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FIRST REPORT BY THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF
SECURITY COUNCIL RESOLUTION S/4387 CF 14 JULY 1960

By the resolution adopted by the Security Council at its meeting on 13 July 1960, the Council, after considering the report from the Secretary-General and the request for military assistance addressed to the Secretary-General by the President and the Prime Minister of the Republic of the Congo, authorized the Secretary-General "to take the necessary steps, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance, as may be necessary, until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks". The Council also "called upon the Government of Belgium to withdraw their troops from the territory of the Republic of the Congo". The Security Council requested the Secretary-General to report to the Council as appropriate.

This first progress report on the implementation of the resolution of the Security Council is submitted with reference to this request.

The Mandate

The resolution of the Security Council was adopted in response to my initial statement to the Council. Therefore, that statement may be regarded as a basic document on the interpretation of the mandate. In the statement I made clear my view of the main purpose of the introduction of a United Nations Force in the Congo as well as of the relationship between this action and a withdrawal of Belgian troops. I also stated in general terms what legal principles in my view should apply to the operation.

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However, even with these explanations of my intentions and of my interpretation of the situations, important points were left open for an interpretation in practice. In submitting this first progress report, I want not only to bring to the knowledge of the Council what so far has been achieved, but also what lines I have followed concerning the implementation of the authorization.

I indicated as a "sound and lasting solution" to the difficulties which had arisen in the Congo the re-establishment of the instruments of the Government for the maintenance of order. It was implied in my presentation that it was the breakdown of those instruments which had created a situation which through its consequences represented a threat to peace and security justifying United Nations intervention on the basis of the explicit request of the Government of the Republic of the Congo. Thus, the two main elements, from the legal point of view, were on the one side this request and, on the other hand, the implied finding that the circumstances to which I had referred were such as to justify United Nations action under the Charter. Whether or not it was also held that the United Nations faced a conflict between two parties was, under these circumstances, in my view, legally not essential for the justification of the action. However, I pointed out that, on the basis of the interpretation I had given, it would be understood that, were the United Nations to act as I proposed, the Belgian Government "would see its way to a withdrawal", and the Council itself called upon the Belgian Government to withdraw their troops.

In order to assist the Government of the Republic of the Congo to re-establish its administration, specifically in the field of security, certain decisions had already been taken by me in response to a general appeal from the Government. However, they could yield results only after a certain time and in the meanwhile there was a need for a stop-gap arrangement, established by the United Nations in consultation with the Government, no preferable alternative arrangements being available for the intermediary period which might have to pass until, in the words of the resolution, "the national security forces might be able, in the opinion of the Government, to meet fully their tasks". Thus, the Force introduced is to be regarded as a temporary security force, present in the Republic of the Congo with the consent of the Government for the time and the purpose indicated,

Although the United Nations Force under the resolution is dispatched to the Congo at the request of the Government and will be present in the Congo with its consent, and although it may be considered as serving as an arm of the Government for the maintenance of order and protection of life - tasks which naturally belong to the national authorities and which will pass to such authorities as soon as, in the view of the Government, they are sufficiently firmly established - the Force is necessarily under the exclusive command of the United Nations, vested in the Secretary-General under the control of the Security Council. This is in accordance with the principles generally applied by the Organization. The Force is thus not under the orders of the Government nor can it, as I pointed out in my statement to the Council, be permitted to become a party to any internal conflict. A departure from this principle would seriously endanger the impartiality of the United Nations and of the operation.

Another principle which I consider as generally applicable and, therefore, as basic also to the present operation, is that, while, on its side, the host Government, when exercising its sovereign right with regard to the presence of the Force, should be guided by good faith in the interpretation of the purpose of the Force, the United Nations, on its side, should be understood to be determined by similar good faith in the interpretation of the purpose when it considers the question of the maintenance of the Force in the host country. This principle is reflected in the final phrase of the relevant paragraph of the resolution authorizing the Secretary-General to provide the Government of the Republic of the Congo with United Nations military assistance.

From this basic understanding regarding the presence of a United Nations Force in the country it follows that the United Nations activity should have freedom of movement within its area of operations and all such facilities regarding access to that area and communications as are necessary for a successful accomplishment of the task. A further elaboration of this rule obviously requires an agreement with the Government, i.e. specifying what is to be considered the area of operations.

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Regarding the composition of the Force, there is another general principle which, in the light of previous experience, I find it necessary to apply. In the report (A/3943) to which I referred in my statement to the Security Council, it is stated that "while the United Nations must reserve for itself the authority to decide on the composition of such military elements, it is obvious that the host country, in giving its consent, cannot be indifferent to the composition of those elements." The report continues: "In order to limit the scope of possible differences of opinion, the United Nations in recent operations has followed two principles: not to include units from any of the permanent members of the Security Council; and not to include units from any country which, because of its geographical position or for other reasons, might be considered as possibly having a special interest in the situation which has called for the operation. ... It would seem desirable to accept a formula ... to the effect that, while it is for the United Nations alone to decide on the composition of military elements sent to a country, the United Nations should, in deciding on composition, take fully into account the viewpoint of the host Government as one of the most serious factors which should guide the recruitment of the personnel. Usually, this is likely to mean that serious objections by the host country against participation by a specific contributing country in the United Nations operation will determine the action of the Organization. However, were the United Nations for good reasons to find that course inadvisable, it would remain free to pursue its own line, and any resulting conflict would have to be resolved on a political rather than on a legal basis." I recommended in the report quoted, that this principle should be considered applicable to all United Nations operations of the present kind. The problem is in this particular case covered by the request for consultations with the Congo Government. In my statement to the Council I pointed out that, while I consider that the aforementioned principle excludes military units in the Force from any of the permanent members of the Security Council, I, in fact, had the "intention to get, in the first place, assistance from African nations."

Among other principles which I consider essential to this operation, I may mention the following.

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The authority granted to the United Nations Force cannot be exercised within the Congo either in competition with representatives of the host Government or in co-operation with them in any joint operation. This naturally applies a fortiori to representatives and military units of other Governments than the host Government. Thus, the United Nations operation must be separate and distinct from activities by any national authorities.

Likewise, it follows from the rule that the United Nations units must not become parties in internal conflicts, that they cannot be used to enforce any specific political solution of pending problems or to influence the political balance decisive to such a solution. Apart from the general reasons for this principle, there is the specific one, that it is only on this basis that the United Nations can expect to be able to draw on Member countries for contributions in men and material.

To all United Nations personnel used in the present operation the basic rules of the United Nations for international service should be considered as applicable, particularly as regards full loyalty to the aims of the Organization and to abstention from actions in relation to their country of origin which might deprive the operation of its international character and create a situation of dual loyalty.

In my initial statement I recalled the rule applied in previous United Nations operations to the effect that the military units would be entitled to act only in self-defence. In amplification of this statement I would like to quote the following passage from the report to which I referred: "... men engaged in the operation may never take the initiative in the use of armed force, but are entitled to respond with force to an attack with arms, including attempts to use force to make them withdraw from positions which they occupy under orders from the Commander", acting under the authority of the Security Council and within the scope of its resolution. "The basic element involved is clearly the prohibition against any initiative in the use of armed force."

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The composition of the Force

Before reporting on the steps taken for the building up of the Force and on the agreements reached with a number of Governments regarding contributions to the Force, I wish to make some general observations.

As stated to the Security Council on 13 July 1960, the ultimate solution to the problem that has arisen in the Congo has to be found by the Republic of the Congo itself, with the assistance of the United Nations. In the same spirit I believe that, to the extent that the Republic of the Congo needs international assistance, such assistance should, within the framework of the United Nations, in the first instance be given by its sister African nations, as an act of African solidarity. However, this natural reliance on regional solidarity for the solution of a problem of this kind, should be qualified by an element of universality, natural - and indeed essential - to any United Nations operation. Therefore, while the Force, in my view, should be built around a hard core of military units from African States, it should also, to the extent which might be found practical, include units from other areas which meet the general conditions for the composition of a United Nations Force to which I have referred above.

Thus, in my view, the present operation is, in the first place, a manifestation of the willingness and ability of the African States to help within the framework of the United Nations, of which I have found the most convincing evidence in the course of this effort. Elements from other regions, included in the Force, may be considered as assistance given, in the spirit of the Charter, to the African community of nations by nations of those other regions. With this approach, the present operation should serve to strengthen the African community of nations and to strengthen also their ties, within the United Nations, with the world community. It would be wholly unjustified to interpret the United Nations action in the sense that nations from outside the region step into the Congo situation, using the United Nations as their instrumentality, because of the incapability of the Congo and of the African States themselves to make the basic contribution to the solution of the problem.

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My efforts to build up the Force have been guided by this interpretation of the United Nations operation. For that reason I have, in the first hand, appealed to African States for troops, addressing myself in a second stage to other nations meeting the conditions which are generally applicable, and continuing my efforts to activate further African units to the extent necessary. While the requests for troops so far presented by me, or offers of troops accepted by me, follow the pattern just stated, I have already in the first stage addressed a series of appeals for support in such fields as logistics, signals, material, aircraft and specialized personnel to those countries which are most likely to provide them at very short notice, irrespective of their geographical position.

Apart from being influenced by the factors which I have explained above, I have, naturally, been guided by considerations of availability of troops, language and geographical distribution within the region.

Even before the decision of the Security Council I was informed by the Republic of Ghana that it had responded favourably to an urgent demand from the Government of the Republic of the Congo for military assistance and that it wanted this assistance to be integrated in the general United Nations effort which the Government anticipated, after having been informed of the convening of the Security Council and of my proposals to the Council. Likewise, the Governments of Guinea, Morocco and Tunisia informed me at this early stage of their willingness to put, forthwith, military units at the disposal of the United Nations. These offers have been accepted and the troops have been or will be airlifted to the Congo as quickly as practicable. Some short delays have been unavoidable for logistic reasons or because of the necessity to stagger the airlifts.

Immediately after the end of the meeting of the Security Council, in the morning of 14 July 1960, I addressed appeals for assistance to the Chiefs of State of all African Member nations north of the Congo and of the Federation of Mali, either asking directly for troops, or, where language difficulties could be foreseen, asking for an immediate discussion with their Permanent Representatives at the United Nations about the best form in which the country concerned could render help. A full account of the results of this appeal and of arrangements made will be given in the following. At this point I wish to state that I immediately accepted an offer of troops also from Ethiopia, thus

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getting in the first set-up of the Force adequate representation from North Africa, West Africa and East Africa. As will be clear from the detailed report on arrangements made, the five countries specifically mentioned provide the Force with an initial strength of seven battalions, numbering more than 4,000 men.

I have received promises of additional battalions from several African French-speaking countries, as well as from some English-speaking nations in Africa. An offer of the Federation of Mali has been accepted and will be activated at a somewhat later stage. In the light of the general approach to which I referred above, I am activating the other offers as necessary.

Following the pattern which I have previously explained, I have, with the establishment of an initial Force of seven battalions of five African countries, completed a first phase of the building up of the Force. For a second phase I have appealed for assistance in the form of troops from three European, one Asian and one Latin American country, meeting the general conditions applying to a United Nations Force. In one of these cases, Sweden, I have asked for, and received permission on a temporary basis, to transfer the Swedish battalion in Gaza to the Congo through an airlift which is likely to be carried out on Wednesday, 20 July, thus bringing the total strength up to eight battalions.

As regards assistance in other forms, I have reached agreement on the sending of police companies from a number of African States. I have also appealed for aircraft, heavy equipment and specialized personnel from some of the last-mentioned countries. Apart from its other contribution, Ghana has undertaken to provide the Force with two military medical units.

Requests for heavy materiel and aircraft as well as for signals and other parts of the logistic support have been addressed to a number of non-African States; as regards signals, a special difficulty has been created by the fact that the personnel, if at all possible, should be bilingual, having knowledge of both French and English.

Appeals for assistance with air transport have been addressed to three non-African nations.

The response to all these various appeals has been favourable.

I have appointed Major-General Carl von Horn, Sweden, Supreme Commander of the Force. As COS of UNTSO for three years, General von Horn has already considerable experience as a senior military representative of the United Nations. He will be assisted by a small personal staff of officers drawn from the group under his command in Jerusalem. I have directed a request to India to make available to me a senior officer as military adviser in the Executive Office of the Secretary-General.

In broad outline, this completes the picture of the geographical distribution sought for the Force in implementation of the decision of the Security Council on the basis of the principles outlined above. It reflects my wish to give to the African community of nations the central position which in this case is their due, while maintaining the universal character of a United Nations operation. As the composition of the Force is still not completed, I can in the following stages make such adjustments as the Security Council may find desirable, but I wish to express my hope that the steps so far taken on the basis of the authority given to me by the Council will meet with the approval of the Council.

State of implementation

I now turn to the detailed information which, at the present moment, can be given to the Council regarding the implementation of its decision.

At the time of the writing of this report, about 3,500 troops in addition to substantial equipment from four of the contributing countries have arrived in Leopoldville. The 3,500 consist of 460 troops from Ethiopia, 770 troops from Ghana, 1,250 troops from Morocco and 1,020 troops from Tunisia. Each of the battalions is well equipped. As stated above, offers have also been accepted from the Republic of Guinea and the Federation of Mali. Groups of some 700 men will be airlifted later this week from Guinea.

635 men of the Swedish battalion in UNEF will be airlifted to Leopoldville on 20 July to serve for one month in the Congo; a small rear party of the battalion

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will remain in Gaza. Meanwhile, arrangements are being made for the airlifting of other contingents for the Force, including police units, hospital units, and signals and logistics personnel.

As it is essential that deployment of troops takes place at many points throughout the country, it will necessitate the building up of the Force to a level considerably higher than that presently attained.

The Ethiopian troops were airlifted by their own air force. The airlifting of the balance of the Force has been made possible by assistance granted at my request from the United Kingdom and United States Governments. The British Government has provided planes to transport elements of the contingent of Ghana while thirty-three planes of the United States Air Force have been used to transport the Tunisian and Moroccan contingents and to assist in the later stages of the transportation of the contingent of Ghana.

To meet the requirements of reconnaissance and mobility within such a large country as the Congo, troop-carrying trucks, planes of the DC-3 type, small reconnaissance planes and helicopters are being contributed by Member countries as part of the equipment of the Force.

Since United Nations contingents began to arrive before the arrival of the Commander and because of the generally unsettled situation in the country, on 15 July, I appointed Dr. Ralph J. Bunche, my Special Representative in the Congo, as Commander ad interim of the Force with immediate effect. On 16 July, he deployed United Nations units to the radio station, power station, Harvard Boulevard and the European sector of Leopoldville. On 17 July, he deployed further units at Stanleyville, Matadi, Thysville and Coquilhatville.

The arrival of the troops of the United Nations Force in Leopoldville has already had a salutary effect and the growing recognition of its role as a Force for the restoration of peace and order will contribute to its increasing effectiveness.

General von Horn took over the command of the Force on the morning of 18 July. He is continuing with all possible speed to deploy units at strategic points and in critical areas of tension. Because of the major task which confronts the Supreme Commander in taking over the command of the Force in its organization at its inception, he has been authorized to use for a short period limited numbers of officers who have been selected from the United Nations Truce Supervision Organisation in Jerusalem to assist in connexion with the programme of technical assistance in the field of security administration.

The general disorder combined with the breakdown of transportation and public services led to a threatened food shortage which it was necessary to avert. Consequently, at the request of the Government of the Congo, I made appeals to the Governments of Canada, Denmark, France, India, Italy, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America for food. The response to this appeal has been generous. The contributions so far pledged are from Canada, Denmark, France, India, the Union of Soviet Socialist Republics, the United Kingdom and the United States. A contribution has also been offered by Switzerland.

Some of this food is being flown into Leopoldville at the present time by American, British, Canadian and Soviet planes. In addition, the Swiss Government has responded to my request to provide an airlift of Swiss planes to assist in the food lift and the transportation of other supplies. Some of the food is being concentrated in the United Nations depot at Pisa awaiting airlift to Leopoldville. A further staging point and depot for this as for other purposes connected with the United Nations operations in the Congo, has been established at Kano, Nigeria, as assistance granted by the Government of Nigeria.

The Secretariat is in contact with twenty-seven countries for contributions to the establishment of the United Nations Force or to the food supplies in response to my appeal. I am deeply gratified with the generous response which has made possible the early activation of United Nations influence. It is hoped that the Force can be brought up to its necessary strength and effectiveness with no loss of the quickness of action that has so encouragingly characterized the development of the Force in the period since the Security Council met on 14 July.

Withdrawal of Belgian troops

As recalled above, the resolution of the Security Council refers also to the withdrawal of Belgian troops. Both at Headquarters and in Leopoldville, we remain in close touch with this aspect of the problems covered by the resolution.

I have been informed by my representative in Leopoldville that he has received from the Belgian Ambassador a letter according to which instructions have been given to the Belgian Commander in the Congo to the effect that Belgian military interventions should be limited to what is called for by the security needs of Belgian nationals and that in all other matters the Belgian Command has been advised to abide by the instructions of the military Command of the United Nations forces. The letter further states that in case of grave and imminent danger, the Belgian forces will continue to take "the necessary security measures" but that "in each case they will immediately refer the matter to the military Command of the United Nations". The Belgian Military Command, according to the letter, has been "ordered to impose strict discipline upon their forces in the Congo and has been told to co-operate to the greatest extent, when any request is made to them by the United Nations".

My representative in Leopoldville has also been informed that "following the arrival of United Nations Forces, Belgian units amounting to one company and one platoon have left Leopoldville on 17 July 1960. They are kept at the disposal of the Commander of the Belgian metropolitan Forces to answer calls of help where there are no United Nations troops available".

I wish to draw the attention of the Council to the fact that this statement refers to the situation as of 17 July 1960. Discussions are continuing and I shall report separately on the development.

