

UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/5240/Add.2
21 May 1963
ENGLISH
ORIGINAL: FRENCH

REPORT BY THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF THE
SECURITY COUNCIL RESOLUTIONS OF 14 JULY 1960, 21 FEBRUARY
AND 24 NOVEMBER 1961

Note by the Secretary-General

Subsequent to the exchange of letters appended to the Report of the Secretary-General (S/5240, Annexes I and II), the following communications have been exchanged between the Prime Minister or the Acting Prime Minister of the Republic of the Congo on the one hand and the Secretary-General or the Officer-in-Charge of the United Nations Operation in the Congo on the other hand, on the subject of assistance in the modernization and training of the Congolese armed forces.

1. Letter dated 26 February 1963 from Minister Dericoyard, on behalf of the Prime Minister of the Republic of the Congo, addressed to the Officer-in-Charge of the United Nations Operation in the Congo

As part of the technical assistance that my country will need after the departure of the United Nations forces, I have the honour to inform you that the Government of the Republic of the Congo has decided to apply to the following countries for assistance in modernizing the ANC:

- (1) Canada - for our technical schools (communications);
- (2) Italy - for the Air Force;
- (3) Norway - for the Navy;
- (4) Israel - for the training of our paratroopers;
- (5) Belgium - for technicians for ANC Headquarters and the various units.

Belgium will also assist us in the matter of:

our bases

the Gendarmerie

and our various military schools.

Over and above these countries I would also mention that the United States will do no more than provide the equipment necessary to ensure the success of these technical assistance measures.

I am sure that you will do your best to see that this assistance, which is so important to us, is carried out without any difficulty.

I have the honour to be, etc.

For the Prime Minister

(Signed) J.P. DERICOYARD

2. Letter dated 4 March 1963 from the Officer-in-Charge of the United Nations Operation in the Congo addressed to the Prime Minister of the Republic of the Congo

I have the honour to refer to letter No. 00460/CAB/PM dated 26 February 1963, which was sent to me on your behalf by Mr. Dericoyard, concerning the modernization and training of the Congolese armed forces.

I have carefully noted the contents of that letter, which I immediately forwarded to the Secretary-General. In my opinion, however, there are still a number of points which require clarification.

In order to avoid any delay in the planning and execution of the programme for the modernization and training of the Congolese armed forces, I should be grateful if you would confirm my understanding of the two following points, based on your letter No. 5243/C.2/CAB/PM of 20 December 1962 and on the talks we had on this subject.

1. We understand that the role and responsibilities of the United Nations in the planning and execution of the programme for the modernization and training of the Congolese armed forces are defined in your letter No. 5243/C.2/CAB/PM of 20 December 1962 and that letter No. 00460/CAB/PM of 26 February 1963 contains further details for the guidance of the Secretary-General in this matter.

2. We assume that the Congolese Government would like this programme to be drawn up and put into effect as soon as possible. There is therefore no need to wait until the United Nations troops leave the Congo before doing this.

I should be grateful if you would signify your agreements on the above points as soon as possible. As soon as I receive your reply, I shall transmit it to the Secretary-General so that he may make the necessary arrangements with the Governments concerned. Greetings.

(Signed) Robert K.A. GARDINER

3. Letter dated 6 March 1963 from the Prime Minister of the Republic of the Congo addressed to the Officer-in-Charge of the United Nations Operation in the Congo

I have the honour to acknowledge receipt of your letter No. GVT/175/63 of 4 March 1963 concerning the modernization and training of the Congolese armed forces.

I am in agreement with the two points you mentioned in your letter, namely:

1. The role and responsibilities of the United Nations regarding the planning and execution of the programme for the modernization and training of the Congolese armed forces are defined in letter No. 5243/62/CAB/PM of 20 December 1962.
 2. The Congolese Government would like the aforesaid programme to be carried out as soon as possible. There is therefore no need to wait until the United Nations troops leave the Congo before doing this.
- Greetings.

(Signed) Cyrille ADCULA

4. Letter dated 14 March 1963 from the Officer-in-Charge of the United Nations Operation in the Congo addressed to the Prime Minister of the Republic of the Congo

I have the honour to acknowledge receipt of your letter No. 514/63/CAB/PM concerning the modernization and training of the Congolese armed forces.

I am grateful to receive clarification with regard to the role and responsibilities of the United Nations regarding the planning and execution of the programme for the modernization and training of the Congolese armed forces and on the question of the time when the programme should be carried out. You will recall that the Secretary-General has already accepted, on behalf of the United Nations, the responsibilities resulting from your request for assistance in this field. Mr. J.P. Dericoyard's letter of 26 February states the decision of the Republic of the Congo regarding the countries which should be asked to provide assistance in modernizing the ANC, i.e. Canada, Italy, Norway, Israel, Belgium and the United States. In accordance with the wishes of the Government of the Republic of the Congo, the Secretary-General is proceeding to make the necessary arrangements with the countries stated above.

With regard to the assistance required in the organization of a small international technical assistance mission, consisting mainly of representatives of the nations participating in the military assistance programme, which will advise and assist the Commander-in-Chief of the Congolese National Army to supervise and co-ordinate the various programmes for the supplying of equipment, training and technical assistance, it is pointed out that were such a mission to be confined to the countries suggested, it would hardly be possible to call it a United Nations mission. It is therefore considered essential that a number of other countries be included to give it a wider basis and a correct international status. It is therefore suggested that one representative each from Ethiopia, Nigeria and Tunisia be included in this mission.

Meanwhile, I would like to assure you that United Nations Headquarters is proceeding with all speed to finalize arrangements with the countries you have proposed, with a view to starting the training of the ANC as soon as possible.

I have the honour to be, etc.

(Signed) Robert K.A. GARDINER

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5. Letter dated 30 March 1963 from the Prime Minister of the Republic of the Congo addressed to the Secretary-General

I have learned that at its meeting on 20 March 1963 the United Nations Advisory Committee on the Congo was unable to complete its examination of the question of the modernization of the Congolese National Army.

However, on the basis of your letter of 27 December and of the correspondence which ensued, my Government considered that the United Nations had undertaken to support the programme as it was submitted, and itself to co-ordinate the reorganization operation as a whole. That being the case, there remain only the measures of implementation to be defined or discussed, and it is inconceivable that the programme as a whole should be re-examined.

The Congolese Government would like to stress the urgent necessity of carrying out this reorganization; on it depends, to a large extent, a lightening of the expenditures connected with the United Nations Operation in the Congo. Any further delay is likely to have very burdensome financial consequences.

I hope that it will be possible for you in the very near future to take all the steps necessary to permit the proposed programme to be carried out as soon as possible. It is unthinkable, in the Government's view, that a task which is so essential to the life of the country should suffer serious delays for reasons of procedure. I shall therefore suggest, after the next meeting of the Committee, the appointment of a person who should be responsible for making contact with my Government and starting to put the programme into effect in the shortest possible time.

I have the honour to be, etc.

(Signed) Cyrille ADOULA

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Memorandum concerning the Congolese Government's request for
assistance in modernizing the Congolese National Army

1. Since the adoption of Security Council resolution S/4387 on 14 July 1960, the principle of United Nations military assistance to the Congolese Government has been accepted, in the hope that as a result of such assistance "the national (i.e. Congolese) security forces may be able to meet fully their tasks".

The agreement^{1/} on general principles concluded by President Kasa-Vubu and the delegation representing the Secretary-General of the United Nations on 17 April 1961 stated that the reorganization of the army was to be carried out "under the authority of the President of the Republic, with United Nations assistance and on the basis of the proposals made by the Chief of State in his letter of 5 March to the Secretary-General of the United Nations".^{2/}

2. The developments in the Congo, and particularly the fact that it has been necessary to use the United Nations forces to end the secession of Katanga, have made it impossible to give methodical and immediate application to the principles referred to above.

It is urgently necessary, however, that this task should be undertaken on a larger scale than that of the limited progress achieved so far. The peace-keeping action of the United Nations forces is practically at an end and the considerable financial effort made by Member States to keep it going can no longer be kept up. That is why it is essential that the Congolese National Army should be able as soon as possible to take over effectively the peace-keeping action of the United Nations forces, some of whom are already returning home.

The special situation of Katanga, where many members of the Katangese gendarmerie have not responded to the Central Government's appeal and have not handed in their arms, makes this even more urgently necessary. It is unthinkable that, for lack of instructors or training, the ANC units which take over from the United Nations forces in Katanga should be unable to exploit the brilliant successes the latter have achieved. Even if it is now only a question of peacefully consolidating those successes in co-operation with the United Nations, it is essential that the political action should be backed up by a perfectly disciplined and self-controlled force for maintaining order.

1/ S/4807/Annex I.

2/ S/4752/Add.3.

3. Having established the necessity for this task and its urgent nature, it is important that the Central Government should undertake it in conditions most likely to ensure success. Moreover, there can be no question of seeking further financial assistance on an unduly large scale from the United Nations, which has already contributed substantial sums.

These considerations have led the Congolese Government to examine the proposals that have been submitted to it by a number of countries. A combination of these various possible measures of assistance could provide a comprehensive solution to the problem we are facing while at the same time avoiding the entrusting of all assistance to one or two countries, with the consequences that that would inevitably entail.

These proposals would also make it possible to solve the financial problem arising in connexion with the task of reorganization, since each country is offering to provide instructors and to defray all the costs relating to their work.

Lastly, in examining these proposals the Government has been influenced by considerations of efficiency. It should be borne in mind that the ANC is an institution which has a past, an organization and traditions, and although it now needs reorganizing there can be no question of doing this from scratch, for in that case the operation would certainly take several years. The Government plans to accept proposals from countries which are in a position to provide it with effective assistance over the same periods of time. It insists that such assistance should be granted on a basis of equality and with all the necessary assurances that its rights of sovereignty will be fully respected. Furthermore, the Government wants those assurances to be backed up by guarantees from the United Nations, which it will entrust with a basic co-ordinating role.

4. It must also be made clear that the Congolese Government has not made a final and restrictive choice. It has submitted to the Secretary-General an entire series of offers of assistance which it thinks it can use to the best advantage and which it finds perfectly acceptable from all points of view. In doing this it has acted as a sovereign country, influenced neither by pressure nor by threats, confining itself to stating that it is in need of aid, that the need is urgent and that it has found a response among certain countries whose assistance

it proposes to use, in the interests of speed, now that a preliminary examination has shown them to be perfectly acceptable.

Any other offers with the same characteristics will be studied with equal interest, though we shall avoid too wide a dispersion which might prejudice the success of the plan.

5. The Congolese Government wishes to stress the important role with which it intends to entrust the United Nations for the new phase of its action in the Congo by requesting its assistance in co-ordinating the programmes of action which will thus be put into effect. It is in no wise the intention of the Government to dispense with the services of the United Nations; on the contrary, it hopes for the co-operation of United Nations experts in order to exercise to the fullest extent, with their assistance, its sovereign functions of control, supervision and co-ordination of the programmes of action. Hence the role of the United Nations at the operational level will be gradually reduced, though it will maintain its extremely valuable advisory role at the level of general supervision of the establishment of plans and the distribution of work among the various assistance plans. These functions are already exercised by the United Nations in connexion with civilian assistance, and a number of United Nations specialized agencies are moving towards this type of action in their operations in the Congo.

The Congolese Government admits that in connexion with military matters this United Nations assistance may present certain complications. It is prepared to discuss the modalities of its application and to include in its plan any amendments the Secretary-General might wish to suggest. It considers, however, that in making its proposals it has been careful to safeguard two essential points:

- (A) The spirit of the agreement of 17 April, referred to above, inasmuch as it provides that the President of the Republic will reorganize the army under his authority and with the assistance of the United Nations;
- (B) The sovereignty of the Republic of the Congo, which has the indisputable right of choice and initiative in a sphere which is so closely related to the maintenance of its institutions and of public order.

Leopoldville, 28 March 1963

(Signed) J. BOMBCKO
Minister for Foreign Affairs

6. Letter dated 16 April 1963 from the Prime Minister of the Republic of the Congo addressed to the Secretary-General

In my latest letter to you of 30 March 1963 on the question of the training and modernization of the Congolese National Army, you have had my views on the importance and urgency which I attach to my request for assistance in this sphere. The views of my Government on this matter, set forth in greater detail, were further conveyed in the memorandum from the Foreign Minister of 28 March 1963 on the same subject, which has been presented to you by my Representative at the United Nations.

Reports reaching me concerning the deliberations of the Advisory Committee indicate that the chief objection which has given rise to the reluctance of the greater part of the African members of the Advisory Committee flows from the fact that the procedure under which the assistance of the European countries listed has been requested and/or offered is not in keeping with resolution 1474 (ES-IV) adopted by the General Assembly in September 1960 and is more particularly at variance with paragraph 6 of the said resolution, which reads "Without prejudice to the sovereign rights of the Republic of the Congo, calls upon all States to refrain from the direct and indirect provision of arms or other materials of war and military personnel and other assistance for military purposes in the Congo during the temporary period of military assistance through the United Nations, except upon the request of the United Nations through the Secretary General ...".

I acknowledge that this aspect of the problem was not envisaged in my previous letters and it is the aspect which will be especially dealt with in this letter.

I know that you will agree with me that present-day circumstances in my country are so radically changed from those which prevailed at the time the resolution was adopted as to make the provision in paragraph 6 of the resolution unrealistic and inapplicable. At the time of its adoption, this provision unquestionably was a necessary safeguard in view of the acute political crisis and the threat of chaos, making it necessary to institute urgent measures in order to avoid dangerous interference from outside. Today there is a sovereign and fully responsible Government functioning in the Congo which I have the honour to lead, and I am confident that you will agree with me that no one at the

United Nations would seek to impose upon that Government an unjustifiable and intolerable restriction on its freedom of action.

Moreover, the people, for whom the United Nations is the guardian of the sovereignty of States and Governments, would not understand that the United Nations should today deny a democratic and legitimate Government the right to judge by itself as to the way in which it would defend the nation's interest. I must recognize that the unanimity displayed in the Advisory Committee in connexion with the answer to the question whether the Congolese Government is sovereign in this regard confirms the confidence which the entire nation has placed in the United Nations.

But it is precisely by reason of this confidence that my Government wishes to entrust to the United Nations an important role: the co-ordination of the assistance which it will receive in the training and modernization of its armed forces.

It would be painful for me to find the very countries which supported us in one of the most critical periods of the history of the Republic, the very countries which, within the United Nations, have proved their devotion to the Organization's ideals at the cost of the noblest sacrifices, today denying their support to that very Organization in rendering the assistance which the Government is asking of it in order to reorganize the chief instrument of law and order, that is, the National Army.

That is why I cannot forsake the hope that the United Nations will find it possible to give a favourable response to the request of the Government of the Republic.

But I also appeal to you to confirm the validity of my interpretation of the General Assembly's resolution mentioned above to the effect that it would be neither just nor in accord with the true intent of the General Assembly to interpret its paragraph 6 as now imposing a limitation on my Government's freedom to seek the assistance it may need wherever it may deem advisable. Indeed, it is noted that paragraph 6 begins with the words: "Without prejudice to the sovereign rights of the Republic of the Congo ...".

I do not suggest any reconsideration of the resolution by the General Assembly, for I think that unnecessary. It would be sufficient for my purposes to have your concurrence in my judgement that the rule of reason dictates that a provision

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formulated at a time of extraordinary crisis was never intended to become a handicap to and in fact to tie the hands of a subsequent legitimate Government under quite different conditions.

I most earnestly hope that you will find it possible to endorse my views on this matter.

Accept, Sir, etc.

(Signed) Cyrille ADOUIA

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7. Letter dated 29 April 1963 from the Secretary-General addressed to the Prime Minister of the Republic of the Congo

I have the honour to acknowledge receipt of your letter No. 0560/3 of 16 April 1963 raising in particular the question of the application of paragraph 6 of the General Assembly's resolution of September 1960 (A/RES/1474 (ES-IV)) to your Government's freedom of action with regard to seeking assistance in the training and reorganization of the Congolese armed forces.

I have given most careful and thorough consideration to the points of view set forth in your letter and have undertaken extensive consultation on it with the members of the Congo Advisory Committee. As a result, I am able to inform you that there is full accord here on the need and the urgency of a programme for the training and reorganization of the ANC and there is strong hope that means will be found to institute such a programme. The position also is emphasized by everyone that the sovereign rights and authority of your Government are fully recognized and there is no wish or intent to restrict them in any way. It may be pointed out, moreover, that it is not questioned that the phrase in paragraph 6 of the resolution reading "during the temporary period of military assistance through the United Nations" means that paragraph 6 has application only so long as the UN Force is required to remain in the Congo. I may add that there is general concurrence in your assertion that the resolution in question was adopted at a time when political circumstances in the Congo were very different from those now prevailing. I would wish to add, however, that the view has been expressed by many here that only the General Assembly itself may give an authoritative interpretation of the resolution in question.

Mr. Justin Bomboko and your Representative at the United Nations will have informed you fully of the discussions that have taken place here on this subject and of the views expressed and the positions taken by the several delegations comprising the Congo Advisory Committee. You are aware, therefore, of the variations in viewpoints that have been manifested, including the alternative suggestions that have been offered.

As to references that have been made to the agreement between the Secretary-General and the President of the Republic of the Congo (document S/4807 of 17 May 1961), I would like to observe that this agreement does not in my view (and, of course, could not) derogate from the resolutions adopted by the

General Assembly and the Security Council. In fact, this very point was made explicitly by the Secretary-General in his letter of 26 April 1961 which was stated to be part of the definitive agreement and was published together with the text of the initialled agreement in the Annexes to the above-mentioned document.

You will understand, I am sure, that in the light of all the circumstances, I have to inform you with regret that I do not find it possible to reply to your letter in such way as to give you the satisfaction you seek with regard to the interpretation of the resolution. I continue to hope, however, that a way will be found to make it possible for the ANC to receive the assistance it so urgently needs, and I assure you that I shall do all that I can towards helping you obtain the necessary assistance.

I have the honour to be, etc.

(Signed) U THANT

8. Letter dated 12 May 1963 from the Prime Minister of the Republic of the Congo addressed to the Secretary-General

I have the honour to acknowledge receipt of your letter GVT/346/63, in which you were good enough to explain the position of the United Nations regarding the interpretation of resolution A/RES/1474 (ES-IV) adopted by the General Assembly in September 1960.

After carefully studying the arguments set forth in your letter, the Government of the Republic has been obliged to conclude that the problem facing the United Nations has been misunderstood by that Organization.

The problem in fact, is as follows: although aware of the compelling need to reorganize its army, and anxious to do so as quickly as possible, the Government of the Republic of the Congo - an independent and sovereign State - was unwilling to act without consulting the United Nations or seeking its participation in the practical work of reorganization.

In acting thus, the Republic of the Congo was prompted by considerations of courtesy, its gratitude toward the United Nations which generously came to its aid in 1960, and the feeling of international solidarity which has always led it to co-operate with the United Nations.

The Government of the Republic can only regret the fact that the United Nations should not have agreed to this co-operation, and for reasons which seem to be inadequate.

These reasons actually fall into two categories:

First of all, there is the choice of the countries to which the Republic of the Congo decided to appeal, and particularly the choice of Belgium and Israel.

As regards the first of these two countries, it should be pointed out that a number of African States have retained the services of nationals of the former metropolitan countries in the matter of military assistance. In any case, the assistance which the Republic of the Congo has requested from Belgium in the military field is limited, since it relates mainly to the instruction of troops; it is therefore no different from the assistance which this country has furnished to the Republic in other fields such as education and administration, regarding which no objections have ever been raised.

The argument to the effect that the Republic of the Congo, having requested assistance from the United Nations in bringing about the evacuation of the Belgian troops, could not now, without being inconsistent, call upon instructors of that nationality, is obviously not valid, since these instructors - who should not be confused with troops - would be in the service of the Republic.

In so far as Israel is concerned, is it reasonable for some Members of the United Nations to expect the Republic to share the burden of their disputes?

The choice made by the Government of the Republic is not incompatible either with its sovereignty, or with respect for its obligations in the matter of African solidarity, or with the ideals and interests of the United Nations.

Accordingly, and since the choice in question in no way conflicts with the only three principles which the Republic regards as essential and out of concern for which it would be prepared to alter its position, it feels entirely justified in maintaining that position.

The legal argument which is based on paragraph 6 of resolution A/RES/1474 (ES-IV) adopted by the General Assembly in September 1960 is equally inapplicable.

Indeed, it has no bearing either on the present situation or on the actual purpose of the debate.

You yourself were good enough to note that the political situation in the Congo at the time when the resolution was adopted was very different from the present situation. I shall therefore say no more about this aspect of the problem, although a great deal could be said about the comparability of a situation in which the Congo was torn between different political factions having de facto powers and in a position to receive aid from abroad, and a situation in which the legal Government of the Republic is the sole repository of authority.

As regards the purpose, the resolution refers to "military assistance", which is quite different from technical assistance designed to provide the Congolese troops with the necessary instruction.

In any case, you will agree with me that one of the essential aims of the United Nations is to ensure respect for the sovereignty of States which are Members of the Organization and particularly the younger States. Thus, when it comes to interpreting this resolution, whose contents might restrict that

sovereignty, the United Nations has no choice - if it wishes to be consistent and true to its ideals - but to interpret the said resolution in the manner most favourable to the sovereignty of its Members.

However, the purpose of the present letter is not to engage in a legal polemic with the United Nations but to explain as fully as possible certain aspects of the problem which could not be properly considered because they were not understood.

The Government of the Republic hopes that these explanations will enable the United Nations to appreciate that, in view of the inescapable duty of establishing machinery in the Congo capable of ensuring order and security - a duty deriving directly from the exercise of its sovereignty - it decided to proceed immediately with the reorganization of the National Army and for that purpose to appeal for bilateral assistance from countries which would be willing to assist it.

This recourse to bilateral aid by no means implies that the Republic of the Congo does not wish the United Nations to be associated with the reorganization of its army.

On the contrary, the Central Government is pleased to note your reference to the possibility that the United Nations might make experts available, since it would regard such assistance as a continuation of the co-operation which it would like to maintain and intensify with the United Nations.

Accept, Sir, etc.

(Signed) Cyrille ADOULA

9. Letter dated 18 May 1963 from the Prime Minister of the Republic of the Congo addressed to the Secretary-General

Both in the course of the conversations which Mr. Bomboko held with you and the members of the Advisory Committee on the Congo during his recent visit to United Nations Headquarters, and in the correspondence which I had the honour to conduct with you later on, the only question considered was that of the reorganization and modernization of the Congolese National Army.

However, the emphasis placed by Mr. Bomboko throughout his conversations, and by me in my letters, on the fact that the main purpose of this reorganization and modernization was to ensure order and security in the Congo will have made it clear to you that the action undertaken by the Congolese Government with respect to the army was part of a comprehensive plan designed to bring about a complete reconstruction of the forces of law and order in my country.

The army, which is the backbone of the nation, was necessarily the first concern of the Government of the Republic.

It was therefore only natural that once the plan for the reorganization of the army was drawn up, the Congolese authorities should turn to the problem of reorganizing and modernizing the police force.

I accordingly took the opportunity of my recent journey to Lagos to submit a request to the Nigerian Government for technical assistance in connexion with the reconstruction of the Congolese police force.

The Lagos Government was kind enough to respond favourably to this request, and now that agreement has been reached in principle regarding the provision of Nigerian aid to the Congo in this matter, all that remains to be done is to settle the practical and material details regarding the provision of this aid and regarding the actual reorganization and modernization of our police force.

You will, I am sure, be pleased to note that this agreement completely disposes of the misgivings expressed by certain United Nations Members who feared that the Government of the Republic of the Congo had decided to disregard the assistance that it might be given by other African countries.

The Congolese Government's application to the Nigerian Government shows, on the contrary, that in the choice of countries from which to seek technical assistance, the only concern of the Leopoldville authorities is the efficacy of

the aid provided - an efficacy which it is their duty to ensure first and foremost, since the success of their task and consequently the prosperity of the Congo will depend on it.

This requirement has been met in the present case even more fully than we could have hoped for, not only because of the high reputation of the senior ranks of the Nigerian police force, but also in view of the fact that the Lagos Government has announced its willingness to bear the cost of providing the Congolese Government with some of the senior personnel needed for the reorganization and modernization of the Congolese police force.

The request from the Government of the Republic to the Government of Nigeria was made on a bilateral basis in keeping with the sovereign rights of Nigeria and the Congo. None the less in this case, as in the case of the reorganization of the Congolese National Army, the Leopoldville authorities are anxious for the United Nations - which for more than two years has given its unstinting aid in the defence of the territorial integrity of the Republic and the maintenance of order and security in its territory - to be associated in this action.

They therefore hope that the possibility which you were kind enough to mention of providing the Republic with United Nations experts for the reorganization of its army may apply also in the case of the police force.

Accept, Sir, etc.

(Signed) Cyrille ADOULA

