

รายการอ้างอิง

ภาษาไทย

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ภาคผนวก ก

Treaty of Friendship Between Belgium and the Congo¹

The High Contracting Parties, considering that it is in their common interest to maintain between themselves ties of friendship and solidarity, in respect to the sovereignty of each of the two independent States, have drawn up the following provisions:

1. The High Contracting Parties are concluding between themselves a general treaty of friendship, assistance and technical cooperation. They will entertain a mutual collaboration on the basis of equality and will consult each other on all matters of common interest.

2. The Belgium Government will put at the disposal of and under the authority of the Congolese Government, under the conditions decreed in the common accord, personnel in the administrative, judiciary, military, cultural, and scientific fields and in the field of education.

3. Assistance and cooperation in the social, economic and financial fields will be determined by agreements put forth commonly.

4. The provision foreseen in Articles 2 and 3 will be based on the resolutions and work of the Round Table and the Economic and Social Conferences.

5. To assure the representation of the Congo and the protection of the Congo's aims and interest abroad, the Belgium Government, notably: in assuming Congo representation wherever the Congolese government desires it; by putting at the disposition of the Congo, to a degree desired by the Congolese Government, personnel of the Belgian Ministry of Foreign Affairs.

6. All military intervention by Belgian forces stationed in Congo bases can take place only on the express command of the Congolese Minister of National Defense. Agreements to be made later will set the measures under which the Belgian military bases in the Congo will revert

¹ Lefever, Crisis in the Congo: A United Nations force in action, pp.199-200.

to the Congo and will set forward in detail the forms of cooperation desired by the two governments.

7. The government of Belgium and of the Congo will proceed to exchange diplomatic missions which apart from the powers, privileges and immunities accorded to all embassies will be beneficiaries of a special status.

The chiefs of these missions will be able to be present at Committee of Ministers meetings as provided in the protocol of Article 9. They will equally be able, when invited, to be present at the Committee of Ministers meetings of the other Contracting Party.

Because of these prerogatives they will enjoy a special protocol position.

The Congo will be able to be presented in Belgium by a Minister, member of the Government of the Republic, in view of the importance of the problems which must be worked out between the two states.

For the realization of the program of assistance and cooperation provided for in Articles 2, 3, 5 and 6 of the present treaty, the Belgian diplomatic representation in the Congo will include a technical assistance mission.

8. as pertains to relations in the fields of commerce , maritime transportation and public adjudications , the High Contracting Parties commit themselves to grant reciprocally a treatment which is as favorable as that which they would grant to another state because of a special agreement and not to give any other state treatment which is more favorable than that agreed between the two.

9. To assure full effectiveness of the cooperation provided for in the first Article , the Government of the High Contracting Parties and their representatives will proceed to a regular exchange of views.

10. Litigation resulting from the application of the present treaty which cannot be decided notably by application of Article 9 will be resolved according to an arbitration procedure established by a separate convention.

11. Separate conventions will set forward in detail the modalities of application of the clauses set forth in Articles 2, 3, 5, 6,7 ,8, 9 and 10 .

12. The treaty is concluded for an indefinite period. Either of the High Contracting Parties can denounce it any time , after one year's warning, to take effect on the 31st of December of each year.

ภาคผนวก ข

ข้อมติคณะมนตรีความมั่นคง และ ข้อมติของสมัชชา
 ในกรณีปัญหาของโก'¹
 (เรียงตามลำดับข้อมติที่ได้รับการอนุมัติ)

Security Council and General Assembly Resolutions on the Congo

(1) 143 (1960). Resolution of 14 July 1960

[S/4387]

The Security Council,

Considering the report of the Secretary-General on the request for United Nations action in relation to the Republic of Congo,

Considering the request for military assistance addressed to the Secretary-General by the President and the Prime Minister of the Republic of the Congo,

1. Calls upon the Government of the Belgium to withdraw its troops from the territory of the Republic of the Congo ;

2. Decides to authorize the Secretary-General to take the necessary steps, in consultation with the Government of the Republic of the Congo , to provide the Government with such military assistance as may be necessary until, through the efforts of the Congolese Government with the technical assistance of the United Nations , the national security forces may be able, in the opinion of the Government, to meet fully their tasks;

3. Requests the Secretary-General to report to the Security Council as appropriate.

¹ Republic of the Congo – ONUC Mandate [Online]. 2004. Available from: <http://daccessdds.un.org/doc/RESOLUTION/GEN/NRO/157/32/IMG/NRO15732.pdf?OpenElement> (6 January 2004).

Adopted at the 873rd meeting by 8 votes to none, with 3 abstentions (China , France , United Kingdom of Great Britain and Northern Ireland).

(2) 145 (1960). Resolution of 22 July 1960²

[S/4426]

The Security Council,

Having considered the first report of the Secretary-General on the implementation of Security Council resolution 143 (1960) of 14 July 1960,

Appreciating the work of the Secretary-General and the support so readily and so speedily given to him by all Member States invited by him to give assistance,

Nothing that, as stated by the Secretary-General, the arrival of the troops of the United Nations Force in Leopoldville has already had a salutary effect,

Recognizing that an urgent need still exists to continue and to increase such efforts,

Considering that the complete restoration of law and order in the Republic of the Congo would effectively contribute to the maintenance of international peace and security,

Recognizing that the Security Council recommended the admission of the Republic of the Congo to membership in the United Nations as a unit,

1. Calls upon the Government of Belgium to implement speedily Security Council resolution 143 (1960) on the withdrawal of its troops and authorizes the Secretary-General to take all necessary action to this effect;

² Republic of the Congo – ONUC Mandate [Online]. 2004. Available from: <http://daccessdds.un.org/doc/RESOLUTION/GEN/NRO/157/32/IMG/NRO15732.pdf?OpenElement> (6 January 2004).

2. 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 the Congo of its authority and also to refrain from any action which might undermine the territorial integrity and the political independence of the Republic of the Congo;

3. Commends the Secretary-General for the prompt action he has taken to carry out resolution 143 (1960) and for his first report;

4. Invites the specialized agencies of the United Nations to render to the Secretary-General such assistance as he may require;

5. Requests the Secretary-General to report further to the Security Council as appropriate.

Adopted unanimously at the 879th meeting.

(3) 146 (1960). Resolution of 9 August 1960³

[S/4426]

The Security Council,

Recalling its resolution 145 (1960) of 22 July 1960, inter alia calling upon the Government of Belgium to implement speedily Security Council resolution 143 (1960) of 14 July 1960 on the withdrawal of its troops and authorizing the Secretary-General to take all necessary action to this effect,

Having noted the second report of the Secretary-General on the implementation of the aforesaid two resolutions and his statement before the Council,

Having considered the statements made by the representatives of Belgium and the Republic of the Congo to the Council at this meeting,

³ Republic of the Congo – ONUC Mandate [Online]. 2004. Available from: <http://daccessdds.un.org/doc/RESOLUTION/GEN/NRO/157/32/IMG/NRO15732.pdf?OpenElement> (6 January 2004).

Nothing with satisfaction the progress made by the United Nations in carrying out the Security Council resolutions in respect of the territory of the Republic of the Congo other than the province of Katanga,

Nothing however the United Nations had been prevented from implementing the aforesaid resolutions in the province of Katanga although it was ready, and in fact attempted, to do so,

Recognizing that the withdrawal of Belgian troops from the province of Katanga will be a positive contribution to and essential for the proper implementation of the Council's resolutions,

1. Confirms the authority given to the Secretary-General by Security Council resolutions 143 (1960) and 145 (1960) and request him to continue to carry out the responsibility placed on him thereby;

2. Calls upon the Government of Belgium to withdrawal immediately its troops from the province of Katanga under speedy modalities determined by the Secretary-General and to assist in every possible way the implementation of the Council's resolution;

3. Declares that the entry of the United Nations Force into the province of Katanga is necessary for the full implementation of the present resolution;

4. Reaffirms that the United Nations Force in the Congo will not be a party to or in any internal conflict, constitutional or otherwise;

5. Calls upon all Member States , in accordance with Articles 25 and 49 of the Charter of the United Nations , to accept and carry out the decisions of the Security Council and to afford mutual assistance in carrying out measures decided upon by the Council;

6. Requests the Secretary-General to implement the present resolution and to report further to the Security Council as appropriate.

Adopted at the 886th meeting by 9 votes to none, with 2 abstentions (France, Italy)

(4) General Assembly , September 20 , 1960⁴

[Resolution A/4510 was adopted by 70 votes to 0. There were 11 abstentions – Albania , Bulgaria, Byelorussia, Czechoslovakia, France, Hungary, Poland, Romania, the Ukraine, Union of South Africa and the Soviet Union. Bolivia was absent.]

Having considered the situation in the Republic of the Congo,

Taking note of the resolutions of 14 and 22 July and of 9 August 1960 of the Security Council,

Taking into account the unsatisfactory economic and political conditions that continue in the Republic of the Congo.

Considering that, with a view to preserving the unity, territorial integrity and political independence of the Congo, to protecting and advancing the welfare of its people, and to safeguarding international peace, it is essential for the United Nations to continue to assist the Central Government of the Congo,

1. Fully supports the resolutions of 14 and 22 July and of 9 August of the Security Council;
2. Request the Secretary-General to continue to take vigorous action in accordance with the terms of the aforesaid resolutions and to assist the Central Government of the Congo in the restoration and maintenance of law and order throughout the territorial integrity and political independence in the interest of international peace and security ;
3. Appeals to all Congolese within the Republic of the Congo to seek a speedy solution by peaceful means of all their international conflicts for the unity and integrity of the Congo, with the assistance, as appropriate, of Asian and African representatives appointed by the Advisory

⁴ Ernest W. Lefever , Crisis in the Congo : A United Nations force in action ,pp.192-193.

Committee on the Congo, in consultation with the Secretary-General, for the purpose of conciliation;

4. Appeals to all Member Governments for urgent voluntary contributions to a United Nations Fund for the Congo to be used under United Nations control and in consultation with the Central Government for the purpose of rendering the fullest possible assistance to achieve the objective mentioned in the preamble;

5. Requests

(a) All States to refrain from any action which might tend to impede to restoration of law and order and the exercise by the Government of the Congo of its authority and also to refrain from any action which might undermine the unity , territorial integrity and political independence of the Republic of the Congo;

(b) All Member States, in accordance with Articles 25 and 49 of the Charter, to accept and carry out the decisions of the Security Council and to afford mutual assistance in carrying out measures decided upon by the Security Council;

6. With out prejudice to the sovereign rights of the Republic of the Congo, call upon all States to refrain from the direct and indirect provision of arms or other material 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 for carrying out the purposes of this resolution and of the resolutions of 14 and 22 July and of 9 August 1960 of the Security Council.

(5) 161(1961). Resolution of 21 February 1961⁵

[S/4741]

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The Security Council,

Having considered the situation in the Congo,

Having learnt with deep regret of the announcement of the killing of the Congolese leaders, Mr. Patrice Lumumba, Mr. Maurice Mpolo and Mr. Joseph Okito,

Deeply concerned at the grave repercussions of these crimes and the danger of widespread civil war and bloodshed in the Congo and the threat to international peace and security,

Nothing the report of the Secretary-General's Special Representative, dated 12 February 1961, bringing to light the development of a serious civil war situation and preparations therefore,

1. Urges that the United Nations take immediately all appropriate measures to prevent the occurrence of civil war in the Congo, including arrangements for cease-fire, the halting of all military operations, the prevention of clashes, and the use of force, if necessary, in the last resort;

2. Urges the measures be take for the immediate withdrawal and evacuation from the Congo of all Belgian and other foreign military and paramilitary personnel and political advisers not under the United Nations Command, and mercenaries;

3. Calls upon all States to take immediate and energetic measures to prevent the departure of such personnel for the Congo from their territories, and for the denial of transit and other facilities to them;

⁵ Republic of the Congo – ONUC Mandate [Online]. 2004. Available from: <http://daccessdds.un.org/doc/RESOLUTION/GEN/NRO/157/32/IMG/NRO15732.pdf?OpenElement> (6 January 2004).

4. Decides that an immediate and impartial investigation be held in order to ascertain the circumstances of the death of Mr. Lumumba and his colleagues and that the perpetrators of these crimes be punished;

5. Reaffirms Security Council resolution 143 (1960) of 14 July 1960, 145 (1960) of 22 July 1960 and 146 (1960) of 9 August 1960 and General Assembly resolution 1474 (ES-IV) of 20 September 1960 and reminds all States of their obligations under these resolutions.

The Security Council,

Gravely concerned at the continuing deterioration of the situation in the Congo and at the prevalence of conditions which seriously imperil peace and order and the unity and territorial integrity of the Congo, and threaten international peace and security,

Nothing with deep regret and concern the systematic violations of human rights and fundamental freedoms and the general absence of the rule of law in the Congo,

Recognizing the imperative necessity for the restoration of parliamentary institutions in the Congo in accordance with the fundamental law of the country, so that the will of the people should be reflected through the freely elected Parliament,

Convinced that the solution of the problem of the Congo lies in the hands of the Congolese people themselves without any interference from outside, and that there can be no solution without conciliation,

Convinced further that the imposition of any solution, including the formation of any government not based on genuine conciliation, would, far from settling any issues, greatly enhance the dangers of conflict within the Congo and the threat to international peace and security,

1. Urges the convening of the Parliament and the taking of necessary protective measures in that connexion;

2. Urges that Congolese armed units and personnel should be reorganized and brought under discipline and control, and arrangements made on impartial and equitable bases to that end and with a view to the elimination of any possibility of interference by such units and personnel in the political life of the Congo;

3. Calls upon all States to extend their full co-operation and assistance, and to take such measures as may be necessary on their part, for the implementation of present resolution.

Adopted at the 942nd meeting by 9 votes to none, with 2 abstentions (France, Union of Soviet Socialist Republics).

(6) 169 (1961). Resolution of 24 November 1961⁶

[S/5002]

The Security Council,

Recalling its resolutions 143 (1960) of 14 July 1960, 145 (1960) of 22 July 1960, 146(1960) of 9 August 1960 and 161 (1961) of 21 February 1961,

Recalling further General Assembly resolutions 1474 (ES-IV), 1592 (XV), 1599 (XV), 1600 (XV) AND 1601 (XV),

Reaffirming the policies and purposes of the United Nations with respect to the Congo (Leopoldville) as set out in the aforesaid resolutions, namely:

(a) To maintain the territorial integrity and the political independence of the Republic of the Congo,

⁶ Republic of the Congo – ONUC Mandate [Online]. 2004. Available from: <http://daccessdds.un.org/doc/RESOLUTION/GEN/NRO/157/32/IMG/NRO15732.pdf?OpenElement> (6 January 2004).

(b) To assist the Central Government of the Congo in the restoration and maintenance of law and order,

(c) To prevent the occurrence of civil war in the Congo,

(d) To secure the immediate withdrawal and evacuation from the Congo of all foreign military , paramilitary and advisory personnel not under the United Nations Command, and all mercenaries,

(e) To render technical assistance,

Welcoming the restoration of the national Parliament of the Congo in accordance with the Loi fondamentale and the consequent formation of a Central Government on 2 August 1961,

Deploring all armed action in opposition to the authority of the Government of the Republic of the Congo, specifically secessionist activities and armed action now being carried on by the provincial administration of Katanga with the aid of external resources and foreign mercenaries, and completely rejecting the claim that Katanga is “ a sovereign independent nation”,

Nothing with deep regret the recent and past actions of violence against United Nations personnel,

Recognizing the Government of the Republic of the Congo as exclusively responsible for the conduct of the external affairs of the Congo,

Bearing in mind the imperative necessity for speedy and effective action to implement fully the policies and purposes of the United Nations in the Congo to end the unfortunate plight of the Congolese people, necessary in the interests both world peace and international co-operation and the stability and progress of Africa as a whole,

1. Strongly deprecates the secessionist activities illegally carried out by provincial administration of Katanga with the aid of external resources and manned by foreign mercenaries ;

2. Further deprecates the armed action against United Nations forces and personnel in the pursuit of such activities ;

3. Insists that such activities shall cease forthwith, and calls upon all concerned to desist therefrom;

4. Authorizes the Secretary-General to take vigorous action, including the use of the requisite measure of force, if necessary, for the immediate apprehension, detention pending legal action and/or deportation of all foreign military and paramilitary personnel and political advisers not under the United Nations Command, and mercenaries, as laid down in paragraph 2 of Security resolution 161 A (1961) of 21 February 1961;

5. Further requests the Secretary – General to take all necessary measures to prevent the entry or return of such elements under whatever guise, and also of arms, equipment or other material in support of such activities;

6. Requests all States to refrain from the supply of arms, equipment or other material which could be used for warlike purposes, and to take the necessary measures to prevent their nationals from doing the same, and also to deny transportation and transit facilities for such supplies across their territories, except in accordance with the decision, policies and purposes of the United Nations;

7. Calls upon all Member States to refrain from promoting, condoning, or giving support by acts of omission or commission, directly or indirectly, to activities against the United Nations often resulting in armed hostilities against the United Nations forces and personnel ;

8. Declares that all secessionist activities against the Republic of the Congo are contrary to the Loi fondamentale and Security Council decisions and specifically demands that such activities which are now taking place in Katanga shall cease forthwith;

9. Declares full and firm support for the Central Government of the Congo and the determination to assist that Government, in accordance with the decisions of the United Nations, to maintain law and order and national integrity, to provide technical assistance and to implement those decisions;

10. Urges all Members States to led their support, according to their national procedures, to the Central Government of the Republic of the Congo, in conformity with the Charter and the decisions of the United Nations;

11. Requests all Member States to refrain from any action which may directly or indirectly impede the policies and purposes of the United Nations in the Congo and is contrary to its decisions and the general purposes of the Charter.

Adopted at the 982nd meeting by 9 votes to none, with 2 abstentions (France, United Kingdom of the Great Britain and Northern Ireland).

ภาคผนวก ก

ข้อตกลงระหว่างสหประชาชาติกับรัฐบาลคองโก¹

Agreement Between the United Nations and the Congolese Government

Note: This “basic agreement” between Mr. Hammarskjold and the Congo was initialed on July 29 , 1960. It was circulated as document S/4389/Add.5.

1. The Government of the Republic of the Congo states 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 United Nations and by its acceptance of the resolutions of the Security Council of 14 and 22 July 1960; it likewise states that it will ensure freedom of movement of the Force in the interior of the country and will accord the requisite privileges and immunities to all personnel associated with the activities of the Force.

2. The United Nations take note of this statement of the Government of the republic of the Congo and states that, with regard to the activities of the United Nations Force in the Congo, it will be guided, in good faith, by the task assigned to the Force in the aforementioned resolutions; in particular the United Nations reaffirms, considering it to be in accordance with the wishes of the Republic of the Congo, that it is prepared to maintain the United Nations Force in the Congo until such time as it deems the latter’s task to have been fully accomplished.

3. The Government of the Republic of the Congo and the Secretary General state their intention to proceed immediately, in the light of paragraphs 1 and 2 above, to explore jointly specific aspects of the functioning of the United Nations Force in the Congo, notably with respect to its deployment, the question of its lines of communication and supply, its lodging and its provisioning; the Government of the Republic of the Congo, confirming its intention to facilitate the functioning of the United Nations Force in the Congo, and the United Nations have agree to

¹ Lefever , Crisis in the Congo : A United Nations force in action , p.198

work together to hasten the implementation of the guiding principles laid down in consequence of the work joint exploration on the basis of the resolutions of the Security Council.

4. The foregoing provisions shall likewise be applicable, as appropriate, to the non-military aspects of the United Nations operation in the Congo.

ภาคผนวก ง

รายละเอียดต่างๆที่ควรทราบเกี่ยวกับการปฏิบัติการรักษาสันติภาพในคองโก (ONUC)¹

สถานที่ : สาธารณรัฐคองโก (Republic of the Congo)

สำนักงานใหญ่ : เมืองลีโอโพลด์วิลล์ (ปัจจุบันชื่อเมืองคินชาซา Kinshasa)

ระยะเวลา : เดือน กรกฎาคม ค.ศ.1960 – เดือน มิถุนายน ค.ศ.1964

ผู้แทนพิเศษของเลขาธิการแห่งสหประชาชาติ (Special Representatives of the Secretary - General)

Ralph J. Bunche ; USA.	(July – August 1960)
Andrew W. Cordier ; USA.	(August –September 1960)
Rajeswar Dayal ; India	(September 1960 – May 1961)
Mekki Abbas ; Sudan (รักษาการ)	(March - May 1961)
<u>เจ้าหน้าที่รับผิดชอบ (Officer –in-Charge)</u>	
Sture Linner ; Sweden	(May 1961- January 1962)
Robert K. A. Gardiner ; Ghana	(February 1962 – May 1963)
Max H. Dorsinville ; Haiti	(May 1963 – April 1964)

¹ Republic of the Congo – ONUC : Facts and Figures [Online].2004. Available from:
<http://www.un.org/Depts/DPKO/Missions/onucF.html> (6 January 2004).

Bibiano F. Osorio –Tafall ; Mexico	(April – June 1964)
<u>ผู้บัญชาการกองทัพบก (Force Commander)</u>	
Lieutenant –General Carl C. von Horn ; Sweden	(July –December 1960)
Lieutenant –General Sean MacEoin ; Ireland	(January 1961 – March 1962)
Lieutenant –General Kebede Guebre ; Ethiopia	(April 1962 – July 1963)
Major – General Christian Kaldager ; Norway	(August – December 1963)
Major – General Aguiyu Ironsi ; Nigeria	(January – June 1964)

กำลังพล

ในช่วงสูงสุด (เดือน กรกฎาคม ค.ศ.1961)

มีเจ้าหน้าที่ทั้งหมด 19,828 นาย สนับสนุนโดยพลเรือนระหว่างประเทศ และสตาร์ฟท้องถิ่นที่ถูกเกณฑ์มา

ในช่วงถอนกำลัง (30 ธันวาคม ค.ศ.1963)

มีเจ้าหน้าที่ทั้งหมด 5,871 นาย สนับสนุนโดยพลเรือนระหว่างประเทศ และสตาร์ฟท้องถิ่นที่ถูกเกณฑ์มา

ประเทศที่จัดส่งเจ้าหน้าที่ทางทหาร

อาร์เจนตินา ออสเตรเลีย บราซิล พม่า แคนาดา เคลอน (Ceylon) เดนมาร์ก เอธิโอเปีย กินี อินเดีย อินโดนีเซีย อิตาลี ไต้หวัน มาเลเซีย (Malaya) สหพันธรัฐมาลี โมร็อกโก เนเธอร์แลนด์ ไนจีเรีย นอร์เวย์ ปากีสถาน ฟิลิปปินส์ ชูแดน สวีเดน ตุนิเซีย สหสาธารณรัฐอาหรับ และยูโกสลาเวีย

จำนวนผู้เสียชีวิต ทั้งหมด 250 นาย

เจ้าหน้าที่ทหาร 245 นาย

พลเรือนระหว่างประเทศ 5 นาย

การเงิน

บัญชีพิเศษ (Special Account)

ค่าใช้จ่าย : 400.1 ล้านบาท

ประวัติผู้เขียนวิทยานิพนธ์

นายรินทร์ สัมพัฒน์วรชัย เกิดเมื่อวันที่ 6 มกราคม พ.ศ.2521 ที่จังหวัด กรุงเทพมหานคร สำเร็จการศึกษาปริญญาตรีรัฐศาสตรบัณฑิต สาขาวิชาความสัมพันธ์ระหว่างประเทศ มหาวิทยาลัยรามคำแหง เกียรตินิยมอันดับสอง ในปีการศึกษา 2544 และเข้าศึกษาต่อในหลักสูตรรัฐศาสตรมหาบัณฑิต ภาควิชาความสัมพันธ์ระหว่างประเทศ ที่จุฬาลงกรณ์มหาวิทยาลัย ในปีการศึกษา 2545

