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REPORT OF THE OFFICER-IN-CHARGE OF THE UNITED NATIONS OPERATION  
IN THE CONGO RELATING TO THE IMPLEMENTATION OF PARAGRAPH A-2 OF  
THE SECURITY COUNCIL RESOLUTION OF 21 FEBRUARY 1961

Interim report on the implementation of the cease-fire agreement between  
the United Nations troops and those of the Katanga authorities

1. The provisional draft agreement on the cease-fire between the United Nations troops and those of the Katanga authorities was signed at Ndola on 20 September 1961 (S/4940/Add.7). The agreement became final, in accordance with its terms, upon its approval by United Nations Headquarters; the approval was communicated to Mr. Tshombe on 24 September 1961.

2. With this communication were formally transmitted the express conditions as understood during the negotiations with Mr. Tshombe, as follows:

"The conclusion of the agreement shall in no way affect the resolutions of the Security Council, including that of 21 February 1961, and of the General Assembly.

"The agreement is of a strictly military nature and applies solely to the United Nations Force in Katanga and to the armed forces of Katanga. It has no political intention or aim.

"The agreement does not apply outside Katanga."

Mr. Tshombe was likewise informed that his demand for indemnities for "war damages" was rejected by Headquarters.

3. In accordance with paragraph 3 of the cease-fire agreement providing for a Joint Commission with full powers to supervise its application, Mr. Tshombe on 21 September 1961 designated as the Katangese members Mr. Evariste Kimba, "Minister of Foreign Affairs", and General Muke of the Gendarmerie. ONUC on 23 September designated Mr. Mahmoud Khiary, who had negotiated the agreement at Ndola, and Colonel Anders Kjellgren. An initial meeting took place in Elisabethville on

26 September 1961. The Katangese members called for the definitive withdrawal of ONUC troops from Katanga. This proposition was rejected and later withdrawn.

4. At the meeting of 27 September 1961 the ONUC representatives proposed that first priority be given to the exchange of prisoners pursuant to paragraph 6 of the cease-fire agreement, to be followed by the organization of the surveillance functions of the Joint Commission in accordance with paragraph 3. The Katangese members presented a memorandum which contained a large number of proposals considered by the ONUC members to be so extreme as not to merit extensive discussion. The main effect of these proposals would have been to yield to Katangese control all aerodromes, regardless of their previous status or essential character for ONUC operations, restrict ONUC troops to their cantonments or to routes linking these to aerodromes, and like measures.

5. On the following day, 28 September 1961, there was established, in implementation of paragraph 3 of the agreement, a Joint Sub-Commission of three officers from each side to visit the garrisons and report to the Commission.

6. Meanwhile discussions were resumed on the higher level in regard to continuing by pacific procedures the application of paragraph A-2 of the Security Council resolution of 21 February 1961 for the immediate evacuation from Katanga of all foreign military or para-military personnel, political advisers and mercenaries.

7. The Joint Sub-Commission referred to in paragraph 5 above began its first tour on 29 September 1961. This was designed in particular to correct erroneous opinions held by the Katangese authorities as to the military situation prevailing in the localities selected, namely, Kamina base and Kamina town, Manono, Albertville, Niembo and Nyunzu. It was thus possible to establish that, contrary to erroneous statements given out, no portion of the ONUC base at Kamina was or had been under occupation by Katangese forces. Albertville, Niembo and Nyunzu were shown to be firmly held by the UN Force, the Gendarmerie being either isolated in their barracks or having fled into the bush. The situation was calm and no violation of the cease-fire terms by ONUC was alleged by any Katangese member of the Sub-Commission.

8. This tour took from 29 September to 1 October 1961 inclusive, when it was sought to continue the agreed itinerary and to visit Jadotville, Kipushi and Kolwezi. (Violations of the cease-fire in the form of reintroduction of mercenaries and war material had been reported in the latter two towns.) At this point, however,

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difficulties were interposed by the Katangese authorities. Mr. Tshombe in a press conference on 2 October 1961 sought to justify this non-compliance with the formal understanding of the Commission on the grounds that ONUC had violated the agreement by taking prisoners at Nyunzu after the cease-fire. ONUC representatives demonstrated that the Gendarmerie and police in this locality had fled into the bush before the cease-fire and had subsequently returned and asked to surrender in order to be placed under ONUC protection, as they feared the local population.

9. It was agreed that the group would proceed to Jadotville. General Muke then stated that the Sub-Commission would only be permitted to see the Irish and other prisoners. When Colonel Kjellgren called upon Mr. Kimba to protest, he was informed that General Muke had been in error. The Joint Sub-Commission therefore departed for Jadotville on 5 October 1961. On their arrival the local Gendarmerie commander asserted that he had instructions from Mr. Tshombe that only the prisoners could be visited. No account was taken of the protests and explanations made by both elements of the Joint Sub-Commission. This was in clear violation of formal undertakings.

10. A new meeting at the Commission level to settle the question was proposed by the Katangese for 6 October 1961, but this was made conditional on ONUC consent to withdraw from various points still the subject of negotiation in the Commission and not related to the functioning of the Sub-Commission. Colonel Kjellgren rejected the proposal for a meeting on such terms. A formal protest by ONUC was transmitted on 6 October 1961 to Mr. Tshombe in view of this grave impediment to the effective application of the agreement.

11. On 5 October 1961, however, Colonel Kjellgren inspected the prisoners at Jadotville. They are now 191 in number, some taken at Elisabethville having also been transferred there. He found them well-treated, well fed and in good spirits. They are accommodated at the Hotel de l'Europe. The five wounded Irish soldiers have recovered.

12. On 2 October 1961 Mr. Khiary submitted to the Katangese authorities a proposal for a protocol in implementation of the cease-fire agreement which would set a time for the exchange of prisoners without further delay. It would further create three sub-commissions authorized to carry out inspections at any time and any place or at the request of either party. A complaint by either party would be placed before the

full Joint Commission. ONUC would return to the Katangese specified positions, the neutrality of which would be guaranteed by both sides. These would include the post office, subject to a guarantee of freedom of communications. The Katangese authorities would ensure that civilians should not possess weapons. Both parties would undertake not to engage in hostile propaganda, boycotts or the interruption of public utility services. Implementation of the Security Council resolution of 21 February 1961 would of course proceed.

13. The Katangese members submitted counter-proposals which, unfortunately, were still in the vein of those mentioned in paragraph 4 above. Mr. Khiary thereupon returned to ONUC Headquarters, Leopoldville, to report. He proposes to renew negotiations on the protocol in Elisabethville on 7 October 1961.

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