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REPORT OF THE OFFICER-IN-CHARGE OF THE UNITED NATIONS OPERATION IN THE CONGO  
TO THE SECRETARY-GENERAL ON DEVELOPMENTS RELATING TO THE APPLICATION OF THE  
SECURITY COUNCIL RESOLUTIONS OF 21 FEBRUARY AND 24 NOVEMBER 1961

Report on Developments in Katanga following the conclusion of the Kitona talks

(A) Constitutional and Political Situation

1. The talks at Kitona between the Prime Minister of the Central Government and the President of the government of the Province of Katanga, and the Declaration which Mr. Tshombe signed there, were of significance in that they marked what is hoped will be the beginning of another constructive phase in the political developments of the Republic of the Congo.
2. On his way back from Kitona to Elisabethville, Mr. Tshombe, at a press conference at Ndola, is reported to have stated that since he was a spokesman for his people it was up to them to decide on the agreement. In pursuance of this statement he proceeded to summon the Provincial Assembly to meet in Elisabethville for the purpose of discussing the agreement.
3. On 25 December, Mr. Tshombe indicated his readiness to send to Leopoldville Katangese parliamentary representatives to participate in the session of parliament in Leopoldville. ONUC immediately gave assurances that all necessary measures would be taken to guarantee their safety during their journey as well as during their stay in Leopoldville. ONUC also assured their safe return to Elisabethville. Nine parliamentarians left Elisabethville for the capital on 27 December by ONUC aircraft to participate in the session of Parliament. By 3 January 1962 fourteen parliamentarians from Katanga had come to Leopoldville.
4. Three Katangese officials were also despatched to the capital to participate in discussions for the modification of the constitutional structure of the country. These officials arrived in Leopoldville on 3 January 1962.
5. While these efforts at reconciliation were going on, Mr. Tshombe informed the ONUC representative in Elisabethville in writing that the Assembly of Katanga would meet on 3 January, and requested that instructions be given to ONUC forces to

refrain from impeding the transportation to Elisabethville of the deputies from Jadotville, Kongolo, Kolwezi, Kaniema, Baudouinville and other areas in Katanga. President Tshombe also requested ONUC's assistance in transporting deputies from certain other parts of the province. President Kasa-Vubu, on the other hand, promulgated Ordinance No. 104 convoking the Provincial Assembly of Katanga to meet in extraordinary session at Kamina. At the specific request of the Prime Minister, the text of the Ordinance was transmitted to Mr. Tshombe through ONUC. Mr. Tshombe was assured that ONUC would provide all necessary facilities to transport all provincial deputies to Kamina and would also take all measures considered necessary for their protection and safety during the Assembly's session at Kamina.

6. Mr. Tshombe sent a letter to President Kasa-Vubu through ONUC channels in which he contended that, under the provisions of the Loi fondamentale, the convocation of an extraordinary session of the Provincial Assembly at Kamina by the President of the Republic, in the manner suggested, was irregular and contrary to the Loi fondamentale. At the same time, he requested ONUC to facilitate the meeting of the Provincial Assembly in Elisabethville. The first meeting of the Provincial Assembly in Elisabethville took place on 3 January. Another meeting was held the following day at which a quorum was obtained and discussion of the Kitona Declaration took place. It was decided to refer the question to a commission of the Assembly which was charged with the task of studying the implications of the Kitona Declaration and of reporting to the Assembly.

#### (B) Military Activities

7. The decision on the part of ONUC Forces to refrain from opening fire until and unless fired on first has been maintained since the conclusion of the Kitona talks; incidents and tension have progressively diminished. Elisabethville is at present calm, and the normal facilities of everyday life there are being restored.

8. Although military activities directly involving Katangese Gendarmerie and ONUC Forces had almost completely ceased, a new source of disturbance appeared in the form of acts of terrorization of the African communes by the Gendarmerie and certain non-Congolese elements. On 21 December some inhabitants from the communes brought news to ONUC Headquarters in Elisabethville of serious violence as the result of armed attacks by Gendarmerie and foreign elements on members of the Baluba, Tshokwe and other tribes. Although the number of reported deaths may be considerably exaggerated, it is true that a large number of inhabitants of the communes have abandoned their homes and moved to other areas of the city or sought ONUC protection.

9. These events have added to the difficulties of maintaining law and order. A system of joint patrols by ONUC military personnel and Katangese police has been worked out in an effort to deal with the abnormal situation in certain areas of the city.

10. On 23 December the body of Mr. Olivet, the Red Cross official who had been missing since 13 December (see S/4940/Add.18, para. 16), was found with the bodies of his two Red Cross companions alongside a burnt out ambulance near the old airfield where heavy fighting took place between Katangese and United Nations troops on the day Mr. Olivet disappeared. The ambulance had apparently been hit by a heavy missile, it seems likely that Mr. Olivet's party was caught in crossfire at this point. In agreement with the International Red Cross, a further investigation will be instituted and conclusions must necessarily await the results of the inquiry.

(C) Mercenaries and their activities

11. Much of the continued uncertainty of the military situation in the province of Katanga can still be attributed to the activities of non-Congolese elements. The hard core of this group is still at large, having succeeded in evading apprehension by ONUC Forces during the military action from 5 to 20 December 1961. According to reports, various groups, including a group of French mercenaries, have left Elisabethville for Kipushi on the Rhodesian border.

12. Reports also indicate that the mainspring of the military operations on the Katanga side during December was a group of some thirty-eight mercenaries organized by two mercenaries of French nationality under the general supervision of a colonel, who is also French.

13. During the military actions in early December, thirty-one non-Congolese were apprehended by ONUC Forces. Of these twenty-eight were civilians suspected of military activities, two were gendarmes, and one was a police official. After preliminary interrogation eighteen of the civilian detainees were released while one is still being held in Elisabethville. Of the remaining nine civilians, one has been released while the other civilians as well as the two gendarmes and one police officer are being interrogated in Leopoldville. Six foreign mercenaries are now known to have been killed in the December fighting.

14. There is recent information indicating that the recruitment of mercenaries for Katanga in certain foreign countries has not ceased. For example, ONUC has learned that thirty-five passengers, said to be mercenaries recruited in the south of France, had arrived in Brazzaville by air on 8 January and had soon thereafter left for Ndola, in Northern Rhodesia, on a special UAT plane. Immediate representations were made by the Secretary-General to the authorities of the Congo (Brazzaville), France and the United Kingdom. The UAT craft was subsequently denied permission to land at Ndola and was rerouted by authorities of the Federation of Rhodesia and Nyasaland to Livingstone. There, twenty-six of the passengers were found to be French, one was Spanish and nine were Belgian. The French and Spanish passengers were sent back to Brazzaville on the grounds that they had inadequate papers; the Belgians established legitimate reasons for their journeys and were admitted to the Federation. The Federation authorities are said to be investigating the nature of the cargo of the aircraft.

15. It is believed that the activities of mercenaries continue to be supported by an influx of arms and foreign personnel into Katanga. Reports continue to reach ONUC officials in Elisabethville that military equipment in various forms is being surreptitiously smuggled across the borders.

16. Every possible effort is being made to reduce the illicit arms traffic into Katanga. With this objective in view, the Secretary-General addressed communications to the Permanent Representatives to the United Nations of the United Kingdom and of Portugal on 29 and 30 December respectively, soliciting the co-operation of these two Governments in assuring that mercenaries and other foreign elements referred to in the Security Council resolutions of 21 February and 24 November 1961, as well as arms, equipment and other material support of the secessionist activities of the provincial administration of Katanga are not entering that region from or through the territory of Rhodesia or Angola. It was proposed that United Nations observers be stationed at a few selected airports and roads through which transit from Rhodesia and Angola into Katanga takes place. The attention of these Governments was specifically invited to the provisions of paragraph 5 of the Security Council resolution of 24 November 1961. Neither Government accepted the Secretary-General's proposal, though for different reasons. The Rhodesian Government, through the Government of the United Kingdom, suggested that the Secretary-General visit the Federation to

discuss all aspects of traffic across the border. It also suggested that the present Red Cross inspection procedures for rail traffic from Ndola to Katanga should be extended to air and road communications between Northern Rhodesia and Katanga.

(D) Restoration of normal life in Elisabethville

17. In spite of the disruption of normal life which resulted from the December military operations, civilian life in Elisabethville has slowly been returning to normal since the conclusion of the Kitona talks.
18. Immediate attention was given by ONUC officials on the spot in collaboration with the local authorities to the repair and restoration of electricity and water installations, in the face of risks and difficulties due to sporadic sniping.
19. ONUC also took immediate measures to assist in the maintenance of law and order, in particular to halt looting of the large number of houses that had been deserted. Talks were held between ONUC military officers and the Chief of the Elisabethville police, and joint patrols were instituted to deal with the situation. Contact was made with the Elisabethville Parquet and with the Procureur d'Etat in order to arrange co-operation between ONUC and the Parquet in the investigation of incidents and the tracing of missing persons.
20. Serious attention was also given by ONUC officials to the resumption of normal economic life and communications. Assistance was given to the BCK Railway Company in re-establishing passenger and freight traffic while at the same time ensuring by inspection that such services were only used for legitimate civilian purposes. ONUC troops have assisted in all of these activities. Resumption of work in the Union Minière installations with a view to avoiding unemployment is also a matter of urgent concern to ONUC and the relevant authorities.
21. Arrangements were also made to bring in oil and gasoline for domestic use. Educational authorities were assisted in their plans for reopening schools, and by 24 December 1961 SABENA aircraft were allowed to resume their services for the delivery of Christmas mail.
22. Although much remains to be done to restore full confidence and stability in Elisabethville, this aspect of the city's problems is being given serious and continued attention by all authorities concerned.

