Perhaps, no event in the post-war history has been so complex as the Congo crisis of the early 1960s. It looked as if all the elements of all international crises - real and conceivable - external and internal insecurity, subversion, secession, aggression, civil war, complete breakdown of government authority, vested economic interests, superpower politics and related factors, were all put together to create a most bizarre situation. It proved to be the greatest challenge to date to the UN Charter, since here was a situation where the basic assumption of international law and inter-state relations - that a member-state should have a well organized government - was almost non-existent. No wonder then that the UN enterprise in the Congo turned out to be the most controversial one.  


Background

Geographically, the Congo is eighty times as large as Belgium in size. Situated in central Africa, it has great strategic importance. Its richness in mineral resources was an important factor underlying the Belgian colonialism and the civil war after independence. Much of its wealth is located in the south-eastern province of Katanga. These resources were exploited by Union Minière, a company formed in 1906 jointly by the British and Belgian governments.

Being extremely rich economically, the Congolese were politically backward. They were divided into various tribal groups. Political parties and their leaders emerging after independence were purely based on tribal loyalty. The tribal structure was highly complex which led to disunity and wide differences between the two regions. Elections held in 1957-60 further sharpened tribal antagonism which sometimes erupted into violence. The decisive factors were perpetuated because of lack of education and communication. No attempt was made to provide for participation or even association of the Congolese people with the administration of the country. It was a thoroughly centralized administration run by some 10,000 European officers.
Until 1958 there was no political movement for independence in Congo but the winds of freedom that were sweeping the whole of Africa could not be kept away from the Congo. Three events, in particular, stimulated the demand for independence: President Charles de Gaulle's visit to Brazzaville to launch the French Brussels world fair; and the first All-African Peoples Conference in Accra which was attended by Patrice Lumumba.³

In 1959, when political unrest suddenly erupted, the Belgian authorities first resorted to repressive measures and then gave in to the Congolese demand for independence. The Congo became fully independent from Belgium in a formal ceremony which was addressed by King Baudoin in June 30, 1960. The Congolese army mutinied within a week after the declaration of independence, the reason being that the soldiers were not getting increase in emoluments in Leopoldville and saw little chance of Africanization of the officer's rank. The mutiny also underscored the attitude of the Congolese nationals who found it difficult to continue to be commanded even after independence by the same officers as

before independence. In the mutiny, the Congolese soldiers captured the means of communication. The situation was beyond control, since maintenance of law and order were the targets. Thus the whole administration became paralysed.

Soon after this incident, at the suggestion of the US Ambassador Timberlake, the Congolese Government appealed to the United Nations Technical Military assistance, including military advisors, experts and technicians to assist in developing a national army for the Congo maintain national security and law and order. But before the United Nations could reach to help in the Congo, more than 300 troops of Belgian army landed in Elisabethville airport in Katanga admittedly to protect the Belgian lives and property and occupied military camps. Their brutal fighting and counter-attacks by Congolese mutineers aggravated the situation. By July 13, the Belgian troops expelled the Congolese forces and occupied the European areas of Leopoldville where parliament is situated. Lumumba, the Prime Minister of Congo, reacted very angrily at the violation of the Treaty of Friendship between Belgium and Congo.\(^4\) Moïs Tshombe soon declared the secession of Katanga from Congo and when Presi-

dent Kasavubu and Prime Minister Lumumba visited Katanga, they were not allured to land in Elisabethville as the airport was controlled by Belgian troops. Tshombe was supported by the Belgian and this was anticipated by the Congolese government.\textsuperscript{5} Thus the Congo's national integrity was threatened by an external aggression. In this situation, Congo government changed their original appeal from "technical assistance in military field" to maintain law and order, protection of the territory of the Congo from Belgian aggression. While appealing for United Nations intervention against external aggression, Prime Minister Lumumba also warned that if the United Nations assistance failed to come immediately, the Congo would be obliged to seek assistance from other sources.

(ii) UN Response

Since the Republic of Congo was not yet a member of the United Nations, the Security Council met at the instance of the Secretary-General under Article 99\textsuperscript{6} of the Charter. The

\textsuperscript{5}Saksena, n.2, p.220.

\textsuperscript{6}Article 99 of the Charter States that "the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security."
proposal, which Secretary-General Hammerskjold outlined for the Congolese assistance, was quite positive and was based on the premise that the only lasting and permanent solution to the crisis was to create conditions in which the Congolese government would be able to pursue its interests and to take care of the situation by itself.

The Security Council called upon the Belgians to withdraw from the Congo and authorised the Secretary-General to take necessary steps, in consultation with the Government of the Republic of Congo provide the government with such military assistance as may be necessary until, through the efforts of the Congolese Governments with technical assistance of the United Nations, the national security forces might, to the opinion of the Government be able to fully meet their task. The Secretary-General's mandate was vague and blank and it led to diverse interpretations. The Secretary-General reported back to the Security Council in July 18 indicating the following implications of his mandate as he understood it:

(i) Restoration of order was the main task.

(ii) The United Nations force should be regarded as a "temporary security force" in the Congo with Congolese consent.

(iii) It might be considered as serving as an arm of the government for the maintenance of order and protection of life, but would exclusive be under the United Nations command and could not be permitted to become a party to any internal conflict.

(iv) The Security Council's permanent members would be sought from states of Africa and Asia.

(v) The UN troops would employ force only in self-defence, any initiative in the use of force on its part was prohibited.8

The Secretary General's very insistence on keeping United Nations force out of internal conflict, created crucial problems. It reduced the presence of the United Nations force in the Congo as mere spectators of the scene. It could not assume any role for the United Nations in respect of the Katanga secession and closed its eyes to the problems by asserting that secession was an internal prob-

8SCOR, 15th Year, Supplement, September 1960.
Meanwhile the Congo situation took a different turn. The relations between the host country and the United Nations deteriorated thanks to the inaction of the UN while Belgians withdrew from major cities except Katanga. This made the Katanga problem more astute and serious. This highlighted the lack of balance in the United Nations policy. The objectives of the withdrawal of Belgian forces and protection of lives and properties without restoration of the territorial integrity of the Congo and the establishment of the central governments authority all over the country proved to be meaningless.\(^9\)

From here onwards, the United Nations got involved in greater complications and subsequently the intricacies of the problem and the role played by the ONUC became more controversial. These are discussed subsequently in course of India's participation in the problem.

(iii) **India's Participation**

India's support to Congo at the UN and outside it was

\(^9\) Doc.S/4417, Add 1.
not simply because it also shared the same colonial experience. India's support was based on a deep appreciation of the Congolese situation. India wholeheartedly welcomed the Congo as a new nation, and recognised its independence but was unhappy with the development's that followed immediately after the infant nation's independent. Prime Minister Nehru was quoted to have said in parliament

as soon as the Congo became independent, we naturally recognised it. We looked upon the Congo as a single unity not to the split up. Our approach to the question is that the integrity and sovereignty of the Congo should be maintained. We shall adhere to this approach. 10

India viewed the situation in the Congo with grave concern. When Belgium freed the Congo, the latter had no educated or capable administrative strata in its society. This created internal conflicts, disruptions and dangerous secessionist tendencies which threatened the very existence of the young republic. To make things worse, Belgium sent its troops to the Congo and tried to feed the disruptive elements. From the very beginning of the crisis it was clear that India was opposed to the secession of Katanga and

10 Jawaharlal Nehru, Indian Foreign Policy, Selected Speeches Sept. 1946-April 1961 (Delhi: Publication Division), p.512.
considered Congo to be a single country not to be split.\textsuperscript{11}

India was not initially asked to send armed forces. Rather it wholeheartedly supported the prompt response of the UN to the appeal made by the Congolese Republic for the urgent despatch of military assistance to protect the Congolese national territory.\textsuperscript{12} Bringing the appeal to the attention of the Security Council under Article 99 of the Charter, the Secretary-General strongly recommended that the assistance asked for should be immediately given.\textsuperscript{13} He indicated that if his recommendation was accepted his action would be based upon the principles set out in connection with the UNEF.\textsuperscript{14}

The Security Council authorized the Secretary-General to take necessary steps in consultation with the Government

\textsuperscript{11}Nehru, \textit{Lok Sabha Debates}, 46 (1960), col. 5929.

\textsuperscript{12}By cables of 12 and 13 July 1960 (S/4382), the president of the Congolese Republic and its prime minister complained to the Secretary General that the arrival of Belgium metropolitan troops in the Congo constituted an act of aggression and that the provincial authorities in Katanga had declared secession as a result of colonialist machinations.

\textsuperscript{13}Article 99 of the Charter authorizes the Secretary-General to bring "to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security".

\textsuperscript{14}S/4381. Letter dated 13 July 1960 from the Secretary-General to the President of the Security Council.
of the Republic of the Congo to provide "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 Security Council also called upon Belgium to withdraw its troops from the Congo.\textsuperscript{15}

With the arrival of the first batch of the UN troops in the Congo, Belgium withdrew some of its forces promising to withdraw completely when the United Nations sent sufficient forces to take hold of the situation. The reluctance of Belgium made the Congolese Government nervous and they impatiently informed the Secretary-General that if the United Nations seemed unable to accomplish the withdrawal of Belgium troops by 19 July 1960, they would be regretfully compelled to seek the assistance of the USSR.\textsuperscript{16} The situation grew really perilous as the Soviet Union assured the prime minister of the Congo that it would not refrain from


taking resolute measures to stop the "imperialist aggression" and extend to the Congolese Government whatever assistance might be necessary for the just cause. The USA reacted sharply to the Soviet suggestion and declared its intentions to do whatever was necessary to prevent the intrusion of any military forces other than the UN into the Congo. In those grim circumstances the unanimous adoption by the Security Council of its second important resolution on the Congo was greatly welcomed. It reiterated the call to Belgium to withdraw its troops and requested all the member states to refrain from any action which might undermine the territorial integrity and independence of the Congo.

The United Nations signed an agreement with the Government of the Congo, whereby the latter authorized the former to intervene in the Congo for the purpose asked. As the UN force started its operation in the Congo the

17 Statement by the Soviet representative, SCOR, year 15, mtg.877, 20 July 1960, p.32.

18 Statement by the US representative. Ibid., p.38.


President of the province of Katanga informed the Secretary-General that his government was determined to resist the Central Government of the Congo and the despatch of the UN troops to Katanga. While the Central Government of the Congo was particularly anxious that the United Nations should help them to deal with the breakaway Katanga province, where the Belgian influence was maximum, the Secretary-General considered it prudent to assure the Government of Katanga that the United Nations did not seek to influence the solution of the internal political problems of the Congo. The Security Council confirmed the Secretary-General's view in its third resolution on the Congo which declared that the entry of the UN Force would not be a party to or in any way intervene in, or be used to influence the outcome of any internal conflict, constitutional or otherwise. Together the three resolutions, mentioned above, formed the basis of the UN attitude above, formed the basis of the UN attitude toward the Congolese situation in the initial stages.


The Government of India expressed its full support for the United Nations Operations in the Congo (ONUC). From the Indian viewpoint the ONUC presented a constructive aspect of collective security system. Not only were military forces sent to the Congo but the problem of the development of a newly independent and large country became partly the responsibility of the United Nations. India took special note of the fact that the UN had assumed these heavy responsibilities at the explicit request and the full consent of the country concerned. It was hoped that with the intervention by the UN the threat to world peace was greatly averted. The alternative to UN action would have been direct assistance by the interested powers to various groups; that would have meant not only the dismemberment of a young republic but also pushing the whole of Africa into the grips of the cold war and turning it into another source

23. The Government of India was not asked, nor did she offer any armed personnel in the early stages. But at the request of the Secretary-General, it sent about 200 to 250 personnel. They included officers and medical teams. India also provided high ranking personnel, a military advisor and a personnel representative of the Secretary General, besides setting up a 400-bed hospital in the Congo.


of international conflict.\textsuperscript{26}

India also gave importance to a working consensus between the two great powers. It suggested a "common policy on the Congo", an agreement between East and West aimed at keeping the Congo out of Cold War and restoring a legitimate and representative government, least the United Nations operation should fizzle out for political and financial reasons and the civil war and external intervention should continue unabated.

The high note of expectation, with which the UN stated its operations in the Congo, faded out earlier than conjectured. It became apparent that despite the UN having acted so promptly, the situation in the Congo was getting out of control.

The Government of the Congolese Republic faced serious disintegration represented largely by the conflict between President Kasavubu and premier Lumumba, both claiming to represent the Congolese Republic. On 13 September 1961, the Congolese parliament, in a joint session, gave power to the Prime Minister but the chief of the state declared the

\textsuperscript{26} Ibid.
parliamentary vote invalid and suspended the Parliament. The president also declared that the changed circumstances in the Congo requiring a change in the Loi Fondamentale (constitution of the Republic). The chief of the Army Staff announced on the same day that he was taking over the administration.

The Belgian troops instead of withdrawing from the Congo started arriving there in fresh number. They seemed to permeate every phase of life in the Congo.\textsuperscript{27} In Katanga, Belgian influence was virtually omnipresent. As a result of their concerted activities the task of the UN was rendered extremely difficult.\textsuperscript{28}

The Congolese situation was exploited in the cold war. The great powers openly sided with the rival groups set up in the Congo and pulled the UN in opposite directions. The Soviet Union supported by several African states, firmly held that the Lumumba Government was the only legal government since it alone had received the confidence of the

\textsuperscript{27}A/4557, Second Report on the UN Operation in the Congo, para 7.

\textsuperscript{28}Ibid., para 45.
parliament. The Western powers supported Kasavubu and made the credentials committee recognize the delegation sent by him to the UN as against the one accredited by the Lumumba group. As regards the withdrawal of the Belgian forces also the great powers were sharply divided. The Soviet Union wanted the UN to declare Belgium as being guilty of aggression and drive her out. In case the organization found itself incapable of doing that the task should be left in the Soviet hands. The Western Powers, on the other-hand, wanted that the UN should merely ask Belgium to withdraw, France and the UK were hesitant even to do that. As a result of the tussle between the two blocs the Congolese issue had to be transferred to any Emergency Special Session of the General Assembly.

As if other complications were not enough, the Government of the Congo itself became bitterly critical of the Secretary-General of having given tacit recognition to the

29. See GAOR, sess.15 (1960), plen. mtg.917-927, held between 18 and 22 December 1960.

30. Ibid.


32. S/4516.

33. S/4525.
secession of Katanga by refusing to side with the central government.\textsuperscript{34} After the Kasavubu-Lumumba split, the Kasavubu Government, recognized by the UN credentials committee, charged the UN with having assisted the Stanleyville (provisional) Government run by the pro-Lumumbists, especially after the Bukaun incident. General Mobutu's troops openly insulted the UN personnel in the Congo including some high ranking officials. The arrest of Lumumba and his associates came as a serious challenge to the UN. Any attempt on the part of the UN to approach Lumumba, even on humanitarian groups, was strongly opposed and the limit was reached when the ex-premier and his close associates were murdered. One direct consequence of Lumumba's murder was that many states which had become in increasingly dissatisfied with the UN policy in the Congo, especially after the Kasavubu-Lumumba split, threatened to withdraw their troops from the UN Force in the Congo.\textsuperscript{35} Except for Belgium and her allies who were congratulating themselves for having got rid of the ex-premier the reactions of all the members to the ghastly deed

\textsuperscript{34}S/4448. Cablegram dated 20 August 1960 from Patrice Lumumba, the prime minister of the Congo.

\textsuperscript{35}Security Council meetings between 16 and 20 February 1961. See SCOR, yr.16, mtgs.937-940.
were almost similar. They regarded the murder of Lumumba as a direct affront to the UN. While the USA merely faced embarrassment and was greatly disillusioned with the bona-fides of the Government she had been supporting so far, the Soviet Union accused the Western Powers for complicity in the crime. The prospects were so gloomy that in many quarters it was felt that the best thing for the UN would be to beat a retreat.

India firmly held the view that the United Nations should not withdraw from the Congo because it had been faced with reverses. Firstly, a withdrawal would have meant an act of despair and a confession of defeat causing serious damage to faith in the UN. Small countries would henceforth think a hundred times before they could ask the UN to take them under its protective umbrella. Secondly, it was certain that the vacuum created by the UN troops would lead to a general flare up not only in the Congo but in the whole African continent and beyond.

36. Ibid.
India believed that there was nothing to compel the UN to come out of the Congo if it decided to stay there. Neither the president of the Republic nor one of the factional leaders who sided with him nor one of the secessionists who did not support any faction but generally challenged the entire authority of the UN had the right to ask the UN to get out. 40 The UN action in the Congo was based upon a bilateral agreement between the organization and the legally constituted Government of the Congo. 41 In that agreement the Government of the Republic of the Congo had stated that "in the exercise of its sovereign rights with respect to any question concerning the presence and functioning of the United Nations force in the Congo, it will be guided in good faith by the fact that it has requested military assistance from the UN". 42 So far as the UN was concerned that position had not altered neither assistance nor military intervention, nor the introduction of military personnel had taken place except in accordance with that request. The Kasavubu Government could not abro-

40 Menon, GAOR, sess.15 (1960), plen. mtg.977, p.196.
41 S/4389, Add.5.
42 Ibid., para I.
gate that request by a unilateral decision was substantiated by the UN's part in the aforesaid agreement. "The UN reaffirms", said the agreement, "considering it to be in accordance with the wishes of the Republic of the Congo that it is prepared to maintain the UN force in the Congo until such time as it deems the latter's task to have been fully accomplished. 43 It was too evident to be ignored that the task of the UN as envisaged in its resolutions had not been accomplished. Neither law and order was restored nor the Belgian troops and withdrawn. To accomplish the task it had undertaken it was essential not only that the UN should stay in the Congo but also that it should work more effectively than it had been working in the past. 44 With some 20,000 troops in that country and about 147 technical experts the UN was to force to be reckoned with and India wanted it to work effectively even if it required the use of force. 45

43 Ibid., para II.

44 It could not stay there just for some little humanitarian work which it was doing on just to bolster up some old regime or some odd party in the Congo. Menon, n.40, p.1318.

45 Referring to the UN operations in the Congo Nehru said, "it should function even if it is necessary to use armed force and not merely look on while others use armed force for a wrong purpose." Lok Sabha Debates, 50 (1961), col.139.
India believed that the mandate given by the Security Council to the Secretary-General was wide enough to permit the use of force to achieve the declared ends. In hesitating to use force the Secretary-General was conditioned not by considerations of what was legal but what was possible.46 Explaining the implications of the Security Council resolution of 22 July 1960 (S/4405) Menon told the General Assembly that the resolution had called upon the Government of Belgium to implement speedily the Security Council resolution of 14 July 1960 (S/4387) on the withdrawal of their troops and authorized the Secretary General to take all necessary action to that effect.47 It did not say all legal action or legitimate action or cautious action, it said the necessary action, i.e., action limited to the achievement of the desired result. As such no extension of the mandate was necessary. What was required was an extension of activity in its implementation. It was not necessary to exercise a mandate to its full in the beginning, but India insisted that a change in its implementation was necessary in view of the legal dictum of rebus sic stantibus,

46·Menon, SCOR, yr.15, mtg.919, 10 December 1960, p.17.
47·Menon, n.40, p.1310.
i.e., change of circumstances.\textsuperscript{48} Menon drew the attention of the General Assembly to the pertinent changes in the conditions regarding the Congo.

(i) The UN went into the Congo at the invitation of the legal Government of the Congolese Republic. There was no longer any legal Government in the Congo, in fact, there was no Government at all. India disagreed with the US that there were only two constitutional authorities in the Congo, i.e., the president and the parliament and since the parliament was extinct only the president remained. The suspension of the parliament by the president was regarded unconstitutional by India.\textsuperscript{49} She also questioned the legality of the premier appointed by Kasavubu, i.e., Joseph Ileo who never received the confidence of the parliament. Without any prejudice against the Kasavubu government India believed that in recognizing the Congolese delegation appointed by Kasavubu the UN had changed its originally wise position to leave the Congolese benches vacant till it was possible for

\textsuperscript{48}Ibid.

\textsuperscript{49}The Loi fondamentale of the Republic of the Congo did not permit the suspension of the parliament for more than a month.
the people in the Congo to decide their own fate.\textsuperscript{50} According to India the lawful government in the Congo was the one run by the Lumumbists who had been elected by the parliament on the basis of adult franchise and enjoyed the support of the largest section of the masses.\textsuperscript{51}

(ii) When the UN started its operation in the Congo, the Congolese army, whilst it was far from being a disciplined force, was considered by the UN as a worthy subject of discipline. That army had entered into politics and prevented the Government from functioning the way its role required.

(iii) The UN went to the Congo for the purposes among others, to maintain its integrity and check the separatist tendencies. But the Congo was on the verge of a civil war and more factions had come into being than existed earlier, each bidding to set up a different Government.

(iv) The UN intervened to obtain the withdrawal of the Belgian troops and prevent the intervention by other foreign forces. But there were more outsiders meddling with the

\textsuperscript{50}Menon, n.40, p.1318.

Congolese affairs than the UN. To the Belgian military and paramilitary personnel had been added the Rhodesians, the South Africans, the Danes and the French fighting at cross-purpose with the UN.52

India suggested that the situation in the Congo could be resolved if the UN undertook to implement its mandate to bring about the following conditions:

(1) The parliament of the Congo had to be convened because the effectiveness of UN action presupposed the continued existence of an effective and lawful government working hard in law with the UN and co-operating fully with them.53 It was the people of the Congo who had to produce their own leadership, whether good or bad. The UN obviously could not act all the time as a policeman nor should any outside power intervene.54

The parliament of the Congo, freely elected by the people, seemed dead and the sort of conference called by Kasavubu without the participation of Lumumba called repre-

52. Menon, n.40, p.1320.
sentative of the Congolese people.\textsuperscript{55} Since the UN could not by itself call the parliament and had failed to persuade Kasavubu to do so and since it was necessary that this should be done under the authority that existed according to the US representative, in the president. India urged that those who were responsible for giving him that prestige should prevail upon him to reconvene the parliament.\textsuperscript{56} The UN could facilitate the meeting of the Parliament in some neutralised area and prevent unauthorized troops such as those of Colonel Mobutu from interfering with them.\textsuperscript{57}

India was certain that the UN initiative in getting the Congolese parliament converted could not be considered a violation of the Charter.\textsuperscript{58} Article 14 of the Charter

\textsuperscript{55}Jha, n.51, p.23.

\textsuperscript{56}President Kasavubu had initially refused to receive the conciliation commission appointed by the Secretary General after consultation with his advisory committee on the Congo on 5 November 1960. The members of the Commission were Ethiopia, Malaya, Ghana, Guinea, India, Indonesia, Liberia, Mali, Morocco, Nigeria, Pakistan, Senegal, Sudan, Tunisia and the UAR. The commission aimed at assisting in a speedy restoration of parliamentary institutions in the Congo.

\textsuperscript{57}President Kasavubu had said that he was prepared to reconvene the parliament as soon as necessary conditions of security and freedom of action had been re-established. Since Colonel Mobutu was the one who created the maximum trouble it should not be difficult for 20,000 UN troops to deal with him. Menon, n.40, p.1313.

\textsuperscript{58}Menon, n.40, p.1316.
reads: "Subject to the provision of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation regardless of its origin." The words "regardless of its origin" were important because then it did not matter whether it was an international conflict or fratricidal conflict. The same Article referred to "situations resulting from a violation of provisions of the present charter setting forth the principles and purposes of the Charter". In that context, Menon drew the attention of the General Assembly to Chapter I of the charter which made it the purpose of the UN "to take effective collective measures for the prevention and removal of threats to the peace...." India wanted to know what constituted a threat of peace if not the aggression committed by Mobutu against the UN? 59 It was considered indispensable by India that all the private armies should be disarmed and neutralized until such time as the Arme Nationale Congolese, with the assistance of the UN became a disciplined force subject to the authority of a constitutional government. 60

(2) No settlement of the situation in the Congo was

59 Ibid., p.1317.
possible unless all the Belgian troops, military and non-military, were made to withdraw from all parts of the Congo, including Katanga. India was convinced that Belgium had committed enough assaults to invite enforcement action by the UN. She had indulged in an act of aggression against the Congo.\(^{61}\) She had also deliberately ignored the repeated calls by the UN regarding the withdrawal of its troops.\(^{62}\) Moreover in misusing the trust territory of Ruande-Urendi as a base and a jump-in-off ground to send troops into the Congo Belgium had committed a gross violation of the charter under Article 82.\(^{63}\) By its persistent misdeeds the Government of Belgium had put itself in the dock of the world and had to be brought to its senses by the UN, if necessary, by use of force.\(^{64}\)

(3) India emphasized that if the UN had to take the vital decision to use force it was essential that the great powers

\(^{61}\) S/4332, letter of appeal to the UN by the Government of Congo.


\(^{63}\) Article 82 of the charter provided that a para may be designated in any trusteeship agreement, a strategic area or areas which may include part of all of the trust territory to which the agreement applies... without prejudice to any special agreement or agreement made under Article 43.

\(^{64}\) Menon, n.40, p.1316.
should agree on some basic minimum policy. 65 No peace loving country in the world wanted the Congo to become another Korea. It was imperative, therefore, that Congo should be insulated from the supply of arms and military assistance of all kinds to the various sections contesting for power. If it was argued by the great powers that they were giving them to defend law. The position then arose that their troops and the UN had the same objective. If the UN was there then no other protective land was required. If they felt that the UN protective land was not sufficiently strong then they should join the UN and accept orders from the UN command. 66

India welcomed the adoption by the Security Council of an Afro-Asian draft resolution authorizing the UN command to intervene and prevent a civil war in the Congo using force if necessary. 67 The unanimous adoption of the resolution

65 "A pointed in that direction had been given by President Kennedy who said in his inaugural address: "Let both sides explore what problems unite us, instead of belabouring those problems which divide us". Jha, n.51, p.23.

66 "There could not be two independent lines of action in regard to the same problem, hence all assistance to the Congo had to be channelized through the UN. Menon, n.40, p.3-31.

was almost a mandate in view of the fact that when the Security Council started the discussion on the Congo issue, the West, the Soviet Union, the Secretary-General and the Casablanca group were all at variance with each other. 68 India had remained in close co-operation with the sponsors of the resolution and had also engaged in brisk diplomatic activity at the UN so as to evolve a compromise solution acceptable to all. The resolution was especially called for in view of the stand taken by the Secretary-General so far. He insisted that while political persuasion could be employed use of force was an entirely different proposition is as much as the Council and the Secretary-General were bound by the Charter provisions. The Council had never invoked Articles 41 and 42 of the Charter which provided for enforcement action overriding the domestic jurisdiction limitation of Article 2(7). If the Council wanted him to use force he would request it to clarify its position and pro-

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68 India's attitude towards a solution of the Congolese crisis was greatly influenced by the view of the Asian-African states represented at Casablanca. The conference was attended by the heads of the States of Morocco, the UAR, Mali, Guinea, Algeria, Libya and Ghana. S/4626. Letter from the President of Ghana conveying the decision of Casablanca powers.
vide him with adequate means. 69

Once having got an explicit mandate to use force the Secretary-General undertook immediate measures to implement the decision of the Security Council, in close consultation with the Advisory Committee on the Congo. 70 Noting that the action envisaged would require a substantial increase in the strength of the UN force, the Secretary-General appreciated member-states for additional troops, India being one of them. On 3 March 1961 the Permanent Representative of India informed the Secretary-General that the Indian Government would despatch a brigade to the Congo as a reinforcement for the UN force. 71 The Indian battalion of 4,701 men was the

69. Secretary-General's statement, SCOR, yr.15, mtg.915, 8 December 1960, pp.26-27.

70. The Advisory Committee was formed by the Secretary-General on 23 August 1960 presumably to satisfy the Congolese Government's desire that a group of Asian-African states should ensure the implementation of Security Council's decision on the Congo. India was nominated one of the members.

71. It was made clear by India that the Indian troops would not be called upon to fight troops or nationals of other member-states. The only possible exception being the Congolese armed units, Belgians and other mercenaries in the Congo. They were not to be used for the suppression of popular movements or for any other political ends. They were not to be broken up and mixed with other armed contingents. While working, of course, under the overall UN command. India made special reference to the importance of Belgium's withdrawal from the Congo. The Secretary-General accepted all these conditions and for the first time in the history of independent India, Indian armed forces left for an alien territory to fight as combat troops. The Govern-
largest single contribution to the total of 13,807 soldiers under the UN command. Explaining the sending of combat troops Nehru told the parliament that India had not approved of the way in which the UN had been functioning but with the passage of latest resolution the position had changed and was more in keeping with the stand taken by India. 72

Belgium accepted the 21 February resolution and informed the UN that it would withdraw from the Congo except for the Belgians who were employed by the Congolese government to whom they owed allegiance. After protracted negotiations president Kasavubu also accepted this resolution and signed an agreement to that effect on 17 April 1961. But the anti-Lumumbist groups in the Congo held various conferences aimed at resolving the Congolese affairs without outside interference. In the most important of these conferences held at Taranrive on 8 March 1961 they asked for the annulment of the 21 February resolution and accused president Kasavubu of having sold out the Congo in accepting it.

...Continued...

72 Nehru, Lok Sabha Debates, 51(1961), cols.3234-35.
India did not agree that the Taranrivre conference and its decisions, should divest the UN of its responsibilities in the Congo. She supported the UN in its ceaseless and patient efforts to bring together the Kasavubu and the pro-Lumumbist authorities. The UN succeeded in getting the Congolese parliament reconvened on 25 July 1961. The parliament met at Lovanium University under heavy UN protection. It was attended by 200 delegates from all parts of the Congo except katanga and in the elections that were held all important parliamentary posts were filled by the Lumumbists (except for the senate). The new Congolese premier Joseph Adoula received almost a unanimous vote and the UN confirmed that this new government was the only legal government of the Congo recognized by the United Nations.

The establishment of a properly elected government in the Congo was a great stride towards the restoration of peace and stability in that unhappy land. But for a lasting settlement of the Congolese crisis Katanga's secession had to be put to an end. Even if Belgium withdrew from Katanga

74·Ibid.

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the province would remain a thorn in the side of the Congolese Republic. All sorts of mercenaries had clustered in Katanga and the UN chief in the Congo, Dr. Linner, reported that Tshombe's regime had approached a point where it could not control the forces it had unleashed. Any attempt to restore Katanga to the Leopoldville Government would be an act of imposing a political solution, but that was what the UN did and the following circumstances made it possible.

The Government of the Congo appealed to the Security Council for a clear and precise attitude and adequate means to put an end to the secession in Katanga. The Security Council authorized the Secretary-General to use force to arrest the mercenaries and others who were serving Katanga without UN authorization. The key para of the authorizing resolution asked the Secretary General to take vigorous

75. In a statement before the Security Council on 13 November 1961, the Foreign Minister of Belgium said that ever since taking office in April 1901, his government had been co-operating with the UN and could not be blamed for the follies of its predecessor.


action, including the use of requisite measures of force, if necessary, for the immediate apprehension, detention pending all legal action and/or deportation of all foreign military and para-military personnel and political advisors not under the UN command as well as mercenaries.

India welcomed the adoption of the resolution especially in view of the fact that it had been accepted by both the Soviet Union and the USA. She openly criticized the Western powers, i.e., Britain and France, for not supporting the resolution. India actively participated in the implementation of this mandate. After the Katanga forces had arrested 11 UN personnel, set up a road blockade and fired at the UN aircraft, the Secretary-General ordered the UN forces to take any air or ground action necessary to restore the UN rights in Elizabeth Ville. Indian troops played a decisive role in the offensive launched by the UN. Clarifying the UN objectives in taking that action Brigadier Rikhye said that their first objective was to restore the UN forces' freedom of action, the second, to restore the security of all the UN personnel.

As the Katanga authorities persisted in flouting the ONUC on 31 July 1961 the Acting Secretary-General appealed to all the members of the UN to use their influence to persuade the parties concerned for a peaceful solution of the problem. He added that if such persuasion should prove ineffective he would ask them to consider what further measures might be taken. He suggested economic pressure which would bring home to the Katangese authorities the realities of their situation and the fact that Katanga did not constitute a sovereign state and was not recognized as such.  

In close consultation with the India and some other diplomats, particularly those representing states who had given major support to the ONUC, the Acting Secretary-General drew up a ten point "plan of National Reconciliation".  

The plan was to be carried out in four stages: the first stage envisaged moral and political pressure while in the next three emphasis was to be put gradually on more coercive measures aimed at forcing Katanga out of its secession. Presenting the plan to Tshombe on 24 August the

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80 S/5053/Add.II, Add.11/Add 1 and Corr.1, Annexes II. Comments of the Secretary General.

81 Ibid.
UN chief made it clear that the plan had to be accepted as a whole within a period of 10 days. On the last day Tshombe gradually accepted the plan but persisted in piling up troops in Katanga. On 10 December Tshombe was informed by the UN that the organization was prepared to invoke all measures short of war and UN troops were alerted to meet the crisis. Internal criticism of Adoula because of his failure to reunify Katanga posed a new threat.

Thus the mandate adopted in September 1960 and the subsequent contribution of India to the peace force surprised many a countries. India held a divergent view from many of its fellow members of the non-aligned group, in its insistence on the expulsion of foreign elements from the Congo and its willingness to send combat troops to the Congo, provided the United Nations met the challenge with an iron hand. In its view the prime consideration was not that what Afro-Asian countries would think of their troops being replaced by India but that United Nations withdrawal would be disastrous and a threat to its very survival. Therefore, India wanted that the United Nations should continue its operation in the Congo not in the manner in which the operation was conducted, but keeping in view the effective-
The Secretary-General's insistence to keep Rajeshwar Dayal at his post of Special Representative of the Secretary-General was understandable. For his removal at that juncture would certainly have created difficulties for Pandit Nehru, whose decision to provide troops for the ONUC had finally to be carried through only by his personal insistence with the Indian parliament. Dayal was recalled to New York from Leopoldville in March and his formal resignation came later in May. The Secretary-General felt, as he indicated to Ambassador Aldai Stevenson of the US that any action in relation to Dayal might be construed as bowing to American pressure, would be as bad for him and for the United Nations as it would be bad for the United States itself.\(^\text{82}\)