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UNITED NATIONS CONCILIATION COMMISSION FOR THE CONGO ESTABLISHED  
UNDER GENERAL ASSEMBLY RESOLUTION 1600 (XV)

PROVISIONAL SUMMARY RECORD OF THE SECOND MEETING

Held at Headquarters, New York,  
on Thursday, 30 November 1961, at 2.50 p.m.

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Corrections to this record should be sent to Mr. F.T. Liu, Room 3853C.

PRESENT:

Acting Chairman:

Mr. MESTIRI

Chairman:

Mr. ZAFRULLA KHAN

Pakistan

Members:

Mr. AMADEO

Argentina

Mr. MATSCH

Austria

U ON SEIN

Burma

Mr. CISSE

Senegal

Mr. MESTIRI

Tunisia

Secretariat:

Mr. PROTITCH

Principal Secretary

Mr. LIU

Secretary of the Committee

## ELECTION OF CHAIRMAN

The ACTING CHAIRMAN informed the Committee that U Thant had notified the President of the General Assembly that, in view of his election as Acting Secretary-General, he must submit his resignation from the Commission.

He invited the members of the Commission to proceed to the election of a new Chairman.

Mr. MATSCH (Austria) proposed Mr. Zafrulla Khan (Pakistan) for the office of Chairman.

Mr. Zafrulla Khan was elected Chairman by acclamation.

## ORGANIZATION OF WORK

The CHAIRMAN expressed his appreciation of the confidence which the members of the Commission had placed in him.

He recalled that, at its first meeting, the Commission had decided to inform the Congolese Government that it had been constituted and was ready to provide any assistance it might be called upon to give. That was still the position. If there was any way in which the Commission could assist the Congo in its difficulties, it would meet again.

Mr. AMADEO (Argentina) expressed his delegation's great satisfaction at the election of Mr. Zafrulla Khan.

His delegation had no particular views about the way in which the Commission should carry out its tasks but regarded it as being at the disposal of the Central Government of the Congo. His delegation was ready to co-operate in any work that the Commission might decide to undertake, provided that it did so with the consent of the Central Government.

The CHAIRMAN said that he fully concurred with that statement of position. He suggested that the Commission might wish to inform the Central Government once again that it was at its disposal.

Mr. CISSE (Senegal) congratulated the Chairman on his election. It was his country's hope that the Commission, in collaboration with the Central Government, would contribute to peace and tranquillity within the framework of a unified Congo.

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U ON SEIN (Burma) said that his country's position was very similar to that of Senegal. He extended his congratulations to the Chairman; his delegation unreservedly offered him its full co-operation in any attempt to bring peace to the Congo.

Mr. MATSCH (Austria) inquired whether the Commission was free to initiate action or whether it had to await a request from the President of the General Assembly or the Secretary-General. Was the President of the General Assembly taking steps to nominate the seventh member of the Commission?

Mr. PROTITCH (Principal Secretary) said that, as he read operative paragraph 6 of General Assembly resolution 1600 (XV), the Commission did not need to await any special instructions. It had already offered its assistance to the Central Government, and, as the Chairman had suggested, might wish to repeat that offer.

With regard to the nomination of a seventh member of the Commission, he understood that the President of the General Assembly was considering the matter.

Mr. AMADEO (Argentina) proposed that the Commission should reiterate to the Chief of State of the Congo the offer which it had previously made to carry out its task in consultation with the Central Government. In his view, and in the light of events in the Congo since the Commission had last met, that was the least it could do.

Mr. MESTIRI (Tunisia) expressed his pleasure at the Chairman's election to his office.

While supporting the Argentine representative's proposal, he suggested that a similar letter should be addressed to Mr. Adoula. The Prime Minister's role was now more important than that of the President; the special reasons that the General Assembly had had for dealing with the Chief of State no longer existed.

Mr. AMADEO (Argentina) agreed with the representative of Tunisia; indeed, he thought that it would be sufficient if the letter were sent to the Prime Minister. The Chairman might also discuss the contents of the letter orally with Mr. Bomboko.

The CHAIRMAN said that he was inclined to agree that it would be sufficient if the letter were addressed direct to the Prime Minister. He would get in touch with Mr. Bomboko when the latter returned to New York.

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Mr. PROTITCH (Principal Secretary) said that the Secretariat would do its best to keep the members of the Commission informed about important events in the Congo. He inquired whether the Secretariat was authorized to inform the Press of the election of the new Chairman.

The CHAIRMAN said that, in the absence of any objection, the Secretariat could take the action in question.

The meeting rose at 3.15 p.m.

CONFIDENTIAL

Meeting No. 56  
21 September 1961  
ENGLISH

UNITED NATIONS ADVISORY COMMITTEE  
ON THE CONGO

Informal Meeting at United Nations Headquarters, New York  
on Thursday, 21 September 1961, at 5 p.m.

In the Chair:

Mr. BARNES (Liberia)

Members:

Canada	Mr. RITCHIE
Ceylon	Mr. MALALASEKERA
Ethiopia	Mr. GEBRE-EGZY
Federation of Malaya	Mr. ZAKARIA
Ghana	Mr. DADZIE
Guinea	Mr. DIALLO
India	Mr. BHADKAMKAR
Indonesia	
Ireland	Mr. BOLAND
Mali	
Morocco	Mr. BENCHEKROUN
Nigeria	Mr. NGILERUMA
Pakistan	Sir Mohammed ZAFRULLAH KHAN
Senegal	Mr. CISSE
Sudan	Mr. ADEEL
Sweden	Mr. MALM
Tunisia	Mr. BOURGUIBA
United Arab Republic	Mr. LOUTFI

Mr. BUNCHE: As you know, this meeting was convened because a number of members of the Committee asked that an informal meeting be held this afternoon so that they could be brought up to date on certain of the latest developments in connexion with the Congo, particularly the Katanga situation. And on that basis we did ask you to come here for an informal meeting.

You will wish, I hope, to select someone from among your members to preside over this informal meeting. But before you do so, I would hope that you will permit me to say a few words. First of all, we on the staff of the Secretariat are happy at the initiative taken by Mr. Barnes and some other members in asking that this informal meeting be convened because you will appreciate, I know, that we in the Secretariat are in a rather awkward position. The United Nations operation in the Congo continues despite the tragic and the most untimely death of the Secretary-General and our Secretariat colleagues.

Important decisions, often involving the well-being -- indeed, the very lives -- of servants of the United Nations must be taken daily. We in the Secretariat have been carrying on during these past few days to the best of our ability in the spirit of Dag Hammarskjold and in his very fresh memory. Although this Committee has the sole purpose of advising the Secretary-General, it would be most helpful to us who are engaged in the work of the Congo operation to know something of the views of members of the Committee, however informally expressed; and, for our part, we feel it a duty to keep the Committee informed and up to date.

I would now ask the Committee to designate someone to take the Chair so that we may have order in the proceedings.

Mr. LOUTFI (United Arab Republic) (interpretation from French): If Mr. Bunche thinks that it is necessary for the Committee to select a Chairman from among the members, I would propose the representative of Liberia, who is President of the Security Council this month and who could conduct our deliberations today.

Mr. GEBRE-EGZY (Ethiopia): I think it is a thoughtful idea to keep this Committee informed, and I believe that it is the right procedure to say that this will be an informal arrangement. On that line I think that Mr. Loutfi's proposal that Mr. Barnes should preside at this informal meeting is a good one. It would be better to call the meeting informal to avoid any constitutional difficulties. So long as this is an informal arrangement, I do not believe that there will be any doubt about our right to be informed of events connected with the lives and well-being of our troops and the entire operation in the Congo.

Mr. BARNES (Liberia): It would have been my hope that we could ask Doctor Bunche to serve as Chairman of this meeting because we are here in a kind of advisory capacity. We would not be conferring upon him any of the functions of the Secretary-General. However, if it is the mind of the Advisory Committee that I should preside over this meeting I am willing to do so.

Mr. BUNCHE: I take it that it is the view of the Committee that Mr. Barnes should take the Chair which we have open and ready for him.

Mr. Barnes (Liberia) took the Chair.

The CHAIRMAN: I thank you for your confidence in asking me to preside over this informal meeting of the Advisory Committee on the Congo. Before proceeding further I shall ask Mr. Bunche to introduce Major-General Yakub Gabrielelelu to the meeting.

Mr. BUNCHE: I should like to introduce to the Committee Major-General Yakub Gabrielelelu of the Ethiopian Army, who has been appointed Deputy Force Commander of the UN Force in the Congo. The appointment has, of course, been vacant since Major-General Iyassu Mengasha of Ethiopia was made Military Adviser to the Government of the Congo. After his visit to New York General Gabrielelelu will proceed to Leopoldville to take up his new duties.

The CHAIRMAN: Doctor Bunche has mentioned the initiative taken by some of us in requesting that a meeting of the Advisory Committee be held. We thought it desirable in the light of the prevailing situation there that members should be fully informed. Your presence today indicates acceptance of this view. I now call upon Mr. Bunche to report on the situation in the Congo at the present time.

Mr. BUNCHE: I would call the attention of members to document S/4940, the report of the officer in charge, Mr. Sture Linner, to the Security Council, to which there have now been seven addenda. These cover the events in Katanga through yesterday.

(Mr. Bunche)

I should like now to call upon Brigadier-General Rikhye to report on the current military situation and especially upon the new requests for supporting arms and vehicles made in the light of the recent and tragic experience in the Katanga fighting.

General RIKHYE: The deployment of the United Nations forces in the Congo, as we know it today, is as follows:

In Katanga, we have at Elisabethville an Irish unit approximately 468 strong, a Swedish battalion of about the same strength, and two Indian battalions. In Jadotville, there is a company of the Irish. In Kamina, there is an Irish unit, a composite group of two infantry companies, and a Swedish company.

The summary of our military position in Katanga, at the time of the implementation of the provisional cease-fire, is that we hold all our positions in Elisabethville which were under United Nations control for all this period. You are fully informed on the Jadotville situation. In Kamina, we had reduced our perimeter to include the airport at Kamina, and we continue to hold it as before.

From the various reports that we have received here, I should like to give you a summary of our casualties: total killed during this week's fighting, approximately 12; total wounded, about 40.

In North Katanga, the situation remains unchanged. A company of Ethiopians, a battalion from Kabalo, is being moved to Manono, so that the Indians who are left in Manono can join up with their battalion in Elisabethville. A battalion of Malaysians from Kivu was due to be moved to Katanga. These two moves, naturally, have now been stopped. However, these units are earmarked for service in Katanga if required.

In Oriental Province, we have an Ethiopian brigade of three battalions. One of these battalions is earmarked for service in Katanga. Nigerian brigade headquarters, with a battalion, remains at Luluabourg. The Liberian force continues in its previous locations of Port-Francqui and Tshikapa.

At Leopoldville there is an Indian battalion, a Nigerian battalion and a Swedish battalion. This Swedish battalion is earmarked for Katanga.

At Kitona base, there is a Swedish detachment.

We have asked contributing countries with combat units to examine the possibility of reinforcing their units with infantry type of support weapons, and now we are awaiting their reactions.

We have asked Ethiopia, India, Sweden and Greece for fighter aircraft to protect our air lanes in Katanga. Ethiopia is despatching four fighters, and we hope to have them in the Congo in a day or so. Sweden has agreed to provide four fighters. India has agreed in principle, and we are awaiting

(General Rikhye)

further information. In view of the cease-fire, these units will be located in other parts of the Congo.

We have asked Norway, Sweden, Denmark, Canada, the United States, Greece, the United Arab Republic, Yugoslavia and Pakistan for military aircraft and crew.

(General Rikhye)

Norway has agreed to provide us immediately with two C-119 transport aircraft and sufficient helicopter personnel for two helicopters.

Denmark has agreed to provide us immediately with one C-54 and one C-47 with complete crews, and they have offered fourteen helicopter personnel.

The United States has already placed at our disposal four C-124 and C-130 aircraft, two of which have already arrived in Leopoldville and are at the disposal of the force commander. This is all military transport aircraft.

India has agreed to consider to provide additional Dakota air crews.

The CHAIRMAN: Thank you very much. Does any member of the Committee wish to put any questions to General Rikhye?

Mr. DIALLO (Guinea)(interpretation from French): General Rikhye has told us that the situation in Elisabethville was known. May I ask him briefly to sum up that situation for us since my delegation is not fully informed of it.

General RIKHYE: Sir, the situation in Elisabethville is as follows. There has been no change at all during the last three or four days. United Nations troops continue to hold all key points which were in their hands: the international airport at Elisabethville, the post office, the radio station, the refugee camp and all the military camps which were in use by the UN. During the last two or three days there was only sporadic fighting in the town, which could not be termed serious. Since the implementation of the provisional cease-fire, we have received reports of two incidents where fire was opened by Katangese. One incident was at the refugee camp and the second incident was at the post office. Except for these two isolated incidents, the situation generally in Elisabethville remains calm.

Mr. NGILERUMA (Nigeria): We have been reading a great deal in the papers about a jet aircraft which has been wandering about in Katanga bombing UN stations. We would like to know something about this aircraft.

The CHAIRMAN: General Rikhye is not in a position to reply to this question, so I shall call on Dr. Bunche and ask him whether he is in a position to reply.

Mr. BUNCHE: On behalf of General Rikhye, may I say that he is in a position to answer the question, but perhaps he prefers that I reply to it.

The situation with regard to this lonely jet bandit plane is, I suppose, one of the most incredible pages in military history. There seem to have been two jet planes, Fouga trainer fighters, active at the beginning of the outbreak of fighting between the UN forces and the Katangese. The first one was thought to have been piloted by a Rhodesian. The second one, and the one that has been most active and the only one still active two days ago when all such activity ceased, was determined to be piloted by a Belgian, a former pilot for Sabina Airlines.

(Mr. Bunche)

One of the last acts of Mr. Hammarskjold before his death was to send a strong message to Mr. Spaak giving him the name of this Belgian pilot and asking that Belgium take measures to stop his activities. He had already at that time in his wanton strafing and bombing been responsible for a number of deaths -- not among United Nations personnel but of Katangese civilians.

But this plane controls the skies the length and breadth of Katanga entirely and thereby very largely dominated our own operations because the United Nations, having no jet planes, was unable to retaliate in any way or indeed to protect itself in any way against the depredations of this lone plane which in one hour would be bombing United Nations headquarters in Elisabethville and next would be strafing the Gurkha troops which were en route to assist the Irish troops surrounded at Jadotville. In one day this plane, as you know from the reports, strafed this relief column ten times. It would next be bombing the airport and control tower at Kamina. It roamed at will and the conclusion is clear: that the United Nations, to protect its operation, must have some jet airpower because otherwise this marauder can operate with complete impunity.

Mr. NGILERUMA (Nigeria): The other question is this. Does anyone know where the base of this jet craft is?

Mr. BUNCHE: We are pretty certain it is the airfield at Kolwesi in Katanga.

Mr. NGILERUMA (Nigeria): I should like to know more about the situation in the Congo as a whole, not only in Katanga, the situation in Stanleyville. I should like to know something about it because, as we know, Mr. Gizenga is co-operating with the Central Government. However, according to our information, the army in Stanleyville is still intact and they are not co-operating with the Central Government's army. Thus we should like to have more information about the situation in Stanleyville with regard to the relationship to the Central Government.

Mr. BUNCHE: About the situation generally, after his return from the Belgrade Conference, Mr. Gizenga remained in Leopoldville and, to the best of my knowledge, is still in Leopoldville. All the diplomatic missions that had been established in Stanleyville to recognize and to deal with the Stanleyville regime have now -- we understand from the reports -- been closed and all except the Chinese have transferred their activities to Leopoldville.

We have had no reports of any difficulties because of the ANC in Orientale Province. General Lundula is still in Stanleyville. He has not shown up in Leopoldville. But I presume that what you wish to know is whether there has been any formal act whereby the armed units of the ANC in Orientale Province have been actually merged under the command of General Mobutu, who represents the Leopoldville regime. To my knowledge, there has been no such formal act. I shall check with General Rikhye on that, but I believe that to be the case.

General RIKHYE: That is quite right.

Mr. BUNCHE: There has been no formal act to that effect.

Mr. NGILERUMA (Nigeria): Do you mean to say that the diplomats have all left Stanleyville?

Mr. BUNCHE: The last move was made yesterday when five or six of them, including the Soviet Embassy group, came to Leopoldville.

Mr. BOLAND (Ireland): I am sure that we are all very grateful for the particulars which we have been given about the steps which have been taken to improve the transport facilities at the disposal of the United Nations Force and thereby to increase its mobility, and also for the details which we have been given about the steps taken to improve the infantry weaponry of the Force.

I should like to ask Mr. Bunche, through you, Mr. Chairman, whether there is any possibility of improving the communications between United Nations Headquarters here and United Nations headquarters in Leopoldville and the various outlying branches of the headquarters in Leopoldville. I think that many of us had the impression during the last week or ten days that the forces of Katanga had a

(Mr. Boland, Ireland)

distinct propaganda advantage. All sorts of Press messages and agency messages, which turned out later to be entirely false and entirely erroneous, were published in the papers here and, in some cases, it took many days before it was possible to get the information to enable such reports to be denied authoritatively. There were statements that the casualties ran as high as between 200 and 1,000; that of the Irish force in Jadotville, 57 had been killed. These things went on for a number of days before the information became available. Is it possible -- and can the Governments of the members of this group be of any help in this? -- to ensure communications which would prevent these stories that come over the wire services, these false stories, from being relayed to the people in the Congo, in both Katanga and Leopoldville, or to be corrected and denied if necessary? Otherwise, I am afraid that there are movements of public opinion in our respective countries which arise and which turn out later to have been quite unnecessary and quite unwarranted.

Mr. BUNCHE: The point is well taken. I may say first of all that there is no problem about communications between UN Headquarters in New York and Leopoldville; they are excellent, both in regard to cable communication and telex circuits. There has been no interruption and no difficulty, and communication is rapid. The difficulty in connexion with the Katanga fighting arose in getting reports into Leopoldville from the field. There were a number of explanations for that which I suppose are typical of any sort of military operation. Elisabethville, for example, was out of communication with Leopoldville and indeed with the world for some time on one day, because the local generators had apparently been sabotaged and were put back into operation only because there were UN experts on the spot who were able to repair them quickly and get the electricity going again.. Similarly at Kamina, owing to the damage to communication facilities caused by the bombing by the lone jet, there was an interruption in communications with Kamina which have to go through Luluabourg. Jadotville was out of communication for a while. Of course, operations of this kind depend upon the usual military field radios -- I think that that was all they had in Jadotville -- and these are always subject to certain risks when the battle is on. However, I am sure that steps will be taken, on the basis of the Katanga experience, to improve these services.

As regards the disadvantages we suffered in connexion with the world press, I have not had a chance to observe much of the press other than the local New York press, and I must say that I have been appalled to see how often, how readily, and how without qualification the local press would pick up stories that were merely broadcast from what operated for only a few days as "Katanga Free Radio", which was putting all sorts of outlandish stories -- Kamina has been surrendered, the Irish have surrendered Jadotville, we had been completely knocked out in Elisabethville -- stories of this kind came from two sources, Katanga Free Radio and Usumbura. These stories were being printed without any qualification at all. Yesterday for the first time I saw, I believe in The New York Times, a qualification to the effect that the story came from "Katanga Free Radio" which, in the past, had been guilty of inaccuracies. It was something to this effect, and although it was an understatement it was at least a moderate warning. We have protested to the local press about this practice, and that may have accounted for yesterday's warning. But there is no way we can ever combat it if the press is going to deal with dubious sources of information in this way.

Mr. DADZIE (Ghana): The delivery through the Katangese authorities of the Fouga Magister aircraft made in France for Belgium under NATO auspices is no secret; it was remarked on earlier this year by a number of delegations including mine, and at that time my delegation and the others asked that steps be taken to ground or neutralize those aircraft. I would like some idea if possible of the circumstances in which it has not so far been possible to ground the aircraft and what steps it is proposed to take to achieve this end.

Mr. BUNCHE : In response to that -- I will check again with General Rikhye and Mr. Narasimhan -- to the best of my knowledge we had no information at all about the operation of these jets in Katanga. They showed up, however, very early after the outbreak of hostilities between us and the Katangese. The steps we are taking to meet them are, as we have indicated, by requesting jets from these other countries to counter them. If we had had two jets last week the entire picture of this situation in Katanga would have been changed -- I have no doubt of that at all.

I will check with General Rikhye whether we knew anything about the operation of jets.

General RIKHYE: I have nothing to add to what you have said.

Mr. DADZIE (Ghana); I made these remarks because we have reason to believe that this bandit jet is one of the Fouga Magister jets that were delivered earlier this year. As a request for further clarification I have asked if this draft provisional agreement, particularly paragraph 4, which prohibits the reinforcements of garrisons or positions by all means of warfare, is not going in fact to operate against your being able to use these jet fighters to neutralize this bandit jet.

Mr. BUNCHE: If you are now going to pass to a discussion of the provisional cease-fire, I would ask my colleague, Mr. Narasimhan, to deal with that question. He has some remarks to make in explanation of the provisional cease-fire, a copy of which you have on the table before you, and in the course of that he will also answer the question put by the representative of Ghana and other questions that will undoubtedly come from other members of the Committee.

Mr. DADZIE (Ghana): I will be glad to wait until the appropriate time.

The CHAIRMAN: Is there any other representative who would wish to speak in connexion with the report which we have received from General Rikhye and from Mr. Bunche?

Mr. JHA (India): I would like to speak, but I think it would be better if I speak after Mr. Narasimhan has commented on the cease-fire.

The CHAIRMAN: We have not reached that point yet.

Mr. JHA (India): In that case may I make a few observations of a very general nature. First of all, I should like to say that we are very happy that this Advisory Group has been called at your initiative, and also, I know, at the suggestion of many other members. We, ourselves, are among those who had suggested informally to Mr. Bunche that it might be a good thing to have a meeting. It is very appropriate because I believe this is the first representative group -- even though we are advisory -- which is meeting after the recent incidents in the operations and, of course, the tragic death of Mr. Hammarskjold. I should like to thank the Secretariat for giving us this information. I would also like to pay tribute to the group in the Secretariat which in very difficult circumstances, especially those created by the demise of their leader, the Secretary-General, are carrying on the Congo operations effectively and with the utmost devotion.

(Mr. Jha, India)

It seems to us that these mistakes which were made -- or I should say were forced upon us; I do not mean to suggest that they were deliberate mistakes -- give us an opportunity, in view of the ceasefire, to take stock, learn certain lessons and avoid pitfalls in the future.

A very important point has been referred to by Mr. Boland in connexion with what has emerged during the last few days. For some reason or other -- and we can divine some of the reasons -- the reporting in the Press was anti-United Nations, by and large; it was painful to see this. We cannot understand why that should be so. I fully understand the difficulties of communication between an isolated United Nations unit and headquarters. It seems to me, however, that a little more attention might be paid to the Press services there; I think that the matter might be studied in connexion with the headquarters, the chief bureaus of the news agencies and the journals in New York and elsewhere. I admit that this is not an easy question, but it does seem to me that some thought might be given to it by the information services of the United Nations.

Furthermore, as Mr. Boland has said, we should try and improve, so far as possible, the communication system. I am sure that Mr. Bunche and his colleagues will give some attention to that matter.

The second lesson that we think should be drawn from the recent experiences is that it is important to do some perspective planning -- that is to say, to plan ahead as far as possible. The lesson that has been forced on us is that one really cannot be sure that forces of this magnitude, even if they are meant to be defensive -- naturally, a United Nations force does not go anywhere for purposes of offensive warfare -- will not be placed in circumstances where they would need adequate protection: air support, logistical support, and so forth. I use the term "perspective planning" in the absence of a better expression. What I mean is that we should look ahead and prepare for the worst contingencies. A ceasefire has been achieved. But who knows? This ceasefire may not last too long. Our experience has shown us that people who become enemies of the United Nations are fairly determined and very irresponsible; they can do anything at any time. I therefore repeat that some attention should be paid to perspective planning so that the United Nations forces may in future be prepared for the kind of thing that has taken place recently.

(Mr. Jha, India)

The third point that I should like to raise is the following. According to our information -- again from Press sources -- the Belgian Consulate in Elisabethville was used as a sanctuary for recalcitrant mercenaries, and some firing took place from there. Now, I did see in the papers a denial of this from Brussels. However, the denial was so swift that I had my doubts about it: it was made almost on the very morning that we read the news about the Consulate. I should like to know the facts. It is really for members of this Committee to consider whether we should not advise the Secretariat to lodge a strong protest with the Belgian Government. This is an absolutely inexcusable thing. It actually means the involvement of Belgian governmental authorities in a war against the United Nations.

I would confine myself to those general observations at this stage.

Mr. BUNCHE: The statement made originally by the UN representatives in Elisabethville was to the effect that shots had been fired from windows in the building in which the Belgian consulate was located. As I recall, the Consulate occupies two floors. In fact, the first shots fired from the windows killed an Indian soldier -- the first casualty in the hostilities. A strong protest was made by Mr. Hammarskjold and the most recent protest was made this afternoon in an oral démarche on my part to the Representative of Belgium concerning a report, which seems fairly well substantiated, that in that building (one cannot establish that it was in the Consulate itself) hostilities have throughout this period been planned and directed against the United Nations by Belgian officers in civilian attire.

The CHAIRMAN: In view of the statement made by Dr. Bunche that there have been protests on the part of Mr. Hammarskjold and the Secretariat, does Mr. Jha wish to pursue his request?

Mr. JHA (India): I doubt, in view of what has been said, whether it is worthwhile lodging further protests. However, the matter will not end here. I imagine we shall hear much more about it in the General Assembly. I raised the question to ascertain the feelings of other members concerning what should be done. If Mr. Bunche has information that, even subsequent to the initial firing against which Mr. Hammarskjold so rightly protested, there was further use of the Consulate for such purposes; that it became a kind of headquarters, it may be very well worthwhile reinforcing the protest with another pointing out this subsequent and continued use against the United Nations.

Mr. BUNCHE: That was exactly the démarche that was made this afternoon.

Mr. DADZIE (Ghana): A story has been circulating to the effect that the Adoula Government has issued a decree expelling the Belgian Consulate from Elisabethville. If true, would it be the task of the United Nations forces to implement the decree in one way or another?

Mr. NARASIMHAN: As has been mentioned, one of the difficulties is that the Belgian Consulate occupies only part of the building in question. Some of these people may be using other floors for the purpose. This must be kept in mind.

It is true that the Adoula Government has ordered the expulsion of the Belgian Consul-General, as it has called him in its Order, but that is something which is not within the scope of the Security Council resolution which the United Nations forces in the Congo are being asked to execute. The Belgian Consul cannot be deemed to come within the provisions of paragraph A (2) of the resolution of 21 February 1961 (S/4741) which refers to "Belgian and other foreign military and para-military personnel ...". Therefore, I doubt the competence of the United Nations to execute such an Order.

Mr. DADZIE (Ghana): I would merely wish to recall the part played by the United Nations representatives on the occasion of the expulsion of some other diplomatists from Leopoldville. At least, I believe they used their good offices to secure the peaceful evacuation of these diplomatists.

Mr. BUNCHE: I do not quite understand. We lost some lives in trying to protect the forcible expulsion of some diplomats. But I cannot recall that we used our good offices to get rid of any. That is, unless you go back to last August or late last July when, after the Congolese Government had broken diplomatic relations with Belgium and had ordered the Belgian Ambassador to leave, he failed to leave, his action being a source of very great trouble and friction and threatening to create bloodshed. At that time, in the interests of saving life, I did use my good offices -- not at the request of the Government -- to persuade this man to leave, because we had a responsibility for trying to protect life and to prevent riots in the city. But that is the only situation of that kind of which I have any knowledge.

Mr. DADZIE (Ghana): I apologize for dunning Dr. Bunche and Mr. Narasimhan on this, but I thought that perhaps an analogy could be drawn from the circumstances that have been explained, in regard to the Belgian Consul and in regard to the other diplomats who were expelled, in relation to this particular case of the Belgian Consulate. This is a situation in which there is a probability that any defiance of the decree of the Adoula government might lead to bloodshed, and there is also a distinct probability that these operations are being planned from the Belgian Consulate. I would suppose that, on the same grounds on which the United Nations representatives earlier used their good offices in other cases, similar action could be taken in this case.

Mr. MALALASEKERA (Ceylon): There seems to be an impression that the resistance which the United Nations forces met in Katanga was very much stronger than was anticipated. Was this due to the fact that intelligence at the disposal of the United Nations forces was insufficient or inaccurate? Also, there seems

(Mr. Malalasekera, Ceylon)

to be an impression that it was not only the Belgians that were responsible for this resistance, but that at least some kind of assistance was made available to the resistance forces in the neighbouring country of Rhodesia for forces to be trained and for resistance forces to be stationed there, to be made available in Katanga against the United Nations. I wonder whether it is possible for us to have any information on this point. I may be speaking completely in ignorance, but certainly the impression is there, and I should like to be enlightened on this if it is possible.

Mr. NARASIMHAN: This is probably a question which can only be answered after a certain amount of detailed inquiry at the other end. In the light of the observations made by the Ambassador of India, I imagine that we shall be making these inquiries now. But essentially I think the factor that changed the situation was the operation of this Fouga jet fighter, and that is a point which Dr. Bunche made earlier. That is the only thing for which we were completely unprepared, and for that we are now taking the precautions that are necessary in order that this lone bandit of the skies may not operate with immunity, as he has done so far.

Mr. MAIAIASEKERA (Ceylon): We have also heard of forces being trained in neighbouring countries. Has there been any evidence of that?

Mr. NARASIMHAN: So far as that is concerned, it is quite conceivable that some arms and ammunition might have been received from neighbouring countries, but we have no evidence to show that either officers or men from any neighbouring countries came to fight. The evidence we have is that of the approximately 500 people whom we were trying to evacuate from Katanga, some 270 were actually successfully evacuated, and of the remaining 230, many of them actually disappeared after having promised they would surrender after a certain time. It was these people who came back and who organized the resistance to the United Nations action.

Mr. BUNCHE: May I add that an operation similar to this was undertaken on 28 August, namely the round-up of mercenaries and Belgian officers in the gendarmerie, in fulfilment of the Security Council resolution of 21 February, and there was no armed resistance. This was a second phase of that same operation.

Secondly, though the press has conveyed the impression of a general war in Katanga, this was not the case. There was no general uprising against the United Nations in Katanga. There were isolated areas of fighting. Those were the areas where elements in the Katanga gendarmerie, led by white officers, Belgian or French or Rhodesian -- there were many nationalities involved, even some Polish, as I recall -- were urged to fight against the United Nations.

(Mr. Bunche)

Another misimpression that needs to be corrected is that the UN was on the march in Katanga. The UN did not undertake any offensive operation. There were no masses of UN troops marching anywhere toward any military objectives. They set out to round up these mercenaries, and they met resistance. But that resistance would not have been too great had it not been for the operations of this plane, which finally resulted in virtually grounding all UN support activities, that is supply aircraft, aircraft bringing reinforcements and any sort of aerial activity by UN aircraft in the daytime.

Sir Muhammad ZAFRULLA KHAN (Pakistan): I have one or two points on which I should like information to the extent to which it can be supplied. There is an impression, at any rate something that appeared in the press with regard to it, that operations had been undertaken by the United Nations forces to bring about an end to the secessionist movement of President Tshombe in Katanga. I should like to know exactly if there is anything further that Dr. Bunche wishes to add with regard to the object of these operations?

Mr. BUNCHE: The answer to that was given in fact by the Secretary-General himself in the report of the Officer in Charge in S/4990, where he goes into detail to explain just what was the nature of this operation. As I said a moment ago, it was not an operation with any political purpose at all other than the fulfilment of the provisions, particularly paragraph A-2, of the Security Council resolution of 21 February to round up these mercenaries, advisers and so on.

I should say this also. On 28 August, I think it was, some 270 had been rounded up. These mercenaries had created a situation which was making the continued presence of the United Nations in Katanga almost intolerable because this hard core of mercenaries who were left had gone underground and were carrying on activities of incitement and plotting, even to the extent of plotting the assassination of the UN Deputies. They had gone to such an extent in fact that we had to evacuate the headquarters building because of the threat of plastic bombs looking toward assassinations, the burning of UN vehicles and the attacking of UN personnel in the streets. No doubt you saw pictures of the stonings and so on, so that in fact they were carrying on not just a campaign of harassment but of actual war against the UN.

So this action was under paragraph A-2 particularly, of the 21 February resolution.

Sir Muhammad ZAFRULLA KHAN (Pakistan): The second point on which I should like some information is this. Now that happily a cease-fire has been arranged, what is contemplated as a next step? Specifically, is it intended to put in motion any attempt to bring about conciliation between President Tshombe and the Central Government of the Congo? Or from this point onwards, what should be attempted and in what manner and what is intended?

Mr. BUNCHE: If Mr. Narasimhan could now make his statement on the cease-fire this would fit in.

The CHAIRMAN: I should like to point out that we had hoped we could conclude the discussion of the report of the Officer in Charge before we proceeded to the terms of the cease-fire.

Mr. Muhammad ZAFRULLA KHAN (Pakistan): This would fit in when the statement is made on the cease-fire.

Mr. LOUTFI (United Arab Republic): Point of order. I think it is time now to give the floor to Mr. Narasimhan to make an explanation about the cease-fire.

The CHAIRMAN: I do not wish to stifle the desire of any member to speak on any other point, but if there is no one who wishes to speak on the report of the Officer in Charge, I shall call on Mr. Narasimhan to make a statement on the text of the provisional terms of the cease-fire.

Mr. NARASIMHAN: I should like to draw your attention to the fact that as is obvious, from the text of this draft, it is a purely military document designed to put an end to the hostilities "between United Nations forces and the Katanga gendarmerie". Naturally, as a military document it does not say many things on the political side about this which I know many of you are interested in and concerned about, and I should like to say them now if I may. Our colleagues in Leopoldville agree on two or three points. For example, they are satisfied, and Mr. Tshombe has already acknowledged, that this cease-fire could not prejudice our continued implementation of the Security Council resolution.

(Mr. Narasimhan)

Secondly, so far as the United Nations is concerned, this does not involve any recognition of the independence of Katanga as a sovereign State or anything like that, and we have treated with Mr. Tshombe only on the basis of his remaining the Provincial President of Katanga.

The third point is that the cease-fire applies only to the Province of Katanga and there is nothing in the text, we are assured, and that we can see for ourselves, and nothing in the discussions that preceded it which could affect in any way our freedom to move troops or equipment outside Katanga.

This answers the question which was asked by one of the members. He asked whether article 4 of the cease-fire agreement would not prevent us from getting these jet fighters, and so on. It would prevent us from taking them into Katanga direct, but it would not prevent us from basing them outside Katanga for use in case the cease-fire should be broken by the other side.

Then I should like to say that there were a few observations made by the representatives of Ireland, India and Ceylon to which I might refer.

If, as Mr. Bunche recalled, our operations are purely limited and confined to specific objectives, we could not prevent the other side from indulging in the wildest and most fanciful figures of our damage and loss. General Rikhye gave us the figures in regard to the actual losses which we have suffered as far as we know. In this regard we are handicapped because we have to be truthful; we cannot give exaggerated figures. We have, for example, not attempted to give any figures about the losses on the other side. But the wire service messages yesterday or the day before, for example, said that in an attack on one roadblock held by some United Nations troops, some 130 Katanga soldiers were killed. We do not know whether this is true or false, but I do know -- and I know that this anxiety is shared by all of us -- that during these days -- Wednesday and Thursday nights, for example, when Mr. Boland's colleague, Mr. Nolan, reached me in the middle of the night -- that this was an anxiety which we all shared. But truthfully, all we can say is that we have no information because communications have been temporarily knocked out.

In regard to planning, the only thing we were not prepared for, as both Mr. Bunche and I have been at pains to point out, was the operation of this jet fighter, and the fact is that our casualties have been relatively so light -- of course we deplore the loss of human life, but I think you will agree from the figures given that our casualties have been quite light.

(Mr. Narasimhan)

From these it will appear that there is no sort of rushing into an attack or anything like that for which no preparation has been made. And we are, as Mr. Jha pointed out, taking stock right now of our logistic and other needs and taking steps to reinforce ourselves in the event that further military action becomes necessary. It is for that that the cease-fire is also useful to us in the sense that it gives us the opportunity to do so without actually having loss of life at the time when we are making these preparations.

The last point made was by the representative of Pakistan. He wanted to know whether any further political action is contemplated. We have no official dispatch on this point as yet, but the indications are that, within forty-eight hours, fresh attempts will be made to break the political dispute or deadlock between the Katanga provincial authorities and the Central Government at Leopoldville, and there is a possibility that a delegation from Leopoldville may proceed to some place, perhaps outside Katanga, to meet with Mr. Tshombe and his colleagues so that this deadlock can be broken.

Mr. CISSE (Senegal) (interpretation from French): We have just heard the information given to us concerning the cease-fire agreement in Katanga. Quite naturally, we feel that our anxiety has been alleviated to some extent by the statement that this document was not of a political character, but while reading through it we feel that some points are somewhat obscure. In the second paragraph for instance, we read "the United Nations troops on the one hand and those of the Katanga authorities on the other," but in paragraph 3 of the agreement there is a reference to the United Nations and the Katanga authorities. The document was signed by Mr. Tshombe as President, but it is not stated here what he is President of, and I should like to know whether in the negotiations that were carried on to arrange this cease-fire in Katanga the Central Government was consulted or not.

Mr. NARASIMHAN: The Katanga authorities are the de facto authorities with which we have been dealing on and off, on the basis of de facto recognition as the provincial authority. Mr. Tshombe signed for the Katanga Government as its President, but we have the assurance from our representative that there is no recognition explicit or implicit other than recognition of him as a representative of the Provincial Government. In regard to the other point, the officer in charge of the United Nations Operation in the Congo has kept the Prime Minister of the Central Government informed of the terms of this cease-fire.

Sir Muhammad ZAFRULLA KHAN:(Pakistan): After having heard what has been said with regard to the character of the campaign, the casualties and so on, it strikes me that our publicity here at Headquarters needs to be strengthened. If the character of the fighting, namely isolated actions, and the small number of casualties had been prominently brought to the notice of the public, a great many of the misunderstandings would have been corrected. That matter might be looked into also. We have to confine ourselves to the truth, but we must be alert in contradicting the lies, and if lies were promptly contradicted it would largely correct the impression created by false or incorrect news or guesses made by the correspondents.

Mr. LOUTFI (United Arab Republic): I have one question: has the Central Government itself approved this agreement?

Mr. NARASIMHAN: It was, as I said, reported to the Prime Minister for his information. His attitude was not sought. It may also be recalled that Mr. Hammarskjold sent a letter to Mr. Tshombe before proceeding to Ndola, and that document was also shown to the Central Government, again for information.

Mr. BUNCHE: The Central Government has been kept fully informed.

Mr. DIALLO (Guinea) (interpretation from French): The same question has now been raised in two different forms by the representatives of Senegal and the United Arab Republic, namely what is or what was the position of the Central Government of the Congo in regard to this agreement. We have been told that the Government has been informed, but we should like to have further details -- could we be told its reactions, whether they were of a positive or negative character? The replies given so far have shed little light on this point and we should like to know the reaction of the Central Government to the cease-fire. This is most important.

Mr. NARASIMHAN: As we have pointed out, we have kept them fully informed of what we have been doing and there has been plenty of occasion, if there had been a negative reaction, for it to have been indicated. There has been no indication of any such negative reaction.

Mr. BUNCHE: I might add to what Mr. Narasimhan has said that this same question naturally occurred to us in the course of a telex communication immediately after we received this agreement late yesterday afternoon. We put this question, and we were informed that the officer in charge in Leopoldville, Mr. Linner, had talked with Mr. Adoula as soon as he received this incomplete version of the somewhat unofficial translation into English of the agreement from Ndola, and he informed us that Mr. Adoula gave no negative reaction.

(Mr. Bunche)

I might just add that it should be borne in mind that the fighting which was to be stopped by this cease-fire was fighting between the United Nations force and the Katangese, or that part of the Katangese gendarmarie that was led by mercenary officers, and that the ANC, not being in Katanga, was not involved in the fighting.

Mr. BOLAND (Ireland): Mr. Chairman, I wonder whether it would be wise to try to carry the matter very much further than the position which has been described by Mr. Narasimhan and Mr. Bunche. The Government of the Congo has been informed, and as Mr. Bunche said, they had not reacted negatively to the report. I wonder whether we are wise in putting them in the position of having to give positive approval. They might not be grateful to us. I think we have given them every opportunity of letting us know, if they feel so strongly about it, that they wish to raise objections -- and apparently so far they have not. I doubt whether we would be wise to try to carry the matter beyond that.

Mr. BUNCHE: I think Mr. Narasimhan alluded to it. You will recall that the Secretary-General was going to Ndola for this very purpose. The message which he sent to Mr. Tshombe about this meeting, I may inform this Committee though it should not be made public, was seen by the Adoula cabinet. It was specified by the Secretary-General that it should not be said that the cabinet was consulted with regard to the drafting of the message -- nor was its approval requested. But it had been seen by the cabinet and there had been full opportunity for negative reaction if there was a desire for one. There was no negative reaction. Indeed, there was a positive suggestion with regard to one point in the message which was, in fact, incorporated in the message by the Secretary-General.

The CHAIRMAN: I think that the report given to us by Mr. Narasimhan and amplified by Mr. Bunche convinces us that the Adoula Government, having received a copy of that provisional draft agreement on the cease-fire, did not give a negative reaction to it. So I think we should be happy with that situation and not seek some definitive positive reaction from the Adoula Government if we can agree to the terms of this agreement.

Mr. DIALLO TELLI (Guinea) (interpretation from French): I believe that an adequate reply has been given to my question.

I should now like to have three additional clarifications.

The last phrase of the second paragraph of the agreement states that the agreement "will not become final until it has been approved by the Secretary-General". Does that apply to the cease-fire? Furthermore, the representative of the Secretariat has told us that this is a military agreement. Yet it appears quite clearly here that the intention may be to go beyond the military aspect, because it is stated that the Secretary-General will have to approve the agreement; the approval of the Commander of the United Nations Forces in the Congo would be sufficient for a military agreement.

Secondly, I should like to ask whether it is not the opinion of the Secretariat that the last phrase of clause (3) of the agreement, "and also to fix the respective positions of each side's troops", and clause (4) are not in contradiction with the resolution of 21 February.

My third observation is the following. Clause (6) refers to an exchange of prisoners. Could the Secretariat tell us how many prisoners are now being held by Katanga?

Mr. BUNCHE: I shall undertake to answer the first question; Mr. Narasimhan will answer the others.

We cannot give a definitive answer to the first question asked by the representative of Guinea. In the first draft which we received by cablegram -- this was an English translation of the agreement -- the words "Secretariat-General" were used. This phrase was strange to us; we had never heard it before. However, we did not pay any attention to it because we were waiting for the official text, which was the original French text. When we received that official text, we found that the words used were "Secretary-General".

We immediately sent an inquiry to Leopoldville; we asked to be informed what was the official text in this connexion. They will give us an explanation. I imagine that the explanation will be as follows. Mr. Khiari went to Ndola from Elisabethville at short notice, at night, after Mr. Hammarskjold's death. It is quite possible that the officer in charge in Leopoldville did not feel authorized to give Mr. Khiari full powers to establish a final

(Mr. Bunche)

cease-fire. He may have doubted the extent of his authority in this respect. Not having such full powers, Mr. Khiari may have used the expression "Secretariat-General" so that he could get some final word from somewhere.

Of course, I am only speculating at this stage. We shall get a full explanation within a matter of hours.

Mr. NARASIMEAN: A point has been raised as to whether the fixing of the respective positions of the troops on each side, and the ban on their movement "to reinforce a garrison or position", including all means of "warfare, arms, ammunition and other military devices", under para (4) impinges upon the Security Council's resolution. I do not recall the specific terms of the resolution but I imagine that this paragraph would restrict our freedom of action so far as Katanga Province is concerned; that we could not, without breaking the terms of the cease-fire agreement, put more men there except for the normal replenishment of supplies, for example. We do, indeed, feel that the troops do not need reinforcement in so far as there continue to be holding operations only. Moreover, if there should be an offensive, or defensive operation, which is more likely, it would be on the basis of a breach of the cease-fire of the other side -- in which case we should be no longer bound by its terms. That is the only answer that I can give at this stage.

I do not think we can call them all "prisoners" as such. We do know the number of people involved in the Jadotville operation, the Irish company, is approximately 150. In addition some thirty other people on the UN side are involved, but we have no idea how many people from their side we hold. Information on that subject has to be collected from a wide variety of sources. As recently as yesterday some of their troops were captured in North Katanga, for instance. The exchange of prisoners will, we hope, proceed smoothly until the stage is reached at which all the UN forces are restored to their ranks and all the Katanga gendarmerie to theirs.

Mr. DIALLO (Guinea) (interpretation from French): I am satisfied with the replies that have been given but, so far as the violation of the Security Council's resolution 21 February is concerned, would ask whether this cease-fire agreement will enable the United Nations to proceed with the expulsion of the mercenaries.

Mr. NARASIMHAN: I tried to answer that point earlier in saying that we had been assured by our colleagues in Leopoldville, and in fact Mr. Tshombe has acknowledged, that the cease-fire could not prejudice the continued implementation of the Security Council's resolution.

Mr. DADZIE (Ghana): I too should like to express some misgiving in this regard. It would seem that perhaps the most important criterion to be applied to the suitability of the draft agreement is its effect on the Security Council's resolution, in particular the maintenance of the unity and territorial integrity of the Congo, including the injunction to repatriate all foreign military and para-military personnel and mercenaries. Mr. Narasimhan has explained that paragraph (2) would restrict the freedom of action of the United Nations forces, but at the same time has stated that the continued implementation of the Security Council's resolution would not be prejudiced. I cannot really reconcile the two assurances. The relevant paragraphs seem not merely to restrict the United Nations freedom of action but to represent a suspension of the resolutions constituting its mandate in Katanga. Is there no way of re-negotiating this agreement so as to give more freedom of action and ensure a far less obvious suspension of the mandate given by the Security Council.

(Mr. Dadzie, Ghana)

There is one other point on which I should like clarification. It is in regard to, first, the good faith of Mr. Tshombé, which is notoriously lacking, and, secondly, his ability in fact to enforce his obligations under this provisional draft agreement.

Mr. NARASIMHAN: The only answer I can give is this: Repeatedly, the position has been safeguarded that this does not involve any recognition of the separate existence of Katanga as an independent or sovereign State.

As to the second point, what we are saying is in effect that, with the forces that we have at our disposal in Katanga -- we are not bound to reduce them even by one man -- we should be able to proceed with the continued implementation of the Security Council resolution. If we are not able to do so, it will be because there is resistance by force, and, if such an action takes place and is opposed by force, I imagine that it would constitute a violation of the cease-fire agreement, because there would be force employed on the other side, and in that case we would be absolved from this condition.

The point is this: Far from restricting our freedom, I think it gives us the opportunity, to which reference was made by more than one representative, to take stock of our military situation and to have on hand the necessary equipment outside Katanga, under the terms of this cease-fire -- to have on hand the means at our disposal, should it become necessary on our part to resort again to defensive military action. That, I think, is the opportunity that it gives us, and that is an opportunity which, by all accounts, is needed.

This also answers the point regarding good faith. We have to negotiate on an assumption of good faith. If there is no good faith, it means that the cease-fire agreement is broken and, with all the good faith in the world on our part, we are no longer bound by it. But meanwhile we would have had the opportunity, for example, to get even two fighters -- that would be enough in our judgement to immobilize immediately this Fouga jet fighter which has been playing such havoc. If, instead of two, we have four, eight, twelve or sixteen -- and we have tried to get four from each of three or four different sources -- we can have complete freedom to provision, to man and to reinforce our positions in Katanga, should there be a breach of the cease-fire from the other side. That is the only answer I can think of in regard to this particular point.

Mr. BUNCHE: I would add just one word on that point. Perhaps the most effective answer to your latter question is that, yesterday and today, we have emphasized to the Governments of the countries to which requests for additional support in weapons and personnel have been made that these requests are to be considered just as necessary and urgent as before.

Mr. CISSE (Senegal) (interpretation from French): I should like to return to the question of the cease-fire agreement. This morning's newspapers reported that Mr. Adoula, head of the Central Government, had emphasized that he would do his utmost to put an end to the Katanga secession and that, to achieve that goal, he would not hesitate to make use of the National Army. If we examine this statement in the light of paragraph 4 of the cease-fire agreement, which states that "no movement of troops to reinforce a garrison or position shall be allowed", we may ask what would be the position of the United Nations if such a case were to arise.

Mr. NARASIMHAN: The short answer is that it affects only the UN forces and does not apply to the ANC.

Mr. BUNCHE: It does not cover the ANC at all. This has nothing to do with the ANC. It does not bind the Adoula Government in any way.

Mr. GEBRE-EGZY (Ethiopia): The views of my Government regarding Katanga and Mr. Tshombe are well known. I have stated the views of my Government from the rostrum of the General Assembly and I need not go into them now. I believe that it would be the better part of wisdom to keep silent on this agreement, especially in view of the statements we have heard from a number of the members of the Secretariat. We should do our utmost to give a positive reply to their request. I think the more questions that are asked the more doubts will arise and the more difficult the situation will become. I believe that it would be wiser to leave the subject here and I would beg my colleagues to leave it at this stage. I would also beg every member here to see to it that the record is kept 100 per cent confidential. I am most certain that the success of the whole matter will depend on what happens with respect to the question of information.

Mr. BOLAND (Ireland): First of all, so far as my delegation is concerned, we take this to be an entirely military document. This is a local cease-fire. It has no political connotations. We understand this to give no recognition whatever to the secession or the independence of Katanga or to have any other implications at all so far as the objective which we are all following is concerned, which is the territorial unity and integrity of the Congo. I cannot see how this document can influence in any way the political role which the UN has given itself in the respective Security Council and General Assembly resolutions, especially the Security Council resolution of 21 February. That role, in my opinion, remains intact, and I cannot see that this document can alter it. It refers to the movement of troops into Katanga. For the time being, under this agreement, the troops in Katanga cannot be reinforced. Of course, as has been said, if there is no fighting there is no need to reinforce the troops. The troops on the ground, I understand, are adequate for the achievement of the purposes of the Security Council resolution of 21 February, without the necessity for actual hostilities.

(Mr. Boland, Ireland)

Also, I do not understand the reference to the freedom of movement of the UN troops within Katanga which is to be limited. That is a matter which is to be discussed by this joint commission, which is to discuss the respective positions, and so forth, of the troops.

On that basis, I think that this document achieves a sensible and necessary objective. In my opinion, the agreement that has been reached on a provisional basis between Mr. Khiari and Mr. Tshombe should be approved.

Mr. ACHKAR (Guinea) (interpretation from French): We have heard the appeal of the representative of Ethiopia and we shall give thought to it.

I should like, in the light of the clarifications given concerning the nature of this document, which cannot prejudice in any way the implementation of the resolution on which the United Nations has based itself in order to expel the mercenaries from Katanga, to say that we are satisfied with the clarifications. However, first of all, I should like to put two small questions.

The first relates to the role played in Katanga by the National Congolese Army during the recent incidents. Reference has been made to the Congolese National Army, but unfortunately we have not been able to obtain sufficient verification on this point.

My second question relates to whether at the present time the means of access to Katanga from the neighbouring countries are supervised. If so, by whom? Is the United Nations in a position at the moment to see to it that the territories adjoining Katanga should not interfere in one way or another in the affairs of the Congo? We fear that during the cease-fire, this is in the light of information that has been made available to us, Mr. Tschombè might be of a mind to increase his military forces. We should like to know, therefore, whether at this present stage the United Nations is in a position to know whether munitions or military forces are being brought into the province of Katanga.

Mr. NARASIMHAN: With regard to the first question the answer is simple. So far as we know, the ANC has not played any role in Katanga at all.

With regard to the second question, whether the means of access to Katanga from neighbouring countries are supervised and, if so, by whom, the answer is that we control the airport in Elizabethville and to some extent of course we have means of knowing what goes on elsewhere. We also hold Kamina, but we have no means, for example, of checking rail movements. We certainly have no means of checking road movements. We do not have the force to do that kind of operation and we are not doing it.

The representative has expressed the fear that there might be some attempts to bring fresh reinforcements from outside. This would be a violation of the cease-fire and if it happened and we had knowledge of it, we would then be absolved from

observing the other side of the cease-fire agreement. We would hope that this would not happen.

So far as bringing in men from the outside is concerned, apart from the mercenaries who have been employed by the Provincial Government, if any outsiders, for example, volunteers or such people from the outside, should march, it would be completely externalizing the conflict and the consequences of such externalization would be obvious. They would then be completely free to take such action as they have to take both on the military plane and on the political plane to counteract such action.

Mr. ACHKAR (Guinea)(interpretation from French): Does the Security Council resolution enable the United Nations to control these means of access? If so, does the United Nations have sufficient means to control the means of communication by rail?

Mr. NARASIMHAN: The answer is that we do not; we do not have the means to do so. We may have the right to do so, but we do not have the means.

Mr. IFEAGWU (Nigeria): I should like to make the position of my delegation clear with regard to this provisional draft agreement. We feel that it is purely a military document, not a political one. We also feel that the operations involved only the United Nations Force against the Katanga gendarmerie and, therefore, the agreement is limited specifically to these two parties. However, as in the past, we should like to say that we have always looked on a solution to the Congo problem as essentially a political matter, and we feel that it is not -- I repeat, it is not -- the part of the United Nations to impose any such settlement. It is, of course, for the United Nations to assist in whatever way possible in creating a climate that will enable the internal political forces involved to resolve their problems ultimately in a way which will be mutually satisfactory.

We also feel that, since this is not a political document, it can in no way be interpreted as diminishing the responsibility of the United Nations in the implementation of its resolutions, particularly that of 21 February. And of course we realize that that resolution imposed certain conditions for the United Nations before it would engage in any military operations. Naturally, inevitably, it must engage in defence operations if it is attacked, and in the event of any threat of actual civil war the United Nations would be obliged to undertake action purely in a preventive manner. This is our position.

Of course we realize that certain declarations at the early phase of this operation on the part of the United Nations personnel in the Congo have left room for doubt; there was a statement to the effect that the secession of Katanga was now ended and that Katanga was so and so and so. Unfortunately, this was before the position was clarified. Therefore, I think that this raises natural doubts in the minds of people.

Nevertheless, as far as my delegation is concerned, this is purely a military document designed to bring about a cease-fire between the two factions: the United Nations on the one side, and the armed forces of Katanga on the other -- and I want to emphasize the armed forces of the provisional government. We still expect that measures will be pursued to give effect to any political settlement of the problem.

This is the way my delegation looks at it. Of course, we reserve our right to express further views on the matter.

The CHAIRMAN: The hour is rather late and I am sure that members of this Committee would wish to bring these proceedings to a close. Nothing stands in the way of a further meeting at some other time. The whole objective of today's meeting was to enable the members to obtain information directly from the members of the Secretariat concerned with events in Katanga and other parts of the Congo. In that respect, I think the meeting has been rather useful and I wish to thank Mr. Bunche, Mr. Narasimhan, General Rikhye and the other members of the Secretariat who have been good enough to come at our behest and give us these clarafications regarding the documents made available to the Committee. I also thank the members of the Committee for their spirited participation in the discussion; I am sure we shall wish to continue our interest in this matter in the Congo and the Secretariat I know will be happy to be with us again if there is a desire for another meeting.

The meeting rose at 7.05 p.m.

CONFIDENTIAL

Meeting No. 57  
12 October 1961  
ENGLISH

UNITED NATIONS ADVISORY COMMITTEE  
ON THE CONGO

Informal Meeting at United Nations Headquarters, New York  
on Thursday, 12 October 1961, at 10 a.m.

In the Chair:

Mr. BARNES (Liberia)

Members:

Canada	Mr. RITCHIE
Ceylon	Mr. MALALASEKERA
Ethiopia	Mr. GEBRE-EGZY
Federation of Malaya	Dato' KAMIL
Ghana	Mr. QUAISON SACKY
Guinea	
India	Mr. JHA
Indonesia	Mr. PADMADISASTRA
Ireland	Mr. BOLAND
Mali	Mr. TRAORE
Morocco	
Nigeria	Mr. NGILERUMA
Pakistan	Sir Muhammad ZAFRULLA KHAN
Senegal	Mr. CISSE
Sudan	
Sweden	Mrs. ROESSEL
Tunisia	Mr. CHELLI
United Arab Republic	Mr. SIDKY

Sir Muhammad ZAFRULLA KHAN (Pakistan): In view of the fact that the First Committee is sitting this morning, it would be well if we were to proceed and perhaps Mr. Barnes would be willing to take the Chair as he did last time.

Mr. Barnes (Liberia) took the Chair.

The CHAIRMAN: I would like to thank the Committee for the honour they have again shown me by asking me to preside over this meeting of the Advisory Committee on the Congo. We are not setting a precedent; I hope that we shall eventually decide that members will preside in rotation so as not to give any kind of permanence to the chairmanship until such time as the Secretariat is reorganized by the election of a Secretary-General.

At the close of our last meeting I said that nothing stood in the way of convening another meeting of the Advisory Committee and I was sure that if the necessity arose members would be willing to meet and hear some of the reports from the Secretariat. The majority of the members of the Committee have indicated a desire to meet this morning, and we have the Secretariat staff with us.

Since our last meeting several documents have been issued in connexion with the operations in the Congo, in particular, S/4910, Add. 10. We have with us Dr. Bunche and Mr. Narasimham and I think it might be desirable to hear from them some clarification of the reports which have been circulated since our last meeting.

Dr. BUNCHE: Our purpose is, as briefly and concisely as possible, to bring the Committee up to date on developments since the last meeting, and we propose to cover the following points in the information we shall give: information on the cease-fire and the negotiations which are still being conducted by Mr. Khariy; information that has come to us about the activities of mercenaries and about additional Fouga jets; reports of military movements, together with the military situation since the last meeting of the Committee; and a brief statement on the financial problem.

I would lead off by a short statement about the cease-fire agreement and Mr. Khariy's negotiations. A full account of activities in relation to the implementation of the cease-fire agreement up to 6 October is found in

document S/4940, Add.10, and you will have noticed from this document that we have been encountering some difficulties in our dealings with the Katangese authorities. Mr. Khiary is back in Elisabethville, having returned there on 8 October, and is continuing his talks with the Katanga authorities. The Cease-Fire Commission is carrying on its work, in particular in regard to agreement on a draft protocol for the implementation of the cease-fire. On our side, we have been giving top priority to the question of the exchange of prisoners and I must, on behalf of myself and my colleagues, express very great disappointment that the release of those prisoners has not been obtained to this date.

The question of freedom of access for the Commission and the joint observer group to all regions of Katanga is also under discussion and further reports are awaited. I make reference to this because you will have noted from Addendum 10 that this is one of the sources of difficulty.

It may be mentioned in connexion with the cease-fire that the Prime Minister of the Federation of Rhodesia and Nyasaland, Sir Roy Welensky, was rather widely reported in the press as having charged publicly on 7 October that the United Nations had been guilty of violating the cease-fire agreement, asserting that he had evidence from intercepted radio messages between UN posts in Katanga that ammunition in significant quantities was being flown into Elisabethville and there distributed to United Nations units. We have checked with our people in Leopoldville and Elisabethville and can say with confidence that this accusation is entirely without foundation. A note to that effect was sent on 10 October to the delegation of the United Kingdom categorically refuting the accusation and requesting that appropriate action be taken to rectify the error, particularly in view of the fact that publicity of this kind would be very damaging to the vital negotiations which are being carried on in Katanga at this moment. I think that is all I have to say for the present.

Sir Muhammad ZAFRULLA KHAN (Pakistan): I have just one question on that point. We have, of course, noted that the point raised by Sir Roy Welensky was unfounded and that a protest has been made to the United Kingdom on the matter. But did not the United Nations itself, as soon as it verified that the allegation was wrong, contradict it publicly?

Dr. BUNCHE: We have released to the press the substance of our protest to the United Kingdom delegation on this matter. It was released the day before yesterday.

Sir Mahammad ZAFRULLA KHAN (Pakistan): As I said last time, I feel that the United Nations ought to be more vigorous on the publicity side. These things get publicity and an impression is created; unless the same prominence is given to the United Nations reply as is given to the original story, especially if the news or the allegation was wrong, the impression is likely to remain and it is essential that these things should not go unchallenged.

Dr. BUNCHE: Perhaps I should add one further fact, because this has had some attention in the press. On 7 October we received word from Mr. Linner in Leopoldville that Mr. Tshombe had in fact indicated that he was prepared to send one or possibly two emissaries to Leopoldville "any day now" and that he himself, Mr. Tshombe, might join them somewhat later. However, he made this conditional, as is known to a number of your countries, on obtaining guarantees of the safety of those emissaries, guarantees which were requested from the American, British and French Ambassadors and I believe also from the Swedish Ambassador. The American and British Consuls, we were informed, forwarded this request to their embassies in Leopoldville, but the French Consul said he had not received such a request and therefore could neither say nor do anything about it. Mr. Linner, on his side, sent to Mr. Tshombe a direct personal message in writing in which he repeated the United Nations assurances of protection and safe conduct, and gave copies of these assurances to the Ambassadors concerned. Their position was that Mr. Tshombe should avail himself of the protection offered by the United Nations. In addition to this, Mr. Adoula at the same time, made a public statement on 6 October to the effect that any emissaries who would come from Elisabethville would be guaranteed a safe sojourn and safety on their return to Elisabethville.

Mr. NGILERUMA (Nigeria): I wish to state, in support of what the representative of Pakistan has stated with regard to the activities of Sir Roy Welensky, from all that we read in the newspapers we see that his attitude towards the United Nations has always been unfriendly. In my view, it is not enough to refute his allegations; the United Nations should make a strong protest against his statements, because he is quite close to the Congo and quite close to Katanga. His activities are always very unfriendly and could lead to some suspicion. We feel that his statements undermine the authority of the United Nations in their genuine activities in the Congo. We feel that a very strong protest should be made so that if he will not support the United Nations, then at least he should keep quiet.

I wish to raise another point. Now that the Congo has a Central Government with a Head of State and a Premier, Mr. Adoula, perhaps the time has come for us to consider whether we should have a representative of the Congo (Leopoldville) with us on the Advisory Committee. I would like to make this suggestion.

The CHAIRMAN: In connexion with the last point suggested by the representative of Nigeria, I recall that when our late Secretary-General was with us, I raised the question of having a representative of the Congo (Leopoldville) with us to enlighten us on conditions there. I believe at that time there was no objection to having such a representative present here not as a member of the Advisory Committee, but to keep us informed of developments.

With respect to the other point raised by the representative of Nigeria, namely sending a protest to Sir Roy Welensky, I shall call upon Dr. Bunche to make a statement.

Mr. NGILERUMA (Nigeria): I should like to correct one point. I did not intend that the protest should go to Sir Roy Welensky but rather that it should be made to the United Kingdom Government. I believe it should be a strong protest so that he may be persuaded to keep quiet.

With regard to having a representative of the Congo (Leopoldville) present at our meetings, I should like to take that up again later after I have heard the views of my colleagues.

Mr. BUNCHE: The wording of our communication to the representative of the United Kingdom was the following, and you will appreciate that we could not use a stronger wording in the circumstances because we did not have actual confirmation that these statements had been made or had been accurately quoted. In the absence of such confirmation, it was necessary to be somewhat diplomatic in the language employed. The wording of the pertinent paragraph of the communication sent to Sir Patrick Dean was:

"Will you be so kind as to bring the substance of this letter to the attention of your Government who, I trust, will in turn communicate it to Prime Minister Welensky. I would hope that if the Prime Minister has actually made the statements attributed to him, he will take appropriate steps to rectify the error thus publicly made. You will appreciate, I know, that public accusations of this kind can only seriously jeopardize the negotiations now under way in Katanga."

We added:

"In the hope of minimizing the damage which might result from the reported accusation, the substance of our denial is being released to the Press."

Mr. QUATSON-SACKNEY (Ghana): I was going to raise the question about the activities of Sir Roy Welensky, but that has already been done. The only point I want to make in connexion with that is that I am not very happy about the letter sent to the United Kingdom delegation, especially the part that refers to the Prime Minister of Rhodesia. As far as we are concerned, the Federation of Rhodesia and Nyasaland is not independent. They may have their own separate Government, but they are still controlled by the United Kingdom, and therefore the protest should have been confined to the United Kingdom. I want to emphasize the fact that the blame should be the blame of the United Kingdom and not of the Federation of Rhodesia. This is a constitutional matter which might be taken note of.

With regard to the question of having a representative of the Congo take part in our deliberations, we believe that this should be done. When we reviewed the question last time, the constitutional position of the Congo was not very

(Mr. Quaison-Sackey, Ghana)

clear. There was a Central Government but there were divided loyalties. Therefore it was very difficult to determine which delegation of the Congo should come here, in spite of the fact that the United Nations had then seated a delegation nominated by Mr. Kasa-Vubu. Now that we have a central authority and the problems we are discussing refer not to the constitutional position but to military aspects and to the question of Katanga, my delegation will strongly support the presence here of a member of the Congo delegation. Their presence would give some cohesion to the Central Government as well as moral support. I am sure they will give us first-hand information which otherwise we might not receive, in spite of the fact that ONUC does give us information.

My third point relates to the prisoners. My delegation is very grateful for the document (S/4940/Add.10) which has circulated. I am very pleased to note that the prisoners have been well treated, well fed and in good spirits. However, I do not think that we should allow the prisoners to continue to be prisoners. I would urge that every effort should be made, and I know that efforts are being made, to bring about this exchange. Perhaps the group should be informed of what prisoners the United Nations has in its custody, and what their nationalities are. I believe that efforts should be concentrated on this matter. It is my feeling that if they continue to remain in the hands of the Katanga authorities, anything could happen. Tshombe cannot be trusted very much. I have met him and I am afraid that I am not very happy about his manners, and so forth. Therefore, we should not let the matter drift for too long, in spite of the fact that the prisoners are well treated. I think they should be released. How it can be done must depend upon the great diplomacy of our representatives in the Congo.

The CHAIRMAN: I call upon Mr. Bunche to give some clarification in accordance with the request made by the representative of Ghana.

Mr. BUNCHE: On the question of prisoners, as I have indicated in my first statement, Mr. Khiari has been instructed to give top priority to the question of the release of the prisoners, and I am sure he will do everything possible in this regard. We take this as one of our most worrisome and chief concerns until these men are released.

With regard to the prisoners we hold, General Rikhye will cover this subject when he gives his report on the military situation. We hold a number of Katangese gendarmerie and police as prisoners. We have been accused of having taken prisoners since the cease-fire went into effect, but these were men who came and sought refuge with us. They were not taken as prisoners but sought United Nations protection. The exact figures on the number of prisoners we hold will be given. The Europeans we still have in custody are the mercenaries, that is, those who are still under interrogation and have not yet been expelled or taken from the country. We have the figures on those also.

Mr. JHA (India): I think I should like to make a few remarks at this stage, reserving some further observations after we have had other information relating to the mercenaries and others. It is obvious that the implementation of the cease-fire is very tardy. I think all efforts should be made to speed up the implementation and the execution of that agreement.

It also seems clear, although I have not studied this document very carefully, that there is in certain respects a violation or at least a suspicion of serious violation by the Katanga authorities. They also make allegations of non-observance of the cease-fire by the United Nations, and Mr. Bunche has referred to one allegation, not coming from Katanga but from a friend of Katanga, which has been contradicted. I agree that we should give the maximum publicity to it. I also agree that a protest has to be made to the United Kingdom Government. They cannot have it both ways; they have

(Mr. Jha, India)

responsibility for external relations and for defence in Rhodesia. It is really not enough to say that they should communicate this to Sir Roy Welensky. So far as Sir Roy Welensky is concerned, in matters of international relations he really has no leg to stand on. I think that our main target for this kind of protest should be the United Kingdom. I am sure that the United Kingdom itself realizes this and will co-operate in this as far as it is possible for them to do so. But it seems to me that the real grievance is against the Government which controls foreign affairs and defence of the Federation of Rhodesia. That really is going to be the greatest problem. We have had very disquieting reports about the activities of Rhodesia and of Sir Roy Welensky. It is said, subject to confirmation in further statements to be made by your colleagues, that mercenaries are pouring into Katanga from Rhodesia, obviously with the connivance of the Rhodesian authorities. Aircraft have been supplied and all kinds of things have been done. We take a very serious view of it because this is really a war against the United Nations, a declaration of war against the United Nations.

We are very concerned about it for obvious reasons. We have a large force there, we have to do the fighting. I do not think there can be any doubt that all of us here have very serious interests in the Congo operation not only as Members of the United Nations but also as actual contributors to the UN Force in various ways. We are extremely perturbed and we naturally cannot make any specific suggestions or make any further moves until we have a full report before us.

I think the time has come when a special, comprehensive report should be obtained from the field officers of the United Nations and submitted to the General Assembly and the Security Council. Further moves would depend on that, and, speaking quite informally at this stage, we would be prepared to take the utmost action that the United Nations is capable of taking against any Government or against any authority which is waging war against the United Nations, including the cessation of all economic connexions, all transit; everything the United Nations has the power to do and can do, it ought to do. But we must have some solid report to go by.

(Mr. Jha, India)

I think it is very useful to have this report, but it is only fragmentary and covers but one particular aspect. I think that we should have a comprehensive report with all documentation, all evidence of the activities of Governments which are preparing or helping Katanga to wage war against the United Nations in defiance of all United Nations resolutions because United Nations resolutions prohibit the entry of arms from all States, and here the State in respect of Rhodesia would be the United Kingdom so far as we are concerned, and we can ask the United Kingdom about it. It has tremendous power and is a big Power, and we can ask it to use all its power and influence to stop this kind of thing.

We really have come to the crossroads in this matter, and I am not at present speaking with any final and definitive views of my Government; I am only giving a reaction. The situation is very serious. We really want to have a comprehensive report on this matter. Neither the Security Council nor the General Assembly can shirk their responsibility in this matter as the responsibility is too great. If we are buffeted about and pushed about and attacked and maligned by any country, that country should be put completely out of the pale of international society and the United Nations has the power to do it. If the United Nations does not exercise that power, then there has to be an end to the Congo operation. We cannot go on in this fashion. There has already been serious warfare in Katanga. Our soldiers and many of the soldiers from other countries which have contributed forces have been lost, and there has been strong public reaction in our own countries, both against the Government and against the United Nations itself.

All these are very serious matters. I am not trying to precipitate a crisis in this Committee because the Advisory Committee obviously has very limited functions. But I would suggest that we get a comprehensive report and that we get all the facts and that we keep all Members of the United Nations informed of what has happened. Then it will be for us, either singly or in concert, to take the matter before the appropriate organs of the United Nations and put forward such reports as we think expedient.

The CHAIRMAN: I think that the suggestion made by the representative of India with regard to a comprehensive report to come from the field officers of the United Nations in the Congo for submission to the Security Council is welcomed by the entire Committee. If that is the consensus, I think we can then call upon the Secretariat to see what it can do to get such a report for us for submission to the Security Council and the Assembly. I think that is the consensus of the entire Committee in that respect.

Dato' KAMIL (Federation of Malaya): At this stage I should just like to comment on two points.

First, I should like to give my support to the suggestion made by the representative of Nigeria that we should invite to sit here in the meetings of the Advisory Committee a representative from Congo (Leopoldville), and as you quite correctly stated, he would sit here not strictly as a member of the Advisory Committee for the reasons you stated. I think his presence here would be very useful so that we could, if we want to ask him any questions and so on to which he could give a reply, he would do so as coming directly from his Government.

The second point that I should like to mention is that I give my fullest support to the statements made by Ambassador Quaison-Sackey and Ambassador Jha, that whatever protest we make on the activities of the Rhodesian Government should be made to the United Kingdom Government for the reasons stated.

(Dato' Kamil, Federation of Malaya)

As you know, Sir, we from Malaya have made a fairly modest contribution towards the Congo operation practically from the very beginning and we feel strongly that if nations that are not contributing materially they should at least observe the terms of the General Assembly's Congo resolution and not interfere in any way to make things still worse in that unhappy land of the Congo.

I also support the proposal that we should get as comprehensive a report as possible from our field officers in the Congo so that we can appraise the situation afresh at this stage when things, if not tackled properly, may get bad again.

Those are the two points I wish to raise now. Of course I reserve my right to ask to speak again if I have any further comments to make on whatever further statements may be made.

Mr. GEBRE-EGZY (Ethiopia): I have just a few points I wish to make. First, I hope my colleagues from the Secretariat will forgive me if I take exception to one point -- not exception really, but make a reservation on the way this document is worded, at least on one point. The first paragraph says:

"...upon its approval by United Nations Headquarters; the approval was communicated to Mr. Tshombe on 24 September 1961." (S/4940/Add.10)

If that refers to any delegations, if it is any indication that I have approved, for example, I must dissociate myself from it immediately. When this question was brought to us, we did not like the agreement -- we can be quite frank about it -- but, because we felt it might endanger the lives of some soldiers, our own people and the Irish people, we felt we should keep quiet about it. But that should not mean that we have departed in any way from the policy of our Government by keeping quiet upon that point. So I want to make that absolutely clear.

The second point is this. Of course, we have heard many rumours about aircraft and mercenaries going to Katanga. We do not know exactly what the situation is. Here we support completely the position of India. We should have exact information and, if I may say so, not simply information; I think you should also indicate what should be done. After all, it is your responsibility. You

(Mr. Gebre-Egzy, Ethiopia)

have the troops there, and you must indicate what is the best way of handling the matter. Then I would like to have the situation of the troops -- I am told General Rikhye will do it -- and we would like to know in detail about the situation in terms of arms and heavy weapons. We would like to know the situation of transportation and jet fighters. In short, we would like to have everything in detail so that we may inform our Government of what the situation is.

In particular, with regard to the aircraft, we are very much worried, because we do not want to have a small race in the Congo whereby the United Nations would have six planes and the Katangese would come out with ten planes. This could go on and it would become very silly. So I think it is your duty to come out quite frankly as to who is responsible for all this, and you should point your finger without any fear to who is responsible for this sort of thing. We agree fully with Ambassador Jha that if they cannot contribute materially they should not hinder us. They should not war against the United Nations. So I must make a formal request that it should be detailed and there should be no ambiguity about the exact situation prevailing in Katanga. That is all I have to say for the moment.

The CHAIRMAN: Before I call on Mr. Narasimhan and General Rikhye, who will make statements in connexion with some of the points raised by the representative of Ethiopia, I think there is a consensus here that the proposal submitted by the representative of Nigeria that the representative of the Congo be present at our meetings, for the sake of giving us information on the Congo, has met with general approval.

Mr. JHA (India): On this point may I say that my understanding was that we would invite him to be present as an observer and not as a member of the Committee.

The CHAIRMAN: That is what I mean; that he would be invited as an observer and not as a member of the Committee. At our next meeting the Secretariat would invite him in that capacity to attend our meetings as an observer.

Before I call on Mr. Narasimhan, I will give the floor to Dr. Bunche, who wishes to make a statement in connexion with our headquarters..

Mr. BUNCHE: On question raised by the representative of Ethiopia about the reference to approval by United Nations Headquarters, I may assure him that this does not involve delegations. It is a Secretariat term in common usage to distinguish the main Headquarters from the field headquarters of various operations in Gaza, Jerusalem, Leopoldville and so on. You will recall that when we reported on the provisional cease-fire signed by Mr. Khiari at the last meeting of this Committee we pointed out that Mr. Khiari had put this condition. There was in fact some confusion as to which terms were to be used -- the "Secretariat-General" or the "Secretary-General" -- because he did not feel that he could assume authority for signing a full cease-fire agreement on his own. So he sought concurrence from us, and we gave it to him, but it was not a concurrence which involves delegations.

Mr. WACHUKU (Nigeria): Mr. Chairman, I would like to know what you decided in regard to the Congo representatives -- whether they should come as of right to sit here or as observers.

The CHAIRMAN: I explained at the initial stage of the meeting that it was our understanding that only members who had troops or who had had troops in the Congo could come to the Advisory Committee and that, if the representative of the Congo were to come here, it would be as an observer and not as a member of the Committee.

Mr. WACHUKU (Nigeria): I am opposed to their coming here as observers. I think they should now come as of right.

The CHAIRMAN: You mean, as a member of the Committee?

Mr. WACHUKU (Nigeria): As a member of the Committee. We are dealing with their country, they have a central Government and they are the best authority to give us information. All the previous doubts have been removed. If they were to come here as observers, I think it would not give them the same right as everybody else. I am opposed to the Congo being treated any more as an outsider. Now they have full right. We recognize the fact that there is a central Government, and there is no excuse for keeping them outside the pale. They should be right in the centre now.

Mr. SIDKY (United Arab Republic): Mr. Chairman, I thought there was a consensus on what had been discussed here, but I feel that I should put the views of my Government on the three points raised this morning.

First, we view with great concern the activities against the United Nations by the Rhodesian authorities and we think that a strong protest should be made to the United Kingdom Government. We fully endorse too the suggestion made by the representative of India to the effect that a full and comprehensive report should be made to the appropriate organs of the United Nations.

With regard to the suggestion that a member of the Congo delegation should be invited as an observer in our meetings, we think that it would be very helpful for us to avail ourselves of the information that could be given by such a member but we do not feel for the present that he could be here as a member of the Advisory Committee.

Mr. CEBRE-EGZY (Ethiopia): On this point of the presence of the Congolese representative, I think the first point we have to remember is that really, in the absence of a Secretary-General, there is no Advisory Committee. We are meeting here informally. So, if you wish, you could invite him, just like us, to meet informally with us. The point is that you are occupying the Chair because we wish you to occupy the Chair, but there is no such thing as an Advisory Committee constituted in the sense that we understood it when Mr. Hammarskjold was with us. So I do not think it is necessary to enter into a controversy as to whether the representative should be here as an observer or as a representative. We are meeting here informally, and these questions are so important that they can be discussed later on. That is a suggestion I make in order not to get into something which constitutionally has absolutely no value.

Mr. JHA (India): This matter was discussed when the late Mr. Hammarskjöld was presiding over our meetings and we more or less agreed that they should be here as observers, but it was felt that the situation at that time made it inappropriate to invite them. Mr. Hammarskjöld explained that it had never been the practice to get the involved country into these advisory committees. He had the example of UNEF and one or two other situations. I think that if we invite representatives of Congo (Leopoldville) as observers, no discourtesy is involved. This is a Committee which is to advise the Secretary-General -- and we hope that there will soon be a Secretary-General occupying the place which you are occupying now concerning our Congo operations.

The resolution of 21 February, if you will remember, speaks of the prevention of civil war, and so on. There is a dissident government there still. There may be situations in which there are allegations that the Central Government itself is starting operations; there may be allegations of civil war, and so on. I think it is a bit difficult at this stage to have them as members of the Committee, although I appreciate and certainly recognize and give the fullest respect to the Central Government, which has the backing of Parliament and is acceptable to all nations. Therefore, I would say that, at this stage, we should not have them as members of the Committee. It might be embarrassing to them and it might be embarrassing to us because, although as far as the Central Government is concerned now, things are really all right and we have no grievance against them, if one sees the whole complexity of the Congolese situation, it is not yet settled. Therefore, I would say that they should come as observers.

Mr. QUAISSON-SACKY (Ghana): When I made my first intervention I made it very clear that they should come here for the reason which I gave -- that there is now a Central Government. My suggestion was based upon the fact that if they are here, they can take part in our discussions. I think we must not split hairs between observer status and full membership. The main fact is that they will be here and take part in our discussions. If there is something we want to know about the Congo, or if they have a point to make in the meeting, they have a right to do so. Therefore, I do not think we should split hairs about status; they must be here.

(Mr. Quaison-Sackey, Ghana)

A further point is that, in fact, membership of this Committee is a prerogative of the Secretary-General. There is no General Assembly resolution about this. The Secretary-General himself appointed us and gave a basis for his appointment. We who are the Advisory Committee are people of common sense. I do not think that we should really gibe at this or that suggestion as to whether a man must come as an observer or as a full member. I think that if Mr. Hammarskjold were here -- and I am sure his advisers sitting near you, Mr. Chairman, would agree -- he would say that there would be no harm if our Committee agreed to have a representative of the Congo (Leopoldville) here to take part in our deliberations.

Mr. WACHUKU (Nigeria): I do not want to split hairs. I think we should do the right thing when we see that it is right. Whether we are here in an advisory capacity or not, whether it is a prerogative of the Secretary-General or not, the fact today -- and it has always been so -- is that the United Nations went to the Congo on the invitation of the Congolese Government in order to assist them. If we are going to advise the Secretary-General and we leave out the Congolese, we are trying to plan for the Congo without the Congolese. There was some excuse for it before. I remember that I raised the point very strongly before and we said then that the situation was fluid. But there is no reason now to consider going on with the Congolese affair without having the people themselves right here. After all, whether we want to avoid civil war or not, civil war is civil war and it is the war of the Congolese Government, and anything the United Nations does in the Congo now must be in full co-operation and collaboration with the Congolese Government. Katanga is not an entity recognized by the United Nations or by any State as independent. It is an appendage of the whole of the Congo and, therefore, it is the representative of the Central Government who will be able to tell us, from his Government's point of view, certain facts which may not be available to us as such.

Suppose it had been my own country which was involved at this stage and we were told that you are deciding matters pertaining to us and advising the Secretary-General on how he is to assist us in certain things, and we were left out. What type of advice are we going to give at this stage? I think we are past the stage

(Mr. Wachuku, Nigeria)

of observer or no observer; now the Congolese people must be given their own right, whether they are invited informally or not. An invitation must go to them as of right. It is said that status does not matter. It matters. If Nigeria can come here as of right, I do not see why a Congolese representative cannot come here as of right. It is true that, at the time when there was dispute, we did not want to feel that we were recognizing one and ignoring the other, but that question does not arise now. So I am very strong on that particular point that we decide once and for all, so that whoever summons this meeting knows that it is imperative that when a meeting is summoned for anything pertaining to the Congo, an accredited representative of the Congo must be invited. Then those of us who may want to find out some facts may ask the representative to give us the other side of the story, apart from the Secretariat's point of view based on reports from the staff there. I feel that, before we do anything else, we should decide on that issue so that we know exactly the position to adopt in relation to this matter.

Mr. BUNCHE: I would just like to make it clear that there is no question of the Congolese Government being "left out". The fact is that the Congolese Government has a means of making its views and its wishes known directly to the United Nations at a level, in fact, higher than would be possible through representation in this Committee. There is daily and constant contact between the representatives of the United Nations in Leopoldville and the highest officials in the Congolese Government -- the Prime Minister, the President and the Ministers of the Cabinet--and this is a daily and constant procedure. The conception of this Committee originally was that advice would be coming from members who were directly interested in the situation because of the contributions which they were making to the Force in the Congo. But I would like to emphasize very strongly that there can be no question of the Congolese Government being left out. There is the very closest consultation and collaboration between the United Nations and the Congolese Government, which could not in any sense be duplicated or affected by any representation that would take place here.

Mr. WACHUKU (Nigeria): I do not want to appear to be too persistent. I do not want to deny what Dr. Bunche has said, but the fact remains that this is a policy-making body.

At this point several unidentified members of the Committee said "No".

It is, gentlemen. Just one minute. We are advisory but on a policy-making matter. We advise the Secretary-General in making his policy, and the Congo representative here would have the opportunity of knowing the reaction and the political opinion of the various members who advise on certain matters and how they arrive at their conclusions, so as to be able to transmit to his Government an indication of the type of climate that prevails.

We may say that we are advisory, and so on, but the margin is purely relative. Throughout the difficult time here there was no occasion when the Secretary-General went and took certain steps without consulting this body in all material cases, and, as far I knew, there was not a time when he very seriously and materially departed from the agreed thing. To begin to quibble about the word "advisory" and whether we are advisory or not is pointless. We can call ourselves "advisory" and then influence policy and afterwards say, "Oh, we are not responsible". It is true the ultimate responsibility lies with the Secretary-General, but in most of the cases in which I participated here we influenced policy, and I feel very strongly that the Congolese should be here to see how we manage to influence policy. If nothing else it would be an experience for them, and I should not like to be a party to a situation which would keep them outside this whole business when now they have their central government and rely entirely on transmission between the executive officers in the Congo and the Central Government, passing through a channel here by telex, and so on. I think that the sooner we put this right, the better.

The CHAIRMAN: I do not think that this matter should be made a major controversy here. All of us are desirous of having the Congolese representatives here. That is the position which Liberia took some time ago, and it is the position which we are pursuing now. However, I want to make it very clear that it does not lie within our province to increase our membership here in the Committee. The Advisory Committee is the creation of the Secretary-General. We could have the Congo delegation here in any capacity other than that of a member of the

(The Chairman)

Advisory Committee, and until such time as we have a Secretary-General who may desire to increase the membership of the Advisory Committee I think we should decide by agreement among ourselves that we will have a representative of the Congolese delegation here in any capacity other than that of a member of the Committee. I think we should close the discussion on that point.

I shall now call upon Mr. Narasimhan.

Mr. NARASIMHAN: I shall endeavour to be very brief, and in the course of my statement I shall try to cover two points to which reference was made by the distinguished representative of Ethiopia, one relating to the activities of mercenaries and foreign military officers, and the other relating to additional jet fighters which the Katanga authorities have been trying to obtain.

With regard to the mercenaries and foreign officers I may briefly recall that in Security Council document S/4940/Add.1 of 14 September a report was given that the total number of repatriated was 273, that there were 65 people awaiting repatriation and 104 missing. Since then information has been received from various sources that mercenaries, including some previously expelled from Katanga, are moving back into Katanga through Rhodesia, and in particular through the airfield in Ndola. A de Havilland Dove aircraft with Katanga Air Force markings was observed on the morning of 23 September in Ndola airfield, and among some seven or eight persons present at the airport -- some of them wearing Katanga emblems on their civilian coat lapels -- were recognized two or three who were identified as mercenaries who had been previously expelled from Katanga. From conversation overheard it appeared that the proposed destination of these men was Kolwezi.

Colonel Carlos Huyghe, who was formerly the Chef de Cabinet at the Katanga Ministry of Defence and was expelled on 5 August, has also been reliably reported to be present in Ndola, and there is evidence, apart from movements of mercenaries, of movement of supplies from Rhodesia across the border into Katanga, notably through Kipushi. This information has been brought to the attention of the delegation of the United Kingdom with the request that all suitable action be taken to prevent actions which are in clear violation of Security Council resolutions. In reply to this note the United Kingdom delegation has been informed by its High Commissioner in Salisbury that the de Havilland Dove aircraft referred to

(Mr. Narasimhan)

above carried two Katanga Ministers from Europe and a number of civil servants working in Katanga, and that there were no mercenaries when it took off from Ndola on 23 September for Kolwezi. The United Kingdom representative said also that inquiries were being pressed concerning the other information which had been passed to it by the Secretariat.

In further reply the Federal Rhodesian authorities have stated that, while they are doing all in their power to prevent mercenaries from entering Katanga, one of the difficulties facing them is that there are some 2,000 miles of open and uncontrollable frontier between the Federation and Katanga, and possibilities for evasion are therefore unlimited, although persons found to have evaded immigration controls are dealt with by the severest penalties under the law. However, they state that in their opinion it is impossible for recruitment of mercenaries and supplies for Katanga to be organized on any scale along the Rhodesian border.

On 10 October the United Kingdom Government reported that the Federal authorities in Rhodesia were holding at Ndola a Katanga civilian Dove aircraft en route for Elisabethville from South Africa. Among the passengers was Captain William Brown, ex-mercenary, who was evacuated to South Africa on 28 April and who now describes himself as an official of the Union Minière. The United Kingdom authorities in Rhodesia are holding Captain Brown, although they point out that they have no legal authority to detain civilian aircraft on their lawful occasions but have given instructions that the aircraft in question should carry no stores or passengers to Elisabethville.

Evidence has been received from several sources of the activities of certain Belgian officers in the recent hostilities against United Nations. Some of these have been identified by name and details of their activities in recent weeks have been given. This information has been communicated in early October to the Permanent Mission of Belgium with the request for an immediate withdrawal of Belgian officers and for the taking of all other measures to remedy the situation which is clearly in violation of the Security Council resolutions.

Reports have been received also of the arrival of mercenaries by train in Elisabethville with forged papers and the recruitment of mercenaries in Salisbury, in Rhodesia, by a Mr. Bogard -- said to be an employee of the Union Minière.

We have received also reports that white mercenaries are in charge at Kolwezi and Jadotville, and that some fifty mercenaries a day were moving into Kolwezi in the week of 2 October. The delegations concerned have been informed of all these reports with a view to all possible action being taken to stop such movements.

At the last meeting of the Advisory Committee, it may be recalled, there was considerable comment on the damage done by the lone Fouga jet fighter, and our intention to get some air cover for protection and defence of our own forces was mentioned. Since then there has been an unconfirmed report on 27 September that seven more Fouga jet aircraft were being assembled in Kolwezi.

We have also concrete information of a plan for the purchase of ten Fouga jets in France on a fictitious order from President Youlou of Congo (Brazzaville). The plan was to deliver these aircraft in Brazzaville and to fly them on from there to Katanga, thereby evading export restrictions in France. An alternative to this plan was to carry out the operation through a fictitious order sponsored by the Government of Portugal. All evidence relating to these plans has been transmitted to the delegations concerned and a note has also been sent to the delegation of Congo (Brazzaville).

(Mr. Narasimhan)

The delegation of France has replied that the French Government has never given export licences for Fouga aircraft bought by Katanga, and that the three Fouga aircraft definitely in Katanga have got there under irregular conditions which were unknown to the French authorities. The French Government would continue to ensure that no export licences for aircraft for Katanga would be given and would also take steps to ensure that the Fouga aircraft delivered to other countries could not be re-exported to Katanga.

It has also been reported that some months ago the Katanga authorities ordered a number of Dornier liaison aircraft. There was a report that these aircraft had been in Brazzaville in the week of 2 October and had been flown to Kitwe, Rhodesia, by a Katanga Air Force crew. No information about the arrival of such aircraft at Kolwezi has been received, and the story remains unconfirmed. We shall continue to investigate this report.

Lastly, in regard to the observations made by the representative of Pakistan about instances of unfavourable publicity against the United Nations, I may mention that the detailed report which the Officer in Charge of the United Nations Operation in the Congo, Dr. Linner, made to the Chairman of the International Committee of the Red Cross in Geneva in regard to the alleged violation of Red Cross Conventions by the United Nations forces in Katanga, has been reproduced as a Note to Correspondents, number 2041 issued on 11 October.

Mr. GEBRE-EGZY (Ethiopia): From this statement I gather that there are sixty-five mercenaries now with the United Nations. What do you propose to do with them? How do you propose to get rid of them?

Mr. NARASIMHAN: All those who are under our control will be repatriated.

Mr. GEBRE-EGZY (Ethiopia): I am sorry, but you will have to do something else. You do your best to get these mercenaries, they go home and then they come back. There is no eternal source of money in the United Nations by which you can continue this process. Why do you not put them in prison? You cannot go on asking our Governments to provide help and material to get these prisoners just so that they can be sent back to their homes, only to come back to

(Mr. Gebre-Egzy, Ethiopia)

Katanga and then you will come and ask for some more help. This is a deadly serious business. You have to apply the normal rules of war; put them in prison, or there is nothing to deter them from returning. It becomes a nice trip to Africa. You catch them, they go back to their homes and see their families, and then return once more. This is serious and something must be done or the process will be never-ending. I am very sorry, but in fairness to us I do not think you can say that you are just going to repatriate them.

It is true that our own troops are not involved, but I cannot keep quiet when 140 Irish troops are in a very precarious position and yet you let these mercenaries go. They will come back and fight the Irish again. It is merely accidental that it is not the Ethiopians, that the troops in Katanga are not Ethiopians, but they could be involved. So I really must ask you what are you going to do? If you cannot do anything, then you must go to the Security Council, you must raise the question in the General Assembly. But this process cannot go on.

What is the situation about the planes -- I assume for the moment that the planes reported on the way are now there. Is it correct that there were three originally, seven later on, plus fifteen, plus two -- this makes twenty-five or nearly thirty planes. You said originally that three planes had gone in and seven more were reported.

Mr. NARASIMHAN: The number altogether is seven, or perhaps six, Fouga jets, that is all.

Mr. GEBRE-EGZY (Ethiopia): Do the possible six include the original three?

Mr. NARASIMHAN: No, the six are additional.

Mr. GEBRE-EGZY (Ethiopia): Six plus three make nine, plus fifteen, plus the Dornier aircraft --

Mr. NARASIMHAN: No, there are two Dornier aircraft involved and we have information about an additional six Fouga jets which are being assembled in Kolwezi.

Mr. GEBRE-EGZY (Ethiopia): Is there any confirmation of this?

Mr. NARASIMHAN: There is no confirmation, but it is not a cumulative total.

Mr. GEBRE-EGZY (Ethiopia): What will be the final figures?

Mr. NARASIMHAN: The maximum will be ten.

Mr. GEBRE-EGZY (Ethiopia): If that is true, and I hope it is not, how many United planes are there?

Mr. NARASIMHAN: About fifteen.

Mr. GEBRE-EGZY (Ethiopia): So the United Nations cannot be said to have superiority in the air, unless you are willing to say that you can lose six or seven or eight, but I cannot make that kind of calculation. I have to be quite certain that the United Nations has complete superiority in the air, and assuming that they have ten, you must have at least double that figure. I think it is your duty to ask Members that are in a position to do so to help you. It makes no sense to us to say that Katanga must remain part of the Congo and then require the small States to help. We have done all we can, but there is a limit. So I must ask you, and this is a formal request because I must have the information for my Government, what are you going to do to crush this thing before it gets out of hand?

The CHAIRMAN: General Rikhye will make a statement regarding the military strength of the United Nations and the number of planes when he makes a statement here.

Dr. BUNCHE: I would like to say a word about the question of prisoners, because this is a question which, as the representative of Ethiopia may well imagine, has bedevilled us from the very beginning. What is to be done with the mercenaries when they have been taken into custody by the United Nations? You may recall that even the right of the United Nations to take them into custody for interrogation has been questioned. As regards prisons, we have none; our effort has been to get the countries to which these persons belong first to deprive them of their freedom to travel by taking away their passports, so that they cannot easily return. If it is desired that the United Nations should go further and hold the men taken in this way in more or less indefinite custody, then clearly there is an indication for necessary action by organs of the United Nations, because the United Nations Secretariat cannot make law -- it cannot establish an authority on the part of the United Nations to arrest and imprison. We know of no such authority now existing, and so the best we can do, even though we know that there have been some of them who have returned after being expelled, is to interrogate them, repatriate them, and ask their countries' co-operation in ensuring that they do not return. On the basis of the present resolutions, we know of nothing more that we can do.

Mr. GEBRE-EGZY (Ethiopia): I am sorry to repeat this, but I do not think this gives us any solution. It may be difficult in terms of the resolutions already passed, but I think you can ask the Security Council or the General Assembly; you can state your problems, you can say this is happening and what can we do about it? We have just suggested in the General Assembly that you could give these prisoners to the Central Government in Leopoldville and let that Government put them in prison and make them work. Some lesson must be given; something has to be done to discourage these people from coming and to discourage those who go home from coming back. It is not only a question of getting some out, but also of discouraging others from coming in.

(Mr. Gebre-Egzy, Ethiopia)

If someone who wants to make money knows that nothing will happen to him, then he will take the chance and go in, because nothing will happen to him.

There are various possibilities that you could examine. One of these possibilities, from our point of view, is to hand them over to the Central Government and they can take whatever measures they wish. They may put them in prison or have them appear before a court of law. But there are possibilities which I think you should investigate.

Mr. NARASIMHAN: With regard to the last point, you may recall that the ordinance of the Central Government called on us to expel them. The Central Government itself asked us to expel these mercenaries when we caught them. The Security Council resolution also says the same thing, that we should evacuate these people and get them out. We are acting under these provisions. If there is a new mandate and if it confers additional powers on the Secretariat, we would then be able to take the necessary action to prevent them from returning.

With regard to the other subject, while General Rikhye will give us information on what has been done to provide air cover, I wish to state that the information that we have is largely unconfirmed. But even so, my colleagues and I felt that this information was very important and that we could not just sit on it waiting for confirmation. We felt that we should share it with the members of the Advisory Committee. It is in that spirit that we have placed all the information before you.

The CHAIRMAN: I believe that explanation from Mr. Narasimhan sort of clarifies the air.

With regard to the Security Council mandate on evacuating these prisoners, perhaps we shall have to see that body for a further mandate.

Mr. SIDKY (United Arab Republic): We fully share the anxiety of the representative of Ethiopia concerning air superiority. This information is quite alarming and I would like to ask Dr. Bunche or Mr. Narasimhan whether this information and the letters of exchange with certain Governments will be published as a United Nations document?

Mr. BUNCHE: No, it is not the intention to publish these notes. We have taken this measure of informing the Advisory Committee, but the usual practice has been not to publish the notes.

Mr. WACHUKU (Nigeria): I want to say that I am sorry that I do not share the view of the Secretariat that the present mandate which they have from the Security Council does not give them sufficient authority to deal with these mercenaries in a more adequate manner. They are supposed to get rid of the mercenaries. As I read that document, it does not say that getting rid of them means sending them back to their country. A method has been tried, the most natural one -- to get all of these people and to hand them over to the authorities of their own country, who then release them. But it has now been proven that a new trick is used. They get there and then they join the staff of Union Minière, which is the power that controls the economic and financial life of the Congo through Katanga. Either they re-enter through that door or through Rhodesia and South Africa. They come by the back door.

Now there is a Central Government. Mr. Narasimhan has just told us that the Central Government said that we should expel the mercenaries from Katanga. Whatever it is, the problem has arisen that if you send them out, they come back. In the case of the French mercenaries, the problem has been, as I understand it, that they were sent over to Brazzaville across the Congo River and they returned.

I think there is nothing to prevent the United Nations from having a camp in Leopoldville. In collaboration with the Central Government, Congolese troops could guard the camp and these people should be put to work for their living. They could actually begin to do some hard labour and learn that this type of thing does not pay. Since they will not go to their home country and remain there and since they insist on returning to Katanga, they can be caught in Katanga and brought to Leopoldville, where they could be guarded by United Nations troops and by Congolese troops. They should be put to severe manual labour -- let them do some construction work and build roads. Then they would know that intervention in other people's affairs does not pay. I am sure that the present mandate will authorize you to do this. We cannot allow these people to continue destroying

(Mr. Wachuku, Nigeria)

others. Soldiers have gone there and what has been their fate? The Ethiopians and many of us lost people there. And we have been asked to supply police to go to Katanga. We are not inclined to furnish civilian police to go to Katanga to be shot by mercenaries with big guns and jet planes.

The two major factors that are creating very serious headaches in Katanga are, first, the mercenaries who are in the civil service, in the army and in the police, who are supposed to be got rid of by the United Nations, and, secondly, the Union Minière, which is the financial power. It is rather unfortunate that the United Nations went to the extent of arresting Ministers of the Provincial Government. In my opinion, I think that was going a bit too far. But if we had concentrated on those two factors, the financial authorities and the mercenaries, our burden would be a bit lighter at the moment.

You know from the civilian operation that one of the difficulties of the Central Government is caused by finances. The Union Minière has either refused to pay what they are supposed to pay to the Central Government or they are paying it to the Belgian Government in Brussels or they are surreptitiously giving financial support to the Katanga Provincial Government. The Katanga currency is not recognized anywhere and Tshombé could not have printed his money without the support of that company. One would have thought that the United Nations could see to it that the Union Minière and all its financial authority could be transferred to the Central Government. By getting rid of the mercenaries and depriving Katanga of its financial support from this company, it would be very difficult for them to continue to resist the Central Government.

(Mr. Wachuku, Nigeria)

But it does not seem to me that that aspect of the United Nations operation, the economic aspect of it, has been explored sufficiently. I now suggest to the Secretariat to take up this part of it with the Belgian Government because under their Constitution all these bodies are supposed to pay their royalties and their taxes to the Central Government and not to the Provincial Government. By doing that you would be weakening the Provincial Government financially and economically. We have not done that sufficiently.

The representative of Ethiopia raised a point which I want to take up very seriously. If these people have ten jet planes and the United Nations has fifteen, there are still certain factors that have to be taken into consideration. What is the nature of these planes? These people who are determined to retain Katanga certainly will supply their mercenaries with the most modern and newest type of plane and perhaps the mercenaries who are determined to go there -- having the money they will recruit the best pilots or some of the best pilots that are available. I do not think that any nation will give its star pilots to the United Nations to go to Katanga. That is the question of the quality of the personnel handling those planes and the plane itself. The result may be that you may find that one of the jet planes may be able to account for more planes; there may be a modern jet faster in speed and greater in firing power. We do not know what characteristics they have, so that when the representative said that if we have fifteen and they have ten, it may well be that their ten is equal to our thirty. I do not know. Considering the dangerous elements that you have in the financial authorities that control that area, I think that this matter has got to be taken up seriously.

Mr. Bunche has told us that it is not usual to circulate this thing. I think, whether it is confirmed or not, that this information that you have given us is serious enough to be brought to the notice of the one hundred Members who represent the one hundred States in the General Assembly. I would suggest that all these facts, whether they are confirmed or not, are facts that have been transmitted to you. With the various interests involved, it would be difficult for you to confirm them. The best thing is to put them to the United Nations through the normal channels and get it sent to the General Assembly so that every representative will have an opportunity to read it.

(Mr. Wachuku, Nigeria)

If it did nothing else, it would bring moral pressure on those people who in one way or another are linked with these people, and when there is a debate on the subject of Katanga and the Congo, at least these are sources of material on which Members can make comments. If it is not circulated, you cannot use it to bring pressure on people. Even the mere publicity of the thing in the General Assembly may have its own effect because many people might like to defend their good name, to state that they are not responsible for this thing. Then the question would come up as to who is responsible for this thing, whether or not it is Ndola or Northern Rhodesia. Northern Rhodesia is not a Member of the United Nations and it is behaving in such a way that it is waging war against the United Nations. The United Kingdom Government is responsible for the Federation of Rhodesia and Nyasaland, and if a territory under their control is waging war against the United Nations, I think it is necessary that the United Kingdom should be made to understand that that kind of thing cannot go on.

The United Kingdom has to intervene directly in the Federation of Rhodesia and Nyasaland to stop that type of thing from going on. If we have correspondence with them privately, it does not do any good. I think that the only way is to bring it into the open and let the one hundred States make their views and voices heard and let the world know what is going on. Let us have an opportunity to examine the position in Rhodesia and Nyasaland.

Yesterday we had an unprecedented incident in the General Assembly where it became clear that South Africa has a hand in what is going on in Katanga. From Mr. Louw's statement it is obvious that without South Africa and without Rhodesia, the United Nations problems in Katanga could have been solved by now. We cannot let this type of thing continue. We are prepared to participate effectively in making it difficult for South Africa and all concerned to continue to make it impossible for the Congolese State to live peacefully. So I suggest, apart from what has been agreed, that the various scattered reports on this subject should be put together in one comprehensive volume to make it handy. This particular report about the Katanga situation and the rearmament and the very sinister type of war that is being waged against the United Nations by the Federation of Rhodesia and Nyasaland should be put in a

(Mr. Wachuku, Nigeria)

separate document and circulated to the General Assembly to enable us openly to comment on it and perhaps to give a little publicity to it in the press.

You can make it clear that those aspects that are not confirmed have not been confirmed so that everybody will know that this has come to you and that you are transmitting it to the General Assembly for its information. Whatever they want to do with it -- that is their business; leave it to us. We would know what to do in order to assist the Secretariat in such very difficult and delicate work. That is the way I see this matter, and I think that the problem in Katanga should be considered eventually as an item in itself when the general type of Congo thing is dealt with specifically by the General Assembly.

Mr. BOLAND (Ireland): I just want to say that I think there is a great deal of force in what was said by the representatives of Ethiopia and Nigeria about the mercenaries. I think that the problem to which they have drawn attention is a serious one. It is quite true, as Mr. Bunche said, that both the Ordinance adopted by the Government of the Congo and also the resolutions of the Security Council look to expulsion as a remedy for the problem. What I think experience has made clear is that expulsion is not an effective remedy, it is not an adequate remedy. I therefore think that the Secretariat would do well to think over the thing and see whether other means could not be devised. As I understand it, the Ordinance adopted by the Central Government legalized the expulsion of these people and authorized the UN Force to expel them. That provides the legal basis for the action of the UN Force. I wonder whether that Ordinance could not be extended to provide that the UN Force should also have the right or the power of internment. The exercise of that power would be something that would depend to a large extent on circumstances. It could not be exercised in such a way as to constitute a breach of the cease-fire, but I think it would provide an effective deterrent, and it is hard to think of any other that would serve the purpose in view of the experience we have had. I think it would be worth considering, therefore, but it is a matter for the Secretariat in the light of the local circumstances and also of course a matter for the Government of the Congo whether the UN Force should not be given the power of internment in regard to mercenaries who, in spite of the measures taken up to date, keep returning to Katanga or are still staying there.

Mr. BHADKAMKAR (India): I think we entirely support what has been stated about the mercenaries, and we will even go so far as to say that while the resolution of the Council and the order of the Central Government did require the United Nations to expel the mercenaries from Katanga, I think the emphasis quite obviously must have been expulsion in such a manner that they would not return. Otherwise expulsion, in our view, could not have very much meaning. It must be expulsion with the definite aim that they will not return to the area of their operations.

(Mr. Bhadkamkar, India)

If there is no other way in which the United Nations can guarantee that they will not return -- and experience has shown that they merely take what you might describe as a home leave trip and return after a very short while either as an official of the mining company or on their own -- we strongly support the suggestion that, if at all possible within some sort of extension of the central Government's order or, if necessary, by asking for a new mandate, their expulsion in such a manner that they will not return must be assured.

The other thing we wanted to ask was this. We entirely support the view expressed by the Foreign Minister of Nigeria to the effect that all this information should be furnished in as much detail as possible. This mining company has been mentioned more than once, and it has been stated that some mercenaries have been returning as officials of this company. Possibly the financing of these aircraft may have been furnished by the company; we do not know. But I think it may not be a bad thing for the United Nations -- of course, with its limited resources, but they could be suitably augmented with assistance from the international police or some other similar organization -- I think we might like to examine and explore to what extent this mining company is involved in this respect in pursuing action against the United Nations. I think this important information would come in rather useful at a subsequent stage when we may consider whether the United Nations should or should not recommend any specific action in this respect, because this is now going from bad to worse. First there was a provincial government that was acting against the United Nations. Now they are supported by what we believe to be a few outside authorities. Now it is the company. The whole thing is getting into a substantially involved arrangement. So I think full information on this might be very useful indeed, because it is not easy to purchase jet aircraft, even for normal Governments when they go out into the market. The producing Governments have so many restrictions. They must certify this and they must certify that, and sometimes the requests are refused. We have a great deal of trouble about normal purchases of jet aircraft. But this is apparently being done here with the greatest of ease, whether it has been going through one country or another or going through a company's name or through some other subterfuge. So we should certainly obtain this precise information, and such information as we have should be made generally available to Members of the United Nations.

The CHAIRMAN: If I may say so as representative of Liberia, I think this question of the mercenaries is of great concern not only to my delegation but to all other members of the Advisory Committee and Members of the United Nations. The Secretariat has pointed out that under the present mandate it has no alternative but to expel these mercenaries from Katanga who find their way back into Katanga. I understand that a British officer has been found in Katanga several times. He has been expelled by the United Nations three times and has found his way back there. So perhaps it would be desirable if the Secretariat would get in touch with the Congolese Government in Leopoldville and see if some arrangement could not be worked out to keep these mercenaries incarcerated and put to work so as to discourage their returning to Katanga. If this is not done, they will find their way back into that place. So, as the representative of Liberia, I would propose that the Secretariat look into the possibility of consulting the Congolese Government with a view to having these mercenaries sent to Leopoldville and incarcerated there. Perhaps it will serve as a discouragement to these people from returning to the Congo and keeping this situation always inflamed. That is the attitude of my delegation on this question.

Mr. GEBRE-EGZY (Ethiopia): Before we pass over this question of the mercenaries, I would say that the Secretariat should also look into the possibility of handing over these mercenaries to other African countries. There may be some countries that would be willing to take them and to make them work. You have to do something radical if you want this to stop. I am being serious. If a man has to work in a camp for fifteen days, he may think twice before he goes back.

Secondly, they should also think seriously of the possibility of taking them before a court of law. If they have killed people, I do not see any reason why proper action should not be taken by the Congolese Government. So there are possibilities which we have to take seriously and examine. If a mercenary has killed an Irishman or a Swede or a Nigerian or an Ethiopian, that man should not simply go. The Congolese Government should take it upon itself to take him before a court of law and have a judgment. I have no fears about saying this. If you wish, I will say this publically from the platform of the United Nations.

(Mr. Gebre-Egzy, Ethiopia)

With regard to the aircraft, where do these aircraft come from? Do they come from Europe? We are certain they do not come from Eastern Europe. They come either from Europe or from North America or from South America. From the information that is available, they do not come from North America, they do not come from South America and they do not come from Eastern Europe. Certainly they do not come from Africa. Certainly they do not come from Asia. They come from Europe. Now I think you should put all the information so that those countries that are in Europe will come out and say, "We have not sold them", if they have not. If they have -- and it is not easy to get an aircraft -- then they are in duty bound to stop that, and we do not accept the excuse, "We have laws, but we are doing our best", and that is all. This, if I may express it quite frankly, is a sabotage of the United Nations. If they do not want the operation, we will pull out our resources from there. We should make this quite clear.

Mr. WACHUKU (Nigeria): The additional comment I want to make is this. I think the Secretariat should be able to advise the Congolese Government that it is within its right as a State. They may not have lawyers and people to advise them, but, if Katanga is seceding and there is an insurrection and you have mercenaries who have volunteered to go into the Katangan Army, they can legislate to penalize the people who are fighting that way in that province so that any outsider who comes there and joins in waging war against the State would be liable to a penalty. It is not a legitimate war which would be subject to international rules of war. Here are mercenaries, people declared as mercenaries, who are waging war against the State. They cannot pass. There should be a law outlawing them, so as to give the United Nations authority to capture them and, if they capture them, hand them over to be tried in a court and sentenced -- some to death, those who have killed people. For instance, that gentleman who was flying a jet there and shooting down everybody certainly committed sufficient depredation there to be sentenced to death and either electrocuted or hanged, so that others would know that when they go there and they are caught they will suffer the same fate. It will stop people causing havoc in that way. The authorities are competent to deal with this matter in that particular manner.

(Mr. Wachuku, Nigeria)

As has been said here, the question of these jet planes is quite obvious. From what we read in the newspapers, one was of a particular States manufacture, and the person flying it was of a particular nationality. It must be one of two things. Either the Katanga Government purchased this plane from somewhere or they manufactured it themselves. Maybe certain people have an investment in Katanga and these people voluntarily supplied them with these planes for the purpose of maintaining their vested interests.

(Mr. Wachuku, Nigeria)

All the manufacturing countries in Western Europe should be contacted so as to see the origin of these planes. If it is a British plane, what company manufactures this plane? If it is a French plane or a German plane, what company manufactures it? Then the United Nations, through normal diplomatic channels, will know whether these were purchased or were handed over. If they were given freely it means that whoever gave them has an interest in Katanga and is responsible for a lot of these difficulties. It is not purely a matter for Governments. I do not want to mention any particular country, but there is one country that is using Brazzaville as a base for operating in Katanga. Government policy is one thing, but the financial interests and the capital of that country are another and are behind what is going on in Katanga. I think that the United Nations must have more information than I have on this matter, and the situation is so serious that we cannot now let things just get completely out of hand. As the representative of Ethiopia has already made the analysis, I do not want to repeat it, but if the planes do not come from Latin America, not from North America, not from Eastern Europe, not from Asia, not from Africa -- neither do they come from the North Pole or from Greenland or Iceland -- then they must come from within Western Europe. And the question is where, in Western Europe, do these planes come from? I think that if we eliminate all this, the United Nations should know the area in which to make inquiries and find out about the matter. Otherwise the Katanga problem will never be solved.

I strongly support the idea that these matters should be investigated more thoroughly so that we may be informed on what is happening.

As for the suggestion that we should take some of these mercenaries, I think that that would be depriving the Congo of free labour. Since we have troops there -- I believe India has the largest number, Ethiopia next, and we are third -- I think that they would be quite willing to participate in disciplining them and making them work. They should work for their living. They would be fed in these camps and would be paid; therefore, they should do something constructive. They could look after the railways; they could go to the farms and produce something for the Congolese. Then, when they decided to leave, they would have been productive instead of destructive. Therefore, the best thing would be to leave them in the Congo, which is a young country and needs development, and if you have people with technical knowledge they might well work for their living in the Congo and help to develop it economically. The troops and the police and everybody

(Mr. Wachuku, Nigeria)

could see that they were made to work. "He who does not work shall not eat" should be their motto. If they find that when they do not work they do not eat and are kept confined, it would mean that when others found that the same thing would happen to them, they would stay back in their homes. I am very serious about that.

The CHAIRMAN: I think we can safely say we agree that in connexion with the mercenaries in the Katanga forces, the Secretariat should review the situation and consult with the Congolese Government as to the disposition of these mercenaries or their expulsion. When this resolution was adopted it was hoped that their expulsion would not provide an opportunity for them to come back to the Congo, but since this has happened, naturally the whole situation has to be reviewed and we trust that the Secretariat will consult with the Congolese Government on this question and see what can be done to prevent these troops from coming back to the Congo.

With regard to the question of the planes, we shall have a report from General Rikhye. In the meantime, however, I think we can safely say that there is also a consensus in this connexion that the Secretariat should continue inquiries and that this should become a part of the comprehensive report suggested by the representative of India. This information will become a part of the comprehensive report on the inquiries and will be made available to Members of the General Assembly.

Mr. TRAORE (Mali) (interpretation from French): I should like to ask the opinion of the Secretariat regarding publication of these documents as documents of the United Nations. What about the publication of the documents mentioned by the representative of Nigeria?

The CHAIRMAN: I think the attitude of the Secretariat is that these documents should be constituted as a part of the report to be circulated among Members of the General Assembly.

General RIKHYE: Since I last submitted my report on the military situation in Katanga there have been only two incidents of a minor nature. One was on 25 September when three Europeans in the Katanga gendarmerie -- one South African, one Dutchman and one Belgian -- were apprehended at a United Nations road block on the Jadotville road. They were in uniform, were armed, and are now in United Nations custody.

On 26 September there was a fire in the Irish camp in Elisabethville, causing some quantity of ammunition to explode. There was some damage to personal equipment and several tents. The cause of the fire was not known but sabotage was not suspected.

Since the cease-fire, we have been improving the general state of the Force in the Congo. As you will recall, some of our aircraft which were on charter had been damaged by the Fouga jet, and some of the chartered aircraft which belonged to Sabena and Air Congo were withdrawn from our operations. We have since been able to obtain seventeen military transport aircraft from Sweden, Norway, Denmark, Canada, Yugoslavia and the United States. We have also obtained approximately 200 additional Dakota crews and helicopter crews from Canada, Denmark, India and Norway. This gives us sufficient crews to be able to use the existing Dakota and helicopter fleet in the United Nations Force to capacity. We were in the past almost 50 per cent in strength in flying personnel. We are expecting shortly five additional armoured transport carriers from Sweden. We are also expecting additional support weapons for our infantry battalions from Sweden, Ireland, and some other contingents.

Representatives already know that fifteen jet fighters have arrived in the Congo, four from Ethiopia, five from Sweden and six from India which should be there today. These fighters can be favourably compared with the aircraft in Katanga's service. Katanga is known to have a Fouga Magister jet training aircraft. It is a two-seater plane primarily designed for the training of jet pilots. It is considerably slower than any of the aircraft with which the United Nations has been equipped. The Fouga jet trainer can be converted for purposes of attack, but it is not designed for it, whereas the United Nations force is equipped with nine intercept fighters and six intercept light bombers. Therefore, plane versus plane, we are considerably superior to Katanga. Equally, our air fighter as well as our light bombing capacity is superior to that of Katanga.

Summing up the air force picture, we have now in the Congo fifteen jet fighters and sixty-eight aircraft of other types. This is about the best that we have ever had in the Congo, since we started the operations. With the availability of a large military air transport fleet and, for the first time, aircraft of the USA and Canada with a very large lift capacity, we now have full mobility in case of need. We are for the first time able to move heavy vehicles, armoured cars and equipment, to any selected place in the Congo.

On the debit side, between 12 October and 20 October we are going to lose some troops. These troops, who are going away without relief, are those which were sent to the Congo by some of the contributing countries on the basis of the emergency request by the Secretary-General in February-March this year. There are about to finish their service or their contracts, and they have to return -- Liberia about 235 men, Sweden 415 (this is the battalion which came on a voluntary basis from Gaza) and Ghana 620 men, a total reduction of 1,270. By adding the additional air crews which have come in, the force will be down to 15,974 men when all the rotations are complete.

Due to these withdrawals, and for having a plan ready for an emergency, the Force Commander has been obliged to carry out considerable reorganization in the Congo. This, again, he would not really have been in a position to do without the availability of the air fleet that we have now in the Congo at his disposal. I will revert to the deployment of our troops later.

(General Rikhye)

There have been some movements of ANC troops. One battalion from Thysville has moved to Luluabourg. Another battalion from Leopoldville has moved to Luluabourg, and a company has moved from Luluabourg to Luiza. This places four Congolese battalions in Luluabourg in readiness to go southwards if necessary.

A summary of the general military situation in the Congo is as follows. When we have finished all of this redeployment, withdrawal and movement, the United Nations Force will have in Leopoldville a Nigerian battalion, less a company which will be at Kitona, an Ethiopian battalion, which has recently been flown in from Stanleyville. In Kasai, in view of the reinforcement of the Congolese battalions, we are unable to reduce our force there, and we have the headquarters of the Nigerian brigade in Luluabourg with a battalion and the Liberian Frontier Force deployed along the railway line and at Port Francqui. In Stanleyville there is the Ethiopian brigade headquarters with a battalion in Stanleyville and a battalion deployed eastwards in the Bunia area and at the other airfields there. Here again we are unable to reduce our strength any further as we have had recent reports of the gendarmerie in Stanleyville not behaving itself. In Kivu, a Malayan Special Force less a squadron of armoured cars is deployed.

The situation in Katanga will be as follows: In North Katanga the Indian troops will remain in Albertville in the same strength as before. The Ghanaians will be replaced by Irish in Nyunzu along the railway line. At Kasaïo the Ethiopian battalion remains. At Manono a Gurkha company will remain in its previous locations. In South Katanga the position is as follows. At Kamina an Indian battalion from Leopoldville, the Jat battalion, is taking over from the Irish. In Elisabethville we shall have four battalions plus a squadron of the Malayan special force, the four battalions being a Swedish battalion, an Irish battalion and two Indian battalions.

The strength of Katanga forces remains unchanged in North Katanga. We are slightly less in numbers than we should like to be but the Force Commander considers that he is in a position to contain the Katanga gendarmerie in North Katanga as before. In South Katanga the strength remains unchanged. It is

about 1,800 in Elisabethville; about one battalion in Kamina; and the figures for Jadotville and Kolwezi are not very clear as we do not really have a full story on it. In my personal estimation it would be more than a battalion in Jadotville and a brigade in Kolwezi.

All our troops in Katanga have been resupplied. Because of the cease-fire we are unable to take ammunition and vehicles in, but we have restocked our troops with sufficient ammunition and vehicles are set to be made available in case anything goes wrong. We have also requested a number of countries to make heavier weapons available for use by our troops in the Congo. We are asking for more armoured cars and a large number of armoured personnel carriers. This is based on a recommendation by the Force Commander that he requires additional armoured fighting vehicles for the protection of his personnel.

(General Rikhye)

We have examined the question of anti-aircraft guns for the protection of various airfields, and the question is still under examination. However, as an immediate precaution, the airfields have been provided with machine-guns which can act as some deterrent. We have already deployed our jet forces so that the interceptor fighters are located at Luluabourg and the heavier aircraft with the longer range -- the Canberra Indian squadron -- are based at Leopoldville.

On the Katanga Air Force side, I have been asked to make one point clear. We are really not in a position to confirm that there are more than three Fouga jets in Katanga. Our confirmed information is that three had arrived in Katanga earlier this year. We know that one of them crashed and is beyond repair. Of the other two, we know that one was out of order for a long time and they were not able to repair it, but it is probable that during recent operations two were in use and certainly one of them was effective, possibly because they did not have sufficient crews to man them both at the same time.

We hope that the measures which have been taken by us will forestall delivery of any more Fougas or any other type of aircraft. I should here say a word about the Dornier aircraft; it is an obsolescent transport plane and was in use by the West German internal airlines during their very early days. The plane is as easy to buy as a Dakota, so I do not think there can be very much to it. The two they have could be used as transport planes and could possibly be converted to carry a small load of bombs.

According to our information as of 26 September, we had in our custody 209 Katangese prisoners, all of whom were taken during the fighting, and as has already been explained by Dr. Bunche, does not include the eighty or so who surrendered themselves or rather asked for our protection at Nyunzu-Niemba. The breakdown is as follows: at Leopoldville, fifty-four; at Manono, thirty-one; at Albertville, twenty; and at Nyunzu, 304, total 209. There are nineteen mercenaries and political advisers in our custody in Leopoldville at the moment who are under interrogation.

Mr. RITCHIE (Canada): I would like to thank General Rikhye for his very full report which in many ways is, I think, rather reassuring particularly with respect to the greater mobility which the Force in the Congo now has for troop

(Mr. Ritchie, Canada)

transport and the fairly powerful air cover which we now have with these jet fighters. Of course, it is very disturbing that there is this possibility of more Fouga planes, and this matter will have to be pursued. We shall have to keep an eye on it and investigate it. In regard to the mercenaries, we feel that this is really an intolerable situation; they should not be allowed to make a laughing-stock of the United Nations and the whole operation by going to and fro at their own sweet will and paying no penalty. We fully support the suggestion that something has to be done about this.

I wanted to make one general comment of a slightly different character. We have had a very clear picture of the military build-up and a very full description of several aspects of the military situation in the Congo today. I should like to ask the Secretariat, although I am not asking them to do it today because it is rather late in the meeting, whether we could have as a counterpoint to this discussion an assessment of the progress of the political negotiations in the Congo. After all, that is really the central question, whether constructive negotiations can be brought about between Tshombe and the Central Government and what steps the United Nations can take to facilitate them and keep the pressure on to bring them about. If possible, I would like to hear what steps the Secretariat thinks can be taken at this stage to facilitate the negotiations. I would also like to hear their impression of the main elements which now separate the Central Government from the Katangese authorities so that we could have some idea of the main points at issue and actions which might be taken to bring the two parties closer together. I think we all agree that a solution of the Congo question by speedy and effective negotiation is the real raison d'être of our present operation in that part of the world, and while I think it is essential to have this picture of the build-up and to face the risks and dangers which our Force there may be faced with, I also think that we must not neglect too much the other and more positive aspect of our operation in the Congo. So I would ask the Secretariat whether it feels inclined to make any preliminary remarks today or whether at some future meeting we could have some information and an opportunity to comment on the political aspects of the operation.

Dr. BUNCHE: At this time I can only say that, as I indicated earlier in the meeting, the major concern and effort of our people out there and of Mr. Khiary in particular in the negotiations which he has been engaged in in Katanga has been to take steps towards a reconciliation of the differences between Leopoldville and Elisabethville, the first and obvious step being to get Mr. Tshombe or his representatives to sit down in Leopoldville with the representatives of the Central Government to discuss the means of reconciliation. Since this meeting began we have received a cable indicating that this is a very live possibility; I would not like to over-state it, but there is reason for some encouragement in regard to that prospect. Mr. Khiary, of course, will keep at it steadfastly and intensively in the hope that something may develop within the very next few days. That is about all I can say at this moment.

The CHAIRMAN: I was wondering whether, in the light of the request made by the representative of Canada, the Secretariat would be in a position to make a formal report or appraisal of this situation at some future time and make it available to members of this Committee?

Dr. BUNCHE: I would anticipate that when the current negotiations are concluded, Mr. Khiary will send here, through Mr. Linner, a very full report on the situation, indicating the successes and failures and the reasons for them and for the differences. This of course would be made available.

Mr. DADZIE (Ghana): I should like to associate my delegation with the representative of Canada's expression of appreciation of the picture presented by General Rikhye. I should like to ask just one question. To what extent are the airfields in Katanga suitable for the take-off and landing of jet aircraft? I am referring to the airfields that are under the control of United Nations forces.

General RIKHYE: The main airfield under our control in Katanga which can be used for jets is Kamina. As already reported in Dr. Linner's report, Kamina base has always been intact in spite of the various claims made by Katanga and the newspapers. We hold it firmly. Elisabethville, which is also held firmly by us, can be used by jets, but it is not as good an airfield for jets as Kamina. On the Katanga side, only Kolwezi can be used by jets.

Mr. DADZIE (Ghana): I take it that Kolwezi airport is not under United Nations control.

General RIKHYE: That is correct.

Mr. GEBRE-MEZAY (Ethiopia): I, like the representative of Canada, am not satisfied that the situation with respect to the troops is good. I do not believe that 15,000 troops are enough. Quite frankly I think that you should approach other members to supply more troops. I think it is possible by various means to get perhaps 5,000 or 3,000 additional troops. It may be time to ask our Tunisian colleagues to help in this direction.

In this connexion, I think the possibility of having Congolese troops become part of the United Nations troops should be investigated. After all, it is their country. If you bring them under United Nations control and if they agree to function under the United Nations command, I do not see why that possibility should not be investigated. I envisage some sort of agreement whereby they would provide a certain number of their troops. I do not see any reason why this cannot be done.

(Mr. Gebre-Egzy, Ethiopia)

Therefore, I formally ask that this possibility should be investigated. I do not appreciate the fact that our Congolese brothers are sitting somewhere while foreigners are fighting for them. This is ridiculous, to say the least. While there may be some sort of legal difficulty, I am sure it can be got around by making them part of the United Nations troops.

Secondly, I think other countries should be approached. They should meet their responsibilities and obligations. It makes no sense to say, "I am a Member of the United Nations, I vote for all the resolutions, but I am not going to do my part". We should be frank on this subject and we should make it known to all Member States that are in a position to help, and there are many of them, that they should help in this direction.

Next, I should like to know more in detail about the safety of the troops in the various areas. In other words, I want to avoid the sort of thing which happened earlier at one of the ports, Matadi, where 200 Sudanese found themselves in serious difficulty. I want to know the numbers of our own troops and the troops of others, the heavy weapons they possess and, if they do not have them, what specific measures we are taking to protect them in that respect.

Also, I should like to have some information about the airport at Luluabourg. What is the distance from Luluabourg to Stanleyville? Do these fighters know the area well, because it makes a great deal of difference when you know the area well and when you are a stranger? Secondly, I am not satisfied that you have only nine of them there. I think there are Member States that are capable of providing more than we have provided. There are rich countries here that value the United Nations. I feel that if they were approached they would make a contribution; if they do not, then at least you have done your duty in asking them.

I am not satisfied -- and I want to make this absolutely clear -- that of 100 Members, only three Members have given anything in this direction. I am not satisfied that the United Nations has complete air superiority. I want to make a formal request that we should have some other fighters come in, in support of the United Nations. If this is not done, we shall have to reconsider entirely our participation in the Force.

Mr. BUNCHE: On the question of additional troops, as the representative of Ethiopia will recall, there has been a long history of our appeals to a good many countries for troops, and often without success. As General Rikhye has indicated in his presentation, our immediate problem is to maintain the strength we now have because of losses that we will experience this month owing to rotations and withdrawals without replacements, and those that may be anticipated soon after. We are confronted with the loss of all of the Ghanian troops, with the loss in December of a Nigerian battalion, with the loss this month of volunteer Swedish troops who came for only two months as volunteers from UNEF -- it was therefore fully anticipated that they would not be replaced -- and with the loss of a small part of the Liberian contingent. Where we may hope to obtain replacements is an open question.

The Commander of the Force, in the light of these prospective reductions, has asked us to obtain an additional battalion. We also had it in mind to follow the suggestion that you made to explore with Tunisia whether there would be any prospect of getting some Tunisian troops back. Beyond this, quite frankly, we are at a loss to know where to go.

In a few moments when this discussion is completed, Mr. McCaw will briefly present the financial picture, which increases our difficulty on this score, as you will see. But we share your anxiety on this matter, at this time at least, until the Katanga situation is clarified. Should that be clarified, then the road ahead for a gradual reduction, as Mr. Hammarskjold had hoped, would be possible. It is not possible with this very uncertain situation prevailing with regard to Katanga and with the ever-present possibility of the outbreak of civil war.

Mr. GEBRE-EGZY (Ethiopia): I should like to have the view of Dr. Bunche on the question of the participation of the Congolese under the command of the United Nations.

Mr. BUNCHE: That is something that we have explored with them for a long time, as a matter of fact since last summer. This is something which you will understand we could not undertake unilaterally in any case. They are a sovereign country and putting their own troops on their own soil under United Nations command presents some difficulties, to say the least, which I think you will readily understand. It presents some very great difficulties because, after all, their troops on their own territory under a foreign Command is quite different from troops of United Nations Members who are going to that country at its invitation being under United Nations Command.

General RIKHYE: As far as I understood it, there were two main questions. One is the deployment, the size and the defence potential of our troops and the other is the comparative state of the air forces of Katanga and ourselves.

Our deployment, ever since the regrettable experiences of a few months ago, have always been based on a sizeable group. The minimum which we propose to have would be the Irish two-company group in the Mbarba-Nyunzu area. As far as the Ethiopian units are concerned, they are only in the size of a battalion, not less than the size of a battalion. Kabalo in Katanga has one battalion. Similarly in Kamina we will have one battalion. We will have nearly four battalions in Elisabethville, so there is no question of putting our small detachments as we were obliged to do several months ago when there were very heavy withdrawals from the Force.

As regards heavy weapons, all units are equipped with the normal light automatic weapons and light machine guns. In Elisabethville, the Irish and the Swedish battalions each include a platoon of armoured cars, about six to eight in number, and each of them is equipped with a heavy gun and several machine guns on each armoured car. Both the battalions -- in fact all of the infantry battalions -- are equipped with 3-inch mortars or an equivalent.

(General Rikhye)

We have also a Malayan armoured car squadron in Elisabethville. We have in addition a heavy mortar battery in Elisabethville and also a machine gun sub-unit, so equipment-wise our state is quite satisfactory. It is only in numbers that we are getting deficient in view of the withdrawals. That point has already been made by Dr. Bunche.

I would say that as far as Katanga is concerned our situation is fairly satisfactory and if things do go wrong, we are quite satisfied that our troops will be able to hold for the time necessary to reinforce them. The Force Commander of course has this very much in his mind. As the representative of Canada pointed out, the Force does now have tremendous mobility and flexibility which was never enjoyed before and it should be quite possible within the resources available for the Force Commander to take out troops from other areas in an emergency and put them where he needs them.

The second point was about the relative fighter strength. Without going too much into details of our sources of information, it can only reliably be said that there are two Fougas in Kolwezi. Planes are not very easy to hide, and information has been given by Mr. Narasimhan earlier on what was possible, there is a very big question mark: are they in Kolwezi? If they are not in Kolwezi and if they are in some other place, they cannot be operated and cannot be used. So we can only say with any authority that there are not more than two Fouga planes in Kolwezi. Even if there were to be nine, I have been able to get some more technical details from Squadron Leader Harrison, who has just joined our staff as Air Advisor, that the speed of the Fouga is 423 miles per hour under ideal conditions. The speed of the F-86, which is the slowest of the three types of fighters that we have, is 500 miles per hour. The Fouga is not designed to carry weapons, and therefore if weapons are added to it it will obviously reduce the speed further. Its durability in the air is less than two hours whereas that of an F-86 is over three hours. So even if the other side were to be able to get up to eight or nine aircraft and with the ability to use them, it should be possible for the UN Air Fighter Units to deal with them adequately. I should also like to mention again that the Force Commander does have Canberra interceptor bombers at his disposal, and he can do quite a lot with those.

(General Rikhye)

Another very important point is that the Force is not at all in a position to be able to support technically and logistically any more fighter jet aircraft. As a matter of fact, the Force Commander was even reluctant to have the number that we were giving him merely because he was not in a position to support them. You will appreciate that fighter jets are very, very highly technical and need full technical and logistic assistance, which of course we have built up. There is also the question of the capacity of the airfields. The airfields are not able to take any further aircraft. There is not even parking space sufficient for our aircraft already in the Congo, and so we had to confine the total number; as a matter of fact, in order to make room for the fighters, we have had to push out our transport aircraft to other airports in order to make room for our fighter units.. I think it can be said, as much as is known of the facts, that there is sufficient protection for the UN Force in the air now.

May I add just one more point. Perhaps I did not make it sufficiently clear that the Force Commander has the ability to knock out Kolwezi in a very short time now should it become necessary, and therefore there would be no question of Kolwezi airport being used by any fighter aircraft.

Mr. GERRE-EGZY (Ethiopia): I was going to ask two questions. The first is: do the troops have anti-aircraft guns? In other words, are you in a position to fly in immediately to the Irish and the Swedes some anti-aircraft guns if they need them?

Secondly, is it possible for you to send a column of armoured cars to this airport of Kolwesi? What hinders you from sending there a company of soldiers?

I mean, when the time comes, if it is necessary, because I cannot understand why this was not even done before, when the whole thing started.

General RIKHYE: The first question was in regard to light anti-aircraft guns. The Force Commander has recommended that he would like to have some anti-aircraft guns for the protection of the main airfields, and he had four in mind: Leopoldville, Luluabourg, and, when it is possible for him to take guns into Katanga, Elisabethville and Kamina.

(General Rikhye)

This has been examined by our experts here, and it so happens that we have a gunner expert within the military advisory group, Colonel Bowitz, and we have studied it most carefully. We have reached the conclusion that, in order to be of any use, each of those airfields must have at least sixteen guns, which requires sixty-four guns, and that would require approximately 2,500 additional men to man them. To be of any use, the light anti-aircraft guns must at least be the Swedish L-70, which is a radar-controlled automatic-firing gun. To begin with, it will be very difficult to get these sixty-four, and certainly it will be almost impossible to get 2,500 men. Therefore, our other alternative, which is a satisfactory one, is to deal with the fighters by first knocking out Kolwezi and, if there are any in the air, attempt to shoot them down, and that is very much in the realm of possibility.

Secondly, in connexion with mounting an operation against Kolwezi, I think I can say this much, that the Force Commander has that very much in his mind. Of course Kolwezi is at a considerable distance from Elisabethville, and a land operation would be quite an operation. So his first attempt would be to neutralize fighter aircraft, and then he would attempt to make an entry into Kolwezi along the land route.

Mr. WACHUKU (Nigeria): I want to express our thanks to General Rikhye for his report. I have two questions to ask.

The first is with regard to the position of the troops in Stanleyville. There has been a political settlement, but it appears that the army at Stanleyville is still intact. Before the Katanga incident occurred, the Stanleyville situation was not solved from the military point of view, and consequently -- now we are only saying things from what we observed when we were there -- that is the potential threat to the stability of the Central Government. Now what is the United Nations doing about getting the Stanleyville army units integrated into the central Congolese Army so that they would come under one control? That is one of the things they have to do to avoid the possibility of a civil war, now that the political aspect is settled.

That is my first point. We are very much concerned over that particular aspect, which is a real danger. In fact, it was in that area that we had diplomats who were not prepared to accept the fact that there was one State. It was in that area that we had this period when a Government was set up somehow or other. Yet the army is still intact and, from what you said a few minutes ago, they have not been behaving themselves. What is being done about that?

My other question is in connexion with the recommendation which was made in our report that the Congolese Army was to be reorganized and trained, with the assistance of the United Nations. Since we have a central Government, what is the United Nations doing in connexion with reorganization and training of the Congolese Army? I ask this question because that has to do with the question raised by the representative of Ethiopia. We have a Central Government which everybody recognizes. They have there about 20,000 or so Congolese troops. Surely one would have expected that by now there would have been some steps taken to see that the Congolese Army and the United Nations troops that have come to assist them were coming together to work together, so that, instead of looking for more troops from other countries, the Congolese troops should be associated with running their own country and maintaining law and order. What is being done in this particular respect so that the United Nations troops begin to work together with the Congolese troops and so that they begin to realize that they are no longer at loggerheads and not opposed to one another but are doing one job? I think that, if we have the answer to this, we should be able to know whether it is really necessary to ask other countries to send more troops.

From the statement of the representative of Ethiopia it is quite clear that, although many may not be saying it, some Member States would not like to stay in the Congo longer than necessary. Once it has found its own government and things are moving in the right direction, the sooner these people are seized with the responsibility of maintaining law and order in their own country, and the realization that the running of the Congo is their job, the better. So I would like to know what the United Nations is doing in this respect, because this is the whole key to whether or not you have a successful

(Mr. Wachuku, Nigeria)

operation in Katanga. Otherwise you may find yourself waging a war in two Provinces, and that would be very disastrous. Our way of looking at it is this. If the Stanleyville situation is unsolved and then you get involved in Katanga, with the powerful forces behind Katanga, you may find that the whole thing will be a worse fiasco in the near future. I am not a military man but I do read what people write about these things. So I would like an answer on how the United Nations is trying to solve these two problems.

The CHAIRMAN: There are two questions that have been raised by the representative of Nigeria: the question of the army in Stanleyville, which I will give to Dr. Bunche to answer, and the question of the training of the Congolese Army in connexion with the report which was submitted, which I will give to General Rikhye.

Mr. BUNCHE: On the first question, as indicated, I believe, in the course of the last meeting of this Committee, the problem referred to by the Foreign Minister of Nigeria is one of the unresolved problems. There has been no unification of the Congolese army in the sense of integrating the army of Oriental Province with the army of the Central Government. This revolves largely around General Lundula. There have been persistent efforts made by Congolese, supported by United Nations officials, to get General Lundula to come to Leopoldville. As you know, he has been invited there by high officials in the Congolese Government, but he has not come. So this is admittedly a weakness in the picture. Only last Saturday, as a matter of fact, in the long talk which I had here with Foreign Minister Bomboko, I raised this very question and urged that everything possible be done to settle it. I did not get any very positive answer as to what the prospects would be.

Mr. WACHUKU (Nigeria): I am not entirely satisfied with this because, speaking from my own knowledge of what was happening before, this is one of the aspects on which the United Nations has been criticized; while it was focusing attention on Katanga all along -- and rightly so -- it played down the position of Stanleyville. We knew that when we were there. A number of people were not enthusiastic about dealing with Stanleyville as they should have done, and that impression seems to hang on. There is supposed to be a central government, and you have two armies in the area that is supposed to be under control. I think that is one of the major things that should be dealt with if there is going to be anything effective. We cannot have two commanders on an equal footing.

You say that General Lundula has been invited. Gizenga has accepted his position as Deputy Prime Minister and has come to Leopoldville. What is the basis of his having a separate army? I think that the United Nations has full authority to see to it that either he co-operates or he is dismissed and removed. Gizenga is no longer there, and from what I understand, they have told the diplomats in Stanleyville to come down to Leopoldville. Who is directing General Landula? Under which Government is he taking instructions and orders? There is a provisional government in Stanleyville, but under the constitution the provisional government has no control over the army. It is a national army, and there is no question of Gizenga's having a separate government there. I want to know who is giving the orders there, and from what source does General Landula derive his authority to hold a separate army for himself as distinct from the national army.

Mr. BUNCHE: May I just add a simple comment on the latter part of the statement? It should be borne in mind that there is really no analogy between the United Nations action in Katanga and United Nations action -- or lack of it, as you say -- in Oriental Province, because United Nations action in Katanga, in pursuance of the Security Council resolution, particularly paragraph A (2), had to do with the elimination of mercenaries in the Katanga armed forces. We have no evidence of any mercenaries engaged in the armed forces in Oriental Province. Moreover, we have no directive; we are there to assist the Government of the Congolese Republic. We have no mandate from that Government, no request, no intimation even, to do anything about the army in Oriental Province, or about its leader, General Lundula.

Mr. WACHUKU (Nigeria): Is it not alleged that some time ago there were some people in Congolese uniform -- really people from some African countries--who were in the Stanleyville army? You say we have no mandate and they were assisting in organizing the Stanleyville set-up. I say it is "alleged". Then you say you have no mandate, or no particular mandate, from the Central Government. Has the United Nations brought it to the notice of the Central Government -- as they are assisting it -- that the continued existence of that separate army there is a threat to the whole existence of that Government and may prejudice the work of the United Nations in the Congo? What is the reaction? What is the result of that?

Mr. BUNCHE: As I mentioned, the last time that was done was only last Saturday, to the Foreign Minister, who admitted that this was a serious problem but did not go beyond that.

Mr. WACHUKU (Nigeria): I asked the question because those who want their troops to remain there and to assist will be discouraged if it is glaringly clear that, in fact, no effort, no sustained and strenuous effort, is being made to bring about the unification of the Congolese army so that the five provinces that are not openly seceding are unified, at least from the military point of view.

Mr. BUNCHE: May I say just one final word on this? I fully share your concern about it, but our experience in the Congo, from the beginning until now, is that it sometimes takes time -- it almost always takes time -- to work out these problems. It took time, as you know, to get Parliament convened and working, to get a government set up. It has taken time to resolve the Katanga problem, but I have confidence that it will be resolved. It took time to get Mr. Gizenga to come from Stanleyville to Leopoldville. He came. It is taking time, which is not surprising to me, to resolve this matter of the ANC in Oriental Province and to determine what position General Lundula -- who is, after all, one of only two Congolese generals -- will have in the set-up. I do know that this is a matter of active concern with the Leopoldville authorities, that constant efforts have been made and are continuing to be made towards the resolution of this, and these efforts have the full support of the United Nations officials both on the spot and here. Beyond that, there is nothing more I can say.

The CHAIRMAN: I call on General Rikhye in respect of the question of the Congolese army according to the recommendations in the report of the Conciliation Commission.

General RIKHYE: We had made considerable headway in our plans to train the Congolese army, which plans were all brought to a halt due to the recent incident in Katanga. General Iyassou Mengasa of Ethiopia has been appointed military adviser to the Congolese Government, and he has already arrived in Leopoldville and taken charge of his job. He is now working at the disposal -- and is at the disposal -- of the Congolese Government. His appointment was agreed to and approved by the Congolese Government before we sent him down there. He has a nucleus staff of officers from various countries, who have got everything ready in the way of planning to start a military academy for the Congolese army at Kamina. Kamina was the place selected by the Congolese Government. We had made all the necessary arrangements and were hoping to start that academy early this month, but, for obvious reasons, the whole matter has been postponed for the time being.

(General Rikhye)

The request of the Congolese Government to us was to train its officers, primarily, and to give it assistance in its headquarters staff in Leopoldville -- in the Ministry of Defence as well as its general staff. A sufficient number of officers has already been made available to them, and in addition it can call upon any extra assistance required from the Force Commander who has, in fact, been making a large contribution towards generally helping the Congolese army. We have also now under consideration the training of Congolese officers abroad, but this is still under consideration and has not been finalized.

Mr. WACHUKU (Nigeria): What of the reorganization of the army? That will affect the position of Stanleyville troops, in spite of General Lundula.

General RIKHYE: Those matters were very closely related because, as the representative of Nigeria is aware himself, the main task of our reorganization and training really is the training of their officers, and once that has been achieved the rest should be easy.

Mr. WACHUKU (Nigeria): I mean reorganization -- for instance, deployment. You have a central government. Is there any machinery whereby there is co-operation by the United Nations in helping them? For instance, you have these troops in Stanleyville that have been brought up to look up one way, others in Kivu which look another way, and still others in Luluabourg, and so on. What effort has been made by the United Nations to bring about reorganization by movement of troops so as to bring some people from one direction to the other and get them mixed up before you deal with the position of generals, or whatever the case may be? Has anything been done in that field at all -- the process of integration of the forces that had been kept apart for so long?

Dr. BUNCHE: This could only be done in the closest collaboration with the Leopoldville Government and with its advice and consent, and so the United Nations unilaterally clearly has not been able to do anything.

Mr. WACHUKU (Nigeria): I am not saying unilaterally. I am asking whether the United Nations has initiated any move in this direction at all.

Dr. BUNCHE: This was tied up with the whole question of assistance which the United Nations would give in the way of officer training and the like, and it has not gone beyond that at this time.

Mr. BHADKAMKAR (India): I had two very small questions. Happily one has already been answered. I was going to ask why there was going to be a delay in putting the Kolwezi airport out of action, but now we are informed that the plan is there.

The other question had to do with the fact that we have been informed that there are or soon will be some 15,900 United Nations troops in the Congo. But I presume that that number includes administrative personnel, such as transport, hospital and other troops also.

General RIKHYE: It is the total.

Mr. BHADKAMKAR (India): The total. Now, what exactly is the strength of the combat troops? And before General Rikhye answers that question I should merely like to make a reference to what Dr. Bunche said a little while ago and observe that I think that there is already a precedent, even now, where national troops on the soil of the country concerned are operating under United Nations Command. So that when you state that there might be some difficulty ...

Dr. BUNCHE: Where?

Mr. BHADKAMKAR (India): In the Republic of Korea, a non-member of the United Nations. Is that not right? That is my question. It is not a member of the United Nations, but Korean troops of the Republic of Korea on the soil of the Republic of Korea operate under United Nations command.

Dr. BUNCHE: I would not want to get into that, but I should like to say that the sort of United Nations command that we are talking about in Korea and the kind that we have in the Congo is quite different.

Mr. BHADKAMKAR (India): I agree, yet if you wished to use that as a persuasive argument or suggestion I do not think that it would be out of place to suggest to the Government that it might not be entirely inappropriate for them to agree to that, even on Congolese soil. After all the United Nations is on Congolese soil for a very definite purpose, and we need not always seek precedents in these matters.

The CHAIRMAN: I call upon General Rikhye to reply to the question about the strength of the combat force.

General RIKHYE: The strength of our administrative United Nations headquarters personnel and personnel with the air forces is about 3,000. Therefore, our combat strength would be about 13,000, which is almost equivalent to seventeen infantry battalions.

Mrs. ROSSEL (Sweden): It is not my intention to speak at length. I have listened to questions and answers and ideas that have been sufficient to give us a full view of the difficulties we are working with and under, and I am looking forward very much to the full report that we are to receive on the military and political situation, whereafter we can make other comments. I hope that it will be possible for us to have it soon since we have no time to lose it seems. We have had very alarming news that there is sabotage from different quarters against the United Nations action, and we all must understand and appreciate that the Secretariat is working in very difficult conditions and circumstances.

And may I make a reflection which, although it does not exactly apply in this room, is nevertheless a reflection which I cannot fail to make. I think that it more important and urgent than ever -- and this has been stressed indirectly in our debate here -- that we should try to settle the question of a successor to the late Mr. Hammarskjold, either as a temporary replacement or a permanent one. The whole Congo situation and the efforts to deal with it are hampered by lack of somebody who can take over, and it is a very heavy burden on those who have to carry on without the authority he has.

Following from these points, I should like to say that the Swedish Government has not found it necessary to change its attitude concerning its co-operation in the Congo. On the contrary, it is more willing than ever to give its support and to see that we get a final result, and I do hope that other Governments participating in the Congo action will find it possible to continue, and also that others may come in and come back here.

In conclusion I should like to say that while we have been sitting here there has come an answer to the request for anti-aircraft facilities, and the request has been met to some extent. I shall give you the details as soon as I have the facts to hand.

Mr. CISSE (Senegal) (interpretation from French): The questions which I had intended to ask have mostly been answered, and my only reason for speaking is to support the suggestion made by the representative of Nigeria, namely, that the United Nations should afford increased co-operation to the Central Government. As has already been indicated there is a Central Government in existence, it has been recognized by all, and we feel that the problem of Oriental Province -- that is to say Stanleyville -- should be seriously examined.

(Mr. Cisse, Senegal)

There cannot be two commands in the country. That is to say, in this precise field of activity my delegation does not feel that it is justified for the United Nations to undertake recruitment on the spot among the Congolese. It would be a good idea to attempt to bring about some rapprochement which would solve some of the problems which are raised. My delegation therefore feels that the suggestion made by the representative of Nigeria is of very great importance. I hope that the Committee will examine it.

Mr. GEBRE-EGZY (Ethiopia): I have a few words to say on the question of Stanleyville and the participation of other Members. On the question of the Stanleyville troops, we fully appreciate the fact that it is the Congolese authorities themselves who will have to arrange the conciliation. Frankly, I am a little puzzled how the United Nations could play a role by asking General Lundula or General Mobutu to move here or move there. The United Nations role, if I understand it, is one of mediation and conciliation, it is one of asking them in their own interests to resolve the problem amicably. In fact, I would advise that we should be careful, because the United Nations is not in a position to tell anybody to do anything, because if he says "no" and takes up his arms you will be in a difficulty.

In this connexion I must appeal particularly to my African colleagues both here and outside to give whatever help is needed. I personally am ashamed -- and I hope no one will take this as a reflection in any way -- that very little help has been coming from our own continent. I do not like it at all. I do not like to hear the slogan "Africa for the Africans" and yet, when it comes to a matter of helping anybody, nothing is done about it. It is the smaller countries, the countries which have far less resources, who have been suffering, and not the ones that have plenty. All over the continent -- I could name them but I do not want to do so -- there are countries with plenty of troops and if they believe in the United Nations and believe in the integrity of the Congo, and if they believe that a precedent is to be avoided by keeping Katanga within the Republic, then it is their duty to participate. For our part we have done what we could and we shall continue to do what we can, but we do not want to get into the ridiculous position of giving whatever resources we have when we are being sabotaged by others.

Mr. RITICHEL (Canada): Could General Rikhye tell us who is paying for the military college and for the training programme being carried out in connexion with the reorganization of the ANC? Is there any contribution from the Congolese Government or is this programme being carried on by the United Nations?

General RIKHYE: The cost is going to be borne by the Congo Fund.

Mr. WACHUKU (Nigeria): I am sorry to revert to it but the representative of Ethiopia has raised a matter which I think should be clarified in regard to our own position. It is true that our country is one of the big countries in Africa but we may say, to our credit, that we have one of the smallest armies in the world. Therefore, we cannot give more than we have. He should understand that we are so peaceful in our disposition that we have a very little army. I think we have more police than soldiers in Nigeria and for us to give two battalions is really a very serious sacrifice.

The second question I wish to mention deals with Stanleyville. I know that it is due to the financial support given by the United Nations to the Congo that it is able to maintain its position now. I therefore ask, who is paying for the Congolese army in Stanleyville? Does the money come from the same central fund? Where does the money come from with which this army is paid?

Dr. BUNCHE: We cannot be very precise on that but there has been evidence lately to the effect that they are not being paid very much at all, actually.

Mr. WACHUKU (Nigeria): Yes, but they are being paid something. When they ran out of funds before they went to the Central Bank and seized the money. Have they been doing that? Is there some source from which this army gets its salary?

Dr. BUNCHE: The Provincial Government has been making money available, but we understand that there have been difficulties in paying.

Mr. WACHUKU (Nigeria): I think the United Nations could well put pressure on them by making the Central Government stop paying any more, although under the Constitution that Government is supposed to maintain the whole national army. If those people cannot get any more payment in a regular way and if they see that the troops of the Central Government are being well paid, the tendency will be for them to wonder whether it is worthwhile hanging on to their present position. When the Central Government was formed the question of a declaration by the United Nations as to its stand on the matter was discussed here and certain views were expressed. It was agreed that it was necessary for a statement to be made in no uncertain terms that the United Nations recognized only that Government and no other. When that statement was issued I think it had its effect in the Congo. I would like the Secretariat to consider after a certain time making it clear to all concerned that there is only one army in the Congo, and that the army which co-operates with the Central Government is the only army it can recognize and treat with. Otherwise it may be implied by the fact that the United Nations has a unit in Stanleyville that matters are not settled in Leopoldville, that Stanleyville is still recognized as a distinct unit. I sincerely hope that nothing will be done to give any such impression. Although it may not be intended, things are sometimes assumed. They should be forced gently to get back where they belong.

The CHAIRMAN: I think there is now a consensus that General Rikhye's report presents a clear picture in regard to the withdrawal of troops from the Congo and the reduction of those forces. There is a desire to have those forces returned to their original strength. In that connexion, perhaps the Secretariat could look into the question of seeking from other African countries or other sources forces which would be available to participate in this operation in the Congo. I should be glad if that could be taken into consideration, speaking on behalf of my delegation. I do not know what Tunisia's position is now and we hope that it should be possible to restore some of the forces to the Congo. The second question is the Stanleyville question and I think Dr. Bunche has told us that that has been the subject of discussion with Foreign Minister Bomboko. I am sure the United Nations would not want to use force to integrate the

(The Chairman)

Stanleyville forces with those of the ANC. We do not have enough force in the Congo for that purpose and even if we had I do not think a military action to integrate the forces would be desirable. We should see what steps can be taken with the Congolese on this question to integrate the forces.

Mr. CERILLI (Tunisia) (interpretation from French): I would like first of all to say a few words in reply to the suggestion made by the representative of Ethiopia, and that is that the reasons for the withdrawal of our troops from the Congo, quite contrary to our desire, have not yet been entirely eliminated. It seems to me that we would have considerable difficulty in agreeing to any such effort so long as the situation which caused the withdrawal of these troops has not been clarified. At present, it is far from being clarified.

With regard to the numerous other problems that have been raised, particularly the problem of the mercenaries and the United Nations attitude toward these bandits, the question of the reorganization of the Congolese National Army and conciliation with the Stanleyville group, this leads us to the suggestion made a moment ago by the representative of Sweden, namely, that it is more urgent than ever to think of a successor to the Secretary-General so as to permit the Secretariat to shoulder its responsibilities at the executive level. We can among ourselves hold discussions, raise problems, make suggestions and attempt to criticize the Secretariat, but in fact we have no one who can be responsible for these matters, to whom we can address ourselves and who can act in the name of the Organization, taking decisions and carrying them out. Only when we shall have an executive who will be responsible for all this will it be possible to contemplate a serious settlement of the problems which arise at present in the Congo. I would like to support the point of view of the representative of Sweden, namely, that we should insist on solving the problem of a successor to the Secretary-General as quickly as possible.

The CHAIRMAN: I shall now call on Mr. McCaw, who will give us a picture of the financial situation.

Mr. GEBRE-EGZY (Ethiopia): I apologize for interrupting you, Mr. Chairman, but in view of the hour and since all members are not present I would prefer that the Committee hear this report at another time.

Mr. CHELLI (Tunisia)(interpretation from French): I wish to support the suggestion made by the representative of Ethiopia. In view of the importance of the problem and the necessity of all members of the Advisory Committee to be present, I believe the statement should be left for another meeting. This is a crucial aspect of the situation in the Congo, one which has not had the full attention which it deserves. In view of the fact that this is the first time we are going to have a detailed report on this aspect of the matter, I would prefer to have it deferred until another meeting.

Mr. NOLAN (Ireland): I agree to the suggestion just made. It seems to my delegation that we should have the full membership of the Committee present when this item is discussed. I suggest that at our next meeting this item be taken up as the first item on our agenda and that the next meeting should take place in the very near future.

The CHAIRMAN: Since it seems to be the consensus of the Committee that we should consider this item at our next meeting, I suggest that the Committee meet again on Monday, 16 October, at 10 a.m., to hear the financial report.

The meeting rose at 1.25 p.m.

CONFIDENTIAL

20.1  
Meeting No. 58  
16 October 1961  
ENGLISH

UNITED NATIONS ADVISORY COMMITTEE  
ON THE CONGO

Informal meeting at United Nations Headquarters, New York,  
on Monday, 16 October 1961, at 10 a.m.

In the Chair:

Mr. DOE

Liberia

Members:

Canada

Mr. RITCHIE

Ceylon

Mr. MALALASEKERA

Ethiopia

Mr. GEBRE-EGZY

Federation of Malaya

Mr. ZAKARIA

Ghana

Mr. DADZIE

Guinea

India

Mr. JHA

Indonesia

Mr. MASFAR

Ireland

Mr. BOLAND

Mali

Morocco

Mr. BENCHEKROUN

Nigeria

Mr. NGILERUMA

Pakistan

Sir Muhammad ZAFRULLA KHAN

Senegal

Mr. CISSE

Sudan

Mr. SULEIMAN

Sweden

Mrs. ROSSEL

Tunisia

Mr. CHELLI

United Arab Republic

Mr. EL-MESSIRI

Mr. BUNCHE: A number of members have not yet arrived, but there is a quorum and, since it is already late, twenty minutes after ten, perhaps we had better get started.

The Committee will need this morning to select a Chairman for this meeting, owing to the fact that Ambassador Barnes will not be present, because an injury has been suffered by his daughter and he is at the hospital. What would be the pleasure of the Committee with regard to a Chairman? I may point out that the meeting is likely to be longer than we had anticipated last Thursday at the time of the adjournment of that meeting, because then it was supposed that the only item for consideration this morning would be a report by Mr. McCaw on the question of finances. It now has developed that in addition to that item there is the proposed protocol to the cease-fire agreement which has been negotiated by Mr. Khiari and on which we should like to give you all the information that we have, although it is not yet complete.

Mr. JHA (India): Personally, I am very keen to be clear about the latest protocol, so perhaps that point could be taken first.

In the meantime, we should have a chairman, and I propose that Sir Muhammad Zafrulla Khan take the Chair for this meeting.

Sir Muhammad Zafrulla KHAN (Pakistan): I would rather that one of the representatives of the African States should preside.

Mr. BUNCHE: What is the pleasure of the Committee?

Mr. DADZIE (Ghana): I would suggest, in the circumstances, that Mr. Doe might care to preside over our proceedings today.

Mr. BUNCHE: You have heard the suggestion of the representative of Ghana. Is this your pleasure?

I take it that this is the pleasure of the Committee and I shall ask Mr. Doe kindly to take the Chair.

Mr. Doe (Liberia) took the Chair.

The CHAIRMAN: First of all, I wish to thank the Committee for this appointment. I am sorry that Mr. Barnes, who has worked with you and understands the mechanics of this whole thing, is not able to be here, as Mr. Bunche has explained. In replacing him, I shall place myself at his disposal and I shall be guided by the members of the Committee.

Mr. Bunche will now make a preliminary statement.

Mr. BUNCHE: As the representative of India has suggested that the item of the protocol to the cease-fire agreement be taken up first, that will be done and we shall give you all the information on that which we have to date. Before doing so, however, I should like to report briefly to the Committee, and to ask Mr. Narasimhan also to say a word, on one aspect of the preparations which the Committee requested the Secretariat to undertake at its meeting on 12 October. One thing, as you will recall, was the preparation for circulation of a comprehensive report, including all available documentation, on mercenaries,

(Mr. Bunche)

jet aircraft in Katanga and other forms of foreign intervention activities from adjacent territories, which would include all the information -- confirmed and unconfirmed -- that we have available. Leopoldville has been informed of this and is undertaking to prepare the report. Mr. Narasimhan, may be good enough to give some of their preliminary views on procedure with regard to this.

Secondly, the Committee requested that a report be prepared which would give the considered assessment of the political situation in the Congo, the prospects for reconciliation, and suggestions for any new steps which might usefully be taken in this regard. The Committee, you will recall, agreed tacitly that this would not be circulated or even completed until after the completion of the Khiri negotiations.

Finally, it was requested that an approach be made to the Central Government of the Congo about the possibility of issuing a new ordinance which would provide that mercenaries taken into custody by UNOC be turned over to the Congolese Government for internment in work camps or imprisonment. We have this morning received a cable from Mr. Linner stating that this approach has in fact been made to Mr. Adoula yesterday morning but he has not elicited any reaction from Mr. Adoula as yet.

I would ask Mr. Narasimhan now to explain the position of our Leopoldville people on the first report.

Mr. NARASIMHAN: I shall be very brief. With regard to the request from our side for a full and comprehensive report on the military situation, in accordance with the discussion at our last meeting, our colleagues in Leopoldville feel that such a report would be much more authentic and valuable after the sub-commissions had visited, especially, Jadotville, Kipushi and Kolwezi. I should like to draw attention in this connexion to clause 2 of this provisional cease-fire protocol, which says in part:

"Three joint sub-commissions to supervise the application of the cease-fire agreement shall be set up, each consisting of two Katangan officers and two ONUC officers. These sub-commissions shall have full liberty to visit any part of Katangan territory at any time at the request of one or the other of the two parties. The sub-commissions shall be accorded all facilities for the accomplishment of their task."

It is envisaged that after the exchange of prisoners the first task under the cease-fire agreement should in fact be the visit by these sub-commissions to these three centres especially -- Jadotville, Kipushi and Kolwezi -- and it has been suggested that we might await their report because then we would have reliable and authentic information which we could present to the United Nations. This suggestion has been made, and very strongly urged in fact, by our colleagues in Leopoldville, and the Advisory Committee may wish to consider the plea for a little delay so that more reliable information can be placed before the United Nations.

The CHAIRMAN: Representatives have heard the statement just made by Mr. Narasimhan, and I shall now put it to them for their views. If there is no discussion on what he has just said we can pass on to the protocol.

Mr. DADZIE (Ghana): If I remember rightly, the suggestion for a report was meant to cover not only the military situation but also all the various allegations regarding arms deliveries, the return of the mercenaries, and so on. Is this plea that Mr. Narasimhan has conveyed to us intended to cover these other aspects of the subject as well?

Mr. NARASIMHAN: Very much so, Sir. For example, if we visit all these three airports at the same time we shall know whether there are any jet fighters at any of them or not, and we shall also be able to assess the number of persons there and the quantities of ammunition that they hold, because the sub-commissions will have complete freedom to look into all those points.

The CHAIRMAN: I take it that the inquiry of the representative of Ghana is covered.

Mr. DADZIE (Ghana): Yes, thank you.

The CHAIRMAN: I shall now invite the Under-Secretary to take us over the protocol.

Mr. BUNCHE: The text of the draft protocol agreement has just been placed before you as it has been transmitted to us from Leopoldville. You will note that the agreement does not come into effect finally until it has been approved by the Headquarters here. I shall undertake to give you as quickly as possible the information we have to date.

I should preface this by saying that we have not indicated any view on this draft protocol to Leopoldville from here. We have confined ourselves thus far to asking questions. I should add also, however, that this is a difficult and delicate situation because of the fact that the agreement provides for an exchange of prisoners. The Katangnese hold, as the Committee knows, 191 United Nations soldiers -- mainly Irish, but also some Swedes, Norwegians and Italians -- and an agreement had been reached that these prisoners would be exchanged at Elisabethville at 4 o'clock local time this afternoon, which would have been half an hour ago. We do not know what has happened in this regard. We have communicated our hope to Leopoldville that the prisoner exchange would be gone ahead with without any approval of the protocol itself from here, but there has appeared in the press this morning a statement attributed to Mr. Tshombe to the effect that the prisoner exchange would not take place prior to approval of the protocol.

(Mr. Bunche)

Going on with the information which we have received from Leopoldville, I shall simply give you a run down on it. This is the substance of the information we have received in cables which have come here during Saturday, Sunday and this morning concerning this agreement.

First of all, we are informed that the protocol is subsidiary to the Ndola agreement -- that is, the previous cease-fire agreement -- and it will be recalled that Headquarters, in confirming that agreement, appended the stipulation that the agreement could in no wise affect the continued application of the Security Council and General Assembly resolutions, and particularly the resolution of 21 February.

Leopoldville, by which I really mean Mr. Linner and General Maceoin, had asked Mr. Khiary, who was conducting the negotiations -- and who, I must say, has shown great skill and tenacity and courage in carrying them on -- in a teletype conversation to ensure that the clause relating to the prisoner exchange would be one clause that need not be confirmed by United Nations Headquarters before implementation. We had word yesterday that arrangements for the exchange of prisoners on Monday -- that is, today -- were well advanced, but they could not say for certain that they would go ahead without confirmation of the agreement from here. Leopoldville offered the suggestion that the final approval of the protocol pursuant to its final paragraph could be subject to reservation or declaration in firm language much the same as that employed in the Ndola agreement.

(Mr. Bunche)

At our suggestion Mr. Linner saw Mr. Adoula, and with Mr. Adoula was Mr. Gbenye -- that was yesterday morning -- to elicit their preliminary reaction to the draft protocol. Their reactions were unfavourable, particularly as regards paragraph 10 of the agreement. However, they did not take a final position on it because they were awaiting Mr. Khiary's return and his full explanation of the provisions of the agreement before reaching a final conclusion with regard to it. Mr. Khiary returned to Leopoldville only last night and is meeting with the Adoula cabinet this morning. The exact wording of the statement which was communicated to Mr. Linner by Mr. Adoula yesterday afternoon or evening is as follows:

"Following the protocol of agreement of 13 October signed at Elisabethville between Mahmoud Khiary on behalf of the United Nations and Mr. Moise Tshombe on behalf of the Government of Katanga I received this morning in the presence of the Minister of Interior, Mr. Sture Linner, the official responsible for the United Nations Mission in the Congo. I must point out that already at the time of the signing of the provisional cease-fire agreement the Government voiced its strongest reservations stressing that in the Katanga affair the Government is bound by national obligations which require it to take its own steps to put an end to Katanga's secession. After Mr. Linner's preliminary explanations I did not hide my Government's deepest fears as to the inevitable political implications, including the very continuance of the UN action in the Congo, of the application of this agreement if it should be ratified by the Secretariat in New York. Pending additional explanations from Mr. Mahmoud Khiary the Government must regard the agreement as liable to strengthen Mr. Tshombe's position."

This is a quick and perhaps rough translation of the original French of the communication. But it will be noted at the end that they do leave the question open pending their discussion with Mr. Khiary. Mr. Khiary has sent the following comments, and I take it that these will be explanatory comments which he will himself employ in his meeting with Mr. Adoula's cabinet members today.

Mr. Khiary points out that in his comments on the Ndola agreement he drew special attention to the following requirements: first, the strengthening of the Central Government; secondly, firmness in the application of the resolutions

(Mr. Bunche)

of the Security Council and of the General Assembly, and, thirdly, the need to seek a peaceful solution. He points out that these three requirements of the original Ndola cease-fire agreement had been met. He goes on to say that the Central Government is not bound by this draft protocol, whereas Mr. Tshombe and Katanga loses the freedom of action.

Secondly, he says that the Central Government has taken the opportunity of concentrating large forces on the borders of Katanga Province, whereas under the protocol Tshombe's forces may not be moved or reinforced. Thirdly, he says that the Central Government has the support of Parliament and the people in attempting to end the secession in Katanga, whereas Mr. Tshombe has half the population against him and there are numerous defections daily from the gendarmerie and the police and even from among Mr. Tshombe's political supporters inside and outside Katanga. Once deprived of its mercenaries, he points out, the gendarmerie will no longer be able to use its offensive arms, aircraft, armoured cars and other heavy weapons.

Finally, he says that northern Katanga still remains outside the control of the Katangan authorities and that this seriously impairs their political prestige. He then goes on to say that the application of the resolutions of the Security Council and the General Assembly is not at all affected by this protocol, whereas Mr. Tshombe in an exchange of letters with ONUC undertakes to eliminate all foreigners from the gendarmerie. He says that this undertaking is to be carried out under the supervision of ONUC which has just acquired increased facilities for supervision as a result of the establishment of the commissions which are provided for in article 2 of the protocol and which are to have full liberty of action and investigation.

He says further that under the pressure of events resulting from the UN operations, Mr. Tshombe has for the first time agreed to open negotiations tacitly conceding the preliminary condition of the Central Government, that is normalization of relations on a basis of legality. And he says that a three man mission from Katanga is traveling to Leopoldville on Tuesday - tomorrow - for this purpose, and he holds that this also strengthens the position of the Central Government and accordingly weakens that of the Tshombe Government.

(Mr. Bunche)

He says that these three basic principles having been met, the protocol provides for, firstly, the release of the prisoners. He says that this was a serious problem for the UN in view of its political implications, that Tshombe was very well aware of this fact and was therefore in no haste to agree to the exchange of prisoners. Tshombe is not concerned with the Katangan prisoners because, Mr. Khiary says, the people of Katanga already assume that these prisoners are dead, though they are not, whereas the United Nations prisoners did provide Mr. Tshombe with the means of pressure, and even blackmail, as he says, of which Mr. Munongo made the maximum use. Mr. Khiary says that if the United Nations had failed in this matter it might well have been fatal, or if it should fail in this matter, it must be fatal for the continuation of the operation.

By winning this point and by dealing with it in the first article of the protocol, he thinks two important objectives will be secured. The plan of the extremists will be thwarted and popular support will be gained for this humanitarian action. He says that article 2 of the protocol, in his view, would mark a major victory for the United Nations. It confirms the failure of the extremists among the Katangans and foreigners who wish to keep the arsenal of their war machinery outside of ONUC control. He points out that the UN so far has never succeeded in entering the areas in which arms and mercenaries originated and were concentrated, or the areas in which bombs and armoured cars were manufactured in the plants of the Union Minière.

The fact that it is now possible for the UN to do so will have, he thinks, important consequences for the future.

Under article 3, he points out that the Katangans are permitted to retain the same military forces in the north as they had on 12 September before the fighting began. On that date, however, he notes, their strength was very limited since their garrisons in that area had either surrendered or fled. Once re-established, these garrisons will resume their normal activities, but under the Ndola agreement they may not be reinforced nor may they undertake punitive control. In this regard he points to the last paragraph of article 3 of the cease-fire agreement.

(Mr. Bunche)

As to articles 4, 5 and 6, he feels that no special comment is needed. He says that here the United Nations is ceding positions which were occupied only as a result of the hostilities but which had no strategic value, and while ceding them he thought the UN was also neutralizing them militarily in this protocol and maintaining ONUC personnel there in the case of the post office or eliminating undesirable activities in the case of the radio installations. And here of course it should be pointed out that there was never any UN intention to hold these permanently or even indefinitely. It will be recalled that these places were occupied as a purely temporary condition with regard to the operation that was to be carried out on 13 September, namely the mopping up of the remaining mercenaries, and to keep the extremists among the Katanga authorities, and particularly Mr. Munongo, from using these facilities to incite the public against the UN and create riots and so on.

(Mr.. Bunche)

Mr. Khiary notes that article 7 is important because before this the technical control of the airports was exclusively in the hands of the Katangans. This was the case before the operation of 13 September. The United Nations exercised military control of the airport jointly with the Katangans, but under the provisions of this control, he says, technical control will remain with the United Nations, and the United Nations can agree to the presence of technicians in the pay of the Katangan Government, if it wishes. He points out that Tshombe has in fact requested this. Mr. Khiary has promised Mr. Tshombe to discuss the matter with Leopoldville. With regard to Katangan military control at the airports, this would in future be limited from the standpoint of the strength of the forces exercising such control and from the standpoint of the objects of control. It would be confined to the military installations, that is, to a single hangar -- his description -- in one corner of the airport.

As to articles 8 and 9, he feels that ONUC obtains important and obvious advantages.

As to article 10 -- which we saw as the most controversial -- Mr. Khiary points out that during the talks the Katangans proposed a text of this article under which it would have applied exclusively to ONUC and to the ANC -- that is the Leopoldville ANC. The inclusion of an article in the protocol, Mr. Khiary says, was indispensable for its signature. There could not have been any protocol without something of this nature. Mr. Khiary says that the United Nations on its side created a virtual avalanche of proposals and finally recommended the adoption of the one which appears in the text before you, that is, article 10. Here he gives some strong reasoning. He says that this text, article 10, is to be interpreted in the following sense:

First, the cease-fire may in no circumstances be violated as regards United Nations forces. Any violation would be treated as such and would result in immediate counter action by the United Nations.

(Mr. Bunche)

Secondly, we have never conceded to Katanga a de jure or de facto status, which would justify it in regarding itself as external to the rest of the Congo. Only a foreign country -- for example, Rhodesia -- therefore could be regarded as external to the Congo and in that event the gendarmerie would fire back as a Congolese force. It has, moreover, been made clear -- he says -- to the Katangan authorities that, except by virtue of the legal status conferred upon them as a provincial government, they would no longer enjoy -- that is, the Katangans -- parliamentary and governmental immunity and the gendarmerie would become "irregular armed bands", coming within the scope of the resolutions and recommendations of the higher organs of the Organization. This point -- he says -- together with the points made in the first paragraph of these comments, sets this article in its true perspective.

Finally, Mr. Khiary points out that the Katangan gendarmerie which, within the limits described above would have the right to fire back, is a purely African force and the mercenaries, etc., could not claim the same right.

Mr. Khiary states that he will be transmitting to us today the Central Government's reactions after Mr. Khiary has given the Government his views on the protocol, which presumably would be the views I have just outlined to you.

This is where the matter rests at this time. We are anxiously awaiting word from out there as to what has actually taken place in Elisabethville with regard to these prisoners. This is all the information we have at the present time. I think that you would see from this presentation that there is more information to come, and until we get the final reaction of the Adoula Government, it is probably pure speculation to go any further than we have gone at this point.

The CHAIRMAN: Members have no doubt listened with interest to the brief highlights made of the cease-fire situation in the proposed protocol regarding Katanga.

As briefly pointed out, you have also listened to the fact that until we can get more elaborate exposition, which is expected shortly, sooner or later, there might not be any useful purpose now to go into a full discussion of the matter; but if there is no objection, the Ambassador of India has asked to make a brief statement.

Mr. JHA (India): As I have another meeting to go to, I should like to make a few preliminary observations.

I think Mr. Bunche has given a long exposition of the various articles of this protocol based on the report of Mr. Khiary. We have to really study it to assess its full significance. The position seems to me to be that this protocol has been agreed to between the United Nations representative and the Katangan authorities after a great deal of discussion; and there has obviously been give and take on both sides. It certainly logically flows from the agreement of 20 September, an agreement which fills in the details that were lacking in that agreement. So that, I believe there is nothing very much that we can do about this agreement. It is something to which we are more or less committed. At any rate, it is very difficult to get any modifications out of it. I would make only one or two observations.

First, I think it should be made clear, as it was done on the last occasion -- and I refer to paragraph 2 of document S/4940 -- that the conclusion of the agreement relating to the protocol in no way affects the resolutions of the Security Council, including that of 21 February 1961, and of the General Assembly. The agreement is of a strictly military nature and applies solely to the United Nations Force in Katanga and to the armed forces of Katanga. The agreement does not apply outside Katanga.

(Mr. Jha, India)

It is true that these conditions were attached by the United Nations to the original agreement, of 20 September. It might therefore be argued that, since the Protocol is only a follow-up of that agreement, these conditions apply equally. But I should like to be more specific about the conditions even in the present Protocol. No room should be left for doubt there. I would suggest the addition of a clause to the effect that the conclusion of this Protocol in no way affects United Nations resolutions concerning the unity and the territorial integrity of the Congo and in no sense means any kind of recognition of the Government of Katanga as a Government entitled to enter into international accords.

The point that I wish to make here is that this whole agreement will be cited by Mr. Tshombe and his friends as signifying a tacit recognition of the Katanga Government by the United Nations as an equal. There are many parts of the Protocol which could be interpreted as going somewhat beyond the purely military aspect. Hence, I think that it should be made clear -- I do not have any exact phraseology to suggest at the moment -- that the conclusion of the Protocol does not in any way prejudice United Nations resolutions on the unity and territorial integrity of the Congo or in any sense constitute a recognition of the international status of the Katanga authorities.

My next comment is this: In this Protocol, stress is naturally laid on the exchange of prisoners. We are all very anxious that members of the United Nations Force who are being held prisoner by the Katangans should get back to their units. For that reason, it is quite appropriate that paragraph 1 of the Protocol should relate to the exchange of prisoners. Since the time mentioned is 1600 hours on 16 October 1961, this exchange has probably already been effected -- if the paragraph has been adhered to strictly.

Am I right in thinking that the numbering of the various paragraphs of the Protocol indicates that the steps set forth will be taken in that order? Obviously the exchange of prisoners must come first, and that is dealt with in paragraph 1. Paragraph 2 entails a somewhat long-range process, because the sub-commissions will have to go to various places; but I suppose that they might be appointed straight away and start on their task. I think that our understanding

(Mr. Jha, India)

should be that a paragraph cannot be implemented until the preceding one has been implemented. As I have said, it is quite natural that the exchange of prisoners should be dealt with in paragraph 1, as the first requirement.

Of course, this whole process will start after confirmation from United Nations Headquarters has been received. But how does this affect the exchange of prisoners? If the United Nations does not approve this Protocol, or if it makes conditions which are unacceptable to Tshombe, will there still be an exchange of military prisoners at 1600 hours on 16 October 1961? I am not very clear about this -- especially since that time has now already passed. I assume, however, that all these provisions will come into effect only after confirmation by the United Nations.

Now, paragraph (4) of the cease-fire agreement of 20 September stated that:

"No movement of troops to reinforce a garrison or position shall be allowed. This prohibition applies to all means of warfare, arms, ammunition and other military devices". (S/4940/Add.7, page 3)

Paragraph 7 of the Protocol states that:

"The free use of the airports at present controlled by ONUC shall be ensured, for the benefit of civil traffic and the Katangan authorities, through the facilities available to those authorities for the normal provisioning of their troops as this was done in the past."

I do not quite know what the technical meaning of "normal provisioning" is, but I had thought that it meant not merely military stores and equipment, but also the transfer, shifting and replacement of personnel. Hence, I do not understand how paragraph 7 of the Protocol is consistent with paragraph (4) of the agreement of 20 September. Perhaps Mr. Bunche could throw some light on this matter.

Paragraph 9 says that:

"The Katangan Government shall assist ONUC in finding suitable premises for its civilian and military services in place of the premises which it cedes to the Katangan authorities..."

What is the meaning of the word "cedes"? Surely, there is no question of cession of any territory by the United Nations authorities. I should like some further explanation of that paragraph.

(Mr. Jha, India)

Paragraph 5 reads:

"The Katangan authorities and ONUC undertake to maintain the neutrality of these points and to station no military forces either within them or in their vicinity".

It is understandable that there should be no military forces at the BCK Hospital, the Mido or the Kasenga Highway Tunnel; that has been agreed. But what is the significance of the words "or in their vicinity"? Does that mean a kind of immobilization of United Nations initiative in furtherance of the functions which have been entrusted to the United Nations Force under the United Nations resolutions? It seems to me that these words might be interpreted very widely. Mr. Tshombe might use them to his advantage in a situation in which he might wish to use them.

Paragraph 3 states that:

"The garrisons of the Katangan forces and ONUC which were at Albertville, Niemba, Kynzu and Jadotville on 12 September 1961 shall be authorized to occupy their usual positions with the same forces..."

What do the words "usual positions" mean? Does this refer to a locality or to a military position within a certain garrison? The last sentence of this paragraph reads:

"Any troop movement coming within the scope of the cease-fire agreement signed at Ndola on 20 September shall be notified to the other party."

What kind of troop movement could come within the scope of the cease-fire agreement? Paragraph (4) of the cease-fire agreement states that:

"No movement of troops to reinforce a garrison or position shall be allowed. This prohibition applies to all means of warfare, arms, ammunition and other military devices." (S/4040/Add.7, page 3)

Do the words "troop movement" in paragraph 3 of the Protocol refer to any regroupings in accordance with the Protocol? I am not very clear about the meaning of that sentence.

(Mr. Jha, India)

Paragraph 10, as Dr. Bunche has explained in detail, is probably something which had to be agreed to, but I am not altogether happy -- not so much about the wording as the intention that Mr. Tshombe may have had in insisting on a clause of this nature. Then, in paragraph 11, the last sentence reads:

"These forces shall not be disarmed by the ONUC troops, and in case of difficulties the two parties shall have recourse to Article 12 below."

I do not know how this question of disarming has come up. Normally, it was the intention of the United Nations resolution of 21 February that the United Nations should disarm by force any foreign troops, except in the circumstances indicated by that resolution. I would not like to say more. These are some of the observations that I have to make. I realize that since this agreement was made, this protocol has been agreed to by our field officers, after a great deal of discussion: there is nothing very much that we can do. We have got to accept this, but I would suggest that all possible clarification should be made and, certainly, this protocol can only be accepted subject to the conditions that were appended to the agreement of 20 September, <sup>as</sup> also the additional suggestion that I made -- that this shall not prejudice in any way the unity, territorial integrity and independence of the Congo, which have been accepted by the United Nations, and shall not amount to any acceptance of international status for the Katangese authorities.

The CHAIRMAN: Thank you. Before I invite any further observations, the representative of India expressed some doubts about some technical usages, on which he would like some clarification. For that purpose I should now like to call upon Dr. Bunche to give us a clarification.

Dr. BUNCHE: I shall not undertake to attempt to answer the specific questions put, or even to give clarification on them. We will certainly put them to Mr. Khiari and will, before final action is taken, have clear answers on them. The first question, however, I think can be answered clearly on the basis of information we already have, because we also had stressed to Leopoldville that the exchange of prisoners provided for in the first article of this protocol should have priority. We received assurance from Leopoldville that the prisoner

(Dr. Bunche)

exchange would be given priority. In fact, Leopoldville, as I indicated, had asked Mr. Khiari to get assurance that the prisoner exchange was a clause that could be effected without prior confirmation from here. We never, as I indicated earlier, got assurance that this would be the case, but this is the United Nations position out there; that it is the top priority in executing this protocol.

As to the other questions, I would prefer to await further word from Mr. Khiari after we put them to him, except that I might point out that, with regard to the question on paragraph 3, concerning the garrisons, Mr. Khiari had noted that the Katangans would be permitted to retain the same military forces in the north as they had on 12 September, but he pointed out also that their strength at that time had been very limited and had been greatly weakened; and that under the last paragraph of Article 3 they would not be entitled to reinforce, or to undertake punitive patrols.

Mr. JHA (India): I thank Dr. Bunche. I have one other thing that I would like to say. Mr. Narasimhan mentioned that it might be a good thing to get the report on the various aspects stressed at our last meeting after the joint sub-commissions supervised the application of the cease-fire agreement -- the joint sub-commissions mentioned in paragraph 2. It seems to me that that will be a very long process because, with our experience in Katanga, who knows whether these joint sub-commissions will be formed, whether they will be able to visit all the places, and how long it will take? Meanwhile, I think that all of us are very anxious to know -- to have a comprehensive report on the various disturbing aspects which were referred to in our last meeting. The Secretariat might suggest to Mr. Linner sending at least a preliminary report -- a first report, so to speak, on the various matters that were raised at our last meeting and which I do not wish to repeat here. It is very important because we must know where we stand and, so far as we are concerned, we have got very heavy commitments in the Congo, and so have other members. Therefore, I would suggest that we should not wait for the joint sub-commissions to have visited all the various places in terms of paragraph 2 of the protocol for that purpose.

Mr. NARASIMHAN: In reply to the specific point raised by the representative of India, we will certainly give instructions that when this team starts work, under paragraph 2, one of their first visits should be to Kolwezi airport. Then we can set at rest all doubts and questions regarding the number of jet aircraft. As soon as we have that information we would like to be able to report back, because our colleagues in Leopoldville have stressed in their communications the flimsy and unreliable nature of the information that they have. These are fears that they have been expressing rather than positive information that they have, and they have therefore been very anxious to be given the opportunity to visit these places and give us reliable information. We can be assured that they will -- and we will in fact instruct them also -- give priority to this question of jet aircraft, as also the question of mercenaries and ammunition; for example, reports about availability of artillery to the Katangese authorities, and things like that. We will try to get this information as quickly as possible and then report to the United Nations.

Mr. DADZIE (Ghana): This draft protocol clearly deserves far more careful examination than we can give it at such short notice. Furthermore, it appears that the Secretariat will not be in a position to give its final approval until the final reactions of Premier Adoula are available. It is also my understanding that the Secretariat is expecting further additional information from Mr. Khiari.

In view of these considerations, I wonder if there is very much merit in embarking in a substantive discussion of the draft at this stage. What I would suggest is that the set of conditions and understandings which the Secretariat will no doubt stipulate when according its final approval of this draft protocol might be submitted to us in draft for our comment, together with the additional information that they are expecting. Then we, the Committee, shall be in a better position to discuss these understandings and conditions intelligently and fruitfully.

Mr. GEBRE-EGZY (Ethiopia): I want to ask just one question. I saw in the paper that Mr. Tshombe had said that unless the United Nations approved of this the exchange of prisoners would not take place. Is that true? Do you have concret information on that? Secondly, what is the exact position of the central Government. We also saw some statement purporting to be from the central Government, from Prime Minister Adoula,

The CHAIRMAN: I believe the representative of Ethiopia was not here when Dr. Bunche went over that phase of the newspaper reports, and, for his information, I shall ask Dr. Bunche to go over it again.

Mr. BUNCHE: Just briefly, let me say that we also had noticed the statement attributed to Mr. Tshombe in the press. We have no information to this effect from our people in Leopoldville. As I have indicated, our position has been just the opposite: that the prisoner exchange should be gone on with even without confirmation from here of the text of the protocol, and we hope that that prisoner exchange has gone ahead.

As to the attitude of the Adoula Government, the report in the press is accurate to the extent that it goes, namely, that the first reactions of Mr. Adoula and Mr. Gbenye, as I have reported here, were unfavourable to this protocol in their talk yesterday with Mr. Linner, but they were not taking a final position pending an opportunity to have Mr. Khiari's full explanation of the text of the agreement. Mr. Khiari arrived back in Leopoldville late last night and is meeting today with the Adoula Cabinet.

Mr. BOLAND (Ireland): May I just say that I agree very largely with what was said a few moments ago by Ambassador Jha; I find myself in almost complete accord with all the points he made. But I should particularly like to stress the point he made to the effect that this new protocol is merely a protocol to the cease-fire agreement, and the cease-fire agreement itself is subject to the conditions contained in paragraph 2 of document S/4940/Add.10. The point in this later protocol which concerns us most, of course, is article 10. But article 10 loses a good deal of its force when read in the light of the conditions set out in paragraph 2 of document S/4940/Add.10.

It is true that, if the Katanga gendarmerie fires back against an attack, it would not violate the cease-fire agreement -- that is, the cease-fire agreement and this protocol -- but it would be contrary, quite contrary, to the resolutions of the Security Council, and so on, referred to in paragraph 2 of document S/4940/Add.10.

I wonder whether it would not be possible, when the approval of this protocol is being conveyed, to add somewhat to the conditions set out in paragraph 2 of document S/4940/Add.10, to the effect that this protocol, of course,

(Mr. Boland, Ireland)

in no way implies any recognition, de facto or de jure, of the Katanga authorities, and in no way detracts from the recognition by the United Nations of the legitimate authority of the Central Government. I do not know whether it would be possible to introduce that -- but I think that, if it were introduced and added to the conditions contained in paragraph 2 of document S/4940/Add.10, it would help to deprive article 10 of the protocol of some of the objectionable implications which some people may see in it.

Mr. BUNCHE: Something has been pointed out to me, which I think should be brought to the Committee's attention, because it bears upon one point that has been made by members of the Committee who have commented upon this draft protocol. Mr. Schachter points out that we can say definitively that a cease-fire or standstill agreement entered into with de facto authorities does not carry any implication of recognition of those authorities. He goes on to say that this has often been confirmed in United Nations practice, that it is a point of principle which stands and which we should make quite clear.

Mr. QUAISON-SACKEY (Ghana): I understand that there are still to come some explanations on this protocol from the headquarters in Leopoldville. In that case, my suggestion would be that it would be very difficult for us to pronounce definitely on this and that it might be a good idea to have a further meeting during the week -- preferably as early as possible, on Wednesday or thereabout. But, in the meantime, there is no reason why we should not press for immediate implementation of paragraph 1, regarding exchange of prisoners. I think that is even in conformity with the protocol itself, which says: "The present agreement shall come into force forthwith ...". Even while waiting, then, for the formal approval, the Leopoldville authorities can pursue the course of getting this exchange to take place. I do not know whether this can happen without formal approval -- but, if some effort were made in Leopoldville to get this done, it would be a good idea indeed.

The second point I want to make in regard to the protocol is that, in our view, it would be a good idea if, at any time that we are dealing with a provincial authority, we so stated in any document in which mention is made of the particular provincial authority. For example, in place of "Katanga authorities", we might say "Katanga provincial authorities", and, in place of

(Mr. Quaison-Sackey, Ghana)

"Katanga Government", we might say "the Provincial Government of Katanga". This would emphasize the provincial aspect of the Government and would not give a false impression to Tshombe that we are treating with him as an independent State.

The CHAIRMAN: Dr. Bunche would like to say another word about the prisoners.

Mr. BUNCHE: I wish to repeat only that the position suggested by the representative of Ghana is precisely the position which United Nations officers are taking. But I should add that we cannot give any assurance to the members of the Committee that this position will prevail, because, as Mr. Khiari has pointed out -- this was in my earlier report to you -- Mr. Tshombe is fully aware of the situation in regard to these prisoners and, to use Mr. Khiari's own words, Mr. Tshombe and particularly Mr. Munongo are inclined to use this as a factor of pressure and blackmail in these negotiations. Therefore, we cannot be sanguine that we will succeed in getting the prisoners exchanged prior to definitive confirmation of the agreement from here. I must add the personal view that this is a matter of very deep anxiety to us because, while the prisoners have been visited and it has been ascertained that they are in good health and good spirits and are being well taken care of in the hotel in Jadotville, they are without arms and without protection and, as you know, attitudes change very quickly in the Congo, and therefore some change in the present situation could put these men in very great jeopardy.

Mr. SULEIMAN (Sudan): Is the approval of this protocol by Headquarters in any way subject to the approval or the views of the Central Government in Leopoldville?

Mr. BUNCHE: No, it is not. It does not in any way involve the Central Government. However, the attitude of the Central Government toward the protocol, as in the case of the parent agreement, the cease-fire, is one which we would take very much into consideration and one which would greatly influence our position on it.

Mr. GEBRE-EGZY (Ethiopia): First, I fully agree with the representative of Ghana that in accordance with paragraph 13 here, I think the exchange of prisoners should be pressed as forcefully as possible.

Secondly, we also accept the point of view of the delegation of Ireland that an addition should be made so as to indicate that there is no de jure recognition of the Katanga authorities.

Thirdly, I think that it is a good idea always to insist on the inclusion of the word "provincial" when we refer to the provinces. I know the difficulties of the Secretariat, but this could at least be tried for the record.

Next, I hope you do not mind my saying that my being present here and listening to the information does not in any way constitute acceptance of Katanga as an entity. For us it is part and parcel of the Congo. Furthermore, in no way do we concede that anything that can be done by the United Nations can infringe on decisions of the General Assembly and of the Security Council.

The CHAIRMAN: Since there are no further speakers, I take it that representatives are more or less agreed on the observations made by delegations with respect to the taking of any definitive action or entering into full debate on the proposed protocol owing to the lack of detailed facts which we have been led to understand are forthcoming. Therefore, I take it that we are all agreed with the representative of Ghana in desiring a postponement of this item to another meeting, perhaps on Wednesday, as he suggested, or as soon as possible.

Our last item refers to the question of finance, and I shall call on Mr. McCaw, who will present a report.

Mr. McCaw: I welcome this opportunity to present for the information of the Committee some facts regarding the financial problems confronting the Organization. These problems, in our opinion, threaten to become so serious in the coming weeks and months that unless some means is found to overcome them, they may force the Organization to terminate its activities in the Congo and conceivably even to require the cessation of a part or all of its other activities.

While the financial condition of the Organization had been deteriorating for several years before the United Nations started its operations in the Congo -- as a result of the refusal or failure of a considerable number of Governments to pay their UNEF assessments -- the large-scale expenditures and continuing commitments required to finance ONUC and the refusal or failure of many Governments to contribute to its costs has accelerated and deepened the crisis with which we are now confronted.

In last May, five months ago, in the Foreword to the regular budget estimates for 1962, the late Secretary-General summarized the cash position of the Organization as it had developed during the first five months of this year and discussed the prospects for the balance of this year and the first half of next as they then appeared. It may be recalled that in paragraph 19a of his Foreword, the Secretary-General stated that:

"Unless the General Assembly at its sixteenth session finds some means of ensuring that Governments pay promptly their assessments which are in arrears for UNEF and ONUC or adequately long-term arrangements are made for covering the amounts in default, we can anticipate cash deficits of the following magnitudes:

"As at 31 December 1961 ..... \$40 million

"As at 31 March 1962 ..... \$50-60 million

"As at 30 June 1962 ..... Up to \$90 million"

The basic assumption underlying these estimates as stated by the Secretary-General was that expenditure levels would remain approximately the same in 1962 as in 1961 for the regular budget, UNEF and ONUC and on the further assumption in the case of ONUC that 1961 obligations would total \$120 million.

(Mr. McCaw)

A little more than a week ago, on 5 October, the Controller in a statement to the Fifth Committee, which has been reproduced and circulated as document A/C.5/881, pointed out that:

"The developments that have occurred in the administration and financing of United Nations Operations in the Congo, UNEF, and the regular budget activities of the Organization in the four months that have elapsed since May have tended to confirm the general validity of the Secretary-General's forecasts and provide little basis for any appreciably more optimistic view than he then expressed regarding the seriousness of the cash problem that will confront the Organization during the coming months."

He added that:

"While it would now appear that the cash deficit at the end of 1961 may be closer to \$30 million than the \$40 million which was anticipated in May (due to an upward adjustment in the estimated cash income and reduction in the estimated cash outgo during the last half of the current year) there is no basis at this time to change the Secretary-General's assumptions regarding the 1962 level of obligations for the regular budget, UNEF and ONUC or his further assumption that in the case of ONUC 1961 obligations will total \$120 million."

(Mr. McCaw)

He added:

"Although, therefore, the cash deficit at the end of 1961 may be somewhat lower than previously forecast, the total of unliquidated obligations" -- or the amount of the debt the Organization will owe -- "will be correspondingly increased and there is therefore no basis at present for modifying the estimate that the deficit will be of the magnitude of \$50 to \$60 million by 31 March 1962 and \$90 million by 30 June 1962." (A/C.5/881, page 7)

In connexion specifically with the financing of ONUC, it may be recalled that the General Assembly in its resolution 1619 of last April, after considering the report of the Secretary-General on the estimated cost of ONUC and the report of the Advisory Committee on Administrative and Budgetary Questions thereon, approved certain recommendations made by that Advisory Committee and appropriated \$100 million for the expenses of the operation of the United Nations in the Congo for the period from 1 January 1961 to 31 October 1961. The Secretary-General's report, it may be recalled, estimated that the requirements for this year, if ONUC continued through 1961, would total \$135 million, of which \$107 million would be required for operating costs to be incurred by the Organization directly and \$28 million required for reimbursements to your Governments for their extra and extraordinary costs in providing contingents to ONUC.

The recommendations of the Advisory Committee that were approved by the General Assembly in this resolution -- that is, the Advisory Committee on Administrative and Budgetary Questions -- included paragraph 2 of its report in which it was stated:

"... The Advisory Committee has examined the estimates on the assumption that provision for the full year is intended, although the General Assembly might wish to limit the appropriation at this stage to funds required for the period until the sixteenth session of the General Assembly."

In paragraph 29 of their report they stated:

"... the Advisory Committee believes that the cost of the United Nations operations in the Congo for the full year 1961 might be held to a total not exceeding \$120 million, comprising \$100 million under part A -- Operating costs" incurred directly by the Organization "and \$20 million under part B" which relates to reimbursements to your Governments for your extra costs.

On the basis of the actual expenses incurred during the period January through August 1961 and an estimate of the expenses incurred or to be incurred in September and this month, it is now apparent that the entire appropriation of \$100 million will be required to cover the expenses for the first ten months of this year, and that a further appropriation or some other arrangement will be required to cover the expenses of ONUC for the months of November and December 1961 and thereafter.

While the numerical strength of the Organization's military force in the Congo has averaged approximately 18,000 officers and men during the first nine months of this year, as compared with the average strength of 23,400 which was assumed for purposes of the Secretary-General's estimates of 1 March 1961, the average monthly rate of expenditures has remained at approximately \$10 million per month throughout the current year. Savings that have resulted because the actual strength of the Force has been less than was estimated, savings particularly in connexion with the costs of movements of contingents to and from the Congo, military daily allowances and leave payments that are made, the cost of rations, etc., have been offset by increases in other estimated costs necessitated by developments in the Congo that could not have been foreseen when the estimates were formulated in late February of this year.

Such unforeseen costs have arisen principally in connexion with the disruption of established supply arrangements through the port of Matadi during the period for March through 15 June when it was necessary to make expensive alternative arrangements on an emergency basis to ensure adequate supplies for the Force. Another unforeseen item was the costs involved for the organization in connexion with the convening of the Congolese Parliament at Lovanium University and, more importantly perhaps, the requirements arising out of the recent serious incidents in Katanga Province which have necessitated a substantial build-up of United Nations air strength and an increased expenditure for arms and ammunitions.

(Mr. McCaw)

At the last meeting of this Committee on 12 October, General Rikhye indicated that as a result of the withdrawal of certain units and contingents during this present week, the strength of the Force would be reduced to approximately 15,900 men which, in view of the continuing unsettled conditions in the Congo and particularly in Katanga, is the minimum strength which I understand the Secretariat can now envisage if ONUC is to carry out its mandate under Security Council and General Assembly resolutions.

Maintaining a Force of that strength -- 15,900 men -- and providing it with the arms, ammunitions and air support sufficient for its needs in existing circumstances would, we believe, involve costs of the order of \$10 million per month. While it has been possible up to the present time to finance ONUC and the other activities of the Organization by advances from the Working Capital Fund and borrowing from special funds and accounts in the custody of the Secretary-General, these means will not provide an adequate basis for financing these operations throughout 1962. The Secretary-General has stated in the budget foreword:

"It is doubtful that more than \$40 million could be borrowed from special funds and accounts for the period from September 1961 through June 1962 without adversely affecting the programmes for which the funds were originally contributed. Any such amount, moreover, could not remain indefinitely outstanding.

"The conclusion would seem to be that the continuance of the UNEF and Congo operations, even on a reduced scale, must be dependent on additional financial support being made available not later than early 1962." (Official Records: Sixteenth Session, Supplement No. 5 (A/4770), paras. 21-22)

The most immediate and pressing financial problems include the need for additional appropriations in the amount of \$20 million to cover the expenses of ONUC during November and December of this year and to ensure that the Secretariat has the continuing authority to enter into commitments for ONUC after 1 January 1962 at an appropriate level. It would also appear desirable to extend the existing authority to the Secretariat to borrow funds from

special funds and accounts in the custody of the Secretary-General during 1962 even though this would provide only a partial and temporary solution to the problem. These measures, however, will have little value unless the General Assembly at this session adopts measures to ensure that Members pay their contributions that are in arrears or some other means are found to cover the amounts in default.

It may be appropriate to recall a statement which the Secretary-General made at the 796th meeting of the Fifth Committee a year ago on 21 November 1960 when he was discussing this same question of the financial position of the Organization. The Secretary-General said:

"The Secretariat finds itself in a difficult position. On the one hand, it has to pursue 'vigorously' the policy decided upon by the General Assembly and the Security Council. On the other hand, it is continuously fighting against the financial difficulties with which these decisions under present circumstances face the Organization. Of course, the Organization cannot have it both ways. It must either pursue its policy, as represented by the presence of the Force in the Congo, and make appropriate and speedy arrangements for covering the cost, or it must take the initial steps to liquidate the military operation and so reverse its policy."

(Mr. McCaw)

That statement applies with even greater force today.

I think that if one examines the reports on the collection of contributions which are issued each month by the Secretariat, it will be apparent why we are in this difficulty. There must be, roughly, \$100 million of contributions unpaid in respect of the regular budget of the Organization, the UNEF assessments from 1957 through 1961, and the Congo assessments of 1960 and 1961. An examination of the reports will indicate the great number of countries that have not paid in full, or even in part, the assessments that have been made by the General Assembly in respect of these various activities.

We have today cash, or the equivalent of cash, of just slightly more than \$20 million available to us. This is to finance the regular budget activities, the UNEF activities and the Congo activities. The prospects of our collecting very much, based on experience, during the next three or four months are not great. Our disbursements -- our cash outgo -- average perhaps \$13 to \$15 million per month; this is without including the payments on very sizable bills which have been presented to us by certain Governments in connexion with the Congo operation. We have bills of very close to \$20 million from the United States Government for services and supplies which it has provided. We have claims running into the millions of dollars from certain Governments represented on this Committee which we have not yet processed.

On the other hand, in connexion with reimbursements to Governments for their extra costs in 1961, arising from their participation in ONUC, we have paid out less than \$3 million, whereas we have estimated that we would owe Governments, in the form of reimbursements, something in the neighbourhood of \$20 million. There is perhaps as much as \$17 million which, when Governments represented at this table get around to billing us, we shall be called upon to pay. The money just is not in sight at the moment for this purpose. We can borrow a certain amount for a limited period of time from the Special Fund, but we are constrained to repay that money as soon as contributions come in -- and in any event, that money is very definitely limited both in amount and in the period during which we may borrow it without causing difficulties for the Special Fund in carrying out its work.

(Mr. McCaw)

In the \$20 million that we have at present is included \$10 million that was contributed to the Secretariat to use temporarily, and ultimately to turn over to UNICEF; so that, of the \$20 million which we have, \$10 million really belongs to UNICEF, which is most anxious to get it.

I trust and hope that the members of this Committee will find it possible to sponsor and unanimously support any measures that may be necessary in order to give the Secretariat the financial means for carrying on the operation with which we are all concerned.

The CHAIRMAN: I wish to thank Mr. McCaw, on behalf of the Committee, for the very brilliant and true, but sad, story that he has told us. His story has been couched in language common to his profession in finance, but if we placed ourselves in the shoes of the man in the street, the story would simply tell us that we have gone broke -- accountants would say that we are in the red, but it means the same thing. Not only have we gone broke but, in addition, we have gone borrowing; and when you have borrowed, you have first to pay back and then to get on your own feet. This, then, is the position, and I shall invite the comments and observations of the Committee with regard to the matter.

Mr. NOLAN (Ireland): After this very clear, although frightening picture, I shall not take up much of the Committee's time. I wish merely to say that, as far as my delegation is concerned, it is unthinkable that the Congo operation should be abandoned at this time, or indeed at any date before it has completed its task fully and successfully.

It follows, therefore, that it is also completely unthinkable, as far as we are concerned, that the Secretariat should have no authority to incur expenses after 31 October, or indeed at any time before the successful completion of the operation, since, if it does not have this authority, it would very directly affect us all here in this Committee whose military personnel in the Congo need to be fed, housed, looked after, and eventually brought home.

It seems to my delegation that the members of this Committee should indeed take joint action to ensure that none of these things occurs through lack of

(Mr. Nolan, Ireland)

finances. My delegation stands ready now and at all times to take this action in the appropriate Committee of the General Assembly -- which would be in this case the Fifth Committee -- and to co-sponsor an authorizing draft resolution in the first instance, which, I think, would be absolutely essential at this stage since 31 October is quite close to us. This draft resolution would authorize the Secretariat to incur expenses, perhaps not exceeding \$10 million for the next two months, and then subsequently to take up this question of the ultimate means of obtaining the finances to do that. We would be very happy indeed to find that the members of this Committee would agree to take this action in view of the very serious nature of the problem as it affects the Congo operation.

Mr. NGILERUMA (Nigeria): I wish to apologise for arriving late and also to raise a point of order. I was, of course, present last Friday, but I regret to say that I was not aware that we had arranged to hold a meeting this morning. The normal practice when a meeting of the Advisory Committee was to take place used to be that our offices were notified by telephone, and that that verbal notification was followed by a letter. On this occasion a letter was sent to my office, but we had not been notified by telephone and no one knew about the meeting. It was not until I went through the letters at about 11.15 this morning that I learned that there was to be a meeting today, and my Foreign Minister, who is keenly interested in all Congolese affairs, certainly knew nothing about it.

The subject of discussion at this meeting is very important, since it concerns finances and so on. I do not want to offend anyone or to interrupt the proceedings, but I very humbly suggest that we should adjourn or postpone the meeting until another time -- any time which might be decided upon by the Chairman. I think the Committee will appreciate that since my Foreign Minister is the Chairman of the Conciliation Commission on the Congo, and is taking an important interest in and contributing a great deal on this problem, his participation might be very useful both in the interests of the Advisory Committee itself and its members and in the interests of Congolese affairs in general.

Therefore, as I say, I wish very humbly to raise this point of order for the consideration of the Chairman and my colleagues generally.

The CHAIRMAN: Although I take it that the representative of Nigeria's motion is not debatable, I would undertake to explain on behalf of the Committee that this meeting, like many others, was not a scheduled meeting. Calls of this nature come from the Secretariat, as I presume this one did in view of the urgency of this protocol agreement. Personally, I received notice to attend at 10 o'clock last night over the telephone. It may be that the Secretariat tried to reach the representative of Nigeria and was unable to do so. Furthermore, I am informed that a written notice, as well as an oral one, went to the Nigerian mission, and it is apparent that some of the other missions must have received their notices. I will call on Doctor Bunche, who would like to explain further.

Mr. BUNCHE: I should just like to say, in order that there should be no misunderstanding, that the usual notices, written and oral, went out to all the missions calling their attention to the fact that the Advisory Committee had agreed during its meeting on Thursday to hold a meeting on Monday morning at 10 o'clock. The written notices went out on Thursday afternoon, immediately after the meeting of that day, and we followed them -- purely for assurance's sake -- with oral telephone messages which went on Friday.

Mr. NGILERUMA (Nigeria): It is not my intention to dispute what has been said by the Chairman or by Doctor Bunche. I had merely said that the normal procedure had been to call us on the telephone and to let us know the date of any meeting that was to take place. I was not arguing that a written notice had not come, but the Chairman and Mr. Bunche, as well as my colleagues, will understand that the members of my delegation were busy in informal discussions in the delegate's lounge and elsewhere. We and our secretaries and assistants have not always time to go to the office. In normal circumstances our attention would have been drawn to today's meeting; on this particular occasion, however, as far as I know, nobody called our office. Of course, the written notice arrived, but I did not see it until 11.15 this morning.

As I have said, my Minister has a very keen interest in Congolese affairs and I am quite sure that his contribution would be very useful to this Committee and to the United Nations. That is why I suggested that the meeting might be adjourned either until tomorrow morning or until some other time suggested by the Chairman. Any time so suggested would be acceptable since my only desire is to give my Minister an opportunity to come and participate in the discussion of so important a matter as the financing of the Congo operation.

Mr. BUNCHE: I would just say that prior to the arrival of the representative of Nigeria the meeting had been devoted very largely to the question -- which is new question -- of the draft protocol to the cease-fire agreement which has been negotiated by Mr. Khiary, and which awaits word from United Nations Headquarters before it becomes final. The information we have on that agreement, and particularly on the final reaction of the Leopoldville

(Mr. Bunche)

Central Government to it, has not yet been received, so the discussion here was entirely preliminary since more information is to be received.

As the representative of Nigeria knows, the only way that these informal meetings of this Committee can be convened is at the request of members of the Committee. If we could combine the suggestion of the representative of Nigeria with an understanding that the other members of the Committee would join with him in desiring a meeting for the purpose of completing the discussion on finance and receiving the final information which we shall have on the protocol at the same time, then we would be in a position to call the meeting he requests just as soon as that information was received, which would mean probably that there would be a meeting tomorrow.

Mr. NGILERUMA (Nigeria): Thank you. My appeal is that we should meet at any time -- tomorrow if convenient -- because the Committee appreciates the reason for my appeal and for the point of order I raised.

Mr. CISSE (Senegal) (interpretation from French): I just wish to support the view of the representative of Nigeria. It is understood, also, that this protocol will require another meeting, and a number of representatives have made interesting suggestions on it. I agree with the representative of Nigeria that we should hold another meeting in order to express some positive views on this protocol of agreement, and also to dwell on the question of the financial situation in the Congo.

Mr. DADZIE (Ghana): I wish to speak in support of the suggestion made by the representative of Nigeria, particularly since our discussion was nearly concluded. I also wish to request, through you, Sir, that the Secretariat be good enough to circulate the records of today's proceedings before our next meeting, whether it is tomorrow or Wednesday, because there is quite a lot of very useful information there without which any examination of the protocol by itself would be meaningless.

The CHAIRMAN: It is agreed, I suppose, that the next meeting, in the circumstances, will be either on Tuesday or Wednesday depending on when the Secretariat will be in the position to provide us with the detailed information regarding these presentations that were discussed earlier.

Mr. GEBRE-EGZY (Ethiopia): I am appalled at the financial situation of the operation and I was wondering whether the next time we meet the Secretariat would also agree to give us, in terms of information, the civilian aspect of the operation, because I feel that since we have a shortage of money we would like to know where it might be possible to save money. We have a feeling that perhaps the operation is getting bigger and bigger and that there are too many people. Therefore, we would like to know, if it is agreed -- we do not want to impose that on the Secretariat, as we know we can raise it in the Fifth Committee -- how many people are involved in the civilian operation. If the Secretariat would care to do so, we would also suggest that perhaps they could tell us what can be done to reduce the expenses.

The CHAIRMAN: I shall now call on Mr. McCaw to give use enlightenment on that issue.

Mr. McCAW: Before the representative of Ethiopia spoke I had asked if I might just make one additional short statement. It was to the effect that my remarks regarding the financial problems of the Organization were not intended to cover the costs of international financial aid to restore the economic life of the Congo since those costs are financed from the United Nations Fund for the Congo which is established on a voluntary basis in accordance with the resolution of the General Assembly. So that the activities that Sir Alexander MacFarquhar was primarily concerned with here at Headquarters were not supposed to be covered by anything that I said since that was a separate fund. I do not know whether that clarifies the situation or whether the request still stands.

Mr. GEBRE-EGZY (Ethiopia): My request still stands. What I want to know, to be more specific, is this. From your statements so far there is a shortage of money. I also have a feeling that the civilian operation, in terms of running it in the military sense and also in the sense of technical aid, is big. We have a feeling that savings could be made. If you share that feeling, we would like to have information and also, accompanying that, what in your opinion can be done. Our concern is to make that possible so that, whether it comes from the assistance part or whether it comes from the military aspect, you will have enough money to cover the two months until you get the question settled by the General Assembly.

The CHAIRMAN: I have no doubt that the finance section will take due note of that. As no one else wishes to speak, I shall now adjourn the meeting until a further call.

The meeting rose at 12.15 p.m.

CONFIDENTIAL

Meeting No. 59  
18 October 1961  
ENGLISH

UNITED NATIONS ADVISORY COMMITTEE  
ON THE CONGO

Informal Meeting at United Nations Headquarters, New York,  
on Wednesday, 18 October 1961, at 10 a.m.

In the Chair:

Mr. DOE

Liberia

Members:

Canada

Mr. RITCHIE

Ceylon

Mr. MALALASEKERA

Ethiopia

Mr. GEBRE-EGZY

Federation of Malaya

Dato' KAMIL

Ghana

Mr. QUAISON-SACKEY

Guinea

Mr. DIALLO

India

Mr. JHA

Indonesia

Ireland

Mr. BOLAND

Mali

Mr. BA

Morocco

Mr. BENCHEKROUN

Nigeria

Mr. WACHUKU

Pakistan

Sir Muhammad ZAFRULLA KHAN

Senegal

Mr. CISSE

Sudan

Mr. SULEIMAN

Sweden

Mrs. ROSSEL

Tunisia

Mr. CHELLI

United Arab Republic

Mr. EL-MESSIRI

Mr. BUNCHE: The question of the Chairman arises again. We are informed that Ambassador Barnes cannot be here this morning because of pressing duties in connexion with the visit of the President of Liberia, Mr. Tubman. Is it your pleasure that the Chairman of the last meeting, Ambassador Doe, should continue at this meeting?

I take it that this is the pleasure of the Committee and I shall ask Mr. Doe kindly to take the chair.

Mr. Doe (Liberia) took the Chair.

The CHAIRMAN: We adjourned our last meeting on the understanding that some more detailed information was necessary to bring us up to date on the various representations that had been made. It was also requested that the record of our last meeting should also be made available to members this morning. I understand that they have been distributed.

I shall now call upon the Under-Secretary to give us any further enlightenment on information that he may now have in his possession.

Mr. BUNCHE: Mr. Chairman, we would propose this morning to give you the latest information we have on the question of the exchange of prisoners; the replies to the questions on the draft protocol which members of the Committee posed at the last meeting -- these replies based on consultation which we have had with our people in Leopoldville; to bring you up to date on the exact situation now with regard to the draft protocol including the position of the Government of the Republic of the Congo; also to inform you about latest developments with regard to emissaries from Katanga to Leopoldville; and finally, in response to the request that was made at the last meeting to have Sir Alexander MacFarquhar give a report on civilian operations, particularly with regard to expense -- I believe the question was raised by the representative of Ethiopia.

I would suggest, Mr. Chairman, that you ask my colleague, Mr. Narasimhan, to proceed with the information on prisoners and on the replies to questions.

Mr. NARASIMHAN: As we to some extent anticipated at the last meeting, the exchange of prisoners did not take place on Monday at 4 p.m., as was expected. We have information, however, that the prisoners -- 185 of them -- were brought to Elisabethville yesterday morning and they are now in a camp in Elisabethville. Mr. Khiari returned to Elisabethville Monday night and he saw them yesterday -- they are in good health and in good spirits. The number which I gave you is 185; this has been confirmed by our colleagues in Leopoldville. The message from Leopoldville adds that there were in addition six Italian hospital personnel; they are reported to have been released two days ago, but official confirmation on this point is still awaited from Elisabethville.

We had instructed our colleagues in Leopoldville that, if the prisoner exchange did not take place there would obviously be no withdrawal from the positions that we already held and from which we were supposed to withdraw under the terms of articles 4, 6, and 8 of the provisional protocol. It has been confirmed now that the positions which we held, such as the post office and the radio station, continue to be held by us. Our forces will not give up these positions until the exchange of prisoners has been completed.

(Mr. Narasimhan)

We also have positive information that the prisoners which the ONUC forces hold in North Katanga continue to be held by us; they are also not being handed over to the other side. And that is how the matter stands.

Mr. Khiari reported yesterday that once again he has positive assurances that the moment the provisional protocol is ratified by Headquarters the prisoner exchange will proceed. To some extent we may derive some consolation from the fact that the prisoners concerned have been brought already to Elisabethville, so that the exchange would not be held up because of any transport difficulties.

I turn now to the questions that were posed, mainly by the representative of India, at our last meeting. One of the first questions he asked was, Does the numbering of the paragraphs of the protocol indicate any proposed chronological order in which the other actions contemplated would be taken? The answer to this question is that priority will, of course, be given to the exchange of prisoners. This has first priority, but once this has taken place, the implementation of the protocol will be viewed as a whole, and as far as possible the other actions would be taken more or less at the same time; but it is clearly understood that clause 1 in regard to the exchange of prisoners should be fulfilled before we can proceed with the implementation of any of the other clauses.

(Mr. Narasimhan)

The next question put by the representative of India related to the words "troop movement" used, for instance, in paragraph 3 of the provisional protocol. The answer is that there will be no troop movements as such. The first sentence of paragraph 3 reads:

"The garrisons of the Katangan forces and ONUC which were at Albertville, Niamba, Nyunzu and Jadotville on 12 September 1961 shall be authorized to occupy their usual positions with the same forces".

In certain circumstances this might mean a man-for-man replacement. In other words, there will be no reinforcement, no increase in numerical strength; but the human beings involved will not necessarily be the same as are there now -- the soldiers may be exchanged man for man. We ourselves have had occasion to resort to such man-for-man replacement during the last three weeks. That is all that is contemplated by the use of the words "troop movement".

The next question concerned the meaning of the words "normal provisioning of their troops" in paragraph 7. We have been assured that this applies only to the supply of food. It does not mean that any additional ammunition or military equipment will be made available; it means only that enough food for the troops will be made available.

The next question concerned the meaning of the word "cedes" in the sentence of paragraph 9 which reads:

"The Katangan Government shall assist ONUC in finding suitable premises for its civilian and military services in place of the premises which it cedes to the Katangan authorities".

Apparently, this means, in effect, only "vacates", the idea being that the Lido building which we are now renting will be placed at the disposal of the Katangan authorities and that the Katangan authorities will make available to us alternative accommodation for the people who would otherwise have been accommodated in the Lido.

(Mr. Narasimhan)

The next question was: What is the significance of the word "vicinity" in paragraph 5, which reads:

"The Katangan authorities and ONUC undertake to maintain the neutrality of these points and to station no military forces either within them or in their vicinity"?

We are informed that this means that there will be no military personnel on the premises themselves or around them. The word "vicinity" simply means "immediately around the premises concerned".

In paragraph 3, there is a reference to garrisons being "authorized to occupy their usual positions with the same forces". The question was asked: What is the significance of the phrase "their usual positions"? We are told that "usual positions" refers to the military barracks where the garrisons would normally have stayed.

The next question related to the significance of the phrase "These forces shall not be disarmed by the ONUC troops" used in paragraph 11. The answer is that, as may be seen from paragraph 11, we have quite a strong force at the Elisabethville airport, but the gendarmerie will be there only in the same strength as on 12 September -- that is, fifty-two people. There was the fear that these people might be disarmed by the ONUC troops. The Katangans wanted an assurance that the gendarmerie would be allowed to carry on within the airport building. We believe that this need not cause concern, because we have military superiority in the airport area.

Those were the specific questions put by the representative of India, and we have endeavoured to give as full replies as we have been able to get from Leopoldville.

The question was also asked whether it would be possible at this stage to substitute the words "Provincial authorities" in all cases where reference is made to the Katangan Government or authorities. Mr. Khilary answered this question specifically by saying that this would be impossible for the time being.

The CHAIRMAN: I am sure that members have listened with interest to Mr. Narasimhan's explanations of many points upon which doubts and reservations had been expressed. It was stated by many representatives that if those points were further explained it might be possible to enter upon a fuller discussion of the matter. I therefore invite members of the Committee to express their views if they wish to do so.

Mr. QUAISON-SACKY (Ghana): I would thank Mr. Narasimham for the explanations he has given, but my first reaction is that I have in fact learned nothing new and that the information which has now been given us in connexion with the protocol is about the same as that which we have already had. This is not a criticism. It is only my reaction, as I have said, that I have learned nothing new in comparison to what I learned at the last meeting.

My delegation has studied the provisional protocol of the agreement arrived at between the Katangan Provincial authorities and ONUC following the cease-fire. We wish to place on record our appreciation of the very fine work that has been done by Mr. Khiary. I think that he has shown a great deal of skill and diplomacy in handling the situation, which we agree is really a delicate one. Every encouragement should be given to him to carry on his work. He must, using the same diplomacy, try and achieve the desired result -- namely, the safeguarding of the Congo's territorial integrity and the implementation of the Security Council resolutions.

I should like to be frank with members of the Committee. But for the fact that Mr. Tshombe has in his possession the 185 or 190 prisoners serving under the United Nations, we would say that this entire protocol should be renegotiated. However, we agree with Mr. Khiary's reaction, which was communicated to us at the last meeting, that in fact Mr. Tshombe is holding on to the prisoners as a bargaining factor. If it were not for that fact, we would not look with favour upon this protocol. In the circumstances, there seems to be no alternative to accepting the protocol. But we feel that the reservations which have been made by some of us and the points which have been made by the Central Government at Leopoldville should be borne in mind in connexion with the final approval of the protocol.

(Mr. Quaison-Sackey, Ghana)

We feel that it is necessary to be very firm, and that those concerned in Leopoldville should put it across that any acceptance of this protocol should in no way affect the Security Council's resolutions, especially paragraph 2 of the resolution of 21 February concerning the elimination of mercenaries from Katanga. Of course, this point that I have made was part of the Ndola stipulation, wherein it is said, and I am quoting from document S/494 /Add.10:

"The conclusion of the agreement shall in no way affect the resolutions of the Security Council, including that of 21 February 1961, and of the General Assembly.

"The agreement is of a strictly military nature and applies solely to the United Nations Force in Katanga and to the armed forces of Katanga. It has no political intention or aim." (S/4940/Add.10)

I think this previous Ndola stipulation should be re-emphasized in the question of the implementation of this protocol. No room -- no doubt at all -- should be left in the minds of anyone that the United Nations is being held to ransom and that through the negotiation of this protocol we are directly or indirectly asking Katanga to cut away from the national territory of the Republic of the Congo. I think that there is a fundamental responsibility on the part of the United Nations operation in the Congo for the Central Government to maintain the unity and territorial integrity of the Congo. This is a responsibility which must, at all times, be kept in view and there should be no deviation at all from that line of action.

My delegation also feels that ONUC's role in relation to military action by the Central Government should remain unchanged; that is, that the United Nations should not stand in the way of any action which the Central Government, fully supported by Parliament, may take in accordance with the Charter in relation to Katanga. We agree with the feeling which was expressed last year by the Security Council, including members of the United States delegation in particular, that the United Nations cannot stop the Central Government from doing anything possible to maintain the territorial integrity of the Congo -- in fact, to quote Mr. Cabot Lodge's sentence, "The central Government can, and must, get Katanga into the Congolese fold".

The objection, of course, raised in those days was that the United Nations itself could not supply aircraft to the Central Government, or means of transport for the Central Government to transport troops and so on to Katanga, to bring to

submission the provincial Government. But we maintain that the position has changed considerably since a year ago: that now that we have a strong Central Government which must, of necessity, have the backing of the United Nations we should do everything we can to help that central authority. Of course, we say this against the background of the Security Council -- that nothing should be done to foment civil war: to set Congolese against Congolese -- but within this framework we think it would be possible for the Central Government to take every action to bring the Katanga Government within the national framework. In that case, I think there is one point which must be emphasized in this connexion. The point is in regard to the position of mercenaries in Katanga. I think we must agree that Mr. Tshombe's previous undertaking to eliminate mercenaries, para-military advisers and so on, in Katanga still stands: we hope it does stand. If that is so, it is our view that he must be held to it. Everything must be done by ONUC to hold Mr. Tshombe to the undertaking which he has given in the past. There is no reason why a leader should be able to commit himself and then change every time it suits him. If that is to happen it will be very difficult to treat with responsible men. I am still hoping that Mr. Tshombe is responsible, although, personally, if I may say so, he has not behaved in a manner that would make me call him responsible. I am an African and I do not want to call another African leader names, but definitely we must not expect him to abrogate his position -- that the mercenaries and para-military advisers must be eliminated from the area. I am sure that if this is done, if ONUC concentrates on this aspect of the Security Council resolution, the way will be paved for a proper rapprochement between the Central Government and the Katanga provincial authorities.

We want to end by saying that the final approval given to this protocol should in no way constitute either a de jure or de facto status for the Katanga authorities. I think this is a point about which we must be very firm, because the information which Mr. Narasimhan just gave us in regard to the provisional Government of Katanga -- the provincial authorities of Katanga -- that it would be impossible to implement the use of it in agreements between the United Nations and Katanga, makes me feel a little frightened. It means that Mr. Tshombe and his advisers definitely want to persist in their intention to keep Katanga away from the national territory of the Congo. I am not going to say that we are opposed to the non-inclusion of this particular wedding. As I said, in view of the prisoners of war -- possibly it is because of the question of prisoners, but one wants to walk

(Mr. Quaison-Sackey, Ghana)

Gingerly and not do anything which might exacerbate the situation. We are prepared to accept that as an interim measure, but I want the ONUC authorities and the Headquarters here to bear in mind that in our dealings we should not give an impression at all that the United Nations is going to favour, either overtly or covertly, the dismemberment of the Congo.

In connexion with that, paragraph 10 of the protocol reads:

"The representatives of ONUC shall not consider that the ceasefire has been violated in the event that the Katangan gendarmerie fires back against an attack from the other side."

We do not think that paragraph 10 should apply to action taken by the Central Government in relation to Katanga. "Outside" must mean "outside the territory of the Congo" and not "outside the province of Katanga". I think that this must be made clear to Mr. Tshombe.

Finally, I do not know whether this is possible, but my delegation feels that the implementation of this protocol should be dependent on the prior release of prisoners. We feel this very strongly. We feel that Mr. Khiari should try again to get acceptance of the fact that paragraph 1 of the protocol, in regard to the exchange of all military prisoners on the two sides, should take place forthwith. In our opinion, this should be done even before final approval is given to this protocol.

(Mr. Quaison-Sackey, Ghana)

These are the points which, after reflection and consultations with our Government, we feel we should put forward in regard to the protocol of agreement. We want to reiterate that we do appreciate the good work which has been done by Mr. Khiari and other ONUC officers in the Congo, and also by the Headquarters here, and that every effort should be made to get the national territory of the Congo preserved, and that the Security Council resolutions will not be affected by any agreements which are entered into by ONUC and the Katanga authorities.

The CHAIRMAN: Before I call upon the next speaker, may I say that I have a feeling that the question of reservations which the representative of Ghana has stressed so much is equally exercising the minds of other speakers, and I have information that, although Mr. Narasimhan did not treat that point fully, Dr. Bunche is in a position now to give us still more information on that, and I would therefore call on Dr. Bunche now.

Mr. BUNCHE: With regard to the last point made by the representative of Ghana, may I say that we have indeed given very precise and firm instructions to Mr. Khiari to do exactly what the representative of Ghana has suggested, namely, to exert every effort to bring about the exchange of prisoners prior to any other action with regard to the protocol, and indeed prior to any word from here as to our position upon it. He did this, in fact, all day yesterday -- with no success whatsoever. The contention solidly held in Elisabethville was that this was an integral agreement and that all parts of it had to be implemented at once, and therefore he could not gain the release of the prisoners.

I should like to interrupt this statement to say that I have been informed that the Foreign Minister of the Republic of the Congo is outside the door and awaiting an invitation from members of the Committee to come in.

Mr. DIALLO (Guinea) (interpretation from French): There can be no doubt that the United Nations is in the Congo upon the request of the Central Congolese Government, and we are there to assist that Government to attain a certain number of objectives, especially the unity and integrity of Congolese territory. The problem of participation in this Committee by representatives of

(Mr. Diallo, Guinea)

the Congo has been put several times and decided in the negative. But the feeling of my delegation is that because of circumstances, because of the constant gravity and deterioration of the situation in Katanga, our Committee ought to make an exception and ask to hear the Foreign Minister of the Congo. I say "the Foreign Minister of the Congo". Therefore, my delegation formally proposes that the Foreign Minister of the Congo be heard by our Advisory Committee, because the decisions which we are called upon to take are serious decisions.

Mr. GEBRE-EGZY (Ethiopia): But a decision has already been made, two weeks ago. Therefore, Mr. Chairman, all that has to be done is for you or someone else to go out and ask the Foreign Minister of the Congo to come in. It has already been decided.

The CHAIRMAN: Yes, it has been decided, and therefore I shall delegate the representative of Nigeria and the representative of Ghana to bring the Foreign Minister into the room.

Mr. Bomboko, Foreign Minister of the Republic of the Congo (Leopoldville), was escorted into the Committee room.

The CHAIRMAN: The Foreign Minister of the Congo, Mr. Bomboko, is now in our midst, and I want, first of all, to welcome him on behalf of the Committee. I should like to ascertain whether he wishes to listen to our discussion or whether he has any information to bring to us.

Mr. DIALLO (Guinea) (interpretation from French): The delegation of Guinea would like to associate itself with the Chairman in welcoming the Foreign Minister of the Congo. I think that the best thing for the Advisory Committee, because of the great concern which we experience today, would be to hear the statement which the Foreign Minister of the Congo, on behalf of his Government, will make to our Committee, particularly with regard to this precise matter which we have before us today: the protocol between the Katangese authorities and the United Nations authorities as to a cease-fire in Katanga.

Mr. WACHUKU (Nigeria): While I support the decision to invite the Congolese representative -- in this particular case, the Foreign Minister -- I think it is not quite fair at this stage, when he has just entered the room and does not know what we are discussing -- he has no background to our discussion -- to ask him to make a statement. The proper thing would be for you, Mr. Chairman, perhaps to ask Dr. Bunche to bring him up to date with reference to whatever latest information they may have. Having listened to what is said about that, he may have some additions to make, or some confirmation, as the case may be. But if I were in his position, if I were coming into a room and had never attended a meeting of a particular committee before and did not know what had been discussed, and if then I were asked to make a statement, I think it would be a bit embarrassing. I would therefore suggest that for the benefit of all concerned -- and also for my own benefit, because I came late -- we might take this opportunity to state the position briefly, particularly with regard to this particular subject, so that the Foreign Minister will know what is being discussed. Then, if he agrees with what has been said, he will be in a position to say so -- and, if he has some additions or subtractions to make, he will be in a position to do that, since the basis will have been explained. That is my own suggestion for dealing with the matter at this stage.

The CHAIRMAN: The Chair agrees fully with the suggestion of the representative of Nigeria. Before calling on Dr. Bunche to relate the highlights of our discussion for the Foreign Minister of the Congo, I would like to state for the benefit of the Foreign Minister of the Congo that before inviting him to attend our meeting the Committee had been in the midst of a discussion. I shall therefore call on Dr. Bunche to give the highlights of our discussion up to the present.

Mr. JHA (India): I do not want to delay the proceedings. I should like to associate myself with our colleagues here in extending a very cordial welcome to His Excellency Mr. Bomboko. I think we all have to realize that we are working against the pressure of time. I see that His Excellency Mr. Bomboko does not even have the Committee documents before him. I think these documents should be placed before him. We would certainly like to hear his views on any aspect as the proceedings go on.

Therefore, I would suggest that first the documents should be placed before him and that the discussion should go on. I am sure that he will become familiar with our discussion in a very short time. Then if he wants to state his views at any stage, we shall all be very happy to hear him. I feel that if we go back over all the explanations and expositions that were given by Dr. Bunche at our previous meeting and at this meeting, we shall never be able to finish this meeting.

The CHAIRMAN: I would ask now that the documents, as suggested by the representative of India, should be given to the Foreign Minister of the Congo.

Mr. WACHUKU (Nigeria): First I want to clarify my position. I support the representative of India on the matter of the documents. The documents should be given to Mr. Bomboko. However, I am not asking that the whole discussion that took place should be reviewed in detail. I am only asking for a summary of what has taken place, and this may take only five minutes or perhaps two minutes, as the case may be. With that background, he will be in a position to understand the documents and to follow what has been taking place. With the greatest deference to the representative of India, I hope that he will be disposed to agree with me on this particular aspect.

Mr. JHA (India): I entirely agree with our colleague from Nigeria.

Mr. EL-MESSIRI (United Arab Republic) (interpretation from French): I would prefer the Committee to proceed in the manner suggested by the Foreign Minister of Nigeria, namely for Dr. Bunche to present a summary of our proceedings. After that, I may wish to make a statement.

Mr. BA (Mali) (interpretation from French): In connexion with the proposal made by the representative of Nigeria, I believe that the Secretariat should communicate the documents which we have received to the Foreign Minister of the Congo (Leopoldville). Furthermore, I think that the Foreign Minister of the Central Government of the Congo, being one of the principal parties interested in the affairs of the Advisory Committee, should receive not only the record of our last meeting but also the protocol agreement before us.

However, if the Foreign Minister of the Congo (Leopoldville) has already received these documents, then he is perfectly well informed of the situation before us, and he must also be informed of the communications addressed to us by the Secretariat concerning the situation in the Congo the day before yesterday with regard to the question of the exchange of prisoners.

I think, therefore, that we might continue our debate, and the Foreign Minister of the Congo (Leopoldville) may intervene at any time. If we should adopt this decision, I reserve my right to make a statement on the question before us.

Mr. DIALLO (Guinea) (interpretation from French): I think the representative of Mali almost brought up the point that I wanted to bring up. It will be recalled that a few moments before the entry of the Foreign Minister of the Congo into this room, the representative of Ethiopia had said that this invitation had been decided upon some time ago. My delegation was right in thinking that the Foreign Minister of the Congo had been informed of this decision of the Advisory Committee and that as the Foreign Minister of his country he was in constant contact with the United Nations authorities in Leopoldville who kept him constantly informed of what the United Nations was doing there. It was only on that supposition that I asked whether he wanted to make a statement to us.

I am in no way opposed to the proposal made by the representative of India or to that made by the representative of Nigeria -- and I insist on this point -- that, if the Foreign Minister deems it necessary that he should be briefed, this should be done. But, I repeat -- and this only a supposition -- we should not base ourselves on the supposition that the Foreign Minister of the Congo is not au courant. My delegation believes, on the contrary, that he is au courant, in the absence of any information on that subject. In any case, I believe that it is essential for us to begin to work as it is getting late.

Mr. BOMBOKO (Congo, Leopoldville) (interpretation from French): I feel that this discussion is a waste of time. First of all, my delegation was never admitted to participation, even as an observer, in the work of this Committee. Consequently, we have never received the documentation of this Committee. Moreover, if I am present here today, it is because some friends told me that there was to be a meeting. The Committee itself did not invite me, and I do not have the Committee documents. I receive some information from my Government, but I am not in a position to say that this information I receive is the same as that which the Committee has nor that the documents that have been distributed to the Committee are the same as those in my possession. I think that those who made the suggestion to the effect that the documentation be made available to us were quite correct in doing so because it is essential that we should base ourselves on the same documents.

The CHAIRMAN: I will now call upon Dr. Bunche who has some information that has not yet been brought to the notice of the Committee. He will also be able to say something with respect to the documentation.

Mr. BUNCHE: With regard to the documentation on the subject before us, there is no documentation before the Committee other than Security Council documents; the Security Council report and the ten addenda to it. This is document S/4940/Add.10, containing addenda 1 to 10 and the document which came out yesterday as S/4962. This also is a Security Council document; it is the letter of 16 October from the Permanent Representative of the Soviet Union. Those documents are available, and the conference officer will bring them to Mr. Bomboko if she has not already not done so.

There is also a short mimeographed paper containing the text of the draft protocol which, I know, is in the hands of the Foreign Minister because I gave him two copies yesterday afternoon. But if he does not have them another copy is available. I shall now ask for distribution of a short paper about which I should like to make some comments. The members of the Committee have not yet received this paper but the Foreign Minister has because I personally gave him a copy when he first entered the room. That is all the documentation there is and this short paper could now be passed around.

With regard to what has gone before, Mr. Bomboko, I could sum up very quickly. This draft protocol was signed by Mr. Khiary and Mr. Tshombe in Elisabethville last Friday. The text of it was sent here. The Advisory Committee met on Monday morning to see it for the first time. The members of the Advisory Committee did not see the text until Monday morning; indeed, we had not received it until Sunday evening. We had a preliminary discussion on it which consisted very largely of raising questions with regard to specific provisions of that agreement. These questions were in turn passed on by the Secretariat to Leopoldville and their responses elicited, which really means the responses of Mr. Khiary on the basis of his experience in negotiating the draft. These replies were given to the members of the Committee before Mr. Bomboko came into the meeting this morning, and at the time Mr. Bomboko entered the room I was about to bring the Committee up to date on the latest information we have, particularly on the position of Mr. Bomboko's Government, as it has been transmitted to Mr. Linner, on the Protocol.

(Mr. Bunche)

The situation with regard to the exchange of prisoners which Mr. Narasimhan has reported to you is that no exchange of the prisoners have taken place as yet, and there is no likelihood that it will take place until this Protocol is approved. No action, no decision on this draft protocol has been arrived at here in the Secretariat, and therefore it stands exactly as it was at the time of its signature by the two negotiators last Friday.

I think I should say that this Protocol flows from and is subordinate to the cease-fire agreement of 20 September. It was necessary for the execution of that cease-fire not only with regard to the exchange of prisoners, but also with regard to other matters of a military nature. Without it the continuation of the cease-fire would probably be in question, if not in jeopardy.

(Mr. Bunche)

I should point out that it is not unusual for limited agreements on military matters to be made with local authorities. This is actually indispensable for the men in the field. Numerous such agreements have been made in Kivu Province, in Orientale Province and in Leopoldville Province. I would recall particularly one such agreement made locally at Matadi and others at Port Francqui and in Kasai. These agreements covered matters ranging from billeting arrangements to cease-fires where local fighting had occurred. The difference with regard to this specific cease-fire agreement and the protocol that is now being considered is that the fighting in Katanga was far more extensive and serious than has occurred anywhere else in the Congo and that Mr. Tshombe himself is in the negotiating picture. This is because there is no one else in Katanga having authority to make any agreement, apparently; or, as we have discovered, if one should be made, it will not be kept unless it has the approval of Mr. Tshombe.

As a matter of fact, one such instance has occurred just recently with regard to the cease-fire agreement of 20 September which, as you will recall, set up a joint military investigation committee to visit the various military installations. Mr. Kibwe had approved and the Katanga members of the joint committee had approved these visits, including one to Jadotville, but, when the team got to Jadotville, on orders of Mr. Tshombe, it was permitted only to see the Irish prisoners and not to visit any of the installations. In other words, the agreement that had been made in good faith was overruled.

I should say also that, as was pointed out towards the end of the last meeting, the position which the Secretariat - which is asked to approve this agreement - will take on it is naturally greatly influenced by the position of the central Government of the Republic of the Congo on it. The Committee was informed of the initial reaction of Mr. Adoula and his cabinet to this protocol, which was communicated to us in a cable of 15 October. This initial position was negative and was delivered directly to Mr. Linner at a meeting between him and Mr. Adoula. But this message which was sent to us said also that, pending additional explanations from Mr. Mahmoud Khiari, the Government must regard the agreement as liable to strengthen Mr. Tshombe's position. Mr. Khiari presented to Mr. Adoula and cabinet members his explanations and reasoning on the agreement.

(Mr. Bunche)

These explanations and this reasoning have been given in outline to the members of this Committee, and this is the paper which I showed to Mr. Bomboko yesterday afternoon.

The new information we have has come in cables this morning. Mr. Linner reports that he had just finished a new discussion with Mr. Adoula, who was at a meeting with Mr. Kasa-Vubu and some other ministers. Although Mr. Linner had reported yesterday that there was the prospect, from his talk with Mr. Adoula, that he would get out a new statement on his position with regard to this protocol, this morning in the first discussion it was indicated that there would be no new statement and no change in the original position. Adoula indicated that the Government would take a very serious view of the agreement. He indicated at this time also that the only way out that he could think of would be, if it were possible, to get included in the agreement -- this is Mr. Adoula's view -- a clause guaranteeing to the central Government a free hand with regard to taking over the administration of north Katanga. Mr. Linner pointed out to Mr. Adoula that this in fact would amount to authorization to the central Government to do what it is already its prerogative to do.

Then there was a further call from Mr. Adoula to Mr. Linner. That call was reported in a subsequent cable which arrived just before this meeting convened. In this Mr. Linner says that he has just talked again with Mr. Adoula, who now agrees that there would be no need for a change in the wording of the agreement as such but states that he would need and warmly welcome an additional statement along the lines of that which had developed in an exchange of communications between Headquarters here and our people in Leopoldville. That additional statement referred to is set forth in the text which has just been distributed to you.

I do not mean to suggest that we can say to you that this is a test the wording of which has been approved by Mr. Adoula. This is a wording which has been worked out by us, in fact, on the basis of communications from Mr. Linner, and the substance of this has been set forth in Mr. Linner's talks with Mr. Adoula. That is as far as we can go on that subject.

(Mr. Bunche)

I should inform you also that in a message received this morning we are informed that Mr. Khiari is leaving Elisabethville for Leopoldville at 1.30 p.m. today, Leopoldville time -- which means that he should already be in Leopoldville -- and that he is bringing with him in the aircraft in which he is flying three emissaries of Katanga who are coming to Leopoldville to discuss with Mr. Adoula and his colleagues the question of reconciliation, and that they are bearing a written statement from Mr. Tshombe to Mr. Adoula. That is the full substance of the latest information we have.

(Mr. Bunche)

May I just point out one other thing. You will note that this draft statement which we have circulated contains a reference to the express conditions set forth as conditions for approval of the cease-fire agreement of 20 September. If you do not have Security Council document S/4940 Add.10 before you, it is available here and those conditions, you will note, are set forth in paragraph 2 of that document, being the conditions on the basis of which the original cease-fire was accepted.

Mr. SIDKY (United Arab Republic) (interpretation from French): First of all, I should like to welcome here the Foreign Minister of the Congo.

At our last meeting we refrained from making any comments or giving our views on the draft protocol submitted to us because at that time we were advised that conversations were under way between Mr. Khiary and the Central Government. We did not have sufficient information reforming the official stand of the Central Government, and we hope that today the Foreign Minister will be kind enough to enlighten us in this respect. Pending this enlightenment, my Government is not in a position to adopt any formal stand on the draft submitted to us. We do not consider it to be a very felicitous one in view of the circumstances of its conclusion and the actual wording of the text.

What we can say is that we feel that the United Nations should give high priority to the release of the prisoners, particularly in view of the information which we have received to the effect that the exchange of prisoners did not take place as expected and that Mr. Tshombe is using this to exert pressure on the United Nations.

My Government does not recognize any government in Katanga, and that is why wording of the protocol does not seem satisfactory to us -- reference being made in paragraph 9 to the "Katangan Government". It seems to me that this should be corrected at least to read the "Provincial Katangan Government". I should like also to say that I fully subscribe to the statement made this morning by the representative of Ghana concerning paragraph 10. The words "from the outside" in that paragraph must be construed as meaning outside the Congo, and on this point I should like to have some clarification from the Secretariat.

(Mr. Sidky, United Arab Republic)

In conclusion, I wish to reiterate the following points which, in our opinion, are preliminary. The conclusion of the agreement cannot in any way be considered to jeopardize the resolutions of the Security Council, especially the resolution of 21 February 1961.

Secondly, the agreement must in no way effect or undermine the territorial integrity of the Congo.

Thirdly, the agreement must in no way constitute a de jure or a de facto recognition of Mr. Tshombe.

Fourthly, this agreement must not apply outside Katanga.

Mr. GEBRE-EGZY (Ethiopia): I have two questions to ask. What I should like to know is, what was the exact statement at the time of the exchange of views between Mr. Linner and Prime Minister Adoula about the administration in North Katanga? You read something which was not quite clear to me.

Secondly, we were informed that the prisoners were in Elisabethville. Is that true?

Mr. NARASIMHAN: Yes.

Mr. GEBRE-EGZY (Ethiopia): If it is true, and since it is this point that is the source of our difficulties, is the United Nations in a position to take them forcefully if necessary? In other words, I do not think that this hostage business should be prolonged. If you are in a position to intervene and take the prisoners, it should be done. What are the chances there?

Mr. BUNCHE: Perhaps Mr. Narasimhan would repeat the answer which he gave on the question with regard to paragraph 10 as raised by the representative of the United Arab Republic regarding the meaning of these words "on the outside".

Mr. NARASIMHAN: So far as the prisoners are concerned, the representative of Ethiopia is right, I stated earlier today that the 185 prisoners are in Elisabethville. But they are in a separate camp --

(Mr. Narasimhan)

Camp Masar -- under the control of the Katangan gendarmerie. Whether military action is feasible or advisable, I would not want to be the judge at this stage.

On the question of the interpretation of paragraph 9, I think I owe a word of personal explanation to the representative of Ghana also. The specific question which we put to Mr. Khiary was whether, at this stage, this agreement could be modified to read "the Provincial Government of Katanga". This was not intended to apply to any future agreement which we might have to negotiate with any de facto authority in Elisabethville. With regard to this specific agreement, he felt that it was too late to do anything about it. This does not in any way bind or fetter us in insisting on such wording in regard to future negotiations.

As to the question regarding the meaning of the expression "from the outside", the meaning was given by Mr. Khiary, and was explained also by Mr. Bunche at our meeting on Monday, 16 October. The interpretation which Mr. Khiary attaches to it is that it means outside the Congo, such as, for example, Rhodesia or Angola. We do not construe it to mean from within the Congo because Katanga is, as we see it, an integral part of the Congo. Therefore, there can be no attack from any other group except one which is outside the Congo. This is the meaning which we attach to paragraph 10.

As for the reservations, they have been mentioned specifically by Mr. Bunche. The reservations with which we accepted the Ndola text hold so far as this is concerned because this is a subsidiary protocol to the Ndola agreement. In regard to further reservations, a draft was called for. Has that draft been circulated?

Mr. BUNCHE: Yes.

Mr. NARASIMHAN: The draft of the proposed reservations which has been developed, as Mr. Bunche has said, as a result of the exchange of views between our colleagues in Leopoldville is in this piece of paper which has been set out. If you wish these reservations to be considered or amended or revised in any way, we shall be happy to take up that matter with you.

There was one other question on North Katanga.

Sir Muhammad Zafrulla KHAN (Pakistan): I have an observation to make on what Mr. Narasimhan has just said.

I am puzzled by the explanation which he has given with regard to paragraph 10, that "from the outside" must necessarily mean -- I do not think he said the language itself implies -- from outside the Congo. What is proposed -- I do not say it has been agreed to or settled as yet -- in the last paragraph of this draft which has been placed before us is that this protocol of agreement is limited to relations between ONUC and the Katangan Armed Forces in Katanga and would not be applicable to any military situation involving other armed forces that might arise.

(Sir Muhammad Zafrulla Khan, Pakistan)

Let us put the point right on the table. Supposing the Central Government should order its own forces to take some action against Katanga. I imagine that this last clause is intended to safeguard their action, so this agreement does not concern those forces. Then, in view of that, would not paragraph 10 mean, if your explanation is correct, that if the Katanga gendarmerie fired on those forces and was attacking them it would be guilty of a breach of this agreement? The position is incongruous. You cannot have it both ways. If here the agreement is limited to armed forces in Katanga -- not in the Congo -- then obviously paragraph 10 can only mean forces from outside Katanga and not from outside of the Congo. At any rate, that is the puzzle which is worrying me. If this has to be put in -- and I agree that it should be put in to safeguard any action which the Central Government might authorize its own forces to take -- you cannot construe it as binding the gendarmerie of Katanga not to fire on the forces of the Central Government if they should attack it. If you can secure that, so much the better, but it would mean that the Central Government forces could just walk in and take over Katanga, and obviously that could not be the intention of the Katanga authorities when they agreed to this article.

Mr. NARASIMHAN: If I may take up the point raised by the representative of Pakistan, the answer is somewhat like this. We envisage two possibilities, One is an attack, conceivably, from outside the Congo -- meaning, thereby, Rhodesia, for the sake of argument, or Angola. This article 10 then would apply, according to Mr. Khiary. This is the explanation we received from him. The point has been put to him, and that is his explanation. In such an event the retaliatory measures or measures of defence that the Katanga gendarmerie might take would not constitute a violation of the cease fire. That is the first point.

The second point concerns any action which might be taken by the Central Government of the Republic of Congo in Leopoldville. In such an event the position will be safeguarded by this addition to the protocol -- this reservation that is proposed.

Sir Muhammad ZAFRULLA KHAN (Pakistan): I want to know what is the position that you safeguard. You safeguard it -- yes. "Safeguard" is the word; what does it mean. If the Central Government of the Republic of the Congo orders its own forces to, say, march against or into Katanga, will this safeguard it in the sense that nothing contained in this protocol affects that situation?

Mr. NARASIMHAN: Exactly.

Sir Muhammad ZAFRULLA KHAN (Pakistan): That is to say, then, that the Katangese are at liberty also to take what action they like? Is that not so, or would article 10 bind them?

Mr. NARASIMHAN: Let us look at it somewhat differently. The explanation that Mr. Khiary has given is this. Assuming that such an attack is apprehended -- if there are any military moves that the Katanga gendarmerie takes, or any attempts to reinforce its positions -- it would be a violation of the cease fire.

Sir Muhammad ZAFRULLA KHAN (Pakistan): Are you quite sure that that is the sense in which the Katanga authorities understand the situation -- that they bind themselves by paragraph 10 in the sense that if the Central Government forces take action against them they will take no counter action, that they will do nothing to stop them?

The CHAIRMAN: I recognize the representative of India.

Mr. JHA (India): I should like to make a few observations. First I will take up the point that is being debated now. I think that the point made by the representative of Pakistan has considerable force, because if you say that this has no application to any military situation involving other armed forces that might arise you cannot say that if there is an attack by armed forces from outside you shall do this or not do this. There would be a lot of dispute about that kind of interpretation. The real situation seems to be this. We would say frankly that the cease-fire agreement was something which we did not like very much. It was dictated by the exigencies of the situation at that time. The United Nations had become involved in operations of a kind not originally

(Mr. Jha, India)

envisaged -- more or less full-fledged war -- and it was not really equipped for that purpose. On the other hand, the Katanga mercenaries and others were strong. They were strongly entrenched, they had the advantage of the terrain, they had the advantage of clandestine assistance, and, worst of all, they had these two jet fighters which meant that the United Nations forces had no air cover at all. So, in all these circumstances, which I do not want to go back into, there had to be a cease fire. Nobody liked it, that it came about at that time. It was ratified, subject to certain conditions which are reproduced in document document S/4940/Add.10. The protocol itself was something which followed logically from the cease fire. The cease fire has to be spelt out. Therefore, for us to say at this stage that we shall have no protocol is not a logical proposition. We could say that we did not like this protocol, that we would not like it to be ratified and that the United Nations should negotiate something else. All that is feasible, but the logical corollary to a cease fire is that you must spell out certain further matters which naturally, at that time, in a simple cease-fire agreement, could not be covered.

So it seems to me that we have to have some kind of protocol, and the question arises regarding the protocol which has been negotiated by Mr. Khiary with Mr. Tshombe. I think I would agree that Mr. Khiary has done a very good job. It must have required a great deal of patience and skill to negotiate this kind of agreement. I made certain observations on the protocol the other day, and I do not want to go over the same ground again. There are many things in it which are not satisfactory. At the same time, what can be done? Is there a possibility of getting anything better? It takes two to make a protocol. The situation we are faced with is that, whether we like it or not, we have to enter into this protocol, which has been negotiated after many days of great effort by our representatives in the Congo.

There are some misgivings about this protocol. The Central Government of the Republic of the Congo is, rightly, apprehensive about the possible effect of it vis-à-vis its relations with Katanga. It is apprehensive that the protocol might lead to a further strengthening of the Katanga secession, of the claims made by the Katanga secessionists, and I must say that its apprehensions are very well justified. From the United Nations point of view we have the apprehension

(Mr. Jha, India)

that it may really mean a strengthening of Tshombe's position, giving him some kind of a de facto or de jure international status. Certainly we are interested in safeguarding that position. We do not want to do that.

So we are in this situation where we have legitimate fears on behalf of the United Nations. And I might mention here that there is a letter from the Soviet Union representative which expresses more or less the same fears, although there are certain other points which it brings in too. But we are faced with the situation which gives rise to legitimate fears on the part of the Central Government of the Republic of the Congo and the United Nations -- and, I might add, fears of all of us who have heavy commitments in the Congo because our troops are involved and they are in a difficult position.

Therefore, any protocol that is accepted -- and I do not really see how we can get out of this agreement that has been negotiated by our representatives in the Congo -- must safeguard the full sovereignty and authority of the Central Government. We cannot permit that to be jeopardized or whittled down in any way, and it is up to us to make that position absolutely clear. If the clarification of that position Mr. Tshombe does not want to enter into it, we will have to accept that position. It is a bad position but we will have to live with it and we will have to take all possible measures to safeguard the United Nations position. In any document of the kind that has been circulated we must make it absolutely clear that this protocol shall not prejudice in any way the sovereignty of the Government of the Republic of the Congo and the authority of the Central Government of the Congo.

That seems to me to be more important than trying to interpret article 10 in the way that it has been done. If the authority of the Central Government of the Congo and the sovereignty, unity and territorial integrity of the Congo, as affirmed and reaffirmed by the United Nations resolutions, is specifically made clear, then I do not think -- and this is what I would like to put to the Foreign Minister of the Congo -- that we really have to fear that the future initiative of the Central Government of the Congo -- whatever it may be is for them to decide -- will in any way be affected. That we must safeguard.

As regards the United Nations position, I think that the last paragraph of the protocol is quite right. A cease-fire agreement is not a political agreement. It is an agreement between two warring groups. It is purely a military agreement involving the Katangan armed forces and ONUC. That fact may be made clear and we can make the further reservation that we made. As a matter of fact those reservations are applicable to the cease-fire; that is to say, the conclusion of the agreement shall in no way affect the resolutions of the Security Council, including that of 21 February 1961, and of the General Assembly. The agreement is strictly of a military nature and applies solely to the United Nations armed forces of Katanga.

With those reservations, plus the additional ones I have suggested, I think it should be possible to draft these conditions into the protocol, which should

be communicated to our field officers and they should inform Mr. Tshombe that this protocol will be accepted subject to those conditions and reservations and leave it to Mr. Tshombe. If he does not accept them, then we will have a fresh situation and we must consider it. I am strongly of the opinion that, without any possibility of doubt, we must make the position clear that the Central Government of the Congo has full authority and sovereignty in the Congo and that this does not imply any kind of recognition de jure or de facto of the international status of the Katangan authorities. I have drafted a little text here. I would say that the last paragraph should be omitted. It reads as follows:

"This Protocol of Agreement is limited to relations between ONUC and Katanga armed forces in Katanga and would not be applicable to any military situation involving other armed forces that might arise."

I would say that that may be omitted because it rather envisages the possibility of armed military forces coming from the outside, and that outside may be anywhere. After that we should say the following:

"This Protocol is ratified without prejudice to the unity, territorial integrity and independence of the Congo, affirmed and reaffirmed by the resolutions of the Security Council and the General Assembly, and to the sovereignty of the Republic of the Congo and the authority of the Central Government of the Congo."

We could then have another paragraph as follows:

"This Protocol does not imply in any sense an acceptance de jure or de facto of international status for the Katangan authorities."

I think that if we put in these reservations we shall be safeguarding the position of the Central Government in the way that we desire, and I entirely agree that they cannot be in any way here parties to this protocol. How can we bind them? Their authority, their sovereignty, their right to take any initiative that they feel justified in taking in the very difficult circumstances should not be interfered with. I have read this draft. It is not perfect but this is the sort of idea that I would like to see incorporated. I feel very strongly that that must be done. I think that the first paragraph is acceptable. I have no comments on that. But I think that the second paragraph should be spelled out and slightly modified in the sense that I have indicated.

The CHAIRMAN: I should like to address the representatives whom I have already inscribed on the speakers list. I should like to set the record straight. There was an oversight on my part and I want to correct it now. The representative of Ethiopia had posed some questions which were at the point of being answered, when there were some cross questions and we went completely off on a tangent. I now want to ask the representative of Ethiopia if he feels that the questions have been fully treated and, if not, there will be some reply for him.

Mr. ADEEL (Sudan): I wish to raise a point of order. Since, happily, the Foreign Minister of the Congo is with us, I feel that it will help a great deal in our discussion and save a lot of time if you, Mr. Chairman, would ask the Foreign Minister whether he has any observations to make regarding this protocol. He is the person directly affected and his views will help the Committee a great deal.

The CHAIRMAN: I shall now call on the Foreign Minister of the Congo.

Mr. BOMBOKO (Congo, Leopoldville) (interpretation from French): My Government has had conversations with the representative of the United Nations at Leopoldville and Mr. Bunche has just reported to us the results of those conversations. However, I would like to emphasize one thing and even to repeat the words of Mr. Bunche. He said that Mr. Tshombe had signed the Protocol Agreement at N'dola and that even certain clauses of that Protocol had not been respected because Mr. Tshombe refused permission to the members of the United Nations to visit certain installations, even to visit the prisoners at Jadotville.

For a long time before that Mr. Tshombe had signed agreements even with the President of the Republic, but he never respected those agreements. In the third place when we read the draft protocol of agreement, we did not see that it says that the exchange of prisoners was conditioned upon the ratification of the agreement here. Now Mr. Tshombe does condition it. That is to say, even before the agreement is implemented he refuses the preliminary conditions for the execution of this agreement.

(Mr. Bomboko, Congo (Leopoldville))

And now I have another observation. Reference is made to the N'dola agreement. In the N'dola agreement paragraph 4 prohibits any movement for troop reinforcement. As regards the new protocol, I would like to know whether the United Nations is prohibited from reinforcing its troops in Katanga, and if that is the case I believe that for the security of the United Nations in the Congo no one could accept this protocol or agreement. One cannot bind the hands of the United Nations and say that it has to keep troops at the present status. The United Nations has a right to reinforce its garrisons. It has a right to inspect all the installations. It has this right because the United Nations was invited by the legal authorities of the Congo to do so and to come to their assistance.

(Mr. Bomboko, Congo (Leopoldville))

Consequently, I believe that it is very difficult for my Government to accept such a protocol or agreement because it is an agreement which restricts the action of the United Nations, and this is not acceptable.

Next, discussion was held with regard to article 10. We can give our interpretation to this article. We can recognize even here that for us that does not restrict the sovereign right of the Congolese Government to undertake any action. We can even give a definition to the effect that such action would not be qualified as coming from outside. But, is that the thought in the mind of Mr. Tshombe? Is Mr. Tshombe not aware of the fact that this action would not be action from outside? Is there a threat of invasion in Africa which would require us to put such a clause as this in the protocol? What country is going to invade the Congo? Even Rhodesia is not ready to invade the Congo. If Mr. Tshombe had this clause put in here, he did so simply to prevent any action on the part of the Central Government. It is very clear. I do not see how you can entertain any doubts about it. I am sure that if we accept the protocol as it stands now, you will say that I am right a few weeks from now because Mr. Tshombe will say that they did not respect the agreement because you let Congolese troops undertake action in Katanga.

Mr. Chairman, these, then, were my preliminary remarks.

The CHAIRMAN: I give the floor to the Foreign Minister of Nigeria.

Mr. GEBRE-EGZY (Ethiopia): I have been sitting here with patience. I have been passed twice, and it puts me in a very difficult position. The first time, I kept quiet hoping I would get the chance again; the second time I was interrupted on a point of order. I feel that this may go on, and I beg you, Mr. Chairman, if it is my turn, to let me say what I have to say.

The CHAIRMAN: I think we made the record straight when I recalled that we owed you the replies to your questions, and so you still have the floor. But, as you said, a point of order was interposed, and then the question was raised again that before dragging the point to an extreme, we could get the Foreign Minister of the Congo to give his views on that. Since it is the point of the answers to your question -- and that is still standing -- I would ask the Foreign Minister of Nigeria if he would permit us to give the floor to the representative of Ethiopia, and then I shall ask him next.

Mr. WACHUKU (Nigeria): No objection.

Mr. GEBRE-EGZY (Ethiopia): For the record, when I took the floor I said I first had two questions, and then I had other points to make. I go back to my two questions which I do not think have been answered. I shall repeat. The first thing I want to know, from the point of view of my delegation, is this: the prisoners are in Elisabethville. Is it possible for the United Nations, taking into account their safety, of course, to attempt to rescue them? Is it militarily advisable? Is the United Nations in a position to do so? Of course, I feel that a solution to that problem may put us in a completely different position. I should like to get a clear answer to that.

The second one is: Mr. Bunche read an exchange of views between Mr. Linner and Mr. Adoula, and I really did not get it quite clear. First, I want a reply to these two questions -- and this comes from instructions from my Government. Then I will make known our position on the various points of view raised here.

Mr. BUNCHE: With regard to the two questions raised by the representative of Ethiopia, on the first one concerning this discussion between Mr. Adoula and Mr. Linner, what I said, on the basis of the message we had from Mr. Linner, was that Mr. Adoula had indicated a desire that there be included in the agreement on the protocol a clause which would guarantee to the Central Government a free hand with regard to taking over the administration in north Katanga. Mr. Linner replied that this would in fact amount to putting into an agreement -- which after all is strictly a military agreement -- authority to do something that the sovereign Government of the Congo already has the authority to do. He felt that it was objectionable on this basis. I think this question actually is moot now because on the basis of the subsequent message from Mr. Linner following his second talk today with Mr. Adoula, this suggestion is dropped and the suggestion of an additional statement, along the lines of the statement put before you, would be the basis, and this now would be revised further on the basis of the suggestions made by the representative of India.

(Mr. Bunche)

With regard to the second question -- whether the United Nations might be able to free the prisoners by force -- I would not undertake to answer that. And I think none of us would undertake to answer it here. The question would have to be put to the people on the spot out there. But I would say this. To mount an offensive to release prisoners is always a major military task and I would not feel very happy about what the fate of the prisoners might be while the offensive action was trying to get to them. I would think that it might well be sentencing the prisoners to death.

While I am at it, I should like to say just one word on the matter of paragraph 10 which is a paragraph that disturbed me quite a bit at first, but the more I look at it and think of it, the less important it is, it seems to me, because if one looks at it from a purely Katangese point of view, from the most favourable point of view -- from their standpoint -- what it says is that the United Nations would not charge the Katangese with violating this ceasefire protocol if the Katangese became involved in a fight with the ANC of the Central Government or fired back. In other words, that the United Nations would not charge them with violating the ceasefire. My feeling with regard to this is: should the situation arise, should the gendarmerie of Katanga resist an action by the Central Government, the position of the United Nations with regard to this could not in any way be controlled by a mere ceasefire agreement -- and, of course, this is made explicit in the conditions in any case -- but would be controlled by the resolutions of the United Nations which define the purposes of the United Nations in the Congo. It is expressly stated that this ceasefire -- this protocol -- could not in any way affect these purposes as defined in the resolutions.

(Mr. Bunche)

Finally, with regard to the statement made by the Foreign Minister of the Republic of the Congo, I would say that there is no question whatsoever of acceptance by the Government of the Republic of the Congo of the cease-fire agreement or the protocol to that agreement. In other words, this is a strictly military agreement between armed forces of two parties that have been engaged in fighting. The Government of the Republic of the Congo has been consulted -- and intensively consulted -- while the discussions on the agreement have been proceeding, not because there is any suggestion at all that that Government would be a party to the agreement or would be asked to approve it, but because the Republic of the Congo obviously has a vital interest in the question, which would influence our position. Nothing, however, that has transpired in the talks between Mr. Adoula and Mr. Linner would suggest in any sense that we were seeking approval of the agreement by the Republic of the Congo.

Mr. GEBRE-EGZY (Ethiopia): First I should like to thank Mr. Bunche for those explanations.

I wish to express our appreciation for the presence here of the Foreign Minister of the Congo. We are very happy that there is a Central Government in the Congo. We should be even happier if that Government were able to take care of the situation itself and could ask us to leave the Congo. There is nothing equivocal in that statement.

At the last meeting of this Committee a number of specific questions were raised. I shall not go over them again. But we are convinced that such specific matters as the inclusion of the words "Provincial authorities" should again be raised in order to make it quite clear that the United Nations is not entering into an agreement with an entity which no one recognizes. In that connexion, I completely agree with the representative of India about the omission of certain words and the inclusion of certain other words in the paper that has been put before us this morning.

Apart from that, there is something disturbing about this protocol and the previous agreement -- actually, this applies more to the protocol than to the previous agreement. Paragraph 10 of the protocol can be interpreted in more than one way; I think that all of us can agree at least on that. The disturbing aspect

(Mr. Gebre-Egzy, Ethiopia)

is this: Our negotiator, Mr. Khiary, knows, I am sure, that the Katangese must have placed a certain interpretation on paragraph 10 if they accepted it. I think that we can say that much quite frankly. Of course, I understand why Mr. Khiary was compelled to accept this, but, I repeat, it is a disturbing aspect.

Now, we do certain things in order to overcome certain difficulties. The public knows about that. In all probability, the public will forget Mr. Khiary's difficulties. In fact, what one finds in the newspapers are statements that the United Nations has recognized Katanga, has conceded the point. I say that in the long run this is going to do a great deal of damage to this Organization. It will, in fact, shatter the foundation, which is confidence in the Organization both on the continent of Africa and elsewhere.

Therefore, since we have not really gone very far with this, I should prefer it if we were forthright and completely frank about the matter in the future. I do not want the United Nations to get into a position which it cannot defend at all. It already has too many enemies. This leads me to insist, as I did at the last meeting, that the entire question of Katanga should be given full publicity. The world should know what is going on, so that pressure can be brought to bear to put the matter right. If we go on dealing in a makeshift way with one crisis after another, we are going to get into more and more difficult positions from which we shall not be able to extricate ourselves.

Hence, once again I would insist that everything should be brought to the attention of the Security Council and the General Assembly. Let them know what is happening, and let them assume their responsibilities. In that connexion, I would say that I fully agree that you are in a very difficult position. There is no Secretary-General, and you are in, to say the least, a very difficult and unenviable position both as regards your powers under the Charter and as regards practice. None the less, you owe it both to yourselves and to us to put the whole record out. If it is gossip, you can say it is gossip. In that way, you will be in the clear from the point of view of having brought the matter to the attention of both the Security Council and the General Assembly.

Having said that, I would simply repeat what I said at the last meeting. Our being here does not make us a party to this agreement. I regret that I have to say that, but I have no choice. Secondly, I would again insist that the

(Mr. Gebre-Egzy, Ethiopia)

Command should look into the question of getting these prisoners out. Apparently Mr. Tshombe is holding them as hostages, and this fact should also be made clear in the documentation. We should say frankly that this is what he is doing, so that proper pressure can be put on him -- at least by those who are in a position to exercise such pressure on him. What he is doing is bargaining with human lives. The United Nations is not in a position to do the same thing. I do not think that we should keep quiet about this. It should be made known to the General Assembly why we are in such a position. That is why I again ask that the Command should look into the question of retrieving these prisoners. If there is a shortage of personnel, perhaps -- since there is now one Central Government -- we could think in terms of redeploying the entire Force; that is to say, the Congolese Government could take over where the United Nations is now, and the United Nations could concentrate, so to speak, on surrounding Katanga so that Mr. Tshombe will feel the pinch, will know that he is not going to get anywhere and will become more responsible and reasonable in what he is doing. I think that the only thing that is left to do is to show him some measure of force. Otherwise, we are going to get into a more and more impossible position.

I do not know what kind of agreement will be put before us next time. But, in order to avoid all this, we should now think in terms of redeploying the Force, giving up positions which the Central Government can take care of and concentrating on Katanga.

That is what I wished to say. I fully agree with the anxiety expressed by the Foreign Minister of the Republic of the Congo. I want him to know that we appreciate his difficulties, and we hope that a proper solution can be found to this problem.

Mr. WACHUKU (Nigeria): I want to start by asking some questions which perhaps I will try at the same time to answer. When Mr. Khiari was authorized to negotiate this cease fire, had he any definite instructions as to the basis on which he should negotiate, or was he given just a free hand to do what he could? I said I will ask a question and answer it, but that does not prevent you from answering it if my answer is wrong. The text of the protocol suggests to me that he had no basic principles upon which he should negotiate; in other words, a definite instruction beyond which he could not go. I say this because, if he had such an instruction at that time, paragraph 10 should not have been there at all.

As the representative of Pakistan has pointed out here, it is quite obvious that the interpretation the United Nations Secretariat gives to that paragraph cannot be the interpretation that Mr. Tshombe wanted it to be. From what we have been told by Mr. Narasimhan, by "outside" forces you had in mind forces from Northern Rhodesia; but we all know that they have been having their reinforcement from Northern Rhodesia. How in all the world Tshombe would be expected to be attacking those who are reinforcing him -- I mean, it is obvious to me -- I have been reading papers and so on. So Katanga can never regard "outside" forces as coming from that side -- people who are his allies. "Outside" forces can only be forces "outside" of Katanga; and that is the rest of the Congo under the control of the Central Government. To my mind, I have no doubt about that. So it will then suggest -- Dr. Bunche put it as a hypothetical case: one assumes that one gives the most favourable interpretation to the views of Katanga -- that most favourable interpretation, in my opinion, is really what Mr. Tshombe wanted it to be.

Then we say that United Nations agrees that if they are firing at the Central Government forces, coming to aid the United Nations, they have not violated this protocol, or cease fire. Well, ONUC is quite free to interpret that in the sense that whatever agreement is entered here shall not bind the Central Government to take any steps which it would like to take in order to secure the territorial integrity of its own country.

(Mr. Wachuku, Nigeria)

That brings me to another point, which is very interesting and at the same time disturbing. I notice that here there is no insistence on the observance of paragraph 13 of that protocol. From what we have read, Mr. Tshombe had deliberately violated paragraph 13 -- if what we read in the papers is correct. Paragraph 13 reads:

"The present agreement shall come into force forthwith ..."

And then it says:

"... and shall become final after its approval by the Secretariat in New York."

The words are "shall come into force forthwith", and I read paragraph 13 in conjunction with paragraph 1:

"The exchange of all military prisoners on the two sides shall take place at Elisabethville at 1600 hours on 16 October 1961. The prisoners shall be conveyed by the detaining authorities to the old Elisabethville airport, where the exchange shall take place. ..."

Now, by saying "shall come into force forthwith" I would expect that all the prisoners, from that date, would be transported to Elisabethville airport, as the case may be, and then, on the sixteenth, the exchange should take place; but I do not see it suggested anywhere that nothing should be done until the agreement has been approved by Headquarters. From what I have read in the papers, Tshombe says he is not going to do anything about this until it has been approved. Well, I do not see where, under this text, he can call on the United Nations to approve it before he will do what he has bound himself to do. I think we have to insist now -- Tshombe has signed this, and those who support him should appreciate that a man cannot enter an agreement and violate as soon as the ink dries on the paper, while we are expected to say that we are still bound by something of this nature.

I appreciate the difficulty in which ONUC finds itself, particularly in the sense that he is holding a number of its prisoners as a hostage; but in so far as the two parties have put their names on this I think we should insist on paragraph 13 being observed. In this new draft I do not even see any reference to it: I do not see any reference to the violation by Tshombe of this part of

(Mr. Wachuku, Nigeria)

the agreement. We are playing a completely defensive game. So I want to say that, whatever changes have been made, I also support the suggestion of the representative of India that there should be an additional paragraph which will re-state the position of the United Nations in the light of the resolution of the Security Council and General Assembly guaranteeing the territorial integrity of the Congo. That has been the basis. But I would not go so far as to include the question of de facto or de jure recognition. I think that once we make the statement that we stand on the principle upon which the United Nations has always stood there is no use repeating it at all, because it will be covered by the other aspect.

I would further say that the time has come when the United Nations should ask the Central Government of the Congo to reinforce its own forces. If the protocol says that troops cannot be reinforced in their respective positions that is a point which I deplore. Let us consider the circumstances under which this agreement was made. It does not say that the Central Government or the United Nations cannot move forces anywhere nearer Katanga. At the last meeting I asked a question about the unique position occupied by the army in Stanleyville. The Secretariat tried to explain the difficulty. Now I understand that the Central Government has reinstated General Lundula to the position of General in the Congo, but at the same time recognizes General Mobutu as the Commander in Chief of the Army, so that although the other man is a General he is not the Commander in Chief. Will it not assist the United Nations if, as a means of helping to solve the peculiar problem of the army in Stanleyville, the troops from Stanleyville are incorporated in the forces of ONUC and then deployed in Katanga? If that is done we shall be solving the problem in Stanleyville and at the same time having reinforcements for Katanga in the case of eventualities. Then, if the troops moved down from Stanleyville -- right down to Kivu Province, near Northern Katanga -- they would be supplementing the other forces nearby. In that respect, the Central Government will be participating in the maintenance of law and order in their territory. That is one of the reasons why the United Nations went there.

I am not a military man, but I think that this complete isolation of the Central Government from the operation of ONUC is out of date: there is now a Central Government. We are talking of reinforcing -- we are asking people to bring reinforcements. Why do we need reinforcements in the Congo now, when there are about 25,000 troops?

(Mr. Wachuku, Nigeria)

Why aren't they told "We have a General in Stanleyville -- you have a whole army there -- what is it doing?" We want these people. Bring them there -- take them along with ONUC. This protocol does not say that the United Nations cannot ask the Central Government to reinforce itself. Bring them right down to the borders of Northern Katanga, so that, in case of eventualities, these people will participate in defence of their own territory. If I were in a position today, I would do it. This is their country. They are defending the integrity of their territory, and there is an army of the Central Government -- and the United Nations should help them when it is necessary to do so.

I do not think that, if this idea is put to the Central Government, they will hesitate to support the United Nations by gradually taking over responsibility for the maintenance of their own territorial integrity.

As the representative of Ethiopia has said, we are coming to a state when, having got over the more difficult situation there of the political problem about sovereignty which complicated everything, we are now going back to where we started by allowing certain mistakes to be made in the military field. Now that the whole situation has been narrowed down virtually to the military, I sincerely hope that politics will not be allowed to interfere with the military operation there.

The Central Government is responsible for all the political decisions, other than stating plainly that, as far as we are concerned, we have come there to assist the Central Government, and the Central Government is there, and, while we are prepared to safeguard the lives of the United Nations forces that have found themselves in this difficulty, there is nothing at all to stop the Central Government from taking any action. If they do, and if we still remain in the Congo to assist them -- there is nothing in this protocol to say that we cannot assist them -- we can assist them by advising them. We were told that General Iassu has been appointed to advise the Central Government. Can he not be authorized to advise them to move their troops downward, near Katanga, so as to exert at least sufficient force on Tshombe so that he will learn that he cannot enter into agreements at one moment and then refuse to observe them at the next second?

(Mr. Wachuku, Nigeria)

I therefore say that this last document, the statement of 18 October that has just been given to us, should not only go by way of reference, as the representative of India also suggested here, but the statement in document S/4940/Add.10, paragraph 2, should be taken out there and put here in this document. Those people do not have access to all these documents. We should therefore put down here, in black and white, what the position is -- that this is purely a military business -- and then with the addition of this other passage, restating the decisions of the Security Council and the General Assembly, and so forth, we will make our position clear. Whatever misunderstanding there may be in this paragraph 10 of the protocol, these additions should clear it up quickly. Obviously, there are two interpretations to this -- the United Nations interpretation and the Katanga interpretation. Let us face that fact. The Katanga interpretation simply means that, if the Central Government forces come from outside Katanga and they fire back, they will not have violated the cease-fire agreement. That is what it means. And let us face the fact that that was done because of the circumstances under which Mr. Khiary had to negotiate. It may well be that, if he had not included that clause, he would not have obtained any agreement from Tshombe at all, and then his own men would have been in a very serious position and might have been killed. So he did that in order to save the people, in order at least to have them alive. Let us face that simple fact. He was faced with a difficult position and, being in a tight corner, he acted with no definite guidance. With the lack of a Secretary-General, we know very well that what we are dealing with now is purely trying to use any method at all to get things going, so that things do not go to pieces.

Once we agree on that, then we must also insist on paragraph 13. Tshombe must not be made to believe that he has been recognized either de facto or de jure. Today I read a long article in The New York Times which suggested over and over again that the recognition of the right of Katanga to independence is obvious from the paper here, and, in effect, the interpretation they give to this protocol is that the United Nations recognizes the right of Katanga to independence, and so on. We must not allow that, by word or by deed, to get around.

Finally, I would support the suggestion of the representative of Ethiopia that the time has now come when the Katanga issue should be brought right into the open. At the last session, we were debating the Congo as a whole, and now it is Katanga.

(Mr. Wachuku, Nigeria)

All relevant facts about Katanga -- the difficulties which you have, and all the facts -- should be put down and circulated. If possible, special consideration should be given to this debate on the Katanga problem, so that all available facts should be known not only to the members of the Security Council but to the General Assembly. Then the Secretariat would be given guidance by the opinions expressed by representatives who have come here.

Our stand is quite clear, and I do not need to restate it. My delegation cannot accept a situation which would mean that the United Nations has been humiliated by Katanga, or any suggestion that Tshombe has been recognized as a separate Government. I was not happy about the language used here -- the "Katanga Government", and so on. If we use "Katanga authorities and ONUC", that may be all right. But, to me, "Katanga Government" goes too far. Now we are told that it is a "Provincial Government" -- that they object to it. I think that, even if you do not put "Katanga Provincial Government" in this document (indicating), if you do not want to alter anything here, there is nothing to prevent adding "Katanga Provincial Government" here (indicating).

I would not like to see anything relating to the Headquarters and the Katanga Government in this document -- the last one -- because that is the document that gives the final explanation of the conditions on which the United Nations approved this protocol. So that "Provincial Government" -- because it is one of the six provinces under the Loi fondamentale -- whatever amendment there is in the final draft, that must be brought up. "Katanga authorities" -- in fact, I would like "the Provincial Government of Katanga", because that is what it is. That means that its authority is limited. That idea of a "Provincial Government" must be brought in here, so that whoever is reading this, with those additions that are made, will understand that the United Nations has not in any way changed its position. That is very important to us. When that is done, I am sure that the Central Government will not worry so much, knowing that its rights and privileges under this law have not in any way been abridged. It will also show that the United Nations has no intention of moving from its former position to a new situation, forced on it by these particular circumstances.

The CHAIRMAN: I still have three speakers on my list. I also note that time is running out on us, and I should like the members of the Committee to bear this in mind.

Mr. BA (Mali) (interpretation from French): At this late hour I wish to say that, in explaining the problems before us, my task has been made easier by the previous statements which have been made.

I would say at the outset that, following my brief initial statement at the beginning of the meeting, I believe the documents have now been given to the Foreign Minister of the Congo, Mr. Bomboko. I think that this was a wise step, but I do not think that it is adequate. I would suggest that in the future greater account should be taken of the Government of the Congo, which is the Government primarily concerned and the Government with which the Secretariat should have continuing contact. I think that the Congo more than anyone else has the right to be informed. In saying this I am not trying to pour fuel on the fire, but we are here to engage in constructive work, and I think that if the Secretariat follows this course it will bring constructive results.

To turn now to the protocol, I would say immediately that my delegation was shocked when it received this document. First, article 13 says, "The present agreement shall come into force forthwith and shall become final after its approval by the Secretariat in New York." It states elsewhere that the exchange of prisoners should take place on 16 October. It would then appear that the agreement had already come into force even before we were given an opportunity to discuss it and to express our views on it. I think this is a very serious matter, because it affects the prerogatives of all, first of the Advisory Committee, then of the Security Council and also, I believe, of the General Assembly, which should be seized of a matter so serious as this one. I do not think that this is a mere scrap of paper with no importance; this document involves very substantive problems.

Therefore, this agreement should not have come into force at once before we had an opportunity to express our views on it. Even before we received the protocol, we read in the press that Tshombe had refused to go on with the exchange of prisoners and was awaiting the decision of the United Nations. I believe that this is a rather serious situation.

(Mr. Ba, Mali)

We were shocked, moreover, because the protocol was signed in the prevailing circumstances with the Katanga forces. I agree that it has been signed with the armed forces of Katanga, but I believe that it is very serious for the protocol to read "President Tshombe, on behalf of the Katanga Government, of the one part, and Mr. Mahmoud Khiary, on behalf of ONUC, of the other part". This indicates that the protocol takes responsibility for dealing with President Tshombe, Head of the Katanga Government and secessionist circles. I believe that this is a violation of the Security Council resolutions of 9 August 1960, which specifically requested that all measures should be taken to promote the reunification of Katanga with the rest of the Territory.

I believe that this is a very serious matter. The protocol should be ~~xxxx~~ limited to relations between the United Nations and the Katanga military forces. This would make it clear that the protocol is an agreement with the Katanga armed forces, or, if it is agreeable, with the Katanga authorities. We would even go that far. But I do not think that any reference should be made to the Katanga Government. We would support the proposal which has been made by several representatives, I believe by the representatives of Ethiopia, India and Nigeria, that it should be made clear that this is the provincial Government of Katanga. I think that this wording would dispel any ambiguity. If we do not do this, we risk strengthening the secessionist forces in Katanga, which is certainly not the objective pursued by our Organization and, a fortiori, by the Advisory Committee.

Secondly, I come to article 10, which I also consider to be a curtailment of the prerogatives of our Organization. I think we are all agreed that our role in the Congo is to strengthen the authority of the Central Government and to put an end to the secession of Katanga. It states here that the Katangan gendarmerie can fire back against an attack from the outside when it is known that Katanga is not in a state of war with anyone and that any attack could only come from within Katanga, that is to say on the part of the Central Government, which has the right to put an end by all possible means to the secession of Katanga. If the Central Government had the means to eliminate the Katanga mercenaries, even by violence, it would have the right to do so. I do not think that we should give our support to the Katangan gendarmerie and secessionist mercenary forces which are responsible for the entire situation obtaining in the Congo.

(Mr. Ba, Mali)

I believe, therefore, that this paragraph should not be included. I do not know whether it was included at the request of Tshombe, but I think that we could easily eliminate it. In any event, it adds nothing to the protocol.

Regarding the question of prisoners, it seems that the protocol was based on the desire to recover those of our forces who were taken prisoner by Tshombe. If the statement made this morning to the effect that 185 United Nations prisoners have been sent to Elisabethville -- and I think this was an official communication -- then I think here too we have acted in a rather casual manner, after Tshombe has said that he would not implement any protocol. If we are not extremely careful we may find that these prisoners will become the hostages of Tshombe. We know this person sufficiently well to understand what he is capable of doing, and I wonder whether at the present time it would not be more appropriate to speak of hostages rather than of prisoners. After all, these members of the United Nations Force are in Elisabethville. Of course, we may be told that the United Nations Forces in that sector are of sufficient numbers and of sufficient offensive force to check any such attempts on the part of Tshombe.

I believe that we are entitled to a reply on this serious matter. If the United Nations can prevent the prisoners from being used as hostages by Tshombe, then I think that the protocol, which was designed to recover the prisoners, will not have been entirely pointless.

(Mr. Ba, Mali)

This problem of the Protocol is a rather serious one. The exchange of 185 185 prisoners is certainly desirable, and everyone certainly would support this objective of securing the release of 185 prisoners. But it seems to me that the clauses in the Protocol to which I have alluded, which imply that we recognize the Katangese Armed Forces and their position at the date of the cease-fire -- that is, that there was no reinforcement of the United Nations forces and that the status quo of the Katangnese Armed Forces was maintained -- was a very dangerous matter. The United Nations forces were already, prior to this, deficient in numbers compared to Tshombe's forces.

The terms of this protocol, it seems to me, are sufficiently serious so that they should not have come into force without prior discussion. Regarding the terms and the wording of the Protocol, I think that it should be made clear at all proper points that we are referring to the Provincial Government of Katanga. After all, the Katanga Government is a provincial one and the role of the United Nations clearly is to strengthen the Central Government. Thus, both in the Protocol and as regards future steps on the Katanga question, I think that it would be wise, as several other representatives have suggested, that the Security Council and the General Assembly should be seized with this matter. The General Assembly, as a matter of fact, is sitting at the present time and this would avert certain unfortunate events which took place in the past and which did not facilitate a solution to the Katanga problem.

Regarding the question of the prisoners, it seems to me that we have been draw into a hornets' nest. I should like to be assured that our present forces in Elisabethville can prevent Tshombe from making his prisoners hostages.

Mr. DIALLO (Guinea): I have only one brief statement to make, and I will give you only the essence of it.

The delegation of Guinea considers that the cease-fire agreement of 20 September at N'dona, as well as the Protocol submitted to us today,

is contrary to the resolutions of the Security Council, more particularly the relevant provisions of the resolution of 21 February, which calls for the expulsion of the mercenaries from Katanga.

Under these circumstances, my delegation considers that the Secretariat should not merely, on the basis of a simple consultation of the Advisory Committee, decide to approve this Protocol. As the resolutions of both the Security Council and the General Assembly have been violated, it is important that these two bodies, which can be convened at any time, should be seized of the matter. I think that the Secretariat would be taking on a very heavy responsibility in ratifying this agreement without advising the Security Council or the General Assembly.

Mr. CISSE (Senegal) (interpretation from French): I shall be extremely brief, particularly since the comments which we had proposed to make have already been submitted by those preceding me.

I should merely like to call the attention of the Committee to one fact. Paragraph 7 speaks of the "free use of the airports" and this paragraph is a matter of serious concern to us. I have already called attention to this point during a earlier meeting. We were told that ONUC had effective control over the airports and had been in control for some time. But the fact that this agreement provides the Provincial Government with certain opportunities and facilities is a matter of some concern to us. We are aware of the motives and reasons why the Katanga Government is still a secessionist Government.

I would thus call your attention to paragraph 7 and also to paragraph 8 which states at the end "refusing economic co-operation, prohibiting the use of airports or the like".

These are the comments I wanted to make over and above the comments made by others. I would give the complete support of my delegation to these statements and say that Senegal would not agree to have this agreement signed.

In conclusion, I should like to welcome to this Committee the Representative of the Central Government of the Congo, the Foreign Minister.

Mr. RITCHIE (Canada): I want to welcome His Excellency the Foreign Minister to our presence, and I want briefly to say that I am also very glad to hear that Mr. Adoula may be able to give some favourable, we hope, consideration,

(Mr. Ritchie, Canada)

but at any rate consideration, to this statement which has been circulated to us today as an adjunct to the agreement and which covers some important points, I think, in connexion with both compliance with the resolution and limitations of the agreement on relations between ONUC and the Katanga Armed Forces. This has taken away some of the anxieties which we had earlier about the text.

I should also like to say that we are very glad to hear that there is a possibility of three emissaries of Mr. Tshombe's being on their way to Leopoldville and to express the hope of my delegation that this may open up a more fruitful chapter in the negotiations.

Mr. BOMBOKO (Congo (Leopoldville)): Mr. Chairman, since you have asked us to be brief, I shall endeavour to do so also.

From listening to the various speakers I might conclude that, if this agreement was discussed in Katanga at all, it was mainly because of the desire to get the prisoners released. This was the principal motive, as I understand it.

A while ago I explained to you Mr. Tshombe's utter bad faith and his failure to respect agreements. A number of representatives have already raised this points. The agreement was supposed to be implemented immediately. Nevertheless the prisoners are still in Mr. Tshombe's hands. I share the views of those who say that these are no longer prisoners but hostages. If the agreement is now accepted, there is no assurance that Mr. Tshombe will not keep the prisoners and say that he will return them only when the United Nations troops have left Katanga. In that case we may have to resume the discussion here and discuss the possibility of another agreement.

The representative of Nigeria has made a proposal which I consider interesting the participation of the Congolese troops in the maintenance of order. Some delegations have voiced their anxiety on the grounds that the United Nations has not enough troops. But there are Congolese troops, and I do not believe that their intervention could be interpreted as a civil war. It is merely the exercise of every government's right to have order maintained wherever it is endangered. We should let it be understood even by those who do not wish to understand, that other countries which I do not wish to mention here have sometimes had to resort to force in order to suppress rebellions. Why should this right not also be recognized to the Congolese Government, and why should the Congolese Government, which is a legal Government, not intervene itself in order to maintain public order? That is why I request that the Congolese Government be authorized to intervene, in collaboration with the United Nations, to put an end to any kind of rebellion.

According to the Loi fondamentale, the sole commander-in-chief in the Congo, commanding the army and the gendarmarie, is the Chief of State. Tshombe has not the right to create a gendarmarie. If he sets up a gendarmarie, it becomes a rebel gendarmarie. That being so, this is a private army and must be disarmed with the assistance of the Congolese forces.

(Mr. Bomboko, Congo, Leopoldville)

Up to this time, the positions have not been stated clearly. We are floundering in confusion, and it is because of this confusion that an organization like the United Nations risks becoming an object of ridicule in the world, because of the actions of the Katangan forces.

On the other hand, if I may be permitted to say so, my Government has grounds for complaint with regard to the United Nations action in the Congo. I have not wished to say so in public, but I may do so here. How does it happen that, whereas the central Government, even the President of the Republic himself, was prevented from acquiring arms, whereas every step was taken to see to it that we would not even obtain one bullet, Tshombe was able to obtain jet aircraft notwithstanding the presence of the United Nations in the Congo. Further, how does it happen that, whereas it was known that Tshombe had jets--and this was an open secret, for jets cannot be kept in one's pocket, the crews had to be trained, and the United Nations could see that these jets were in Katanga not for purposes of tourism but for waging war -- why is it that the United Nations has not since the beginning used the same means? There is a proverb that says that one must show one's strength in order not to have to use it. Why is it that it was not demonstrated that the United Nations also had jets available? I believe that these were errors which we find unacceptable.

Some countries which ought to support the United Nations action in the Congo have created difficulties for those countries which wished in good time to furnish jets for the use of the United Nations. I believe that, if the United Nations really wished to wind up its operation in the Congo successfully, it should have had loyal and frank and sincere co-operation between the United Nations authorities and the central Government. I believe that such co-operation would be materialized in a common action against all rebellious elements in the Congo.

The CHAIRMAN: I wish to inform the Committee that a report, as suggested by the representative of Ethiopia, on civilian operations and on the Congo fund was to have been given at this meeting. If it is agreeable to the Committee, it can be circulated in written form within two or three days.

Mr. GEBRE-EGZY (Ethiopia): I think that the Foreign Minister of the Congo has brought forward some very important points and very important problems. I think that, though we are meeting informally, we should not shy away from these points. Therefore I suggest to you that we should meet again tomorrow at 10 a.m. and take up a number of questions that he has raised: One, for example, is participation or some sort of arrangement for the armed forces of the Congo in the United Nations operation. As a matter of fact I have already suggested this, last week, that they could be placed under United Nations command, if there is some constitutional difficulty. Second, we could also discuss the possibility that the United Nations could pull out from certain areas and the Congolese authorities could take over. Third, perhaps the Minister can give us more information on the situation in Stanleyville. The Foreign Minister of Nigeria has raised this point. I myself do not believe it is a serious situation there, but it is possible that he could give us officially information on what the situation is. If there is something that the United Nations can do in order to bring about some sort of accommodation, we should also examine that, so that perhaps directives can be given to our representative in the Congo. Then we could examine the financial situation and the civilian operation also. So I feel that perhaps there would be some good purpose in meeting again tomorrow.

Mr. BUNCHE: I want to comment on the first question asked by the representative of Ethiopia on the matter of combined forces and of integration of the Congolese elements. This question was in fact discussed with me by the Foreign Minister yesterday afternoon, and a cable has been sent from here to Leopoldville. There is, I gather, nothing more to discuss about it until some approach is made to our people by Mr. Adoula. I gathered from what the Foreign Minister said yesterday afternoon that he was going to make this suggestion to his Prime Minister. Until something concrete shapes up in that form, I think that there would not be much basis for discussion of the matter.

The CHAIRMAN: After hearing Mr. Bunche's observations, I take it that there would be no point in our meeting tomorrow.

Mr. DIALLO (Guinea) (interpretation from French): In view of the clarification given by the Secretariat, I suggest that the meeting be adjourned now and that we leave it to the Secretariat to call the next meeting as soon as possible.

The CHAIRMAN: The meeting will be adjourned, and the Secretariat will keep us fully informed.

The meeting rose at 1.25 p.m.

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Meeting No. 60  
26 October 1961  
ENGLISH

UNITED NATIONS ADVISORY COMMITTEE  
ON THE CONGO

Informal Meeting at United Nations Headquarters, New York,  
on Thursday, 26 October 1961, at 10 a.m.

In the Chair:

Mr. BARNES

Liberia

Members:

Canada

Mr. BARTON

Ceylon

Mr. MALALASEKERA

Ethiopia

Mr. HAILE-MARIAM

Federation of Malaya

Dato' KAMIL

Ghana

Mr. QUAISON-SACKEY

Guinea

Mr. MAKA

India

Mr. BHADKAMKAR

Indonesia

Mr. MARAMIS

Ireland

Mr. O'SULLIVAN

Mali

Mr. BA

Morocco

Nigeria

Mr. NGILERUMA

Pakistan

Sir Muhammad ZAFRULLA KHAN

Senegal

Mr. CISSE

Sudan

Mr. SULEIMAN

Sweden

Mrs. ROSSEL

Tunisia

Mr. BEN FADHEL

United Arab Republic

Mr. SIDKY

Congo (Leopoldville)

Mr. BOMBOKO

The CHAIRMAN: I understand that it is your pleasure that I should take the Chair again. The officer in charge of the UN Operations in the Congo, Mr. Sture Linner, is here, and perhaps the Committee would wish to propound questions to him in connexion with those operations in the Congo and with the cease-fire protocol. I think it is a source of pleasure to all of us this morning to hear that our Irish prisoners have been released.

Without any further statement, I shall call on Dr. Bunche.

Mr. BUNCHE: Addendum 11 to the Security Council report contained in document S/4940, which is available here, indicates the developments on the Protocol to the cease-fire following the meeting of the Committee last Wednesday.

After that meeting, we in the Secretariat revised the draft statement of conditions for approval of the Protocol -- the statement which we had distributed at the last meeting for your consideration. Those revisions were undertaken in the light of the suggestions for changes which were offered in the Committee. Following that, on the basis of this revised draft, we carried on extensive consultations by cable with Mr. Linner and Mr. Khiary in Leopoldville.

In its final form, that statement of conditions appears as Annex II of Addendum 11.

Perhaps I should say by way of explanation to the Committee that in sending this statement of conditions and approval, the Secretariat was animated by a sense of urgency flowing from: first, a desire to expedite the exchange of prisoners; secondly, a wish to strengthen the cease-fire and indeed to avoid jeopardizing it, which might well have been the case; and, thirdly, to further the process of negotiation between Leopoldville and Elisabethville on which Mr. Khiary was working very hard.

(Mr. Bunche)

As indicated also at the last meeting, a vital factor in the action which we had to take was the attitude of the Central Government of the Congo, and that attitude has been described in Addendum 11.

May I add also that the action taken, of course, is entirely non-political; it relates solely to military matters and binds no delegation and involves no delegation here or any organ of the United Nations, and I think that the conditions as finally set forth make this amply clear. We are informed by Mr. Khiary that Mr. Tshombe has accepted the conditions, although acceptance was not required of him. It was open to him, after having seen the statement of conditions submitted to him, to withdraw his own acceptance of the Protocol, but we had not asked him to approve the conditions. These were the conditions on which it could be approved from our side.

Mr. Khiary has informed us that the prisoners were all exchanged yesterday afternoon, as Ambassador Barnes has indicated, and there were no hitches. Yesterday afternoon we received a cable to this effect from Mr. Khiary which said that the exchange went forward on schedule without any incidents. We got back all of the United Nations prisoners, including those who had been taken the previous week at Camp Massart. He went on to say that he had had a long discussion yesterday morning with Mr. Tshombe and that Mr. Tshombe would be sending a response to Mr. Adoula's message to him. Mr. Linner will be saying more about that.

Finally, I must say that Mr. Linner and Mr. Khiary, in our view, are due very great credit for their patient, persistent and skilful work in these negotiations under extremely difficult and trying circumstances. Mr. Linner has come to Headquarters for a few days of consultations and he is available to you this morning for questions and discussions. He might first say a few words, Mr. Chairman, to bring your information up to date, but Mr. Narasimhan wishes to add a word first.

The CHAIRMAN: Thank you very much, Dr. Bunche. I think I convey the feelings of the Committee in expressing our appreciation to you for the information you have been good enough to pass on to us this morning and for the clarifications made in connexion with the approval of the agreement signed at Headquarters and Elisabethville in regard to the protocol for the cease-fire. Now I shall give the floor to Mr. Narasimhan before calling on Dr. Linner.

Mr. NARASIMHAN: Just one footnote. At the last meeting of the Advisory Committee, when I was reporting on the exchange of prisoners, I had occasion to refer to the six Italians who were also held and in regard to whose release we did not have the information at that time. Subsequent to that meeting we got the information that they were released on schedule; that is, they were released on the sixteenth itself, and they were handed over to the Italian Consul in Elisabethville. So their case is also dealt with.

The CHAIRMAN: I thank Mr. Narasimhan for the information he has been good enough to pass on to us. I will now call on Mr. Linner who has, I am sure, some valuable information for the Advisory Committee. After he has spoken, the floor will be open to any member who wishes to question him on any of the aspects of his statement before this Committee.

Mr. LINNER: The co-operation with the central Government continues to be very harmonious and very constructive. The Prime Minister is displaying a degree of statesmanship which I think I can fairly say is worthy of the highest admiration. Patience, skill and perseverance are the key words as regards his way of handling state affairs. That does not mean that everything is as ideal as we should all like it to be. There are obviously tensions within the Government; the contrary would indeed be very remarkable.

The CHAIRMAN: I should like to interrupt Mr. Linner to bring to the attention of the Advisory Committee that a decision was taken here at one of our meetings to invite a representative of the Congo to be present with us at our meetings. I understand that the Secretariat or Dr. Bunche has sent an invitation to Foreign Minister Bomboko to be here this morning, and we look forward to his presence before we adjourn.

Mr. LINNER: I think a fact that should be borne in mind all the time is that the physical separation of the various political factions in the Congo that has been going on for such a long time did create an atmosphere of suspicion and fear which has not yet quite disappeared but which is in the process of disappearing. Now there is one disturbing sign, the absence of Mr. Gizenga from Leopoldville. He went to Stanleyville for about a week and he is now, I believe, in his fourth week there. I would caution, however, against any too dramatic

interpretation of this absence. It is always easy to play up such a thing and read all sorts of funny reasons into it, but I believe and hope that in this particular case, although this development has to be watched carefully, there is nothing too serious to be read into it.

There have been changes in Stanleyville inasmuch as the provincial President, Manzikala, has been replaced, and the Vice-President has also been replaced, but it is worth noting that those changes took place, as far as we know, in a perfectly correct and legal manner. There is nothing very much to say about that.

In the rest of the Congo we can happily note that the situation is fairly well under control politically. In Equateur, where, as you know, we did withdraw our troops quite some time ago, there has been no serious disturbance at all. The local authorities have things well in hand. This goes for most other parts of the Congo too.

A particularly pleasing sign has been the confirmation of the reconciliation between Balubas and Lulus in Kasai Province, which was celebrated only recently under rather impressive circumstances. South Kasai, which, as you know, has for a long time been a trouble spot, is now calm.

In the financial and economic fields great efforts are being made to bring things under control. There has been a conference of all the Finance Ministers from the various provinces in Leopoldville, and there is a revision going on of the administrative set-up in the ministries of finance and economics so as to enable a better control of expenses and a better planning for the future.

The sore spot is obviously Katanga, where I think that the development is rather promising. Tshombe, to my mind, has finally realized that his game is up. It might still take some time for him to draw the practical consequences from it, but we have many statements of his own, made more or less in private, to the effect, that, as I said, he now understands that there is really not very much to hope for in the future as far as his claims for independence are concerned.

(Mr. Linner)

He feels rightly, completely isolated from the rest of the African leaders. He feels, furthermore, that the support, direct or indirect, that has been given to him by various non-African Powers is more and more being withdrawn. He feels that the military situation inside Katanga is really not at all as favourable to him as misleading reports led him to think before. The fact that our joint commissions have been able to travel around in the country, thus making it possible for the Katangese observers themselves to evaluate the military situation, has brought the lesson home to him that the United Nations in Katanga is indeed very strong and that the Katangese are on all points inferior. What has obviously had a tremendous impact on him, furthermore, is the reinforcements that we now have available outside of Katanga, and I refer especially to those jets and other planes that have so generously been put at our disposal.

The moves of the ANC toward the Katangese border is another fact which has made him think twice about the future. The political tension inside Katanga is becoming stronger and stronger. There is growing opposition against Tshombe's regime witnessed, among other things, by the rather massive exodus of people from Katanga to take refuge in Leopoldville. Some two weeks ago we had to establish a camp in Leopoldville for all those who fled from Katanga. At that time we had 950 people and after that we have had hundreds upon hundreds coming in from Elisabethville, soldiers who have defected, officers who have left the gendarmerie and policemen who now want to join the Central Government. The Central Government in Leopoldville has, of course, taken full advantage of the political capital involved in this move and has given those people a warm reception and seen to it that they are being inserted in the cadre in Leopoldville and elsewhere.

As to the army, it might interest this Committee to hear that the Prime Minister is actively considering the problem of the unification of the army. I do not know to what extent I am authorized to go into details here, but since the Prime Minister speaks quite openly about it and actually is asking for advice, I think I am not too indiscreet if I say that what he envisages on the main lines is the setting up of the post of Inspector General for the

army who would be directly under the orders of the Minister of Defence and thus available to the Commander-in-Chief. There is active correspondence going on between him in his quality as Minister of Defence and Lundula up at Stanleyville. There is a great degree of constructive thinking and positive approach from both sides, which is indeed quite encouraging.

The Prime Minister also indicates as his firm intention to cut the army down to somewhere between 10,000 and 12,000 people, eliminating all those who today are really of no constructive value, thus creating a smaller, well-trained unit which could be really efficient.

We, on our side, have General Iyassou at the Prime Minister's disposal and at this very time there is a meeting of minds and a comparing of ideas going on between our side and the Prime Minister's office.

I should perhaps take this opportunity to mention one thing going back to Elisabethville, which I am not quite sure has been mentioned in this group before, and that is the camp of refugees which has for quite some time been a problem which we now hope it will be possible to solve with the cease-fire agreement in effect. The way it happened was that when the Minister of the Interior in Katanga, Munongo, started his reprisals and exactions against the political opponents of Tshombe, quite a few refugees -- especially Balubas from Kasai -- came to the Swedish military camp and asked for protection. This started a kind of panic. Munongo took counter-measures, with the result that the number of refugees increased to a rather alarming degree, and today we have somewhere between 35,000 and 40,000 under our military protection. Some 65 per cent of those refugees are Balubas from Kasai, those Balubas who formed the very elite of the working class and of the clerical class in Katanga which had been in fact the pushing, dynamic factor in Katanga's economic life. It is a sad sign that those very people should have been those now persecuted by Tshombe. This 65 per cent presents no problem in the camp nor does 10 per cent from the Chokwe tribe that is also industrious and quite well advanced.

But there are some 25 per cent of Balubas from Katanga who have among them a fairly great number of what I must call political thugs and criminals who had to a great extent been planted there by Tshombe and his people in order to stir

(Mr. Linner)

up trouble. These refugees live in an area of about one square kilometer right in the city of Elisabethville and, of course, the conditions under which they live do represent a danger from the health point of view. Epidemics could very easily break out, and also disturbances caused by the irritation which is natural and inevitable when you have that number of people living under very primitive conditions. However, measures have been taken of late to separate those various categories, and we have supplied them from the beginning with quite a substantial amount of food and medical supplies although, for the moment, we still must consider this as a real, sore trouble spot.

I would believe that with the cease-fire agreement, as I said, now in effect, there is a good chance of seeing the end of this business also.

Another sore point of quite another character in Elisabethville is the remarkable fact that the Belgian Consulate still affords the privilege to twelve military advisers of housing there. I challenge the representatives here to mention any parallel in the diplomatic history of recent times where a consulate has found it necessary to have twelve military advisers.

(Mr. Linner)

Dr. Bunche reminds me of the fact that strong protests have been made to the Belgian Government, but so far, I understand, with no result at all.

With regard to the exchange of letters mentioned previously, the two emissaries who came from Elisabethville to Leopoldville were subordinates. The letter could have been worse, but it certainly could have been better. However, the interesting thing is that the Central Government again showed real statesmanship, if I may say so in the presence of the Foreign Minister, by leaving the door open for further talks and showing that they were really making an all-out effort to get Tshombe back to reason and sense again. The point that the Central Government must insist on under all circumstances is that any such discussions must be carried on within the legal principles and the framework of parliamentary institutions as established in the loi fondamentale of last year.

What Tshombe is now going to answer is anybody's guess. But, as I said before, my personal estimate would be that realizing that he has no real assets at hand anymore, either internally or elsewhere in the Congo or, indeed, outside the Congo, he might still be playing for time. But I really do not see any other way out for him than to come back into the fold.

Perhaps I have taken too much of the Committee's time. I have now finished and I am at the Committee's disposal for any questions which members may care to ask.

The CHAIRMAN: On behalf of the Committee, I would like to thank Dr. Linner for his comprehensive statement, which I am sure has been a source of clarification for us all.

Before I call on members of the Committee, I should like to refer to my previous remark that the Committee has extended an invitation to the Foreign Minister of the Congo (Leopoldville) to be with us this morning. I am happy to note that the Foreign Minister is now with us, and, on behalf of the Committee, I wish to welcome him here again.

Sir Muhammad ZAFRULLA KHAN (Pakistan): We welcome the information that has been given to the Committee this morning both by Dr. Bunche and by Dr. Linner, and we are very grateful to them for that information.

The total sum of the information given this morning, if I might say so, is much more heartening than we had dared to hope. The situation in the Congo, as we are all aware, has throughout been very difficult. We do not by any means expect that we are altogether out of the woods. But so far as we are concerned, we are full of praise and admiration for the wisdom, discretion and skill with which the United Nations representatives have carried on in an extremely difficult situation. It is particularly gratifying that the feeling of our representatives there is that Mr. Tshombe is at least beginning to advance toward a more realistic appraisal of his own situation. We hope that this process might be completed at an early date.

I have no questions to put to Dr. Linner, but I wish to give expression to a feeling that has been nagging in my mind since our last few meetings. We shall formally express our suggestion when we have a Secretary-General present among us. Now that we have a Central Government established in the Congo and recognized -- and we indeed have the Foreign Minister with us and we had him with us last week also -- there is a certain duality of authority in the Congo. It is perhaps too early to expect that the United Nations can wind up immediately -- this is not the kind of operation that can be wound up immediately -- but we do have to be co-ordinated so that it should be quite clear where the authority rests and from where the directions emanate. This is also necessary in view of the fact that the conduct of the United Nations operations in the Congo, difficult as they are, has from time to time drawn criticism, which was quite valid in many respects and is always to be expected in such a situation, from members of the Committee. This criticism was always helpful. But it has also drawn adverse criticism from outside, and this continues, to a certain extent, to place the United Nations position. I believe that the time has come when, at least in our minds, we should resolve the question whether it is not possible for the Security Council, it takes up the matter -- and I think it can only be done when we have a Secretary-General and when he has made up his mind about the approach he should make -- to consider whether there should now be unity of authority in the Congo, that is to say that the Central Government should take over all authority and direction and the running of operations with such aid and assistance from the United Nations as it might request and the United Nations might be in a position to give.

The CHAIRMAN: I am certain that as soon as we shall be in the fortunate position of having a Secretary-General these questions will be resolved.

Mr. SIDKY (United Arab Republic) (interpretation from French): I should like first to bid welcome to Dr. Linner. We have watched his efforts in the Congo with great attention, and I must say that we are very satisfied.

The picture that he has just given to us is a comforting one. We have learned with satisfaction that the exchange of prisoners has taken place. However, we are still anxious at the news which is arriving to the effect that mercenaries are still streaming into Katanga and that Tshombe continues to strengthen his military effectives. I therefore would like to ask Dr. Linner to supply some more information on this subject.

(Mr. Sidky, United Arab Republic)

We think that protests should be lodged in this connexion with the authorities that allowed transit through their territories to these mercenaries and these effectives. While we have read very carefully the report in document S/4940, Addendum 11, we should like to elicit more details on the response of the Congolese Government in Leopoldville to this. The presence here of the Foreign Minister of the Congo may provide us with some enlightenment on this subject.

The CHAIRMAN: Would Dr. Linner like to make a statement in connexion with the request of the representative of the United Arab Republic?

Mr. LINNER: I could not agree more, Sir, that the problem of the mercenaries is a most irritating, troublesome and annoying one. It is uppermost in our minds, and I can assure you that we are strongly set on our task of fulfilling the mandate which has been given us in no uncertain terms. As you so rightly point out yourself, we have some difficulties to cope with: a long frontier, to mention only one side of Katanga, which is very difficult to cover and control, and a lack of co-operation still from certain Powers involved in supplying directly or indirectly, officially or unofficially, this kind of help to Katanga.

Our aim is to break this remaining backbone of Tshombe's as soon as ever we can. In that respect, I think we can look forward to an encouraging development. It was suggested, I think, in this very Committee, some time ago that an approach should be made to the central Government to inquire whether it would not be possible for it to pass a law enabling it to take care of the mercenaries we catch, put them in labour camps or in prison and let them feel more tangibly than so far has been the case that they have to pay for their nefarious activities. I have raised this matter with the Prime Minister, who was quite positive towards the suggestion and did in fact say that he was preparing an ordonnance to be signed by the Head of State along those lines. I believe that, once this gets into effect and it dawns upon those foreign adventurers that the escape is not quite as easy as it has been in many cases so far but that they will really have to take the consequences of their work inside the Congo, that might have a very salutary effect on them.

(Mr. Linner)

As for the reinforcements in the form of arms and ammunition that are alleged to be still coming into Katanga, I must say that unfortunately we are not in a position to give as concrete and detailed information on that score as we would dearly like to give. But there again we are looking forward to another factor now, and that is that, with the cease-fire agreement, we are able to send around military delegations anywhere in the Congo: for instance, to Kolwezi, which has so far been closed to us and where we have every reason to believe that the real central build-up has taken place. We will then be in a very strong position where we can really quote chapter and verse with regard to all our suspicions and point out to all those concerned that this and that has taken place and has now to cease forthwith.

I might add, with all due caution and reservations, since I know that the question of the Union Minière has been raised in this group on many occasions, that the very fact that we are now able to go into Kolwezi seems to have given them cold feet in Elisabethville; that they have indicated to Tshombe that, since he had to give in on that point, he could not expect any more help from them and in fact that they felt highly compromised by having to open up certain centres of their activities which have not been of an exclusively mining character -- I will put it this way. I think this kind of change of heart and spirit among various influential circles has also added considerably to Tshombe's coming to his senses.

Mr. BA (Mali): I should like to address to Mr. Linner our thanks for his very lucid and instructive statement. In his statement Mr. Linner has informed us that Gizenga was absent from Leopoldville for four weeks. I must express a certain concern and I should like to ask Mr. Linner whether he has any information in regard to Gizenga's absence.

Furthermore, he stated that the situation in the Congo is more or less normal, and I should like to ask Mr. Linner what the situation is at present in Stanleyville.

There is a third aspect to this question. I understand from the conclusions of Mr. Linner's statement that he is rather optimistic in regard to the situation in Katanga and especially in regard to the case of Mr. Tshombe. He said that, in his opinion, Tshombe had no other solution but to join the central Government.

(Mr. Ba, Mali)

At this particular point I should like to ask Mr. Linner what is the effective collaboration of the central Government in regard to the final solution of the Katanga problem. I should like to know what is the effective collaboration of the United Nations with the central Government in order to bring to an end the situation in Katanga.

The CHAIRMAN: I will call on Mr. Linner again to reply to the queries of the representative of Mali.

Mr. LINNER: It might be a little presumptuous of me to try to go into a detailed analysis of the situation in Stanleyville in connexion with Mr. Gizenga's staying there, when we have the real authority on Congolese politics right in our midst. With the Chairman's permission, I would much prefer to forward the question for the consideration of the Foreign Minister of the Congo if he would like to answer it.

As regards the situation in Stanleyville, I mentioned this before, and I think it was before Mr. Bomboko joined us. I do not know to what extent this kind of information has reached him in a detailed form, and therefore I might be allowed to elaborate a little on this. On 24 October Mr. Lisala was elected President of the provincial Government after Manzikala.

(Mr. Linner)

Lisala used to be the first City Councillor of the Commune Mangoba of Stanleyville. At the same time, Mr. Agayo was elected Vice-President; he was formerly Deputy Secretary of the Provincial Assembly. Mr. Baya was elected Minister of Agriculture; and Mr. Grenfell, Minister of Public Health. Mr. Grenfell was previously Minister of State in Mr. Gizenga's former Government. Our report on this matter says that the election of the new Ministers was made in correct and legal manner.

Mr. Manzikala is still in his residence, but under surveillance of the gendarmerie and seems to be fairly isolated from political activities right now.

That is about all that I myself have to say about the situation in Stanleyville. There were some disturbances recently, but of a very local and limited nature, and, to the best of my knowledge, there is nothing specific to report from recent times as to things up there.

The final question, I take it, by the representative of Mali concerned the co-operation between the Central Government and the United Nations Command in the Congo. I would like to answer that one, but in this way: that, under the terms of reference guiding our activities there, we cannot allow ourselves to have political objectives. But, as I pointed out before, the very fact that we are well on the way to definitely breaking the backbone of the mercenary force in Katanga means that we are tugging away the carpet from under Tshombe's feet, and in that sense forcing him to come closer to the Central Government. But it is certainly the Central Government's prerogative to carry on the political discussions and work out any such political formulas as they may consider fair and advisable. And there, of course, I am very pleased to say that the co-operation between the Central Government and ONUC is very close indeed, and in many cases based on what I would be bold enough to call a warm personal friendship with some of the leaders -- and, if I may be a little bit flippant in the presence of the Foreign Minister, I think the only complaint he raised against our co-operation yesterday was that we did not meet often enough, which is, in a way, sweet music.

Mr. QUATSON-SACKY (Ghana): My delegation and I would also like to convey our gratitude to Dr. Bunche and Dr. Linner for their statements. I am particularly heartened by the fact that there has been an exchange of prisoners. I think this means that at least one crisis is over. What I would like to ask Dr. Linner is the same Katanga question which my friend from Mali broached, but which has not been answered to my satisfaction. That is whether any effort is being made even now to get the mercenaries out, and whether ONUC is trying to help to get Tshombe back into the fold. I mean, what efforts are being made in that direction?

In asking this question, of course, I presume that the atmosphere of war is over, that the atmosphere of using force is over, and that possibly some kind of patient negotiation behind the scenes may be called for. Have there been any attempts -- perhaps it is too early -- but is it contemplated by ONUC that this should be done?

My second question refers to the army, to the ANC. For a long time, we have not heard anything about the co-ordination of the various units of the National Army, and I would like Dr. Linner to give us some information about this. Has there been an amalgamation of the army in Stanleyville with the army in Leopoldville? What about the Command? Is General Lundula still in Stanleyville? What has been done in that regard?

In our view, it would be a good idea if, with a unified army, the ONUC authorities should be able to use at least a contingent of the Congolese army as part of the policing force, or for policing purposes, in Katanga. I do not know how far this idea has been considered: whether, since the United Nations is in the Congo only to give such assistance as may be required by the Central Government, and since the Central Government is now fully recognized by the United Nations -- it could be my own Government -- it would not be part of the venture at least to use a part of the Congolese Army to form a unit of the ONUC contingent in Katanga for police purposes.

I agree that my comments have been a bit desultory, but I want to have a clear picture of the situation.

The CHAIRMAN: Before I call on Doctor Linner to reply to the questions of the representative of Ghana, I would wish to point out that in Annex II, which I presume is before the members of the Committee, we have in paragraph 3 the Secretariat's position on the question of the mercenaries. I think they have made very clear in this text that there must be full compliance with the requirements of paragraph A-2 of the Security Council resolution of 21 February. I thought I would point that out to members of the Advisory Committee. I shall now call on Doctor Linner.

Mr. LINNER: I wish to say again, with all the emphasis at my command, that the question of the mercenaries is uppermost in our minds. We have never spared, and we certainly will not spare, any efforts to get those trouble-makers out of the Congo or under Congolese control, should the Central Government so decide, inside the Congo.

As I think I hinted at before, the Prime Minister is actively considering the establishment of a new ordinance to the effect that those mercenaries caught by us should be put into labour camps, put to active hard work, or into jail under the Central Government's control.

On the other hand, I must admit, and I do so without any hesitation at all, that, during those very days when the cease-fire agreement was negotiated -- and right now, when we have been anxious to get the prisoners exchanged and get this thing going, and when Mr. Tshombe shows signs of coming to terms or at least entering into contact with the Central Government -- we have had to be a bit cautious as regards the taking of mercenaries by force.

(Mr. Linner)

I ask the Committee kindly to consider the fact that we are dealing with what must be called -- I have no other term for it -- international dregs, people who are killing out of a lust for killing and a lust for money, people who have no ethical concept of any kind at all. Therefore it must be realized that many of these people are just itching to get the fighting started again and to provoke trouble, and there is so much at stake right now that it might be necessary to keep some of these characters under supervision, under observation, but without going to the length of launching an attack against them by force, so as to avoid a general conflagration. This is, however, a strictly temporary limiting factor, and the Committee may rest assured that we are not going to put on kid gloves when we feel at liberty to go full steam ahead again, once these very, very delicate negotiations are over.

As to the kind of mission we are applying to Tshombe to bring him back into the fold -- and I think that that was more or less the way you worded your question, Sir -- I may say that the means at our disposal for that purpose are strong, firm advice and an ever-repeated series of arguments that we are trying to hammer into the heads of Mr. Tshombe and some of his colleagues. We are pointing out over and over again -- and with increasing effect, I am happy to say once more -- that he really has not anything to hope for. Let us talk about money, as the Katangese want to do so much. What is the future of the mining activities in the Congo if there is being maintained a policy which forces the very elite of the working class and of the clerical class to seek refuge under United Nations protection -- when there are kept immobilized 40,000 persons who should be right in the centre of the industrial activities? It is a first class example of political madness, and this Tshombe now understands.

We have pointed out to him that he is labouring under an illusion if he thinks that he can count on foreign support -- Union Minière support -- endlessly. Those people -- and I apologize for speaking perhaps in a very undiplomatic way now -- have one interest in life, and that is dollars and cents. They could not care less about Mr. Tshombe or, frankly, about other political leaders in the Congo. What they care about is the chance of continuing their mining work and getting a certain profit out of it. They are clever enough to realize that the wind has changed and is blowing in another direction now, and therefore they are withdrawing their support from Tshombe and putting out feelers in other directions in the Congo. This is the kind of trend that we again try to rub in with Tshombe.

(Mr. Linner)

Then we have a third fact, namely, what is Tshombe basing his chances on? Supposing that the mining activities do go on, what are his export channels? Well, he is now betting on Angola. I think it is unnecessary in this Committee to point out the risks for Mr. Tshombe if he places his bet on such a politically explosive area. The second choice is Portuguese East Africa, and I suppose that it is, after all, only a matter of time before that can be placed in the same category. The third is through South Africa. And when he has, on the other hand, the traditional rail-river road right through the Congo at his disposal, at low cost and at no inconvenience at all apart from political considerations that have held him back so far -- if you keep repeating these simple facts of life to Tshombe, day after day after day, finally he begins to face them and to understand them, and it is more or less in that framework that we are making our effort. I do not want this to sound condescending in any way -- I have no right to speak in a condescending way about a Provincial President in the Congo -- but I do not mind saying, if I may go so far, that he is being educated in that spirit, day after day after day.

I have mentioned, I think, that the Prime Minister is actively considering the unification of the Army. Again, I would prefer the Foreign Minister of the Congo to speak on that subject, but I think I am authorized to say that the Government is actively considering an ordinance to the effect that the Army would be united under one Commander in Chief, directly under the Minister of Defence, with, at his side and with more or less the same rank, and also directly under the Minister of Defence, an Inspector General of the Army. The names can be tossed about. I do not think there is anything definite on that score, but obviously the two names to be chosen from in this particular context are those of General Lundula and General Mobutu. There is the question of timing for this unification. That unification will be decided on is beyond any doubt: the question is when, and there I do not think the Central Government has made up its mind yet. Some feel "Since the Katanga issue is now on its way to being solved, shouldn't we wait until

(Mr. Linner)

that has taken place and then get the whole Army cleaned up, so to speak, in one feel swoop?" But others do feel that it should be the other way around, and that it is now that it has to be done so that any contingency which might crop up -- on the Katanga issue, for example -- could be met by an Army under unified command.

As I mentioned, those are matters on which they are seeking our advice, and General Iyassu is actively participating in the discussions, as well as the Force Commander and we on the civilian side. It is a matter for the sovereign Government to decide what it wants to do and when it wants to do it. I am just quoting some of the thinking around it for the time being.

Mr. QUAISON-SACKY (Ghana): I do not want to labour the point, but I thought that some time ago we had talked about the training of the Army. If, because the prerogative lies in the hands of the Central Government, you are going to wait until some uncertain date before you bring about unification is there not a danger that there may be some interruptions in certain parts of the territory -- for example, trouble in Kivu or Stanleyville? Some leader might rise up and have contingents behind him.

What I am trying to get at is that it is true that there is now a Central Government. But is it true that there is a complete understanding among the various units of the ANC, apart from Katanga? If there is an assurance that there is not going to be trouble elsewhere, then that is all right. But I thought that it was very important that the unity and training aspect should not be forgotten.

Mr. LINNER: I would point out that that aspect is far from being forgotten. As a matter of fact, when I called on the Prime Minister to say good-bye to him last Sunday night, just a few hours before my plane took off, he chose to speak about that very topic at considerable length, and he has it very much in his mind. And -- if you will permit me to do so, Mr. Foreign Minister -- I may say that when Mr. Bomboko, Mr. Bunche and I met yesterday a great deal of time and attention was again given to that particular problem.

(Mr. Linner)

We have worked out the plan for the training of the army, which has been submitted by General Iyassu to the Prime Minister, and General Iyassu is full-time at the Prime Minister's service for further studies and further actions on this score. So, as far as both sides are concerned, we are really working actively on that issue. It is nothing that has been neglected by any means.

The CHAIRMAN: The next speaker on the list is the representative of Nigeria, but he is not in his place. In the meantime, Mr. Bunche wishes to say a few words before I call on the next speaker.

Mr. BUNCHE: There is just one aspect of the question raised by the Representative of Ghana which, I think, was not covered, and that had to do with his reference to the possibility of a contingent of the ANC being integrated with the United Nations Force.

You may recall that that idea was advanced in this Committee by some members, and then it was alluded to by Foreign Minister Bomboko when he appeared before the Committee. I think I explained at that time that, on the day before his presence here, he had advanced this idea in a talk which he had with me. I had immediately reported this by cable to Mr. Linner in Leopoldville, and Mr. Bomboko was, I believe, cabling to the Prime Minister in Leopoldville. The next move in this regard, obviously, is with Mr. Adoula and his Government. There has been no such initiative taken with our people in Leopoldville to date, but we are awaiting word on it.

Mr. MAKALÉON (Guinea) (interpretation from French): In the first place, the delegation of Guinea wishes to apologize for having arrived late.

We wish to welcome Mr. Linner to the Committee.

Mr. Linner has told us that the Belgian Consul had received twelve military advisers and that protests had been lodged, but without any results. I should like to ask Mr. Linner what was the reaction of the Belgian Consulate in the face of the protests which were made. It is somewhat paradoxical for a Consulate to have military personnel. What, in Mr. Linner's opinion, are the activities of those twelve military advisers?

The CHAIRMAN: I shall ask Mr. Bunche to reply to the representative of Guinea.

Mr. BUNCHE: I shall do so since the exchange of notes took place here. Mr. Linner was fully informed about them, of course, by being given texts of our notes of protest and of the Belgian reply.

The Belgian reply to our first démarche was that these twelve men were not engaged in military activity but were undertaking administrative tasks in the Consulate. We have pointed out, in both of the notes, that it is a most unusual thing to find in any Consulate twelve military men engaged in any kind of work, administrative or military. We have just sent a new and stronger protest which we are backing up by having Brigadier Rikhye, who is leaving for Leopoldville tomorrow, go personally to Brussels and take up this question with the authorities in the Government, indicating to them that we simply cannot accept a continuance of the presence of these twelve military men in the Consulate -- men who, we have to assume, are there for purposes of influencing, if not actually running, the activities of the gendarmarie against the United Nations Operation.

Mr. BOMBOKO (Congo (Leopoldville)) (interpretation from French): To begin with, I must thank Mr. Linner for his statement to the Committee, which has enlightened most of the members about the activities of the United Nations in the Congo.

Before expressing my thoughts concerning the cease-fire, I must make a correction. The Belgian Consulate in Elisabethville is not a legal consulate in the first place. The Congolese Government has severed diplomatic and consular relations with Belgium; it did so last year. My Government has already lodged protests in this Committee, and has even informed the Belgian Government, that the so-called Consuls must leave Elisabethville as quickly as possible. We even set a time-limit. Unfortunately, we are not, in Elisabethville, in a position to expel them forcibly. But, in our opinion, these people must leave Elisabethville, and they can in no event enjoy any immunity as far as United Nations authorities are concerned. They are not Consulates. It is not up to the United Nations, of course, to judge whether a person is a Consul or not; it is up to the legal

(Mr. Bomboko, Congo (Leopoldville))

Government to pass judgement as to whether such and such a personality is in fact the representative of any particular country. As far as we are concerned, the denizens of that Consulate enjoy no immunity. They can be apprehended any day, including the person who is the so-called Consul, because, as far as the Congolese Government is concerned, the Consulates enjoy no such prerogatives what ever.

As for the twelve military people there, of course they must get out. My Government has already made representations to the Belgian Government and has made it clear to it that these persons are not to be regarded as enjoying the capacity of Consuls at all.

As regards the cease-fire, it is manifest that the protocol does not concern my Government directly. It is a protocol between the United Nations and the Provincial authorities of Katanga. Nevertheless, my Government did voice some concern as to the question whether the United Nations operation in the Congo was not going to be halted and whether the signature of the protocol did not spell a humiliation for the United Nations in Katanga, a humiliation which could considerably strengthen Mr. Tshombe's hand, confirming him in his secession. We wondered whether the protocol did not entail the continued influx of mercenaries into Katanga, owing to an interruption of the United Nations action. As Mr. Linner has said, those are hired thugs, killers, who are being brought into Katanga and they are itching to have hostilities resumed.

(Mr. Bomboko, Congo (Leopoldville))

Clearly, if they had freedom of movement in Katanga and could get in as they wished, the problem of Katanga could never be resolved. My Government made reservations in regard to the protocol because we wanted to know whether the protocol would make it possible for the mercenaries to return to Katanga in even increased numbers. However, they are returning there, thus strengthening Mr. Tshombe's hand.

Having all this in mind, I note with gratification that Dr. Linner has made it clear that the expulsion of the mercenaries will be further prosecuted, and my Government takes note of this decision. Secondly, it is with pleasure that I understand that the United Nations has not renounced its operation in Katanga. I would only like to ask of Dr. Linner the following question: Now that a cease-fire has been signed, what will be the programme of the United Nations during the days to come? The termination of the secession of Katanga is what bothers the Congolese. They appealed to the United Nations for assistance in maintaining order in the Congo. The state of secession in Katanga is a state of rebellion, which must be suppressed. I therefore ask Dr. Linner how the continuation of this mission in the coming days in Katanga is visualized? Now that the cease-fire has been signed, what is the next stage? I might then myself answer certain questions that have been asked.

The CHAIRMAN: I thank the distinguished Foreign Minister of the Congo. I understand that Dr. Linner has some satisfactory information to convey to him in respect of the Consul in Elisabethville. I therefore call upon him to do that, as well as answer the latter question of the Foreign Minister of the Congo.

Mr. LINNER:(interpretation from French): On the question of the Belgian Consul, I must say that some time ago I made a trip to Brussels myself to see the Foreign Minister of Belgium, inter alia, on the subject of the activities of the

(Mr. Linner)

so-called Belgian Consulate in Elisabethville. Mr. Spaak said that the Consul General and the Consul were both to be withdrawn from the Katangese scene as quickly as possible.

Without being too indiscreet about these somewhat intimate conversations with Mr. Spaak, I may say that he did explain that any delay might be caused by the fact that the choice of new consuls would give rise to internal difficulties in Belgium -- the question of whether to choose someone who was Flemish, a Walloon, a Leftist, a Catholic and so on. I said, "Of course, I do not want you to discuss your internal problems and difficulties. All I have to say is that these two gentlemen should be got out as quickly as possible." In fact, both the Consul General and the Consul have been recalled to Belgium: they have left Katanga, which, I am sure, is a source of considerable gratification to us.

This, of course, has nothing directly to do with what the Foreign Minister has just said about the so-called legality of this Consulate. We are in full agreement on this point and if Dr. Bunche or I have used the term "Consulate" I am sure that neither of us did so in the technical sense, rather as a matter of usage. We have considered the group there to be a mission, a Belgian mission, and we attribute no legal or diplomatic capacities to the people who are still there.

As to the second question, about the purpose of our activities over the next few days in Elisabethville, I wish to repeat as emphatically as I can that our foremost purpose is to continue to work towards the completion of the implementation of the Security Council's resolution in regard to the mercenaries, so as to eliminate them from Katanga. There is no doubt in our minds that this is our primary, our foremost task. In so doing, we are sure that we shall be making a valuable contribution to the efforts of the central Government to have Katanga reintegrated with the Congolese family.

Our second goal, to which I would attach no less importance, is that of continuing our work of reconciliation. I cannot help saying that a manifest and concrete result of this is that Mr. Tshombe has now had to despatch emissaries

(Mr. Linner)

to Leopoldville, and that a correspondence between the central Government and the provincial authorities of Katanga has now been broached. We shall continue in the same fashion, and with the same insistence, both in Leopoldville and Elisabethville, to maintain all possible pressure upon the Katangese so that they may grasp the necessity for reconciliation.

The CHAIRMAN: I will give the floor again to the Foreign Minister of the Congo and then call upon the representative of Nigeria, who has now returned to the room, before giving the floor to the representatives of Canada and India.

Mr. BOMBOKO (Congo, Leopoldville): Mr. Linner just stated that the Union Minière does not only deal with mining activities but that there are other activities involved. I think that we can very well guess what is meant by that, but it would perhaps be better if he were able to inform us on these activities. And should there be any suspicion as to whether the United Nations had the right to undertake a study or a visit, the heads of the Union Minière must not forget that my country is a shareholder in the Union Minière and that this is our right in regard to these shares. Once we have the control of Katanga, from that time on we can exercise our right of shareholders, even in the Board of Directors of the Union Minière. This is a right that is due to us because the shares belong to us.

In regard to the inter-governmental activities of the Union Minière, such as the production of the instruments that may cost the lives of many Congolese, we here must be well informed on these activities so that when necessary my Government can take action.

A question was raised a while ago in regard to the efforts that were deployed by my Government concerning the unification of the army. As has been stressed by Mr. Linner, my Government is now studying a plan which consists not only of the unification of the army as such, but which also includes the training for the heads of this army. This plan has been worked out in collaboration with the heads of the United Nations Mission. We wanted to avoid a situation where we would have to appeal to any given State, which would then have considerable influence within our army. We do not wish to get involved in any political considerations within the set-up of our men. We are now studying what would be appropriate in order to give this army proper training and especially basic training for officers.

We are considering the creation of a military academy. We have several students abroad, and I think that the training, as well as the framework for certain units, is something that is an established fact. Now we are establishing a certain policy that would permit the Government, within legal framework, to unify the headquarters of the army.

(Mr. Bomboko, Congo (Leopoldville))

A question has been raised in regard to the situation in Stanleyville. I think that the situation as described by Mr. Linner is quite correct. Mr. Gizenga is at Stanleyville, but he will come back to Leopoldville. Here again the First Minister sees to it that everything should return to order and that the conciliation should be effective, and that there should also be no distrust on either side.

That is the situation that my Government wishes to establish so that conciliation should be not be impeded by foreign influences. That is the information that I can give in addition to what has been stated by Mr. Linner.

The CHAIRMAN: I am very certain that the Committee is heartened by the information you have conveyed to us about the integration of the Congolese army and the efforts that have been made towards such an end, and the steps you have taken to provide the training for that army. I think this is all in conformity with the wishes of the United Nations itself.

Mr. NGILLERUMA (Nigeria): Most of the points which I wish to raise have been taken up and the replies have been furnished, but I still have certain questions. We are particularly interested in the political, military and economic situation in the whole of the Congo, because it seems to be divided into three parts. There is the political, the military and the economic.

The first question I would like to ask is the following. Is the absence of Mr. Gizenga from Leopoldville something which the Central Government approved? He went to his home on leave, or something like that. Or did he leave Leopoldville without the authority of the Central Government to go and do something against the Central Government? A rumour has been circulating that the Provisional Government of Stanleyville is being overthrown. For this reason we are very anxious to know the political situation in detail in Stanleyville and also the attitude of Mr. Gizenga towards the Central Government. All countries having forces in the Congo are very much concerned about the situation in Stanleyville, particularly as concerns the military situation.

Mr. Linner has told us that the Central Government under Premier Adoula is working very hard for the unification of the ANC, and the Minister of Foreign Affairs of the Congo has also spoken with regard to this matter. But we wish to know whether there is any move toward the unification of the ANC and ONUC so as to come under the United Nations Command.

This question was raised by my Foreign Minister during our last meeting. We want to know whether the ANC and ONUC can work together under one command for the assistance of the Central Government, so that everything which may be done in the Congo will be done with the approval of the Central Government.

Now that the agreement has been signed, there is another question which I want to raise. Is there any sign that Mr. Tshombe will be coming to Leopoldville to meet the Central Government, because it is not enough merely to sign the agreement. What we have been working for and thinking about all the time is the unification of all the Congolese provisional governments so as to bring them under the authority of the Central Government and maintain the integrity of the Central Congolese Government. Therefore, I would like to hear from Mr. Linner whether Mr. Tshombe is planning to come to Leopoldville to settle that problem with the Central Government.

I have another question. We have been talking about mercenaries. Of course replies have been given, but I would like to know how many mercenaries there are still in the Congo. The problem of Katanga is not only a political one; it is an economic one.

(Mr. Ngileruma, Nigeria)

Therefore, I should to ask Mr. Linner whether an attempt has been made to secure the co-operation of the companies and firms with vested interests in Katanga so that this matter may be settled. We have been paying greater attention to the military and political aspects of the problem. But, of course, the situation in Katanga is more than political: it is economic. Once we get the political situation settled, the economic situation will be the most difficult one. I should therefore like to know whether the United Nations has been working very hard, through diplomatic channels or otherwise, to persuade the companies with vested interests in Katanga to co-operate in achieving a peaceful settlement of this matter.

My next question is the following. What is the position with respect to the diplomats who used to be in Stanleyville? Foreign diplomats, unless they are co-operating with the Central Government, will cause a lot of trouble in the country. We should therefore like to know whether the Central Government has accepted them or whether they have left the country. Of course, the Foreign Minister is here, but I should still like to have some information in this respect from the United Nations representatives.

I should like to reserve my right to ask further questions, if necessary, after I have heard the replies to the ones I have already put.

The CHAIRMAN: I shall call on Mr. Linner to reply to the questions put by the representative of Nigeria. Before doing so, however, I would point out that the Foreign Minister of the Congo has already given assurances that Mr. Gizenga will be returning to Leopoldville very soon. I think that this allays the fears which many of us have with regard to Mr. Gizenga's absence from Leopoldville.

I am sure that Mr. Linner will wish to make further comments on that question, as well as on the other questions that have been raised by the representative of Nigeria.

Mr. LINNER: I hope that the Foreign Minister of the Congo will have no objection to my, as it were, treading on his ground in answering some of these questions. He may wish to add information of his own on these particular points. I shall now try to answer the questions put by the representative of Nigeria.

Mr. Gizenga certainly left Leopoldville for Stanleyville with the full agreement of the Central Government. He requested leave, and it was granted. The term of the leave is another matter. To the best of my knowledge, it was not foreseen that it would go on for such a relatively long time. But that is a matter on which I have no specific information to give and on which I would not wish to comment.

The second question related to the situation in Stanleyville. The representative of Nigeria used the word "overthrown" in connexion with the replacement of the Provincial President and the second man in the Provincial Cabinet. I wish to repeat that, so far as we know, the elections were carried out in a correct, legal and orderly fashion. From that point of view I think it would be preferable to avoid the use of the word "overthrown", if that implies any kind of violence or illegality.

Apart from the changes in the Cabinet that I have reported, nothing has, to our knowledge, occurred in Stanleyville recently which is of any specific interest. There has been no dramatic event and no startling development.

The third question was whether Mr. Tshombe is going to come to Leopoldville. He has been invited. In fact, he himself started the ball rolling, as it were, recently by sending emissaries with a letter to the Central Government -- a letter which, as I have mentioned, was answered in a positive, constructive and generous spirit by the Central Government. From what our representatives in Elisabethville have heard from Mr. Tshombe it appears that he is planning very seriously indeed to come to Leopoldville in the near future. Now, admittedly, Mr. Tshombe changes his mind and his decisions many times and rather rapidly. I would therefore not regard this as necessarily binding evidence that he is coming to Leopoldville within the next few days. I can only

(Mr. Linner)

say that all indications are that he is prepared and willing to come. He has received and accepted assurances from both the Central Government and ONUC as to his personal safety and the safety of whomever he may wish to bring along. He has declared himself satisfied with those assurances. If I may say so, the magnanimous way in which his emissaries were received in Leopoldville by the Central Government certainly must add weight to his decision to come there himself.

I turn now to the question concerning the number of mercenaries remaining in Katanga. It is very hard to give a precise answer to that question, because the frontiers are fairly wide open; people can come in and go out without our necessarily having any means of checking on it. Mr. Bunche points out that the length of the frontier with Rhodesia is around 2,000 miles. To give a rough figure, I would say that there are something over 200 mercenaries remaining in Katanga. We keep fairly close tabs on those who are there now. We are not fooled by their traditional little tricks of suddenly transforming themselves into bar-owners or taxi-drivers or advisers to various firms. We know fairly well the names and faces of most of these people who have been there for some time.

The next question related to the firms and companies with vested interests in the Congo. I was asked what efforts had been made on our side to influence these companies and firms to adopt a co-operative attitude with respect to the Central Congolese Government.

(Mr. Linner)

The representative of Nigeria, if I understood him correctly, put it this way: the economic factors involved were now of dominating importance.

What approaches have we made? We have tried to convey to the representatives of the Union Minière and others in Elisabethville the foolishness of many of their attitudes in the past, but there again you are up against the lack of cohesion between the various interests even within a unit like the Union Minière, because what the local representatives in Elisabethville say is not necessarily co-ordinated at all among themselves. There are factions within the Union Minière in Elisabethville who are against each other. Some want to co-operate with the Central Government, others with Tshombe, but the trend is definitely in the direction of those who have seen the light and understand that their only salvation, on a long-range view, lies within the framework of the Central Government. This trend is becoming stronger and stronger. Even in Brussels the real top, directing people are split among themselves. It is a kind of -- well, the word I want to find would express something like jelly but at the same time there would be strength in the centre of the jelly. I do not know whether my English speaking colleagues can provide the word I want, but the idea is that it is terribly hard to come to grips with this tremendously vast and amorphous organization. I think that any real pressure which is to be applied must be applied in their headquarters in Brussels.

I might for the moment take up the point that the Foreign Minister of the Congo made a little while ago. He would have wished to go further into details of the activities of the Union Minière in Katanga, and there is nothing I would

(Mr. Linner)

like more, but I do believe that the impact of what I have to say would be much stronger once we had our people in Kolwezi so that they can see with their own eyes what has gone on. We have very strong circumstantial evidence to the effect that the Union Minière staff and establishments have, to a great degree, been involved in purely military activities. The staff have, we believe, been involved in fighting and organizing the fighting and the establishments seem to have been co-operating in the provision of munitions. They appear to have been manufacturing bombs and transforming ordinary trucks and cars into steel-plated armoured cars. However, as I said, I would prefer to be able to quote chapter and verse -- to give names, to give quantities, size and calibres and all that kind of thing so that you yourselves can make the necessary comments.

The final question that I had listed was, which diplomats are still in Stanleyville? There again, I think it is only proper for me to reserve that question to His Excellency the Minister of Foreign Affairs of the Republic of the Congo, should he wish to answer it. Should he not wish to answer it and will authorize me to comment on it, I am prepared to do so to the best of my knowledge.

Mr. NGILERUMA (Nigeria): The other question I wish to put to Dr. Linner also concerned Mr. Tshombe. Do you think that Mr. Tshombe is unwilling to co-operate with the Central Government just on account of the belief which is so common all over the Congo that Katanga is the richest Province in the Congo and also because the people who have vested interests are discouraging him from co-operating with the Central Government? I mean not only the mercenaries or political colleagues, but the people who have vested interests and who do not want to see

Mr. Tshombe co-operating with the Central Government. This is a very serious matter, because if Mr. Tshombe is getting co-operation from people outside the Congo with vested interests, people who are also very influential on the big Powers, I am quite sure that when the political situation is settled the economic problem will continue. In this connexion, I should like to know what the provincial finance Ministers are discussing. Dr. Linner has told us that the provincial Foreign Ministers are meeting; I do not know whether it is in Leopoldville or somewhere else in the Congo, but I should like to know in detail what they are doing and what they are thinking about the situation in Katanga.

The CHAIRMAN: Would you like to ask any more questions, because if Dr. Linner wishes to answer now I will call upon him and then give the floor to the representative of Canada, who has asked to speak.

Mr. NGILERUMA (Nigeria): I would like to reserve my right, because I do not know what the reply will be.

Mr. LINNER: One myth that has been living on with surprising vigour and has been encouraged by Mr. Tshombe -- I think we have now come fairly close to exploding it -- is that Katanga, as you said, is the richest province in the Congo and is a sort of peaceful garden living in orderly quiet whereas the rest of the country is riven and split by disorder and economic chaos.

The facts that have been brought home to Mr. Tshombe, and which have greatly influenced him to come closer to Leopoldville, are indeed somewhat different, and I am grateful for this opportunity to put into words some of the arguments that we are repeating down there -- because I think it would be useful if we talked along parallel lines, both here and there.

Let us, once and for all, remember that Katanga is not a monolithic, economic and political unity -- far from it. The northern half of Katanga is completely beyond Mr. Tshombe's control. The savage exactions by Munongo's and Tshombe's gendarmerie in the northern half of Katanga have finally produced such a violent anti-Tshombe climate in that area that this area is beyond any control and influence from Elisabethville. As far as the southern part of Katanga is concerned, Mr. Tshombe's political position is far more precarious than propaganda wants to make it. I think the Foreign Minister of the Republic of the Congo will agree with me if I estimate the figure at somewhere around 51 per cent for Tshombe, and 49 per cent for the opposition voting-wise in the southern part of Katanga. And it is a fact that, in Elisabethville itself, Tshombe's supporters are in the minority. Furthermore, economically speaking, as I said earlier, there are very heavy factors operating against Tshombe. The working-class, and the intellectual elite, come from another province and is firmly entrenched in opposition to Tshombe and his government.

Moreover, what is the use of having all the copper in the world -- or in South Katanga -- if one cannot get it out through channels other than the precarious ones that Tshombe is now using, through Portuguese territory. This kind of argument, I repeat, is having a great impact on Mr. Tshombe and his colleagues' position, and is weakening it inside the Province. There is a vigorous business community, comprising not only the big corporations but also small company business; and it is clever enough to see this kind of fact and draw its own conclusions. Whether there are, still, powers to encourage Tshombe's secession, or not, is not easy to judge from the local scene down there. I can only say that there has been a remarkable change of attitude amongst the consular representatives in Elisabethville. I think that is a straw in the wind at least.

(Mr. Linner)

We have now also been able to enlist the official support of consular corps in applying pressure on Tshombe. There has been a very clear change of minds and hearts.

Of course, formally and officially, it is a fact that no government in the world has recognized Mr. Tshombe's regime. That still stands -- with even more force than before.

In regard to the question that was put concerning the Ministers of Finance: yes, representatives of the financial and economic ministries from, I think, all the provincial governments except Katanga did come together in Leopoldville. This was part of a pattern that we had advised and carried through already last year. We suggested to the then central authorities having this kind of co-ordinated meeting in the capital to compare notes from the field and draw up an action programme for the near future. We have been encouraging this again very strongly now, and put planes at the disposal of those delegations. There has been an extremely intimate co-operation between our economic and financial experts in ONUC, in Leopoldville and the experts from out in the field. There is an austerity programme. There is budgeting and similar things being worked out. We can provide more details of these meetings should anyone so wish. I might add that Sir Alexander MacFarquhar is going down to the Congo in the very near future to bring to the scene the fresh thinking, and all the facts available from the Headquarters side, to various means through which we hope to be able to assist the Central Government in their work for economic recovery. I think that I have covered the main points, Mr. Chairman.

Mr. NGILERUMA (Nigeria): I ask Dr. Linner, through you, Mr. Chairman, either to seek the approval of His Excellency, the Minister for Foreign Affairs, of the Congo to comment himself, or ask the Foreign Minister to give me once again the position concerning the foreign diplomats. That will be the final question that I shall want to put.

The CHAIRMAN: You would like to know the number of foreign diplomats in Stanleyville?

Mr. NGILERUMA (Nigeria): Not the number: whether they have left Stanleyville finally; whether they are now in Leopoldville, and their attitude in the country -- in the Congo. These are the questions I would ask.

The CHAIRMAN: I would invite the Foreign Minister of the Congo to comment on that question as I presume he would want to say something about it.

Mr. BOMBOKE (Congo - Leopoldville)(interpretation from French): The diplomats who were at Stanleyville have left -- almost all of them -- and have gone to Leopoldville. Nevertheless, my Government has considered that their credentials to the Head of State could only be given according to diplomatic traditions; that is, all those with whom my Government had no diplomatic relations should be asked to sign an agreement between the two Governments in order to establish those relations. An ambassador is always attached to the Head of State; and when he is Chargé-d'affaires he is attached to the Minister of Foreign Affairs.

(Mr. Bomboko, Congo)

In regard to countries with which it was impossible to establish diplomatic relations, we asked that the representatives should leave, and in the case of others we had direct negotiations. We have done this in order to show that our Government has its sovereign rights and that no one can impose any representative upon us. That is the situation, and those who wish to conclude an agreement with us to resume or establish diplomatic relations are of course free to do so. There have been certain difficulties in this and I do not want to judge anybody, but there were two institutions in the Congo namely the Parliament and the Cabinet which at one time had not been established and there was no legal government. There was, however, a Head of State and a Parliament later, and in regard to embassies we consider that they must respect the internal law of the Congo which stipulates that the Head of State is in charge of diplomatic relations.

Mr. BARTON (Canada): I have no questions to put; I merely wish to take advantage of this opportunity first of all to express our satisfaction and relief that the prisoner exchange has been completed and secondly to express our admiration for the way in which Dr. Linner and his colleagues in ONUC as well as the Government of the Congo have worked with patience towards reconciliation and unification. One thing that has been learned in the course of the last painful period is that the way to get results is to show the patience that they have shown. Real progress has been made and we are very heartened by the reports we have received here today.

Mr. BHADKAMKAR (India): My delegation is very happy to see the distinguished Foreign Minister of the Republic of the Congo with us here again; we certainly feel honoured by his presence. We also hope to see Dr. Linner back with us again; he has been with us before and many of the things he has told us have been very heartening, especially in view of what we read in the papers. The prisoner exchange has been completed, although I cannot understand how it is that the press keeps saying it was completed on 16 October when it was only completed yesterday.

(Mr. Bhadkhamkar, India)

One thing which concerns my delegation a little more than ordinarily is this question of the mercenaries, which we have raised on a previous occasion. We keep feeling that there is something that they will get away with, in the sense that in all this fighting and struggle there are certain to have been some of these mercenaries who, because they are mercenaries and not officially troops of any kind, have actually committed murder. If you are a soldier you can do it and it is not called murder, but these are not soldiers of any State that we know of, they are mercenaries. In that sense, if they have killed, I do not know what the precise legal position would be, but it seems that if they have committed murder I do not believe it is necessary for a new ordinance to be adopted by the Central Government since there are obviously laws which forbid murder and state that persons who commit it shall be punished in such and such a way. Under the various resolutions of the United Nations, both of the Security Council and of the General Assembly, the United Nations is already fully authorized to assist the Central Government in maintaining law and order. Presumably this means that if you are informed of a criminal act you can report it to the legal authority. Now I can understand that for a short time there must have been some difficulties, because the Central Government was not then fully in operation, and we wonder whether the United Nations would wish to take up some discussion with the Central Government on these lines. Quite apart from the question of having a new ordinance, these people could be handed over and put in jail or in labour camps, but where a definite crime by one or more mercenaries can be proved, we say this man committed a murder. Would this also require a new ordinance? Is it not possible now to hand such a person over to the local authorities, to a court of law, the police or whoever is concerned when he is apprehended? We get the impression that in course of time many of these people who have killed will be repatriated and will probably write their memoirs and sell them to the newspapers. They will say they killed seventeen people, or something like that, and get paid for it. They are going to get away with actual crimes and that is what causes our great concern.

There was something else that came as a surprise, although possibly we have had the information before. It is the question of the military advisers in the so-called Belgian Mission in Elisabethville. The Foreign Minister of the Congo

(Mr. Bhadkhamkar, India)

has just made it clear that that is not a consulate. If it is not a consulate, it can have no status of that kind and no such status must be recognized to it by the United Nations, because since 2 August we are dealing exclusively with the Central Government. If that Government says there is no Belgian consulate in the Congo, there is no Belgian consulate, and therefore certain people there known as military advisers cannot be military advisers. I am afraid they are nothing more or less than mercenaries, and if that is what they are they should have been arrested and expelled to Belgium. At any rate, something should have been done about them. If something has been done about them, our concern may be unnecessary, but we should like to know why these men, who are not advisers of any known diplomatic or consular mission, who are in the Congo and presumably not helping the United Nations, who are not there with the authority of the Central Government, are still at large. Or why they were at large when they were at large. We were told that they were performing administrative duties in the Belgian Consulate, but that consulate does not exist and this is a matter of concern to us. My impression is that if there is no consulate you cannot have any kind of advisers there. So we should like to be informed about the exact view held by the United Nations authorities in the Congo about this matter.

We know that protests have been made to the Belgian Government and certain replies have been given by that Government about the existence of the consulate, the Belgian military advisers and so forth. Since a great many United Nations documents are ultimately published, if there is no objection these communications should be published as a paper, so that all other Members of the United Nations may be informed that protests were made to the Belgian Government and that, for some reason or another, the latter was not able to accept them. I have just one more little comment to offer on what Dr. Linnér told us earlier. He mentioned his meeting with Mr. Spaak and said that quite apart from the legal argument, he used the argument that the gentlemen there, the consul and the vice-consul in Elisabethville, were not persons of the best repute or persons who would do credit to Belgium. We would even say that if they were people of excellent character whose activities were unimpeachable, even then they should have been removed because the Central Government says that they are not consuls. You cannot be a consul unless you have the proper credentials from the Head of State.

(Mr. Bhadkamkar, India)

Our position would have been that they should have been removed merely because they were there not with the authority of the Central Government, quite regardless of their character. Normally all consuls are persons of excellent character. That is why they are consuls.

That brings me to my third question. We have asked this before, and although it seeks information which is rather comprehensive and is taking time to collect and so forth, I hope that in course of time we shall receive it. I ask the question with due apologies to the Foreign Minister of the Congolese Government, who is here and who has informed us that the Central Government is also a shareholder in this great big mining concern, the Union Minière but, for obvious reasons, is not at this time exercising the appropriate shareholder's rights.

We had asked last time that information be collected on the extent of the complicity of this great mining company in these anti-United Nations and anti-Central Government operations, and we hope we shall get that information. But the arrest or the going into a refugee camp of the working elite, the Balubas, has affected neither its operation nor its profit, because only the other day I was reading the report of the annual general meeting of this company and I obtained the figure that it had, in the year completed, I think, in July last, received the record revenue of over 300,000 million francs, which is a sum greater than the total of all the budgets of the United Nations to date, from 1946 to 1961. It is an enormous revenue these people receive, and the financial power is obviously so great as to enable them to buy several dozen jets here and there if they wish to.

We still do not know who bought those French Fouga jets which have been fighting the United Nations. We still do not know who serviced those jets at the Kolwezi air field. We still do not know who supplied the ammunition and the bombs, who paid the pilots, and so forth. It may be that this company had had nothing to do with it, in which case nobody will be happier than we. But it is possible, as Mr. Linner himself felt, that in the course of time, when this Commission reaches Kolwezi, we may be able to determine with greater precision some indication or some assessment of the extent of this company's -- what I can only call - complicity. It is really a rebellion of the worst order that one

(Mr. Bhadkamkar, India)

can imagine -- a company operating against the State in which it is working. If there are officials of this company who have been giving military help or actually taking part in fighting, or even advising, I am afraid they again become mercenaries. That means that they are indulging in extra-curricular activity as mercenaries and at the same time functioning as officials of the company. And if they are mercenaries I am afraid it is inescapable that the United Nations is entitled to arrest them and also -- I suppose after the passage of the ordinance, or even before the passage of the ordinance -- if they have committed a specific crime against law and order to hand them over to the legal authorities for trial and subsequent punishment. Because this matter is really one of great involvement and very great concern to us -- that anyone who has been operating there militarily or semi-militarily, or advising the Provincial Government not with the approval of the Central Government, is a mercenary, and all such persons should suffer the same treatment as we have ordained for mercenaries.

The CHAIRMAN: I recall that at one of our previous meetings the question of the disposition of these mercenaries was considered here and I think the Committee suggested that the Secretariat should consult with the Congolese Central Government on the subject, that is to say should the mercenaries be taken to Leopoldville and handed over for incarceration and treatment as mercenaries and criminals. I do not know what action has been taken by the Secretariat in that respect and perhaps Dr. Bunche will like to say something on the question. Then we shall ask Dr. Linner to comment on the other issues raised by the representative of India.

Mr. BUNCHE: As Dr. Linner indicated earlier, on the strength of signals he had received from here after the discussion in this Committee on this very question he has taken up this matter of a new ordinance with Mr. Adoula and the idea was favourably received and is being considered for action by Mr. Adoula's Government. As I understood the representative of India, it was in addition to this, namely that the United Nations, without the need for a new ordinance going beyond the present ordinance calling for expulsion, might turn certain of the mercenaries over to the Congolese Government for trial as murderers. It was on that that I wished to comment. The information that we have had, which as you know is based on the interrogation of mercenaries after they have been taken into custody -- they are usually taken to Leopoldville and held there for periods ranging from a few days to sometimes weeks under interrogation before they are actually expelled -- is not sufficient, to the best of our knowledge, to establish that a particular mercenary has killed someone. That is because of the nature of the way in which these mercenaries are taken into custody. They are rounded up, sometimes from their villas, sometimes in camps, sometimes in the field -- there have been instances in which they have been taken while leading groups of Katangese troops -- but we have not had information of the kind that would make it possible to establish that a particular mercenary had actually killed a particular individual. Precise information would of course be necessary in order to sustain a charge of murder and make a person subject to prosecution on that basis. I might ask General Rikhye if he would wish to comment further on this matter.

General RIKHYE: Dr. Bunche has really covered the main part of the information available to us. During the action in North Katanga, when we captured a number of mercenaries, and later on during the recent fighting in Katanga where we captured about twenty, all these people were taken down to Leopoldville where they were put through quite an intensive interrogation as to their antecedents, what they actually did, how they were recruited and so on, and I think it can be said that the system is quite a good one and it has been possible to extract some very valuable information from them. As far as we are aware, there has not been any instance where any clear indication has come out that a particular mercenary was directly responsible for the death of any one of our UN personnel or had been responsible in wounding him. Therefore I think it will be very difficult to establish a case, apart from the fact that we did have a number of cases where mercenaries were actually leading Katanga troops against the United Nations or were actually in command of gun crews or armoured vehicles in combat against the United Nations.

Mr. BHADKAMKAR (India): I would like to pursue what I said earlier. While it may be true that it is difficult to establish that they have actually killed a member of the United Nations Forces, in many countries, and perhaps the Foreign Minister will be able to comment, there is a very distinct law forbidding the unauthorized carrying and the use of firearms. In my country, it puts a man in goal for seven years, and I think in the United States the unauthorized use and carrying of firearms puts him in goal for three years.

(Mr. Bhadkamkar, India)

The mercenaries, if they carry firearms in the Congo without a license from the Central Government, are carrying the firearms unauthorizedly and they should get the highest punishment because their use of the firearms endangers lives. One does not need to prove that the man has actually killed a person in order to put him in jail for seven or ten years. All that has to be proved is that he was carrying firearms without authorization. To carry military firearms without authorization, I think, would usually result in longer terms.

There must be the will to do something about it. There are hundreds of ways in which these people can get away.

The CHAIRMAN: Before I call on the Foreign Minister of the Congo I wish to point out that the representatives of Ethiopia, Ireland and Sweden have signified their wish to speak. I do not know whether they would wish to defer to the Foreign Minister of the Congo and take the floor after he has spoken. The Foreign Minister may want to say something in connexion with the issues raised by India.

As there is no objection, I shall now call upon the Foreign Minister of the Congo.

Mr. BOMBOKO (Congo (Leopoldville)) (interpretation from French): I believe that the new ordinance is not even necessary because our penal code has an article calling for the punishment of all those who foment or organize disturbances in order to jeopardize the authority of the State or to impair the authority of the State. The mercenaries who arrived in Katanga and participated in the organization of the gendarmerie -- which is a rebellious group because it is not under the authority of the Chief of State -- are people who fall under the provisions of the article of the penal code. I even wonder whether there is any need of a new ordinance to punish these people, because there are ways of punishing the mercenaries or Congolese who participate with them in the terrorizing.

There is in fact an ordinance that was adopted well before independence, and the question was raised with the United Nations by the Chief of State. He wrote a letter to the United Nations enumerating the powers of the Central Government in respect of punishing people who have organized private militias. Private

(Mr. Bomboko, Congo (Leopoldville))

militias are prohibited by Congolese law and we regard the Katangese gendarmerie as a private militia, and all mercenaries who are there and all who participate in anti-Government activities are punished under the penal code.

Under our legislation, therefore, there may be no need of new enactments to punish them. The same applies to the carrying of arms, which is punishable under Congolese law. If most of the people escaped punishment, it was simply because the Central Government itself has no control over those people. Once the United Nations assists the Central Government in its action, then it is only proper that the mercenaries should be delivered unto it and judged under Congolese law.

Mr. BUNCHE: As I understood it, and I am subject to correction by the Foreign Minister, the reason for the approach to Mr. Adoula for a new ordinance and for his ready willingness to consider it is because there is a standing request, of a formal nature -- which I myself had understood to be an existing ordinance -- calling upon the United Nations to expel them. The new ordinance would change that request to one calling upon the United Nations to turn the mercenaries taken into custody over to the Congolese Government for incarceration in the Congo by the Congolese Government, rather than to expel them as has been the practice in the past.

This, as I understood it, was the basic reason for a need for some new formal request, in the form of an ordinance or law of some kind.

Mr. BOMBOKO (Congo (Leopoldville)) (interpretation from French): In other words, if I understand correctly, it is merely a request by the Congolese Government to the United Nations to have the mercenaries delivered to it. Then we agree.

The CHAIRMAN: We do trust that this will also be one step towards solving that question of the disposition of those mercenaries and treating them as criminals.

Mr. GEBRE-EGZY (Ethiopia): I have just a few questions. First, I want to express the satisfaction of my Government at the fact that the Irish troops have been freed and released. We hope that they are in good condition and that they will join the troops.

(Mr. Gebre-Egzy, Ethiopia)

The second point is this. In all the discussion it strikes me more and more that perhaps the situation with regard to intelligence is not what it should be. Therefore, before I proceed, can you tell me -- I do not want any extended discussion on this matter -- whether you have an effective intelligence service?

Mr. BUNCHE: To save Mr. Linner from embarrassment, since the responsibility ultimately rests here, I will presume to give the answer to this question, and it is definitely no. There is no adequate intelligence service available to the United Nations operation in the Congo. It will be recalled that this question has come up in the Committee before. It has been pointed out, and I will reiterate it, that this is one of the handicaps that a United Nations operation of this kind must always operate under, I am afraid.

The difficulty of setting up an intelligence service in a country which invites the organization to come into that country, I think needs no elaboration. The word "intelligence" in our experience in dealing with countries in this kind of operation is a very bad word indeed. It is in fact an inflammatory word and we actually try to avoid it. Naturally, we try to get what information we can, but setting up an intelligence service is a delicate matter for a Government let alone for an international organization. Therefore, we are defective in this regard and I frankly do not know how we can adequately remedy that defect without getting into trouble. If we began to recruit trained professional intelligence agents who are then turned loose by the Organization in a sovereign country, there would be a serious problem. But the question is certainly well put. It is a vital one and we are acutely aware of it.

You can be quite sure that our people out in the field, in the Congo and elsewhere, have often and sometimes very emphatically raised this question with us, and on Mr. Linner's behalf I can say that he is one who has done so and has not received from us a satisfactory answer.

Mr. GEBRE-EGZY (Ethopia): My question in that regard was not directed for the entire operation. I would not want you to hire intelligence in Leopoldville. I would be against that. I want to be frank about that. What I mean is this, For the Katanga operation you could have your own system of intelligence from the troops. That is what I have in mind. I do not have in mind an extended network of intelligence. I have simply in mind intelligence services to know what is going on in Katanga itself, and then there would be no conflicts whatsoever with the Central Government, because you must know what is going on if you are going to be effective; otherwise, your information will not be complete and you will get into trouble, as you did in the past.

Mr. BUNCHE: We do, of course, have information-gathering activities in Katanga on a military basis, but it is not a good service. It has provided much of the information that we have been able to pass on to this Committee, and you know from experience how often this information is unconfirmed. But to go beyond using the military resources we have and to set up even in Katanga a really first-class skilled intelligence service would be a matter that would take some time, at the least, and a very careful screening of personnel used in order to get reliable information.

Mr. GEBRE-EGZY (Ethopia): My second question relates to this gentleman who operated the Fouga airplane, and every morning he came and greeted your people in Elisabethville, if I recall rightly, he was supposed to have said, "Good morning, how are you today?" and your people replied very nicely, "We are all right."

Mr. BUNCHE: Newspaper talk.

Mr. GEBRE-EGZY (Ethopia): Well, whatever it is, it seems to me that you know who this man is.

Mr. BUNCHE: First of all, Mr. Linner was unaware of this.

Mr. LINNER: I can only tell you, if I may, that if this man had come in so close to one of us that his words could have been heard, he would have had a very rough time.

Mr. GEBRE-EGZY (Ethiopia): Apparently you know who this man is.

Mr. BUNCHE: I was going to say that we have his name. One of the things that Mr. Hammarskjold did during his last week in Leopoldville was to send a letter to Mr. Spaak, identifying this man and asking the Belgian Government to take steps to get him grounded. Yes, his identity is known. His whereabouts, however, is not known to us.

Mr. GEBRE-EGZY (Ethiopia): What I want to know is, What are you going to do when you catch him? It is known that he has killed United Nations people; he has done a great deal of damage; he has killed human beings -- United Nations troops. What are you going to do? It will not suffice from my point of view if you tell me, "Well, one Ethiopian died; so much money will be paid as compensation, and that is all." I will ask formally that he be shot. He has killed an Ethiopian.

Mr. BUNCHE: I would simply say that this man is the number one mercenary on our list, and our people out there feel very strongly about some of the experiences they had during the fighting. And I would say that if he should be captured, certainly the sort of discussion we have had here this morning with regard to more effective measures of dealing with mercenaries, by turning them over to the Congolese Government, would be very important and very relevant. I would not be in a position to comment upon the suggestion that the United Nations itself set up United Nations firing squads. That, I think, we would wish to pass on to higher authority.

Mr. GEBRE-EGZY (Ethiopia): I know your difficulty, but it puzzles me a great deal that some nice people who work for the United Nations go there and they are fired at and killed, and the man who today comes out, well, it is a bit contradictory; on one side you say that they are there for peaceful purposes, and on the other we tell them to shoot in self-defence; on the other hand when you catch the people you tell them, "Well, it cannot be done." It is a very disturbing thing. I know the legal difficulties but at the same time, I often wonder under what rule does the United Nations contingent operate. Does it not operate under well-known international law of conflict? You cannot possibly look upon this as a question that is simply of legal interest. You have to investigate the whole situation and tell us what you are going to do. As far as I know, eleven people were killed in that operation; he is possibly responsible for a good many of those. It is difficult to see him go scot-free because of legal difficulties. By this process someone could kill 100, 200, 500 United Nations troops; the Organization would go broke and the man would go home. This could happen. If one fellow was able to fly and kill eleven people, it is possible that five could fly, it is possible that ten could fly and kill all of them. When you think of the possibilities, it becomes frightening. This is why we take such a harsh view of it because we have to face the reality as it is.

My next question: What next? The prisoners are freed and the whole situation is apparently going back. What is contemplated as the next move?

Mr. LINNER: We are continuing to intensify our efforts to definitely break the resistance of the remaining core of the mercenaries in Katanga, thus paving the way for the Central Government towards reconciliation and co-operation with the Katangese authorities which, on the other hand, we are already now supporting, and will go on to support in every possible way by giving advice in Leopoldville.

Mr. O'SULLIVAN (Ireland): I need hardly say that the news about the exchange of prisoners is very welcome and is indeed a great relief to my Government. I would like particularly to express gratification at the signing of the protocol to the cease-fire agreement and also to thank the United Nations officers who participated in the negotiations, especially Dr. Linner and Mr. Khiary and their colleagues for their great patience, perseverance and skill in these very difficult negotiations.

The feeling of my Government is that we should now work, as the United Nations has indeed been doing up to now, for a reconciliation between the Central Government and Mr. Tshombe. We hope that the United Nations will find it possible to extend these delicate negotiations, which have been conducted in recent weeks, into the field of relations between the Central Government and Mr. Tshombe. We look forward to a peaceful reconciliation which will enable the Congo, once and for all, to achieve unification and peace.

Mrs. ROSSEL (Sweden): We very rarely ask for the floor and there are many questions that I would have liked to raise, but the time is short and in paying our compliments to Dr. Linner and his colleagues I would like to add that we also have the patience to wait and come back some other time. I would like to associate myself with those who have expressed relief that the exchange of prisoners has taken place and that the work continues along the good lines it has followed in the past. We wish Dr. Linner all the best in his continued hard work.

There is one question I would like to put and it has to do with information, but not the kind of information about which the representative of Ethiopia spoke. I think it was the delegation of Ireland which sometime ago asked what the United Nations would do in order to give more correct information to the press and other sources so that a more accurate picture of events in the Congo would be drawn, both in Katanga and other parts of the country. I know that plans have been made in the Secretariat in this field and I would be very grateful to have some information about them.

Mr. LINNER: The representative of Sweden has put her finger on a very important and somewhat sore spot. We have had a terrific licking due to the recklessness with which the international press, or great parts of it, has seen fit to handle the news from the Congo, and I am sure that as far as we are concerned we have to accept only a certain share of the blame. We have not been

able to obtain enough of the kind of people who are required for this kind of activity. Such people are extremely difficult to find; they have to be fluently bilingual to begin with; they also have to have an intimate knowledge of psychological warfare in its most developed form. Let us not forget that the people on the mercenary side who are conducting this psychological warfare are real experts in the business, with years and years of experience in Algeria and elsewhere, and I am afraid that our organization, which is there for a different purpose, is faced with a problem of the kind it is simply not equipped to deal with as efficiently as we would like. So much for the past; it is no use crying over spilt milk and the question is what are we going to do about it now. Thanks to the understanding of my colleagues here at headquarters, we have already been able to dispatch to the Congo an expert from OPI, Mr. George Ivan Smith, who has been in the Congo before and has done a simply splendid job there. He has gone, breaking all other commitments and work schedules; he left yesterday and will stay for some time in the Congo. We have also had discussions here in the Secretariat about other reinforcements to be sent to the Congo without any delay. However, I think a word of caution is justified; whatever we do in the way of reinforcing our experts in this field, we shall always be the underdog in any kind of fight that might break loose, psychologically speaking. Why? Because we have communications difficulties in the field. It takes a long time for the Headquarters in Elisabethville to receive, sift and confirm information received from the various outposts in the country, the geographical dimensions of which are so tremendous. Furthermore, it takes some time to get the news from them to us in Leopoldville. During the recent fighting we were very badly hit by the destruction of the coaxial cable and as a result we had to improvise communications on an emergency basis. We do not have a broadcasting station of our own and there are difficulties on that score. The press, of course, has none of the inhibitions that we have; if they get a piece of news they just cable it without too much consideration whether it is true or not. We cannot indulge in that kind of luxury with the result that our information very often reaches Headquarters much later than the press reports. However, we do think we have to be more accurate than, for instance, those famous international agencies which splashed over the first pages of the leading newspapers that Mr. Hammarskjöld had met with Mr. Tshombe in Ndola, basing their statement on so-called eye-witness reports. We cannot afford to gamble on that kind of thing.

I know that our military headquarters down there is strengthening its equipment to make possible faster transmission between their troops and headquarters in Leopoldville within a very short time. In regard both to personnel and equipment, therefore, we are doing whatever we can to use the best people we have available here, to pry them loose from their present assignments, and to have equipment sent over and set up. We are painfully aware of the fact, and I think that it is a fact, that this will not create an ideal situation. The only hope I can express is that at least we may improve the situation considerably, and so let us hope for the best.

Mr. DADZIE (Ghana): I wish to revert very briefly to this question of mercenaries.

I note that the Central Government has under consideration a suggestion that it might wish to enact legislation to enable ONUC to hand over to it captured mercenaries and all other persons falling within the scope of paragraph A-2 of the Security Council resolution. It occurs to me that pending the enactment of that legislation there is nothing to prevent ONUC from retaining such persons in its custody, to prolong their interrogation period. That will avoid the kind of situation in which the Belgian pilot of the Fouga Magister could be evacuated without any hope of his being brought to judgement.

The CHAIRMAN: I am hopeful that the Secretariat will take into consideration that suggestion of the representative of Ghana.

I think that this has been a very useful meeting. Members have been enlightened on the situation in the Congo. As I have said on previous occasions, nothing prevents the Advisory Committee from meeting again when necessary.

Before adjourning the meeting, I call on the representative of Ethiopia.

Mr. GEBRE-EGZY (Ethiopia): I merely wish to know when the next meeting of this Committee will be held. I have some questions to put to Mr. Linner before he leaves.

The CHAIRMAN: I would inquire how soon Mr. Linner intends to leave New York.

Mr. LINNER: I am torn between two loyalties. I should, of course, not like to prolong my absence from the Congo too long. On the other hand, if I can be of any use here, I shall certainly bend over backwards to accommodate representatives who may wish to put further questions. I therefore leave it to Mr. Bunche.

Mr. BUNCHE: Naturally, it is urgent that Mr. Linner should return to the Congo as soon as possible. Could I suggest to the representative of Ethiopia that he meet with Mr. Linner at his convenience? That might obviate the need for another meeting of this Committee, since the representative of Ethiopia could put to Mr. Linner directly the questions on which he wishes further elucidation. I am sure that Mr. Linner would be glad to put himself at the disposal of the representative of Ethiopia.

Mr. GEBRE-EGZY (Ethiopia): I am sorry, but that would not satisfy me. I should like to put my questions during a meeting of the Committee.

Mr. BUNCHE: Then I would suggest that the Committee should try to meet again this afternoon, or tomorrow at the latest.

Mr. GEBRE-EGZY (Ethiopia): Tomorrow would be perfectly satisfactory to me.

Mr. BUNCHE: It is up to members of the Committee.

The CHAIRMAN: Does the Committee wish to have a meeting tomorrow? It would be useful to know what is on the agenda of the various bodies of the Assembly. If it will create no inconvenience, perhaps we could meet again tomorrow. I am wondering, however, whether the questions that the representative of Ethiopia wants to discuss with Mr. Linner could not be answered by Mr. Bunche or other members of the Secretariat. If that is the case, we could perhaps arrange for a meeting at a later date.

Mr. GEBRE-EGZY (Ethiopia): I have some questions on the civilian operation, and I want Mr. Linner to be here. I wish to ask certain questions which touch on the administration of the entire operation.

Mr. BUNCHE: Sir Alexander MacFarquhar will be able to answer those questions. In fact, before he went to another meeting this morning, he indicated that he hoped that there could be another meeting of this Committee at an early date, because this question is pending and he is prepared to deal fully with it at a future meeting. As the Committee knows, he had been scheduled to deal with this matter on one or two occasions, but he was crowded out because of the pressure of concern on the Protocol question.

The CHAIRMAN: Would the representative of Ethiopia be willing, in those circumstances, to have the Advisory Committee meet in the absence of Mr. Linner, on the understanding that this information that he desires can be given by other members of the Secretariat? In that way we shall not contribute to a further deterioration of the situation in the Congo through the absence of Mr. Linner.

Mr. GEBRE-EGZY (Ethiopia): I do not wish to delay Mr. Linner, but I have a feeling that he may be in a better position to answer some of my questions since he has been on the spot. But if the other members of the Secretariat think that they can handle the matter and can give us the answers, Mr. Linner may go. On the other hand, if he is going to be here in any case until Monday or Tuesday, then I would require his presence at a meeting of the Committee.

Mr. BUNCHE: If the representative of Ethiopia will permit me, I would like to leave that question open. I can give him an assurance that Sir Alexander MacFarquhar will be fully able to reply to any questions on the civilian operations side that he may wish to put.

Mr. NGILERUMA (Nigeria): The necessity for meeting tomorrow depends upon the information that the Secretariat has to give us. Also, I think that every one of us has the opportunity of meeting Dr. Linner or Dr. Bunche in their offices so, if we are to meet as a group, there must, I think, be some good reason for it. Therefore, I would like to suggest to my colleague from Ethiopia that we should not meet tomorrow unless there is something serious to discuss. My delegation has one or two things to raise with Dr. Linner, but we can get in touch with him in the Secretariat and discuss them with him there. So I would ask the representative of Ethiopia not to press the point very hard.

Mr. GEBRE-EGZY (Ethiopia): I wish to make my point clear -- if he is to stay here I would require him to be here because I believe that only he will be able to answer our questions, being from the place itself; but if he is to leave tomorrow I am not going to hold him up.

The CHAIRMAN: I would mention for the consideration of the representative of Ethiopia that the Secretariat has informed me that it has no new information for the Committee; so the necessity to meet tomorrow does not exist -- as the representative of Nigeria has suggested. Since Dr. Linner will perhaps be leaving this week, probably the other members of the Secretariat who have been with us will be in a position to pass on to the Committee any information that it may desire, so I do not see the necessity to meet tomorrow. Perhaps we can meet next week. If there is a desire on the part of a substantial number of members of the Committee that we should meet next week, the Secretariat will circulate that information, and we shall meet. I thank members of the Committee for their presence. I would also convey to Dr. Bunche, Dr. Linner and General Rikhye our thanks for their presence.

The meeting rose at 1.17 p.m.