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Congo

Memorandum on Self-Defense

- 24 Aug. 1960

24 August '60

on the Congo operation

1. In the first report (S/4389), commended by the Secco in its resolution of the 22nd of July 1960, page 5, I quoted ^{— referring} ~~with reference~~ to my initial statement in the Secco, 13 July, to the effect that the military units would be entitled to act only in self defence [—] the following declaration of principle "...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 ~~in~~ they occupy under orders from the Commander". In the present situation the last part of this quotation is of immediate relevance.

2. In the basic agreement circulated to the Secco as Document S/4389, Add.5, the Government of the Republic of the Congo stated "that, in the exercise of its sovereign rights with respect to any question concerning the presence and functioning of the UN Force in the Congo, it will be guided, in good faith, by the fact that it has asked military assistance from the UN and by its acceptance of the resolutions of the Secco of 14 and 22 July 1960".

In the same basic agreement it was agreed that the Government and the SG should proceed to explore jointly specific aspects of the functioning of the UN Force. In that context the Government of the Republic of the Congo confirms ^{ed} its ["] intention to facilitate the functioning of the UN Force in the Congo. ["]

3. After the incident at Ndjili airport in the morning of 18 August when units of the Armée Nationale Congolaise (ANC) intervened against ^{interference} Canadians, Indians, and Moroccans in the service of the UN and with the operation of an Indian aircraft under UN command, an arrangement was made according to which the ANC withdraw its units, leaving only a token representation at the airport.

4. According to a cable received this morning, the COS of the ANC informed UN representatives that, on orders of the PM the ANC must take ^{the} over control of the airfield. In view of the vital significance of the airfield for the UN Force and, therefore, indirectly for the whole UN activity in the Congo, it is impossible to accept that the airfield is ^{the} under control of the ANC, which in its turn is under orders of the PM. This would mean exposing the UN activities to the ^{whims} winds of political decisions which at any moment might strangle the whole operation and expose the participants to immediate danger. ^{§ 5.} The basic agreement ~~there-~~ ~~fore~~ must be interpreted as guaranteeing freedom of movement under UN control for all UN personnel at the Leo airfield; this, obviously, does not exclude ^{such ground control as} the local authorities want to establish for traffic unrelated to UN operation. Action by the Congo authorities against ~~this basic~~ ~~these~~ basic requirements of the UN activities must be regarded as violating the basic agreement ~~and likewise~~ and likewise of the ^{arrangement} agreement of 18 August. While UN can not resist the return of units of the ANC to the airfield, they must resist any effort to push them away from the airfield or to establish a control over ~~UN~~

the UN operation. Such resistance would be self-defence in the sense of the first report as, obviously, the Commander not only has ordered the UN Force to hold the UN positions but, in defence of the whole operation, has been obliged and remains obliged to do so.

6. With the background given in the previous point,^s the immediate reply was given to the information from Leo regarding the PM's initiative that "self defence also applies in holding positions regarding essential in discharge responsibilities". At 8.45 am in the morning we got in touch with Dr. Bunkhe and I drew his attention to the explicit statement on self defence as including the right to hold positions, quoted under point 1 above.

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In the same basic agreement it was agreed that the Government and the Secretary-General should proceed to explore jointly specific aspects of the functioning of the UN Force. In that context the Government of the Republic of the Congo confirmed its "intention to facilitate the functioning of the UN Force in the Congo".

3. After the incident at Ndjili airport in the morning of 18 August when units of the Armée Nationale Congolaise (ANC) intervened against Canadians,

Indians, and Moroccans in the service of the United Nations and interfered with the operation of an Indian aircraft under UN command, an arrangement was made according to which the ANC withdraw its units, leaving only a token representation at the airport.

4. According to a cable received this morning, the COS of the ANC informed UN representatives that, on orders of the Prime Minister, the ANC must take over the control of the airfield. In view of the vital significance of the airfield for the UN force and, therefore, indirectly for the whole UN activity in the Congo, it is impossible to accept that the airfield is under the control of the ANC, which in its turn is under orders of the Prime Minister. This would mean exposing the UN activities to the whims of political decisions which at any moment might strangle the whole operation and expose the participants to immediate danger.

5. The basic agreement must be interpreted as guaranteeing freedom of movement under UN control for all UN personnel at the Leopoldville airfield; this, obviously, does not exclude such ground control as the local authorities may want to establish for traffic unrelated to UN operation. Action by the Congo authorities against the basic requirements of the UN activities must be regarded as violating the basic agreement and likewise of the arrangement of 18 August. While the UN can not resist the return of units of the ANC to the airfield, they must resist any effort to push them away from the airfield or to ~~establish~~ establish a control over the UN operation. Such resistance would be self-defence in the sense of the first report as, obviously, the Commander not only has ordered the UN Force to hold the UN positions but, in defence of the whole operation, has been obliged and remains obliged to do so.

6. With the background given in the previous points, the immediate reply was given to the information from Leopoldville regarding the Prime Minister's initiative that "self-defence also applies in holding positions regarding essential in discharge responsibilities". At 8.45 in the morning we got in touch with Dr. Bunche and I drew his attention to the explicit statement on self-defence as including the right to hold positions, quoted under point 1 ~~above~~ above.

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