

UNITED NATIONS  
SECURITY  
COUNCIL



Distr.  
GENERAL

S/4482/Add.3  
10 September 1960  
ENGLISH  
ORIGINAL: FRENCH

FOURTH REPORT BY THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF  
SECURITY COUNCIL RESOLUTIONS S/4387 OF 14 JULY 1960, S/4405 OF  
22 JULY 1960 AND S/4426 OF 9 AUGUST 1960

Addendum No. 3

Note verbale dated 4 September 1960 from the Secretary-General  
of the United Nations addressed to the Permanent Representative  
of Belgium to the United Nations

The Secretary-General of the United Nations presents his compliments to the Permanent Representative of Belgium to the United Nations and has the honour to draw his attention to the following.

It will be recalled that in operative paragraph 2 of its resolution of 22 July 1960, the Security Council requests "all States to refrain from any action which might tend to impede the restoration of law and order and the exercise by the Government of Congo of its authority".

According to information received by the Secretary-General, officers of Belgian nationality are at the present time attached to Katanga forces and other groups in armed conflict with the central Government of the Republic of the Congo. The Minister of Foreign Affairs of Belgium has orally explained to the Secretary-General that these officers are under neither the authority nor the disciplinary control of the Belgian Government. In view of the circumstances, however, the situation can be interpreted in the sense that the Belgian Government has at least permitted persons connected with its military services under a "technical assistance" programme to give help to forces fighting the Government of the Congo. If that is so, the situation is essentially different from that in which private individuals volunteer for service in a foreign army. In this case, if the prevalent interpretation of the situation is correct, officers of the Belgian Army who had been serving in the Force Publique under "technical assistance" to the

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Congo have now entered the ranks of the Katanga forces or of other groups. In view of customary military regulations, it may be assumed that this transfer (whether the officers have been "detached" or have "resigned") could not have occurred without the assent in one form or another of the Belgian military authorities; at all events, it would be hard to believe that officers of the Belgian Army have severed their connexion with that Army in order to enrol in provincial forces fighting in the Congo without having obtained the approval of their military superiors and without having thereby made certain that they could rejoin the Belgian Army, if necessary with a loss in rank or seniority.

In the circumstances, the Secretary-General would wish, having regard to the Security Council's resolution of 22 July 1960, to be informed of the conditions under which the Belgian officers are serving in the Katanga forces and other military or para-military groups in armed conflict with the central Government. He would like the information supplied to deal with all the points mentioned above: assent of the Belgian military authorities, status of the persons concerned during their service in the Katanga forces, conditions of reinstatement in the Belgian forces and their need for continuing assent of the Belgian authorities in order to continue to serve in the Katanga forces without losing their rights to rejoin the Belgian Army in any capacity.

Note verbale dated 9 September 1960 from the Permanent Mission  
of Belgium to the United Nations addressed to the Secretary-  
General of the United Nations

The Permanent Mission of Belgium presents its compliments to the Secretary-General of the United Nations and has the honour to supply him with the following information in reply to his note of 5 September 1960 regarding the services of Belgian officers in the Congo.

(1) In accordance with the Treaty of Friendship, Assistance and Co-operation between Belgium and the Congo, the Belgian officers serving with the Force Publique on 30 June 1960 were to continue at their posts in the independent Republic of the Congo.

In the five provinces other than Katanga, it has become impossible for most of these officers to carry out their duties, although, to the knowledge of the Belgian Government, a number of them are still serving in those provinces.

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In Katanga, the competent authorities have kept the officers concerned at their posts.

(2) Under the terms of the Treaty of Friendship, Assistance and Co-operation, whether any civil servant - including the officers - continued to serve after 30 June 1960 depended only on the agreement of the persons concerned, and there was no need for the Belgian Government to interfere.

(3) The Katanga forces are not an army. They are a Gendarmerie which is part of the Police Forces and are under the authority of the Department of the Interior. They are the main element in the maintenance of order.

After the disorganization of the Force Publique of the Congo, the Katanga Government, at its request, succeeded in enlisting in its service a number of members of that Force stationed in other provinces.

However, these measures did not enable the Katanga authorities to meet all their requirements in the technical sphere. Under the circumstances, a small number of Belgian experts were supplied to the Corps de Gendarmerie of Katanga as technical assistance.

It is hard to see in this technical assistance a measure contrary to operative paragraph 2 of the Security Council's resolution of 22 July 1960, especially as the only mission of the forces to which the experts are assigned is the maintenance of order.

The Katanga authorities have the right to reorganize, staff and recruit their Gendarmerie for the maintenance of order while refraining from any aggression with regard to the forces of the central Government.

(4) The military enrolled in the Force Publique are under the hierarchical and disciplinary authority of the local authorities, to the exclusion of any interference by Belgian authorities. Their rank and promotion in the Force Publique, for example, have no effect on their Belgian status.

(5) These military cannot be automatically reinstated in the Belgian Army; they will first have to be examined by a Commission of Inquiry.

(6) The withdrawal of technical assistance would result in a complete disorganization not only of the Gendarmerie but of the police.

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Under present circumstances, such a withdrawal would appreciably weaken the forces of order in Katanga and might lead to the spreading of the disturbances, which is precisely what the Security Council's resolutions aim to avoid.

The Permanent Mission avails itself of this opportunity to renew to the Secretary-General the assurances of its highest consideration.