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GROUPE DE JURISCONCULTES

CONSTITUTIONNELS

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AVANT-PROJET DE CONSTITUTION FEDERALE

M E M O I R E   E X P L I C A T I F

Additif

Le 23 août 1962, et à des dates ultérieures, le Gouvernement de la République du Congo a fait diffuser par la voie de la presse et de la radio le communiqué suivant :

" Il est porté à la connaissance du public qu'en vue de l'élaboration de l'avant-projet de la Constitution fédérale, un Groupe d'experts est mis à la disposition de la République du Congo par les Nations Unies.

Le Gouvernement Central invite les Gouvernements provinciaux, les Assemblées provinciales et les différents groupes politiques à faire parvenir, pour la fin du mois d'août au plus tard, leurs vues sur les dispositions qu'ils souhaiteraient voir reprises dans cet avant-projet de Constitution à l'adresse suivante : Cabinet du Premier Ministre, Commission constitutionnelle gouvernementale, B.P. 3163, Léopoldville/Kalina."

En dehors d'articles parus dans les journaux congolais et de lettres adressées à ces journaux, dont nous avons pris connaissance avec le plus vif intérêt, ce communiqué avait suscité au 25 septembre, dernière date limite fixée par le Gouvernement Central, les communications ci-après :

1. Une note du Président de l'Assemblée provinciale de Léopoldville, en date du 29 août 1962, reprenant les principales résolutions de la Conférence interassemblées provinciales tenue à Coquilhatville du 5 au 25 mars 1962. Nous avons tenu compte de ces résolutions lors de l'élaboration de notre projet.

2. Une communication du M.N.C./L. Katanga, signée du Commissaire régional Kumangu Jseni et datée d'Albertville le 26 août 1962, se prononçant en faveur de l'unité du Congo et d'un référendum. Nous avons dûment étudié cette communication.

3. Un télégramme du Secrétaire général de l'Assemblée provinciale du Kivu, en date du 29 août 1962, déclarant que l'Assemblée était dans l'impossibilité de donner un avis avant la fin de septembre, ses activités ayant été provisoirement suspendues par arrêté du Commissaire extraordinaire.

4. Des suggestions détaillées de M. G. Diomi, Président du Gouvernement provincial de Léopoldville, en date du 31 août 1962, dont nous avons pris connaissance avec un grand intérêt.

5. Un mémoire du Président Tshombe intitulé "Quelques premières remarques sur l'élaboration d'un projet de Constitution fédérale", daté du 24 septembre et reçu le 26 septembre 1962. A cet égard nous croyons devoir indiquer que nous avions déjà eu connaissance des vues du Président Tshombe par le rapport du fonctionnaire chargé de

l'Opération des Nations Unies au Congo concernant la mise en application des résolutions du Conseil de Sécurité des 21 février et 24 novembre 1961 (Document des Nations Unies S/5053/Add. 10). Ce rapport reproduit notamment les documents suivants : mémorandum de M. Tshombe au Chargé de Mission de l'ONU au Congo; compte-rendu analytique de la séance tenue le 2 mai 1962, à 16h30, à la résidence de M. Tshombe; contre-propositions présentées par les ministres katangais à M. Gardiner, le 3 mai 1962; projet de conclusion des entretiens de Léopoldville préparé par les représentants katangais; projet de conclusion des entretiens de Léopoldville acceptable aux représentants katangais. Nous avons également eu connaissance de la réponse du Katanga à la proposition du Secrétaire général des Nations Unies en vue d'une réconciliation nationale. Nous avons accordé toute l'attention voulue à ce divers documents.

Peut-être est-il opportun, cependant, que nous formulions quelques observations sur les points saillants du dernier mémoire du Président Tshombe en date du 24 septembre.

Selon ce mémoire, le seul fédéralisme qui puisse convenir au Congo est celui d'une Fédération pleinement décentralisée. Notre projet tient pleinement compte de cette façon de voir. Nous nous sommes efforcés de rédiger une Constitution fédérale aussi décentralisée que possible sans risquer de compromettre pour autant l'unité nationale du Congo. Si l'on compare notre projet à d'autres Constitutions fédérales modernes, on ne peut que constater qu'il se range parmi les Constitutions fédérales les plus décentralisées. Il convient surtout de faire observer qu'aux termes de notre projet, les lois fédérales seront normalement mises en oeuvre par les autorités provinciales, comme c'est le cas dans la Confédération suisse et dans la République fédérale d'Allemagne, tandis qu'aux Etats-Unis d'Amérique et dans d'autres Fédérations les lois fédérales sont exécutées par les autorités fédérales elles-mêmes.

D'autre part, le mémoire en question considère comme chose acquise le nom d'"Etat fédéré" pour les unités constitutives de la Fédération. Comme nous l'avons dit au paragraphe 17 de notre mémoire explicatif et dans l'Annexe A de ce mémoire (commentaire de l'article 5), nous n'avons pas de préférence marquée pour le terme "Province" plutôt que pour le terme "Etat", ces deux termes étant l'un et l'autre employés dans les Fédérations existantes. On pourrait aussi, d'ailleurs, employer l'expression "Etat fédéré". Nous ne pensons pas que le choix de l'un ou l'autre de ces termes implique une conception centralisatrice ou une conception décentralisatrice.

Le mémoire du Président Tshombe propose que les Chefs des Gouvernements provinciaux portent le titre de "Chef d'Etat fédéré". Si nous avons suggéré l'emploi du terme "Gouverneur" dans notre avant-projet, c'est, d'une part, parce que ce terme est utilisé dans les Fédérations les plus importantes, comme celles des Etats-Unis et de l'Inde, et, d'autre part, pour les raisons de commodité que nous exposons au paragraphe 17 de notre mémoire explicatif. Nous avons reconnu que l'on pourrait fort bien adopter un autre titre. L'on pourrait aller jusqu'à admettre que le nom des institutions politiques puisse varier quelque peu d'une Province à l'autre suivant les vœux de chaque Province, mais une telle pratique ne nous semble pas recommandable s'il est possible de l'éviter car la population risquerait de ne pas bien comprendre les institutions et la mise en oeuvre harmonieuse et uniforme des principes démocratiques risquerait d'en souffrir.



En tout état de cause, le titre de "Chef d'Etat fédéré" ne nous semble guère souhaitable étant donné que, dans les Etats fédéraux, le titre de "Chef d'Etat" est généralement réservé au Président de la Fédération.

Le mémoire du Président Tshombe exprime l'opinion que seules les compétences énumérées dans le plan de réconciliation nationale peuvent être attribuées au pouvoir fédéral et qu'aucune compétence dite concurrente ne peut être créée. Il convient de faire observer que le plan de réconciliation nationale ne mentionne que les compétences qui ont une importance politique primordiale. Il est évident qu'outre ces compétences, il y a, dans toute Fédération, des compétences qui ont une importance moindre mais qui ne peuvent appartenir qu'aux institutions fédérales. Il nous suffit de mentionner, à titre d'exemple, la nationalité, la fonction publique fédérale, la Cour constitutionnelle et les cours et tribunaux fédéraux, les poids et mesures, les télécommunications, et les voies de communication internationales et interprovinciales.

Quant aux compétences communes, l'existence en est reconnue dans toutes les Fédérations. Les Constitutions fédérales les plus anciennes, comme celles des Etats-Unis et de la Suisse, ne prévoient pas expressément de telles compétences parce que, en l'état du droit à l'époque où ces Constitutions ont été rédigées, on n'avait pas encore une conception très nette des diverses catégories de compétences. Même dans ces pays cependant les compétences communes ont été admises par la pratique ou reconnues par la jurisprudence. Quant aux Constitutions fédérales modernes, comme celles de l'Inde, de la Fédération de Malaisie, de la Nigéria ou de la République fédérale d'Allemagne, elles reconnaissent explicitement ces compétences.

Bien loin d'amoindrir l'autonomie des Provinces, les compétences communes nous apparaissent comme un moyen d'étendre leurs pouvoirs, car, si la Constitution ne prévoyait que des compétences exclusives, plusieurs matières qui se trouvent maintenant dans la liste des compétences communes - et à l'égard desquelles les Provinces peuvent de ce fait légiférer - devraient être réservées aux seules institutions fédérales.

Le mémoire du Président Tshombe recommande enfin que les compétences du pouvoir fédéral soient exercées de manière à appuyer réellement leur fonctionnement sur l'association des Etats fédérés. D'une manière générale, notre projet va dans ce sens. C'est toutefois à la lumière de l'expérience seulement que l'on peut arriver à déterminer de façon satisfaisante les domaines où la collaboration administrative doit s'établir, ce serait une erreur de les fixer définitivement dans une Constitution.

NOTE M. Elias, Procureur général et Ministre de la Justice de la Nigéria, ayant dû quitter Léopoldville le 20 septembre, il n'a pu prendre part à la rédaction du présent additif.

*Confidential*

No. 15- Secretary -  
General

62-22351

bm

Translated from French

(70th meeting)

12 October 1962

1. Letter dated 11 October 1962 from Prime Minister Cyrille Adoula to the Acting Secretary-General

Leopoldville, 11 October 1962

Sir,

I have the honour to draw your attention to Order No. 169 of 8 October issued by the Chief of State whereby the closing of certain custom-houses is ordered, and the exportation of any product from the Congo is prohibited unless the steps necessary for paying the taxes and fees due to the Central Government have previously been taken.

In this regard, I have this day sent a letter to the Chairman of the Union Minière du Haut-Katanga at Brussels. That letter, a copy of which is attached, reiterates the warning contained in my communication of 14 December 1961 concerning the illegal payment by that company to the authorities of Southern Katanga of the taxes and fees which it owes.

I have also sent a letter through the Embassy of Belgium to the Belgian Government requesting it to ensure that the Union Minière ceases forthwith the illegal payment of these taxes and fees to the authorities of Southern Katanga. A copy of that letter also is attached.

I hereby take the liberty of requesting the assistance of the United Nations in putting an end to these illegal payments by the Union Minière to the authorities of Southern Katanga and, should it prove necessary, in prohibiting the illegal export of products from the mines and factories of the Union Minière.

I have the honour to be, etc.

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2. Letter dated 11 October 1962 from Prime Minister Cyrille Adoula  
to the Chairman of the Union Minière du Haut-Katanga

Leopoldville, 11 October 1962

Sir,

I should like once more to draw your attention to my letter of 14 December 1961. The Central Government has received reports to the effect that your company is continuing to pay to the government of Southern Katanga the taxes and fees in respect of its activities which are due to the Central Government.

I wish again to emphasize the illegal character of the procedure adopted by your company, and I notify you that your company must desist forthwith from paying these taxes and fees to the authorities of Southern Katanga, because they are payable directly to the Central Government. No excuse made to justify this infraction of the law by your company will be accepted.

I have the honour to be, etc.

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3. Letter dated 10 October 1962 from Prime Minister Cyrille Adoula  
to the Minister for Foreign Affairs of Belgium

Leopoldville, 10 October 1962

Sir,

I have the honour to inform you that by Order No. 169 of 8 October 1962 the Chief of State has decreed the closing of certain custom-houses and has prohibited the exportation of any product from the Congo unless the steps necessary for paying the taxes and fees due to the Central Government have previously been taken.

In conformity with the terms of that Order, I hereby take the liberty of requesting your Government to confer with the Union Minière du Haut-Katanga and urge that company to cease forthwith the illegal payment to the authorities of Southern Katanga of the taxes and fees due to the Central Government. For your information, I attach a copy of the letters sent by me to the Chairman of the Board of Directors of the Union Minière du Haut-Katanga on 14 December 1961 and 9 October 1962, and a copy of the aforementioned order.

The Central Government of the Republic of the Congo will deeply appreciate the assistance of the Belgian Government in putting an immediate end to this infraction of Congolese law by the company in question.

I have the honour to be, etc.

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(70th meeting)  
12 October 1962

Unofficial translation

Ordinance No. 169 of 8 October 1962  
concerning customs arrangements

The President of the Republic,

On the proposal of the Prime Minister and the Minister for Finance; having regard to the Fundamental Law of 19 May 1960 concerning the structures of the Congo, and in particular article 2 and article 219, paragraph 14, thereof; to the Decree of 29 January 1949 concerning customs arrangements, and in particular articles 2, 3 and 31 thereof, as amended up to date; to Ordinance No. 33/9 of 6 January 1950 containing regulations pursuant to the aforesaid Decree of 29 January 1949, and in particular article 2 thereof; to the Act of 27 June 1956 concerning goods consigned to the Congo; to the Royal Order of 24 December 1959 pursuant to the aforesaid Act of 27 June 1956; to the Ministerial Order of 28 December 1959 setting the date of entry into force of the aforesaid Royal Order with reference to the Zaventem (Congo) customs house; considering that existing circumstances make it impossible for the officers of the central power to collect customs duties at certain customs houses,

Hereby orders as follows:

Article 1

Notwithstanding the provisions of annex 1 to Ordinance No 33/9 of 6 January 1950 containing regulations pursuant to the Customs Decree of 29 January 1949, the customs houses and branches enumerated in article 3 below shall be temporarily authorized to receive customs declarations.

Article 2

Goods which are to enter the Congo through any of the customs houses or branches enumerated in article 3 below must be presented for clearance at the Anvers (Congo) or Zaventem (Congo) customs house, which shall collect the duties and taxes due under the laws in force at the time when the declaration is duly submitted.

Such goods may be declared only for consumption.

### Article 3

Articles 1 and 2 above refer to the customs houses and branches at Elisabethville, Elisabethville airport, Kipushi, Pweto, Kasenga, Kilwa, Mokambo, Kasumbalesa, Tshinsenda, Mwenda, Sakanfa, Kabunda, Kolwezi, Mutshatsha, Dilolo station, Luashi, Kahundu, Katende, Sandoa and Kapanga.

### Article 4

For goods originating from South Katanga, the export declaration shall be made at the Leopoldville customs house.

If it is physically impossible to take out the said goods by the exit routes assigned to the Leopoldville customs house, exporters may send them via the exit routes assigned to the customs houses and branches enumerated in article 3.

### Article 5

This Ordinance shall enter into force on the date of its publication in the Moniteur Congolais.

Done at Leopoldville on 8 October 1962, by J. Kasa-Vubu, President of the Republic,  
C. Adoula, Prime Minister,  
E. Bamba, Minister for Finance.

SUMMARY OF THE SEVENTIETH MEETING OF THE UNITED NATIONS ADVISORY  
COMMITTEE ON THE CONGO, HELD AT UNITED NATIONS HEADQUARTERS,  
NEW YORK, ON FRIDAY, 12 OCTOBER 1962, AT 3 P.M.

(For the information of members of the Security Council)

The Acting Secretary-General said that during the period that had elapsed since the last meeting of the Committee much effort had been expended towards achieving reconciliation of differences and unity in the Congo. He was sorry he could not give an encouraging report of the progress made, but he was still convinced that the United Nations could achieve its objectives of territorial unity, law and order and stability in the Congo. For that, however, it was probable that new efforts in new directions would have to be made.

The Committee would recall that some time earlier he had submitted a Plan to Mr. Adoula and Mr. Tshombe, which was summarized in document S/5053/Add.11. Both Mr. Adoula and Mr. Tshombe had accepted the Plan, though Mr. Tshombe had later referred to his acceptance of the Plan "in principle". A detailed programme of implementation of the Plan had been worked out between Mr. Gardiner and Headquarters, with the object of converting the parties' acceptance into concrete action which would end Katanga's secession and hence make it possible for the United Nations to undertake a substantial reduction in its military force in the Congo. Mr. Adoula had explicitly indicated his acceptance of the programme of implementation, while Mr. Tshombe, though not replying specifically, had given grounds for assuming his acceptance by nominating the Katangese members of the three commissions called for in the programme.

Mr. Gardiner had recently visited Elisabethville for the purpose of ascertaining from Mr. Tshombe whether he intended to proceed with the implementation of the Plan. Mr. Tshombe had assured Mr. Gardiner that he intended to do so. Mr. Gardiner's visit to Elisabethville had been made necessary owing to the dilatory tactics that had been adopted by the Katangese members of the three commissions, who instead of discussing the programme for implementation had tried to debate the provisions of the Plan itself. That had of course been intolerable to the Central Government representatives on the commissions and the meetings of

all three commissions had been abruptly suspended. The commissions had, however, now resumed work and Mr. Gardiner had returned to Elisabethville to make a further effort to get the implementation of the Plan under way.

The reports of the deliberations of the three commissions varied from day to day. At the end of his statement, he would ask Dr. Bunche to read out the two latest reports on them and some excerpts from a message sent in by Mr. Gardiner after he had returned to Elisabethville and had had another talk with Mr. Tshombe.

It was becoming more and more apparent that Mr. Tshombe could not be counted upon to be in earnest simply because he had approved something. His constant objective was to gain time. He clearly felt that time was in his favour because, firstly, the Adoula Government would sooner or later fall and its collapse might throw all the Congo outside Katanga back into chaos; secondly, he hoped that as time went on the United Nations would increasingly feel the heavy burdens of the Congo operation and might finally give the whole operation up. Meanwhile Mr. Tshombe continued to collect substantial revenues from the Union Minière and therein lay the principal source of his power, for with that money he could buy mercenaries, aircraft, arms and so forth. It therefore seemed that there were only two effective ways of controlling Mr. Tshombe and thus removing the constant threat of civil war from the Congo. One was by overt force, which ONUC had at present no mandate to employ. The other, and to his way of thinking the more practical, was by cutting off the flow of Union Minière revenue from Mr. Tshombe. Steps in that direction could perhaps be taken without any new mandate for ONUC, though they might well lead to a severe fighting reaction on the part of the Katangese.

No one could deny that the United Nations had shown tremendous patience in the Congo, as indeed had Mr. Adoula, and in that regard it was well to bear in mind that excessive patience with Mr. Tshombe was generally at the expense of Mr. Adoula and the Central Government and could lead to fateful consequences for the Congo. Every effort had been made to bring about a peaceful reconciliation. The draft constitution had just been completed and he had been urging Mr. Adoula to make it public and to give Mr. Tshombe a chance to study and comment upon it, thereby depriving him of an effective propaganda counter. Mr. Adoula had now



indicated his intention of making the draft constitution available to the Provincial Presidents on 15 October. It could not be said, however, that there had been any appreciable progress towards reconciliation. On the contrary, Mr. Tshombe had been building up Katanga's military strength and engaging more mercenaries - a fact that he denied but of which the United Nations had positive evidence. Meanwhile, the United Nations Force in the Congo was being subjected to various harassments, some resulting in armed clashes and casualties.

In view of the foregoing, he felt that the time was not far distant when the United Nations would have to adopt a more vigorous attitude in the Congo. By that he did not mean that any offensive military action should be contemplated but that ONUC should consider what steps could next be taken under its existing mandate, whether or not those steps had Mr. Tshombe's approval or might involve the possibility of forceful Katangese reaction, thus requiring ONUC to fight in self-defence. He would therefore mention, very generally, one or two of the steps that might be taken, in the hope that at a forthcoming meeting of the Committee he could hear the reactions of the Governments of the various members of the Committee to those proposals.

Firstly, in view of the military build-up in Katanga ONUC must be well prepared militarily to meet any surprise attacks which might be launched by the Katangese, including attacks on Kamina and Elisabethville airfields which could cripple the United Nations troops in Katanga by cutting off their supply lines. With that contingency in view, the United Nations troops in Kivu Province were being sent to reinforce the troops in Katanga - a calculated risk with regard to Kivu which had to be taken. That move could, of course, be avoided if three or four additional battalions could be obtained from any source, but so far that had proved impossible.

One of the direct results of the Congolese Government's action in establishing new provinces had been an increase in tribal clashes and communal feuds, particularly in Kivu and Kasai, and only vigilant action by ONUC troops, with the co-operation of local ANC units, had prevented them from degenerating into large-scale bloodshed and a breakdown of law and order. That development pointed the way to greater use of the ANC for patrol duty and other activities connected

with the maintenance of law and order in the Provinces, with increasing support by ONUC in the way of transport and logistics. The ONUC troops thus replaced by ANC troops might be usefully deployed elsewhere.

In order not to jeopardize the discussions of the Plan, the ONUC troops at Elisabethville had been exercising great restraint in the face of numerous provocations. The time would soon come, however, when ONUC would have to begin taking more vigorous action to remove gendarmerie roadblocks, eliminate restraints on its freedom of movement and put a stop to interference with its flow of supplies.

One of the direct ways in which the Congolese Government might apply pressure on Katanga would be to restrict the activities of certain business concerns operating throughout the Republic. There was, for example, a shipping company operating between Antwerp and West African ports which could be warned that its vessels would not be allowed to enter the port of Matadi on its northbound run if it continued to load ore for the Union Minière. Similarly, action could be taken to delay or even prohibit financial transfers, banking credits and other local operations. Another case in point was that of three banks in the Congo which did business with the Union Minière; they could be warned that they would not be allowed to continue operating in the Congo if their Katanga branches had further dealings with Katangese interests, and their banking licences could be taken from them. A similar warning could be given to the major airline serving the Congo. Any such measures would, of course, have to be weighed carefully in order to ensure that they would not adversely affect Congolese interests.

Consideration was being given to the advisability of assisting the Congolese Government in the collection of customs duties in Katanga by providing protection for Central Government customs personnel and taking advantage of ONUC's ability to control a certain amount of rail and other traffic. Assistance would also be given to the Central Government in the establishment of passport offices in Katanga. It was recognized that Katanga might oppose such moves by force and ONUC would have to be prepared to meet that contingency.

He had had certain ideas about courses of action that might be effective in checking the flow of Union Minière revenue to Mr. Tshombe. These ideas, he informed the Committee in confidence, had already been presented to

Mr. Adoula by Mr. Gardiner on his behalf and had been carried out by the Prime Minister without public announcement. Firstly, Mr. Adoula had sent a letter to the President of the Union Minière reiterating that the Union Minière revenue was due and must be paid to the Congolese Government; information had been received that week that Union Minière officials had advised the Belgian Government of their readiness to ship minerals through the port of Matadi as soon as the Lubilash Bridge was opened, which would, of course, entail the payment of revenue to the Central Government. Secondly, the Congolese Government had adopted an ordinance prohibiting the export of any minerals without provision for payment of revenue to the Central Government. Thirdly, Mr. Adoula had requested the Government of Belgium to assist him in putting a stop to the payment of revenue by the Union Minière to Katanga. Fourthly, Mr. Adoula had sent him a similar request for assistance. Those measures could be usefully reinforced if the Security Council adopted a resolution endorsing the efforts of the Congolese Government to obtain the revenues due it, calling upon all parties concerned to take measures to prevent any continuance of illegal payments by the Union Minière and authorizing the Acting Secretary-General to take all necessary steps to implement the Security Council's decision, including, if required, the protection of Union Minière installations in Katanga. He thought that the Government of Belgium could be counted on to co-operate in the effort to make such measures effective.

The course of action he had indicated could be pursued only after a thorough appraisal of ONUC's military capacity to withstand a possible Katangese attack. The United Nations could not risk the disaster of a military defeat and before it made any new moves it must be absolutely certain of its strength, of what it could count on in the way of troops, the willingness of the Governments concerned to have those troops exposed to the risk of defensive combat and the adequacy of weapons, air support, transport and logistics.

Mr. Christophe Gbenye, former Minister of the Interior, had been arrested by the Government at Leopoldville that week on his return from a visit to the United States under the auspices of a private organization. Mr. Adoula had indicated

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to Mr. Gardiner that "certain politicians" from Kivu and Orientale Provinces had been in touch with Mr. Tshombe regarding a new secession and that was said to be the basis for Mr. Gbenye's arrest. Mr. Gizenga was still in detention on Bulabemba Island.

Finally, members should note that it was apparent from the morning's Press that the so-called American Committee for Aid to Katanga Freedom Fighters was again issuing propaganda based entirely on untruth and wilful distortion.

Mr. Bunche read out a cable on the preliminary draft measures adopted by the Revenue Commission, relating to centralization of the control of customs receipts, restoration of commercial traffic, payment of gross customs receipts and royalties from mining concessions in Katanga. He also read out a cable summarizing the meeting of the Military Commission held on 10 October. Thirdly he read out a report of an agreement which had been reached between the representative of the Government of the Congo and the representative of the Government of Katanga concerning an oath of allegiance to President Kasa-Vubu to be taken by the Commander-in-Chief of the Katanga gendarmerie.

Lastly, he read out a cable from Mr. Gardiner summarizing the latter's talk with Mr. Tshombe on the previous afternoon. In the course of that talk Mr. Tshombe had objected to the Security Council report on mercenaries as a false accusation made in preparation for a possible United Nations attack on Katanga and it had finally been agreed that the Katangese authorities would prepare their own report on the subject and submit it within a month. The cable also dealt with the payment of \$2 million as an advance against the receipts and foreign exchange which Katanga would pay to the Central Government in accordance with the measures for allocations of receipts and foreign exchange now being prepared by the Foreign Exchange and Revenue Commissions. The cable went on to state that agreement had not been reached on the question of percentages and that the only points accepted by the Katangese in connexion with foreign exchange earnings had been the unification of procedures. The question of the stationing of troops at the Lubilash Bridge when it was opened on 17 October for the transport of copper to Matadi had also been discussed by Mr. Gardiner and Mr. Tshombe. The latter's communiqué issued to the Consuls had stated that radio-telephone communications

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with Leopoldville would be opened on 13 October. The cable concluded with the statement that events on the day following its dispatch should show whether the Katangese seriously intended to go through with the plan.

The Representative of Nigeria asked whether the oath of allegiance to be taken by the Commander-in-Chief and some officers of the Katangese gendarmerie to the Central Government would be binding on the rank and file of the gendarmerie.

Mr. Bunche recalled that in the case of the Army in Orientale Province under General Lundula, the latter had sworn an oath of allegiance to President Kasa-Vubu, the Commander-in-Chief of the Congolese Army, after which all his forces had been incorporated into the Congolese Army.

The Representative of Nigeria thought that a more decisive measure was required in the case of Katanga, in view of the presence of Belgian military advisers in that Province.

Mr. Bunche explained that the proposed oath of allegiance was in the nature of a first step taken by the Military Commission at the request of the Central Government, as an initial token of the intentions of Katanga.

The Representative of Nigeria said that he hoped that the United Nations would assist the Central Government in ensuring that the oath would be binding on the Katangese gendarmerie as a whole. The mere fact that the Katangese authorities had mentioned the need to guard against an invasion by the Central Government suggested that precautions should be taken to ensure that the oath was genuine.

Mr. Bunche pointed out that a number of complex issues were involved. For instance, it would not simply be a matter of integrating the entire Katangese gendarmerie into the Congolese Army, for that would create too large a force for the economy of the country to bear. The size of the new integrated army would have to be the subject of considerable negotiation.

The Representative of Nigeria said that his delegation would need time to study the new information available before contributing a definitive opinion. He hoped it would be possible for the Committee to see a copy of the new draft Constitution, since that would influence his delegation's views on the matter.

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The Acting Secretary-General said that the new Constitution would be made public on 15 October and that copies of it would be made available to members of the Committee.

The Representative of India asked whether the dates mentioned in the Acting Secretary-General's plan were being closely adhered to or whether the execution of the plan was being delayed. With regard to the payment of Union Minière profits and taxes to the Central Government by the Tshombe Government, he wondered whether such a source of revenue could be considered dependable or whether the Central Government would be entirely at the mercy of Mr. Tshombe in the matter. Lastly, he would like to know whether the forces at the disposal of the United Nations would be adequate to meet the objectives stated by the Acting Secretary-General.

The Acting Secretary-General explained that as the new Constitution would not be made available to the members of the Congolese Parliament until 15 October, which was two weeks later than anticipated, the whole Plan was now running two weeks behind schedule.

On the subject of revenues, he would welcome the advice of the Committee on what steps could be taken to ensure that the flow of revenue from the mining companies in Katanga went exclusively to Leopoldville. Moreover, reference to the Security Council might be necessary, since the measures requested by Mr. Adoula might meet with forcible resistance from Katangese gendarmerie. In such an event, the United Nations forces had been authorized to exercise the right of self-defence.

On the subject of the inadequacy of the United Nations armed forces, the advice of members of the Committee would be welcomed. Incidentally, at least one Member State had offered substantial military assistance.

The Representative of India said that he would refer all those matters to his Government and then offer any advice possible. In the meantime he wondered whether, in view of the size of the Katangese forces, it might not be better to obtain contributions of additional troops before the United Nations forces were completely overwhelmed. He hoped that the Acting Secretary-General would consider that problem in consultation with his military advisers.

The Acting Secretary-General said that any decision to obtain substantial military reinforcements would have to rest on the advice of the Committee at a subsequent meeting.

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The Representative of Ghana said that the report given by the Acting Secretary-General would require serious consideration before members of the Committee could give explicit suggestions or advice. Substantially, however, the Government of Ghana was in agreement with a number of the points made in the report. In the first place Ghana was very much concerned over the draft federal Constitution, especially in view of the news that tribal conflict had arisen as a result of the division of the territory of the Congo along federal lines. His Government would like further information on extent of those conflicts and how far they might affect the body politic of the Congolese nation. Secondly, Ghana was concerned by the fact that secessionist activities, supported by outside interests relying on mercenaries, were continuing in Katanga. Another disturbing fact was that for more than two years the Katanga Government had been illegally appropriating the resources of the Congo and had prevented certain revenues from being paid to the Central Government.

It was therefore to be hoped that all nations, including the great Powers would co-operate to ensure that those activities were brought to an end. His Government would like the Acting Secretary-General to take immediate steps, in co-operation with the Congolese Central Government, to prevent - by force if necessary - illegal exports from the Congo, including Katanga, of copper and other minerals on which full duty had not been paid to the Central Government. Measure to that end should be applied until all secessionist activities had ceased and the Central Government itself was able to collect the taxes due to it. Moreover, in the event of armed resistance by Katanga to those measures, the Acting Secretary-General and the United Nations military command should take immediate steps to disband the Katanga forces.

The Representative of Indonesia thanked the Acting Secretary-General for his clear statement. The Indonesian Government was anxiously following developments in the Congo and at the present time was concerned less about the revenues from Katanga or the future structure of the Congolese State than about the attitude of Mr. Tshombe, who was a dangerous man because he placed his personal interest above the interests of Katanga and the Congo as a whole. Moreover, it was clear that he was an instrument of the Union Minière, which was a powerful organization engaged in neo-colonialist activities.

It was therefore time for the United Nations to take vigorous action. The Acting Secretary-General had produced an excellent Plan but it could not succeed without the backing of adequate military force. Far from decreasing the number of mercenaries at his disposal, Mr. Tshombe was actually inviting former mercenaries to return to Katanga. A corresponding build-up of United Nations forces was therefore essential - not for the purpose of committing any aggression but simply to defend legal rights and the unity and integrity of the Congo and, above all, to combat colonialism and neo-colonialism.

He was not authorized to divulge what steps his Government might take; he would suggest, however, that the Secretary-General should ask those Governments which might be able to supply military forces at short notice how many they could muster and when. Such information would be useful in helping to secure a decision from the Security Council and was the sort of language that Tshombe and the Union Minière understood.

The Acting Secretary-General replied that the existing ONUC forces were adequate to cope with the situation in the context of existing Security Council resolutions but would need to be reinforced if new responsibilities were imposed. The suggestion of any such reinforcement would, however, require the clear advice of the Committee and possibly a fresh mandate from the Security Council, since it would involve tremendous additional expenditure, an aspect with which he was very much concerned. Nevertheless he would keep those observations in mind.

The Representative of Liberia said that he would not be able to comment constructively on the report and Plan until he had had time to study them. He wished to ask, however, whether the implementation of the other provisions, such as those concerned with revenue, foreign exchange, military arrangements, amnesty and so forth, depended on the establishment of a federal government as envisaged in the Plan.

The Acting Secretary-General explained that the three commissions, which were working collectively but independently of each other to implement the provisions of the Plan, and on which the Central Government, the Katanga authorities and the United Nations were represented, were proceeding on the assumption that the Plan had been accepted and was to be implemented without awaiting the constitution.

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The Representative of Mali thanked the Secretary-General for his statement. His Government would have preferred not to intervene in the constitutional affairs of the Congo, an independent State, but in view of the situation that had arisen he felt obliged to point out that, according to information supplied by certain political parties there, he was aware that some sections of the population had expressed reservations concerning the draft constitution, which he hoped would soon be made available.

He recalled that at the penultimate meeting of the Committee, the Acting Secretary-General had indicated that he would ask those Governments which apparently supported the Katanga Government to adopt a more objective attitude. He would like to know whether he was also planning to take some action with respect to those Governments.

His Government had originally supplied troops to ONUC but had had to withdraw them, largely because of circumstances beyond its control. He would advise the Secretary-General in due course of his Government's attitude towards a possible request for reinforcements.

The Acting Secretary-General replied that he had been in constant contact with those Governments which he considered in a position to influence Mr. Tshombe; those contacts would continue.

The Representative of the Federation of Malaya asked whether the taxes paid by the Union Minière were handed over to the Katanga Government or collected by that Government, and, in the latter case, at what time they were collected. The question had an important bearing on the plan to deny the revenue to Mr. Tshombe.

The Acting Secretary-General replied that the Union Minière had been paying its taxes direct to the Tshombe Government.

The Representative of the Federation of Malaya observed that in his country revenue from mining was collected by the Government at the point of export.

The Acting Secretary-General explained that the point of export of Katanga ore was at present in Angola; the Katangese authorities had, however, agreed to divert their export to Matadi.

The Representative of Nigeria asked the Secretary-General whether he could supply some information on the extent of control exercised by the Central Government on the other five provinces of the Congo State. He thought that that aspect might be related to the solution of the Katanga question, particularly since the Central Government was said to have control of Northern Katanga.

He also wished to know what progress had been made in retraining and reorganizing the Congolese Army, which supposedly numbered some 25,000 and which would have to maintain law and order after the departure of the ONUC forces. The answers to those questions and the others he had asked should enable his delegation to put forward some constructive proposals for a solution at the following meeting.

The Acting Secretary-General pointed out that a recent Parliamentary decision had led to the creation of seventeen new provinces. Although law and order had not been completely restored in the usual sense, the situation throughout the country was comparatively stable and there was good reason to believe that the Congolese National Army could cope with it even without ONUC.

In January 1962 he had offered to arrange for the training of the Congolese troops and had even taken steps to enlist instructors from French-speaking countries. The Central Government had, however, been unable to accept that offer, mainly for political reasons. The offer of training still held good, however, and that aspect of the problem had not been overlooked.

The Representative of Mali inquired whether Mr. Gizenga, with whose welfare the United Nations had expressed concern at the time of his arrest, was still an object of solicitude or had been left entirely in the hands of the Central Government.

The Acting Secretary-General replied that he personally had repeatedly requested Mr. Adoula to ensure that Mr. Gizenga was treated humanely and either to try him under the law of the land at once or to release him. To the best of his knowledge, Mr. Gizenga was receiving reasonably good treatment.

The meeting rose at 5.10 p.m.

## ROUTING SLIP

Comments for the record should not be written on this slip. REFERRAL SHEET PT.108 should be used instead.

TO:

The Secretary-General

	APPROVAL	<input checked="" type="checkbox"/>	YOUR INFORMATION
	MAY WE CONFER?	<input type="checkbox"/>	AS REQUESTED
	YOUR SIGNATURE	<input type="checkbox"/>	FOR ACTION
	NOTE AND FILE	<input type="checkbox"/>	REPLY FOR MY SIGNATURE
	NOTE AND RETURN	<input type="checkbox"/>	PREPARE DRAFT
	YOUR COMMENTS	<input type="checkbox"/>	ATTACH RELATED PAPERS

The notification of postponement  
of the Advisory Committee meeting  
has been sent out today.



DATE: 19.10.62

FROM: D. J. Bunche

18 October 1962

To: H.E. Dr. G. P. Malalasekera  
Permanent Representative of Ceylon

From: U Thant, Acting Secretary-General

This is to notify you that the meeting of the Congo Advisory Committee, tentatively scheduled for Tuesday, 23 October, at 3 p.m., is being postponed. The reason for the postponement is that a few more days would quite probably afford a clearer picture of the situation in the Congo that may result from certain developments now under way in connexion with the implementation of the Plan. I have no doubt that the discussion which we are to have at the next meeting can be more fruitful as a result of this postponement.

I am, therefore, calling the next meeting of the Committee for Tuesday, 30 October, at 3 p.m. in Conference Room 8, as usual.

I trust that this postponement will meet your convenience and that all members of the Committee will attend.

Also sent to Canada, Ethiopia, Ghana, India, Indonesia, Ireland, Liberia, Malaya, Nigeria, Pakistan, Sudan, Sweden, UAR.

French version sent to: Guinea, Mali, Morocco, Sénégal, Tunisia  
and Congo (Léopoldville)

10/20  
To: The Secretary-General  
The draft constitutions  
(30 copies) came by  
pouch last night.  
If you agree, I  
will send them  
to the Congo Comm.  
members today with  
the attached covering  
note. vs.

10/10 R —

20 October 1962

TO MEMBERS OF THE CONGO ADVISORY COMMITTEE

..... Enclosed please find a numbered copy of the draft of the Congo Constitution for your personal and confidential use. The copies of this draft have been sent from Leopoldville and are in the original French. We have only a limited number of copies and therefore the distribution is unavoidably restricted to one per delegation of the Members of the Committee. No English translation is available.

..... Enclosed also are an explanatory memorandum prepared by the constitutional experts and a copy of the statement made by Prime Minister Adoula to the Provincial Presidents when he made the draft Constitution available to them.

RFB

Inaugural statement by Prime Minister  
Cyrille Adoula made on the occasion of  
the solemn opening of the Conference of  
Provincial Presidents at Leopoldville,  
on 16 October 1962

Upon the opening of this Conference, which marks a historic date in our work of national reconstruction, I have pleasure in offering each one of you my warmest and most cordial congratulations, and welcoming you to our capital.

The implementation of the organic law of 27 April 1962 on the creation of the new provinces makes it necessary for me to address you now at this time, when their institutions are being set on foot.

The obligation that I thus feel stems from the vital importance for the provinces, and ultimately for the entire country, of the success of the new structure of the country. It is from this point of view that it is important, in the first instance, and from the very beginning, that we should determine our common line of conduct.

I need not recall the essentially political and social needs which the above-mentioned law was designed to meet.

I shall, however, dwell particularly on the overriding necessity that there is for each of us to be guided in his activities by the demands of national unity and the higher interests of the country.

We must, above all, learn to work in a spirit of full and frank co-operation. It is in this spirit also that we shall no doubt learn, during the meetings to come, to know each other better and to appreciate each other more.

I shall not hide from you the fact that we are faced with a tremendous task which will require of all of us the best that we can give.

It must be remembered that the Province is not a complete whole; it is not a State, and its interests should go beyond the geographical limits set for it and coincide with those of the nation.

Any action, any intention even, which is contrary to this conception should deliberately set aside.

The new structure does not mean the dividing-up of the nation. It is not an end in itself, but a practical means and, as it were, a lubricant which will ensure that the established authorities have the speedy and efficient machinery required by a modern state.

It should be possible for the benefits derived from the internal activity of a given Province to be, by some means or other, spread throughout the country.

Inversely, any bad policy pursued within one province cannot fail to have unfortunate and even irreparable consequences for the remainder, and that, in the ultimate analysis, would compromise our effort at unifying and safeguarding the national heritage, the new organization of which ought not to be a cause for deterioration.

It is hardly necessary for me to stress this further.

Far from being maintained by artificial links, provincial interdependence and solidarity with the central authority are consecrated and engraved in letters of gold in our provisional constitution.

It is high time that our unity and our union were established in minds and hearts and thereafter in deeds, and that they were established there for all time.

We shall then have warded off all the dangers, both internal and external, which so seriously threaten our young Republic.

At the same time, I should like to remind you of the constant efforts made by my Government to endow the nation with a constitution more closely adapted to the sociological needs of this vast country. A preliminary draft text prepared by the international legal experts placed at our disposal by the United Nations will be distributed to you at the end of this statement.

I should like now to refer to certain points which are of particular importance in relation to our common task.

In the political sphere :

I do not think I can dilate upon the principle of strict observance of the separation of powers as laid down by law.



I shall, however, stress the need for the maintenance of order and the security of property and persons - conditions which are essential to the country's economic and social progress. I should like to point out, with regard to the security of foreigners, that the legislation in that connexion is exclusively within the jurisdiction of the Central Government. The Minister of the Interior will ensure the uniform application of this legislation.

I should also like to point out that the employment of the gendarmerie does not lie within the competence of the provincial authorities but rather within that of the authorities of the Central Government.

In the administrative sphere :

The many and important problems connected with personnel policy and the actual administrative organization of the new entities ought also to engage our attention.

Among these one of the most important is that of the distributions among the new provincial entities of the staff who have served in the old provinces. The instructions prepared in this respect by the services of the Ministry of the Civil Service of my Government have been designed to guide the Special Commissioners in the work of distribution, with a constant concern to satisfy the following two imperative needs: on the one hand, to ensure the necessary continuity in the country's administrative life, and on the other, to make a fair distribution of the human heritage of the dismembered Provinces without consideration, so far as possible, for the ethnic affinities of the officials concerned. The Conference will have done a very useful job if it succeeds in making sure of the effectiveness of the principles of distribution in question and in guaranteeing their application under your authority.

But optimum use of the personnel thus distributed depends, to a large extent, on the actual administrative organization which the provincial Governments adopt. In this connexion I consider that beyond the political, economic or social characteristics peculiar to each Province, it should be possible to find certain broad principles for a uniform and rational administrative organization which will make it possible, with a minimum of staff, to set the new administrations going. It would therefore be a good thing for the Conference to give

its very careful attention to the consideration of a standard organizational chart for the various Provincial Ministries and Services. Along the same lines, there is the possibility of the establishment of poly-provincial administrative services - an original and fruitful idea which would have the advantage at the present time, when there are insufficient technical personnel, of allowing for as long as is necessary, the simultaneous use by several neighbouring Provinces of the present officials and technicians.

The search for a coherent and effective formula for administrative organization should, in the end, lead us to consider the precise functions of the Provincial Secretaries who will be required, under the guidance of the President, to look after the whole of the local administration, to co-ordinate the work of the various services and, thereby, to release the members of the Provincial Government from some of their purely administrative tasks.

I should like you also to turn your attention to the principles which must be firmly established and respected in the matter of guaranteeing the persons and property of officials of the administration. The latter, as much as if not more than others, deserve that their authority should not be lessened by measures or manoeuvres sometimes arbitrary and always ill-advised. These guarantees are, moreover, the counterpart of the duties which are strictly those of these officials, and the Conference would do well to recall the general rules of behaviour which it is important that they should observe.

With regard to our economy :

The main characteristics of the economic situation during the first quarter of 1962, as they were recently described by the Department of Planning, are far from encouraging. The diagnosis is grim but realistic.

At the very time when a certain resumption of activities had become possible, there occurred the dismemberment of the former provinces. The creation of the new provincial entities is today an established fact. Nevertheless, although the procedure which gave birth to them has been scrupulously observed, there is justification for declaring that the most important things remain to be done. And the most important thing is to ensure their survival and most of all, to assure them of a better life. In this sphere, the role of the national authority is to guide and at the same time to support. It is its duty, in co-operation with all of you, to set forth an enlightened economic policy in order to halt the process of deterioration and to prevent the collapse of the productive apparatus.

We should consider what measures are most likely to prevent the chaos which could result in some Provinces from the intoxicating sense of being a separate entity, too sure of itself. It is a matter of prime necessity to look realities in the face and objectively to examine the difficulties confronting the new Provincial Governments.

We shall study together the conditions which must be fulfilled in order to ensure everywhere a rapid and decisive improvement in the economy. These conditions are numerous and of all kinds - the restoration of security, a call for investments and the guarantees offered, putting abandoned plantations into operation again, repairing the national highways, the re-assessment of the value of agricultural products and raising the prices paid to producers.

The social sphere will also call for our attention. The full application of the provisions regarding the establishment of the new Provinces will inevitably entail an inflation of costs without a corresponding increase in the resources necessary to meet them.

Whence there will be a degree of social unrest which is likely to increase dangerously if provincial resources prove insufficient to meet the medical and educational needs of the regions concerned.

A particular effort ought to be made to determine the factors essential to the country's recovery and development. This determination necessitates, as a preliminary, a unity of views as to the major problems confronting the nation.

With regard to these major problems, I have asked various members of the Government team, which I have the honour of leading, to elucidate them for your benefit. It might be useful for me to tell you here the main points in their various reports.

The period of economic stagnation through which the country is at present passing is due to the fact that, apart from the absence of security for property and persons, the lack of a rational exploitation of the national wealth is increasing day by day. Many industries have had to reduce or interrupt their production; plantations have been abandoned. It has become urgent to restore confidence in the country and to encourage all persons engaged in the economy to make the necessary effort for its recovery.

The problem of the integration of rural areas ought also to receive particular attention in all the Provinces, through the execution of co-ordinated and systematic programmes designed to meet the real wishes of these virtually abandoned people, and gradually to bring the conditions of the various strata of society closer together.

In other words, it is necessary to provide the cultivator with sufficient resources and the possibility of securing, through these resources, the consumer goods which form the attraction of the towns. Each new Province should endeavour to take a sensible and honest inventory of the resources which it can normally count on, and adjust its budgetary policy in accordance with the needs resulting from the obligation to balance its receipts and its expenditures.

The resumption of agricultural activity will probably make a substantial contribution to the recovery of our economy. Before independence, 80% of our population lived by agriculture.

Furthermore, the statistics for 1959 show that the agricultural sector accounted for more than 40% of the country's foreign exchange. It is alarming to see today that we are compelled to import products of prime necessity such as rice, maize and beans which are our staple foodstuffs.

Agricultural concerns ought, like all other enterprises, to be protected from the arbitrary measures which the provincial authorities

might be tempted to take against them in order to finance the budget. Agriculture, more than any other activity, deserves not merely to be protected, but also to be encouraged.

Similarly, I should also like to dwell on the need to respect what can only be considered as a national heritage. I am thinking, for example, of agricultural offices such as the OCR and the OPAK and the national Parks. These have been created in the general interest of all Congolese. Moreover, they can only subsist with the help of the funds supplied to them by the Central Government.

Among the remedies which the Provinces could bring to the present situation, I envisage particularly the severe punishment of export frauds and the provision from within provincial funds of remuneration for agricultural instructors. These instructors are the mainspring of the country's agricultural recovery.

The Central Government, for its part, will do all in its power to raise the prices of agricultural products. It will ensure a fair distribution of the foreign exchange quotas necessary for the purchase of spare parts and the replacement of transport and equipment.

In a relatively young economy which must be developed and expanded to the full it is essential to make provision for a planning and co-ordinating body, an active and indispensable instrument which must play the part of instigator.

It is thus clear that the Department of Planning and the Bureau of Economic Co-ordination are primarily guiding and co-ordinating bodies. Their eminently technical character makes them direct collaborators and enlightened guides closely linked with the provincial authorities.

Rapid, effective and harmonious economic and social recovery and development necessitate the mobilization of all the nation's energies and their co-ordination towards a common objective.

While allowing private initiative its legitimate and fruitful field of action, it is for us upon whom depends the general welfare of the country to discern and effectively to assume the heavy share of responsibility which is ours in this sphere.

For the rational performance of this task, it is essential that in addition to the planning and economic co-ordination bodies of the Central Government there should, in each province, be an organ which should be responsible for the execution, within the Province, of the decisions of the central authority and in particular for the implementation of the economic and social programmes within its competence.

And now with regard to our finances :

The collection of revenues is destined inevitably to undergo further serious disturbances through the restriction of the activities of businessmen who are compelled to endure a further period of waiting. The removal of officials carrying out essential administrative tasks such as the levying of taxes and duties also presents a serious risk of disturbances.

At the same time, expenditures are increasing through the occurrence of the fresh charges due to the setting up of new departmental structures and to appointments made without reference to an organic framework or to any specific budgetary allocation. It is to be feared that the public exchequer, which already lacks sufficient resources, will be compelled constantly to seek advances from the Central Bank.

I would therefore warn you against all unproductive expenditure. A drastic reduction of expenses is urgently necessary, especially as, from the receipts angle, it seems unlikely that we shall be able to increase fiscal pressure in a general way.

It is important to stress that the privileges accorded the provincial authorities should be determined solely in accordance with the financial capacities of the region, that is to say, adhering to a good budgetary orthodoxy in the estimating of the receipts and expenditures which will result from the operation of the varied administrative machinery of the Provinces.

It is unnecessary to stress that a policy of easy money will only accelerate the inflation of the currency and compromise our essential economic recovery.

The management of public money as such merits very particular attention. This is all the more true in that the law concerning the

establishment of the new Provinces did not, at the same time, increase the ceiling of the budgetary expenditures voted by Parliament for the financial period 1962. Those responsible for public finances in the provinces will therefore have to work within the framework of this budget, using the proportion of the subsidies allocated to the old provinces but as distributed among the new entities. There is no need, therefore, to dwell upon the imperative need for a rational austerity freely accepted by all of us.

I should therefore like to appeal here to the civic and patriotic conscience of all so that the allowances paid to the advisers and members of Provincial Governments may be fixed within reasonable and uniform limits.

Among the measures which fall directly to the provincial Ministers of Finance are those relating to the levying of taxes. The contribution of the population ought to be well understood in order that it may be made, if not with enthusiasm, at least with fairness and without coercion.

Furthermore, I must also draw the attention of those responsible to the need for the honest management of public funds. The higher interests of the nation, of the nation only, should occupy foremost place in your concerns. No twisting of the provisions in the matter of public accounting can be tolerated in any form whatever.

I invite those responsible to punish most energetically, and without prejudice, all those who squander public funds, whoever they may be.

There can be no compromising with the enemies of the Republic; we must fight them without pity.

Sirs, the eyes of the entire country are turned towards us. The breaking-up of the old provinces has placed the country at a difficult turning-point in its history for, while the constitution which has just conferred upon you an entirely new authority has placed in your hands a share of political power, it is the use which you make of this instrument which will alone determine our future.

I understand the legitimate pride which fills you to-day, but it is important that you should share this pride with the people for whose destinies you are going to take responsibility. And these people will

follow your lead enthusiastically only if you try to-day and throughout the period of your terms of office to satisfy their deepest aspirations.

You all bear a title which implies real duties and heavy responsibilities. Never forget that a title is only a word and that duties and responsibilities are realities. I know very well that many of us are not prepared for the heavy task which has fallen upon us. But I believe that the choice which designated us was based upon genuine human values and that we were selected as men animated by love for our country and its people.

A workman is judged by his work, and we are all workers for the happiness of our peoples. As to the task which is awaiting us, it is as vast as it is noble. It is for this Conference to consider and set down the main principles for the accomplishment of this task which, although one carried on within each of the new entities separately, is nevertheless a common undertaking. For in fact each of us, upon returning to his Province, will have to deal with the same problems, to overcome the same difficulties. This is why I consider that the meetings we shall hold, the debates we shall conduct and the resolutions we shall adopt will be extremely useful to our country's future.

Our common goal, as I have said, is to work in close association for the good of the people. We ought to be, from this day forward, the largest association without gainful purpose which the country has ever known. For we have made promises to the mass of the people and we must fulfil these promises. The people must be able one day to be glad that they applauded upon the breaking-up of the provinces. It is for those who requested this dismemberment on behalf of the people to strive at once to prove the soundness of a course which is not without its dangers.

We all have much to learn one from another. The honest discussion of opinions and experiences can only help us in our daily task. We ought not to have the hypocritical daring to proclaim, "We are now going to put the country back on its feet", but we should at least be resolved to do everything in our power to bring this about. We are required to make



a gigantic effort in which no-one has the right to say that he is better or more competent than anyone else. The mission we have to fulfil is a daily struggle which we must carry on hand in hand. And I should like to assure you from the start of the great sympathy and solidarity of the Central Government in this task which falls to your lot.

Sirs, this Conference should be the first step in a courageous march towards the progress and well-being of the entire country. I wish you all a resounding success in your endeavours and I beg all of you never to be discouraged before the magnitude of the job to be done but rather to redouble your efforts in order that the Republic of the Congo may live united, strong and prosperous. UNQUOTE

6 November 1962

Documents to be distributed at the  
71st meeting of the Congo Advisory Committee

1. Letter dated 16 October 1962 from the Acting Secretary-General to Prime Minister Adoula (regarding possible measures against the Union Minière)
2. Text of identical letters dated 1 November 1962 addressed by the Officer-in-Charge of ONUC to Prime Minister Adoula and Mr. Tshombe (regarding the implementation of the Plan)
3. Address by Mr. Tshombe delivered at Elisabethville on 3 November 1962 (regarding the incident involving Tunisians)

Letter dated 16 October 1962 from the Acting Secretary-General  
addressed to Prime Minister Cyrille Adoula

I have the honour to acknowledge receipt of your letter of 11 October 1962 <sup>1/</sup> in which you request the assistance of the United Nations in putting an end to the illegal payments made by the Union Minière du Haut-Katanga to the authorities of South Katanga and, should it prove necessary, in prohibiting illegal exports of products from the mines and factories of that firm.

You are well aware of the position I have always taken regarding the Katanga secession and of my determination to help your Government achieve a peaceful end to it to the fullest extent possible within the mandates afforded by the resolutions of the Security Council and the General Assembly. As Mr. Robert Gardiner has already advised you, I view most favourably the measures you have decided to take with regard to the Union Minière.

As a first step, I have brought your request for assistance to the attention of the Advisory Committee on the Congo at its meeting of 12 October. The Committee will meet again on 23 October to examine how best to meet your request, including the desirability of seeking helpful action from the Security Council.

I am confident that the forthcoming discussions at the United Nations will lead to positive results which will make it possible for me to take effective measures in fulfilment of your request. Through Mr. Gardiner I shall keep you informed of developments in the matter.

(Signed) U Thant

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<sup>1/</sup> Distributed at the 70th meeting of the Committee.

Text of identical letters dated 1 November 1962  
addressed by the Officer-in-Charge of ONUC to  
Prime Minister Cyrille Adoula and Mr. Moise Tshombe

The Acting Secretary-General has asked me to convey to you certain of his views with regard to the Plan of National Reconciliation which I submitted to you on his behalf in August last.

The lack of any substantial progress in the actual implementation of the Plan is a source of serious concern to him.

At the outset, I should perhaps point out that the Secretary-General takes firmly the view that the Plan, as a reasonable proposal for both sides, was submitted to you and to Mr. [Adoula] for simple acceptance or rejection and not for discussion. It is, therefore, not at all negotiable.

Moreover, as the time limits set forth in various provisions of the Plan amply indicate, the clear intention is that the Plan must be put into effect within a short space of time or is to be considered as having lapsed. The Plan, clearly, would be meaningless if the period for its implementation were to be prolonged indefinitely. Indeed, because at this late date that period must now be regarded as running out, it becomes important to communicate with you about it.

Intrinsically, the Plan calls for concrete actions by the parties concerned which would be both prompt and decisive in the pursuit of reconciliation and reintegration. It defines specific steps to be taken with regard to constitutional arrangements, revenues and foreign exchange, currency, military matters, foreign affairs, amnesty, co-operation with the United Nations and reconstitution of the Central Government.

In the very nature of the case, since the province of Katanga is called upon to abandon its posture of separation, it follows that the main burden of action falls upon the Katangese authorities, although the importance of the actions which the Central Government is obliged to take must not be minimized.

Some measure of encouragement may be derived from certain actions that have been taken, some related and other unrelated to the Plan, but all reflecting new contact and communication between Leopoldville and

Elisabethville and an improved climate in relations. One such is the willingness to halt troop movements, and another is the resumption of traffic over the Lubilash Bridge. But the acid test for the Plan remains whether its requirements as regards reintegration have begun to be met.

It is the particular purpose of this communication to indicate to you what, beyond the actions already taken, is required of [Katanga] in order that effect may be given to the Plan. Therefore, please find attached an assessment of the requirements of the Plan, noting the actions required of the Central Government and of Katanga, as well as the actions already taken by them. It will be seen from this accounting that while certain Katangese actions have been recorded, it still cannot be said that any solid advance toward the end of secession and the reintegration of Katanga has been made. Certain important steps, as indicated, are likewise still to be taken by the Central Government.

In the light of your prior acceptance of the Plan, your readiness to take promptly the specific measures still necessary to fulfill that commitment must be assumed. The favour of an early response to this letter is therefore expected.

(Signed) Robert G. WINER

## AN ASSESSMENT OF THE REQUIREMENTS OF THE PLAN

### Constitutional Arrangements

A draft Constitution establishing a federal system of government was completed in September with the assistance of constitutional experts provided on request by the United Nations. In pursuance of its communiqué of 29 July 1962, the Central Government on 23 August and on later occasions invited the provincial governments and interested political groups in the Congo to submit their views on the dispositions to be made in the Constitution. The "preliminary observations" of the Katangese authorities and proposals made by other bodies were placed before the experts and were taken into account by them. The draft Constitution was presented in Leopoldville by the Central Government to the presidents of the provinces on 16 October, but no representative of Katanga was present to receive it. The Plan envisages that the Central Government will present the draft Constitution in Parliament and support it there until it is placed in effect. The draft Constitution was submitted to the bureaux of the two Chambers on 13 October 1962.

### Revenue and Foreign Exchange

#### A. Revenue

The draft financial law called for has been drafted as required, with the assistance of experts made available by the United Nations. The Plan envisaged that the provincial governments would be invited to submit their views on the laws to be proposed. The Central Government, however, considers that the financial law, being ordinary legislation, would not require special reference to the provincial governments, which after all could indicate their views on the proposed law when it is being considered in Parliament. A revenue commission composed of representatives of the Central Government and of Katanga, assisted by United Nations experts, was established. In the commission meetings in Elisabethville, agreement was reached on procedural matters. The Plan foresees that, until the Commission has completed its task and the definitive arrangements proposed have been implemented, the Central Government and Katanga agree to share equally revenues from all taxes or duties on exports and imports and from all royalties from mining concessions. The Katangese delegation on the commission has taken the position that it is prepared to pay 25 per cent to 30 per cent of the net

revenue earned. This proposal, however, is not consistent with the Plan, which provides that, in the interim period prior to the implementation of the definitive arrangements, all revenues in question be shared equally. The latter provision, like the Plan itself, is not subject to negotiation. The Katangese authorities have therefore not met the requirements of the Plan.

### B. Foreign Exchange

The Plan provides that, until the definitive arrangements have been implemented, all foreign exchange is to be paid to the Monetary Council or the institution designated by it and acceptable to the parties concerned, and that the Council will control utilization of the foreign exchange earned by any part of the Congo, while making available, for essential needs of Katanga, at least 50 per cent of the foreign exchange generated in that province. The Katangese delegation refused this turning over of the foreign exchange in question to the Monetary Council or the institution which is designated by it, and suggested instead that only the balance remaining after satisfying Katanga's needs be turned over to the Monetary Council. Furthermore, the Katangese delegation insisted that the needs of Katanga for foreign exchange be met on a priority basis before any foreign exchange is turned over to the Monetary Council, instead of having all such foreign exchange paid to the Council, which would in turn make available for essential needs of Katanga at least 50 per cent of the foreign exchange generated in that state. The position of Katanga thus deprives the Monetary Council of its prerogative of determining what is essential to the needs of Katanga, and also what amounts in excess of 50 per cent of the foreign exchange generated in that province are to be allocated to it. It may also affect the ability of the Council to control the utilization of all foreign exchange, and this would be at variance with the Plan.

### Currency

Under the Plan, the Central Government is to invite the UN to request the International Monetary Fund to instruct its experts to work out a phased plan for currency unification. The Central Government has already extended this invitation through ONUC, and it has been accepted by the Fund, although IMF experts have not arrived as yet. It follows that the date on which the unification is to begin to take effect (10 days after approval by the Central Government) has not been fixed.

### Military Arrangements

According to the Plan, the commanders of all Katangese military, para-military or gendarmerie units who have not already done so are to take the usual oath of allegiance to the President of the Republic. Thus far, Katanga has demanded as a prior condition that the text of an amnesty law be agreed upon by the Central Government and Katanga, promulgated and put into effect, although the Plan states no such condition. This requirement of the Plan, therefore, has not been met. The Military Commission, composed of representatives from the Central Government and Katanga, with assistance of UN experts, has been meeting in Elisabethville, but the required plan to be developed within 30 days, for the rapid integration and unification of all military, para-military or gendarmerie units into a national armed force and gendarmerie structure has not been formulated. Therefore, it cannot be implemented within the ensuing 60 days, as envisaged. It also results that the parties have not had occasion to express clearly their positions on the question of the complete freedom of movement throughout the Congo of the Military Commission and of the UN experts, as called for by the Plan.

### Foreign Affairs

The Plan stipulated that no state (i.e. provincial authority) should maintain abroad any official in charge of foreign affairs or any diplomatic or consular mission, the conduct of foreign affairs being reserved to the Central Government. However, Katanga still maintains the post of "Foreign Minister", and there has been no evidence that its representations abroad have been ended.

### Amnesty

Under the Plan, the Central Government is to decree immediately a general amnesty and if necessary propose and support in Parliament legislation to that effect. No such action has been taken thus far.

### Cooperation with the United Nations

With regard to the cooperation with the United Nations called for by the Plan, the Katangese authorities have taken no important steps to implement UN resolutions, and particularly those relating to mercenaries, and they continue to deny freedom of movement in South Katanga to ONUC personnel.

### Reconstitution of the Central Government

As to the reconstitution of the Central Government and the provision under which the Prime Minister was to restate his offer to fill certain ministries with members of the Conakat Party, no such action has been taken to date.



Address by Mr. Moïse Tshombe delivered  
at Elisabethville, 3 November 1962

Katanga is once again in mourning. Two of its sons, after so many others, have just laid down their lives in the discharge of their duty. Through my voice, the entire country and its Government pay a tribute to their memory and bring to their bereaved families the testimony of their sympathy and the comfort of their presence.

When the Thant Plan for national reconciliation was proposed to us, a great hope dawned in Katanga. We welcomed it with enthusiasm, and we thought that the existing tension would at last be relieved. But certain elements of the United Nations troops do not want that reconciliation, and conduct themselves among us as though in a conquered country.

When shall we at last be free and masters in our own house? When shall we be able to lead our people, unimpeded, towards the full flowering which we plan for them? When shall we at least be able to devote all our energies to the tasks of education and civilization?

The historian who one day chronicles our first years of independence will be able in all serenity to record exactly the rebuffs, disappointments, sorrows and miseries caused us by those who fly a blue flag, the emblem of a united, fraternal world, whose ideals are respect for fundamental human rights, social progress, justice and the prevention of all war.

Today we have lost two brothers; our tears go with them, but we know that they are joined in glory with all those who, having laid down their lives for their country, sleep their last sleep here.

My children, as I see you here before me I ask myself: why are you here? Is it the task of the United Nations to obstruct the maintenance of law and order by those responsible for it? Or to interfere with the performance of their duties? Is it the task of the United Nations to kill persons who are doing their duty? Or to fire without warning on the representatives of law and order?

Today I think once more of our proverb that "A lion, when it attacks a man, kills him. But the survivor then swears to pursue the killer".

Children of my country, your death sanctifies our rights and contributes all its strength to the union of the living.

The Katangan community will remember you as it does all those who have shed their blood so that our Katanga may live.

May God protect our country.

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CONFIDENTIAL

SUMMARY RECORD OF THE SEVENTY-FIRST MEETING OF THE UNITED NATIONS  
ADVISORY COMMITTEE ON THE CONGO

Held at Headquarters, New York,  
on Tuesday, 6 November 1962, at 3 p.m.

The Acting Secretary-General recalled that at the last meeting he had referred to a number of possible actions on which he would like the views of the Governments represented on the Committee. Since then there had been some new developments which Governments might like to take into account in formulating their views.

The most important of those developments were dealt with in a letter to Mr. Adoula and Mr. Tshombe which Mr. Gardiner had recently despatched on his behalf. The letter was being circulated to members of the Committee on a strictly confidential basis and its contents would not be released until replies had been received from Mr. Adoula and Mr. Tshombe. Meanwhile Mr. Gardiner would talk to the parties concerned before their replies were actually formulated. No efforts were being spared to give the Plan every chance but there must of course be a time-limit for its implementation and he was inclined to think that 15 November would be a reasonable deadline for the receipt of the replies to his letter. If the replies were not satisfactory - if, for instance, there was no clear action by Mr. Tshombe to take the necessary steps to ensure reintegration - the Plan would have to be abandoned and new measures adopted. At that point he would of course consult the Committee again.

Since the last meeting of the Committee Mr. Adoula had presented the draft Constitution to the Presidents of the Provinces, who had been invited to Leopoldville for that purpose. Mr. Tshombe had decided not to be represented there, reportedly because the invitation to him had referred to the Province of South Katanga. An informal analysis of the Constitution by legal experts in the Secretariat indicated that it was entirely adequate to meet the constitutional requirements of the Plan. It remained for the new Constitution to be put into effect through its submission to Parliament by the Prime Minister.

As the Foreign Minister of the Republic of the Congo had come to New York for the primary purpose of addressing the Committee, he proposed to give him the floor for any remarks he might wish to make. First, however, he would call upon Mr. Bunche, who had recently returned from a short visit to the Congo, to give the Committee a brief report.

Mr. Bunche said that he had been encouraged by various factors he had observed during his visit to the Congo. To begin with, the ONUC organization was stronger in leadership, in planning and in its contacts and relationships at both the military and the civilian echelons. Secondly, ONUC no longer had to diffuse its personnel and its energies all over the territory of the Congo. The ANC was much improved in discipline, leadership and reliability and was showing an ability to take over full responsibility for security and for the maintenance of law and order in a number of areas, with ONUC providing only limited logistic support to the ANC in those areas. That relieved the United Nations troops for concentration in other areas where they were most needed, particularly in Katanga. In that connexion he could inform the Committee that the ANC contingent which had been made available to the United Nations Force some months earlier and was stationed at Kamina base was working very well; there had been a steady improvement in the performance of that unit and in the pride and industry of its personnel.

A third encouraging factor was the fact that Mr. Tshombe was gradually being hedged in. North Katanga was now mostly under ANC and ONUC control, with only two or three pockets of Katangese gendarmerie remaining in the area, while in South Katanga Elisabethville and Kamina base were completely under United Nations control. It was not generally known that the Central Government now had customs and immigration personnel in Elisabethville who had been sent there for the purpose of setting up, under ONUC protection, customs and immigration offices. Those personnel had gone to Elisabethville with the somewhat reluctant consent of the Katangese authorities. Moreover, the Congolese Minister for Defence had gone to Elisabethville the previous day with a number of Congolese military observers and had scheduled a conference with Mr. Tshombe for that same afternoon. The military observers were to form the Congolese elements of the

mixed military observer teams that were to be deployed in North Katanga. He might also mention that Mr. Ngalula, who had been the chief Congolese representative in Elisabethville for several weeks when the commissions had been meeting in connexion with the implementation of the Plan, had told him that he had had a free run of Elisabethville and had encountered no hostility on the part of the African inhabitants.

There were three strategic points in the south of Katanga - Jadotville, Kolwezi and Kipushi - which had still not been penetrated by United Nations troops or personnel, although the first two had occasionally been visited by one or two United Nations officials. Those three places were the heart of the mining industry of Katanga and of its export routes and were the main source of Mr. Tshombe's revenue, and consequently of his power. The mercenaries still in Katanga were mainly in those parts, as was also the Katangese air force, which had been built up. ONUC must get to all three of those places. There was every reason to hope that that could be done without fighting, for it was the belief of all competent observers to whom he had spoken that if the United Nations was strong and well prepared, ready to fight if necessary but never to initiate fighting, it would not be challenged by the Katangese and would never have to fight again.

He had found ONUC to be strong and secure in Katanga, especially in Elisabethville and Kamina base. In recent months it had been deliberately restrained in its actions in order not to hamper the efforts under way towards peaceful reconciliation.

There were, of course, certain negative factors in the picture. Firstly, the prolongation of the Katanga crisis suited Mr. Tshombe's purposes admirably, for he constantly played for time. Secondly, there was always the possibility of an internal political crisis which might throw the Congo into chaos once again, though Mr. Adoula had appeared quite confident when he had spoken to him a week or so earlier. Thirdly, the economy of the Congo was in a bad way: there was an acute lack of foreign exchange and there had been a considerable breakdown in the distribution system and in essential services in the Provinces.

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Lastly, there were two matters he felt he should mention. One was the recent incident involving Tunisian soldiers which had taken place in Elisabethville during the evening of 1 November. According to a preliminary report from the ONUC representative in Elisabethville, a group of Tunisian soldiers had gone to a cinema, where they had been molested by Katangese police. The Tunisians had called their battalion for protection and during an ensuing altercation they had fired, killing one Katangese policeman and wounding another, who had since died. The Tunisians asserted that they had acted in self-defence because they had been attacked. Mr. Gardiner had ordered an immediate investigation, which was now in process. By the terms of the Status of Force Agreement with the Congolese Government, members of ONUC were exclusively subject to the jurisdiction of their own Governments and not to that of the Central Government or the authorities of Katanga. The attempt of the Katangese police to arrest the Tunisians had therefore been wrong. In the investigation the Katangese Police Commissioner had acknowledged that he had attempted to seize a machine-gun from a Tunisian sergeant immediately before the fatal firing.

The other matter was the reopening of Parliament. The two Chambers had met at 9 o'clock on the morning of 5 November. The Senate, not having a quorum, had immediately adjourned but had met again the following day, when it had had a quorum. The Chamber of Representatives had elected a temporary President and had appointed a commission of six to check the credentials of the alternates who had come forward to take the places of former representatives who were now serving in provincial Governments and Assemblies. On the eve of the convening of Parliament President Kasa-Vubu had made a statement over the radio in which he had called for the adoption of a federal constitution and a new financial law concerning the distribution of revenue between the Central Government and the Provinces. He had also dismissed the rumour of an imminent dissolution of Parliament.

The Representative of the Congo (Leopoldville) said that the United Nations had now been in the Congo for twenty-eight months and he was sure that the personnel involved intended to complete their task as quickly as possible. Nevertheless, there was reason to believe that there had been unjustified delays in certain respects and that excessive tolerance, or even negligence, had prejudiced the success of the Organization's work. It was still far from achieving the goals set by the various resolutions and the very basis of its operations would be threatened if appropriate measures were not taken immediately.

Although the Congolese Government, at its request, had received considerable technical assistance from the United Nations, practically no progress had been made with respect to the essential matter, namely, restoration of the integrity of the national territory and of the sovereignty of the Government throughout that territory. The history of the affair was well known. The attempts of the Government to arrive at a peaceful solution, at the conferences in Tananarive, Coquilhatville and Kitona and at the Leopoldville negotiations, had been answered with nothing but broken promises by the Elisabethville regime, which used every possible means to gain time and thus to consolidate the basis for its secession. Mr. Tshombe's delaying tactics had finally discouraged those who believed in negotiations as the only proper course, since it had become clear that he would yield only to heavy pressure. It was obviously for that reason that the Secretary-General had prepared his Plan for reintegrating Katanga in the Congo and restoring the Government's control over the foreign companies operating in that region, a plan which the Congolese Government had accepted. It had been encouraged in its support by public statements in favour of the plan made in Western capitals and in Elisabethville. The fact was, however, that neither certain Western Powers nor the big mining companies were prepared to end the secession of Katanga; in particular, the Governments of the United Kingdom and Belgium had refused their co-operation, which was essential for the success of the Plan. Their attitude had merely encouraged Mr. Tshombe to procrastinate, and even to reject certain parts of the Plan.

The Congolese Government, on the other hand, had done everything possible to put the Plan into effect. With regard to the constitutional question, it had drawn up, with the aid of United Nations experts in constitutional law, a draft Constitution of a federal type, which had been submitted to Parliament and transmitted to the provincial assemblies. The second part of the Plan related to financial matters: the Central Government had been asked to draw up a finance law governing the distribution of revenue, and it had already submitted a draft to Parliament for approval. In his statement of 4 November, President Kasa-Vubu had recommended Parliament to give the draft priority, saying that its adoption would eliminate a source of difficulty for the central and provincial executives and would enable the Provinces to draw up their preliminary budget estimates for 1963 on a reliable basis. Provision had also been made for immediate measures in the financial field.

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There was no doubt that the financial aspect of the problem was the most important. It was only their monopoly and misuse of the vast revenues yielded by Katanga that enabled the foreign companies to maintain the secession. With that in mind, the authors of the Plan had urged that a commission on the distribution of revenue should be established immediately. The Central Government had promptly appointed representatives and sent them to Elisabethville. Mr. Tshombe's representatives, however, had confined themselves to questioning the interpretation and validity of certain provisions, refusing to tackle the actual question of revenue distribution. Mr. Tshombe had merely transferred the sum of \$2 million - drawn on an account in London - to the Central Government, insinuating that it was a gift. The Central Government was not asking for gifts; it merely sought its legal due, and the Plan was quite clear on that point.

A second commission was to have been set up immediately to deal with the distribution of receipts of foreign exchange, the unification of the reserves and the standardization of exchange procedures. The Central Government had designated its representatives and provided the necessary information. Mr. Tshombe, however, had merely given evasive replies amounting to a refusal. He had stated that he had no currency reserves and had declined to reveal the foreign banks at which he had accounts. Mr. Adoula had drawn attention to the legislation on exchange control and the obligation to hand foreign exchange over to the Central Government. He had asked the Belgian Government to help him to obtain the co-operation of the Belgian companies and the strict application of the exchange regulations. Despite its declarations of support for the Plan, the Belgian Government had not yet replied, and similar approaches to Portugal and the United Kingdom, as the Powers responsible for Angola and Rhodesia, had not produced any results.

Under chapter III of the Plan, the Congolese Government was to invite ONUC to ask the International Monetary Fund to appoint experts to draw up a programme for unification of the currency by stages. The Government had done so at once and the experts had arrived in the Congo shortly after his departure.



In order to consolidate the Katangese secession, Mr. Tshombe and his supporters had raised a veritable army, the so-called "gendarmerie", led by mercenaries and equipped with the most modern weapons. No lasting solution was possible as long as that illegal army remained in existence. The Secretary-General had understood the danger and had therefore given great importance to the military question in his Plan. To begin with, the commanding officers of all military, para-military and gendarmerie units were to have taken an oath of allegiance to the President of the Republic forthwith. None had done so, despite rumours to the contrary, and Mr. Tshombe had tried to drag the Central Government into endless discussion on the matter. Secondly, a military commission had been set up and the Central Government had immediately placed its representatives at the disposal of the Katangese authorities. Again there had been no results, since attempts had been made in the negotiations to cast doubt on the very basis of the Plan. Under the Plan the Secretary-General was to appeal to both sides to halt all troop movements in order to facilitate the absorption of the Katangese gendarmerie into the ANC. Instead of responding to that appeal, Mr. Tshombe had demanded negotiations for a cease-fire limited to North Katanga, thus completely subverting the Plan. The United Nations was supposed to have access to all military, para-military and gendarmerie units in order to carry out its mission, but Mr. Tshombe had refused it entry to a large part of South Katanga, including the important centres of Kipushi, Kolwezi and Jadotville, which the regime had turned into bases for attack and a refuge for mercenaries. The military commission was to have prepared, within thirty days and with the aid of United Nations experts, a plan for the absorption of all military, para-military and gendarmerie units into the ANC, but Mr. Tshombe had again gone back on his word. Finally, a period of two months had been agreed upon for the completion of the military programmes, but two months had passed and nothing at all had been done. The Central Government was beginning to wonder what use it had been to place its confidence in the Plan if none of the time-limits were respected.

Another issue was representation abroad. In accepting the Plan, Mr. Tshombe had agreed to abolish his Ministry of Foreign Affairs and his missions abroad. The countries to which those missions had been sent had also agreed publicly to get rid of the missions. Not only were the missions still in existence, for example, in

Brussels, but the foreign consuls in Elisabethville - including the so-called Belgian consul, who had never received the exequatur of the Congolese Government - treated Mr. Kimba as the Katangese Minister for Foreign Affairs. The interference of the consuls had been particularly blatant in recent months while the commissions had been negotiating in Elisabethville. They had tried to influence the parties, especially Mr. Adoula's representatives, and their part in the drafting and signature of the cease-fire could not be denied. The Central Government, on the other hand, had complied with the Plan by setting up immigration services at Elisabethville airport to issue passports to Congolese resident in Katanga.

As far as the amnesty was concerned, legislation was being prepared. It must be pointed out that only political offences would be covered by the amnesty, since those guilty of offences under the ordinary law could not go unpunished. In any case, the amnesty could only take effect if the Elisabethville authorities renounced secession once and for all.

On another question, the Plan had provided for co-operation with the United Nations. There could be no doubt about the Central Government's desire to co-operate, but the same could not be said of Mr. Tshombe.

Lastly, the Central Government was to have been reconstituted. Mr. Adoula's offer regarding the representation of South Katanga remained open, but it was subject to the condition that the Province must first return to the Republic. When on a past occasion Katangese deputies had been admitted to Parliament in Leopoldville, they had embarked on a campaign of subversion, trying to bribe other deputies, seeking to overthrow the Government and attacking the United Nations. No member of the Conakat party, therefore, could be admitted to the Government until Mr. Tshombe had renounced the idea of secession.

From the foregoing it was clear how little effort the Elisabethville authorities had made to carry out the Plan. They had made a few spectacular gestures of no real importance: for instance, they had sent two truck-loads of copper for export via Leopoldville, while all the rest went through Rhodesia and Angola, and since then no more had been exported via Leopoldville. Then there was the bridge built by the United Nations in co-operation with the Central Government: Mr. Tshombe had been permitted to make a speech on the spot, in which he had claimed that he had built the bridge himself. Again, he asserted that he had re-opened communications with Leopoldville, but in fact there had been no

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progress. Belgium maintained direct communications with Elisabethville, disregarding the instructions of the Congolese Government. The Katanga authorities had said that they were prepared to open Elisabethville airport, but they had arrested the crew of an Air Congo plane when it had landed there - and there had been no reaction from the United Nations authorities in Elisabethville. In short, Mr. Tshombe was still trying to gain time. It was the essence of the Plan that it should be applied strictly, step by step, and when it spoke of measures to be taken "immediately", that meant that time was allowed only for giving the necessary orders and making arrangements, any discussion on matters of substance being excluded.

The report of the Officer-in-Charge of ONUC (S/5053/Add.12), together with the further information and explanations provided by the Secretary-General, left no room for doubt about the gravity of the situation. A particularly serious aspect was the fact that while the Central Government was doing its best to carry out the various stages of the Plan, the Elisabethville authorities were building up their military strength more dangerously than at any time since 1960. There must be no illusions about Mr. Tshombe's intentions which were to reject the Plan and the federal Constitution and to resist the unification of the Congo. The growth of his air force might have decisive consequences from the strategic point of view. The number and quality of his military aircraft and the weapons with which they were equipped gave him a possible superiority over the United Nations, or at least put him in a position where he could prevent it from taking effective action. Unless effective action was taken immediately, the United Nations was liable to suffer a severe setback.

Such action might include further talks between the Secretary-General and the Governments of the United Kingdom and Belgium, with a view to obtaining greater co-operation from them. The Plan would remain a dead letter if those two Governments did not prevent their nationals and private companies from engaging in hostile acts against the Congo. They could exercise control over companies transporting or supplying arms or furnishing the means to purchase arms. They could persuade the industrial companies in the Congo, which were the real power behind Mr. Tshombe, to agree to discussions with the Central Government, which they had so far refused to do. That was well within the power of the two European Governments. A joint campaign of pressure on the United Kingdom and Rhodesia by the Commonwealth countries might prove effective, as it had at the time of Suez.

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The United Nations could give greater military support to the Central Government than it had in the past. The General Assembly could decide on measures to be taken against South Africa and Portugal, which openly encouraged the Katangese secession. Portugal had not replied to the Central Government's request regarding the transport of copper. The Security Council, or failing that the General Assembly, could authorize the Secretary-General to use a wide range of means to impose an economic blockade on South Katanga. If the use of force was ruled out as a means of solving the problem of Katanga, there could at least be a demonstration of force in order to ensure that the economic measures were effective. The continued presence and reinforcement of the United Nations forces would indirectly help to achieve the aims of the resolutions on the Congo.

Having accepted the Plan, the Central Government remained committed to it. When the Plan had been put forward, the idea had been that Mr. Tshombe was simply to say yes or no to it. As it was, however, he had been given a loop-hole, because he had been allowed to discuss its provisions with the Government. At times he had even questioned principles of the Plan which he had previously accepted. The Central Government had fulfilled all its obligations under the Plan, with the exception of two or three matters such as the amnesty and the reconstitution of the Government. Mr. Tshombe must now be made to do what he had promised to do and the United Nations must see that the Plan was carried out without delay. Definite time-limits must be fixed, and once they had elapsed sanctions must be applied, for otherwise Mr. Tshombe would prolong discussions forever. It was only on conditions that that was done that the Central Government could continue to support the Plan.

As far as troop movements were concerned, the Central Government was prepared to comply with the Plan, as was indicated by the fact that the Minister for National Defence was at present in Elisabethville. Any suspension of movements, however, must apply throughout Katanga, and not merely in the north, since otherwise Mr. Tshombe would continue to supply and reinforce his positions in the north from his bases in the south. Furthermore, it was unthinkable that the United Nations had not been authorized to enter the bases at Kolwezi, Jadotville and Kipushi, where Mr. Tshombe's stocks of military equipment were kept and all the mercenaries were concealed. As long as those bases were not eliminated, Mr. Tshombe would continue to build up his strength and would not

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accept any peaceful solution, believing that his forces were more powerful than those of the United Nations and the Central Government. If the use of force was to be avoided in Katanga later, a show of force must be made now.

The Acting Secretary-General said that he agreed with the Foreign Minister of the Congo that Mr. Tshombe's reply regarding acceptance or rejection of the Plan could not be awaited indefinitely. The 15 November deadline to which he had referred earlier had been communicated to Mr. Gardiner, who would make it known to Mr. Tshombe within the next few days.

The Representative of India said that, in view of certain reports that had appeared in the Press, he wished to state that India had not asked for the immediate withdrawal of its military contingent from the Congo. He must add, however, that his Government would not wish to keep its troops in the Congo any longer than was absolutely essential and it hoped that a settlement in the Congo would be achieved very soon, so that they could be withdrawn.

The Foreign Minister's account had been a depressing one. He felt that the deadline should be strictly enforced and that Mr. Tshombe should not be given an opportunity to delay matters through interminable negotiations.

The Acting Secretary-General thanked the Indian representative, on behalf of the Committee, for the magnanimous attitude of the Indian Government in permitting its contingent to remain in the Congo despite the crisis which India was now facing. The Indian representative's statement would serve to reassure both the members of the Committee and the general public.

The Representative of the United Arab Republic said that he agreed with the Acting Secretary-General's decision to fix 15 November as the deadline for replies to his letter.

The Representative of Ghana said that since the Acting Secretary-General's Plan provided for coercive measures of various kinds, he did not understand why it was to be abandoned if negative replies were received from Mr. Adoula and Mr. Tshombe. He would also like to know what new measures were envisaged in the event of the original Plan being abandoned.

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The Acting Secretary-General said that, in view of certain practical difficulties that had arisen, he would prefer not to indicate at the present time why the Plan might have to be abandoned. If it became necessary to take that course of action, however, he would explain the reasons for his position and would present for the Committee's approval an alternative plan which he felt would be equally effective.

The Representative of Nigeria suggested that, in order to prevent the appearance of garbled reports of the present meeting which would give encouragement to those people in the Congo who did not want the Plan to succeed, the Acting Secretary-General should arrange for a Press release giving an accurate account of what had been said. Past experience had shown that, when meetings were kept strictly confidential, tendentious reports often appeared in the Press.

The Acting Secretary-General said that he had already arranged with the Office of Public Information for the release of a short statement.

The meeting rose at 4.35 p.m.

16 November 1962

TO MEMBERS OF THE ADVISORY COMMITTEE ON THE CONGO

The enclosed documents, except for the Press communique, are distributed to you confidentially for your official information and use only. The letters have not been and are not being released. These documents will be considered at the next meeting of the Committee about which you will receive notification shortly.

List of documents

1. Letters dated 10 and 13 November 1962 from Prime Minister Cyrille Adoula addressed to the Acting Secretary-General.
2. Letter dated 12 November 1962 from Mr. Moise Tshombe addressed to the Officer-in-Charge of ONUC.
3. Press communique dated 12 November 1962 issued by Mr. Moise Tshombe at Elisabethville.

16 November 1962

TO MEMBERS OF THE ADVISORY COMMITTEE ON THE CONGO

The enclosed documents, except for the Press communique, are distributed to you confidentially for your official information and use only. The letters have not been and are not being released. These documents will be considered at the next meeting of the Committee about which you will receive notification shortly.

List of documents

1. Letters dated 10 and 13 November 1962 from Prime Minister Cyrille Adoula addressed to the Acting Secretary-General.
2. Letter dated 12 November 1962 from Mr. Moise Tshombe addressed to the Officer-in-Charge of ONUC.
3. Press communique dated 12 November 1962 issued by Mr. Moise Tshombe at Elisabethville.



15 November 1962

CONFIDENTIAL

Translated from French

1. Letter dated 10 November 1962 from Prime Minister Cyrille Adoula  
addressed to the Acting Secretary General

In reply to your request for the views of my Government, before 15 November, concerning the execution of the Plan which bears your name, so that the Advisory Committee may take a final decision, and in reply to the letter<sup>1/</sup> conveyed to me on your behalf by Mr. Robert Gardiner on 2 November, I wish to reaffirm to you my Government's complete agreement with your Plan. Our keenest wish is to see it translated into facts in a determined, faithful and speedy manner. We have spared no effort in this direction and we are grateful for the support you have always given us in this task. I should like, at the same time, to draw your attention to the risks which might result from failure to respect the time sequence of your Plan. By distorting its spirit this would in fact produce results contrary to our common goals.

Fully aware as I am that the Plan would lose its effectiveness if it were not carried out within the time limits laid down, I am sending you this reply quickly. I shall send you, as soon as possible, a letter explaining my Government's views in detail, stressing once again your interest in the settlement of the South Katangese Question.

Cyrille Adoula, Prime Minister

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<sup>1/</sup> Distributed at the 71st Meeting of the Advisory Committee on the Congo, on 6 November 1962.

2. Letter dated 13 November 1962 from Prime Minister Cyrille Adoula  
addressed to the Acting Secretary General

In my message dated 10 November confirming the complete agreement of the Central Government with the United Nations Plan and requesting that it be firmly, loyally and promptly put into effect I informed you of my intention to send you a letter explaining in detail my Government's position. One reason for my sending you this preliminary reply so soon is to demonstrate my Government's desire to continue the sincere co-operation with the United Nations necessary to attain our common objective. A further reason is that my Government believes that the gravity of the situation demands an unequivocal stand and the prompt execution of the measures necessary to deal with this situation. The aggressive acts perpetrated in North Katanga by the secessionists on 10 November, about which I wrote to you on 12 November, have confirmed our fears. The letter dated 1 November sent to us in your name by the Officer in Charge of ONUC under Reference No. CVT/762/62 does not seem to give my Government credit for its unswerving desire to co-operate with the United Nations for the full implementation of the Plan, in its spirit and its letter. With an impartiality which I am the first to honour, this document draws up a balance sheet of steps already taken and those still to be taken in order to implement the Plan, and, declaring that there are certain important measures which it is incumbent on the Central Government to execute, seems to set my Government and the Katangese authorities on an equal footing, ignoring the fact that this case has been settled and that the sole purpose of the Plan is to bring about the re-integration of South Katanga. This excessive concern for equality of treatment is likely to be exploited by our opponents to the detriment of the Congolese Republic and the International organization, which pursue and must continue to pursue common goals. These opponents, it may be added, have not hesitated to do so: In an editorial broadcast

at 0600 GMT on 2 October 1962, Radio Katanga made the following statement, which I quote verbatim: "Just as until 1960 we used to speak of the Belgian Congo, so today we have to speak of the UN Congo". By trying to make people believe in the existence of a dual sovereignty, if not of some sort of trusteeship, the secessionists are nourishing the hope of rousing the people against the Central authorities and against the United Nations Mission in the Congo.

As regards the comments attached to the letter dated 1 November from the Officer in Charge of ONUC under the heading "Evaluation of the Plan Requirements", I have the honour to recall that in giving his agreement to this Plan so that it should be operative the Central Government explicitly stated that it regarded the Plan as a continuation of the efforts it had always made to restore the integrity of the country and thereby begin the settlement of numerous other problems calling for urgent solution. That was in our opinion the best way of endorsing your Plan. Since then we have not ceased, despite the difficulties entailed in carrying out so large a task, to reaffirm our loyalty to the Plan.

We have also had occasion to explain to Mr. Ralph Bunche, during his recent visit to the Congo, all the measures taken on our side to put the Plan into effect.

But since the "Evaluation of the Plan Requirements" too is cast in the form of a balance sheet, it would doubtless be best if, following the evaluation point by point in the same order as the provisions of the Plan, I briefly recapitulated in an Annex the efforts made by my Government, which, it will readily be seen, constitute on its part full respect for the commitments it undertook in accepting the Plan. We hope that in the light of this balance sheet, which specifies the responsibilities of all parties, steps will be taken to put your Plan, and with it our people's aspirations, into effect. We consequently welcomed the explanations given us in a message from Mr. Gardiner dated 8 November 1962 in which he states that the "Abandonment of the Plan" means the "Transition to the Next Stages". We are aware of the difficulty of the International organization's work in

present circumstances in maintaining world peace, but any setback in its Congo Mission would unquestionably have repercussions on that work. The responsibility assumed by the United Nations in the Congo question calls, in the circumstances, for urgent measures. The same applies to the responsibility of the Central Government, which, in order to avoid bloodshed, has refrained from any action which might hinder the execution of the Plan. This attitude should not have allowed Mr. Tshombe and his supporters to take advantage, as unfortunately they have done, of the Central Government's good will to add constantly to the strength of their positions. From the standpoint of Congolese public opinion, that attitude is putting my Government in a situation in which further procrastination would entail grave risks.

My colleagues and I would like the States Members of the United Nations to put themselves in our place: How many of them would be prepared to tolerate the existence of a state within a state, of a province maintaining a private army and illegally appropriating public funds to build itself an Air Force? These illegal forces have been used constantly for more than two years for arbitrary killing and to impose the will of a secessionist group on a part of the country. Which of them would permit the imposition over part of the country of a constitution contrary to the country's basic law? Which would permit subdivision of some part of the national territory to arrogate to itself the right to maintain a financial law, a monetary system, foreign representation and other attributes of a Central Government? Our essential task is to bring about the repudiation of the secession so that the United Nations promise to help the Congo to maintain its sovereignty and territorial integrity can be fully kept.

We count on your support in drawing the attention of Members of the Advisory Committee and, if necessary, the Security Council to the urgency of a solution.

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I thank you for your consistent efforts on behalf of the Republic of the Congo and for the maintenance of peace. Accept, etc.

(SIGNED) Cyrille Adoula  
Prime Minister

ANNEX

CONSTITUTIONAL PROVISIONS

The Plan provides for the preparation of a preliminary draft constitution of Federal type within a specified time-limit.

Even before the Plan was submitted to it, my Government had asked the United Nations to put at its disposal the services of experts in Constitutional Law chosen for their special competence in regard to Federal constitutions and for their suitability as representative of various schools, trends and geographical regions of the world.

In accordance with the Plan, the Central Government has repeatedly invited the Provincial authorities and the interested Congolese political parties to let it know their views on the provisions which should be included in the draft constitution.

Despite the fact that the Katangese authorities sent in their "preliminary observations" at the last possible date compatible with the time-limits set out in the Plan, although they had been asked, like everyone else, to send them in by 23 August, the experts nevertheless gave them "every necessary attention", as they indicate in the additional explanatory memorandum accompanying their preliminary draft. In the same memorandum the experts state that their draft is "as decentralized as it can be made without jeopardizing the national unity of the Congo". They assert that as compared with other modern Federal constitutions "it must be recognized that it the draft ranks among the most decentralized Federal constitutions".

The Government, having received the preliminary draft constitution on 27 September, presented it to the two chambers on 13 October. Further, my Government was careful to communicate the draft constitution to a Conference of Provincial Presidents which met at Leopoldville from 16 to 23 October, at which the South Katanga authorities could have been represented had they so desired, since they had been invited in the same way as everyone else.

It now remains for the Congo's constitutional authorities to examine the preliminary draft constitution and express their opinions on it both in the Provincial Assemblies and in Parliament.

#### REVENUE AND FOREIGN EXCHANGE

In regard to revenue, foreign exchange, and the drafting of a financial law, the Central Government has taken the following steps with the assistance of the experts provided by ONUC.

The Government has drafted a Financial Bill which it has put before Parliament. Under the constitutional arrangements in force, Parliament, again, will have the opportunity of examining the Bill and introducing any appropriate amendments.

In regard to the transitional arrangements concerning revenue and foreign exchange, the Plan and the Implementation Programme relating to it provided that these would be laid down by Commissions consisting of Representatives of the Central Government and of South Katanga assisted by United Nations experts, which Commissions began meeting at Elisabethville on 23 September.

From the start of their proceedings, a basic difference of opinion between the two delegations was manifested. The Representatives of the Central Government argued that the sole task assigned to the Commissions was to apply the Plan in its various provisions, whereas the Representatives of South Katanga maintained that the Plan was merely a basis for discussion and that the Commissions were entitled to alter its provisions.

The Plan provides, as a transitional measure, that revenue from all duties on taxes on exports and imports and from all royalties paid by mining concessions shall be shared equally. The South Katanga Representatives refused to apply these provisions, and merely offered the Central Government 25 to 30 per cent of the South Katanga revenue.

The Plan further provides that all revenue in foreign exchange, whatever part of the Congo it may come from, shall be paid to the Monetary Council, which will supervise the use of all foreign exchange and will allocate to

Katanga, for its essential needs, at least 50 per cent of the foreign exchange originating in that State.

Here again, the South Katanga Delegation said that it would agree to transfer only the balance remaining after priority coverage of Katanga's needs, without even taking the trouble to define those needs. This not only constitutes a flagrant violation of the Plan but also reveals a wish to create an independent Fiscal and Monetary System within the State.

#### MILITARY PROVISIONS

In regard to military provisions, the Plan lays down that Commanders of all Katangese military, paramilitary and gendarmerie units who have not already taken the customary Oath of Allegiance to the President of the Republic shall do so. So far, however, nothing has been done in this direction. On the contrary, the South Katanga authorities have set a prior condition: That the Amnesty Law must come into force before the oath is taken. The Plan, however, makes no connexion of any kind between them, still less one of priority.

Further, the Military Commission which is meeting at Elisabethville for the purpose of initiating the integration of the Katanga gendarmerie units into the ANC Forces has not been able to perform its task. Instead of conforming with the arrangements provided under the Plan, the Katanga Delegation wished to advocate the conclusion of a "cease-fire", although all that was necessary was the freezing of troop movements.

Finally, as regards the freedom of movement of the Commission and of the United Nations experts over the whole territory of the Congo, it is common knowledge that freedom of movement is complete over the whole of the Republic's territory except South Katanga, where no freedom of movement is permitted to the United Nations Forces.

Moreover, we have indicated our agreement to the establishment of tripartite teams of observers, while being fully aware of the bases from which the Katangese mount their attacks. He nevertheless insisted that the operations of these observation teams should cover the whole of the secessionist territory still in existence.



The above shows that the South Katanga authorities have not even started to put into effect the military provisions of the Plan.

#### FOREIGN AFFAIRS

In regard to foreign affairs the Plan provides that no state shall maintain foreign affairs officers or any diplomatic or consular missions abroad.

Without expatiating on the various missions that Katanga maintains in Brussels, Paris and New York, the functions of which have never been clearly defined, I shall confine myself to drawing attention to the fact that the South Katanga Government includes a post of "Minister for Foreign Affairs", now occupied by Mr. Evariste Kimba.

#### AMNESTY

Turning now to the problem of the proclamation of an Amnesty Act, the insistence of the South Katanga Delegation on linking that Act with the taking of the Oath of Allegiance is a deliberate attempt to sow confusion. The Central Government authorized officers of the South Kasai gendarmerie to come to Leopoldville to discuss the settlement of differences of opinion between South Kasai and the Central Government. These officers were able to move without hindrance all over Leopoldville, and after the negotiations failed they were free to return as they wished to Bakwanga. The officers of the South Katanga gendarmerie therefore have nothing to fear. I mention this example so that those who have the task of assessing the efforts made to put the plan into effect may be convinced that the Central Government is prepared to take back into the Congolese body politic, and wishes to do so, all loyal citizens, in whatever capacity they may be serving. So far as we are concerned, we have already indicated in our letter of acceptance our determination to give such cases all due attention. Katangese officers and gendarmes leaving the South Katanga gendarmerie are regularly absorbed into the ANC, retaining their rank and the advantages attaching thereto.

#### CO-OPERATION WITH THE UNITED NATIONS

Since the Central Government, in 1960, launched its appeal for United Nations help, there have admittedly been occasional misunderstandings and

conflicts. But at no time has it been possible to reproach us for not co-operating with the United Nations. The Central Government has shown indefatigable patience in the interminable negotiations with South Katanga, and has done so partly thanks to the encouragement it has drawn from its certainty that the United Nations would never disappoint it.

My Government still has confidence in the United Nations as the only organization with which it can properly co-operate not only to save the Congo but also to spare the world the consequences of an international imbroglio in this country. Notwithstanding the fact that South Katanga has built up an Army and an Air Force, and services which should be subordinate to the Central Government, and has done all this in the presence of ONUC, my Government once again reaffirms its resolve to co-operate with the United Nations.

#### RECONSTITUTION OF THE CENTRAL GOVERNMENT

Lastly, as regards the reconstitution of the Central Government and the fact that it has been invited to repeat its offer to allocate ministries to members of Conskat, I wish to state that the offer to that Party still holds good and will be applied as soon as the Province of South Katanga has renounced its state of secession.

The basic law provides that each Province shall be represented in the Government by at least one Minister. The composition of the present Government is in accordance with that provision, the Province of South Katanga alone not being represented.

I have just reminded that Province of my offer by a letter dated 13 November.

CONFIDENTIAL

Translated from French

16 November 1962

Letter dated 12 November 1962 from Mr. Moïse Tshombe  
addressed to the Officer-in-Charge of ONUC

I have the honour to acknowledge receipt of your letter KG-262 of 2 November 1962 and its annex,<sup>1/</sup> the assessment of the requirements of the Plan.

I have made a careful study of your letter and the document.

May I tell you that I was astonished and even pained by it to the point that I wondered whether you were really its author?

Our eagerness for the execution of the Plan of National Reconciliation has been shown in innumerable ways since 3 September. We are still eager for the execution of the Plan despite the difficulties put in our way. We shall not deviate from this. Katanga has no separatist attitude, for the federal type of union provided for in the Plan guarantees it the maintenance of public order and the means of administration it has preserved.

Commissions have been at work in Elisabethville since 17 September with the assistance of experts to try to find ways of applying the Plan. We rely on the experts to help us in this way. And when they consider the problems of executing the Plan, they are compelled to face the realities. They realize that a plan worked out in offices, far from the scene of action, might provide perfect theoretical outlines for solutions but would remain inoperative without the practical adjustments necessary to overcome the difficulties of application. This was the task of the Commissions and of the experts who did their work with such success. However, the agreements on execution which were signed, after a thorough and well-documented study of the facts, were rejected by Mr. Adoula. The head of the Congolese delegation was recalled by him and has not been replaced. All the work of the Commissions has been deliberately hampered by Mr. Adoula.

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<sup>1/</sup> Distributed at the 71st meeting of the Advisory Committee on the Congo on 6 November 1962.

In view of this attitude we have, as you know, taken the initiative in adopting a series of measures, which have now become fact.

It seems, however, that the Government of Mr. Adoula only agreed to the Plan in the hope that we would reject it. The evidence of our real desire for national reconciliation is upsetting its designs. The Government of Mr. Adoula wants to get rid of the Plan. As far as it is concerned, the Plan, the execution of which it has constantly delayed, has been a failure. The Government of Mr. Adoula wants it declared that the Plan has lapsed. It wishes to continue its policy of violence and domination. The belligerent and aggressive statements of Mr. Bomboko are eloquent. But the draft federal constitution was to have been submitted and discussed at the re-opening of Parliament on 5 September; the federation was to have been composed of federated states; an amnesty was immediately to have been decreed. Not one of these measures has even begun to be put into effect.

I have the honour to send you herewith, in response to the assessment of the requirements of the Plan, our observations on the execution of the United Nations Plan for national reconciliation.

We are still anxious to do all we can for the faithful execution of the Plan. We are anxious to create federal bonds which are not theoretical or illusory and without a future, but practical and lasting. And we cannot doubt that in the desire for the faithful application of the Plan which should inspire the United Nations, it is concerned to maintain an equal interest in the two parties to the case.

(Signed) Moise Tshombe

... Annex

ANNEX

Observations on the execution of the United Nations Plan  
for National Reconciliation

1. Constitutional arrangements

The Plan of National Reconciliation, in the document submitted to us on 24 August 1962 and bearing the date 10 August 1962, provided that

"The Central Government will by September present and support in Parliament, until it is placed in effect, a draft Constitution that will establish a federal government for the Congo ...

Subject to such views as it may receive from the state governments and the interested political groups, the Central Government will give the experts supplied by the United Nations the necessary instructions for the final preparation, by September, of a draft Constitution containing the following division of powers between the Central Government and the states ..."

(i) Although a draft Constitution was prepared on the initiative of the Central Government it was not presented to Parliament or supported in it during September.

On the contrary, the convening of Parliament, which ought properly to have taken place on 5 September, was deferred by Mr. Adoula, first to 3 October and then to 5 November. Various groups of members of Parliament have appealed to the United Nations to guarantee the safety and liberty of their members who are threatened by various declarations of governmental origin, by the general political situation in Leopoldville and by such measures as the arrest of Mr. Miruho and the members of his Government, that of Mr. Christophe Gbenye, etc. Mr. Adoula has refused any measure of protection for members of Parliament by the United Nations. And even now, on 12 November, the Parliamentary session has still not really begun.

The examination upon the resumption of Parliament in September has been constantly deferred owing to Mr. Adoula's delays in coming before Parliament.

(ii) The Government of Katanga, in its reply of 3 September, suggested that it should be kept informed as the work proceeded and that it should be allowed to make known its observations during the actual conduct of the work, in order to facilitate the preparation of a more suitable draft and to save time in the subsequent discussion of the draft. Mr. Adoula has systematically refused this, just as he has refused to permit any contact between Katanga and the international experts. In view of this refusal, Katanga sent its first written observations on 24 September through the United Nations. The time-limit laid down by Mr. Adoula for the submission of these observations expired on 25 September. Two days later the international experts presented their draft to Mr. Adoula.

On 16 October Mr. Adoula placed a draft constitutional text before the Provincial Presidents meeting in Leopoldville but he did not "present" this draft to them for no discussion of it was opened.

This constitutional draft does not in any way meet the requirements of the Plan. It is federal only in name. In fact:

(a) Contrary to the Plan, it establishes, both in words and in conception, an organization by provinces and a provincial decentralization, and not an organization by states.

(b) Contrary to the Plan, it extends the competence of the federal power to a number of matters not attributed to the federal power in the Plan (numerous additions of exclusive competence and the creation of a concurrent competence with, however, priority for the federal power).

(c) Contrary to the Plan, it makes the maintenance of public order in the federated states dependent upon decisions of the federal government and creates insurmountable difficulties which may lead to permanent civil war.

(iii) It thus emerges from these various observations that both from the point of view of time-limits and from that of substance the Central Government is responsible for the failure to carry out the decision to endow the Congo with a federal constitution.

This decision is the very basis of the Plan. It was designed to restore peace to the Congo and permit the reconstruction of the country. Katanga received this decision with enthusiasm. Despite the non-execution of this decision by the Central Government, which is working against the Plan at the very time, when it is required to put its basic proposal into effect and to discuss it honestly with the Chambers, Katanga continues to welcome this decision enthusiastically and to call for the execution of the Plan with all its heart.

## 2. Revenues and foreign exchange

In the first place a draft financial law was to have been prepared, with the assistance of experts supplied by the United Nations, determining arrangements for the division of revenues and regulations and procedures for the utilization of foreign exchange. The Plan stipulated: "All state governments and interested political groups will be invited to submit their views on the laws to be proposed". On the pretext that a financial law is a piece of ordinary legislation the Central Government refuses to carry out this stipulation. This constitutes a new deviation from the Plan on the part of the Central Government, the more so as the Plan stipulates: "In the drafting of these laws, account will be taken of the views expressed by state governments and interested political groups, the economic and financial means and needs of the several states, and the division of powers, to be established by the federal constitution as set forth above which will particularly affect the future financial needs of each state and the Central Government".

The Plan continues: "The financial arrangements should so far as possible secure to the individual states the maximum of the revenues generated within their area and give the Central Government as well as the

state governments their own sources of taxation. With regard to the utilization of foreign exchange, the arrangements should take into account the essential needs of each state, in particular those connected with the operations of industries which generate foreign exchange earnings<sup>10</sup>.

Thus the Central Government has done nothing to put into effect these provisions of the Plan either in letter or in spirit.

In the second place, the execution of the temporary arrangements was studied by the commissions sent to Elisabethville on Monday, 17 October. The two commissions on revenues and foreign exchange, with the help of the ONUC experts, solved the majority of the problems arising in this connexion. And the conclusions of the commissions, signed by the two parties, are in the possession of the United Nations. When the experts consider the application of the Plan in order to determine precise methods, they are confronted by the realities. After studying the documents provided, and examining the facts, they realize that they must find ways of adjusting the measures to be taken to the existing situations and that they must bear in mind the effects these will have if more serious difficulties are to be avoided.

The members of the commissions and the experts came to see, from the technical point of view, the necessity of avoiding at all costs the destruction of Katanga's economy and finances without any benefit to the Congo, and the need to determine the rules for the division of revenues, not arbitrarily but on the basis of a technical examination of the facts and the economic realities.

Far from refusing to make any transfer, Katanga is resolved to give the federation all the revenues which the United Nations experts may show it is economically possible for it to give up, in order to make a lasting contribution to the recovery and the prosperity of the federation's economy.

With this end in view Katanga, without waiting for the conclusions of the experts, immediately took steps to contribute to the rehabilitation of the Congo's economy. As early as 11 October it inter alia:



(a) transferred to the Central Government a sum in foreign exchange equal to \$2 million;

(b) transferred to the Central Government the counterpart of this sum in Congolese francs against its share of tax revenue;

(c) reopened to rail traffic the bridge over the Lubilash with a view to bringing back into use the main federal trade route;

(d) reopened telecommunications with Leopoldville.

The first agreements reached in the commissions were signed on 12 and 15 October respectively. Unfortunately, on 17 October, Mr. Adoula unilaterally rejected the agreements concluded, and some days later Minister Ngalula, head of the Congolese delegation, announced that he had been recalled to Leopoldville by his Government but that he would return. Since that time Mr. Adoula has neither let him return nor has he replaced him, thus preventing any continuation of the joint consideration of measures for the application of the Plan. A Katangese delegate paid a visit to the Monetary Council in Leopoldville, as agreed, in order to help advance the measures of execution. He stayed there from 26 October to 6 November. An agreement on execution was reached with the ONUC experts in the Monetary Council but this agreement was once again rejected by Mr. Adoula.

### 3. Currency

At the present date the two experts from the International Monetary Fund are in Elisabethville where they are collecting all possible information on Katanga's economy for the purpose of drawing up a phased plan for currency unification.

Preliminary conversations have made it clear how much the financial problem depends on the political solutions to be provided by the federal constitution with respect to the organization of powers.

### 4. Military arrangements

(1) In a letter to the Officer-in-Charge of the United Nations Mission dated 14 October, Katanga gave its agreement to the taking of the usual oath of allegiance, as provided for in the Plan.

By agreement with the Officer-in-Charge of the United Nations Mission and following the arrest of Mr. Miruho and his government and of Mr. Gbenye, and in view of the insecurity prevailing in Leopoldville, the despatch of the officers was to follow directly after the amnesty which, according to the Plan, the Central Government was to decree "immediately".

At the present date the Central Government has taken no immediate amnesty measure.

(ii) The Military Commission met at Elisabethville under the chairmanship of Minister Ngalula, together with the ONUC experts. In fact it concluded that it was impossible to integrate one with another the troops fighting each other as a result of the ANC's offensive in the northern part of the territory of Katanga. General Mobutu announced this offensive as long ago as 21 August.

The Commission worked towards the conclusion of a cease-fire, which was signed in Elisabethville on 16 October by the two delegations and the United Nations.

The latter gave its guarantees for the cease-fire. Already on 17 October Mr. Adoula also denounced this agreement. The ANC continued and intensified its attacks in the north, particularly at Kongolo. Mr. Bomboko, for his part, multiplied his belligerent statements and called for aggressive measures and for weapons to lay Katanga low.

On 18 October Katanga designated its delegates to the tripartite observation groups which were to supervise the cease-fire. But the rejection of the cease-fire by Mr. Adoula has up to now prevented these groups from beginning their work.

Since then, through the recall of Minister Ngalula, the Government of Mr. Adoula has prevented the execution of the agreement and hindered the continuation of the joint examination of other measures for the execution of the Plan.

#### 5. Foreign Affairs

The Plan stipulates: "Since the conduct of foreign affairs is reserved to the Central Government there will be no need for any state authority to maintain abroad etc."

The Plan thus clearly establishes a link between the application of the federal constitution and the elimination of any authority which the states might have in the sphere of foreign affairs.

Actually, since Katanga has not been recognized as a State abroad it has no foreign affairs. Nor has it ever had any "representation" abroad.

#### 6. Amnesty

The Plan stipulated that: "The Central Government will immediately decree, and if necessary present and support in Parliament legislation declaring a general amnesty".

Despite the fact that this measure was to have been taken "immediately", the Central Government has done nothing. It is, however, a measure which, more than any other, is simple and springs spontaneously from the hearts of all those who truly want to bring about a national reconciliation.

In view of this failure and in order to hasten the execution of the Plan Katanga wrote to the United Nations Secretary-General on 13 October to suggest to him a draft amnesty text.

It appears, however, that the most the Central Government will allow is an amnesty of limited effect, applicable only to the Katangese leaders. It refuses, as the Plan requires, to ensure a genuine general reconciliation through an amnesty applicable to all without distinction.

#### 7. Co-operation with the United Nations

Katanga is doing all in its power to co-operate fully with the United Nations.

It regrets that the report on the mercenaries was based on false information, as was shown in a report transmitted on 8 November last.

At the same time, Katanga appreciated the recent visit to Kolwezi, on 31 October and 1 November, of Mr. Mathu, the representative of the United Nations at Elisabethville.

8. Reconstitution of the Central Government

The Plan provides that "The Central Government will be reconstituted so as to provide equitable representation for all political and provincial groups." Once more, the failure of the Central Government is complete.

Everything that happens seems to show that the Central Government wishes to frustrate the Plan of National Reconciliation.

But Katanga is resolved to secure, and for its part to continue, the honest application of the Plan, whatever difficulties of adjustment a theoretical conception may encounter at the practical level.

These difficulties Katanga wishes to overcome in the spirit of national reconciliation which is its own.

16 November 1962

Press Communique dated 12 November 1962  
issued by Mr. Moïse Tshombe at Elisabethville

The Office of the President of the State announces:

The United Nations Organization, whose primary objectives are to make peace reign in the world, has always felt it necessary to justify the warlike operations it has conducted against Katanga as a matter of legitimate self-defence.

For some days now this machinery of psychological preparation has again been at work.

First of all, a report was put out which endeavoured to establish that Katanga is still constantly engaging mercenaries. This is the first and the most frequent of the United Nations' arguments.

In the second place, as Mr. Adoula has rejected all those provisions of the U Thant Plan which concern him, the United Nations has attempted, in a new report, to throw the responsibility for the difficulties in the application of the plan onto Katanga. It was necessary at any price to conceal the failings of the Leopoldville Government and to minimize the very important and very concrete measures taken by the Government of Katanga.

A few days ago the Headquarters of the United Nations Force in the Congo declared that wagons belonging to them had been held up at Sakania. Today we have this new element to complete the programme of psychological preparation. They are alleging that Katangese aircraft have bombed a hospital at Malemba, in the region of Manono, as well as various points in the northern part of Katanga. The object of this is to show that the Katangese are warmongers and that it is the duty of the United Nations to bring peace to these areas by attacking the take-off bases of the Katangese aircraft. They deliberately omit to say that 15 battalions of the ANC have been invading the northern part of the territory since August, that a cease-fire was signed on 16 October but that Mr. Adoula rejected this cease-fire on 17 October and that he gave orders to the ANC to continue its attacks on Kongolo.

It is categorically denied that such bombings took place. The Government of Katanga regrets that the tri-partite commissions, the establishment of which was provided for in the military agreement of 16 October signed by the United Nations, the Government of Leopoldville and that of Katanga, have not yet begun their work. Why does the United Nations, despite the fact that it signed this document, refuse to set up these control commissions which could have gone to the area and verified the truth of the Katangese denials? Quite simply because it wishes to be able to accuse without any body whatever being in a position to check these accusations.

The United Nations denies that it has given assistance in the transporting of ANC troops, that its helicopters were placed at the disposal of the ANC. What would happen if an official commission were to confirm this in one of its reports? The United Nations also knows that the ANC bombed Sola in the Kongolo region and in particular the mission, and that the people of north Katanga have had enough of the Leopoldville troops, so much so that the latter are bombarding the villages with mortar fire in order to assert their power.

This is why some persons do not wish the control commissions to function. Katanga reaffirms that it desires the honest application of the U Thant Plan. In the military sphere it has agreed to the cessation of troop movements and to the putting into operation of control commissions.

All this can be found in the Agreement of 16 October which neither the United Nations nor the Leopoldville Government wants to apply, and the work of the Commission has been interrupted despite Katanga and against its wishes by the unilateral desire of Leopoldville and by the recall and disavowal of the Minister who was presiding over the Commission.

Katanga has already transferred part of its foreign currency and part of its revenues. But no one wishes to take any account of this. What, however, has Leopoldville done towards the application of the U Thant Plan? The draft constitution which has been put forward is more centralizing in character than the former Fundamental Law. Leopoldville refuses to lay on the Chamber tables a draft amnesty law. Leopoldville has done nothing towards applying the Plan. On the contrary, by refusing to ratify the Elisabethville agreements, it is refusing to apply it.

So then despite Katanga's desire for an understanding, the United Nations considers that there is only one solution remaining: to look for pretexts which will allow it to justify its use of force. Katanga has seen through this manoeuvre. It persists unswervingly in its desire for national reconciliation and the honest execution of the Plan, but it is ready.

CONFIDENTIAL

Translated from French

Letter addressed by the Officer-in-charge of ONUC to  
Mr. Moïse Tshombe on 16 November 1962

I have the honour to acknowledge receipt of letter No. SR/1486/WV  
of 12 November<sup>1/</sup> which you kindly sent in reply to mine of 2 November 1962.

This letter compels me to make the following comments with regard to your remarks and to the questions of substance you raise. Instead of considering the requirements of the Plan and setting forth your ideas as to the measures which might be taken for the purpose of applying its provisions, it seems to me that you have endeavoured to prove that it has not been possible to apply the Plan up to now and that it might remain inapplicable in the future owing to the attitude of the Central Government.

Such reasoning can hardly be considered constructive. You will recall that during our conversations I indicated a number of times that adjustments which might possibly be made in the application of the Plan would be examined with all the necessary attention.

This attitude was based on the assumption that acceptance of the Plan entailed recognition of the principles of national unity which had guided the Secretary-General in preparing his Plan.

I cannot agree with you when you say that a plan worked out in offices, far from the scene of action, might provide perfect theoretical outlines for solutions but would remain inoperative without the practical adjustments necessary to overcome the difficulties of application.

The United Nations experts do not share this view which, I note, is not supported by the records of the Commissions' meetings.

As you yourself have observed to me, the main divergence of views which arose from the start between the Central Government and Katanga consisted in the fact that the representatives of the Central Government considered that their task was to apply the plan whereas the Katangese delegation maintained that the plan constituted a basis for discussion.

<sup>1/</sup> Distributed to Members of the Advisory Committee on the Congo on 16 November 1962.



During our talks I was under the impression that these divergencies of views had been considerably reduced and that specific measures would be taken to apply the provisions of the Plan.

I regret to have to note that your letter has not confirmed this hope.

If the object of your reply is to prove Katanga's desire to put the U Thant Plan into effect, I am very much afraid that your reply will mislead and disappoint not only the Secretary-General but all those who have up to now counted upon you to play a constructive part in the solution of the Congo's problems.

Turning now to the annex to your letter, I note, with regard to the constitutional arrangements, that you complain of not having been permitted to make known your observations to the constitutional experts. This is untrue since, in the experts' report, it is expressly stated that account was taken of your observations.

I do not think that there is any point in my taking up your detailed suggestions concerning the nature of the Constitution because the discussions which will take place both in Parliament and in the Provincial Assemblies will give ample opportunity for the submission of amendments to the draft constitution tabled.

With regard to revenues and foreign exchange, their immediate division has not been achieved, but there is a difference between the impossibility of meeting an acknowledged obligation and the lack of sufficient good faith to take account of it.

You will recall that at the time when Katanga announced that it was placing at the disposal of the Central Government a sum of \$2 million, I suggested that this amount might be considered as an advance against the contributions due from Katanga under the Plan and subsequently in accordance with the national financial law. Neither your earlier observations nor your present letter have taken account of this suggestion.

Some of the measures on which an agreement has been reached and which are still under study relate to provisions of the Plan but can certainly not be substituted for essential aspects of the Plan.

You are perfectly well aware that, despite the fact that Prime Minister Adoula has not accepted the cease-fire agreement, which in any case was not provided for in the Plan, both Katanga and the Congo have accepted the appeal made by the Secretary-General for the halting of troop movements.

During my last visit I told you that the only divergence remaining concerned the desire of the Central Government that the tripartite groups of observers should proceed upon their investigations in North and South Katanga.

The representatives of the Central Government in these groups are still in Leopoldville and ONUC has in no way abandoned hope that these groups will soon be able to start working.

As for other aspects of the military arrangements, there has been practically no progress because while on the one hand the Katangese delegation insists upon the promulgation and application of an amnesty law before the senior officers of the gendarmerie take the usual oath of allegiance, the Central Government for its part refuses to acknowledge any link between the taking of the oath of allegiance and the proclamation of an amnesty law. It should, however, be pointed out that the Central Government has given formal assurances regarding the safety of the Katangese officers during their stay in Leopoldville.

Furthermore, your claim that Katanga "has no foreign affairs" bears no relation to the truth since your colleague in the Government, Mr. Evariste Kimba, has the title of "Minister of Foreign Affairs", which you never fail to mention in public. I also note that your "representatives" abroad, and in particular Mr. Michel Struelens, are still continuing their activities despite the provisions of the Plan.

Lastly, with regard to co-operation with the United Nations, I should like to remind you that the ONUC forces do not enjoy the freedom of movement which, under ONUC's terms of reference, they should demand throughout the territory of the Congo, including Katanga. Moreover, the goods and property intended for the United Nations are still being held at Sakania in violation of the agreements on the privileges and immunities of the Organization which have been recognized by all States Members of the United Nations, and despite the formal promises you have given at various times.

How, further, are we to reconcile your claims that you want faithfully to apply the Plan of National Reconciliation with your press communique of 12 November<sup>1/</sup> in which you accuse ONUC of trying to justify the warlike operations it has conducted against Katanga as legitimate self-defence? Do I need to remind you that the United Nations is not conducting and never has conducted operations of war against Katanga? In truth, the only warlike operations in Katanga have been the constantly renewed attacks directed by mercenaries against the personnel and troops of ONUC. I have, moreover, very recently noted an intensification of these operations. Furthermore, with regard to the activities of mercenaries, we now possess confirmed information as to the presence of a considerable number of mercenaries and as to the fact that the Katangese authorities have never really tried to get rid of the mercenaries in their service. Lastly, the recent bombings carried out by Katangese aircraft in North Katanga - bombings which have been confirmed not only by ONUC's investigation but also by the statements of your own "representative" in the United States, Mr. Struelens - also constitute a denial of your assertion that there are no longer any mercenaries in Katanga, for everyone knows that the Katangese planes are piloted exclusively by mercenaries.

The points I have made in this letter are in no way designed to minimize your efforts, but I should like once again to stress what the ONUC representative at Elisabethville and I myself have told you, namely, that the only way to convince the Secretary-General and the world at large of the fact that Katanga has decided to give up its secession is to fulfill the following conditions:

- 1) Sending the senior officers to Leopoldville without delay to take the oath of allegiance there, it being understood that ONUC is prepared, if necessary, to guarantee their safety. As you know, ONUC is ready at any time to provide transport to Leopoldville for these officers.
- 2) The announcement of immediate measures for the application of the provisions of the Plan dealing with revenues, finances and foreign exchange.

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<sup>1/</sup> Distributed to members of the Advisory Committee on the Congo on 16 November 1962.

- 3) The authorization of the customs and immigration officers of the Central Government to discharge their functions in Katanga as in the rest of the Congo.
- 4) The granting of absolute freedom of movement for all ONUC personnel in Katanga, including Jadotville, Kipushi and Kolwezi.
- 5) Co-operation with ONUC in securing the removal of all mercenaries from the gendarmerie.

I shall perhaps have occasion later to refer in greater detail to the contents of your letter. I beg you, Sir, to accept the assurances of my highest consideration.

(signed) Robert GARDINER

22 November 1962

TO MEMBERS OF THE ADVISORY COMMITTEE ON THE CONGO

Enclosed is another document for your consideration prior to the next meeting of the Committee. The document should be considered as confidential until the release of the next report of the Officer-in-Charge of ONUC to the Security Council (S/5053/Aid.13), probably early next week.

*The Secretary General*

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27 November 1962

TO THE MEMBERS OF THE ADVISORY COMMITTEE ON THE CONGO

Enclosed is another document for your consideration prior to the next meeting of the Committee. The document should be considered as confidential until the release of the forthcoming report of the Officer-in-Charge of ONUC to the Security Council (S/5053/Add.13), probably in the course of this week.

Translated from French

Letters addressed in 1962 by Prime Minister Cyrille Adoula to Mr. Moise Tshombe concerning the participation of Conakat in the Central Government and Mr. Tshombe's latest reply

1. Letter dated 19 June from Mr. Adoula

At the request of Parliament and in order to give the Central Government greater effectiveness in dealing with the serious problems confronting the Republic, I have decided to undertake a complete recasting of the ministerial team before 1 July 1962.

The importance and gravity of the decisions to be taken for the country's recovery lead me to think that only a government of broad union and national reconciliation, with the participation of all the vital forces in the country, is capable of ensuring the success of the task undertaken.

I would therefore ask you kindly to communicate to me the names of three candidates from whom I can choose one or more representatives of Conakat to the Central Government.

Cyrille Adoula.

2. Letter dated 22 June from Mr. Adoula

I have the honour to acknowledge receipt of your letter No. 10/258/VDK of 20 June 1962.

It is not possible for me at the present time to give you the details you ask for regarding the number and the nature of the ministerial portfolios which might be made available to Conakat in the future government.

I can, however, tell you here and now that Conakat might have at least one representative in the future Cabinet and that it is probable that this representative will have an important office in the economic and financial sector.

Founded on national union, the present government, in the proposed reorganization, will include members of all the political or regional groups represented in the national assemblies. In view of the number of parties which exist, it is probable that the future Cabinet will be able to include at the most only two representatives for each political group.

I shall, of course, give you further details in, I hope, the very near future.

Cyrille Adoula.



3. Letter dated 13 November from Mr. Adoula

I have the honour to refer to my letters Nos. 2983/62 and 3148/62 of 19 and 22 June respectively, concerning the participation of the Conakat Party in the Central Government.

I wish to confirm that the offer which was made to you is still valid, and I should be happy to know your decision as soon as possible.

Cyrille Adoula.

4. Letter dated 17 November from Mr. Tshombe

I have the honour to acknowledge receipt of your letter No. 4869/62 of 13 November, which reached me on 15 November and in which you confirm your letters of 19 and 22 June 1962 concerning the participation of the Conakat Party in the Central Government.

The United Nations Plan received later provides that the Central Government will be reconstituted so as to provide equitable representation for all political and provincial groups. Prime Minister Adoula will restate his offer to fill \_\_\_\_\_ ministries with members of the Conakat Party; in addition he will announce that these will be the Ministries of \_\_\_\_\_.

With a view to examining your offer, I should be grateful if you would kindly tell me: (1) how many posts are offered to Conakat; (2) in what departments they will be; (3) how the Government will be reconstituted so as to provide equitable representation for all political and provincial groups.

Moïse Tshombe.

12 December 1962

TO THE MEMBERS OF THE ADVISORY COMMITTEE ON THE CONGO

Enclosed are two further documents for your consideration prior to the next meeting of the Committee, which, as you have been notified, will be held on Thursday, 13 December 1962, at 4 p.m.

12 December 1962

TO THE MEMBERS OF THE ADVISORY COMMITTEE ON THE CONGO

Enclosed are two further documents for your consideration prior to the next meeting of the Committee, which, as you have been notified, will be held on Thursday, 13 December 1962, at 4 p.m.

13 December 1962

LETTER DATED 8 DECEMBER 1962 FROM THE OFFICER-IN-CHARGE OF ONUC  
TO MR. MOISE TSHOMBE (ON THE DESTRUCTION OF THE KONGOLO BRIDGE)

Reports by ONUC indicate that the road and railway bridge over the Lualaba River at Kongolo has been destroyed by units of the gendarmerie directed by mercenaries under your authority. This is an unspeakable act of vandalism, committed without any valid motive.

Indeed, this is not the first time that the gendarmerie has given way to senseless destruction; you will naturally remember the destruction by mercenaries last year of the bridge over the Lubilash. According to independent sources, the latest act of vandalism was manifestly and deliberately intended to lay waste the infrastructure of the country. In fact, if the mercenaries had simply wished to cover their retreat from Kongolo, they would have been content to burn the short wooden section which had served to repair damage caused to the bridge previously. Moreover, the nature of the destruction indicates that the explosive charges must have been placed by trained military engineers. In other words, the Congo has had to suffer anew from the activities of mercenaries, whose services you continue to hire to support the purposes of your secessionist policy. According to preliminary estimates, it will require six months and 50 million Belgian francs to repair the bridge temporarily, while its permanent restoration will need a year's work. The United Nations cannot remain passive while the economy of the country is attacked in the execution of a secessionist policy of civil war. I must warn you that whatever may be your attitude to the resolutions of the United Nations, ONUC will be bound by them and will carry them out, at Kongolo and elsewhere. Consequently I have dispatched an ONUC military detachment to Kongolo in order to maintain public order and to prevent civil war and fratricidal combat provoked by irresponsible elements.

13 December 1962

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(72nd Meeting)  
13 December 1962

Letter dated 10 December 1962 from  
the Officer-in-Charge of ONUC to Mr. Moïse Tshombe  
(on the implementation of the Plan)

The Secretary-General has asked me to inform you of certain of his views about the situation created by the failure to achieve implementation of the Plan.

There is deep and widespread disappointment at the United Nations over the lack of any serious step on the part of Katanga toward implementation of the Plan, despite your formal acceptance of it. It is widely believed, and the record sustains this belief, that the Plan has been defeated thus far primarily because you, despite your protestations to the contrary on several occasions, have not given up your secessionist ambitions and efforts.

In this latter regard, I must point out to you once again that the United Nations rejects flatly any notion of Katangese secession or separation and stands firmly behind the territorial integrity of the Congo. Indeed, the United Nations takes note that no state in the world has accorded recognition of statehood for a separate Katanga, although you have sought such status since mid-July 1960.

In the absence of the required implementing steps pointed out in my letters to you of 2 and 16 November 1962, I am to inform you that it is now the intention of the Secretary-General to seek national reconciliation through the courses of action set forth in Phases I through IV of the Plan and by such other steps as may prove necessary.

The Secretary-General wishes you to know that in the period immediately ahead, therefore, States will be called upon by him for actions of various kinds, designed to impress upon you and your colleagues the advisability of abandoning your policy of secession and civil war.

While calling upon States to support the action phases of the Plan, it also will be the intention to have the United Nations Operation in the Congo pursue with increasing vigor the objectives of United Nations resolutions in the Congo. In this regard, your attention is called particularly to Section 7 of the Plan, titled "Cooperation with the United Nations," calling for your cooperation in the application and execution of United Nations resolutions. You will also note that in paragraph C of Phase I it is stressed that the United Nations Force in the Congo has the right of free movement throughout the territory of the Congo. Not only have you endorsed this in accepting the Plan, but you have also approved it in talks on separate occasions with Mr. Linner and myself. The United Nations Operation in the Congo, therefore, may be expected to intensify its efforts to eliminate all active mercenaries from Katanga, to prevent or put a halt to civil war, and to assist in maintaining law and order. The recent outrageous seizure of the Italian Consul at Elizabethville underlines the latter need. In pursuance of these ends the United Nations Operation finds it necessary to insist on the exercise by its personnel of complete freedom of movement throughout Katanga.

In the foregoing context, I may make specific mention of a few matters which are regarded by the United Nations as of immediate urgency. The bombing activities in North Katanga engaged in by Katangese aircraft piloted by mercenaries must be brought to an end. Similarly, there must be an end to the wanton destruction of bridges and other communications in North Katanga by Katangese Gendarmerie, as in the cases of the Lubilash and Kongolo Bridges, and which I have protested against in my letter to you of 8 December. Further, the blockade which you have maintained against the movement of United Nations supplies from Sakania and Dilolo, but which continues despite your promises to lift it, must be ended. Likewise, the four Tunisian soldiers whom you continue to hold over our protests must be released without delay. Again we must demand the prompt removal of all Katangese roadblocks in the Elizabethville area, since they can only be regarded as having hostile intentions against United Nations personnel and serve no purpose other than to heighten tension and increase the danger of incidents and of fighting.



I must also draw your attention most forcefully to the intolerable attempts made recently to intimidate the representatives in Elizabethville of States Members of the United Nations who are cooperating loyally with ONUC and to incitements to demonstrate against them. Such practices must cease at once.

The Secretary-General wishes me to assure you that you are quite wrong in your occasional statements that the United Nations is "at war" with Katanga. The United Nations Force is a peace force. It is not at war with anyone. It operates in Katanga strictly within the mandates defined for it by United Nations resolutions.

These resolutions were not adopted lightly by the General Assembly and Security Council but because of the full awareness of the Members of the importance of a solution to the Congolese problem not only for the Congo itself but also for world peace and security. I appeal to you to recognize this broader significance of the problem.

The United Nations does not intervene in your internal affairs. It will not initiate any offensive military action. It is a strong force, however, and is well armed. Its arms are for defensive purposes only. But it will use those arms vigorously whenever and wherever it may be attacked, and in such situations it will henceforth take the protective measures deemed necessary to avoid a recurrence of the attack.

I trust that you will permit me to presume upon our association by urging upon you the course of implementing the Plan without further delay. Such a course would, I am certain, be in the best interests of Katanga as well as of the Congo as a whole.

Robert GARDINER

(72nd meeting)  
13 December 1962

Documents distributed at the 72nd meeting

1. Letter dated 11 December from the ONUC representative at Elisabethville addressed to Mr. Tshombe concerning the Italian Consul.
2. Letter dated 11 December 1962 from the Secretary-General to Belgium.
3. Letter dated 11 December 1962 from the Secretary-General to Portugal and South Africa.
4. Letter dated 12 December 1962 from the Secretary-General to the United Kingdom.
5. Letter dated 11 December 1962 from Mr. Adoula to the Secretary-General.
6. Draft of identical letters which the Secretary-General intends to address to interested Governments pursuant to Mr. Adoula's request.
7. Letter dated 12 December 1962 from Mr. Tshombe to the Secretary-General concerning the foreign exchange deriving from Katangese exports.

(72nd meeting)  
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Translated From French

(72nd meeting)

13 December 1962

Letter dated 11 December 1962 from the ONU representative  
at Elisabethville to Mr. Moise Tshombe(Concerning the abduction of the Italian Consul)

I have the honour to refer to our recent interviews concerning the brutal abduction of the Italian Consul in Elisabethville by the Katangian authorities.

During the morning of Thursday, 6 December, I expressed to you my indignation at the scandalous "expulsion" so abruptly ordered by your Ministers Kibwe and Lumengo, and stated that they had been ill advised by persons who could not be considered sincere friends of Katanga; you said that the incident had unfortunately occurred in your absence and that you would send me the findings of the scrupulous inquiry which you proposed to conduct. In reply to the doubts I expressed, you told me that the Consul was actually at N'dola, whereas in fact he only arrived there towards the end of the afternoon of 7 December.

When you telephoned me that evening around midnight, I took the opportunity of protesting again at the offensive treatment inflicted on the Italian Consul in defiance of all law. You promised to telephone me at 8.30 the following morning, adding that the Consul's wife was to visit you at 8 a.m. and the Italian Ambassador at 9 a.m. on 8 December. I did not, however, receive the promised telephone call.

During the inauguration ceremony for the Annex of Elisabethville University, you told me that as a result of your talks with the Italian Ambassador and the Italian Consul's wife, you had agreed to allow them to go and see the Consul at N'dola, to reassure themselves that he was unharmed. I repeated to you that I regarded this abduction as unworthy of a political institution that claimed to be mature, and I exhorted you to give serious thought to repairing the wrong done on 6 December to the Italian Consul, who was abducted by your police and gendarmes in utter defiance of diplomatic usage.

/...

As one African to another, I wish to say to you in all frankness that the manner in which the Italian Consul was forcibly removed from Elisabethville to N'dola, in Northern Rhodesia, cannot but arouse international public opinion against the provincial authorities of Katanga, which have flouted the universal principle of international law that consular agents are entitled to special protection and to the respect due to representatives of Foreign States. In obedience to this principle, your authorities should have prevented any invasion of the liberty and dignity of the Consul, and ensured the inviolability of his person.

It was in the course of his approaches to the Finance Minister, Mr. Kibwe, who was replacing you in your absence, to explain the Italian Government's attitude in the matter of the fighter aircraft made available to the United Nations, that the Italian Consul was handed over to the police and informed that he was to be expelled from Elisabethville. His request for twenty-four hours' notice was brusquely refused, as was his request for a glass of water and for permission to telephone his wife. He was then taken at once under an escort of five soldiers to Mokambo, where he spent the night of 6 December in most painful conditions. On the evening of 7 December he was taken to N'dola, where he arrived in a state of great distress.

The Italian Consul was appointed to Elisabethville because the Italian Government recognizes the Central Government of the Congo. Under the Thant plan, which you officially profess to accept, the Congo's foreign affairs are exclusively within the competence of the Central Government. If you were sincerely applying the provisions of the national reconciliation plan, your authorities would not have dared to inflict on the Italian Consul an expulsion which was as arbitrary as it was illegal, and which only confirms me in my impression that despite your public statements the Katangan authorities have no intention of acting according to their professed intentions.

Your provincial authorities have given as the reason for the abduction of the Italian Consul the fact that the Italian Government has supplied the United Nations with fighter aircraft. This reasoning, in my opinion, is entirely unfounded. The Italian Government is a loyal member of the United Nations and has every right to contribute to any of its undertakings. So far as concerns the

United Nations operation in the Congo, all States Members are bound to accept the terms of the resolutions of the General Assembly and the Security Council relating to the Mandate of the United Nations in the Congo. It was therefore entirely legitimate for the Italian Government to offer its contribution to the maintenance of the Congo's sovereignty and territorial integrity through the peaceful reincorporation of secessionist Katanga.

All the sovereign States of Africa, including the Republic of the Congo, are Members of the United Nations. They are all in favour of the United Nations operation in the Congo, in the interest of the Congolese people themselves and with a view to the maintenance of international peace. Your subordinates are inexorably forcing you, by their actions, into the role of enemy of the United Nations and consequently of the African States Members of the United Nations.

I find it hard to believe that a free African patriot can accept such a role. Since your secessionist policy is not accepted by any of the non-African Members of the United Nations, and is by definition opposed to the policy of African solidarity which has been espoused by all African States, I have great difficulty in seeing where your isolationism will lead you. I urge you to ask your advisers how they envisage the political destiny of Katanga as an entity separate from the Congo. I am convinced that you will then understand that their policy can only lead Katanga to ruin, and will be eager to accept the help offered you by the international community in order to adopt a constructive attitude bringing peace and prosperity both to Katanga and the Congo as a whole.

If you will let yourself be persuaded by this much wiser advice, it is still open to you to use all your influence to urge your provincial authorities to collaborate fully with the United Nations, in order to put an end to the secession of Katanga and to unite the Congo within a federal framework.

Elind Mathu.

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(72nd meeting)  
13 December 1962

Letter dated 12 December 1962 from the Secretary-General  
to the Secretary for Foreign Affairs of the United Kingdom

I have the honour to make to your Government, as one of the original supporters of the Plan of national reconciliation, a most solemn and urgent appeal for assistance in bringing to a peaceful end the problem of the relations between the Government of the Republic of the Congo (Leopoldville) - the Central Government - and the provincial government of Katanga headed by Mr. Moïse Tshombe.

The crux of this problem rests in the continuing payment by the Union Minière du Haut-Katanga of revenues and taxes in substantial amounts (estimated at more than \$30,000,000 per year) to the authorities of Katanga province rather than to the Central Government, which asserts its legal claim to these monies. The Union Minière, on its part, avers that it has no choice but to pay revenues on its operations to the "authorities which exercise effective power in Katanga", where its installations are located. The Union Minière, as you know, is a private commercial firm and has not been responsive to the appeals that have been made to it to change its policy and make the proper payments to the Central Government.

Yesterday, I appealed to the Government of Belgium to exert every possible influence on the Union Minière to cause it to desist forthwith from paying ~~revenues~~ to Katanga province. Until such time as an agreement has been reached on the matter between the Central Government and the authorities of Katanga province, I have also proposed that a provisional settlement shall be implemented immediately. I am sure that you will appreciate the significance of this proposal.

I now appeal directly to you because it is possible for your Government to take measures which could have a possibly decisive bearing on this question. I refer to the fact that a substantial amount of the copper production of Katanga is shipped out via the route Kolwezi-Jadotville-Elisabethville-Sakania-Lusaka. My appeal to you, therefore, is to request that you and your Government take the necessary measures to prohibit the shipment of Katangese copper ore through the territory of the Federation of Rhodesia and Nyasaland until such time as the questions of payment of Union Minière revenues to the Central Government and their division with Katanga are settled.

I owe you, no doubt, a rather full explanation as to why I make this approach at this time. I do so, first of all, because I believe firmly that if your Government, together with some other governments similarly in position to act effectively, were to cooperate with the United Nations in the way indicated, the crisis over Katanga would be quickly ended. It is a logical step to take, for I am certain that it would enjoy the support of an overwhelming majority of the Member States of the United Nations should I ask for a resolution along these lines, which, however, it is not my present intention to do. Moreover, it would seem to me that this sort of action might be expected of one state from an adjacent friendly state.

In this regard, I must point out that in my view no question of "sanctions" is involved here. Despite Mr. Tshombe's ambitions and declamations, Katanga is just a province and not a state. In over two years of striving, Mr. Tshombe has won recognition for his attempted secession from no state, and there is no apparent prospect that this situation will change. Mr. Tshombe's declarations have not achieved independence or statehood for Katanga. Indeed, even Mr. Tshombe, on several occasions, as in the declaration he signed at Kitona last December, and in his formal acceptance of my Plan, has renounced secession by accepting, in principle, integration in the Congo as a whole. What I ask you, therefore, is only to respect the laws of the Republic of the Congo, which forbid the export of mineral ores on which the legal duties and taxes have not been paid, and the spirit of the resolutions of the Security Council.

Most important of all, I ask you to take this step because it will do the most that can be done to end the possibility of further fighting and consequent loss of life in Katanga.

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Under the Plan, in the event of failure to get agreement on reconciliation, a number of measures are envisaged if pressure must be applied. Your Government's formal reservations with regard to the measures set forth in the Courses of Action of the Plan are, of course, kept in mind. Nevertheless, I would point out that the situation now is quite different from that prevailing at the time the reservations were made. It is my intention, if it is finally necessary, to apply these and other non-military forms of pressure to induce Mr. Tshombe to implement his acceptance of the Plan and thus in fact to abandon his secessionist aims. I realize, of course, that one or another of these

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I trust most earnestly that I may count upon your serious consideration of my request and a favourable response.

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A  
(72nd meeting)  
13 December 1962

Letter dated 11 December 1962 from the Secretary-General  
to the Foreign Minister of Belgium

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The crux of this problem rests in the continuing payment by the Union Minière du Haut-Katanga of revenues and taxes in substantial amounts (estimated at more than \$30,000,000 per year) to the authorities of Katanga province rather than to the Central Government, which asserts its legal claim to these monies. The Union Minière, on its part, avers that it has no choice but to pay revenues on its operations to the "authorities which exercise effective power in Katanga", where its installations are located. The Union Minière, as you know, is a private commercial firm and has not been responsive to the appeals that have been made to it to change its policy and make the proper payments to the Central Government.

I now appeal directly to you because it is possible for your Government to take measures which could have a possibly decisive bearing on this question. I refer to the fact that the Union Minière is a Belgian corporation with its headquarters in Brussels. My appeal, therefore, is to request that you and your Government exert every possible influence on the Union Minière to cause it to desist forthwith from paying revenues to Katanga province. Until such time as the questions of payment of Union Minière revenues to the Central Government and their division with Katanga are settled, a provisional settlement should be made and implemented immediately.

I owe you, no doubt, a rather full explanation as to why I make this approach at this time. I do so, first of all, because I believe firmly that if your Government were to co-operate with the United Nations in the way indicated, the crisis over Katanga would be quickly ended. It is a logical

step to take, for I am certain that it would enjoy the support of an overwhelming majority of the Member States of the United Nations should I ask for a resolution along these lines, which, however, it is not my present intention to do. Moreover, it would seem to me that this sort of action might be expected of one state from another friendly state.

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I now appeal directly to you because it is possible for your Government to take measures which could have a possibly decisive bearing on this question. /Portugal: I refer to the fact that a substantial amount of the copper production of Katanga is shipped out via the route Elisabethville-Jadotville-Kolwezi-Dilolo-Benguela (Angola) or from Elisabethville-Sakania-Lusaka to Beira (Mozambique). My appeal to you, therefore, is to request that you and your Government take the necessary measures to prohibit the shipment of Katangese copper ore through Angola or Mozambique until such time as the questions of payment of Union Minière revenues to the Central Government and their division with Katanga are settled.] /South Africa: I refer to the fact that an amount of the copper production of Katanga is shipped out via the route Kolwezi-Jadotville-Elisabethville-Sakania-Lusaka and thence to the Republic of South Africa. My appeal to you, therefore, is to request that you and your Government take the necessary measures to prohibit the shipment of Katangese copper ore into the territory of the

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I would wish to avoid any development involving fighting if at all possible. I strongly believe that the action I am asking your Government and other governments to take would go far towards eliminating this risk. This, manifestly, is of highest significance to the United Nations, to the peace of Africa, to the Congo and Katanga, and to your Government and all other governments in or directly connected with the continent of Africa. It is my intention, in due course, to circulate this letter to the Security Council.

I trust most earnestly that I may count upon your serious consideration of my request and a favourable response.

(Signed) U Thant

C

(72nd meeting)

13 December 1962

Letter dated 11 December 1962 from Prime Minister Cyrille Adoula to the Secretary-General

With reference to Phase III of your Plan of national reconciliation, I have the honour to transmit to you herewith, for your information and such supporting action as you may find it appropriate to take, a copy of identical letters which I have addressed to the Governments of Belgium, Italy, France, West Germany, the United Kingdom, the United States of America, the Union of South Africa, the Netherlands, Sweden, Portugal, Union of India, Austria, Southern Rhodesia, Denmark, Switzerland, Japan, Brazil.

(Signed) Cyrille ADOULA.

ANNEX

Text of identical letters from Prime Minister Cyrille Adoula to interested Governments

The Plan of national reconciliation of the United Nations provides, in its Phase III, that if the authorities of Katanga should fail to implement the Plan within the stated period of time, the Government of the Congo is to request all interested Governments to refuse to permit the importation into their territory of copper and cobalt exports from Katanga which are not authorized by the Central Government at Leopoldville. My Government considers that the period of time referred to above has long lapsed and that it is now time to pass on to the implementation of the provisions of Phase III of the Plan.

Consequently, my Government has decided to place an immediate embargo on all copper and cobalt exports from the province of South Katanga until such time as the secessionist activities of that province can be considered as ended and its integration in the Congo state is assured. In pursuance of the law of my country, I have the honour to request that your Government take all measures available to it to assist in the implementation of this decision, in accordance with the provisions of the Plan of national reconciliation.

Cyrille ADOULA.

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13 December 1962

Draft of letter which the Secretary-General  
intends to address to the interested Governments  
in pursuance of Prime Minister Adoula's request

I have been informed by Prime Minister Cyrille Adoula that the Government of the Republic of the Congo has decided to place an embargo on all exports of copper and cobalt from the province of South Katanga until such time as the secessionist activities of that province can be considered as ended and that it has requested your Government to take all available measures to assist in the implementation of this decision.

I consider the request of the Congo Government as fully in accord with the provisions of Phase III of the Plan of national reconciliation and fully support it. It follows that I urge your Government to take the necessary action in response to Mr. Adoula's appeal.

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(72nd meeting)

13 December 1962

Letter dated 12 December 1962 from M. Moïse Tshombe to  
the Secretary-General  
(Concerning the foreign exchange deriving from Katanga exports)

I have the honour to send you herewith the offer we are making to you in conformity with the United Nations Plan of National Reconciliation.

Moïse TSHOMBE.

TEXT OF THE OFFER  
(dated 13 December 1962)

"Katanga, conscious of African solidarity and of the fact that if peace is threatened at one point in Africa the entire continent is affected, has decided to go still further forward in the application of the U Thant Plan, even though the other parties concerned have not fulfilled, their obligations in the manner expected of them.

The Government of Katanga proposes, without awaiting the outcome of the work of the committees set up to prepare the formula for a settlement, to advise the Union Minière du Haut-Katanga that it is authorized henceforward to transfer to the Monetary Council or to any other international institution which may be designated and accepted by the parties concerned, the total amount of the foreign exchange deriving from its exports of its products.

The Monetary Council or the international institution designated under the guarantee of the United Nations and that of the United Kingdom, the United States of America and Belgium, will make over to Katanga for the running of its economy, after deduction of the sum required to cover the needs of the Union Minière du Haut-Katanga, but the sum transferred may not be less than 250 million Belgian francs a month.

This minimum will be augmented by the sums which may be necessary for the purchase abroad of the products traditionally supplied by the other regions of the Congo.

With a view to the restoration of confidence in the Congo and to the removal once for all of the threat of causing the shedding of African blood, the Government of Katanga requests the Government of Leopoldville, in application of the U Thant Plan, to promulgate a general amnesty law and to ratify the cease-fire agreement concluded on 16 October last under the guarantee of the United Nations.

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Revised

(72nd meeting)  
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The Government of Katanga proposes, without awaiting the outcome of the work of the committees set up to prepare the formula for a settlement, to advise the Union Minière du Haut-Katanga that it is authorized henceforward to transfer to the Monetary Council or to any other international institution which may be designated and accepted by the parties concerned, the total amount of the foreign exchange deriving from its exports of its products.


The Monetary Council or the international institution designated under the ~~U Thant~~ guarantee of the United Nations and that of the United Kingdom, the United States of America and Belgium, will make over to Katanga for the running of its economy, after deduction of the sum required to cover the needs of the Union Minière du Haut-Katanga, 50 per cent of the foreign exchange paid by the Union Minière du Haut-Katanga, but the sum transferred may not be less than 250 million Belgian francs a month.

This minimum will be augmented by the sums which may be necessary for the purchase abroad of the products traditionally supplied by the other regions of the Congo.

With a view to the restoration of confidence in the Congo and to the removal once for all of the threat of causing the shedding of African blood, the Government of Katanga requests the Government of Leopoldville, in application of the U Thant Plan, to promulgate a general amnesty law and to ratify the cease-fire agreement concluded on 16 October last under the guarantee of the United Nations."

CONFIDENTIAL

INTEROFFICE MEMORANDUM

To: All Under-Secretaries  
From: The Secretary-General   
Subject: Secretariat attendance at CAC Meetings

14 December 1962

1. Representations have been made to me about the number of Secretariat members attending the closed meetings of the Congo Advisory Committee. Since such attendance has clearly been excessive recently, I have concluded that Secretariat attendance at these meetings should be substantially reduced and kept to a minimum. Consequently, those members of the Secretariat who normally will be entitled to attend the meetings henceforth, are the following: Mr. Amathree, Mr. Bunche, Mr. Kiselev, Mr. Loutfi, Mr. Liu, Mr. Narasimhan, Brig. Rikhye (and one military officer), Mr. Stavropoulos, and Mr. Urquhart.

2. Other members of the Secretariat may be invited to specific meetings when matters of special interest to them are to be discussed as, for example, legal, fiscal or administrative matters. Secretariat members not on the above list are requested not to come to the meetings without an invitation.

3. Please call my wishes in this regard to the attention of staff members in your unit.

C O P Y

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3. Please call my wishes in this regard to the attention of staff members in your unit.

m/

27 March 1963

To: Members of the Advisory Committee on the Congo  
From: Ralph J. Bunche

.....

The attached working paper on what could be the nature and functions of a United Nations coordinating body with regard to the training and modernization of the Congolese armed forces is circulated to the members of the Advisory Committee, as promised by the Secretary-General at the 73rd meeting of the Committee on 20 March 1963.

RJB

Working Paper on the Nature and Functions of Proposed  
United Nations Coordinating Body for the Training  
and Modernization of the Congolese Armed Forces

Although in his letter of 20 December 1962 to the Secretary-General, the Prime Minister of the Congo mentioned the cooperation and coordination of the United Nations in the programme for the modernization and training of the armed forces of the Congo and this principle has subsequently been confirmed in further correspondence and notably in the Prime Minister's letter of 6th of March, no detailed discussion with the Prime Minister has yet taken place on the exact nature of the United Nations coordinating role in this programme. The Prime Minister has agreed in his letter of the 19th of March to the broadening of the geographical basis of the United Nations Mission and has made in an informal note dated 26 March certain suggestions concerning the composition and functions of the Mission. However no discussion has been undertaken on the subject between the Prime Minister and UN authorities.

The present paper, which takes into account the suggestions made by the Prime Minister, is purely tentative and for working purposes only as a basis for consideration of the nature and functions of a United Nations coordinating body, should it be decided that it is appropriate for the United Nations to be associated in such a way with the programme for the training and modernization of the Congolese armed forces. As a matter of course, any decision taken on the subject would have to be agreed to by the Prime Minister.

Composition

1. The coordinating body could be called the United Nations Military Assistance Group (UNMAG) and could be headed by a military officer of appropriate rank who would be appointed by the Secretary-General. The Group would be composed of senior officers from each of the following countries:

They would be appointed by the Secretary-General in consultation with the governments concerned.

2. The UNMAG could be a United Nations team and its members could have the status of international staff. It would be separate from ONUC, but its head would report to the Secretary-General through the United Nations Officer-in-Charge in the Congo.

### Functions

3. The main function of the UNMAG would be to ensure that the training of the ANC will proceed with the cooperation and coordination of the United Nations, and to assist the C-in-C of the ANC to control and coordinate the various programmes of assistance.

4. The UNMAG could play a role somewhat analogous to that of the office of a United Nations resident technical assistance representative in coordinating assistance given. This could entail:

- (a) The UNMAG being informed and participating, as appropriate, in all discussions of training programmes between the Congolese Government and representatives of the assisting countries.
- (b) Prior consultation by national training teams with the UNMAG on major changes in the programme of assistance.
- (c) Heads of national training teams being instructed on the role of the UNMAG and on the necessity of working closely with it and keeping it informed of major programmes and developments.
- (d) The head of the UNMAG would keep the national training teams fully informed on matters of interest to them, as well as of all discussions of such matters as he may have with the Congolese national authorities.
- (e) The head of the UNMAG would be responsible for any necessary arrangements or liaison between the national training teams and ONUC forces in the Congo.
- (f) Periodic meetings of the head of the UNMAG and the heads of the national training teams would be held under the chairmanship of the former.

5. In relation to the Congolese authorities, the UNMAG would have the following functions:

(a) It could assist the Chief of Staff of the ANC to administer, control and coordinate the various programmes of assistance.

(b) It could be the principal channel of communications between the Congolese Government <sup>and</sup> the United Nations and, through UN Headquarters, the contributing countries.

(c) It could assist the Government as necessary in coordinating the military training programme with other multilateral or bilateral programmes of assistance and especially with the United Nations assistance operations.

6. The UNMAG could advise the Secretary-General, through the Officer-in-Charge, ONUC, on all matters concerning the programme of modernization and training of the Congolese armed forces. In particular it could inform the Secretary-General on the requirements under the programmes and recommend to the Secretary-General such changes as might be deemed desirable.

7. The UNMAG could be stationed in Leopoldville at the ANC Headquarters or at the Ministry of National Defence.

#### National training teams

8. The senior officer in each national training team could retain command over his men and could have direct access to his own government, except in matters relating to the functions of the head of UNMAG. He would receive and respond to policy directives from the head of the UNMAG relating to the assistance programme.



✓  
4 April 1963

To: Members of the Advisory Committee on the Congo  
From: Ralph J. Bunche

The following documents are circulated for the information of the Advisory Committee on the Congo with relation to the discussion on the training of the Congolese armed forces to be continued at its next meeting on Monday, 8 April 1963.

- (a) Letter from the Prime Minister of the Republic of the Congo received by the Secretary-General on 3 April 1963.
  - (b) Memorandum from the Minister of Foreign Affairs of the Republic of the Congo, dated 28 March 1963, concerning the Congolese Government's request for assistance in modernizing the Congolese National Army, which is being circulated to the members of the Advisory Committee at the request of the Permanent Representative of the Republic of the Congo to the United Nations.
- RJB

(74th Meeting)  
8 April 1963

The following letter was received on 3 April 1963 by the Secretary-General from the Prime Minister of the Republic of the Congo:

"Mr. Secretary-General,

I have learned that at its meeting on 20 March 1963 the United Nations Advisory Committee for 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 re-organization 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 re-organization; on it depends, to a large extent, 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 beg you, Mr. Secretary-General, to accept the assurances of my very high consideration.

(Signed) The Prime Minister  
Cyrille Adoula "

Memorandum concerning the Congolese Government's  
request for assistance in modernizing the  
Congolese Nations 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<sup>1/</sup> on general principles concluded by President Kasavubu 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".<sup>2/</sup>

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 gendarmes 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.

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

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<sup>1/</sup> S/4807/Annex I.  
<sup>2/</sup> S/L752/Add.3

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 rôle.

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 rôle 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 then be put into effect. It is in no wise the intention of the Government to disperse 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 rôle of the United Nations at the operational level will be gradually reduced, though it will maintain its extremely valuable advisory rôle 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

J. Bomboko - Minafet -

4 April 1963

To: Members of the Advisory Committee on the Congo  
From: Ralph J. Bunche

The following documents are circulated for the information of the Advisory Committee on the Congo with relation to the discussion on the training of the Congolese armed forces to be continued at its next meeting on Monday, 8 April 1963.

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"Mr. Secretary-General,

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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 re-organization 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 re-organization; on it depends, to a large extent, 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.

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(Signed) The Prime Minister  
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The agreement<sup>1/</sup> on general principles concluded by President Kasr-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 gardamarias 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.

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 rôle.

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 rôle 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 rôle of the United Nations at the operational level will be gradually reduced, though it will maintain its extremely valuable advisory rôle 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

J. Bemboke - Minaffet -

8 April 1963



To: Members of the Advisory Committee on the Congo  
From: Ralph J. Bunche

The attached copies of the Security Council documents to which reference was made in the memorandum from the Foreign Minister of the Republic of the Congo, dated 28 March 1963, are circulated in this informal way for the convenience of the members of the Advisory Committee.



Document S/4752/Add.3  
(Original text: French)  
(6 March 1961)

Letter dated 5 March 1961 from the President of the  
Republic of the Congo (Leopoldville) to the Secretary-General

In pursuance of the resolution adopted by the Security Council on 21 February, you sent me two letters, dated 27 February (S/4752, annex IV) and 2 March (S/4752/Add.1, sect. II) to which I have given my fullest attention.

It will not be possible for me to reply to all the points which you make in these letters. The main object of our concern at the present time is the conference of Congolese leaders at Tananarive, which represents an extremely important effort to find a solution to the problems which are dividing the country. This conference, the idea of which was suggested by the United Nations Conciliation Commission for the Congo, will cause me to be absent from Leopoldville for several days, since I shall spare no effort to restore peace in the Congo by means of conciliation.

In this letter, I wish to deal only with the problem of reorganizing the Army and, with a view to putting an end to the present difficult situation, to propose a few principles which, after discussion with your representatives, might provide a basis for agreement on reorganization of the units of the Armée nationale congolaise.

In the present circumstances, such a reorganization constitutes the most important problem after that of maintaining the country's unity, and it is a problem whose solution calls for exceptional care and skill. Indeed, the talk, by responsible United Nations officials, of "disarming" the Army was enough to induce in the latter, whose discipline was still very weak, such animosity that there have been increasing acts of hostility towards units of the United Nations Force, civilians and everything connected in any way with United Nations services. There have taken place despite the explicit orders of the Congolese authorities and despite all the efforts made to calm prevailing passions. To complete the picture I may add that the arrival of a strong force of Lumumbist soldiers at Luluabourg, at a time when the United Nations leaders were intensifying their efforts to persuade the heads of the Armée nationale to refrain from any offensive action, outraged Congolese public opinion and that we are at present passing through a period of such tension and nervousness that any incident whatever can have the gravest consequences. Yesterday it was Moanda, Matadi and Boma; tomorrow, it may be anywhere in Equator province. A serious outbreak may occur at any time.

This is the situation that prevails as you request me to take urgent measures to implement the Security Council resolutions. It is impossible to

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consider such measures in the over-simplified and completely Utopian form of simply ejecting the Belgian military personnel. As far as the troops under General Mobutu's command are concerned, they have a total of fourteen Belgian officers.

I am well aware that your representative at Leopoldville speaks of a hundred or so officers, but that is yet another case in which he is giving you incorrect information. Our figures can be verified and we shall be very glad to provide the United Nations Command with all the necessary information to substantiate them. Thus, the departure of those fourteen officers will solve absolutely nothing, as any sensible person will concede. On the contrary, if their departure is not accompanied by measures to bring the Army once more under control and discipline, it is likely to be a further source of disturbance and apprehension in the Army. As Supreme Commander, I cannot expose the country to that risk.

What, then, are the reorganization measures that should be considered and what action should be taken to ensure that they are applied smoothly and without misunderstandings which might end in tragedy?

The Government considers that such measures should be based on those proposed by the Conciliation Commission in its provisional report.\* In that connexion it puts forward the following five proposals, which, in its opinion, can provide the basis for a sound solution of the problem:

1. The Armée nationale shall remain under the command of the President of the Republic, who, by virtue of his office, is the person best able to insulate it from all politics and to give it the assurance that reorganization will not have the effect of depriving the country of the Army, which is vital to its sovereignty. This is a basic condition; it alone can ensure that the announcement of a reorganization of the Army will not result in flights into the bush and the prospect of prolonged guerrilla warfare.

2. The reorganization must embrace the entire country, including Oriental province, Kivu, South Kasai and Katanga. The Government is prepared to initiate the operation at once in the units under General Mobutu's command, without necessarily waiting for it to be launched simultaneously in the other units. However, this is subject to the condition that a satisfactory agreement is reached on the matter with the military and, furthermore, that it is well understood that, should it prove impossible to reorganize those dissident troops, the operation may be suspended forthwith in the loyal units.

3. A National Defence Council shall be set up by the President of the Republic and shall be under his authority. It shall include Congolese military leaders and representatives of the United Nations Force. Its President could be a high-ranking neutral officer responsible solely to the President of the Republic. The Council shall be instructed to draw up a detailed programme for the training and reorganization of the Armée

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\* Official Records of the General Assembly, Fifteenth Session, Annexes, agenda item 85, document A/4696.

nationale congolaise. It shall make any proposals necessary for the successful accomplishment of its mission and it shall be supported both by the Congolese authorities and by the United Nations Force in putting its programme into effect.

4. A plan of work may be proposed, but it is likely to be based on such inadequately studied data that it would not be practicable. In any event, the Government would have no objection to the operation being initiated as soon as agreement can be reached on the above proposals.

5. It is understood that the Congolese Government retains the right to accept or to refuse the technicians who will be proposed by the National Council of Defence and recruited through United Nations channels. The Congolese Government intends strictly to safeguard the neutrality of the Army and it will be unable to allow officers or non-commissioned officers who are responsible for the control and training of the Army to take advantage of their position in order to bring subversive influences or influences that run counter to the national interest to bear upon it.

The Congolese Government is convinced that only an operation conducted under the above-mentioned conditions can have any chance of success. It fervently hopes that the Security Council will understand the full need to act according to the directives proposed in this letter, which have one sole objective: to restore peace in the Congo, in respect for the constitutional authorities of the country and without derogating from the national sovereignty.

I venture to believe, Sir, that you will use all your influence to ensure that an agreement may be reached shortly which will put an end to this difficult period we are experiencing and which will eliminate all the painful incidents which we, like you, find reprehensible and whose repetition we wish at all costs to prevent.

(Signed) JOSEPH KASA-VUBU  
President of the Republic of the Congo  
(Leopoldville)

(Signed) JUSTIN BOMBOKO  
Minister for Foreign Affairs and for  
External Trade

ANNEX I

Agreement on general principles between the President of the Republic of the Congo (Leopoldville) and the Secretary-General of the United Nations

As a Member of the United Nations, the Republic of the Congo (Leopoldville), whose sovereignty should not be in doubt, is under an obligation to respect the Charter of the Organization and to carry out the resolution of the Security Council.

The Republic of the Congo accepts the resolution S/4741 of 21 February 1961, taking into account:

(1) That the United Nations reaffirms its respect for the sovereignty of the Republic of the Congo in the implementation of the resolution;

(2) That the aim of the resolution of 21 February, part A, paragraph 2, and part B, paragraph 2, is to eliminate all deleterious foreign influence. To this effect the President of the Republic of the Congo will receive all possible assistance of the United Nations;

(3) That the United Nations is to assist the President of the Republic so that all foreign personnel, whether civilian, military or paramilitary and all mercenaries and political advisers who have not been recruited or recalled under the authority of the President, be repatriated from the Congo within the shortest possible period of time. To implement the above and taking into account the recognition of the sovereign rights of the Republic and the constitutional powers which he holds, the President of the Republic will re-examine the appointments of foreign civilian, military and paramilitary personnel made under his authority and will take the necessary decisions compatible with the interests of the Republic of the Congo;

(4) That the United Nations is to give to the President of the Republic all possible assistance in:

(a) Recruiting the technicians needed by the Republic of the Congo, without however having a monopoly of such recruitments;

(b) Training the administrative and technical cadres by granting fellowships and establishing specialized institutes.

The Republic of the Congo recognizes the need to reorganize the national army, it being understood that this reorganization is 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 1961 to the Secretary-General of the United Nations.

The detailed application of the basic agreement outlined above shall be subject, in each case, to a careful study on the part of the Government of the Republic of the Congo and the United Nations.

Leopoldville, 17 April 1961

(For the United Nations)

(For the Republic of the Congo (Leopoldville))

(Signed) F.C. Nwokedi  
R. Gardiner

(Signed) J. Kasa-Vubu  
J. Bomboko



*Contributed to Members of  
Adm. Committee  
(75th meeting) on 17/4/63*

*Q*

Letter dated 16 April 1963 from Prime Minister Cyrille Adoula  
addressed to the Secretary-General

Mr. Secretary-General,

In my latest letter to you of 3 April 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 particular 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. ] B.

But it is precisely by reason of this confidence that my Government wishes to entrust to the United Nations an important role: the coordination 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 deny 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 judgment that the rule of reason dictates that a provision 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.

Cyrille Adoula

Prime Minister

Unofficial translation from French

0604/3

MISSION OF THE REPUBLIC OF THE CONGO, LEOPOLDVILLE  
TO THE UNITED NATIONS

Note verbale for His Excellency, the Secretary-General of the  
United Nations

In my opinion, yesterday's meeting of the Advisory Committee brought to light the basic issues which had been obscured for a long time by considerations which did not enter into the substance of the problem.

I realize that the legal aspect of the question is of paramount importance to you personally, but I am sure that you will have plenty of arguments to justify positive action on your part. One of these basic arguments is to be found in Resolution S/4741 of 21 February 1961, which was adopted later than General Assembly resolution 1474, dealing specifically with the reorganization of the National Army.

This Resolution is to be viewed in the light of the agreement of principle reached on 17 May 1961 between the President of the Republic and the Secretary-General of the United Nations at that time.

His Excellency U Thant  
Secretary-General  
United Nations  
New York, New York

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Apart from this legal aspect, the other objections which have been raised stem far more from either a sense of frustration or resentment towards a number of countries with which certain States members of the Advisory Committee do not maintain normal political relations.

These resentments should not prevent us from considering a programme for the re-organization of the army capable, even at this stage, of combining a maximum of efficiency with a minimum of expenditure.

It was with this end in view that we selected our programme and it was with these considerations in mind that a particular list of countries was submitted to you.

We should not wish to place you in a difficult position by asking the United Nations to assume any responsibilities regarding this re-organization. We are assuming the responsibility in accordance with our Constitution, and any request that we might make to the United Nations would only relate to technical assistance and entail the provision of a number of military experts able to assist us in the completion of our task.

Naturally, our request would be governed by the normal United Nations procedure regarding technical assistance.

That is the exact essence of the Prime Minister's last letter dated 16 April 1963.

The one question that we are anxious to clarify is:

(1) If, while the UN is maintaining a military presence in the Congo, the Secretariat would object if the Central Government, in the exercise of its sovereignty, were to proceed with the re-organization and modernization of the National Army with the assistance of the countries of its choice?

(2) Would the Secretary-General refuse to grant a request from the Central Government for experts to help it with this re-organization?

I think that those are the only questions which could, at this stage, clarify any misunderstandings that might arise in relations between the Central Government and the United Nations in connexion with

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the problem we are dealing with.

New York, 24 April 1963.

Justin M. Bomboko.

30 April 1963

To: Members of the Advisory Committee on the Congo  
From: Ralph J. Bunche

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The enclosed copy of a letter by the Secretary-General dated 29 April 1963 is in reply to the letter of Prime Minister Adoula of 16 April 1963, and is circulated for the information of the members of the Advisory Committee on the Congo. The Secretary-General's letter will not be made public for the time being since Prime Minister Adoula has not agreed to making public his letter of 16 April, previously circulated to the Committee, to which it is a reply.



30 April 1963

Letter dated 29 April 1963 from the Secretary-General  
addressed to the Prime Minister of the Republic of the Congo  
in reply to the Prime Minister's letter dated 16 April 1963.

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 program for the training and reorganization of the ANC and there is strong hope that means will be found to institute such a program. 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 much 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

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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 published together with the text of the initialled agreement in the Annexes to the abovementioned 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 toward helping you obtain the necessary assistance.

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18 July 1963

To: His Excellency  
Mr. Lambertus Nicodemus Palar

From: U Thant

As you know, the term of Lieutenant-General Kebbede Guebre as ONUC Force Commander ends on 31 July 1963. I had hoped that it might be possible for General Kebbede to prolong his service with ONUC until the end of 1963, but he has informed me that this has unfortunately proved to be impossible in view of his other commitments.

I have therefore decided to appoint the next senior officer in ONUC, Major-General Charles R. Kaldager, who is at present the ONUC Air Commander, to take over from General Kebbede on 31 July, and he will fill the post of Force Commander until the end of his term of service, which is at present set for 15 September 1963.

Same letter sent to all members of the Congo Advisory Committee