traditions and principles. His delegation also believed that the troops in Kuwait should be withdrawn, since the landing of foreign forces belonging to a great Power in a part of the Arab world must inevitably have the effect of increasing tension and making the settlement of the problem more difficult.

At the 959th meeting on 6 July, the representative of Liberia said that the Council must necessarily be especially sensitive to any threat to the independence of a nation which had recently attained that status. His delegation earnestly wished to see peace and calm restored between Kuwait and Iraq, and had noted with satisfaction the Iraqi Government's assurance of its peaceful intentions. The United Kingdom had also stated that its forces would be withdrawn as soon as the Ruler of Kuwait considered that the threat to his country's independence had been removed. His Government attached great importance to that undertaking; if it appeared that foreign forces in Kuwait might be used as a basis for depriving that country of its independence or might jeopardize the security and independence of a neighbouring State, his delegation would urge the Council to take immediate action to remove the danger. In the meantime it suggested that consideration be given to the possibility of calling upon the parties concerned to seek a solution of the dispute by negotiation through an impartial body, preferably the Arab League.

The representative of France, while noting the assurances given by the representative of Iraq, observed that the concern felt by the Ruler of Kuwait had been shared by a number of States in the Near and Middle East, in particular by Saudi Arabia. The action taken by the United Kingdom in response to the Ruler's request could not be regarded as aggression. The clear assurances that had been given by the United Kingdom rep-



representative concerning the withdrawal of British troops should remove any anxiety on the part of Iraq.

The representative of Turkey said that in view of the statements of the parties concerned, it seemed unnecessary for the Council to pronounce itself on a resolution at the present juncture. As a country whose primary interest was in the preservation of peace and friendly relations in the region, Turkey welcomed the Iraqi Government's assurances of its peaceful intentions and the United Kingdom statement regarding the withdrawal of British Forces.

The representative of the United Kingdom said that if, as he was confident it would, the Council found that Kuwait's complaint was justified in virtue of that country's independence and of the threatening posture adopted by Iraq, its duty was clear. The Council must insist that Kuwait's independence be respected by all States and must look to Iraq to show that respect by abandoning forthwith its annexationist policies and military preparations. He welcomed the Iraqi assurances that no hostility was intended and trusted that they would be speedily and effectively conveyed to the Ruler and people of Kuwait. Once the Ruler considered the threat removed, United Kingdom troops would be removed from Kuwait forthwith. Those considerations had been embodied in the draft resolution (S/4855) which his delegation submitted to the Council:

*"The Security Council,*

*"Having considered the question of Kuwait,*

*"Noting the statements of the representatives of the parties concerned,*

*"Noting that in response to the appeal of the Ruler of Kuwait, Saudi Arabian and British forces have been placed at the disposal of the Ruler,*

*"Noting the statement by the representative of Iraq to the effect that the Iraqi Government undertakes to employ only peaceful means in the pursuance of its policy,*

*"Noting the statement by the representative of the United Kingdom that British forces will be withdrawn from Kuwait as soon as the Ruler considers that the threat to Kuwait is removed,*

*"Recognizing the importance of re-establishing peaceful conditions in the area,*

*"Welcoming any constructive steps which may be taken by the Arab League on the line of the present resolution,*

*"1. Calls upon all States to respect the independence and territorial integrity of Kuwait;*

*"2. Urges that all concerned should work for peace and tranquillity in the area;*

*"3. Agrees to keep the situation under review."*

The representative of China considered that the statements by the representatives of the United Kingdom and of Iraq had considerably facilitated the immediate task of the Council. He would support any measures taken by the Council to encourage peaceful settlement of the question, ensure the realization of the declared peaceful intentions of the parties concerned, and safeguard the security of all countries in the area.

The representative of the USSR said that the United Kingdom draft resolution was designed to justify the presence of British troops in Kuwait, although the United Kingdom had produced no evidence of preparations for aggression against Kuwait by Iraq. He re-

gretted also that the draft resolution asked the Council to pass judgement on the question of the status of Kuwait, an issue that was outside the scope of the agenda approved by the Council. The major defect of the draft resolution was, however, the omission of any reference to the demand that United Kingdom armed forces should be withdrawn forthwith from Kuwait. In view of those fundamental shortcomings, he reserved his right to propose amendments and additions to the United Kingdom draft resolution to bring it into line with the primary purpose of the Council, the maintenance of peace and security.

The representative of Chile said that his Government could not accept the complaint by Iraq. United Kingdom troops had been moved into Kuwait at the request of the Ruler of that country, whose independence had been recognized by a majority of the Arab States, and formal undertakings had been given in regard to their withdrawal. Noting that the Governments principally concerned had assured the Council of their peaceful intentions, he expressed the hope that it would be possible to find a constructive formula, with the assistance of the Arab countries under the direction of the Council, which would eliminate the present difficulties and misunderstandings.

The representative of Iraq pointed out that the United Kingdom draft resolution contained no reference to the threat to Iraq's independence and security, the subject and core of his Government's complaint. The Council was not called upon to pronounce itself on the question of Kuwait's sovereignty and statehood; it was concerned with the two complaints submitted in regard to threats to international peace and security. No such threat existed on the Iraqi side and it was for the United Kingdom to remove the threat arising from the presence of large United Kingdom forces within a few miles of Basrah. There could be no hope of a peaceful solution while British forces remained in Kuwait.

At the 960th meeting on 7 July, the President, speaking as the representative of Ecuador, said that his delegation would support any measure to bring about a peaceful solution to the present tension in conformity with the principles of the United Nations Charter and without prejudging the legal aspects of the controversy in regard to sovereignty. While a claim made by a State on legal and historical grounds in regard to a territory did not constitute a threat to the peace unless accompanied by military measures or clearly aggressive intentions, it was the Council's duty to prevent differences regarding such claims from creating situations that might endanger international peace and security.

The representative of the United Arab Republic believed that the United Kingdom draft resolution was incomplete because it did not deal with the question of the withdrawal of British forces, to which his Government attached considerable importance. The presence of foreign forces belonging to a great Power in the Arab world must necessarily have serious repercussions. For that reason, and in order to assist the two sister nations of Kuwait and Iraq in resolving their difficulties, his delegation submitted the following resolution (S/4856):

*"The Security Council,*

*"Having considered the items on the agenda,*

*"Noting the statements of the representatives of Iraq and Kuwait,*

*"Noting the statement by the representative of Iraq to the effect that the Iraqi Government is pursuing peaceful means in the solution of the question,*

*"Bearing in mind that peaceful conditions should prevail in the area,*

*"1. Urges that the question be solved by peaceful means;*

*"2. Calls upon the United Kingdom to withdraw immediately its forces from Kuwait."*

The representative of China said that he agreed with the representative of Turkey that it was unnecessary at the present juncture for the Council to pronounce itself on a resolution. His delegation had, however, no serious objection to the United Kingdom draft resolution (S/4855), or to the United Arab Republic resolution (S/4856) with the exception of its paragraph 2. The immediate and unconditional withdrawal of the United Kingdom forces from Kuwait would not, in his delegation's view, contribute to the strengthening of peace and security in that area and he would therefore be unable to support that paragraph.

The representative of the USSR said that operative paragraph 2 of the United Arab Republic draft resolution was fully in line with his views and that he would not therefore submit amendments to the United Kingdom draft. The United Arab Republic draft resolution dealt satisfactorily with the central issue; the withdrawal of British troops was essential for a peaceful settlement and the restoration of peace and security in the area.

The representative of the United Kingdom said that he could not support the United Arab Republic draft resolution because its adoption would be tantamount to a request on the part of the United Nations to his Government to default on an international obligation it had entered into with another State and would constitute a clear infringement of Kuwait's sovereignty.

The representative of Iraq stated that the presence of British troops in Kuwait was threatening the sovereignty and independence of Iraq. Whether those forces were present under an international agreement or not, they should be withdrawn because, under the Charter, no State was allowed to threaten the sovereignty of any other Member State.

**Decision:** *The United Kingdom draft resolution (S/4855) received 7 votes in favour and 1 against (USSR), with 3 abstentions (Ceylon, Ecuador, United Arab Re-*

*public). The negative vote being that of a permanent member of the Council, the draft resolution was not adopted.*

**Decision:** *The United Arab Republic resolution (S/4856) was rejected, the vote being 3 in favour (Ceylon, USSR, United Arab Republic) and none against, with 8 abstentions.*

The representative of the United Kingdom, while regretting that no decision had been taken, noted that, with possibly only one exception, no member of the Council had supported the claims against Kuwait made by the Government of Iraq.

The representative of Ceylon expressed regret that the final stage of Kuwait's emergence to independence had been accompanied by a certain lack of understanding among some of its neighbours. He hoped that that lack of understanding would disappear and that those with historical interests in the region would be able to effect the process of disengagement without providing cause for concern to the international community.

The representative of the USSR said that so long as British troops were in Kuwait, the Ruler's will would be the same as that of the United Kingdom Government. The latter should draw the necessary conclusions from the categorical opposition to the presence of British troops that had been expressed by small countries, in particular those in the region.

The representative of Iraq expressed his Government's appreciation of the position taken by the United Arab Republic. He had never doubted that that great Arab country would come to the support of Iraq in a time of need. Although the United Arab Republic draft resolution, especially the second preambular paragraph, did not please him entirely, the fact remained that on the vital issue—the immediate withdrawal of British troops—the United Arab Republic and Iraq were of one mind.

The representative of Kuwait said that the threat to the independence and freedom of Kuwait still stood. He regretted that the Council was unable to take any measure to face it.

The President appealed to all parties to the dispute to abstain from any action that might aggravate the situation. As President, he would convene the Council if circumstances made it necessary to do so.

## PART II

### Other matters considered by the Council

#### Chapter 10

#### THE INTERNATIONAL COURT OF JUSTICE

##### A. Election to fill a vacancy in the International Court of Justice

As was stated in last year's report,<sup>5</sup> the Security Council, at its 864th meeting on 31 May 1960, noted that a vacancy had occurred in the International Court of Justice owing to the death on 8 May of Sir Hersch Lauterpacht (United Kingdom). The Council decided that it would proceed during the fifteenth session of the General Assembly with an election to fill that vacancy for the remainder of his term of office, namely, until 5 February 1964.

On 4 November, the Secretary-General circulated to the Security Council and to the General Assembly a revised list (S/ 4483/Rev.1) of candidates nominated by national groups for the election of a member of the Court to fill the vacancy caused by the death of Sir Hersch Lauterpacht.

In the voting in the Security Council at the 909th meeting on 16 November, Sir Gerald Fitzmaurice (United Kingdom) received 11 votes. On the same day in the General Assembly at the 915th plenary meeting, Sir Gerald also received a majority of votes, and its President declared that having received the required majority both in the Security Council and in the General Assembly, Sir Gerald Fitzmaurice had been elected to fill the vacant seat in the International Court of Justice.

<sup>5</sup> Official Records of the General Assembly, Fifteenth Session, Supplement No. 2 (A/4494), para. 279.

##### B. Election of five members of the International Court of Justice

On 4 November 1960, the Secretary-General transmitted to the Security Council and the General Assembly a revised list (S/4474/Rev.1) of the candidates nominated by national groups for the election to be held during the fifteenth session of the Assembly in order to fill the five vacancies which would occur on 5 February 1961 owing to the expiry of the terms of office of five members of the International Court of Justice.

At the 909th and 910th meetings held on 16 and 17 November, the Council proceeded to vote by secret ballot on the candidates included in the list (S/4474/Rev.1 and Add.1-2). On the first ballot, the following five candidates received the required absolute majority of votes: Mr. Philip C. Jessup (United States of America), 11 votes; Mr. Vladimir M. Koretsky (Union of Soviet Socialist Republics), 9 votes; Mr. Gaetano Morelli (Italy), 7 votes; Mr. Raúl Sapena Pastor (Paraguay), 6 votes; and Mr. Kotaro Tanaka (Japan), 6 votes. The President notified the President of the General Assembly of the result of the vote, and subsequently informed the Council that as Mr. Jessup, Mr. Koretsky, Mr. Morelli and Mr. Tanaka had also obtained an absolute majority of the votes of the General Assembly, they had been declared elected. For the purpose of filling the fifth seat, the Council proceeded to a second ballot, on which Mr. José Luis Bustamante y Rivero (Peru) received 10 votes. After having also received the required absolute majority of votes in the General Assembly, Mr. Bustamante y Rivero was declared elected.

#### Chapter 11

#### ADMISSION OF NEW MEMBERS

##### A. Application of the Republic of Dahomey

In a letter dated 2 August 1960 (S/4428), the Prime Minister of the Republic of Dahomey stated that the Republic had acceded to full and complete independence on 1 August and wished to assume all of the new responsibilities which had devolved upon it at the international level. Accordingly, on behalf of his Government, he submitted the application of the Republic for admission to membership in the United Nations and declared its acceptance of the obligations contained in the Charter.

The Council considered the application at its 890th and 891st meetings on 23 August. The following draft resolution was submitted jointly by France and Tunisia (S/4438):

*"The Security Council,*

*"Having examined the application of the Republic of Dahomey,*

*"Recommends to the General Assembly that the Republic of Dahomey be admitted to membership in the United Nations."*

Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by France and Tunisia (S/4438) was adopted unanimously.*

##### B. Application of the Republic of the Niger

In a letter dated 7 August 1960 (S/4429), the President of the Council of Ministers of the Republic of the

Niger stated that the Republic had acceded on 3 August to full and complete independence. He therefore, on behalf of his Government, submitted the application of the Republic for admission to membership in the United Nations and declared its acceptance of the obligations contained in the Charter.

The Council considered the application at its 890th and 891st meetings on 23 August. The following draft resolution was submitted jointly by France and Tunisia (S/4439):

*"The Security Council,*

*"Having examined the application of the Republic of the Niger,*

*"Recommends to the General Assembly that the Republic of the Niger be admitted to membership in the United Nations."*

Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by France and Tunisia (S/4439) was adopted unanimously.*

### **C. Application of the Republic of the Upper Volta**

In a letter dated 7 August 1960 (S/4430), the President of the Republic of the Upper Volta stated that the Republic, having acceded on 5 August to full and complete independence, wished to co-operate in the activities of the United Nations community. Accordingly, he submitted his Government's application for admission to membership in the United Nations and declared that it accepted the obligations contained in the Charter and solemnly undertook to abide by those obligations in absolute loyalty and good faith.

The Council considered the application at its 890th and 891st meetings on 23 August. The following draft resolution was submitted jointly by France and Tunisia (S/4440):

*"The Security Council,*

*"Having examined the application of the Republic of the Upper Volta,*

*"Recommends to the General Assembly that the Republic of the Upper Volta be admitted to membership in the United Nations."*

Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by France and Tunisia (S/4440) was adopted unanimously.*

### **D. Application of the Republic of the Ivory Coast**

In a letter dated 7 August 1960 (S/4431), the Chief of State of the Republic of the Ivory Coast stated that, having acceded on that date to full and complete independence, the Republic wished to assume all of the new responsibilities which had devolved upon it at the international level. Accordingly, he submitted the application of the Government of the Republic for admission to membership in the United Nations. The Government of the Republic declared that it accepted the obligations contained in the Charter and was able to fulfil them.

The Council considered the application at its 890th and 891st meetings on 23 August. The following draft resolution was submitted jointly by France and Tunisia (S/4441):

*"The Security Council,*

*"Having examined the application of the Republic of the Ivory Coast,*

*"Recommends to the General Assembly that the Republic of the Ivory Coast be admitted to membership in the United Nations."*

Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by France and Tunisia (S/4441) was adopted unanimously.*

### **E. Application of the Republic of the Congo (Brazzaville)**

In a telegram dated 15 August 1960 (S/4433), the President of the Republic of the Congo (Brazzaville) stated that the Republic had acceded on that date to full and complete independence and the Government had therefore decided to apply without delay for the admission of the Republic to membership in the United Nations. He stated further that the Government declared that it accepted the obligations contained in the Charter and solemnly undertook to abide by them in absolute loyalty and good faith.

The Council considered the application at its 890th and 891st meetings on 23 August. The following draft resolution was submitted jointly by France and Tunisia (S/4443):

*"The Security Council,*

*"Having examined the application of the Republic of the Congo (Brazzaville),*

*"Recommends to the General Assembly that the Republic of the Congo (Brazzaville) be admitted to membership in the United Nations."*

Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by France and Tunisia (S/4443) was adopted unanimously.*

### **F. Application of the Republic of Chad**

In a letter dated 12 August 1960 (S/4434), the President of the Government of the Republic of Chad stated that, having acceded to full and complete independence on 11 August, the Republic wished to assume all of the new responsibilities which had devolved upon it at the international level and to co-operate in the activities of the United Nations community. He therefore, on behalf of his Government, submitted the application of the Republic for admission to membership in the United Nations and stated that it accepted the obligations contained in the Charter.

The Council considered the application at its 890th and 891st meetings on 23 August. The following draft resolution was submitted jointly by France and Tunisia (S/4442):

*"The Security Council,*

*"Having examined the application of the Republic of Chad,*

*"Recommends to the General Assembly that the Republic of Chad be admitted to membership in the United Nations."*

Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by France and Tunisia (S/4442) was adopted unanimously.*

### G. Application of the Gabon Republic

In a telegram dated 17 August 1960 (S/4436), the President of the Gabon Republic stated that, having acceded on that date to full and complete independence, the Republic wished to co-operate in the activities of the United Nations community. His Government had therefore decided to apply without delay for the admission of the Republic to membership in the United Nations and declared that it accepted the obligations contained in the Charter, which it solemnly undertook to abide by in absolute loyalty and good faith.

The Council considered the application at its 890th and 891st meetings on 23 August. The following draft resolution was submitted jointly by France and Tunisia (S/4444):

*"The Security Council,*

*"Having examined the application of the Gabon Republic,*

*"Recommends to the General Assembly that the Gabon Republic be admitted to membership in the United Nations."*

Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by France and Tunisia (S/4444) was adopted unanimously.*

### H. Application of the Central African Republic

In a telegram dated 22 August 1960 (S/4455), the President of the Government of the Central African Republic stated that the Republic had attained full and complete independence on 13 August. He therefore, on behalf of his Government, submitted the application of the Republic for admission to membership in the United Nations and declared its acceptance of the obligations contained in the Charter, which it solemnly undertook to abide by loyally and conscientiously.

The Council considered the application at its 890th and 891st meetings on 23 August. The following draft resolution was submitted jointly by France and Tunisia (S/4456):

*"The Security Council,*

*"Having examined the application of the Central African Republic,*

*"Recommends to the General Assembly that the Central African Republic be admitted to membership in the United Nations."*

Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by France and Tunisia (S/4456) was adopted unanimously.*

### I. Application of the Republic of Cyprus

In a telegram dated 16 August 1960 (S/4435), the President of the Republic of Cyprus stated that the Republic, having been established on that date as an independent, sovereign State and wishing to assume together with all the other peace-loving States all of the new responsibilities which had devolved upon it at the international level, applied for admission to membership

in the United Nations. On behalf of the Republic, he stated that it accepted fully the obligations contained in the Charter and undertook to carry them out.

In a letter dated 18 August (S/4437), the representative of the United Kingdom of Great Britain and Northern Ireland, stating that his Government considered the Republic of Cyprus well qualified for membership, requested the President to call an early meeting of the Security Council with a view to recommending the admission of the Republic.

In letters dated 23 August (S/4467 and S/4468), the representatives of Greece and Turkey requested to be invited to participate in the Council's consideration of the item.

The Council considered the item at its 892nd meeting on 24 August. The following draft resolution was submitted jointly by Ceylon and the United Kingdom (S/4458):

*"The Security Council,*

*"Having examined the application of the Republic of Cyprus,*

*"Recommends to the General Assembly that the Republic of Cyprus be admitted to membership in the United Nations."*

Following statements by all its members of the Council and by the representatives of Greece and Turkey, who had been invited to participate in the consideration of the question, the joint draft resolution was put to the vote.

**Decision:** *The draft resolution submitted by Ceylon and the United Kingdom of Great Britain and Northern Ireland (S/4458) was adopted unanimously.*

### J. Application of the Republic of Senegal

In telegrams dated 20, 23, 26 and 27 August 1960 (S/4470, annexes I, III and V and S/4470/Add.1), the President of the Council of the Republic of Senegal informed the Secretary-General of the dissolution of the Federation of Mali, whose admission to membership in the United Nations had been recommended by the Security Council on 28 June, and declared that the Republic of Senegal requested admission to the United Nations. In a letter dated 20 September (S/4530 and Corr.1) addressed to the Secretary-General, the Minister for Foreign Affairs of the Republic stated that following the proclamation of independence, the Republic had unanimously adopted a new constitution on 25 August and established all the institutions necessary to enable it fully to exercise its national international responsibilities, and on 6 August had unanimously invested its Government. Wishing to co-operate in the activities of the United Nations community, the Republic of Senegal submitted its application for admission to membership in the United Nations and declared that it accepted the obligations contained in the Charter, which it was able to discharge. It undertook to abide by those obligations with absolute loyalty and good faith.

The President of the Security Council received letters dated 23 September from the representatives of Tunisia (S/4532) and France (S/4533) requesting convocation of the Council to consider the application.

The Council considered the item at its 907th meeting on 28 September. The following draft resolution was submitted jointly by France and Tunisia (S/4538):

*"The Security Council,*

*"Having examined the application of the Republic of Senegal,*

*"Recommends to the General Assembly that the Republic of Senegal be admitted to membership in the United Nations."*

Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by France and Tunisia (S/4358) was adopted unanimously. The Council agreed further that the recommendation which it had just adopted superseded its recommendation of 28 June concerning the application of the Federation of Mali.*

## **K. Application of the Republic of Mali**

In telegrams dated 20 and 26 August (S/4470 and annex II), the President of the Government of the Federation of Mali and of the Government of the Republic of Sudan informed the Secretary-General of events which occurred at Dakar on 19/20 August and asked that they be considered by the Security Council. In a letter dated 22 September (S/4534), the Head of the delegation of Mali informed the President of the Security Council, in connexion with the Council's recommendation for the admission of the Federation of Mali, that the Legislative Assembly of the Sudanese Republic had approved a law naming the former Sudanese Republic the Republic of Mali, which would have the same territorial boundaries as the former Republic. In a telegram dated 22 September (S/4535), the President of the Government of the Republic of Mali stated that the Republic had been proclaimed an independent and sovereign State and requested admission to membership in the United Nations. On behalf of the Republic, he stated that it accepted the obligations contained in Article 4 of the Charter and undertook to carry them out loyally and in good faith.

The President of the Security Council received letters dated 23 September from the representatives of Tunisia (S/4536) and France (S/4537) requesting convocation of the Council to consider the application.

The Council considered the item at its 907th meeting on 28 September. The following draft resolution was submitted jointly by Ceylon, France and Tunisia (S/4539):

*"The Security Council,*

*"Having examined the application of the Republic of Mali,*

*"Recommends to the General Assembly that the Republic of Mali be admitted to membership in the United Nations."*

Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by Ceylon, France and Tunisia (S/4539) was adopted unanimously. The Council agreed further that the recommendation which it had just adopted superseded its recommendation of 28 June concerning the application of the Federation of Mali.*

## **L. Application of the Federation of Nigeria**

In a telegram dated 1 October 1960 (S/4545), the Prime Minister and Minister for Foreign Affairs and

Commonwealth Relations of the Federation of Nigeria stated that having attained independence on that date, the Federation was submitting its application for membership in the United Nations, with all the rights and duties attaching thereto. In a separate telegram he declared, on behalf of his Government, that the Federation accepted the obligations contained in the Charter and solemnly undertook to fulfil them.

The application was considered by the Security Council at its 908th meeting on 7 October. The following draft resolution was submitted jointly by Ceylon, Tunisia and the United Kingdom (S/4548):

*"The Security Council,*

*"Having examined the application of the Federation of Nigeria,*

*"Recommends to the General Assembly that the Federation of Nigeria be admitted to membership in the United Nations."*

Following statements by all its members, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by Ceylon, Tunisia and the United Kingdom of Great Britain and Northern Ireland (S/4548) was adopted unanimously.*

## **M. Application of the Islamic Republic of Mauritania**

In a telegram dated 28 November 1960 (S/4563 and Corr.1), the Prime Minister of the Islamic Republic of Mauritania stated that the Republic, having acceded to international sovereignty and independence on that date, wished to assume all the new responsibilities which devolved upon it at the international level and to co-operate in the activities of the United Nations community. Accordingly, he requested the Secretary-General, on behalf of his Government, to place the candidature of the Islamic Republic before the Security Council in accordance with Article 4 of the Charter. He stated further that the Government of the Republic declared that it accepted the obligations contained in the Charter and was able to discharge them.

The representative of France, in a letter dated 29 November (S/4566), requested the President to convene the Security Council at an early date in order to consider the application.

In a letter dated 3 December (S/4568), the Chairman of the Moroccan delegation to the fifteenth session of the General Assembly requested that he be permitted to state his Government's point of view regarding the application before the Security Council!

A draft resolution was submitted jointly by France and Tunisia (S/4567/Rev.1), which read as follows:

*"The Security Council,*

*"Having examined the application of the Islamic Republic of Mauritania,*

*"Recommends to the General Assembly that the Islamic Republic of Mauritania be admitted to membership in the United Nations."*

At its 911th meeting on 3-4 December 1960, the application of the Islamic Republic of Mauritania appeared on the provisional agenda for the meeting under the heading "Admission of new Members", followed under the same heading by a letter dated 3 December from the Deputy Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/4569) requesting



inscription of the question of the admission of the Mongolian People's Republic to membership in the United Nations on the agenda of the meeting.

The following draft resolution (S/4570) was submitted by the representative of the Union of Soviet Socialist Republics:

*"The Security Council,*

*"Having examined the application of the Mongolian People's Republic for admission to the United Nations,*

*"Recommends to the General Assembly to admit the Mongolian People's Republic to membership of the United Nations."*

In the course of the meeting, the Council rejected, by 7 votes to 4, a motion by the representative of the USSR that it consider as the first sub-item the USSR letter concerning the application of the Mongolian People's Republic. The Council then decided, by 9 votes to 2, to include in its agenda the application of the Islamic Republic of Mauritania, and, by a vote of 4 in favour to 5 against, with 2 abstentions, failed to include in its agenda the sub-item relating to the application of the Mongolian People's Republic.

Following statements by all the members of the Council, and by the representative of Morocco whose request to participate in the consideration of the question had been acceded to by the Council, the Council proceeded to vote on the joint draft resolution.

**Decision:** *The draft resolution submitted by France and Tunisia (S/4567/Rev.1) received 8 votes in favour, 2 against (Poland, USSR), with 1 abstention (Ceylon). One of the negative votes being that of a permanent member of the Council, the draft resolution was not adopted. The Council decided, pursuant to rule 60 of its provisional rules of procedure, to submit a special report to the General Assembly (A/4656) on its consideration of the matter.*

On 21 April 1961, the President of the General Assembly addressed a letter (S/4796) to the President of the Security Council concerning a resolution adopted by the General Assembly on the admission of new Members. He enclosed a copy of resolution 1602 (XV), adopted on 19 April, wherein the Assembly declared that in its view both the Mongolian People's Republic and the Islamic Republic of Mauritania were peace-loving States which should be admitted to membership, and requested the Security Council to take note of its decision in regard to the candidature of the Islamic Republic of Mauritania.

In a telegram dated 3 May (S/4799), the Prime Minister of the Islamic Republic of Mauritania informed the Secretary-General that his Government would be glad if the Security Council could consider the Assembly's recommendation in the near future and expressed the hope that the matter would be inscribed on the agenda of the first meeting of the Council at which applications for admission were considered.

The representative of the USSR, in a letter dated 6 May (S/4801) addressed to the President of the Security Council, drew attention to the USSR letter of 3 December 1960 (S/4569), which had requested inscription on the agenda of the question of the admission of the Mongolian People's Republic, and asked that his letter be taken into account in drawing up the agenda

for the first meeting of the Council at which the admission of new Members was taken up.

By a letter dated 12 June to the President of the Security Council (S/4838), the representative of Liberia transmitted the text of a letter dated 25 May from the Chairman of the Conference of Heads of African and Malagasy States, held in Monrovia from 8 to 12 May. Pursuant to the resolutions passed by that Conference, the Chairman drew the Council's attention to the General Assembly resolution on the admission of the Islamic Republic of Mauritania and expressed the conviction of the Conference that the Republic possessed all the qualifications for membership. It therefore regarded with concern any attempt to prohibit the Republic from association with the United Nations by the exercise of a veto or to link its admission to other issues, and called upon the Council to approve of its membership.

## **N. Application of Sierra Leone**

In a letter dated 27 April 1961 (S/4797), the Minister for External Affairs of Sierra Leone stated that Sierra Leone having attained independence on that date wished to make application for membership in the United Nations. Accordingly, he asked the Secretary-General that the application be submitted to the Security Council at its next meeting and forwarded a declaration of acceptance of the obligations contained in the Charter, which his Government solemnly undertook to fulfil.

## **O. Application of the Republic of Korea**

In a letter dated 21 April 1961 (S/4806), the Minister for Foreign Affairs of the Republic of Korea referred to the application submitted by his Government on 19 January 1949 for admission to membership in the United Nations. He declared that the Republic of Korea enjoyed a special and unique relationship with the United Nations, having been established through free elections held under United Nations auspices, and that it was now playing an active role in the community of nations, maintaining diplomatic relations with forty-five countries. Moreover, its application had been denied by a negative vote of one permanent member of the Security Council despite repeated recommendations for reconsideration by the Council adopted by overwhelming majorities in the General Assembly. The Republic of Korea desired to have its voice added to those already admitted and reaffirmed its declaration that it unreservedly accepted the obligations of the United Nations Charter. On behalf of his Government, he formally requested that the application of the Republic of Korea be resubmitted to the Security Council and to the General Assembly at its sixteenth session, for their favourable consideration.

## **P. Application of Kuwait**

In a letter dated 30 June 1961 (S/4852) addressed to the Secretary-General, the State Secretary of Kuwait submitted the application of Kuwait for membership in the United Nations. Accompanying the letter was a declaration signed by the Head of State of Kuwait stating that Kuwait accepted the obligations contained in the Charter and solemnly undertook to fulfil them.

**PART III**  
**The Military Staff Committee**

*Chapter 12*

**WORK OF THE MILITARY STAFF COMMITTEE**

The Military Staff Committee has been functioning continuously under the draft rules of procedure during the period under review and has held a total of twenty-six meetings without making further progress on matters of substance.

## PART IV

### Matters brought to the attention of the Security Council but not discussed in the Council

#### Chapter 13

#### COMMUNICATION CONCERNING THE INDIA-PAKISTAN QUESTION

In a letter dated 1 November 1960 (S/4556), the representative of Pakistan, after referring to India's communications of 2 March (S/4273), and 20 and 27 May (S/4317 and S/4327)<sup>6</sup>, declared that while his Government did not accept the contents of those letters, it did, however, feel it inopportune to enter into any controversy at that juncture in view of the fact that the President of Pakistan and the Prime Minister of India had agreed, according to a communiqué issued on 23 September, to give further thought to the question of Kashmir with a view to finding a solution.

#### Chapter 14

#### RESOLUTION ADOPTED ON 18 AUGUST 1960 BY THE DISARMAMENT COMMISSION

By a letter dated 26 August 1960 (S/4473) addressed to the Secretary-General, the Chairman of the Disarmament Commission transmitted the text of a resolution (DC/182/Corr.1) adopted by the Disarmament Commission at its 70th meeting on 18 August. By that resolution the Commission, *inter alia*, recalling its resolution of 10 September 1959 welcoming the resumption of disarmament negotiations, noting with regret that those negotiations had not yielded the expected positive results, and reaffirming the continuing and ultimate responsibility of the United Nations in the field of dis-

armament, recommended to the fifteenth session of the General Assembly to give earnest consideration to the question of disarmament; considered it necessary and recommended that in view of the urgency of the problem continued efforts be made for the earliest possible continuation of international negotiations to achieve a constructive solution of the question of general and complete disarmament under effective international control; and recommended to the Assembly that the Commission should continue in being and be convened whenever deemed necessary.

#### Chapter 15

#### LETTER DATED 25 MARCH 1960 FROM THE REPRESENTATIVES OF AFGHANISTAN, BURMA, CAMBODIA, CEYLON, ETHIOPIA, FEDERATION OF MALAYA, GHANA, GUINEA, INDIA, INDONESIA, IRAN, IRAQ, JAPAN, JORDAN, LAOS, LEBANON, LIBERIA, LIBYA, MOROCCO, NEPAL, PAKISTAN, PHILIPPINES, SAUDI ARABIA, SUDAN, THAILAND, TUNISIA, TURKEY, UNITED ARAB REPUBLIC AND YEMEN, ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Pursuant to the resolution adopted by the Security Council on 1 April 1960 (S/4300)<sup>7</sup>, the Secretary-General on 11 October submitted a second interim report (S/4551) in which he stated that, as a result of the mandate given to him by the Council in connexion with the United Nations operation in the Republic of the Congo (Leopoldville), he had been unable to visit the Union of South Africa as envisaged in his first interim report. He hoped, however, to arrange for a visit early in January 1961, as suggested by the Prime Minister of the Union Government, in order to explore with him the possibility of arrangements which would provide for appropriate safeguards of human rights, with adequate contact with the United Nations

In a further report issued on 23 January 1961 (S/4635), the Secretary-General informed the Security Council that he had visited the Union of South Africa between 6 and 12 January and had held consultations with the Prime Minister of the Union at six meetings held between 6 and 11 January. In Cape Town, Umtata (Transkei), Johannesburg and Pretoria he had had opportunities to have unofficial contacts with members of various sections of the South African community. With regard to his mandate under paragraph 5 of the Council's resolution, the Secretary-General stated that during his discussions to date no mutually acceptable arrangement had been found, but he did not regard that lack of agreement as conclusive and wished to give the matter further consideration. The exchange of views in general had served a most useful purpose and he did not consider the consultations as having come to

<sup>6</sup> See *Official Records of the General Assembly, Fifteenth Session, Supplement No. 2* (A/4494), paras. 348, 353 and 354.

<sup>7</sup> *Ibid.*, chapter 2.

an end, since he looked forward to their continuation at an appropriate time with a view to further efforts from his side to find an adequate solution for the problem. The Prime Minister of the Union of South Africa had indicated that further consideration would be given to questions raised in the course of the talks and had stated that the Union Government, having found the talks with the Secretary-General useful and constructive, had decided to invite him at an appropriate time or times to visit the Union again in order that the contact might be continued.

In a letter dated 12 May (S/4804), the representative of the Union of Soviet Socialist Republics drew the attention of members of the Security Council to

events then taking place in the Union of South Africa. He cited numerous news reports to the effect that the Union Government had recently taken further measures designed to intensify racial discrimination in the country and had clearly embarked upon a policy of bloody repression and of organized police raids and massacres in order to terrorize the indigenous inhabitants who formed an overwhelming majority of the population of the country. He stated further that the Members of the United Nations, and especially the members of the Security Council, could not but manifest their anxiety at the dangerous course of events in the Union, particularly as those events had assumed such proportions that they threatened peace and security in Africa and in the entire world.

## **Chapter 16**

### **COMMUNICATION RELATING TO THE KOREAN QUESTION**

In a note dated 24 March 1961 (S/4773 and Corr.1), the representative of the United States of America informed the Security Council that effective from 1 July 1961 the President of the United States had appointed General Guy S. Meloy, Jr., to replace General Carter B. Magruder as the Commanding General of the Military Forces which Members of the United Nations have made available to the Unified Command under the United States pursuant to the Security Council's resolution of 7 July 1950.

## **Chapter 17**

### **RESOLUTION OF THE GENERAL ASSEMBLY RELATING TO THE SITUATION IN RESPECT OF SOUTH WEST AFRICA**

In a letter to the President of the Security Council dated 12 April 1961 (S/4787), the Secretary-General drew attention to General Assembly resolution 1596 (XV), of 7 April, by operative paragraph 7 of which the General Assembly decided to call the attention of the Security Council to the situation in respect of South West Africa which, if allowed to continue, would in the Assembly's view endanger international peace and security. The Assembly had further decided to call the Council's attention to the resolution as a whole, which was transmitted with the letter, since it considered that the full implementation of the resolution was necessary to bring the situation to a speedy end.

In a telegram dated 5 July 1961 addressed to the Secretary-General (S/4854), the Chairman of the Committee on South West Africa drew attention to the refusal of the Government of the Republic of South Africa to co-operate with the Committee in the implementation of General Assembly resolution 1596 (XV), to grant visas to the Committee to enter the mandated territory, or to receive it in South Africa for the purpose of discussing practical arrangements for implementation of resolution 1568 (XV). In view of the seriousness of the situation, the Committee found it necessary to bring to the attention of the Secretary-General, within his functions under Article 99 of the Charter, the explosive situation resulting from the attitude taken by the South African Government. The Committee considered it to be of the utmost urgency that Member States and organs of the United Nations concerned be notified immediately of the imminent threat which the degenerating situation in South West Africa

posed to international peace and security, in order that timely international action might be taken to put an end to the explosive situation. Annexes (S/4854/Add.1) to the telegram were subsequently circulated, which included communications from the Chairman of the Committee, from the Secretary-General, from the Minister of Foreign Affairs of the Union of South Africa, and from representatives of South Africa to the United Nations, dated between 14 April and 23 June.

In a letter dated 7 July (S/4857), the representative of South Africa transmitted to the Secretary-General a message from the Minister of Foreign Affairs of South Africa relating to the determination expressed by the Committee on South West Africa to enter the territory without the permission of the South African Government. On behalf of his Government he informed the Secretary-General that if members of the Committee should attempt illegally to cross the South West African border, the Government would reluctantly be obliged to prevent such an attempt. Any consequences which might follow would have to be blamed solely on the Committee and the responsibility would devolve on the United Nations itself. Consequently he suggested that the Secretary-General intervene to forestall violation of the border. In his view, a violation of the right of South Africa to control admission to the territory by an attempt of a United Nations committee to force an entry after visas had been refused would involve the United Nations in an act of aggression. With reference to the warning issued by the Chairman of the Committee, he stated that there existed peace and order and planned progress for all races in the territory, and

further reiterated his Government's offer that an independent observer of international standing be asked to investigate its claim that the situation in South West Africa was not in any way a threat to world peace. Finally, he maintained that the proposed action by the Committee would gravely prejudice the proceedings pending in the International Court of Justice. In an aide mémoire dated 10 July (S/4857/Add.1), the

representative of South Africa stated that the Minister of Foreign Affairs had taken note of the Secretary-General's proposal to circulate his message as a Security Council document but wished it to be clearly understood that such circulation was not at his request and must not be interpreted as an acknowledgement that the subject matter of the message was a matter for the Council.

### ***Chapter 18***

## **REPORTS ON THE STRATEGIC TRUST TERRITORY OF THE PACIFIC ISLANDS**

On 19 June 1961, the Secretary-General transmitted to the Security Council the report (S/4839) received from the representative of the United States of America on the administration of the Trust Territory of the Pacific Islands for the period from 1 July 1959 to 30 June 1960.

## APPENDICES

### I. Representatives and deputy, alternate and acting representatives accredited to the Security Council

The following representatives and deputy, alternate and acting representatives were accredited to the Security Council during the period covered by the present report:

#### *Argentina<sup>a</sup>*

Dr. Mario Amadeo  
Dr. Raúl A. J. Quijano

#### *Ceylon*

Sir Claude Corea  
Mr. T. B. Subasinghe  
Mr. H. O. Wijegoonawardena

#### *Chile<sup>b</sup>*

Mr. Daniel Schweitzer  
Mr. Humberto Díaz Casanueva

#### *China*

Dr. Tingfu F. Tsiang  
Mr. Yu-chi Hsueh  
Dr. Chun-ming Chang

#### *Ecuador*

Dr. José A. Correa  
Dr. Leopoldo Benites  
Dr. Pericles Gallegos

#### *France*

Mr. Armand Béard  
Mr. Pierre Millet  
Mr. Louis Dauge.

#### *Italy<sup>a</sup>*

Mr. Egidio Ortona  
Mr. Eugenio Plaja

#### *Liberia<sup>b</sup>*

Mr. Nathan Barnes

Mr. George Padmore  
Mr. Dosumu Johnson  
Mr. Martinus L. Johnson

#### *Poland<sup>a</sup>*

Mr. Bohdan Lewandowski  
Mr. Jacek Machowski

#### *Tunisia<sup>a</sup>*

Mr. Mongi Slim  
Mr. Zouheir Chelli

#### *Turkey<sup>b</sup>*

Mr. Turgut Menemencioglu  
Mr. Sadi Eldem

#### *Union of Soviet Socialist Republics*

Mr. Arkady Aleksandrovich Sobolov  
Mr. Vasily Vasilevich Kuznetsov  
Mr. Valerian Aleksandrovich Zorin  
Mr. Platon Demitrievich Morozov

#### *United Arab Republic<sup>b</sup>*

Mr. Omar Loutfi  
Mr. Rafik Asha  
Mr. Farid Chehlaoui

#### *United Kingdom of Great Britain and Northern Ireland*

Sir Pierson Dixon  
Sir Patrick Dean  
Mr. David Ormsby-Gore  
Mr. Harold Beeley  
Mr. Colin T. Crowe  
Mr. A. H. Campbell

#### *United States of America*

Mr. Henry Cabot Lodge  
Mr. James J. Wadsworth  
Mr. Adlai E. Stevenson  
Mr. James W. Barco  
Mr. Francis O. Wilcox  
Mr. Francis T. P. Plimpton  
Mr. Charles W. Yost

<sup>a</sup> Term of office ended on 31 December 1960.

<sup>b</sup> Term of office began on 1 January 1961.

### II. Presidents of the Security Council

The following representatives held the office of President of the Security Council during the period covered by the present report:

#### *Ecuador*

Dr. José A. Correa (16 to 31 July 1960)

#### *France*

Mr. Armand Béard (1 to 31 August 1960)

#### *Italy*

Mr. Egidio Ortona (1 to 30 September 1960)

#### *Poland*

Mr. Bohdan Lewandowski (1 to 31 October 1960)

#### *Tunisia*

Mr. Mongi Slim (1 to 30 November 1960)

#### *Union of Soviet Socialist Republics*

Mr. Valerian A. Zorin (1 to 31 December 1960)

#### *United Arab Republic*

Mr. Omar Loutfi (1 to 31 January 1961)

#### *United Kingdom of Great Britain and Northern Ireland*

Sir Patrick Dean (1 to 28 February 1961)

#### *United States of America*

Mr. Adlai E. Stevenson (1 to 31 March 1961)

#### *Ceylon*

Mr. T. B. Subasinghe (1 to 30 April 1961)

#### *Chile*

Mr. Daniel Schweitzer (1 to 31 May 1961)

#### *China*

Mr. Tingfu F. Tsiang (1 to 30 June 1961)

#### *Ecuador*

Dr. Leopoldo Benites (1 to 15 July 1961)



### III. Meetings of the Security Council during the period from 16 July 1960 to 15 July 1961

Meeting	Subject	Date	Meeting	Subject	Date
874th	Letter dated 11 July 1960 from the Minister for Foreign Affairs of Cuba addressed to the President of the Security Council (S/4378)	18 July 1960	897th	Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381): fourth report of the Secretary-General on the implementation of Security Council resolutions S/4387 of 14 July 1960, S/4405 of 22 July 1960 and S/4426 of 9 August 1960 (S/4482 and Add.1); letter dated 8 September 1960 from the Permanent Representative of Yugoslavia addressed to the President of the Security Council (S/4485)	10 September 1960
875th	Ditto	18 July 1960			
876th	Ditto	19 July 1960			
877th	Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381)	20/21 July 1960			
878th	Ditto	21 July 1960	898th	Adoption of the agenda	12 September 1960
879th	Ditto	21/22 July 1960	899th	Consideration of the Report of (private) the Security Council to the General Assembly	14 September 1960
880th	Cable dated 13 July 1960 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics addressed to the Secretary-General (S/4384 and S/4385)	22 July 1960	(open)	Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381); fourth report of the Secretary-General on the implementation of Security Council resolutions S/4387 of 14 July 1960, S/4405 of 22 July 1960 and S/4426 of 9 August 1960 (S/4482 and Add.1-3); letter dated 8 September 1960 from the Permanent Representative of Yugoslavia addressed to the President of the Security Council (S/4485); letter dated 12 September 1960 from the representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/4506)	
881st	Ditto	25 July 1960			
882nd	Ditto	26 July 1960			
883rd	Ditto	26 July 1960			
884th	Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381)	8 August 1960			
885th	Ditto	8 August 1960			
886th	Ditto	8/9 August 1960			
887th	Ditto	21 August 1960			
888th	Ditto	21 August 1960			
889th	Ditto	21/22 August 1960			
890th	Admission of new Members to the United Nations	23 August 1960			
891st	Ditto	23 August 1960			
892nd	Ditto	24 August 1960			
893rd	Letter dated 5 September 1960 from the First Deputy Minister for Foreign Affairs of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/4477)	8 September 1960	900th	Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381): fourth report of the Secretary-General on the implementation of Security Council resolutions S/4387 of 14 July 1960, S/4405 of 22 July 1960 and S/4426 of 9 August 1960 (S/4482 and Add.1-3); letter dated 8 September 1960 from the Permanent Representative of Yugoslavia addressed to the President of the Security Council (S/4485); letter dated 12 September 1960 from the representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/4506)	14 September 1960
894th	Ditto	9 September 1960			
895th	Ditto	9 September 1960			
896th	Telegram dated 8 September 1960 from the Prime Minister of the Republic of the Congo addressed to the Secretary-General (S/4486)	9/10 September 1960			
	Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381): fourth report of the Secretary-General on the implementation of Security Council resolutions S/4387 of 14 July 1960, S/4405 of 22 July 1960 and S/4426 of 9 August 1960 (S/4482 and Add.1); letter dated 8 September 1960 from the Permanent Representative of Yugoslavia addressed to the President of the Security Council (S/4485)				
			901st	Ditto	14/15 September 1960
			902nd	Ditto	15 September 1960
			903rd	Ditto	15 September 1960
			904th	Ditto	16 September 1960
			905th	Ditto	16 September 1960

Meeting	Subject	Date
906th	Ditto	16/17 September 1960
907th	Admission of new Members to the United Nations	28 September 1960
908th	Ditto	7 October 1960
909th	Election of members of the International Court of Justice: (a) Election of a member of the Court to fill the vacancy caused by the death of Sir Hersch Lauterpacht; (b) Election of five members of the Court	16/17 November 1960
910th	Election of members of the International Court of Justice: election of five members of the Court	17 November 1960
911th	Admission of new Members to the United Nations	3/4 December 1960
912th	Adoption of the agenda	7 December 1960
913th	Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381): Urgent measures in connexion with the latest events in the Congo: Note by the Secretary-General (S/4571); Statement dated 6 December 1960 by the Government of the Union of Soviet Socialist Republics concerning the situation in the Congo (S/4573)	7 December 1960
914th	Ditto	8 December 1960
915th	Ditto	8/9 December 1960
916th	Ditto	9/10 December 1960
917th	Ditto	10 December 1960
918th	Ditto	12 December 1960
919th	Ditto	12 December 1960
920th	Ditto	13/14 December 1960
921st	Letter dated 31 December 1960 addressed to the President of the Security Council by the Minister for External Relations of Cuba (S/4605)	4 January 1961
922nd	Ditto	4 January 1961
923rd	Ditto	5 January 1961
924th	Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381): Note by the Secretary-General (S/4606 and Add.1); Letters dated 4 and 7 January 1961 from the Permanent Representative of the Union of Soviet Socialist Republics addressed to the President of the Security Council (S/4614 and S/4616)	12 January 1961
925th	Ditto	13 January 1961
926th	Ditto	13 January 1961
927th	Ditto	14 January 1961

Meeting	Subject	Date
928th	Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381): Letter dated 26 January 1961 from the Permanent Representatives of Ceylon, Ghana, Guinea, Libya, Mali, Morocco, United Arab Republic and Yugoslavia to the President of the Security Council (S/4641); Cable dated 24 January 1961 from the President of the Republic of the Congo (Leopoldville) and the President of the College of Commissioners-General and Commissioner-General for Foreign Affairs addressed to the President of the Security Council (S/4639); Letter dated 29 January 1961 from the Permanent Representative of the Union of Soviet Socialist Republics to the President of the Security Council (S/4644)	1 February 1961
929th	Ditto	2 February 1961
930th	Ditto	2 February 1961
931st	Ditto	7 February 1961
932nd	Ditto	7 February 1961
933rd	Statement by the Secretary-General	13 February 1961
934th	Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381): Letter dated 26 January 1961 from the Permanent Representatives of Ceylon, Ghana, Guinea, Libya, Mali, Morocco, United Arab Republic and Yugoslavia to the President of the Security Council (S/4641 and S/4650); Cable dated 24 January 1961 from the President of the Republic of the Congo (Leopoldville) and the President of the College of Commissioners-General and Commissioner-General for Foreign Affairs addressed to the President of the Security Council (S/4639); Letter dated 29 January 1961 from the Permanent Representative of the Union of Soviet Socialist Republics to the President of the Security Council (S/4644); Report to the Secretary-General from his Special Representative in the Congo regarding Mr. Patrice Lumumba (S/4688 and Add.1)	15 February 1961

Meeting	Subject	Date
935th	Ditto	15 February 1961
936th	Ditto	16 February 1961
937th	Ditto	16 February 1961
938th	Ditto	17 February 1961
939th	Ditto	17 February 1961
940th	Statement by the Secretary-General	20 February 1961
941st	Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381): Letter dated 26 January 1961 from the Permanent Representatives of Ceylon, Ghana, Guinea, Libya, Mali, Morocco, United Arab Republic and Yugoslavia to the President of the Security Council (S/4641 and S/4650); Cable dated 24 January 1961 from the President of the Republic of the Congo (Leopoldville) and the President of the College of Commissioners-General and Commissioner-General for Foreign Affairs addressed to the President of the Security Council (S/4639); Letter dated 29 January 1961 from the Permanent Representative of the Union of Soviet Socialist Republics to the President of the Security Council (S/4644); Report to the Secretary-General from his Special Representative in the Congo regarding Mr. Patrice Lumumba (S/4688 and Add.1)	20 February 1961
942nd	Ditto	20/21 February 1961
943rd	Adoption of the agenda	10 March 1961
944th	Letter dated 20 February 1961 from the Representative of Liberia addressed to the President of the Security Council (S/4738)	10 March 1961
945th	Ditto	14 March 1961
946th	Ditto	15 March 1961
947th	The Palestine question: Letter dated 1 April 1961 from the Permanent Representative of the Hashemite Kingdom of Jordan addressed to the President of the Security Council (S/4777)	6 April 1961
948th	Ditto	10 April 1961
949th	Ditto	11 April 1961
950th	Letter dated 26 May 1961 addressed to the President of the Security Council by the Representatives of Afgha-	6 June 1961

Meeting	Subject	Date
	nistan, Burma, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Nigeria, Philippines, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, United Arab Republic, Upper Volta, Yemen and Yugoslavia (S/4816 and Add.1)	
951st	Ditto	7 June 1961
952nd	Ditto	7 June 1961
953rd	Ditto	8 June 1961
954th	Ditto	8 June 1961
955th	Ditto	9 June 1961
956th	Letter dated 26 May 1961 addressed to the President of the Security Council by the Representatives of Afghanistan, Burma, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Nigeria, Philippines, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, United Arab Republic, Upper Volta, Yemen and Yugoslavia (S/4816 and Add.1-2)	9 June 1961
957th	Complaint by Kuwait in respect of a situation arising from the threat by Iraq to the territorial independence of Kuwait, which is likely to endanger the maintenance of international peace and security (S/4845 and S/4844) Complaint by the Government of the Republic of Iraq in respect of the situation arising out of the armed threat by the United Kingdom to the independence and security of Iraq, which is likely to endanger the maintenance of international peace and security (S/4847)	2 July 1961
958th	Ditto	5 July 1961
959th	Ditto	6 July 1961
960th	Ditto	7 July 1961

# IV. Representatives, Chairmen and Principal Secretaries of the Military Staff Committee

## A. REPRESENTATIVES OF EACH SERVICE IN RESPECT OF EACH DELEGATION

*Period of service from 16 July 1960*

### China

Lt. General Ho Shai-lai, Chinese Army	16 July 1960 to present time
Captain Wu Chia-hsun, Chinese Navy	16 July 1960 to present time

### France

Général de brigade P. Gouraud, French Army	16 July 1960 to present time
Contre-Amiral P. Poncet, French Navy	16 July 1960 to 21 October 1960
Contre-Amiral J. Guérin, French Navy	21 October 1960 to present time
Général de division aérienne H. M. de Rancourt de Mimerand, French Air Force	16 July 1960 to present time

### Union of Soviet Socialist Republics

Major General A. I. Radionov, Soviet Army	16 July 1960 to present time
Rear Admiral B. D. Yashin, USSR Navy	16 July 1960 to present time
Major General M. N. Kostiuk, USSR Air Force	16 July 1960 to present time

### United Kingdom of Great Britain and Northern Ireland

Major General J. M. McNeill, British Army	16 July 1960 to present time
Vice-Admiral Sir Geoffrey Thistleton-Smith	16 July 1960 to 18 November 1960
Vice-Admiral Sir William Crawford	18 November 1960 to present time
Air Vice-Marshal W. O. Sheen, Royal Air Force	16 July 1960 to 31 March 1961
Air Vice-Marshal R. H. E. Emson, Royal Air Force	1 April 1961 to present time

### United States of America

Lt. General E. J. O'Neill, US Army	16 July 1960 to present time
Vice-Admiral C. Wellborn, Jr., US Navy	16 July 1960 to present time
Lt. General W. E. Hall, US Air Force	16 July 1960 to present time

## B. CHAIRMEN

<i>Meeting</i>	<i>Date</i>	<i>Chairman</i>	<i>Delegation</i>
396th	28 July 1960	Contre-Amiral P. Poncet	France
397th	11 August 1960	Rear-Admiral B. D. Yashin	USSR
398th	25 August 1960	Major General M. N. Kostiuk	USSR
399th	8 September 1960	Vice-Admiral Sir Geoffrey Thistleton-Smith	United Kingdom
400th	22 September 1960	Vice-Admiral Sir Geoffrey Thistleton-Smith	United Kingdom
401st	6 October 1960	Lt. General W. E. Hall	United States
402nd	20 October 1960	Vice-Admiral C. Wellborn, Jr.	United States
403rd	3 November 1960	Captain Wu Chia-hsun	China
404th	17 November 1960	Captain Wu Chia-hsun	China
405th	1 December 1960	Contre-Amiral J. G. M. Guérin	France
406th	15 December 1960	Général de division aérienne H. M. de Rancourt de Mimerand	France
407th	29 December 1960	Général de brigade P. Gouraud	France
408th	12 January 1961	Rear-Admiral B. D. Yashin	USSR
409th	26 January 1961	Major General M. N. Kostiuk	USSR
410th	9 February 1961	Air Vice-Marshal W. C. Sheen	United Kingdom
411th	23 February 1961	Vice-Admiral Sir William Crawford	United Kingdom
412th	9 March 1961	Vice-Admiral C. Wellborn, Jr.	United States
413th	23 March 1961	Vice-Admiral C. Wellborn, Jr.	United States
414th	6 April 1961	Captain Wu Chia-hsun	China
415th	20 April 1961	Captain Wu Chia-hsun	China
416th	4 May 1961	Général de brigade P. Gouraud	France
417th	18 May 1961	Contre-Amiral J. G. M. Guérin	France
418th	1 June 1961	Major General A. I. Rodionov	USSR
419th	15 June 1961	Rear Admiral B. D. Yashin	USSR
420th	29 June 1961	Major General A. I. Rodionov	USSR
421st	13 July 1961	Major General J. M. McNeill	United Kingdom

## C. PRINCIPAL SECRETARIES

<i>Meeting</i>	<i>Date</i>	<i>Principal Secretary</i>	<i>Delegation</i>
396th	28 July 1960	Capitaine de frégate A. Gélinet, French Navy	France
397th	11 August 1960	Colonel D. F. Polyakov, Soviet Army	USSR
398th	25 August 1960	Colonel D. F. Polyakov, Soviet Army	USSR
399th	8 September 1960	Colonel A. A. Duncan, British Army	United Kingdom
400th	22 September 1960	Colonel A. A. Duncan, British Army	United Kingdom
401st	6 October 1960	Lt. Colonel P. V. Fahey, US Army	United States
402nd	20 October 1960	Lt. Colonel P. V. Fahey, US Army	United States

<i>Meeting</i>	<i>Date</i>	<i>Principal Secretary</i>	<i>Delegation</i>
403rd	3 November 1960	Lt. Colonel J. Soong, Chinese Army	China
404th	17 November 1960	Lt. Colonel J. Soong, Chinese Army	China
405th	1 December 1960	Capitaine de frégate A. Gélinet, French Navy	France
406th	15 December 1960	Capitaine de frégate A. Gélinet, French Navy	France
407th	29 December 1960	Capitaine de frégate A. Gélinet, French Navy	France
408th	12 January 1961	Major A. Senkin, Soviet Army	USSR
409th	26 January 1961	Major A. Senkin, Soviet Army	USSR
410th	9 February 1961	Colonel A. A. Duncan, British Army	United Kingdom
411th	23 February 1961	Colonel A. A. Duncan, British Army	United Kingdom
412th	9 March 1961	Lt. Colonel P. V. Fahey, US Army	United States
413th	23 March 1961	Lt. Colonel P. V. Fahey, US Army	United States
414th	6 April 1961	Lt. Colonel J. Soong, Chinese Army	China
415th	20 April 1961	Lt. Colonel J. Soong, Chinese Army	China
416th	4 May 1961	Capitaine de frégate A. Gélinet, French Navy	France
417th	18 May 1961	Capitaine de frégate A. Gélinet, French Navy	France
418th	1 June 1961	Captain Third Grade A. L. Epifanov, USSR Navy	USSR
419th	15 June 1961	Captain Third Grade A. L. Epifanov, USSR Navy	USSR
420th	29 June 1961	Captain Third Grade A. L. Epifanov, USSR Navy	USSR
421st	13 July 1961	Colonel A. A. Duncan, British Army	United Kingdom