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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 the Adoula-Tshombe talks

1. By resolution adopted on 15 February 1962, the Provincial Assembly of Katanga accepted the Kitona Declaration of 21 December 1961 as a potential basis of discussion and authorized the Government of Katanga to establish contact with the Central Government with a view to ensuring a solution in the spirit of the draft declaration. The Provincial Assembly specified in the resolution that it reserved its right to ratify the final agreements that may be concluded between the authorities of Leopoldville and Katanga (see document S/5053/Add.8, para. 12 and Annex I).
2. In correspondence exchanged with Mr. Adoula, Prime Minister of the Republic of the Congo, during February-March 1962, Mr. Tshombe, Premier of the Province of Katanga, agreed to come to Leopoldville to negotiate with the Central Government on the basis of the said resolution of 15 February, a settlement of outstanding problems, subject to the prior receipt of adequate guarantees. The Central Government and ONUC guaranteed his personal security and that of his party during his visit in Leopoldville and also guaranteed that they would be free to return to Katanga at any time they might choose. (For text of letters exchanged, see documents S/5053/Add.8, Annexes III-V and S/5053/Add.9).
3. Mr. Tshombe and his party arrived in Leopoldville from Elisabethville on ONUC aircraft on 15 March. The Katanga delegation consisted of Mr. Tshombe and Ministers Kibwe and Kitenge, Mr. Kishiba, Mr. Kambole, Representative of Katanga Government in Leopoldville, Mr. Meli, Chef du Cabinet à la Présidence.

* The annexes to this report will be issued as soon as possible as document S/5053/Add.10 (annexes).

4. The delegation of the Central Government consisted of Prime Minister Adoula, Vice Premiers Sende, Bolikango and Gbenye and Ministers Bamboko, Ileo and Kamitatu.

5. The two delegations held fifteen meetings during the period 15 March to 16 April, on which date they were discontinued. They were resumed on 18 May and continued until 25 June. During the first phase of the negotiations, from 15 March to 10 April, the Officer-in-Charge extended his general assistance to both delegations to facilitate their efforts, but he did not attend any of their meetings, as they had indicated a preference to negotiate among themselves without the presence of a third party. When the negotiations were resumed on 18 May, the Officer-in-Charge and other representatives of ONUC participated in all meetings, at the request of both delegations.

6. The delegations held their first meeting on 18 March. A joint communiqué was issued after the meeting which indicated that general discussions had been held and that the Prime Minister had presented a basic agenda setting forth the broad subjects which he suggested should be discussed at subsequent meetings. The communiqué further indicated that the conversations had been conducted in a cordial atmosphere and that subsequent meetings would be held behind "closed doors". It was also agreed that no statements would be issued by either delegation until after the meetings had been completed and, in any event, not without prior agreement of the other delegation.

7. During the second through eighth meetings, the delegations discussed two principal subjects: the scope of authority of the Katangese delegations and the applicability of the Loi Fondamentale to Katanga. The Katangese delegation took the position that all final agreements which might be concluded during these meetings would have to be ratified by the Katanga Assembly. The Prime Minister stated that this position raised the question as to whether or not the Katanga delegation had come to Leopoldville to negotiate in good faith. Mr. Adoula further stated that the resolution of 15 February that had been adopted by the Provincial Katanga Assembly conferred sufficient authority upon Mr. Tshombe to conclude agreements with the Central Government and that the position taken by Mr. Tshombe on this question amounted to an abdication of responsibility on his part.

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8. As regards the second subject, the Prime Minister pointed out that by the terms of the resolution of 15 February the Katangese Assembly had recognized the applicability of the Loi Fondamentale throughout the Congo, including Katanga. The Central Government took the position that the integral application of the Loi Fondamentale should be accepted by Katanga without any reservations and that any constitutional reforms which were found necessary were to be effected on that basis, and in conformity with the procedure established by the Loi Fondamentale. The Katanga delegation argued that the Loi Fondamentale could not be considered applicable in view of conditions that had so radically changed since its adoption, and that a transitional regime should be established by agreement of the delegations, pending the adoption of a new constitution which was to be based on federal principles. During the transition period certain arrangements concerning economic, fiscal, monetary, military and such other matters as required governmental action would apply in order to maintain law and order throughout the Congo. The disagreements manifested at these early meetings of the delegations were not resolved during these meetings.

9. While these meetings were being held the Central Government requested the assistance of ONUC to organize a meeting of the Katanga Provincial Assembly in Elisabethville, to be attended by all Deputies from North and South Katanga and to grant them protection while in Elisabethville for the meeting. The purpose of this request was to effect a reconciliation between the two main opposition parties in Katanga, the CONAKAT (South Katanga) and BALUBAKAT (mainly North Katanga), which, if successful, would signify an important step in the national reconciliation efforts. The Central Government suggested that the meeting be held "en conclave", in the same way as the National Parliament Session had been held at Lovanium in August 1961. The Officer-in-Charge offered full assistance to the Central Government and Provincial authorities for this purpose. However, the Elisabethville authorities decided not to convene the Provincial Assembly until after the completion of the negotiations currently being held between the Central Government and Katanga.

10. On 27 March the Cabinet of the Prime Minister issued a communiqué to the Press (Annex 1) and on 29 March the Prime Minister held a press conference (Annex 2). Among other things he stated that Mr. Tshombe had not been willing

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to engage in any discussions on the application of the Kitona Declaration and had totally ignored the Loi Fondamentale and the Kitona Declaration in the provisional agenda submitted by him (Annex 3). The Katanga delegation replied the following day in two communiqués to the Press (Annex 4). The Officer-in-Charge addressed a letter (Annex 5) on 29 March to both parties appealing to them to refrain from carrying their differences into public debate and to observe scrupulously their agreement regarding the secrecy of the negotiations.

11. From 29 March to 14 April, five meetings were held. The delegations, however, did not disclose the subjects discussed at these meetings.

12. On 8 April Mr. Tshombe addressed a memorandum to the Officer-in-Charge (Annex 6) in which he asked for a number of guarantees to be given by the United Nations to the Katanga Government in case the latter would abandon its "sovereign" prerogatives to achieve full integration with the rest of the Congo. The memorandum also requested that in such a case, the United Nations progressively withdraw its forces from Katanga. The Officer-in-Charge replied (Annex 7) that the United Nations could not give in advance the guarantees requested as to do so would prejudice the final outcome of the discussions between the Central and Provincial Governments. However, in the event an agreement were reached for the solution of the Katanga problem, the United Nations would necessarily re-examine the position of its forces in the light of the new situation.

13. On 14 April the meetings were resumed after a one-day interruption. No official statements were issued following this meeting. The proposals which had been presented on 6 April (Annex 8) by the Katanga delegation were discussed.

14. At the fifteenth meeting, held on 16 April, the Prime Minister presented to Mr. Tshombe, in reply to the latter's proposals of 6 April, a draft agreement ("projet de conclusions") to be signed by the parties at the conclusion of the Leopoldville meetings (Annex 9). The Katanga delegation agreed to study the draft and offer its comments with a minimum delay. At the same meeting the Prime Minister informed Mr. Tshombe of his intention to leave Leopoldville for a few days for a visit to Equateur Province and that the meetings could be resumed on his return on 21 April.

15. In the evening of 17 April Mr. Adoula left Leopoldville for Coquilhatville. The same day Mr. Tshombe verbally indicated to the Officer-in-Charge his desire

to return to Elisabethville for a few days during the Prime Minister's absence after which he intended to return to Leopoldville to continue the meetings, as soon as the Prime Minister would have returned. The Officer-in-Charge conveyed this information to the Prime Minister shortly before the latter's departure for Coquilhatville. In an exchange of correspondence with the Prime Minister and the Officer-in-Charge, Mr. Tshombe subsequently confirmed his intention to return to Leopoldville (Annex 10). On 18 April Mr. Tshombe departed by United Nations plane for Elisabethville. At a press conference given on his arrival at Elisabethville, Mr. Tshombe again confirmed his intention to return to Leopoldville at an early date.

16. On 20 April the Officer-in-Charge left for New York for consultations with the Secretary-General. On his arrival at United Nations Headquarters, he declared that although the discussions between Mr. Tshombe and the Central Government had been inconclusive so far, he expected that the parties would resume their negotiations and eventually reach substantial agreement. The Secretary-General also expressed his confidence about the resumption of the meetings and their eventual success. If necessary, he said, the United Nations would lend its good offices to bring the parties together. The Secretary-General's Advisory Committee on the Congo met at United Nations Headquarters on 24 April to hear a report on the situation by the Officer-in-Charge and discuss recent developments.

17. Shortly after his return to Elisabethville, Mr. Tshombe addressed a letter (Annex 11) to the Officer-in-Charge confirming his intention to return to Leopoldville and asking the United Nations to renew the guarantees for his protection. In a letter dated 22 April (Annex 12) the Officer-in-Charge replied to Mr. Tshombe stating that the guarantees previously given remained in full force.

18. On 21 April the Prime Minister returned to Leopoldville and declared in a radio broadcast on 24 April that, if Mr. Tshombe returned to Leopoldville, the Central Government was ready to resume the meetings immediately. If, however, the ~~Katanga authorities~~ continued to refuse to integrate the Province peacefully, the Central Government intended to call on friendly African and Asian countries to help end the secession (Annex 13).

19. In Elisabethville Mr. Tshombe declared on several occasions his readiness to return to Leopoldville as soon as his health improved. On 25 April he addressed

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a letter to the United Nations Representative in Elisabethville announcing his intention to return to Leopoldville on 3 May (Annex 14). On 2 May the Prime Minister addressed a cable to Mr. Tshombe (Annex 15) expressing the hope that Mr. Tshombe would submit his counter proposals and proposing 4 May as the date for the next meeting in the Prime Minister's office.

20. On 25 April, the Officer-in-Charge returned from New York to Leopoldville where he immediately held consultations with President Kasavubu and the Prime Minister. Having ascertained their views, he then left, on 30 April, for Elisabethville to discuss with the Provincial authorities the Central Government's latest proposals ("Projet de Conclusions") with a view to facilitating the forthcoming meetings in Leopoldville. The Officer-in-Charge presented the Provincial authorities with a revised version of the Central Government's "Projet de Conclusions" (Annex 16) on which he had obtained the Prime Minister's agreement. At the first meeting with the Provincial authorities on 1 May, the Officer-in-Charge also handed them a memorandum (Annex 17) listing the demands made by Mr. Tshombe in his memorandum of 8 April and indicating the corresponding provisions and references in the amended "Projet de Conclusions". This memorandum also contained certain United Nations guarantees calculated to facilitate an agreement and a smooth transition between the prevailing situation and normal conditions.

21. On 3 May it was announced in a communiqué issued by the Provincial authorities and the United Nations that in view of the discussions being held in Elisabethville between United Nations representatives and the Katanga authorities, to prepare the ground for a successful resumption of the Leopoldville meetings, it had been decided to postpone Mr. Tshombe's departure from Elisabethville for a few days. The new date for Mr. Tshombe's departure was to be announced shortly.

22. Upon hearing of the delay of Mr. Tshombe's departure from Elisabethville the Prime Minister's Office issued a communiqué warning him that the Central Government was still determined to end the Katanga secession at all costs. The communiqué repeated the Government's readiness to resume the meetings with the firm intention to arrive at a solution as rapidly as possible. The Central Government was not to be drawn into endless discussions and delays, the communiqué said.

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23. At the second meeting, on 2 May, the Katanga representatives presented in two separate documents (Annexes 18 and 19) their comments on the Officer-in-Charge's memorandum and the "Projet de Conclusions". The meeting was then adjourned to enable the United Nations representatives to study the two documents. At the third meeting, which took place the same day at 16.30 hours, the Officer-in-Charge presented his observations (Annex 20) on the comments made by the Katanga representatives which were extensively discussed during this meeting. The points presenting the principal difficulties were the integration of the Katanga Gendarmerie into the ANC, adequate assurances of constitutional reforms and the arrangements which would be in force during the proposed transitional period until the adoption of a new constitution (Annex 21). At the fourth meeting, on 3 May, the Katanga representatives presented the Officer-in-Charge with their counter-proposals (Annex 22) which were then commented upon by the Officer-in-Charge (Annex 23) and extensively discussed during the following (fifth) meeting on 4 May. In the course of several meetings held on 5 and 6 May two separate draft "conclusions" ("Projet de conclusions des entretiens de Leopoldville") prepared by the Katanga representatives were discussed (Annexes 24 and 25). At the afternoon meeting of 6 May the Officer-in-Charge presented the Katanga authorities with a provisional "final" text of draft conclusions prepared by him (Annex 26). During the same meeting a final text acceptable to the Katanga Provincial Government was drafted (Annex 27).

24. All security guarantees having been given by the Officer-in-Charge, Mr. Tshombe and his party (for composition of party see Annex 28) arrived in Leopoldville from Elisabethville on 18 May by ONUC aircraft. They were again accommodated in the Royal building (ONUC Headquarters). On 18 May, the Officer-in-Charge received a letter from Mr. Adoula on security arrangements (Annex 29). The contents of the letter were notified to Mr. Tshombe.

25. On 24 May Mr. Adoula met at his residence with Mr. Tshombe in the presence of Messrs. Gardiner and Rolz-Bennett, ONUC representative in Elisabethville. The Prime Minister raised the issue of the statement to the Press given by Mr. Tshombe in Elisabethville on 17 May (Annex 30). Mr. Tshombe on his part raised the matter dealt with in Mr. Adoula's letter of 18 May. It was decided to convene a meeting of the two delegations for the next day at which meeting the Central Government was represented by Prime Minister Adoula, Vice-Premier Sendwe, and Ministers

Bomboko, Ileo and Kamitatu and the Katanga Delegation consisted of Mr. Tshombe, Ministers Kibwe, Kitenge, Mr. Kishiba, Mr. Kambole, Representative of Katanga Provincial Government in Leopoldville, Mr. Meli, Chef de Cabinet a la Présidence. ONUC was represented by Messrs. Gardiner and Rolz-Bennett. A decision was reached concerning security measures for the Katanga Delegation (see Annex 31). The Delegation also agreed on questions of procedure and decided to hold working meetings twice daily, to publish a joint communiqué after each meeting, and to invite United Nations representatives to be present at each meeting.

26. At the meeting on 25 May, the two delegations agreed on the agenda to be followed (Annex 32). They also agreed to use as a basis for discussion a working document prepared by ONUC (Annex 33).

27. In the course of the fifth meeting, also held on 25 May, the delegations started discussion on point 2 of the agenda - "Procedure to effect the solution of the territorial integrity of the Republic of the Congo" - and decided to create the four following commissions: military, monetary, economic and fiscal, and transport and communications.

28. On 29 May the terms of reference of the military commission were adopted by the two delegations (Annex 34). In connexion therewith the Officer-in-Charge, ONUC, stated that the military commission, in carrying out its mandate, could not take any measures that would be a derogation to the resolutions of the Security Council and to the General Assembly of the United Nations.

29. From its twelfth meeting on 30 May up to its sixteenth meeting on 2 June, the delegations discussed the terms of reference of the monetary commission. After adoption of the first article the talks were suspended following an incident between Vice-Premier Sendwe and Mr. Tshombe (Annex 35). On 5 June 1962, the leaders of the two delegations met at the Prime Minister's residence in the presence of Messrs. Gardiner, Rolz-Bennett and Beck of ONUC. Mr. Gardiner appealed to both leaders to iron out their difficulties and to resume their meetings, leaving aside all personal questions. After a further exchange of letters between Messrs. Adoula and Tshombe (see Annex 36), meetings were resumed on 6 June, and discussions on the proposed terms of reference for the monetary commission was pursued. On 12 June, Mr. Tshombe gave a statement to the Press in which he indicated that there was still a long way to go before there was any possibility of agreement (Annex 37).

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He gave the assurance, however, that he would continue the current discussions until agreement had been reached.

30. On 14 June, the delegations decided to suspend temporarily their examination of the terms of reference of the monetary commission pending receipt of a report from experts of both delegations and of ONUC, and to proceed with the examinations of the mandate of the commission on transport and communications. On 15 June the delegations reached agreement on the mandate of that commission (Annex 38).

31. On 18 and 19 June, the terms of reference for the economic and fiscal commission were examined. At this time, the delegations pointed out in their daily communiqué that none of the commissions on which agreements had been reached, or which were being discussed, would start to function until the final joint communiqué was signed.

32. On 20 June Mr. Tshombe informed the Officer-in-Charge that he had received a message from Elisabethville according to which an attack by the ANC had been launched on Kongolo and Baudouinville. He asked that the whole matter be investigated and refused to participate in the talks until the matter was cleared up. Letters were exchanged between Mr. Tshombe, the Prime Minister and the Officer-in-Charge (see Annex 39). Mr. Gardiner put the radio-telephonic facilities of ONUC between Leopoldville and Elisabethville at the disposal of Mr. Tshombe, in order to enable him to communicate with Mr. Kimba and military and civilian representatives of ONUC in Elisabethville flew to Kongolo. The result of their investigation was reported by Mr. Kimba to Mr. Tshombe over United Nations facilities (see Annex 40). When it was ascertained that no operation had been undertaken by the ANC, meetings resumed on 22 June and the mandate of the economic and fiscal commission was adopted (Annex 41). The delegations reverted then to the terms of reference of the monetary commission. The report by the group of experts was considered, and on the basis thereof, the mandate of the monetary commission was adopted (see Annex 42).

33. The following day the delegations agreed that members of the commissions would be appointed not later than fifteen days after the return of the Katangese delegation to Elisabethville (Item 2 (B) of agenda). Thereafter discussion was commenced on the third item of the agenda - "Specific decisions concerning consolidation". The matters considered thereunder included territorial integrity,

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the type of a new constitution for the Republic, the organization of the National Council of Ministers, the meeting of provincial assemblies, the swearing in of General Moke, Chief of the Katanga Gendarmerie and general amnesty. Discussions on these points were continued until 25 June. As no agreement could be reached thereon, the delegations proceeded to the fourth and last item of the agenda - "Acceptance and signature of the final joint communiqué". The delegation of the Central Government submitted the draft reproduced in Annex 43. The delegation of Katanga submitted its own draft (Annex 44). As neither draft was acceptable to the other delegation, Mr. Gardiner was invited to attempt to reconcile the two drafts. The Officer-in-Charge, ONUC, presented a draft (Annex 45) but no agreement could be reached on his text, primarily on account of the Katangese delegation's insistence that paragraph 6 of its draft be maintained.

34. The meeting which had started on 25 June continued throughout the night until 5.30 a.m. on 26 June, at which time it was recognized that further discussions would be futile and the meeting came to an end. A routine communiqué was prepared, but the Katangese delegation insisted that reference should be made therein to a subsequent continuation of the talks. The Central Government did not acquiesce and therefore the proposed communiqué was not signed by either party. Mr. Tshombe and his delegation left Leopoldville immediately thereafter for Elisabethville on an ONUC aircraft. Thereafter, the Officer-in-Charge made a statement (Annex 46).

