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THE UNITED NATIONS AND THE CONGO

(July 1960 - February 1962)

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FOREWORD BY THE ACTING SECRETARY-GENERAL

The United Nations Operation in the Congo is undoubtedly the biggest and most challenging task ever undertaken by the international Organization. Since the beginning of the Operation, on 14 July 1960, the United Nations has had to face an immense and unusually complex set of problems. My predecessor, the late Dag Hammarskjold, and, since 3 November ¹⁹⁶¹, myself have endeavoured to find solutions to these problems in pursuance of the mandate given by the Security Council and the General Assembly and in the spirit of the Charter.

The Secretary-General and his representatives in the Congo have frequently reported to the Security Council and the General Assembly on the various phases of the Operation. They have also made statements relating to important developments in the Congo, as occasion has required. These reports and statements set forth the official position of the United Nations on the main problems concerning the Congo; but they are voluminous and, like most official source materials, afford somewhat formal and even reading for anyone who does not have to read about the United Nations in the Congo.

At this stage of the Operation, there seems to be a special need to provide the reading public in general with accurate, though not exhaustive, information on its nature, the problems faced by the United Nations in the Congo and the actions taken by it. This account seeks to meet that need.

U THANT

BEGINNING OF THE OPERATION

On 12 July 1960, the Government of the Republic of the Congo (Leopoldville) addressed to the Secretary-General, Mr. Dag Hammarskjöld, an urgent appeal for United Nations military assistance to protect the national territory of the Congo against the external aggression perpetrated against it, which it considered as a threat to international peace. More specifically, it requested the despatch of United Nations troops to the Congo to ensure the withdrawal of Belgian troops, which had intervened in its territory without its consent, and to end the secession of Katanga which, it said, had resulted from a conspiracy between "Belgian imperialists" and a small group of Katanga leaders. The Government also requested United Nations technical assistance for the re-organization of the army and the administrative machinery of government.

The Secretary-General, who considered the Belgian intervention to be a source of tension which, if not removed, could endanger the maintenance of international peace and security, immediately brought this request to the attention of the Security Council. The Council met on 13 and 14 July 1960. By its resolution of 14 July 1960, it called upon the Government of Belgium to withdraw its troops from the Congo and authorized the Secretary-General to take the necessary steps, in consultation with the Government of the Congo, to provide the latter with such military and technical assistance as might be necessary until its national security forces were able fully to meet their tasks.

The appeal to the United Nations was the culmination of a series of events which have their cause and origin in the failure of the former Belgian colonial administration to prepare the Congolese adequately for the independence which was granted to them on 30 June 1960. Under that administration a policy of paternalism was consistently practised. While the Congolese enjoyed a standard of living higher than that of most other African countries, the Belgian authorities did not promote their political advancement. The education of the African population was oriented to produce

at best clerks, skilled workers and sergeants rather than managers, engineers and officers. Not until 1957 were political activities tolerated in the territory. Arrangements for independence were made only at the beginning of 1960, at a round table conference in which Congolese leaders participated. The first legislative elections ever held in the Congo took place in May 1960; Parliament met for the first time on 17 June and the first Central Government was established on 23 June, merely a week before independence.

A consequence of this policy was that when the Congolese were given independence they were ill-prepared for it. There were at that time only seventeen Congolese university graduates, not a single doctor or engineer. There were few political leaders with any experience and none with truly national experience, and there were no experienced African administrators.

In order to keep the administrative machinery and technical services running after independence, the Belgian Government put at the disposal of the Congolese Government, under the treaty of friendship, assistance and cooperation - signed by the two Governments but never ratified by their Parliaments - more than 10,000 Belgian administrators, technicians and army officers. Much hope was placed in the Force Publique, well-trained and armed and entirely officered by Belgians, which in the past had carried out its task of maintaining public order with great, if harsh, efficiency.

On 5 July 1960, five days after the Congo attained independence, certain elements of the Force Publique in Leopoldville, dissatisfied over the failure of the authorities to Africanize their cadres, mutinied. The mutiny soon spread to Thysville, Elisabethville, Luluabourg and elsewhere in the Congo. Some of the mutineers went on the rampage during which they manhandled Belgians in general and in some cases committed rape. These disturbances led to a mass exodus of the Belgian population, including almost all the administrators and technicians put at the disposal of the Congolese Government under the friendship treaty. Their departure entailed a nearly complete breakdown of the essential services and the stopping of economic activities in many parts of the country.

When the disturbances broke out, the Belgian Government sought to impress upon Prime Minister Patrice Lumumba the need to invoke the Belgo-Congolese friendship treaty and to request the intervention of the Belgian

troops stationed in the military bases of Kamina and Kitona under that treaty to maintain law and order. This Mr. Lumumba adamantly refused to do, contending that his Government was able to restore law and order without outside help. In this connexion, Dr. Ralph J. Bunche, who had come to the Congo to attend the independence ceremonies as the representative of the Secretary-General, warned the Belgian Ambassador in Leopoldville of the serious consequences which could follow if the Belgian troops were called out without the Congo Government's consent. He pointed out that the Belgian Government could appeal to the Security Council about the excesses.

But despite Dr. Bunche's warning, the Belgian Government unilaterally decided to intervene. On the morning of 10 July 1960, Belgian troops, following an appeal by the President of the Katanga provincial government, Mr. Moise Tshombe, moved into Elisabethville. Subsequently, other Belgian troops occupied Luluabourg, Leopoldville and other towns in the Congo. On 11 July, one day after the arrival of Belgian troops in Elisabethville, Mr. Tshombe proclaimed the independence of Katanga.

With the national independence and territorial integrity of its country threatened by foreign military intervention and secessionist activities, unable to maintain law and order and to ensure the operation of its essential services, the Congo Government turned to the United Nations.

OBJECTIVES OF THE OPERATION

The United Nations Operation in the Congo - also known as ONUC, from the initials of the French title, Opération des Nations Unies au Congo - had initially three objectives:

(a) It sought to remove the threat to international peace and security by bringing about the withdrawal of Belgian troops from the Congo, including Katanga and the Belgian military bases of Kamina and Kitona.

(b) It was to assist the Congo Government in restoring and maintaining law and order; this task included the training and re-organization of the Force Publique, now renamed the Armée nationale congolaise (ANC).

(c) It was to provide technical assistance to the Congo Government to ensure the continued operation of all essential services, to restore and re-organize the administrative machinery of government and to train Congolese to run that machinery.

In order to achieve these objectives, the Secretary-General set up, in addition to the civilian team of technical assistance experts, an international armed force composed of contingents from States other than the great Powers, mainly African. This force, named the United Nations Force in the Congo, was to follow a set of special principles. It was to be placed under the exclusive command of the United Nations and its national contingents were not to take orders from their governments; it was not to be a party to internal conflicts in the country; and it was not to use force except in self-defence. The Force was to be under United Nations command because few governments of sovereign States would contribute troops to the United Nations if their contingents were to be placed under the orders of another government. As to the other two principles, obviously the United Nations could not send its Force into a friendly country to meddle in its internal affairs or to fight against its people. These principles were announced by the Secretary-General before the Security Council adopted its resolution of 14 July 1960 and were therefore tacitly approved by it.

The principles and objectives laid down by the Secretary-General for ONUC were upheld by the Security Council on 22 July, 9 August and again on 21 August 1960 when the question was brought back before it. After the constitutional crisis broke out in Leopoldville on 5 September 1960, ONUC continued to apply the same principles, but a new objective was added to the three already set: It endeavoured to encourage and facilitate the efforts of Congolese leaders to achieve a peaceful solution of the crisis through negotiation and conciliation.

Later, as the internal conflicts dangerously deepened in the course of 1961, the Security Council twice strengthened the mandate of ONUC to enable it better to cope with increasing difficulties. On 21 February 1961, the Council authorized the Secretary-General to use force as a last resort to prevent civil war. On 24 November 1961 - shortly after the death of Dag Hammarskjöld and the election of U Thant as Acting Secretary-General - the Council gave a similar authorization for the elimination of foreign military and para-military personnel and political advisers not under United Nations command, and mercenaries.

DIFFICULTIES CONFRONTING ONUC

In order to realize fully the magnitude of the task confronting ONUC, one must bear in mind the land and people to which that task relates. With an area of 2,344,000 square kilometres (about 900,000 square miles), the Congo is as large as Western Europe or eighty times the size of Belgium, its former ruler. A large part of this vast country, the "bush", is still isolated from the outer world, although its main centres are linked to each other and to the exterior by an intricate system of rail, river and air transport. Its African population, which numbers about 14 million, is composed of a great many tribes having different languages and customs, and tribal animosities among them are still very strong. Besides the Africans, there is a sizable European community which plays an important role in the economic life of the country, but has few affinities with the rest of the population. Many of the Europeans, most of whom are Belgian, do not seem to have fully understood the nature and principles of the United Nations Operation in the Congo.

When the United Nations operation got underway in the Congo soon after the middle of July 1960, it found the country in a state of chaos. The administrative machinery of government and the essential services had in a large measure collapsed. The economic life had almost completely stopped, resulting in widespread unemployment. There was an acute food shortage in many areas, not for lack of food but because the food distribution system had broken down. The Belgian military intervention had raised among the Congolese intense feelings of hatred and fear. As the Government was unable to assume its normal responsibilities, the task of maintaining law and order, ensuring the continued functioning of the essential services and restoring the normal economic activities fell almost entirely upon ONUC.

In order to carry out this immense task, ONUC needed the full co-operation of the Congo Government and it has sought on all occasions to cooperate with it. Unfortunately, its relations with Prime Minister Patrice Lumumba became strained after the first few weeks over a grave conflict

regarding the interpretation of its mandate. The divergent positions of the Secretary-General and Mr. Lumumba regarding secession are dealt with in the section on the problem of Katanga; suffice it to say here that the resulting hostile attitude of Mr. Lumumba greatly hampered ONUC's work. //

After the dismissal of Mr. Lumumba by President Joseph Kasa-Vubu, the situation further deteriorated. Different factions engaged in a struggle for power which increased ONUC's burdens and hindered its action. During this struggle for power, ONUC adopted an attitude of strict impartiality. // At the same time promoting reconciliation between the various factions became a crucial part of the ONUC effort. But this policy was not understood and was bitterly resented by the de facto authorities of the time.

The difficulties experienced by ONUC have not all come from Congolese sources. Since independence, foreign interference has manifested itself in many forms in the Congo. It has been most active in Katanga, but by no means limited to that province. It certainly constitutes a major obstacle to a peaceful solution to the Congo crisis and has made ONUC's task considerably more difficult.

TASKS CONFRONTING ONUC

Since its inception, ONUC has had to deal with a complex set of problems with no parallel in the history of international operations, and has had to devise new solutions for many of them. For the sake of clarity, these problems and the actions taken to solve them are set forth separately below, although many of them are closely interconnected and often overlapping.

(a) Withdrawal of Belgian troops

The intervention of Belgian troops was the very event which caused the Congo Government to appeal to the United Nations, and the Security Council in its resolution of 14 July 1960 called upon the Belgian Government to withdraw its troops from the Congo. At the time of the resolution, there were about 10,000 Belgian troops in the Congo. Some were in the two military bases of Kamina and Kitona; others were deployed in the country where they occupied a number of main centres. Because of the tension they generated, the presence of Belgian troops was a constant danger not only to Congolese but also to the Belgian population whom it was their very purpose to protect, for while they succeeded in occupying a number of cities, the country at large was outside their control. In this connexion, it may be recalled that there were in fact two series of mutinies of the Force Publique in July 1960. During the first series which took place from 5 to 10 July, unruly elements did commit excesses, but the majority of the troops did not resort to hostile acts against Belgians. The second and incomparably more violent outbreak took place after, and because of the Belgian military intervention of 10 July 1960 and particularly the attack on the port of Matadi.

The objective of ONUC was to achieve the withdrawal of the Belgian troops from the whole of the Congo, without interfering in the internal affairs of the Republic and without using force. Immediately after the adoption of the Security Council resolution of 14 July 1960 and before the arrival of the first contingent of the United Nations Force, the Special Representative of the Secretary-General in the Congo, Dr. Ralph J. Bunche,

entered into negotiations with the Belgian representatives in Leopoldville for the speedy withdrawal of their troops. It was agreed that the Belgian troops would withdraw from the positions they occupied as soon as these positions were taken over by the United Nations Force.

In order to achieve a speedy withdrawal of the Belgian troops, it was necessary to bring in and deploy the United Nations contingents with the least possible delay. The plan was to take over all the positions occupied by the Belgian troops in three stages, first the city of Leopoldville, then the rest of the Congo except Katanga and the two Belgian military bases of Kamina and Kitona, and finally the three remaining areas. The first United Nations detachment, composed of about 70 Tunisian soldiers, arrived in Leopoldville on the evening of 15 July 1960 and was joined by others in the following days. There were about 3,500 United Nations troops in the Congo on 18 July, 11,000 on 6 August and 16,000 at the beginning of September 1960.

A few hours after the arrival of the first contingent of the Force on the evening of 15 July 1960, United Nations soldiers replaced Belgian troops in the central part of the city of Leopoldville. On the following two days, as more United Nations troops arrived, they took control of the remaining parts of the city and began relieving Belgian troops in the main centres of Bas-Congo. Although this speed could be achieved only at the cost of strenuous efforts, the Congo Government did not consider it fast enough. On 17 July 1960 Mr. Patrice Lumumba and Mr. Joseph Kasa-Vubu addressed an ultimatum to the United Nations whereby, if the Belgian troops were not completely withdrawn within 48 hours, they would appeal to the Soviet Union. The Secretary-General brought the matter before the Security Council which, by its resolution of 22 July 1960, commended the action taken by the Secretary-General and called upon Belgium to speed up the withdrawal of its troops.

The original plan was therefore continued without change. As soon as new United Nations contingents arrived, they were deployed in the positions occupied by Belgian troops. Thus, they brought about the complete withdrawal of the Belgian troops from Leopoldville and the surrounding area on 23 July 1960, and from the whole of the Congo except Katanga and the two bases by the beginning of August 1960.

The next step was the entry of United Nations troops into Katanga. On this question the Secretary-General ran into a grave conflict with the Congo Government. Mr. Lumumba wanted ONUC to help his Government to put down the secession of Katanga by force. This ONUC could not do for under its mandate it could not be a party to, or in any way intervene in, or be used to influence the outcome of any conflict in the Congo. Another difficulty encountered by the Secretary-General was the resistance of the Katangese secessionist authorities and the Belgian Government. The Katangese authorities strongly opposed the entry of United Nations troops and, allegedly because of this opposition, the Belgian Government was reluctant to withdraw its troops from Katanga.

On 4 August 1960, the Secretary-General, who had arrived in Leopoldville a few days earlier, sent Dr. Bunche to Elisabethville to make arrangements with the Belgian representatives there for the entry of United Nations troops into Katanga which, if no difficulties arose, would take place on 6 August. But in the face of unqualified and unyielding opposition of the Katangese secessionist authorities, Dr. Bunche concluded that the entry of United Nations troops could not be achieved without using force. The Secretary-General therefore decided to postpone the original plan and brought the matter before the Security Council. By its resolution of 9 August 1960, the Security Council confirmed the authority conferred upon the Secretary-General by its previous resolutions and called upon Belgium immediately to withdraw its troops from Katanga. At the same time, the Council reaffirmed that the United Nations Force would not in any way intervene in any internal conflict in the Congo.

After the adoption of the resolution, the Secretary-General returned to the Congo and, on 12 August, personally led the first United Nations unit into Katanga. But Mr. Lumumba strongly criticized the manner in which the Secretary-General had implemented the Security Council resolutions and refused henceforth to cooperate with him. In view of Mr. Lumumba's violent reaction, the Secretary-General once again referred the matter to the Security Council. The Council met on 21 August 1960, but did not vote on any resolution. During the discussion, the Secretary-General indicated that in the absence of any new directive, he would consider his interpretation of the ONUC mandate

as upheld. He also made known his intention to appoint an Advisory Committee composed of member States having contributed troops to the United Nations Force to advise him on future policy on the Congo.

The entry of United Nations troops into Katanga on 12 August 1960 set off a process of withdrawal of the Belgian troops from Katanga and the bases, which was completed by the beginning of September 1960. Thus, despite difficult circumstances, ONUC brought about the withdrawal of Belgian troops from the whole of the Congo within six weeks and, by so doing, removed one of the main sources of tension in the country at that time.

(b) Maintenance of law and order

First achievements and difficulties

The maintenance of law and order undoubtedly has been the heaviest of all the tasks falling upon ONUC. In order to carry out that task, the Secretary-General set up a United Nations Force which at its peak strength numbered about 20,000. But even at its peak strength the United Nations Force was hardly sufficient when its responsibilities had to encompass as vast a land as the Congo.

At their arrival in the Congo, United Nations soldiers were told in official instructions that they were members of a peace force, not a fighting force, that they had been asked to come in response to an appeal from the Congo Government, that their task was to help in restoring order and calm in a troubled country and that they should give protection against acts of violence to all the people, Africans and Europeans alike. They were also told that, while they carried arms, they were to use them only in self-defence and that they were in the Congo to help everyone and to harm no one. These instructions spelled out one principle under which the Force must function: restraint in the use of force. Another principle was that the Force should never be used to intervene in the internal conflicts in the Congo.

Because the United Nations came to the Congo to assist the Congo Government in maintaining law and order, it did not seek to act as a

government. What it sought to do was to assist the Congolese authorities to perform their normal duties; for instance, by undertaking joint patrols with the local police for the maintenance of law and order in a given area. When, however, this was not possible on account of the breakdown of the security forces, the United Nations Force alone had to perform the normal security duties in the place of Congolese authorities, but in so doing it always sought the consent and cooperation of the Congo Government. Such was the case in Leopoldville during the first stage of the operation, when United Nations soldiers performed police duties on the main arteries of the city and ensured the protection of its essential services.

Following these procedures, the Force restored law and order, protected life and property, and ensured the continued operation of essential services wherever it went. In many areas it brought under control unruly ANC elements, many of whom laid down their arms voluntarily or at the request of their Government. Thus the Force carried out its task of maintenance of law and order with success in the initial phase of the Operation.

Unfortunately, the task of the Force became more difficult after mid-August 1960. The relations between Prime Minister Patrice Lumumba and the Secretary-General, Mr. Dag Hammarskjold, deteriorated over the question of Katanga, and, after the entry of the United Nations troops into that province, the Prime Minister withheld the cooperation which he had hitherto given ONUC. Moreover, as the inevitable consequence of the unpreparedness of the Congolese leaders for the responsibilities of independence, the internal situation began in August rapidly to worsen.

Tribal rivalries, which had plagued the country before independence, flared up in Kasai between Baluba and Lulus with added intensity. Persecuted by Lulus without the effective intervention of the Government, the Baluba of the Luluabourg area fled en masse to their tribal lands in the Bakwanga region, where their leader, Mr. Albert Kalonji, proclaimed the secession of South Kasai. In Equateur and Leopoldville provinces, there was increasing opposition to the Government. To put down opposition and secessionist movements, Mr. Lumumba resorted to extreme action. Some opposition leaders were arrested and beaten, and anti-Government newspapers were suspended. At the end of August, ANC troops were sent to South Kasai, where they behaved in the most cruel manner and killed many civilians, including women and children. Other ANC

troops were being massed near the northern border of Katanga in preparation for the invasion of the province. To make possible these military moves, Mr. Lumumba sought and obtained direct assistance outside United Nations channels.

During those days, the ANC, which the Government was using to achieve its political objectives, but which it did not always seem to be able to control, was a constant danger to the civilian population. Even ONUC personnel were not always immune from its brutal assaults. There were, in particular, two serious incidents in which ONUC personnel were the victims of brutal and unprovoked assaults by ANC elements. One of these incidents took place at the Ndjili airport on 18 August 1960 and the other in Stanleyville on 27 August.

Without the cooperation of the Congo Government which it had come to assist, ONUC faced a frustrating situation. Its action was further hampered when the Government itself resorted to actions which tended to endanger law and order, or restrict human rights. Whenever this happened, ONUC endeavoured to induce and persuade Congolese authorities to change their course of action and, to the extent possible, took measures to ensure the protection of the threatened persons. But it refused to use force to subdue Congolese authorities, or the ANC under their orders. Even when its own personnel were attacked, ONUC intervened only to prevent further excesses and to urge the Congo Government to take disciplinary action against the culprits.

The policy of restraint of ONUC was not always understood. This, for example, was reflected in certain remarks made in August 1960 by Major-General H.T. Alexander, then Chief of Defence Staff of Ghana. The General viewed the restraint on the use of force as a weakness. He considered that the problem of maintenance of law and order could be solved only by disarming the ANC, and he proposed that the United Nations should do so even against the Congo Government.

This stand was firmly rejected by ONUC. Dr. Bunche, then Special Representative of the Secretary-General in the Congo, pointed out that the only basis the Force had for operating in the Congo was the Security Council resolution of 14 July 1960 in which, acting upon the request of the Congo

Government, the Council had decided to provide that Government with such military assistance as might be necessary until its national security forces were fully able to meet their tasks. In the light of this resolution, the United Nations policy in the Congo had been one of seeking to cooperate with the Government; it had neither sought to replace the Government nor to make it captive. The United Nations Force was in the Congo as a friend and partner, not as an army of occupation, and had studiously avoided any suggestion of replacing in any way the former colonial administration. Obviously, Dr. Bunche added, if the Force began to use its arms to wound and kill Congolese, its doom would be quickly sealed, for it could not long survive amidst a hostile public.

Measures taken during the constitutional crisis

On 5 September 1960, the situation in the Congo was suddenly changed as a consequence of President Joseph Kasa-Vubu's decision to dismiss Mr. Patrice Lumumba. The dismissal of Mr. Lumumba set off a grave constitutional crisis which was ended only eleven months later. During that period, there was no legal government in the country and, after a confused struggle for power, the country found itself, in effect, divided into four camps, each ruled by a de facto regime based more on its armed forces than on popular support.

The difficulties of ONUC were naturally increased by this state of affairs. There was now no government with which it could deal. Its policy in the field of maintenance of law and order was to cooperate with the authorities actually in control of the area wherever necessary. In so doing, it carefully avoided any interference in the political struggle under way and endeavoured to observe the strictest impartiality towards the various contending parties. As before, ONUC would use persuasion rather than coercion to achieve its objectives, and its troops were ordered not to use force except in self-defence.

Immediately after the dismissal of Mr. Lumumba, ONUC took two emergency measures. These measures were taken in view of the explosive tension among the population generated by the conflict between the two most powerful Congolese leaders, Mr. Kasa-Vubu and Mr. Lumumba, which might well have led

to an imminent breakdown of law and order throughout the country and to an extension of the civil war already under way in South Kasai. ONUC decided on the night of 5 to 6 September 1960 to close all major airports. The following day, in view of the dangerous effect of inflammatory speeches on an already disturbed populace and after a number of violent demonstrations had taken place in the city, ONUC temporarily closed down the Leopoldville radio station. These measures were lifted on 12 and 13 September 1960 as soon as the tension had subsided below the explosive level. Thanks to them there were no major clashes during those ominous days.

In response to frantic appeals for protection from political and other leaders of all sides in Leopoldville, ONUC also agreed to protect the threatened leaders, and in so doing it endeavoured to show absolute impartiality. ONUC guards were stationed around the residences of Mr. Kasa-Vubu and Mr. Lumumba. Protection was also given the other leaders, though not to the same extent. Indeed, all political and military leaders of consequence were given a measure of protection by ONUC and not a few probably owe their lives to it.

In the following months, the continued efforts of ONUC led to a number of important achievements. In South Kasai, ONUC helped in arranging a cease-fire between ANC troops and the secessionist army of Mr. Kalonji and in establishing a neutral zone placed under ONUC control. It also persuaded the ANC command to withdraw its troops from the northern border of Katanga. When these troops, which moved without any logistical support, engaged in looting and pillage along the routes they followed, ONUC transport planes were brought into use to airlift them to their destination. In North Katanga, where violent fighting broke out between pro-Tshombe gendarmes and the anti-Tshombe Baluba population, ONUC put an end to the fighting by setting up, in agreement with both parties, neutral zones under its protection. Elsewhere endless efforts were exerted to prevent violence, uphold law or protect life. Protected areas were set up at various times and places, where threatened persons, Africans and Europeans alike, could repair for safety. Neutral zones were established to stop tribal warfare. During this period of unrest, Europeans, many of whom were scattered settlers in remote areas, were often threatened by hostile local authorities or population. Whenever possible ONUC took measures to rescue and protect them and, if they so desired, to evacuate them to safer areas.

In carrying out its mission of peace, the United Nations Force suffered many casualties. On 8 November 1960 a patrol of eleven Irish soldiers was ambushed and eight of them killed in North Katanga. Another incident occurred on 24 November when ANC troops attacked the Ghana Embassy in Leopoldville. The Tunisian unit which guarded the Embassy incurred several casualties, including one dead.

Here again, when the authorities in power indulged in actions which endangered peace and order, or violated human rights, ONUC could not always prevent these actions but sought to redress the situation by the use of persuasion or good offices. Thus ONUC could not prevent a number of political arrests made by the various local regimes. At the time, these regimes endeavoured to strengthen their armed forces by importing arms and military equipment from abroad. While ONUC did its best to stop such imports, its forces were insufficient to control all points of entry, and, therefore, could not prevent quantities of arms and equipment from being smuggled into different parts of the country.

One of the most delicate problems confronting ONUC during the constitutional crisis related to the fate of Mr. Patrice Lumumba. It was this question which so strained the relations between ONUC and the Kasa-Vubu-Mobutu regime that cooperation between them became almost impossible. After the military coup of 14 September 1960, the de facto regime of Leopoldville, supported by President Kasa-Vubu, attempted repeatedly to arrest Mr. Lumumba, but was prevented from doing so by ONUC. The position of ONUC was dictated mainly by its concern to maintain law and order, for it well knew that Mr. Lumumba's arrest would dangerously deepen the current crisis and make any reconciliation so much more difficult. ONUC also held the view that even though dismissed as Prime Minister, Mr. Lumumba was still a deputy of the National Assembly and therefore was under parliamentary immunity which only Parliament could lift. Its troops, therefore, vigilantly guarded Mr. Lumumba's residence and, so long as he remained there, he was in safety.

However, it became impossible to protect him when he voluntarily left his residence on the night of 27 to 28 November 1960, in an apparent attempt to get to Stanleyville, his political stronghold. Before he could do so, he was arrested by ANC soldiers near Port-Francqui and brought back to Leopold-

ville. Once Mr. Lumumba was arrested, ONUC had neither the strength nor the right to liberate him from his captors, but it exerted all possible pressure to ensure him legal and humane treatment. Upon learning of the arrest, the Secretary-General sent two successive messages to Mr. Kasa-Vubu, expressing his concern over the event and stressing the importance of giving the prisoner all the guarantees provided by law. Similarly repeated representations were later made to Mr. Kasa-Vubu by Mr. Rajeshwar Dayal, the Special Representative of the Secretary-General in the Congo. ONUC could not do more without exceeding the mandate given it by the Security Council.

However, nothing was done to give Mr. Lumumba a trial. He remained detained in Thysville until 17 January, when he and two other political prisoners, Mr. Joseph Okito and Mr. Maurice Mpolo, were transferred secretly to Katanga. This move brought strong protests from both the Secretary-General and the Conciliation Commission for the Congo which was then in the territory. In particular, the Secretary-General took immediate action to urge the authorities concerned to return Mr. Lumumba to Leopoldville Province and to apply the normal legal rules. But no remedial action was taken, and four weeks later, the shocking news came from Katanga that the three prisoners had been murdered. The circumstances of their death were later investigated by a United Nations commission, which accepted as substantially true the evidence indicating that the prisoners had been killed as early as 17 January 1961 and probably in the presence of high officials of the Katanga provincial government.

Security Council resolution of 21 February 1961

The news of the murder of Mr. Lumumba brought the crisis to its most dangerous point. It was followed by a series of reprisals and counter-reprisals by pro-Lumumba and anti-Lumumba leaders, including summary executions of political prisoners. The civil war, already under way in North Katanga, threatened to spread into other regions. In the shadow of this threat, the Security Council met again on 15 February 1961. After a long and tense debate, the Council adopted, on 21 February, a resolution by which it authorized ONUC to use force, as a last resort, to prevent civil war in the Congo. It also urged that the various Congolese armed units be re-organized and brought under discipline and control.

The period immediately following the adoption of the Security Council resolution of 21 February 1961 was a critical one for the United Nations Operation in the Congo. After the death of Mr. Lumumba, several contributing States had withdrawn their national contingents from the United Nations Force, reducing its strength from a maximum of about 20,000 to less than 15,000. Thinly deployed throughout the country, the United Nations Force had great difficulties in coping with its overwhelming tasks. Its difficulties further increased because of the hostile attitude of the authorities of Leopoldville and Elisabethville. These authorities interpreted the new resolution of the Security Council as an attempt to subdue them by force and, in retaliation, ordered a number of harassing measures against ONUC and its personnel. The most serious of these measures was the attack by ANC troops on the United Nations garrison in Matadi on 4 March 1961.

In order to cope with these difficulties and to implement the new resolution of the Security Council, the Secretary-General took urgent action to increase the strength of the United Nations Force. New contributions were obtained from several governments, bringing the total of the United Nations troops to more than 18,000 in April 1961.

In April, the situation began to improve, first because of the increased strength of the Force, and secondly because after patient negotiations, ONUC reached an agreement with President Kasa-Vubu on 17 April 1961 for the implementation of the Security Council resolution.

The limited use of force, as authorized by the Security Council, was resorted to by ONUC at the beginning of April 1961 to stop the civil war which was spreading dangerously in North Katanga. Since mid-March 1961, Katangese gendarmerie led by foreign mercenaries had launched an offensive against the anti-Tshombe forces in North Katanga in a determined effort to crush all opposition there. On 27 March, the United Nations Force Commander warned Mr. Tshombe to stop the offensive, but the warning was unheeded and gendarmes entered Manono three days later and prepared to attack Kabalo. It was at this point that United Nations troops intervened, stopped the gendarmes and established control of the area between Kabalo and Albertville.

At the end of April, a most tragic incident occurred when a United Nations detachment in Port-Francqui was suddenly attacked and overpowered

by ANC troops and 1/4 of its members ruthlessly massacred. It was generally agreed that this brutal assault was mainly an act of madness by undisciplined and unpredictable armed troops. After this incident, the ONUC Command made it a rule not to station small units in isolated areas. ONUC realized that, as a result of this policy, many areas could no longer be covered by its troops, but it considered it had no right to jeopardize the safety of its soldiers.

From the end of April until August 1961, there were fewer incidents. The most important one was the arrest of Mr. Tshombe by the Leopoldville authorities during the Conquillhatville Conference at the end of April. As in the case of other political prisoners, ONUC exerted its efforts, within its mandate, to ensure that he would be treated humanely and be given the guarantees provided by the law. He was released four weeks later unharmed.

During that period, the United Nations Force played a major role in the conciliation efforts between Congolese leaders which resulted in the re-opening of Parliament and the setting up of the national unity Government led by Mr. Adoula. These efforts are set forth in the section on the constitutional crisis, but it should be pointed out here that they could not have succeeded without the protection afforded by the United Nations Force to the leaders of the various groups. This was fully recognized by the House of Representatives of the Republic of the Congo which expressed its appreciation to the Force in a formal resolution.

Incidents after the constitutional crisis

After the investiture of the Adoula Government, on 2 August 1961, the task of ONUC became considerably easier. Once again, it could work with a legally constituted Government and it did so in a spirit of co-operation and mutual confidence. However, law and order was threatened by several grave incidents, all of which broke out because national unity had not yet been fully achieved. //

On two occasions, as a result of attacks launched by the mercenary-led Katanga gendarmerie on United Nations troops, fighting broke out between them in Katanga. This fighting is set forth in detail in the section on the problem of Katanga.

Another series of incidents was related to the ANC campaign, late in 1961, to occupy North Katanga. In connexion with this military campaign, which is described in the section on the problem of Katanga, a number of grave incidents were caused by undisciplined ANC elements. At the beginning of November 1961, ANC soldiers of the Leopoldville Grouping assaulted several Belgian women in Luluabourg. On 11 November, ANC soldiers of the Stanleyville Grouping massacred 13 ONUC aircrew members of Italian nationality in Kindu. Two days later, ANC soldiers of the same Grouping, who had just entered Albertville, began to loot houses and threaten civilians there. On 1 January 1962, 22 European missionaries and an undetermined number of Africans were killed in Kongolo by ANC soldiers, also from Stanleyville, in an incident reminiscent of the Kindu massacre.

In the first three cases, as soon as ONUC learned of the incidents, it intervened to restore law and order, and to protect the threatened population. It could not take punitive action which lay clearly with Congolese authorities, but it urged the Congo Government to exert every effort to ensure that those guilty would be quickly found and severely punished. In the case of Kindu, where United Nations personnel were involved, a joint investigation commission was set up by ONUC and the Congo Government to investigate the incident and identify the culprits. As regards the Kongolo incident, the December hostilities in Elisabethville had obliged ONUC to withdraw most of its troops from North Katanga and there were no United Nations troops in or near Kongolo at the time of the incident. ONUC immediately urged the Congo Government to take speedy action to identify and punish the culprits and to prevent the recurrence of like incidents, and offered all possible assistance to achieve those objectives. With the agreement of the Government two officers of the Nigerian contingent later went to Kongolo, investigated the incident and organized the evacuation of the threatened persons from the area.

Finally, an important incident took place in Stanleyville in January 1962. As a result of deteriorating relations between the Congo Government and Mr. Antoine Gizenga, fighting broke out on 13 January between pro-Gizenga gendarmes and ANC troops led by General Victor Lundula, which were now loyal to the Central Government. The fighting, which resulted in 14 deaths, stopped the next morning when the gendarmes surrendered to General Lundula.

During the fighting, ONUC troops were on guard throughout the city to protect the civilian population, but did not have to intervene. After the gendarmes had surrendered, ONUC assisted ANC troops in disarming them at the request of the Central Government.

After the fighting, Mr. Gizenga was censured by the Chamber of Representatives and dismissed from the post of Vice-Prime Minister, and the Central Government ordered a judicial investigation to determine his responsibilities in the incident. Here again, ONUC scrupulously avoided any interference in the internal political struggle, but sought to ensure the observance of the law. The Acting Secretary-General, U Thant, addressed to Prime Minister Adoula a personal appeal in this connexion and was given full assurance that Mr. Gizenga would be granted all practical and legal safeguards for the protection of his interests. Mr. Gizenga was brought to Leopoldville on 20 January 1962 in an ONUC plane, at his request and with the agreement of the Government, and he spent his first two days there at ONUC Headquarters. He left ONUC Headquarters on 22 January voluntarily and after informing ONUC that it was relieved of all responsibilities for his personal protection.

Re-organization of Congolese armed forces

In going over the United Nations Operation in the Congo as regards the maintenance of law and order, one cannot fail to observe that all the grave incidents have been caused by unruly elements of Congolese armed forces, whether they be part of the ANC, the Katanga gendarmerie or the Kalonji forces. From the outset, it has been considered an essential task of ONUC to assist the Congo Government in establishing discipline in armed forces. These armed forces were to be brought under unified command, the unruly elements eliminated and the remaining ones re-organized and re-trained. In order to achieve these objectives, ONUC has offered full support and co-operation to the Congo Government.

Thus, in August 1960, ONUC took the first step toward the re-organization of ANC when the Deputy Commander of the United Nations Force, General Ben Hamou Kettani, was appointed as adviser to the ANC at the request of Prime Minister Patrice Lumumba. Shortly after this appointment, the ANC began to re-form in new units and to engage in the training of its officers and men. But this

programme was interrupted at the end of August because of the Government's plan to invade Kasai and Katanga, and later ONUC was compelled to abandon it altogether because of the political struggle which began in September 1960.

After the setting up of the Adoula Government, in August 1961, ONUC's efforts were resumed. General Mengasha Iyassu, who was appointed to continue General Kettani's work, has prepared a re-organization programme which is designed to be carried out in full cooperation with the Government. It is hoped that with the improving political situation this programme can be successfully completed. ONUC will exert all possible efforts to that end, in order that the national security forces of the Republic of the Congo might be able fully to meet their tasks.

(c) Constitutional Crisis

Dismissal of Mr. Patrice Lumumba and its aftermath

The task of ONUC was made immeasurably more difficult at the beginning of September 1960 by an event not foreseen when its mandate was defined by the Security Council. On 5 September, the Chief of State, Mr. Joseph Kasa-Vubu, invoking the power which, he claimed, was vested in him by the Loi fondamentale, dismissed Mr. Patrice Lumumba as Prime Minister of the Congo. This decision set off a grave constitutional crisis which was to end only 11 months later. During that period there was no generally accepted central government in the country, and its parliament was kept from functioning.

In the days following the dismissal of Mr. Lumumba, utter confusion prevailed in Leopoldville. Mr. Lumumba refused to recognize Mr. Kasa-Vubu's decision and in turn dismissed him as Chief of State. Parliament supported Mr. Lumumba although it refused to endorse his decision to dismiss the Chief of State, but Parliament itself was soon suspended by Mr. Kasa-Vubu. Each contending party sought the support of the army and, whenever it could, ordered the arrest of its opponents. On 14 September 1960, General Joseph Mobutu, then Colonel and Chief of Staff of ANC, imposed by a coup an army-backed regime run by a College of Commissioners and supporting Mr. Kasa-Vubu. But the coup was not fully effective in that Mr. Lumumba and his supporters resisted the Commissioners' authority.

Naturally, the contending parties turned to ONUC for recognition and support. ONUC continued its policy of avoiding intervening or taking sides in the internal conflicts under way. While it recognized the unimpaired status of Mr. Kasa-Vubu as Chief of State, it refused to help him achieve political aims by force and, in particular, to recognize the College of Commissioners supported by him. Without interfering directly, it favoured a speedy return to legality through reconciliation between Congolese leaders and encouraged the efforts being made towards that end. Several moves were made at the time by Parliament leaders and others to reconcile Mr. Kasa-Vubu and Mr. Lumumba. Unfortunately, none of them yielded positive results.

The crisis was examined by the Security Council from 14 to 17 September 1960 and, when it failed to take a decision, by the General Assembly from 17 to 20 September. By its resolution of 20 September 1960, the General Assembly fully supported the position taken by the Secretary-General. In an effort to solve the constitutional crisis, it appealed to all Congolese leaders to seek a speedy solution, by peaceful means, of all their internal conflicts and requested the Advisory Committee on the Congo to appoint a conciliation commission to assist them in that endeavour.

During the meeting of the Security Council two Congolese delegations, one appointed by Mr. Kasa-Vubu and the other by Mr. Lumumba, were sent to New York, but neither could win approval. Two months later, during the fifteenth regular session of the General Assembly, Mr. Kasa-Vubu himself came to New York as the Head of his delegation, which was seated by the General Assembly after a long and bitter debate. The decision of the General Assembly considerably enhanced Mr. Kasa-Vubu's personal prestige, but did not bring an immediate solution to the crisis.

In the meantime, the internal situation rapidly worsened in the Congo. While the College of Commissioners consolidated its position in Leopoldville, Mr. Antoine Gizenga, acting on behalf of Mr. Lumumba, succeeded in establishing a government in Stanleyville which was formally recognized as the legitimate government of the Republic by a number of Member States. With the support of the local ANC troops, led by General Victor Lundula, Mr. Gizenga extended his authority, beyond the Oriental province, to Kivu and the northern part of Katanga. At the same time, the secessionist governments

o Mr. Moise Tshombe and Mr. Albert Kalonji consolidated their hold respectively over South Katanga and South Kasai with the active assistance of certain foreign powers. Thus the Congo was divided into four major rival camps.

Conciliation efforts

ONUC's efforts at that time were mainly directed at two objectives. On the one hand, ONUC endeavoured to prevent the leaders holding the reins of power from using force to subdue their opponents within or outside the zones they controlled. On the other, it encouraged all leaders to seek a solution of their differences through negotiation and conciliation.

Conciliation efforts were also made by the United Nations Conciliation Commission for the Congo, established under the General Assembly resolution of 20 September 1960. This Commission, which was composed of representatives of African and Asian countries having contributed troops to the United Nations Force, visited the Congo at the beginning of the year 1961. After spending seven weeks in the country the Commission came to the conclusion that, while there was among most leaders a general feeling of weariness and a sincere desire to achieve peaceful solutions to the crisis, a small number of other leaders, among the very persons holding the reins of power, appeared to prefer a military rather than a political and constitutional solution. Because of their uncooperative and intransigent attitude the attempts made by the Commission to reconcile the opposing groups had not led to positive results. The Commission also came to the conclusion that the crisis could be solved only if Parliament was reconvened and a national unity government approved by it and that one of the main obstacles to a speedy solution was foreign interference in the internal affairs of the Congo.

These views were very similar to those expressed by the Secretary-General. They were largely reflected in the decision taken by the Security Council, which met at the end of February 1961, to examine once again the Congo problem. In its resolution of 21 February 1961, the Security Council urged that Parliament be convened and that the necessary measures of protection be taken in that connexion. It also expressed the view that the solution of the Congo problem lay in the hands of the Congolese people themselves without any interference from outside, that there could be no solution without conciliation and that the imposition of any solution, including the formation

of any government not based on genuine conciliation would, far from settling any issue, greatly enhance the dangers of conflict within the Congo and of threat to international peace and security.

After January 1961, a number of steps were taken by various Congolese leaders in an attempt to solve the crisis. On 25 January a preliminary round table conference was sponsored by Mr. Joseph Kasa-Vubu in Leopoldville. It was boycotted by pro-Lumumba and pro-Tshombe leaders, which considerably limited its usefulness. However, at the end of the conference, Mr. Kasa-Vubu decided to replace the College of Commissioners by a provisional government headed by Mr. Joseph Ileo, a decision which was considered by the Conciliation Commission as a step in the right direction.

At the beginning of March 1961, a conference was held in Tananarive, Malagasy Republic, on the proposal of Mr. Moise Tshombe. It was attended by a number of top Congolese leaders, but Mr. Antoine Gizenga, who had first agreed to come, did not show up. The Tananarive Conference proposed that the Congo be turned into a confederation of sovereign States. Under the proposed arrangements, the Central Government would be abolished, and legislative and executive powers vested in the individual States. The Conference also provided for the establishment of new States, but did not determine the criteria to be followed in that connexion. This decision led Congolese leaders, through personal ambition and tribal animosities, to lay claims for the creation of a score of new States. But the influence of the Tananarive Conference was short-lived. Soon thereafter, Mr. Kasa-Vubu and other leaders revised their positions and made it clear that the decisions of Tananarive were mere statements of intentions and, unless approved by Parliament, had no force of law.

Some time later, on 24 April 1961, a more important conference was convened in Coquilhatville, on the proposal of Mr. Kasa-Vubu. Mr. Gizenga again refused to attend. Mr. Tshombe came and sought to re-create the Tananarive situation. When his attempt was opposed by the overwhelming majority of the representatives, he decided to boycott the conference, but as he prepared to fly back to Elisabethville, he was arrested by the Leopoldville authorities. The conference continued nevertheless, and at the conclusion of its work, it recommended a re-organization of the government structure of the Congo on a federal basis. From the outset, it had

been made clear that the decisions of the Conference would have to be endorsed by Parliament, and during the Conference, on 12 May, President Kasa-Vubu announced that Parliament would be re-opened in the near future and requested United Nations assistance and protection for this purpose.

While carefully avoiding interference in the discussions between Congolese leaders, ONUC facilitated those discussions whenever it was requested to do so. Thus it placed a guard at the site of the preliminary round table conference in Leopoldville. It agreed to facilitate Mr. Gizenga's trip to Tananarive when he first accepted to go there. Before the Coquilhatville Conference, Mr. Cléophas Kamitatu went to Stanleyville on an ONUC plane in an effort to bring about a rapprochement between Mr. Gizenga and Mr. Kasa-Vubu.

Re-opening of Parliament

After Mr. Kasa-Vubu announced his intention to reconvene Parliament, ONUC spared no efforts to help achieve this purpose. An essential condition for reconvening Parliament was a rapprochement between leaders of the Leopoldville and Stanleyville groups. To these two groups belonged the great majority of parliamentarians and, if one of them refused to attend Parliament meetings, there would be no quorum. But the memory of Mr. Patrice Lumumba's death and its aftermath was still vivid and leaders of the two groups were divided by deep suspicion and distrust. Through good offices and persuasion, ONUC officials did everything possible to dissipate their mutual suspicion and lay the ground for negotiations between them.

After Mr. Kasa-Vubu called the Parliament session in Leopoldville, Mr. Gizenga condemned his bid as illegal and ordered Parliament to meet in Kamina. Thanks to ONUC's good offices, Mr. Gizenga softened his stand and agreed not to insist on Kamina provided that full protection were given to parliamentarians by ONUC. Later, a meeting between Leopoldville and Stanleyville representatives was arranged in Leopoldville, under ONUC auspices, to consider the modalities of the re-opening of Parliament. The Stanleyville representatives were brought to Leopoldville in an ONUC aircraft and the meeting took place at ONUC Headquarters. After long discussions, an agreement was reached by the representatives of the two groups. At their joint request, ONUC accepted the responsibility for making arrangements for the session of Parliament and ensuring full protection to the parliamentarians.

In accordance with the request made by both delegations, ONUC also sought to persuade Congolese leaders of South Kasai and South Katanga to subscribe to the agreement on the reconvening of Parliament. Both Mr. Albert Kalonji and Mr. Moise Tshombe, who was released from confinement by the Leopoldville authorities on 22 June 1961, promised to cooperate. Mr. Tshombe even signed a protocol calling for the reconvening of Parliament, but he changed his position after he returned to Elisabethville.

Parliament re-opened on 22 July with more than 200 -- out of a total of 221 -- members attending. Most of them were brought to Leopoldville with the assistance of ONUC. On 2 August 1961, Mr. Cyrille Adoula, at the request of President Kasa-Vubu, constituted a government of national unity, which was unanimously approved by both Chambers.

Remaining obstacles

With the approval of the national unity government, the constitutional crisis was ended. In response to a letter from Prime Minister Adoula, the Secretary-General confirmed that the United Nations would deal with his Government as the Central Government of the Republic and that whatever aid and support the United Nations was in a position to give to the Congo would be rendered to his Government. However, there still remained two obstacles to the achievement of full national unity.

One obstacle to full national unity relates to the secessionist activities of Mr. Tshombe. Soon after the re-opening of Parliament, Mr. Tshombe somewhat softened his stand and allowed the parliamentarians of his party to participate in the work of Parliament. However, he himself remained in Elisabethville and showed no intention of relinquishing the powers he held in Katanga. When all attempts at negotiations failed, Prime Minister Adoula resorted to sterner action. In order to remove what it believed to be the main obstacle to a peaceful solution of the Katanga question, the Central Government formally ordered the expulsion of mercenaries serving in Katanga and requested ONUC to assist it in carrying out this decision. The efforts made by ONUC to remove the mercenaries from Katanga and the hostilities which broke out when mercenary-led gendarmes attacked United Nations forces are dealt with in the sections on law and order and on mercenaries.

After almost four months of hopeless deadlock, the problem of Katanga seemed to be nearer a solution in December 1961. Following a request made by Mr. Tshombe on 14 December, a meeting was arranged at Kitona, in Leopoldville Province, between him and Prime Minister Adoula with the assistance of the United States Ambassador in the Congo and ONUC. At the conclusion of the Kitona talks, on the night of 20/21 December 1961, Mr. Tshombe signed an eight-point declaration in which he accepted the application of the Loi fondamentale, recognized the authority of the Central Government and pledged himself to ensure respect of the resolutions of the General Assembly and Security Council. Since then, ONUC has been exerting all possible efforts, through persuasion and good offices, to ensure that the provisions of the Kitona Declaration will be fully observed, as an indispensable step toward the solution of the problem of Katanga by peaceful means.

The other obstacle was the equivocal attitude of Mr. Antoine Gizenga. At the time of the re-opening of Parliament, he had remained in Stanleyville and, although he was appointed Vice-Prime Minister in the new government, made no move to proceed to Leopoldville. Mr. Adoula endeavoured to secure his cooperation with the active assistance of other Stanleyville leaders and ONUC. His efforts seemed at first successful. On 7 August 1961, Mr. Gizenga recognized the Adoula Government as the sole legal government of the Republic. Four weeks later he came back to Leopoldville to assume the post of Vice-Prime Minister and accompanied Mr. Adoula in that capacity to a conference of non-aligned nations in Belgrade, Yugoslavia. However, Mr. Gizenga left again for Stanleyville at the beginning of October, ostensibly to collect some personal effects, and refused to return to Leopoldville despite the many appeals from Mr. Adoula. While he was in Stanleyville, he attempted to form a new party, the Pana-Lumumba, and made several statements strongly hostile to the Government.

On 8 January 1962, the Chamber of Representatives adopted a resolution ordering Mr. Gizenga to return without delay to answer charges of secessionism. Mr. Gizenga refused to obey the order and his defiant attitude led to the fighting, on 13 January 1962, between gendarmes supporting him and ANC troops loyal to the Government, which was easily won by the latter. Thereafter, Mr. Gizenga was dismissed from the post of Vice-Prime Minister following a motion of censure by the Chamber of Representatives.

The Stanleyville incident considerably increased the authority of the Central Government, which is now in control of all regions of the Congo, except South Katanga.

(d) Problem of Katanga

Movement toward Secession

The Congo, which became independent on 30 June 1960 and was recommended for membership in the United Nations on 7 July, was a well-defined entity consisting of six provinces. For three-quarters of a century it had been governed as a unit, the provinces being regarded as mere administrative divisions. When the political future of the Congo was discussed at the Brussels round-table conference at the beginning of 1960, all Congolese leaders agreed that "the Congo within its present frontiers shall constitute an independent State, the inhabitants of which ... possess one and the same nationality". The Loi fondamentale which took into account the varying views expressed by Congolese leaders at the round-table conference of January-February 1960, kept the Congo a united country while permitting a measure of decentralization.

With the approach of independence, however, and with the intensification of political activity, there was a resurgence of demands for provincial autonomy or even independence. This development was especially marked in some sections of Katanga, the province which, with 12.1/2 per cent. of the Congo's population, contributed 50 per cent. of its total revenue. A reluctance to continue to share its wealth was not unrelated to advocacy of secession for Katanga.

At the same time, political differences gradually widened on the national scene between Mr. Patrice Lumumba, the main proponent of unitarism, and Mr. Moïse Tshombe, the Katanga leader who advocated a loosening of ties between the Congo's provinces. These differences were paralleled elsewhere in the Congo; several parties found a government based on the Lumumba-Kasavubu alliance not to their liking, and turned to separatist policies. The trend gathered strength owing to the fact that, with one or two exceptions, Congolese political parties have strong tribal and territorial associations.

At this point various foreign interests began to enter the picture, providing financial and political support to secessionist movements. As Belgian relations with Prime Minister Lumumba deteriorated, there was an increasing tendency among Belgians to support groups in the Congo which sought to escape Central Government control. With Belgian financial and political support Mr. Tshombe was accordingly in a position to proclaim the independence of Katanga on 11 July 1960.

But Mr. Tshombe's own position in the province was anything but secure. In the May 1960 elections to the provincial Assembly, his party, the Conakat, won 25 seats out of 60 as compared to 23 seats for the rival Cartel Katangais. The latter group, which is dominated by the Balubakat party, felt aggrieved because, in its opinion, the distribution of seats did not tally with the popular vote. Mr. Tshombe was able to form a provincial government only with the support of independent and co-opted members, and after a last-minute revision by the Belgian Parliament of the Loi fondamentale had reduced the quorum for meetings of the Assembly from two-thirds to one-half.

Foreign support was vital in helping Mr. Tshombe to assert his control over Katanga itself, as well as to make good his secession. He welcomed the occupation of Katanga by Belgian troops - which remained there until the beginning of September 1960. He was also assisted by Belgian military personnel in the task of turning the Katanga gendarmerie into an effective military force. When under the pressure of ONUC Belgian troops withdrew from the province, Belgian officers in command of the gendarmerie remained; they were instrumental in helping Tshombe carry out his subsequent secessionist policies.

Secession and the ONUC mandate

Along with the breakdown of law and order and foreign armed intervention, the secession of Katanga was thus one of the main problems which confronted the Congo when, in its hour of need, it appealed to the United Nations for help.

In its appeal to the United Nations, the Congo Government specifically requested military assistance to end the secession of Katanga, but the Security Council resolution of 14 July 1960 contained no mention of this point. On 22 July, the Council recognized that it had dealt with the Republic as a unit, and asked all States to refrain from any action which might undermine the territorial integrity and political independence of the Congo. In August, the Council called for the immediate withdrawal of Belgian troops from Katanga; it also made it clear, however, that the United Nations was not to take sides in Congolese internal conflicts, constitutional or otherwise; nor was the Organization to be used to influence the outcome of any such conflict.

Thus the United Nations position was clear from the beginning. It recognized and supported the unity and territorial integrity of the Congo and was opposed to secession. The United Nations obviously could not go into a country at the invitation of its government, and there support or accept an effort of one area to break away from that country.

But the problem was especially acute because Mr. Tshombe, in proclaiming the independence of Katanga, was not acting alone. The move was made with the unconcealed help of Belgian advisers, and was backed by Belgian troops. Thus, outside intervention became inextricably linked with the secession of Katanga from the very outset, and so it has remained. Since it had been brought about in great part through foreign support the secession of Katanga, which led directly to action by the Central Government, would have led inevitably to counter-action by other states. This posed a threat to international peace and security in the immediate area of the Congo and in Africa as a whole which was made more dangerous by the evident interest of certain groups in the riches of Katanga.

Faced with this complex situation, the Secretary-General drew a clear distinction between what the United Nations could do in accordance with the Security Council resolutions, and what it could not do, and on this issue Prime Minister Lumumba chose to break with him. Mr. Lumumba argued that the United Nations had been asked by his Government, and had agreed, to help maintain law and order throughout the Congo; from this he inferred that the United Nations was to help put down the lawless rebellion of the Katangese authorities.

The Secretary-General's position was that, while the United Nations Operation originated from a request by the Congo Government, the purpose of the United Nations intervention as determined by the Security Council was not to achieve the domestic aims of the Government but to preserve international peace and security. The United Nations Force therefore could not, under the Security Council decision, be used on behalf of the Central Government to subdue or to force the provincial government to a specific line of action in regard to an internal political controversy. Nor would ONUC transport Central Government civilian or military personnel into Katanga against the wishes of the provincial authorities, or protect such personnel

there beyond what followed from its general duty to maintain law and order. Conversely, ONUC, according to Mr. Hammarskjold's interpretation, had no right to prevent Central Government action in relation to Katanga, if such action was taken by its own means, or similar action by Katanga, provided it was not carried out by foreign troops or resources.

While freely using persuasion to bring about reconciliation on the basis of unity, ONUC accordingly refused to intervene directly to put down the secession; its mandate did not allow it to exercise military initiatives for this or any other purpose. ONUC refused to help the Central Government under Mr. Lumumba to subdue Mr. Tshombe, and its stand has not changed to this day.

What the United Nations can do and has sought to do is to encourage efforts at reconciliation and eliminate foreign interference which has been instrumental in bringing about the secession of Katanga and which has helped it to endure. The withdrawal of Belgian troops from the Congo, including Katanga, was brought about by ONUC within the first six weeks of its operation. But after the departure of the Belgian troops, foreign interference took more subtle forms and the secessionist regime, which had been set up following the Belgian military intervention, was strengthened by the introduction of foreign political advisers, military and para-military personnel and mercenaries, and the import of arms, ammunition and military equipment. To cope with this aspect of the problem, the Security Council strengthened the ONUC mandate in February 1961 and again in November by authorizing it to eliminate those foreign personnel, by force if necessary, and to prevent further introduction of such elements as well as of arms and military equipment.

Consolidation of secession in Katanga

As explained in previous sections, the internal situation rapidly deteriorated throughout the Congo in the course of August 1960. and this deterioration led to the constitutional crisis which broke out in Leopoldville on 5 September. During this crisis, the secessionist regime of Mr. Tshombe was able to consolidate its hold over South Katanga, with active foreign assistance. While Belgian officers, supplemented by an increasing number of foreign mercenaries, continued to strengthen the gendarmerie, Mr. Tshombe imported large quantities of arms and war materiel,

including aircraft, from abroad. With his improved armed forces, he launched a merciless extermination campaign against the Baluba and other political and tribal enemies. Helping to maintain law and order in Katanga and protecting large parts of the Katangese population against the brutal lawlessness of the gendarmerie accordingly became one of the principal aspects of the ONUC effort, along with the removal of the foreign political advisers, military and para-military personnel and mercenaries.

In carrying out its functions in Katanga, ONUC continually found itself opposed by certain foreign financial interests which in effect control the economy of the province. These interests, centred about the vast industrial and mining complex of the Union Minière du Haut-Katanga, with headquarters in Brussels, Belgium, had apparently committed themselves to Mr. Tshombe's secessionist policies. The Union Minière supported Mr. Tshombe in four principal ways. First, it paid nearly all of its taxes not to the Central Government, to which they were due, but to the Katangese provincial authorities. Secondly, it shipped its production not by way of the traditional "national" route, but by way of Portuguese Angola; this enabled it to credit hard-currency export duties to the account of the provincial government. Thirdly, the Congo's part of Union Minière stock was withheld from the Central Government and was kept in Brussels. Fourthly, the firm allowed its industrial facilities in Elisabethville and other places to be used by the mercenary-led gendarmerie for military purposes, including the making of some implements of war. It is estimated, on the basis of recent figures, that the Union Minière and connected companies supplied the major part of Katanga's revenue and thus, in effect, may be said to have furnished the financial basis of the whole secessionist movement - including the high wages of the mercenaries, ample military equipment, and a vigorous propaganda machinery, with branches in some of the most important cities in the world, which spread tendentious and often viciously inaccurate reports directed against the United Nations.

However, despite Mr. Tshombe's efforts and the powerful financial and political support he enjoyed, his separatist movement never gained official international recognition either in Belgium or elsewhere. Moreover, neither Belgium nor any other Government publicly espoused the cause of Katangese secession. In fact, after the establishment of the coalition Government in

Brussels in the spring of 1961, its Foreign Minister, Mr. Paul-Henri Spaak, announced publicly its stand in opposition to the secession of Katanga. This stand did not seem to carry much weight, however, with the supporters of secession abroad, and the foreign elements pressing for secession in Katanga, who had gone far in their efforts to prevent reconciliation based on the Congo's unity.

Mercenaries and other foreign elements

The problem of foreign elements who sought to influence the Congo's destinies in their own interests first came into prominence when these men instigated Katanga's declaration of "independence" in July 1960, and this scourge has beset the Congo ever since.

In the beginning, the bulk of these persons were Belgian professional military and civilian officials (known as "Minaf" personnel) placed at the disposal of the Central Government of the Congo under the treaty of friendship with Belgium, which was signed but never ratified. After the severance of diplomatic relations between the Congo and Belgium, many of these men gathered in Katanga, where they gained prominent positions in the provincial administration and the gendarmerie. From these vantage points they vigorously promoted secession. In effect they waged war on the Congolese Government at whose disposal they had been placed by their Government. Later these Belgians were joined by some elements of other nationalities.

On 21 February 1961 the Security Council urged "the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries". Implicit in this language was the finding that while the Congo was admittedly and direly in need of assistance from outside, and especially of personnel to carry out technical and professional tasks which the Congolese had not hitherto been trained to perform, there were other types of foreign personnel whose actions were incompatible with genuine Congolese independence and unity. In certain parts of the Congo, and especially in Katanga, such personnel had come to play an increasingly harmful role, obstructing the application of United Nations resolutions, and in effect working in their own interest and in the interest of certain financial concerns, to break up the country into a balkanized congeries of politically and economically unviable states.

Immediately after the adoption of the resolution of 21 February, the Secretary-General undertook intensive diplomatic efforts to bring about the withdrawal of the foreign military and political personnel. The Belgian Government took the position that there must be no discrimination against Belgians in engaging non-Congolese technical personnel; as for military personnel and mercenaries, the Belgian Government divided them into several categories. Of these it undertook to recall those whom it considered that it had the legal right to request to return. But it would take no such action in respect of mercenaries, and of Belgian personnel engaged by the Congo Government, arguing that it was up to the Secretary-General to agree with the Congolese authorities on how to deal with them. The Secretary-General expressed the view that the measures indicated by the Belgian Government fell far short of full compliance with the Security Council resolution.

The exchanges with Belgium continued, fairly inconclusively, until the change of government in the spring of 1961, when some progress was made. The new Belgian Government notified 23 of its nationals serving in Katanga as political advisers to return to Belgium. It also acted to prevent the recruitment of mercenaries proper. But the effectiveness of these efforts soon became open to doubt. On 30 October 1961 the Government in Brussels acknowledged that this was the case and took more vigorous steps - including the withdrawal of passports.

Mr. Tshombe, however, would not co-operate with ONUC. He continued to recruit foreign personnel, whose influence in the councils of the provincial government in fact tended to rise sharply. The complexion of the group also changed noticeably as mercenaries replaced the "Minaf" staff. Thus the traditional colonial administrative and military elements were being supplemented through an influx of non-Belgian adventurers and soldiers of fortune, including outlawed elements previously involved in extremist activities in Algeria and elsewhere. Similarly, political advisers active in the provincial government were increasingly committed to extremist, repressive and separatist policies; they drew political sustenance from the substantial non-Congolese community to which Katanga's extractive and processing industries had given rise.

First United Nations action against foreign elements in Katanga

Only after the United Nations had strengthened its position in April 1961 did the Katanga secessionist authorities, acting while Mr. Tshombe was under detention in the West, officially accept the resolution of 21 February. Those authorities drew up lists of persons whom they considered as falling within the terms of the resolution. By the end of June 1961, forty-four Belgian nationals were thus selected for repatriation, and the cases of twenty-two others were under consideration. It was noted, however, that persons clearly not coming under the resolution had been included for political reasons, while others notorious for their activities had been omitted. ONUC representatives continued to press for revision of the lists, and brought home to the provincial authorities their determination to take drastic action, if need be, to comply with the United Nations mandate.

In April 1961, forty-four mercenaries who were members of the "compagnie internationale" were apprehended by the United Nations and evacuated from the Congo. By mid-June an estimated sixty more mercenaries had withdrawn from Katanga, and on 24 June the mercenary unit known as "compagnie internationale" was formally dissolved by the provincial government.

On 7 June 1961, following discussions with the Katanga authorities, the United Nations Force Commander dispatched a military mission to Katanga for the purpose of helping the authorities there to remove non-Congolese elements falling under the resolution. The mission reported that there were 510 foreign officers and non-commissioned officers active in the gendarmerie as against 142 Congolese "cadres". Of the non-Congolese, 208 were the remaining Belgian professional military men. 302 were mercenaries.

But despite the unrelenting efforts of ONUC, the provincial authorities refused to take effective action to remove the foreign elements without whom the secessionist movement might have collapsed. For its part, the Belgian Government said that it was prepared to help in the removal of its professional officers and NCO's who had been serving the Congo and were now in command of the gendarmerie, but it professed itself unable to do anything about the "volunteers" and mercenaries. Persuasion by the Secretary-General, who discussed the matter with Foreign Minister Spaak in Geneva on 12 July 1961, was unavailing in this regard.

Gradually, the United Nations was compelled to shift its ground to more vigorous and direct measures to achieve compliance with the Security Council resolution. Mr. Tshombe's chief military adviser, Major Weber, ^{nationality} was compelled to leave on 18 June 1961; Mr. Thyssens, a prominent political adviser, was apprehended, taken to Leopoldville, and evacuated on 14 July. ONUC warned the Katangese authorities that it was prepared to compel the evacuation of other advisers and officers. Five French officers in politically sensitive gendarmerie posts were dismissed and repatriated, and a joint commission was established to list foreign political advisers, both those in official posts and others acting unofficially, who were to be repatriated.

Events of August and September 1961

The formation of the Adoula Government, enjoying unquestionable and internationally recognized authority, was of crucial importance in enabling the United Nations to proceed with the elimination of foreign elements. Before the formation of a legal Government, the United Nations' efforts had been restricted by the requirement of avoiding political interference, or support of one Congolese faction against another. Now the United Nations was able to do more effectively what the eleven-month-long constitutional crisis had impeded it from doing - that is, help the Government in removing the foreign elements which had furnished the backbone, and provided the teeth, of the attempt to sever, in their own interests, the Congo's richest province from the rest of the country.

It was not the United Nations' intention - any more than it had been in the summer of 1960 - to proceed against any Congolese elements, Katangese or otherwise. Nor would the United Nations seek to conquer or subdue Katanga on behalf of the Central Government; its action was to be directed primarily at the removal of non-Congolese elements, in accordance with the Security Council resolution of 21 February 1961.

For weeks, ONUC representatives urged Mr. Tshombe to co-operate in removing nefarious foreign elements, but to little avail. In the meantime, the Central Government issued its Ordinance of 24 August 1961, which called for the expulsion from the Congo of the foreign officers and mercenaries who stood behind the secession policy, and requested ONUC assistance in carrying out the decision.

On 28 August, ONUC proceeded to round up the mercenaries for deportation. In the face of inflammatory rumours about an invasion by the ANC which had been disseminated by Mr. Godefroid Munongo, the provincial Minister of the Interior, certain security precautions were taken by ONUC in Elisabethville, including surveillance over Radio-Katanga, gendarmerie headquarters, and some other key points. Inflammatory broadcasts were thus prevented, and appeals for calm were put on the air. The precautions lasted for only a few hours. On this occasion Mr. Tshombe, who had been fully informed of the goals of ONUC's action, expressed his readiness to co-operate. He broadcast a statement to the effect that the Katangese authorities accepted the decisions of the United Nations, and that the services of the foreign military personnel were being terminated by his government.

At that point, ONUC representatives met with the Elisabethville Consular Corps, which was presided over by the Belgian "Consul". The latter offered to assume the responsibility, together with two senior Belgian officers formerly in the gendarmerie, for the orderly repatriation of the foreign personnel, most of whom were Belgians. ONUC immediately accepted this arrangement, and suspended its own rounding-up operation, but three sets of ominous developments soon marred the picture.

In the first place, it developed that the foreign military men being made available for repatriation were in the main the "Minaf" personnel whose withdrawal had been earlier agreed to by the Belgian Government; there were also a few persons of other nationalities. By 9 September 1961, 273 had been evacuated and 65 were awaiting repatriation. But, while some of the volunteers and mercenaries proper had left, many others - about 104 of whom were known to be in Katanga - were "missing". They were reinfiltrating into the gendarmerie, distributing arms to groups of soldiers over whom they could assert control, and getting ready for violent resistance.

In the second place, the political police (Sûreté) under Mr. Munongo and largely directed by foreign officers, launched a campaign of assaults and persecution against anti-Tshombe Baluba tribesmen in Elisabethville. An effort was made to convince the world that ONUC's actions were causing disorder. The terrorized Baluba streamed out of the city and sought safety by camping

in primitive conditions near ONUC troop quarters. ONUC arranged protection for the encampment, into which 35,000 Baluba had crowded by 9 September, creating a serious food and health problem, as well as continuing danger of tribal violence.

In the third place, the foreign elements - including some French persons from Algeria and local settlers who had volunteered for the purpose - contrived terroristic actions against ONUC personnel. Led by a group of extremists in the Sûreté, they were reported planning to blow up ONUC headquarters in Elisabethville. On 11 September 1961, they arrested the deputy ONUC representative.

When ONUC realized that the Katangese authorities had no intention of fulfilling their promises, it pressed its demand for the evacuation of foreign personnel in the Sûreté and of the remaining mercenaries by 9 September. The Katangese, however, led by Mr. Tshombe, had manifestly fallen back under the domination of the foreign elements, and had let themselves be persuaded to launch violent action against ONUC. ONUC's plans for a solution of the difficulties in Elisabethville were rejected, and when on 13 September 1961 security precautions similar to the ones of 28 August were applied, the United Nations troops were violently attacked by gendarmes led and instigated by non-Congolese personnel.

In the morning of 13 September, Mr. Tshombe requested a cease-fire, on the understanding that the United Nations troops would be enabled to continue their mission. ONUC representatives agreed and repeatedly sought to meet the provincial president to secure a cessation of hostilities. However, Mr. Tshombe and some of his lieutenants were prevented by their foreign military advisers, or allowed themselves to be prevented, from appearing at scheduled meetings with ONUC representatives.

In the meantime, the attacks on the United Nations troops continued, causing casualties. From the building housing the Belgian consulate, where a number of Belgian officers were known to be located, sustained firing at the United Nations troops went on. The United Nations base at Kamina was attacked, as were the United Nations garrison and installations at Albertville. Reluctantly, United Nations troops had to return the fire. All over Elisabethville and elsewhere in Katanga, the foreign officers who had gone

into hiding came out into the open to lead operations against the ONUC "blue helmets".

It is noteworthy that hostilities occurred only where such foreign elements led or forced Congolese soldiers into them. Despite the apprehensions repeatedly expressed by Belgian officials, there were no difficulties whatever between ONUC troops and those Katangese units whose foreign officers and mercenary cadres had been duly withdrawn. Where this was the case, ONUC and Katangese soldiers usually fraternized, and maintained order. Similarly, ONUC troops remained on friendly terms with Katangese civilian Africans.

The situation became serious because efforts to reinforce the United Nations troops were frustrated by the depredations of a Fouga Magister jet fighter, piloted by a non-Congolese mercenary, which quickly managed to immobilize ONUC's unarmed air transport craft. The Fouga jet also played havoc with the ground movements of ONUC, which had deliberately refrained from securing offensive weapons such as fighter planes or tanks as incompatible with its mission as a peace force. This jet, among other things, prevented action to remove a gendarmerie roadblock between Elisabethville and Jadotville in order to relieve an Irish ONUC detachment ambushed and besieged in Jadotville. The Irish detachment, ironically, had been sent there at the request of the consular representatives in Elisabethville, who appealed for immediate protection of the European community at Jadotville. When the Irish detachment arrived there for that purpose, some members of that community helped in the attack which the gendarmerie promptly mounted against the detachment. At both Kamina and Albertville, where they were not faced with such treachery, ONUC forces were able to stand their ground successfully.

Tragic flight of the Secretary-General; the cease-fire

In the meantime, the Secretary-General had arrived in Leopoldville at Prime Minister Adoula's invitation to discuss future prospects of the United Nations operation in what was hoped would be a new setting created by the completion of the principal tasks assigned by the Security Council and General Assembly. Confronted instead with a ruthless attack on the United Nations Force by foreign elements, Mr. Hammarskjold threw himself into the task of securing a cessation of hostilities, achieving reconciliation among Congolese and fulfilling the United Nations mission peacefully. In pursuit of peace, he flew to Ndola, Northern Rhodesia, to meet Mr. Tshombe, and on this flight

on 17 September 1961 he lost his life. So did seven other United Nations staff members.^{1/}

The Secretary-General's mission was immediately taken up by the Officer-in-Charge of ONUC, Dr. Sture Linner, and his colleagues. Mr. Mahmoud Khiary flew to Ndola and, on behalf of the United Nations forces, signed a military cease-fire agreement on 20 September. This provided, among other things, for the establishment of joint commissions, exchange of prisoners, and for the prohibition of troop movements. It was understood as an express condition that the agreement would not affect the application of the Security Council and General Assembly resolutions, including, of course, the continued removal of mercenaries. On this understanding it was approved by United Nations Headquarters.

A protocol for carrying out the provisions of the cease-fire, including such matters as prisoner exchange and the fixing of troop positions, was signed on 13 October 1961 at Elisabethville. While the protocol allowed firing back in case of attack, it prohibited Katangese and ONUC troop movements. In approving this protocol, United Nations headquarters stressed its military nature, re-emphasized United Nations support of the unity, integrity and independence of the Congo and, as indicated earlier, insisted on continued enforcement of the Security Council resolution which called for the evacuation of mercenaries.

Although the prisoners were in fact exchanged and certain positions held by ONUC in Elisabethville throughout the fighting were duly released, Mr. Tshombe's regime was soon flouting the provisions of the cease-fire. In Leopoldville, his emissaries made it clear that nothing less than independence along the lines of the Tananarive decisions would be acceptable to the Elisabethville authorities. Meanwhile, the remaining Katanga mercenaries were

^{1/} Mr. H.A. Wieschhoff, Director of the Department of Political and Security Council Affairs; Mr. Vladimir Fabry, Special Counsellor to the Officer-in-Charge of ONUC; Mr. William Ranallo, Personal Aide to the Secretary-General; Miss Alice Lalande, Secretary to the Officer-in-Charge; Sgt. Harold M. Julien, Acting Chief Security Officer; Sgt. Serge L. Barrau, Security Officer, and Sgt. Francis Eivers, Investigator.

leading the gendarmerie in a long series of violations of the cease-fire agreement, going so far as to launch offensive air action along the Kasai-Katanga frontier. This was sternly protested by the United Nations, which warned that Katangese aircraft involved - all of them piloted by mercenaries - would be brought down. While strictly abiding by the cease-fire in Katanga, ONUC had taken steps to prevent the recurrence of the September situation when it found itself powerless to stop the attacks of Katanga's Fouga Magister jet fighter. Three member States - Ethiopia, India and Sweden - had contributed jet fighter squadrons to the United Nations Force to strengthen its defensive capacity.

At the same time, however, the Force ground strength was being whittled away. In August, the Tunisian contingent had been withdrawn in connexion with events at Bizerte; the Ghana contingent subsequently withdrew, and certain other ONUC units were reduced. Not unaware of these developments, Mr. Tshombe and the foreign elements supporting him were determined to turn secession into an accomplished fact. ONUC-sponsored talks between the Central Government and Katanga were obviously subjected to stalling tactics. At least 237 persons, chiefly mercenaries, falling under the Security Council resolution remained in Katanga, many of whom donned civilian garb.

Despairing of a peaceful solution, the Central Government attempted to deal with Katanga's secession independently, by the use of force, in late October 1961. ANC strength was built up on the border of North Katanga in preparation for entry into that region. At the beginning of November, a detachment from the Leopoldville Grouping entered North Katanga in the Kaniama area, but was immediately repelled by Katanga gendarmes. Later, ANC units from the Stanleyville Grouping succeeded in reaching Albertville, Nyunzu, Kongolo and other towns of North Katanga. To facilitate this move, the Government had requested ONUC assistance for the transport of its troops. The request was turned down because, as it had been from the beginning, it remained against ONUC principles to become a party to an internal conflict.

Events of December 1961

In the latter part of November 1961, the Security Council was convened once again to examine the situation in the Congo. By its resolution of 24 November 1961, the Council opposed the secessionist activities in Katanga and authorized the Secretary-General to use force to complete the removal of

mercenaries. After the adoption of the resolution, Mr. Moise Tshombe launched an inflammatory propaganda campaign against ONUC which soon degenerated into instigation to violence. The results were not long in coming. On 28 November 1961, two senior United Nations officials in Elisabethville were abducted and badly beaten; later an Indian soldier was murdered and an Indian major abducted. On the following day, several members of the United Nations Force were abducted, and others were killed or wounded. Roadblocks were established by the gendarmerie, impeding ONUC's freedom of movement and endangering its lifelines. It subsequently became known that this was part of a deliberate plan to cut off the United Nations troops in Elisabethville, and either force them to surrender or otherwise destroy them. For one week United Nations officials sought to settle the crisis by peaceful negotiations. But when it became evident that, in the face of the bad faith displayed by Katangese authorities, no negotiations were possible, that, while pretending to negotiate, these Katangese authorities were preparing for more assaults, and that they had a plan the purpose of which was its very destruction, ONUC finally decided to take action to regain and assure its freedom of movement and to restore law and order.

Because this defensive action was forced upon it, ONUC had few troops in Elisabethville when the fighting broke out on 5 December 1961. Until 14 December, ONUC forces endeavoured to hold their positions and to maintain communications between them while reinforcements were hurriedly flown in from other parts of the Congo. On 15 December, having received enough reinforcements, ONUC troops moved to seize control of those positions in Elisabethville necessary to ensure their freedom of movement. In so doing, they worked their way around the perimeter of the city, in order to keep destruction and civilian casualties to the strict minimum. This objective was achieved within three days.

During the fighting, ONUC troops limited their attacks strictly to military objectives and so did the ONUC aircraft which were sent into action only when absolutely necessary. Some civilian installations were, unfortunately, hit accidentally by misguided fire but they were very few. Strict orders were given to ONUC troops to safeguard to all extent possible the lives and properties of the civilian population. Throughout the operation they exercised a remarkable measure of self-restraint, which was all the more noteworthy in view of the comportment of many non-Congolese

civilians which made their task extremely arduous. Time and again ONUC units found themselves subjected to murderous fire from civilian installations and by persons in civilian dress. A flagrant instance of misuse of important civilian installations was the firing directed against United Nations troops from the plants of the Union Minière du Haut-Katanga, where many weapons were subsequently found. Vehicles with Red Cross markings were frequently used as cover by mercenaries and their civilian volunteer allies.

Since the outset of the hostilities, United Nations military and civilian officers did their best, in co-operation with the Red Cross, to relieve the distress caused to innocent civilians. Persons caught in areas where firing had been initiated by the gendarmerie were escorted to safety, at the risk of the ONUC personnel's lives; food supplies were provided where needed; special arrangements for the evacuation of women and children were made by ONUC. Notwithstanding the shortage of troops, ONUC employed a whole battalion to guard the Baluba refugee camp, where more than 40,000 anti-Tshombe Baluba lived under United Nations protection. ONUC troops, on the one hand, prevented them from raiding the city and, on the other, protected them from the gendarmes who launched several attacks on the camp.

On 19 December 1961, having ensured the positions necessary for its security, ONUC ordered its troops to hold fire unless fired upon. The same day, Mr. Tshombe left Elisabethville to confer with Prime Minister Cyrille Adoula in Kitona, the United Nations military base in the Leopoldville Province. After that, major fighting between ONUC and Katanga forces ceased. ONUC immediately turned its effort to the re-establishment of normal conditions in Elisabethville. It co-operated closely with the local police to stop looting, to rid private houses of squatters and, in general, to restore and maintain law and order.

Kitona Declaration and its implementation

The Kitona meeting was arranged with the assistance of ONUC and the United States Ambassador in the Congo following a request made by Mr. Loise Tshombe on 14 December 1961 when the fighting in Elisabethville was in full swing. After meeting Prime Minister Adoula all day long on 20 December, Mr. Tshombe signed early in the morning of 21 December an eight-point Declaration. In this Declaration, he accepted the application of the Loi fondamentale, recognized the authority of the Central Government in

Leopoldville and agreed to a number of steps aiming at ending the secession of Katanga. He also pledged himself to ensure respect for the resolutions of the Security Council and General Assembly and to facilitate their implementation.

Since the Kitona talks, ONUC has been exerting all possible efforts, through persuasion and good offices, to ensure that the provisions of the Kitona Declaration will be fully carried out, as an indispensable step toward the solution of the Katanga problem by peaceful means. But its efforts have been greatly hampered by the changing attitude of Mr. Tshombe, who constantly shifted from lukewarm co-operation to calculated opposition and vice-versa.

In accordance with the provisions of the Kitona Declaration, Mr. Tshombe sent the Conakat parliamentarians to Leopoldville to participate in the session of Parliament. Three Katangese officials were also dispatched to the capital to participate in discussions for the modification of the constitutional structure of the Congo. In both cases, ONUC ensured the safety of the Katangese representatives during their journey to and from Leopoldville and their stay there.

But while making those concessions, Mr. Tshombe stated that he had no authority to decide on the future of Katanga and summoned the Provincial Assembly to meet in Elisabethville for the purpose of discussing the Kitona Declaration.

In this connexion, Mr. Tshombe requested the temporary assistance of a United Nations legal expert. After consulting Prime Minister Adoula and securing his agreement, the United Nations promptly acceded to Mr. Tshombe's request and placed at his disposal the United Nations Legal Counsel.

During the session of the Provincial Assembly, Mr. Tshombe made before it two statements strongly criticizing the Central Government and ONUC. However, on 15 February, the Assembly decided to accept the Declaration of Kitona as a basis for discussions with the Central Government.

Following this action, Prime Minister Adoula invited Mr. Tshombe to meet with him in Leopoldville to discuss the procedure for carrying out the provisions of the Declaration. But Mr. Tshombe was reluctant to go to Leopoldville and suggested that the meeting take place at the United Nations military base of Kamina. ONUC exerted its best effort to persuade Mr. Tshombe

to accept Mr. Adoula's invitation and gave him a full guarantee of his safety, throughout his journey to and from Leopoldville and of his freedom to leave the capital at a time of his choice, should he decide to go there. At the time of writing this paper, Mr. Tshombe has not yet directly replied to Mr. Adoula's invitation.

While endeavouring to persuade the Katangese authorities to co-operate with the Central Government, ONUC pressed for the urgent and complete elimination of mercenaries from Katanga. After a series of discussions with ONUC officials in January 1962, Mr. Tshombe indicated the Provincial Government's intention to liquidate the problem of mercenaries once and for all, and firmly committed his Government to that course. In order to ensure the elimination of mercenaries, joint commissions composed of ONUC and Katangese representatives were established on the proposal of ONUC at the beginning of February. ONUC also insisted that in accordance with the principle that it was to enjoy absolute freedom of movement, its troops should have free entry to Jadotville, Kolwezi and other places in Katanga. But this request was so far opposed by Mr. Tshombe who, to support his stand, arranged for the "customary grand chiefs of Katanga" to meet in Jadotville. At the conclusion of their meeting on 18 February, these chiefs adopted a resolution opposing the entry of United Nations troops into the places indicated.

In the meantime, the situation in North Katanga underwent a change. For reasons yet undetermined, the ANC troops withdrew from Kongolo, which was immediately reoccupied by Katanga gendarmes. There were no clashes between them, but the reoccupation of Kongolo by Katangese forces understandably worried the Central Government, which decided to reinforce its garrison in Albertville. Shortly after it had learned the entry of Katanga gendarmes into Kongolo, ONUC sent a plane there to investigate the situation. It is exerting all possible efforts to prevent a deterioration of the situation in North Katanga.

As this paper is written, the Katanga problem seems to be nearing a solution. The Kitona Declaration provides an adequate basis for ending the secession of Katanga. The provincial Assembly has now accepted the Declaration, although conditionally. The next step is a meeting between Prime Minister Adoula and Mr. Tshombe to determine the procedure for carrying out the provisions of the Declaration. ONUC has spared no effort to make such a meeting possible. There are reasons to hope that the meeting will take place in Leopoldville in the near future.

(e) Civilian Operations

When the United Nations went into the Congo, it found the country in the throes of a dire emergency, chiefly caused by the breakdown of law and order. The mass exodus of Belgian technicians and administrators was threatening to paralyze the Republic's entire economy; essential services were in imminent danger of breaking down; unemployment was rising catastrophically in the cities; hunger and disease loomed.

One of the main objectives of the United Nations in the Congo has been to provide the Congolese Government with technical assistance for the smooth operation of all essential services and the continued development of the national economy. But the situation faced by ONUC immediately assumed unprecedented proportions, of a nature different from that of normal United Nations technical assistance operations; these presuppose a reasonably functioning governmental and economic machinery which is prepared to receive and use expert advice, training services, and the aid of a few operational and executive officials for integration in the national civil service.

Faced with this emergency, the Secretary-General mobilized the resources of the United Nations family of organizations under the authority of a chief of civilian operations. A consultative group of experts was set up, consisting of senior officials of the United Nations and the specialized agencies concerned.

The first task was to restore or maintain the operation of minimum essential public services. Engineers, air traffic controllers, meteorologists, radio operators, postal experts, physicians, teachers and other specialists were rushed into the country. An emergency project was carried out to halt the silting of the port of Matadi and restore navigation. In response to the Central Government's appeal, the United Nations agreed, in August 1960, to provide \$5,000,000 to finance essential governmental services as well as essential imports.

In the economic and financial fields, ONUC helped in setting up and managing monetary, foreign exchange and foreign trade controls, without which the country's slender resources might have been drained away and all semblance of a monetary system might have collapsed. In all these fields, as well as in agriculture, labour and public administration, its effort was chiefly designed to improve the ability of the Congolese authorities to discharge their responsibilities toward the population despite the precipitous departure of non-Congolese technicians and administrators. As it soon became obvious

that the needs would continue for some time, the Secretary-General proposed, and the General Assembly in September 1960 approved, the establishment of a United Nations Fund for the Congo, financed by voluntary contributions. Its purpose was to restore the economic life of the country and to carry on its public services as best as possible.

The Assembly's action coincided with the outbreak of the constitutional crisis, as a result of which ONUC could not deal with any authorities, except for President Joseph Kasa-Vubu, on the nation-wide plane, and could not furnish advice at the ministerial level. Since the emergency conditions continued, however, the ONUC effort did not flag, and was carried on in co-operation with such Congolese authorities as exercised de facto control in the provinces or localities where United Nations civilian operations were being undertaken.

Famine conditions, in some areas, and widespread unemployment, led the Secretary-General to institute refugee relief and relief work programmes. The worst conditions developed in South Kasai in the autumn of 1960, where some 200 persons daily were reported dying from starvation as a result of the disruption caused by tribal warfare. For six months, the United Nations shipped and distributed food and medical supplies in the area. While several thousand persons died before the United Nations effort began, the number of lives saved approximates a quarter of a million.

In the meantime, foreign exchange reserves were running short owing to the political and economic situation. Accordingly, in June 1961, an agreement was arrived at between President Kasa-Vubu and the Secretary-General by which the United Nations put funds at the disposal of the Republic for the financing of a programme of essential imports. It was agreed that such assistance must benefit the population of the country as a whole.

Despite the constitutional crisis, United Nations training services continued as a working long-range operation, and were regarded as an investment in the development of human resources so as to fill the huge void caused by the shortage of indigenous operational and executive personnel. Training courses were organized for air traffic controllers, agricultural assistants, farm mechanics, foresters, medical assistants, labour officials, police commissioners, etc. To train Congolese operators and instructors, a Telecommunications Training Centre was set up; to train primary and secondary

school teachers and inspectors, a National Pedagogical Institute was established. Undergraduate medical studies were fostered. A National School of Law and Administration was opened to produce competent civil servants; a technical college was set up to train junior engineers, public works foremen and the like. Fellowships for study abroad were awarded to school directors, medical students, police officers, social workers and others in need of training for whom adequate facilities were not available in the Congo. Furthermore, as already indicated in the section on law and order, a programme has been prepared for the reorganization and retraining of the Congolese National Army.

Since the re-establishment of a constitutional government in the summer of 1961, ONUC civilian operations have been again rendering advisory services to the Government. These services should gain in relative importance as the Congolese authorities find it possible gradually to rely less on the United Nations for operative staff. In any case, be it in the form of medical teams with doctors from more than twenty countries, of school teachers from eleven different countries, in the provision of judges and prosecutors, or in the form of more conventional technical assistance activities, United Nations assistance is now limited by the resources of the Congo Fund. Though originally envisaged to reach a level of \$100 million as a matter of urgency, the Fund had received up to 31 January 1962 only some \$34 million from some fourteen member Governments, and badly needed replenishment.

In 1960 and 1961, ONUC civilian operations have been able to provide about 600 experts and technicians to do the job of departing Belgian personnel, and the thousand-odd ONUC fellowships awarded so far are important seeds of a Congolese professional, technical and administrative force. They have been of unquestionable value in preventing a collapse of organized economic life under uncertain and trying conditions. In 1962, United Nations assistance in the civilian field will continue as funds permit. There is no doubt that this assistance has helped and will help the Congolese in finding their own feet, and put them on the way to full recovery and development as an independent nation.

CONCLUSION

Since its inception, the United Nations Operation in the Congo has had many achievements. It brought about the withdrawal of Belgian troops from the Congo; thanks to it, law and order were maintained throughout this vast country to a large degree although a number of acts of violence could not be prevented; it encouraged and made possible a peaceful solution of the constitutional crisis. Without the United Nations, the Belgian military intervention would have undoubtedly led to dangerous reactions by other governments, including the big Powers; fanned by open foreign intervention, the civil war would have flared up with irresistible intensity; a situation comparable to, or worse than, that of Korea or Spain would have prevailed in the Congo. The United Nations Operation has stopped all that.

Admittedly, the Operation has met with great difficulties. Because one does not talk about a situation when it is normal, much publicity was given to difficulties while achievements passed unnoticed. It should also be pointed out that most of the difficulties which arose during the operation were the legacy of the past, the inevitable consequence of events which had taken place long before the United Nations came to the Congo.

To solve those difficulties, the United Nations had to act within the mandate given to it by the Security Council and the General Assembly and in accordance with the spirit of the United Nations Charter. In particular, it firmly abided by two principles which bind any undertakings of the United Nations as an international organization composed of sovereign States and devoted to peace: non-intervention in the internal affairs of a sovereign country and restraint on the use of force.

It was a cardinal principle of ONUC not to attempt to impose a political solution by the use of force. Whatever difficulties and delays may have been

entailed by such a policy, how much more dangerous it would be if the United Nations used its armed force to meddle in the internal affairs of the sovereign country of the Congo, siding with one party against another and helping Congolese subdue by force other Congolese.

ONUC has also showed noteworthy restraint in the use of force during all phases of the operation. The first directive given the United Nations Force was never to use force except in self-defence. Later, as the crisis dangerously deepened in the country, the Security Council authorized the Secretary-General to use force as a last resort to prevent civil war and to eliminate mercenaries and other foreign personnel not under United Nations command. But even with the enlarged mandate, ONUC has constantly showed the greatest restraint in the use of force. During its operation, ONUC has been attacked many times, but it has never launched an attack itself. Even when under attack, it resorted to force in self-defence only as a last resort when it was absolutely necessary to do so. Such was the case in Elisabethville in December 1961. In this connexion, it may be recalled that certain persons have wondered why ONUC troops have fought Mr. Tshombe's gendarmes in Katanga but not Mr. Gizenga's forces in Stanleyville. The answer is quite simple: ONUC was attacked by the former, not by the latter.

This restraint has sometimes been mistaken for a weakness. In particular, ONUC has been criticized for not having dealt with the ANC more forcefully, and more specifically, for not having disarmed it. Admittedly, it might have been easier to ensure the maintenance of law and order if certain unruly elements of the ANC had been disarmed. But ONUC could not and would not disarm the ANC against the will of the Congo Government, not only because it would have to use force to achieve this purpose, but mainly because its Force came to the Congo as a friend and partner, not as an army of occupation. What ONUC

has sought to do is to assist the Congo Government in re-establishing discipline in the ANC and the re-organizing of its units.

In carrying out its mission, ONUC has resorted to persuasion rather than force, to co-operation rather than coercion. It considers it axiomatic that the solution to the Congo crisis must come from the Congolese themselves. Its action is, therefore, mainly directed at encouraging and facilitating the efforts of Congolese leaders to settle their own problems and to reach a solution of their difficulties in their own way. It does so by persuasion, by good offices, by technical and material assistance, and finally by endeavouring to eliminate all foreign interference that seeks to drive them apart.

It is gratifying to note that the patient efforts of ONUC have begun to bear fruit. The break-through occurred on 2 August 1961 when Parliament was re-opened and a national unity government, led by Prime Minister Cyrille Adoula, was unanimously endorsed by it. Another important step was made on 21 December 1961 when, at the conclusion of the Kitona talks, Mr. Moise Tshombe signed an Eight-point Declaration recognizing the authority of the Central Government.

Admittedly many difficulties still lie ahead on the road to a final solution of the Congo crisis. But it is the hope and indeed the conviction of ONUC that, in a not too distant future, the Congolese will be able to settle their remaining differences and to achieve a satisfactory solution of a crisis that has too long plagued their country. When this has been achieved, the main task of ONUC will have ended.

ANNEX I

Glossary

ONUC	<u>Opération des Nations Unies au Congo</u> (United Nations Operation in the Congo).
ANC	<u>Armée Nationale Congolaise</u> (Congolesé National Army).
Gendarmerie	Unit of the ANC whose main concern is the maintenance of public order. It may be noted that the secessionist army of Katanga is also named "gendarmerie".
Sûreté	State Security police.
Force Publique	Public Force, the title of the Congolesé Army before it was renamed ANC.
Loi fondamentale	Fundamental Law. The Fundamental Law of 19 May 1960 concerning the structure of the Congo. This law, prepared on the basis of the resolutions of the Round Table Conference of January-February 1960 adopted by the Belgian Parliament, is to operate as the constitution for the Republic of the Congo pending the adoption of a definitive constitution by the Congolesé Parliament.
MINAF	Abbreviation for <u>Ministère des Affaires africaines</u> (Ministry for African Affairs) of Belgium.
Union Minière du Haut-Katanga	Mining Union of Upper Katanga. Industrial complex with vast mining and other interests in South Katanga.
Compagnie internationale	International Company. The name of a mercenary unit in Katanga.
MNC	<u>Mouvement National Congolais</u> (Congolesé National Movement). Party formed in October 1958. The party split in two sections in July 1959, one led by Mr. Patrice Lumumba (MNC-L) and the other by Mr. Albert Kalonji (MNC-K).
ABAKO	Abbreviation for <u>Alliance des Bakongo</u> (Alliance of the Bakongo). Party founded in January 1959, led by Mr. Joseph Kasavubu.

PSA Parti Solidaire Africain (African Solidarity Party). Party founded in April 1959, led by Mr. Antoine Gizenga.

PUNA Parti de l'Unité Nationale (National Unity Party). Party founded in March 1960, led by Mr. Jean Bolikango.

CONAKAT Confédération des Associations du Katanga (Confederation of Associations of Katanga). Party founded in July 1959, led by Mr. Moise Tshombe.

BALUBAKAT Association des Baluba du Katanga (Association of the Baluba of Katanga). Party led by Mr. Jason Sentwe. It formed, with two lesser parties in Katanga, the Cartel Katangais.

ANNEX II

Chronology of Main Events

1960

- 23 June Central Government led by Mr. Patrice Lumumba approved by Parliament.
- 24 June Mr. Joseph Kasavubu elected Chief of State.
- 25 June Dr. Ralph J. Bunche arrives in Leopoldville to attend Independence Ceremonies as personal representative of Secretary-General Dag Hammarskjöld.
- 29 June Representatives of Congo and Belgian Government sign treaty of friendship, assistance and co-operation.
- 30 June Belgian Congo proclaimed independent.
- 5 July Mutiny of Force publique begins in Leopoldville, soon spreads to other parts of Congo.
- 7 July Security Council adopts resolution recommending admission of Congo to membership in United Nations.
- 10 July Belgian troops intervene in Elisabethville and Luluabourg.
- 11 July Mr. Moïse Tshombe proclaims independence of Katanga.
Belgian troops attack Matadi.
- 12 July Congo Government appeals to UN for technical and military assistance.
- 14 July Security Council adopts resolution calling upon Belgium to withdraw its troops from Congo and authorizing Secretary-General to provide Congo Government with military assistance. Secretary-General sets up ONUC, appoints Dr. Ralph J. Bunche as Special Representative in Congo, Major-General Carl Carlsson von Horn as Supreme Commander of UN Force and Dr. Sture Linner as Chief of Civilian Operations.

- 15 July First ONUC contingent arrives in Leopoldville.
- 16 July Congo Government decides to sever diplomatic relations with Belgium.
- 17 July Congo Government addresses ultimatum to UN to clear all Belgian troops from the Congo before 19 July midnight. General von Horn arrives in Leopoldville.
- 22 July Security Council adopted resolution asking Belgium to implement speedily its resolution of 14 July 1960 and authorizing Secretary-General to take all necessary action to that effect.
- 23 July Evacuation of Belgian troops from Leopoldville completed.
- 24 July Prime Minister Patrice Lumumba arrives in New York.
- 26 July Secretary-General arrives in Leopoldville.
- 27 July Dr. Ralph J. Bunche and representatives of Congo Government signed basic agreement regarding ONUC.
- 2 August Secretary-General announces plan to send ONUC troops into Katanga on 6 August 1960.
- 4-5 August Dr. Bunche goes to Elisabethville, concludes that in view of unyielding opposition of Mr. Tshombe the entry of ONUC troops into Katanga could be achieved only by use of force.
- 5 August Secretary-General calls off plan for immediate entry of ONUC troops into Katanga, asks urgent meeting of Security Council, leaves for New York.
- 9 August Security Council adopts resolution calling for immediate withdrawal of Belgian troops from Katanga and re-affirming principle of non-interference.
- 10 August Mr. Albert Kalonji announces creation of Mining State in South Kasai.

11 August Secretary-General arrives in Leopoldville.

12 August Secretary-General enters Elisabethville, with two Swedish companies of UN Force.

14-15 August Secretary-General returns to Leopoldville, is accused by Mr. Lumumba of unilateral and erroneous interpretation of Security Council resolutions, asks for meeting of Security Council and leaves for New York.

16 August Congo Government decrees "state of emergency" throughout the Congo.

18 August ANC elements arrest and manhandle 14 Canadian members of UN Force at Ndjili airport.

21-22 August Security Council meets but does not vote on resolution. Secretary-General announces appointment Advisory Committee on Congo, also announces Belgian Government's assurance that all Belgian troops will be withdrawn by 29 August 1960.

24 August Advisory Committee on Congo holds first meeting.

25-31 August Pan-African Conference meets in Leopoldville.

27 August ANC elements arrest and manhandle ONUC personnel in Stanleyville.

29 August ANC troops massacre Baluba population in Bakwanga.

31 August Secretary-General sends protest to Belgian Government regarding continued presence of Belgian military units in Congo after deadline of 29 August 1960.

1 September Dr. Bunche returns to New York, is replaced by Mr. Andrew W. Cordier as Special Representative in Congo until arrival of Mr. Rajeshwar Dayal.

5 September President Kasa-Vubu dismisses Mr. Lumumba as Prime Minister. Shortly thereafter, Mr. Lumumba announces he is dismissing Mr. Kasa-Vubu as Chief of State.

5-6 September ONUC closes all major airports in Congo and Leopoldville Radio Station.

7 September Chamber of Representatives rescinds decisions of Mr. Kasa-Vubu and Mr. Lumumba dismissing each other and appointed Parliamentary conciliation commission.

8 September Mr. Cordier leaves for New York, is replaced by Mr. Rajeshwar Dayal as Special Representative in Congo. Senate opposes Mr. Kasa-Vubu's decision to dismiss Mr. Lumumba.

12-13 September ONUC re-opens airports and Leopoldville Radio Station.

13 September Chambers of Parliament meet in joint session and confer full powers on Mr. Lumumba.

14 September Colonel Mobutu decides to "neutralize" existing central institutions.

14-17 September Security Council meets, fails to agree on representation of Congo, fails to adopt a resolution, calls Emergency Special Session of General Assembly.

17-20 September General Assembly holds fourth Emergency Special Session, adopts resolution 1474 (ES-IV) of 20 September 1960 requesting Secretary-General to continue to assist Congo Government in maintenance of law and order, appealing to Congolese leaders to seek a speedy solution of the internal conflict, asking the Advisory Committee on the Congo to appoint a conciliation commission and calling upon all

States to refrain from providing unilateral assistance for military purposes to the Congo.

20 September General Assembly begins fifteenth regular session, decides to admit Congo to membership in UN.

14 October Mr. Antoine Gizenga arrives in Stanleyville.

5 November Conciliation Commission for Congo appointed by Advisory Committee.

8 November President Kasa-Vubu addresses General Assembly and asks for seating of his delegation.

Irish soldiers of UN Force ambushed in North Katanga.

21 November ANC troops attack Ghana Embassy in Leopoldville and clash with Tunisian soldiers of UN Force guarding the Embassy.

22 November General Assembly decides to seat Congo delegation appointed by President Kasa-Vubu.

27 November Mr. Lumumba flees from his Leopoldville residence.

29-30 November Nigerian unit of UN Force ambushed by tribesmen in North Katanga.

2 December Mr. Lumumba arrested near Port Francqui, brought back to Leopoldville and then transferred to Thysville.

7-15 December Security Council meets, but adopts no resolutions.

12 December Mr. Gizenga proclaims Stanleyville as Headquarters of Central Government and provisional capital of Republic.

15-16 December ONUC Austrian medical team arrested by ANC.

16-20 December General Assembly discusses Congo problem but adopts no resolutions.

19 December Bureau of Conciliation Commission for Congo arrives in Leopoldville.

20 December Secretary-General appoints Lieutenant General Sean MacEoin to replace Major General von Horn as Supreme Commander of United Nations Force in the Congo.

22 December Katanga authorities issue separate currency.

27 December Stanleyville ANC forces take over Kivu, arrest provincial president Jean Miruho.

1961

1 January Col. Mobutu's ANC troops flown to Usumbura (Ruanda-Urundi) attempt unsuccessful invasion of Kivu.

2 January President Kasa-Vubu announces convening of round table conference of Congolese leaders on 25 January.

3 January -
20 February Conciliation Commission for Congo visits Congo.

8-9 January Stanleyville ANC troops invade North Katanga. Government of "Province of Lualaba" set up in Manono.

13 January ANC elements mutiny in Thysville.

17 January Mr. Lumumba and two companions, Mr. Joseph Okito and Mr. Maurice Mpolo, transferred secretly from Thysville to Katanga.

25 January "Preliminary round table conference" opens in Leopoldville.

30 January Katanga aircraft bomb Manono.

9 February President Kasa-Vubu dissolves College of Commissioners and appoints provisional government headed by Mr. Joseph Ileo.

10 February Katanga authorities announce "escape" of Mr. Lumumba and his two companions.

11-12 February Katanga gendarmes begin military operation in North Katanga.

13 February Katanga authorities announce that Mr. Lumumba and his two companions have been murdered by tribesmen in an undisclosed place.

21 February Security Council adopts resolution authorizing Secretary-General to use force to prevent civil war and urging withdrawal of mercenaries, re-opening of Parliament and re-organization of Congolese armed forces.

28 February Mr. Ileo, Mr. Tshombe and Mr. Kalouji sign military and political agreement in Elisabethville.

4-5 March United Nations and ANC troops clash in Matadi.

6-11 March "Summit meeting" held at Tananarive, Malagasy Republic.

10 March Mr. Dayal leaves Leopoldville for New York; Mr. Mekki Abbas takes over as Acting Special Representative of the Secretary-General in the Congo.

30-31 March Katanga gendarmes enter Manono.

7 April UN Force stops fighting between Katanga gendarmes and Baluba warriors in North Katanga.

15 April General Assembly adopts three resolutions on Congo. Resolution 1599 (XV) calls for withdrawal of mercenaries and other foreign personnel; resolution 1600 (XV) urges re-opening of Parliament and establishing second Conciliation Commission; resolution 1601 (XV) establishes Investigation Commission on death of Mr. Lumumba and his companions.

17 April Agreement concluded by representatives of Secretary-General and President Kasa-Vubu for implementation of Security Council resolution of 21 February 1961.

24 April -
28 May Conference of Congolese leaders meets in Coquilhatville.

26 April Mr. Tshombe arrested by Leopoldville authorities in Coquilhatville.

27-28 April UN garrison in Port Francqui overwhelmed and massacred by ANC troops.

12 May President Kasa-Vubu calls for Parliament meeting.

19 May Mr. Mekki Abbas leaves Leopoldville.

25 May Mr. Dayal resigns as Special Representative. Mr. Sture Linner appointed Officer in Charge of ONUC.

22-24 June Mr. Tshombe released, signs protocol calling for re-opening of Parliament.

22 July Parliament re-opens at Lovanium University near Leopoldville.

2 August National Unity Government headed by Prime Minister Cyrille Adoula unanimously approved by Parliament.

24 August Central Government issues ordinance for expulsion of mercenaries from Katanga and requests ONUC assistance to that effect.

28 August ONUC moves to round up mercenaries in Elisabethville.
Second Conciliation Commission holds first meeting in New York.

1 September Mr. Mahmoud Khiary appointed Chief of Civilian Operations.

3 September Mr. Gizenga returns to Leopoldville to assume post of Vice-Prime Minister. On same day, he leaves with Prime Minister Adoula for Belgrade to attend Conference of Non-aligned Nations.

13 September ONUC resumes operation of rounding up mercenaries, is attacked by Katanga gendarmes led by mercenaries.
Secretary-General arrives in Leopoldville at invitation of Central Government.

17 September Secretary-General flies to Ndola, Northern Rhodesia, for
cease-fire talks with Mr. Tshombe, dies in plane crash
near Ndola.

20 September Mr. Mahmoud Khiary concludes provisional cease-fire agreement
with Mr. Tshombe in Ndola.

4 October Mr. Gizenga returns to Stanleyville ostensibly to settle
personal affairs.

13 October Mr. Mahmoud Khiary and Mr. Tshombe sign protocol for
implementation of cease-fire agreement.

26 October General Assembly sets up Investigation Commission on death
of Mr. Hammarskjold.

31 October ANC elements from Leopoldville Grouping attempt unsuccessful
invasion of Katanga in Kaniama area.

1-2 November ANC elements from Leopoldville Grouping assault Belgian
civilians in Luluabourg.

3 November U Thant elected Acting Secretary-General.

11 November ANC troops from Stanleyville Grouping massacre 13 Italian
airmen of UN Force in Kindu.
Report of Lumbwa Investigation Commission issued.

13 November Congo Government issues ordinance regarding imprisonment
of mercenaries.

13-14 November ANC troops from Stanleyville Grouping, who have entered
Albertville, commit looting.

24 November Security Council adopts resolution denouncing secessionist
activities and authorizing use of force for elimination of
mercenaries.

25 November -
5 December Katanga authorities launch series of attacks against ONUC.

27 November Acting Secretary-General and Mr. Justin Bomboko sign status
agreement regarding ONUC.

5-19 December Fighting between UN troops and Katanga gendarmes in Elisabethville.

19 December UN troops in Elisabethville ordered to hold fire unless fired upon.

20-22 December Prime Minister Adoula and Mr. Tshombe hold talks at Kitona, at the conclusion of which Mr. Tshombe signs Eight-point Declaration recognizing authority of Central Government.

27 December Belgian Embassy in Leopoldville re-opened.

29 December Parliament lifts parliamentary immunity of Mr. Albert Kalonji.

1962

1 January European missionaries and African civilians massacred in Kongolo by ANC troops from Stanleyville Grouping.

8 January Chamber of Representatives enjoins Mr. Gizenga to return to Leopoldville to answer charges of secessionist activities.

13 January Pro-Gizenga gendarmes overpowered by pro-Government ANC troops after clash in Stanleyville.

15 January Mr. Gizenga dismissed as Vice-Prime Minister.

20 January Mr. Gizenga brought back to Leopoldville in ONUC plane.

2-8 February Prime Minister visits New York, addresses General Assembly, has talks with Secretary-General and delegations.

10 February Mr. Robert Gardiner replaces Mr. Linner as Officer-in-Charge of ONUC.

11 February Chamber of Representatives approves Government's action regarding Mr. Gizenga.

15 February Katanga Provincial Assembly adopts resolution accepting Declaration of Kitona as basis for discussions with Central Government.

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1 March 1962

THE UNITED NATIONS AND THE CONGO

(July 1960 - February 1962)

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FOREWORD BY THE ACTING SECRETARY-GENERAL

The United Nations Operation in the Congo is undoubtedly the biggest and most challenging task ever undertaken by the international Organization. Since the beginning of the Operation, on 14 July 1960, the United Nations has had to face an immense and unusually complex set of problems. My predecessor, the late Dag Hammarskjöld, and, since 3 November, myself have endeavoured to find solutions to these problems in pursuance of the mandate given by the Security Council and the General Assembly and in the spirit of the Charter.

The Secretary-General and his representatives in the Congo have frequently reported to the Security Council and the General Assembly on the various phases of the Operation. They have also made statements relating to important developments in the Congo, as occasion has required. These reports and statements set forth the official position of the United Nations on the main problems concerning the Congo; but they are voluminous and, like most official source materials, afford somewhat formal and even reading for anyone who does not have to read about the United Nations in the Congo.

At this stage of the Operation, there seems to be a special need to provide the reading public in general with accurate, though not exhaustive, information on its nature, the problems faced by the United Nations in the Congo and the actions taken by it. This account seeks to meet that need.

U THANT

BEGINNING OF THE OPERATION

On 12 July 1960, the Government of the Republic of the Congo (Leopoldville) addressed to the Secretary-General, Mr. Dag Hammarskjöld, an urgent appeal for United Nations military assistance to protect the national territory of the Congo against the external aggression perpetrated against it, which it considered as a threat to international peace. More specifically, it requested the despatch of United Nations troops to the Congo to ensure the withdrawal of Belgian troops, which had intervened in its territory without its consent, and to end the secession of Katanga which, it said, had resulted from a conspiracy between "Belgian imperialists" and a small group of Katanga leaders. The Government also requested United Nations technical assistance for the re-organization of the army and the administrative machinery of government.

The Secretary-General, who considered the Belgian intervention to be a source of tension which, if not removed, could endanger the maintenance of international peace and security, immediately brought this request to the attention of the Security Council. The Council met on 13 and 14 July 1960. By its resolution of 14 July 1960, it called upon the Government of Belgium to withdraw its troops from the Congo and authorized the Secretary-General to take the necessary steps, in consultation with the Government of the Congo, to provide the latter with such military and technical assistance as might be necessary until its national security forces were able fully to meet their tasks.

The appeal to the United Nations was the culmination of a series of events which have their cause and origin in the failure of the former Belgian colonial administration to prepare the Congolese adequately for the independence which was granted to them on 30 June 1960. Under that administration a policy of paternalism was consistently practised. While the Congolese enjoyed a standard of living higher than that of most other African countries, the Belgian authorities did not promote their political advancement. The education of the African population was oriented to produce

at best clerks, skilled workers and sergeants rather than managers, engineers and officers. Not until 1957 were political activities tolerated in the territory. Arrangements for independence were made only at the beginning of 1960, at a round table conference in which Congolese leaders participated. The first legislative elections ever held in the Congo took place in May 1960; Parliament met for the first time on 17 June and the first Central Government was established on 23 June, merely a week before independence.

A consequence of this policy was that when the Congolese were given independence they were ill-prepared for it. There were at that time only seventeen Congolese university graduates, not a single doctor or engineer. There were few political leaders with any experience and none with truly national experience, and there were no experienced African administrators.

In order to keep the administrative machinery and technical services running after independence, the Belgian Government put at the disposal of the Congolese Government, under the treaty of friendship, assistance and cooperation - signed by the two Governments but never ratified by their Parliaments - more than 10,000 Belgian administrators, technicians and army officers. Much hope was placed in the Force Publique, well-trained and armed and entirely officered by Belgians, which in the past had carried out its task of maintaining public order with great, if harsh, efficiency.

On 5 July 1960, five days after the Congo attained independence, certain elements of the Force Publique in Leopoldville, dissatisfied over the failure of the authorities to Africanize their cadres, mutinied. The mutiny soon spread to Thysville, Elisabethville, Luluabourg and elsewhere in the Congo. Some of the mutineers went on the rampage during which they manhandled Belgians in general and in some cases committed rape. These disturbances led to a mass exodus of the Belgian population, including almost all the administrators and technicians put at the disposal of the Congolese Government under the friendship treaty. Their departure entailed a nearly complete breakdown of the essential services and the stopping of economic activities in many parts of the country.

When the disturbances broke out, the Belgian Government sought to impress upon Prime Minister Patrice Lumumba the need to invoke the Belgo-Congolese friendship treaty and to request the intervention of the Belgian

troops stationed in the military bases of Kamina and Kitona under that treaty to maintain law and order. This Mr. Lumumba adamantly refused to do, contending that his Government was able to restore law and order without outside help. In this connexion, Dr. Ralph J. Bunche, who had come to the Congo to attend the independence ceremonies as the representative of the Secretary-General, warned the Belgian Ambassador in Leopoldville of the serious consequences which could follow if the Belgian troops were called out without the Congo Government's consent. He pointed out that the Belgian Government could appeal to the Security Council about the excesses.

But despite Dr. Bunche's warning, the Belgian Government unilaterally decided to intervene. On the morning of 10 July 1960, Belgian troops, following an appeal by the President of the Katanga provincial government, Mr. Moise Tshombe, moved into Elisabethville. Subsequently, other Belgian troops occupied Luluabourg, Leopoldville and other towns in the Congo. On 11 July, one day after the arrival of Belgian troops in Elisabethville, Mr. Tshombe proclaimed the independence of Katanga.

With the national independence and territorial integrity of its country threatened by foreign military intervention and secessionist activities, unable to maintain law and order and to ensure the operation of its essential services, the Congo Government turned to the United Nations.

OBJECTIVES OF THE OPERATION

The United Nations Operation in the Congo - also known as ONUC, from the initials of the French title, Opération des Nations Unies au Congo - had initially three objectives:

(a) It sought to remove the threat to international peace and security by bringing about the withdrawal of Belgian troops from the Congo, including Katanga and the Belgian military bases of Kamina and Kitona.

(b) It was to assist the Congo Government in restoring and maintaining law and order; this task included the training and re-organization of the Force Publique, now renamed the Armée nationale congolaise (ANC).

(c) It was to provide technical assistance to the Congo Government to ensure the continued operation of all essential services, to restore and re-organize the administrative machinery of government and to train Congolese to run that machinery.

In order to achieve these objectives, the Secretary-General set up, in addition to the civilian team of technical assistance experts, an international armed force composed of contingents from States other than the great Powers, mainly African. This force, named the United Nations Force in the Congo, was to follow a set of special principles. It was to be placed under the exclusive command of the United Nations and its national contingents were not to take orders from their governments; it was not to be a party to internal conflicts in the country; and it was not to use force except in self-defence. The Force was to be under United Nations command because few governments of sovereign States would contribute troops to the United Nations if their contingents were to be placed under the orders of another government. As to the other two principles, obviously the United Nations could not send its Force into a friendly country to meddle in its internal affairs or to fight against its people. These principles were announced by the Secretary-General before the Security Council adopted its resolution of 14 July 1960 and were therefore tacitly approved by it.

The principles and objectives laid down by the Secretary-General for ONUC were upheld by the Security Council on 22 July, 9 August and again on 21 August 1960 when the question was brought back before it. After the constitutional crisis broke out in Leopoldville on 5 September 1960, ONUC continued to apply the same principles, but a new objective was added to the three already set: It endeavoured to encourage and facilitate the efforts of Congolese leaders to achieve a peaceful solution of the crisis through negotiation and conciliation.

Later, as the internal conflicts dangerously deepened in the course of 1961, the Security Council twice strengthened the mandate of ONUC to enable it better to cope with increasing difficulties. On 21 February 1961, the Council authorized the Secretary-General to use force as a last resort to prevent civil war. On 24 November 1961 - shortly after the death of Dag Hammarskjöld and the election of U Thant as Acting Secretary-General - the Council gave a similar authorization for the elimination of foreign military and para-military personnel and political advisers not under United Nations command, and mercenaries.

DIFFICULTIES CONFRONTING ONUC

In order to realize fully the magnitude of the task confronting ONUC, one must bear in mind the land and people to which that task relates. With an area of 2,344,000 square kilometres (about 900,000 square miles), the Congo is as large as Western Europe or eighty times the size of Belgium, its former ruler. A large part of this vast country, the "bush", is still isolated from the outer world, although its main centres are linked to each other and to the exterior by an intricate system of rail, river and air transport. Its African population, which numbers about 14 million, is composed of a great many tribes having different languages and customs, and tribal animosities among them are still very strong. Besides the Africans, there is a sizable European community which plays an important role in the economic life of the country, but has few affinities with the rest of the population. Many of the Europeans, most of whom are Belgian, do not seem to have fully understood the nature and principles of the United Nations Operation in the Congo.

When the United Nations operation got underway in the Congo soon after the middle of July 1960, it found the country in a state of chaos. The administrative machinery of government and the essential services had in a large measure collapsed. The economic life had almost completely stopped, resulting in widespread unemployment. There was an acute food shortage in many areas, not for lack of food but because the food distribution system had broken down. The Belgian military intervention had raised among the Congolese intense feelings of hatred and fear. As the Government was unable to assume its normal responsibilities, the task of maintaining law and order, ensuring the continued functioning of the essential services and restoring the normal economic activities fell almost entirely upon ONUC.

In order to carry out this immense task, ONUC needed the full co-operation of the Congo Government and it has sought on all occasions to cooperate with it. Unfortunately, its relations with Prime Minister Patrice Lumumba became strained after the first few weeks over a grave conflict

regarding the interpretation of its mandate. The divergent positions of the Secretary-General and Mr. Lumumba regarding secession are dealt with in the section on the problem of Katanga; suffice it to say here that the resulting hostile attitude of Mr. Lumumba greatly hampered ONUC's work.

After the dismissal of Mr. Lumumba by President Joseph Kasavubu, the situation further deteriorated. Different factions engaged in a struggle for power which increased ONUC's burdens and hindered its action. During this struggle for power, ONUC adopted an attitude of strict impartiality. At the same time promoting reconciliation between the various factions became a crucial part of the ONUC effort. But this policy was not understood and was bitterly resented by the de facto authorities of the time.

The difficulties experienced by ONUC have not all come from Congolese sources. Since independence, foreign interference has manifested itself in many forms in the Congo. It has been most active in Katanga, but by no means limited to that province. It certainly constitutes a major obstacle to a peaceful solution to the Congo crisis and has made ONUC's task considerably more difficult.

TASKS CONFRONTING ONUC

Since its inception, ONUC has had to deal with a complex set of problems with no parallel in the history of international operations, and has had to devise new solutions for many of them. For the sake of clarity, these problems and the actions taken to solve them are set forth separately below, although many of them are closely interconnected and often overlapping.

(a) Withdrawal of Belgian troops

The intervention of Belgian troops was the very event which caused the Congo Government to appeal to the United Nations, and the Security Council in its resolution of 14 July 1960 called upon the Belgian Government to withdraw its troops from the Congo. At the time of the resolution, there were about 10,000 Belgian troops in the Congo. Some were in the two military bases of Kamina and Kitona; others were deployed in the country where they occupied a number of main centres. Because of the tension they generated, the presence of Belgian troops was a constant danger not only to Congolese but also to the Belgian population whom it was their very purpose to protect, for while they succeeded in occupying a number of cities, the country at large was outside their control. In this connexion, it may be recalled that there were in fact two series of mutinies of the Force Publique in July 1960. During the first series which took place from 5 to 10 July, unruly elements did commit excesses, but the majority of the troops did not resort to hostile acts against Belgians. The second and incomparably more violent outbreak took place after, and because of the Belgian military intervention of 10 July 1960 and particularly the attack on the port of Matadi.

The objective of ONUC was to achieve the withdrawal of the Belgian troops from the whole of the Congo, without interfering in the internal affairs of the Republic and without using force. Immediately after the adoption of the Security Council resolution of 14 July 1960 and before the arrival of the first contingent of the United Nations Force, the Special Representative of the Secretary-General in the Congo, Dr. Ralph J. Bunche,

entered into negotiations with the Belgian representatives in Leopoldville for the speedy withdrawal of their troops. It was agreed that the Belgian troops would withdraw from the positions they occupied as soon as these positions were taken over by the United Nations Force.

In order to achieve a speedy withdrawal of the Belgian troops, it was necessary to bring in and deploy the United Nations contingents with the least possible delay. The plan was to take over all the positions occupied by the Belgian troops in three stages, first the city of Leopoldville, then the rest of the Congo except Katanga and the two Belgian military bases of Kamina and Kitona, and finally the three remaining areas. The first United Nations detachment, composed of about 70 Tunisian soldiers, arrived in Leopoldville on the evening of 15 July 1960 and was joined by others in the following days. There were about 3,500 United Nations troops in the Congo on 18 July, 11,000 on 6 August and 16,000 at the beginning of September 1960.

A few hours after the arrival of the first contingent of the Force on the evening of 15 July 1960, United Nations soldiers replaced Belgian troops in the central part of the city of Leopoldville. On the following two days, as more United Nations troops arrived, they took control of the remaining parts of the city and began relieving Belgian troops in the main centres of Bas-Congo. Although this speed could be achieved only at the cost of strenuous efforts, the Congo Government did not consider it fast enough. On 17 July 1960 Mr. Patrice Lumumba and Mr. Joseph Kasa-Vubu addressed an ultimatum to the United Nations whereby, if the Belgian troops were not completely withdrawn within 48 hours, they would appeal to the Soviet Union. The Secretary-General brought the matter before the Security Council which, by its resolution of 22 July 1960, commended the action taken by the Secretary-General and called upon Belgium to speed up the withdrawal of its troops.

The original plan was therefore continued without change. As soon as new United Nations contingents arrived, they were deployed in the positions occupied by Belgian troops. Thus, they brought about the complete withdrawal of the Belgian troops from Leopoldville and the surrounding area on 23 July 1960, and from the whole of the Congo except Katanga and the two bases by the beginning of August 1960.

The next step was the entry of United Nations troops into Katanga. On this question the Secretary-General ran into a grave conflict with the Congo Government. Mr. Lumumba wanted ONUC to help his Government to put down the secession of Katanga by force. This ONUC could not do for under its mandate it could not be a party to, or in any way intervene in, or be used to influence the outcome of any conflict in the Congo. Another difficulty encountered by the Secretary-General was the resistance of the Katangese secessionist authorities and the Belgian Government. The Katangese authorities strongly opposed the entry of United Nations troops and, allegedly because of this opposition, the Belgian Government was reluctant to withdraw its troops from Katanga.

On 4 August 1960, the Secretary-General, who had arrived in Leopoldville a few days earlier, sent Dr. Bunche to Elisabethville to make arrangements with the Belgian representatives there for the entry of United Nations troops into Katanga which, if no difficulties arose, would take place on 6 August. But in the face of unqualified and unyielding opposition of the Katangese secessionist authorities, Dr. Bunche concluded that the entry of United Nations troops could not be achieved without using force. The Secretary-General therefore decided to postpone the original plan and brought the matter before the Security Council. By its resolution of 9 August 1960, the Security Council confirmed the authority conferred upon the Secretary-General by its previous resolutions and called upon Belgium immediately to withdraw its troops from Katanga. At the same time, the Council reaffirmed that the United Nations Force would not in any way intervene in any internal conflict in the Congo.

After the adoption of the resolution, the Secretary-General returned to the Congo and, on 12 August, personally led the first United Nations unit into Katanga. But Mr. Lumumba strongly criticized the manner in which the Secretary-General had implemented the Security Council resolutions and refused henceforth to cooperate with him. In view of Mr. Lumumba's violent reaction, the Secretary-General once again referred the matter to the Security Council. The Council met on 21 August 1960, but did not vote on any resolution. During the discussion, the Secretary-General indicated that in the absence of any new directive, he would consider his interpretation of the ONUC mandate

as upheld. He also made known his intention to appoint an Advisory Committee composed of member States having contributed troops to the United Nations Force to advise him on future policy on the Congo.

The entry of United Nations troops into Katanga on 12 August 1960 set off a process of withdrawal of the Belgian troops from Katanga and the bases, which was completed by the beginning of September 1960. Thus, despite difficult circumstances, ONUC brought about the withdrawal of Belgian troops from the whole of the Congo within six weeks and, by so doing, removed one of the main sources of tension in the country at that time.

(b) Maintenance of law and order

First achievements and difficulties

The maintenance of law and order undoubtedly has been the heaviest of all the tasks falling upon ONUC. In order to carry out that task, the Secretary-General set up a United Nations Force which at its peak strength numbered about 20,000. But even at its peak strength the United Nations Force was hardly sufficient when its responsibilities had to encompass as vast a land as the Congo.

At their arrival in the Congo, United Nations soldiers were told in official instructions that they were members of a peace force, not a fighting force, that they had been asked to come in response to an appeal from the Congo Government, that their task was to help in restoring order and calm in a troubled country and that they should give protection against acts of violence to all the people, Africans and Europeans alike. They were also told that, while they carried arms, they were to use them only in self-defence and that they were in the Congo to help everyone and to harm no one. These instructions spelled out one principle under which the Force must function: restraint in the use of force. Another principle was that the Force should never be used to intervene in the internal conflicts in the Congo.

Because the United Nations came to the Congo to assist the Congo Government in maintaining law and order, it did not seek to act as a

government. What it sought to do was to assist the Congolese authorities to perform their normal duties; for instance, by undertaking joint patrols with the local police for the maintenance of law and order in a given area. When, however, this was not possible on account of the breakdown of the security forces, the United Nations Force alone had to perform the normal security duties in the place of Congolese authorities, but in so doing it always sought the consent and cooperation of the Congo Government. Such was the case in Leopoldville during the first stage of the operation, when United Nations soldiers performed police duties on the main arteries of the city and ensured the protection of its essential services.

Following these procedures, the Force restored law and order, protected life and property, and ensured the continued operation of essential services wherever it went. In many areas it brought under control unruly ANC elements, many of whom laid down their arms voluntarily or at the request of their Government. Thus the Force carried out its task of maintenance of law and order with success in the initial phase of the Operation.

Unfortunately, the task of the Force became more difficult after mid-August 1960. The relations between Prime Minister Patrice Lumumba and the Secretary-General, Mr. Dag Hammarskjold, deteriorated over the question of Katanga, and, after the entry of the United Nations troops into that province, the Prime Minister withheld the cooperation which he had hitherto given ONUC. Moreover, as the inevitable consequence of the unpreparedness of the Congolese leaders for the responsibilities of independence, the internal situation began in August rapidly to worsen.

Tribal rivalries, which had plagued the country before independence, flared up in Kasai between Baluba and Lulus with added intensity. Persecuted by Lulus without the effective intervention of the Government, the Baluba of the Luluabourg area fled en masse to their tribal lands in the Bakwanga region, where their leader, Mr. Albert Kalonji, proclaimed the secession of South Kasai. In Equateur and Leopoldville provinces, there was increasing opposition to the Government. To put down opposition and secessionist movements, Mr. Lumumba resorted to extreme action. Some opposition leaders were arrested and beaten, and anti-Government newspapers were suspended. At the end of August, ANC troops were sent to South Kasai, where they behaved in the most cruel manner and killed many civilians, including women and children. Other ANC

troops were being massed near the northern border of Katanga in preparation for the invasion of the province. To make possible these military moves, Mr. Lumumba sought and obtained direct assistance outside United Nations channels.

During those days, the ANC, which the Government was using to achieve its political objectives, but which it did not always seem to be able to control, was a constant danger to the civilian population. Even ONUC personnel were not always immune from its brutal assaults. There were, in particular, two serious incidents in which ONUC personnel were the victims of brutal and unprovoked assaults by ANC elements. One of these incidents took place at the Ndjili airport on 18 August 1960 and the other in Stanleyville on 27 August.

Without the cooperation of the Congo Government which it had come to assist, ONUC faced a frustrating situation. Its action was further hampered when the Government itself resorted to actions which tended to endanger law and order, or restrict human rights. Whenever this happened, ONUC endeavoured to induce and persuade Congolese authorities to change their course of action and, to the extent possible, took measures to ensure the protection of the threatened persons. But it refused to use force to subdue Congolese authorities, or the ANC under their orders. Even when its own personnel were attacked, ONUC intervened only to prevent further excesses and to urge the Congo Government to take disciplinary action against the culprits.

The policy of restraint of ONUC was not always understood. This, for example, was reflected in certain remarks made in August 1960 by Major-General H.T. Alexander, then Chief of Defence Staff of Ghana. The General viewed the restraint on the use of force as a weakness. He considered that the problem of maintenance of law and order could be solved only by disarming the ANC, and he proposed that the United Nations should do so even against the Congo Government.

This stand was firmly rejected by ONUC. Dr. Bunche, then Special Representative of the Secretary-General in the Congo, pointed out that the only basis the Force had for operating in the Congo was the Security Council resolution of 14 July 1960 in which, acting upon the request of the Congo

Government, the Council had decided to provide that Government with such military assistance as might be necessary until its national security forces were fully able to meet their tasks. In the light of this resolution, the United Nations policy in the Congo had been one of seeking to cooperate with the Government; it had neither sought to replace the Government nor to make it captive. The United Nations Force was in the Congo as a friend and partner, not as an army of occupation, and had studiously avoided any suggestion of replacing in any way the former colonial administration. Obviously, Dr. Bunche added, if the Force began to use its arms to wound and kill Congolese, its doom would be quickly sealed, for it could not long survive amidst a hostile public.

Measures taken during the constitutional crisis

On 5 September 1960, the situation in the Congo was suddenly changed as a consequence of President Joseph Kasavubu's decision to dismiss Mr. Patrice Lumumba. The dismissal of Mr. Lumumba set off a grave constitutional crisis which was ended only eleven months later. During that period, there was no legal government in the country and, after a confused struggle for power, the country found itself, in effect, divided into four camps, each ruled by a de facto regime based more on its armed forces than on popular support.

The difficulties of ONUC were naturally increased by this state of affairs. There was now no government with which it could deal. Its policy in the field of maintenance of law and order was to cooperate with the authorities actually in control of the area wherever necessary. In so doing, it carefully avoided any interference in the political struggle under way and endeavoured to observe the strictest impartiality towards the various contending parties. As before, ONUC would use persuasion rather than coercion to achieve its objectives, and its troops were ordered not to use force except in self-defence.

Immediately after the dismissal of Mr. Lumumba, ONUC took two emergency measures. These measures were taken in view of the explosive tension among the population generated by the conflict between the two most powerful Congolese leaders, Mr. Kasavubu and Mr. Lumumba, which might well have led

to an imminent breakdown of law and order throughout the country and to an extension of the civil war already under way in South Kasai. ONUC decided on the night of 5 to 6 September 1960 to close all major airports. The following day, in view of the dangerous effect of inflammatory speeches on an already disturbed populace and after a number of violent demonstrations had taken place in the city, ONUC temporarily closed down the Leopoldville radio station. These measures were lifted on 12 and 13 September 1960 as soon as the tension had subsided below the explosive level. Thanks to them there were no major clashes during those ominous days.

In response to frantic appeals for protection from political and other leaders of all sides in Leopoldville, ONUC also agreed to protect the threatened leaders, and in so doing it endeavoured to show absolute impartiality. ONUC guards were stationed around the residences of Mr. Kasa-Vubu and Mr. Lumumba. Protection was also given the other leaders, though not to the same extent. Indeed, all political and military leaders of consequence were given a measure of protection by ONUC and not a few probably owe their lives to it.

In the following months, the continued efforts of ONUC led to a number of important achievements. In South Kasai, ONUC helped in arranging a cease-fire between ANC troops and the secessionist army of Mr. Kalonji and in establishing a neutral zone placed under ONUC control. It also persuaded the ANC command to withdraw its troops from the northern border of Katanga. When these troops, which moved without any logistical support, engaged in looting and pillage along the routes they followed, ONUC transport planes were brought into use to airlift them to their destination. In North Katanga, where violent fighting broke out between pro-Tshombe gendarmes and the anti-Tshombe Baluba population, ONUC put an end to the fighting by setting up, in agreement with both parties, neutral zones under its protection. Elsewhere endless efforts were exerted to prevent violence, uphold law or protect life. Protected areas were set up at various times and places, where threatened persons, Africans and Europeans alike, could repair for safety. Neutral zones were established to stop tribal warfare. During this period of unrest, Europeans, many of whom were scattered settlers in remote areas, were often threatened by hostile local authorities or population. Whenever possible ONUC took measures to rescue and protect them and, if they so desired, to evacuate them to safer areas.

In carrying out its mission of peace, the United Nations Force suffered many casualties. On 8 November 1960 a patrol of eleven Irish soldiers was ambushed and eight of them killed in North Katanga. Another incident occurred on 24 November when ANC troops attacked the Ghana Embassy in Leopoldville. The Tunisian unit which guarded the Embassy incurred several casualties, including one dead.

Here again, when the authorities in power indulged in actions which endangered peace and order, or violated human rights, ONUC could not always prevent these actions but sought to redress the situation by the use of persuasion or good offices. Thus ONUC could not prevent a number of political arrests made by the various local regimes. At the time, these regimes endeavoured to strengthen their armed forces by importing arms and military equipment from abroad. While ONUC did its best to stop such imports, its forces were insufficient to control all points of entry, and, therefore, could not prevent quantities of arms and equipment from being smuggled into different parts of the country.

One of the most delicate problems confronting ONUC during the constitutional crisis related to the fate of Mr. Patrice Lumumba. It was this question which so strained the relations between ONUC and the Kasa-Vubu-Mobutu regime that cooperation between them became almost impossible. After the military coup of 14 September 1960, the de facto regime of Leopoldville, supported by President Kasa-Vubu, attempted repeatedly to arrest Mr. Lumumba, but was prevented from doing so by ONUC. The position of ONUC was dictated mainly by its concern to maintain law and order, for it well knew that Mr. Lumumba's arrest would dangerously deepen the current crisis and make any reconciliation so much more difficult. ONUC also held the view that even though dismissed as Prime Minister, Mr. Lumumba was still a deputy of the National Assembly and therefore was under parliamentary immunity which only Parliament could lift. Its troops, therefore, vigilantly guarded Mr. Lumumba's residence and, so long as he remained there, he was in safety.

However, it became impossible to protect him when he voluntarily left his residence on the night of 27 to 28 November 1960, in an apparent attempt to get to Stanleyville, his political stronghold. Before he could do so, he was arrested by ANC soldiers near Port-Francqui and brought back to Leopold-

ville. Once Mr. Lumumba was arrested, ONUC had neither the strength nor the right to liberate him from his captors, but it exerted all possible pressure to ensure him legal and humane treatment. Upon learning of the arrest, the Secretary-General sent two successive messages to Mr. Kasa-Vubu, expressing his concern over the event and stressing the importance of giving the prisoner all the guarantees provided by law. Similarly repeated representations were later made to Mr. Kasa-Vubu by Mr. Rajeshwar Dayal, the Special Representative of the Secretary-General in the Congo. ONUC could not do more without exceeding the mandate given it by the Security Council.

However, nothing was done to give Mr. Lumumba a trial. He remained detained in Thysville until 17 January, when he and two other political prisoners, Mr. Joseph Okito and Mr. Maurice Mpolo, were transferred secretly to Katanga. This move brought strong protests from both the Secretary-General and the Conciliation Commission for the Congo which was then in the territory. In particular, the Secretary-General took immediate action to urge the authorities concerned to return Mr. Lumumba to Leopoldville Province and to apply the normal legal rules. But no remedial action was taken, and four weeks later, the shocking news came from Katanga that the three prisoners had been murdered. The circumstances of their death were later investigated by a United Nations commission, which accepted as substantially true the evidence indicating that the prisoners had been killed as early as 17 January 1961 and probably in the presence of high officials of the Katanga provincial government.

Security Council resolution of 21 February 1961

The news of the murder of Mr. Lumumba brought the crisis to its most dangerous point. It was followed by a series of reprisals and counter-reprisals by pro-Lumumba and anti-Lumumba leaders, including summary executions of political prisoners. The civil war, already under way in North Katanga, threatened to spread into other regions. In the shadow of this threat, the Security Council met again on 15 February 1961. After a long and tense debate, the Council adopted, on 21 February, a resolution by which it authorized ONUC to use force, as a last resort, to prevent civil war in the Congo. It also urged that the various Congolese armed units be re-organized and brought under discipline and control.

The period immediately following the adoption of the Security Council resolution of 21 February 1961 was a critical one for the United Nations Operation in the Congo. After the death of Mr. Lumumba, several contributing States had withdrawn their national contingents from the United Nations Force, reducing its strength from a maximum of about 20,000 to less than 15,000. Thinly deployed throughout the country, the United Nations Force had great difficulties in coping with its overwhelming tasks. Its difficulties further increased because of the hostile attitude of the authorities of Leopoldville and Elisabethville. These authorities interpreted the new resolution of the Security Council as an attempt to subdue them by force and, in retaliation, ordered a number of harassing measures against ONUC and its personnel. The most serious of these measures was the attack by ANC troops on the United Nations garrison in Matadi on 4 March 1961.

In order to cope with these difficulties and to implement the new resolution of the Security Council, the Secretary-General took urgent action to increase the strength of the United Nations Force. New contributions were obtained from several governments, bringing the total of the United Nations troops to more than 18,000 in April 1961.

In April, the situation began to improve, first because of the increased strength of the Force, and secondly because after patient negotiations, ONUC reached an agreement with President Kasa-Vubu on 17 April 1961 for the implementation of the Security Council resolution.

The limited use of force, as authorized by the Security Council, was resorted to by ONUC at the beginning of April 1961 to stop the civil war which was spreading dangerously in North Katanga. Since mid-March 1961, Katangese gendarmerie led by foreign mercenaries had launched an offensive against the anti-Tshombe forces in North Katanga in a determined effort to crush all opposition there. On 27 March, the United Nations Force Commander warned Mr. Tshombe to stop the offensive, but the warning was unheeded and gendarmes entered Manono three days later and prepared to attack Kabalo. It was at this point that United Nations troops intervened, stopped the gendarmes and established control of the area between Kabalo and Albertville.

At the end of April, a most tragic incident occurred when a United Nations detachment in Port-Francqui was suddenly attacked and overpowered

by ANC troops and 1/4 of its members ruthlessly massacred. It was generally agreed that this brutal assault was mainly an act of madness by undisciplined and unpredictable armed troops. After this incident, the ONUC Command made it a rule not to station small units in isolated areas. ONUC realized that, as a result of this policy, many areas could no longer be covered by its troops, but it considered it had no right to jeopardize the safety of its soldiers.

From the end of April until August 1961, there were fewer incidents. The most important one was the arrest of Mr. Tshombe by the Leopoldville authorities during the Conquillhatville Conference at the end of April. As in the case of other political prisoners, ONUC exerted its efforts, within its mandate, to ensure that he would be treated humanely and be given the guarantees provided by the law. He was released four weeks later unharmed.

During that period, the United Nations Force played a major role in the conciliation efforts between Congolese leaders which resulted in the re-opening of Parliament and the setting up of the national unity Government led by Mr. Adoula. These efforts are set forth in the section on the constitutional crisis, but it should be pointed out here that they could not have succeeded without the protection afforded by the United Nations Force to the leaders of the various groups. This was fully recognized by the House of Representatives of the Republic of the Congo which expressed its appreciation to the Force in a formal resolution.

Incidents after the constitutional crisis

After the investiture of the Adoula Government, on 2 August 1961, the task of ONUC became considerably easier. Once again, it could work with a legally constituted Government and it did so in a spirit of co-operation and mutual confidence. However, law and order was threatened by several grave incidents, all of which broke out because national unity had not yet been fully achieved.

On two occasions, as a result of attacks launched by the mercenary-led Katanga gendarmerie on United Nations troops, fighting broke out between them in Katanga. This fighting is set forth in detail in the section on the problem of Katanga.

Another series of incidents was related to the ANC campaign, late in 1961, to occupy North Katanga. In connexion with this military campaign, which is described in the section on the problem of Katanga, a number of grave incidents were caused by undisciplined ANC elements. At the beginning of November 1961, ANC soldiers of the Leopoldville Grouping assaulted several Belgian women in Luluabourg. On 11 November, ANC soldiers of the Stanleyville Grouping massacred 13 ONUC aircrew members of Italian nationality in Kindu. Two days later, ANC soldiers of the same Grouping, who had just entered Albertville, began to loot houses and threaten civilians there. On 1 January 1962, 22 European missionaries and an undetermined number of Africans were killed in Kongolo by ANC soldiers, also from Stanleyville, in an incident reminiscent of the Kindu massacre.

In the first three cases, as soon as ONUC learned of the incidents, it intervened to restore law and order, and to protect the threatened population. It could not take punitive action which lay clearly with Congolese authorities, but it urged the Congo Government to exert every effort to ensure that those guilty would be quickly found and severely punished. In the case of Kindu, where United Nations personnel were involved, a joint investigation commission was set up by ONUC and the Congo Government to investigate the incident and identify the culprits. As regards the Kongolo incident, the December hostilities in Elisabethville had obliged ONUC to withdraw most of its troops from North Katanga and there were no United Nations troops in or near Kongolo at the time of the incident. ONUC immediately urged the Congo Government to take speedy action to identify and punish the culprits and to prevent the recurrence of like incidents, and offered all possible assistance to achieve those objectives. With the agreement of the Government two officers of the Nigerian contingent later went to Kongolo, investigated the incident and organized the evacuation of the threatened persons from the area.

Finally, an important incident took place in Stanleyville in January 1962. As a result of deteriorating relations between the Congo Government and Mr. Antoine Gizenga, fighting broke out on 13 January between pro-Gizenga gendarmes and ANC troops led by General Victor Lundula, which were now loyal to the Central Government. The fighting, which resulted in 14 deaths, stopped the next morning when the gendarmes surrendered to General Lundula.

During the fighting, ONUC troops were on guard throughout the city to protect the civilian population, but did not have to intervene. After the gendarmes had surrendered, ONUC assisted ANC troops in disarming them at the request of the Central Government.

After the fighting, Mr. Gizenga was censured by the Chamber of Representatives and dismissed from the post of Vice-Prime Minister, and the Central Government ordered a judicial investigation to determine his responsibilities in the incident. Here again, ONUC scrupulously avoided any interference in the internal political struggle, but sought to ensure the observance of the law. The Acting Secretary-General, U Thant, addressed to Prime Minister Adoula a personal appeal in this connexion and was given full assurance that Mr. Gizenga would be granted all practical and legal safeguards for the protection of his interests. Mr. Gizenga was brought to Leopoldville on 20 January 1962 in an ONUC plane, at his request and with the agreement of the Government, and he spent his first two days there at ONUC Headquarters. He left ONUC Headquarters on 22 January voluntarily and after informing ONUC that it was relieved of all responsibilities for his personal protection.

Re-organization of Congolese armed forces

In going over the United Nations Operation in the Congo as regards the maintenance of law and order, one cannot fail to observe that all the grave incidents have been caused by unruly elements of Congolese armed forces, whether they be part of the ANC, the Katanga gendarmerie or the Kalonji forces. From the outset, it has been considered an essential task of ONUC to assist the Congo Government in establishing discipline in armed forces. These armed forces were to be brought under unified command, the unruly elements eliminated and the remaining ones re-organized and re-trained. In order to achieve these objectives, ONUC has offered full support and co-operation to the Congo Government.

Thus, in August 1960, ONUC took the first step toward the re-organization of ANC when the Deputy Commander of the United Nations Force, General Ben Hamou Kettani, was appointed as adviser to the ANC at the request of Prime Minister Patrice Lumumba. Shortly after this appointment, the ANC began to re-form in new units and to engage in the training of its officers and men. But this

programme was interrupted at the end of August because of the Government's plan to invade Kasai and Katanga, and later ONUC was compelled to abandon it altogether because of the political struggle which began in September 1960.

After the setting up of the Adoula Government, in August 1961, ONUC's efforts were resumed. General Mengasha Iyassu, who was appointed to continue General Kettani's work, has prepared a re-organization programme which is designed to be carried out in full cooperation with the Government. It is hoped that with the improving political situation this programme can be successfully completed. ONUC will exert all possible efforts to that end, in order that the national security forces of the Republic of the Congo might be able fully to meet their tasks.

(c) Constitutional Crisis

Dismissal of Mr. Patrice Lumumba and its aftermath

The task of ONUC was made immeasurably more difficult at the beginning of September 1960 by an event not foreseen when its mandate was defined by the Security Council. On 5 September, the Chief of State, Mr. Joseph Kasa-Vubu, invoking the power which, he claimed, was vested in him by the Loi fondamentale, dismissed Mr. Patrice Lumumba as Prime Minister of the Congo. This decision set off a grave constitutional crisis which was to end only 11 months later. During that period there was no generally accepted central government in the country, and its parliament was kept from functioning.

In the days following the dismissal of Mr. Lumumba, utter confusion prevailed in Leopoldville. Mr. Lumumba refused to recognize Mr. Kasa-Vubu's decision and in turn dismissed him as Chief of State. Parliament supported Mr. Lumumba although it refused to endorse his decision to dismiss the Chief of State, but Parliament itself was soon suspended by Mr. Kasa-Vubu. Each contending party sought the support of the army and, whenever it could, ordered the arrest of its opponents. On 14 September 1960, General Joseph Mobutu, then Colonel and Chief of Staff of ANC, imposed by a coup an army-backed regime run by a College of Commissioners and supporting Mr. Kasa-Vubu. But the coup was not fully effective in that Mr. Lumumba and his supporters resisted the Commissioners' authority.

Naturally, the contending parties turned to ONUC for recognition and support. ONUC continued its policy of avoiding intervening or taking sides in the internal conflicts under way. While it recognized the unimpaired status of Mr. Kasa-Vubu as Chief of State, it refused to help him achieve political aims by force and, in particular, to recognize the College of Commissioners supported by him. Without interfering directly, it favoured a speedy return to legality through reconciliation between Congolese leaders and encouraged the efforts being made towards that end. Several moves were made at the time by Parliament leaders and others to reconcile Mr. Kasa-Vubu and Mr. Lumumba. Unfortunately, none of them yielded positive results.

The crisis was examined by the Security Council from 14 to 17 September 1960 and, when it failed to take a decision, by the General Assembly from 17 to 20 September. By its resolution of 20 September 1960, the General Assembly fully supported the position taken by the Secretary-General. In an effort to solve the constitutional crisis, it appealed to all Congolese leaders to seek a speedy solution, by peaceful means, of all their internal conflicts and requested the Advisory Committee on the Congo to appoint a conciliation commission to assist them in that endeavour.

During the meeting of the Security Council two Congolese delegations, one appointed by Mr. Kasa-Vubu and the other by Mr. Lumumba, were sent to New York, but neither could win approval. Two months later, during the fifteenth regular session of the General Assembly, Mr. Kasa-Vubu himself came to New York as the Head of his delegation, which was seated by the General Assembly after a long and bitter debate. The decision of the General Assembly considerably enhanced Mr. Kasa-Vubu's personal prestige, but did not bring an immediate solution to the crisis.

In the meantime, the internal situation rapidly worsened in the Congo. While the College of Commissioners consolidated its position in Leopoldville, Mr. Antoine Gizenga, acting on behalf of Mr. Lumumba, succeeded in establishing a government in Stanleyville which was formally recognized as the legitimate government of the Republic by a number of Member States. With the support of the local ANC troops, led by General Victor Lundula, Mr. Gizenga extended his authority, beyond the Oriental province, to Kivu and the northern part of Katanga. At the same time, the secessionist governments

o Mr. Moise Tshombe and Mr. Albert Kalonji consolidated their hold respectively over South Katanga and South Kasai with the active assistance of certain foreign powers. Thus the Congo was divided into four major rival camps.

Conciliation efforts

ONUC's efforts at that time were mainly directed at two objectives. On the one hand, ONUC endeavoured to prevent the leaders holding the reins of power from using force to subdue their opponents within or outside the zones they controlled. On the other, it encouraged all leaders to seek a solution of their differences through negotiation and conciliation.

Conciliation efforts were also made by the United Nations Conciliation Commission for the Congo, established under the General Assembly resolution of 20 September 1960. This Commission, which was composed of representatives of African and Asian countries having contributed troops to the United Nations Force, visited the Congo at the beginning of the year 1961. After spending seven weeks in the country, the Commission came to the conclusion that, while there was among most leaders a general feeling of weariness and a sincere desire to achieve peaceful solutions to the crisis, a small number of other leaders, among the very persons holding the reins of power, appeared to prefer a military rather than a political and constitutional solution. Because of their uncooperative and intransigent attitude the attempts made by the Commission to reconcile the opposing groups had not led to positive results. The Commission also came to the conclusion that the crisis could be solved only if Parliament was reconvened and a national unity government approved by it and that one of the main obstacles to a speedy solution was foreign interference in the internal affairs of the Congo.

These views were very similar to those expressed by the Secretary-General. They were largely reflected in the decision taken by the Security Council, which met at the end of February 1961, to examine once again the Congo problem. In its resolution of 21 February 1961, the Security Council urged that Parliament be convened and that the necessary measures of protection be taken in that connexion. It also expressed the view that the solution of the Congo problem lay in the hands of the Congolese people themselves without any interference from outside, that there could be no solution without conciliation and that the imposition of any solution, including the formation

of any government not based on genuine conciliation would, far from settling any issue, greatly enhance the dangers of conflict within the Congo and of threat to international peace and security.

After January 1961, a number of steps were taken by various Congolese leaders in an attempt to solve the crisis. On 25 January a preliminary round table conference was sponsored by Mr. Joseph Kasa-Vubu in Leopoldville. It was boycotted by pro-Lumumba and pro-Tshombe leaders, which considerably limited its usefulness. However, at the end of the conference, Mr. Kasa-Vubu decided to replace the College of Commissioners by a provisional government headed by Mr. Joseph Ileo, a decision which was considered by the Conciliation Commission as a step in the right direction.

At the beginning of March 1961, a conference was held in Tananarive, Malagasy Republic, on the proposal of Mr. Moise Tshombe. It was attended by a number of top Congolese leaders, but Mr. Antoine Gizenga, who had first agreed to come, did not show up. The Tananarive Conference proposed that the Congo be turned into a confederation of sovereign States. Under the proposed arrangements, the Central Government would be abolished, and legislative and executive powers vested in the individual States. The Conference also provided for the establishment of new States, but did not determine the criteria to be followed in that connexion. This decision led Congolese leaders, through personal ambition and tribal animosities, to lay claims for the creation of a score of new States. But the influence of the Tananarive Conference was short-lived. Soon thereafter, Mr. Kasa-Vubu and other leaders revised their positions and made it clear that the decisions of Tananarive were mere statements of intentions and, unless approved by Parliament, had no force of law.

Some time later, on 24 April 1961, a more important conference was convened in Coquilhatville, on the proposal of Mr. Kasa-Vubu. Mr. Gizenga again refused to attend. Mr. Tshombe came and sought to re-create the Tananarive situation. When his attempt was opposed by the overwhelming majority of the representatives, he decided to boycott the conference, but as he prepared to fly back to Elisabethville, he was arrested by the Leopoldville authorities. The conference continued nevertheless, and at the conclusion of its work, it recommended a re-organization of the government structure of the Congo on a federal basis. From the outset, it had

been made clear that the decisions of the Conference would have to be endorsed by Parliament, and during the Conference, on 12 May, President Kasa-Vubu announced that Parliament would be re-opened in the near future and requested United Nations assistance and protection for this purpose.

While carefully avoiding interference in the discussions between Congolese leaders, ONUC facilitated those discussions whenever it was requested to do so. Thus it placed a guard at the site of the preliminary round table conference in Leopoldville. It agreed to facilitate Mr. Gizenga's trip to Tananarive when he first accepted to go there. Before the Coquilhatville Conference, Mr. Cléophas Kamitatu went to Stanleyville on an ONUC plane in an effort to bring about a rapprochement between Mr. Gizenga and Mr. Kasa-Vubu.

Re-opening of Parliament

After Mr. Kasa-Vubu announced his intention to reconvene Parliament, ONUC spared no efforts to help achieve this purpose. An essential condition for reconvening Parliament was a rapprochement between leaders of the Leopoldville and Stanleyville groups. To these two groups belonged the great majority of parliamentarians and, if one of them refused to attend Parliament meetings, there would be no quorum. But the memory of Mr. Patrice Lumumba's death and its aftermath was still vivid and leaders of the two groups were divided by deep suspicion and distrust. Through good offices and persuasion, ONUC officials did everything possible to dissipate their mutual suspicion and lay the ground for negotiations between them.

After Mr. Kasa-Vubu called the Parliament session in Leopoldville, Mr. Gizenga condemned his bid as illegal and ordered Parliament to meet in Kamina. Thanks to ONUC's good offices, Mr. Gizenga softened his stand and agreed not to insist on Kamina provided that full protection were given to parliamentarians by ONUC. Later, a meeting between Leopoldville and Stanleyville representatives was arranged in Leopoldville, under ONUC auspices, to consider the modalities of the re-opening of Parliament. The Stanleyville representatives were brought to Leopoldville in an ONUC aircraft and the meeting took place at ONUC Headquarters. After long discussions, an agreement was reached by the representatives of the two groups. At their joint request, ONUC accepted the responsibility for making arrangements for the session of Parliament and ensuring full protection to the parliamentarians.

In accordance with the request made by both delegations, ONUC also sought to persuade Congolese leaders of South Kasai and South Katanga to subscribe to the agreement on the reconvening of Parliament. Both Mr. Albert Kalonji and Mr. Moise Tshombe, who was released from confinement by the Leopoldville authorities on 22 June 1961, promised to cooperate. Mr. Tshombe even signed a protocol calling for the reconvening of Parliament, but he changed his position after he returned to Elisabethville.

Parliament re-opened on 22 July with more than 200 — out of a total of 221 — members attending. Most of them were brought to Leopoldville with the assistance of ONUC. On 2 August 1961, Mr. Cyrille Adoula, at the request of President Kasa-Vubu, constituted a government of national unity, which was unanimously approved by both Chambers.

Remaining obstacles

With the approval of the national unity government, the constitutional crisis was ended. In response to a letter from Prime Minister Adoula, the Secretary-General confirmed that the United Nations would deal with his Government as the Central Government of the Republic and that whatever aid and support the United Nations was in a position to give to the Congo would be rendered to his Government. However, there still remained two obstacles to the achievement of full national unity.

One obstacle to full national unity relates to the secessionist activities of Mr. Tshombe. Soon after the re-opening of Parliament, Mr. Tshombe somewhat softened his stand and allowed the parliamentarians of his party to participate in the work of Parliament. However, he himself remained in Elisabethville and showed no intention of relinquishing the powers he held in Katanga. When all attempts at negotiations failed, Prime Minister Adoula resorted to sterner action. In order to remove what it believed to be the main obstacle to a peaceful solution of the Katanga question, the Central Government formally ordered the expulsion of mercenaries serving in Katanga and requested ONUC to assist it in carrying out this decision. The efforts made by ONUC to remove the mercenaries from Katanga and the hostilities which broke out when mercenary-led gendarmes attacked United Nations forces are dealt with in the sections on law and order and on mercenaries.

After almost four months of hopeless deadlock, the problem of Katanga seemed to be nearer a solution in December 1961. Following a request made by Mr. Tshombe on 14 December, a meeting was arranged at Kitona, in Leopoldville Province, between him and Prime Minister Adoula with the assistance of the United States Ambassador in the Congo and ONUC. At the conclusion of the Kitona talks, on the night of 20/21 December 1961, Mr. Tshombe signed an eight-point declaration in which he accepted the application of the Loi fondamentale, recognized the authority of the Central Government and pledged himself to ensure respect of the resolutions of the General Assembly and Security Council. Since then, ONUC has been exerting all possible efforts, through persuasion and good offices, to ensure that the provisions of the Kitona Declaration will be fully observed, as an indispensable step toward the solution of the problem of Katanga by peaceful means.

The other obstacle was the equivocal attitude of Mr. Antoine Gizenga. At the time of the re-opening of Parliament, he had remained in Stanleyville and, although he was appointed Vice-Prime Minister in the new government, made no move to proceed to Leopoldville. Mr. Adoula endeavoured to secure his cooperation with the active assistance of other Stanleyville leaders and ONUC. His efforts seemed at first successful. On 7 August 1961, Mr. Gizenga recognized the Adoula Government as the sole legal government of the Republic. Four weeks later he came back to Leopoldville to assume the post of Vice-Prime Minister and accompanied Mr. Adoula in that capacity to a conference of non-aligned nations in Belgrade, Yugoslavia. However, Mr. Gizenga left again for Stanleyville at the beginning of October, ostensibly to collect some personal effects, and refused to return to Leopoldville despite the many appeals from Mr. Adoula. While he was in Stanleyville, he attempted to form a new party, the Pana-Lumumba, and made several statements strongly hostile to the Government.

On 8 January 1962, the Chamber of Representatives adopted a resolution ordering Mr. Gizenga to return without delay to answer charges of secessionism. Mr. Gizenga refused to obey the order and his defiant attitude led to the fighting, on 13 January 1962, between gendarmes supporting him and ANC troops loyal to the Government, which was easily won by the latter. Thereafter, Mr. Gizenga was dismissed from the post of Vice-Prime Minister following a motion of censure by the Chamber of Representatives.

The Stanleyville incident considerably increased the authority of the Central Government, which is now in control of all regions of the Congo, except South Katanga.

(d) Problem of Katanga

Movement toward Secession

The Congo, which became independent on 30 June 1960 and was recommended for membership in the United Nations on 7 July, was a well-defined entity consisting of six provinces. For three-quarters of a century it had been governed as a unit, the provinces being regarded as mere administrative divisions. When the political future of the Congo was discussed at the Brussels round-table conference at the beginning of 1960, all Congolese leaders agreed that "the Congo within its present frontiers shall constitute an independent State, the inhabitants of which ... possess one and the same nationality". The Loi fondamentale which took into account the varying views expressed by Congolese leaders at the round-table conference of January-February 1960, kept the Congo a united country while permitting a measure of decentralization.

With the approach of independence, however, and with the intensification of political activity, there was a resurgence of demands for provincial autonomy or even independence. This development was especially marked in some sections of Katanga, the province which, with 12.1/2 per cent. of the Congo's population, contributed 50 per cent. of its total revenue. A reluctance to continue to share its wealth was not unrelated to advocacy of secession for Katanga.

At the same time, political differences gradually widened on the national scene between Mr. Patrice Lumumba, the main proponent of unitarism, and Mr. Moise Tshombe, the Katanga leader who advocated a loosening of ties between the Congo's provinces. These differences were paralleled elsewhere in the Congo; several parties found a government based on the Lumumba-Kasavubu alliance not to their liking, and turned to separatist policies. The trend gathered strength owing to the fact that, with one or two exceptions, Congolese political parties have strong tribal and territorial associations.

At this point various foreign interests began to enter the picture, providing financial and political support to secessionist movements. As Belgian relations with Prime Minister Lumumba deteriorated, there was an increasing tendency among Belgians to support groups in the Congo which sought to escape Central Government control. With Belgian financial and political support Mr. Tshombe was accordingly in a position to proclaim the independence of Katanga on 11 July 1960.

But Mr. Tshombe's own position in the province was anything but secure. In the May 1960 elections to the provincial Assembly, his party, the Conakat, won 25 seats out of 60 as compared to 23 seats for the rival Cartel Katangais. The latter group, which is dominated by the Balubakat party, felt aggrieved because, in its opinion, the distribution of seats did not tally with the popular vote. Mr. Tshombe was able to form a provincial government only with the support of independent and co-opted members, and after a last-minute revision by the Belgian Parliament of the Loi fondamentale had reduced the quorum for meetings of the Assembly from two-thirds to one-half.

Foreign support was vital in helping Mr. Tshombe to assert his control over Katanga itself, as well as to make good his secession. He welcomed the occupation of Katanga by Belgian troops - which remained there until the beginning of September 1960. He was also assisted by Belgian military personnel in the task of turning the Katanga gendarmerie into an effective military force. When under the pressure of ONUC Belgian troops withdrew from the province, Belgian officers in command of the gendarmerie remained; they were instrumental in helping Tshombe carry out his subsequent secessionist policies.

Secession and the ONUC mandate

Along with the breakdown of law and order and foreign armed intervention, the secession of Katanga was thus one of the main problems which confronted the Congo when, in its hour of need, it appealed to the United Nations for help.

In its appeal to the United Nations, the Congo Government specifically requested military assistance to end the secession of Katanga, but the Security Council resolution of 14 July 1960 contained no mention of this point. On 22 July, the Council recognized that it had dealt with the Republic as a unit, and asked all States to refrain from any action which might undermine the territorial integrity and political independence of the Congo. In August, the Council called for the immediate withdrawal of Belgian troops from Katanga; it also made it clear, however, that the United Nations was not to take sides in Congolese internal conflicts, constitutional or otherwise; nor was the Organization to be used to influence the outcome of any such conflict.

Thus the United Nations position was clear from the beginning. It recognized and supported the unity and territorial integrity of the Congo and was opposed to secession. The United Nations obviously could not go into a country at the invitation of its government, and there support or accept an effort of one area to break away from that country.

But the problem was especially acute because Mr. Tshombe, in proclaiming the independence of Katanga, was not acting alone. The move was made with the unconcealed help of Belgian advisers, and was backed by Belgian troops. Thus, outside intervention became inextricably linked with the secession of Katanga from the very outset, and so it has remained. Since it had been brought about in great part through foreign support the secession of Katanga, which led directly to action by the Central Government, would have led inevitably to counter-action by other states. This posed a threat to international peace and security in the immediate area of the Congo and in Africa as a whole which was made more dangerous by the evident interest of certain groups in the riches of Katanga.

Faced with this complex situation, the Secretary-General drew a clear distinction between what the United Nations could do in accordance with the Security Council resolutions, and what it could not do, and on this issue Prime Minister Lumumba chose to break with him. Mr. Lumumba argued that the United Nations had been asked by his Government, and had agreed, to help maintain law and order throughout the Congo; from this he inferred that the United Nations was to help put down the lawless rebellion of the Katangese authorities.

The Secretary-General's position was that, while the United Nations Operation originated from a request by the Congo Government, the purpose of the United Nations intervention as determined by the Security Council was not to achieve the domestic aims of the Government but to preserve international peace and security. The United Nations Force therefore could not, under the Security Council decision, be used on behalf of the Central Government to subdue or to force the provincial government to a specific line of action in regard to an internal political controversy. Nor would ONUC transport Central Government civilian or military personnel into Katanga against the wishes of the provincial authorities, or protect such personnel

there beyond what followed from its general duty to maintain law and order. Conversely, ONUC, according to Mr. Hammarskjold's interpretation, had no right to prevent Central Government action in relation to Katanga, if such action was taken by its own means, or similar action by Katanga, provided it was not carried out by foreign troops or resources.

While freely using persuasion to bring about reconciliation on the basis of unity, ONUC accordingly refused to intervene directly to put down the secession; its mandate did not allow it to exercise military initiatives for this or any other purpose. ONUC refused to help the Central Government under Mr. Lumumba to subdue Mr. Tshombe, and its stand has not changed to this day.

What the United Nations can do and has sought to do is to encourage efforts at reconciliation and eliminate foreign interference which has been instrumental in bringing about the secession of Katanga and which has helped it to endure. The withdrawal of Belgian troops from the Congo, including Katanga, was brought about by ONUC within the first six weeks of its operation. But after the departure of the Belgian troops, foreign interference took more subtle forms and the secessionist regime, which had been set up following the Belgian military intervention, was strengthened by the introduction of foreign political advisers, military and para-military personnel and mercenaries, and the import of arms, ammunition and military equipment. To cope with this aspect of the problem, the Security Council strengthened the ONUC mandate in February 1961 and again in November by authorizing it to eliminate those foreign personnel, by force if necessary, and to prevent further introduction of such elements as well as of arms and military equipment.

Consolidation of secession in Katanga

As explained in previous sections, the internal situation rapidly deteriorated throughout the Congo in the course of August 1960, and this deterioration led to the constitutional crisis which broke out in Leopoldville on 5 September. During this crisis, the secessionist regime of Mr. Tshombe was able to consolidate its hold over South Katanga, with active foreign assistance. While Belgian officers, supplemented by an increasing number of foreign mercenaries, continued to strengthen the gendarmerie, Mr. Tshombe imported large quantities of arms and war materiel,

including aircraft, from abroad. With his improved armed forces, he launched a merciless extermination campaign against the Baluba and other political and tribal enemies. Helping to maintain law and order in Katanga and protecting large parts of the Katangese population against the brutal lawlessness of the gendarmerie accordingly became one of the principal aspects of the ONUC effort, along with the removal of the foreign political advisers, military and para-military personnel and mercenaries.

In carrying out its functions in Katanga, ONUC continually found itself opposed by certain foreign financial interests which in effect control the economy of the province. These interests, centred about the vast industrial and mining complex of the Union Minière du Haut-Katanga, with headquarters in Brussels, Belgium, had apparently committed themselves to Mr. Tshombe's secessionist policies. The Union Minière supported Mr. Tshombe in four principal ways. First, it paid nearly all of its taxes not to the Central Government, to which they were due, but to the Katangese provincial authorities. Secondly, it shipped its production not by way of the traditional "national" route, but by way of Portuguese Angola; this enabled it to credit hard-currency export duties to the account of the provincial government. Thirdly, the Congo's part of Union Minière stock was withheld from the Central Government and was kept in Brussels. Fourthly, the firm allowed its industrial facilities in Elisabethville and other places to be used by the mercenary-led gendarmerie for military purposes, including the making of some implements of war. It is estimated, on the basis of recent figures, that the Union Minière and connected companies supplied the major part of Katanga's revenue and thus, in effect, may be said to have furnished the financial basis of the whole secessionist movement - including the high wages of the mercenaries, ample military equipment, and a vigorous propaganda machinery, with branches in some of the most important cities in the world, which spread tendentious and often viciously inaccurate reports directed against the United Nations.

However, despite Mr. Tshombe's efforts and the powerful financial and political support he enjoyed, his separatist movement never gained official international recognition either in Belgium or elsewhere. Moreover, neither Belgium nor any other Government publicly espoused the cause of Katangese secession. In fact, after the establishment of the coalition Government in

Brussels in the spring of 1961, its Foreign Minister, Mr. Paul-Henri Spaak, announced publicly its stand in opposition to the secession of Katanga. This stand did not seem to carry much weight, however, with the supporters of secession abroad, and the foreign elements pressing for secession in Katanga, who had gone far in their efforts to prevent reconciliation based on the Congo's unity.

Mercenaries and other foreign elements

The problem of foreign elements who sought to influence the Congo's destinies in their own interests first came into prominence when these men instigated Katanga's declaration of "independence" in July 1960, and this scourge has beset the Congo ever since.

In the beginning, the bulk of these persons were Belgian professional military and civilian officials (known as "Minaf" personnel) placed at the disposal of the Central Government of the Congo under the treaty of friendship with Belgium, which was signed but never ratified. After the severance of diplomatic relations between the Congo and Belgium, many of these men gathered in Katanga, where they gained prominent positions in the provincial administration and the gendarmerie. From these vantage points they vigorously promoted secession. In effect they waged war on the Congolese Government at whose disposal they had been placed by their Government. Later these Belgians were joined by some elements of other nationalities.

On 21 February 1961 the Security Council urged "the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries". Implicit in this language was the finding that while the Congo was admittedly and direly in need of assistance from outside, and especially of personnel to carry out technical and professional tasks which the Congolese had not hitherto been trained to perform, there were other types of foreign personnel whose actions were incompatible with genuine Congolese independence and unity. In certain parts of the Congo, and especially in Katanga, such personnel had come to play an increasingly harmful role, obstructing the application of United Nations resolutions, and in effect working in their own interest and in the interest of certain financial concerns, to break up the country into a balkanized congeries of politically and economically unviable states.

Immediately after the adoption of the resolution of 21 February, the Secretary-General undertook intensive diplomatic efforts to bring about the withdrawal of the foreign military and political personnel. The Belgian Government took the position that there must be no discrimination against Belgians in engaging non-Congolese technical personnel; as for military personnel and mercenaries, the Belgian Government divided them into several categories. Of these it undertook to recall those whom it considered that it had the legal right to request to return. But it would take no such action in respect of mercenaries, and of Belgian personnel engaged by the Congo Government, arguing that it was up to the Secretary-General to agree with the Congolese authorities on how to deal with them. The Secretary-General expressed the view that the measures indicated by the Belgian Government fell far short of full compliance with the Security Council resolution.

The exchanges with Belgium continued, fairly inconclusively, until the change of government in the spring of 1961, when some progress was made. The new Belgian Government notified 23 of its nationals serving in Katanga as political advisers to return to Belgium. It also acted to prevent the recruitment of mercenaries proper. But the effectiveness of these efforts soon became open to doubt. On 30 October 1961 the Government in Brussels acknowledged that this was the case and took more vigorous steps - including the withdrawal of passports.

Mr. Tshombe, however, would not co-operate with CNUC. He continued to recruit foreign personnel, whose influence in the councils of the provincial government in fact tended to rise sharply. The complexion of the group also changed noticeably as mercenaries replaced the "Minaf" staff. Thus the traditional colonial administrative and military elements were being supplemented through an influx of non-Belgian adventurers and soldiers of fortune, including outlawed elements previously involved in extremist activities in Algeria and elsewhere. Similarly, political advisers active in the provincial government were increasingly committed to extremist, repressive and separatist policies; they drew political sustenance from the substantial non-Congolese community to which Katanga's extractive and processing industries had given rise.

First United Nations action against foreign elements in Katanga

Only after the United Nations had strengthened its position in April 1961 did the Katanga secessionist authorities, acting while Mr. Tshombe was under detention in the West, officially accept the resolution of 21 February. Those authorities drew up lists of persons whom they considered as falling within the terms of the resolution. By the end of June 1961, forty-four Belgian nationals were thus selected for repatriation, and the cases of twenty-two others were under consideration. It was noted, however, that persons clearly not coming under the resolution had been included for political reasons, while others notorious for their activities had been omitted. ONUC representatives continued to press for revision of the lists, and brought home to the provincial authorities their determination to take drastic action, if need be, to comply with the United Nations mandate.

In April 1961, forty-four mercenaries who were members of the "compagnie internationale" were apprehended by the United Nations and evacuated from the Congo. By mid-June an estimated sixty more mercenaries had withdrawn from Katanga, and on 24 June the mercenary unit known as "compagnie internationale" was formally dissolved by the provincial government.

On 7 June 1961, following discussions with the Katanga authorities, the United Nations Force Commander dispatched a military mission to Katanga for the purpose of helping the authorities there to remove non-Congolese elements falling under the resolution. The mission reported that there were 510 foreign officers and non-commissioned officers active in the gendarmerie as against 142 Congolese "cadres". Of the non-Congolese, 208 were the remaining Belgian professional military men. 302 were mercenaries.

But despite the unrelenting efforts of ONUC, the provincial authorities refused to take effective action to remove the foreign elements without whom the secessionist movement might have collapsed. For its part, the Belgian Government said that it was prepared to help in the removal of its professional officers and NCO's who had been serving the Congo and were now in command of the gendarmerie, but it professed itself unable to do anything about the "volunteers" and mercenaries. Persuasion by the Secretary-General, who discussed the matter with Foreign Minister Spaak in Geneva on 12 July 1961, was unavailing in this regard.

Gradually, the United Nations was compelled to shift its ground to more vigorous and direct measures to achieve compliance with the Security Council resolution. Mr. Tshombe's chief military adviser, Major Weber, was compelled to leave on 18 June 1961; Mr. Thyssens, a prominent political adviser, was apprehended, taken to Leopoldville, and evacuated on 14 July. ONUC warned the Katangese authorities that it was prepared to compel the evacuation of other advisers and officers. Five French officers in politically sensitive gendarmerie posts were dismissed and repatriated, and a joint commission was established to list foreign political advisers, both those in official posts and others acting unofficially, who were to be repatriated.

Events of August and September 1961

The formation of the Adoula Government, enjoying unquestionable and internationally recognized authority, was of crucial importance in enabling the United Nations to proceed with the elimination of foreign elements. Before the formation of a legal Government, the United Nations' efforts had been restricted by the requirement of avoiding political interference, or support of one Congolese faction against another. Now the United Nations was able to do more effectively what the eleven-month-long constitutional crisis had impeded it from doing - that is, help the Government in removing the foreign elements which had furnished the backbone, and provided the teeth, of the attempt to sever, in their own interests, the Congo's richest province from the rest of the country.

It was not the United Nations' intention - any more than it had been in the summer of 1960 - to proceed against any Congolese elements, Katangese or otherwise. Nor would the United Nations seek to conquer or subdue Katanga on behalf of the Central Government; its action was to be directed primarily at the removal of non-Congolese elements, in accordance with the Security Council resolution of 21 February 1961.

For weeks, ONUC representatives urged Mr. Tshombe to co-operate in removing nefarious foreign elements, but to little avail. In the meantime, the Central Government issued its Ordinance of 24 August 1961, which called for the expulsion from the Congo of the foreign officers and mercenaries who stood behind the secession policy, and requested ONUC assistance in carrying out the decision.

On 28 August, ONUC proceeded to round up the mercenaries for deportation. In the face of inflammatory rumours about an invasion by the ANC which had been disseminated by Mr. Godefroid Munongo, the provincial Minister of the Interior, certain security precautions were taken by ONUC in Elisabethville, including surveillance over Radio-Katanga, gendarmerie headquarters, and some other key points. Inflammatory broadcasts were thus prevented, and appeals for calm were put on the air. The precautions lasted for only a few hours. On this occasion Mr. Tshombe, who had been fully informed of the goals of ONUC's action, expressed his readiness to co-operate. He broadcast a statement to the effect that the Katangese authorities accepted the decisions of the United Nations, and that the services of the foreign military personnel were being terminated by his government.

At that point, ONUC representatives met with the Elisabethville Consular Corps, which was presided over by the Belgian "Consul". The latter offered to assume the responsibility, together with two senior Belgian officers formerly in the gendarmerie, for the orderly repatriation of the foreign personnel, most of whom were Belgians. ONUC immediately accepted this arrangement, and suspended its own rounding-up operation, but three sets of ominous developments soon marred the picture.

In the first place, it developed that the foreign military men being made available for repatriation were in the main the "Minaf" personnel whose withdrawal had been earlier agreed to by the Belgian Government; there were also a few persons of other nationalities. By 9 September 1961, 273 had been evacuated and 65 were awaiting repatriation. But, while some of the volunteers and mercenaries proper had left, many others - about 104 of whom were known to be in Katanga - were "missing". They were reinfiltrating into the gendarmerie, distributing arms to groups of soldiers over whom they could assert control, and getting ready for violent resistance.

In the second place, the political police (Sûreté) under Mr. Munongo and largely directed by foreign officers, launched a campaign of assaults and persecution against anti-Tshombe Baluba tribesmen in Elisabethville. An effort was made to convince the world that ONUC's actions were causing disorder. The terrorized Baluba streamed out of the city and sought safety by camping

in primitive conditions near ONUC troop quarters. ONUC arranged protection for the encampment, into which 35,000 Baluba had crowded by 9 September, creating a serious food and health problem, as well as continuing danger of tribal violence.

In the third place, the foreign elements - including some French persons from Algeria and local settlers who had volunteered for the purpose - contrived terroristic actions against ONUC personnel. Led by a group of extremists in the Sûreté, they were reported planning to blow up ONUC headquarters in Elisabethville. On 11 September 1961, they arrested the deputy ONUC representative.

When ONUC realized that the Katangese authorities had no intention of fulfilling their promises, it pressed its demand for the evacuation of foreign personnel in the Sûreté and of the remaining mercenaries by 9 September. The Katangese, however, led by Mr. Tshombe, had manifestly fallen back under the domination of the foreign elements, and had let themselves be persuaded to launch violent action against ONUC. ONUC's plans for a solution of the difficulties in Elisabethville were rejected, and when on 13 September 1961 security precautions similar to the ones of 28 August were applied, the United Nations troops were violently attacked by gendarmes led and instigated by non-Congolese personnel.

In the morning of 13 September, Mr. Tshombe requested a cease-fire. on the understanding that the United Nations troops would be enabled to continue their mission. ONUC representatives agreed and repeatedly sought to meet the provincial president to secure a cessation of hostilities. However, Mr. Tshombe and some of his lieutenants were prevented by their foreign military advisers, or allowed themselves to be prevented, from appearing at scheduled meetings with ONUC representatives.

In the meantime, the attacks on the United Nations troops continued, causing casualties. From the building housing the Belgian consulate, where a number of Belgian officers were known to be located, sustained firing at the United Nations troops went on. The United Nations base at Kamina was attacked, as were the United Nations garrison and installations at Albertville. Reluctantly, United Nations troops had to return the fire. All over Elisabethville and elsewhere in Katanga, the foreign officers who had gone

into hiding came out into the open to lead operations against the ONUC "blue helmets".

It is noteworthy that hostilities occurred only where such foreign elements led or forced Congolese soldiers into them. Despite the apprehensions repeatedly expressed by Belgian officials, there were no difficulties whatever between ONUC troops and those Katangese units whose foreign officers and mercenary cadres had been duly withdrawn. Where this was the case, ONUC and Katangese soldiers usually fraternized, and maintained order. Similarly, ONUC troops remained on friendly terms with Katangese civilian Africans.

The situation became serious because efforts to reinforce the United Nations troops were frustrated by the depredations of a Fouga Magister jet fighter, piloted by a non-Congolese mercenary, which quickly managed to immobilize ONUC's unarmed air transport craft. The Fouga jet also played havoc with the ground movements of ONUC, which had deliberately refrained from securing offensive weapons such as fighter planes or tanks as incompatible with its mission as a peace force. This jet, among other things, prevented action to remove a gendarmerie roadblock between Elisabethville and Jadotville in order to relieve an Irish ONUC detachment ambushed and besieged in Jadotville. The Irish detachment, ironically, had been sent there at the request of the consular representatives in Elisabethville, who appealed for immediate protection of the European community at Jadotville. When the Irish detachment arrived there for that purpose, some members of that community helped in the attack which the gendarmerie promptly mounted against the detachment. At both Kamina and Albertville, where they were not faced with such treachery, ONUC forces were able to stand their ground successfully.

Tragic flight of the Secretary-General; the cease-fire

In the meantime, the Secretary-General had arrived in Leopoldville at Prime Minister Adoula's invitation to discuss future prospects of the United Nations operation in what was hoped would be a new setting created by the completion of the principal tasks assigned by the Security Council and General Assembly. Confronted instead with a ruthless attack on the United Nations Force by foreign elements, Mr. Hammarskjold threw himself into the task of securing a cessation of hostilities, achieving reconciliation among Congolese and fulfilling the United Nations mission peacefully. In pursuit of peace, he flew to Ndola, Northern Rhodesia, to meet Mr. Tshombe, and on this flight

on 17 September 1961 he lost his life. So did seven other United Nations staff members.^{1/}

The Secretary-General's mission was immediately taken up by the Officer-in-Charge of ONUC, Dr. Sture Linner, and his colleagues. Mr. Mahmoud Khiary flew to Ndola and, on behalf of the United Nations forces, signed a military cease-fire agreement on 20 September. This provided, among other things, for the establishment of joint commissions, exchange of prisoners, and for the prohibition of troop movements. It was understood as an express condition that the agreement would not affect the application of the Security Council and General Assembly resolutions, including, of course, the continued removal of mercenaries. On this understanding it was approved by United Nations Headquarters.

A protocol for carrying out the provisions of the cease-fire, including such matters as prisoner exchange and the fixing of troop positions, was signed on 13 October 1961 at Elisabethville. While the protocol allowed firing back in case of attack, it prohibited Katangese and ONUC troop movements. In approving this protocol, United Nations headquarters stressed its military nature, re-emphasized United Nations support of the unity, integrity and independence of the Congo and, as indicated earlier, insisted on continued enforcement of the Security Council resolution which called for the evacuation of mercenaries.

Although the prisoners were in fact exchanged and certain positions held by ONUC in Elisabethville throughout the fighting were duly released, Mr. Tshombe's regime was soon flouting the provisions of the cease-fire. In Leopoldville, his emissaries made it clear that nothing less than independence along the lines of the Tananarive decisions would be acceptable to the Elisabethville authorities. Meanwhile, the remaining Katanga mercenaries were

^{1/} Mr. H.A. Wieschhoff, Director of the Department of Political and Security Council Affairs; Mr. Vladimir Fabry, Special Counsellor to the Officer-in-Charge of ONUC; Mr. William Ranallo, Personal Aide to the Secretary-General; Miss Alice Lalande, Secretary to the Officer-in-Charge; Sgt. Harold M. Julien, Acting Chief Security Officer; Sgt. Serge L. Barrau, Security Officer, and Sgt. Francis Eivers, Investigator.

leading the gendarmerie in a long series of violations of the cease-fire agreement, going so far as to launch offensive air action along the Kasai-Katanga frontier. This was sternly protested by the United Nations, which warned that Katangese aircraft involved - all of them piloted by mercenaries - would be brought down. While strictly abiding by the cease-fire in Katanga, ONUC had taken steps to prevent the recurrence of the September situation when it found itself powerless to stop the attacks of Katanga's Fouga Magister jet fighter. Three member States - Ethiopia, India and Sweden - had contributed jet fighter squadrons to the United Nations Force to strengthen its defensive capacity.

At the same time, however, the Force ground strength was being whittled away. In August, the Tunisian contingent had been withdrawn in connexion with events at Bizerte; the Ghana contingent subsequently withdrew, and certain other ONUC units were reduced. Not unaware of these developments, Mr. Tshombe and the foreign elements supporting him were determined to turn secession into an accomplished fact. ONUC-sponsored talks between the Central Government and Katanga were obviously subjected to stalling tactics. At least 237 persons, chiefly mercenaries, falling under the Security Council resolution remained in Katanga, many of whom donned civilian garb.

Despairing of a peaceful solution, the Central Government attempted to deal with Katanga's secession independently, by the use of force, in late October 1961. ANC strength was built up on the border of North Katanga in preparation for entry into that region. At the beginning of November, a detachment from the Leopoldville Grouping entered North Katanga in the Kaniama area, but was immediately repelled by Katanga gendarmes. Later, ANC units from the Stanleyville Grouping succeeded in reaching Albertville, Nyunzu, Kongolo and other towns of North Katanga. To facilitate this move, the Government had requested ONUC assistance for the transport of its troops. The request was turned down because, as it had been from the beginning, it remained against ONUC principles to become a party to an internal conflict.

Events of December 1961

In the latter part of November 1961, the Security Council was convened once again to examine the situation in the Congo. By its resolution of 24 November 1961, the Council opposed the secessionist activities in Katanga and authorized the Secretary-General to use force to complete the removal of

mercenaries. After the adoption of the resolution, Mr. Moïse Tshombe launched an inflammatory propaganda campaign against ONUC which soon degenerated into instigation to violence. The results were not long in coming. On 28 November 1961, two senior United Nations officials in Elisabethville were abducted and badly beaten; later an Indian soldier was murdered and an Indian major abducted. On the following day, several members of the United Nations Force were abducted, and others were killed or wounded. Roadblocks were established by the gendarmerie, impeding ONUC's freedom of movement and endangering its lifelines. It subsequently became known that this was part of a deliberate plan to cut off the United Nations troops in Elisabethville, and either force them to surrender or otherwise destroy them. For one week United Nations officials sought to settle the crisis by peaceful negotiations. But when it became evident that, in the face of the bad faith displayed by Katangese authorities, no negotiations were possible, that, while pretending to negotiate, these Katangese authorities were preparing for more assaults, and that they had a plan the purpose of which was its very destruction, ONUC finally decided to take action to regain and assure its freedom of movement and to restore law and order.

Because this defensive action was forced upon it, ONUC had few troops in Elisabethville when the fighting broke out on 5 December 1961. Until 14 December, ONUC forces endeavoured to hold their positions and to maintain communications between them while reinforcements were hurriedly flown in from other parts of the Congo. On 15 December, having received enough reinforcements, ONUC troops moved to seize control of those positions in Elisabethville necessary to ensure their freedom of movement. In so doing, they worked their way around the perimeter of the city, in order to keep destruction and civilian casualties to the strict minimum. This objective was achieved within three days.

During the fighting, ONUC troops limited their attacks strictly to military objectives and so did the ONUC aircraft which were sent into action only when absolutely necessary. Some civilian installations were, unfortunately, hit accidentally by misguided fire but they were very few. Strict orders were given to ONUC troops to safeguard to all extent possible the lives and properties of the civilian population. Throughout the operation they exercised a remarkable measure of self-restraint, which was all the more noteworthy in view of the comportment of many non-Congolese

civilians which made their task extremely arduous. Time and again ONUC units found themselves subjected to murderous fire from civilian installations and by persons in civilian dress. A flagrant instance of misuse of important civilian installations was the firing directed against United Nations troops from the plants of the Union Minière du Haut-Katanga, where many weapons were subsequently found. Vehicles with Red Cross markings were frequently used as cover by mercenaries and their civilian volunteer allies.

Since the outset of the hostilities, United Nations military and civilian officers did their best, in co-operation with the Red Cross, to relieve the distress caused to innocent civilians. Persons caught in areas where firing had been initiated by the gendarmerie were escorted to safety, at the risk of the ONUC personnel's lives; food supplies were provided where needed; special arrangements for the evacuation of women and children were made by ONUC. Notwithstanding the shortage of troops, ONUC employed a whole battalion to guard the Baluba refugee camp, where more than 40,000 anti-Tshombe Baluba lived under United Nations protection. ONUC troops, on the one hand, prevented them from raiding the city and, on the other, protected them from the gendarmes who launched several attacks on the camp.

On 19 December 1961, having ensured the positions necessary for its security, ONUC ordered its troops to hold fire unless fired upon. The same day, Mr. Tshombe left Elisabethville to confer with Prime Minister Cyrille Adoula in Kitona, the United Nations military base in the Leopoldville Province. After that, major fighting between ONUC and Katanga forces ceased. ONUC immediately turned its effort to the re-establishment of normal conditions in Elisabethville. It co-operated closely with the local police to stop looting, to rid private houses of squatters and, in general, to restore and maintain law and order.

Kitona Declaration and its implementation

The Kitona meeting was arranged with the assistance of ONUC and the United States Ambassador in the Congo following a request made by Mr. Loise Tshombe on 14 December 1961 when the fighting in Elisabethville was in full swing. After meeting Prime Minister Adoula all day long on 20 December, Mr. Tshombe signed early in the morning of 21 December an eight-point Declaration. In this Declaration, he accepted the application of the Loi fondamentale, recognized the authority of the Central Government in

Leopoldville and agreed to a number of steps aiming at ending the secession of Katanga. He also pledged himself to ensure respect for the resolutions of the Security Council and General Assembly and to facilitate their implementation.

Since the Kitona talks, ONUC has been exerting all possible efforts, through persuasion and good offices, to ensure that the provisions of the Kitona Declaration will be fully carried out, as an indispensable step toward the solution of the Katanga problem by peaceful means. But its efforts have been greatly hampered by the changing attitude of Mr. Tshombe, who constantly shifted from lukewarm co-operation to calculated opposition and vice-versa.

In accordance with the provisions of the Kitona Declaration, Mr. Tshombe sent the Conakat parliamentarians to Leopoldville to participate in the session of Parliament. Three Katangese officials were also dispatched to the capital to participate in discussions for the modification of the constitutional structure of the Congo. In both cases, ONUC ensured the safety of the Katangese representatives during their journey to and from Leopoldville and their stay there.

But while making those concessions, Mr. Tshombe stated that he had no authority to decide on the future of Katanga and summoned the Provincial Assembly to meet in Elisabethville for the purpose of discussing the Kitona Declaration.

In this connexion, Mr. Tshombe requested the temporary assistance of a United Nations legal expert. After consulting Prime Minister Adoula and securing his agreement, the United Nations promptly acceded to Mr. Tshombe's request and placed at his disposal the United Nations Legal Counsel.

During the session of the Provincial Assembly, Mr. Tshombe made before it two statements strongly criticizing the Central Government and ONUC. However, on 15 February, the Assembly decided to accept the Declaration of Kitona as a basis for discussions with the Central Government.

Following this action, Prime Minister Adoula invited Mr. Tshombe to meet with him in Leopoldville to discuss the procedure for carrying out the provisions of the Declaration. But Mr. Tshombe was reluctant to go to Leopoldville and suggested that the meeting take place at the United Nations military base of Kamina. ONUC exerted its best effort to persuade Mr. Tshombe

to accept Mr. Adoula's invitation and gave him a full guarantee of his safety, throughout his journey to and from Leopoldville and of his freedom to leave the capital at a time of his choice, should he decide to go there. At the time of writing this paper, Mr. Tshombe has not yet directly replied to Mr. Adoula's invitation.

While endeavouring to persuade the Katangese authorities to co-operate with the Central Government, ONUC pressed for the urgent and complete elimination of mercenaries from Katanga. After a series of discussions with ONUC officials in January 1962, Mr. Tshombe indicated the Provincial Government's intention to liquidate the problem of mercenaries once and for all, and firmly committed his Government to that course. In order to ensure the elimination of mercenaries, joint commissions composed of ONUC and Katangese representatives were established on the proposal of ONUC at the beginning of February. ONUC also insisted that in accordance with the principle that it was to enjoy absolute freedom of movement, its troops should have free entry to Jadotville, Kolwezi and other places in Katanga. But this request was so far opposed by Mr. Tshombe who, to support his stand, arranged for the "customary grand chiefs of Katanga" to meet in Jadotville. At the conclusion of their meeting on 18 February, these chiefs adopted a resolution opposing the entry of United Nations troops into the places indicated.

In the meantime, the situation in North Katanga underwent a change. For reasons yet undetermined, the AUC troops withdrew from Kongolo, which was immediately reoccupied by Katanga gendarmes. There were no clashes between them, but the reoccupation of Kongolo by Katangese forces understandably worried the Central Government, which decided to reinforce its garrison in Albertville. Shortly after it had learned the entry of Katanga gendarmes into Kongolo, ONUC sent a plane there to investigate the situation. It is exerting all possible efforts to prevent a deterioration of the situation in North Katanga.

As this paper is written, the Katanga problem seems to be nearing a solution. The Kitona Declaration provides an adequate basis for ending the secession of Katanga. The provincial Assembly has now accepted the Declaration, although conditionally. The next step is a meeting between Prime Minister Adoula and Mr. Tshombe to determine the procedure for carrying out the provisions of the Declaration. ONUC has spared no effort to make such a meeting possible. There are reasons to hope that the meeting will take place in Leopoldville in the near future.

(a) Civilian Operations

When the United Nations went into the Congo, it found the country in the throes of a dire emergency, chiefly caused by the breakdown of law and order. The mass exodus of Belgian technicians and administrators was threatening to paralyze the Republic's entire economy; essential services were in imminent danger of breaking down; unemployment was rising catastrophically in the cities; hunger and disease loomed.

One of the main objectives of the United Nations in the Congo has been to provide the Congolese Government with technical assistance for the smooth operation of all essential services and the continued development of the national economy. But the situation faced by ONUC immediately assumed unprecedented proportions, of a nature different from that of normal United Nations technical assistance operations; these presuppose a reasonably functioning governmental and economic machinery which is prepared to receive and use expert advice, training services, and the aid of a few operational and executive officials for integration in the national civil service.

Faced with this emergency, the Secretary-General mobilized the resources of the United Nations family of organizations under the authority of a chief of civilian operations. A consultative group of experts was set up, consisting of senior officials of the United Nations and the specialized agencies concerned.

The first task was to restore or maintain the operation of minimum essential public services. Engineers, air traffic controllers, meteorologists, radio operators, postal experts, physicians, teachers and other specialists were rushed into the country. An emergency project was carried out to halt the silting of the port of Matadi and restore navigation. In response to the Central Government's appeal, the United Nations agreed, in August 1960, to provide \$5,000,000 to finance essential governmental services as well as essential imports.

In the economic and financial fields, ONUC helped in setting up and managing monetary, foreign exchange and foreign trade controls, without which the country's slender resources might have been drained away and all semblance of a monetary system might have collapsed. In all these fields, as well as in agriculture, labour and public administration, its effort was chiefly designed to improve the ability of the Congolese authorities to discharge their responsibilities toward the population despite the precipitous departure of non-Congolese technicians and administrators. As it soon became obvious

that the needs would continue for some time, the Secretary-General proposed, and the General Assembly in September 1960 approved, the establishment of a United Nations Fund for the Congo, financed by voluntary contributions. Its purpose was to restore the economic life of the country and to carry on its public services as best as possible.

The Assembly's action coincided with the outbreak of the constitutional crisis, as a result of which ONUC could not deal with any authorities, except for President Joseph Kasa-Vubu, on the nation-wide plane, and could not furnish advice at the ministerial level. Since the emergency conditions continued, however, the ONUC effort did not flag, and was carried on in co-operation with such Congolese authorities as exercised de facto control in the provinces or localities where United Nations civilian operations were being undertaken.

Famine conditions, in some areas, and widespread unemployment, led the Secretary-General to institute refugee relief and relief work programmes. The worst conditions developed in South Kasai in the autumn of 1960, where some 200 persons daily were reported dying from starvation as a result of the disruption caused by tribal warfare. For six months, the United Nations shipped and distributed food and medical supplies in the area. While several thousand persons died before the United Nations effort began, the number of lives saved approximates a quarter of a million.

In the meantime, foreign exchange reserves were running short owing to the political and economic situation. Accordingly, in June 1961, an agreement was arrived at between President Kasa-Vubu and the Secretary-General by which the United Nations put funds at the disposal of the Republic for the financing of a programme of essential imports. It was agreed that such assistance must benefit the population of the country as a whole.

Despite the constitutional crisis, United Nations training services continued as a working long-range operation, and were regarded as an investment in the development of human resources so as to fill the huge void caused by the shortage of indigenous operational and executive personnel. Training courses were organized for air traffic controllers, agricultural assistants, farm mechanics, foresters, medical assistants, labour officials, police commissioners, etc. To train Congolese operators and instructors, a Telecommunications Training Centre was set up; to train primary and secondary

school teachers and inspectors, a National Pedagogical Institute was established. Undergraduate medical studies were fostered. A National School of Law and Administration was opened to produce competent civil servants; a technical college was set up to train junior engineers, public works foremen and the like. Fellowships for study abroad were awarded to school directors, medical students, police officers, social workers and others in need of training for whom adequate facilities were not available in the Congo. Furthermore, as already indicated in the section on law and order, a programme has been prepared for the reorganization and retraining of the Congolese National Army.

Since the re-establishment of a constitutional government in the summer of 1961, ONUC civilian operations have been again rendering advisory services to the Government. These services should gain in relative importance as the Congolese authorities find it possible gradually to rely less on the United Nations for operative staff. In any case, be it in the form of medical teams with doctors from more than twenty countries, of school teachers from eleven different countries, in the provision of judges and prosecutors, or in the form of more conventional technical assistance activities, United Nations assistance is now limited by the resources of the Congo Fund. Though originally envisaged to reach a level of \$100 million as a matter of urgency, the Fund had received up to 31 January 1962 only some \$34 million from some fourteen member Governments, and badly needed replenishment.

In 1960 and 1961, ONUC civilian operations have been able to provide about 600 experts and technicians to do the job of departing Belgian personnel, and the thousand-odd ONUC fellowships awarded so far are important seeds of a Congolese professional, technical and administrative force. They have been of unquestionable value in preventing a collapse of organized economic life under uncertain and trying conditions. In 1962, United Nations assistance in the civilian field will continue as funds permit. There is no doubt that this assistance has helped and will help the Congolese in finding their own feet, and put them on the way to full recovery and development as an independent nation.

CONCLUSION

Since its inception, the United Nations Operation in the Congo has had many achievements. It brought about the withdrawal of Belgian troops from the Congo; thanks to it, law and order were maintained throughout this vast country to a large degree although a number of acts of violence could not be prevented; it encouraged and made possible a peaceful solution of the constitutional crisis. Without the United Nations, the Belgian military intervention would have undoubtedly led to dangerous reactions by other governments, including the big Powers; fanned by open foreign intervention, the civil war would have flared up with irresistible intensity; a situation comparable to, or worse than, that of Korea or Spain would have prevailed in the Congo. The United Nations Operation has stopped all that.

Admittedly, the Operation has met with great difficulties. Because one does not talk about a situation when it is normal, much publicity was given to difficulties while achievements passed unnoticed. It should also be pointed out that most of the difficulties which arose during the operation were the legacy of the past, the inevitable consequence of events which had taken place long before the United Nations came to the Congo.

To solve those difficulties, the United Nations had to act within the mandate given to it by the Security Council and the General Assembly and in accordance with the spirit of the United Nations Charter. In particular, it firmly abided by two principles which bind any undertakings of the United Nations as an international organization composed of sovereign States and devoted to peace: non-intervention in the internal affairs of a sovereign country and restraint on the use of force.

It was a cardinal principle of ONUC not to attempt to impose a political solution by the use of force. Whatever difficulties and delays may have been

entailed by such a policy, how much more dangerous it would be if the United Nations used its armed force to meddle in the internal affairs of the sovereign country of the Congo, siding with one party against another and helping Congolese subdue by force other Congolese.

ONUC has also showed noteworthy restraint in the use of force during all phases of the operation. The first directive given the United Nations Force was never to use force except in self-defence. Later, as the crisis dangerously deepened in the country, the Security Council authorized the Secretary-General to use force as a last resort to prevent civil war and to eliminate mercenaries and other foreign personnel not under United Nations command. But even with the enlarged mandate, ONUC has constantly showed the greatest restraint in the use of force. During its operation, ONUC has been attacked many times, but it has never launched an attack itself. Even when under attack, it resorted to force in self-defence only as a last resort when it was absolutely necessary to do so. Such was the case in Elisabethville in December 1961. In this connexion, it may be recalled that certain persons have wondered why ONUC troops have fought Mr. Tshombe's gendarmes in Katanga but not Mr. Gizenga's forces in Stanleyville. The answer is quite simple: ONUC was attacked by the former, not by the latter.

This restraint has sometimes been mistaken for a weakness. In particular, ONUC has been criticized for not having dealt with the ANC more forcefully, and more specifically, for not having disarmed it. Admittedly, it might have been easier to ensure the maintenance of law and order if certain unruly elements of the ANC had been disarmed. But ONUC could not and would not disarm the ANC against the will of the Congo Government, not only because it would have to use force to achieve this purpose, but mainly because its Force came to the Congo as a friend and partner, not as an army of occupation. What ONUC

has sought to do is to assist the Congo Government in re-establishing discipline in the ANC and the re-organizing of its units.

In carrying out its mission, ONUC has resorted to persuasion rather than force, to co-operation rather than coercion. It considers it axiomatic that the solution to the Congo crisis must come from the Congolese themselves. Its action is, therefore, mainly directed at encouraging and facilitating the efforts of Congolese leaders to settle their own problems and to reach a solution of their difficulties in their own way. It does so by persuasion, by good offices, by technical and material assistance, and finally by endeavouring to eliminate all foreign interference that seeks to drive them apart.

It is gratifying to note that the patient efforts of ONUC have begun to bear fruit. The break-through occurred on 2 August 1961 when Parliament was re-opened and a national unity government, led by Prime Minister Cyrille Adoula, was unanimously endorsed by it. Another important step was made on 21 December 1961 when, at the conclusion of the Kitona talks, Mr. Moise Tshombe signed an Eight-point Declaration recognizing the authority of the Central Government.

Admittedly many difficulties still lie ahead on the road to a final solution of the Congo crisis. But it is the hope and indeed the conviction of ONUC that, in a not too distant future, the Congolese will be able to settle their remaining differences and to achieve a satisfactory solution of a crisis that has too long plagued their country. When this has been achieved, the main task of ONUC will have ended.

ANNEX I

Glossary

ONUC	<u>Opération des Nations Unies au Congo</u> (United Nations Operation in the Congo).
ANC	<u>Armée Nationale Congolaise</u> (Congolese National Army).
Gendarmerie	Unit of the ANC whose main concern is the maintenance of public order. It may be noted that the secessionist army of Katanga is also named "gendarmerie".
Sûreté	State Security police.
Force Publique	Public Force, the title of the Congolese Army before it was renamed ANC.
Loi fondamentale	Fundamental law. The Fundamental Law of 19 May 1960 concerning the structure of the Congo. This law, prepared on the basis of the resolutions of the Round Table Conference of January-February 1960 adopted by the Belgian Parliament, is to operate as the constitution for the Republic of the Congo pending the adoption of a definitive constitution by the Congolese Parliament.
MENAF	Abbreviation for <u>Ministère des Affaires africaines</u> (Ministry for African Affairs) of Belgium.
Union Minière du Haut-Katanga	Mining Union of Upper Katanga. Industrial complex with vast mining and other interests in South Katanga.
Compagnie internationale	International Company. The name of a mercenary unit in Katanga.
MNC	<u>Mouvement National Congolais</u> (Congolese National Movement). Party formed in October 1958. The party split in two sections in July 1959, one led by Mr. Patrice Lumumba (MNC-L) and the other by Mr. Albert Kalonji (MNC-K).
ABAKO	Abbreviation for <u>Alliance des Bakongo</u> (Alliance of the Bakongo). Party founded in January 1959, led by Mr. Joseph Kasavubu.

PSA Parti Solidaire Africain (African Solidarity Party). Party founded in April 1959, led by Mr. Antoine Gizenga.

PUNA Parti de l'Unité Nationale (National Unity Party). Party founded in March 1960, led by Mr. Jean Bolikango.

CONAKAT Confédération des Associations du Katanga (Confederation of Associations of Katanga). Party founded in July 1959, led by Mr. Moise Tshombe.

BALUBAKAT Association des Baluba du Katanga (Association of the Baluba of Katanga). Party led by Mr. Jason Sendwe. It formed, with two lesser parties in Katanga, the Cartel Katangais.

ANNEX II

Chronology of Main Events

1960

- 23 June Central Government led by Mr. Patrice Lumumba approved by Parliament.
- 24 June Mr. Joseph Kasu-Vubu elected Chief of State.
- 25 June Dr. Ralph J. Bunche arrives in Leopoldville to attend Independence Ceremonies as personal representative of Secretary-General Dag Hammarskjold.
- 29 June Representatives of Congo and Belgian Government sign treaty of friendship, assistance and co-operation.
- 30 June Belgian Congo proclaimed independent.
- 5 July Mutiny of Force publique begins in Leopoldville, soon spreads to other parts of Congo.
- 7 July Security Council adopts resolution recommending admission of Congo to membership in United Nations.
- 10 July Belgian troops intervene in Elisabethville and Luluabourg.
- 11 July Mr. Moise Tshombe proclaims independence of Katanga.
Belgian troops attack Matadi.
- 12 July Congo Government appeals to UN for technical and military assistance.
- 14 July Security Council adopts resolution calling upon Belgium to withdraw its troops from Congo and authorizing Secretary-General to provide Congo Government with military assistance. Secretary-General sets up ONUC, appoints Dr. Ralph J. Bunche as Special Representative in Congo, Major-General Carl Carlsson von Horn as Supreme Commander of UN Force and Dr. Sture Linner as Chief of Civilian Operations.

- 15 July First ONUC contingent arrives in Leopoldville.
- 16 July Congo Government decides to sever diplomatic relations with Belgium.
- 17 July Congo Government addresses ultimatum to UN to clear all Belgian troops from the Congo before 19 July midnight. General von Horn arrives in Leopoldville.
- 22 July Security Council adopted resolution asking Belgium to implement speedily its resolution of 14 July 1960 and authorizing Secretary-General to take all necessary action to that effect.
- 23 July Evacuation of Belgian troops from Leopoldville completed.
- 24 July Prime Minister Patrice Lumumba arrives in New York.
- 26 July Secretary-General arrives in Leopoldville.
- 27 July Dr. Ralph J. Bunche and representatives of Congo Government signed basic agreement regarding ONUC.
- 2 August Secretary-General announces plan to send ONUC troops into Katanga on 6 August 1960.
- 4-5 August Dr. Bunche goes to Elisabethville, concludes that in view of unyielding opposition of Mr. Tshombe the entry of ONUC troops into Katanga could be achieved only by use of force.
- 5 August Secretary-General calls off plan for immediate entry of ONUC troops into Katanga, asks urgent meeting of Security Council, leaves for New York.
- 9 August Security Council adopts resolution calling for immediate withdrawal of Belgian troops from Katanga and re-affirming principle of non-interference.
- 10 August Mr. Albert Kalonji announces creation of Mining State in South Kasai.

11 August Secretary-General arrives in Leopoldville.

12 August Secretary-General enters Elisabethville, with two Swedish companies of UN Force.

14-15 August Secretary-General returns to Leopoldville, is accused by Mr. Lumumba of unilateral and erroneous interpretation of Security Council resolutions, asks for meeting of Security Council and leaves for New York.

16 August Congo Government decrees "state of emergency" throughout the Congo.

18 August ANC elements arrest and manhandle 14 Canadian members of UN Force at Ndjili airport.

21-22 August Security Council meets but does not vote on resolution. Secretary-General announces appointment Advisory Committee on Congo, also announces Belgian Government's assurance that all Belgian troops will be withdrawn by 29 August 1960.

24 August Advisory Committee on Congo holds first meeting.

25-31 August Pan-African Conference meets in Leopoldville.

27 August ANC elements arrest and manhandle ONUC personnel in Stanleyville.

29 August ANC troops massacre Baluba population in Bakwanga.

31 August Secretary-General sends protest to Belgian Government regarding continued presence of Belgian military units in Congo after deadline of 29 August 1960.

1 September Dr. Bunche returns to New York, is replaced by Mr. Andrew W. Cordier as Special Representative in Congo until arrival of Mr. Rajeshwar Dayal.

5 September President Kasa-Vubu dismisses Mr. Lumumba as Prime Minister. Shortly thereafter, Mr. Lumumba announces he is dismissing Mr. Kasa-Vubu as Chief of State.

5-6 September ONUC closes all major airports in Congo and Leopoldville Radio Station.

7 September Chamber of Representatives rescinds decisions of Mr. Kasa-Vubu and Mr. Lumumba dismissing each other and appointed Parliamentary conciliation commission.

8 September Mr. Cordier leaves for New York, is replaced by Mr. Rajeshwar Dayal as Special Representative in Congo. Senate opposes Mr. Kasa-Vubu's decision to dismiss Mr. Lumumba.

12-13 September ONUC re-opens airports and Leopoldville Radio Station.

13 September Chambers of Parliament meet in joint session and confer full powers on Mr. Lumumba.

14 September Colonel Mobutu decides to "neutralize" existing central institutions.

14-17 September Security Council meets, fails to agree on representation of Congo, fails to adopt a resolution, calls Emergency Special Session of General Assembly.

17-20 September General Assembly holds fourth Emergency Special Session, adopts resolution 1474 (ES-IV) of 20 September 1960 requesting Secretary-General to continue to assist Congo Government in maintenance of law and order, appealing to Congolese leaders to seek a speedy solution of the internal conflict, asking the Advisory Committee on the Congo to appoint a conciliation commission and calling upon all

States to refrain from providing unilateral assistance for military purposes to the Congo.

20 September General Assembly begins fifteenth regular session, decides to admit Congo to membership in UN.

14 October Mr. Antoine Gizenga arrives in Stanleyville.

5 November Conciliation Commission for Congo appointed by Advisory Committee.

8 November President Kasa-Vubu addresses General Assembly and asks for seating of his delegation.

Irish soldiers of UN Force ambushed in North Katanga.

21 November ANC troops attack Ghana Embassy in Leopoldville and clash with Tunisian soldiers of UN Force guarding the Embassy.

22 November General Assembly decides to seat Congo delegation appointed by President Kasa-Vubu.

27 November Mr. Lumumba flees from his Leopoldville residence.

29-30 November Nigerian unit of UN Force ambushed by tribesmen in North Katanga.

2 December Mr. Lumumba arrested near Port Francqui, brought back to Leopoldville and then transferred to Thysville.

7-15 December Security Council meets, but adopts no resolutions.

12 December Mr. Gizenga proclaims Stanleyville as Headquarters of Central Government and provisional capital of Republic.

15-16 December ONUC Austrian medical team arrested by ANC.

16-20 December General Assembly discusses Congo problem but adopts no resolutions.

19 December Bureau of Conciliation Commission for Congo arrives in Leopoldville.

20 December Secretary-General appoints Lieutenant General Sean MacEoin to replace Major General von Horn as Supreme Commander of United Nations Force in the Congo.

22 December Katanga authorities issue separate currency.

27 December Stanleyville ANC forces take over Kivu, arrest provincial president Jean Miruho.

1961

1 January Col. Mobutu's ANC troops flown to Usumbura (Ruanda-Urundi) attempt unsuccessful invasion of Kivu.

2 January President Kasa-Vubu announces convening of round table conference of Congolese leaders on 25 January.

3 January -
20 February Conciliation Commission for Congo visits Congo.

8-9 January Stanleyville ANC troops invade North Katanga. Government of "Province of Lualaba" set up in Manono.

13 January ANC elements mutiny in Thysville.

17 January Mr. Lumumba and two companions, Mr. Joseph Okito and Mr. Maurice Mpolo, transferred secretly from Thysville to Katanga.

25 January "Preliminary round table conference" opens in Leopoldville.

30 January Katanga aircraft bomb Manono.

9 February President Kasa-Vubu dissolves College of Commissioners and appoints provisional government headed by Mr. Joseph Ileo.

10 February Katanga authorities announce "escape" of Mr. Lumumba and his two companions.

11-12 February Katanga gendarmes begin military operation in North Katanga.

13 February Katanga authorities announce that Mr. Lumumba and his two companions have been murdered by tribesmen in an undisclosed place.

21 February Security Council adopts resolution authorizing Secretary-General to use force to prevent civil war and urging withdrawal of mercenaries, re-opening of Parliament and re-organization of Congolese armed forces.

28 February Mr. Ileo, Mr. Tshombe and Mr. Kalonji sign military and political agreement in Elisabethville.

4-5 March United Nations and ANC troops clash in Matadi.

6-11 March "Summit meeting" held at Tananarive, Malagasy Republic.

10 March Mr. Dayal leaves Leopoldville for New York; Mr. Mekki Abbas takes over as Acting Special Representative of the Secretary-General in the Congo.

30-31 March Katanga gendarmerie enter Manono.

7 April UN Force stops fighting between Katanga gendarmes and Baluba warriors in North Katanga.

15 April General Assembly adopts three resolutions on Congo. Resolution 1599 (XV) calls for withdrawal of mercenaries and other foreign personnel; resolution 1600 (XV) urges re-opening of Parliament and establishing second Conciliation Commission; resolution 1601 (XV) establishes Investigation Commission on death of Mr. Lumumba and his companions.

17 April Agreement concluded by representatives of Secretary-General and President Kasa-Vubu for implementation of Security Council resolution of 21 February 1961.

24 April -
28 May Conference of Congolese leaders meets in Coquilhatville.

26 April Mr. Tshombe arrested by Leopoldville authorities in Coquilhatville.

27-28 April UN garrison in Port Francqui overwhelmed and massacred by ANC troops.

12 May President Kasa-Vubu calls for Parliament meeting.

19 May Mr. Mekki Abbas leaves Leopoldville.

25 May Mr. Dayal resigns as Special Representative. Mr. Sture Linner appointed Officer in Charge of ONUC.

22-24 June Mr. Tshombe released, signs protocol calling for re-opening of Parliament.

22 July Parliament re-opens at Lovanium University near Leopoldville.

2 August National Unity Government headed by Prime Minister Cyrille Adoula unanimously approved by Parliament.

24 August Central Government issues ordinance for expulsion of mercenaries from Katanga and requests ONUC assistance to that effect.

28 August ONUC moves to round up mercenaries in Elisabethville.
Second Conciliation Commission holds first meeting in New York.

1 September Mr. Mahmoud Khiary appointed Chief of Civilian Operations.

3 September Mr. Gizenga returns to Leopoldville to assume post of Vice-Prime Minister. On same day, he leaves with Prime Minister Adoula for Belgrade to attend Conference of Non-aligned Nations.

13 September ONUC resumes operation of rounding up mercenaries, is attacked by Katanga gendarmes led by mercenaries.
Secretary-General arrives in Leopoldville at invitation of Central Government.

17 September Secretary-General flies to Ndola, Northern Rhodesia, for
cease-fire talks with Mr. Tshombe, dies in plane crash
near Ndola.

20 September Mr. Mahmoud Khiary concludes provisional cease-fire agreement
with Mr. Tshombe in Ndola.

4 October Mr. Gizenga returns to Stanleyville ostensibly to settle
personal affairs.

13 October Mr. Mahmoud Khiary and Mr. Tshombe sign protocol for
implementation of cease-fire agreement.

26 October General Assembly sets up Investigation Commission on death
of Mr. Hammarskjold.

31 October ANC elements from Leopoldville Grouping attempt unsuccessful
invasion of Katanga in Kaniama area.

1-2 November ANC elements from Leopoldville Grouping assault Belgian
civilians in Luluabourg.

3 November U Thant elected Acting Secretary-General.

11 November ANC troops from Stanleyville Grouping massacre 13 Italian
airmen of UN Force in Kindu.
Report of Lumbumba Investigation Commission issued.

13 November Congo Government issues ordinance regarding imprisonment
of mercenaries.

13-14 November ANC troops from Stanleyville Grouping, who have entered
Albertville, commit looting.

24 November Security Council adopts resolution denouncing secessionist
activities and authorizing use of force for elimination of
mercenaries.

25 November -
5 December Katanga authorities launch series of attacks against ONUC.

27 November Acting Secretary-General and Mr. Justin Bomboko sign status
agreement regarding ONUC.

5-19 December Fighting between UN troops and Katanga gendarmes in Elisabethville.

19 December UN troops in Elisabethville ordered to hold fire unless fired upon.

20-22 December Prime Minister Adoula and Mr. Tshombe hold talks at Kitona, at the conclusion of which Mr. Tshombe signs Eight-point Declaration recognizing authority of Central Government.

27 December Belgian Embassy in Leopoldville re-opened.

29 December Parliament lifts parliamentary immunity of Mr. Albert Kalonji.

1962

1 January European missionaries and African civilians massacred in Kongolo by ANC troops from Stanleyville Grouping.

8 January Chamber of Representatives enjoins Mr. Gizenga to return to Leopoldville to answer charges of secessionist activities.

13 January Pro-Gizenga gendarmes overpowered by pro-Government ANC troops after clash in Stanleyville.

15 January Mr. Gizenga dismissed as Vice-Prime Minister.

20 January Mr. Gizenga brought back to Leopoldville in ONUC plane.

2-8 February Prime Minister visits New York, addresses General Assembly, has talks with Secretary-General and delegations.

10 February Mr. Robert Gardiner replaces Mr. Linner as Officer-in-Charge of ONUC.

11 February Chamber of Representatives approves Government's action regarding Mr. Gizenga.

15 February Katanga Provincial Assembly adopts resolution accepting Declaration of Kitona as basis for discussions with Central Government.

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16 March 1962

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THE UNITED NATIONS AND THE CONGO

(July 1960 -- March 1962)

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BEGINNING OF THE OPERATION

On 12 July 1960, less than a fortnight after the Republic of the Congo (Leopoldville) gained independence from Belgium, the Congo Government addressed to the Secretary-General of the United Nations, Mr. Dag Hammarskjöld, an urgent appeal for United Nations military assistance to protect the national territory of the Congo against the intervention of Belgian troops, which it saw as a threat to international peace. Specifically, the Congo Government requested the despatch of United Nations troops to the Congo to ensure the withdrawal of Belgian troops, which had intervened in its territory without its consent, and to end the secession of Katanga which, it said, had resulted from a conspiracy between "Belgian imperialists" and a small group of Katanga leaders. The Government also requested United Nations technical assistance for the re-organization of the army and the administrative machinery of government.

The Secretary-General considered the Belgian intervention to be a source of tension which, if not removed, could endanger the maintenance of international peace and security. He therefore immediately brought this request to the attention of the Security Council. The Council met on 13 and 14 July 1960. By its resolution of 14 July 1960, it called upon the Government of Belgium to withdraw its troops from the Congo and authorized the Secretary-General to take the necessary steps, in consultation with the Government of the Congo, to provide the latter with such military and technical assistance as might be necessary until the Congolese national security forces were able fully to meet their tasks.

The appeal to the United Nations was the culmination of a series of events which had their cause and origin in the unpreparedness of the Congolese for the independence which was granted to them on 30 June 1960. Under the Belgian Colonial administration, paternalism was the guiding principle of policy. The Congolese enjoyed a standard of living higher than that found in most other African countries, but the Belgian authorities did not encourage their political advancement. The education of the African population was oriented to produce, at best, clerks, skilled

workers and sergeants rather than managers, engineers and officers. Not until 1957 were political activities by Africans tolerated in the territory. Arrangements for independence were made only at the beginning of 1960 at a round-table conference in Brussels, Belgium, in which Congolese leaders participated. The first legislative elections ever held in the Congo took place in May 1960; Parliament met for the first time on 17 June, and the first Central Government was established on 23 June, merely a week before independence.

A consequence of this policy was that when the Congolese were given independence they were tragically ill-prepared for it. There were at that time only 17 Congolese university graduates, not one doctor or engineer. There were few African political leaders with any experience and none with truly national experience, and there were no experienced administrators.

In order to keep the administrative machinery and technical services running after independence, the Belgian Government put at the disposal of the Congolese Government, under the treaty of friendship, assistance and co-operation - signed by the two Governments but never ratified by their Parliaments -- more than 10,000 Belgian administrators, technicians and army officers. Much hope was placed on the Force Publique, the African army of more than 25,000, which was well-trained and armed and entirely officered by Belgians, and which in the past had carried out its task of maintaining public order with great, if harsh, efficiency.

On 5 July 1960, five days after the Congo attained independence, strong elements of the Force Publique in Leopoldville, dissatisfied over the failure of the authorities to Africanize their cadres, mutinied and ejected their Belgian officers. The mutiny soon spread to Thysville, Elisabethville, Luluabourg and elsewhere in the Congo. Some of the mutineers went on the rampage during which they manhandled Belgians in general and in some cases committed rape. These disturbances led to a mass exodus of the Belgian population, including almost all the administrators and technicians put at the disposal of the Congolese Government under the friendship treaty. Their departure entailed a nearly complete breakdown of the essential services and the stopping of economic activities in many parts of the country.

When the disturbances broke out, the Belgian Government sought to impress upon Prime Minister Patrice Lumumba the need to invoke the Belgo-Congolese friendship treaty and to request the intervention of the Belgian troops stationed in the military bases of Kamina and Kitona under that treaty to maintain law and order. This Mr. Lumumba flatly refused to do, for he contended that his Government was able to restore law and order without outside help. In this connexion, Dr. Ralph J. Bunche, who had come to the Congo to attend the independence ceremonies as the representative of the Secretary-General with instructions to remain there for several weeks after independence to render such assistance as might be required, warned the Belgian Ambassador in Leopoldville of the serious consequences which could follow if the Belgian troops were called out without the Congo Government's consent. He had pointed out that the Belgian Government could appeal to the Security Council about the dangers to Belgian nationals.

Despite this warning, the Belgian Government unilaterally decided to intervene. On the morning of 10 July 1960, Belgian troops, following an appeal by the President of the Katanga provincial government, Mr. Moise Tshombe, moved into Elisabethville. Subsequently, other Belgian troops occupied Luluabourg, Leopoldville and other towns in the Congo. On 11 July, one day after the arrival of Belgian troops in Elisabethville, Mr. Tshombe proclaimed the independence of Katanga.

With the national independence and territorial integrity of the country threatened by foreign military intervention and secessionist activities, and itself unable to maintain law and order and to ensure the operation of essential services, the Congo Government appealed to the United Nations.

OBJECTIVES OF THE OPERATION

The United Nations Operation in the Congo - known as ONUC, from the initials of the French title, Opération des Nations Unies au Congo - had initially three objectives:

(a) It sought to remove the threat to international peace and security by bringing about the withdrawal of Belgian troops from the Congo, including Katanga and the Belgian military bases of Kamina and Kitona.

(b) It was to assist the Congo Government in restoring and maintaining law and order; this task included the training and reorganization of the Force Publique, now renamed the Armée nationale congolaise (ANC).

(c) It was to provide technical assistance to the Congo Government to ensure the continued operation of all essential services, to restore and re-organize the administrative machinery of government and to train Congolese to run that machinery.

In order to achieve these objectives, the Secretary-General set up, in addition to a civilian team of technical assistance experts, an international armed peace force composed of contingents from States other than the great Powers, mainly African. This force, named the United Nations Force in the Congo, was to follow a set of special principles. It was to be placed under the exclusive command of the United Nations, and its national contingents were not to take orders from their governments; it was not to be a party to internal conflicts in the country; and it was not to use force except in self-defence. The Force was to be under United Nations command because few, if any, governments of sovereign States would contribute troops to the United Nations if their contingents were to be placed under the orders of another government. As to the other two principles, obviously the United Nations could not send its Force into a friendly country to meddle in its internal affairs or to fight against its people. These principles were announced by the Secretary-General before the Security Council adopted its resolution of 14 July 1960 and were therefore tacitly approved by the Council.

The principles and objectives laid down by the Secretary-General for ONUC were upheld by the Security Council on 22 July, 9 August and again on 21 August 1960 when the question was brought back before it. After the constitutional crisis broke out in Leopoldville on 5 September 1960, ONUC continued to apply the same principles, but a new objective was added to the three already set: It endeavoured to encourage and facilitate the efforts of Congolese leaders to achieve a peaceful solution of the crisis through negotiation and conciliation.

Later, as Congo internal conflicts dangerously deepened in the course of 1961, the Security Council twice strengthened the mandate of ONUC to enable it better to cope with increasing difficulties. On 21 February 1961, the Council authorized the Secretary-General to use force as a last resort to prevent civil war. On 24 November 1961 - shortly after the death of Dag Hammarskjöld and the appointment of U Thant as Acting Secretary-General - the Council gave similar authorization for eliminating foreign military and paramilitary personnel and political advisers not under United Nations command, and mercenaries.

DIFFICULTIES CONFRONTING ONUC

In order to realize fully the magnitude of the task confronting ONUC, it is important to bear in mind the land and people to which that task relates. With an area of 2,344,000 square kilometres (about 900,000 square miles), the Congo is as large as Western Europe or 80 times the size of Belgium, its former ruler. A large part of this vast country, the "bush," is still isolated from the outer world, although its main centres are linked to each other and to the exterior by an intricate system of rail, river and air transport. Its African population, which numbers about 14 million, is composed of a great many tribes having different languages and customs, and tribal animosities among them are still very strong. Besides the Africans, there is a sizable European community which plays an important role in the economic life of the country but has few affinities with the rest of the population. Many of the Europeans, most of whom are Belgian, do not seem to have fully understood the nature and principles of the United Nations Operation in the Congo.

When the United Nations Operation got under way in the Congo soon after the middle of July 1960, it found the country in a state of chaos. The administrative machinery of government and the essential services had in a large measure collapsed. The economic life had almost completely stopped, which resulted in widespread unemployment. There was an acute food shortage in many areas, not for lack of food but because the food distribution system had broken down. The Belgian military intervention had raised among the Congolese intense feelings of hatred and fear. As the Government was unable to assume its normal responsibilities, the task of maintaining law and order, ensuring the continued functioning of the essential services and restoring the normal economic activities fell almost entirely upon ONUC.

In order to carry out this immense task, ONUC needed the full co-operation of the Congo Government and it has sought on all occasions to co-operate with that Government. Unfortunately, its relations with Prime Minister Patrice Lumumba became strained after the first few weeks over a sharp difference in the interpretation of its mandate. The divergent positions of the Secretary-General and Mr. Lumumba

regarding the role of the United Nations Force in ending secession are dealt with in the section on the problem of Katanga^{1/}; suffice it to say here that the resulting hostile attitude of Mr. Lumumba greatly hampered ONUC's work.

After the dismissal of Mr. Lumumba by President Joseph Kasa-Vubu, the Congo internal situation further deteriorated. Several factions engaged in a struggle for power which increased ONUC's burdens and hindered its action. During this struggle for power, ONUC adopted an attitude of strict impartiality. At the same time, the promotion of reconciliation between the various factions became a crucial part of the ONUC effort. But this policy, never well understood, was bitterly resented by the de facto authorities of the time.

The difficulties experienced by ONUC have not all come from Congolese sources. Since independence, foreign interference has manifested itself in many forms in the Congo. It has been most active in Katanga, but has been by no means limited to that province. It has certainly constituted a major obstacle to a peaceful solution of the Congo crisis and has made ONUC's task considerably more difficult.

^{1/} See p.31, et seq.

TASK CONFRONTING ONUC

Since its inception, ONUC has had to deal with a complex set of problems that has had no parallel in the history of international operations, and has had to devise new solutions for many of them. For the sake of clarity, these problems and the actions taken to solve them are set forth separately below, although many of them are closely interrelated.

(a) Withdrawal of Belgian troops

The intervention of Belgian troops was the immediate event which caused the Congo Government to appeal to the United Nations, and the Security Council in its resolution of 14 July 1960 called upon the Belgian Government to withdraw its troops from the Congo. At the time of the resolution, there were about 10,000 Belgian troops in the Congo. Some were in the two military bases of Kamina and Kitona; others were deployed throughout the country where they occupied a number of main centres. Because of the tension they generated, particularly the paratroopers who induced a state of frenzy among the Congolese, the presence of Belgian troops was a constant danger not only to the Congolese but also to the Belgian population whom it was their ostensible purpose to protect, for while they succeeded in occupying a number of cities, the country at large was beyond their ability to control. In this connexion, it may be recalled that there were in fact two series of mutinies of the Force Publique in July 1960. During the first series, which took place from 5 to 10 July, unruly elements committed excesses, but the majority of the troops did not resort to hostile acts against Belgians. The second and much more violent outbreak took place after, and because of, the Belgian military intervention of 10 July 1960, particularly the attack on the port of Matadi.

The objective of ONUC was to achieve the withdrawal of the Belgian troops from the whole of the Congo, without interfering in the internal affairs of the Republic and without using force. Immediately after the adoption of the Security Council resolution of 14 July 1960, and before the arrival of the first contingent of the United Nations Force, the Special Representative of the Secretary-General in the Congo, Dr. Bunche,

entered into negotiations with the Belgian representatives in Leopoldville for the speedy withdrawal of their troops. It was agreed that the Belgian troops would withdraw from the positions they occupied as soon as these positions were taken over by the United Nations Force.

In order to achieve a speedy withdrawal of the Belgian troops, it was necessary to bring in and deploy the United Nations contingents with the least possible delay. The plan was to take over all the positions occupied by the Belgian troops in three stages; first, the city of Leopoldville; then, the rest of the Congo except Katanga and the two Belgian military bases of Kamina and Kitona; and, finally the three remaining areas. The first United Nations detachment, composed of about 70 Tunisian soldiers, arrived in Leopoldville on the evening of 15 July 1960 and was joined by others in the following days. There were about 3,500 United Nations troops in the Congo on 18 July, 11,000 on 6 August, and 16,000 at the beginning of September 1960.

A few hours after the arrival of the first contingent of the Force on the evening of 15 July 1960, United Nations soldiers replaced Belgian troops in the central part of the city of Leopoldville. On the following two days, as more United Nations troops arrived, they took control of the remaining parts of the city and began relieving Belgian troops in the main centres of Bas-Congo. Although this remarkable speed was achieved only through strenuous efforts, the Congo Government did not consider it fast enough. On 17 July 1960 Mr. Patrice Lumumba and Mr. Joseph Kasa-Vubu addressed an ultimatum to the United Nations whereby, if the Belgian troops were not completely withdrawn within 48 hours, they would appeal for aid to the Soviet Union. The Secretary-General brought the matter before the Security Council which, by its resolution of 22 July 1960, commended the action taken by the Secretary-General and called upon Belgium to speed up the withdrawal of its troops.

The original plan was therefore continued without change. As soon as new United Nations contingents arrived, they were deployed in the positions occupied by Belgian troops. Thus, they brought about the complete withdrawal of the Belgian troops from Leopoldville and the surrounding area on 23 July 1960, and from the whole of the Congo except Katanga and the two bases by the beginning of August 1960.

The next step was the entry of United Nations troops into Katanga. On this question the Secretary-General ran into a grave conflict with the Congo Government. Mr. Lumumba wanted ONUC to help his Government to put down the secession of Katanga by force. This ONUC could not do, for under its mandate it could not be a party to, or in any way intervene in, or be used to influence the outcome of any political issue in the Congo. Another difficulty encountered by the Secretary-General was the resistance of the Katangese secessionist authorities and the Belgian Government. The Katangese authorities strongly opposed the entry of United Nations troops, and, allegedly because of this opposition, the Belgian Government was reluctant to withdraw its troops from Katanga.

On 4 August 1960, the Secretary-General, who had arrived in Leopoldville a few days earlier, sent Dr. Bunche to Elisabethville to make arrangements with the Belgian representatives there for the entry of United Nations troops into Katanga, which, if no difficulties arose, would take place on 6 August. But in the face of unqualified and unyielding opposition of the Katangese secessionist authorities, Dr. Bunche concluded that the entry of United Nations troops could not be achieved without resort to force. The Secretary-General, therefore, decided to postpone the original plan and brought the matter before the Security Council. By its resolution of 9 August 1960, the Security Council confirmed the authority conferred upon the Secretary-General by its previous resolutions and called upon Belgium immediately to withdraw its troops from Katanga. At the same time, the Council reaffirmed that the United Nations Force would not in any way intervene in any internal conflict in the Congo.

After the adoption of the resolution, the Secretary-General returned to the Congo and, on 12 August, personally led the first United Nations unit into Katanga. Since Mr. Hammarskjöld did not take Central Government civilian and military representatives with him into Katanga, Mr. Lumumba strongly criticized the manner in which the Secretary-General had implemented the Security Council resolutions and refused henceforth to co-operate with him. In view of Mr. Lumumba's violent reaction, the Secretary-General once again referred his Katanga policy to the Security Council. The Council met on 21 August 1960, but did not vote on any resolution. During the discussion, the Secretary-General

indicated that in the absence of any new directive, he would consider his interpretation of the ONUC mandate as upheld. He also made known his intention to appoint an advisory committee to advise him on future policy on the Congo. The committee would be composed of member States which had contributed troops to the United Nations Force.

The entry of United Nations troops into Katanga on 12 August 1960 led to the withdrawal of the Belgian troops from Katanga and the bases, which was completed by the beginning of September 1960. Thus, despite serious obstacles, ONUC brought about the withdrawal of Belgian troops from the whole of the Congo within six weeks and, by so doing, removed one of the main sources of tension in the country at that time.

(b) Maintenance of law and order

First achievements and difficulties

The maintenance of law and order in the Congo undoubtedly has been the heaviest of all the tasks falling upon ONUC. In order to carry out that task, the Secretary-General set up a United Nations Force which, at its peak strength, numbered about 20,000. But, even at top strength, the United Nations Force was insufficient to discharge all of its responsibilities in so vast a land as the Congo.

On their arrival in the Congo, United Nations soldiers were told in official instructions that they were members of a peace force, not a fighting force, that they had been asked to come in response to an appeal from the Congo Government, that their task was to help in restoring order and calm in a troubled country and that they should give protection against acts of violence to all the people, Africans and Europeans alike. They were also told that, while they carried arms, they were to use them only in self-defence and that they were in the Congo to help everyone and to harm no one.

Because the United Nations came to the Congo to assist the Congo Government in maintaining law and order, it carefully avoided any action which would put it in the role of a government. What it sought to do was to assist the Congolese authorities to perform their normal duties; for instance, by undertaking joint patrols with the local police for the maintenance of law and order in a given area. When, however, this

was not possible because of the breakdown of the security forces, the United Nations Force alone had to perform the normal security duties in the place of Congolese authorities, but in so doing it always sought the consent and cooperation of the Congo Government. Such was the case in Leopoldville during the early months of the operation, when United Nations soldiers performed police duties on the main arteries of the city and ensured the protection of its essential services.

Following these procedures, the Force restored law and order, protected life and property, and ensured the continued operation of essential services wherever it went. In many areas it brought under control unruly ANC elements, many of whom laid down their arms voluntarily or at the request of their Government. Thus the Force carried out its task of maintenance of law and order with success in the initial phase of the Operation.

Unfortunately, the task of the Force became more difficult after mid-August 1960, when relations between Prime Minister Patrice Lumumba and the Secretary-General deteriorated over the question of Katanga. Moreover, as the inevitable consequence of the unpreparedness of the Congolese leaders for the responsibilities of independence, the internal situation began to worsen rapidly in August.

Tribal rivalries, which had plagued the country before independence, flared up in Kasai between Baluba and Lulus with added intensity. Persecuted by Lulus without any effective intervention by the Government, the Baluba of the Luluabourg area fled en masse to their tribal lands in the Bakwanga region, where their leader, Mr. Albert Kalonji, proclaimed the secession of South Kasai on 10 August 1960. In Equateur and Leopoldville provinces, there was increasing opposition to the Government. To put down opposition and secessionist movements, Mr. Lumumba resorted to extreme action. Some opposition leaders were arrested and beaten, and anti-Government newspapers were suspended. At the end of August 1960 ANC troops were sent to South Kasai, where they behaved in a most cruel manner and killed many civilians, including women and children. Other ANC troops were being massed near the northern border of Katanga in preparation for the invasion of that province. To make possible these military moves, Mr. Lumumba sought and obtained some direct assistance outside United Nations channels.

During those days, the ANC, which the Government was using to achieve its political objectives but which at times it was unable to control, was a constant danger to the civilian population. Even ONUC personnel were not always immune from its brutal assaults. There were, in particular, two serious incidents in which ONUC personnel were the victims of brutal and unprovoked assaults by ANC elements. One of these incidents took place at the Ndjili airport on 18 August 1960, and the other in Stanleyville on 27 August.

Without the cooperation of the Congo Government which it had come to assist, ONUC faced a frustrating situation. Its action was further hampered when the Government itself resorted to actions which tended to endanger law and order, or to violate human rights. Whenever this happened, ONUC endeavoured to induce and persuade Congolese authorities to change their course of action. It also took measures, to the extent possible, to ensure the protection of the threatened persons. But it refused to use force to subdue Congolese authorities, or the ANC under their orders. When its own personnel were attacked, ONUC intervened only to prevent further excesses and to urge the Congo Government to take disciplinary action against the culprits.

The policy of restraint of ONUC was not always understood. For example, in certain remarks made in August 1960, Major-General H.T. Alexander, then Chief of Defence Staff of Ghana, viewed the restraint on the use of force as a weakness. He considered that the problem of maintenance of law and order could be solved only by disarming the ANC, and he proposed that the United Nations should do so even against the will of the Congo Government.

This stand was firmly rejected by ONUC. Dr. Bunche, the first Special Representative of the Secretary-General in the Congo, pointed out that the only basis the Force had for operating in the Congo was the Security Council resolution of 14 July 1960 in which, acting upon the request of the Congo Government, the Council had decided to provide that Government with such military assistance as might be necessary until its national security forces were fully able to meet their tasks. In the light of this resolution, the United Nations policy in the Congo had been one of seeking to cooperate with the Government; it had neither sought to replace the Government nor to make it captive. The United Nations Force was in the

Congo as a friend and partner, not as an army of occupation, and had studiously avoided any suggestion of replacing in any way the former colonial administration. Obviously, Dr. Bunche added, if the Force began to use its arms to wound and kill Congolese, its doom would be quickly sealed, for it could not long survive amidst a hostile public.

Measures taken during the constitutional crisis

Dr. Bunche left the Congo at the end of August 1960 and was temporarily replaced by Mr. Andrew W. Cordier, pending the arrival of Mr. Rajeshwar Dayal, who was to be the new Special Representative.

On 5 September 1960, the situation in the Congo was suddenly changed as a consequence of President Joseph Kasa-Vubu's decision to dismiss Mr. Patrice Lumumba. The dismissal of Mr. Lumumba set off a grave constitutional crisis which was ended only 11 months later. During that period, there was no legal government in the country, and, after a confused struggle for power, the country found itself, in effect, divided into four camps, each ruled by a de facto regime based more on its armed forces than on popular support.

The difficulties of ONUC were naturally increased by this state of affairs. There was now no government with which it could deal. Its policy in the field of maintenance of law and order was to cooperate with the authorities actually in control of the area wherever necessary. In so doing, it carefully avoided any interference in the political struggle under way and endeavoured to observe the strictest impartiality towards the various contending parties. As before, ONUC would use persuasion rather than coercion to achieve its objectives, and its troops were ordered not to use force except in self-defence.

Immediately after the dismissal of Mr. Lumumba, ONUC took two emergency measures. The explosive tension among the population generated by the conflict between the two most powerful Congolese leaders, Mr. Kasa-Vubu and Mr. Lumumba, might well have led to a complete breakdown of law and order throughout the country and to an extension of the civil war already under way in South Kasai. Therefore, immediately after the dismissal of Mr. Lumumba, ONUC took two emergency measures. It decided on the night of 5 to 6 September 1960 to close all major airports. The next day, in view of the dangerous effect of inflammatory speeches on an already disturbed populace and after a number of violent demonstrations had taken place

in the city, ONUC temporarily closed down the Leopoldville radio station. These measures were lifted on 12 and 13 September 1960 as soon as the tension had subsided below the explosive level.

In response to frantic appeals for protection from political and other leaders of all sides in Leopoldville, ONUC also agreed to protect the threatened leaders, and in so doing it endeavoured to show absolute impartiality. ONUC guards were stationed around the residences of Mr. Kasa-Vubu and Mr. Lumumba. Protection was also given to the other leaders, though not to the same extent. Indeed, all political and military leaders of consequence were given a measure of protection by ONUC, and not a few probably owe their lives to it.

In the following months, the continued efforts of ONUC led to a number of important achievements. In South Kasai, ONUC helped in arranging a cease-fire between ANC troops and the secessionist army of Mr. Kalonji and in establishing a neutral zone placed under ONUC control. It also persuaded the ANC command to withdraw its troops from the northern border of Katanga. When these troops, which moved without any logistical support, engaged in looting and pillage along the routes they followed, ONUC transport planes were brought into use to airlift them to their destination. In North Katanga, where violent fighting broke out between pro-Tshombe gendarmes and the anti-Tshombe Baluba population, ONUC put an end to the fighting by setting up, in agreement with both parties, neutral zones under its protection. Elsewhere, endless efforts were exerted to prevent violence, to uphold law and to protect life. Protected areas were set up at various times and places, where threatened persons, Africans and Europeans alike, could repair for safety. Neutral zones were established to stop tribal warfare. During this period of unrest, Europeans, many of whom were scattered settlers in remote areas, were often threatened by hostile local authorities or populations. Whenever possible, ONUC took measures to rescue and protect them and, if they so desired, to evacuate them to safer areas.

In carrying out its mission of peace, the United Nations Force suffered numerous casualties. In the course of August 1960, two Tunisian soldiers were killed and several others wounded while protecting Baluba refugees against the attacks of Lulua tribesmen in Kasai. On 8 November

1960, a patrol car of 11 Irish soldiers was ambushed and eight of them killed in North Katanga. Another incident occurred on 24 November 1960 when ANC troops attacked the Ghana Embassy in Leopoldville. The Tunisian unit which guarded the Embassy suffered several casualties, including one dead.

Here again, when the authorities in power indulged in actions which endangered peace and order, or violated human rights, ONUC could not always prevent these actions but sought to redress the situation by the use of persuasion or good offices. Thus ONUC could not prevent a number of political arrests by various local regimes. At the time, these regimes endeavoured to strengthen their armed forces by importing arms and military equipment from abroad. While ONUC did its best to stop such imports, its forces were insufficient to control all points of entry, and therefore could not prevent quantities of arms and equipment from being smuggled into different parts of the country.

One of the most delicate problems confronting ONUC during the constitutional crisis related to the fate of Mr. Patrice Lumumba. It was this question which so strained the relations between ONUC and the Kasa-Vubu-Mobutu regime that cooperation between them became almost impossible. After the military coup of 14 September 1960, the de facto regime of Leopoldville, supported by President Kasa-Vubu, attempted repeatedly to arrest Mr. Lumumba, but was prevented from doing so by ONUC. The position of ONUC was dictated mainly by its concern to maintain law and order, for it well knew that Mr. Lumumba's arrest would dangerously deepen the current crisis and make any reconciliation so much more difficult. ONUC also held the view that, even though dismissed as Prime Minister, Mr. Lumumba was still a deputy of the National Assembly and was under parliamentary immunity which only Parliament could lift. ONUC troops, therefore, vigilantly guarded Mr. Lumumba's residence, and, so long as he remained there, he was in safety.

However, it became impossible to protect him when he voluntarily left his residence on the night of 27 to 28 November 1960, in an apparent attempt to get to Stanleyville, his political stronghold. Before he could do so, he was arrested by ANC soldiers near Port-Francqui and brought back to Leopoldville. Once Mr. Lumumba was arrested, ONUC had neither the

right nor the means to liberate him from his captors, but it exerted all possible pressure to ensure him legal and humane treatment. Upon learning of the arrest, the Secretary-General sent two messages to Mr. Kasa-Vubu, expressing his concern over the event and stressing the importance of giving the prisoner all the guarantees provided by law. Similarly repeated representations were later made to Mr. Kasa-Vubu by Mr. Rajeshwar Dayal, the Special Representative of the Secretary-General in the Congo. ONUC could not do more without exceeding the mandate given it by the Security Council.

However, nothing was done to give Mr. Lumumba a trial. He remained detained in Thysville until 17 January 1961, when he and two other political prisoners, Mr. Joseph Okito and Mr. Maurice Mpolo, were transferred secretly to Katanga. This move brought strong protests from both the Secretary-General and the Conciliation Commission for the Congo, which was then in the territory. In particular, the Secretary-General took immediate action to urge the authorities concerned to return Mr. Lumumba to Leopoldville province and to apply the normal legal rules. But no remedial action was taken, and four weeks later the shocking news came from Katanga that the three prisoners had been murdered. The circumstances of their death were later investigated by a United Nations commission, which accepted as substantially true the evidence indicating that the prisoners had been killed as early as 17 January 1961, and probably in the presence of high officials of the Katanga provincial government.

Security Council resolution of 21 February 1961

The news of the murder of Mr. Lumumba brought the crisis to its most dangerous point. It was followed by a series of reprisals and counter-reprisals by pro-Lumumba and anti-Lumumba leaders, including summary executions of political prisoners. The civil war, already under way in North Katanga, threatened to spread into other regions. In the shadow of this threat, the Security Council met again on 15 February 1961. After a long and tense debate, the Council adopted, on 21 February, a resolution by which it authorized ONUC to use force, as a last resort, to prevent civil war in the Congo. It also urged that the various Congolese armed units be reorganized and brought under discipline and control.

The period immediately following the adoption of the Security Council resolution of 21 February 1961 was a critical one for the United Nations Operation in the Congo. After the death of Mr. Lumumba, several contributing States, on political grounds, had withdrawn their national contingents from the United Nations Force, reducing its strength from a maximum of about 20,000 to less than 15,000. Thinly deployed throughout the country, the United Nations Force had great difficulties in coping with its overwhelming tasks. Its difficulties further increased because of the hostile attitude of the authorities of Leopoldville and Elisabethville. These authorities interpreted the new resolution of the Security Council as an attempt to subdue them by force, and in retaliation they ordered a number of harassing measures against ONUC and its personnel. The most serious of these measures was the attack by ANC troops on the United Nations garrison in Matadi on 4 March 1961.

In order to cope with these difficulties and to implement the new resolution of the Security Council, the Secretary-General took urgent action to increase the strength of the United Nations Force. New contributions were obtained from several governments, bringing the total of the United Nations troops to more than 18,000 in April 1961.

In March 1961, Mr. Dayal left for New York for consultations with the Secretary-General and was temporarily replaced by Mr. Mekki Abbas.

In April, the situation began to improve, first because of the increased strength of the United Nations Force, and secondly because, after patient negotiations, ONUC reached an agreement with President Kasa-Vubu on 17 April 1961 for the implementation of the Security Council resolution.

The limited use of force, as authorized by the Security Council, was resorted to by ONUC at the beginning of April 1961 to stop the civil war which was spreading dangerously in North Katanga. Since mid-March 1961, Katangese gendarmerie led by foreign mercenaries had launched an offensive against the anti-Tshombe forces in North Katanga in a determined effort to crush all opposition there. On 27 March, the United Nations Force Commander warned Mr. Tshombe to stop the offensive, but the warning was unheeded, and gendarmes entered Manono three days later and prepared to attack Kabalo. It was at this point that United Nations troops intervened, stopped the gendarmes and established control of the area between Kabalo and Albertville.

At the end of April, a most tragic incident occurred when a United Nations detachment of Ghana troops in Port-Francqui was suddenly attacked and overpowered by hitherto friendly ANC troops and 42 Ghanaians as well as 2 Swedes were ruthlessly massacred. It was generally agreed that this brutal assault was mainly an act of abrupt madness by undisciplined and unpredictable armed troops. After this incident, the ONUC Command made it a rule not to station small units in isolated areas. ONUC realized that, as a result of this policy, many areas could no longer be covered by its troops, but it considered it had no right to jeopardize the safety of its soldiers.

After the end of April, there were fewer incidents. The most important one was the arrest of Mr. Tshombe by the Leopoldville authorities during the Coquilhatville Conference at the end of April. As in the case of other political prisoners, ONUC exerted its efforts, within its mandate, to ensure that Mr. Tshombe would be treated humanely and be given the guarantees provided by the law. He was released four weeks later, unharmed.

In May, Mr. Abbas left Leopoldville and Mr. Dayal prepared to return. But President Kasa-Vubu, who resented Mr. Dayal's policy of strict impartiality during the constitutional crisis, opposed his return. In order not to jeopardize the United Nations Operation, Mr. Dayal subsequently submitted his resignation. The Secretary-General reluctantly accepted it and appointed Dr. Sture C. Linner as Officer-in-Charge.

From May to August, the United Nations Force played a major role in the conciliation efforts between Congolese leaders which resulted in the reopening of Parliament and the setting up of a national unity Government led by Mr. Adoula.^{1/}

Incidents after the constitutional crisis

After the investiture of the Adoula Government, on 2 August 1961, the task of ONUC became considerably easier. Once again, it could work with a legally constituted Government, and it did so in a spirit of co-operation and mutual confidence. However, law and order were threatened by several serious incidents, all of which broke out because national unity had not yet been fully achieved.

^{1/} See p. 26 et seq.

On two occasions, as a result of attacks launched by the mercenary-led Katanga gendarmerie on United Nations troops, fighting broke out between them in Katanga.^{2/}

Another series of incidents was related to the ANC campaign, late in 1961, to occupy North Katanga. In connexion with this military campaign, several tragic incidents were caused by undisciplined ANC elements. At the beginning of November 1961, ANC soldiers of the Leopoldville grouping assaulted several Belgian women in Luluabourg. On 11 November, ANC soldiers of the Stanleyville grouping massacred 13 ONUC aircrew members of Italian nationality in Kindu. Two days later, ANC soldiers of the same grouping who had just entered Albertville began to loot houses and threaten civilians there. On 1 January 1962, 22 European missionaries and an undetermined number of Africans were killed in Kongolo by ANC soldiers, also from Stanleyville.

In the first three cases, ONUC intervened to restore law and order and to protect the threatened population as soon as it learned of the incidents. It could not take punitive action, which was the responsibility of the Congolese authorities, but it urged the Congo Government to exert every effort to ensure that those guilty would be quickly found and severely punished. In the case of Kindu, where United Nations personnel were involved, a joint investigation commission was set up by ONUC and the Congo Government to investigate the incident and to identify the culprits. In regard to the Kongolo incident, the December hostilities in Elisabethville had obliged ONUC to withdraw most of its troops from North Katanga, and there were no United Nations troops in or near Kongolo at the time of the incident. ONUC immediately urged the Congo Government to take speedy action to identify and punish the culprits and to prevent the recurrence of like incidents, and it offered all possible assistance to achieve those objectives. With the agreement of the Government, two officers of the Nigerian contingent later went to Kongolo and organized the evacuation of other threatened persons from the area. It was also decided that the joint investigation commission on Kindu should investigate the Kongolo incident.

Finally, an important incident took place in Stanleyville in January 1962. As a result of deteriorating relations between the Congo Government and Mr. Antoine Gizenga, fighting broke out on 13 January between pro-

^{2/} See p. 37 et seq.

Gizenga gendarmes and ANC troops led by General Victor Lundula, which were now loyal to the Central Government. The fighting, which resulted in 14 deaths, stopped the next morning when the gendarmes surrendered to General Lundula. During the fighting, ONUC troops were on guard throughout the city to protect the civilian population, but they did not have to intervene. After the gendarmes had surrendered, ONUC assisted ANC troops in disarming them at the request of the Central Government.

After the fighting, Mr. Gizenga was censured by the Chamber of Representatives and dismissed from the post of Vice-Prime Minister, and the Central Government ordered a judicial investigation to determine his responsibilities in the incident. Here again, ONUC scrupulously avoided any interference in the internal political struggle, but sought to ensure the observance of the law. The Acting Secretary-General, U Thant, addressed to Prime Minister Adoula a personal appeal in this connexion and was given full assurance that Mr. Gizenga would be granted all practical and legal safeguards for the protection of his interests. Mr. Gizenga was brought to Leopoldville on 20 January 1962 in an ONUC plane, at his request and with the agreement of the Government, and he spent his first two days there at ONUC Headquarters. He left ONUC Headquarters on 22 January voluntarily and after informing ONUC that it was relieved of all responsibilities for his personal protection.

At the beginning of February 1962, Dr. Linner, having completed his extended tour of duty, left Leopoldville and was temporarily replaced by Mr. Robert Gardiner as Officer-in-Charge.

Reorganization of Congolese armed forces

In reviewing the activities of the United Nations Operation in the Congo and its role in the maintenance of law and order, it is noteworthy that the incidents of concern have been caused by unruly elements of Congolese armed forces, whether they be part of the ANC, the Katanga gendarmerie or Kalonji's troops. From the outset, it has been considered an essential task of ONUC to assist the Congo Government in establishing discipline in the armed forces. These armed forces were to be brought under unified command, the unruly elements eliminated and the remaining ones reorganized and retrained. In order to achieve these objectives, ONUC has offered full support and co-operation to the Congo Government.

Thus, in August 1960, ONUC took the first step toward the reorganization of ANC when the Deputy Commander of the United Nations Force, General Ben Hamou Kettani, was appointed adviser to the ANC at the request of Prime Minister Patrice Lumumba. Shortly after this appointment, the ANC began to reform in new units and to engage in the training of its officers and men. But this programme was interrupted at the end of August because of the Government's plan to invade Kasai and Katanga, and later ONUC was compelled to abandon it altogether because of the political struggle which began in September 1960.

After the setting up of the Adoula Government, in August 1961, ONUC's efforts were resumed. General Mengasha Iyassu, who was appointed to continue General Kettani's work, has prepared a reorganization programme which is designed to be carried out in full co-operation with the Government. It is hoped that, with the improving political situation this programme can be successfully completed. ONUC will exert all possible efforts to that end in order that the national security forces of the Republic of the Congo might be able fully to carry out their tasks.

(c) Constitutional Crisis

Dismissal of Mr. Patrice Lumumba and its aftermath

In the days following the dismissal of Mr. Lumumba, on 5 September 1960, utter confusion prevailed in Leopoldville. Mr. Lumumba refused to recognize Mr. Kasa-Vubu's decisions and in turn dismissed him as Chief of State. Parliament supported Mr. Lumumba although it refused to endorse his decision to dismiss the Chief of State, but Parliament itself was soon suspended by Mr. Kasa-Vubu. Each contending party sought the support of the army and, whenever it could, ordered the arrest of its opponents. On 14 September 1960, General Joseph Mobutu, then Colonel and Chief of Staff of ANC, imposed by a coup an army-backed regime run by a College of Commissioners and supporting Mr. Kasa-Vubu. But the coup was not very effective in that Mr. Lumumba and his supporters resisted the Commissioners' authority.

Naturally, the contending parties turned to ONUC for recognition and support. ONUC adhered to its policy of avoiding intervening or taking sides in the internal conflicts under way. While it recognized the

unimpaired status of Mr. Kasa-Vubu as Chief of State, it refused to help him achieve political aims by force and, in particular, it refused to recognize the College of Commissioners supported by him. Without interfering directly, it favoured a speedy return to legality through reconciliation between Congolese leaders and encouraged the efforts being made towards that end. Several moves were made at the time by Parliament leaders and others to reconcile Mr. Kasa-Vubu and Mr. Lumumba. None of them yielded positive results.

The crisis was examined by the Security Council from 14 to 17 September 1960 and, when the Council failed to take a decision by the General Assembly from 17 to 20 September. By its resolution of 20 September 1960, the General Assembly fully supported the position taken by the Secretary-General. In an effort to solve the constitutional crisis, it appealed to all Congolese leaders to seek a speedy solution, by peaceful means, of all their internal conflicts and requested the Advisory Committee on the Congo to appoint a conciliation commission to assist them in that endeavour.

During the meeting of the Security Council two Congolese delegations, one appointed by Mr. Kasa-Vubu and the other by Mr. Lumumba, were sent to New York, but neither could win approval. Two months later, during the fifteenth regular session of the General Assembly, Mr. Kasa-Vubu himself came to New York as the Head of his delegation, which was seated by the General Assembly after a long and bitter debate. The decision of the General Assembly considerably enhanced Mr. Kasa-Vubu's personal prestige but did not bring an immediate solution to the crisis.

In the meantime, the internal situation rapidly worsened in the Congo. While the College of Commissioners consolidated its position in Leopoldville, Mr. Antoine Gizenga, acting on behalf of Mr. Lumumba, succeeded in establishing a government in Stanleyville which was formally recognized as the legitimate Government of the Republic by a number of Member States of the United Nations. With the support of the local ANC troops, led by General Victor Lundula, Mr. Gizenga extended his authority beyond the Orientale province to Kivu and the northern part of Katanga. At the same time, the secessionist governments of Mr. Moise Tshombe and Mr. Albert Kalonji consolidated their hold respectively over South Katanga and South Kasai with the active assistance of certain foreign powers. Thus the

Congo was divided into four major rival camps.

Conciliation efforts

ONUC's efforts at that time were mainly directed at two objectives. On the one hand, ONUC endeavoured to prevent the leaders holding the reins of power from using force to subdue their opponents within or outside the zones they controlled. On the other it encouraged all leaders to seek a solution of their differences through negotiation and conciliation.

Conciliation efforts were also made by the United Nations Conciliation Commission for the Congo, established under the General Assembly resolution of 20 September 1960. This Commission, which was composed of representatives of African and Asian countries which had contributed troops to the United Nations Force, visited the Congo at the beginning of the year 1961. After spending seven weeks in the country, the Commission came to the conclusion that, while there was among most leaders a general feeling of weariness and a sincere desire to achieve peaceful solutions to the crisis, a small number of other leaders, among the very persons holding the reins of power, appeared to prefer a military rather than a political and constitutional solution. Because of the uncooperative and intransigent attitude of these leaders, the attempts made by the Commission to reconcile the opposing groups had not led to positive results. The Commission also came to the conclusion that the crisis could be solved only if Parliament was reconvened and a national unity government approved by it. Finally, the Commission found that one of the main obstacles to a speedy solution was foreign interference in the internal affairs of the Congo.

These views were very similar to those expressed by the Secretary-General. They were largely reflected in the decision taken by the Security Council, which met at the end of February 1961, to examine once again the Congo problem. In its resolution of 21 February 1961, the Security Council urged that Parliament be convened and that the necessary measures of protection be taken for this purpose. It expressed the view that the solution of the Congo problem lay in the hands of the Congolese people themselves without any interference from outside. In this regard, it stressed the importance of achieving genuine conciliation among

Congolese leaders and stated that the imposition of any solution, including the formation of any government not based on genuine conciliation would, far from settling any issue, greatly increase the dangers of conflict within the Congo and of the threat to international peace and security.

After January 1961, a number of steps were taken by various Congolese leaders in an attempt to solve the crisis. On 25 January a preliminary round table conference was sponsored by Mr. Joseph Kasa-Vubu in Leopoldville. It was boycotted by pro-Lumumba and pro-Tshombe leaders, and thus its usefulness was considerably limited. However, at the end of the conference, Mr. Kasa-Vubu decided to replace the College of Commissioners by a provisional government headed by Mr. Joseph Ileo, a decision which was considered by the Conciliation Commission as a step in the right direction.

At the beginning of March 1961, a conference was held in Tananarive, Malagasy Republic, on the proposal of Mr. Moise Tshombe. It was attended by a number of top Congolese leaders, but Mr. Antoine Gizenga, who had agreed to come, did not attend. The Tananarive Conference proposed that the Congo be turned into a confederation of sovereign States. Under the proposed arrangements, the Central Government would be abolished, and legislative and executive powers would be vested in the individual States. The Conference also provided for the establishment of new States, but did not determine the criteria to be followed in that connexion. This decision led Congolese leaders, through personal ambition and tribal animosities, to lay claim for the creation of a score of new States. But the influence of the Tananarive Conference was short-lived. Soon thereafter, Mr. Kasa-Vubu and other leaders revised their positions and made it clear that the decisions of Tananarive were mere statements of intentions and, unless approved by Parliament, had no force of law.

Some time later, on 24 April 1961, a more important conference was convened in Coquilhatville, on the proposal of Mr. Kasa-Vubu. Mr. Gizenga again refused to attend. Mr. Tshombe came and sought to re-create the Tananarive situation. When his attempt was opposed by the overwhelming majority of the representatives, he decided to boycott the conference, but, as he prepared to fly back to Elizabethville, he was detained by the Leopoldville authorities. The conference continued nevertheless and, at the conclusion of its work, recommended a reorganization of the government structure of the

Congo on a federal basis. From the outset, it had been made clear that the decisions of the Conference would have to be endorsed by Parliament, and during the Conference, on 12 May, President Kasa-Vubu announced that Parliament would be re-opened in the near future. He requested United Nations assistance and protection for this purpose.

While carefully avoiding interference in the discussions between Congolese leaders, ONUC facilitated these discussions whenever it was requested to do so. Thus it placed a guard at the site of the preliminary round table conference in Leopoldville. It agreed to facilitate Mr. Gizenga's trip to Tananarive when he first accepted to go there. Before the Coquilhatville Conference, Mr. Cléophas Kamitatu, a pro-Lumumba leader, went to Stanleyville in an ONUC plane in an effort to bring about a rapprochement between Mr. Gizenga and Mr. Kasa-Vubu.

Re-opening of Parliament

After Mr. Kasa-Vubu announced his intention to reconvene Parliament, ONUC spared no efforts to help achieve this purpose. An essential condition for reconvening Parliament was a rapprochement between leaders of the Leopoldville and Stanleyville groups. To these two groups belonged the great majority of parliamentarians and, if either of the groups refused to attend Parliament meetings, there would be no quorum. But the memory of Mr. Patrice Lumumba's death and of its aftermath was still vivid, and leaders of the two groups were divided by deep suspicion and distrust. Through good offices and persuasion, ONUC officials did everything possible to dissipate their mutual suspicion and lay the ground for negotiations between them.

After Mr. Kasa-Vubu called the Parliament session in Leopoldville, Mr. Gizenga condemned his bid as illegal and ordered Parliament to meet in Kamina. Responding to ONUC's good offices, Mr. Gizenga softened his stand and agreed not to insist on Kamina provided that full protection were given to parliamentarians by ONUC. Later, a meeting between Leopoldville and Stanleyville representatives was arranged in Leopoldville, under ONUC auspices, to consider the modalities of the re-opening of Parliament. The Stanleyville representatives were brought to Leopoldville in an ONUC aircraft, and the meeting took place at ONUC Headquarters. After long discussions, an agreement was reached by the representatives of the two

groups. At their joint request, ONUC accepted the responsibility for making arrangements for the session of Parliament and ensuring full protection to the parliamentarians.

In accordance with the request made by both delegations, ONUC also sought to persuade Congolese leaders of South Kasai and South Katanga to subscribe to the agreement on the reconvening of Parliament. Both Mr. Albert Kalonji and Mr. Moise Tshombe, who was released from confinement by the Leopoldville authorities on 22 June 1961, promised to cooperate. Mr. Tshombe even signed a protocol calling for the reconvening of Parliament, but he changed his position after he returned to Elisabethville.

Parliament re-opened on 22 July with more than 200 members attending, out of a total of 221. Most of them were brought to Leopoldville with the assistance of ONUC. On 2 August 1961, Mr. Cyrille Adoula, at the request of President Kasa-Vubu, constituted a government of national unity, which was unanimously approved by both Chambers.

Remaining obstacles

With the approval of the national unity government, the constitutional crisis was ended. In response to a letter from Prime Minister Adoula, the Secretary-General confirmed that the United Nations would deal with his Government as the Central Government of the Republic and that whatever aid and support the United Nations was in a position to give to the Congo would be rendered to his Government. However, there still remained two obstacles to the achievement of full national unity.

One such obstacle was the secessionist activities of Mr. Tshombe.^{1/}

The other was the equivocal attitude of Mr. Antoine Gizenga. At the time of the re-opening of Parliament, he had remained in Stanleyville and, although he was appointed Vice-Prime Minister in the new government, he made no move to proceed to Leopoldville. Mr. Adoula endeavoured to obtain his co-operation with the active assistance of other Stanleyville leaders and ONUC. His efforts seemed at first successful. On 7 August 1961, Mr. Gizenga recognized the Adoula Government as the sole legal Government of the Republic. Four weeks later he came back to Leopoldville to assume the post of Vice-Prime Minister and accompanied Mr. Adoula in that capacity to a conference of non-aligned nations in Belgrade, Yugoslavia. However, Mr. Gizenga left again for Stanleyville

^{1/}See page 37 et seq.

at the beginning of October, ostensibly to collect some personal effects, and refused to return to Leopoldville despite the many appeals from Mr. Adoula. While he was in Stanleyville, he attempted to form a new party, the Pana-Lumumba, and made several statements strongly hostile to the Government.

On 8 January 1962, the Chamber of Representatives ordered Mr. Gizenga to return without delay to answer charges of secessionism. Mr. Gizenga refused to obey the order, and his defiant attitude led to the fighting, on 13 January 1962, between gendarmes supporting him and ANC troops loyal to the Government, which was decisively won by the latter. Thereafter, Mr. Gizenga was dismissed from the post of Vice-Prime Minister after the adoption of a motion of censure by the Chamber of Representatives and is being detained.

The Stanleyville incident considerably increased the authority of the Central Government, which is now in control of all regions of the Congo except South Katanga.

(d) Problem of Katanga

Movement toward Secession

The Congo, which became independent on 30 June 1960 and was recommended for membership in the United Nations on 7 July, was a well-defined entity consisting of six provinces. For three-quarters of a century it had been governed as a unit, the provinces being regarded as mere administrative divisions. When the political future of the Congo was discussed at the Brussels round-table conference at the beginning of 1960, all Congolese leaders agreed that "the Congo within its present frontiers shall constitute an independent State, the inhabitants of which...possess one and the same nationality". The Loi fondamentale, which took into account the varying views expressed by Congolese leaders at the round-table conference, kept the Congo a united country while permitting a measure of decentralization.

With the approach of independence, however, and with the intensification of political activity, there was a resurgence of demands for provincial autonomy or even independence. This development was especially marked in some sections of Katanga, the province which, with 12.50 per cent of the Congo's population, contributed 50 per cent of its total revenue. A reluctance to continue to share its wealth was not unrelated to advocacy of secession for Katanga.

At the same time, political differences gradually widened on the national scene between Mr. Patrice Lumumba, the main proponent of unity, and Mr. Moise Tshombe, the Katanga leader who advocated a loosening of ties between the Congo's provinces. These differences were paralleled elsewhere in the Congo; several parties found a government based on the Lumumba-Kasa-Vubu alliance not to their liking, and turned to separatist policies. The trend gathered strength because Congolese political parties, with one or two exceptions, have strong tribal and territorial associations.

At this point, various foreign interests began to enter the picture by providing financial and political support to secessionist movements. As Belgian relations with Prime Minister Lumumba deteriorated, there was an increasing tendency among Belgians to support groups in the Congo which sought to escape Central Government control. With financial and political support from Belgian sources, Mr. Tshombe was accordingly in a position to proclaim the independence of Katanga on 11 July 1960.

But Mr. Tshombe's own position in the province was anything but secure. In the May 1960 elections to the provincial Assembly, his party, the Conakat, won 25 seats out of 60, compared to 23 seats for the rival Cartel katangais. The latter group, which is dominated by the Balubakat party, felt aggrieved because, in its opinion, the distribution of seats did not tally with the popular vote and therefore decided to boycott the provincial Assembly. Mr. Tshombe was able to form a provincial government only with the support of independent and co-opted members, and after a last-minute revision of the Loi fondamentale by the Belgian Parliament had reduced the quorum for meetings of the Assembly from two-thirds to one-half.

Foreign support was vital in helping Mr. Tshombe to assert his control over Katanga itself, as well as to make good his secession. He welcomed the re-occupation of Katanga by Belgian troops. He was also assisted by Belgian military personnel in the Katanga gendarmerie. When under the pressure of ONUC, Belgian troops entirely withdrew from the province at the end of August 1960, Belgian officers in command of the gendarmerie remained and were instrumental in helping Mr. Tshombe carry out his subsequent secessionist policies.

Secession and the ONUC Mandate

Along with the breakdown of law and order and foreign armed intervention, the secession of Katanga was thus one of the main problems which confronted the Congo when it appealed to the United Nations for help.

In its appeal to the United Nations, the Congo Government specifically requested military assistance to end the secession of Katanga, but the Security Council resolution of 14 July 1960 contained no mention of this point. On 22 July, the Council recognized that it had dealt with the Republic as a unit, and asked all States to refrain from any action which might undermine the territorial integrity and political independence of the Congo. In August, the Council called for the immediate withdrawal of Belgian troops from Katanga; it also made it clear, however, that the United Nations was not to take sides in Congolese internal conflicts, constitutional or otherwise; nor was the Organization to be used to influence the outcome of any such conflict.

Thus the United Nations position was clear from the beginning. It recognized and supported the unity and territorial integrity of the Congo and was opposed to secession. The United Nations obviously could not go into a country at the invitation of its government and there support or accept an effort of one area to break away from that country.

But the problem was especially acute because Mr. Tshombe, in proclaiming the independence of Katanga, was not acting alone. The move was made with the unconcealed help of Belgian advisers and was backed by Belgian troops. Thus, outside intervention became inextricably linked with the secession of Katanga from the very outset, and so it has remained. Since it had been brought about in great part through foreign support, the secession of Katanga, which led directly to action by the Central Government, would have led inevitably to counter-action by other States. This posed a threat to international peace and security in the immediate area of the Congo and in Africa as a whole, which was made more dangerous by the evident interest of certain groups in the riches of Katanga.

Faced with this complex situation, the Secretary-General drew a clear distinction between what the United Nations could do in accordance with the Security Council resolutions, and what it could not do, and on this issue Prime Minister Lumumba chose to break with him. Mr. Lumumba argued that the United Nations had been asked by his Government, and had agreed to help maintain law and order throughout the Congo; from this he inferred that the United Nations was to help put down the lawless rebellion of the Katangese authorities.

The Secretary-General's position was that, while the United Nations Operation originated from a request by the Congo Government, the purpose of the United Nations intervention as determined by the Security Council was not to achieve the domestic aims of the Government but to preserve international peace and security. The United Nations Force, therefore, could not, under the Security Council decision, be used on behalf of the Central Government to subdue or to force the provincial government to a specific line of action in regard to an internal political controversy. Nor would ONUC transport Central Government civilian or military personnel into Katanga against the wishes of the provincial authorities, or protect such personnel there beyond what followed

from its general duty to maintain law and order. Conversely, ONUC, under Mr. Hammarskjold's interpretation, had no right to prevent Central Government action in relation to Katanga, if such action was taken by its own means, or similar action by Katanga, provided it was not carried out by foreign troops or resources.

While freely using persuasion to bring about reconciliation on the basis of unity, ONUC accordingly refused to intervene directly to put down the secession; its mandate did not allow it to exercise military initiatives for this or any other purpose. ONUC refused to help the Central Government under Mr. Lumumba to subdue Mr. Tshombe, and its stand has not changed to this day.

What the United Nations can do and has sought to do is to encourage efforts at reconciliation and to eliminate foreign interference which has been instrumental in bringing about the secession of Katanga and has helped the secession to endure. The withdrawal of Belgian troops from the Congo, including Katanga, was brought about by ONUC within the first six weeks of its operation. But, after the departure of the Belgian troops, foreign interference took more subtle forms and the secessionist regime, which had been set up after the Belgian military intervention, was strengthened by the introduction of foreign political advisers, military and para-military personnel and mercenaries and the import of arms, ammunition and military equipment. To cope with this aspect of the problem, the Security Council strengthened the ONUC mandate in February 1961, and again in November, by authorizing it to eliminate those foreign personnel, by force if necessary, and to prevent further introduction of such elements as well as of arms and military equipment.

Consolidation of Secession in Katanga

As already indicated, the internal situation rapidly deteriorated throughout the Congo in the course of August 1960, and this deterioration led to the constitutional crisis which broke out in Leopoldville on 5 September. During this crisis, the secessionist regime of Mr. Tshombe was able to consolidate its hold over South Katanga with active foreign assistance. While Belgian officers, supplemented by an increasing number of foreign mercenaries, continued to strengthen the gendarmerie, Mr. Tshombe imported large quantities of arms and war materiel, including aircraft, from abroad. With his improved armed forces, he launched a merciless extermination campaign against the Baluba and other political and tribal enemies. Helping to maintain law and order in Katanga and protecting large parts of the Katangese population against the

brutal lawlessness of the gendarmerie accordingly became one of the principal aspects of the ONUC effort, along with the removal of the foreign political advisers, military and para-military personnel and mercenaries.

In carrying out its functions in Katanga, ONUC continually found itself opposed by certain foreign financial interests which in effect control the economy of the province. These interests, centered about the vast industrial and mining complex of the Union Minière du Haut-Katanga, with headquarters in Brussels, Belgium, had apparently committed themselves to Mr. Tshombe's secessionist policies. The Union Minière supported Mr. Tshombe in four principal ways. First, it paid nearly all of its taxes not to the Central Government, to which they were due, but to the Katangese provincial authorities. Secondly, it shipped its production not by way of the traditional "national" route, but by way of Portuguese Angola; this enabled it to credit hard-currency export duties to the account of the provincial government. Thirdly, the Congo's part of Union Minière stock was withheld from the Central Government and was kept in Brussels. Fourthly, the firm allowed its industrial facilities in Elisabethville and other places to be used by the mercenary-led gendarmerie for military purposes, including the making of some implements of war. It is estimated, on the basis of recent figures, that the Union Minière and connected companies supplied the major part of Katanga's revenue and thus, in effect, may be said to have furnished the financial basis for the whole secessionist movement including the high payments to the mercenaries, ample military equipment, including warplanes, and vigorous propaganda machinery, with branches in some of the most important cities in the world, which spread tendentious and often viciously inaccurate reports directed against the United Nations.

However, despite Mr. Tshombe's efforts and the powerful financial and political support he enjoyed, his separatist movement never gained official international recognition either in Belgium or elsewhere. Moreover, neither Belgium nor any other Government publicly espoused the cause of Katangese secession. In fact, after the establishment of the coalition Government in Brussels in the spring of 1961, its Foreign Minister, Mr. Paul-Henri Spaak, announced publicly its stand in opposition to the secession of Katanga. This stand, however, did not seem to carry much weight with the supporters of

secession abroad, and with the foreign elements pressing for secession in Katanga, who had gone far in their efforts to prevent reconciliation based on the Congo's unity.

Mercenaries and other foreign elements

The problem of foreign elements who sought to influence the Congo's destinies in their own interests first came into prominence when these men instigated Katanga's declaration of "independence" in July 1960, and this evil has bedevilled Katanga ever since.

In the beginning, the bulk of these persons were Belgian professional military and civilian officials (known as "Minaf" personnel) placed at the disposal of the Central Government of the Congo under the treaty of friendship with Belgium, which was signed but never ratified. After the severance of diplomatic relations between the Congo and Belgium, many of these men gathered in Katanga, where they gained prominent positions in the provincial administration and the gendarmerie. From these vantage points they vigorously promoted secession. In effect they waged war on the Congo Government at whose disposal they had been placed by their country. Later these Belgians were joined by some elements of other nationalities.

On 21 February 1961, the Security Council urged "the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and para-military personnel and political advisers not under the United Nations Command, and mercenaries". Implicit in this language was the finding that, while the Congo was admittedly and direly in need of assistance from outside, and especially of personnel to carry out technical and professional tasks which the Congolese had not hitherto been trained to perform, there were other types of foreign personnel whose actions were incompatible with genuine Congolese independence and unity. In certain parts of the Congo, and especially in Katanga, such personnel had come to play an increasingly harmful role, obstructing the application of United Nations resolutions and, in effect, working in their own interest and in the interest of certain financial concerns to break up the country into a balkanized congeries of politically and economically unviable States.

Immediately after the adoption of the Security Council resolution of 21 February, the Secretary-General undertook intensive diplomatic efforts to bring about the withdrawal of the foreign military and political personnel. The Belgian Government took the position that there must be no discrimination against Belgians in engaging non-Congolese technical personnel; as for military personnel and mercenaries, the Belgian Government divided them into several categories. Of these it undertook to recall those whom it considered that it had the legal right to request to return. But it would take no such action in respect of mercenaries and the Belgian personnel engaged by the Congo Government; how to deal with them, it argued, was a matter for agreement between the Secretary-General and the Congolese authorities. The Secretary-General expressed the view that the measures indicated by the Belgian Government fell far short of full compliance with the Security Council resolution.

The exchanges with Belgium continued, fairly inconclusively, until the change of government in the spring of 1961, when some progress was made. The new Belgian Government notified 23 of its nationals serving in Katanga as political advisers to return to Belgium. It also acted to prevent the recruitment of mercenaries. But the effectiveness of these efforts soon became open to doubt. On 30 October 1961, the Government in Brussels acknowledged that this was the case and took more vigorous steps - including the withdrawal of passports.

Mr. Tshombe, however, would not co-operate with ONUC. He continued to recruit foreign personnel, whose influence in the councils of the provincial government in fact tended to rise sharply. The complexion of the group also changed noticeably as mercenaries replaced the "Minaf" staff. Thus the traditional colonial administrative and military elements were being supplemented through an influx of non-Belgian adventurers and soldiers of fortune, including outlawed elements previously involved in extremist activities in Algeria and elsewhere. Similarly, political advisers active in the provincial government were increasingly committed to extremist, repressive and separatist policies; they drew political sustenance from the substantial non-Congolese community to which Katanga's extractive and processing industries had given rise.

First United Nations action against foreign elements in Katanga

Only after the United Nations had strengthened its position in April 1961 did the Katanga secessionist authorities, acting while Mr. Tshombe was under detention in the West, officially accept the resolution of 21 February. Those authorities drew up lists of persons whom they considered as falling within the terms of the resolution. By the end of June 1961, 44 Belgian nationals were thus selected for repatriation, and the cases of 22 others were under consideration. It was noted, however, that persons clearly not coming under the resolution had been included for political reasons, while others notorious for their activities had been omitted. ONUC representatives continued to press for revision of the lists and brought home to the provincial authorities their determination to take drastic action, if need be, to comply with the United Nations mandate.

In April 1961, 44 mercenaries who were members of the unit known as the compagnie internationale were apprehended by the United Nations and evacuated from the Congo. By mid-June an estimated 60 more mercenaries had withdrawn from Katanga, and on 24 June the compagnie internationale was formally dissolved by the provincial government.

On 7 June 1961, after discussions with the Katanga authorities, the United Nations Force Commander dispatched a military mission to Katanga for the purpose of helping the authorities there to remove non-Congolese elements falling under the resolution. The mission reported that there were 510 foreign officers and non-commissioned officers active in the gendarmerie as against 142 Congolese cadres. Of the non-Congolese, 208 were the remaining Belgian professional military men; 302 were mercenaries.

But despite the unrelenting efforts of ONUC, the provincial authorities refused to take effective action to remove the foreign elements without whom the secessionist movement might have collapsed. For its part, the Belgian Government said that it was prepared to help in the removal of its professional officers and NCO's who had been serving the Congo and were now in command of the gendarmerie, but it professed to be unable to do anything about the "volunteers" and mercenaries. Persuasion by the Secretary-General, who discussed the matter with Foreign Minister Spaak in Geneva on 12 July 1961, was unavailing in this regard.

Gradually, the United Nations was compelled to shift its ground to more vigorous and direct measures to achieve compliance with the Security Council resolution. Mr. Tshombe's chief military adviser, Major Weber, was compelled to leave on 18 June 1961; Mr. Thyssens, a prominent political adviser, was apprehended, taken to Leopoldville, and evacuated on 14 July. ONUC warned the Katangese authorities that it was prepared to compel the evacuation of other advisers and officers. Five French officers in politically sensitive gendarmerie posts were dismissed and repatriated, and a joint commission was established to list foreign political advisers, both those in official posts and those acting unofficially, who were to be repatriated.

Events of August and September 1961

The formation of the Adoula Government, which enjoyed unquestionable and internationally recognized authority, was of crucial importance in enabling the United Nations to proceed with the elimination of foreign elements. Before the formation of a legal Government, the United Nations' efforts had been restricted by the requirement of avoiding political interference or support of one Congolese faction against another. Now the United Nations was able to do more effectively what the eleven-month-long constitutional crisis had impeded it from doing - that is, help the Government in removing the foreign elements which had furnished the backbone, and provided the teeth, of the attempt to sever, in their own interests, the Congo's richest province from the rest of the country.

It was not the United Nations' intention - any more than it had been in the summer of 1960 - to proceed against any Congolese elements, Katangese or otherwise. Nor would the United Nations seek to conquer or subdue Katanga on behalf of the Central Government; its action was directed primarily at the removal of non-Congolese elements, in accordance with the Security Council resolution of 21 February 1961.

As already indicated, ONUC endeavoured, since the outbreak of the crisis, to encourage and facilitate the reconciliation of Congolese leaders, including those of Katanga. But Mr. Tshombe rejected all attempts at conciliation except on his own terms and, when Parliament finally reopened at Lovanium, the parliamentarians belonging to his party, the Conakat, were, with Mr. Gizenga, the only absentees. Soon after the reopening of Parliament, Mr. Tshombe somewhat softened his stand and allowed the parliamentarians of his party to participate in the work of Parliament. However, he himself remained in Elisabethville and showed no intention of relinquishing the powers he held

in Katanga. When all attempts at negotiation failed, Prime Minister Adoula resorted to sterner action. In order to remove what it believed to be the main obstacle to a peaceful solution of the Katanga question, the Central Government formally ordered, on 24 August 1961, the expulsion of mercenaries serving in Katanga and requested ONUC to assist it in carrying out this decision. ONUC, of course, was already committed to this course and, for months, had urged Mr. Tshombe to co-operate in removing the foreign elements, but to no avail.

On 28 August, ONUC proceeded to round up mercenaries for deportation. In the face of inflammatory rumours about an invasion by the ANC which had been disseminated by Mr. Godefroid Munongo, the provincial Minister of the Interior, certain security precautions were taken by ONUC in Elisabethville, including surveillance over Radio-Katanga, gendarmerie headquarters and some other key points. Inflammatory broadcasts were thus prevented, and appeals for calm were put on the air. The precautions lasted for only a few hours. On this occasion Mr. Tshombe, who had been fully informed of the goals of ONUC's action, expressed his readiness to co-operate. He broadcast a statement to the effect that the Katangese authorities accepted the decisions of the United Nations, and that the services of the foreign military personnel were being terminated by his government.

At that point, ONUC representatives met with the Elisabethville Consular Corps, which was presided over by the Belgian "Consul". The latter offered to assume the responsibility, together with two senior Belgian officers formerly in the gendarmerie, for the orderly repatriation of the foreign personnel, most of whom were Belgians. ONUC immediately accepted this arrangement and suspended its own rounding-up operation, but three sets of ominous developments soon marred the picture.

In the first place, it developed that the foreign military men being made available for repatriation were in the main the "Minaf" personnel whose withdrawal had been earlier agreed to by the Belgian Government.

By 9 September 1961, 273 had been evacuated, and 65 were awaiting repatriation. But, while some of the volunteers and mercenaries had left, many others - about 104 of whom were known to be in Katanga - were "missing". They were re-infiltrating into the gendarmerie, distributing arms to groups of soldiers over whom they could assert control, and getting ready for violent resistance.

In the second place, the political police (Sûreté) under Mr. Munongo and largely directed by foreign officers, launched a campaign of assaults and persecution against anti-Tshombe Baluba tribesmen in Elisabethville. An effort was made to convince the world that ONUC's actions were causing disorder. The terrorized Baluba streamed out of the city and sought safety by camping in primitive conditions near ONUC troop quarters. ONUC arranged protection for the encampment, into which 35,000 Baluba had crowded by 9 September creating a serious food and health problem, as well as a continuing danger of tribal violence.

In the third place, the foreign elements - including some French persons from Algeria and local settlers who had volunteered for the purpose - contrived terroristic actions against ONUC personnel. Led by a group of extremists in the Sûreté, they were reported planning to blow up ONUC headquarters in Elisabethville. On 11 September 1961, they arrested the deputy ONUC representative.

When ONUC realized that the Katangese authorities had no intention of fulfilling their promises, it pressed its demand for the evacuation of foreign personnel in the Sûreté and of the remaining mercenaries by 9 September. The Katangese, however, led by Mr. Tshombe, had manifestly fallen back under the domination of the foreign elements, and had let themselves be persuaded to launch violent action against ONUC. ONUC's plans for a solution of the difficulties in Elisabethville were rejected and, when on 13 September 1961 security precautions similar to the ones of 28 August were applied, the United Nations troops were violently attacked by gendarmes led and instigated by non-Congolese personnel.

In the morning of 13 September 1961, Mr. Tshombe requested a cease-fire on the understanding that the United Nations troops would be enabled to continue their mission. ONUC representatives agreed and repeatedly sought to meet the provincial president to secure a cessation of hostilities. However, Mr. Tshombe and some of his lieutenants were prevented by their foreign military advisers, or allowed themselves to be prevented, from appearing at scheduled meetings with ONUC representatives.

In the meantime, the attacks on the United Nations troops continued, causing casualties. From the building in which the Belgian consulate had its offices, where a number of Belgian officers were known to be located, sustained firing at the United Nations troops went on. The United Nations base at Kamina was attacked, as were the United Nations garrison and installations at Albertville. Reluctantly, United Nations troops had to return the fire. All over Elisabethville and elsewhere in Katanga, the foreign officers who had gone into hiding came out into the open to lead operations against the ONUC "blue helmets".

It is noteworthy that hostilities occurred only where such foreign elements led or forced Congolese soldiers into them. Despite the apprehensions repeatedly expressed by Belgian officials, there were no difficulties whatever between ONUC troops and those Katangese units whose foreign officers and mercenary cadres had been removed. Where this was the case, ONUC and Katangese soldiers usually fraternized, and maintained order. Similarly, ONUC troops remained on friendly terms with Katangese civilian Africans.

The situation became serious because efforts to reinforce the United Nations troops were frustrated by the attacks of a Fouga Magister jet fighter, piloted by a non-Congolese mercenary, which quickly managed to immobilize ONUC's unarmed air transport craft. The Fouga jet also played havoc with the ground movements of ONUC, which had deliberately refrained from procuring offensive weapons such as fighter planes or tanks as incompatible with its mission as a peace force. This jet, among other things, prevented action to remove a gendarmerie roadblock between Elisabethville and Jadotville in the effort to relieve an ONUC Irish detachment ambushed and besieged in Jadotville. The Irish detachment, ironically, had been sent there at the request of the consular representatives in Elisabethville, who appealed for immediate protection of the European community at Jadotville. When the Irish detachment arrived there for that purpose, some members of that community helped in the attack which the gendarmerie promptly mounted against the detachment. At both Kamina and Albertville, where ONUC forces were not faced with such treachery, they were able to stand their ground successfully.

Tragic flight of the Secretary-General; the cease-fire

At this time, the Secretary-General had arrived in Leopoldville at Prime Minister Adoula's invitation to discuss future prospects of the United Nations operation in what was hoped would be a new setting created by the completion of the principal tasks assigned by the Security Council and General Assembly. Confronted instead with a ruthless attack on the United Nations Force led by foreign elements, Mr. Hammarskjold sought immediately a cessation of hostilities, and to achieve a reconciliation among the Congolese and fulfill the United Nations mission peacefully. In pursuit of peace, he flew to Ndola, Northern Rhodesia, to meet Mr. Tshombe, and on this flight on 17 September 1961 he lost his life in the

crash of the aircraft, along with seven other United Nations staff members.^{1/}

The Secretary-General's mission was immediately taken up by Dr. Linner and his colleagues. Mr. Mahmoud Khairy flew to Idola and, on behalf of the United Nations forces, signed a military cease-fire agreement on 20 September. This provided, among other things, for the establishment of joint commissions, exchange of prisoners and prohibition of troop movements. It was understood as an express condition that the agreement would not affect the application of the Security Council and General Assembly resolutions, including, of course, the continued removal of mercenaries. On this understanding it was approved by United Nations Headquarters.

A protocol for carrying out the provisions of the cease-fire, including such matters as prisoner exchange and the fixing of troop positions was signed on 13 October 1961 at Elisabethville. While the protocol allowed firing back in case of attack, it prohibited Katangese and ONUC troop movements. In approving this protocol, United Nations Headquarters stressed its military nature, re-emphasized United Nations support of the unity, integrity and independence of the Congo and, as indicated earlier, insisted on continued enforcement of the Security Council resolution which called for the evacuation of mercenaries.

Although the prisoners were in fact exchanged, and certain positions held by ONUC in Elisabethville throughout the fighting were duly released, Mr. Tshombe's regime was soon flouting the provisions of the cease-fire. In Leopoldville, his emissaries made it clear that nothing less than independence along the lines of the Tananarive decisions would be acceptable to the Elisabethville authorities. Meanwhile, the remaining Katanga mercenaries were

^{1/} Mr. Heinrich A. Wieschhoff, Director of the Department of Political and Security Council Affairs; Mr. Vladimir Fabry, Special Counsellor to the Officer-in-Charge of ONUC; Mr. William Ranallo, Personal Aide to the Secretary-General; Miss Alice Lalande, Secretary to the Officer-in-Charge; Sgt. Harold M. Julien, Acting Chief Security Officer; Sgt. Serge L. Barrau, Security Officer, and Sgt. Francis Eivers, Investigator.

leading the gendarmerie in a long series of violations of the cease-fire agreement, going so far as to launch offensive air action along the Kasai-Katanga frontier. This was sternly protested by the United Nations, which warned that Katangese aircraft involved - all of them piloted by mercenaries - would be brought down. While strictly abiding by the cease-fire in Katanga, ONUC had taken steps to prevent the recurrence of the September situation when it found itself powerless to stop the attacks of Katanga's Fouga Magister jet fighter. Three Member States of the United Nations - Ethiopia, India and Sweden - had contributed jet fighter squadrons to the United Nations Force to strengthen its defensive capacity.

At the same time, however, the Force ground strength was being whittled away. In August, the Tunisian contingent had been withdrawn in connection with events at Bizerte; the Ghana contingent subsequently withdrew, and certain other ONUC units were reduced. Not unaware of these developments, Mr. Tshombe and the foreign elements supporting him were determined to turn secession into an accomplished fact. ONUC-sponsored talks between the Central Government and Katanga were obviously subjected to stalling tactics. At least 237 persons, falling under the Security Council resolution remained in Katanga. They were chiefly mercenaries, many of whom had donned civilian clothes.

Despairing of a peaceful solution, the Central Government attempted to deal with Katanga's secession independently by the use of force, in late October 1961. ANC strength was built up on the border of North Katanga in preparation for entry into that region. At the beginning of November, a detachment from the Leopoldville grouping entered North Katanga in the Kaniama area, but was immediately repelled by Katanga gendarmes. Later, ANC units from the Stanleyville grouping succeeded in reaching Albertville, Nyunzu, Kongolo and other towns of North Katanga.

Events of December 1961

In the latter part of November 1961, the Security Council was convened once again to examine the situation in the Congo. By its resolution of 24 November 1961, the Council opposed the secessionist activities in Katanga and authorized the Secretary-General to use force to complete the removal of

mercenaries. After the adoption of the resolution, Mr. Moise Tshombe launched an inflammatory propaganda campaign against ONUC which soon degenerated into instigation to violence. The results were not long in coming. On 28 November 1961, two senior United Nations officials in Elisabethville were abducted and badly beaten; later an Indian soldier was murdered, and an Indian major abducted. The next day, several members of the United Nations Force were abducted, and others were killed or wounded. Roadblocks established by the gendarmerie impeded ONUC's freedom of movement and endangered its lifelines. Subsequently it became known that this was part of a deliberate plan to cut off the United Nations troops in Elisabethville and either force them to surrender or otherwise destroy them. For one week United Nations officials sought to settle the crisis by peaceful negotiations, but it soon became evident that, in the face of the bad faith displayed by Katangese authorities, no negotiations were possible, for, while pretending to negotiate, these Katangese authorities were preparing for more assaults, and indeed had a plan the purpose of which was the very destruction of ONUC. ONUC therefore finally decided to take action to regain and assure its freedom of movement and to restore law and order.

Because this defensive action was forced upon it, ONUC had few troops in Elisabethville when the fighting broke out on 5 December 1961. Until 14 December, ONUC forces endeavoured to hold their positions while reinforcements were hurriedly flown in from other parts of the Congo. On 15 December, having received enough reinforcements, ONUC troops moved to gain control of those positions in Elisabethville necessary to ensure their freedom of movement. In so doing, they worked their way around the perimeter of the city, in order to keep destruction and civilian casualties to the barest minimum. This objective was achieved within three days.

During the fighting, ONUC troops limited their attacks strictly to military objectives and so did the ONUC aircraft, which were sent into action only when absolutely necessary. Some civilian installations unfortunately were hit accidentally by misguided fire, but they were very few in number. Strict orders were given to ONUC troops to safeguard to all extent possible the lives and properties of the civilian population. Throughout the operation, they exercised a remarkable measure of self-restraint, which was all the more noteworthy in view of the comportment of many non-Congolese civilians which

made their task extremely arduous. Time and again ONUC units found themselves subjected to murderous fire from civilian installations and by persons in civilian dress. A flagrant instance of misuse of important civilian installations was the firing directed against United Nations troops from the plants of the Union Minière du Haut-Katanga, where many weapons were subsequently found. Vehicles with Red Cross markings were frequently used as cover by mercenaries and their civilian volunteer allies.

From the outset of the hostilities, United Nations military and civilian officers did their best, in co-operation with the Red Cross, to relieve the distress caused innocent civilians. Persons caught in areas where firing had been initiated by the gendarmerie were escorted to safety at the risk of ONUC personnel's lives; food supplies were provided where needed; special arrangements for the evacuation of women and children were made by ONUC. Notwithstanding the shortage of troops, ONUC employed a whole battalion to guard the Baluba refugee camp, where more than 40,000 anti-Tshombe Baluba lived under United Nations protection. ONUC troops, on the one hand, prevented the Baluba from raiding the city and, on the other, protected them from the gendarmes who launched several attacks on the camp.

On 19 December 1961, having ensured the positions necessary for its security, ONUC ordered its troops to hold fire unless fired upon. The same day, Mr. Tshombe left Elisabethville to confer with Prime Minister Cyrille Adoula in Kitona, the United Nations military base in Leopoldville Province. After that, major fighting between ONUC and Katanga forces ceased. ONUC immediately turned its effort to re-establishing normal conditions in Elisabethville. It co-operated closely with the local police to stop looting, to rid private houses of squatters and, in general, to restore and maintain law and order.

Kitona Declaration and its implementation

The Kitona meeting was arranged with the assistance of ONUC and the United States Ambassador in the Congo after a request was made by Mr. Moïse Tshombe on 14 December 1961, when the fighting in Elisabethville was in full swing. After meeting Prime Minister Adoula all day long on 20 December, Mr. Tshombe signed early in the morning of 21 December an eight-point Declaration. In this Declaration, he accepted the application of the Loi fondamentale, recognized the authority of the Central Government in

Leopoldville and agreed to a number of steps aimed at ending the secession of Katanga. He also pledged himself to ensure respect for the resolutions of the Security Council and General Assembly and to facilitate their implementation.

Since the Kitona talks, ONUC has been exerting all possible efforts, through persuasion and good offices, to ensure that the provisions of the Kitona Declaration will be fully carried out, as an indispensable step toward the solution of the Katanga problem by peaceful means. But its efforts have been greatly hampered by the changing attitude of Mr. Tshombe, who constantly shifted from lukewarm cooperation to calculated opposition and vice-versa.

In accordance with the provisions of the Kitona Declaration, Mr. Tshombe sent the Conakat parliamentarians to Leopoldville to participate in the session of Parliament. Three Katangese officials were also dispatched to the capital to participate in discussions for the modification of the constitutional structure of the Congo. In both cases, ONUC ensured the safety of the Katangese representatives during their journey to and from Leopoldville and their stay there.

But, while making those concessions, Mr. Tshombe stated that he had no authority to decide on the future of Katanga and summoned the Provincial Assembly to meet in Elisabethville for the purpose of discussing the Kitona Declaration. In this connection, Mr. Tshombe requested the temporary assistance of a United Nations legal expert. After consulting Prime Minister Adoula and obtaining his agreement, the United Nations promptly acceded to Mr. Tshombe's request and placed at his disposal the United Nations Legal Counsel.

During the session of the Provincial Assembly, Mr. Tshombe made before it two statements strongly criticizing the Central Government and ONUC. However, on 15 February, the Assembly decided to accept the Declaration of Kitona as a basis for discussions with the Central Government.

After that action, Prime Minister Adoula invited Mr. Tshombe to meet with him in Leopoldville to discuss the procedure for carrying out the provisions of the Declaration. But Mr. Tshombe was reluctant to go to Leopoldville and suggested that the meeting take place at the United Nations military base of Namina. ONUC exerted its best effort to persuade Mr. Tshombe

to accept Mr. Adoula's invitation and gave him a full guarantee of his safety throughout his journey to and from Leopoldville and of his freedom to leave the capital at a time of his choice, should he decide to go there. On 15 March 1962, Mr. Tshombe went to Leopoldville for the proposed discussions with Prime Minister Adoula.

While endeavouring to persuade the Katangese authorities to cooperate with the Central Government, ONUC pressed for the urgent and complete elimination of mercenaries from Katanga. After a series of discussions with ONUC officials in January 1962, Mr. Tshombe indicated the Provincial Government's intention to liquidate the problem of mercenaries once and for all, and firmly committed his Government to that course. In order to ensure the elimination of mercenaries, joint commissions composed of ONUC and Katangese representatives were established on the proposal of ONUC at the beginning of February. ONUC also insisted that, in accordance with the principle that it was to enjoy absolute freedom of movement, its troops should have free entry to Jadotville, Kolwezi and other places in Katanga. Mr. Tshombe first agreed to this demand but later changed his mind and, to support his stand, arranged for the "customary grand chiefs of Katanga" to meet in Jadotville. At the conclusion of their meeting on 18 February 1962, these chiefs adopted a resolution opposing the entry of United Nations troops into the places indicated.

In the meantime, the situation in North Katanga underwent a change. For reasons yet undetermined, the ANC troops withdrew from Kongolo, which was immediately reoccupied by Katanga gendarmes. There were no clashes between them, but the reoccupation of Kongolo by Katangese forces understandably worried the Central Government, which decided to reinforce its garrison in Albertville. Shortly after it had learned of the entry of Katanga gendarmes into Kongolo, ONUC sent a plane there to investigate the situation. It is exerting all possible efforts to prevent a deterioration of the situation in North Katanga.

(e) Civilian Operations

When the United Nations went into the Congo, it found the country in the throes of a dire emergency, chiefly caused by the breakdown of law and order. The mass exodus of Belgian technicians and administrators was threatening to paralyze the Republic's entire economy; essential services were in imminent danger of breaking down; unemployment was rising catastrophically in the cities; hunger and disease loomed.

One of the main objectives of the United Nations in the Congo has been to provide the Congolese Government with technical assistance for the smooth operation of all essential services and the continued development of the national economy. But the situation faced by ONUC immediately assumed unprecedented proportions of a nature different from that of normal United Nations technical assistance operations; these presuppose reasonably functioning governmental and economic machinery which is prepared to receive and use expert advice, training services and the aid of a few operational and executive officials for integration in the national civil service.

Faced with this emergency, the Secretary-General mobilized the resources of the United Nations family of organizations under the authority of a chief of civilian operations. A consultative group of experts was set up, consisting of senior officials of the United Nations and the specialized agencies concerned.

The first task was to restore or maintain the operation of minimum essential public services. Engineers, air traffic controllers, meteorologists, radio operators, postal experts, physicians, teachers and other specialists were rushed into the country. An emergency project was carried out to halt the silting of the port of Matadi and to restore navigation. In response to the Central Government's appeal, the United Nations agreed, in August 1960, to provide \$5,000,000 to finance essential governmental services as well as essential imports.

In the economic and financial fields, ONUC helped in setting up and managing monetary, foreign exchange and foreign trade controls, without which the country's slender resources might have been drained away, and all semblance of a monetary system might have collapsed. In all these fields, as well as in agriculture, labour and public administration, its effort was chiefly designed to improve the ability of the Congolese authorities to discharge their responsibilities toward the population despite the precipitous departure

of non-Congolese technicians and administrators. As it soon became obvious that the needs would continue for some time, the Secretary-General proposed, and the General Assembly in September 1960 approved, the establishment of a United Nations Fund for the Congo, financed by voluntary contributions. Its purpose was to restore the economic life of the country and to carry on its public services in the best possible way.

The Assembly's action coincided with the outbreak of the constitutional crisis, as a result of which ONUC could not deal with any authorities, except for President Joseph Kasu-Bubu, on a nationwide plane, and could not furnish advice at the ministerial level. Although the emergency conditions continued the ONUC effort did not lag, and was carried on in co-operation with such Congolese authorities as exercised de facto control in the provinces or localities where United Nations civilian operations were being undertaken.

Famine conditions in some areas and widespread unemployment led the Secretary-General to institute refugee relief and relief work programmes. In the autumn of 1960 the worst conditions developed in South Kasai, where some 200 persons daily were reported dying from starvation as a result of the disruption caused by tribal warfare. For six months, the United Nations shipped and distributed food and medical supplies in the area. While several thousand persons died before the United Nations effort began, the number of lives saved approximates a quarter of a million.

In the meantime, foreign exchange reserves were running short because of the political and economic situation. Accordingly, in June 1961, an agreement was arrived at between President Kasu-Bubu and the Secretary-General by which the United Nations put funds at the disposal of the Republic for the financing of a programme of essential imports. It was agreed that such assistance must benefit the population of the country as a whole.

Despite the constitutional crisis, United Nations training services continued as a working long-range operation. They were regarded as an investment in the development of human resources so as to fill the huge void caused by the shortage of indigenous operational and executive personnel. Training courses were organized for air traffic controllers, agricultural assistants, farm mechanics, foresters, medical assistants, labour officials, police commissioners, etc. To train Congolese operators and instructors, a Telecommunications Training Centre was set up; to train primary and secondary

school teachers and inspectors, a National Pedagogical Institute was established. Undergraduate medical studies were fostered. A National School of Law and Administration was opened to produce competent civil servants; a technical college was set up to train junior engineers, public works foremen and the like. Fellowships for study abroad were awarded to school directors, medical students, police officers, social workers and others in need of training for which adequate facilities were not available in the Congo. Furthermore, as already indicated, a programme has been prepared for the reorganization and retraining of the Congolese National Army.

Since the reestablishment of a constitutional government in the summer of 1961, ONUC civilian operations have been again rendering advisory services to the Government. These services should gain in relative importance as the Congolese authorities find it possible gradually to rely less on the United Nations for operative staff. In any case, United Nations assistance - be it in the form of medical teams with doctors from more than 20 countries, of school teachers from 11 different countries, in the provision of judges and prosecutors, or in the form of more conventional technical assistance activities - is now limited by the resources of the Congo Fund. Though originally envisaged to reach a level of \$100 million as a matter of urgency, the Fund had received up to 31 January 1962 only some \$34 million from some 14 member Governments, and it badly needed replenishment.

In 1960 and 1961, ONUC civilian operations have been able to provide about 600 experts and technicians to do the job of departing Belgian personnel, and the more than one thousand ONUC fellowships awarded so far are important seeds of a Congolese professional, technical and administrative force. They have been of unquestionable value in preventing a collapse of organized economic life under uncertain and trying conditions. In 1962, United Nations assistance in the civilian field will continue as funds permit. There is no doubt that this assistance has helped and will help the Congolese in establishing themselves and will put them on the way to full recovery and development as an independent nation.

CONCLUSION

Since its inception, the United Nations Operation in the Congo has had many achievements. It brought about the withdrawal of Belgian troops from the Congo. Thanks to it, law and order have been maintained throughout this vast country to a large degree, although a number of acts of violence could not be prevented. It encouraged and made possible a peaceful solution of the constitutional crisis. Without the United Nations, the Belgian military intervention undoubtedly would have led to dangerous reactions by other governments, including the big Powers. Fanned by open foreign intervention, civil war would have flared up with irresistible intensity. A situation comparable to, or worse than, that of Korea or Spain would have prevailed in the Congo. The United Nations operation has avoided all that.

Admittedly, the operation has met with great difficulties. Because one does not talk about a situation when it is normal, much publicity was given to difficulties, while achievements passed unnoticed. It should also be pointed out that most of the difficulties which arose during the operation were the legacy of the past, the inevitable consequence of events which had taken place long before the United Nations came to the Congo.

To solve those difficulties, the United Nations had to act within the mandate given to it by the Security Council and the General Assembly and in accordance with the spirit of the Charter. In particular, it firmly abided by two principles which bind any undertakings of the United Nations as an international organization composed of sovereign States and devoted to peace: non-intervention in the internal affairs of a sovereign country and restraint on the use of force.

It was a cardinal principle of ONUC not to attempt to impose a political solution by the use of force. Whatever difficulties and delays may have resulted from such a policy, how much more dangerous it would have been had the United Nations used its armed force to meddle in the internal affairs of the sovereign country of the Congo, siding with one party against another and helping Congolese subdue by force other Congolese.

ONUC has shown noteworthy restraint in the use of force during all phases of the operation. The first directive given the United Nations Force was never to use force except in self-defence. Later, as the crises dangerously deepened in the country, the Security Council authorized the Secretary-General to use force as a last resort to prevent civil war and to eliminate mercenaries. But, even with the enlarged mandate, ONUC has constantly shown the greatest restraint in the use of force. During its operation, ONUC has been attacked many times, but it has never launched an attack itself. Even when under attack, it resorted to force in self-defence only as a last resort, when it was absolutely necessary to do so. Such was the case in Elisabethville in December 1961. In this connection, it may be recalled that certain persons have wondered why ONUC troops at times fought Mr. Tshombe's gendarmes in Katanga but not Mr. Gizenga's gendarmes in Stanleyville with one exception. The answer is quite simple: ONUC was attacked by the former, not by the latter.

This restraint has sometimes been mistaken for a weakness. In particular, ONUC has been criticized for not having dealt with the ANC more forcefully and, more specifically, for not having disarmed it. Admittedly, it might have been easier to ensure the maintenance of law and order, if certain unruly elements of the ANC had been forcibly disarmed. But ONUC could not and would not disarm the ANC against the will of the Congo Government, not only because it would have to use force to achieve this purpose, but mainly because its Force came to the Congo as a friend and partner, not as an army of occupation. What ONUC has sought to do is to assist the Congo Government in re-establishing discipline in the ANC and in reorganizing its units.

In carrying out its mission, ONUC has resorted to persuasion rather than force, to co-operation rather than coercion. It considers it axiomatic that the real solution of the Congo crisis must come from the Congolese themselves. Its action, therefore, is mainly directed at encouraging and facilitating the efforts of Congolese leaders to settle their own problems and to reach a solution of their difficulties in their own way. It does so by persuasion, by good offices, by technical and material assistance, and finally by endeavouring to eliminate all foreign interference that seeks to drive them apart.

It is gratifying to note that the patient efforts of ONUC have begun to bear fruit. The breakthrough occurred on 2 August 1961 when Parliament was re-opened and a national unity government, led by Prime Minister Cyrille Adoula, was unanimously endorsed by it. Another important step was taken on 21 December 1961 when, at the conclusion of the Kitona talks, Mr. Moise Tshombe signed an eight-point Declaration recognizing the authority of the Central Government.

Admittedly many difficulties still lie ahead on the road to a final solution of the Congo crisis. But it is the hope and indeed the conviction of ONUC that, in the not too distant future, the Congolese will be able to settle their remaining differences and to achieve a satisfactory solution of a crisis that has too long plagued their country. When this has been achieved, the main task of ONUC will have ended.

ANNEX I

Glossary

ONUC	<u>Opération des Nations Unies au Congo</u> (United Nations Operation in the Congo).
ANC	<u>Armée Nationale Congolaise</u> (Congoles National Army).
Gendarmerie	Unit of the ANC whose main concern is the maintenance of public order. It may be noted that the secessionist army of Katanga is also named "gendarmerie".
Sûreté	State Security police.
Force Publique	Public Force, the title of the Congoles Army before it was renamed ANC.
Loi fondamentale	Fundamental Law. The Fundamental Law of 19 May 1960 concerning the structure of the Congo. This law, prepared on the basis of the resolutions of the Round Table Conference of January-February 1960 and adopted by the Belgian Parliament, is to operate as the constitution for the Republic of the Congo pending the adoption of a definitive constitution by the Congoles Parliament.
MINAF	Abbreviation for <u>Ministère des Affaires africaines</u> (Ministry for African Affairs) of Belgium.
Union Minière du Haut-Katanga	Mining Union of Upper Katanga. Industrial complex with vast mining and other interests in South Katanga.
Compagnie internationale	International Company. The name of a mercenary unit in Katanga.
MNC	<u>Mouvement National Congolais</u> (Congoles National Movement). Party formed in October 1958. The party split in two sections in July 1959, one led by Mr. Patrice Lumumba (MNC-L) and the other by Mr. Albert Kalonji (MNC-K).
ABAKO	Abbreviation for <u>Alliance des Bakongo</u> (Alliance of the Bakongo). Party founded in January 1959, led by Mr. Joseph Kasa-Vubu.

PSA Parti Solidaire Africain (African Solidarity Party). Party founded in April 1959, led by Mr. Antoine Gizenga.

PUNA Abbreviation for Parti de l'Unité Nationale (National Unity Party). Party founded in March 1960, led by Mr. Jean Bolikango.

CONAKAT Abbreviation for Confédération des Associations du Katanga (Confederation of Associations of Katanga). Party founded in July 1959, led by Mr. Moïse Tshombe.

BAIUBAKAT Abbreviation for Association des Baluba du Katanga (Association of the Baluba of Katanga). Party led by Mr. Jason Sendwe. It formed, with two lesser parties in Katanga, the Cartel Katangais.

ANNEX II

Chronology of Main Events

1960

- 23 June Central Government led by Mr. Patrice Lumumba approved by Parliament.
- 24 June Mr. Joseph Kasavubu elected Chief of State.
- 25 June Dr. Ralph J. Bunche arrives in Leopoldville to attend Independence Ceremonies as personal representative of Secretary-General Dag Hammarskjöld.
- 29 June Representatives of Congo and Belgian Governments sign treaty of friendship, assistance and co-operation.
- 30 June Belgian Congo proclaimed independent.
- 5 July Mutiny of Force publique begins in Leopoldville, soon spreads to other parts of Congo.
- 7 July Security Council adopts resolution recommending admission of Congo to membership in United Nations.
- 10 July Belgian troops intervene in Elisabethville and Luluabourg.
- 11 July Mr. Moïse Tshombé proclaims independence of Katanga.
Belgian troops attack Matadi.
- 12 July Congo Government appeals to UN for technical and military assistance.
- 14 July Security Council adopts resolution calling upon Belgium to withdraw its troops from Congo and authorizing Secretary-General to provide Congo Government with military assistance. Secretary-General sets up ONUC, appoints Dr. Ralph J. Bunche as Special Representative in Congo, Major-General Carl Carlsson von Horn as Supreme Commander of UN Force and Dr. Sture Linner as Chief of Civilian Operations.
- 15 July First ONUC contingent arrives in Leopoldville.
- 16 July Congo Government decides to sever diplomatic relations with Belgium.
- 17 July Congo Government addresses ultimatum to UN to clear all Belgian troops from the Congo before 19 July midnight. General von Horn arrives in Leopoldville.
- 22 July Security Council adopts resolution asking Belgium to implement speedily its resolution of 14 July 1960 and authorizing Secretary-General to take all necessary action to that effect.

23 July Evacuation of Belgian troops from Leopoldville completed.

24 July Prime Minister Patrice Lumumba arrives in New York.

26 July Secretary-General arrives in Leopoldville.

27 July Dr. Ralph J. Bunche and representatives of Congo Government sign basic agreement regarding ONUC.

2 August Secretary-General announces plan to send ONUC troops into Katanga on 6 August 1960.

4-5 August Dr. Bunche goes to Elisabethville, concludes that in view of unyielding opposition of Mr. Tshombe the entry of ONUC troops into Katanga could be achieved only by use of force.

5 August Secretary-General calls off plan for immediate entry of ONUC troops into Katanga, asks urgent meeting of Security Council, leaves for New York.

9 August Security Council adopts resolution calling for immediate withdrawal of Belgian troops from Katanga and re-affirming principle of non-interference.

10 August Mr. Albert Kalonji announces creation of Mining State in South Kasai.

11 August Secretary-General arrives in Leopoldville.

12 August Secretary-General enters Elisabethville with two Swedish companies of UN Force.

14-15 August Secretary-General returns to Leopoldville, is accused by Mr. Lumumba of unilateral and erroneous interpretation of Security Council resolutions, asks for meeting of Security Council and leaves New York.

16 August Congo Government decrees "state of emergency" throughout the Congo.

18 August ANC elements arrest and manhandle 14 Canadian members of UN Force at Ndjili airport.

21-22 August Security Council meets but does not vote on resolutions. Secretary-General announces appointment of Advisory Committee on Congo, also announces Belgian Government's assurance that all Belgian troops will be withdrawn by 29 August 1960.

24 August Advisory Committee on Congo holds first meeting.

25-31 August Pan-African Conference meets in Leopoldville.

27 August ANC elements arrest and manhandle ONUC personnel in Stanleyville.

29 August ANC troops massacre Baluba population in Bakwanga.

- 31 August Secretary-General sends protest to Belgian Government regarding continued presence of Belgian military units in Congo after deadline of 29 August 1960.
- 1 Sept. Dr. Bunche returns to New York, is replaced by Mr. Andrew W. Cordier as Special Representative in Congo until arrival of Mr. Rajeshwar Dayal.
- 5 Sept. President Kasa-Vubu dismisses Mr. Lumumba as Prime Minister. Shortly thereafter, Mr. Lumumba announces he is dismissing Mr. Kasa-Vubu as Chief of State.
- 5-6 Sept. ONUC closes all major airports in Congo and Leopoldville radio station.
- 7 Sept. Chamber of Representatives rescinds decisions of Mr. Kasa-Vubu and Mr. Lumumba dismissing each other and appoints Parliamentary conciliation commission.
- 8 Sept. Mr. Cordier leaves for New York, is replaced by Mr. Rajeshwar Dayal as Special Representative in Congo. Senate opposes Mr. Kasa-Vubu's decision to dismiss Mr. Lumumba.
- 12-13 Sept. ONUC reopens airports and Leopoldville radio station.
- 13 Sept. Chambers of Parliament meet in joint session and confer full powers on Mr. Lumumba.
- 14 Sept. Mr. Kasa-Vubu suspends Parliament for one month. Colonel Mobutu decides to "neutralize" existing central institutions.
- 14-17 Sept. Security Council meets, fails to agree on representation of Congo, fails to adopt a resolution, calls emergency special session of General Assembly.
- 17-20 Sept. General Assembly holds fourth emergency special session, adopts resolution 1474 (ES-IV) of 20 September 1960 requesting Secretary-General to continue to assist Congo Government in maintenance of law and order, appealing to Congolese leaders to seek a speedy solution of the internal conflict, asking the Advisory Committee on the Congo to appoint a conciliation commission and calling upon all States to refrain from providing unilateral assistance to the Congo for military purposes.

- 20 Sept. College of Commissioners installed in Leopoldville.
General Assembly begins fifteenth regular session, decides to admit Congo to membership in UN.
- 14 October Mr. Antoine Gizenga arrives in Stanleyville.
- 5 Nov. Conciliation Commission for Congo appointed by Advisory Committee.
- 8 Nov. President Kasa-Vubu addresses General Assembly and asks for seating of his delegation.
Irish soldiers of UN Force ambushed in North Katanga.
- 21 Nov. ANC troops attack Ghana Embassy in Leopoldville and clash with Tunisian soldiers of UN Force guarding the Embassy.
- 22 Nov. General Assembly decides to seat Congo delegation appointed by President Kasa-Vubu.
- 27 Nov. Mr. Lumumba flees from his Leopoldville residence.
- 29-30 Nov. Nigerian unit of UN Force ambushed by tribesmen in North Katanga.
- 2 Dec. Mr. Lumumba arrested near Port-Francqui, brought back to Leopoldville and then transferred to Thysville.
- 7-15 Dec. Security Council meets but adopts no resolution.
- 12 Dec. Mr. Gizenga proclaims Stanleyville as headquarters of Central Government and provisional capital of Republic.
- 15-16 Dec. OMUC Austrian medical team arrested by ANC.
- 16-20 Dec. General Assembly discusses Congo problem but adopts no resolution.
- 19 Dec. Officers of Conciliation Commission for Congo arrive in Leopoldville.
- 20 Dec. Secretary-General appoints Lieutenant-General Sean MacEoin to replace Major General von Horn as Supreme Commander of United Nations Force in the Congo.
- 22 Dec. Katanga authorities issue separate currency.
- 27 Dec. Stanleyville ANC forces take over Kivu, arrest provincial president Jean Miruho.

1961

- 1 January Col. Mobutu's ANC troops flown to Usumbura (Ruanda-Urundi) attempt unsuccessful invasion of Kivu.

- 2 January President Kasa-Vubu announces convening of round-table conference of Congolese leaders on 25 January.
- 3 January-20 February Conciliation Commission for Congo visits Congo.
- 8-9 Jan. Stanleyville ANC troops invade North Katanga. Government of "Province of Lualaba" is set up in Manono.
- 13 January ANC elements mutiny in Thysville.
- 17 January Mr. Lumumba and two companions, Mr. Joseph Okito and Mr. Maurice Mpolo, are transferred secretly from Thysville to Katanga.
- 25 January "Preliminary round-table conference" opens in Leopoldville.
- 30 January Katanga aircraft bomb Manono.
- 9 February President Kasa-Vubu dissolves College of Commissioners and appoints provisional government headed by Mr. Joseph Iléo.
- 10 February Katanga authorities announce "escape" of Mr. Lumumba and his two companions.
- 11-12 Feb. Katanga gendarmes begin military operation in North Katanga.
- 13 Feb. Katanga authorities announce that Mr. Lumumba and his two companions have been murdered by tribesmen in an undisclosed place.
- 21 February Security Council adopts resolution authorizing Secretary-General to use force to prevent civil war and urging withdrawal of mercenaries, reopening of Parliament and reorganization of Congolese armed forces.
- 28 February Mr. Iléo, Mr. Tshombe and Mr. Kalonji sign military and political agreement in Elisabethville.
- 4-5 March United Nations and ANC troops clash in Katadi.
- 6-11 March Conference of Congolese leaders is held at Tananarive, Malagasy Republic.
- 10 March Mr. Dayal leaves Leopoldville for New York; Mr. Mekki Abbas takes over as Acting Special Representative of the Secretary-General in the Congo.
- 30-31 March Katanga gendarmerie enter Manono.
- 7 April UN Force stops fighting between Katanga gendarmes and Baluba warriors in North Katanga.
- 15 April General Assembly adopts three resolutions on Congo. Resolution 1599 (XV) calls for withdrawal of mercenaries and other foreign personnel; resolution 1600 (XV) urges reopening of Parliament and establishing second Conciliation Commission; resolution 1601 (XV) establishes Investigation Commission on death of Mr. Lumumba.

17 April Agreement is concluded by representatives of Secretary-General and President Kasa-Vubu for implementation of Security Council resolution of 21 February 1961.

24 April-
28 May Conference of Congolese leaders meets in Coquilhatville.

26 April Mr. Tshombe arrested by Leopoldville authorities in Coquilhatville.

27-28 April UN garrison in Port-Francqui overwhelmed and massacred by ANC troops.

12 May President Kasa-Vubu calls for Parliament meeting.

19 May Mr. Mekki Abbas leaves Leopoldville.

25 May Mr. Dayal resigns as Special Representative. Mr. Sture Linner appointed Officer-in-Charge of ONUC.

22-24 June Mr. Tshombe released, signs protocol calling for reopening of Parliament.

22 July Parliament reopens at Lovanium University near Leopoldville.

2 August National Unity Government headed by Prime Minister Cyrille Adoula unanimously approved by Parliament.

24 August Central Government issues ordinance for expulsion of mercenaries from Katanga and requests ONUC assistance for this purpose.

28 August ONUC moves to round up mercenaries in Elisabethville. Second Conciliation Commission holds first meeting in New York.

1 September Mr. Mahmoud Khiary appointed Chief of Civilian Operations.

3 September Mr. Gizenga returns to Leopoldville to assume post of Vice-Prime Minister. On same day, he leaves with Prime Minister Adoula for Belgrade, Yugoslavia, to attend Conference of Non-aligned Nations.

13 September ONUC resumes operation of rounding up mercenaries, is attacked by Katanga gendarmes led by mercenaries. Secretary-General arrives in Leopoldville at invitation of Prime Minister Adoula.

17 September Secretary-General flies to Ndola, Northern Rhodesia, for cease-fire talks with Mr. Tshombe, dies in plane crash near Ndola.

20 September	Mr. Mahmoud Khiary concludes provisional cease-fire agreement with Mr. Tshombe in Ndola.
4 October	Mr. Gizenga returns to Stanleyville ostensibly to settle personal affairs.
13 October	Mr. Mahmoud Khiary and Mr. Tshombe sign protocol for implementation of cease-fire agreement in Elisabethville.
26 October	General Assembly sets up Investigation Commission on the death of Mr. Hammarskjold.
31 October	ANC elements from Leopoldville Grouping attempt unsuccessful invasion of Katanga in Kaniama area.
1-2 November	ANC elements from Leopoldville Grouping assault Belgian civilians in Luluabourg.
3 November	U Thant appointed Acting Secretary-General.
11 November	ANC troops from Stanleyville grouping massacre 13 Italian airmen of UN Force in Kindu.
	Report of Lumumba Investigation Commission is issued.
13 November	Congo Government issues ordinance regarding imprisonment of mercenaries.
13-14 November	ANC troops from Stanleyville grouping commit looting in Albertville.
24 November	Security Council adopts resolution denouncing secessionist activities and authorizing use of force for elimination of mercenaries.
25 November - 5 December	Katanga authorities launch series of attacks against ONUC.
27 November	Acting Secretary-General and Mr. Justin Bomboko sign status agreement regarding ONUC.
5-19 December	Fighting between UN troops and Katanga gendarmes in Elisabethville.
19 December	UN troops in Elisabethville ordered to hold fire unless fired upon.

20-22 December Prime Minister Adoula and Mr. Tshombe hold talks at Kitona, at the conclusion of which Mr. Tshombe signs eight-point Declaration recognizing authority of Central Government.

27 December Belgian Embassy in Leopoldville reopened.

29 December Parliament lifts parliamentary immunity of Mr. Albert Kalonji.

1962

1 January European missionaries and African civilians massacred in Kongolo by ANC troops from Stanleyville grouping.

8 January Chamber of Representatives enjoins Mr. Gizenga to return to Leopoldville to answer charges of secessionist activities.

13 January Pro-Gizenga gendarmes overpowered by pro-Government ANC troops after clash in Stanleyville.

15 January Mr. Gizenga is dismissed as Vice-Prime Minister.

20 January Mr. Gizenga is brought back to Leopoldville in ONUC plane.

2-8 February Prime Minister visits New York, addresses General Assembly, has talks with Secretary-General and delegations.

10 February Mr. Robert Gardiner replaces Dr. Linner as Officer-in-Charge of ONUC.

11 February Chamber of Representatives approves Government's action regarding Mr. Gizenga.

15 February Katanga Provincial Assembly adopts resolution accepting Declaration of Kitona as basis for discussions with Central Government.

15 March Mr. Tshombe arrives in Leopoldville for discussion with Prime Minister Adoula.